

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

In Re 2011 Redistricting Cases.

CONSOLIDATED CASE NO.:

) **4FA-11-2209-CI**

) 4FA-11-2213 CI

) 1JU-11-782 CI

) 4FA-13-2435 CI

**DEFENDANT ALASKA REDISTRICTING BOARD'S
MOTION FOR SUMMARY JUDGMENT RE: RILEY PLAINTIFFS'
AND THE ALASKA DEMOCRATIC PARTY'S
GEOGRAPHIC PROPORTIONALITY CLAIMS**

COMES NOW, Defendant Alaska Redistricting Board ("Board"), by and through counsel Patton Boggs LLP, pursuant to Alaska Rule of Civil Procedure 56, and for the reasons set for in the Memorandum of Points and Authorities in Support of Defendant Alaska Redistricting Board's Motion for Summary Judgment re: Riley Plaintiffs' and the Alaska Democratic Party's Geographic Proportionality Claims (the "Memorandum") filed contemporaneously herewith, hereby moves this Court for entry of partial summary judgment.

As set forth more fully in the accompanying Memorandum, there is no genuine dispute as to any material fact that the Board's 2013 Proclamation Plan does not fail to provide the voters in House District 9, 12, 32, or Senate Districts E and F, with fair and effective representation. The Board Record establishes that the Board had legitimate, non-discriminatory reasons for combining population from the Matanuska-Susitna Borough with other population to create House District 9 and 12, as it did for combining population from the Kenai Peninsula Borough with other populations to create House

District 32 – to accommodate excess population. The Alaska Supreme Court and this Court have already found “the need to accommodate excess population would be sufficient justification to depart from the anti-dilution rule.”¹ Therefore, the Plaintiffs’ claims fail as a matter of law.

Additionally, the Riley Plaintiffs’ and the Alaska Democratic Party’s claims regarding the geographic proportionality of House District 9 and House District 32 should be dismissed as untimely under Article VI, section 11 of the Alaska Constitution. House District 6 of the Board’s 2011 Proclamation Plan and the 2012 Amended Proclamation Plan is substantially similar to the current House District 9. House District 35 of the Board’s 2011 Proclamation Plan and the 2012 Amended Proclamation Plan is substantially similar as the current House District 32. Neither the Riley Plaintiffs nor the Alaska Democratic Party previously objected to these districts. Therefore, the Plaintiffs’ objections based on geographic proportionality concerning House District 9 and House District 32 should be barred as untimely under Article VI, section 11 of the Alaska Constitution and dismissed.

The Board is entitled to summary judgment on the Riley Plaintiffs’ and the Alaska Democratic Party’s geographic proportionality claims. Accordingly, the Board requests this Court:

1. dismiss the Riley Plaintiffs’ and Alaska Democratic Party’s claims regarding the geographic proportionality rights of the voters in House District 9 and

¹ *In re 2001 Redistricting Cases*, 44 P.3d 141, 144, n.7 (Alaska 2002); Memorandum Decision and Order Re: 2011 Proclamation Plan at pg. 108.

House District 32 as untimely, or alternatively, deny the claims and enter judgment for the Board; and

2. deny the Riley Plaintiffs' and Alaska Democratic Party's claims regarding the geographic proportionality rights of the voters in House District 12, Senate District E, and Senate District F, and enter judgment for the Board.

DATED at Anchorage, Alaska this 12th day of September, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2013, a true and correct copy of the foregoing document was served on the following via:

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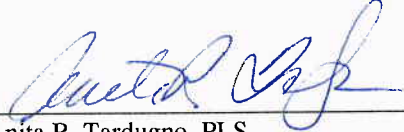
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