IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

In Re 2011 Redistricting Cases.

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CONSOLIDATED CASE NO.:
4FA-11-2209-CI
4FA-11-2213 CI
1JU-11-782 CI
4FA-13-2435 CI

ALASKA REDISTRICTING BOARD'S GLOBAL OPPOSITION TO RILEY ET AL. PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND THE ALASKA DEMOCRATIC PARTY'S MOTIONS FOR SUMMARY JUDGMENT RE DISTRICTS 3 AND 5 COMPACTNESS AND RE MAT-SU AND KENAI PENINSULA BOROUGHS

I.
INTRODUCTION

Plaintiffs Riley and Dearborn ("Riley Plaintiffs") and the Alaska Democratic Party ("ADP") challenge various aspects of the Alaska Redistricting Board's ("Board") 2013 Proclamation Plan.[1] The Riley Plaintiffs filed a Motion for Summary Judgment challenging the compactness of House Districts 3, 5, 9, 12, and 32, Senate District B, and the Board's choice to combine population from the Matanuska-Susitna Borough ("Mat-Su Borough") and the Kenai Peninsula Borough ("KPB") with other voters, as well as the Board's truncation plan. The ADP filed motions for summary judgment challenging the compactness of House Districts 3 and 5, the geographic proportionality

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[1] Many of the Riley Plaintiffs' and the ADP's challenges could have been brought against the Board's original 2011 Proclamation Plan and/or the Board's 2012 Amended Plan, but were not. As a result, their challenges are untimely and should be rejected as such. The Board has fully addressed the untimeliness of both the Riley Plaintiffs' and the ADP's claims in its Motions and Memoranda for Summary Judgment and incorporates by reference the facts and arguments set forth in those pleadings as though fully stated herein.

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of the Mat-Su Borough and KPB, and the socio-economic integration of House Districts 6, 37, 39, and 40.[2]

The common theme throughout both the Riley Plaintiffs' motion and the ADP's motions is that the Board erred, not because its plan is infirm, but because the Board should have adopted the plans submitted by the Riley Plaintiffs' legal counsel or the ADP's legal counsel. The Plaintiffs disregard the fact that it is the Board who has the constitutional authority to choose among alternative plans. In this regard, the 2013 Proclamation Plan fully complies with federal law, the Alaska Constitution, and prior legal precedent to give the voters of Alaska an equally effective vote. Therefore, the 2013 Proclamation Plan should be affirmed as the final redistricting plan.

Moreover, both the Riley Plaintiffs and the ADP fail to meet their burden establishing the absence of genuine issues of material fact as to the legitimacy of their challenges.[3] Accordingly, neither the Riley Plaintiffs nor the ADP is entitled to summary judgment. The Board, however, can establish there are no genuine issues of

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[2] The Board shall only address the ADP's Motion for Summary Judgment Re Districts 3 and 5 Compactness and Motion for Summary Judgment Re Mat-Su and Kenai Peninsula Boroughs in this global opposition. The Board will address the ADP's Motion for Summary Judgment Re Socioeconomic Integration in a separate opposition, to be filed on or before September 26, 2013, in compliance with this Court's September 17, 2013 Order.

[3] Rule 56 of the Alaska Rules of Civil Procedure provides that summary judgment should be granted if there is no genuine issue as to any material fact and if the moving party is entitled to judgment as a matter of law. Alaska R. Civ. P. 56. The moving party has the burden of showing there are no genuine issues of material fact. *Id.*

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material fact that the Board's 2013 Proclamation Plan complies with federal law, the

Alaska Constitution, and prior legal precedent. The Riley Plaintiffs and the ADP have

asserted nothing more than mere allegations, which they cannot rely upon to create a

factual dispute. This Court should deny the Riley Plaintiffs' motion for summary

judgment and the ADP's motions for summary judgment and instead grant the Board

summary judgment on all the issues raised in the Plaintiffs' motions that have been

likewise briefed by the Board.[4]

II.
ANALYSIS

A. Compactness

The applicable legal standard of compactness is "relative compactness," which

the configuration of House Districts 3, 5, 9, 12, and 32 all easily satisfy. Under a

mathematical test of compactness or a visual test, there is no genuine issue of material

fact that House Districts 3, 5, 9, 12, and 32 are relatively compact. The Riley Plaintiffs'

and the ADP's claims to the contrary are erroneous and their motions for summary

judgment should be denied.

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[4] *See* Board's Motion and Memorandum for Summary Judgment Re: Riley Plaintiffs'
Objections to Truncation Plan for Senate Districts and Motion and Memorandum for
Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic
Proportionality Claims (September 12, 2013).

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Compactness examines the shape of a district. *Id.* "'Compact' districting should not yield 'bizarre designs.'"[5] Due to Alaska's irregular geography and uneven population distribution however, the Alaska Supreme Court has made it clear that the Alaska Constitution requires only <u>relative</u> compactness.[6] "Absolute" or "ideal" compactness is not required.[7] This standard takes into consideration the impossibility of drawing conventionally compact districts that neatly approximate regular shapes like squares and circles.[8] Departure from strict compactness in a given district is also allowable in order to accommodate all of the various constitutional and legal criteria for all of the districts in the state.[9] This Court itself has recognized this is the proper legal standard, reminding the parties in its February 3, 2012 order that the standard is "relative compactness."[10]

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[5] *Hickel v. Southeast Conference*, 846 P.2d 38, 54 (Alaska 1992) (quoting *Davenport v. Apportionment Comm'n of New Jersey*, 302 A.2d 736, 743 (N.J. Super.Ct.App.Div. 1973).

[6] *E.g., In re 2001 Redistricting Cases*, 44 P.3d 141, 148 (Alaska 2002) (Carpeneti, J., dissenting); *Kenai Peninsula Borough*, 743 P.2d at 1361 n. 13; *Carpenter v. Hammond*, 667 P.2d 1240, 1218 (Alaska 1983) (Matthews, J., concurring).

[7] *Carpenter,* 667 P.2d at 1218 (Matthews, J., concurring).

[8] *Id.*

[9] *Id.*; *see also Hickel*, 846 P.2d at 2 n. 22.

[10] Memorandum Decision and Order Re: 2011 Proclamation Plan at 120 (February 3, 2012) ("Trial Court Order").

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When looking at the shape of a district, "odd-shaped districts" with "corridors" of land and strange "appendages" may raise concerns as to the compactness of a district.[11] But "corridors" of land and "strange appendages" do not automatically mean a district is not compact.[12] Rather, such attributes simply *may* run afoul of or *may* violate the compactness requirement.[13] If the shape of a district is the natural result of Alaska's irregular geography or is necessitated by the need to create districts of equal population, then the district may be constitutional.[14] Courts look for "bizarre shapes" and "odd extensions" to an otherwise compact district because they may indicate that the configuration of an election district was due to partisan gerrymandering or intentional vote dilution, the very redistricting "ills" the compactness requirement is designed to prevent.[15]

1.   House District 3 is Relatively Compact.

House District 3 of the Board's 2013 Proclamation Plan is comprised of the city of North Pole and the communities along Badger Loop Road with Chena Hot Springs

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[11] *Hickel*, 846 P.2d at 45-46.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.* at 45.

Road serving as its northern boundary.[16] The eastern boundary consists of the western

boundary of Eielson along Nordale Road and the northern bank of the Chena River,

with the eastern bank of the Tanana River and the west side boundary of the City of

North Pole, following along Badger Loop Road, serving as the western boundary.[17] The

configuration of House District 3 keeps intact the City of North Pole and follows along

the pipeline corridor, including people that live on Badger Road that were not included

in House District 2, a district that contains the population of the City of Fairbanks not in

House District 1, which is a district wholly within the City of Fairbanks.[18]

The resulting district has an overall deviation of less than one-half of one percent

at -0.46%, or 82 people less than the ideal district of 17,755.[19] The configuration of

House District 3 was a result of the ripple effect caused by the boundaries of House

Districts 1 and 2.[20] House District 1 is wholly within the City of Fairbanks, while the

remaining population on the east side of the City is placed in House District 2.[21] House

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[16] *See* ARB00017358-17359; ARB00017396.

[17] *Id.*

[18] *See* ARB00016772-16773, 16774, Bd. Tran. at 45:18-46:19, 52:7-53:6 (July 6, 2013); ARB00016804, Bd. Tran. at 16:13-21 (July 7, 2013); *see also* ARB00017394, ARB00017395.

[19] ARB00017353.

[20] *See* ARB00017394-17396.

[21] *Id.*; *see also* ARB00017358-17359.

District 2 continues east taking population until it is nearly ideal in size, only seventeen people short of the ideal district, with a deviation of -0.10%.[22] The east boundary of House District 2 becomes the west boundary of House District 3.[23] The configuration of House District 3 also takes into consideration public testimony, asking the Board not to shed population to the west in the Eielson area, and therefore uses the western boundary of Eielson as the eastern border of House District 3.[24]

In a visual test, House District 3 is "visually compact" without any strange appendages or corridors of land.[25] House District 3 has an area of 60.3 and a perimeter of 63.2.[26] Under the mathematical measures of compactness,[27] House District 3 scores 20% on the circularity ratio test or Polsby-Popper test, 43.6% when the circumference

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[22] ARB00017353.

[23] *See* ARB00017358-17359; ARB00017396.

[24] ARB00016773, Bd. Tran. at 46:4-15 (July 6, 2013).

[25] ARB00017396.

[26] Exhibit A at 7.

[27] This Court previously stated it would consider the mathematical tests of compactness to the extent they are helpful to the court. *See* Order on the Compactness of Districts 1, 2, and 37 at pg. 16 (December 27, 2011). The Board has therefore provided the comparable measures of compactness for the 2013 Proclamation Plan, the Gazewood & Weiner Plan, and the Joe McKinnon Plan, attached hereto as Exhibit A, Exhibit B, and Exhibit C, respectively.

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of an equal area circle is divided by the perimeter of House District 3, 76.9% in the

Schwartzberg test, and 35.2% on the Roeck or Ehrenberg test.[28]

Compactness is a question of relativity, viewing the districts in relation to the

map as a whole and not in isolation. As set forth above, House District 3 is relatively

compact. It does not contain any odd appendages or corridors with which courts may be

concerned. As the record establishes, the Board was able to wholly contain the City of

North Pole within one district, House District 3, while creating a nearly ideal district in

terms of size, only 87 people short of an ideal district. In fact, the overall deviation

among the five districts within the Fairbanks North Star Borough ("FNSB") is only

0.92%. House District 3 is also socio-economically integrated, combining the areas

around Badger Road with the city of North Pole. This Court had previous concerns

about the Board's decision to separate the area around Badger Road from the rest of the

North Pole community.[29] House District 3 rectifies the Court's earlier concern and

reunites these socio-economically integrated areas.

The Riley Plaintiffs claim the Board's Draft Plan D contains a more compact

House District 3 which demonstrates that a more compact district could be drawn.[30]

However, the most compact district does not automatically trump a relatively compact

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[28] *See* Ex. A.

[29] *See* Order on Compactness of House Districts 1, 2, and 37 at pg. 19.

[30] Riley Plaintiffs' Motion for Summary Judgment at pg. 5.

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district.[31] Additionally, the Board's Draft Plan D split the North Slope Borough from the Northwest Arctic Borough, and took the North Slope Borough all the way down the Canadian border to Lime Village.[32] The Board abandoned this plan in favor of Calista Corporation's ("Calista") draft plans after hearing public testimony about how the Alaska Native communities, including the Tanana Chiefs Conference and Doyon, preferred the rural district configurations in Calista's plans over the Board's Draft Plan D.[33]

The ADP asserts the Board could create a more compact district by adding the area adjacent to the western boundary of the City of North Pole from House District 5 and placing it in House District 3.[34] In order to adjust for the inclusion of 811 people, the ADP then suggests that the Board remove the northern portion of House District 3.[35] What the ADP fails to acknowledge is that this leaves House District 5 more than 800

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[31] Order Denying Petersburg's Motion for Summary Judgment and Granting the Board's Cross Motion for Summary Judgment at pg. 9 (December 12, 2011).

[32] ARB00017151-17160.

[33] ARB00016992 at 35:14-19; ARB00016994 at 44:1-2; ARB00017003-17005 at 80:9-87:14; 17054 at 31:6-32:24.

[34] ADP Memorandum In Support of Motion for Summary Judgment Re Districts 3 and 5 Compactness at pgs. 4-5.

[35] *Id.*

people short, and requires placement, somewhere, of the 732 people taken out of the Chena Ridge area.[36]

Such narrow-sighted redistricting that fails to consider the map as a whole is unworkable. As Board member Holm so aptly noted, drawing districts is like squeezing a balloon; you push on one side and the other side pops out.[37] Perhaps this is the very reason the Alaska courts, including this Court, have identified the proper standard for compactness as "relative compactness."

2.   House District 5 is Relatively Compact.

House District 5 is nearly identical in shape to House District 5 in the original 2011 Proclamation Plan that was unsuccessfully challenged by the Riley Plaintiffs.[38] The Riley Plaintiffs and the ADP again attempt to challenge the configuration of House District 5 in the Board's 2013 Proclamation Plan, a configuration this Court has already concluded is relatively compact. The Riley Plaintiffs are precluded from raising this same claim again after it has already been tried on the merits and a final decision

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[36] *See id.*

[37] *See* ARB00016804, Bd. Tran. at 16:2-12 (July 7, 2013).

[38] *Compare* ARB00017398 with ARB00006084-6085, ARB00015120-15122. *See* Trial Court Order at 117-120 (finding the configuration of House District 5 is compact).

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rendered by this Court.[39] The ADP also could have challenged the configuration of House District 5 in the Board's 2011 Proclamation Plan, but failed to file an application to correct any alleged errors in redistricting.[40] Accordingly, both of these Plaintiffs' claims should be rejected as untimely.

Irrespective of the Plaintiffs' untimely challenges, just as this Court upheld House District 5 in the Board's original proclamation plan as relatively compact, this Court should likewise uphold the nearly identical configuration of House District 5 in the 2013 Proclamation Plan.

House District 5 is wholly within the FNSB and the majority of its population is located in the South Van Horn area, the residence halls at the University of Fairbanks, and the Chena Ridge and Chena Pump areas west of the City of Fairbanks.[41] It also contains the Tanana Flats, referred to as the "bombing range" by Fairbanks residents,

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[39] Collateral estoppel, or issue preclusion, 'bars the relitigation of issues actually determined in earlier proceedings'; four elements must exist for collateral estoppel to apply: (1) the party against whom preclusion is sought was a party or privy to the first action; (2) the issue is identical to the issue previously decided; (3) a final judgment on the merits was issued; and (4) the determination of the issue was essential to the final judgment. *Latham v. Palin*, 251 P.3d 341, 344 (Alaska 2011) (quoting *Jeffries v. Glacier State Tel. Co.*, 604 P.2d 4, 8 n.11 (Alaska 1979).

[40] The Alaska Supreme Court has previously rejected challenges to an amended plan, which had been reconfigured upon remand that could have been made against the original plan but were not. *In re 2001 Redistricting Cases*, 47 P. 3d 1089, 1090 (Alaska 2002).

[41] ARB00017398, ARB00017359A-ARB00017360.

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which is an unpopulated area the military uses for testing and training.[42] House District 5 has a deviation of 0.46% from the ideal population, with an excess population of only 82 people.[43]

In a visual test, House District 5 is compact. As this Court has already held, "while the court would not classify this shape as odd, any oddity comes from the shape of the Tanana Flats."[44] But as this Court recognized, this unpopulated area cannot stand on its own and needs to go somewhere.[45] The Board simply "incorporated an unpopulated area of land with the populated area immediately next to it, as it has to go somewhere."[46] Under the mathematical tests of compactness, House District 5 scores 40% on the circularity ratio measure (rate of the area of the district to the area of a circle having the same perimeter).[47] It has a compactness value of 40.0% on the circularity ratio test or Polsby-Popper test[48], 90.6% on the Schwartzberg test[49], 46.1% on the Roeck or Ehrenberg test[50], with an area of 1,409.2 and a perimeter of 216.2.[51]

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[42] *Id.*; Trial Court Order at 117.

[43] ARB00017353.

[44] Trial Court Order at 119.

[45] *Id.*

[46] *Id.*

[47] Ex. A at 1.

[48] *Id.* at 2.

Indeed, this Court has already found House District 5 is relatively compact.[52] In this regard, the Riley Plaintiffs challenged the configuration of House District 5 in the original 2011 Proclamation Plan.[53] This Court rejected the Riley Plaintiffs' main argument against House District 5 that the inclusion of the Tanana Flats in House District 5 to create Senate District C was for partisan reasons.[54] Rather, this Court concluded that the Board's ultimate policy goal of uniting the voters of the FNSB in the same Senate district was legitimate.[55]

As for the actual shape of House District 5, this Court held, "while the court would not necessarily classify this shape as odd, any oddity comes from the shape of the Tanana Flats."[56] This Court found since the Tanana Flats is an unpopulated area, "it cannot stand on its own and needs to go somewhere."[57] The Board's use of the flats to

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[49] *Id.* at 3-4.

[50] *Id.* at 5, 7.

[51] *Id.* at 7.

[52] Trial Court Order at 117-120.

[53] *Id.* at 48-49, 117-120.

[54] *Id.* at 117-118.

[55] *Id.* at 118.

[56] *Id.* at 119.

[57] *Id.*

create a contiguous Senate district "does not constitute the type of corridor Alaska courts have questioned."[58]

This Court even compared the configuration of House District 5 with similar districts proposed by third parties.[59] The Riley Plaintiffs' plans combined the Tanana Flats with the Chena Ridge area, just as the Board had done, while some plans combined the Tanana Flats with areas to the east of it, like in the McKinnon Plan.[60] This Court found these configurations were not any more compact than House District 5 in the Proclamation Plan, and that House District 5 was as visually compact as the other plans.[61] This Court reminded the parties "that the standard is 'relative compactness.'"[62]

House District 5 in the 2013 Proclamation Plan is nearly identical to House District 5 in the original 2011 Proclamation Plan.[63] In fact, the configuration of House District 5 in the 2013 Proclamation Plan is even more visually compact than the

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[58] *Id.*

[59] *Id.* at 120.

[60] *Id.*; *see* ARB00017323; *see also* Exhibit L, a close-up map of the Fairbanks House districts in the McKinnon Plan.

[61] *Id.*

[62] *Id.*

[63] Attached as Exhibit D is a map of House District 5 which compares the boundaries of House District 5 in the 2013 Proclamation Plan with the boundaries of House District 5 in the original 2011 Proclamation Plan and 2012 Amended Plan.

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configuration in the original Proclamation Plan.[64] House District 5 in the 2013

Proclamation Plan excludes the College area north of the UAF campus and follows

along the Parks Highway to the border of the FNSB.[65] The current configuration also

includes the community of South Van Horn, whereas the original House District 5

excluded this community.[66] These subtle changes rounded out the northeast border of

House District 5, creating an even more visually compact configuration than the

configuration upheld by this Court as constitutionally compact.

The Riley Plaintiffs and the ADP claim that an "anvil-shaped appendage" on the

northeast side of House District 5, where the district includes population directly

adjacent to the western border of the City of North Pole, is indicative of

gerrymandering.[67] They are wrong. The configuration of House District 5 is the result

of the ripple effect from creating House Districts 1 and 2 with population from the City

of Fairbanks, maintaining the integrity and boundaries of the City of North Pole, and the

irregular geography of the Tanana River and the Tanana Flats, which had to be placed

somewhere.

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[64] *Id.*

[65] *Id.*

[66] *Id.*

[67] Riley Plaintiffs' Motion for Summary Judgment at 4-5; ADP Memorandum Re Districts 3 & 5 Compactness at 2-4.

A portion of the northern border of House District 5 is the City of Fairbanks boundary. The eastern border of House District 5 is directly adjacent to the City of North Pole boundary. The Board needed population to create a House district as near as practicable to the ideal size. The large census block just north of the Tanana River and not already within House Districts 1, 2, or 3, had the necessary population.[68] So, the Board combined this census block and the surrounding contiguous census blocks to House District 5. The "anvil" is simply the result of the ripple effect, irregular geography, census blocks, and the need to create a district of equal size, and is therefore constitutionally compact.[69]

3.   **House District 3 and House District 5 are More Compact than the Riley Plaintiffs' Proposed Plan.**

This Court held it is appropriate to compare the Board's districts to proposed and possible districts when determining compactness.[70] A visual review of the plan submitted by counsel for the Riley Plaintiffs, the Gazewood & Weiner Plan, reveals that the districts proposed by the Riley Plaintiffs are even less compact than the districts they challenge.[71] For example, House District 5 and House District 10 from the Gazewood

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[68] *See* Exhibit M, a map showing the census blocks in the northeast corner of House District 5 and the population in each census block.

[69] *See Hickel*, 846 P.2d at 45-46.

[70] Order on Compactness of House Districts 1, 2, and 37 at pg. 16.

[71] ARB00017295.

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& Weiner Plan, both comprised of population from the FNSB, are both visually non-compact with odd shapes and appendages, as well as corridors of land, all suspect characteristics.[72]

House District 6, which contains population similar to the Board's House District 3, scores slightly better on the mathematical tests of compactness,[73] but is 434 people more than the ideal population as compared to the Board's House District 3 which is short only 82 people.[74] The large deviation in the Gazewood & Weiner House District 6 contributes to the high 2.38% overall deviation for the districts within the Fairbanks area.[75] The statewide deviation of the Gazewood & Weiner Plan is 9.9%, barely below the federal maximum of 10%, while the Board's overall deviation for the 2013 Proclamation Plan is only 4.2%, the lowest in redistricting history.[76]

As this Court has already noted, "the most compact district does not automatically trump another relatively compact district[;] [t]here are other concerns to take into account."[77] The most important of these other concerns is an ideal population

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[72] *Id.*

[73] *Compare* Ex. A to Ex. B.

[74] ARB00017296; ARB00017353.

[75] ARB00017296.

[76] *Compare* ARB00017296 with ARB00017353.

[77] Order on the Compactness of Districts 1, 2, and 37 at pg. 17.

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since the cornerstone of redistricting is one person, one vote. The Board's House District 3 comes much closer to achieving an ideal population than the Gazewood & Weiner Plan's House District 6, while also consisting of a socio-economically integrated area with a visually compact shape without any suspect characteristics. House District 3 is relatively compact and therefore meets the constitutional requirements of Article VI, section 6 of the Alaska Constitution.

House District 8 in the Gazewood & Weiner Plan is most closely comparable to House District 5 in the Board's plan.[78] As explained above, the Riley Plaintiffs have already unsuccessfully challenged the compactness of a nearly identical configuration of House District 5 in the 2011 Proclamation Plan.[79] The ADP failed to challenge the configuration of House District 5.[80] The Board is entitled to summary judgment on this matter, and the Riley Plaintiffs' claims and the ADP's claims should be dismissed as a matter of law for this reason alone.

The Board is further entitled to summary judgment on the Riley Plaintiffs' and the ADP's claims regarding House District 5 because there is no genuine issue of material fact disputing the relative compactness of House District 5. As previously determined by this Court, House District 5 is as visually compact as the other plans and

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[78] *Compare* ARB00017295 with ARB0001717398.

[79] *Supra* at 10-12.

[80] *Supra* at 10.

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the standard is "relative compactness."[81] When compared to House District 8 in the Gazewood & Weiner Plan, House District 5 is, in fact, _more_ compact both visually and when using the mathematical measures of compactness.

House District 8 has nearly identical eastern and southern boundaries as the Board's House District 5.[82] The Gazewood & Weiner plan combines the Tanana Flats with population on the northwest side of the unpopulated bombing range just as the Board did when creating House District 5.[83] However, unlike the Board's House District 5 that rounds off the northwest boundary following along the Parks Highway, House District 8 excludes the airport and South Van Horn and reaches north, beyond the Parks Highway into Ester and Goldstream.[84] The result is an otherwise compact shape with a bulbous attachment on the northwest corner.[85]

House District 8 is also less compact than House District 5 mathematically.[86] Under the circularity ratio test, House District 8 scores 30.4% while House District 5

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[81] Trial Court Order at 120.

[82] _Compare_ ARB00017295 with ARB00017398.

[83] _Id._

[84] _Id._

[85] _Id._

[86] _See_ Ex. B.

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scores 40.0%.[87] House District 8 is 53.8% when the circumference of an equal area circle is divided by the perimeter of House District 8, while House District 5 is 61.6%.[88] House District 8 scores 87.2% on the Schwartzberg test compared to 90.6% for the Board's House District 5.[89] House District 8 scores 43.2% on the Roeck test, while House District 5 in the Board's plan scores 46.1%.[90] House District 8 also has a deviation of 0.66%, or 117 people more than the ideal population as compared to House District 5 which is only 82 people short, a deviation of 0.46%.[91] The overall deviation of the Fairbanks districts in the Gazewood & Weiner Plan is 2.38% compared to the Board's, which is 0.92%.[92] Unlike the Board, the Riley Plaintiffs were unable to achieve low deviations, thereby failing to fulfill the cornerstone of redistricting – one person, one vote. Clearly, House District 3 and House District 5 are both relatively compact when compared to the Riley Plaintiffs' own plan.

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[87] Ex. A at 1; Ex. B at 1.

[88] *Id.* at 2; Ex. B at 2.

[89] *Id.* at 4; Ex. B at 4.

[90] *Id.* at 5; Ex. B at 5.

[91] ARB00017296; ARB00017353.

[92] *Id.*

4. House District 3 and House District 5 are More Compact than the McKinnon Plan.

Joe McKinnon, attorney for the ADP Plaintiffs, proposed a redistricting plan to the Board on July 2, 2013.[93] House District 31 in the McKinnon Plan combines the North Pole area that makes up the Board's House District 3 with the Tanana Flats, the unpopulated area the Board combines with South Van Horn, Chena Ridge, and the Chena Pump areas to create House District 5.[94] The McKinnon Plan also takes population from Salcha and Harding-Birch Lakes, but excludes Eielson Air Force Base.[95] Essentially, the McKinnon Plan adds the population to the east of the Tanana Flats, which the Board placed in its own district – House District 3, with the unpopulated Tanana Flats area to create House District 31.[96] The ADP also crossed the banks of the Tanana River twice, an action they admonish the Board for doing, characterizing it as a "disregard [for] the natural boundary that the Tanana creates on the east."[97] Visually, the McKinnon Plan's House District 31 is less compact than both the Board's House District 3 and House District 5.[98]

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[93] ARB00017323-17331.

[94] *Id.; compare id.* with ARB00017396-17398.

[95] *See* Ex. L.

[96] *Id.*

[97] *Id.;* ADP Memorandum re: Districts 3 & 5 at pg. 2.

[98] *Compare* Ex. L to ARB00017396, ARB00017398.

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House District 31 in the McKinnon Plan has a deviation of -0.43%, or 76 people short of the ideal population.[99] This is only 7 people closer to the ideal population than the Board's House District 3 and House District 5.[100] However, it scores lower than the Board's House District 5 in all the mathematical tests of compactness and fares only slightly better than the Board's House District 3.[101] For example, McKinnon's House District 31 scores only 28.3% on the circularity ratio test compared to 40.0% for the Board's House District 5.[102] McKinnon's House District 31 scores 51.6% when the circumference of an equal area circle is divided by the perimeter of House District 31, while House District 5 in the Board's plan scores 61.6%.[103] On the Schwartzberg test, House District 31 scores 80.8% compared to the Board's 90.6% for House District 5, and 42.6% on the Roeck test compared to the Board's 46.1%.[104]

House District 3 is undisputedly relatively compact. While House District 31 may have scored slightly higher than House District 3 on the mathematical compactness

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[99] ARB00017324.

[100] *Id.*; ARB00017353 (House District 3 has a deviation of -0.46% while House District 5 has a deviation of 0.46%, both 82 people either short or in excess of the ideal population).

[101] *Compare* Ex. A to Ex C.

[102] Ex. C at 2; Ex. A at 1.

[103] *Id.* at 3; Ex. A. at 2.

[104] *Id.* at 4, 6; Ex. A. at 4, 5.

tests, "the most compact district does not automatically trump another relatively compact district[;] [t]here are other concerns to take into account."[105] The configuration of House District 3 does just that, taking into account natural boundaries such as the Chena and Tanana Rivers, public testimony, contiguity, socio-economic integration, and most importantly, one person, one vote.[106]

House District 5 is likewise relatively compact. This Court has already upheld a nearly identical configuration as constitutional. Indeed, no evidence to the contrary exists. There simply is no question of material fact regarding the relative compactness of House Districts 3 and 5. Thus, the Board is entitled to summary judgment as a matter of law and the Riley Plaintiffs and ADP Plaintiff's motions must be denied.

5.   House District 9 is Relatively Compact.

As set forth in the Board's Motions for Summary, and noted above, the Riley Plaintiffs' claims regarding House District 9, which is nearly identical in shape to House District 6 in the Board's 2011 Proclamation Plan and 2012 Amended Plan, should be

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[105] Order on the Compactness of Districts 1, 2, and 37 at pg. 17.

[106] The fact that House District 31 combines the populations of North Pole, Salcha, and Harding-Birch Lakes with the Tanana Flats, while the Board combines the population north of the Tanana Flats with the unpopulated bombing range to create House District 5, does not render House District 3 unconstitutional. As this Court has already held, this configuration is not any more compact than the Board's configuration. Trial Court Order at 120.

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dismissed as untimely.[107] The Riley Plaintiffs failed to challenge the compactness of House District 6 in its original Application or in its objections to the Board's 2012 Amended Plan.[108] This Court should not allow them a third bite at the apple; their claims should be rejected.[109]

Furthermore, House District 9 in the Board's 2013 Proclamation Plan is also nearly identical in shape to House District 12 in the 2002 Amended Final Redistricting Plan, which the trial court and the Alaska Supreme Court found to be reasonable and constitutional in all respects.[110] House District 12, just like House District 9 in the

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[107] Board's Memorandum in Support of Motion for Summary Judgment Re: Geographic Proportionality at 34 – 39; Board's Memorandum in Support of Motion for Summary Judgment Re: Deviations in House Districts 9 and 12 at 7; *supra* at 10 – 15. *See* ARB00006084; ARB00015122; Ex. B to Board's Motion for Summary Judgment Re: Geographic Proportionality (a series of maps comparing the boundaries of current House District 9 with the boundaries of House District 6 in the Board's 2011 Proclamation Plan and 2012 Amended Plan.

[108] ARB00006452-6456; Riley Plaintiffs' Objections to the Board's Notice of Compliance (April 16, 2012). The Riley Plaintiffs did object to the compactness of House District 6 in its trial brief, which this Court ultimately deemed new claims not properly raised in the complaint. Trial Court Order at pgs. 120-121. This Court allowed the Riley Plaintiffs to present evidence on this issue at trial; however, the Riley Plaintiffs did not do so. *Id.* at 121. This Court therefore found the Riley Plaintiffs had failed to meet their burden on this claim. *Id.*

[109] *See In re 2001 Redistricting Cases*, 47 P.3d 1089, 1090 (Alaska 2002) (declining to decide the remaining challenges against the Board's Amended Plan, adopted on remand, because "[they] could have been raised against the original Proclamation Plan but were not; thus they cannot be raised for the first time at this late date").

[110] ARB00006120; *In re 2001 Redistricting Cases*, 47 P.3d 1089, 1090, 1095 (Alaska 2002).

Board's 2013 Proclamation Plan, combined voters from the Mat-Su Borough with voters from communities outside the Borough, along the Richardson Highway from Valdez north through Delta Junction.[111] The most notable difference in House District 12 was the inclusion of portions of the FNSB such as Harding-Birch Lakes, Salcha, and Eielson Air Force Base.[112] House District 9 in the Board's 2013 Proclamation Plan stops at the border of the FNSB and instead includes Whittier in the southwest corner.[113]

Visually, House District 9 is relatively compact.[114] Although the left hand side is longer than the right hand side, the inclusion of the Mat-Su Borough fills it out.[115] The southern border from Whittier to Valdez is compact, including various small islands and fjords along the coastline to create a relatively straight line.[116] A review of the census blocks in House District 9 shows a large census block, which cannot be fractured, exists between Whittier and Valdez where 9 people reside.[117] Despite the Riley Plaintiffs' claims, the inclusion of this census block did not "destroy[] any sense of land-contiguity

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[111] *Compare* ARB00006120 with ARB00017402.

[112] ARB00006120.

[113] ARB00017402.

[114] *Id.*

[115] *Id.*

[116] *Id.*

[117] Exhibit E is a map showing the census blocks in House District 9 with the population in each census block.

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along the north shore of Prince William Sound."[118] The coast of Prince William Sound

is a perfect example of the unique geography of Alaska, the coastline made ragged by

numerous fjords and consisting of archipelagos.[119] The Board simply worked with this

unique geography and the census blocks created by the US Census Bureau that cannot

be fractured, to create the most compact, contiguous, and socio-economically integrated

district with a population as near as practicable to an ideal district.[120]

The inclusion of the Mat-Su Borough in the Board's House District 9 actually

makes it more compact, filling in an otherwise long and skinny shaped district. The

configuration is a result of the ripple effect caused by the Board's need to accommodate

the excess population of the MOA. As the Riley Plaintiffs recognize, since the Board

had to take more than half of an ideal district from the Mat-Su Borough, which had

enough population for 5.01 ideal districts, the Board needed to accommodate the

remaining half of a district of Mat-Su Borough population. The Board did so by taking

population from the east side of the Mat-Su Borough and combining it with

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[118] Riley Plaintiffs' Motion for Summary Judgment at pg. 8.

[119] *See* ARB00017402, ARB00017425.

[120] *See* ARB00016726 at 53:10-22; ARB00016806 at 22:18-24:22.

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communities usually placed in a Richardson Highway district.[121] This configuration and mixture of population closely resembles House District 12 in the 2002 Amended Final Redistricting Plan, upheld as constitutional in all respects. Plainly, House District 9 is relatively compact. The Riley Plaintiffs' motion for summary judgment must be denied.

6.   House District 12 is Relatively Compact.

The configuration of House District 12 in the Board's 2013 Proclamation Plan is nearly the exact configuration of House District 16 in the 2002 Amended Proclamation Plan upheld by the Alaska Supreme Court.[122] As explained in the Board's Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims, the configuration of House District 12 is a direct result of the Board's reasonable choice to add the excess population of the MOA with population

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[121] As the Riley Plaintiffs themselves admit, Valdez prefers to be in a Richardson Highway district. *See* Riley Plaintiffs' Motion for Summary Judgment at pg. 13 n.27. The Mayor of Valdez testified before the Board about the socio-economic ties between Valdez and the Richardson Highway district, and the city's desire to remain in a House district with these communities. ARB00017001-17002 at 71:25-74:16.

[122] *See* ARB00006124; *see also* Exhibit F, a map comparing the boundaries of current House District 12 with the boundaries of House District 16 in the 2002 Amended Proclamation Plan. *See In re 2001 Redistricting Cases*, 47 P.3d at 1091 (finding the districts containing the Eagle River area – House Districts 16, 18, and 32 – are not unconstitutional in any respect).

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from the Mat-Su Borough.[123] House District 12 combines the MOA community of

Chugiak with unincorporated cities of the Mat-Su Borough such as Butte and Knik

River, and portions of Gateway, Knik-Fairview, and Lakes.[124]

A visual review of House District 12 reveals it is relatively compact. The

"rounded appendage," which the Riley Plaintiffs complain is "jutting into HD 9 in a

northeastern direction," is, in fact, a large, uninhabited census block.[125] The addition of

this census block actually helps round out the shape of House District 12, making it

more compact.[126]

House District 12 is not only compact, contiguous, and socio-economically

integrated,[127] it is also close in size to an ideal district.[128] House District 12 is only 84

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[123] *See* Board's Memorandum in Support of Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims at pgs. 22-28.

[124] ARB00017380, ARB00017405.

[125] Riley Plaintiffs' Motion for Summary Judgment at pg. 8. *See* Exhibit G, a map showing the census blocks in House District 12 and the population located in each census block.

[126] *See* Ex. G; ARB00017405.

[127] *In re 2001 Redistricting Cases*, 47 P.3d at 1091 (finding House District 16 in the Board's 2002 Amended Plan is socio-economically integrated because it combines communities within the MOA with areas north and east of the Municipality); *In re 2001 Redistricting Cases*, 44 P.3d at 144 n.7 (holding "any neighboring areas north, east, or south [of the Municipality of Anchorage and the Matanuska-Susitna Borough] would meet the constitutional requirements of relative socio-economic integration").

[128] ARB00017353; ARB00017405.

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people short of an ideal district, with a deviation of -0.47%.[129] The overall deviation of the sixteen House districts within the MOA is 1.59%, while the overall deviation of the six House districts that contain population from the Mat-Su Borough is less than one percent at 0.9%.[130]

The Riley Plaintiffs' main argument in challenging the compactness of House District 12 is that the Board could have drawn five House districts wholly within the Mat-Su Borough.[131] Not only is this argument irrelevant as to the relative compactness of House District 12, it also disregards the relative nature of the standard.

Unlike the Riley Plaintiffs, the Board does not have the luxury of redistricting small, compact areas without any consideration of the ripple effect caused by redistricting the state as a whole. The area directly adjacent to the southern border of the Mat-Su Borough, the MOA, had excess population equal to nearly one-half of one ideal district.[132] This population had to go somewhere, and for the reasons stated on the record and set forth in the Board's Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims, the Board chose

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[129] ARB00017353.

[130] *Id.*

[131] Riley Plaintiffs' Motion for Summary Judgment at pgs. 8-9.

[132] *See* ARB00017348-17350; ARB00017356. *See also* Board's Memorandum in Support of Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims at pgs. 3-7, 9-28.

to add the entire amount of excess population from the MOA with voters directly adjacent to the MOA boundary in the Mat-Su Borough.[133]

The Alaska Supreme Court has already endorsed a combination of voters from the MOA with voters from the Mat-Su Borough as "constitutionally permissible."[134] Thus, the Board found the combination of portions of the MOA with portions of the Mat-Su Borough a reasonable choice that maximized the Article VI, section 6 requirements of compactness, contiguity, and socio-economic integration.[135] The resulting district, House District 12, is relatively compact. Significantly, the Alaska Supreme Court has already upheld this configuration. The Riley Plaintiffs' challenge to the compactness of House District 12 is invalid as a matter of law and their motion for summary judgment must be denied.

7.   **House District 9 and House District 12 are More Compact than the Riley Plaintiffs' Proposed Plan.**

The Riley Plaintiffs argue House Districts 9 and 12 are not relatively compact when compared to the plans submitted by the RIGHTS Coalition and the Gazewood &

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[133] *See id.*

[134] *In re 2001 Redistricting Cases*, 47 P.3d at 1090, 1093-94 (trial court finding implicit in the Alaska Supreme Court's March 21, 2002 Order the notion that it would be "constitutionally permissible for the Board to combine portions of the Municipality of Anchorage with portions of the Matanuska-Susitna Borough", and affirmed by the Alaska Supreme Court, upholding the 2002 Amended Proclamation Plan).

[135] *See* ARB00017348-17350; ARB00017356. *See also* Board's Memorandum in Support of Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims at pgs. 3-7, 9-28.

Weiner Plan, submitted by legal counsel for the Riley Plaintiffs.[136] The RIGHTS

Coalition proposal is not a viable alternative since it was not created pursuant to the

Hickel Process.[137] The comparable districts in the Gazewood & Weiner Plan are not

only less compact both visually and mathematically, but the overall deviations are

higher in all five of the Gazewood & Weiner Mat-Su Borough districts when compared

to the Board's Mat-Borough districts, which include House District 9 and 12,

jeopardizing the equal vote of those residents.

House District 5 in the Gazewood & Weiner Plan is the most comparable to the

Board's House District 9 in terms of common population.[138] Both districts contain

Valdez at the south end corner and run up the Richardson Highway to Delta Junction.[139]

The notable differences are House District 5 in the Gazewood & Weiner Plan continues

north into the FNSB, taking population from Eielson, Salcha, and Harding-Birch

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[136] Riley Plaintiffs' Motion for Summary Judgment at pgs. 9 -11.

[137] *See* Jt. Ex. J15, J16.

[138] *Compare* ARB00017295 with ARB00017402. The Riley Plaintiffs appear to suggest the districts within the Mat-Su Borough are the most comparable to the Board's House District 9. *See* Riley Plaintiffs' Motion for Summary Judgment at pg. 11. However, the Board would argue House District 5 in the Gazewood & Weiner Plan is actually the most comparable to House District 9 in the Board's Plan as both are considered a Richardson Highway district and have the most common areas of population.

[139] *Compare id.*

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Lakes.[140] It then juts west to grab the entire Denali Borough, creating an almost handgun shaped district.[141] Clearly, it is the Riley Plaintiffs' proposed district that "snakes" along the Richardson Highway with numerous "egregious protrusions," "jutting" west to grab the entire Denali Borough and "jutting" north past Delta Junction to grab portions of the FNSB.[142] House District 9 in the Board's plan, on the other hand, fills itself out by heading west into the Mat-Su Borough and including Whittier in the far southwest corner.[143] Visually, the Board's House District 9 is much more compact than House District 5 in the Gazewood & Weiner Plan.

Mathematically, the Board's House District 9 is also much more compact than House District 5 in the Gazewood & Weiner Plan. House District 5 scores 14.3% on the Circularity Ratio test, scoring the fifth lowest out of all 40 House districts in the Gazewood & Weiner Plan.[144] It scores 37.1% on the circumference test, 51.2% on the Schwartzberg test, and 39.7% on the Roeck or Ehrenberg test.[145] The Board's House

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[140] ARB00017295. Interestingly, the Riley Plaintiffs specifically objected to the Board's inclusion of voters from the FNSB in a similarly configured district in the Board's 2011 Proclamation Plan, House District 6. ARB00006452-6456.

[141] *Id.*

[142] *Id.*

[143] ARB00017402.

[144] Ex. B at pgs. 1-2.

[145] *Id.* at pgs. 2 – 6.

District 9, however, scores higher in all measures of compactness, scoring 24.1% on the Circularity Ratio test, 48.6% on the circumference test, 77.0% on the Schwartzberg test, and 40.6% on the Roeck or Ehrenberg test.[146]

Most notably, the Board's House District 9 has the second lowest deviation of all 40 House districts in the Board's 2013 Proclamation Plan, short only 16 people from the ideal district of 17,755.[147] Only House District 22 has a lower deviation at 0.0%, containing the exact number of people as the ideal district.[148] House District 5 in the Gazewood & Weiner Plan, on the other hand, has 770 people more than the ideal district with the seventh highest deviation of all 40 House districts at 4.34%, in a plan with an overall deviation of 9.9%.[149] Even the five districts within the Mat-Su Borough in the Gazewood & Weiner Plan has an overall deviation of 2.56%,[150] whereas the overall deviation of the six House districts in the Board's plan with some voters from outside the Mat-Su Borough is under one percent at 0.9%.[151]

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[146] *See* Ex. A.

[147] ARB00017353.

[148] *Id.*

[149] ARB00017296.

[150] *Id.*

[151] ARB00017353.

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The most comparable House districts in the Gazewood & Weiner Plan to the Board's House District 12 are House Districts 15 and 16 as House District 15 contains the Mat-Su Borough population in the Board's House District 12 and House District 16 contains some of the MOA population.[152] The Gazewood & Weiner Plan's House District 15 has an odd appendage off of the west side, creating an almost handle attached to the rest of the district.[153] House District 16 is relatively compact, though more square in shape than round.[154] House District 12 in the Board's plan actually makes the most visually compact shape by essentially combining most of House District 15 with a large census block from House District 16 and Chugiak.[155] The resulting configuration rounds off the oddities in House District 15 and 16 to create a relatively compact district that is also as near as practicable in size to an ideal district.[156]

In the Gazewood & Weiner Plan, House District 15 scores 34.6% on the Circularity Ratio test, 58.3% on the circumference test, 79.7% on the Schwartzberg test,

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[152] *Compare* ARB00017295 with ARB00017405. *See* Exhibit H, a close-up map of House Districts 15 and 16 of the Gazewood & Weiner Plan that clearly identifies the boundaries of these respective House districts. *See* Exhibit N, a map of House District 12 in the Board's 2013 Proclamation Plan with the borders of House Districts 15 and 16 in the Gazewood & Weiner Plan superimposed for comparison.

[153] ARB00017295.

[154] *Id.*

[155] *See* ARB00017405; *see also* Ex. G.

[156] ARB00017353.

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and 36.7% on the Roeck or Ehrenberg test.[157] House District 16 scores 55.8%, 74.1%,

90.0%, and 58.8% on the same tests, respectively.[158] House District 12 in the Board's

plan scores higher on all six tests than Gazewood & Weiner's House District 15, a

district wholly within the Mat-Su Borough, with 41.6% on the Circularity Ratio test,

64.1% on the circumference test, 82.7% on the Schwartzberg test, and 54.9% on the

Roeck or Ehrenberg test.[159] It scores slightly lower than House District 16, a district

outside the Mat-Su Borough and outside the Riley Plaintiffs' argued comparable

districts. These tests further solidify that the Board's House District 12 meets the

"relative compactness" standard.

     The Gazewood & Weiner Plan's House District 15 has 207 people more than the

ideal district with a deviation of 1.17%.[160] The Gazewood & Weiner Plan's House

District 16 is 165 people short, with a deviation of -0.93%.[161] The Board's House

District 12 is 84 people short of an ideal district with a deviation of -0.47%.[162] By

combining population from the Mat-Su Borough with population from the MOA, the

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[157] Ex. B.

[158] *Id.*

[159] Ex. A.

[160] ARB00017296.

[161] *Id.*

[162] ARB00017353.

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Board was able to create a House district nearly ideal in size that is also visually and mathematically compact even when compared to other plans, such as those submitted by the Riley Plaintiffs' legal counsel.

8.   House District 32 is Relatively Compact.

House District 32 is nearly identical in shape to House District 35 in the Board's 2011 Proclamation Plan and 2012 Amended Plan.[163] Because the Riley Plaintiffs could have raised this challenge against the original Proclamation Plan but failed to do so, their attempt to challenge House District 32 for the first time at this late date should be rejected.[164] Regardless, considering the unique geography of Alaska's southern coast, House District 35 is relatively compact.[165]

House District 32, as with House District 35 in the Board's previous plans, combines the Kodiak Island Borough with off-the-road-system communities along

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[163] *See* Ex. E to Board's Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims (a map comparing the boundaries of House District 32 in the Board's 2013 Proclamation Plan with a similarly configured district in the Board's 2011 Proclamation Plan and 2012 Amended Plan).

[164] *See In re 2001 Redistricting Cases*, 47 P.3d at 1090 (declining to decide the remaining challenges against the Board's Amended Plan, adopted on remand, because "[they] could have been raised against the original Proclamation Plan but were not; thus they cannot be raised for the first time at this late date").

[165] The Board has not set forth the mathematical compactness scores for House District 32 because the Board does not believe such numbers would be helpful to this Court considering the unique geography contained within this district. However, the numbers are included in Ex. A for the Board's 2013 Proclamation Plan, Ex. B for the Gazewood & Weiner Plan, and Ex. C for the McKinnon Plan, should this Court choose to consider these scores.

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Alaska's southern coastline, including Chenega, Tatitlek, Cordova, and the Yakutat Borough.[166] It also includes the communities of Tyonek, Beluga, Port Graham, Nanwalek, Seldovia, and Halibut Cove from the KPB.[167] The shape of House District 32 is dictated by the need to create a district as close as practicable to the ideal size and that combined socio-economically integrated communities. The Kodiak Island Borough has enough population for 75.2% of an ideal district.[168] Thus, nearby population must be added to this Borough. As the Board did in 2011, and which no party challenged, the Board chose to combine the population from the Kodiak Island Borough with other communities along Alaska's southern coastline that were socio-economically similar.[169] The result is House District 32.

Contrary to the Riley Plaintiffs' assertions, the communities in Prince William Sound are not connected by land.[170] Cordova, Tatitlek, and Chenega are contiguous

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[166] ARB00017425; ARB0006054.

[167] ARB00017425.

[168] *See* Ex. C to Board's Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims (a map of House District 32 that shows the population percentage from the various areas and the location of the population).

[169] The people of Cordova voted 48-0 to be included in a House district with Kodiak. ARB00016991 at 33:8-11.

[170] *See* Riley Plaintiffs' Motion for Summary Judgment at pgs. 12-13.

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only by water.[171]   The Board's decision to place Whittier in House District 9 with

Valdez did not "sever" these communities and "destroy the coastline contiguity between

the Eastern and Western Prince William Sound coastlines within HD 32."   Even if the

Board had included Whittier in a district with Cordova, Chenega, and Tatitlek, these

communities would have been contiguous only by water.   The addition or subtraction of

communities along Alaska's southern coastline does not change the unique geography

of this region, comprised of archipelagos and ice fields.   Even the Riley Plaintiffs

acknowledge "this portion of Alaska presents serious challenges because of the irregular

coastline around the relatively large Gulf of Alaska."[172]   The Board worked with this

unique geography to create the most relatively compact district that also satisfied the

constitutional requirements of contiguity, socio-economic integration, and as near as

practicable to the ideal district size, with a deviation of only 1.81%.[173]

The Riley Plaintiffs also suggest the configuration of House District 35 in the

Board's 2011 Proclamation Plan is more compact because it does not include Tyonek

and Beluga.[174]   Ironically, the Riley Plaintiffs actually advocated separating these

communities from the KPB and joining them with Port Graham, Nanwalek, Seldovia,

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[171] *See* ARB00017425.

[172] Riley Plaintiffs' Motion for Summary Judgment at pgs. 13-14.

[173] ARB00017353.

[174] Riley Plaintiffs' Motion for Summary Judgment at pg. 13.

and Halibut Cove in a House district that stretched to the west coast of Alaska and included the Bristol Bay Borough, the Lake and Peninsula Borough, and the Aleutians East Borough.[175] This configuration would have been less compact than the current House District 32. Even when comparing the boundaries of House District 35 from the original Proclamation Plan to the current House District 32, it is clear the current configuration is more compact and contiguous.[176]

The Riley Plaintiffs further suggest the Gazewood & Weiner Plan provides a more compact alternative.[177] What the Plaintiffs fail to acknowledge is that their plan actually includes more egregious violations of the Alaska Constitution, including House District 32 in the Gazewood & Weiner Plan, which is 883 people short of an ideal district with a -4.97% deviation.[178] The Gazewood & Weiner Plan also breaches the KPB boundary and the MOA boundary to create the Gazewood & Weiner House District 32, and severs the Alaska Peninsula from the Aleutians Island.[179] The ripple effect they ignored in relation to the Mat-Su Borough has obviously impacted these other districts in the Gazewood & Weiner Plan. This is the very reason the courts have

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[175] *See* Riley Plaintiffs' Objections to the Board's Notice of Compliance at pgs. 12-13.

[176] Ex. E to Board's Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims.

[177] *See* Riley Plaintiffs' Motion for Summary Judgment at pgs. 13-14.

[178] ARB00017296.

[179] ARB00017295.

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said it is not whether the challenged district is the <u>most</u> compact configuration, but whether it is <u>relatively</u> compact.[180] Plainly, House District 32 is relatively compact.

B.   Geographic Proportionality

Both the Riley Plaintiffs and the ADP claim the Board's 2013 Proclamation Plan unnecessarily splits the Mat-Su Borough and KPB, thereby denying Mat-Su Borough and KPB voters the right to an equally effective and proportional vote.[181] The Board has fully addressed these claims in its Motion and Memorandum for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims and incorporates by reference the facts and arguments set forth in those pleadings as though fully stated herein.[182] The Board shall, however, specifically address the notable failings in both the Riley Plaintiffs' and the ADP's allegations.

1. <u>The Board Did Not Fail to Participate in "Reasoned Decision-Making."</u>

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[180] This Court has specifically held, "[w]hile it is appropriate to compare the Board's districts to proposed and possible districts when determining compactness, the most compact district does not automatically trump another relatively compact district." Order Denying Petersburg's Motion for Summary Judgment and Granting the Board's Cross Motion for Summary Judgment at pg. 9.

[181] Riley Plaintiffs' Motion for Summary Judgment at pgs. 15-31; *see* ADP's Motion and Memorandum in Support of Motion for Summary Judgment Re Proportional Representation.

[182] Any argument, allegations, or accusation made by either the Riley Plaintiffs or the ADP not specifically addressed, either herein or in the Board's Motions and Memoranda for Summary Judgment, is hereby denied by the Board.

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The Riley Plaintiffs allege that the Board failed to follow its adopted guidelines in order of priority and therefore failed to participate in "reasoned decision-making." Such allegations are nothing more than pure conjecture of counsel in an attempt to cloud actual facts.[183] The MOA had excess population equal to nearly half of one House district. This population had to be placed somewhere. The Board considered several options, as summarized in its written findings and set forth on the record, but ultimately decided to create a combined MOA/Mat-Su Borough district for the reasons explained in the Board's Motion for Summary Judgment. The Riley Plaintiffs acknowledge the Board was thus required to accommodate about 45% of an ideal House district of Mat-Su Borough voters. The Board did so by pairing this population with a Richardson Highway district, just as it had done in 2002, 2011, and 2012.

The Board did, in fact, take municipal and Borough boundaries into consideration, and kept these areas intact where practicable. The noted exceptions were to accommodate the excess population of the MOA, the FNSB, and the KPB. The Alaska Supreme Court and this Court have said on multiple occasions, it is completely reasonable and non-discriminatory to split a Borough between more than one House

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[183] The Riley Plaintiffs argue contiguity and compactness are first in priority of the Article VI, section 6 constitutional standards. Riley Plaintiffs' Motion for Summary Judgment at 20. They fail to acknowledge, however, that the first priority above all considerations is the federal constitution and the one person, one vote requirement. *Hickel*, 846 P.2d at 62. Accordingly, accommodation of excess population is the first priority.

district in order to accommodate excess population. Indeed, accommodation of excess population addresses the federal one person, one vote standard.

When considering how best to accommodate the excess population of the MOA and the KPB, the Board considered how various districts would look and whether they were compact, contiguous, and socio-economically integrated. This is the same process the Board followed when drawing all the districts in the 2013 Proclamation Plan. All of these considerations are constitutionally required factors, and factors identified by the Board as the guidelines it would follow when redistricting.

The Riley Plaintiffs claim the Board failed to follow its own guidelines, unlawfully prioritizing certain constitutional standards above others. This accusation is not only factually and legally wrong, but ignores the realities of redistricting. The Board must fashion forty House districts that comply with several competing standards. Redistricting is a delicate balancing act, one the courts recognize as an extremely difficult task of "leviathan" proportions. Thus, neither the constitutional provisions nor the courts require strict compliance, but rather, as near as practicable. The Board's plan meets this standard in all respects.

2. The Board Did Take a "Hard Look" at Alternative Ways to Deal with Both MOA And KPB Excess Population.

Both the Riley Plaintiffs' and the ADP's arguments with regard to the Board's accommodation of excess population have two fatal flaws. First, the failure to understand or acknowledge that redistricting cannot and does not take place in a

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vacuum. The Board must redistrict the state as a whole. Each line drawn and population included has a direct effect on the adjacent areas, in turn creating a ripple effect across the state. The Plaintiffs' allegation that the Board could have drawn the Mat-Su Borough wholly within five House Districts ignores the reality of the MOA's excess population, an area directly adjacent to the Mat-Su Borough, and the effect accommodating this population had on the adjacent areas. The same can be said of their disregard for the excess population of the KPB.

Second, the Board has constitutional authority to choose between alternative plans. Despite the Plaintiffs' allegations to the contrary, the Board did take a "hard look" at various alternatives for how to deal with the excess population of the MOA and the KPB. The transcripts from the Board meetings make that very clear. The Board took into consideration compactness, contiguity, and socio-economic integration, as well as legal precedent and public comments.

The Riley Plaintiffs suggest the Board's Draft Plan D was a superior alternative to the Board's final plan.[184] The Board abandoned Draft Plan D because it split the northern two Inupiat boroughs and placed Kodiak into the Yukon-Kuskokwim area.[185] Board member Greene, President and CEO of NANA, requested Eric Sandberg draw a

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[184] Riley Plaintiffs' Motion for Summary Judgment at pgs. 20-25.

[185] ARB00017151-17160.

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plan that divided the Northern Region.[186] Mr. Sandberg took the interior region and placed it in a district with the North Slope.[187] He then placed Kotzebue and Nome in a single district.[188] In addition to the fact that Draft Plan D split the North Slope Borough and Northwest Arctic Borough, public testimony from Alaska Natives disfavored this plan, and it also had a very high overall deviation of 9.0%.[189] The Board did not believe this was reasonable given the other alternatives that better met the constitutional requirements and had much lower deviations, providing a more effective and equal vote to all Alaska voters.

Ironically, the Gazewood & Weiner Plan and the ADP Plan splits the KPB and the MOA. Both Plaintiffs tout their respective plans as a reasonable alternative, and argue the Board could have accommodated the excess population in other ways. The Riley Plaintiffs admit they split the KPB "to deal with the surplus population of Anchorage."[190] Evidently, it is acceptable to split Borough boundaries so long as the Board does it the way the Plaintiffs suggest. This argument highlights a common theme in the Plaintiffs' motions as well as the reason the courts have recognized it is the Board

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[186] Aff. of Sandberg at ¶ 4.

[187] *Id.*

[188] *Id.*; *see* ARB00017151-17160.

[189] ARB17151-17160.

[190] Riley Plaintiffs' Motion for Summary Judgment at pg. 30.

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who possesses the discretionary authority to choose between alternatives, even if the alternatives are otherwise equally suitable. In this regard, however, the Board maintains that the proposed plans submitted by Gazewood & Weiner and McKinnon are not reasonable, constitutional alternatives given the extremely high deviations, non-compact districts, and other notable violations of federal and state law, such as splitting the Aleutian Chain.

In addition to attempting to discredit the Mat-Su Borough Mayor's support of the Board's plan, both Plaintiffs fail to recognize the Mat-Su Borough Assembly also submitted a letter fully supporting the Board's plan, specifically the creation of House Districts 9 and 12.[191] These elected officials, elected by the very voters the Plaintiffs claim have had their votes unfairly diluted, support the Board's plan. In contrast, Valdez did not support an Anchorage-Valdez district.[192] The Board took this into consideration when taking a "hard look" at the alternatives.

The ADP is legally incorrect in its allegation that "it seems very unlikely that the Delta area has any significant integration with the...areas of the Mat-Su that it's paired with in District 9."[193] This statement completely ignores the fact that the Alaska

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[191] ARB00017854-17855.

[192] *See* ARB00017001-17002 at 71:25-74:16.

[193] ADP Memorandum Re Proportional Representation at pg. 5.

Supreme Court has already upheld a House district that combines population from the Mat-Su with Delta Junction and other communities along the Richardson Highway.[194]

As set forth in the Board's Motion for Summary Judgment, the Board did not discriminate, intentionally or otherwise, against the voters of the Mat-Su Borough or the KPB by creating House Districts 9, 12, and 32. The Board created such districts purely to accommodate the excess population of the MOA and KPB. Unlike the Plaintiffs, the Board has met its burden and both Plaintiffs' motions for summary judgment must be denied.

C.   Deviations

The Riley Plaintiffs assert the Board's 2013 Plan includes "avoidable deviation variance in SD 5 & 6."[195] This is facially an invalid claim as there is no Senate District 5 or Senate District 6 in the Board's plan.[196] As to their challenge to the deviations in the Fairbanks Senate districts, Senate Districts A, B, & C, the Board has fully addressed these arguments in its Motion and Memorandum for Summary Judgment Re: Riley Plaintiffs' Claim Senate Districts A, B, and C Have Unnecessarily Higher Deviations

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[194] *See* ARB00006120; Ex. B at 1 to Board's Motion for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims.

[195] Riley Plaintiffs' Motion for Summary Judgment at 32. The Board also notes the dates in the Riley Plaintiffs' motion are inaccurate. *Id.* at 32-33. Counsel for the Riley Plaintiffs sent his email on July 11, 2013, and the Board met on July 14, 2013 to adopt its 2013 Proclamation Plan. *Id.* at Ex. 2; *see* ARB00016854-16867.

[196] *See* ARB00017353, ARB00017354, ARB00017358-17376.

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from the Ideal District and incorporates by reference the facts and arguments set forth in these pleadings as though fully stated herein.

The Riley Plaintiffs rely on a statement by Board member Bob Brodie, taken completely out of context, to craft an argument that the Board did not take a "hard look" at the deviations of the Senate districts.[197] Their accusations of partisan gerrymandering are as hollow as their previous arguments in this regard and rejected as such by this Court.[198]

The only constitutional requirement for a Senate district is that it be comprised of two contiguous House districts.[199] A House district must contain a population as near as practicable to an ideal House district, which is the total population of the state as reported by the US Census Bureau divided by forty.[200] It follows that if the two House districts proposed for combination each contain a population as near as practicable to

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[197] Riley Plaintiffs' Motion for Summary Judgment at 32.

[198] Not surprisingly, the Riley Plaintiffs' Motion for Summary Judgment is replete with allegations of political gerrymandering despite no such legal claim. This Court has already rejected these allegations and should do so again. Board member Brodie's comments about a perceived political advantage was not why the Board rejected the Riley Plaintiffs' "settlement proposal," but in fact, was in reference to the Riley Plaintiffs' own political agenda and partisan motivations. This is evident when reading the entire Board transcript from July 18, 2013, as opposed to only those portions the Riley Plaintiffs quote out of context. *See* ARB00017772-17779.

[199] Alaska Const. art. VI, § 6.

[200] *Id.*

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the ideal House district, then a Senate district comprised of these two House districts would in turn contain a population as near as practicable to two ideal House districts.

There is no question the Board took a "hard look" at the deviations of the House districts in the 2013 Proclamation Plan. The overall deviation among forty House districts is 4.2%, the lowest in redistricting history.[201] Thus, the same can be said of its Senate districts.[202] When Board member Brodie mentioned deviations among Senate districts, he was in fact referring to additional allegations contained in the Riley Plaintiffs' "settlement proposal" not to the Board's process.[203]

The Riley Plaintiffs had accused the Board of changing a Senate pairing in Anchorage "for the articulated purpose of reducing deviations in Senate districts. We are also aware that those actions had political ramifications that benefited the

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[201] ARB00017353.

[202] *Id.*

[203] *See* ARB00017775-17776; ARB00017764-17765. The Riley Plaintiffs seem to imply the Board chairman and the Board's counsel may have done something improper in relaying the Riley Plaintiffs' settlement offer to the Board. *See* Riley Plaintiffs' Motion for Summary Judgment at 33. The Riley Plaintiffs have not asserted a claim for violation of the Open Meetings Act despite these allegations. The most obvious reason is because no such claim exists. The Board's legal counsel routinely communicates directly with the Board chairman, who in turn passes the information along to the rest of the Board. The Board has followed this communication process throughout the redistricting cycle. There is nothing improper about this process and the Board takes offense to the Riley Plaintiffs' suggestions otherwise. Once the Riley Plaintiffs put their settlement proposal in writing, the Board properly reviewed and discussed it in Executive Session with the Board's legal counsel, and unanimously rejected it on the record, in open session. *See* ARB00017772-17779.

Republican Party."[204] The Riley Plaintiffs then threatened the Board that if it did not switch the Fairbanks' Senate pairing as they proposed, then "the Board-members should be prepared to explain in Court why decreasing deviations in Anchorage was required, while decreasing possible deviations in Fairbanks was not required."[205]

The Riley Plaintiffs misquote and mischaracterize Mr. Brodie's statement in response to the Riley Plaintiffs' threats. The Riley Plaintiffs' observation that the Board's refusal to consider deviations among Senate districts "is curiously at odds with the Board's prior stated position relative to deviations among Fairbanks House Districts" is possible only because Mr. Brodie's statement has been taken completely out of context.[206] In fact, Mr. Brodie actually said,

> And I think in the letter he asserts that we made changes to Anchorage senate deviations for the purpose of reducing deviations, is totally inaccurate and only for the purposes of building his case. Never, in any of my recollections, did we make any changes to senate pairings for the purpose of reducing deviation.[207]

Obviously, the Board took a "hard look" at Senate deviations insofar as it had created House districts with populations as close as practicable to an ideal district. A review of the deviations in the Senate districts makes it clear the Board achieved this

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[204] ARB00017764.

[205] Id.

[206] Riley Plaintiffs' Motion for Summary Judgment at 35 n.93.

[207] ARB00017775 at 7:19-24.

goal.[208] Thirteen of the twenty Senate districts have deviations below one-half of one

percent, and one Senate district even has a 0.00% deviation.[209] Only four are above a

one percent deviation, and even those hover around one and one half percent.[210]

The Riley Plaintiffs are simply upset that the Board used its constitutionally

authorized discretion in rejecting the Riley Plaintiffs' "settlement proposal." The

Board's Senate District B complies in all respects with federal law, state law, and the

Alaska Constitution. The Board found the difference in deviations between the Board's

Senate District B and the Riley Plaintiffs' proposed Senate pairings, a difference of

-0.06%, was negligible and not constitutionally significant. It is wholly within the

Board's discretion to choose among alternative plans that are otherwise constitutional.[211]

Accordingly, the Riley Plaintiffs' motion for summary judgment must be denied.

D.   Truncation

The Riley Plaintiffs also challenge the Board's Senate truncation plan.[212] The

Board has fully addressed these claims in its Motion and Memorandum for Summary

Judgment Re: Riley Plaintiffs' Objections to Truncation Plan for Senate Districts and

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[208] ARB00017353.

[209] *Id.*

[210] *Id.*

[211] Trial Court Order at 46.

[212] Riley Plaintiffs Motion for Summary Judgment at pgs. 37 – 45.

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incorporates by reference the facts and arguments set forth in these pleadings as though fully stated herein.

As the Board states in its motion, the Riley Plaintiffs appear to misunderstand truncation. The Board truncated only those districts that substantially changed from the Amended Proclamation Plan, under which the 2012 elections were held as ordered by the Alaska Supreme Court. The Board followed the same process it had in 2011 and 2012 using an objective standard to define "substantial change." All of the Senate districts the Board truncated in 2011 or 2012 had well below 75% of the same population as the previous redistricting plan. Contrary to the Riley Plaintiffs' claims, the Board did not adopt a 13% threshold in 2012.[213] Rather, the Board did not truncate Senate District B, which included 86% of the same population as the previous Senate district, because it determined this was not a substantial change.[214] This is completely consistent with the Board's 2013 truncation plan. The Riley Plaintiffs' claims to the contrary underscore their failure to understand truncation.

The Board did not truncate Senate District B for the sole reason that it had not substantially changed from the previous redistricting plan under which elections had been held. Rather, Senate District B contained 77% of the same population as the

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[213] Riley Plaintiffs' Motion for Summary Judgment at pg. 39; *but see* ARB00003534 at 4:4-17.

[214] ARB00006031.

comparable Senate district in the 2012 Amended Plan. Since the Board had adopted the

objective threshold of 75%, the Board did not truncate Senate District B.

The Riley Plaintiffs' allegations that the Board singled out Senate District B for

partisan reasons are simply untrue and are contradicted by the Board Record.[215] A

complete reading of the Board record reveals the Board was struggling with the new

lettering system.[216] Eric Sandberg had created a chart that showed how much

population from the previous districts was present in the new districts.[217] Because

Senate District R in the 2012 Proclamation Plan had been nearly equally split between

new Senate Districts P and S, the truncation chart did not show a Senate District R from

the 2012 Plan and instead showed two Senate District Ns.[218] The Board became

confused by the new lettering process and how to assign the Senate terms.[219] Mr.

Ruedrich, a representative of AFFER that had helped draft a plan considered by and

relied upon by the Board along with Calista, offered to explain how AFFER and Calista

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[215] The Riley Plaintiffs cite to ARB00016905-16910, 16911 as evidence of the alleged violation of the Open Meetings Act. However, a review of the record reveals that these cites are, in fact, the Board's Draft Option A and B maps. *See* ARB00016905-16910, 16911.

[216] *See* ARB00016799-16853.

[217] ARB00017355.

[218] ARB00017354.

[219] *See* ARB00016799-16853.

had applied the new lettering system.[220] Mr. Ruedrich was not "educating" the Board

on truncation, nor was there any violation of the Open Meetings Act. Rather, he was

explaining the lettering system he applied to the AFFER proposal. The Riley Plaintiffs'

argument that the Board's truncation plan should be invalidated because it violated the

Open Meetings Act must be rejected because it is both factually wrong and no violation

has been properly pled.

The Riley Plaintiffs are also wrong that the Board "oddly...truncated SD B (City

of Fairbanks) to allow only a two-year term in 2012 despite the fact that SD B had

changed less than SD P."[221] The assignment of Senate terms has absolutely nothing to

do with truncation. Rather, the Board must assign two-year terms and four-year terms

to the new Senate districts in order to comply with Article II, section 3 of the Alaska

Constitution.[222] The Board did so randomly as set forth in the record. The change in

population had absolutely no bearing on the assignment of terms. The Board's plan is

completely rational and fully complies with the standards set forth in *Groh v. Egan.*

E.   **Senate District B**

The Riley Plaintiffs appear to argue the Board's plan violates the geographic

proportionality rights of the voters in Senate District B because Senate District B is not

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[220] ARB00016828 at 110:20-111:24.

[221] Riley Plaintiffs' Motion for Summary Judgment at pg. 40.

[222] Alaska Const. art. II, § 3.

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compact which infers intentional discrimination by the Board. The Board has fully addressed the Riley Plaintiffs' geographic proportionality claims as well as the Riley Plaintiffs claims regarding Senate District B in its Motion and Memorandum for Summary Judgment Re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims and Motion and Memorandum for Summary Judgment Re: Riley Plaintiffs' Claim Senate Districts A, B, and C Have Unnecessarily Higher Deviations from the Ideal District, and incorporates by reference the facts and arguments set forth in these pleadings as though fully stated herein.

What the Riley Plaintiffs fail to realize is the Alaska Constitution requires only that Senate districts be comprised of two contiguous House districts.[223] There is no requirement that Senate districts be compact. Thus, the shape of Senate District B cannot legally infer intentional discrimination on behalf of the Board against the voters of Senate District B. Senate District B, comprised of House Districts 3 and 4, is wholly comprised of voters of the Fairbanks North Star Borough. There is no dilution of this politically salient class of voters that could otherwise give rise to a geographic proportionality claim. The Riley Plaintiffs' claims fail not only by summary judgment standards, but on the merits as well, and must be dismissed.

Article VI, section 6 of the Alaska Constitution states, in pertinent part, "[e]ach senate district shall be composed as near as practicable of two contiguous house

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[223] Alaska Const. art. VI, § 6.

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districts."[224] Senate District B in the Board's 2013 Proclamation Plan consists of House District 3 and House District 4.[225] House District 3 and House District 4 share a common boundary along Chena Hot Springs Road.[226] Thus, Senate District B is comprised of two contiguous House districts.

As stated above, the Alaska Constitution only requires Senate districts be comprised of two contiguous House districts.[227] The other constitutional requirements of compactness and socio-economic integration are applicable only to House districts.[228] The Alaska Supreme Court reaffirmed this in the 2001 redistricting cases, upholding Judge Weeks' decision wherein he found no merit to, and rejected, citizen complaints that Senate District P in the Board's 2001 Amended Proclamation Plan was not comprised of a socio-economically integrated area, was not contiguous, or was not compact.[229] Judge Weeks reiterated, "Article VI, Section 6 only requires that Senate

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[224] *Id.*

[225] ARB00017353.

[226] ARB00017390.

[227] Alaska Const. art. VI, § 6.

[228] *Id.*

[229] *In re 2001 Redistricting Cases,* 47 P.3d at 1094.

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districts be composed of two contiguous house districts. Senate District P meets this requirement."[230]

This Court has already held that "by its terms, all the requirements of Article VI, Section 6 do not apply to senate districts."[231] This Court likewise specifically instructed, "[t]he other Article VI, Section 6 requirements of compactness and socio-economic integration were not added and not made applicable to senate districts by the 1998 Amendment[;] [t]hus, these requirements do not apply to senate districts."[232]

Senate District B in the Board's 2013 Proclamation Plan satisfies the Article VI, section 6 requirement of Senate districts. It is composed of two contiguous House districts, House District 3 and House District 4. The compactness of Senate District B is irrelevant as there is no legal requirement that Senate districts be compact. Further, any argument regarding population distributions is equally meritless. Just as the Alaska Supreme Court found population distributions are largely irrelevant to the compactness inquiry, such distributions are likewise irrelevant to the contiguity inquiry.[233]

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[230] *Id.*

[231] Trial Court Order at 37-38.

[232] *Id.*

[233] *See In re 2001 Redistricting Cases,* 47 P.3d at 1092.

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ALASKA REDISTRICTING BOARD'S GLOBAL OPPOSITION TO RILEY ET. AL. PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND THE ALASKA DEMOCRATIC PARTY'S MOTIONS FOR SUMMARY JUDGMENT RE DISTRICTS 3 AND 5 COMPACTNESS AND RE MAT-SU AND KENAI PENINSULA BOROUGHS
In Re 2011 Redistricting Cases, Consolidated Case No. 4FA-11-02209 CI
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This Court recently rejected a similar argument by the Riley Plaintiffs in relation to House District 5 in the Board's original Proclamation Plan.[234] At trial, the Riley Plaintiffs argued the Board used an unpopulated area, specifically the Tanana Flats, to create a contiguous Senate pairing.[235] This Court concluded that an unpopulated area cannot stand on its own and has to be placed somewhere.[236] This Court further found the inclusion of the unpopulated area did not improperly create a "corridor" that Alaska courts have questioned in the past and that the Board simply incorporated an unpopulated area of land with the populated area immediately next to it, since the unpopulated area had to go somewhere.[237]

The exact same reasoning is applicable to Senate District B. While the population in the northern area of House District 3 is sparser than other areas of House District 3, there is population along Chena Hot Springs Road that borders House District 4.[238] In fact, unlike House District 5 in the 2011 Proclamation Plan previously challenged by the Riley Plaintiffs, there are about 179 people in the area of House

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[234] *See* Trial Court Order at pg. 119.

[235] *Id.*

[236] *Id.*

[237] *Id.*

[238] *See* Exhibit I, a map that shows the population percentage from the various areas in House District 3 and the location of that population.

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District 3 that borders House District 4.[239] This sparsely populated area must be placed

somewhere. As explained in the Board's motion for summary judgment regarding the

compactness of House District 3, House District 3 contains as near as practicable a

population equal to the an ideal district, short only 82 people with a deviation of

-0.46%. Simply put, House District 3 and House District 4 are contiguous and therefore

Senate District B satisfies the constitutional requirements of Article VI, section 6 of the

Alaska Constitution. The Riley Plaintiffs' motion must be denied.

F.   University of Fairbanks Campus

The Riley Plaintiffs claim the Board "unnecessarily divides the campus of the

University of Alaska" among House District 4 and House District 5 in the Board's 2013

Proclamation Plan.[240] The Riley Plaintiffs assert such action fails to comply with

Article VI, section 8 of the Alaska Constitution[241] "by drawing a boundary that

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[239] *Id.*

[240] *See* Riley Plaintiff's First Amended Renewed Application at ¶ 15.

[241] The Riley Plaintiffs incorrectly cite to Article VI, section 8 of the Alaska Constitution, which pertains to the creation of the redistricting board and how each member is appointed. *See* Alaska Const. art. VI, § 8. Section 8 has nothing to do with the House and Senate district boundary requirements. Article VI, section 6, on the other hand, requires House districts "be conformed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area" and "contain a population as near as practicable to the quotient obtained by dividing the population of the state by forty." Alaska Const. art. VI, § 6. The Board will presume for the sake of argument that the Riley Plaintiffs intended to cite to Article VI, section 6 despite their failure to correct the citation in their First Amended Renewed Application. As established herein, the Board's 2013 Proclamation Plan complies in all respects with the requirements of Article VI, section 6.

unnecessarily divides an area that comprises community of interest."[242] The Board has fully addressed the Riley Plaintiffs' claims regarding House Districts 4 and 5 in its Motion and Memorandum for Summary Judgment Re: Riley Plaintiffs' Claim House Districts 1 Through 5 Have Unnecessarily Higher Deviations from the Ideal District, and incorporates by reference the facts and arguments set forth in these pleadings as though fully stated herein.

The law is crystal clear that dividing a socio-economically integrated area does not violate the constitutional requirement that districts be socio-economically integrated so long as each portion is integrated, as nearly as practicable, with the district in which it is placed.[243] The law does not protect "communities of interest." As established below, and remains unchallenged by the Riley Plaintiffs, House District 4 and House District 5 are both socio-economically integrated. The Riley Plaintiffs' claim has no legal merit and is invalid as a matter of law.

The entirety of the University of Alaska Fairbanks ("UAF") campus is contained within House District 5 of the Board's 2013 Proclamation Plan except for a small grouping of buildings located in the far northwest corner on the north side of Koyukuk

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[242] Riley Plaintiffs' Renewed Application at ¶ 15.

[243] *In re 2001 Redistricting Cases*, 47 P.3d at 1091, quoting *In re 2001 Redistricting Cases*, 44 P.3d at 145.

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Drive.[244] All of the residence halls are located within House District 5.[245] The small

grouping of buildings located in House District 4 are part of a large census block that

runs north until Yankovich Road, where 77 people reside.[246] As Eric Sandberg testified

at trial, census blocks are created by the US Census Bureau and cannot be fractured.[247]

House District 4 has a deviation of 0.17%, or 31 people more than an ideal district.[248]

House District 5 has a deviation of 0.46%, or 82 people more than an ideal district.[249]

The overall deviation of the five House districts contained within the FNSB is 0.92%.[250]

The overall deviation of the 2013 Proclamation Plan is 4.2%, the lowest in redistricting

history.[251]

      Article VI, Section 6 of the Alaska Constitution requires the Board to create

House districts that are "contiguous and compact territory containing as nearly as

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[244] ARB00017390; *see also* Exhibit J, a map of the Fairbanks Campus and Vicinity of the UAF with the boundary between House District 4 and House District 5 highlighted in pink by the Board's GIS expert, Eric Sandberg; Aff. of Sandberg at ¶¶ 10-13; Exhibit K, a map highlighting UAF Campus is located wholly within the FNSB.

[245] *Id.*

[246] *Id.*; Aff. of Sandberg at ¶¶ 11-12.

[247] *See* Trial Court Order at 83; *see also* Aff. of Sandberg at ¶ 10.

[248] ARB00017353.

[249] *Id.*

[250] *Id.*

[251] *Id.*

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practicable a relatively integrated socio-economic area."[252] A borough is by definition socio-economically integrated.[253] For, "by statute, a borough must have a population which is interrelated and integrated as to its social, cultural, and economic activities."[254]

The Riley Plaintiffs claim the Board's 2013 Proclamation Plan unnecessarily divides the campus of UAF, a community of interest, between House District 4 and House District 5, and therefore fails to comply with the constitutional requirements.[255] The Alaska Supreme Court, however, directly addressed this exact issue in the 2001 redistricting cycle, finding no merit to a similar argument regarding Anchorage neighborhoods, Eagle River and Chugiak, and the Delta Junction area.[256] The high court explicitly held dividing a socio-economically integrated area does not violate the constitutional requirement that districts be socio-economically integrated so long as each portion is integrated, as nearly as practicable, with the district in which it is placed.[257] Socio-economically integrated areas have no constitutional right to be placed

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[252] Alaska Const. art. VI, § 6.

[253] *Hickel v. Southeast Conference*, 846 P.2d at 52.

[254] *Id.* at 51.

[255] Riley Plaintiffs' Renewed Application at ¶ 15.

[256] *See In re 2001 Redistricting Cases*, 47 P.3d at 1091, 1093-1094; *In re 2001 Redistricting Cases*, 44 P.3d at 144-146; *see also Groh v. Egan*, 526 P.2d 863, 878-79 (Alaska 1974).

[257] *Id.* at 1091, n.7; *In re 2001 Redistricting Cases*, 44 P.3d at 144-145.

in a single district, for the only relevant inquiry is whether the districts in which the area is placed are socio-economically integrated.[258]

In the 2001 redistricting cases, a group of plaintiffs argued that the communities within the Anchorage area were socially and economically distinct and complained that the Board's plan did not respect these neighborhood boundaries or "communities of interest."[259] The Alaska Supreme Court rejected these arguments, agreeing with Judge Rindner's finding that "Anchorage is by definition socio-economically integrated and its population is sufficiently dense and evenly spread to allow multiple combinations of compact contiguous districts with minimal population deviations."[260] While Judge Rindner observed that respect for neighborhood boundaries in the redistricting process was an admirable goal, "it is not constitutionally required and must give way to other legal requirements."[261] He concluded that the Board's failure to strictly adhere to neighborhood boundaries did not provide a basis for overturning any portion of the Board's plan.[262]

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[258] *Id.* at 1091.

[259] *Id.* at 1093-1094; *In re 2001 Redistricting Cases*, 44 P.3d at 146.

[260] *Id.* at 1093, quoting *In re 2001 Redistricting Cases*, 44 P.3d at 146.

[261] *Id.* at 1093.

[262] *Id.* at 1093-1094.

The same analysis applies to the Riley Plaintiffs' argument regarding the UAF campus which, in turn, requires the same conclusion. The UAF campus is wholly contained within the FNSB and is therefore socio-economically integrated with every portion of the FNSB.[263] The buildings placed in House District 4 are part of a different census block than the rest of the UAF campus, and census blocks, which are created by the United States Census Bureau, cannot be fractured.[264] All the residence halls which contain the population of the UAF campus are located within House District 5.[265] The buildings placed in House District 4 are all part of the International Arctic Research Center ("IARC"), and include the Akasofu Building, the Elvey Building, West Ridge Research Building, the O'Neill Building, Irving Building I and Irving II, and Murie.[266] These buildings are located on the north side of Koyukuk Drive.[267]

The census block containing these buildings runs up to Yankovich Road, where a number of homes unassociated with the UAF campus are located.[268] A total of 77

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[263] *See* Ex. K.

[264] Aff. of Sandberg at ¶ 10.

[265] *Id.* at ¶ 13.

[266] *Id.*; *see also* http://www.uaf.edu/campusmap/ (last visited September 21, 2013).

[267] *Id.*; Ex. J.

[268] Aff. of Sandberg at ¶ 11.

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people reside in this census block, all located in the homes along Yankovich Road.[269] The Board has absolutely no control over the make-up of these census blocks.[270] Rather, the Census Bureau creates the census blocks which cannot be fractured.[271]

By including this census block in House District 4, the Board was able to keep the overall deviations within the Fairbanks area under 1.0%, or 0.92%.[272] If the Board had added this census block to House District 5, the deviation of House District 4 would have increased from 0.17% to -0.26% and the deviation of House District 5 would have increased from 0.46% to 0.90%, pushing the overall deviation within the Fairbanks area over 1.0%, to 1.36%.[273]

The Alaska Supreme Court has specifically concluded that respecting neighborhood boundaries or protecting "communities of interest" is not constitutionally required and that it must give way to other legal requirements, such as minimal population deviations.[274] The Board's choice to include the census block created by the Census Bureau with Yankovich Road and a handful of research buildings in House

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[269] *Id.*

[270] *Id.* at ¶ 10.

[271] *Id.*

[272] *Id.* at ¶ 12; ARB00017353.

[273] *Id.*

[274] *In re 2001 Redistricting Cases*, 47 P.3d at 1093.

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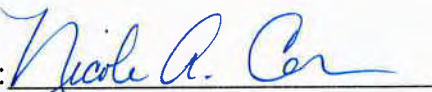
District 4, thereby keeping the overall deviation within the FNSB below 1.0%, was completely justified and wholly within the legal requirements of redistricting. This decision in no way violates Article VI, section 6, the one person, one vote requirement, or Alaska case law. The Riley Plaintiffs' allegations to the contrary are completely devoid of any legal merit, and, accordingly, their motion for summary judgment must be denied.

III.
CONCLUSION

For the reasons set forth above and in the Board's Motions for Summary Judgment, the Riley Plaintiffs' and the ADP's Motions for Summary Judgment must be denied. Both Plaintiffs have failed to meet their burden. They have presented no genuine issues of material fact other than unfounded arguments and allegations. The Board's 2013 Proclamation Plan fully complies with federal and state law, and provides all Alaskan voters with an equally effective vote.

DATED at Anchorage, Alaska this 23rd day of September 2013.

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<u>**CERTIFICATE OF SERVICE**</u>

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EXHIBIT LIST

Exhibit A - Compactness Reports for Alaska Redistricting Board's 2013 Proclamation Plan

Exhibit B - Compactness Reports for Gazewood &Weiner Plan

Exhibit C - Compactness Reports for McKinnon Plan

Exhibit D - Map Comparing Boundaries of House District 5 in 2013 Proclamation Plan with Boundaries of House District 5 in Board's 2011 Proclamation Plan

Exhibit E – Map Indicating Census Blocks in House District 9 in 2013 Proclamation Plan and Population Within Census Blocks

Exhibit F – Map Comparing Boundaries of House District 12 in 2013 Proclamation Plan with Boundaries of House District 16 in 2002 Final Amended Plan

Exhibit G – Map Indicating Census Blocks in House District 12 in 2013 Proclamation Plan and Population Within Census Blocks

Exhibit H – House District 15 and House District 16 in Gazewood & Weiner Plan

Exhibit I – Map Indicating Population Percentage of Areas in House District 3 in Board's 2013 Proclamation Plan and Location of Population

Exhibit J – Map of UAF Campus with House District 4 and House District 5 Boundary Highlighted

Exhibit K – Map of UAF Campus Wholly within Fairbanks North Star Borough

Exhibit L – Fairbanks House districts in McKinnon Plan

Exhibit M - Map Indicating Census Blocks in House District 5 in 2013 Proclamation Plan and Population Within Census Blocks

Exhibit N – Map of House District 12 in 2013 Proclamation Plan with Boundaries of House Districts 15 and 16 in the Gazewood & Weiner Plan Superimposed for Comparison

Compactness Analysis Report

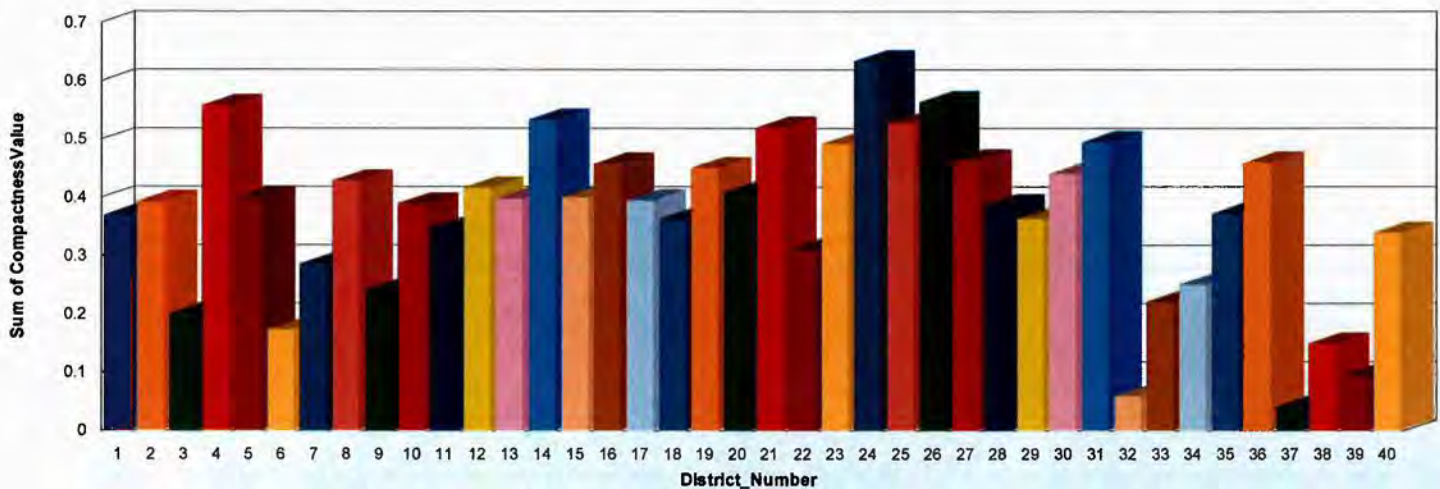**Plan Name:** Workspace: AB Plans>>2013 Proclamation Plan

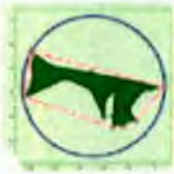**Plan Last Edited on:** 8/2/2013 12:43:16 PM

Confidential

Compactness Measure:

Circularity Ratio - Ratio of the area of the District to the area of a circle (the most compact shape) having the same perimeter. That ratio is expressed as M = 4pi(area) / (perimeter)2. For a circle, the ratio is one. This

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Compactness Analysis Report

**Plan Name:** Workspace: AB Plans>>2013 Proclamation Plan

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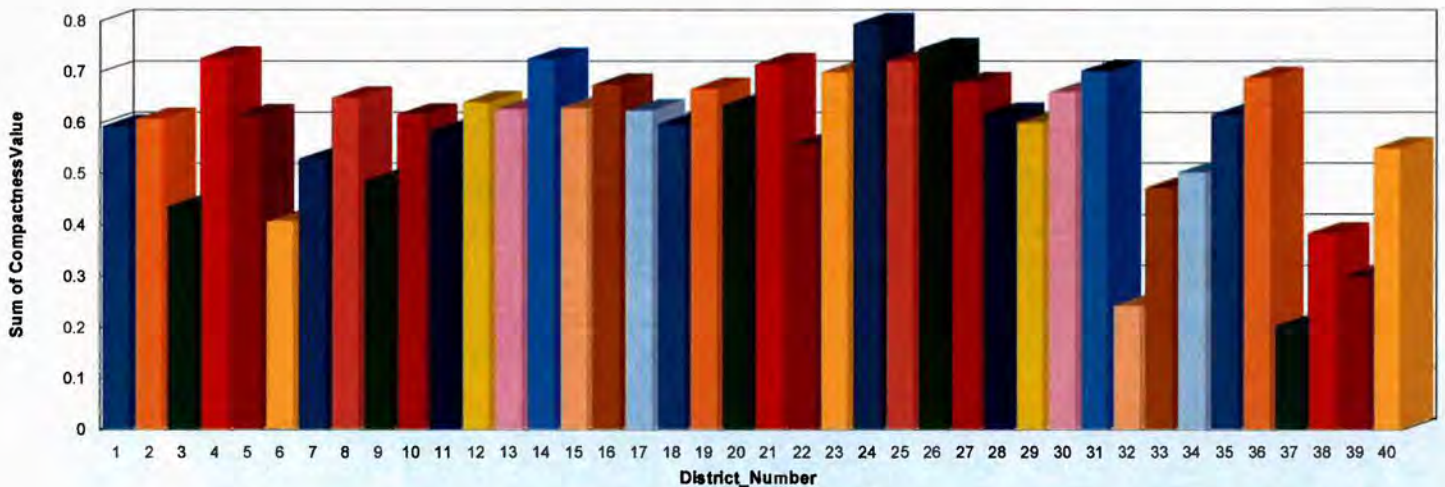
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Compactness Analysis Report

Plan Name: Workspace: AB Plans>>2013 Proclamation Plan

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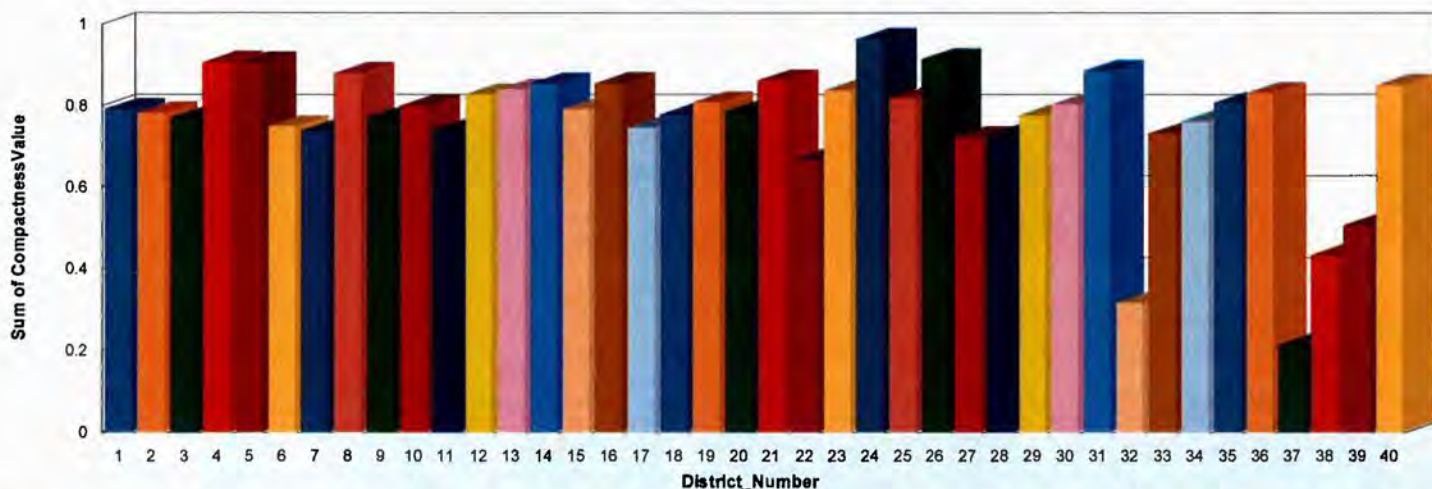**Confidential**

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Compactness Measure:

District area divided by the area of the district's Convex Hull. This method is also know as the Schwartzberg test.

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District:	1	Compactness Value: 0.79	As Percent:	79.1%
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District:	30	Compactness Value: 0.80	As Percent:	80.3%
District:	31	Compactness Value: 0.88	As Percent:	88.5%
District:	32	Compactness Value: 0.32	As Percent:	31.6%
District:	33	Compactness Value: 0.73	As Percent:	73.2%
District:	34	Compactness Value: 0.76	As Percent:	76.2%
District:	35	Compactness Value: 0.81	As Percent:	80.6%
District:	36	Compactness Value: 0.83	As Percent:	83.2%
District:	37	Compactness Value: 0.21	As Percent:	21.3%
District:	38	Compactness Value: 0.43	As Percent:	43.3%
District:	39	Compactness Value: 0.51	As Percent:	50.6%
District:	40	Compactness Value: 0.85	As Percent:	85.2%

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Compactness Analysis Report
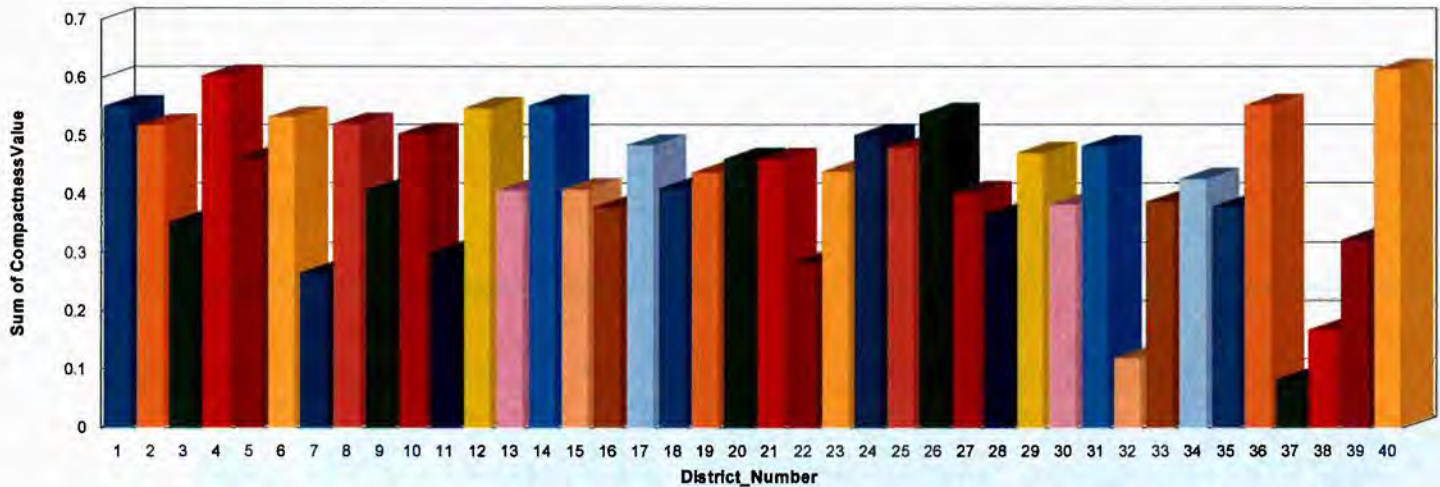
Plan Name: Workspace: AB Plans>>2013 Proclamation Plan

Plan Last Edited on: 8/2/2013 12:43:16 PM

Confidential

Compactness Measure:

District area divided by the area of the minimum circle bounding the district. This method is also know as the Roeck or Ehrenberg test.

District:	1	Compactness Value: 0.55	As Percent:	55.1%
District:	2	Compactness Value: 0.52	As Percent:	51.9%
District:	3	Compactness Value: 0.35	As Percent:	35.2%
District:	4	Compactness Value: 0.60	As Percent:	60.5%
District:	5	Compactness Value: 0.46	As Percent:	46.1%
District:	6	Compactness Value: 0.53	As Percent:	53.3%
District:	7	Compactness Value: 0.27	As Percent:	26.5%
District:	8	Compactness Value: 0.52	As Percent:	52.1%
District:	9	Compactness Value: 0.41	As Percent:	40.6%
District:	10	Compactness Value: 0.50	As Percent:	50.3%
District:	11	Compactness Value: 0.30	As Percent:	29.9%
District:	12	Compactness Value: 0.55	As Percent:	54.9%
District:	13	Compactness Value: 0.41	As Percent:	40.7%
District:	14	Compactness Value: 0.55	As Percent:	55.2%
District:	15	Compactness Value: 0.41	As Percent:	40.8%
District:	16	Compactness Value: 0.38	As Percent:	37.7%
District:	17	Compactness Value: 0.48	As Percent:	48.4%
District:	18	Compactness Value: 0.41	As Percent:	40.9%
District:	19	Compactness Value: 0.44	As Percent:	43.7%
District:	20	Compactness Value: 0.46	As Percent:	46.0%
District:	21	Compactness Value: 0.46	As Percent:	46.0%
District:	22	Compactness Value: 0.28	As Percent:	28.3%
District:	23	Compactness Value: 0.44	As Percent:	43.9%
District:	24	Compactness Value: 0.50	As Percent:	50.2%
District:	25	Compactness Value: 0.48	As Percent:	48.0%
District:	26	Compactness Value: 0.54	As Percent:	53.8%
District:	27	Compactness Value: 0.40	As Percent:	40.2%

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District:		Compactness Value:		As Percent:	
District:	28	Compactness Value:	0.36	As Percent:	36.5%
District:	29	Compactness Value:	0.47	As Percent:	47.1%
District:	30	Compactness Value:	0.38	As Percent:	38.2%
District:	31	Compactness Value:	0.48	As Percent:	48.2%
District:	32	Compactness Value:	0.12	As Percent:	11.9%
District:	33	Compactness Value:	0.39	As Percent:	38.6%
District:	34	Compactness Value:	0.43	As Percent:	42.6%
District:	35	Compactness Value:	0.38	As Percent:	37.8%
District:	36	Compactness Value:	0.55	As Percent:	55.4%
District:	37	Compactness Value:	0.08	As Percent:	8.1%
District:	38	Compactness Value:	0.17	As Percent:	16.7%
District:	39	Compactness Value:	0.32	As Percent:	32.1%
District:	40	Compactness Value:	0.62	As Percent:	61.5%

Total Perimeter for all Districts   105,992.61 Miles

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Measures of Compactness

District	Roeck	Polsby-Popper	Area	Perimeter
1	0.55	0.37	8.3	17.2
2	0.52	0.39	35.3	34.6
3	0.35	0.20	60.3	63.2
4	0.60	0.56	805.3	138.1
5	0.46	0.40	1,409.2	216.2
6	0.53	0.17	122,604.7	3,050.3
7	0.27	0.29	28.8	36.0
8	0.52	0.43	706.1	144.9
9	0.41	0.24	26,086.2	1,178.1
10	0.50	0.39	12,189.7	634.5
11	0.30	0.35	59.6	46.9
12	0.55	0.42	977.6	172.9
13	0.41	0.40	96.6	55.5
14	0.55	0.53	333.1	89.1
15	0.41	0.40	31.3	31.4
16	0.38	0.46	3.0	9.1
17	0.48	0.40	4.5	12.0
18	0.41	0.36	4.2	12.2
19	0.44	0.45	2.6	8.5
20	0.46	0.41	9.3	17.1
21	0.46	0.52	110.9	52.2
22	0.28	0.31	10.6	20.7
23	0.44	0.49	6.2	12.6
24	0.50	0.63	31.1	24.9
25	0.48	0.53	9.7	15.3
26	0.54	0.56	7.9	13.3
27	0.40	0.46	6.9	13.8
28	0.36	0.39	678.9	149.4
29	0.47	0.36	3,873.0	367.2
30	0.38	0.44	192.8	74.5
31	0.48	0.49	3,686.9	306.2
32	0.12	0.06	50,909.9	3,303.4
33	0.39	0.22	9,982.6	749.1
34	0.43	0.25	938.2	216.0
35	0.38	0.37	20,360.2	821.5
36	0.55	0.46	14,371.1	616.4
37	0.08	0.04	127,130.2	6,246.7
38	0.17	0.15	35,386.9	1,738.6
39	0.32	0.09	73,978.0	3,229.6
40	0.62	0.34	158,256.5	2,559.2

Measures of Compactness

Report Summary

Total Perimeter for all Districts	105,992.61	Miles	Average	662.45 Miles		
Total Area for all Districts	2,661,536.80	Square Miles	Average	16,634.60 Square Miles		
Minimum Compactness based on Roeck	0.08		Roeck Average	0.42	Std. Dev.	0.12
Maximum Compactness based on Roeck	0.62					
Minimum Compactness based on Polsby-Popper	0.04		Polsby-Popper Average	0.35	Std. Dev.	0.14
Maximum Compactness based on Polsby-Popper	0.63					

Compactness Analysis Report

Plan Name: Workspace: AB Plans>>Gazewood & Weiner Plan

Plan Last Edited on: 8/2/2013 12:36:17 PM

Confidential

Compactness Measure:

Circularity Ratio - Ratio of the area of the District to the area of a circle (the most compact shape) having the same perimeter. That ratio is expressed as M = 4pi(area) / (perimeter)2. For a circle, the ratio is one. This

District:	1	Compactness Value:	0.58	As Percent:	58.1%
District:	2	Compactness Value:	0.24	As Percent:	24.0%
District:	3	Compactness Value:	0.37	As Percent:	37.3%
District:	4	Compactness Value:	0.16	As Percent:	15.7%
District:	5	Compactness Value:	0.14	As Percent:	14.3%
District:	6	Compactness Value:	0.29	As Percent:	29.5%
District:	7	Compactness Value:	0.23	As Percent:	22.8%
District:	8	Compactness Value:	0.30	As Percent:	30.4%
District:	9	Compactness Value:	0.65	As Percent:	64.6%
District:	10	Compactness Value:	0.19	As Percent:	19.1%
District:	11	Compactness Value:	0.46	As Percent:	46.2%
District:	12	Compactness Value:	0.42	As Percent:	42.0%
District:	13	Compactness Value:	0.38	As Percent:	38.1%
District:	14	Compactness Value:	0.54	As Percent:	54.1%
District:	15	Compactness Value:	0.35	As Percent:	34.6%
District:	16	Compactness Value:	0.56	As Percent:	55.8%
District:	17	Compactness Value:	0.30	As Percent:	29.8%
District:	18	Compactness Value:	0.55	As Percent:	54.8%
District:	19	Compactness Value:	0.44	As Percent:	44.2%
District:	20	Compactness Value:	0.53	As Percent:	53.3%
District:	21	Compactness Value:	0.33	As Percent:	33.2%
District:	22	Compactness Value:	0.37	As Percent:	37.3%
District:	23	Compactness Value:	0.45	As Percent:	44.8%
District:	24	Compactness Value:	0.49	As Percent:	49.4%
District:	25	Compactness Value:	0.48	As Percent:	47.8%
District:	26	Compactness Value:	0.58	As Percent:	57.8%

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District:	27	Compactness Value:	0.49	As Percent:	49.2%
District:	28	Compactness Value:	0.63	As Percent:	62.5%
District:	29	Compactness Value:	0.65	As Percent:	65.3%
District:	30	Compactness Value:	0.48	As Percent:	47.7%
District:	31	Compactness Value:	0.40	As Percent:	40.1%
District:	32	Compactness Value:	0.16	As Percent:	15.8%
District:	33	Compactness Value:	0.43	As Percent:	42.9%
District:	34	Compactness Value:	0.19	As Percent:	18.6%
District:	35	Compactness Value:	0.36	As Percent:	36.1%
District:	36	Compactness Value:	0.11	As Percent:	11.2%
District:	37	Compactness Value:	0.02	As Percent:	1.8%
District:	38	Compactness Value:	0.09	As Percent:	9.0%
District:	39	Compactness Value:	0.13	As Percent:	12.7%
District:	40	Compactness Value:	0.31	As Percent:	31.4%

Compactness Measure:

Circumference of an equal area circle divided by the perimeter of the district
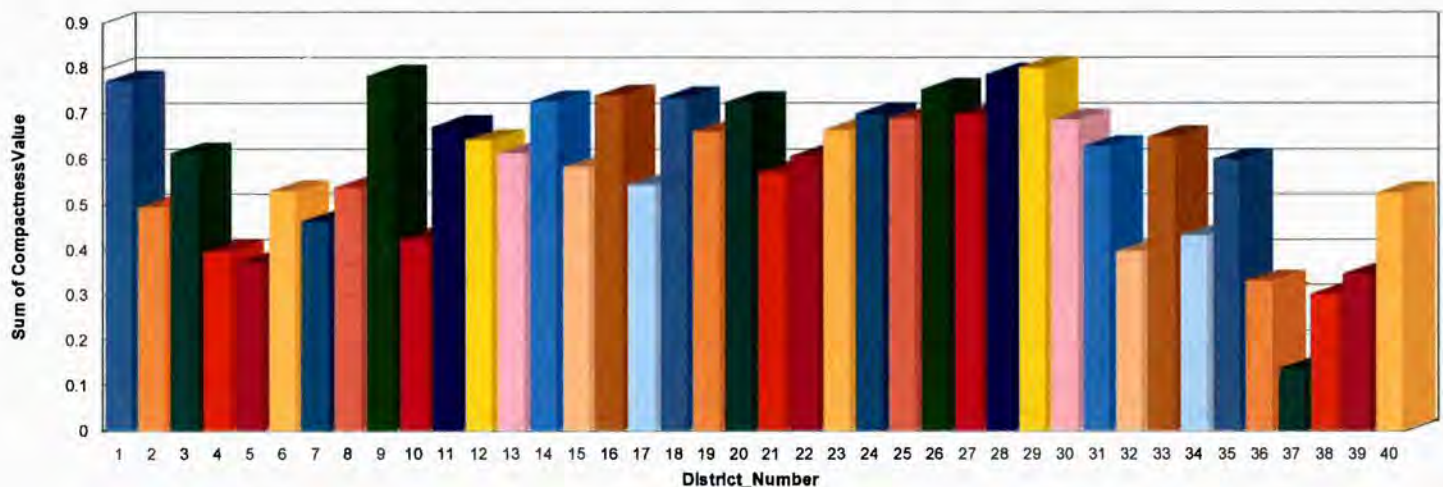
District:	1	Compactness Value:	0.77	As Percent:	77.2%
District:	2	Compactness Value:	0.49	As Percent:	49.5%
District:	3	Compactness Value:	0.61	As Percent:	61.4%
District:	4	Compactness Value:	0.40	As Percent:	39.7%
District:	5	Compactness Value:	0.37	As Percent:	37.1%
District:	6	Compactness Value:	0.53	As Percent:	53.0%
District:	7	Compactness Value:	0.46	As Percent:	46.3%
District:	8	Compactness Value:	0.54	As Percent:	53.8%
District:	9	Compactness Value:	0.78	As Percent:	78.4%
District:	10	Compactness Value:	0.42	As Percent:	42.5%
District:	11	Compactness Value:	0.67	As Percent:	67.2%
District:	12	Compactness Value:	0.64	As Percent:	64.4%
District:	13	Compactness Value:	0.61	As Percent:	61.3%

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District: 14	Compactness Value: 0.73	As Percent: 72.8%
District: 15	Compactness Value: 0.58	As Percent: 58.3%
District: 16	Compactness Value: 0.74	As Percent: 74.1%
District: 17	Compactness Value: 0.54	As Percent: 54.3%
District: 18	Compactness Value: 0.74	As Percent: 73.6%
District: 19	Compactness Value: 0.66	As Percent: 66.2%
District: 20	Compactness Value: 0.73	As Percent: 72.6%
District: 21	Compactness Value: 0.57	As Percent: 57.2%
District: 22	Compactness Value: 0.61	As Percent: 60.7%
District: 23	Compactness Value: 0.67	As Percent: 66.7%
District: 24	Compactness Value: 0.70	As Percent: 70.0%
District: 25	Compactness Value: 0.69	As Percent: 69.0%
District: 26	Compactness Value: 0.75	As Percent: 75.4%
District: 27	Compactness Value: 0.70	As Percent: 69.7%
District: 28	Compactness Value: 0.79	As Percent: 78.8%
District: 29	Compactness Value: 0.80	As Percent: 80.4%
District: 30	Compactness Value: 0.69	As Percent: 68.8%
District: 31	Compactness Value: 0.63	As Percent: 62.9%
District: 32	Compactness Value: 0.40	As Percent: 39.7%
District: 33	Compactness Value: 0.65	As Percent: 65.2%
District: 34	Compactness Value: 0.43	As Percent: 43.1%
District: 35	Compactness Value: 0.60	As Percent: 60.1%
District: 36	Compactness Value: 0.33	As Percent: 33.1%
District: 37	Compactness Value: 0.14	As Percent: 13.8%
District: 38	Compactness Value: 0.30	As Percent: 30.1%
District: 39	Compactness Value: 0.35	As Percent: 34.7%
District: 40	Compactness Value: 0.53	As Percent: 52.6%

Compactness Measure:

District area divided by the area of the district's Convex Hull. This method is also know as the Schwartzberg test.

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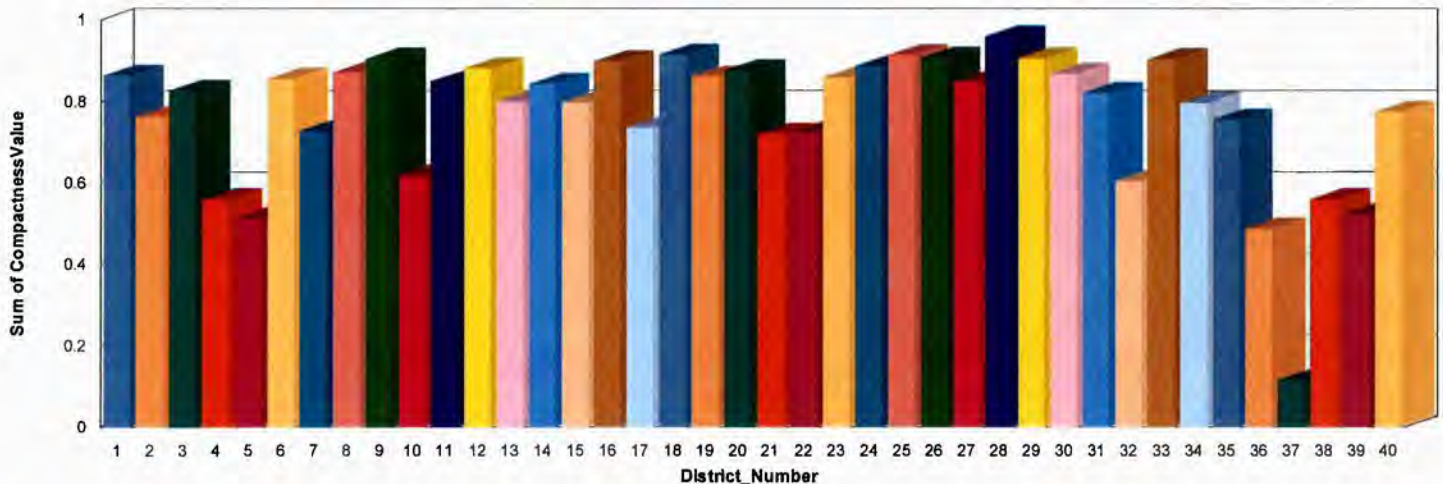
Compactness Analysis Report

Workspace: AB Plans>>Gazewood & Weiner Plan

Plan Name:

Plan Last Edited on: 8/2/2013 12:36:17 PM

8/2/2013

Confidential

District:	1	Compactness Value:	0.86	As Percent:	86.3%
District:	2	Compactness Value:	0.76	As Percent:	76.2%
District:	3	Compactness Value:	0.83	As Percent:	82.6%
District:	4	Compactness Value:	0.56	As Percent:	55.8%
District:	5	Compactness Value:	0.51	As Percent:	51.2%
District:	6	Compactness Value:	0.86	As Percent:	85.7%
District:	7	Compactness Value:	0.73	As Percent:	72.7%
District:	8	Compactness Value:	0.87	As Percent:	87.2%
District:	9	Compactness Value:	0.90	As Percent:	90.5%
District:	10	Compactness Value:	0.62	As Percent:	61.8%
District:	11	Compactness Value:	0.85	As Percent:	84.9%
District:	12	Compactness Value:	0.88	As Percent:	88.2%
District:	13	Compactness Value:	0.80	As Percent:	80.0%
District:	14	Compactness Value:	0.84	As Percent:	84.3%
District:	15	Compactness Value:	0.80	As Percent:	79.7%
District:	16	Compactness Value:	0.90	As Percent:	90.0%
District:	17	Compactness Value:	0.73	As Percent:	73.4%
District:	18	Compactness Value:	0.91	As Percent:	91.5%
District:	19	Compactness Value:	0.86	As Percent:	86.2%
District:	20	Compactness Value:	0.88	As Percent:	87.5%
District:	21	Compactness Value:	0.72	As Percent:	71.8%
District:	22	Compactness Value:	0.72	As Percent:	72.3%
District:	23	Compactness Value:	0.86	As Percent:	86.0%
District:	24	Compactness Value:	0.89	As Percent:	88.7%
District:	25	Compactness Value:	0.91	As Percent:	91.5%
District:	26	Compactness Value:	0.91	As Percent:	90.6%
District:	27	Compactness Value:	0.85	As Percent:	84.8%
District:	28	Compactness Value:	0.96	As Percent:	96.1%
District:	29	Compactness Value:	0.91	As Percent:	90.7%
District:	30	Compactness Value:	0.87	As Percent:	86.9%
District:	31	Compactness Value:	0.82	As Percent:	82.0%
District:	32	Compactness Value:	0.60	As Percent:	60.4%
District:	33	Compactness Value:	0.91	As Percent:	90.5%
District:	34	Compactness Value:	0.80	As Percent:	79.7%
District:	35	Compactness Value:	0.76	As Percent:	75.5%
District:	36	Compactness Value:	0.49	As Percent:	48.6%
District:	37	Compactness Value:	0.11	As Percent:	11.4%
District:	38	Compactness Value:	0.56	As Percent:	55.9%
District:	39	Compactness Value:	0.52	As Percent:	52.3%
District:	40	Compactness Value:	0.78	As Percent:	77.5%

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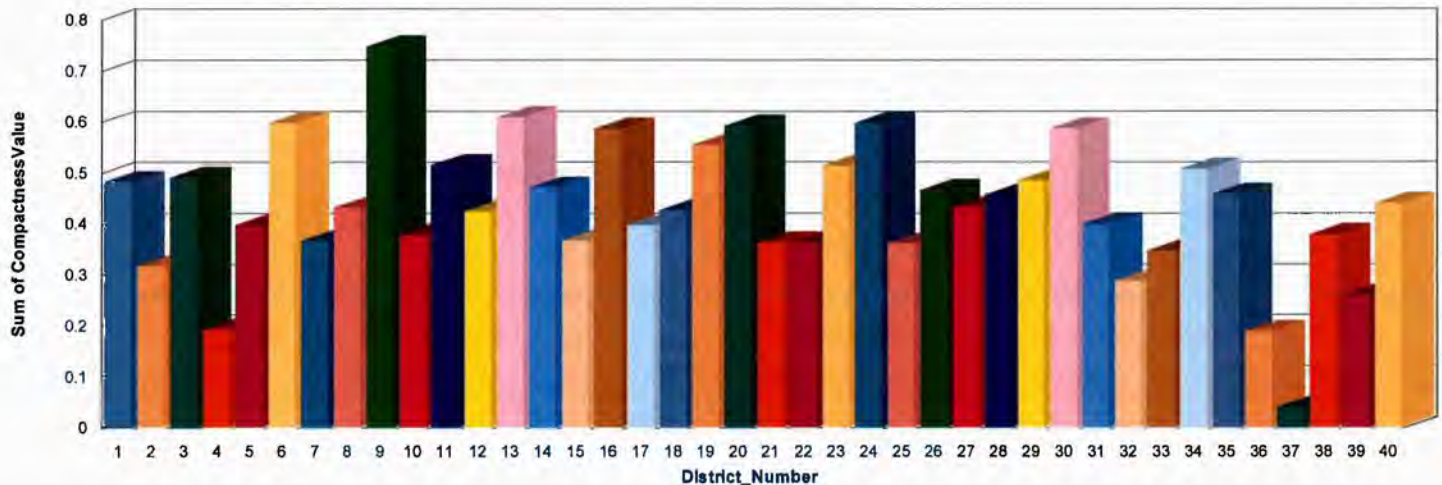# Compactness Analysis Report

Plan Name: Workspace: AB Plans>>Gazewood & Weiner Plan

Plan Last Edited on: 8/2/2013 12:36:17 PM

Confidential

Compactness Measure:

District area divided by the area of the minimum circle bounding the district. This method is also know as the Roeck or Ehrenberg test.

District:	1	Compactness Value: 0.48	As Percent:	48.3%
District:	2	Compactness Value: 0.32	As Percent:	31.7%
District:	3	Compactness Value: 0.49	As Percent:	49.1%
District:	4	Compactness Value: 0.19	As Percent:	19.2%
District:	5	Compactness Value: 0.40	As Percent:	39.7%
District:	6	Compactness Value: 0.60	As Percent:	59.9%
District:	7	Compactness Value: 0.37	As Percent:	36.7%
District:	8	Compactness Value: 0.43	As Percent:	43.2%
District:	9	Compactness Value: 0.75	As Percent:	74.9%
District:	10	Compactness Value: 0.38	As Percent:	37.9%
District:	11	Compactness Value: 0.52	As Percent:	51.6%
District:	12	Compactness Value: 0.42	As Percent:	42.5%
District:	13	Compactness Value: 0.61	As Percent:	61.1%
District:	14	Compactness Value: 0.47	As Percent:	47.2%
District:	15	Compactness Value: 0.37	As Percent:	36.7%
District:	16	Compactness Value: 0.59	As Percent:	58.8%
District:	17	Compactness Value: 0.40	As Percent:	39.7%
District:	18	Compactness Value: 0.43	As Percent:	42.7%
District:	19	Compactness Value: 0.56	As Percent:	55.6%
District:	20	Compactness Value: 0.59	As Percent:	59.3%
District:	21	Compactness Value: 0.36	As Percent:	36.2%
District:	22	Compactness Value: 0.36	As Percent:	36.4%
District:	23	Compactness Value: 0.52	As Percent:	51.6%
District:	24	Compactness Value: 0.60	As Percent:	59.9%
District:	25	Compactness Value: 0.36	As Percent:	36.1%
District:	26	Compactness Value: 0.47	As Percent:	46.7%
District:	27	Compactness Value: 0.43	As Percent:	43.3%

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District:	28	Compactness Value:	0.46	As Percent:	45.7%
District:	29	Compactness Value:	0.49	As Percent:	48.6%
District:	30	Compactness Value:	0.59	As Percent:	58.9%
District:	31	Compactness Value:	0.40	As Percent:	40.0%
District:	32	Compactness Value:	0.29	As Percent:	28.8%
District:	33	Compactness Value:	0.35	As Percent:	34.7%
District:	34	Compactness Value:	0.51	As Percent:	50.9%
District:	35	Compactness Value:	0.46	As Percent:	45.9%
District:	36	Compactness Value:	0.19	As Percent:	18.8%
District:	37	Compactness Value:	0.04	As Percent:	4.0%
District:	38	Compactness Value:	0.38	As Percent:	37.9%
District:	39	Compactness Value:	0.26	As Percent:	26.0%
District:	40	Compactness Value:	0.44	As Percent:	44.1%

Total Perimeter for all Districts   113,035.41 Miles

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Plan name: Workspace: AB Plans>>Gazewood & Weiner Plan
Plan was last edited on: 8/2/2013 1:06:25 PM

Measures of Compactness

District	Roeck	Polsby-Popper	Area	Perimeter
1	0.48	0.58	10,596.1	472.7
2	0.32	0.24	23,361.3	1,095.3
3	0.49	0.37	2,346.2	279.6
4	0.19	0.16	18,811.3	1,224.5
5	0.40	0.14	29,722.0	1,647.9
6	0.60	0.29	62.5	52.9
7	0.37	0.23	2,042.9	346.2
8	0.43	0.30	1,731.0	273.9
9	0.75	0.65	8.4	13.1
10	0.38	0.19	50.5	59.3
11	0.52	0.46	23,851.2	814.4
12	0.42	0.42	802.5	155.9
13	0.61	0.38	29.4	31.4
14	0.47	0.54	34.4	28.5
15	0.37	0.35	540.0	141.3
16	0.59	0.56	989.0	150.4
17	0.40	0.30	5.3	15.0
18	0.43	0.55	112.4	51.0
19	0.56	0.44	2.8	9.0
20	0.59	0.53	2.7	8.0
21	0.36	0.33	2.1	9.0
22	0.36	0.37	7.8	16.3
23	0.52	0.45	4.9	11.7
24	0.60	0.49	4.7	11.0
25	0.36	0.48	4.6	11.1
26	0.47	0.58	110.6	49.4
27	0.43	0.49	4.5	10.8
28	0.46	0.63	35.3	26.7
29	0.49	0.65	4.9	9.7
30	0.59	0.48	13.9	19.3
31	0.40	0.40	12.1	19.6
32	0.29	0.16	16,963.8	1,164.3
33	0.35	0.43	175.8	72.1
34	0.51	0.19	4,654.9	561.0
35	0.46	0.36	17,975.7	791.1
36	0.19	0.11	68,408.0	2,799.8
37	0.04	0.02	50,168.0	5,750.7
38	0.38	0.09	76,059.7	3,243.4
39	0.26	0.13	177,443.3	4,307.7
40	0.44	0.31	138,210.4	2,503.7

Measures of Compactness

8/2/2013
1:11:13PM

Report Summary

Total Perimeter for all Districts	113,035.41	Miles	Average	706.47	Miles	
Total Area for all Districts	2,661,467.34	Square Miles	Average	16,634.17	Square Miles	
Minimum Compactness based on Roeck	0.04					
Maximum Compactness based on Roeck	0.75	Roeck Average	0.42	Std. Dev.	0.13	
Minimum Compactness based on Polsby-Popper	0.02					
Maximum Compactness based on Polsby-Popper	0.65	Polsby-Popper Average	0.35	Std. Dev.	0.17	
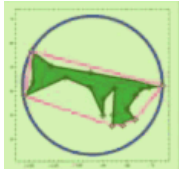
Compactness Analysis Report

Plan Name: Workspace: AB Plans>>McKinnon Plan

Plan Last Edited on: 8/19/2013 7:26:19 AM

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Compactness Measure:

Circularity Ratio - Ratio of the area of the District to the area of a circle (the most compact shape) having the same perimeter. That ratio is expressed as M = 4pi(area) / (perimeter)2. For a circle, the ratio is one. This
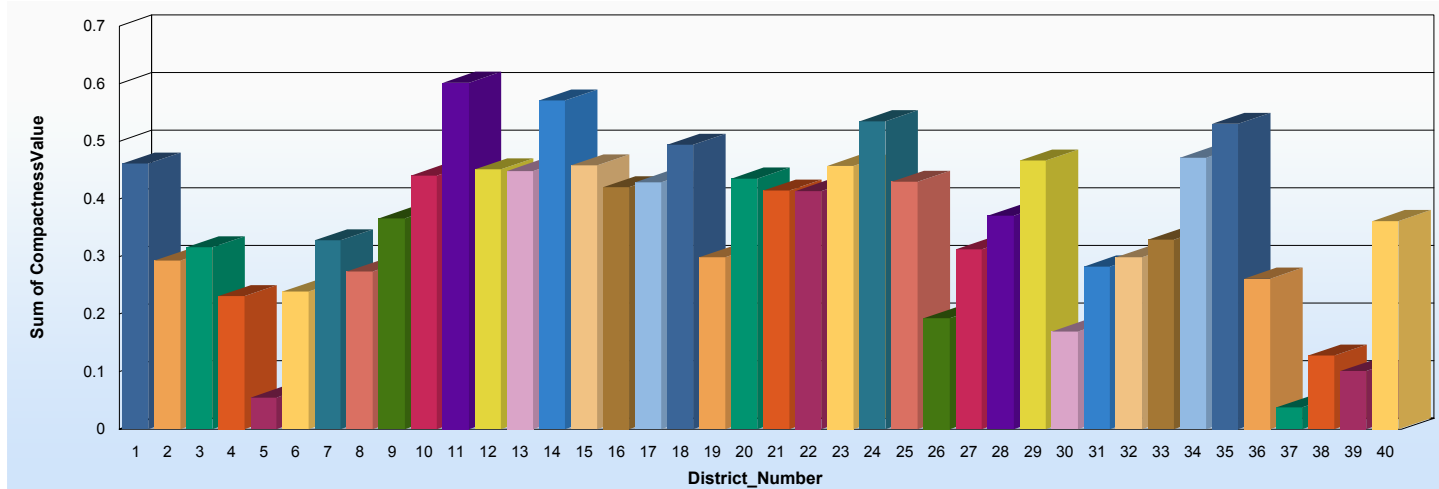
District:		Compactness Value:		As Percent:	
District:	1	Compactness Value:	0.46	As Percent:	46.1%
District:	2	Compactness Value:	0.29	As Percent:	29.3%
District:	3	Compactness Value:	0.32	As Percent:	31.6%
District:	4	Compactness Value:	0.23	As Percent:	23.1%
District:	5	Compactness Value:	0.06	As Percent:	5.5%
District:	6	Compactness Value:	0.24	As Percent:	23.9%
District:	7	Compactness Value:	0.33	As Percent:	32.8%
District:	8	Compactness Value:	0.27	As Percent:	27.4%
District:	9	Compactness Value:	0.37	As Percent:	36.6%
District:	10	Compactness Value:	0.44	As Percent:	44.1%
District:	11	Compactness Value:	0.60	As Percent:	60.2%
District:	12	Compactness Value:	0.45	As Percent:	45.1%
District:	13	Compactness Value:	0.45	As Percent:	44.8%
District:	14	Compactness Value:	0.57	As Percent:	57.1%
District:	15	Compactness Value:	0.46	As Percent:	45.8%
District:	16	Compactness Value:	0.42	As Percent:	42.0%
District:	17	Compactness Value:	0.43	As Percent:	42.9%
District:	18	Compactness Value:	0.49	As Percent:	49.4%
District:	19	Compactness Value:	0.30	As Percent:	29.8%
District:	20	Compactness Value:	0.44	As Percent:	43.5%
District:	21	Compactness Value:	0.41	As Percent:	41.5%
District:	22	Compactness Value:	0.41	As Percent:	41.4%
District:	23	Compactness Value:	0.46	As Percent:	45.7%
District:	24	Compactness Value:	0.53	As Percent:	53.5%
District:	25	Compactness Value:	0.43	As Percent:	43.0%
District:	26	Compactness Value:	0.19	As Percent:	19.3%
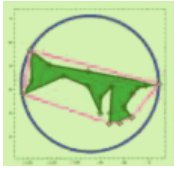
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Compactness Analysis Report

Plan Name: Workspace: AB Plans>>McKinnon Plan
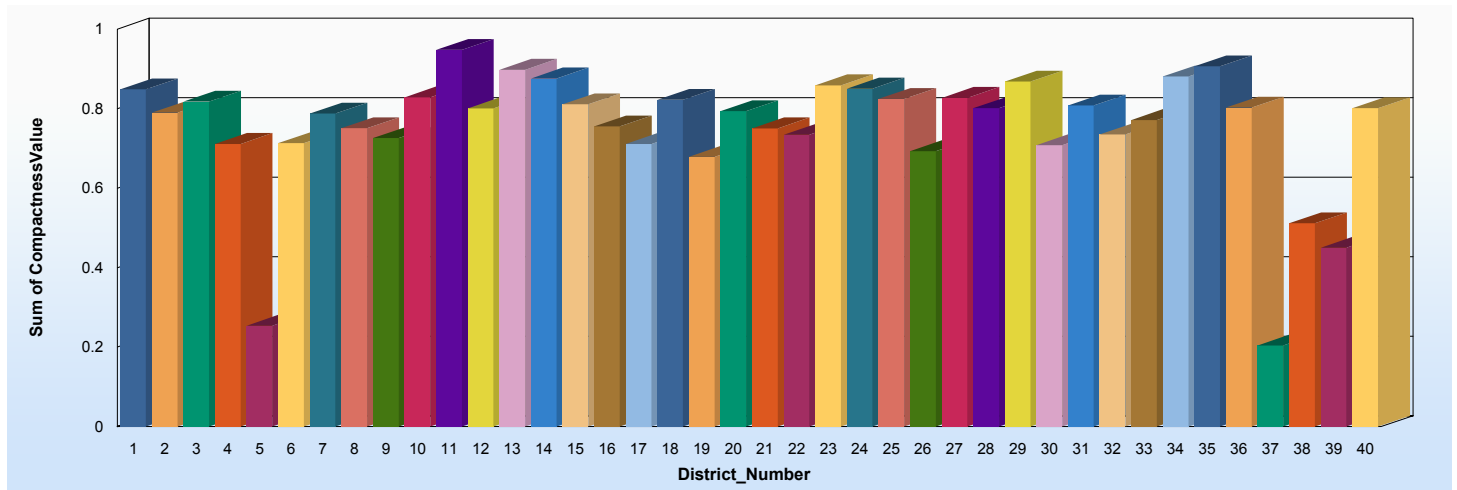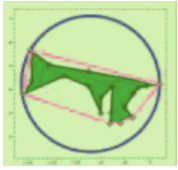
Plan Last Edited on: 8/19/2013 7:26:19 AM

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District:	27	Compactness Value:	0.31	As Percent:	31.2%
District:	28	Compactness Value:	0.37	As Percent:	37.1%
District:	29	Compactness Value:	0.47	As Percent:	46.6%
District:	30	Compactness Value:	0.17	As Percent:	17.0%
District:	31	Compactness Value:	0.28	As Percent:	28.3%
District:	32	Compactness Value:	0.30	As Percent:	29.8%
District:	33	Compactness Value:	0.33	As Percent:	32.9%
District:	34	Compactness Value:	0.47	As Percent:	47.2%
District:	35	Compactness Value:	0.53	As Percent:	53.0%
District:	36	Compactness Value:	0.26	As Percent:	26.2%
District:	37	Compactness Value:	0.04	As Percent:	3.8%
District:	38	Compactness Value:	0.13	As Percent:	12.8%
District:	39	Compactness Value:	0.10	As Percent:	10.1%
District:	40	Compactness Value:	0.36	As Percent:	36.2%

Compactness Measure:

Circumference of an equal area circle divided by the perimeter of the district
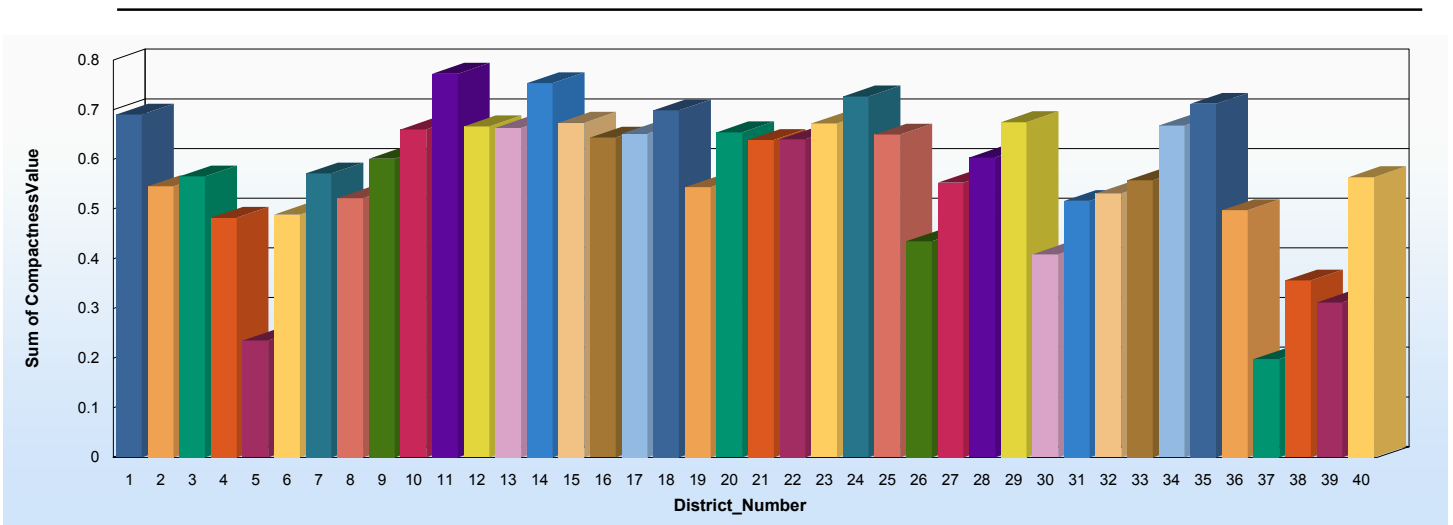
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District:	2	Compactness Value:	0.55	As Percent:	54.6%
District:	3	Compactness Value:	0.57	As Percent:	56.6%
District:	4	Compactness Value:	0.48	As Percent:	48.3%
District:	5	Compactness Value:	0.24	As Percent:	23.6%
District:	6	Compactness Value:	0.49	As Percent:	48.9%
District:	7	Compactness Value:	0.57	As Percent:	57.2%
District:	8	Compactness Value:	0.52	As Percent:	52.2%
District:	9	Compactness Value:	0.60	As Percent:	60.2%
District:	10	Compactness Value:	0.66	As Percent:	66.1%
District:	11	Compactness Value:	0.77	As Percent:	77.3%
District:	12	Compactness Value:	0.67	As Percent:	66.7%
District:	13	Compactness Value:	0.66	As Percent:	66.3%
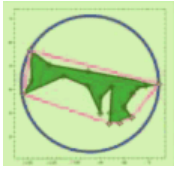
Compactness Analysis Report

Plan Name: Workspace: AB Plans>>McKinnon Plan

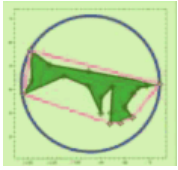**Plan Last Edited on:** 8/19/2013 7:26:19 AM

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District:	14	Compactness Value: 0.75	As Percent:	75.4%
District:	15	Compactness Value: 0.67	As Percent:	67.4%
District:	16	Compactness Value: 0.64	As Percent:	64.4%
District:	17	Compactness Value: 0.65	As Percent:	65.2%
District:	18	Compactness Value: 0.70	As Percent:	69.9%
District:	19	Compactness Value: 0.54	As Percent:	54.4%
District:	20	Compactness Value: 0.65	As Percent:	65.4%
District:	21	Compactness Value: 0.64	As Percent:	63.9%
District:	22	Compactness Value: 0.64	As Percent:	64.0%
District:	23	Compactness Value: 0.67	As Percent:	67.2%
District:	24	Compactness Value: 0.73	As Percent:	72.7%
District:	25	Compactness Value: 0.65	As Percent:	65.0%
District:	26	Compactness Value: 0.44	As Percent:	43.5%
District:	27	Compactness Value: 0.55	As Percent:	55.3%
District:	28	Compactness Value: 0.60	As Percent:	60.4%
District:	29	Compactness Value: 0.67	As Percent:	67.5%
District:	30	Compactness Value: 0.41	As Percent:	40.9%
District:	31	Compactness Value: 0.52	As Percent:	51.6%
District:	32	Compactness Value: 0.53	As Percent:	53.1%
District:	33	Compactness Value: 0.56	As Percent:	55.8%
District:	34	Compactness Value: 0.67	As Percent:	66.8%
District:	35	Compactness Value: 0.71	As Percent:	71.2%
District:	36	Compactness Value: 0.50	As Percent:	49.8%
District:	37	Compactness Value: 0.20	As Percent:	19.8%
District:	38	Compactness Value: 0.36	As Percent:	35.6%
District:	39	Compactness Value: 0.31	As Percent:	31.2%
District:	40	Compactness Value: 0.56	As Percent:	56.4%

Compactness Measure:

District area divided by the area of the district's Convex Hull. This method is also know as the Schwartzberg test.

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Alaska Redistricting Board
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EXHIBIT C
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District:	1	Compactness Value: 0.85	As Percent:	84.8%
District:	2	Compactness Value: 0.79	As Percent:	79.0%
District:	3	Compactness Value: 0.82	As Percent:	81.8%
District:	4	Compactness Value: 0.71	As Percent:	71.1%
District:	5	Compactness Value: 0.25	As Percent:	25.4%
District:	6	Compactness Value: 0.71	As Percent:	71.3%
District:	7	Compactness Value: 0.79	As Percent:	78.7%
District:	8	Compactness Value: 0.75	As Percent:	75.1%
District:	9	Compactness Value: 0.73	As Percent:	72.6%
District:	10	Compactness Value: 0.83	As Percent:	82.9%
District:	11	Compactness Value: 0.95	As Percent:	94.8%
District:	12	Compactness Value: 0.80	As Percent:	80.1%
District:	13	Compactness Value: 0.90	As Percent:	89.8%
District:	14	Compactness Value: 0.88	As Percent:	87.6%
District:	15	Compactness Value: 0.81	As Percent:	81.1%
District:	16	Compactness Value: 0.76	As Percent:	75.5%
District:	17	Compactness Value: 0.71	As Percent:	71.1%
District:	18	Compactness Value: 0.82	As Percent:	82.2%
District:	19	Compactness Value: 0.68	As Percent:	67.9%
District:	20	Compactness Value: 0.79	As Percent:	79.4%
District:	21	Compactness Value: 0.75	As Percent:	75.0%
District:	22	Compactness Value: 0.73	As Percent:	73.4%
District:	23	Compactness Value: 0.86	As Percent:	85.9%
District:	24	Compactness Value: 0.85	As Percent:	85.0%
District:	25	Compactness Value: 0.82	As Percent:	82.5%
District:	26	Compactness Value: 0.69	As Percent:	69.3%
District:	27	Compactness Value: 0.83	As Percent:	82.7%
District:	28	Compactness Value: 0.80	As Percent:	80.1%
District:	29	Compactness Value: 0.87	As Percent:	86.8%
District:	30	Compactness Value: 0.71	As Percent:	70.8%
District:	31	Compactness Value: 0.81	As Percent:	80.8%
District:	32	Compactness Value: 0.73	As Percent:	73.5%
District:	33	Compactness Value: 0.77	As Percent:	77.2%
District:	34	Compactness Value: 0.88	As Percent:	88.1%
District:	35	Compactness Value: 0.91	As Percent:	90.6%
District:	36	Compactness Value: 0.80	As Percent:	80.3%
District:	37	Compactness Value: 0.20	As Percent:	20.4%
District:	38	Compactness Value: 0.51	As Percent:	51.2%
District:	39	Compactness Value: 0.45	As Percent:	45.0%
District:	40	Compactness Value: 0.80	As Percent:	80.1%
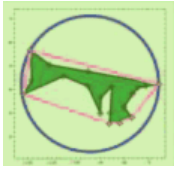
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Compactness Analysis Report

Plan Name: Workspace: AB Plans>>McKinnon Plan

Plan Last Edited on: 8/19/2013 7:26:19 AM

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Compactness Measure:

District area divided by the area of the minimum circle bounding the district. This method is also know as the Roeck or Ehrenberg test.
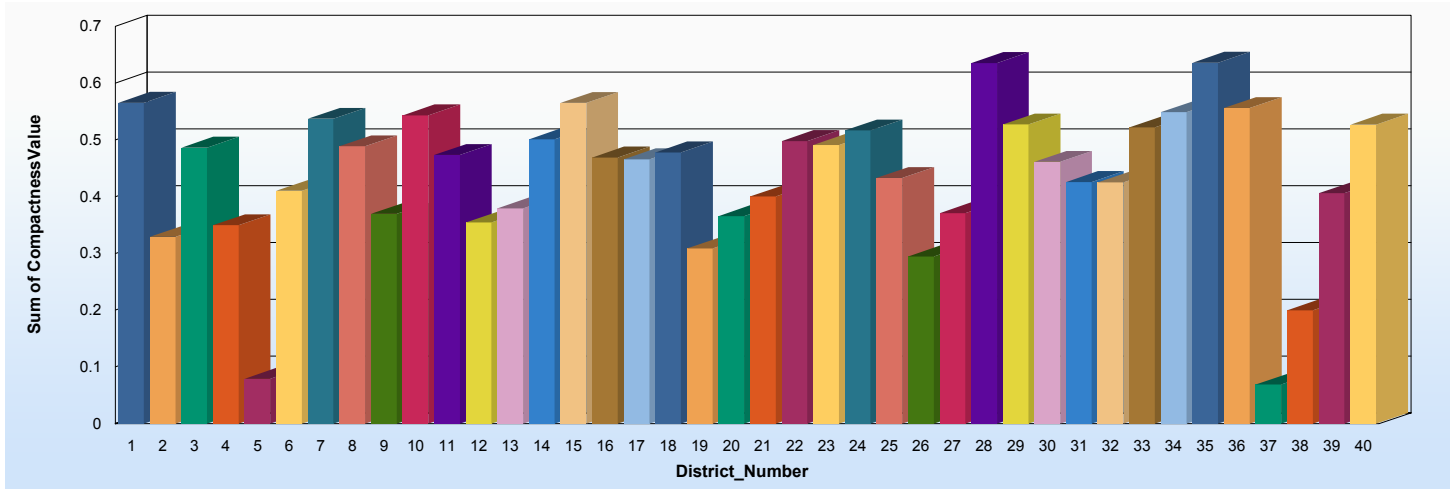
District:		Compactness Value:		As Percent:	
District:	1	Compactness Value:	0.57	As Percent:	56.5%
District:	2	Compactness Value:	0.33	As Percent:	32.9%
District:	3	Compactness Value:	0.49	As Percent:	48.6%
District:	4	Compactness Value:	0.35	As Percent:	35.0%
District:	5	Compactness Value:	0.08	As Percent:	7.9%
District:	6	Compactness Value:	0.41	As Percent:	41.0%
District:	7	Compactness Value:	0.54	As Percent:	53.7%
District:	8	Compactness Value:	0.49	As Percent:	48.9%
District:	9	Compactness Value:	0.37	As Percent:	37.0%
District:	10	Compactness Value:	0.54	As Percent:	54.3%
District:	11	Compactness Value:	0.47	As Percent:	47.3%
District:	12	Compactness Value:	0.35	As Percent:	35.4%
District:	13	Compactness Value:	0.38	As Percent:	37.9%
District:	14	Compactness Value:	0.50	As Percent:	50.1%
District:	15	Compactness Value:	0.57	As Percent:	56.5%
District:	16	Compactness Value:	0.47	As Percent:	46.9%
District:	17	Compactness Value:	0.47	As Percent:	46.6%
District:	18	Compactness Value:	0.48	As Percent:	47.8%
District:	19	Compactness Value:	0.31	As Percent:	30.9%
District:	20	Compactness Value:	0.37	As Percent:	36.6%
District:	21	Compactness Value:	0.40	As Percent:	40.0%
District:	22	Compactness Value:	0.50	As Percent:	49.8%
District:	23	Compactness Value:	0.49	As Percent:	49.1%
District:	24	Compactness Value:	0.52	As Percent:	51.7%
District:	25	Compactness Value:	0.43	As Percent:	43.3%
District:	26	Compactness Value:	0.29	As Percent:	29.5%
District:	27	Compactness Value:	0.37	As Percent:	37.1%

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Plan Name: Workspace: AB Plans>>McKinnon Plan

Plan Last Edited on: 8/19/2013 7:26:19 AM

	District:		Compactness Value:		As Percent:	
District:	28	Compactness Value:	0.64	As Percent:	63.5%	
District:	29	Compactness Value:	0.53	As Percent:	52.7%	
District:	30	Compactness Value:	0.46	As Percent:	46.1%	
District:	31	Compactness Value:	0.43	As Percent:	42.6%	
District:	32	Compactness Value:	0.42	As Percent:	42.5%	
District:	33	Compactness Value:	0.52	As Percent:	52.2%	
District:	34	Compactness Value:	0.55	As Percent:	54.9%	
District:	35	Compactness Value:	0.64	As Percent:	63.6%	
District:	36	Compactness Value:	0.56	As Percent:	55.6%	
District:	37	Compactness Value:	0.07	As Percent:	6.9%	
District:	38	Compactness Value:	0.20	As Percent:	20.0%	
District:	39	Compactness Value:	0.41	As Percent:	40.6%	
District:	40	Compactness Value:	0.53	As Percent:	52.7%	

Total Perimeter for all Districts   103,468.60 Miles

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Alaska Redistricting Board
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Plan name: Workspace: AB Plans>>McKinnon Plan
Plan was last edited on: 8/19/2013 7:26:19 AM

Measures of Compactness

District	Roeck	Polsby-Popper	Area	Perimeter
1	0.57	0.46	14,655.4	621.6
2	0.33	0.29	25,427.1	1,035.7
3	0.49	0.32	2,322.9	302.1
4	0.35	0.23	3,246.8	418.4
5	0.08	0.06	33,913.6	2,772.0
6	0.41	0.24	20,370.8	1,034.7
7	0.54	0.33	81.4	56.0
8	0.49	0.27	4,299.2	445.3
9	0.37	0.37	681.9	153.9
10	0.54	0.44	7.3	14.5
11	0.47	0.60	36.5	27.7
12	0.35	0.45	79.7	47.5
13	0.38	0.45	36.4	32.2
14	0.50	0.57	5.2	10.7
15	0.57	0.46	4.9	11.6
16	0.47	0.42	8.5	16.1
17	0.47	0.43	6.7	14.1
18	0.48	0.49	4.8	11.1
19	0.31	0.30	23.1	31.3
20	0.37	0.44	4.1	10.9
21	0.40	0.41	2.4	8.6
22	0.50	0.41	18.8	24.0
23	0.49	0.46	97.1	52.0
24	0.52	0.53	311.5	86.1
25	0.43	0.43	715.6	145.9
26	0.29	0.19	84.4	74.8
27	0.37	0.31	27.7	33.7
28	0.64	0.37	47.1	40.3
29	0.53	0.47	24,384.5	820.2
30	0.46	0.17	38,137.0	1,692.7
31	0.43	0.28	1,704.1	283.4
32	0.42	0.30	72.8	56.9
33	0.52	0.33	35.5	37.8
34	0.55	0.47	8.5	15.5
35	0.64	0.53	815.5	142.2
36	0.56	0.26	176,341.6	2,990.3
37	0.07	0.04	101,754.7	5,708.1
38	0.20	0.13	35,088.3	1,864.3
39	0.41	0.10	44,975.8	2,409.9
40	0.53	0.36	135,545.1	2,313.2

EXHIBIT C
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Measures of Compactness

Report Summary

Total Perimeter for all Districts	103,468.60	Miles	Average	646.68	Miles
Total Area for all Districts	2,661,536.80	Square Miles	Average	16,634.60	Square Miles
Minimum Compactness based on Roeck	0.07				
Maximum Compactness based on Roeck	0.64	Roeck Average	0.44	Std. Dev.	0.13
Minimum Compactness based on Polsby-Popper	0.04				
Maximum Compactness based on Polsby-Popper	0.60	Polsby-Popper Average	0.34	Std. Dev.	0.14

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House District 5

Comparison

Legend

- Original Proclamation District 5
- House District 5

Fox
Goldstream
Farmers Loop
Fairbanks
College
Ester
South Van Horn
Chena Ridge
Steele Creek
Badger
North Pole
Moose Creek
Eielson AFB
Two Rivers
Pleasant Valley
Salcha
Harding-Birch Lakes
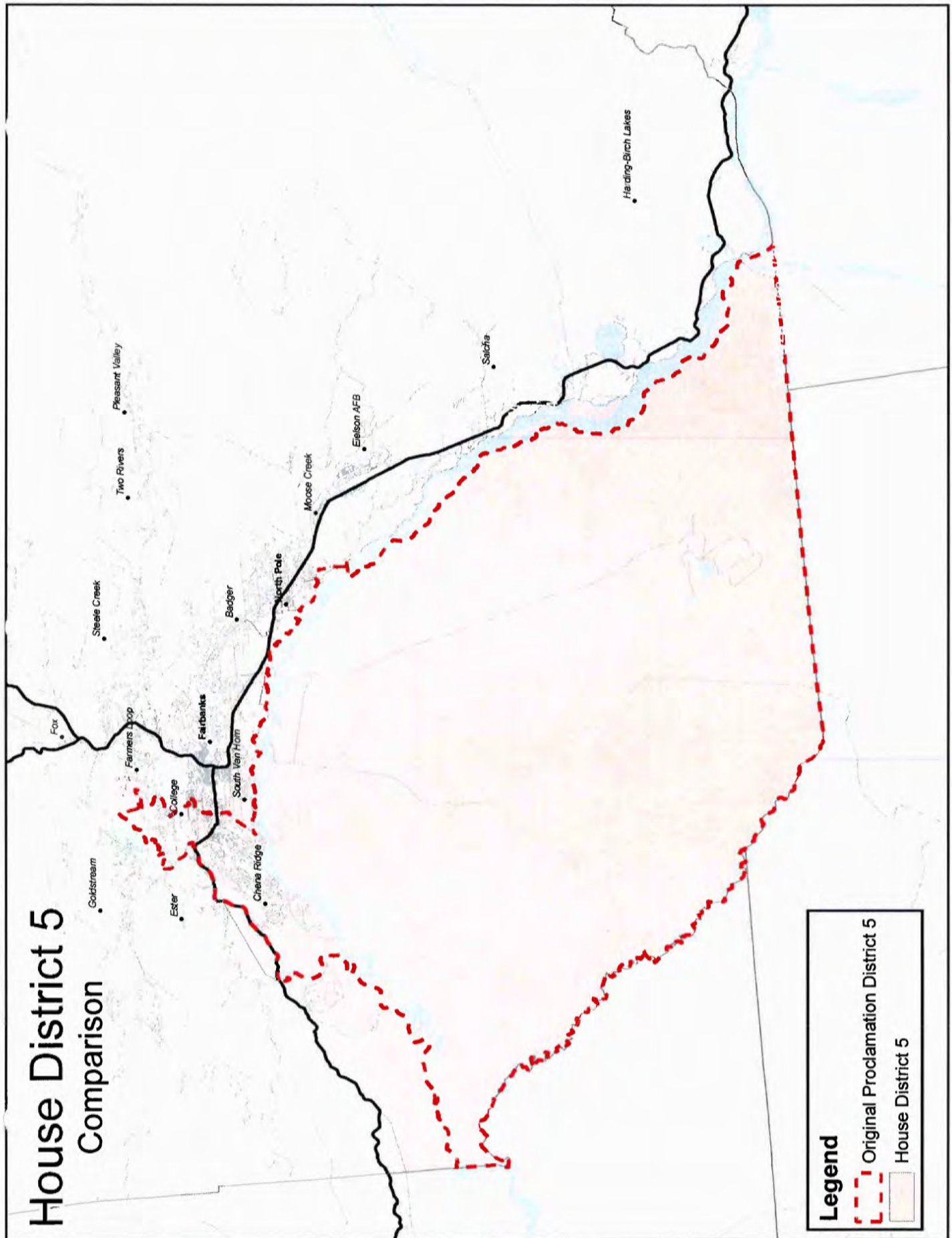
House District 5
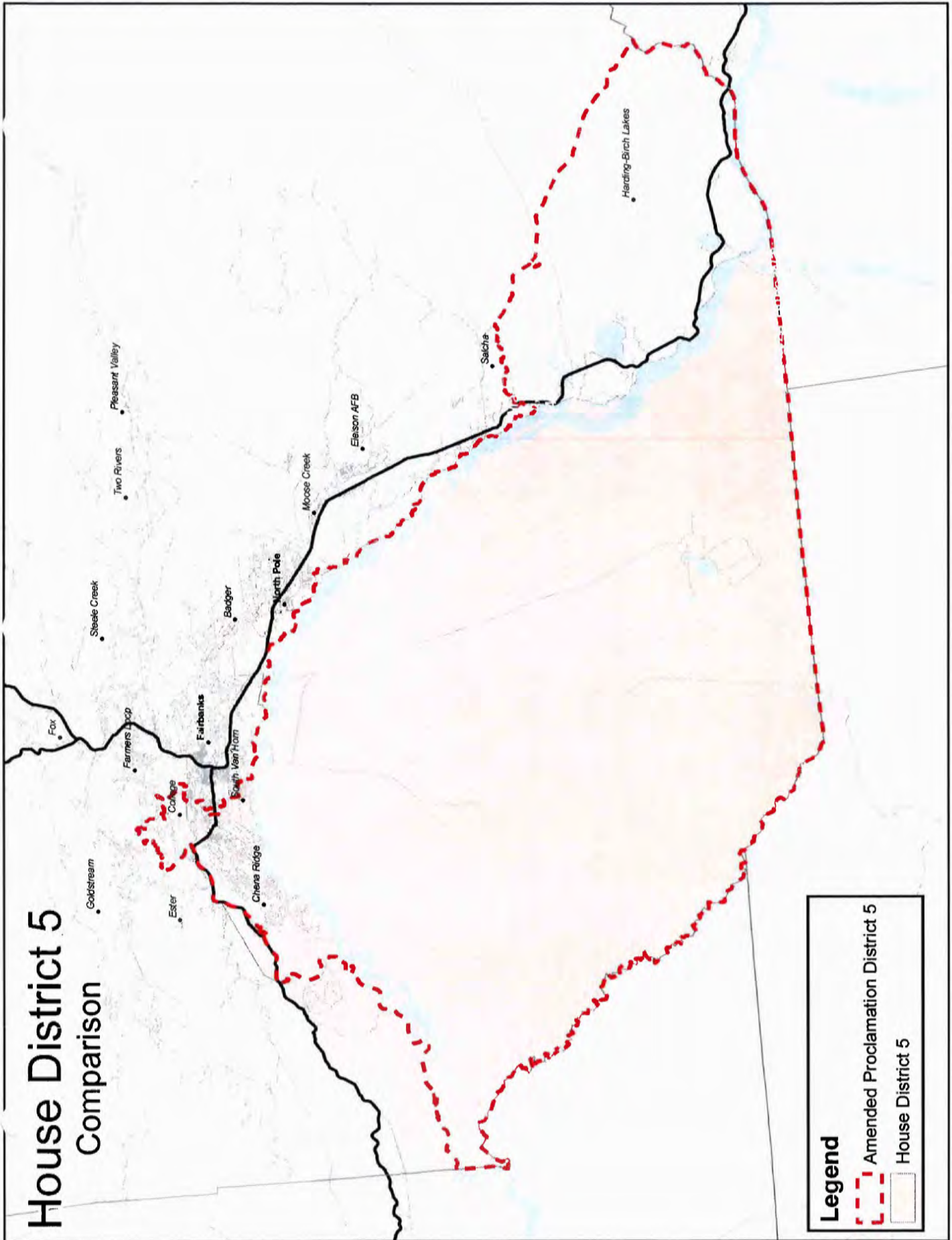
Comparison

Legend

- Amended Proclamation District 5
- House District 5

House District 9
Population by Block

Block Population

- 1 - 20
- 21 - 68
- 69 - 158
- 159 - 307
- 308 - 1000
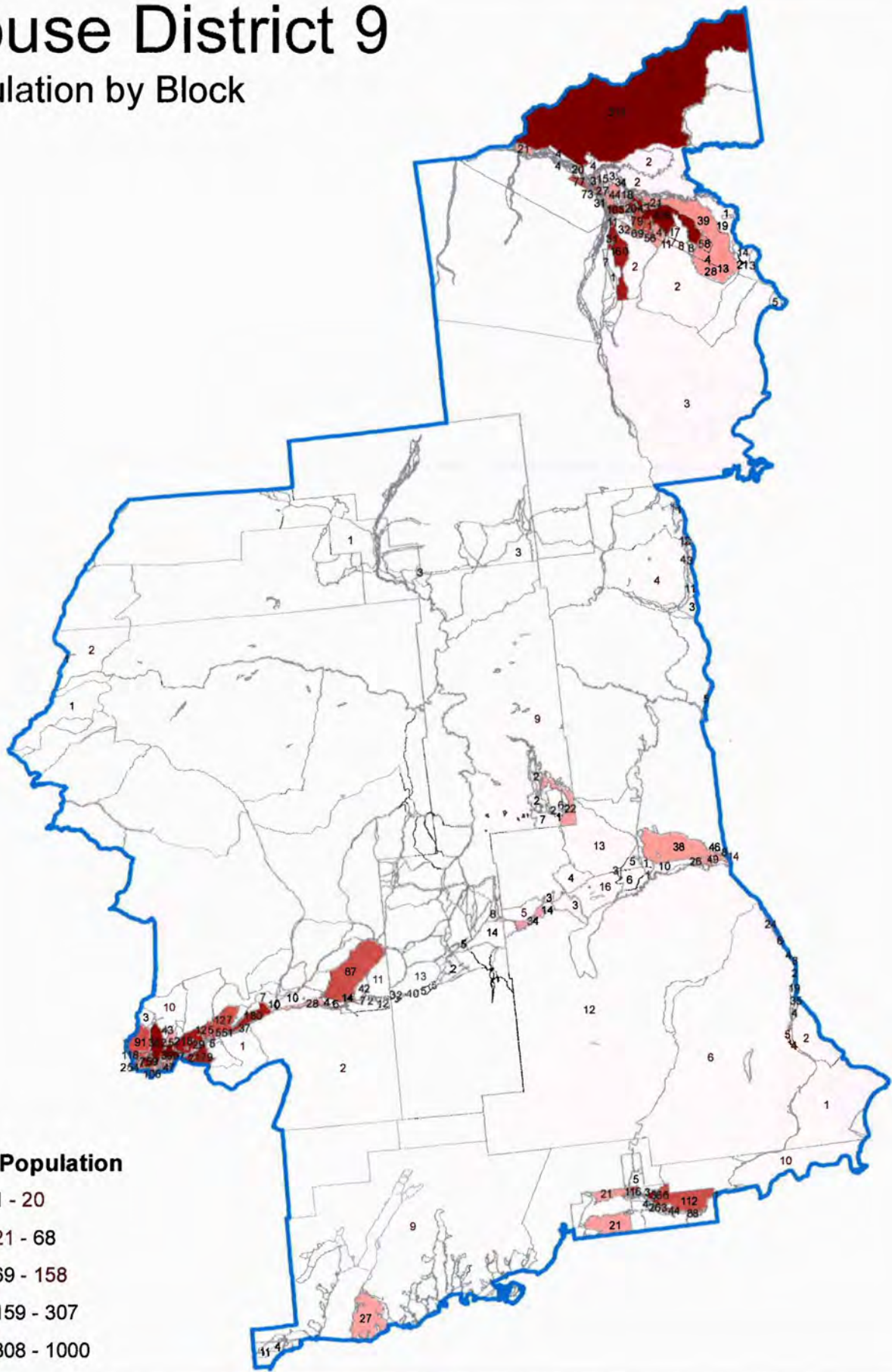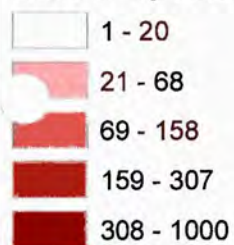
House District 12
Comparison

Legend
- ⌐ ⌐ 2002 Chugiak-MatSu District
- ☐ House District 12

Chickaloon

Sutton-Alpine

Buffalo Soapstone

Lazy Mountain

Meadow Lakes

Farm Loop

Lakes

Palmer

Wasilla

Gateway

Butte

Knik-Fairview

Knik River
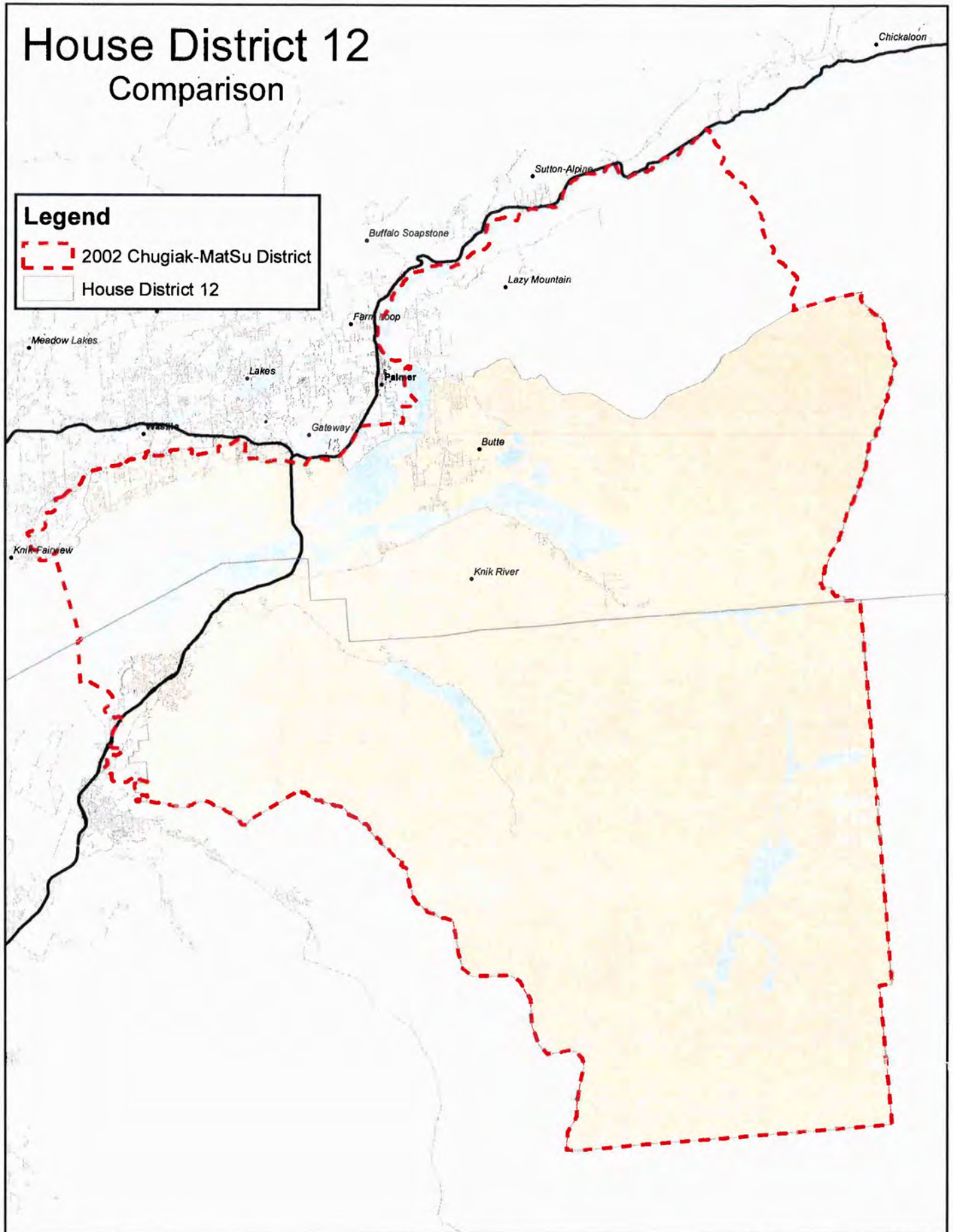
House District 12

Population by Block

Block Population

- 1 - 20
- 21 - 68
- 69 - 158
- 159 - 307
- 308 - ` ̀0
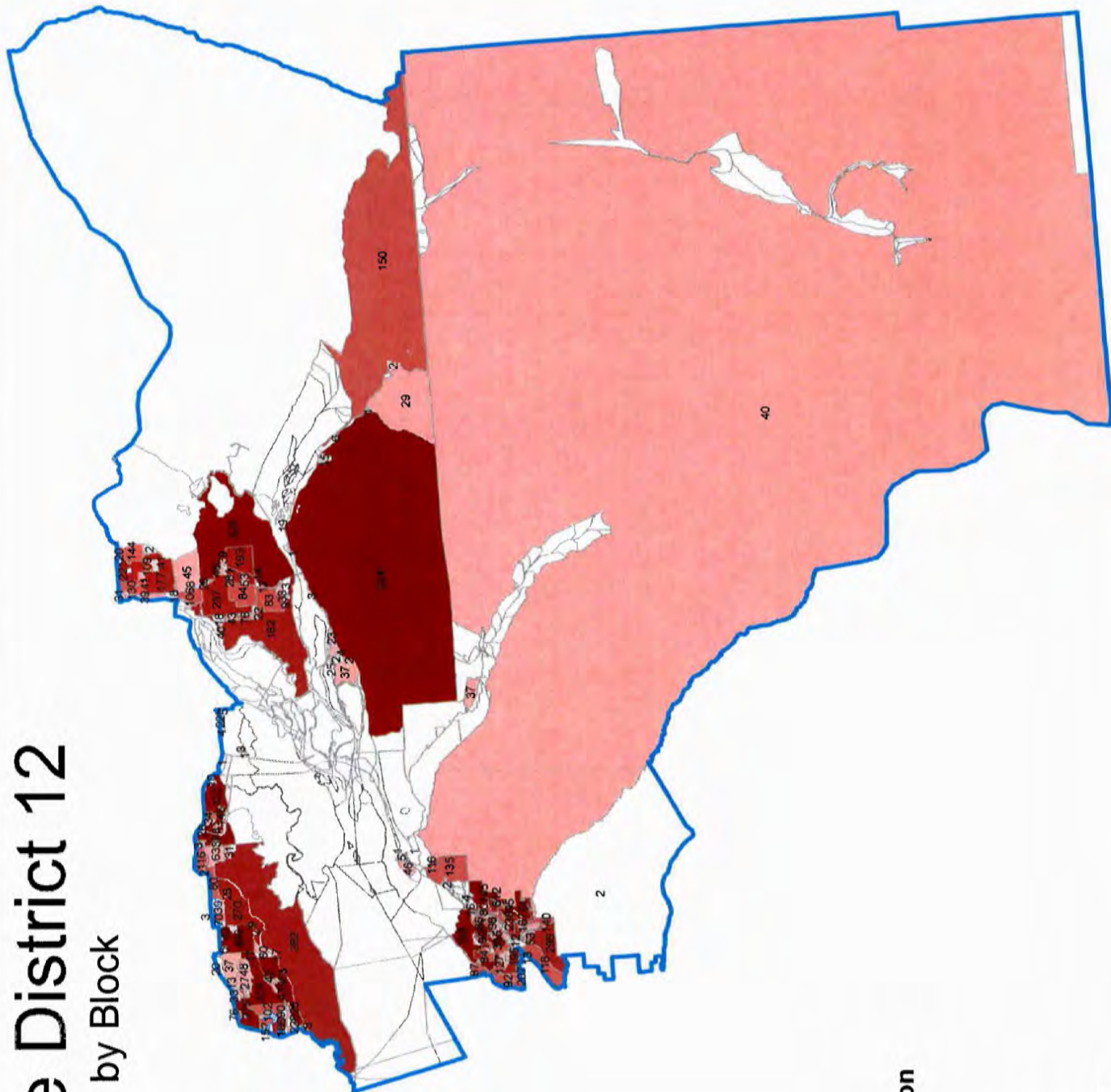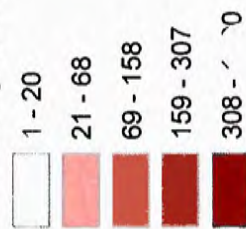
House District 15 and 16
Gazewood and Weiner

Willow CDP

Chickaloon CDP

Sutton-Alpine CDP

Fishhook CDPBuffalo Soapstone CDP

Lazy Mountain CDP

Tanaina CDP

Farm Loop CDP

Meadow Lakes CDP

Lakes CDP

Palmer city

Wasilla city

Butte CDP

15

Knik-Fairview CDP

Knik River CDP

16

Anchorage municipality

House District 3

Legend

Total Persons
· 1
• 10

⬤ 1,000

House District 3

Chena Lakes
3,648
(20.6%)

Moose Creek
0
(0.0%)

Steele Creek/Gilmore
519
(2.9%)

Newby
2,661
(15.1%)

Plack
3,296
(18.6%)

North Pole
2,117
(12.0%)

Richardson
2,870
(16.2%)

Badger No. 1
1,694
(9.6%)

Steese East
868
(4.9%)

District is divided by Voting Precincts

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University of Alaska Fairbanks — Fairbanks Campus and Vicinity

2013 Proclamation
Fairbanks

McKinnon Plan
Fairbanks

EXHIBIT L
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McKinnon Plan
Fairbanks NSB

EXHIBIT L
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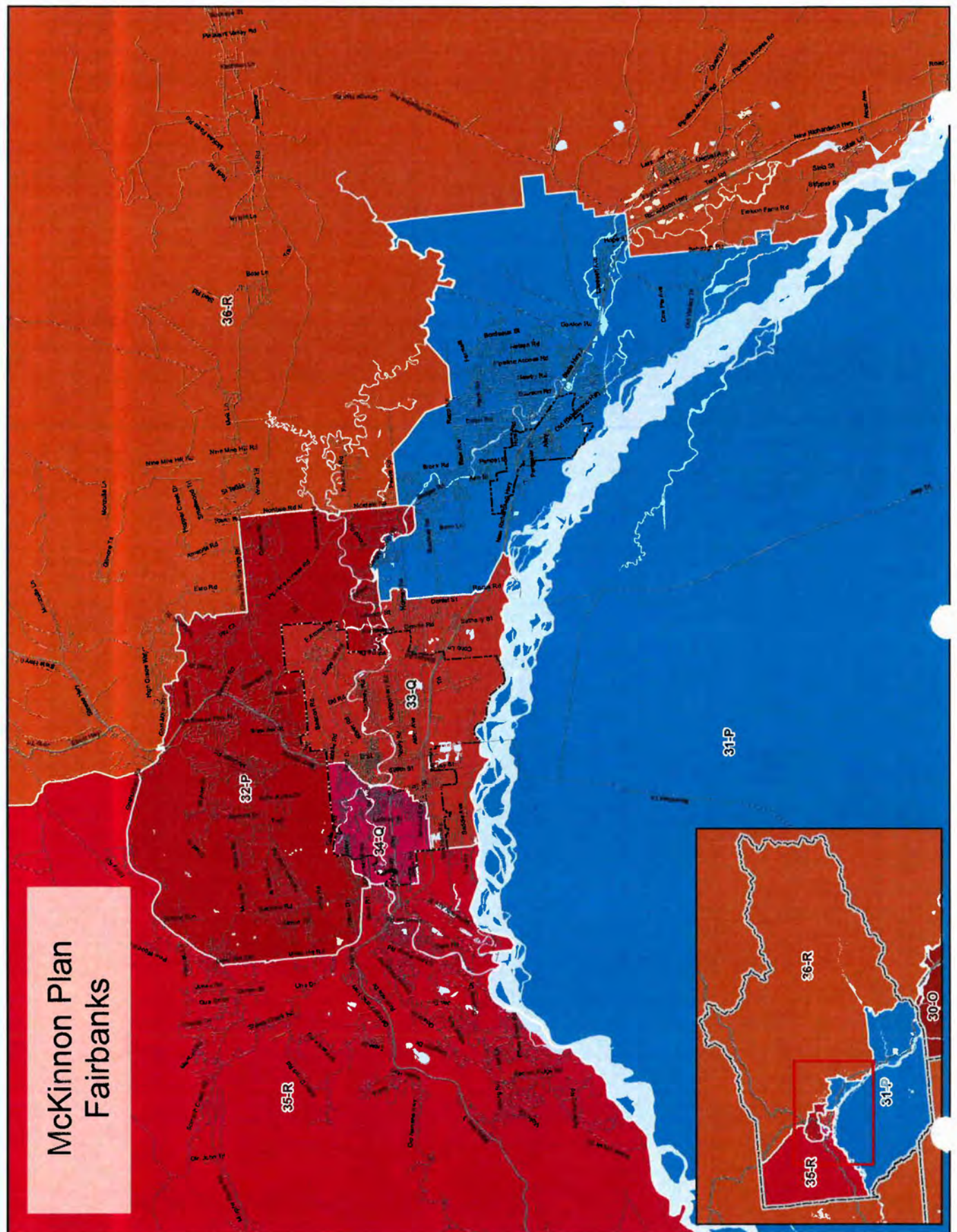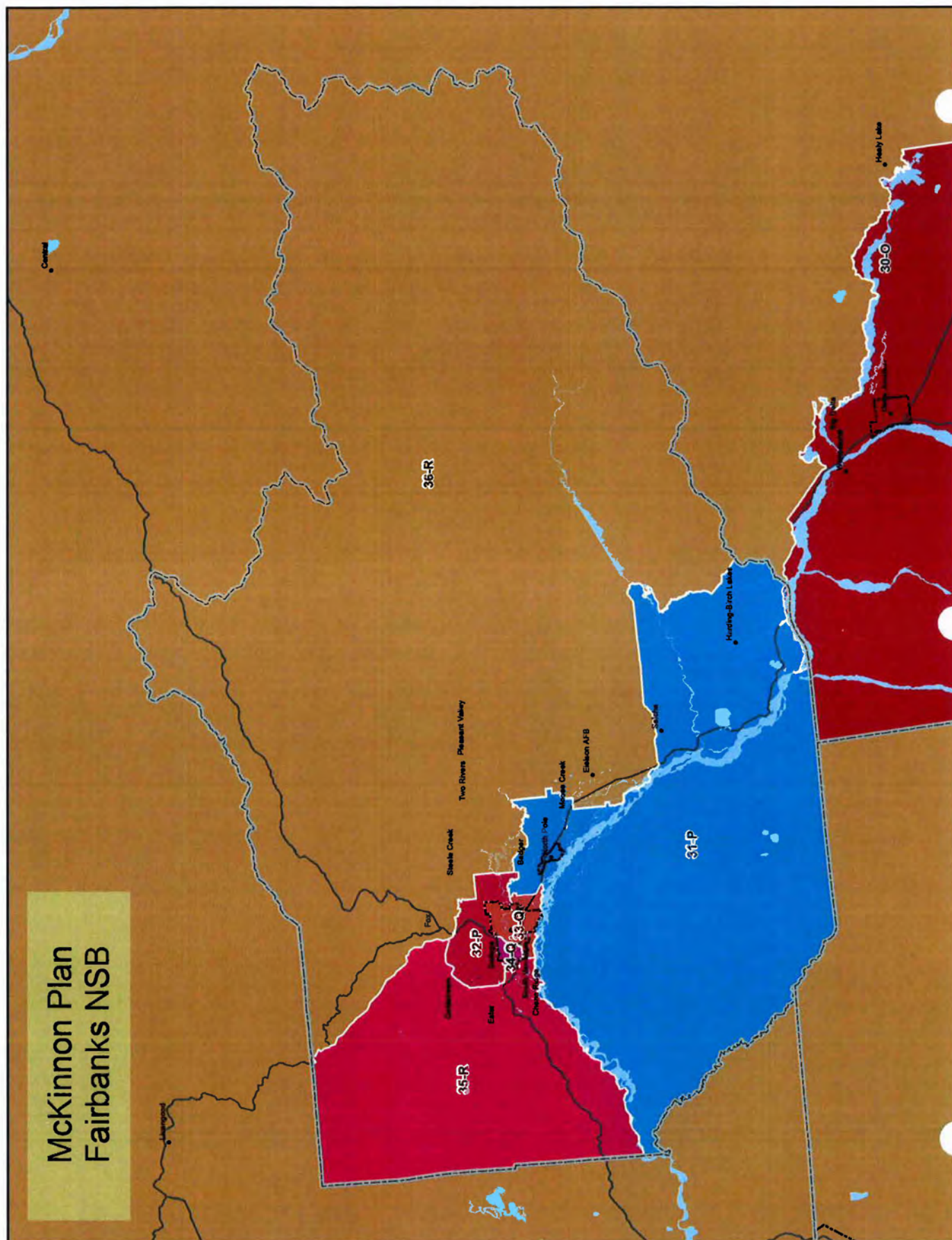
House District 5
Population by Block

Block Population
- 1 - 20
- 21 - 68
- 69 - 158
- 159 - 307
- 308 - 1000
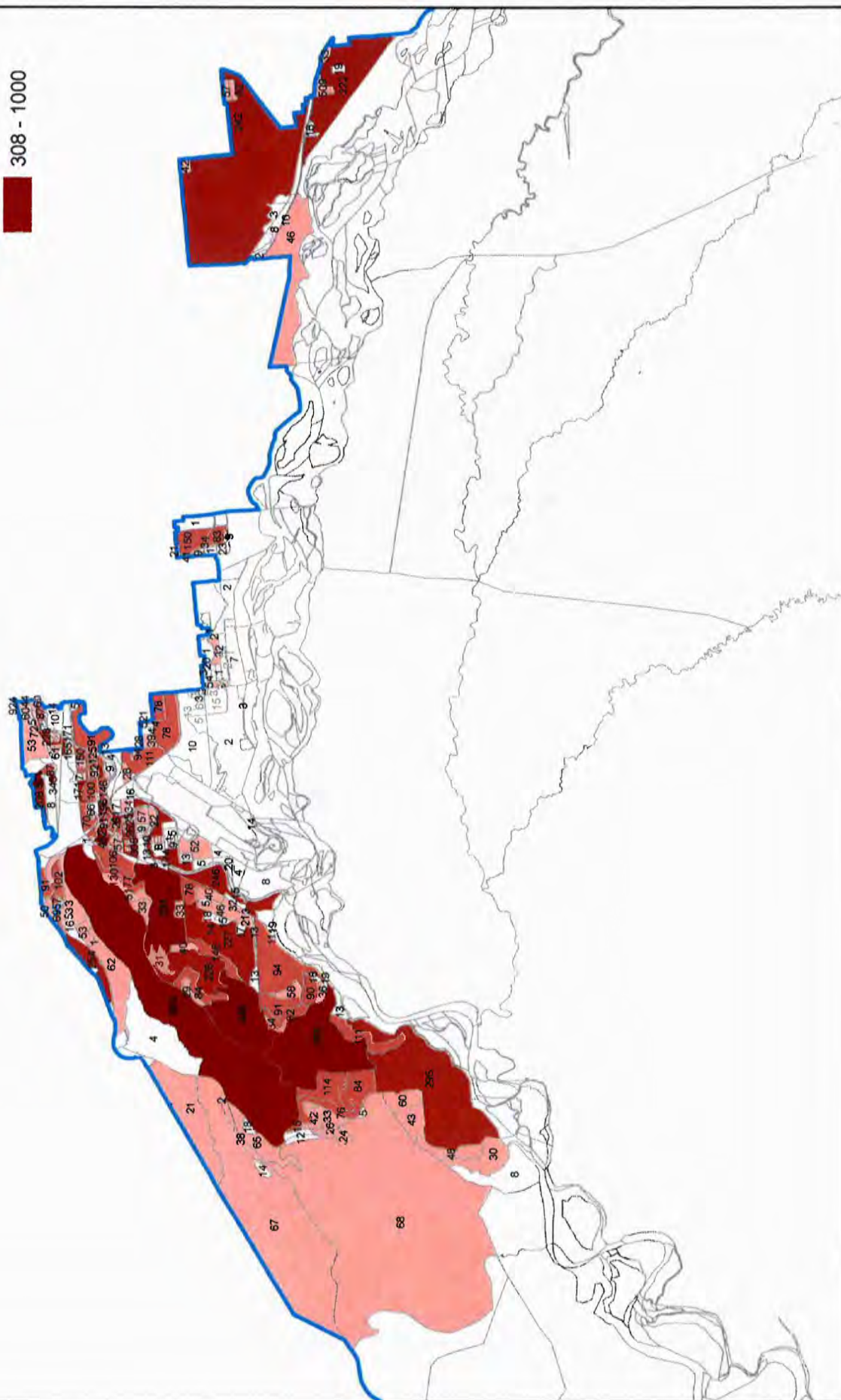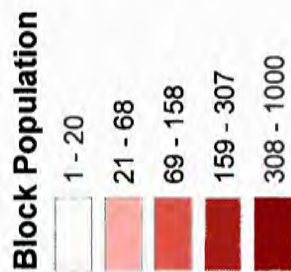
House District 5 (part)

Population by Block

Block Population

- 1 - 20
- 21 - 68
- 69 - 158
- 159 - 307
- 308 - 1000

North Pole

Fairbanks

Badger
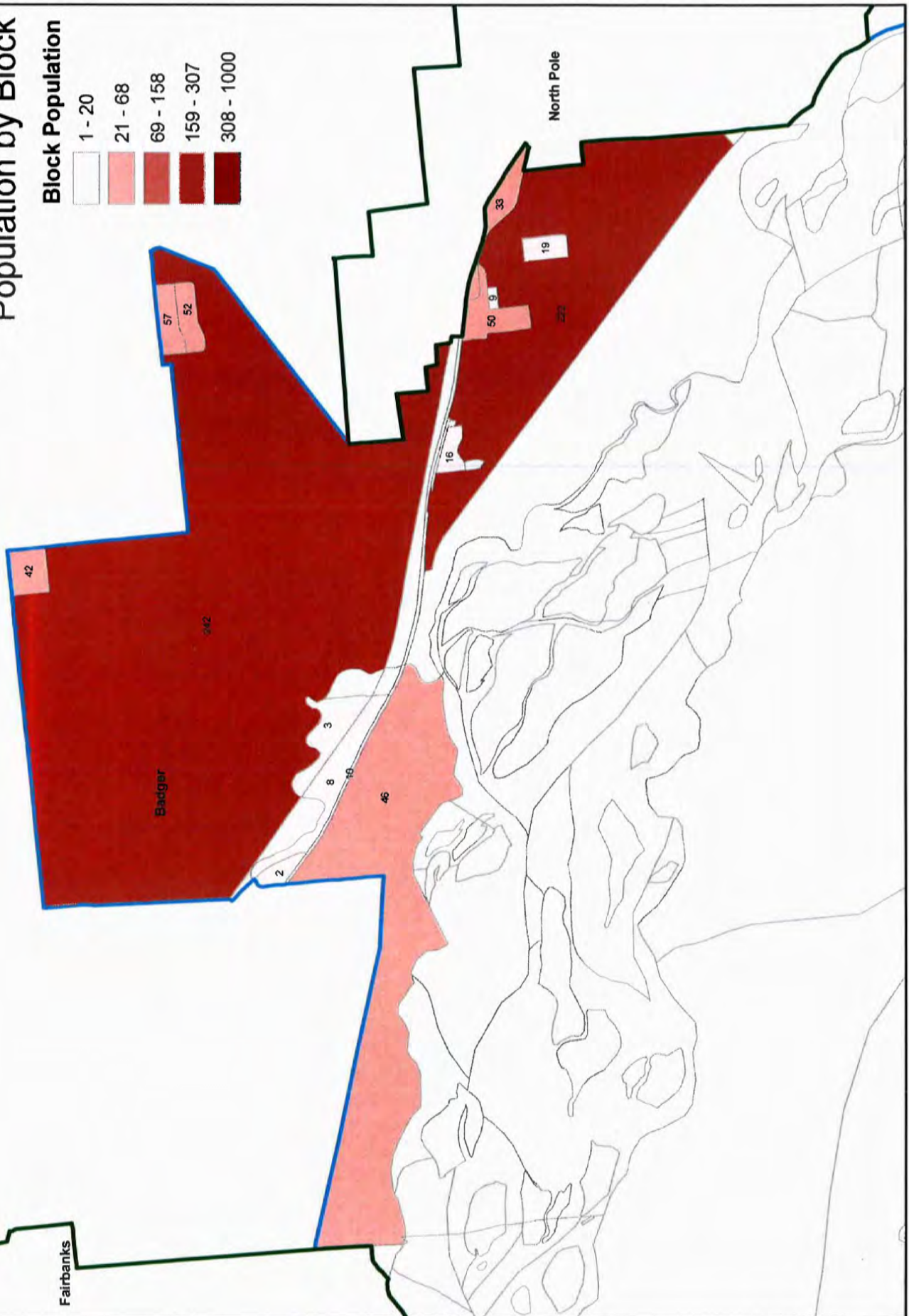
House District 12
Comparison

Legend

Gazewood & Weiner

- - - - 15
- - - - 16

House District 12
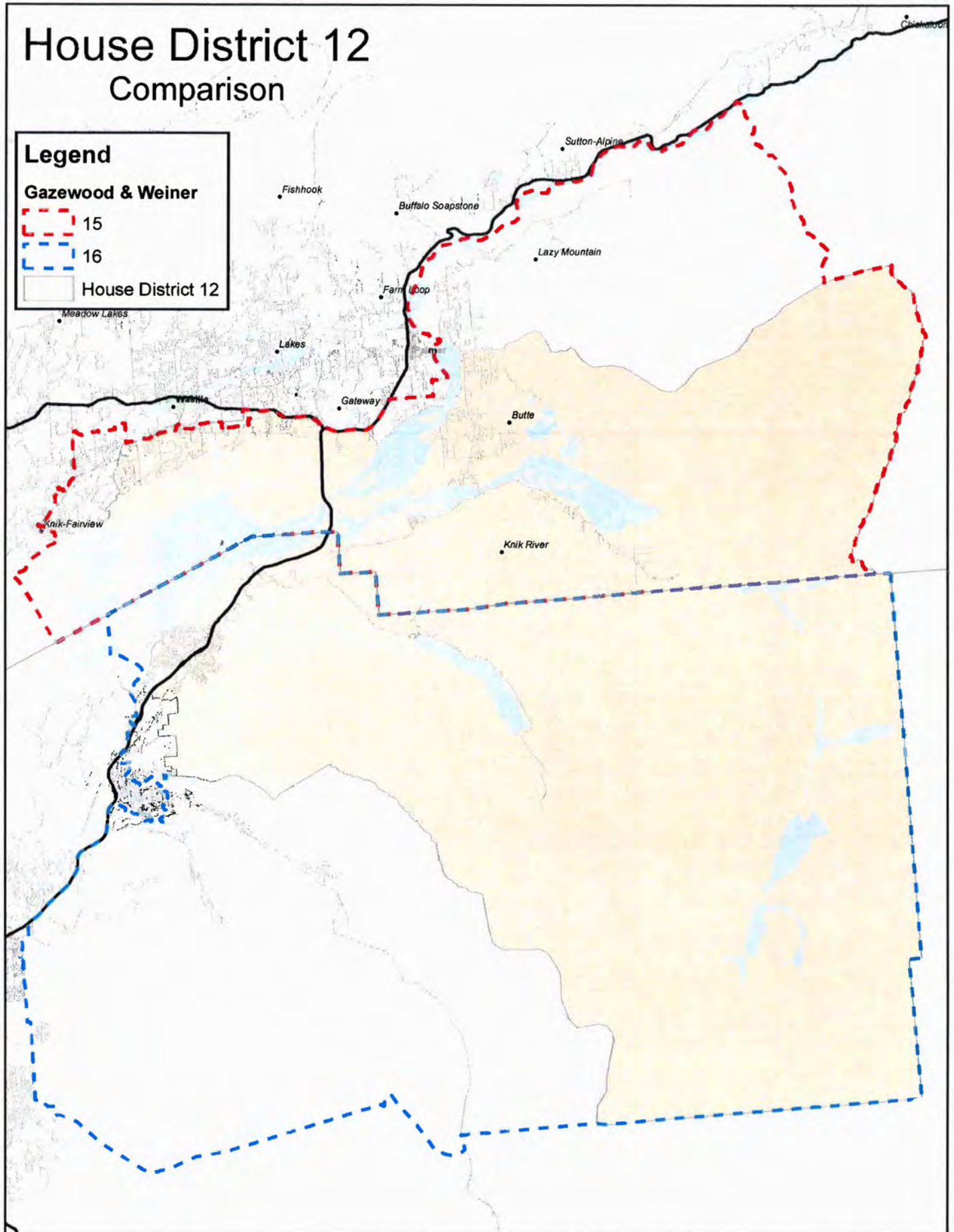
Chickaloon

Sutton-Alpine

Fishhook

Buffalo Soapstone

Lazy Mountain

Farm Loop

Meadow Lakes

Lakes

Palmer

Butte

Wasilla

Gateway

Knik-Fairview

Knik River

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

In Re 2011 Redistricting Cases.

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)
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)
)

CONSOLIDATED CASE NO.:
4FA-11-2209-CI
4FA-11-2213 CI
1JU-11-782 CI
4FA-13-2435 CI

AFFIDAVIT OF ERIC SANDBERG

STATE OF ALASKA   )
)   ss.
FIRST JUDICIAL DISTRICT)

I, Eric Sandberg, being first duly sworn, depose and say:

1.   I am employed as a Research Analyst with the Alaska Department of Labor and Workforce Development.

2.   In early 2011, the Executive Director for the Alaska Redistricting Board ("Board"), Ron Miller, hired me to assist the Board with the GIS software and census data.

3.   I was recently rehired by the Chairman of the Board, John Torgerson, to continue my work with the Board after the Alaska Supreme Court remanded the Board's Amended Proclamation Plan back to the Board to redraw using the *Hickel* process.

4.   During the Board's process on remand, I drew maps that addressed various concerns of both the Board and the public. In particular, Board member Marie Greene asked that I draw a plan that did not place the North Slope Borough and the Northwest Arctic Borough into a single House district. To accomplish this task I took

the population from the North Slope Borough and combined it with population in interior Alaska moving down the eastern side of the Fairbanks North Star Borough, ending just north of Lime Village. I also combined the Kodiak Island Borough with the Yukon-Kuskokwim area. The Board formally adopted my plan as Board Draft D.

5. Using the GIS software and the 2013 Proclamation Plan shapefiles, I created a map of House District 5, House District 9, and House District 12 that shows the census blocks within these districts as well as the population contained in each of these census blocks.

6. Using the GIS software and the 2013 Proclamation Plan shapefiles, I was able to create a map that illustrated the location of the population in House District 3. The population is represented by red circles that increase in size with the increase in population based on the 2010 Census data.

7. Using this same software and information, I was also able to create a map for House District 3 that clearly identified the various precincts from the 2000 cycle within this district as well as population numbers and the population percentage each area contributes to the House district.

8. I also created various maps, using the GIS software and the shapefiles for the 2011 Proclamation Plan, 2012 Amended Proclamation Plan, and 2013 Proclamation Plan, to compare the boundaries of districts covering similar areas between the three Board plans. The current House district under the 2013 Proclamation Plan is

highlighted in yellow while the boundary of the previous House district in a previous plan is indicated by red hash line.

9.   I created a similar map for House District 12 that compares the boundaries of House District 12 in the Board's 2013 Proclamation Plan with the boundaries of House District 16 in the 2002 Amended Plan.

10.   The campus of the University of Alaska Fairbanks ("UAF") is split between various census blocks created by the United States Census Bureau. In GIS software, a census block is the smallest block of census data which cannot be fractured.

11.   While drawing the districts in the Fairbanks area, the Board discovered a handful of buildings on the UAF campus were separated from the rest of the UAF campus into a census block that ran from the north side of Koyukuk Drive north to Yankovich Road. This census block has 77 people in it. No UAF dorm residents were counted within this census block.

12.   Whether these 77 people were included with House District 4 or House District 5 significantly impacted the overall deviations of the districts within the Fairbanks area. House District 4 has a deviation of 0.17% with these 77 people included. If the Board had instead included this population in House District 5, the deviation in House District 4 would have increased to -0.26% and the deviation of House District 5 would have increased from 0.46% to 0.90%. The resulting overall deviation in the Fairbanks area exceeded 1%, increasing to 1.36%, as compared to the current overall deviation of 0.92%.

13. The buildings on the north side of Koyukuk Drive are all research buildings that are part of the International Arctic Research Center. They include the Akasofu Building, the Elvey Building, West Ridge Research Building, the O'Neill Building, Irving Building I and Irving II, and Murie. The population of the UAF Campus is contained within the residence halls, all of which are in House District 5.

14. I created a map using the GIS software and the Board's 2013 Proclamation Plan shapefiles to create a map that indicates the UAF campus is wholly contained within the FNSB.

15. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit A is a true and correct copy of the compactness reports I ran for the Board's 2013 Proclamation Plan.

16. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit B is a true and correct copy of the compactness reports I ran for the Gazewood &Weiner Plan.

17. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and

Kenai Peninsula Boroughs as Exhibit C is a true and correct copy of the compactness reports I ran for the McKinnon Plan.

18. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit D is a true and correct copy of the map I created using the shapefiles for the 2011 Proclamation Plan, the 2012 Amended Proclamation Plan, and the 2013 Proclamation Plan which compares the boundaries of the current House District 5 in the 2013 Proclamation Plan against the boundaries of a similar district in the Board's original 2011 Proclamation Plan and the Board's 2012 Amended Proclamation Plan.

19. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit E is a true and correct copy of a map I created using the 2013 Proclamation Plan shapefiles and GIS software of House District 9 that shows the census blocks in House District 9 and the population in each census block.

20. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit F is a true and correct copy of the map I created

using the shapefiles for the 2002 Final Amended Plan and the 2013 Proclamation Plan which compares the boundaries of the current House District 12 in the 2013 Proclamation Plan against the boundaries of a similar district in the 2002 Final Amended Plan.

21.   Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit G is a true and correct copy of a map I created using the 2013 Proclamation Plan shapefiles and GIS software of House District 12 that shows the census blocks in House District 12 and the population in each census block.

22.   Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit H is a true and correct copy of a map of House Districts 15 and 16 in the Gazewood & Weiner Plan I printed using the GIS software and shapefiles of the Gazewood & Weiner Plan.
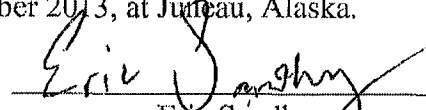
23.   Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit I is a true and correct copy is a true and correct copy of two maps I created using the 2013 Proclamation Plan shapefiles and GIS

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software of House District 3 that illustrates the location of the population and the percentage of population from the various areas that create House District 3.

24. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit J is a true and correct copy of a map of the UAF campus on which I drew a line indicating the boundary between House District 4 and House District 5.

25. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit K is a true and correct copy of a map I created using the 2013 Proclamation Plan shapefiles which shows the UAF campus is wholly within the boundaries of the Fairbanks North Star Borough.

26. Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit L is a true and correct copy of a map of the Fairbanks House districts in the McKinnon Plan I printed using the GIS software and shapefiles of the McKinnon Plan.

27.   Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit M is a true and correct copy is a true and correct copy of a map I created using the 2013 Proclamation Plan shapefiles and GIS software of House District 5 that shows the census blocks in House District 5 and the population in each census block.

28.   Attached to the Alaska Redistricting Board's Global Opposition to Riley et. al Plaintiffs' Motion for Summary Judgment and the Alaska Democratic Party's Motions for Summary Judgment Re: Districts 3 & 5 Compactness and Re: Mat-Su and Kenai Peninsula Boroughs as Exhibit N is a true and correct copy is a true and correct copy of the map I created using the GIS software and the 2013 Proclamation Plan shapefiles and the Gazewood & Weiner Plan shapefiles that superimposes the boundaries of House Districts 15 and 16 in the Gazewood & Weiner Plan over the boundaries of the House District 12 in the Board's Plan for a visual comparison.
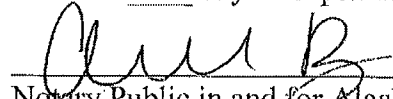
Further, Affiant sayeth naught.

DATED this 23 day of September 2013, at Juneau, Alaska.

_____
Eric Sandberg

SUBSCRIBED AND SWORN TO before me this 23 day of September 2013.
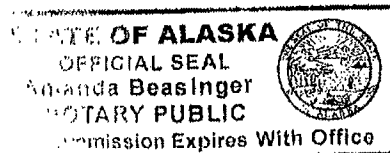
_____
Notary Public in and for Alaska
My Commission Expires: W/ office

CERTIFICATE OF SERVICE

I hereby certify that on the **23rd** day of September 2013, a true and correct copy of the foregoing document was served on the following via:

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By: _____
Anita R. Tardugno, PLS
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

In Re 2011 Redistricting Cases.

)	**CONSOLIDATED CASE NO.:**
)	**4FA-11-2209-CI**
)	4FA-11-2213 CI
)	1JU-11-782 CI
)	4FA-13-2435 CI

[PROPOSED] ORDER DENYING RILEY PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, THE ALASKA DEMOCRATIC PARTY'S MOTION FOR SUMMARY JUDGMENT RE: DISTRICTS 3 AND 5 COMPACTNESS, AND THE ALASKA DEMOCRATIC PARTY'S MOTION FOR SUMMARY JUDGMENT RE: MAT-SU AND KENAI PENINSULA BOROUGHS

Upon careful consideration and review of the Riley Plaintiffs' Motion for Summary Judgment, the Alaska Democratic Party's ("ADP") Motion for Summary Judgment Re: Districts 3 and 5 Compactness, and the ADP's Motion for Summary Judgment Re: Mat-Su and Kenai Peninsula Boroughs, supporting Memoranda, and the Alaska Redistricting Board's ("Board") opposition thereto, and being fully advised in the premises, the Court **HEREBY ORDERS** as follows:

1. The Riley Plaintiffs' Motion for Summary Judgment is DENIED;

2. The ADP's Motion for Summary Judgment Re: 3 and 5 Compactness is DENIED; and

3. The ADP's Motion for Summary Judgment Re: Mat-Su and Kenai Peninsula Boroughs is DENIED.

IT IS SO ORDERED.

DATED at Fairbanks, Alaska this _____ day of _____, 2013.

_____
HON. MICHAEL P. McCONAHY
Superior Court Judge

[PROPOSED] ORDER DENYING RILEY PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, THE ALASKA DEMOCRATIC
PARTY'S MOTION FOR SUMMARY JUDGMENT RE: DISTRICTS 3 AND 5 COMPACTNESS,
AND THE ALASKA DEMOCRATIC PARTY'S MOTION FOR SUMMARY JUDGMENT RE: MAT-SU AND KENAI PENINSULA
BOROUGHS
In Re 2011 Redistricting Cases, Consolidated Case No. 4FA-11-02209 CI
Page 2 of 3

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of September 2013, a true and correct copy of the foregoing document was served on the following via:

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[PROPOSED] ORDER DENYING RILEY PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, THE ALASKA DEMOCRATIC PARTY'S MOTION FOR SUMMARY JUDGMENT RE: DISTRICTS 3 AND 5 COMPACTNESS, AND THE ALASKA DEMOCRATIC PARTY'S MOTION FOR SUMMARY JUDGMENT RE: MAT-SU AND KENAI PENINSULA BOROUGHS
In Re 2011 Redistricting Cases, Consolidated Case No. 4FA-11-02209 CI
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