

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

IN RE: 2011 REDISTRICTING CASES:)

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)

Case No. 4FA-11-2209CI

Order Regarding the Board's Motion for Compliance, Consolidation of Cases, and Initial Briefing Schedule

I. Introduction

On 28 December 2013 the Alaska Supreme Court ruled that the Board's Amended Proclamation Plan did not comply with the Supreme Court's 14 March 2012 order of remand. The Board subsequently met, held public hearings, and ultimately drafted a new plan, the 2013 Proclamation Plan on 14 July 2013. The Board now moves for compliance with the Alaska Supreme Court's 28 December 2012 order.

On 22 July 2013 the Petersburg plaintiffs filed a non-objection to Southeast Alaska Districts in the 2013 Proclamation Plan.

On 25 July 2013 the Riley plaintiffs filed a renewed application to correct errors in the Alaska Redistricting Plan.¹ The Board filed an answer to the renewed application on 7 August 2013.

On 13 August 2013 the Alaska Democratic Party, Katie Hurley, and Warren Keogh (ADP), filed a complaint and application to compel correction of errors in proclamation of redistricting in a separate civil case.²

¹ The court notes that the Riley plaintiffs filed a motion for leave of court to file a first amended renewed application to correct errors in redistricting. The court will rule on this motion when it becomes ripe.

² See 4FA-13-02435CI.

II. Consolidation

Pursuant to Civil Rule 42(a) case 4FA-13-02435CI, filed by ADP, is consolidated in this case for all purposes. Both cases involve common questions of law or fact. The case caption shall simply remain “IN RE: 2011 REDISTRICTING CASES” and the sole case number shall be 4FA-11-2209CI.

III. Amicus Curiae

All *amicus* entities that appeared either in the trial court or before the Supreme Court in this case shall receive copies of all orders in the case. The parties shall electronically serve all *amicus* entities with any pleadings. *Amicus* entities are free to file pleadings in response to motions no later than the date set for a reply to any pleading. *Amicus* entities may not initiate motion practice. The list of e-mail for parties, amici, and other entities to be served is:

cbrown@avcp.org;

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tschulz235@gmail.com;
kkrug@courts.state.ak.us;
astuart@courts.state.ak.us;
4FAClerk@courts.state.ak.us.

IV. Electronic Filing

Pleadings may be served and filed electronically only. Pleadings are filed electronically by e-mailing the following three addresses: kkrug@courts.state.ak.us, astuart@courts.state.ak.us, and 4FAClerk@courts.state.ak.us.

V. Summary of Issues

The court summarizes the issues as follows:

Fairbanks

- (1) Compactness issues in House Districts 3 and 5.
- (2) Socio-economic issues due to the split of the University of Alaska-Fairbanks in House Districts 4 and 5.
- (3) Whether the higher deviations from the ideal district population in House Districts 1-5 are justified.
- (4) Compactness and contiguousness issues in Senate District B.
- (5) Whether higher deviations from the ideal district population in Fairbanks Senate Districts are justified.

Mat-Su

- (1) Socio-economic integration issues in House Districts 9 and 12 by combining areas outside the Mat-Su Borough with the Mat-Su Borough.
- (2) Whether the plan affords proportional representation to voters residing inside and outside the Mat-Su Borough.

Kenai

- (1) Socio-economic integration issues in House District 32 by combining areas outside the Kenai Peninsula Borough with the Kenai Peninsula Borough.
- (2) Whether the plan affords proportional representation to voters residing inside and outside the Kenai Peninsula Borough.

Rural Alaska Districts

- (1) Socio-economic integration issues in House Districts 40, 39, 37, and 6.

Truncation

- (1) Whether the Board considered improper factors in deciding the truncation of senate terms.

VI. Briefing Schedule

Legal standards for establishing house and senate districts under the Alaska Constitution have already been addressed at length previously and will not be repeated at this point. Issues dealing with compactness and contiguity are capable of determination on pleadings. Therefore any party that objects to the 2013 proclamation plan as violative of the compactness and contiguity requirements of the Alaska Constitution must file a motion for summary judgment regarding all such concerns within 15 days of the date of the distribution of this order. The Board shall have 10 days to file its opposition. Replies, if any, are due 3 days thereafter.

Issues of socio-economic integration may or may not be able to be decided on the merits. However, any party objecting to the proclamation plan as violative of the socio-economic requirement of the Alaska Constitution must file a motion for summary judgment, supported by admissible evidence, in the same time frame as just noted. The socio-economic motion must be a separate motion.

Any other substantive motions shall be filed on the same time table.


No cross-motions will be accepted.

Given the expedited nature of this litigation no extensions of time will be granted.

VII. Scheduling

It is the intent of this court to have all issues resolved within 90 days, and to the extent possible, on the record. If testimony is required the court anticipates setting a trial week on short notice and with stringent time constraints on the parties. A short scheduling conference will be set if needed.

DATED at Fairbanks, Alaska, this 28 of August, 2013.


Michael P. McConahy
Superior Court Judge

I certify that on 8/28/13
copies of this form were sent to:
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