

IN THE SUPREME COURT FOR THE STATE OF ALASKA

IN RE 2011 REDISTRICTING CASES

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

AFFIDAVIT OF LEONARD LAWSON

State of Alaska)
) ss
Anchorage)

I, Leonard Lawson, hereby affirm as following:

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

Leonard Lawson

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

Notary Public for the State of Alaska.
My Commission expires on 4/10/16.



IN THE SUPREME COURT FOR THE STATE OF ALASKA

IN RE 2011 REDISTRICTING
CASES

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

AFFIDAVIT OF COUNSEL

State of Alaska)
) ss
Fairbanks)

I, Michael Walleri, hereby affirm as following:

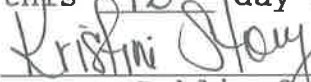
- 1) I am the Council of Record for the Riley Plaintiffs in the above captioned matter.
- 2) On July 11, 2011 I communicated an offer, on behalf of the Riley Plaintiffs, through counsel to settle the present ligation if the Board would swap the Dist. 4-B to 4-C, and to change Dist. 6-C to Dist. 6-B in the proposed "Concept Plan" under consideration by the Board.
- 3) On July 14, 2012 I monitored the Board meeting and noted that the Board did not go into executive session, nor did the Board's attorney advise the Board on the record about the offer.
- 4) After the meeting, I called Board counsel and objected to the fact that the offer had not been communicated to the Board.
- 5) Board Counsel indicated to me that he had discussed the matter with the Board Chairman and that the Board Chairman had discussed the offer with each of the Boardmembers individually.
- 6) Board Counsel also indicated that this was a normal and customary way that the Board transacted business.
- 7) I advised Board counsel that in my opinion, such a procedure --- often called daisy-chain communication --- violated the state

Open Meeting Act, and that the Board should cure the violation by meeting and placing the matter on the record.

8) Board counsel requested that the offer be made in writing, and on July 17, 2013, the undersigned provided the offer in writing, which was included in the Board record.


Michael Waller

Sworn and Subscribed before me
this 12th day of September, 2013


Notary Public for the State of Alaska.
My Commission expires on 2-22-17.



From: Michael Walleri <walleri@gci.net>
Subject: Re: Offer
Date: July 11, 2013 3:56:02 PM AKDT
To: "White, Michael" <MWhite@PattonBoggs.com>
Bcc: Marcia Davis <mdavis@calistacorp.com>, Ron <rkdearborn@acsalaska.net>, George Riley <georgedriley@gmail.com>

This communication is a communication of an offer to compromise subject to Evid. R. 408, which is to confirm an offer, on behalf of my client. My clients have reviewed the concept plan currently tentatively adopted by the Redistricting Board and believe that there are viable claims that might be pressed, and are inclined to press those claims. While my clients believe that their claims have merit and are prepared to go forward with those claims, they are also aware of the uncertainty of litigation and believe that their concerns may be addressed in a manner short of further litigation. As we discussed in our conversation my clients are prepared to not object to the plan provided that the Board changes the Senate pairings in the concept plan as follows: change Dist. 4-B to 4-C, and to change Dist. 6-C to Dist. 6-B, provided there are no other changes other than the purely technical changes to conform the plan, such as filling holes), including no change to the truncation schedule, except that the Board may either truncate the new Sen. B (i.e. North Pole/Rural Interior District) to require election in such district in 2012 for a two year term, or to have the incumbent serve out the term. Either action is non-objectionable to my clients.

On Jul 11, 2013, at 2:47 PM, White, Michael wrote:

Mike:

Can you put your offer in writing to me please.

Thanks.

MDW

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**Alaska Redistricting Board
2011 Redistricting Guidelines**

[Adopted March 16, 2011]

The Alaska Redistricting Board shall use the following criteria in order of priority listed when adopting a Redistricting Plan for the State of Alaska.

1. Federal Constitutional Redistricting Principles

- A. "One Person, One Vote". Standard established by US Supreme Court in *Baker v. Carr* and *Reynolds v. Sims*. According to "one person, one vote," legislative seats must be apportioned exclusively based on population, and the populations of the respective legislative districts must be substantially equal.
- B. Districts of as nearly as equal size as practicable. Maximum overall deviation of no more than 10%, (i.e., plus or minus 5%). Deviation is the measure of how much a district or plan varies from the ideal. Good faith efforts to make deviations as small as practicable must be made.
- C. No purposeful discrimination against a group that has been consistently excluded from the political process.
- D. No political or racial gerrymandering.

2. Federal Statutory Redistricting Principles

- A. Sections 2 and 5 of the US Voting Rights Act of 1965
 - i. Section 2—No denial or abridgement of voting rights on account of race, color or status as a member of a language minority. The minority group must be large, cohesive and vote as a bloc.
 - ii. Section 5—No avoidable retrogression. Retrogression is drawing a district in a manner that worsens minority voting strength as compared to the previous district configuration.

3. State Constitutional Redistricting Principles

- A. House districts of as nearly equal size as practicable (no overall deviation greater than 10% (plus or minus 5%).
 - i. 10% deviation standard is not a safe harbor, good faith efforts must be made to reduce deviations to as small as practicable.

- ii. Deviations in urban areas must be made as small as practicable because new technology makes it practicable to achieve those deviations.
- B. Redistricting must be based upon the population within each district as reported by the official U.S. Decennial Census.
- C. Districts must be contiguous. Contiguity = All parts of a district being connected at some point with the rest of the district.
- D. Districts must be relatively compact. Compactness = Having the minimum distance between all parts of a district.
- E. House Districts consisting of relatively socio-economically integrated areas.
- F. Consideration to be given to local government boundaries where it is practical to do so.
- G. Senate districts composed of two contiguous House districts.
- H. Drainage and other geographic features must be used, whenever possible, in describing boundaries.

4. **State Statutory Redistricting Principals**

- A. Compliance with AS 15.10.200. Redistricting Board may not adjust the census numbers by using estimates, population surveys, or sampling for the purpose of excluding or discriminating among persons counted based on race, religion, color, national origin, sex, age, occupation, military or civilian status, or length of residency.

2013 Proclamation Plan

Communities by District

[Prepared by the Alaska Redistricting Board – July 14, 2013]

[**Bold** = Incorporated Cities; *Italic* = Census Designated Place]

House District 1 **Fairbanks** (part)

House District 2 *Badger* (part) **Fairbanks** (part)

House District 3 *Badger* (part) **North Pole** *Steele Creek* (part)

House District 4 *College* (part) *Ester* (part) *Farmers Loop* *Fox* (part) *Goldstream* *Steele Creek* (part)

House District 5 *Chena Ridge* *College* (part) *Ester* (part) *South Van Horn*

House District 6 *Alcan Border* **Anderson** *Arctic Village* *Beaver* *Birch Creek* *Cantwell* *Central* *Chalkyitsik* *Chicken*

Chisana
Chistochina
Chitina
Circle
Copper Center
Dot Lake
Dot Lake Village
Dry Creek
Eagle
Eagle Village
Eielson AFB
Ferry
Fort Yukon
Four Mile Road
Fox (part)
Gakona
Glennallen (part)
Gulkana
Harding-Birch Lakes
Healy
Healy Lake
Kenny Lake
Livengood
Manley Hot Springs
McCarthy
McKinley Park
Mentasta Lake
Minto
Moose Creek
Nabesna
Nenana
Northway
Northway Junction
Northway Village
Pleasant Valley
Rampart
Salcha
Silver Springs
Slana
Steele Creek (part)
Stevens Village
Tanacross
Tanana
Tazlina
Tetlin
Tok
Tonsina (part)
Two Rivers
Venetie
Willow Creek (part)

House District 7

Knik-Fairview (part)

Lakes (part)

Meadow Lakes (part)

Tanaina (part)

Wasilla

House District 8

Big Lake

Knik-Fairview (part)

Meadow Lakes (part)

Point Mackenzie

Susitna (part)

House District 9

Big Delta

Buffalo Soapstone

Chickaloon

Delta Junction

Deltana

Eureka Roadhouse

Farm Loop (part)

Fishhook (part)

Fort Greely

Glacier View

Glennallen (part)

Lake Louise

Lakes (part)

Lazy Mountain (part)

Mendeltna

Nelchina

Paxson

Sutton-Alpine

Tolsona

Tonsina (part)

Valdez

Whitestone

Whittier

Willow Creek (part)

House District 10

Chase

Fishhook (part)

Houston

Lakes (part)

Meadow Lakes (part)

Petersville
Skwentna
Susitna (part)
Susitna North
Talkeetna
Tanaina (part)
Trapper Creek
Willow

House District 11

Farm Loop (part)
Gateway (part)
Lakes (part)
Lazy Mountain (part)
Palmer

House District 12

Anchorage (part)
Butte
Gateway (part)
Knik-Fairview (part)
Knik River
Lakes (part)

House District 13

Anchorage (part)

House District 14

Anchorage (part)

House District 15

Anchorage (part)

House District 16

Anchorage (part)

House District 17

Anchorage (part)

House District 18

Anchorage (part)

House District 19
Anchorage (part)

House District 20
Anchorage (part)

House District 21
Anchorage (part)

House District 22
Anchorage (part)

House District 23
Anchorage (part)

House District 24
Anchorage (part)

House District 25
Anchorage (part)

House District 26
Anchorage (part)

House District 27
Anchorage (part)

House District 28
Anchorage (part)

House District 29
Bear Creek
Cooper Landing
Crown Point
Funny River
Hope
Lowell Point
Moose Pass
Nikiski

Point Possession
Primrose
Ridgeway (part)
Salamatof
Seward
Sterling
Sunrise

House District 30
Kalifornsky (part)
Kenai
Ridgeway (part)
Soldotna

House District 31
Anchor Point
Clam Gulch
Coho
Diamond Ridge
Fox River
Fritz Creek
Happy Valley
Homer
Kachemak
Kalifornsky (part)
Kasilof
Nikolaevsk
Ninilchik

House District 32
Akhiok
Aleneva
Beluga
Chenega
Chiniak
Cordova
Halibut Cove
Karluk
Kodiak
Kodiak Station
Larsen Bay
Nanwalek
Old Harbor
Ouzinkie
Port Graham
Port Lions
Seldovia

Seldovia Village
Tatitlek
Tyonek
Womens Bay
Yakutat

House District 33

Covenant Life
Excursion Inlet
Gustavus
Haines
Juneau (part)
Klukwan
Lutak
Mosquito Lake
Mud Bay
Skagway

House District 34

Juneau (part)

House District 35

Angoon
Coffman Cove
Craig
Edna Bay
Elfin Cove
Game Creek
Hobart Bay
Hollis
Hoonah
Kake
Kasaan
Klawock
Kupreanof
Naukati Bay
Pelican
Petersburg
Point Baker
Port Alexander
Port Protection
Sitka
Tenakee Springs
Thorne Bay
Whale Pass
Whitestone Logging Camp

House District 36

Hydaburg

Hyder

Ketchikan

Loring

Metlakatla

Saxman

Wrangell

House District 37

Adak

Akutan

Aleknagik

Anvik

Atka

Attu Station

Chignik

Chignik Lagoon

Chignik Lake

Clark's Point

Cold Bay

Dillingham

Egegik

Ekwok

False Pass

Flat

Grayling

Holy Cross

Igiugig

Iliamna

Ivanof Bay

King Cove

King Salmon

Kokhanok

Koliganek

Lake Minchumina

Levelock

Lime Village

Manokotak

McGrath

Naknek

Nelson Lagoon

New Stuyahok

Newhalen

Nikolai

Nikolski

Nondalton

Pedro Bay

Perryville

Pilot Point

Pope-Vannoy Landing
Port Alsworth
Port Heiden
Portage Creek
Red Devil
Sand Point
Shageluk
Sleetmute
South Naknek
St. George
St. Paul
Stony River
Takotna
Togiak
Twin Hills
Ugashik
Unalaska

House District 38

Akiachak
Akiak
Aniak
Atmautluak
Bethel
Chefornak
Chuathbaluk
Crooked Creek
EEK
Goodnews Bay
Kasigluk
Kipnuk
Kongiganak
Kwethluk
Kwigillingok
Lower Kalskag
Marshall
Mekoryuk
Mertarvik
Napakiak
Napaskiak
Newtok
Nightmute
Nunapitchuk
Oscarville
Platinum
Quinhagak
Russian Mission
Toksook Bay
Tuluksak
Tuntutuliak

Tununak
Upper Kalskag

House District 39

Alakanuk
Brevig Mission
Chevak
Diomedea
Elim
Emmonak
Galena
Gambell
Golovin
Hooper Bay
Huslia
Kaltag
Kotlik
Koyuk
Koyukuk
Mountain Village
Nome
Nulato
Nunam Iqua
Pilot Station
Pitkas Point
Port Clarence
Ruby
Savoonga
Scammon Bay
Shaktoolik
Shishmaref
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wales
White Mountain

House District 40

Alatna
Allakaket
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Bettles
Buckland
Coldfoot

Deering
Evansville
Hughes
Kaktovik
Kiana
Kivalina
Kobuk
Kotzebue
New Allakaket
Noatak
Noorvik
Nuiqsut
Point Hope
Point Lay
Prudhoe Bay
Red Dog Mine
Selawik
Shungnak
Wainwright
Wiseman

**WRITTEN FINDINGS IN SUPPORT OF
ALASKA REDISTRICTING BOARD'S
2013 PROCLAMATION PLAN**

WHEREAS, on December 28, 2012, the Alaska Supreme Court ruled that the Board's Amended Proclamation Plan, used as the interim redistricting plan for the 2012 elections, did not comply with the Supreme Court's March 14, 2012 order of remand. The Supreme Court held the Board had failed to follow the *Hickel* process outlined in its March 14, 2012 order when drafting the Amended Proclamation Plan, and therefore remanded the plan back to the Board a second time "to draft a new plan based on strict adherence to the *Hickel* process"; and

WHEREAS, between June 12, 2013, and June 21, 2013, the Board met in public work sessions to formulate draft *Hickel* Plans which were designed to comply only with the requirements of the Alaska Constitution without regard to Section 5 of the Voting Rights Act ("VRA"); and

WHEREAS on June 21, 2013, the Board adopted 10 statewide and 1 regional plan as their draft "*Hickel* Plans" consisting of seven 7-Board created plans, and three third-party statewide plans and one regional plan for two districts in Southeast Alaska; and

WHEREAS, on June 25, 2013, the United States Supreme Court struck down Section 4 of the VRA in the case of *Shelby County v. Holder, et al.*, 570 U.S. ___ (2013), effectively immobilizing the Section 5 preclearance requirement and thereby extinguishing any need for the Board to engage in steps 2 and 3 of the *Hickel* process, which were designed to balance Alaska constitutional requirements with Section 5 of the VRA; and

WHEREAS the Board held public hearings on its adopted draft plans in Anchorage on June 28, Fairbanks on July 1, and Juneau on July 2, to take public testimony and input on the draft plans; and

WHEREAS, the Board held public meetings on July 5, 6, and 7, 2013, to work on producing its new final plan of redistricting, reviewed and analyzed revised and amended third party plans, and adopted the 2013 Proclamation Plan in concept on July 7, 2013; and

WHEREAS, the Board made findings on the record, all of which were unanimous, as to its compliance with all applicable legal requirements as supported by the Board Record prior to adoption in concept of its 2013 Proclamation Plan; and

WHEREAS, the Board requested its counsel to review the Board Record and create formal written findings outlining and summarizing the findings made by the Board in order to provide a clear and concise record in support of its 2013 Proclamation Plan.

NOW, THEREFORE, AS SET FORTH IN AND SUPPORTED BY THE BOARD RECORD, THE ALASKA REDISTRICTING BOARD HEREBY MAKES THE FOLLOWING WRITTEN FINDINGS IN SUPPORT OF ITS 2013 PROCLAMATION PLAN:

ADOPTION OF DRAFT *HICKEL* PLAN(S)

1. The Board began its substantive work to comply with the Alaska Supreme Court's December 28, 2012 Order on June 12, 2013, conducting public work sessions over the next 9 days, from June 12, 2013 through June 20, 2013, at the Board's Anchorage office. The Board properly noticed these meetings and made them open to the public.

2. During these public work sessions, the Board and its staff worked on constructing draft *Hickel* Plans which focused exclusively on compliance with Alaska Constitutional redistricting requirements without regard to Section 5 of the VRA. The Board's goal was to take a hard look at as many options as possible, resulting in the seven different Board drafted *Hickel* Plans: Board Options A, B, C, D, E, F, and G.

3. In order to comply with the equal population requirements of Article VI, section 6 of the Alaska Constitution, substantial population had to be added from some urban area of the State to at least one rural district. The requirement of adding urban population to a rural district is, as noted by both the trial court and the Supreme Court, not a matter of "if" but only a matter of "where", and has nothing to do with the requirements of the VRA.

4. The Board encouraged public input and third party proposals throughout its process on remand. The Board requested those who wished to submit plans for the Board's consideration do so by noon on June 21, 2013, the day the Board intended to adopt its draft *Hickel* Plan(s).

5. Three third parties submitted statewide *Hickel* Plans to the Board prior to the June 21, 2013, deadline: Alaskans for Fair and Equitable Redistricting ("AFFER"), Calista Corporation, and Gazewood & Weiner (counsel for the Riley Plaintiffs). The Ketchikan Gateway Borough submitted a two district, regional plan for Southeast Alaska. Between June 22, 2013 and July 5, 2013, the Board received a number of revisions to the initial plans submitted by AFFER and the Calista Corporation.

6. On June 21, 2013, the Board met and adopted the seven different Board drafted *Hickel* Plans, Board Options A through G, as well as all third party draft *Hickel* Plans submitted by noon that same day, as Board draft plans for public comment. All of the adopted plans were posted on the Board's website.

7. On June 25, 2013, the United States Supreme Court issued its decision in *Shelby County v. Holder, et al*, 570 U.S. ___ (2013), holding Section 4 of the VRA unconstitutional, thereby effectively invalidating the enforcement of Section 5. Board Counsel advised the Board that as a result of the high court's opinion, the Board no longer needed to complete steps 2 and 3 of the *Hickel* process, which required the Board to measure its *Hickel* plan against the requirements of the federal VRA to determine whether it complies with the VRA, and, if it did, alter the districts "to the least degree reasonably necessary to ensure compliance with the Voting Rights Act." Board counsel also advised that while the Board must still ensure its plan does not violate Section 2 of the VRA, the Board did not have to maintain the same number of districts as the benchmark that provide Alaska Natives with the ability to elect their candidate of choice or

seek preclearance from the Department of Justice because Alaska is no longer subject to Section 5.

8. Given that Alaska was no longer subject to Section 5 of the VRA, the Board's mandate became to draft a plan that complied with the requirements of the Alaska Constitution, the Equal Protection Clause of the Federal Constitution, and Section 2 of the VRA.

9. On Friday, June 28, 2013, the Board held a public hearing in Anchorage, which was also a statewide teleconference.

a. At that hearing, the Board heard presentations from AFFER, the Calista Corporation, and the Ketchikan Gateway Borough on their draft plans.

b. The Board also took public testimony in person and telephonically. Twenty-seven individuals testified at the Anchorage public hearing, including the Mayor of the Mat-Su Borough ("MSB"), who testified that the MSB supported its current boundaries and representation and did not want any major changes from the Amended Proclamation Plan. The Mayor also submitted a map which requested minor modifications to some Mat-Su district boundaries to align them with major roads and creeks.

10. On Monday, July 1, 2013, the Board held a public hearing in Fairbanks, which was also a statewide teleconference.

a. At that hearing, the Board heard a presentation from Mr. Walleri on the Gazewood & Wiener Plan.

b. The Board also took public testimony in person and telephonically from twenty-seven individuals.

11. On Tuesday, July 2, 2013, the Board held a public hearing in Juneau, which was also a statewide teleconference.

a. At that hearing, the Board heard testimony from fifteen individuals who primarily testified to the benefit of combining Skagway and Haines in a House District with downtown Juneau, rather than the northern portion of Juneau and the Mendenhall Valley.

b. Representatives of Calista and AFFER testified telephonically regarding the revised and amended plans they had submitted, including one plan that was a joint effort on behalf of the two parties in which they agreed to the boundaries of 36 of the 40 House districts.

ADOPTION OF THE 2013 PROCLAMTION PLAN

12. The Board held public work sessions over the July 4th holiday weekend to formulate a new final redistricting plan, meeting on July 5, 6, and 7, 2013.

13. On July 5, 2013, representatives from Calista and AFFER made presentations and answered questions on their revised and amended plan. Joe McKinnon also addressed the Board on the plan he had submitted individually after the June 21, 2013 deadline. The Board discussed the various options and draft plans, and worked individually or in groups of two on revisions to the various draft plans.

14. Over the course of the next two days, the Board reviewed drafts and began to construct its final plan on a regional basis. As part of this process, the Board determined there were several difficult areas requiring hard choices and a balancing of competing constitutional requirements. These included:

a. The Rural Population Shortfall: As outlined in the Board Record, the Board's findings, and the court proceedings from 2011 and 2012, it is undisputed that in order to meet constitutional equal population requirements, rural population had to be combined with urban population in some fashion in light of the population shortfall of approximately half a district of population in the rural districts.

b. The Excess Population of the Municipality of Anchorage: Anchorage has a population of 291,826, which is equal to 16.436 ideal House districts. This nearly half a district of excess population in the Municipality of Anchorage required the Board to balance competing constitutional requirements due to the ripple effects inherent in the shift of that amount of population.

c. The Excess Population of the Fairbanks North Star Borough: The FNSB has a total population of 97,581, which is equal to 5.495 ideal districts. Just as in Anchorage, this nearly half a district of excess population in the FNSB required the Board to balance competing constitutional requirements due to the ripple effects inherent in the shift of that amount of population.

15. After careful consideration and deliberation, the Board determined that the most reasonable way to resolve these difficult issues was as follows:

16. Rural Population Shortfall/FNSB Excess Population: The Board resolved the problem of the rural population shortfall and FNSB excess population through its construction of House District 6. HD-6 combines 8,821 people (49% of an election district) from the eastern portion of the FNSB with rural village and towns from interior and eastern Alaska. The Board's decision was based on the following factors, as well as all other evidence in the Board Record:

a. The FNSB has excess population that must be accommodated;

b. The FNSB's geographic location in the center of the State, adjacent to and surrounded by rural villages, allows for the creation of a relatively compact and socio-economically integrated election district;

c. The FNSB status as a regional hub for Interior and northern Alaska communities, who contribute more than \$250 million dollars and hundreds of jobs to the FNSB economy according to the Fairbanks Economic Development Corporation;

d. The FNSB' historical ties to rural Native Alaskan communities and Native Alaskan organizations;

e. The trial court's previous rulings that it was reasonable for the Board to place excess population from the FNSB into a rural district and that "[a]nyone would be hard pressed to assert Fairbanks is not a hub for rural Alaska";

f. Every statewide, third party map submitted to the Board (including the map submitted by the Riley Plaintiffs' attorneys) used excess population from the FNSB to resolve the rural population shortfall;

g. After the first remand, the Board had taken a hard look at taking population from other urban areas of the State, including Anchorage, Mat-Su, and Kenai, to resolve the rural population shortfall, but none of the plans produced complied with the requirements of Article VI, section 6 of the Alaska Constitution for the reasons explained by Board Counsel in his March 27, 2012 written memorandum and explained on the record; and

h. HD-6 is similar in configuration, other than the addition of the FNSB population, to past election districts in the 2002 and 1994 redistricting plans.

16. MOA Excess Population: The Board considered several options for accommodating the excess population in the MOA, none of them ideal. The available options were: (1) spread the population evenly over the 16 other MOA districts, thereby increasing the deviations within the MOA; (2) push the population south to create a shared Anchorage/Kenai district, thereby breaching the Kenai Peninsula Borough a second time; (3) create a district which combined the excess population from Anchorage with Whittier, Valdez, and other communities along the Richardson Highway north to the Fort Greely area; or (4) push the population north to create a shared Anchorage/Mat-Su district. After discussion and deliberation, the Board determined that the most reasonable way to accommodate the MOA excess population that best balanced all redistricting requirements was by creating HD-12, a shared Anchorage/Mat-Su District. HD-12 places 7,739 residents of the MOA (43% of an ideal district) into a district with south Mat-Su. The Board's decision was based on the following factors as well as all other evidence in the Board Record:

a. Overpopulating all of the MOA districts with the 7,739 spread evenly over the other 16 districts was not a desirable option as it increased the deviations within the MOA by 2.72%, pushing the total deviation range within the MOA to over 4% which the Board considered unacceptable in an urban area under Alaska Supreme Court precedent;

b. Creating an Anchorage/Kenai district was not a desirable option as that combination would require the Board split the population of the Kenai Peninsula

Borough ("KPB") twice. Additionally, the KPB has a population of 55,400, which is equal to 3.12 ideal districts. With an excess population of only 2,135 (12% of an ideal district), population from other areas outside the MOA and the KPB would need to be added, thereby creating a ripple effect that made any such district constitutionally troublesome and unworkable as a whole;

c. The Board looked very hard at the Valdez/Anchorage option in several different configurations, including configurations proposed by third parties. However, the Board did not find an Anchorage-Valdez/Richardson Highway district desirable because it created a district that the courts would likely not consider socio-economically integrated. The Board also has concerns that the district might not meet the compactness requirements due to the large appendage that had to be created to geographically combine Anchorage and Whittier into the district; and

d. Although the adoption of the shared Anchorage/Mat-Su district to accommodate the excess population of the MOA does result in splitting the MSB twice, the Board considered it the most reasonable option because:

i. HD-12 maximizes socio-economic integration as the MSB and MOA are closely tied geographically, economically, socially, and recreationally;

ii. The Alaska Supreme Court has held that the need to accommodate excess population is a sufficient justification to depart from the anti-dilution rule;

iii. The MSB still has four districts completely within its boundaries and a majority of the population in HD-12, thereby giving it effective control of five House districts, the amount justified by its population of 88,995 (5.01 ideal districts);

iv. The MSB is the fastest growing area of the State (and contains areas that were the fastest growing areas in the country in the last decade), ensuring the MSB will have the population to effectively control that district throughout the decade;

v. The Board received no objections or public comment against this option; and

vi. The Mayor of the MSB submitted public comment and public testimony in favor of the Anchorage/Mat-Su combination, which has been a feature of both previous proclamation plans to which no party objected to or challenged.

17. After consideration and deliberation, on July 7, 2013, the Board voted unanimously to adopt "in concept" its 2013 Proclamation Plan.

18. After adoption of its 2013 Proclamation Plan "in concept," the Board instructed Board staff to make any necessary technical corrections, produce maps, written metes and bounds descriptions of the districts, and any other necessary documents in preparation for the Board's formal adoption of its 2013 Proclamation Plan. Board counsel was instructed to prepare a written document summarizing the Board's findings.

19. As set forth in the Board Record and these findings, the 2013 Proclamation Plan complies with all of the requirements set forth in the Alaska Supreme Court's Order of December 28, 2012.

20. The Board's 2013 Proclamation Plan, supported by the Board Record as summarized by these written findings and adopted unanimously 5-0, complies with all federal and state legal requirements.

a. All forty (40) of the House districts are contiguous, relatively compact, and, as nearly as practicable, relatively socio-economically integrated.

i. One area in which the Board struggled was where to place that portion of the KPB located across Cook Inlet from the Kenai Peninsula and contains the communities of Tyonek and Beluga with 379 total people.

ii. Historically, this section of the KPB has been placed in different regions, sometimes with the rest of the KPB, other times with an Aleutian Chain or Kodiak district. The Board considered draft plans that included all of these options.

iii. After discussion and deliberation, the Board determined that the most reasonable alternative was to incorporate this area into HD-32 in order to (1) avoid splitting the excess population of the KPB twice; and (2) to keep all of the rural areas of the KPB off the road system on both sides of Cook Inlet together in one district.

b. The 2013 Proclamation Plan also complies with the requirements of geographic proportionality. The only Borough that has been split more than once is the Mat-Su Borough, which the Board split twice as the most reasonable alternative to accommodate the excess population of the MOA as established by the Board Record and these findings.

c. The 2013 Proclamation Plan has an "Overall Range" (the difference between the largest and smallest election district) of 4.24% for House districts and 2.96% for Senate districts, by far the lowest overall deviations of any Alaska redistricting plan in Alaska's history. Deviations in the five major urban areas are even lower, all being well under 2%.

d. Each of the Senate districts is composed of two contiguous House districts.

e. While some plans submitted by third parties had lower overall deviation ranges, those plans had other issues with some or all of the Alaska constitutional requirements of contiguity, compactness, or socio-economic integration. The Board only increased deviations in order to maximize compliance with the Alaska constitutional requirements.

21. As discussed on the record, the Board reviewed the truncation issue and designation of Senate terms, and voted unanimously to truncate all Senate seats that had changed by 25% or more and who had been assigned four year terms in 2012. The Board found that this standard required truncation of the term of four sitting senators in accordance with the criteria set forth in *Egan v. Hammond*, 502 P.2d 856 (Alaska 1972):

a. These districts under the new system of identification are Senate Districts C, G, P, and S. The 2013 Proclamation Plan substantially changes the Senate districts these senators currently serve and they would otherwise not be required to stand for election in 2014 but for truncation. Because of the substantial change in the election districts, new elections are required in those districts.

b. The Alaska Constitution requires half the senators stand for election every two years (Article II, section 3). Therefore, at the general election in 2014, 14 senate districts will be up for election, the 10 senators assigned two year terms by the 2012 redistricting plan and the 4 senators whose terms must be truncated. All six of the Senate districts not required to stand for election in 2014 are effectively assigned 2 year terms, meaning they are not required to run for election until 2016. Four 4 seats, Senate Districts F, N, P, and T, are assigned two 2 year terms. Ten seats, Senate Districts A, C, E, G, I, K, M, O, Q, and S, are assigned four 4 year terms. The designation of two-year and four-year seats is shown in the materials provided along with the Board's Proclamation of Redistricting. Through this designation, 10 Senate districts will be up for election in 2016 and 10 in 2018, thereby meeting the requirements of Article II, section 3 of the Alaska Constitution.

c. This determination was made based on the data shown in the two tables which are part of the materials provided along with the Board's Proclamation of Redistricting.

ADOPTED BY UNANIMOUS VOTE OF THE ALASKA REDISTRICTING BOARD THIS 14TH DAY OF JULY, 2013, AT ANCHORAGE, ALASKA.


JOHN TORGERSON
CHAIR - ALASKA REDISTRICTING BOARD

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WRITTEN FINDINGS IN SUPPORT OF ARB'S 2013 PROCLAMATION PLAN
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EXHIBIT 5
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PL 94-171 Redistricting Data for Boroughs and Census Areas

Population – All Ages

Area	Total	Race Alone							Hispanic/Latino	
		White	American Indian/ AK Native	Black	Asian	Pacific Islander	Other	Two or More Races	Hispanic	Not Hispanic
Aleutians East Borough	3,141	660	876	219	1,130	19	84	153	385	2,756
Aleutians West Census Area	5,561	2,004	857	332	1,606	103	348	311	726	4,835
Anchorage Municipality	291,826	192,498	23,130	16,226	23,580	5,901	6,846	23,645	22,061	269,765
Bethel Census Area	17,013	1,894	14,109	65	160	27	45	713	181	16,832
Bristol Bay Borough	997	481	334	0	8	3	4	167	24	973
Denali Borough	1,826	1,637	65	10	19	1	14	80	42	1,784
Dillingham Census Area	4,847	878	3,470	11	32	6	12	438	101	4,746
Fairbanks North Star Borough	97,581	75,175	6,879	4,423	2,591	396	1,446	6,671	5,651	91,930
Haines Borough	2,508	2,086	230	10	14	0	21	147	47	2,461
Hoonah-Angoon Census Area	2,150	1,014	890	8	12	1	6	219	77	2,073
Juneau City and Borough	31,275	21,814	3,692	279	1,919	218	386	2,967	1,588	29,687
Kenai Peninsula Borough	55,400	46,857	4,081	269	631	119	336	3,107	1,641	53,759
Ketchikan Gateway Borough	13,477	9,176	1,910	78	943	27	93	1,250	538	12,939
Kodiak Island Borough	13,592	7,522	1,797	92	2,660	87	397	1,037	996	12,596
Lake and Peninsula Borough	1,631	380	1,061	9	6	5	6	164	43	1,588
Matanuska-Susitna Borough	88,995	75,540	4,901	856	1,096	221	640	5,741	3,301	85,694
Nome Census Area	9,492	1,552	7,199	27	96	9	22	587	115	9,377
North Slope Borough	9,430	3,147	5,100	94	425	104	67	493	249	9,181
Northwest Arctic Borough	7,523	846	6,121	37	42	12	17	448	58	7,465
Petersburg Census Area	3,815	2,711	614	15	100	7	42	326	130	3,685
Prince of Wales-Hyder Census Area	5,559	2,799	2,207	17	21	21	20	474	127	5,432
Sitka City and Borough	8,881	5,798	1,493	47	529	30	113	871	437	8,444
Skagway Municipality	968	885	34	0	5	1	4	39	21	947
Southeast Fairbanks Census Area	7,029	5,651	808	76	64	18	69	343	234	6,795
Valdez-Cordova Census Area	9,636	7,127	1,315	46	354	54	46	694	349	9,287
Wade Hampton Census Area	7,459	201	7,085	1	18	0	3	151	7	7,452
Wrangell City and Borough	2,369	1,719	384	4	33	1	5	223	37	2,332
Yakutat City and Borough	662	281	237	2	27	12	1	102	17	645
Yukon-Koyukuk Census Area	5,588	1,243	3,992	10	14	6	9	314	66	5,522

Population – Age 18 and Over

Area	Total	Race Alone							Hispanic	
		White	American Indian/ AK Native	Black	Asian	Pacific Islander	Other	Two or More Races	Hispanic	Not Hispanic
Aleutians East Borough	2,770	607	628	217	1,106	19	79	114	361	2,409
Aleutians West Census Area	4,746	1,744	654	330	1,421	93	323	181	627	4,119
Anchorage Municipality	216,040	151,621	16,461	11,654	16,710	3,538	4,792	11,264	13,666	202,374
Bethel Census Area	10,795	1,620	8,604	54	147	14	30	326	108	10,687
Bristol Bay Borough	772	408	248	0	7	3	4	102	15	757
Denali Borough	1,415	1,282	52	9	15	1	10	46	30	1,385
Dillingham Census Area	3,252	757	2,233	8	23	6	12	213	57	3,195

Fairbanks North Star Borough	72,580	57,906	4,896	3,109	2,118	265	1,051	3,235	3,496	69,084
Haines Borough	2,009	1,700	183	8	13	0	8	97	32	1,977
Hoonah-Angoon Census Area	1,726	876	707	4	7	1	5	126	46	1,680
Juneau City and Borough	23,939	17,616	2,691	221	1,420	136	291	1,564	1,008	22,931
Kenai Peninsula Borough	42,289	36,578	2,966	217	507	94	238	1,689	1,045	41,244
Ketchikan Gateway Borough	10,250	7,389	1,362	66	716	21	75	621	314	9,936
Kodiak Island Borough	9,698	5,664	1,226	72	1,893	63	266	514	578	9,120
Lake and Peninsula Borough	1,139	306	740	2	6	2	3	80	15	1,124
Matanuska-Susitna Borough	63,276	55,171	3,270	631	806	153	464	2,781	1,863	61,413
Nome Census Area	6,233	1,333	4,498	21	80	5	17	279	69	6,164
North Slope Borough	7,179	3,000	3,355	87	357	80	61	239	178	7,001
Northwest Arctic Borough	4,868	746	3,807	30	38	6	14	227	36	4,832
Petersburg Census Area	2,924	2,161	474	8	86	7	30	158	86	2,838
Prince of Wales-Hyder Census Area	4,135	2,253	1,574	14	18	14	17	245	72	4,063
Sitka City and Borough	6,791	4,691	1,107	34	414	21	82	442	276	6,515
Skagway Municipality	816	750	28	0	5	1	4	28	13	803
Southeast Fairbanks Census Area	5,180	4,250	568	54	60	12	55	181	148	5,032
Valdez-Cordova Census Area	7,288	5,633	921	40	268	37	41	348	221	7,067
Wade Hampton Census Area	4,358	172	4,100	1	13	0	3	69	4	4,354
Wrangell City and Borough	1,849	1,414	280	1	20	0	4	130	22	1,827
Yakutat City and Borough	500	227	178	2	27	5	1	60	10	490
Yukon-Koyukuk Census Area	4,036	1,020	2,819	10	11	2	8	166	41	3,995

Housing Units

Area	Total	Occupied	Vacant
Aleutians East Borough	747	553	194
Aleutians West Census Area	1,929	1,212	717
Anchorage Municipality	113,032	107,332	5,700
Bethel Census Area	5,919	4,651	1,268
Bristol Bay Borough	969	423	546
Denali Borough	1,771	806	965
Dillingham Census Area	2,427	1,563	864
Fairbanks North Star Borough	41,783	36,441	5,342
Haines Borough	1,631	1,149	482
Hoonah-Angoon Census Area	1,771	913	858
Juneau City and Borough	13,055	12,187	868
Kenai Peninsula Borough	30,578	22,161	8,417
Ketchikan Gateway Borough	6,166	5,305	861
Kodiak Island Borough	5,303	4,630	673
Lake and Peninsula Borough	1,502	553	949
Matanuska-Susitna Borough	41,329	31,824	9,505
Nome Census Area	4,008	2,815	1,193
North Slope Borough	2,500	2,029	471
Northwest Arctic Borough	2,707	1,919	788
Petersburg Census Area	1,994	1,599	395
Prince of Wales-Hyder Census Area	2,992	2,194	798
Sitka City and Borough	4,102	3,545	557
Skagway Municipality	636	436	200
Southeast Fairbanks Census Area	3,915	2,567	1,348
Valdez-Cordova Census Area	6,102	3,966	2,136
Wade Hampton Census Area	2,183	1,745	438

Wrangell City and Borough	1,428	1,053	375
Yakutat City and Borough	450	270	180
Yukon-Koyukuk Census Area	4,038	2,217	1,821

Department of Labor and Workforce Development, Research and Analysis Section
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Phone: 907.465.4500, Fax: 907.465.4506
March 24, 2011

Senate Terms			
Proclamation Plan Senate District	Assignment of Term Length in '12 Election	Previous* Senate District	% Population of Previous* Senate District
A	4	F	53.5%
B	2	E	49.8%
C	4	D	49.0%
D	2	G	69.8%
E	4	G	51.7%
F	2	H	55.5%
G	4	J	53.4%
H	2	L	44.2%
I	4	L	41.0%
J	2	N	65.4%
K	4	N	37.6%
L	2	O	77.7%
M	4	I	30.8%
N	2	P	50.1%
O	4	Q	69.4%
P**	2	B	86.8%
Q	4	A	73.8%
R	2	R	44.9%
S	4	S	49.8%
T	2	T	78.1%

* Previous refers to 2002 Proclamation Senate Districts

** Incumbents in these districts will not stand for reelection in 2012

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EXHIBIT 7
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AMENDED PROCLAMATION SENATE TERMS

Proclamation Plan Senate District	Assignment of Term Length in '12 Election	Previous* Senate District	% Population of Previous* Senate District
A	4	F	56.3%
B	2	E	86.9%
C	4	D	48.4%
D	2	G	70.6%
E	4	G	51.5%
F	2	H	55.5%
G	4	J	53.4%
H	2	L	44.2%
I	4	L	41.0%
J	2	N	65.4%
K	4	N	37.6%
L	2	O	77.7%
M	4	I	30.8%
N	2	P	50.0%
O	4	Q	68.3%
P**	2	B	86.7%
Q	4	A	73.8%
R	2	R	44.4%
S	4	S	51.4%
T	2	T	78.3%

* Previous refers to 2002 Proclamation Senate Districts

** Incumbents in these districts will not stand for reelection in 2012

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BOARD CONCEPT SENATE TERMS					
Concept Plan Senate District	Assignment of Term Length in '14 Election	Proclamation Senate District	% Population of Previous* Senate District	Running in 2014	
A	4	B	97.6%	X	
B	2*	A	77.0%		
C	4	C	46.8%	X	
D	2*	E	96.9%		
E	4	D	52.0%	X	
F	2	F	49.3%	X	
G	4	M	50.9%	X	
H	2*	G	100.0%		
I	4	H	100.0%	X	
J	2*	I	100.0%		
K	4	J	100.0%	X	
L	2*	K	100.0%		
M	4	L	100.0%	X	
N	2	N	50.1%	X	
O	4	N	50.3%	X	
P	2	O	51.3%	X	
Q	4	P**	92.7%	X	
R	2*	Q	90.7%		
S	4	S	54.3%	X	
T	2	T	80.3%	X	

* Up for election in 2016

** Incumbents in these districts did not stand for reelection in 2012

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2013 Proclamation District Population Analysis				
House District	Senate District	Total Population	Percent Deviation From Ideal (17,755)	Voting Age Population
1		17,726	-0.16%	13,737
2		17,738	-0.10%	12,457
3	A	35,464	-0.13%	26,194
4		17,673	-0.46%	12,423
5		17,786	0.17%	13,743
6	B	35,459	-0.14%	26,166
7		17,837	0.46%	13,839
8		17,807	0.29%	13,097
9	C	35,644	0.38%	26,936
10		17,703	-0.29%	12,492
11		17,830	0.42%	12,632
12	D	35,533	0.06%	25,124
13		17,739	-0.09%	13,184
14		17,827	0.41%	12,812
15	E	35,566	0.16%	25,996
16		17,716	-0.22%	12,414
17		17,671	-0.47%	12,744
18	F	35,387	-0.35%	25,158
19		17,678	-0.43%	12,439
20		17,818	0.35%	12,750
21	G	35,496	-0.04%	25,189
22		17,672	-0.47%	11,810
23		17,806	0.29%	13,192
24	H	35,478	-0.09%	25,002
25		17,797	0.24%	13,912
26		17,925	0.96%	14,324
27	I	35,722	0.60%	28,236
28		17,692	-0.35%	11,821
29		17,718	-0.21%	14,629
30	J	35,410	-0.28%	26,450
31		17,642	-0.64%	13,560
32		17,755	0.00%	12,969
33	K	35,397	-0.32%	26,529
34		17,809	0.30%	13,533
35		17,702	-0.30%	12,984
36	L	35,511	0.00%	26,517
37		17,924	0.95%	12,867
38		17,693	-0.35%	12,994
39	M	35,617	0.30%	25,861
40		17,678	-0.43%	13,122
41		17,778	0.13%	13,431
42	N	35,456	-0.15%	26,553
43		18,026	1.53%	14,203
44		18,021	1.50%	13,143
45	O	36,047	1.51%	27,346
46		17,971	1.22%	13,878
47		18,077	1.81%	13,119
48	P	36,048	1.52%	26,997
49		17,635	-0.68%	14,141
50		17,668	-0.49%	13,074
51	Q	35,303	-0.58%	27,215
52		17,825	0.39%	13,652
53		17,874	0.67%	13,572
54	R	35,699	0.53%	27,224
55		17,448	-1.73%	13,581
56		17,546	-1.18%	11,067
57	S	34,994	-1.45%	24,648
58		17,677	-0.44%	11,187
59		17,323	-2.43%	12,325
60	T	35,000	-1.44%	23,512

Prepared by the Alaska Redistricting Board