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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

MUNICIPALITY OF SKAGWAY)
 BOROUGH, a municipal corporation;)
 BRAD RYAN, a voter and resident)
 of the Municipality of Skagway Borough)
)
 Plaintiffs,)

vs.)

THE ALASKA REDISTRICTING BOARD;)
 JOHN BINKLEY, in his capacity as Chair;)
 MELANIE BAHNKE, NICHOLE)
 BARROMEIO, BETHANY MARCUM and)
 BUDD SIMPSON, in their capacity as)
 Members of the Alaska Redistricting Board;)
 and PETER TORKELOSON, in his capacity as)
 Executive Director of the Alaska Redistricting)
 Board; and the State of Alaska,)

Case No. 3JU-21-_____ CI

Defendants.)

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 WALKER, P.C.**
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COMPLAINT IN THE NATURE OF AN
APPLICATION TO CORRECT ERRORS IN REDISTRICTING

Plaintiffs, Municipality of Skagway Borough (Skagway), which consists of
 assembly members who are qualified voters and represents qualified voters and Brad Ryan

through their attorneys, Brena, Bell & Walker, P.C., hereby files this Complaint in the Nature of an Application to Correct Errors in Redistricting.

1. On November 10, 2021, the Alaska Redistricting Board (Board), pursuant to its constitutional authority under Article VI of the Alaska Constitution, promulgated a new redistricting plan to govern legislative elections in the State of Alaska for the next decade. This plan places Skagway into House and Senate districts in violation of AS 44.62.310-320 (Open Meetings Act), in violation of Article VI, Sections 6 and 10 of the Alaska Constitution, and in violation of the equal protection and due process clauses of the Alaska Constitution. This Complaint seeks judicial review of the Board's redistricting plan and an order invalidating that plan and requiring the Board to redraw the districts in accordance with the Alaska Constitution.

PARTIES

2. Skagway is a home-rule municipal corporation incorporated on June 28, 1900. Skagway incorporated as a borough in 2007. Skagway is organized and operates under the laws of the State of Alaska.

3. Brad Ryan is a resident of Skagway and a voter in state legislative elections.

4. Plaintiffs, Skagway and Brad Ryan are public interest litigants in this action seeking protection of rights under the United States Constitution and the Constitution of the State of Alaska.

5. The Board is responsible for promulgating a new state legislative redistricting plan pursuant to the standards and procedures established by the Alaska Constitution.

6. John Binkley is chair of the Board.
7. Melanie Bahnke is a member of the Board.
8. Nicole Borromeo is a member of the Board.
9. Bethan Marcum is a member of the Board.
10. Budd Simpson is a member of the Board.
11. Peter Torkelson is the executive director of the Board.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to Article VI, Section 11 of the Alaska Constitution, which provides that the superior court shall have original jurisdiction over applications to compel the Board to correct any error in redistricting.

13. Venue lies in this judicial district pursuant to Alaska Civil Rule 3.

ALLEGATIONS

14. Paragraphs 1 through 13 are incorporated as if fully set forth herein.

15. Pursuant to Article VI, Section 8 of the Alaska Constitution, a five-member redistricting board was appointed. The function of the Board was to receive and consider public testimony relating to the redistricting of the State of Alaska following the 2021 census and to adopt a redistricting plan for new House and Senate districts.

16. Under the Alaska Constitution, reapportioned districts must be contiguous, compact, socio-economically integrated, and as equal in population as near as practicable to the quotient obtained by dividing the population of the State of Alaska by forty. In creating house districts, the Board may consider local government boundaries; however, drainage and other geographic features shall be used in describing boundaries wherever

possible.

17. On September 9, 2021, the Board adopted a draft redistricting plan referred to as Version 1.

18. On September 9, 2021, the Board also adopted a draft redistricting plan referred to as Version 2.

19. The Board subsequently adopted a draft redistricting plan referred to as Version 3.

20. On September 20, 2021, at the end of the last meeting for presentation of draft plans to the Board, the Board introduced Version 4. Prior to the last meeting for presentation of draft plans to the Board, Version 4 had never been made available for public review or comment.

21. On October 27, 2021, the Board held a hearing at which the public testimony and written comments were overwhelmingly in favor of combining Skagway with downtown Juneau and Douglas, much as it was under the court-approved 2013 redistricting plan.

22. While the Board held some public hearings, it failed to adequately solicit the views of the citizens of Alaska and thus failed to provide adequate opportunity for those citizens to review and comment on proposed redistricting plans.

23. On November 10, 2021, the Board adopted a final proclamation of redistricting. In adopting the final redistricting plan, the Board failed to adequately consider the views and preferences it did receive.

24. Skagway has historical, socio-economic, and transportation ties with Juneau

and Douglas. All three communities are heavily reliant upon the tourism industry as an integral part of their economies.

25. In 2019, over two million visitors travelled to the State of Alaska. More than half of those visitors arrived by cruise ship, and a significant number of visitors arrived by highway or ferry. Businesses in Juneau, Douglas, and Skagway depend upon these visitors to take their tours, dine in their restaurants, and stay in their hotels.

26. Skagway, Juneau, and Douglas are all port communities that are linked via those ports. These communities rely on the same revenue sources and share common interests in promoting cruise ship tourism. The Mendenhall Valley does not share these same interests

27. Skagway, Juneau, and Douglas thus share significant commonalities, including maritime economic and recreational bases, integrated socio-economic ties among their communities, as well as health care services from the Southeast Alaska Regional Health Consortium.

28. The State of Alaska, Department of Transportation and Public Facilities is divided into separate districts with regional offices. The regional headquarters for Skagway is located in Juneau.

29. Instead of creating a redistricting plan that combines Skagway with downtown Juneau and Douglas, the Board's 2021 redistricting plan combines Skagway with Mendenhall Valley communities to the exclusion of the communities with which Skagway shares socio-economic ties. The residents of Skagway do not share a commonality of interests or a meaningful integration with the residents of the Mendenhall

Valley communities, nor are there any other indicia of socio-economic integration between these communities.

30. The Board's redistricting plan is manifestly arbitrary and irrational in the redistricting of the State of Alaska. Existing and historical district configurations are ignored, political and municipal subdivision lines are violated, natural and geographical boundaries are transgressed, communities of interest are fractured, and many of the resulting districts are neither contiguous, compact, nor socio-economically integrated—all in violation of the Alaska Constitution.

31. The resulting proclamation is an irrational combination of socio-economically diverse populations that denies Skagway fair representation.

32. The Board failed to provide any justification for its departure from the court-approved 2013 redistricting plan, which included Skagway in a district with downtown Juneau and Douglas.

33. The Board's decision to combine Skagway with citizens from the Mendenhall Valley rather than citizens from downtown Juneau and Douglas is arbitrary and irrational.

First Claim-Violation of the Open Meetings Act

34. Paragraphs 1 through 33 are incorporated as if fully set forth herein.

35. The Board, as a governmental body of a public entity of the state, is subject to the requirements of AS 44.62.310-320, Opening Meetings Act. The deliberations and decisions of the Board are activities covered by that Act.

36. Upon information and belief, the Board has violated the Open Meetings Act

in the following ways:

- (a) It conducted deliberations in secret;
- (b) It failed to properly conduct votes; and
- (c) It conducted a serial meeting.

37. Plaintiffs and others have been harmed by these violations.

38. As a result of these violations, the actions of the Board, including its adoption of the redistricting plan, should be voided.

39. The Board's proclamation of reapportionment and redistricting should similarly be voided, as it was based solely upon the reapportionment plan.

Second Claim-Violation of Article VI, Section 6

40. Paragraphs 1 through 39 are incorporated as if fully set forth herein.

41. Article VI, Section 6 of the Alaska Constitution provides that each House District "shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area." Section 6 also provides that "[c]onsideration may be given to local government boundaries" and "geographic features shall be used in describing boundaries wherever possible."

42. The Board's redistricting plan violates Article VI, Section 6 by disregarding government and geographic boundaries, thereby creating districts that are not contiguous, not compact and do not contain integrated socio-economic areas.

43. The Board's redistricting plan creates districts with bizarrely shaped appendages that separate socio-economically integrated communities, are unnecessary to further other requirements of Article IV, Section 6, and result in districts that are

substantially less compact and contiguous than other viable alternatives presented to the Board.

44. The Board has provided no justification for its departure from the court-approved district in 2013 that joined Skagway with downtown Juneau and Douglas thereby establishing that such a district satisfies the constitutional redistricting criteria.

45. The Board's redistricting plan joins Skagway to Mendenhall Valley communities in a manner that denies the citizens of Skagway fair representation by diluting their political effectiveness. This end result constitutes gerrymandering on the part of the Board.

Third Claim—Violation of Article VI, Section 10

46. Paragraphs 1 through 45 are incorporated as if fully set forth herein.

47. Article VI, Section 10 of the Alaska Constitution provides that “the board shall hold public hearings on the proposed plan, or, if no single proposed plan is agreed on, on all plans proposed by the board.” Section 10 is intended to ensure a fact-oriented inquiry based on public input and the traditional redistricting requirements set forth in the Alaska Constitution

48. Upon information and belief, the Board's redistricting plan was not included in the public hearing process. While other proposed plans were offered to the public at the public hearings, the testimony and evidence submitted to the Board was largely ignored.

49. The Board's failure to allow the public an opportunity to comment on the plan violates Article VI, Section 10 and makes the plan illegal and voidable.

Fourth Claim–Violation of Article I, Section 1 (Equal Protection)

50. Paragraphs 1 through 49 are incorporated as if fully set forth herein.

51. Article I, Section 1 of the Alaska Constitution guarantees each citizen the equal protection of the law. The Board’s redistricting plan ignores political subdivision boundaries and communities of interest, which implicates Alaska’s equal protection clause.

52. By combining Skagway with dissimilar municipalities and localities, the Board’s redistricting plan violates the State of Alaska’s equal protection clause, dilutes the vote of the citizens of Skagway, and thus denies those citizens the right to be an equally powerful and geographically effective vote.

Fifth Claim–Violation of Article I, Section 7 (Due Process)

53. Paragraphs 1 through 52 are incorporated as if fully set forth herein.

54. Article I, Section 7 of the Alaska Constitution guarantees each citizen the due process of law.

55. The Board’s redistricting plan is arbitrary and irrational and unnecessarily departs from past redistricting practices involving the communities in Southeast Alaska, including Skagway in a manner that violates Plaintiffs’ right to due process.

RELIEF

WHEREFORE, Plaintiffs pray that this Court:

1. Enter a judgment declaring the Board’s redistricting plan promulgated pursuant to the proclamation dated November 10, 2021, to be in violation of the Open Meetings Act, Article VI, Sections 6 and 10 of the Alaska Constitution, and the equal

protection clause and the due process clause of the Alaska Constitution;

2. Enter a judgment declaring the Board's redistricting plan promulgated pursuant to the proclamation dated November 10, 2021, to be null and void;

3. Enter an order enjoining the Alaska Division of Elections and the State of Alaska. It is a government body for purposes here.]from conducting any primary or general election for state legislative office under the Board's redistricting plan, or otherwise taking any step to implement the plan;

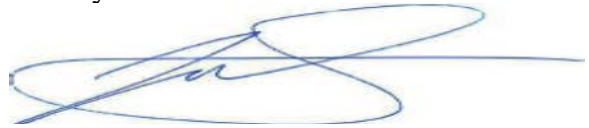
4. Enter an order requiring the Board to promulgate a new redistricting plan consistent with the requirements of the Alaska Constitution or, in the alternative, enter an order correcting errors in the Board's redistricting plan;

5. Enter an order declaring Skagway and Brad Ryan to be public interest litigants as constitutional claimants and award Plaintiffs' costs and attorneys' fees;

6. Enter an order for such other and further relief as may be just and reasonable.

DATED this 10th day of December, 2021.

BRENA, BELL & WALKER, P.C.
Attorneys for Plaintiffs



By _____

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