



Application, including any headings or subheadings, except as specifically admitted, qualified, or otherwise responded to herein. The Board reserves its right to amend its Answer and defenses to the Application.

## II.

### **RESPONSES TO ALLEGATIONS IN THE APPLICATION**

1. The Board lacks sufficient information and knowledge to admit or deny the allegations contained in paragraph 1 of the Application, and therefore, denies the same.

2. The Board lacks sufficient information and knowledge to admit or deny the allegations contained in paragraph 2 of the Application, and therefore, denies the same.

3. The Board admits that the Alaska Democratic Party (“ADP”) is a political party. The Board lacks sufficient information and knowledge to admit or deny the remaining allegations contained in paragraph 3 of the Application, and therefore, denies the same.

4. The Board admits it is a five-member board established by the Alaska Constitution whose duty it is to redistrict Alaska state election districts every ten years after the official reporting of the decennial census of the United States. The Board denies each and every other allegation in Paragraph 4 of the Application.

5. Paragraph 5 of the Application contains legal conclusions for which no response is required. If a response by the Board is required, denied.

6. In response to the allegation in paragraph 6 of the Application, the Board admits that this Court had jurisdiction over the subject matter of the complaint but denies that the proper method for raising objections to the Board's 2013 Proclamation Plan is through the filing of a complaint or application to correct errors.

7. In response to the allegations in paragraph 7 of the Application, the Board admits that pursuant to Alaska R. Civ. P. 3, that Fourth Judicial District is a proper venue for this Application, but denies that that the proper method for raising objections to the Board's 2013 Proclamation Plan is through the filing of a complaint or application to correct errors.

8. In response to paragraph 8 of the Application, the Board admits that on June 13, 2011, it adopted its "Proclamation of Final Redistricting and Accompanying Report" which contained a final plan for the redistricting of Alaska's legislative districts. The Board further admits that on March 14, 2012, the Alaska Supreme Court issued an order which held *inter alia* that the Board had failed to follow the proper process (since come to be known as the "*Hickel* Process") for determining whether it was necessary to depart from strict adherence to the Alaska Constitution in order to comply with Section 5 of the Federal Voting Rights Act and remanded the matter to the Board.

9. In response to paragraph 9 of the Application, the Board admits that on April 5, 2012 the Board adopted its “Proclamation of Redistricting” for its “Amended Proclamation Plan” as well as its “Written Findings in Support of Alaska Redistricting Board’s Amended Proclamation Plan.” The Board further admits that on December 28, 2012, the Alaska Supreme Court issued an order which held *inter alia* that the Board had failed to comply with its March 14, 2012 Order by not properly following the *Hickel* Process and remanded the matter to the Board but reversed the trial court on two other issues. The Board denies each and every other allegation in paragraph 9 of the Application.

10. In response to paragraph 10 of the Application, the Board admits that it adopted its “2013 Proclamation Plan,” “Proclamation of Redistricting” and “Written Findings in Support of the 2013 Proclamation Plan” on July 14, 2013. The Board denies each and every other allegation in paragraph 10 of the complaint.

11. In response to paragraph 11 of the Application, the Board admits that official reporting of the 2010 decennial census of the United States established that the Matanuska-Susitna Borough (“Mat-Su Borough” or “MSB”) had a population of 88,985 or approximately 5.01 ideal House seats. The Board further admits that the MSB contains enough population for five House seats entirely within its boundaries without including population from outside the MSB. The Board denies each and every other allegation in paragraph 11 of the Application.

12. In response to paragraph 12 of the Application, the Board admits that there are six House Districts in the 2013 Proclamation Plan (HD 7-12) which contain people who reside within the boundaries of the MSB. The Board further admits that House Districts 9 and 12 and Senate Districts E and F contain people who reside outside the MSB.

13. Denied.

14. Denied

15. In response to paragraph 15 of the Application, the Board admits that official reporting of the 2010 decennial census of the United States established that the Kenai Peninsula Borough (“KPB”) had a population of 55,400 (approximately 3.12 ideal House Districts.) The Board denies each and every other allegation in paragraph 15 of the Application.

16. In response to paragraph 16 of the Application, the Board admits that it is theoretically possible, but not constitutionally mandated, to draw three House seats entirely within the KPB without including population from outside the KPB or including KPB residents in House districts outside the KPB, but denies any such districts created would comply with the equal population requirements of the Alaska Constitution.

17. In response to paragraph 17 of the Application, the Board admits that the communities of Halibut Cove, Nanwalek, Port Graham, Seldovia, and Tyonek are

located in House District 32 in the 2013 Proclamation Plan. The Board denies each and every other allegation in paragraph 17 of the Application.

18. Denied.

19. Denied.

20. In response to paragraph 20 of the Application, the Board admits that the communities of Alatna, Allakaket, Bettles, Evensville and Hughes are located in House District 40 in the 2013 Proclamation Plan. The Board denies each and every other allegation in paragraph 20 of the Application.

21. In response to paragraph 21 of the Application, the Board admits that the communities of Galena, Huslia, Kaltag, Koyukuk, Nulato, and Ruby are located in House District 39 in the 2013 Proclamation Plan. The Board denies each and every other allegation in paragraph 21 of the Application.

22. In response to paragraph 22 of the Application, the Board admits that the communities of Anvik, Grayling, Holy Cross, McGrath, Nikolai, Shageluk, and Takotna are located in House District 37 in the 2013 Proclamation Plan. The Board denies each and every other allegation in paragraph 22 of the Application.

23. Denied.

24. Denied.

### **AFFIRMATIVE DEFENSES**

1. Plaintiffs have failed to state a claim upon which relief can be granted in whole or in part.

2. The Plaintiffs have followed the incorrect process for making challenges and/or objections to a remanded redistricting plan.

3. Certain prayers for relief by Plaintiffs violate the separation of powers doctrine and Article VI, Section 11 of the Alaska Constitution.

WHEREFORE, having answered the Application, the Board prays for the following relief:

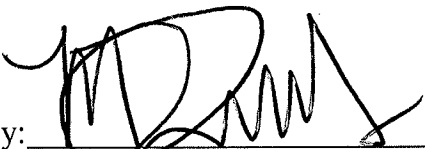
A. An order dismissing Plaintiffs' Application with prejudice;

B. An award of the costs and attorneys' fees the Board incurred in defending this action, and,

C. For such other and further relief that this Court deems just and equitable.

DATED at Anchorage, Alaska this 27<sup>th</sup> day of August 2013.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of August 2013, a true and correct copy of the foregoing document was served on the following via:

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