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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT PALMER

MATANUSKA-SUSITNA BOROUGH, and  
MICHAEL BROWN, individually,

Plaintiffs,

v.

ALASKA REDISTRICTING BOARD,

Defendant.

Case No. 3PA-21-\_\_\_\_\_CI

**COMPLAINT IN THE NATURE OF AN EXPEDITED APPLICATION TO COMPEL  
CORRECTION OF ERROR IN REDISTRICTING PLAN**

Plaintiffs, Matanuska-Susitna Borough, and Michael Brown, individually, by and through their attorneys of record Holmes Weddle & Barcott, P.C. for their Complaint pursuant to Alaska R. Civ. P. 90.8 allege as follows:

**PARTIES AND STANDING**

1. Plaintiff Matanuska-Susitna Borough (“MSB”) is a second-class borough organized and operating under the constitution and laws of the State of Alaska, with its principal place of business located at 350 E. Dahlia Ave., Palmer, Alaska 99645.

2. Plaintiff Michael Brown (“Brown”) is a citizen of the State of Alaska and resident of the MSB. Brown is a qualified voter of the MSB and State of Alaska, with standing to bring this Complaint pursuant to Article VI, Section 11 of the Alaska Constitution.

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3. Plaintiffs MSB and Brown are public interest litigants in this action concerning the protection of rights under the United States Constitution and the Constitution of the State of Alaska.

4. Defendant Alaska Redistricting Board (“the Board”) is a five-member Board constituted pursuant to Article VI of the Alaska Constitution and is charged with reapportioning the Alaska House of Representatives and Alaska Senate immediately following the official reporting of each decennial census of the United States.

### **JURISDICTION AND VENUE**

5. This court has jurisdiction over this action pursuant to Article VI, Section 11 of the Alaska Constitution and Alaska R. Civ. P. 90.8, which provides that any qualified voter may apply to the superior court to compel the Board to correct any error in redistricting.

6. Venue is proper in this judicial district pursuant to Alaska R. Civ. P. 3.

### **ALLEGATIONS**

7. Redistricting Plans must comply with the United States Constitution. The U.S. Constitution requires legislative seats to be configured solely based on population and to configure such seats so that the populations of respective districts are substantially equal.

8. Under the Alaska Constitution, reapportioned districts must be contiguous, compact, socio-economically integrated, and as equal in population as near as practicable to the quotient obtained by dividing the population of the State of Alaska by forty. The Board in creating house districts may consider local government boundaries, however, drainage and other geographic features shall be used in describing boundaries wherever possible.

9. According to the 1990 United States census, Alaska had a population of 550,043 residents, with 39,683 of those residents residing in the MSB.

10. According to the 2000 United States census, Alaska had a population of 626,932 residents, an increase of 76,889 residents. The MSB had a population of 59,332, an increase of 19,649 residents, representing 26 percent of the statewide population growth.

11. According to the 2010 United States census, Alaska had a population of 710,231 residents, an increase of 83,229 residents. The MSB had a population of 88,995, an increase of 29,663 residents, representing 36 percent of the statewide population growth.

12. The 2020 United States census was conducted on April 1, 2020 and results of the census were reported to the State of Alaska on August 12, 2021.

13. According to the 2020 United States census, Alaska had a population of 733,391 residents, an increase of 23,160 residents. The MSB had a population of 107,081, an increase of 18,086 residents, representing 78 percent of the statewide population growth.

14. The quotient for each House District based upon the 2020 United States census, consists of 18,335 Alaska residents.

15. Based upon the population of 107,081, and the quotient of 18,335, the MSB is entitled to approximately six (5.84) House Districts.

16. In accordance with the Alaska Constitution, the Board was established after the official reporting of the 2020 United States census in order to set the boundaries for the districts of the Alaska House of Representatives and Alaska Senate.

17. The MSB submitted a draft plan to the Board for consideration which proposed four House Districts wholly within the MSB. With regard to two House Districts not wholly within the MSB, one proposed House District was partially within the MSB and shared with the entire Denali Borough with a population of 1,619 residents according to the 2020 United

States census, and the other House District was partially within the MSB and included 1,294 Alaska residents just east of the MSB.

18. The draft plan submitted by the MSB proposed significantly lower maximum deviations than the Final Plan adopted by the Board, demonstrating that minimizing deviations was practicable.

19. The draft plan submitted by the MSB was compact, contiguous, and contained as nearly as practicable a relatively integrated socioeconomic area in consideration of the quotient.

20. During a public hearing on September 9, 2021, the Board adopted several proposed plans for public comment.

21. During a public hearing on November 5, 2021, the Board adopted the final redistricting map plan. The Board's final plan contains four house districts wholly within the MSB designated as House Districts 26, 27, 28 and 29. The plan contains two additional house districts partially within the MSB but extending beyond the boundaries of the MSB designated as House Districts 29 and 30.

22. On November 10, 2021, the Board adopted its Final Plan and Proclamation of Redistricting ("Final Plan").

23. The Final Plan demonstrates that the Board failed to define MSB House Districts that contain a population as near as practicable to the quotient obtained by dividing the population of the State by forty.

24. House District 29 as set forth in the Final Plan extends beyond the boundaries of the MSB is designated as District 25 which encompasses the MSB communities of Fishhook,

Buffalo Soapstone, Sutton, Chickaloon, Glacier View, and Lake Louise, and then departs the MSB boundaries to include the City of Valdez.

25. House District 29 as included in the Final Plan places Valdez in a district not with any pipeline-affected communities on the Richardson Highway while simultaneously segregating Valdez from other Prince William Sound communities.

26. House District 29 as included in the Final Plan combines a portions of the MSB with Valdez only and those populations share no social concerns, political needs, are geographically divided, are culturally and historically distinct areas, areas with no transportation links, and areas with no shared economic activities. This District ignores logical, municipal, and natural boundaries.

27. House District 30 as set forth in the Final Plan extends beyond the boundaries of the MSB is designated as District 30 which encompasses the MSB communities of Big Lake, Willow, Skwenta, Talkeetna, Trapper Ckeek, and part of the Denali Borough to include Denali Park, Healey, Anderson, and Clear, but excludes other parts of the Denali Borough such as the community of Cantwell.

28. Those portions of the Denali Borough, including but not limited to the community of Cantwell, who are excluded from House District 30 are placed within House District 36 stretching from Holy Cross to Kaltag, to Arctic Village, around the Fairbanks North Star Borough to the Canadian Border and down to Delta Junction, Tok, and Chicken, and further down to include Mendeltna, Tolsona, Glenallen, Copper Center, Kenny Lake, Chitna and McCarthy.

29. House District 30 as included in the Final Plan combines organized and unorganized boroughs, rural and remote communities with different social concerns and

political needs, geographically divided and culturally and historically distinct areas, areas with no transportation links, and areas with no shared economic activities. This District ignores logical, municipal, and natural boundaries.

30. Every House District within the MSB (25, 26, 27, 28, 29 and 30) exceeds the quotient for the ideal House District. Combined, the total overpopulation of the districts is 13.75 percent. This represents the most significant deviation of any geographic area in the State of Alaska as proposed in the Final Plan.

31. Comparing the MSB to Anchorage, Anchorage has 18 House Districts included in the Final Plan, of those 18 only two are overpopulated, thus the Anchorage House Districts are underpopulated by 10.02 percent.

32. The Final Plan ignores natural geographical features in setting boundaries.

33. The Final Plan does not offer acceptable justification for the MSB significant deviations.

34. The Final Plan provides for proportional under-representation of the voters residing in the MSB.

35. The challenges of balancing the multiple constitutional requirements does not absolve the Board of its duty to measure each House District against constitutional standards.

36. The Final Plan raises an inference of intentional discrimination, by unnecessarily dividing the MSB in ways which dilute the effective strength of MSB voters. The plan improperly discriminates against the voters of the MSB in that it places excess population into all House Districts within the MSB. This dilutes the votes of MSB residents, and denies the MSB residents six House Districts which are compact, contiguous, and contain as nearly as practicable a relatively integrated socioeconomic area in consideration of the quotient.

## COUNTS

### COUNT I – EQUAL PROTECTION

37. Paragraphs 1 through 36 are incorporated herein as if fully set forth.

38. The Fourteenth Amendment to the United States Constitution provides that the State shall not deny any person within its jurisdiction the equal protection of the laws.

39. Article I, Section 1 of the Alaska Constitution provides that all persons are equal and entitled to equal rights and protection under the law.

40. The Final Plan violates the equal protection clauses of the United States and Alaska Constitutions.

41. The Board's plan unnecessarily divides the excess population of the MSB in a way that dilutes the effective strength of municipal voters, including by placing them in districts centered elsewhere and that have different social and political concerns; ignoring traditional senate configurations; and, failing to respect political subdivision boundaries and communities of interest, thereby depriving its citizens the right to be an equally powerful and geographically effective vote, all of which is in violation of the equal protection clauses of the United States and Alaska Constitutions.

42. The Final Plan overpopulates each of the six House Districts within the MSB in an excessive amount and out of proportion with the remainder of the State of Alaska, demonstrating that the Board failed to apply the quotient in a practicable fashion in violation of the equal protection clauses of the United States and Alaska Constitutions.

### COUNT II – DISTRICT BOUNDARIES

43. Paragraphs 1 through 42 are incorporated herein as if fully set forth.

44. Article VI, Section 6 of the Alaska Constitution provides the requirements for each House District. They are to be compact, contiguous, and contain as nearly as practicable a relatively integrated socioeconomic area, and consideration may be given to local government boundaries. Each must contain a population as near as practicable to the quotient obtained by dividing the population of the State by forty. Additionally, drainage and other geographic features shall be used in describing boundaries wherever possible.

45. The Final Plan violates Article VI, Section 6 of the Alaska Constitution.

46. The Final Plan overpopulates each of the six House Districts within the MSB in an excessive amount and out of proportion with the remainder of the State of Alaska, demonstrating that the Board failed to apply the quotient in a practicable fashion in violation of Article VI, Section 6 of the Alaska Constitution.

47. House Districts, including but not limited to, 29, 30 and 36 as included in the Final Plan violate Article VI, Section 6 of the Alaska Constitution, as the House Districts are not compact, contiguous, do not contain as nearly as practicable a relatively integrated socioeconomic area, nor do they consider local government boundaries.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for relief from this court as follows:

A. The court declare that the Board's Final Plan pursuant to the declaration dated November 10, 2021 violates the United States and/or Alaska Constitutions, and is therefore null and void;

B. The court remand the Final Plan to the Board for correction and development of a new plan which complies with law under the United States and Alaska Constitutions;



C. For an award of attorney's fees and costs pursuant as allowed by law pursuant to Plaintiffs status as public interest litigants; and

D. For such other and further relief as may be deemed appropriate and just under the circumstances.

DATED this 2<sup>nd</sup> day of December, 2021, at Anchorage, Alaska.

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Borough and Michael Brown

By: s/ Stacey C. Stone

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