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Attorneys for Plaintiffs Felisa Wilson, George Martinez, and Yarrow Silvers

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the
2021 REDISTRICTING PLAN.)
Case No. 3AN-21-08869CI

**MOTION TO AMEND APPLICATION TO EXPAND EQUAL PROTECTION
CLAIM TO INCLUDE DILUTION BASED UPON RACE DUE
TO NEWLY-DISCOVERED INFORMATION**

Plaintiffs Felisa Wilson, George Martinez, and Yarrow Silvers (collectively “East Anchorage Plaintiffs”) by and through their attorneys, Birch Horton Bittner and Cherot, hereby move for leave to amend their Application to Compel the Alaska Redistricting Board to Correct Its Senate District Pairings in Anchorage (the “Application”) for the purpose of expanding upon their claim that the Alaska Redistricting Board (the “Board”) violated Art. 1, Section 1 of the Alaska Constitution to expressly include an allegation based upon race-based discrimination and dilution. East Anchorage Plaintiffs have repeatedly acknowledged the legality of the house districts adopted by the Board and the

challenges posed by statewide redistricting. For this reason, and in light of the discretion afforded the Board, East Anchorage Plaintiffs determined that any claims of discriminatory intent or improper purpose should arise from the Board's own rationale and the data, testimony or other sources informing such rationale. Accordingly, East Anchorage Plaintiffs looked to the racial/demographic data relied upon by the Board when examining its rationale. On the eve of trial, however, the Board's own actions, through its attorney, gave East Anchorage Plaintiffs reason to question the validity of the racial data relied upon by the Board and the reasonableness of the Board's reliance on that data. Similarly, documents previously withheld but disclosed by the Board over the past several days also support expansion of East Anchorage Plaintiffs' claim that the Board violated the equal protection clause of the Alaska Constitution.

While this motion for amendment is admittedly late in the expedited trial process, the timing of this motion is a direct consequence of the introduction of new evidence by the Board on the eve—and day of—trial and through documents that have now been disclosed due to this Court's order. As a result, this motion for leave to amend is both necessary and justified and the East Anchorage Plaintiffs will be irreparably harmed if prohibited from amending their Application, as will East Anchorage voters.

I. RELEVANT BACKGROUND

On the afternoon before trial, the Board submitted a supplemental affidavit from Board Executive Director, Peter Torkelson, which included at paragraphs 34 and 35 certain statements apparently intended to rebut the testimony of East Anchorage Plaintiff's expert witness, socio-cultural and linguistic anthropologist Dr. Chase Hensel.

Those paragraphs read as follows:

34. Dr. Chase Hensel asserts in paragraph 76 of his testimony that minority voters are disadvantaged by the Board's senate pairing assignments in East Anchorage and Eagle River. This is not true. The Board's final senate pairings maximized Northeast Anchorage's minority voting strength by creating two majority-minority senate districts with 52.52% and 52.31% minority voters in Senate Districts I and J respectively...

35. By contrast, pairing Muldoon house districts has the effect of diluting North Muldoon's majority-minority voting population, resulting in a senate district with less than a majority of minority voters.¹

These paragraphs relied on two composite screenshots of maps and data tables, which were submitted by the Board as exhibits numbered 1013 and 1014. This data was difficult to decipher as the race data was calculated for fictitious, unidentified senate pairings and did not include house district data. East Anchorage Plaintiffs contacted the Board and requested the removal of the paragraphs and exhibits referenced in Director Torkelson's supplemental affidavit. East Anchorage Plaintiffs argued that Torkelson was not qualified to testify as an expert and none of the documents included in the affidavit had been produced by the Board despite requests for such data by plaintiffs throughout the process.² East Anchorage Plaintiffs did not oppose, however, the Board's ability to call its Voting Rights Act/dilution consultant to testify regarding the assertions in Torkelson's supplemental affidavit. The Board expressed its intent to oppose East Anchorage Plaintiffs' motion and the first day of trial commenced on January 21, 2022.

At trial, Mr. Singer repeatedly attempted to question Dr. Hensel regarding his review of racial data received from the Board and attached to Dr. Hensel's affidavit as

¹ Affidavit of Peter Torkelson (Supplemental Direct Testimony) at ¶¶ 34-35.

² See generally East Anchorage Plaintiffs' Conditional Motion to Strike Paragraphs 34 and 35 of Supplemental Affidavit of Peter Torkelson.

Exhibit 3. During this questioning, the Board displayed Exhibit 1007, which Mr. Singer stated was merely an excerpt from the data in the table relied upon by Dr. Hensel. Upon a quick mathematical review, Dr. Hensel recognized that there appeared to be an approximate two percent difference between the data on the exhibit and the data included in the table previously provided by the Board and relied upon by Dr. Hensel. Further, the exhibits attached to Torkelson’s supplemental affidavit, as well as the screen shots contained within that affidavit, also appeared to be inconsistent with the exhibit displayed. In response to East Anchorage Plaintiffs’ objections, the Board withdrew all three exhibits and agreed to remove the paragraphs from Torkelson’s supplemental affidavit.³

Shortly after trial on January 21, 2022, the Board produced email correspondence providing evidence that the Board was considering, or was at least presented with, race data regarding Anchorage districts. Despite receiving this data, the Board did not produce this data or acknowledge the Board’s reliance or even awareness of such data during discovery.⁴ The data table provided to East Anchorage Plaintiffs from the Board, and relied upon by East Anchorage Plaintiffs’ expert, and the tables contained in Exhibits 1013 and 1014 indicate that a unified Muldoon senate district would have a minority voting age population of 49.31 percent, just under the threshold for a majority minority district. The Board’s Exhibit 1007, however, resulted in a minority “Voting Age Population” of 51.28 percent.

³ *Id.*; attached as Exhibit A and Exhibit B hereto.

⁴ *See, e.g.*, ARB00163257-163264, attached as Exhibit C hereto.

If the race data submitted by the Board in Exhibit 1007 was accurate the pairing of South Muldoon with Eagle River Valley would result in the fragmentation of a unified Muldoon district, which also would have comprised a majority-minority district. Perhaps most importantly, if Director Torkelson’s representations in his supplemental affidavit were true, he genuinely believed that pairing the Muldoon districts would have diluted the voice of North Muldoon voters.⁵ Further, it appears that Torkelson’s trust and reliance on the inaccurate data and the presumptions of dilution that arose from that data were strong enough that the Board relied on the data and resulting presumptions to defend against expert testimony submitted by opposing counsel in this case.

Previously withheld email correspondence recently produced by the Board further demonstrates the Board’s reliance on the inaccurate data in conducting its Anchorage pairings. This correspondence details an analysis, referred to as a “VRA compliance report,” which Torkelson appears to have generated on October 29, 2021.⁶ Torkelson states that the report includes “a detailed discussion of Anchorage and its increasing minority VAP.”⁷ Writing to Board Deputy Director TJ Presley, Torkelson writes, “[u]se the bitly URL in the racial pie chart to verify that my percentages are correct... this wouldn’t seem too hard, but it’s actually easy to mess up... [it] occurs to me that while we are scattered and distracted, our detractors are going to comb through this thing with a fine

⁵ Supplemental Affidavit of Peter Torkelson as originally submitted.

⁶ See ARB00163257-163264.

⁷ ARB00163263.

tooth scalpel. A numerical miscalculation would be easy to make and undermine the project.”⁸ In response to this request, Presley does indeed identify an error in the data.⁹

On November 1, 2021, counsel for the Board responds that he “agrees with having [Torkelson’s report] printed out,” and is “intending a short presentation with a summary of [his and Torkelson’s] core conclusions” regarding VRA issues in Anchorage. This presentation appears to have wrongfully occurred in executive session.¹⁰ Despite this Court’s direction that emails be produced together with attachments,¹¹ neither the <DRAFT-VRA-Compliance-v12.docx> referenced in this email correspondence, the racial pie chart, or any of the data Torkelson, Presley, and Singer mention appear to have been produced.

In response to the contradicting data presented by the Board at trial, East Anchorage Plaintiffs contacted Erin Barker, the Data Director at the Alaska Democratic Party for the sole purpose of verifying the minority voting age populations in the Anchorage house districts. After review, Ms. Barker verified that the correct minority “Voting Age Population” for a unified Muldoon district would be 51.28 percent. She also

⁸ ARB00163262.

⁹ ARB00163261-163262.

¹⁰ ARB00163257 (email correspondence from Matthew Singer to Peter Torkelson in which he writes “[o]ne thing: we only produce publicly after we discuss with the board in executive session. If they are not happy or want changes, we need to deal with those concerns before we publish.”).

¹¹ See, e.g., January 14, 2022 Order for Production of Privileged Documents for In Camera Review and Plaintiff Reply Briefs (“in producing the records to the Court, the Board shall ensure to the greatest extent possible that the emails are submitted and organized in chronological order with any attachments intact so that Court may view them in context.”).

confirmed that the “Total Minority Population” numbers produced by the Board were accurate while the “Voting Age Population” numbers were not. Thus, the Board’s error results in only an approximate 2 percent error. While this is a seemingly small error, the consequences to the coalition of minority voters in the Muldoon districts are substantial. The Affidavit of Ms. Barker is attached to this Motion. In addition to this motion for amendment, East Anchorage Plaintiffs have also submitted a motion requesting permission to admit the very limited testimony of Ms. Barker through affidavit as an expert.¹²

By pairing South Muldoon with Eagle River, rather than with North Muldoon, and concealing the Board’s awareness of and potential reliance on incorrect race data, the Board diluted the votes and voices of East Anchorage voters not only on the basis of their residence within a discrete community of interest, as Dr. Hensel testified, but also on a racial basis in clear violation of the equal protection clause of Alaska’s Constitution. While the East Anchorage Plaintiffs’ Application articulates an equal protection claim based on the Board’s dilution of the vote and community voices of East Anchorage residents,¹³ the Application does not clearly allege an equal protection claim based on race dilution. Although, as Dr. Hensel testified, race plays an important role in determining whether East Anchorage is a discrete community of interest, the East Anchorage Plaintiffs determined, in the interest of judicial economy and allocation of resources, to focus on a theory of dilution which was not race-centric because the data previously relied upon by

¹² See Motion to Admit Expert Affidavit of Erin Barker.

¹³ East Anchorage Plaintiffs’ First Amended Application at ¶¶ 49-52.

the Board did not reflect that the Board considered demographic data during senate pairing discussions or that the data considered by the Board showed that pairing Muldoon house districts into a single senate district would result in a majority minority district. Accordingly, it appeared unlikely that a race dilution claim would be meritorious.¹⁴ But now, in light of the new data provided by the Board, it appears that such a claim would not only be meritorious, but that the Board appears to have attempted to preclude pursuit of a racial dilution claim by concealing race-based data from the public and from parties to this case.

II. ARGUMENT

Both the Alaska Rules of Civil Procedure and the procedural posture of this case weigh in favor of permitting East Anchorage Plaintiffs to amend the Application to afford them the opportunity to explore all violations of the Equal Protection Clause of the Alaska Constitution, including racial dilution. Alaska Civil Rule 15(a) provides that leave to amend “shall be freely given when justice so requires.” Likewise, Civil Rule 15(b) states that “[w]hen issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.” Here, the Board concealed and withheld from all Plaintiffs, and from the Court, data and discovery relating not only to the Board’s analysis regarding racial demographics in Anchorage, but also to the impact of such racial information on the Board’s decision-making process. Yet, on the eve of trial, the Board presented inaccurate data, intending

¹⁴ See, e.g., *In re 2001 Redistricting Cases*, No. 3AN-01-8914CI, 2002 WL 34119573 (Alaska Super. Feb. 01, 2002) (precluding a political gerrymandering claim where there was no evidence that the redistricting plan would result in the change in number of seats for a majority group).

to rely on that data to justify the Board's pairings. The presentation of this data and the representations made in reliance on this data requires East Anchorage Plaintiffs to respond or suffer the consequences of the Board's use of and reliance upon inaccurate data both in this case, and through the senate pairings themselves. Essentially, the Board's actions at trial constitute an implicit concession that East Anchorage Plaintiffs are entitled to explore the substance and legal consequence of the Board's newly-raised data and the assertion of race dilution the Board based on that data.

The Alaska Constitution protects voters, including those of both Muldoon districts, from being "fenced out of the political process" and having "their voting strength invidiously minimized" by redistricting schemes that violate the Equal Protection Clause. This is especially true where the Board's conduct presents an improper purpose and the Board's process is arbitrary and unreasonable.

East Anchorage Plaintiffs recognize that if the motion to amend and motion for admission of the Affidavit of Erin Barker are admitted by the Court, the Board will likely request the opportunity to cross examine Ms. Barker and to supplement the affidavits of the Board members to address the expanded claim. Further, Mr. Singer may also seek to admit additional affidavit testimony by the Board's retained Voting Rights Act/Dilution consultants. East Anchorage Plaintiffs have no objection to any of those requests by the Board with the understanding that East Anchorage Plaintiffs will also be able to cross examine Board members and the Board's expert regarding any supplemental affidavit testimony by them. Additionally, East Anchorage Plaintiffs have utilized only a small amount of trial time.

Aside from the identified affidavits and resulting cross-examination or redirect, East Anchorage Plaintiffs do not contemplate the expanded claim will place a significant time burden on the Board or other plaintiffs. The affidavit testimony submitted by East Anchorage Plaintiffs already encompassed the observations and experiences of witnesses that provide support for the race dilution claim and testimony regarding geographical dilution as well as the totality of circumstances reflected in the record, deposition testimony, and at trial also provide support for a race-based dilution claim under Alaska's Equal Protection Clause. Consequently, East Anchorage Plaintiffs will not be seeking supplemental affidavit testimony from their own lay or expert witnesses outside Ms. Barker.

Finally, based upon Mr. Singer's statements at trial, it appears the Board was under the impression that the affidavit testimony submitted by Dr. Hensel implicated an equal protection claim based upon race dilution. For this reason, East Anchorage Plaintiffs do not expect the Board to seek additional cross examination of their lay witnesses. That said, if such cross examination is requested by the Board, East Anchorage Plaintiffs do not oppose this request and still expect the time needed to adjudicate the expanded claim to fall under three hours.

III. CONCLUSION

For all of the reasons stated in this motion, East Anchorage Plaintiffs respectfully request that this Court grant this motion and accept East Anchorage Plaintiffs' Second Amended Application to Compel the Alaska Redistricting Board to Correct Its Senate District Pairings in Anchorage, filed concurrently with this motion.

DATED this 25th day of January, 2022.

BIRCH HORTON BITTNER & CHEROT
Attorneys for Plaintiffs

By: / s / Holly C. Wells
Holly C. Wells, ABA #0511113
Mara E. Michaletz, ABA #0803007
William D. Falsey, ABA #0511099

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of January, 2022, a true and correct copy of the foregoing document was served electronically on the following:

Matthew Singer
Lee C. Baxter
Kayla J.F. Tanner
Schwabe Williamson & Wyatt
msinger@schwabe.com
lbaxter@schwabe.com
ktanner@schwabe.com

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Cheryl Burghart
State of Alaska
thomas.flynn@alaska.gov
cheryl.burghart@alaska.gov

Nathaniel Amdur-Clark
Whitney A. Leonard
Sonosky, Chambers, Sachse, Miller &
Monkman, LLP
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whitney@sonosky.net

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Holmes Weddle & Barcott, P.C.
sstone@hwb-law.com
gstein@hwb-law.com

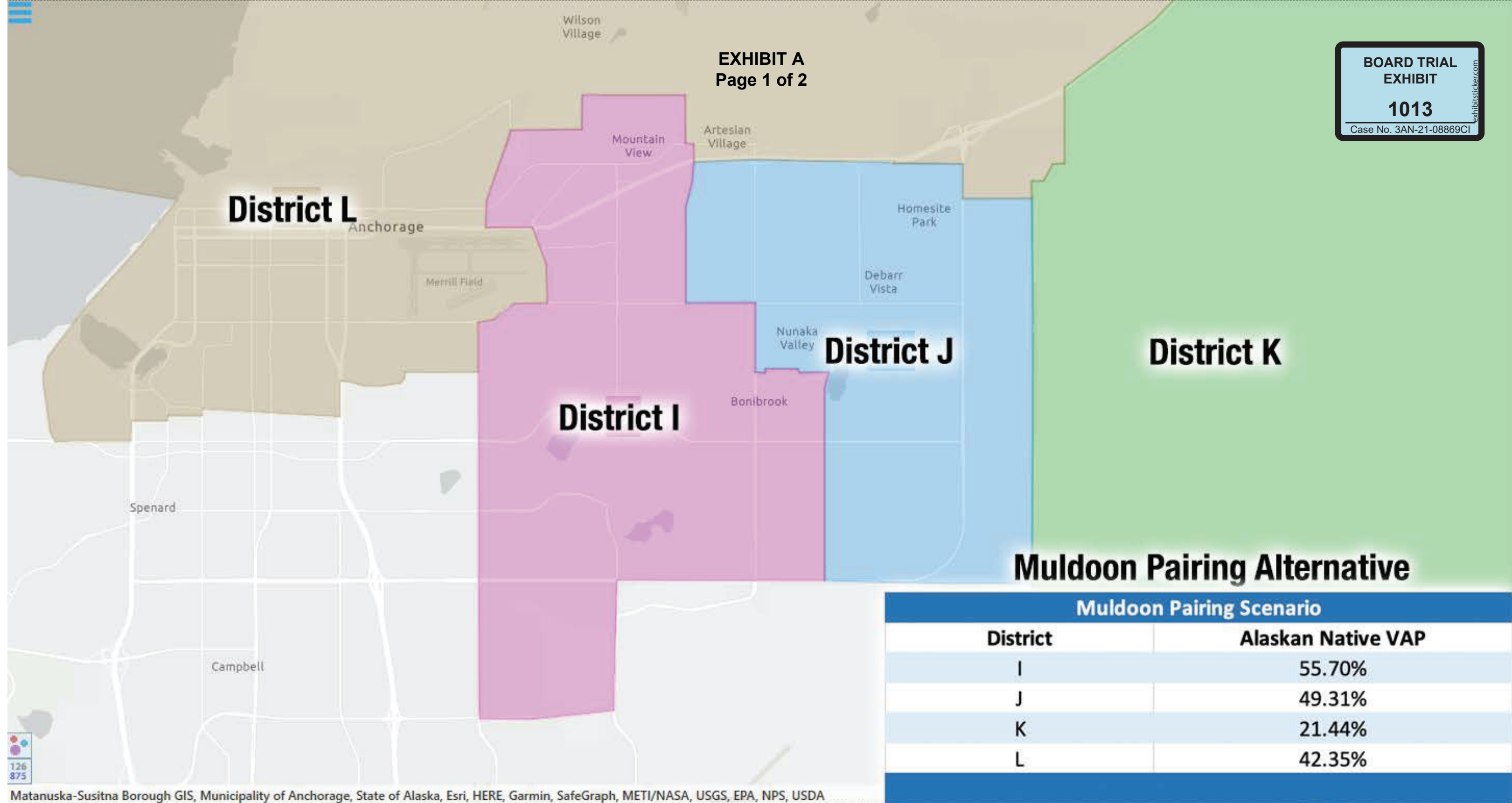
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BIRCH HORTON BITTNER & CHEROT

By: /s/ Martha K. Marshall
Believed to be transmitted without error
from tmarshall@bhb.com at approx. 9:30 p.m.

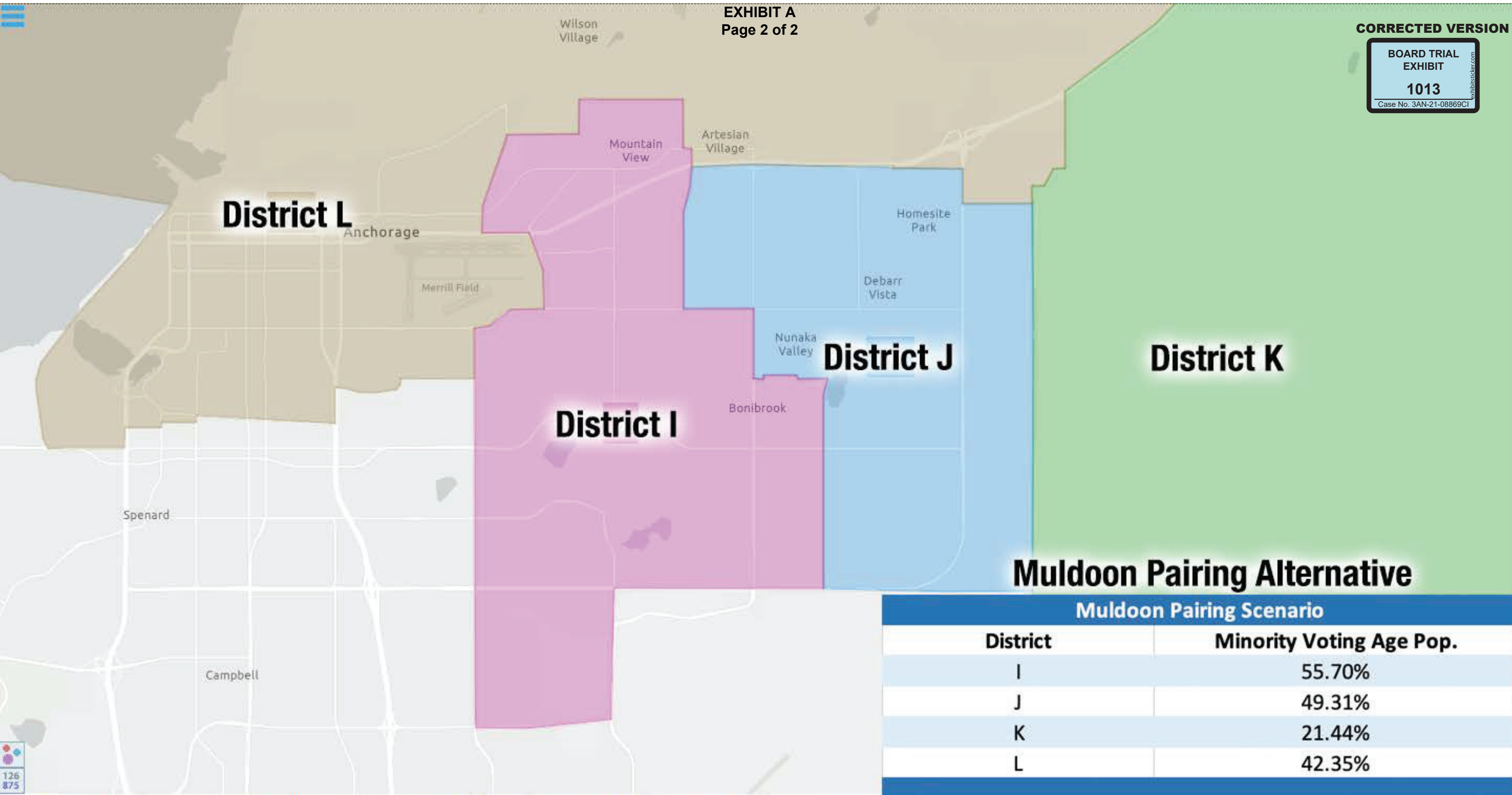


Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

Active Matrix

DISTRICT	Total Population Tabulation				Racial Demographics as a Percent of Total Population				Percent Voting Age	Racial Demographics as a percent of VAP			
	All Persons	Target	Dev.	Difference	White	Black	Hispanic	Minority		White	Black	Hispanic	Minority
I	36,482	36,670	-0.51%✓	-188	38.78%	8.12%	11.48%	61.22%	74.86%	44.30%	8.21%	10.18%	55.70%
J	36,699	36,670	0.08%✓	29	45.07%	8.52%	9.27%	54.93%	74.60%	50.69%	8.82%	8.22%	49.31%
K	36,237	36,670	-1.18%✓	-433	75.73%	2.01%	7.33%	24.27%	73.82%	78.56%	2.12%	6.09%	21.44%
L	36,226	36,670	-1.21%✓	-444	54.79%	8.71%	11.62%	45.21%	80.27%	57.65%	8.41%	10.37%	42.35%

BOARD TRIAL
EXHIBIT
1013
Case No. 3AN-21-08869CI



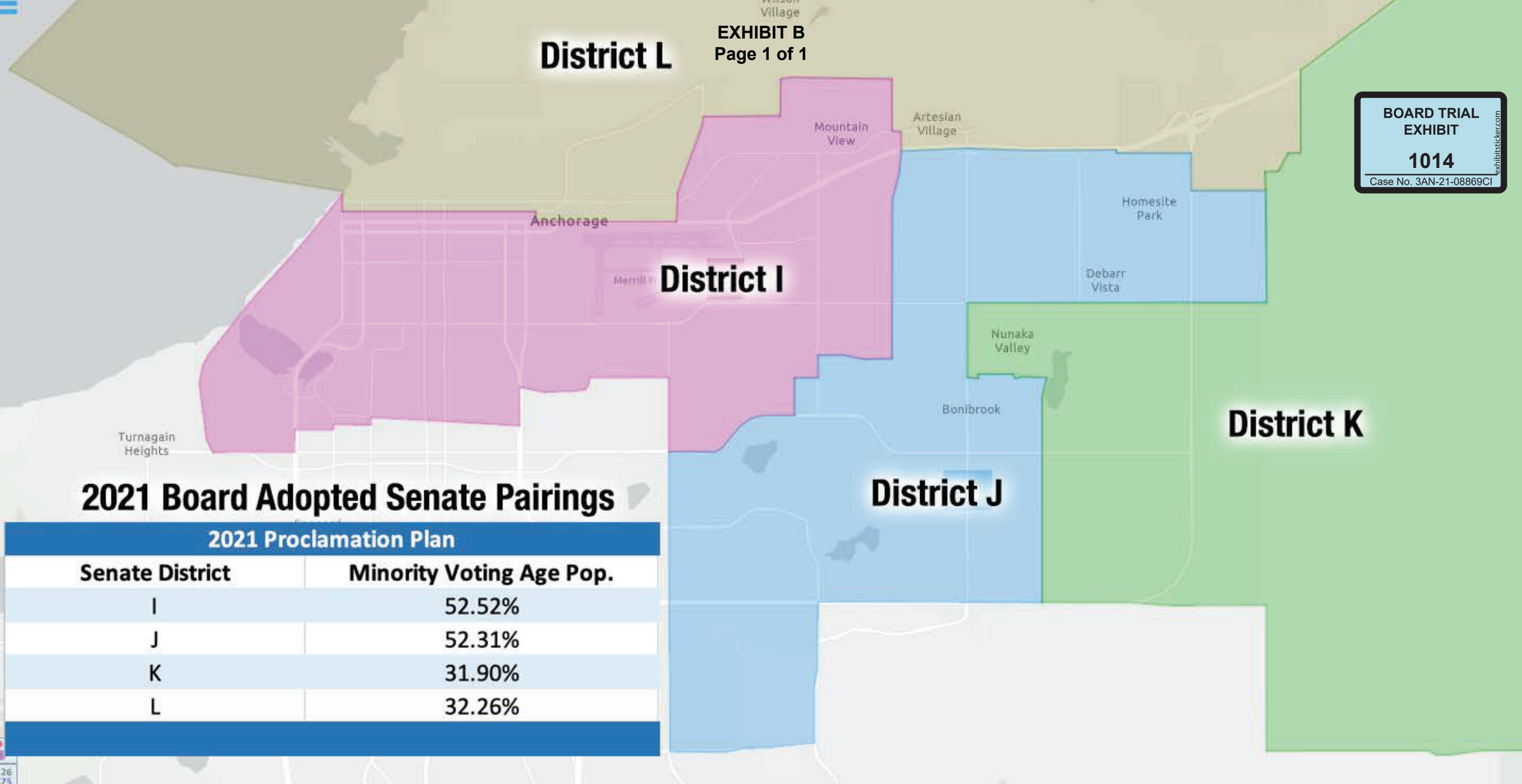
Muldoon Pairing Scenario	
District	Minority Voting Age Pop.
I	55.70%
J	49.31%
K	21.44%
L	42.35%

Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

Active Matrix

DISTRICT	Total Population Tabulation				Racial Demographics as a Percent of Total Population				Percent Voting Age	Racial Demographics as a percent of VAP			
	All Persons	Target	Dev.	Difference	White	Black	Hispanic	Minority		White	Black	Hispanic	Minority
I	36,482	36,670	-0.51%✓	-188	38.78%	8.12%	11.48%	61.22%	74.86%	44.30%	8.21%	10.18%	55.70%
J	36,699	36,670	0.08%✓	29	45.07%	8.52%	9.27%	54.93%	74.60%	50.69%	8.82%	8.22%	49.31%
K	36,237	36,670	-1.18%✓	-433	75.73%	2.01%	7.33%	24.27%	73.82%	78.56%	2.12%	6.09%	21.44%
L	36,226	36,670	-1.21%✓	-444	54.79%	8.71%	11.62%	45.21%	80.27%	57.65%	8.41%	10.37%	42.35%

BOARD TRIAL
EXHIBIT
1014
Case No. 3AN-21-08869CI



2021 Board Adopted Senate Pairings

2021 Proclamation Plan	
Senate District	Minority Voting Age Pop.
I	52.52%
J	52.31%
K	31.90%
L	32.26%

Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

DISTRICT	Total Population Tabulation				Racial Demographics as a Percent of Total Population				Percent Voting Age	Racial Demographics as a percent of VAP			
	All Persons	Target	Dev.	Difference	White	Black	Hispanic	Minority		White	Black	Hispanic	Minority
I	36,446	36,670	-0.61%✓	-224	41.69%	8.73%	11.38%	58.31%	76.89%	47.48%	8.41%	9.97%	52.52%
J	36,524	36,670	-0.40%✓	-146	42.37%	8.34%	10.00%	57.63%	75.52%	47.69%	8.60%	9.08%	52.31%
K	36,619	36,670	-0.14%✓	-51	64.32%	4.70%	7.87%	35.68%	74.47%	68.10%	4.86%	6.48%	31.90%
L	36,055	36,670	-1.68%✓	-615	65.88%	5.62%	10.46%	34.12%	76.66%	67.74%	5.85%	9.44%	32.26%

EXHIBIT C Page 1 of 8

From: "Singer, Matthew" <MSinger@SCHWABE.com>

To: Peter Torkelson <Peter.Torkelson@akredistrict.org>

Cc: TJ Presley <TJ.Presley@akredistrict.org>

Subject: Re: AC: Privileged VRA Report update

Date: Mon, 1 Nov 2021 22:14:27 +0000

Importance: Normal

One thing: we only produce publicly after we discuss with the board in executive session. If they are not happy or want changes, we need to deal with those concerns before we publish.

Sent from my iPhone

On Nov 1, 2021, at 2:12 PM, Peter Torkelson <Peter.Torkelson@akredistrict.org> wrote:

TJ. Let's print like 25 copies of v12 in color with large draft watermarking in each page for tomorrow's meeting.

Unless you have another idea.

P.

From: Singer, Matthew <MSinger@SCHWABE.com>

Sent: Monday, November 1, 2021 2:11:16 PM

To: Peter Torkelson <Peter.Torkelson@akredistrict.org>

Cc: TJ Presley <TJ.Presley@akredistrict.org>

Subject: Re: AC: Privileged VRA Report update

I suppose that is correct. We will have to update and revise after the board adopts the final. So keep "draft" in the title.

Sent from my iPhone

On Nov 1, 2021, at 2:08 PM, Peter Torkelson <Peter.Torkelson@akredistrict.org> wrote:

I think we have to have every page of the report watermarked draft because the Board will not have adopted anything and the D37-40 boundaries may still be tweaked

Thoughts?

P.

From: Singer, Matthew <MSinger@SCHWABE.com>

Sent: Monday, November 1, 2021 1:29:18 PM

To: Peter Torkelson <Peter.Torkelson@akredistrict.org>

#28933.1

ARB00163257

Cc: TJ Presley <TJ.Presley@akredistrict.org>
Subject: Re: AC: Privileged VRA Report update

We will want to remove “draft” from title and put on letterhead.

Sent from my iPhone

On Nov 1, 2021, at 2:21 PM, Peter Torkelson <Peter.Torkelson@akredistrict.org> wrote:

Great catch! This version, v12, attached contains a corrected graphic for Anchorage VAP.

Matt -- I think we should have this printed and ready to handout to attendees on Tuesday as you give your presentation.

Do you agree?

P.

From: TJ Presley <TJ.Presley@akredistrict.org>
Sent: Sunday, October 31, 2021 9:44 PM
To: Peter Torkelson <Peter.Torkelson@akredistrict.org>
Subject: RE: AC: Privileged VRA Report update

Ok finally had a chance to go through these. Only one possible error I saw.

The Mao/Trombley/Petersen returns are all rights.

The HD19 voter pie chart is right

The “Anchorage Voting Age Population Composition” I got a different outcome on “Population of Two or More Races.” The underlying data says 18,497 which is 8.3% of the total, not 10.9. I highlighted it in the screenshot below

That’s all I saw!!

<image001.png>

From: Peter Torkelson <Peter.Torkelson@akredistrict.org>
Sent: Friday, October 29, 2021 7:09 PM
To: Singer, Matthew <MSinger@SCHWABE.com>; TJ Presley <TJ.Presley@akredistrict.org>
Subject: AC: Privileged VRA Report update

Good evening TJ -- Matt feels that we should get this report out to members ASAP. Bruce has indicated he will review and get back to us this weekend.

It occurs to me that while multiple eyeballs have reviewed the report at length for typos and such, I am the only one who has crunched the numbers. I know you'll be dealing with call in support tomorrow, but hoping you can check two tranches of data for me before we blast to members this weekend:

1. The Muni 2014 and D16 election result percentages I use in the numbered bullet points. (talking about Sponholz and Wright and Young etc). Links to the source URLs are in the footnotes
2. Use the bitly URL in the racial pie chart to verify that my percentages are correct. (it should open to a census.gov<http://census.gov><http://census.gov<http://census.gov>><http://census.gov<http://census.gov>><http://census.gov<http://census.gov>>> excel like report) This wouldn't seem too hard, but it's actually easy to mess up as the census output contains some data that we don't use, such as counts of people who are one race (which is a compilation of all the other pie slices). So it can get confusing. Please double check my percentages for the composite (first census spread sheet column) and D19 (which should be the 4th column).

It occurs to me that while we are scattered and distracted, our detractors are going to comb through this thing with a fine tooth scalpel. A numerical miscalculation would be easy to make and undermine the project.

Thanks,

P.

From: Peter Torkelson
Sent: Friday, October 29, 2021 4:05 PM
To: Bruce Adelson <badelsonfcc@verizon.net<mailto:badelsonfcc@verizon.net>>
Cc: Singer, Matthew <MSinger@SCHWABE.com<mailto:MSinger@SCHWABE.com>>; TJ Presley <TJ.Presley@akredistrict.org<mailto:TJ.Presley@akredistrict.org>>
Subject: AC: Privileged VRA Report update

Bruce,

Please find attached an VRA compliance report which includes a detailed discussion of Anchorage and its increasing minority VAP.

Curious to get your thoughts on any recommended changes, additional or deletions. I would like to get this to board members in the next day or two, so please call my attention to any concerns you have.

Thanks,

P.

<DRAFT-VRA-Compliance-v12.docx>

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From: "Singer, Matthew" <MSinger@SCHWABE.com>

To: Peter Torkelson <Peter.Torkelson@akredistrict.org>

Cc: TJ Presley <TJ.Presley@akredistrict.org>

Subject: Re: AC: Privileged VRA Report update

Date: Mon, 1 Nov 2021 21:24:05 +0000

Importance: Normal

Attachments: image001.png

I do agree with having this printed out.

I am intending a short presentation with a summary of our core conclusions.

I land around 3:30 today. Call if you want to chat or I can come by the office later.

Sent from my iPhone

On Nov 1, 2021, at 2:21 PM, Peter Torkelson <Peter.Torkelson@akredistrict.org> wrote:

Great catch! This version, v12, attached contains a corrected graphic for Anchorage VAP.

Matt -- I think we should have this printed and ready to handout to attendees on Tuesday as you give your presentation.

Do you agree?

P.

From: TJ Presley <TJ.Presley@akredistrict.org>

Sent: Sunday, October 31, 2021 9:44 PM

To: Peter Torkelson <Peter.Torkelson@akredistrict.org>

Subject: RE: AC: Privileged VRA Report update

Ok finally had a chance to go through these. Only one possible error I saw.

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The HD19 voter pie chart is right

The "Anchorage Voting Age Population Composition" I got a different outcome on "Population of Two or

More Races.” The underlying data says 18,497 which is 8.3% of the total, not 10.9. I highlighted it in the screenshot below

That’s all I saw!!

<image001.png>

From: Peter Torkelson <Peter.Torkelson@akredistrict.org>
Sent: Friday, October 29, 2021 7:09 PM
To: Singer, Matthew <MSinger@SCHWABE.com>; TJ Presley <TJ.Presley@akredistrict.org>
Subject: AC: Privileged VRA Report update

Good evening TJ -- Matt feels that we should get this report out to members ASAP. Bruce has indicated he will review and get back to us this weekend.

It occurs to me that while multiple eyeballs have reviewed the report at length for typos and such, I am the only one who has crunched the numbers. I know you'll be dealing with call in support tomorrow, but hoping you can check two tranches of data for me before we blast to members this weekend:

1. The Muni 2014 and D16 election result percentages I use in the numbered bullet points. (talking about Sponholz and Wright and Young etc). Links to the source URLs are in the footnotes
2. Use the bitly URL in the racial pie chart to verify that my percentages are correct. (it should open to a census.gov<<http://census.gov>> excel like report) This wouldn't seem too hard, but it's actually easy to mess up as the census output contains some data that we don't use, such as counts of people who are one race (which is a compilation of all the other pie slices). So it can get confusing. Please double check my percentages for the composite (first census spread sheet column) and D19 (which should be the 4th column).

It occurs to me that while we are scattered and distracted, our detractors are going to comb through this thing with a fine tooth scalpel. A numerical miscalculation would be easy to make and undermine the project.

Thanks,

P.

From: Peter Torkelson
Sent: Friday, October 29, 2021 4:05 PM
To: Bruce Adelson <badelsonfcc@verizon.net<mailto:badelsonfcc@verizon.net>>
Cc: Singer, Matthew <MSinger@SCHWABE.com<mailto:MSinger@SCHWABE.com>>; TJ Presley <TJ.Presley@akredistrict.org<mailto:TJ.Presley@akredistrict.org>>
Subject: AC: Privileged VRA Report update

Bruce,

Please find attached an VRA compliance report which includes a detailed discussion of Anchorage and its increasing minority VAP.

Curious to get your thoughts on any recommended changes, additional or deletions. I would like to get this to board members in the next day or two, so please call my attention to any concerns you have.

Thanks,

P.

<DRAFT-VRA-Compliance-v12.docx>

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	TJ's Calculations		Peter's Calculations	
Total:	222,915			
Hispanic or Latino	17,777	8.0%		8.0%
White alone	130,417	58.5%		58.5%
Black or African American alone	10,810	4.8%		4.8%
American Indian and Alaska	16,976	7.6%		7.6%
Asian alone	20,840	9.3%		9.3%
Hawaiian and Other Pacific	6,216	2.8%		2.8%
Some Other Race alone	1,382	0.62%		0.62%
Population of two or more races:	18,497	8.3%		10.90%
		100.0%		#29246.1 102.6%