

**PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT AND
ATTORNEY WORK PRODUCT COMMUNICATION**

CONFIDENTIAL MEMORANDUM

To: Alaska Redistricting Board
cc: Taylor Bickford, Executive Director
From: Michael D. White
Date: July 18, 2011
Subject: Summary of Complaints in *Fairbanks North Star Borough, et al. v. Alaska Redistricting Board, George Riley, et al. v. Alaska Redistricting Board, and City of Petersburg, et al. v. State, Alaska Redistricting Board*

Below is a summary of the complaints filed in the three lawsuits against the Alaska Redistricting Board.

1. ***FAIRBANKS NORTH STAR BOROUGH, ET AL. V. ALASKA REDISTRICTING BOARD, CASE NO. 4FA-11-2213 CI***
 - A. Plaintiffs: Fairbanks North Star Borough, Timothy Beck
 - B. Districts Challenged: House Districts 37, 38; Senate Districts A, B, S
 - C. Summary of Legal Claims: FNSB raises two legal challenges to the Board's Plan
 1. Art. 1, Sec. 1 (Equal Protection): geographic proportionality
 - a) Plan divides excess population of FNSB between two house districts, 38 and 6, instead of placing all the excess population within one house district. This dilutes the excess population's effective representation in violation of the equal protection clause
 2. Art. VI, Sec. 6 (District Boundaries): Compactness and contiguity
 - a) House District 37: Compactness. District 37, is not compact or contiguous, and divides the Aleutian Islands, which the Alaska Supreme Court has already found to be plainly erroneous.

b) House District 38: District 38 is not socioeconomically integrated.

i) HD 38 is a huge geographic area that contains both organized and unorganized boroughs, rural and urban communities, geographically divided and culturally and historically distinct areas, and ignores logical and natural boundaries.

ii) Configuration of HD 38 is not required by the Voting Rights Act.

D. The complaint makes a number of other factual allegations of problems with the plan (i.e., the two districts in the City of Fairbanks fail to follow city boundaries, the Aleutians East Borough is divided between to senate seats) but makes no actual legal claims based on those facts.

2. ***GEORGE RILEY, RONALD DEARBORN V. ALASKA REDISTRICTING BOARD, CASE NO. 4FA-11-2209 CI***

A. Plaintiffs: George Riley, Ron Dearborn

B. Districts Challenged: House Districts 1-6, and 38; Senate Districts A-C

C. Summary of Legal Claims: Plaintiffs raise two legal challenges to the Board's Plan

1. Article I, Sec. 1 (Equal Protection): Geographic Proportionality

a) House Districts 1-6, 38: Plan spreads voters within the FNSB throughout seven house districts (1-6, 38), when a proportional representation of such voters equals 5.5 house districts.

i) By spreading out the population, the Plan dilutes the effective representation of those voters.

ii) Plan does the same thing to voters within the City of Fairbanks, spreading them throughout two house districts (1 and 4), when a proportional representation of the City of Fairbanks voters equals 1.75 house districts.

b) Senate Districts A-C, D: Plan spreads voters within the FNSB throughout four senate districts (A-C, D), when a proportional representation of such voters equals 2.75 senate districts.

i) By spreading out the population, the Plan dilutes the effective representation of those voters.

ii) Plan does the same thing to voters within the City of Fairbanks, spreading them throughout two senate districts (A, B), when a proportional representation of such voters equals .75 senate districts.

2. Article VI, Sec. 8 (should be Sec. 6 District Boundaries): Compactness, Socioeconomic integration
 - a) House District 38: Plan fails to comply with “Sec. 8” (should be Sec. 6) by including suburban areas with rural areas of the interior, which does not comprise a relatively integrated socio-economic area.
 - b) House District 1, 2, and 5: Plan fails to comply with “Sec. 8” (should be Sec. 6) because House Districts 1, 2, and 5, as drawn, are not compact.

3. ***City of Petersburg, Mark L. Jensen, Nancy C. Strand, and Brenda L. Norheim v. State of Alaska, Alaska Redistricting Board, Case No. 1JU-11-782 CI***

- A. Plaintiffs: City of Petersburg, Mark L. Jensen, Nancy C. Strand, Brenda L. Norheim
- B. Districts Challenged: House District 32; Senate District P
- C. Summary of Legal Claims: Plaintiffs raise two legal challenges to the Board’s Plan

1. Art. I, Sec. 1 (Equal Protection): geographically proportional representation
 - a) House District 32: Plan includes the City of Petersburg with part of the City and Borough of Juneau, which will have the effect of reducing disproportionately the representation of Petersburg voters in the legislature.
 - b) Senate District P: Plan includes Petersburg in a senate district with the City and Borough of Juneau instead of with its traditional pairing of Sitka and other smaller Southeast Alaska communities. This new pairing will disproportionately reduce the representation of Petersburg voters in the legislature.
2. Art. VI, Sec. 6 (District Boundaries: socioeconomic integration)
 - a) House District 32: Not socioeconomically integrated.
 - i) The southern portion of the City and Borough of Juneau is not economically and socially interactive with Petersburg, thereby creating a house

district that is not composed of economically and socially interactive people in a common geographic region.

ii) Plan combines Petersburg with part of the City and Borough of Juneau in the same house district, thereby separating Petersburg from Sitka and other smaller Southeast Alaska communities with which it has historically been linked. Petersburg is more closely integrated with Sitka and other smaller Southeast communities.

We recently filed a Motion to Consolidate and Change Venue of *City of Petersburg, et al. v. State of Alaska, Alaska Redistricting Board*, to move the case to Anchorage. The Petersburg plaintiffs do not oppose this motion. Plaintiffs in both Fairbanks cases oppose changing venue to Anchorage. The motion also requests the court consolidate the Fairbanks proceedings with the *Petersburg* case in Anchorage. We asked for expedited consideration of this motion, requesting a decision by Thursday, July 21.

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