



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

IN RE 2011 REDISTRICTING CASES )  
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4FA-11-2209 CI

**MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**  
**RE DISTRICTS 3 and 5 COMPACTNESS**

The Alaska Democratic Party, Katie Hurley, and Warren Keogh seek summary judgment on the issue of whether House Districts 3 and 5 of the Alaska Redistricting Board's 2013 Proclamation Plan comply with the compactness requirement of Article 6, Section 6 of the Alaska Constitution.

**Applicable Law**

Article 6, Section 6 of the Alaska Constitution requires house districts to be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.

The term "compact" as used in the Alaska Constitution means "...having a small perimeter in relation to the area encompassed." Compact districting should not yield "bizarre designs." The compactness inquiry looks to the shape of a district. Appendages attached to otherwise compact areas may violate the requirements of compact districting.<sup>1</sup>

This Court undertook an extensive review of the methods for determining compactness in the 2011-2012 phase of this case. The Court concluded that mathematical

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<sup>1</sup> *Hickel v. Southeast Conference*, 846 P.2d 38, 45-46 (Alaska 1992).

formulas were largely unhelpful, describing them as an “esoteric exercise.” When an appendage is at issue, a court should “focus on the appendage” as a “real and practical analysis.”<sup>2</sup>

### District 5

House District 5 is divided into three separate parts.<sup>3</sup> The first includes the Chena Ridge to South Van Horn area. It is north of the Tanana River and west and south of the City of Fairbanks. Its 2010 Census population is 17,026 which is 95.4% of the district’s total population. The second part is in the North Pole area. It has a population of 811.<sup>4</sup> This part of the district is an “appendage” off of the main body of District 5. It has been described as an “anvil” These first two parts are separate pockets of population that have no land connection between them. The third part of the district is the Tanana Flats area south of the Tanana River. It is totally unpopulated. All three of these parts border the Tanana River which connects them.

Despite its large size, District 5, without the North Pole appendage, would be reasonably compact. It would follow the western and then the southern border of the borough until it intersects the Tanana River. It would then follow the Tanana River north creating a natural boundary along its eastern border until it went ashore south of the City of Fairbanks following that border to the north. The district’s northern border generally follows the Parks Highway corridor.

Without the appendage, these boundaries make sense. What doesn’t make sense is the Board’s decision to disregard the natural boundary that the Tanana creates on the east. By ignoring that natural boundary and taking 811 people from the North Pole area it created an

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<sup>2</sup> *Order on Compactness of Districts 1, 2, and 37*, p. 18.

<sup>3</sup> ADP Exhibit No. 1.

<sup>4</sup> Affidavit of Leonard Lawson

appendage on a district that has more than 95% percent of its population elsewhere. Such an appendage attached to an otherwise compact area may violate the requirement of compact redistricting.<sup>5</sup>

In Alaska odd shaped districts may well be the natural result of the state's irregular geography. But this district acquired its odd shape, not because the Board followed geographic features, but because the Board ignored one --the natural course of the Tanana. If the Board had just followed the river until it had reached the South Van Horn area, the appendage would have been eliminated. The Board could have then easily taken the necessary 811 people from the area where the other 95% of the district's residents live. It is difficult to imagine that the Board could not have found an additional 811 people in that densely populated area. As this Court has recognized, compact districts are more easily achieved in urban areas precisely because of the available population.<sup>6</sup>

Crossing rivers to connect populations living on opposite sides is frequently necessary. Redistricting in Alaska would be impossible without it. Had the Board crossed the river just once to connect the unpopulated Tanana Flats to a Fairbanks population base, District 5 would likely not be an issue. However, what the Board did was to jump it twice from the same side of the river to connect separated populations on the other side. In doing so, it bypassed the population in between.

The purpose of the compactness requirement is to prevent gerrymandering.<sup>7</sup> Drawing districts to bypass certain populations or to connect separated populations in an

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<sup>5</sup> *Hickel* 846 P.2d at 45-46.

<sup>6</sup> *Order on Compactness of Districts 1, 2, and 37*, p. 18.

<sup>7</sup> *Hickel*, 846 P.2d at 44.

unusual way are indicia of gerrymandering. Certainly there is no evidence in the record that the Board intended that or that it was the effect of their actions. However, the compactness requirement doesn't depend on intent or effect. It is an absolute standard that must be followed in every case. Whatever the Board's intent, this district is a perfect example of the potential problem identified in *Hickel* that "politicians would attempt to carve out little pieces of geography and move them around the map for apportionment purposes."<sup>8</sup> District 5 violates the compactness requirement and should be declared unconstitutional.

### District 3

House District 3 is an elongated district that stretches northwesterly from the North Pole area to the Badger Loop area to Chena Hot Springs Road, its northern boundary.<sup>9</sup> District 3 is District 5's companion in non-compactness. The elongated nature of this district is completely unnecessary. The population lost from the North Pole area into District 5's anvil appendage is what forces it into its elongated non-compact shape.

Attached to this memorandum is the Second Affidavit of Leonard Lawson. Mr. Lawson was an expert witness on GIS redistricting software during the trial in this case in 2012. Mr. Lawson was asked to examine the effect that removing those 811 people from the North Pole area and putting them into District 5 had on District 3's compactness. To determine that, he moved the 811 people in the appendage back into the North Pole area and thereby into District 3. To offset the increased population caused by moving the appendage into District 3, he moved 732 people out of the district from the Chena Hot Springs Road area at its northern

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<sup>8</sup> *Id. at 71.*

<sup>9</sup> ADP Exhibit No. 2

border. ADP Exhibit No. 3 is a map prepared by Mr. Lawson showing the result of those changes. Removing the North Pole anvil from District 5 and joining it with the rest of the North Pole area turns District 3 into an exceptionally compact district instead of an elongated one.

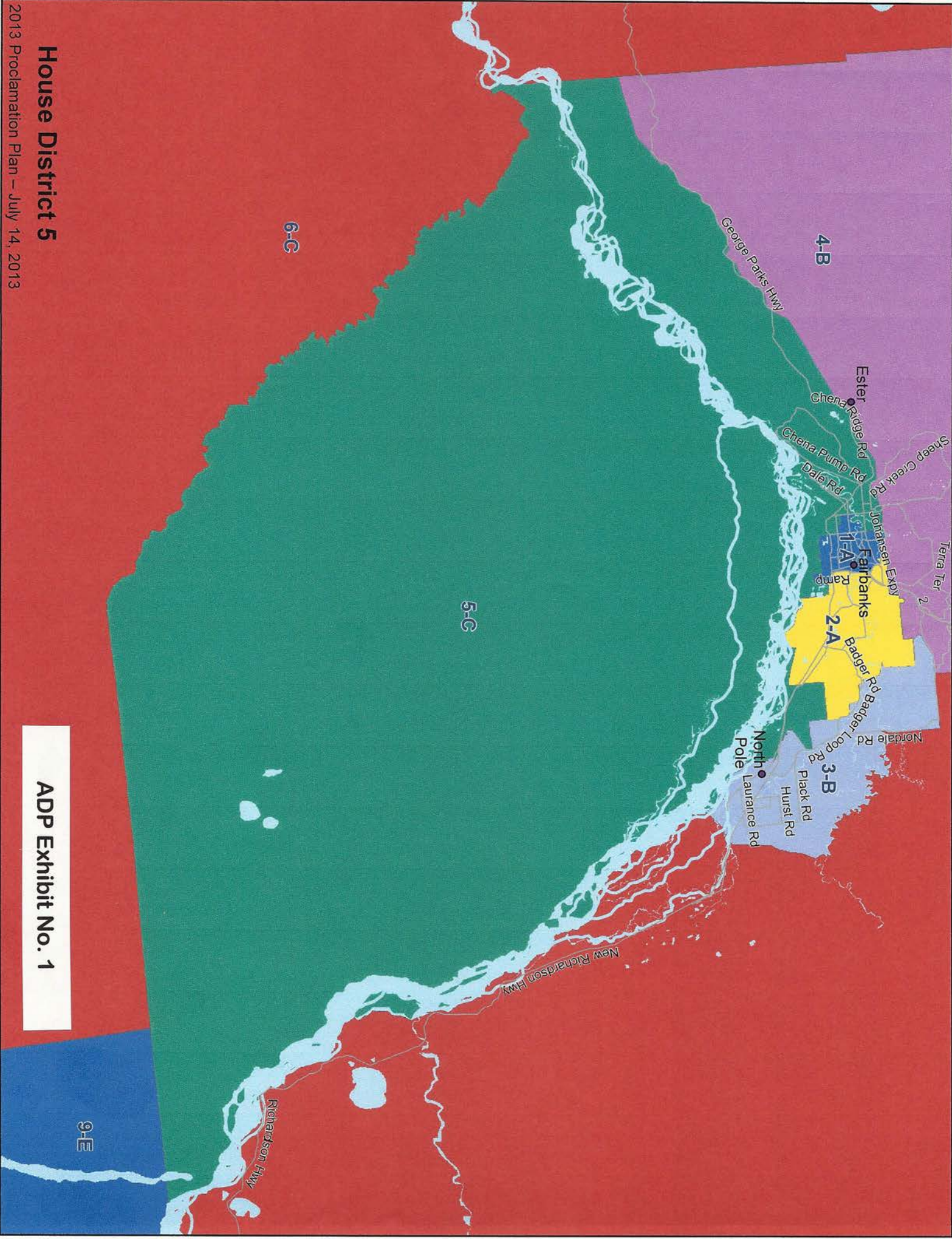
**Conclusion**

This is a situation where one error in the drawing of district boundaries has caused two districts to violate the Constitution's compactness requirement. The inclusion of the North Pole appendage in District 5 was unnecessary to further any other requirements of article VI, section 6 of the Constitution. The Court should grant summary judgment against the Board on both districts.

DATED: September 16, 2013

By:   
Joe McKinnon (8310133)  
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**House District 5**

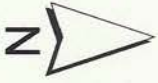
2013 Proclamation Plan – July 14, 2013

**ADP Exhibit No. 1**

9-E

# 2013 Proclamation House Districts

House District 3

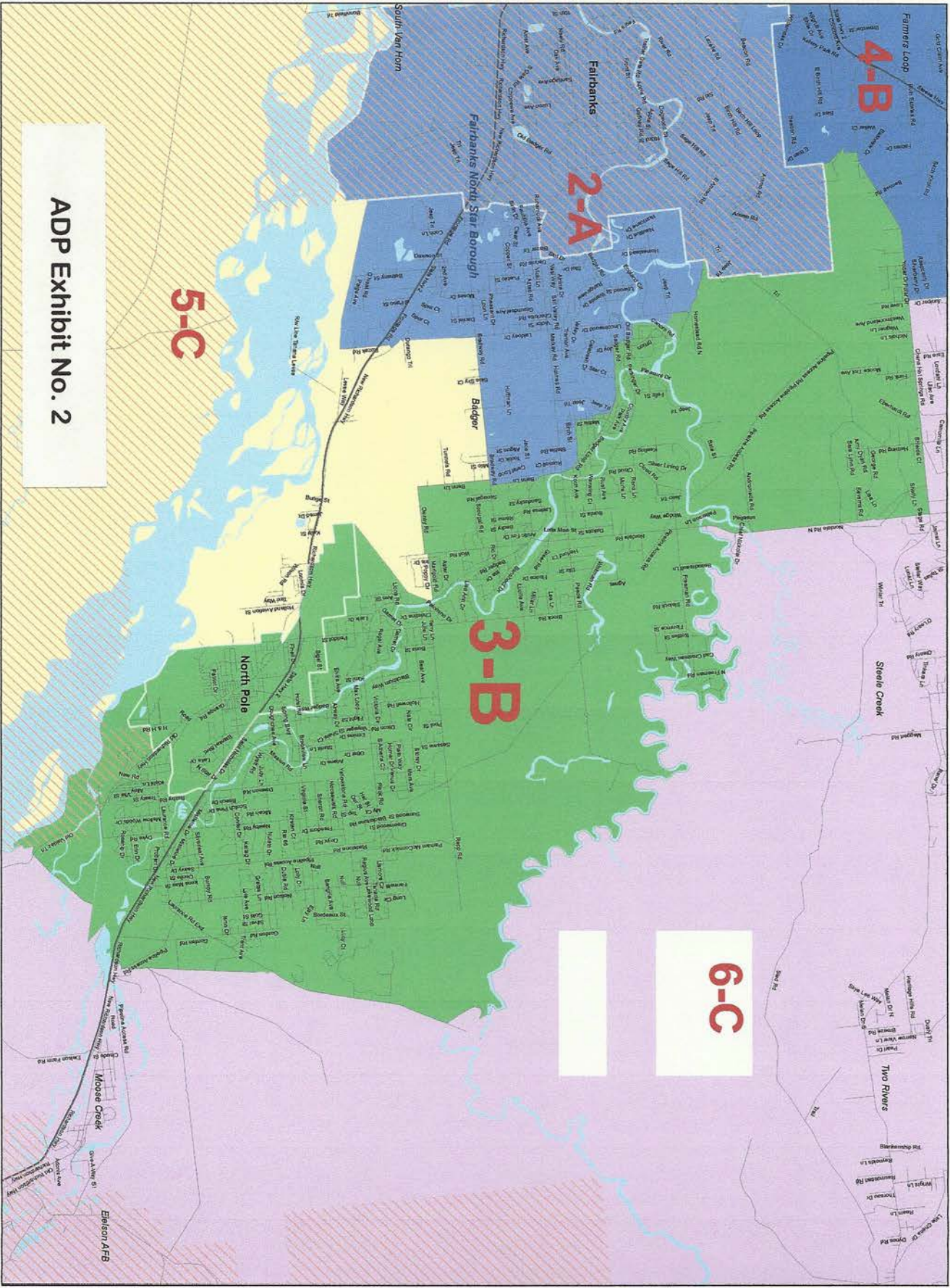


**Legend**

-  Military
-  City
-  Borough
-  Water Boundary

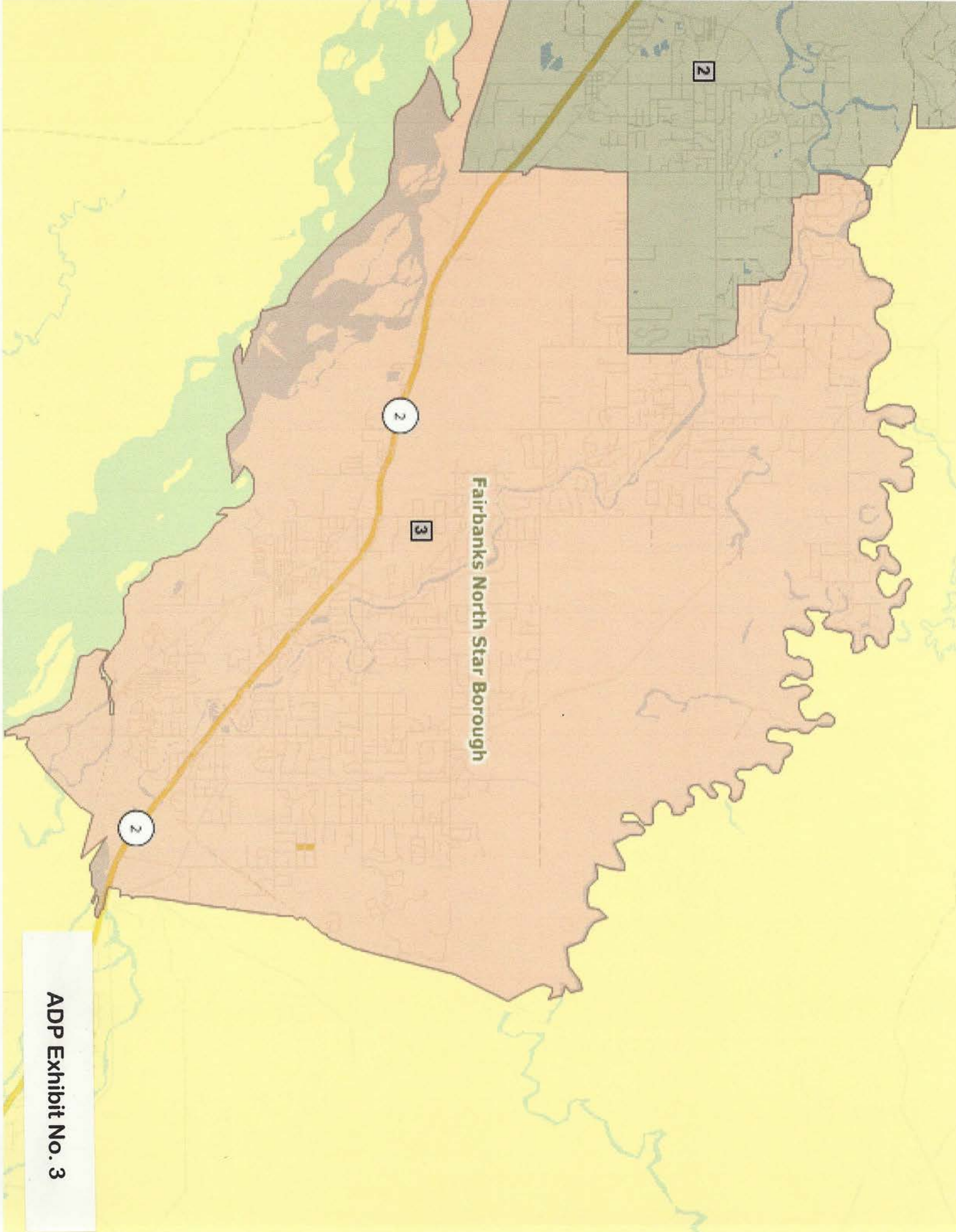


Prepared by:  
Alaska Redistricting Board



ADP Exhibit No. 2





Fairbanks North Star Borough

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ADP Exhibit No. 3

IN THE SUPREME COURT FOR THE STATE OF ALASKA

IN RE 2011 REDISTRICTING CASES

Superior Ct Case No. 4FA-11-2209CI

AFFIDAVIT OF LEONARD LAWSON

State of Alaska )  
 ) ss  
Anchorage )

I, Leonard Lawson, hereby affirm as following:

- 1) I was an expert witness during the trial of the above captioned matter in 2012 relating to the operation of GIS systems used in redistricting.
- 2) As indicated in my testimony during the trial in the above captioned matter, I am familiar with the various redistricting plans, including the Final Redistricting Plan adopted by the Alaska Redistricting Board on July 14, 2013.
- 3) I was requested to analyze the House District 3 and 5 of that plan, which I did using GIS software.
- 4) In particular, I was asked how many persons resided in the anvil shaped portion of the House District 5 that is north of the Tanana River and adjacent to House District 3.
- 5) My analysis resulted in me determining that there are 811 persons residing in that district using 2010 census data.
- 6) The remaining 17,026 persons residing in House District 5 all live in the area of the district that is North of the Tanana River and adjacent to House District 4 which generally comprises the Chena Ridge and South Van Horn areas.

Leonard Lawson

Sworn and Subscribed before me  
this 11th day of September, 2013

Notary Public for the State of Alaska.  
My Commission expires on 11/16/16.



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**SECOND AFFIDAVIT OF LEONARD LAWSON**

I, Leonard Lawson, hereby affirm as following:

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2. As indicated in my testimony during the trial in the above captioned matter, I am familiar with the various redistricting plans, including the Final Redistricting Plan adopted by the Alaska Redistricting Board on July 14, 2013.

3. I was requested to analyze the House District 3 and 5 of that plan, which I did using GIS software.

4. In particular, I was asked what effect the anvil shaped portion of the House District 5 that is north of the Tanana River and adjacent to House District 3 would have on the compactness of House District 3 if it were moved into that district and an area of comparable population were removed from it.

5. I performed those adjustments by transferring the anvil-shaped area with its population of 811 into District 3 and moved an area at the northern end of District 3 near Chena Hot Springs Road with a population of 732 out of the District.


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6. The removal of this area from District 3 results in the Chena River defining District 3's northern boundary.

7. Attached is a copy of a map designated as ADP Exhibit No. 3 that I prepared showing what District 3 would look like with those adjustments.

  
Leonard Lawson

Subscribed and Sworn to before me  
this 13th day of September, 2013

  
Notary Public for the State of Alaska.



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