

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

IN RE: 2011 REDISTRICTING CASES. )  
 )  
 )

CASE NO. 4FA-11-2209CI

**AFFIDAVIT OF HOLLY C. WELLS**

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

I, Holly C. Wells, being first duly sworn upon oath, depose, and state as follows:

1. I am an attorney at Birch Horton Bittner and Cherot, which represents the City of Petersburg, Alaska, Mark L. Jensen, and Nancy C. Strand in the above captioned case.

2. To the best of my information and belief, the Election Board ("Board") conducted a meeting on February 12, 2013 and had that meeting transcribed. The minutes attached to this Affidavit as Exhibit A are a true and correct copy of that transcript, which was obtained by downloading the transcript from the Board website.

3. According to the Board's comments and the comments of its attorney in the transcript of the February 12, 2013 Board meeting, the Board does not intend to draft a final redistricting plan until at least August and that date could "very easily" be delayed until September, 2013. See Exhibit A to this Affidavit, February 12, 2013 Board Meeting Transcript, 56:4; 57: 15-21.

4. In the February 12, 2013 transcript, the Board Chair proposed several target dates for the completion of certain tasks but the Board did not formally adopt a timeline during that meeting. See e.g. Exhibit A to this Affidavit, 54:8-58:16.

5. According to the projected dates during the February 12, 2013 meeting, the Board does not even begin to draft a final plan until August, 2013. See Exhibit A, 56:3-4.

6. Board member Brodie noted that he did not look forward to meeting in August, "given that we all have fishing and things happening in our communities," and stated that "[i]f we can push that to September, it wouldn't hurt me." In response, Chairman Torgerson noted that it could happen "very easily." See Exhibit A, 57:14-24.

7. During the February 12, 2013 Board meeting, the Board's attorney, Michael D. White, Esq., responded to a question by the Board Chair regarding the need for a timeline, that there was no requirement for a timeline "other than getting the plan in place for the next election" which according to Mr. White, technically "we could go back to the court and say we couldn't get it done, use the interim plan again." See Exhibit A, 53:20-54:4.

8. In an effort to illustrate the potential consequences of the deadlines projected by the Board during its February 13, 2013 meeting, at my instruction and with my input and guidance, my firm prepared Exhibit B to this Affidavit, "Consequences of Board's Proposed Timeline on 2014 Elections. It demonstrates the estimated date a final redistricting plan will be adopted using the deadlines

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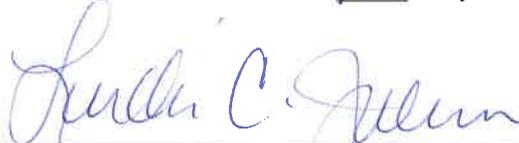
proposed by the Board, if the final plan is subject to the same litigation schedule and challenges as the initial plan. See Exhibit B.

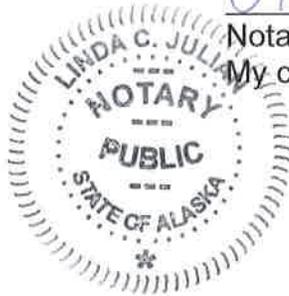
9. My firm has also prepared, at my direction and with my input, a timeline that illustrates the Board's proposed timeline as well as the deadlines statutorily established for elections. This timeline, which is entitled "The Board's Proposed Timeline for 2014 Elections," is attached to this Affidavit as Exhibit C.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Holly C. Wells

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of May 2013, at Anchorage, Alaska.

  
\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires: 11-8-14



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of May, 2013 at 3:00 p.m. a true and correct copy of the foregoing was served via electronic delivery on the following:

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COPY

**ALASKA REDISTRICTING BOARD  
BOARD MEETING**

**February 12, 2013  
10:02 A.M.**

**411 West Fourth Avenue, Suite 302  
Anchorage, Alaska**

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A P P E A R A N C E S

BOARD MEMBERS PRESENT:

John Torgerson, Chairman  
Marie N. Greene  
PeggyAnn McConnochie  
Robert B. Brodie  
Jim Holm

ALSO PRESENT:

Michael D. White, Esq.  
PATTON BOGGS, LLP  
601 West 5th Avenue, Suite 700  
Anchorage, Alaska 99501

Kay Brown  
Leonard Lawson  
Ellen Lockyer  
Randy Ruedrich  
Roger Jenkins

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P R O C E E D I N G S

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CHAIRMAN TORGERSON: We'll call the meeting to order. The time is 10:02.

Roll call, please, Mary.

MS. CORE: Robert Brodie.

BOARD MEMBER BRODIE: Present.

MS. CORE: PeggyAnn McConnochie.

BOARD MEMBER McCONNOCHIE: Here.

MS. CORE: Jim Holm.

BOARD MEMBER HOLM: Here.

MS. CORE: Marie Greene.

BOARD MEMBER GREENE: Here.

MS. CORE: John Torgerson.

CHAIRMAN TORGERSON: Here.

We do have a -- all five board members are present.

Next on the agenda is the approval of the agenda.

BOARD MEMBER McCONNOCHIE: I move for the approval -- this is PeggyAnn McConnochie. I move for approval of the agenda.

BOARD MEMBER HOLM: Jim Holm. I second.

CHAIRMAN TORGERSON: Thank you.

Is there discussion on the motion to approve

1 the agenda?

2 Is there opposition to approval?

3 Hearing none, the board has approved the  
4 agenda.

5 Next is the Chairman's Report. We have two  
6 items under that, one is budget and the other is  
7 staffing. I will go over these. At the very last  
8 part of your book is the budget. It's under Tab 5, I  
9 think.

10 BOARD MEMBER McCONNOCHIE: Yes.

11 CHAIRMAN TORGERSON: This is just a  
12 preliminary guess as to what it might look like for  
13 the end of this fiscal year, and so I would just draw  
14 your attention to the notes about a third of the way  
15 down in the middle of the page: The personal services  
16 projection assumes that three full-time staff begin  
17 March 1st: an executive director, a GIS specialist,  
18 and an administrative assistant. And we already have  
19 Mary on, so it would be an executive director and a  
20 GIS specialist.

21 You'll note that we used to have an assistant  
22 director, but we changed that to a GIS person instead  
23 of having a succession to the executive director  
24 position. It's about the same money.

25 Two: Travel projections, again, assuming

1 that we would decide to do some public hearings, but I  
2 wanted to put something in there in case some travel  
3 came up. This just lists Anchorage, Fairbanks,  
4 Bethel, Petersburg, Kenai, and Juneau. And I'm not  
5 sure why Kenai got in there. I think initially I said  
6 Mat-Su, but in any degree, it's probably the same on  
7 travel. It's more of a concept that we would go to  
8 five places if we deemed it necessary to have public  
9 hearings, and again, I wanted the budget to reflect  
10 that.

11 The contractual budget assumes \$250,000 in  
12 additional legal services through the end of the  
13 fiscal year. I think you can just see we plugged  
14 50,000 a month in there. No rhyme, no reason. Again,  
15 it's just to account for it. It all depends upon  
16 court issues.

17 Now, a couple of things I do want to point  
18 out to you, that we decided, mainly on the advice of  
19 counsel, that we transcribe our board minutes as we go  
20 through them, as we're producing them, instead of  
21 taping them and turning the tape over. It was very  
22 hard to distinguish some of the things we were saying.  
23 We were overtalking each other and some other stuff.  
24 So it was just easier and better and cleaner and  
25 faster and more efficient to have a transcriber here

1 and do it at the same time.

2 And I'm not sure that -- it's a little bit  
3 more money doing it live, but I'm not sure that it'll  
4 actually reflect that, after all the work they had to  
5 do to try to decipher our tapes, so it'll probably be  
6 about the same thing.

7 We will be required to go out for an RFP for  
8 transcribing services. We did get a special one today  
9 to have Pac Rim transcribing here for this hearing,  
10 but we'll start -- administrative services will start  
11 the process for a transcriber for the rest of the  
12 fiscal year. They might have already started it, so  
13 we'll be getting bids in and they'll take care of  
14 that.

15 The other thing that we -- this does not  
16 reflect, and that is, Dr. Handley's contract did  
17 expire. And you'll all remember Dr. Handley is our  
18 Voting Rights expert. Her contract did expire. The  
19 work that she was doing was more on behalf of counsel,  
20 and they were paying her, Patton Boggs was paying her.  
21 We had asked -- or counsel had asked different  
22 questions that we might ask, to look at certain  
23 elections or -- I really can't remember what they  
24 were, but the expert witness stuff in Fairbanks was  
25 paid for through counsel.

1           We haven't really used her that much, but  
2 what we have been doing has been running through  
3 Patton Boggs. But if we start -- if we're going to be  
4 working on this again, we need to get a contract with  
5 her. So I'm now in the middle of a debate with  
6 administration, because they want to rebid it. I'd  
7 rather hire the one we had than rebid it and have a  
8 new person come in halfway through the stream and  
9 start over again.

10           So it's not impossible, but they wanted me to  
11 write up some justifications and so forth for sole  
12 source, so I'll be doing that in the next day or so.

13           Other than that, you'll notice that the --  
14 let's see, where can I show you that. I think this,  
15 if we spend everything like we said, we'll be lapsing  
16 \$285,000 at the end of June of this year. So the  
17 Department of Administration is working on  
18 carry-forward language, so that even though this  
19 lapses, they'll put language in there that basically  
20 says the unobligated, undefended balance would still  
21 be available to the board into fiscal year '14.

22           So I would expect that after we finish with  
23 board timelines and some other things, that this might  
24 be adjusted some, and we can certainly take a look at  
25 that. There's no action really required on it, but

1 I'd be glad to answer any questions if anybody had any  
2 on that.

3           Seeing none, again, I think we'll be coming  
4 back -- Mr. Brodie.

5           BOARD MEMBER BRODIE: Mr. Chairman, with our  
6 staffing, is there a projection when you will start  
7 opening the application period?

8           CHAIRMAN TORGERSON: And if we can just hold  
9 that question until after I've finished the board  
10 timeline with you. There are a few things that, when  
11 we go through the -- I just did this timeline this  
12 morning at 5:30, so we'll have it to hand out to  
13 everybody here pretty soon, but I was just behind the  
14 curve.

15           The -- but I have a recommendation in there  
16 that we do start the process of hiring, and I put a  
17 little timeline in there. And I know it'll be hard  
18 for us to probably keep that, because I have no idea  
19 what anybody's schedules are. I just said this is --  
20 basically this looks at a total remand to the board  
21 that we'll basically be starting the process over  
22 again, and that's the case where we're redrawing the  
23 entire maps and going through all the districts and  
24 relooking at the whole thing, that's what this  
25 timeline reflects. So it's kind of a -- I don't know

1 if it's a worst-case scenario or a real-case scenario,  
2 but it is a scenario.

3 And so the -- but just on staffing, just to  
4 remind everyone, when Taylor moved on to his other  
5 job, I made -- I had asked him to come back. I asked  
6 him to keep the option open to come back if we had a  
7 short -- well, let's say not short. What would be --  
8 a limited amount of work that he could perform for the  
9 board. And by limited, I was thinking like seven  
10 days, that instead of hiring an executive director, if  
11 there would have been something that would have been  
12 done in seven days, then he was willing to take a  
13 leave of absence over there, and we would pay him for  
14 lost wages and blah, blah, and then we would be able  
15 to use him instead of going back through the whole  
16 search.

17 But anything beyond that just isn't fair to  
18 ask him to take weeks off and come do this. So again,  
19 you'll see on the timeline where we get into that a  
20 little bit more. So -- and after we go through this,  
21 then I think I think we'll come back to that.

22 Next, then, if there's no more questions --  
23 or is there any more questions? All right. We'll  
24 just hold those.

25 Next is Item 5: A legal review on the latest

1 supreme court decision. You'll find in your packet  
2 both the 48-page supreme court ruling on notice for  
3 reconsideration. I think it's in there, isn't it? Or  
4 did I not put that in there?

5 BOARD MEMBER GREENE: Yes, it's in there.

6 CHAIRMAN TORGERSON: Anyway, and then  
7 counsel's overview of the actual supreme court ruling.  
8 So I'm going to turn it over to Mr. White. And again,  
9 remember the protocol so we can get all the names  
10 down, if you have questions of him.

11 Go ahead, Mr. White.

12 MR. WHITE: Thank you, Mr. Chair.

13 Michael White, counsel for the board. It's  
14 good to see everybody again, unfortunately not under  
15 the circumstances we would like.

16 I did draft a memo that I hope you've had all  
17 a chance to review. And if you have, I'm not going to  
18 just repeat verbatim what's in there, but I'm going to  
19 give you a quick summary of what the opinion, in our  
20 view, says, and then answer any questions that you  
21 might have.

22 As you know, on December 28th, the supreme  
23 court, in a three-to-two split decision, held that the  
24 board did not comply with the first part of the Hickel  
25 process. Boiled down to brass tacks: Because we --

1 when we started the process the second time, we had  
2 the Hickel template, if you'll recall, where we kept a  
3 number of the districts that were never challenged by  
4 anybody, and we used that as a starting point to jump  
5 off from there and look at our various Hickel  
6 template -- or Hickel options.

7           According to the majority opinion, the  
8 problem with that was that we -- somehow the board  
9 limited its options or may have limited its options or  
10 there was some sort of taint from the original plan,  
11 because, as we all know, when we drew the first plan,  
12 given the advice of our Voting Rights Act expert, we  
13 started with the Native districts and drew those  
14 first, and then -- well, actually, we kind of drew  
15 them in segments, but that was one of the segments we  
16 drew first, and then from there we took off and drew  
17 the rest of the state.

18           Now, according to Justice Carpeneti, who was  
19 the author of the opinion, he believed that that did  
20 not -- that violated the order that the court issued  
21 on March 12, 16, whatever it is, and it violated that  
22 order because by doing that, we did not give the  
23 supreme court enough information to be able to  
24 determine whether or not our Hickel plan that we  
25 actually adopted, which remember is different than the

1 Hickel template, under whether that plan complied with  
2 the Alaska Constitution and whether it was necessary  
3 in order -- if we had to change it in order to comply  
4 with the Voting Rights Act.

5 As you know, there was a dissenting opinion  
6 as well. The dissent -- well-reasoned, the dissent --  
7 basically said the board's actions were rational and  
8 reasonable, and that he would have withheld everything  
9 except for -- upheld everything except for Southeast,  
10 which he said he agreed with the majority they would  
11 have to redraw.

12 You'll recall that the trial court had also  
13 said that the board was required to basically engage  
14 in a two-step review process, meaning that -- I have  
15 one already -- that after we drew the Hickel plan, the  
16 trial court ordered us to then submit that plan to the  
17 trial court for review, and then he would vote thumbs  
18 up/thumbs down and send it back to us accordingly.

19 The supreme court said no, there is not a  
20 two-step review process, we do not have to submit our  
21 Hickel plan for independent review prior moving on to  
22 the next step. And the trial court was also reversed  
23 in its opinion that we had to make specific findings  
24 as to the constitutionality of each of the 40  
25 districts, basically saying that, you know, like we

1 had done before in our findings the second time  
2 around, saying all of these districts are  
3 constitutional, et cetera, et cetera, the trial court  
4 agreed -- or the supreme court reserved the trial  
5 court on that, saying that such findings were not  
6 necessary by the board.

7 Now, since we've had the opinion issued on  
8 January 7th, we filed what's known as a petition for  
9 rehearing, which is a motion for reconsideration in  
10 the appellate court. And in that petition, we have  
11 asked the court to reconsider its decision,  
12 claiming -- or arguing that they had overlooked a  
13 number of facts, that they had failed to recognize the  
14 controlling issue, and they had failed to decide the  
15 main question that was put before them: Whether or  
16 not our plan was constitutional.

17 That was filed on January 7th. And as of  
18 this date, we have not heard anything back from the  
19 supreme court.

20 We do know, from inquiries in to the clerk,  
21 that the court is still considering it and they have  
22 no timeline. In a trial court, at the lower level,  
23 like the court in Fairbanks that we were at, if you  
24 file a motion for reconsideration and the court  
25 doesn't rule within 30 days, it's automatically

1 denied. That rule does not apply in the appellate  
2 courts. So they will either deny our petition or,  
3 more likely than not, if they are going to -- well,  
4 there's three things. They can deny it, they will  
5 allow the party involved to file their own or file a  
6 response to our petition. Under the rules, when you  
7 file a petition for a rehearing, the other side does  
8 not get to respond unless so ordered by the court.

9 Right now so far they haven't ordered  
10 anything, and they are considering that. If they  
11 grant -- if they allow the other side to respond, that  
12 would mean that they are considering granting a  
13 rehearing. And I suspect that if they grant  
14 rehearing, they will order more briefing on the issue,  
15 and then there will be another argument before the  
16 supreme court.

17 So at this junction, we just don't have any  
18 timeline of when that is. We have no idea. It could  
19 be tomorrow, it could be two months from now. I tend  
20 to suspect that sometime in the next month, at least,  
21 we should get some guidance from them on what they are  
22 going to do.

23 If a petition for hearing -- let's assume  
24 that the court does not take that back or doesn't  
25 grant the petition for hearing and we don't -- they

1 affirm their decision that they've made, what are the  
2 board's options then.

3 One of the things that's possible is to go to  
4 them, what is known as a motion for clarification,  
5 just simply asking them: What do you mean by your  
6 opinion.

7 I have found that the thing -- the opinion is  
8 confusing in areas. I'm not quite sure exactly what  
9 it means. They tend to -- they say go back and start  
10 over, but they don't really tell us to start over.

11 The problem that they have is not with our  
12 final plan. They have still not held any of the  
13 districts that we drafted unconstitutional, they're  
14 still saying you still have not complied with the  
15 process. So asking them what their opinion means, if  
16 they uphold it, is an option that the board has. And  
17 that would be questions such as -- I can't think off  
18 the top of my head what they might be, but that's an  
19 option that they might have.

20 Another option that potentially the board has  
21 would be to seek a writ of certiorari or petition the  
22 United States Supreme Court to review the Alaska  
23 Supreme Court decision. In order to do that, that's a  
24 discretionary review. In other words, you don't get  
25 an automatic appeal. You basically have to ask the

1 supreme court: Will you take this.

2 In order to get -- it's perfectly appropriate  
3 for the U.S. Supreme Court to review the decision of a  
4 last court of resort in a state -- in this instance,  
5 the Alaska Supreme Court -- where there's a federal  
6 question involved. The issue here is, is there a  
7 federal question. If you'll recall, in our petition  
8 for review we also brought up that they have violated  
9 the supremacy clause by dictating the process that the  
10 board has to use to a coequal branch of the  
11 government, if you will, of the executive, and that  
12 that's inappropriate, so we've asked them to  
13 reconsider that.

14 I've looked at this, and I'm not optimistic  
15 that there would be a federal question there, and I'm  
16 not optimistic that the supreme court, if we did file  
17 a writ of certiorari, would accept it, but that is an  
18 option that the board still has available to it and to  
19 consider.

20 I think the memo pretty much explains the  
21 rest, and I don't want to beat a dead horse, if you  
22 will, here, so I think that I'd be happy to answer any  
23 questions you might have regarding the opinion or the  
24 petition for rehearing.

25 CHAIRMAN TORGERSON: This is what happens

1 when I stay up till 1:00 in the morning and come in at  
2 5:00.

3 MR. WHITE: I'm going to start giving you  
4 sleeping pills, Jim.

5 CHAIRMAN TORGERSON: Yeah. I've got  
6 questions. Some of these you covered, and some I  
7 might just go over them again, to make sure that the  
8 board -- we all understand it, not just me.

9 I think I might start with the U.S. Supreme  
10 Court ruling. I appreciate your thought that the  
11 court may not -- the U.S. Supreme Court may not accept  
12 it, but our federal issue is, is that this court has  
13 mandated that we ignore the federal constitution and  
14 the federal law in drafting a plan as a starting  
15 point, and then in reality, you back up and say, oh, I  
16 didn't really -- I just did that for the hell of it,  
17 and now I'm going to draw it for real.

18 And they have put -- they're upside down on  
19 which law takes precedence. Although I understand one  
20 is just for a draft -- or this draft, the Hickel  
21 process, is nothing but a process. And the court --  
22 this court says we can't figure it out unless you draw  
23 a Hickel process, which to me, you call it the  
24 supremacy clause, to me it's just clearly a separation  
25 of powers. The next thing is you're going to have to

1 do it with a No. 2 pencil or draw in green because  
2 they can't distinguish purple from red, and there's a  
3 process over substance, and I know you argued that in  
4 court, but they missed the point.

5 But anyway, I would -- I hope the board  
6 considers looking at the U.S. Supreme Court as an  
7 option.

8 MR. WHITE: Mr. Chairman -- Mr. White -- as I  
9 said, at this point in time, that's still a  
10 possibility. You could -- given the supreme court's  
11 term the way it is, the supreme court, for those of  
12 you who don't know, operates on terms. They go from  
13 October 1st to June 31st. And right now you have 90  
14 days from the date of an opinion to file a request  
15 that the court review it. That time is tolled while  
16 there is a petition for rehearing that is pending, so  
17 we have that petition for a hearing, a motion for  
18 reconsideration, pending.

19 So the timeline of the 90 days has not  
20 started yet, and so we're not -- there's no problem  
21 that if the board considers and looks at this and we  
22 determine that is something they might want to do, the  
23 90-day period hasn't even started yet.

24 CHAIRMAN TORGERSON: Which leads me to my  
25 next question, and that is the actual challenge to

1 Section 5 itself that's going on in the U.S. Supreme  
2 Court. If we were to file an action trying to  
3 overturn the state supreme court, would this get  
4 wrapped up in that issue, and is -- I understand you  
5 sent me a memo, but I'm not sure all the board members  
6 had a chance to read it. But what is your timeline,  
7 in your opinion, on when the U.S. Supreme Court will  
8 rule on Section 5?

9 And lastly, would you recommend that the  
10 board wait until we get a final ruling from  
11 section -- from the U.S. Supreme Court on -- by  
12 waiting on the final drafting of a plan? So there's  
13 three questions.

14 MR. WHITE: Thank you, Mr. Chair.

15 First of all, let me explain. I don't know  
16 if all of you are aware, but there is a case called  
17 Shelby County, in which a jurisdiction out of Texas is  
18 specifically challenging the constitutionality of  
19 Section 5, and that case is set to be argued before  
20 the United States Supreme Court on February 27th.

21 There will be a decision on that -- unless  
22 for some reason they think they need to have more  
23 argument or they set it over to the next term, they  
24 will have to have a decision on that by June 30th.

25 Given the U.S. Supreme Court's -- the

1    lateness in this term and the other issues that we  
2    know they have before them, a lot of -- you might have  
3    seen in the news the gay marriage issues and there's  
4    some gun issues and some stuff, so we suspect that the  
5    court -- unless they're of a clear mind and they issue  
6    a quick decision, I suspect that we will get that  
7    decision on the Shelby County case sometime in the  
8    latter part of June; the last two weeks, I would  
9    suspect.

10                   And I have checked with some of my sources  
11    back in D.C. who follow the court much more closely  
12    than I do, who have agreed with that analysis, that  
13    they suspect that the decision won't come until near  
14    the end of the term.

15                   What does that mean? Well, if the supreme  
16    court were to declare that Section 5 was  
17    unconstitutional -- and the last cases that they have  
18    had are very close. They've been five-four decisions,  
19    six-three decisions. They've kind of avoided the  
20    issue by skirting around and deciding cases on other  
21    grounds rather than this. But in the Shelby County  
22    case, this one is about as square lined up perfect for  
23    the court to decide up or down on Section 5. And of  
24    course, as you can suspect, there are a number of  
25    amicus curiae briefs and other people from all around

1 the country who are putting their input on that.

2           So what happens if the court decides that  
3 Section 5 is unconstitutional? They could decide that  
4 it's unconstitutional on its face, which is what  
5 Shelby County has -- the challenge that they have  
6 made; or they could scale that back a little bit and  
7 say, oh, it's unconstitutional as applied to Shelby  
8 County. And the "as applied" issue means that, under  
9 the circumstances and the fact that Shelby County  
10 presented, it violates the constitution.

11           In the first instance, if they say it's  
12 unconstitutional across the board, then Section 5  
13 would be thrown out. So unless Congress acts very  
14 quickly -- and I would suspect at some point in time  
15 that Congress will take this issue up, but they're not  
16 going to -- you know, they're not going to get  
17 anything done in a sufficient time to assist this  
18 board in what it does.

19           But if Section 5 is declared  
20 unconstitutional, then the board is faced with a  
21 different set of circumstances than it currently faces  
22 or if Section 5 is upheld.

23           And so under those circumstances, it makes a  
24 certain amount of sense for the board to wait until  
25 that decision comes down, to determine what it should

1 do in terms of drafting the final plan.

2           There's some thought that perhaps the board  
3 could move forward and get the Hickel part done and  
4 then wait after that to determine what it has to do,  
5 because if it doesn't have to comply with Section 5,  
6 well, then, it would seem the Hickel plan would more  
7 likely than not be -- if it's constitutional, as we  
8 say it is, then there would be no need to revise that  
9 plan in order to comply with Section 5 of the Voting  
10 Rights Act.

11           So, Mr. Chair, I guess my advice would be  
12 that I think it makes a certain amount of sense and I  
13 would recommend that the board wait to adopt a final  
14 plan. This board is under no time pressure at this  
15 point in time. There are no deadlines that the  
16 court -- or that this board faces. As I review the  
17 statutes and looking at the opinions, the process,  
18 when they say go back to the drawing board, it doesn't  
19 mean that you go back and start over like we were in  
20 2011.

21           So the timeline for -- you know, the 30- and  
22 90-day timelines don't apply. We are in the exact  
23 same process we were in last April when we came back  
24 after the supreme court's original opinion had said  
25 redraw and follow the Hickel process.

1           My reading of the statutes in the case law  
2 indicates that that's the exact same position we're in  
3 now, so there are no timelines or deadlines that we  
4 are facing, other than the fact that in 2014 there  
5 will be another election, so the board would want to  
6 have a plan in place by the June 2014 period, whatever  
7 time period the Board of Elections needs to have all  
8 of those things done. So I would think March, April,  
9 May of 2014, if everything was done, the plan was  
10 precleared, if that's necessary, then that would be  
11 sufficient time.

12           CHAIRMAN TORGERSON: Okay. I want to just  
13 ask a question on the -- earlier you said that the  
14 court was telling us to start over, and that was your  
15 words. Was that in the majority opinion or in the  
16 dissenting opinion? My memory says it was in the  
17 dissenting opinion. I'm just curious.

18           MR. WHITE: Well, the majority -- they never  
19 say, per se, start over. What they said is we didn't  
20 comply with the Hickel process, so go back and do it  
21 again. So you could read this opinion to say simply  
22 go back and fix the Hickel process, and that's all  
23 that's necessary for you to do.

24           CHAIRMAN TORGERSON: Well, I think in the  
25 dissenting opinion it did say -- or something about

1 starting over.

2 MR. WHITE: You're right. The dissenting  
3 opinion says: Majority, you're wrong by making the  
4 board go back to the drawing board and starting over.  
5 But what that means as I read it, because there's  
6 nothing in the majority opinion that says you have to  
7 go back and do the whole process, so hold public  
8 hearings and do all the other stuff.

9 CHAIRMAN TORGERSON: And along with that  
10 would be the 30 day -- all timelines? So there's a 30  
11 day to sue after we adopted a final plan -- somewhere  
12 in here I have a question on it. Talk about who can  
13 sue us or what happens with the trial. This goes to  
14 the superior court now. If they turn down our notice  
15 for hearing, then we're back to Fairbanks.

16 MR. WHITE: Yeah. Let's assume, then, that  
17 in the protocol, under this scenario, the court has --  
18 the supreme court has said we're sticking by our guns  
19 and we're not changing anything, then this board would  
20 have to go through the process and then eventually  
21 adopt a second amended plan, and then that would be  
22 submitted to the trial court.

23 I would suggest to you that we are still  
24 following the same process that started back in 2011,  
25 and therefore under that, you had 30 days to be a

1 party, to make any challenges that you have. And I  
2 believe that new parties should not be allowed to come  
3 in and make objections if they are not already a party  
4 to the case.

5 Now, as you've known, as you follow along,  
6 there have been a number of amicus curiae who  
7 submitted briefs, and the court tends to grant those,  
8 but they have not allowed any new parties to come in  
9 and make challenges. And I think that we're under  
10 that same process, and therefore, and it would be my  
11 argument to any court if another party attempted to  
12 come in, that it's too late. They had 30 days to  
13 challenge this process back in 2011, and therefore no  
14 new parties would be allowed to come in and make  
15 objections.

16 CHAIRMAN TORGERSON: Is that a fact of law,  
17 or can a judge allow it?

18 MR. WHITE: Well, it's interpretation.

19 CHAIRMAN TORGERSON: Well, our history with  
20 this judge is he allows everything. Truth, not truth,  
21 new plans submitted when nobody's seen them before,  
22 that kind of stuff. He just says bring it on, it's  
23 all part of the record. And so that's why I ask the  
24 question.

25 MR. WHITE: The court could interpret -- I

1 grant you, John, Mr. Chairman, that the court could  
2 interpret it to allow new parties. I would suggest  
3 that we would argue against that, and I feel -- well,  
4 I like our argument, whether the court would agree  
5 with it or not. But I think if you read the statutes  
6 and the process, in replying upon some of the things  
7 that are said particularly in the dissent, that we are  
8 still involved in the same process, and that new  
9 parties now at this late date can't come in and  
10 attempt to make challenges.

11 Now, that doesn't mean that if the districts  
12 are changed. I read this to say that any time a new  
13 district -- if you have a district that's different,  
14 then the parties who are already in the case may be  
15 able to raise new challenges to those districts,  
16 because those districts never existed before.

17 So, you know, let's assume you redraw --  
18 we'll just pick one district -- Mat-Su District there.  
19 We redraw that. The party who's already in the case  
20 could say that District X is unconstitutional for X,  
21 Y, and Z reasons, even though they never raised that  
22 challenge before, because you couldn't raise a  
23 challenge to a district that didn't exist.

24 So I don't believe new parties should be  
25 allowed, but challenges to districts that weren't

1 done -- new districts that weren't raised before, the  
2 court is probably going to consider.

3 CHAIRMAN TORGERSON: How about ones that  
4 sued, and then backed off, and then sued, then backed  
5 off, and then invited back? Never mind. I got you.  
6 I was thinking of Petersburg.

7 So we're clear this goes back to the superior  
8 court?

9 MR. WHITE: Yes. After we adopt an amended  
10 plan, we would go in and do the same thing we did in  
11 April and submit it to the trial court for approval.

12 CHAIRMAN TORGERSON: And it's clear that we,  
13 under your findings or interpretation, need to draw a  
14 Hickel plan?

15 MR. WHITE: Yes.

16 CHAIRMAN TORGERSON: And in that plan we are  
17 to move all the districts around. And after we finish  
18 moving all the districts around, there is no review  
19 from any court, or at least we don't have to submit  
20 it. It would be an exhibit, but it's not a review.  
21 And there's no district-by-district explanation of  
22 what we did or why we did it. And then we draw -- or  
23 we then go through the process of adopting the Amended  
24 No. 2 Proclamation Plan.

25 MR. WHITE: We would submit it to the trial

1 court. Move everything around. The court said you  
2 have to start without considering the Voting Rights  
3 Act, and therefore take Alaska, it's a tabula rasa,  
4 draw your districts.

5 Now, what happens if, for example, you draw  
6 District 40 the same way as before, without  
7 considering the Voting Rights Act. Does that mean  
8 somehow is there some taint to any district and do  
9 they have to be moved? That's unclear in this  
10 opinion.

11 What they, the majority, really didn't like  
12 was that we made certain districts and kept them  
13 unchanged from the original plan in our template. And  
14 then if you recall, we drew four different Hickel  
15 plans, trying to solve the urban/rural population  
16 division by going into four different districts. The  
17 majority didn't think that was enough and that somehow  
18 that Hickel template tainted the process moving  
19 forward, saying that somehow we could have -- maybe  
20 didn't look at all the options or there could have  
21 been other options that we might have considered. And  
22 because of that, the court was unable to determine  
23 whether or not in our final plan the amended  
24 proclamation plan districts that were necessary in  
25 order to comply with Section 5 of the Voting Rights

1 Act, they couldn't make that decision.

2 CHAIRMAN TORGERSON: In my interpretation, it  
3 comes down to redrawing Anchorage and District 40.  
4 Southeast, we drew Southeast on a five-zero order by  
5 the court, and then when we redrew it, they overturned  
6 themselves on the three-two order and adopted the  
7 original plan. So Southeast is really their issue,  
8 not our issue, but it's the same.

9 But -- all right.

10 MR. WHITE: But let me --

11 CHAIRMAN TORGERSON: And this is clear as  
12 mud.

13 MR. WHITE: Yeah. Let me just say a couple  
14 more things.

15 I'm not sure -- you said that it's not  
16 subject to review. We don't have to submit it to the  
17 court for review prior to taking the next step. Given  
18 what they say in the opinion, I would suggest that  
19 this court appears to have established a new area for  
20 people to challenge. They can come in and say, "We're  
21 not even challenging your final plan." The final plan  
22 could be declared constitutional and comply with  
23 Section 5 of the Voting Right Act, but "We're  
24 challenging that one district in the Hickel plan was  
25 not constitutional, and therefore you should reverse

1 at court."

2 CHAIRMAN TORGERSON: Well, would it be a good  
3 strategy to --

4 MR. WHITE: We'll talk about strategy in the  
5 executive session.

6 CHAIRMAN TORGERSON: -- think about this a  
7 little later on, or what?

8 Okay. All right. I've already asked you  
9 that question. And so -- okay. That was one of the  
10 things I wanted to ask you. So potentially the Hickel  
11 plan, even though we don't have to -- it'll be  
12 reviewed, because it will be a part of the exhibit.  
13 We just don't have to submit it and say here you are.

14 MR. WHITE: Correct.

15 CHAIRMAN TORGERSON: It's just, say, by the  
16 record that we're transcribing today or when we're  
17 doing the Hickel plan, we said we've got one, and then  
18 you'll refer to it in one of your footnotes as exhibit  
19 whatever.

20 BOARD MEMBER HOLM: Can I?

21 CHAIRMAN TORGERSON: Go ahead.

22 BOARD MEMBER HOLM: On this subject -- Jim  
23 Holm -- I'm confused that, when I read the opinion, the  
24 majority opinion, that this petition for review, it  
25 says specifically that the board failed the Hickel

1 process, but then they, in the next sentence, they say  
2 that we have no requirements by the Alaska  
3 Constitution to submit a plan at any stage of the  
4 drafting prior to, to see if it complies or doesn't  
5 comply.

6           So my question to you would be: What,  
7 specifically, or how, specifically, could we prove, if  
8 you will, that there is the constitution -- in other  
9 words, when we looked at every district when we drew  
10 them, we looked at compactness, we looked at  
11 socioeconomic factors, all of these factors that are  
12 stipulated in the Hickel process, we did all of that.  
13 We did that prior to the time that we set up the  
14 Hickel template, and we set the Hickel template based  
15 upon those socioeconomic, et cetera, et cetera, Alaska  
16 Constitutional stipulations.

17           So I don't understand how they can have it  
18 both ways. How can you say that you're not required  
19 to submit it to the superior court prior to, and  
20 because you didn't do that, therefore you didn't  
21 comply with the Hickel plan? I mean, to me it -- it  
22 makes no sense to me.

23           MR. WHITE: Mr. Holm -- Mike White -- I think  
24 that, as you read this, it is difficult sometimes to  
25 understand what the court is requiring of us, and that

1 may be one of the reasons why, if they're not going to  
2 reconsider, that we would ask them for clarification.

3           As I take what the majority says, they are  
4 simply saying: We can't make a decision on whether  
5 your ultimate plan is constitutional and those  
6 districts, which we justified based on Section 5,  
7 House District 38, 37, and one senate district, S or  
8 R, I don't remember which, we can't tell whether it  
9 was necessary for you to move away from strict  
10 compliance with the Alaska Constitution in order to  
11 comply with the Voting Rights Act, because when you  
12 started with your Hickel plan, under the Hickel  
13 process that we ordered that you follow in March, you  
14 started with districts from a plan, some of the  
15 districts in that plan were from your original plan  
16 that you drafted. And in that original plan, you  
17 admitted to us that your first priority was compliance  
18 with the Voting Rights Act.

19           And so they have just -- well, I mean, our  
20 argument of course in our brief was, well, no; yes, we  
21 did start with those districts and there was some  
22 ripple effect around the state, but it certainly did  
23 not flow across every single district, and that those  
24 districts that weren't affected by the Voting Rights  
25 Act were designed, as you said, to comply with the

1 Alaska Constitution. And if they weren't challenged  
2 by anybody up to this point, why do we need to go back  
3 to the drawing board and redraw districts that have  
4 gone through the public hearing process, that no one  
5 has challenged.

6 And the court said, the majority, said we  
7 don't care about all of that. Because you did that,  
8 you may have limited your options and you may have  
9 missed something in your Hickel plan that may have  
10 affected the final plan, and therefore go back and do  
11 it over.

12 I wish I could -- that's how I read what they  
13 said.

14 BOARD MEMBER HOLM: Well, I agree with you.  
15 I just --

16 CHAIRMAN TORGERSON: Mr. Holm.

17 BOARD MEMBER HOLM: Yes, sir.

18 CHAIRMAN TORGERSON: No, sir. I'm just --

19 BOARD MEMBER HOLM: I'm sorry. Thank you,  
20 Mr. Chairman.

21 It's most confusing to me, because I believe  
22 that this board, in -- took all of those  
23 considerations with regards to the districts. We did  
24 not reassess or reset following the Hickel plan. So I  
25 don't really -- I'm kind of like you. I don't really

1 quite understand what we should do.

2 MR. WHITE: If you recall the opinion, it  
3 said that the majority seemed to be hung up on -- they  
4 say that 36 districts were unchanged. When you  
5 started with the Hickel template, I mean, I believe  
6 that was true, there were 36. We just said: Here's  
7 the Hickel template. Here's the districts, the Native  
8 districts that we can justify based on the Voting  
9 Rights Act. Start with this as your starting point.  
10 We instructed staff to do that, and then we drew four  
11 different plans, trying, without any reference to the  
12 Voting Rights Act -- because if you'll all recall, one  
13 of the biggest issues we faced had nothing to do with  
14 the Voting Rights Act, but it was the urban/rural  
15 shortfall.

16 For the first time in the history of  
17 districting, we had to take population out of some  
18 urban area of the state and add it to the rural  
19 population, in order to comply with the state and  
20 federal equal population requirements.

21 And so the four Hickel plans that we adopted,  
22 that we had drafted and then considered, all tried to  
23 take that urban population out of various areas of the  
24 state -- if you recall, Fairbanks, Anchorage, Mat-Su,  
25 Kenai -- and we looked at those, and we determined

1 that the one out of Fairbanks was the one that did the  
2 least amount of harm to the Alaska Constitution, and  
3 therefore that's the one we adopted as the Hickel  
4 plan.

5           And in the opinion here, and it's one of the  
6 things we pointed out in our petition for rehearing,  
7 we said -- because they said, well, by doing this, you  
8 know, you limited your options. In fact, all of your  
9 options attempted to solve that urban/rural shortfall  
10 by taking one -- you know, all of the population and  
11 putting it into a single district. Well, of course  
12 you do that, because, if you'll recall, one of the  
13 challenges we had from the parties was the whole  
14 proportionality issue. The court seems to be implying  
15 that, well, maybe why not take 10 percent of what you  
16 need out of Anchorage, and 10 percent out of  
17 Anchorage, and 10 out of Kenai. Well, when you start  
18 splitting up like that, then we're faced with the  
19 other legal problem of proportionality, which is one  
20 of the specific challenges that we already have been  
21 dealing with.

22           And I think Justice Matthews, in his dissent,  
23 points that out rather eloquently and the problems  
24 that might cause. But that is, as they say, a  
25 dissent, and majority opinion rules in this instance.

1 So at this juncture, unless they reconsider, we're  
2 forced to deal with what the majority opinion says we  
3 have to do.

4 CHAIRMAN TORGERSON: Mr. Brodie.

5 BOARD MEMBER BRODIE: Bob Brodie.

6 You know, I guess that's -- we seem to get  
7 more direction out of the minority report than we do  
8 out of the majority, in that we started with 710,000  
9 people and we drew four districts that made up 70,000  
10 people, so we had 640,000 people totally unassigned  
11 without any issues. And now this concept of the  
12 tainted fruit, that what we did in Kotzebue somehow  
13 affected Midtown and Spenard, is -- I guess we have to  
14 find out if that's true or not. If that's a valid  
15 argument by the court, then we're virtually compelled  
16 to erase every district we've ever done and start  
17 over, and we wouldn't be allowed to have any that  
18 resembled those in the past.

19 And so I guess that's kind of a daunting  
20 concept, if that in fact is what they -- if they kick  
21 this back without any reconsideration or explanation.  
22 That was enunciated by the minority report, so how  
23 much weight does that carry in telling us what to do?

24 MR. WHITE: Well, obviously two of the five  
25 would reconsider any issue we bring before them again.

1 But to comply with the supreme court order, we can  
2 take some guidance from the minority opinion or the  
3 dissenting opinion, but you have to comply with the  
4 majority, that that is the actual opinion of the  
5 court.

6 Does that mean you have to start completely  
7 over? That's one of those questions maybe we seek  
8 clarification on. Do we -- does that mean no lines  
9 can be exactly the same? Do we really have to change  
10 District 40 just to change it? As the dissent pointed  
11 out, we never justified District 40 based upon the  
12 Voting Rights Act. I mean, it's just the way District  
13 40 has basically always looked. You take the North  
14 Slope Borough and the -- Marie's borough, and you put  
15 those together, and they form a pretty much perfect  
16 district for that area. It just so happens that it is  
17 in fact also an Alaska Native effective district  
18 because, geographically, the percentage of Natives in  
19 that area are, you know, 60, 70 percent.

20 But does that mean that if we went back with  
21 another plan or drew a plan that had that same  
22 district in it, that it would be thrown out? I wish I  
23 could tell you.

24 You know, I think the dissent's rationale  
25 makes, to me, more sense, but it's the dissent. So

1 until -- what I take from the majority opinion is:  
2 You may have limited your options, and therefore we  
3 want you to draft a Hickel plan, because this is all  
4 based on Step 1 of the Hickel process, of the  
5 three-step process, if you recall.

6           You draw the Hickel plan, you just assume  
7 Section 5 doesn't exist, there is no Voting Rights Act  
8 requirements, nothing at all; all you're doing is  
9 basing it on the Alaska Constitution.

10           And they, the majority opinion, says since  
11 you had some of these districts that you didn't  
12 change, we can't tell whether or not they were tainted  
13 or they were affected by your Voting Rights Act  
14 considerations, because the first time you drafted  
15 this plan that included these districts, the first  
16 step you took was to comply with the Voting Rights  
17 Act, and the supreme court says that was your first  
18 priority, was to comply with the Voting Rights Act.

19           And so we think that because you did that,  
20 that necessarily is going to have a sweeping ripple  
21 affect across the whole state. And when you draw  
22 districts -- you include districts in there that were  
23 unchanged from your original plan, we can't tell  
24 whether or not, you know, that a better Hickel plan  
25 can be drawn or not. That's what I tend to sense from

1 the majority opinion.

2           So does that mean that every single line has  
3 to be changed? As Chairman Torgerson said, you have  
4 to redraw Anchorage? Although I think everybody on  
5 this board believes that the Voting Rights Act had  
6 nothing to do with the drawing of Anchorage; it  
7 certainly didn't affect it. You can draw Anchorage in  
8 a myriad of different ways, as long as they're compact  
9 and contiguous and socioeconomically -- well, they're  
10 going to be socioeconomically integrated as a matter  
11 of law, as long as they comply with the equal  
12 population requirements.

13           So does that mean you have to go in and  
14 change Anchorage around and move district lines and  
15 draw new districts? I would suggest that what the  
16 majority opinion says is you start with a blank map of  
17 the state and draw a Hickel template that starts from  
18 scratch. Does that mean you can't draw districts that  
19 look the same because that makes more sense? Does  
20 that mean you have to out and move lines just to be  
21 moving lines? That's what the majority would seem to  
22 be saying, but whether that's really what they meant  
23 would be one of those issues we would ask them.

24           Does that mean that even though if this board  
25 looks at it and says, here, we're going to draw this

1 this way, it's exactly the same as we drew it before  
2 or close to what we drew before, and we had nothing to  
3 do, because we're not considering the Voting Rights  
4 Act when we're drawing these, would the court then  
5 say, well, I'm sorry, that's still not right, because  
6 we told you to change every single one?

7           Unfortunately, they don't say that in their  
8 opinion. They don't say, change every single line;  
9 they just say draw a map without the same districts  
10 that you had before. So I guess you could interpret  
11 that to say, yes, you have to change every single  
12 line.

13           CHAIRMAN TORGERSON: Go ahead, Mr. Brodie.

14           BOARD MEMBER BRODIE: One last question. Bob  
15 Brodie. Now that we're past another election period,  
16 are we going to be required to use any of the data of  
17 the performance of the districts in the various areas  
18 in our considerations? Would that change the  
19 benchmark of the templates?

20           MR. WHITE: I believe, based on my research  
21 in talking with Lisa Handley and some of my other  
22 sources of experts in this area back in D.C., that the  
23 next benchmark, I believe to be the interim plan.

24           Because you now have a plan that in which has  
25 been approved by the court, although it's an interim

1 plan, and precleared by the Department of Justice, and  
2 there has been an election held under that, it's my  
3 belief that that benchmark now is in fact the interim  
4 plan.

5 CHAIRMAN TORGERSON: Which makes very  
6 interesting bedfellows. But I would probably -- I  
7 would probably think very hard before I would ask the  
8 board to start with a new set of numbers. I don't  
9 think it's right. It may be another supreme court  
10 thing. I don't know.

11 But to go in and start -- we know that the  
12 Voting Rights expert takes nothing into consideration  
13 in real-life elections. Third-party candidate, no, it  
14 doesn't matter. Ten people running, it doesn't  
15 matter. It's who got the votes. And who got the  
16 votes over here or over there, who's the most  
17 financed, it doesn't matter. And those are the things  
18 that we all live with. We've been through elections  
19 before. It's just what happened. But that has  
20 nothing to do with a racial bloc voting analysis or  
21 anything else.

22 And so to walk back in now, you know, a  
23 couple of years later, and say, well, you know, this  
24 new analysis shows we ought to be 60 percent instead  
25 of 42, it's just -- I don't know. We were talking

1 about that earlier. It's just one of those things  
2 that I think this board ought to scrutinize real  
3 closely before we go down that path.

4           And I understand what Michael is saying.  
5 He's more matter of fact the law. He says that you  
6 now created a new benchmark, because you have followed  
7 the criteria that establishes that. You have an  
8 election, you have a plan approved by your court, DOJ  
9 approved it, so, boom, you now have this new thing out  
10 there.

11           Under that scenario, we could redraw every  
12 two years, and we could -- I mean, this board could do  
13 that, I suppose. What would stop us? Every time  
14 you -- I mean, it just seems to be very different,  
15 when the rest of the law is so rigid, this piece seems  
16 to be just floating around. It says, oh, yeah, go  
17 ahead and change it after the fact.

18           All right. Other questions on that? Any  
19 more?

20           All right. I have a few more, if you don't  
21 mind.

22           What merit does it have that in 2002 that the  
23 Hickel process was never brought up or thought about?  
24 This court, which is basically the same justices, it  
25 wasn't an issue to them, and now all of a sudden it's

1 an issue?

2 MR. WHITE: Well, we've pointed that out in  
3 our briefing both in the original round and in our  
4 petition for rehearing. They seem to think none. I  
5 mean, as, I think all of you know, I was on the other  
6 side of this process in 2002 and was lead counsel for  
7 the challengers to the plan. And no one of the --  
8 there were ten plaintiffs in that case. No one even  
9 considered that Footnote 22 in Hickel meant anything  
10 at all. As you'll recall, the trial court didn't  
11 either. But now we know that the Alaska Supreme Court  
12 has said this footnote in Hickel from a 1990 opinion  
13 under a different constitutional process is the  
14 process that you have to follow.

15 We've pointed that fact out to them, what  
16 does it mean. So far it seems to mean nothing to the  
17 Alaska Supreme Court. Whether they will take that  
18 factor into mind on any petition for rehearing, I just  
19 can't say, John.

20 CHAIRMAN TORGERSON: I already know the  
21 answer to this, but I'll say it anyway for the record.

22 We know that there's been two new supreme  
23 court justices approved. Is there a way we can  
24 petition to have a new court hear -- or ask or beg or  
25 whatever you do -- I don't know the legal terms -- to

1 have new justices review the case?

2 And my basic understanding of that is I'd  
3 rather have justices look at it that are going to be  
4 there for the ten years, instead of justices that are  
5 on their way out the door. Let them live with their  
6 decision, not make their decision and run and hide.

7 So with that, is there a way to petition the  
8 court for new justices?

9 MR. WHITE: Well, like you said, you know the  
10 answer to that one already.

11 CHAIRMAN TORGERSON: It felt good to say it.

12 MR. WHITE: The answer is no. Let me explain  
13 to you the current makeup of the Alaska Supreme Court.

14 Justice Carpeneti, who is the author of the  
15 majority opinion, has retired. I think his last day  
16 was the end of January. Based on the information that  
17 I have, I have been informed that he will continue to  
18 work on his cases, whatever that means.

19 There have been two new justices appointed.  
20 I can't believe that -- there's no way we can go in  
21 there and say, hey, we don't -- change around who's on  
22 the case. There's just nothing we can do. The court  
23 is going to make their own decisions on that.

24 I don't believe Justice Matthews -- he will  
25 continue on the case. They're not going to replace

1 him. Whether Justice Carpeneti is going to continue,  
2 particularly if this matter looks like it could go --  
3 you know we're going to have at least one more round,  
4 potentially two if they do the petition for rehearing  
5 in the supreme court. Whether Justice Carpeneti  
6 continues on that or not, it's hard to say. If I was  
7 a betting man, I would say probably, but it's almost  
8 impossible to say at this point in time.

9 But I would suggest that more likely than not  
10 we will continue with the same five justices that we  
11 have.

12 CHAIRMAN TORGERSON: All right. Let me -- I  
13 was a practicing attorney when I did this, I think.  
14 Well, this is just a statement the court made. It  
15 said, After -- this is quotes: "After setting forth  
16 the correct process for the board to follow in order  
17 to comply with the Alaska Constitution."

18 And my question was, A, separation of powers.  
19 They say it themselves -- this is the majority  
20 opinion -- that they are setting out a process.

21 And then they also go on to say that they  
22 can't inject their feelings into board actions, and  
23 they're not trying to do it. All they do is rule on  
24 constitutionality and whether or not it's arbitrary,  
25 capricious, or whatever. But they're telling us that

1 their process is the only correct one, in that same  
2 sentence. So not that it means everything. We all  
3 kind of agree with that. It's good to get it on the  
4 record, I suppose.

5 Article 6, Section 10 and Section 11:  
6 "Alleviate the process the board must follow in  
7 developing a proclamation plan and the contours of  
8 judicial review."

9 In nowhere do they suggest a two-stage review  
10 is required. Majority opinion, again.

11 MR. WHITE: Right. That was on the issue of  
12 whether or not, as the trial court ruled, we had to  
13 draft a Hickel plan, then submit it to the trial court  
14 for its approval.

15 CHAIRMAN TORGERSON: I understand. But  
16 Article -- this is a constitutional term, which the  
17 supreme court is supposed to uphold. They're only  
18 applying the constitution to the trial court and not  
19 to themselves. That's my point I'm making on that.

20 I think I'm about done. Let me -- a couple  
21 of other things. I wanted you to just explain the  
22 way -- before we go into executive session,  
23 fundamentally I like to limit what we do in executive  
24 session to just to strategy.

25 But would you -- would you explain a

1 Section 2 violation? If Section 5 goes away, then we  
2 very possibly could be held to -- well, we would be  
3 held to another standard that becomes more prevalent,  
4 and that is a Section 2 violation of the Voting Rights  
5 Act, because the Voting Rights Act's not going away,  
6 correct?

7 MR. WHITE: Section 2 of the Voting Rights --  
8 the only thing under challenge is Section 5. If  
9 you'll recall, Section 5 is the whole retrogression  
10 standard.

11 CHAIRMAN TORGERSON: So explain Section 2 and  
12 give us an example, if you can think of one real  
13 quick.

14 MR. WHITE: Sure. Section 2 -- in effect,  
15 Section 2 is the section of the Voting Rights Act  
16 which prohibits intentional discrimination. So under  
17 Section 2, which is still going to apply even if  
18 Section 5 has gone away -- remember, Section 5 is just  
19 a prophylactic, where Congress got tired of the fact  
20 that, after they passed the Voting Rights Act, in a  
21 number of states they would have to go in and -- the  
22 federal court actually had to -- the federals had to  
23 go in and actually sue each state and say, you putting  
24 a poll tax is unconstitutional, you having a written  
25 English requirement, or whatever, is unconstitutional.

1           Well, they would go in and they would knock  
2 down the Whac-a-Moles, and then the states down there  
3 would just -- they'd pop in other places.

4           And so in order to prevent that from  
5 happening, in Section 5 they adopted this provision  
6 that said -- switched the burden, essentially. That  
7 said, no, you can't implement any changes in the  
8 election requirement. And you have to remember  
9 redistricting is only one of the election requirements  
10 that require preclearance. You change your precinct  
11 line and you're in Alaska, it requires preclearance.  
12 You move a polling place, it requires preclearance.

13           So any change to an election law has been  
14 interpreted by the U.S. Supreme Court to require  
15 preclearance. And that's a lot of the problems that a  
16 number of the states have with it, is that: Look,  
17 you're requiring us to do all of these things that  
18 have really nothing to do with discrimination.

19           Under Section 2, which will not go away, it  
20 prevents people from intentionally discriminating  
21 against a protected minority class in purpose or  
22 effect. So you have the effect of discriminating  
23 intentionally, than you can do that. An example of  
24 that is, in the Texas case -- not the Shelby County  
25 case, but I don't remember the other case. We cited

1 it before. Actually, our Voting Rights Act expert and  
2 the plaintiff's Voting Rights expert were experts on  
3 the same side for the Department of Justice in that  
4 case.

5 And in that case, the court found there was  
6 intentional discrimination, because they showed that  
7 the drafting people, which in Texas is the  
8 legislature, how they basically manipulated the  
9 system --

10 (Interruption on the record.)

11 I apologize for that. I thought I turned  
12 that off.

13 So they went in and they established how --  
14 you know, through e-mails and other stuff, how the  
15 people who were drawing the map were moving districts  
16 around to make it look like they complied with  
17 Section 5 of the Voting Rights Act, but were actually  
18 increasing the majority, and in this case, the  
19 Republicans controlled the house down in Texas.

20 They were basically moving it around so that  
21 they looked like they complied, but the districts  
22 weren't actually effective. And in that instance, the  
23 court found that there was intentional discrimination.

24 That was still a Section 5 case, but they  
25 were using -- the same standard for intentionalness

1 applies in Section 2 and Section 5, because you'll  
2 recall you can't intentionally discriminate under  
3 Section 5 either, but under there --

4 CHAIRMAN TORGERSON: What's your example?

5 MR. WHITE: In Texas --

6 CHAIRMAN TORGERSON: I mean an Alaska  
7 example. Do you have one up here? Well, let me  
8 rephrase it.

9 You used the words several times "racial  
10 discrimination." Are you meaning that this Section 2  
11 only applies to Alaska Natives, or can a non-Native  
12 bring the same Section 2 if they feel discriminated  
13 against?

14 MR. WHITE: Section 2, you have to be a  
15 protected class, so any minority which meets the  
16 requirements of the jingles test, which means that  
17 they are, you know, intentional or that they're large  
18 enough, so they vote cohesively. And if you'll  
19 remember from Lisa's report, there are three  
20 standards.

21 The jingles test was a Section 2 case where  
22 the supreme court established the preconditions in  
23 order to be allowed to bring a Section 2 case.

24 Now, for example, we do know under Section 2  
25 the U.S. Supreme Court has ruled that Section 2

1 doesn't apply unless the protected class constitutes a  
2 majority of the voting age population in a natural  
3 district. You can't gerrymander to get a district,  
4 and then say, look, here, we need to do this in order  
5 to make a minority-protected district. You have to be  
6 a majority.

7 Remember we talked very -- well, it seems  
8 like a thousand years ago, but early on in the process  
9 about the fact that in order to create a Native  
10 district or a protected minority district, it has to  
11 be within -- you know, it has to meet the compactness  
12 and continuity requirements not of Alaska law, but  
13 under federal law.

14 Now, those are a little broader, because  
15 these are the ones, if you'll remember when we were  
16 back in D.C. when you guys went to your training, they  
17 showed you those maps with the really strange stuff,  
18 and they would say, which one was upheld and which one  
19 wasn't? And you would look at it, and you'd go, well,  
20 that one clearly wasn't upheld, and it would be.

21 The bottom line is, is that you can't  
22 gerrymander in order to create a protected  
23 Native-effective district. In Alaska, only Alaska  
24 Natives have sufficient enough population,  
25 geographically cohesive, in order to be protected

1 under the Section 2 or Section 5. There's just not  
2 enough other majority people.

3 Now, under Section 2, it's a different  
4 standard, because you have to be a majority of that  
5 district, not 42 percent like we had, in order to  
6 avoid retrogression. So it's a higher standard.

7 CHAIRMAN TORGERSON: I can see for me I'd  
8 have to -- if they throw out Section 5, I think we'd  
9 need to spend an hour on Section 2 before we start  
10 drawing another plan, because it seems to be a little  
11 confusing.

12 MR. WHITE: It is a little bit different.  
13 You have to create 50 percent in a geographically  
14 cohesive --

15 CHAIRMAN TORGERSON: Similar but different.

16 MR. WHITE: Similar but different. It's  
17 designed to protect the same people in the same, you  
18 know, constitutional right, but it only prohibits  
19 intentional discrimination in purpose or effect.

20 CHAIRMAN TORGERSON: And that wouldn't be a  
21 defense for us to draw a district, an Alaska Native  
22 district, that --

23 MR. WHITE: Avoiding a Section 2 lawsuit is  
24 considered to be a compelling state interest.

25 CHAIRMAN TORGERSON: So in fact it may take

1 the place of Section 5.

2 MR. WHITE: It would, but it would not be as  
3 rigorous and there are certain instances, for example,  
4 there would be districts that might fall under  
5 Section 5 because they would be retrogressive. For  
6 example, let's say House District 30. What did we  
7 rename that?

8 CHAIRMAN TORGERSON: I don't know. But do  
9 you establish a benchmark under Section 2?

10 MR. WHITE: No.

11 CHAIRMAN TORGERSON: All right.

12 All right. I think I'm ready to move on.  
13 We'll see if the board has any more questions. I just  
14 want to -- just tell me if I'm wrong on any of this.  
15 There's no requirement for public hearings in the  
16 remand.

17 MR. WHITE: I don't believe under the law  
18 there is any requirement to additional public  
19 hearings.

20 CHAIRMAN TORGERSON: And there's no  
21 requirement for any kind of timeline at all? 30-day,  
22 90-day, any of that kind of stuff?

23 MR. WHITE: There are no -- right currently,  
24 there are presently no -- other than getting the plan  
25 in place for the next election, which technically, I

1 guess, is we could go back to the court and say we  
2 couldn't get it done, use the interim plan again.  
3 Obviously nothing, I don't think, anybody here wants  
4 to do. But no timelines at all, John.

5 CHAIRMAN TORGERSON: Okay. Any other  
6 questions? We went through quite a bit of stuff here.  
7 But any questions anyone?

8 Okay. I think we'll spend a little time on  
9 the timeline, then, before we go into executive  
10 session. We'll take a little break before we do the  
11 executive session piece.

12 Now, again this board timeline, I just kind  
13 of wanted to give everybody a starting point, and  
14 there are some decision-making points in here also,  
15 but of what it would look like if we kind of did a  
16 whole lot of what we just talked about doing.

17 This has hiring an executive director,  
18 starting the process immediately or tomorrow. It has  
19 waiting for the supreme court to rule, it has going to  
20 the trial court, and so forth. And I just took a  
21 little stab at it.

22 So under this scenario, we, the board, would  
23 take action to start the process to hire an executive  
24 director. In here I assumed that that would take a  
25 month. We start the process tomorrow, and then on

1 March 14th we would be ready for interviews. It's my  
2 intent to have the board meet back in person somewhere  
3 around that time. Again, these dates aren't -- it's  
4 more the concept than the actual date. We'll have to  
5 fish for dates, to see who's available when and where.

6 But the board will do in-person interviews  
7 and we'd hire the person the next day. The 18th --  
8 somewhere in here there's a calendar. And this is all  
9 pretty germane to Fridays and Mondays when I put this  
10 together.

11 But the 18th is a Monday. We bring Taylor in  
12 that week, as much as he can to work with the new  
13 director, and they would become familiar with things  
14 that Taylor was doing.

15 Somewhere around the 1st of April the board  
16 would meet and draft the Hickel plans. I basically  
17 have the board meeting all that week. The 5th is a  
18 Friday, and the 6th, it just says board if needed.  
19 And then I have -- this is on 4/6, the second item --  
20 that we would basically then recess or adjourn until  
21 the U.S. Supreme Court ruled on Section 5.

22 I anticipate the court would actually have  
23 something we could read on July 15th, other than the  
24 press releases that come out of the court. And I know  
25 a lot of that's immediate, but it'll take Michael time

1 and other people time to review exactly what they  
2 said. So I'm assuming that that would be somewhere  
3 around the 15th. And then the board would meet to  
4 start drafting and adopt a final plan in August.

5 And then the dates in August, somewhere  
6 around the 19th we would pass that on to the superior  
7 court. And who knows what their schedule is, but I  
8 took a stab at it, that they would review it, and then  
9 there'd be some cross motions filed and other things  
10 during this, between the 8th and the 29th; and then  
11 the court would say they'd better have a hearing; and  
12 then there would be a hearing for four or five days;  
13 and then the superior court would rule, and then it  
14 would be appealed; one side or the other more than  
15 likely won't like what's going on, so we end up back  
16 in the supreme court. They take -- actually, I guess  
17 they've got to move pretty quickly there.

18 They have a hearing within eight days and  
19 they rule within 20 days. And then we have a final  
20 ruling somewhere around November 1st, and then we  
21 submit to DOJ, if needed, and the final plan would be  
22 done, under this timeline, by January 14th.

23 Now, again, I just took a shot at it. As you  
24 know, this could slide. I actually started one  
25 working backwards from June 1. We clearly want to

1 have this done -- you know, it would be nice to have  
2 it out 90 days before the filing deadline, instead of  
3 the day before. So somewhere around the 1st of March,  
4 you know, should be an absolute drop-dead time from  
5 DOJ approval. I mean, if I had a goal, that's what I  
6 would shoot for.

7 This kind of limits our time and there's  
8 not -- we're meeting for about maybe ten days, 12  
9 days. I didn't count them up, but 10 or 12 days,  
10 depending on when it goes up to trial. And so that's  
11 what it looks like.

12 So there's really no action to take on that  
13 at this point. Is there any questions? Any --  
14 Mr. Brodie.

15 BOARD MEMBER BRODIE: Just an observation. I  
16 think that is a good start on that. Given all the  
17 time and energy we put into this, I don't look forward  
18 to meeting in August, given that we all have fishing  
19 and things happening in our communities, and other  
20 things. If we can push that to September, it wouldn't  
21 hurt me.

22 CHAIRMAN TORGERSON: And it could happen very  
23 easily. Like I said, I didn't have anybody's  
24 schedules. I will tell you that, of course I knew  
25 mine, but I only have a conflict at the end of March,

1 but it really didn't fit into much of what we're going  
2 to do anyway.

3 But what I would hope is that there's a  
4 couple -- well, there's one decision-making point  
5 here, and that would be for the board to authorize me  
6 to start the process to hire the executive director,  
7 if you so deem right now, and then we can start that  
8 process tomorrow.

9 And they've got a new thing on this Workplace  
10 Alaska I just read yesterday. It's supposed to be  
11 quicker, easier, all that, but I'm not sure I believe  
12 government when they tell me that. But in any degree,  
13 we should have this person on somewhere around the  
14 middle of March. And we can move interview times back  
15 and forth, you know, all over the place.

16 PeggyAnn, Ms. McConnochie.

17 BOARD MEMBER McCONNOCHIE: PeggyAnn  
18 McConnochie.

19 Mr. Chair, because I believe that hiring  
20 never goes as quickly as you hope, and because I'd  
21 rather be ahead of the curve than behind the curve, I  
22 would make a motion to authorize you to start the  
23 hiring process for an executive director.

24 BOARD MEMBER BRODIE: Second.

25 CHAIRMAN TORGERSON: Okay. The motion to

1 start the process for hiring an executive director.

2 Is there discussion on the motion?

3 Is there objection to adopting the motion?

4 Hearing none, that motion has been adopted.

5 We'll skip the roll call, since we're all  
6 here and present.

7 All right. So I will start that process with  
8 a series of e-mails a little later on day or tomorrow.

9 And the rest of this, like I said, is very  
10 fluid. We can certainly move to September; that's not  
11 the end of the world. I have no idea of what the  
12 court calendar is, if it does end up in court, but it  
13 would be nice to get this -- I think, get this person  
14 on, get them working with Taylor, the guy or girl,  
15 whoever applies, and start them getting familiar with  
16 the software.

17 By the way, I did check on software  
18 licensing, and -- or I didn't, administration did.  
19 And we're not required to -- I mean, it's ours to use,  
20 since we're -- it's in the computer. We bought the  
21 software itself. So there is no additional software  
22 requirement or licensing requirement to continue using  
23 what we have.

24 If we wanted any updates, which, I wouldn't  
25 have a clue what they would be, but if we needed some

1 kind of update, then I'm sure there would be something  
2 associated with that. But they did check on that.

3 All right. Anything else then to come before  
4 us?

5 Let's take maybe about a ten-minute break and  
6 come back in at 11:25. And I really anticipate -- we  
7 went through an awful lot of this. I would anticipate  
8 not much more than a 45-minute executive session, if  
9 even that. I don't think there's that much -- or at  
10 least I don't. Michael may have some stuff he wants  
11 to discuss.

12 Let's go ahead and stand in recess until  
13 11:25.

14 (Recess.)

15 CHAIRMAN TORGERSON: Okay. We'll call the  
16 meeting back, so ordered. The time is 11:31. We had  
17 recessed for the purposes of going into executive  
18 session. The board -- or the chair will entertain a  
19 motion for executive session.

20 BOARD MEMBER McCONNOCHIE: I move --  
21 Chairman, this is PeggyAnn McConnochie. I move that  
22 we go into executive session.

23 BOARD MEMBER GREENE: Marie Greene. Second.

24 CHAIRMAN TORGERSON: Is there a discussion on  
25 the motions?

1           MR. WHITE: Mr. Chair, you just might want to  
2 add, we might want to specify that the reason why  
3 we're going into executive session is to discuss  
4 litigation strategy.

5           CHAIRMAN TORGERSON: Yeah. That's why you're  
6 here.

7           BOARD MEMBER McCONNOCHIE: Yes, that's  
8 exactly what I meant.

9           CHAIRMAN TORGERSON: I normally do that.  
10 Yes, absolutely. The maker of the motion is going to  
11 amend it to say it is for --

12           BOARD MEMBER McCONNOCHIE: To discuss  
13 litigation strategy and get advice from counsel.

14           CHAIRMAN TORGERSON: And the second concurs  
15 with that friendly amendment?

16           BOARD MEMBER GREENE: Yes, I concur.

17           CHAIRMAN TORGERSON: Thank you.

18                   Is there any discussion on the motion?

19                   Okay. Hearing none, the motion passes and we  
20 will go into executive session, and we're off record.

21                   (Redistricting Board in Executive Session.)

22           CHAIRMAN TORGERSON: Okay. We're back on  
23 record. The time is 12:56. All board members are  
24 present, and we're represented by counsel.

25                   The board has just concluded an executive

1 session that lasted approximately an hour and a half,  
2 a little longer than I thought. I don't know  
3 anticipate any action, unless board members have a  
4 motion or something they want to make.

5 But basically the litigation strategy, on  
6 advice of counsel, has so much to do with what the  
7 supreme court might rule on, and there's so many  
8 different options, that it's impossible to move  
9 forward with any particular strategy or board  
10 timelines or other things, until we hear from the  
11 court. So all of that will lay on the table until we  
12 get clear -- a clearer direction from the court.

13 So the only thing on the board timeline is a  
14 good -- a good direction of where we might go, and it  
15 does give us a reasonable timeline, if we follow that,  
16 for completion. And we have passed a motion to start  
17 the process to hire an executive director, which will  
18 be the first phase of doing anything.

19 Anything else, Mr. Counsel, that we --

20 MR. WHITE: I think the only important thing  
21 is that I'm going to be a grandpa soon.

22 CHAIRMAN TORGERSON: Oh, yeah? Okay.

23 MR. WHITE: So I'm quite pleased with that.

24 CHAIRMAN TORGERSON: Let's go to board member  
25 comments then.

1           Mr. Brodie, anything you'd -- just under  
2 general comments.

3           BOARD MEMBER BRODIE: One question.  
4 Depending on the first ruling from the supreme court,  
5 do we need to then have a board meeting to direct him  
6 to file a second motion, or can you do that, the  
7 motion for clarification?

8           MR. TORGERSON: That's a good question. Back  
9 in open session we talked about the motion for  
10 clarification, but I just assumed that Mr. White had  
11 the authority to file that. But if we feel better, we  
12 could pass a motion to authorize.

13           BOARD MEMBER BRODIE: I would move we direct  
14 the chair to file a motion to have Mr. White file a  
15 motion of clarification, if necessary.

16           BOARD MEMBER McCONNOCHIE: PeggyAnn  
17 McConnochie seconds.

18           MR. TORGERSON: Okay. So the motion is that  
19 basically if the supreme court does not honor our  
20 request for a hearing, our motion for reconsideration,  
21 that we would file a motion for clarification, and ask  
22 some particular questions on basically what the court  
23 is directing us to do in regards to redrawing  
24 boundaries that are already constitutional, or other  
25 things.

1           So does everyone understand the motions?  
2           Is there a discussion on the motions?  
3           Is there objection to adopting the motions?  
4           Hearing none, the motion has been adopted.  
5           Thank you. That was a good catch.

6           BOARD MEMBER BRODIE: And just that I  
7 appreciate all the time and effort my fellow board  
8 members are putting into this. You know, it's easy to  
9 say to chunk it and let somebody else worry about it,  
10 but we've got a lot of commitment and time and energy  
11 into serving the people in the state, and I'd like to  
12 see it through to the end.

13           That said, though, depending on what the  
14 supreme court decides, it'll all weigh heavy on our  
15 personal time and energies. And so I appreciate  
16 everybody else hanging in there, and we'll see what  
17 happens, and hopefully there will be an epiphany on  
18 the majority of the supreme court on what's the best  
19 future for the state of Alaska as far as redistricting  
20 goes.

21           CHAIRMAN TORGERSON: Thank you.

22           Mr. Holm.

23           BOARD MEMBER HOLM: I have no comments, other  
24 than congratulations, Michael.

25           MR. WHITE: Thank you.

1                   CHAIRMAN TORGERSON: It's going to be a  
2 Fairbanksian.

3                   MR. WHITE: Yeah.

4                   BOARD MEMBER HOLM: Yes. That's why I  
5 congratulated him.

6                   CHAIRMAN TORGERSON: Member Greene, do you  
7 have any board comments? Any comments?

8                   BOARD MEMBER GREENE: I just want to say  
9 thank you. As Board Member Brodie has stated, I want  
10 to thank the chairman for his efforts, and of course  
11 we're looking forward to just getting -- learning more  
12 about what's before us as we take on this  
13 responsibility of seeing what is going to happen and  
14 what all this means. So I really appreciate the time  
15 being here of everyone. Thank you.

16                  MR. TORGERSON: Thank you.  
17 PeggyAnn.

18                  BOARD MEMBER McCONNOCHIE: I'll just simply  
19 say thank you to everybody for all your time. It's  
20 much appreciated. Even if some people up at other  
21 areas do not necessarily appreciate it, I appreciate  
22 it.

23                  MR. TORGERSON: Okay. I basically have no  
24 comments, other than the next meeting will be -- we  
25 will call everyone and let them know, but it'll be

1 around the hiring and doing the interviews for the  
2 executive director. So I have anticipated that that  
3 would be about a month away, which will be somewhere  
4 around the 14th of March, but it could slide one way  
5 either direction.

6 And so then we'll start -- I'd like to have  
7 all five board members here when we do that, so that  
8 may move around a little bit too when we start picking  
9 a day. I anticipate that meeting could possibly be  
10 two days, depending on how many people we have with  
11 the -- that we want to interview. Hopefully not.  
12 Hopefully just one long day, but we'll see. I'll let  
13 everybody know then and we'll pick that date.

14 So nothing else to come before?

15 Mr. White, do you have anything you want --

16 MR. WHITE: I have nothing further.

17 CHAIRMAN TORGERSON: -- other than you're a  
18 grandparent? Do you want to say that again, you're a  
19 grandparent?

20 MR. WHITE: No. I just want to personally  
21 thank the board again for all of your hard work and  
22 fortitude. I know this has not been the easiest of  
23 processes, but I have seen nothing, in all of the  
24 things which I have seen, which tell me anything other  
25 than you've always had the best interests of the State

1 of Alaska in mind and have worked very hard to get  
2 there.

3 We have a certain process we have to go  
4 through, and there's nothing we can do about that.  
5 And hopefully we can get this process done and over  
6 with sooner rather than later and allow everybody to  
7 move on their lives, knowing that they've accomplished  
8 a goal they set out to do.

9 MR. TORGERSON: Okay. Nothing else to come  
10 before us, the board will stand in adjournment. The  
11 time is 1:03. Thank you all for traveling in. We're  
12 adjourned.

13 (Proceedings adjourned at 1:03 p.m.)

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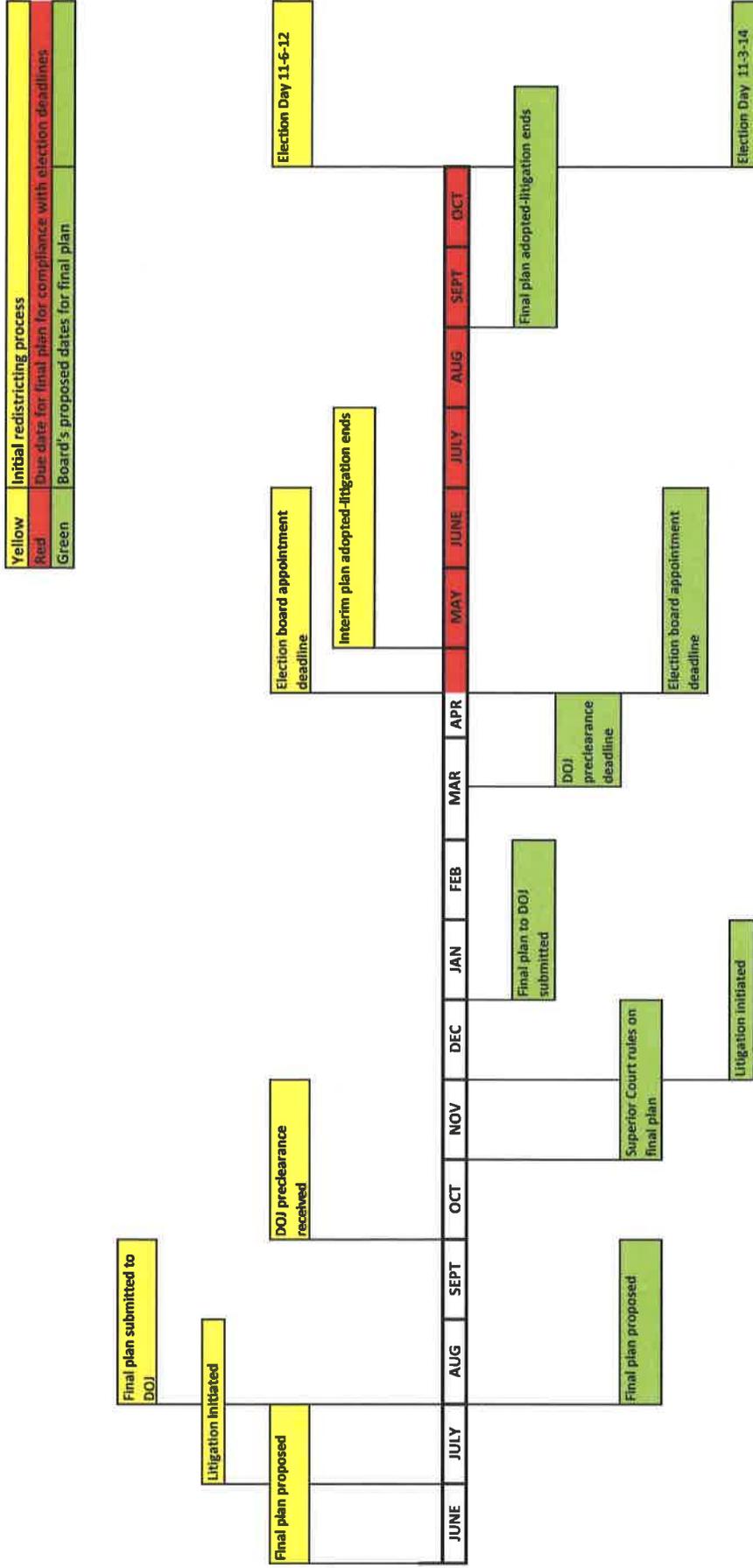
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# CONSEQUENCES OF BOARD'S PROPOSED TIMELINE ON 2014 ELECTIONS

\*The following timeline demonstrates the estimated date a Final Plan will be adopted if the plan is subject to the same delays as the initial plan.



# THE BOARD'S PROPOSED TIMELINE FOR 2014 ELECTIONS

