

IN THE SUPREME COURT OF THE STATE OF ALASKA

In re: 2011 REDISTRICTING CASES

Supreme Court No. S-14441

Trial Court Case #4FA-11-2209CI

Consolidated Cases #4FA-11-2213CI/1JU-11-0782CI

**CALISTA CORPORATION AND ASSOCIATION OF VILLAGE
COUNCIL PRESIDENTS MOTION AND MEMORANDUM FOR
LEAVE TO PARTICIPATE *AMICI CURIAE***

Calista Corporation (“Calista”) and Association of Village Council Presidents (“AVCP”) move (“Motion”) for leave to file a brief as amici curiae in this matter. The Brief and a proposed order granting the Motion are filed contemporaneously with the Motion.

Calista and AVCP submit that this Court should review and reverse the trial court’s decision holding that the Redistricting Board (“Board”) was not justified in deviating from strict compliance with the Alaska Constitution in its configuration of House Districts 37 and 38 in order to comply with the requirement of Section 5 of the Federal Voting Rights Act (“VRA”).

The Board’s Proclamation Plan is the result of a tremendous amount of hard work by the Board and the Alaska Native participants who engaged in the public process of the development of the new redistricting plan. Calista Corporation was a very active participant in the proceedings and provided input on all redistricting maps affecting the Alaska Native districts that were developed and

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tested against the various legal requirements under the VRA and the Alaska Constitution. AVCP members participated actively in the Board redistricting hearings held in Bethel and Dillingham. Calista was very outspoken on the very point that the trial court rejected as too speculative, namely, that the Department of Justice would not approve a plan that caused the Alaska Native Incumbent in the Calista Region to run against the Non-Native Senate Majority's President from another district. Calista and AVCP believe that the trial court utilized faulty logic in reaching its conclusions and therefore have a strong and legitimate interest to provide this Court with a clear and concise framework from which to review the trial court's decision..

Calista and AVCP did not chose to participate as an amici curiae in the Superior Court proceedings but actively monitored the case and Calista was ready to be a witness at the trial in support of its legal and factual positions if requested by any party. The bases on which the trial court rejected House District 37 and 38 were not evident until the decision was rendered.

Finally, no party will be prejudiced by granting the Motion because all parties benefit when this Court is fully educated about the legal issues in this case.

For the reasons presented herein, Calista Corporation and Association of Village Council Presidents respectfully request that the Court grant their Motion for Leave to Participate as *Amici Curiae* in the Supreme Court proceedings.

DATED at Anchorage, Alaska this 17th day of February, 2012.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This certifies that on February 17th, 2012, a true and correct copy of the foregoing document was served via first class mail and electronic mail on:

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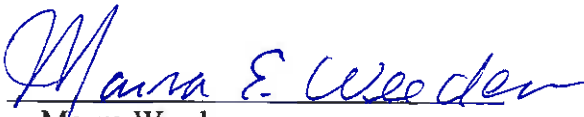
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