

In the Matter of the 2021 )  
 Redistricting Cases )  
 (Matanuska-Susitna, S-18328) )  
 (City of Valdez, S-18329) ) Supreme Court No. S-18332  
 (Municipality of Skagway, S-18330) )  
 (Alaska Redistricting Board, S-18332) ) (S-18328, S-18329, S-18330,  
 ) S-18332 consolidated)  
 \_\_\_\_\_)  
 Trial Court Case No. 3AN-21-08869CI

Appellant Alaska Redistricting Board (“Board”) hereby moves, in accordance with Alaska Rule of Appellate Procedure 503 and the Court’s Order dated February 22, 2022 (“Order”), for leave to file a petition for review that exceeds the Order’s 50-page limitation for petitions. The Board’s over-length petition is 77 pages in length.

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1 its briefing to 50 pages, it was unable to do so. This Court should grant the Board leave  
2 to file its over-length brief that addresses both of these cases in 77 pages.  
3

4 The substance of the trial court’s 171-page Findings of Fact and Conclusions of  
5 Law also militates in favor of the Board having latitude in the form of additional pages  
6 to make its argument. The trial court’s decision below expressly finds that House  
7 Districts 3 and 4 and Senate District K are consistent with Article VI, Section 6’s  
8 substantive requirements for elections districts.<sup>1</sup> Nonetheless, in an Alaska redistricting  
9 first, the trial court went on to strike these constitutional election districts using a novel,  
10 newly announced interpretation of Article VI, Section 10, that mixed statements from  
11 the minutes of the 1956 Constitutional Convention, the legislative history of the 1998  
12 Constitutional Amendment that overhauled redistricting in Alaska, and federal caselaw  
13 interpreting the federal Administrative Procedures Act.<sup>2</sup> The trial court also struck  
14 down Senate District K on novel equal protection grounds that holds different  
15 neighborhoods within the Municipality of Anchorage are constitutionally different  
16 “communities of interest.” To adequately show the superior court’s errors with regard  
17 to Section 10 and equal protection, the Board needs more than the 50 pages allowed by  
18 the Order.  
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24 <sup>1</sup> See Findings of Fact and Conclusions of Law, at 42 (upholding Senate District  
25 K against Section 6 challenge), and 124 (upholding House Districts 3 and 4 against  
26 Section 6 challenge), dated February 15, 2022, attached to the Board’s Notice of Appeal  
dated February 17, 2022.

<sup>2</sup> *Id.* at 132-143.

1           Therefore, the Board respectfully requests this Court grant the Board leave to  
2 file its over-length petition for review that accompanies this motion.  
3

4           DATED at Anchorage, Alaska this 2nd day of March, 2022.

5                               SCHWABE, WILLIAMSON & WYATT, P.C.  
6                               Attorneys for Alaska Redistricting Board,

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8 By: \_\_\_\_\_  
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I, Matthew Singer, declare and state as follows:

1. I am legal counsel for the Alaska Redistricting Board (“Board”).
2. On February 15, 2022, the superior court, Honorable Judge Matthews, issued his Findings of Fact and Conclusions of Law in the consolidated matter *In re 2021 Redistricting Plan*, Case No. 3AN-21-08869CI. That matter consolidated five separate challenges to the Board’s 2021 Redistricting Plan, including the following: *Municipality of Skagway Borough v. Alaska Redistricting Board*, 1JU-21-00944CI (“Skagway Challenge”) and *Felisa Wilson et al. v. Alaska Redistricting Board*, 3AN-21-08869CI (“East Anchorage Challenge”).
3. On February 22, 2022, this Court issued an Order that “Petitions and responses may not exceed 50 pages.”
4. The Board endeavored to limit its petition seeking review of Judge Matthews’ rulings in these two separate challenges, but it was unable to do so without

1 sacrificing crucial legal analysis. The Board’s Petition for Review is 77 pages.  
2 Because the Board is appealing what were two separate cases below that were  
3 consolidated for trial, this Court should grant it leave to file an over-length petition.  
4

5 5. The substance of the superior court’s 171-page Findings of Fact and  
6 Conclusions of Law required significant legal analysis from the Board that prevented it  
7 from keeping its petition to 50 pages or under. The trial court’s decision below  
8 expressly finds that House Districts 3 and 4 and Senate District K are consistent with  
9 Article VI, Section 6’s substantive requirements for elections districts.<sup>1</sup> Yet in a first  
10 for Alaska redistricting litigation, the trial court went on to strike these constitutional  
11 election districts using a newly announced interpretation of Article VI, Section 10, that  
12 mixed statements from the minutes of the 1956 Constitutional Convention, the  
13 legislative history of the 1998 Constitutional Amendment that overhauled redistricting  
14 in Alaska, and federal caselaw interpreting the federal Administrative Procedures Act.<sup>2</sup>  
15 The trial court also struck down Senate District K on novel equal protection grounds  
16 that holds different neighborhoods within the Municipality of Anchorage are  
17 constitutionally different “communities of interest.” To adequately show the errors in  
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24 <sup>1</sup> See Findings of Fact and Conclusions of Law, at 42 (upholding Senate District  
25 K against Section 6 challenge), and 124 (upholding House Districts 3 and 4 against  
26 Section 6 challenge), dated February 15, 2022, attached to the Board’s Notice of Appeal  
dated February 17, 2022.

<sup>2</sup> *Id.* at 132-143.

1 the trial court's approaches to Section 10 and equal protection, the Board needs more  
2 than the 50 pages allowed by the Court's February 22, 2022 Order.

3  
4 6. The Board asks this Court to grant it leave to file its over-length petition  
5 for review.

6 7. I declare that the above statements are true to the best of my knowledge  
7 and belief, and that I understand that they are made for use as evidence in court and are  
8 subject to the penalty of perjury.  
9

10 Respectfully submitted this 2nd day of March, 2022.

11 SCHWABE, WILLIAMSON & WYATT, P.C.  
12 Attorneys for Alaska Redistricting Board

13  
14 By: 

Matthew Singer, ABA No. 9911072

Email: [msinger@schwabe.com](mailto:msinger@schwabe.com)

1 IN THE SUPREME COURT FOR THE STATE OF ALASKA

2 )  
3 In the Matter of the 2021 )  
4 Redistricting Cases )  
5 (Matanuska-Susitna, S-18328) )  
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 Trial Court Case No. 3AN-21-08869CI

9 **ORDER GRANTING ALASKA REDISTRICTING BOARD'S**  
10 **MOTION FOR LEAVE TO FILE OVER-LENGTH PETITION**

11 The Court, upon consideration of Appellant Alaska Redistricting Board's  
12 ("Board") Motion for Leave to File Over-Length Brief dated March 2, 2022 ("Board's  
13 Motion"), and any opposition thereto, hereby GRANTS the Board's Motion. The  
14 Board's Petition for Review is accepted as attached to the Board's Motion.  
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16 Entered at the direction of an individual justice this \_\_\_\_ day of March, 2022.

17 Clerk of the Appellate Courts  
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19 \_\_\_\_\_  
20 Meredith Montgomery  
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