



ALASKA REDISTRICTING BOARD

Alaska Redistricting Board Meeting
November 2, 2021 | 9:00 a.m.
November 3 – 4, 2021
Anchorage Legislative Information Office, Denali Conference Room,
1st Floor, 1500 W. Benson Blvd, Anchorage, AK 99503

The Alaska Redistricting Board met from November 2 to November 4, 2021. Present participants are below:

John Binkley	Chair of the Board
Melanie Bahnke	Board Member
Bethany Marcum	Board Member
Budd Simpson	Board Member
Nicole Borromeo	Board Member
Peter Torkelson	Executive Director
TJ Presley	Deputy Director
Juli Lucky	Staff Member
Matt Singer	Legal Counsel

Agenda

- Call to Order & Establish Quorum
- Adoption of Agenda
- Adoption of Minutes
- Public Testimony
- Executive Session with Legal Counsel
- Voting Rights Act Compliance in 2020 Proposed Plans
- Review of Sept 16 Census Physical Delivery Data
- Public Hearing Tour Summary
- Review & Discussion: Tasks Ahead, Key Decisions
- Mapping Work Session
- Adopt Final Redistricting Map
- Adjournment

Call to Order

Chairman Binkley called the meeting to order on November 2, 2021 at 9:05 a.m. With all board members present, a quorum was established.

Adoption of Agenda

Member Marcum moved to amend the agenda to have the "Adoption of Minutes" item moved to the November 5th Board meeting. Member Borromeo seconded the motion.



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The motion passed unanimously.

Member Bahnke moved to adopt the amended agenda. Member Borromeo seconded the motion.

Peter Torkelson noted that the board will enter executive session at 10:30 a.m. and expects the session to end at about 12:00 p.m. unless members have additional questions, the session will extend longer. After the executive session, lunch will take place and then the board will enter back into public session at 1:00 p.m.

The motion passed unanimously.

Public Testimony

Public comment was given as follows:

- Alaskan for Fair and Equitable Redistricting (AFFER) representative, Randy Ruedrich, stated that he has submitted evidence at a prior public hearing that lists the average deviations of specific areas that the Supreme Court urged the 2002 Alaska Redistricting Board to reduce. That board reduced deviations in municipalities and boroughs, specifically in Fairbanks where the deviation was significantly reduced. The current overpopulation in Fairbanks is significant compared to the ideal district size in 2002. Mr. Ruedrich advocated for the deviation to be minimized everywhere to achieve full representation. Additionally, Mr. Ruedrich noted that the AFFER map includes, not only the Denali Borough and the Mat-Su Valley to justify 6 seats, but the map also adds the Glennallen precinct and some nearby population to achieve a full 6 units of population for a near zero population deviation. The map presented in Fairbanks draws a northside district and goes east to west; this northside district should be a competitive district and leaves 21% of the population to be included in District 5, which is the rural Athabascan village district that has been discussed in prior comments.
- Representative Matt Claman noted that the 1998 amendment to the Alaska Constitution changed the language on deviation which impacts how the Board does its work to bring the deviation number as low as possible. Additionally, Representative Claman noted that population deviation should be the starting point and then socioeconomic integration. Rep. Claman highlighted Cordova and stated that there is a Supreme Court Case that suggests it should not pair with Southeast Alaska (noting this opinion was written when there was a change in the ferry system causing a major social and political issue), but this may have changed since and the Board should consider grouping Cordova with Southeast Alaska since they are socioeconomically integrated.
- Alaskans for Fair Redistricting (AFFR) representatives, Robin O'Donoghue and David Dunsmore, stated that AFFR submitted a report that includes a summary of public comments through November 1, 2021. They found that the AFFR map had the most statewide support and was supported by most regions, except the southwest, western, and the Aleutians regions. It was noted that there were 5 comments in support of Mary Jackson's conceptual map; this was excluded from their report. AFFR analyzed the six mapping options and detailed issues on the constitutionality of those plans and how the plans break borough



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boundaries. The updated third-party plans were not analyzed, only the originally submitted plans were analyzed. Comments on the Voting Rights Act were included. AFFR did not submit any updated versions of their map, but they did include two modifications for technical amendments that they would make if the Board chose to adopt their map. AFFR asked the Board to give the public ample time to review and comment on the Senate pairings and to continue taking public comment during map drawing sessions through the final adoption day.

- Alaskans for Fair Redistricting (AFFR) representative, David Dunsmore, recited a Hickel v. Southeast Conference citation: "We recognize that it may be necessary to divide a borough so that its excess population is allocated to a district situated elsewhere. However, where possible, all of a municipality's excess population should go to one other district in order to maximize effective representation of the excess group." And stated that in 2011 cases, the court extended that similarly to the City of Fairbanks because they are a city within a borough with a large population. The AFFR map is the only map that has achieved this in a contiguous, compact, and socioeconomically integrated way. There was one area where a borough was divided twice while other plans do this two to three times. David Dunsmore outlined the two modifications made to their map: 1) Within the city and borough of Yakutat, the portions that were west of the Canadian border were inadvertently put into the Gulf Coast district instead of the southeast district. There is no population, but the intent was for the entire Yakutat Borough to be in a single district. 2) Within Anchorage, a portion of Elmore Road was inadvertently placed into District 14 instead of District 17. There is no population in this area. Additionally, AFFR asks the Board to consider the following amendments: 1) Move Nunam Iqua to District 38 instead of District 39 as the people of Nunam Iqua have close familial and cultural ties to people in the villages of Emmonak and Alakanuk. The intent behind using the Yukon River as a boundary was to maximize as much of the Calista Region in the same Senate district and to be responsive of Hooper Bay and Scammon Bay wanting to be in the same district as Bethel, but because Nunam Iqua has closer ties to the villages on the other side of the river than Scammon Bay, Hooper Bay, or Chevak, this amendment is reasonable for the Board to consider. This would provide better deviations for both districts. 2) In Southeast Alaska, move the portions of Prince of Wales Island that are currently in District 4 into District 2, and move the portions of Admiralty Island currently in District 2 into District 4. This amendment would result in all of Admiralty Island being in one district with Downtown Juneau, Douglas, and Petersburg Borough and would allow all of Prince of Wales Island, except for Thorne Bay, to be in a single district. AFFR does not believe it is possible to draw constitutional districts that do not put at least a portion of Prince of Wales Island within the Ketchikan District due to the population math and Thorne Bay is the most appropriate place on the island due to their close socioeconomic links to Ketchikan through the interisland ferry service. This amendment would make the district slightly more compact, but also slightly increases the plan deviation by about 30 people. David Dunsmore reviewed some regions where AFFR believes that the record has clearly demonstrated that the AFFR plan most recognizes the socioeconomic integration of the state and the desires expressed by Alaskans in public testimony.
- Anchorage resident, Brian Hove, voiced support for Board Map v.4 and AFFR's map for the way the maps draw West Anchorage.

Executive Session with Legal Counsel



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Member Bahnke moved for the board to enter executive session under Alaska Statute (AS) 44.62.310 (c)(3) and (AS) 44.62.310(c)(4) respectively involving matters which by law, municipal charter or ordinance are required to be confidential and matters involving consideration of government records that by law are not subject to public disclosure. Member Marcum seconded the motion.

The board entered executive session at 10:48 a.m.

The board exited executive session at 1:11 p.m.

Voting Rights Act Compliance in 2020 Proposed Plans

The board received consultancy from its Voting Rights Act consultants, Bruce Adelson and Dr. Jonathan Katz, to ensure that the board is compliant with the Voting Rights Act. The board's legal counsel, Matt Singer, summarized the findings of the Voting Rights Act consultants and highlighted the following:

- Staff and legal counsel are preparing a Voting Rights Act report that will detail their analysis. Once the board adopts a plan, the report will be finalized and issued.
- The Voting Rights Act has been part of Alaska redistricting since its passage in 1965. Until the current cycle, the redistricting plan has been subject to pre-clearance review by the Department of Justice. The United States Supreme Court struck down the pre-clearance process in 2013, but the subsequent requirements of Section 2 of the Voting Rights Act continue to apply to the board's work.
- The Voting Rights Act requires that if there is a geographic area in which a minority population can theoretically hold a 50% or greater population and is politically cohesive, and if there is racial block voting, the board has an obligation to ensure that its districts do not minimize or harm the minority group's ability to elect candidates of its choice.
- After the board adopted proposed plans, Dr. Katz conducted a racially polarized voting analysis of Alaskan districts between 2014 and 2020 to determine if there is statistical evidence that Alaska voting may be racially polarized in some circumstances. This analysis and statistical work concluded that racially polarized voting does occur in some rural districts; a report is available to the public for viewing. The conclusion of this work is the following:
 - Districts 37 through 40 are protected by the Voting Rights Act. It is important that the final maps continue to protect the ability of Alaska voters to elect candidates of their choice.
 - Board Map v.3 was analyzed as a test to determine if any modifications may be required to the plan considered; it was concluded that it does not require any modifications as there is sufficient Alaska Native voting age population in Districts 37 through 40 to protect the ability of the minority group to select candidates of their choice.
 - It was noted that some of the districts have a very high population of Alaska Native voting populations. In the Voting Rights Act, there could be two concerns: "cracking" and "packing". Cracking is diluting the vote of a minority group by spreading it across multiple districts thereby minimizing the ability of the minority group to elect candidates of its choice. Packing occurs when minorities are packed into one district



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- resulting in their inability to influence the outcome of elections in other districts.
- After investigating the possibility of drawing a fifth Alaska Native controlled district, it was concluded that a fifth district could not be drawn due to various reasons. One reason is that the Alaska population is distributed to have high densities of Alaska Native populations in a ribbon along the coast. The population numbers would not allow for the creation of a fifth district.
 - It was observed that Anchorage has neighborhoods that are increasingly diverse with non-white voters; this is an emerging trend. The distribution of population in Anchorage was reviewed. For example, in House District 19, 33.4% of voters identify as White, 9% identify as two or more races, 14.2% identify as Asian, 12.5% identify as Hispanic, 12.4% identify as Alaska Native or Indian, 9% identify as Black or African American, and 9% identify as Hawaiian or Pacific Islander, .4 or .5% identify as some other race. Therefore, there is a very diverse population of voters in this community and in several other neighborhoods particularly in Northeast Anchorage. Observing this, a Voting Rights Act analysis was done to determine if the “Gingles factors” are met, which means that the minority coalition has a 50% or greater voting age population, is politically cohesive, and practices racial block voting. In conclusion, there was no statistical evidence to support that there is political cohesion among the diverse neighborhoods in Anchorage or that there is racial block voting.
 - There will be a detailed written report of all the findings once the Board draws its final Anchorage map.
 - In conclusion, legal counsel encourages the Board to continue its focus on the redistricting factors set forth in the Alaska Constitution. The Voting Rights Act consultants and legal counsel confirm that the Voting Rights Act does not dictate any alteration to the currently considered plans by the Board. The final plan will undergo a Voting Rights Act review. Any arising concerns will be brought to the Board’s attention immediately.

Review of Sept 16 Census Physical Delivery Data

Peter Torkelson reviewed the census data with the intention of showing the Board and the public how it is certain that the data being mapped is the exact and only data that the Census Bureau intended to provide the state. This exercise must be completed as the Census Bureau chose to release its data through a link on their website first.

Peter Torkelson highlighted the following:

- At the time, the data downloaded on the Census Bureau’s website was the only data that staff had available to work through. The data was validated, cross-checked with the Department of Labor, and uploaded into the software. Districts proceeded to be mapped using this data.
- Upon physical delivery of the Census Bureau data, Mr. Torkelson and Mr. Presley signed for and examined the package which included a DVD and thumb drive copies of the data.
- When the data is unzipped, the file structure is the same as the file downloaded from the Census Bureau’s website.



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- To further confirm that the downloaded data is the same as the data provided in the physical package, hashing, a process that compares two electronic messages to ensure that they are precisely the same, was completed. This is a mature and reliable process in cryptography. The current hashing standard was published by the Department of Commerce titled "FIPS PUB-180-4".
- Through the hashing process, there is a mathematical function that compares the files and is designed to detect even the smallest changes that are then expressed as a different digital fingerprint.
- Upon completion of comparing the fingerprints of all data files, it was concluded that the hashes are identical. Therefore, staff have confidence that the Board is mapping with Alaska population numbers that the Census Bureau published for Alaska.

Public Hearing Tour Summary

Peter Torkelson gave a brief overview of the public hearing tour and highlighted the following:

- Six proposed plans were adopted, and the plans were taken to every tour location for the public to view and give public testimony on.
- Due to weather challenges, the Board was unable to travel to Dutch Harbor.
- The following locations were visited during the public hearing tour: Juneau, Haines, Sitka, Valdez, Anchorage (2 hearings), Kotzebue, Ketchikan, Petersburg, Wrangell, Nome, Seward, Homer, Kenai, Kodiak, Delta Junction, Fairbanks, Bethel, Dillingham, Palmer, Wasilla, Cordova, and Utqiagvik.
- Considering the rise in COVID-19 cases, the Board held two 6-hour statewide call-in sessions to allow all Alaskans to dial in to provide public testimony.
- A couple of "Meet the Maps" virtual sessions were held where the public received a walkthrough of the maps on the Board's website.
- Some statistics were shared including that there were 63 hours of public testimony and 1,788 pages of written testimony, and hundreds of Alaskans generously offering food, transportation, and encouragement to the board.

Review & Discussion: Tasks Ahead, Key Decisions

Peter Torkelson reiterated that the Voting Rights Act analysis is incomplete as the board does not have a complete map yet. The Voting Rights Act discussion will be ongoing as the Board moves through the final days of the map drawing process.

Peter Torkelson strongly recommended that the board adopt a final map by November 5, 2021 considering that there are a number of requirements to address on the days following the adoption of the final map. The Alaska Constitution requires that a final map must be adopted by or on November 10, 2021.

The following tasks and key decisions lie ahead:

- Mr. Sandberg, with the Department of Labor, must write metes and bounds for 40 districts.



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- The Board was contacted by several GIS Departments of various municipalities of local governments expressing concern that some of the lines drawn bisected properties and some structures; this is not wanted in the final map. The Board has been working with several GIS Departments who will take the shape files, run them through their local GIS system, and help the board identify any lines that bisect properties and structures.
- Senate pairings must be chosen. & Senate terms and election cycle must be chosen. To do this, a Core Constituency Report must be run to identify the percentage of voters that have voted in the previous Senate district. Considering the Core Constituency report, the board must determine what percentage change constitutes a substantial change, which would require that senate seat to be subject to election in the next cycle and could result in truncation of the current term – where a senate term would be cut short. The board not only must decide which seats must run again regardless of when they're due to run, but they also must assign all the seats laid out in a table which shows the election cycle each seat will belong on.
- From a legal standpoint, the adoption of the final map will not be complete until the official proclamation has been adopted.

Peter Torkelson recommended that the Board move to the Alaska Redistricting Office beginning November 3, 2021 to begin the map drawing work session and to begin drafting a final map that reflects the legal requirements set forth by the Alaska Constitution and the public testimony given. Upon completion of the map drawing work session, Peter Torkelson recommended that the Board return to the LIO to hold a formal public session to explain the rationale behind the final map and formally adopt the map. Peter Torkelson noted that the map drawing work session is open to the public and recommended that the Board take public testimony on the morning of November 5, 2021 and specifically for Senate pairings.

After discussion, the Board agreed on the plan recommended by staff and to begin the map drawing work session immediately.

Public Testimony

Public testimony was given as follows:

- Alaskans for Fair Redistricting (AFFR) representative, David Dunsmore, testified regarding the Voting Rights Act memo issued by the Board and stated that there is evidence of racially polarized voting in East Anchorage and North Anchorage. AFFR concurs with the conclusion of the analysis for rural Alaska. Mr. Dunsmore suggested that the Board ask its Voting Rights Act consultants to supplement the report with information on how Proposition 2, which changes the threshold with which a candidate can win an election, would interplay with the Voting Rights Act analysis.

Mapping Work Session

The board entered a mapping work session on at 2:12 p.m.

The board entered recess on November 2, 2021 at 5:00 p.m.

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John Binkley, Chair
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Nicole Borromeo
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The Board returned from recess on November 3, 2021 at 9am and entered a mapping work session

The Board entered recess on November 3, 2021 at 4pm

The Board returned from recess on November 4, 2021 at 9am and entered a mapping work session

The Board entered recess on November 4, 2021 at 4pm