

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**  
**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In Re 2011 Redistricting Cases,	)	
	)	
Plaintiffs,	)	
	)	<b>CONSOLIDATED CASE NO.:</b>
v.	)	<b>4FA-1102209-CI</b>
	)	4FA-11-02213 CI
Alaska Redistricting Board,	)	1JU-11-00782 CI
	)	
Defendant.	)	
	)	

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**ANSWER TO RENEWED APPLICATION OF RILEY/DEARBORN  
PLAINTIFFS TO CORRECT ERRORS IN  
ALASKA STATE LEGISLATIVE REDISTRICTING PLAN AFTER REMAND**

COMES NOW Defendant, Alaska Redistricting Board (“the Board”), by and through counsel, Patton Boggs LLP, and hereby answers the Renewed Application to Correct Errors in Alaska State Legislative Redistricting Plan After Remand filed by George Riley and Ronald Dearborn (“Plaintiffs”), as follows:

**I.**

**PRELIMINARY STATEMENT**

Any factual allegation admitted herein is admitted only to the specific fact in question, not as to any purported conclusions, characterizations, implications, or speculations contained therein or elsewhere in the Application. The denial of any factual allegations by the Board may not be construed as an admission of the negative of such allegation. The Board denies each and every allegation contained in the 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. This paragraph contains no allegations which require an affirmative response. To the extent a response is required, the Board admits that the Plaintiffs have filed a Renewed Application to correct alleged errors in the Board's 2013 Proclamation Plan but deny that the plan contains any errors. The Board further denies that the Board's previous plan have been remanded to the Board by the courts three times.

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

3. The Board lacks sufficient information and knowledge to admit or deny the allegations contained in paragraph 3 of the Application, and therefore, denies the same.

4. Paragraph 4 of the Renewed Application contains legal conclusions for which no response is required. If a response by the Board is required, denied.

5. Admitted.

6. In response to the allegation in paragraph 6 of the Renewed Application, the Board admits that this Court has continuing 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 new complaint or renewed application.

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 place of venue for this case, but denies that that the proper method for raising objections to the Board's 2013 Proclamation Plan is through the filing of a new complaint or Renewed Application.

8. In response to paragraph 8 of the Renewed Application, the Board admits that the official reporting of the 2010 decennial census of the United States established a total statewide population for Alaska of 710,231 people.

9. Admitted.

10. In response to paragraph 10 of the Renewed Application, the Board admits that the official reporting of the 2010 decennial census of the United States established that the Matanuska-Susitna Borough ("Mat-Su Borough") had a total population of 88,995.

11. In response to paragraph 11 of the Renewed Application, the Board denies it adopted its original Proclamation of Final Redistricting and Accompanying Report ("Original Proclamation Plan") on June 14, 2011. The Board admits it adopted its Original Proclamation Plan on June 13, 2011. The Board further admits that on February 3, 2012, this Court ruled that House Districts 1, 2, 37, and 38 did not comply with the Alaska constitutional redistricting requirements and that the Board had not met

its burden of proof that the configurations of House Districts 1, 37, and 38 were necessitated by the need to comply with Section 5 of the Federal Voting Rights Act, and therefore, the matter was remanded to the Board. The Board admits that on March 14, 2012, the Alaska Supreme Court issued a ruling that reversed this Court on all of the issues raised on appeal and remanded the matter to the Board with instructions on different grounds than this Court.

12. In response to paragraph 12 of the Renewed Application, the Board admits that on April 5, 2012, the Board adopted its Amended Proclamation Plan, Proclamation of Redistricting, and Written Findings in Support of its Amended Proclamation Plan. The Board further admits that on April 20, 2012, this Court held *inter alia* that the Board had failed to follow the “*Hickel* Process” in drafting its Amended Proclamation Plan, and therefore, remanded the matter to the Board. The Board further admits that this Court’s decision was reviewed by the Alaska Supreme Court which upheld this Court’s reversal and remand based on the *Hickel* Process, but reversed this Court on two other issues.

13. In response to paragraph 13 of the Renewed 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 13 of the Renewed Application.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. In response to paragraph 19 of the Renewed Application, the Board admits that its 2013 Proclamation Plan contains three Senate Districts (D, E, and F) that include persons who reside within the boundaries of the Mat-Su Borough, and that House Districts 9 and 12 and Senate Districts E and F contain persons who do not reside within the Mat-Su Borough. The Board denies each and every other allegation in paragraph 19 of the Renewed Application.

20. Denied.

21. Denied.

22. In response to paragraph 22 of the Renewed Application, the Board admits that the official reporting of the 2010 decennial census of the United States established that the Kenai Peninsula Borough (“KPB”) had a total population of 55,400 (or 3.12 ideal districts). The Board further admits that its 2013 Proclamation Plan establishes four House Districts (29, 30, 31, and 32) which contain persons who reside within the boundaries of the KPB, and that House Districts 29, 30, and 31 are completely within the boundaries of the KPB. The Board denies each and every other allegation in paragraph 22 of the Renewed Application.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

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**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.

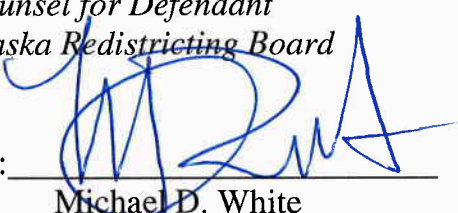
WHEREFORE, having answered the Application, the Board prays for the following relief:

- A. An order dismissing Plaintiffs' Renewed 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 7<sup>th</sup> day of August 2013.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of August 2013, a true and correct copy of the foregoing document was served on the following via:

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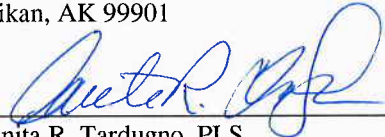
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