

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

IN RE 2011 REDISTRICTING CASES

Case No. 4FA-11-02209 CI

**RENEWED APPLICATION TO CORRECT ERRORS IN ALASKA STATE
LEGISLATIVE REDISTRICTING PLAN AFTER REMAND**

INTRODUCTION

1. This is a renewed application to correct errors in the Final Plan for the redistricting of Alaska's legislative districts adopted by the Alaska Redistricting Board on July 14, 2013 after being remanded to the Board three times by the Courts.

PARTIES

2. The Plaintiff George Riley is a qualified voter who resides in Ester, Fairbanks North Star Borough, Alaska.

3. The Plaintiff Ron Dearborn is a qualified voter who resides in Goldstream Valley, Fairbanks North Star Borough, Alaska.

4. This is a civil action or appeal concerning the establishment, protection, or enforcement of a right under the United States Constitution or the Constitution of the State of Alaska within the meaning of AS 09.60.010(c).

5. The Defendant is the Alaska Redistricting Board.

JURISDICTION

6. This Court has continuing jurisdiction over the subject matter of this complaint under the

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terms of Article VI, Sec. 11 of the Alaska Constitution, and Order of Remand from the Alaska Supreme Court.

7. Venue of this matter is properly in the Fourth Judicial District under Civ. R. 3.

FACTS

8. The PL 94-171 Redistricting Data for Alaska established a total statewide population of 710,231 people.

9. The Alaska Legislature is composed of forty House Districts resulting in the ideal size of an Alaska House District of 17,755 and an ideal Senate District of 35,510.

10. The PL 94-171 Redistricting Data for the Matanuska-Susitna Borough establishes a total population of 88,995.

11. On June 14, 2011, the Alaska Redistricting Board adopted a final plan (hereinafter referred to as "First Final Plan") for the redistricting of Alaska's legislative districts, which was reversed and remanded to the Board by this Court, was reviewed by the Alaska Supreme Court, who upheld this Court's reversal and remand on other grounds on March 14, 2012.

12. On April 5, 2012, the Alaska Redistricting Board adopted a second final plan (hereinafter referred to as "Second Final Plan") for the redistricting of Alaska's legislative districts, which was reversed and remanded to the Board by this Court, was reviewed by the Alaska Supreme Court, who upheld this Court's reversal and remand on other grounds on December 28, 2012.

13. On July 14, 2013, the Alaska Redistricting Board adopted a third final plan (hereinafter referred to as "Third Final Plan") for the redistricting of Alaska's legislative districts, which was reversed and remanded to the Board by this Court.

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FAIRBANKS HOUSE DISTRICT 3

14. The Third Final Plan establishes the boundaries of House Districts 3 which fail to comply with Article VI, Section 8 of the Alaska Constitution in that it is not relatively compact.

FAIRBANKS HOUSE DISTRICTS

15. The Third Final Plan establishes House Districts 4 and 5, which unnecessarily divides the campus of the University of Alaska and fails to comply with Article VI, Section 8 of the Alaska Constitution by drawing a boundary that unnecessarily divides an area that comprises an integrated socio-economic area.

16. The Third Final Plan fails to comply with Article VI, Section 8 of the Alaska Constitution by establishing House Districts 1-5 with unnecessarily higher deviations from the ideal district population and do not contain populations as near as practicable to the quotient obtained by dividing the population of the state by forty.

FAIRBANKS SENATE DISTRICTS

17. The Third Final Plan establishes Senate Districts B which is unnecessarily non-contiguous and non-compact territory as required by prior Alaska Supreme Court cases.

18. The Third Final Plan fails to comply with Article VI, Section 8 of the Alaska Constitution by drawing boundaries with unnecessarily higher deviations from the ideal district population and violates equal protection of voters rights to an equally weighted vote and the right to fair and effective representation.

MAT-SU SENATE AND HOUSE DISTRICTS

19. The Third Final Plan establishes seven House Districts (i.e. House Districts 7-12 and 38) and three Senate Districts (i.e. Senate Districts D-F) containing voters residing within the Matanuska-Susitna Borough, and including populations outside the Matanuska-Borough in two

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of such house districts (HD 9 and 12) and two such senate districts (SD E and F).

20. The Third Final Plan fails to comply with Article VI, Section 8 of the Alaska Constitution by drawing a boundary that unnecessarily includes populations outside the of the Matanuska-Susitna Borough in HD 9 and 12 which do not comprise relatively integrated socio-economic areas and do not contain populations as near as practicable to the quotient obtained by dividing the population of the state by forty.

21. The Third Final Plan fails to afford proportional representation to the voters residing outside the Matanuska-Susitna Borough.

KENAI SENATE AND HOUSE DISTRICTS

22. The PL 94-171 Redistricting Data for the Kenai Peninsula Borough establishes a total population of 55,400. The Third Final Plan establishes four House Districts (i.e. House Districts 29-32) containing voters residing within the Kenai Peninsula Borough, and needlessly includes populations outside the Kenai Peninsula in one such house districts. (HD 32).

23. The Third Final Plan fails to comply with Article VI, Section 8 of the Alaska Constitution by drawing a boundary that unnecessarily includes populations inside the Kenai Peninsula Borough in HD 32 which does not comprise a relatively integrated socio-economic area.

24. The Third Final Plan fails to afford proportional representation to the voters residing outside the Kenai Peninsula Borough.

TRUNCATION

25. The Board's Truncation Plan for Senate Districts improperly considered improper factors:
(a) substantial changes from an unconstitutional Interim Plan as opposed to the prior Final Plan

in effect for the 2010; b) incumbency protection relative to Senate District B; and (c) previously considered partisan voting patterns of persons within the Ester/Goldstream Area.

26. The Truncation Plan has the effect of denying and abridging the rights of residents within the Ester/Goldstream area the right to vote in Senate District elections in 2014.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

1. The Court declare that the above referenced House Districts and Senate Districts violate the principles of the Alaska and/or United States Constitution;
2. Appoint master(s) to advise the Court as to necessary corrections to assure that the plan complies with the Alaska and Federal Constitution, and
3. Make corrections to the Final Redistricting Plan
4. Award Plaintiffs attorney fees and costs
5. For such other relief as the Court deems appropriate.

Date: July 25, 2013

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Certificate of Service

I certify that a true and correct copy of the foregoing was served by e-mail on this July 25th, 2013 to:

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