



ALASKA REDISTRICTING BOARD

**Alaska Redistricting Board Meeting
April 13, 2022 | 1:00 p.m.
Anchorage Legislative Information Office and Zoom Virtual Meeting
1500 West Benson Blvd, Anchorage, AK 99503**

The Alaska Redistricting Board met on April 13, 2022. Present participants are below:

John Binkley	Chair of the Board
Melanie Bahnke	Board Member
Bethany Marcum	Board Member
Nicole Borromeo	Board Member
Peter Torkelson	Executive Director
Matt Singer	Legal Counsel

Agenda

- Call to Order & Establish Quorum
- Adoption of Agenda
- Discussion of Proposed Anchorage Senate Pairings
- Possible Adoption of Senate Pairings
- Possible Adoption of Revised Proclamation
- Adjournment

Call to Order

Chairman Binkley called the meeting to order at 1:02 p.m. With all board members present, a quorum was established.

Adoption of Agenda

Member Borromeo moved to approve the agenda as presented. Member Bahnke seconded the motion.

The motion passed unanimously.

Discussion of Proposed Anchorage Senate Pairings

Member Borromeo moved to vote and call the question on Option 2; Member Bahnke seconded the motion.

Member Borromeo amended the motion to adopt Option 2 and entertain a vote on the option after discussion by the board; Member Bahnke seconded the motion.

The following discussion was held on the motion:

- Member Bahnke expressed gratitude for comments and proposed Senate pairings from the public and stated that Option 3-B is not the most contiguous map as it splits Eagle River, a community



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of interest, and creates a Senate district with a mountain range, wilderness, and unpopulated areas in between. There are commonalities between Eagle River and Hillside, and Eagle River and Joint Base Elmendorf-Richardson (JBER). However, the constitution requires the board to consider contiguity. Member Bahnke referred to a discussion between Alaska Supreme Court Judge Matthews and the board's legal counsel, Matt Singer, regarding false contiguity where Matt Singer stated this was the board's position as it used unpopulated links. Member Bahnke also referred to Member Simpson's statement on fictional contiguity in Southeast Alaska which Member Bahnke found to apply to Option 3-B. Member Bahnke referred to the constitution stating that each Senate district shall be composed as near as practicable of two contiguous House district with consideration that can be given to government boundaries and geographical features when possible. Member Bahnke referred to the 27th page of the Superior Court ruling which defines that contiguity criteria into required territory which is bordering or touching or that ever district part is reachable without crossing the district boundary. Considering Alaska's size and numerous archipelagos, the court noted that a contiguous district may contain some amount of open sea within reason. A coastal district could also be considered contiguous with any other coastal district by sharing the open sea. In Kenai, the Supreme Court noted the anomalous result and determined that contiguity could not be separated from the concept of compactness when crafting Senate districts. Member Bahnke supports Option 2 as it is both contiguous and compact.

- Member Bahnke expressed concern about the Supreme Court remand which was to correct the constitutional deficiencies in the map adopted in November 2021. The court noted partisan gerrymandering as the intent was stated in the record and reflected in the outcome. This time, the intent has not been stated but the outcome remains the same as the map still presents gerrymandering giving Eagle River more representation in Option 3-B. Option 3-B also requires one to cross several districts to move between House districts.
- Member Simpson expressed gratitude to redistricting process participants and the public for submitting written and verbal testimonies. Member Simpson recalled the board's process to result in two final options for public consideration: Options 2 and 3-B. Member Simpson noted the commonalities between both options: 1) Both options only change four districts (a reasonable number of changes), 2) Both options resolve Senate District K in the same way (pairing Districts 20 and 21), and 3) Both options maintain the pairings of Districts 11 and 12, and Districts 15 and 16. Member Simpson supports pairing Districts 23 and 24; this pairing is a more compelling solution because pairing the military bases with Downtown Anchorage overlooks JBER as a significant community of interest. This could present the board with a constitutional challenge. Additionally, regardless of if Eagle River is paired or split, that would not happen at the expense of the Muldoon community as Muldoon is taken care of in both versions. There are no advantages to splitting or combining the Eagle River House districts because these districts were approved at both levels of the court, are within the municipality, and contains approximately the same number of residents.
- Member Simpson addressed the pairing of Districts 22 and 9 as there have been several testimonies and discussion on this pairing. When completing the pairings as Member Simpson described for JBER and Eagle River, that leaves District 22 with no other option but District 9. The debate of contiguity has been present with this pairing and the concept of "as nearly as practicable", as stated by the constitution, been misconstrued, in Member Simpson's opinion. Member Simpson stated that practicable means that something is capable of being done and noted that a different standard applies to the creation of House districts. Member Simpson noted that there is nothing wrong with pairing Districts 9 and 22; they are contiguous, share an approximately 35-mile border, consists of two districts that are socioeconomically and



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demographically similar in many ways, and are included in the Municipality of Anchorage and therefore are legally socioeconomically integrated.

- Member Simpson briefly addressed the charges of partisan gerrymandering that have been discussed frequently through the process and noted that on the final day of testimony, Republican Senators Reinbold and Holland, along with some members from Governor Dunleavy's office, testified against Option 3-B. Member Simpson noted that his board seat was appointed by Governor Dunleavy, yet Member Simpson is in support of Option 3-B. These testimonies opposing Option 3-B goes against the argument that the board is attempting to protect or enhance Republican seats or interest. Member Simpson stated that the most partisan area of the map is the proposed pairing of JBER and Downtown as it would diminish the voice of military personnel and Member Simpson does not support this. For this reason, Member Simpson is in support of Option 3-B.
- Member Borromeo expressed disagreement with Member Simpson's rationale for supporting Option 3-B and stated that currently, the most practicable means of transportation is by car and is not sensible to expect residents of both districts to get from Eagle River to Whittier on foot through the Chugach range. It falls to the board to put rationale on the record for splitting Eagle River. Member Borromeo reminded the board that they were unanimously found to be guilty of partisan gerrymandering by the Supreme Court and noted that the board's intent has not changed with Option 3-B still giving Eagle River more representation.
- Member Borromeo reviewed the 56th page of the court and the US Census data for Eagle River that shows Eagle River is 7% of the state's population. Under the new plan, Eagle River will have 20% of the senate. When the court reviews this decision, they will review the board's process, substance, and rationale of the decision. Member Borromeo asked the courts to not send the proclamation back to the board as the process will continue to be delayed and the board has been derelict in its duties.
- Member Marcum spoke against Option 2 as it removes District 23 with its current pairing to be paired with District 17. Downtown Anchorage and JBER do not have any commonalities. Downtown Anchorage consists of the arts, tourism, and professional services; this is not what JBER consists of. The pairing of Districts 23 and 17 can be seen as an intentional action to break up the military community, a community of interest. Member Marcum expressed support for pairing Districts 23 and 24.
- Chairman Binkley expressed gratitude to the public for their participation in the redistricting process and stated that there has been testimony in support of Districts 22 and 24 being paired together since these areas are closely tied together. Testimonies in support of this pairing includes testimony from former Republican senators which shows that this pairing does not have political intent.
- Chairman Binkley stated that the board has also heard testimonies in support of Districts 22 and 9 since both Eagle River and Upper Hillside are the rural parts of the Municipality of Anchorage. Both districts share several commonalities including larger lot sizes, single-family homes, share, road service areas, geographical features such as the Chugach Mountains and the Chugach State Park, wildlife, and wildfire risks. With these similarities, a senator could very well represent the two districts while understanding the priorities of the constituents.
- Chairman Binkley stated that he found the pairing of Districts 23 and 24 to be the most compelling as JBER extends from District 23 into District 24 and there are several active and retired military members that live in District 24 and have connections to District 23. Also, there is a direct highway connection between the two districts along the Glenn Highway which links the bases and Arctic Valley. In contrast, pairing JBER and Downtown Anchorage is not compelling. Chairman Binkley noted that through his experience owning property and working Downtown, the



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Downtown portion of District 17 is primarily defined by professional services (attorneys, accountants, etc.), arts, shopping, and entertainment. Furthermore, testimony has clearly established that the military community is a community of interest just as Eagle River is one – one community of interest should not be switched out for another. Several residents have testified that District 24 residents travel to District 23 to shop and receive medical services. The board has also heard that Eagle River High School would likely not exist without the military community which helps to populate the school. Chairman Binkley cautioned the board against pairing in a way that would result in further challenges and delays. While Chairman Binkley believes both proposed options have valid approaches and neither plan is wrong or right in comparison to the other, Chairman Binkley is more comfortable supporting Option 3-B.

- Member Bahnke stated that if the board adopts Option 3-B, the board would be adopting a plan drafted by Randy Ruedrich who was found to have supplied incumbent information to two members of the board. Member Bahnke stated she did not review incumbent data and that it is audacious for the board to not think that Judge Matthews will not sense political gerrymandering. Member Bahnke expressed hope for the court to correct the issues.
- Member Borromeo addressed the rationale stated by Members Binkley, Marcum, and Simpson:
 - The military is a not a protected class. JBER is not protected or entitled to any special consideration.
 - Socioeconomic integration should not be considered as a factor at this point in the process. The board should only consider Article 6, Section 6 of the Alaska Constitution, and pair two districts as contiguous as practicable.
 - The two districts that are contiguous as practicable are the two Eagle River districts.
 - Not said lightly was that most public testimony was “canned and inconsistent”.
 - In at least one case, to Member Borromeo’s knowledge, a testimony was submitted without knowledge of the person whose name was used to submit the testimony because his wife was “put up to it by Jamie Allard who’s also filed to run in the district.”
 - The court has ordered the board to stop gerrymandering, but the board continues to do so.
 - JBER is a transient community because JBER residents are ordered to reside in Anchorage, and most leave after their term is complete. Thus, they are not a community of interest because the military does not share the same experiences and knowledge.
 - Evidence presented by East Anchorage plaintiffs during litigation has resulted in the public’s trust in the board to be tarnished.
- Member Bahnke expressed her utmost respect for the military and spoke against the insinuation that Option 2 would disenfranchise the military community. Member Bahnke continues to view the split of Eagle River as an attempt to provide Eagle River with more senators than their population warrants. Option 3-B would provide another way to still split Eagle River and give that community more representation.

Chairman Binkley called the question on the motion.

The board voted as follows:

- Member Bahnke – Yes
- Member Borromeo – Yes
- Member Marcum – No
- Member Simpson – No
- Member Binkley – No



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The motion failed at 2 to 3.

Possible Adoption of Senate Pairings

Member Marcum moved to adopt Option 3-B for Senate pairings; Member Simpson seconded.

The following discussion was held on the motion:

- Member Marcum recalled the lawsuit filed by the East Anchorage plaintiffs where Senate District K was found to be invalid. Both proposed options address Senate K in the same way by pairing Districts 20 and 21 together. Even though the Muldoon/East Anchorage issue is addressed in both proposals, the East Anchorage plaintiff plans continue to advocate for one plan over the other. Member Marcum concluded that there must be some political intent. Member Marcum stated that Districts 23 and 24 both play an important role in maintaining the military community of interest. Option 3-B has a large amount of interplay between Districts 23 and 24, both of which contain a portion of JBER.
- Member Marcum addressed the Anchorage reapportionment process in relation to South Anchorage where the Assembly proposal combines Eagle River with South Anchorage - the same concept presented in Option 3-B which pairs Districts 9 and 22. Member Marcum spoke in favor of pairing Districts 9 and 22 because they are linked by the Chugach Mountain and from the compelling testimony heard from the public on this pairing.
- Member Marcum clarified that she has not seen and is not concerned about incumbent information.
- Member Marcum supports the pairings in Option 3-B for the following reasons:
 - Districts 20 and 21 (Senate District K): Creates a Muldoon Road district that combines both districts which both have similar infrastructure and joins the residential neighborhoods that are along the east-to-west transportation boundary of Debarr Road
 - Districts 22 and 9: As heard in public testimony, there are over 30 miles of contiguity between both districts and residents share the same road services. The geography includes Ship Creek which goes through both districts and drains into the Ship Creek drainage in District 9.
 - Districts 10 and 13: This unites neighborhoods on the north-to-south transportation arteries of Old Seward Highway, C Street, and Minnesota.
 - Districts 14 and [19]: This takes the two primary Midtown roads from east-to-west to combine them into one Senate pairing. Both districts have similar commercial infrastructure.
 - Districts 23 and 24 (pairing from original Proclamation): Both districts have military connections and long boundaries along the Knik Arm water lake.
 - Districts 17 and 18 (pairing from original Proclamation): This unites the areas around the Merrill Field infrastructure.
 - Districts 11 and 12 (pairing from original Proclamation): This unites areas around Abbott Road and that shares parks.
 - Districts 15 and 16: (pairing from original Proclamation): This is a coastal district.
- Member Bahnke recognized that the board has been given narrow direction by the court to fix one area of the map rather than providing the best possible map. As such, the board is limited and Member Bahnke does not believe the best possible option is offered in either proposed plan. Member Bahnke stated her respect of the court's directives and the constitution. Member



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Bahnke also clarified that she does not have political intent behind her actions in pursuing the pairings of the Eagle River communities and Muldoon Road communities.

- Member Borromeo referred to Yarrow Silvers and Major Felicia Wilson's testimonies against combining East Anchorage with South Anchorage and stated that East Anchorage plaintiffs have not gotten what they wanted, which is for political gerrymandering to stop.
- Member Borromeo referred to the 56th page of the court ruling outlining the findings of Member Marcum reviewing incumbent data.
- Member Borromeo strongly encouraged the court to exercise its powers as stated in the constitution and draw the map itself.

Member Simpson called the question.

The board votes as follows:

- Member Bahnke – No
- Member Borromeo – No
- Member Marcum – Yes
- Member Simpson – Yes
- Member Binkley – Yes

The motion passed 3 to 2.

Possible Adoption of Revised Proclamation

Peter Torkelson reviewed the revised proclamation, and the following discussion was held:

- Matt Singer recommended that the proclamation be finalized and circulated to the board for review. All remote board members should then sign the proclamation electronically.
- Matt Singer noted the importance of the adoption date on the proclamation during a legal challenge.
- Peter Torkelson stated that the truncation report for both options was run and there were no changes to the truncation, but there are some differences in constituency percentages.
- Members Bahnke and Borromeo requested that the revised proclamation have a signature page that reflects board members signing in opposition. Member Bahnke stated that she would like to sign the proclamation in person and asked for the signing to be completed during the current meeting.
- Members Bahnke and Borromeo requested for the public comment portal to remain open to the public after the adoption of the proclamation.

The board entered recess at 2:49 p.m.

The board exited recess at 3:05 p.m.

Matt Singer clarified that the constitution does not require the board to conduct more public hearings after a decision has been made and that the court was concerned that the Senate discussion in November 2021 was rushed. The board is welcome to take more public testimony, but it is not constitutionally required. Matt Singer also clarified that the re-election cutoff decision was already made and does not need to be revisited. Additional public testimony overall is not required.



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Peter reviewed the truncation changes with the board. The board had no opposition on the truncation changes

The board discussed whether to take public testimony after making a final decision on the revised proclamation:

- Matt Singer advised that there is no harm in hearing additional testimony, but the board must make a final decision at some point. Matt also noted that if the board has made a final decision, delaying the proclamation is also potentially concerning to the court.
- Matt advised the board to complete the remand work and report back to the court.
- Member Borromeo spoke in favor of making litigation as swift as possible and complying with the court order issued to give the public an opportunity to react to the board's actions.
- Matt Singer confirmed that the constitution and the Superior Court's decision does not require the board to hold public testimony after a decision has been made. Matt Singer stated that the board has complied with the process outlined in Section 10 of Article 6 in the constitution by adopting both options to publish for public viewing and having seven days of public hearing on alternative solutions to the court's remand.
- Member Marcum expressed concern in misleading the public by allowing them to testify in-person about a vote that is final where there is no motion offered for reconsideration of that vote.
- Member Borromeo noted that the purpose of holding public testimony is to allow the public to react to the final plan and expressed concern about the legal counsel's interpretation of the constitution.
- Member Simpson noted that the public will continue having an opportunity to provide their opinion through the website portal.
- Chairman Binkley agreed with Member Simpson's comments.

Member Marcum moved for the board to adopt the amended Proclamation of Redistricting as of April 13, 2022; Member Simpson seconded.

Member Borromeo requested time to review additional information with the new Senate district letters included.

The board entered recess at 3:44 p.m.

The board exited recess at 3:50 p.m.

The board voted as follows:

- Member Bahnke – No
- Member Borromeo – No
- Member Marcum – Yes
- Member Simpson – Yes
- Member Binkley – Yes



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The motion passed 3 to 2.

Board Member Comments

The following closing comments were given by board members:

- Member Bahnke apologized to Alaskans as she does not believe the board complied with the court's order by submitting a map that continues to split and give Eagle River more representation. Member Bahnke expressed hope for the court to move swiftly. Member Bahnke thanked the public for providing their testimonies.
- Member Borromeo expressed gratitude to Alaskans for engaging in the redistricting process. Member Borromeo gave a message to her son as the first time he votes will be under the maps drawn by her. Member Borromeo noted that he will be called to difficult tasks requiring him to step out of his comfort zone, make sacrifices, and be tempted to sacrifice his integrity. Member Borromeo encouraged him not to sacrifice integrity as he will not be able to get it back. Member Borromeo also urged Alaskans to not be discouraged by the process. Member Borromeo expressed opposition in signing onto a map that splits and gives Eagle River more representation. Member Borromeo expressed proudness that out of this process, there is a new law that states that any future partisan gerrymandering attempts will be struck down by the courts.

Adjournment

Member Borromeo moved to adjourn the meeting. Member Simpson seconded the motion.

The board adjourned at 3:58 p.m.