

**HCR**

**35**

# Alaska State Legislature House of Representatives

## Committees

Rules Committee, Chair  
Legislative Council  
International Trade & Tourism  
Military & Veterans Affairs  
World Trade & State/Federal Relations



Interim:  
10928 Eagle River Rd. Suite 141  
Eagle River, AK 99577

Session:  
Alaska State Capitol  
Juneau, AK 99801

## Sponsor Statement

HCR 35

**"Establishing a Joint Task Force on the Census and Redistricting."**

Recent polling data indicate that a majority of Alaskans supports changing the way Alaska redraws its election district lines after the decennial census. Yet, whether that change takes place or not, it is in the public's and the legislature's best interest to make sure we have available to us the most current information on the census and redistricting.

This information comes from several sources, primarily the US Census Bureau and through the meetings of the NCSL Redistricting Task Force. The staff of the Department of Labor research and analysis section, as Alaska's main source of technical expertise in mapping and demographics, provides critical assistance in the redistricting process.

As we proceed to the Census of 2000 and the redistricting effort that will follow, it is imperative that the Alaska Legislature stay abreast of the most current information, including: Census Bureau plans and programs; redistricting case law; and technological advances.

HCR 35 will establish a four-member legislative task force to track and disseminate census and redistricting information. It is the intention of the leadership that the task will not require additional funding.

**Representative Pete Kott**



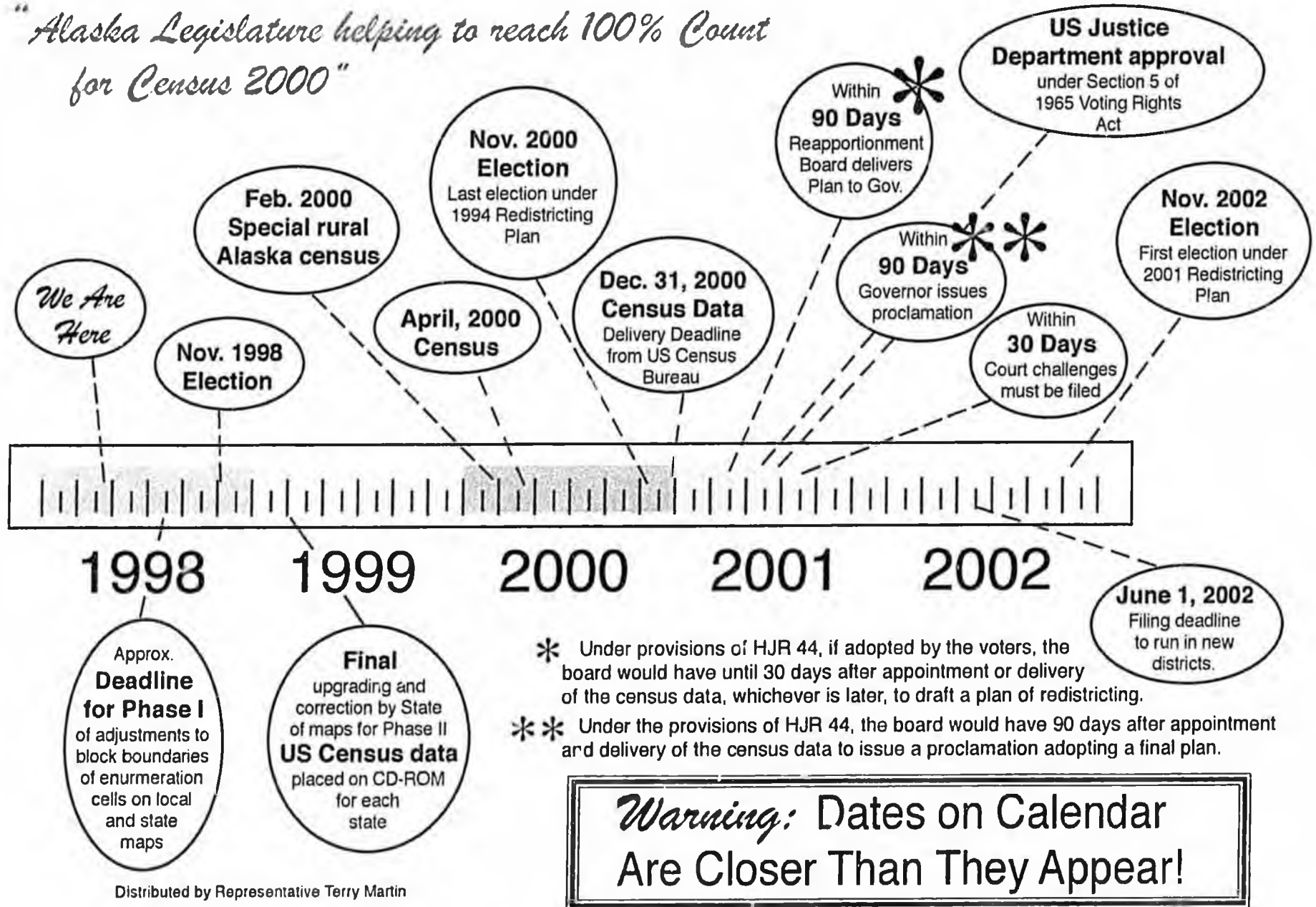
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# TimeLine of Census and Redistricting Events State of Alaska - 1998-2002

## HCR 35

*"Alaska Legislature helping to reach 100% Count  
for Census 2000"*





**COURT ACTION ON  
REDISTRICTING PLANS**

**1991-94**

	<u>HOUSE</u>	<u>SENATE</u>	<u>CONGRESSIONAL</u>
Drew Plan after Legislative Impasse	6	7	11
Rejected or Corrected Plan	14	10	5
Approved Plan Drawn by Another	11	12	4
Plan not Challenged	18	21	23
No Plan Needed	<u>1</u>	<u>0</u>	<u>7</u>
	50	50	50
Success Rate	59% (29 of 49)	66% (33 of 50)	63% (27 of 43)
Legislatures	60% (21 of 35)	58% (21 of 36)	59% (23 of 39)
Commissions	67% (8 of 12)	83% (10 of 12)	100% (4 of 4)
Governors	0% (0 of 2)	50% (1 of 2)	

Peter S. Wattson  
Senate Counsel  
Minnesota

## LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS 1991-96

	HOUSE PLAN						SENATE PLAN						CONGRESSIONAL PLAN					
	Leg	Comm	Gov	State Ct	Fed Ct	Sup Ct	Leg	Comm	Gov	State Ct	Fed Ct	Sup Ct	Leg	Comm	Gov	State Ct	Fed Ct	Sup Ct
AL				D						D			D				D	A
AK			D	R/D					D	R/D			1					
AZ	D		A		A	A	D		A		A	A					D	A
AR		D		A	A			D			A		D		A		A	A
CA	D		V	D	A/A	A	D		V	D	A/A	A	D		V	D	A/A	A
CO		D		C	A/R			D		A			D		A			
CT		D		A				D						D				
DE	D		A				D		A				1					
FL	D			A	C	A	D			C	A	A					D/R/D	
GA	D		A				D		A				D		A		R/D	R/P
HI		D						D						D				
ID	D		A		A	A	D		A		A	A	D		A			
IL		D		R/A	A	A/A		D		R/A	A	A/A						
IN	D		A				D		A				D		A			
IA	D		A				D		A				D		A			
KS	D		A	A	A		D		A	A	A		D		A		C	
KY	D		A	R			D		A	R					A			
LA	D		A				D		A				D/D		A/A		R/R/D	
ME				D						D						D		
MD			D	A	R/A				D	A	A		D		A		A	A
MA	D		A	A			D		A				D		A			
MI				D	A					D	A						D	
MN	D		N	C	R/D	A	D		N	C	R/D	A	D		V	D	D	A/R
MS	D/D				R		D/D				R		D					
MO		D			A	A				D			D		A			
MT		D						D					1					

	HOUSE PLAN						SENATE PLAN						CONGRESSIONAL PLAN					
	Leg	Comm	Gov	State Ct	Fed Ct	Sup Ct	Leg	Comm	Gov	State Ct	Fed Ct	Sup Ct	Leg	Comm	Gov	State Ct	Fed Ct	Sup Ct
NE							D		A	R			D		A			
NV	D		A				D		A				D		A			
NH	D		A				D		A				D		A			
NJ		D						D						D		A		
NM	D		A				D		A				D		A			
NY	D		A	A	C	A	D		A	A	A		D		A	D	D	A/R
NC	D						D						D				A/A	A/R
ND	D		A				D		A				1					
OH		D		A	R/R	A/A		D		A	R	A	D		A			
OK	D		A				D		A				D		A			
OR		D		C				D					D					
PA		D		A	A	A		D		A	A/A	A				D	A	A
RI	D		A				D		A				D		A			
SC	D		V		D/R	R	D		V		D/R	R					D	R
SD	D		A				D		A				1					
TN	D		A		R	R	D		A		R	R	D		A			
TX	D		A	C/A	C		D		A	C	C/A	A	D		A		A/A/D	R
UT	D		A				D		A				D		A			
VT	D		A	R			D		A	A			1					
VA	D		A		A		D		A	A			D		A			
WA		D						D						D				
WV	D		A		A		D		A		A		D		A		A	
WI	D		V		D		D		V		D		D					
WY	D		A		R/A		D		A		R/A		1					

A = Approved plan drawn by another  
C = Corrected plan  
D = Drew plan

N = Became law notwithstanding veto attempt  
P = Pending decision  
R = Rejected plan

V = Veto  
1 = One seat

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Unresolved Questions for the 1990's:

- \* How can the law accommodate the competing interests of different minority groups, e.g., African Americans and Latinos, in the same districts?
- \* How far will State and local governments be required to go in drawing districts for protected minority groups when these clash with other traditional redistricting criteria, such as compactness or the desire to keep municipalities together?
- \* Does the Voting Rights Act require a State or local government, which cannot draw a district or district where minority voters can elect their preferred candidate, to draw districts that provide for the maximum degree of influence?
- \* How will the Department of Justice, which has expressed disagreement with the decision in Shaw v. Reno, interpret and enforce Section 5 in light of that decision? In other words, will the Department of Justice, during preclearance deliberations, consider alternative plans that contain "bizarre" or "highly irregular" districts?
- \* Are single-member districts necessarily the best remedy for at-large vote dilution, or should other remedies, like limited or cumulative voting systems, be considered?
- \* In the year 2000, it is likely that redistricting plans will be drawn on personal computers. How will state legislatures or local governments (or courts) be able to make rational decisions when there are literally hundreds of plans being drawn, all with a variety of benefits and shortcomings?
- \* Should minority leaders or minority legislators push for creating more minority districts when it will jeopardize or reduce their political party's strength in the legislature?
- \* What role will party affiliation play in voting rights suits? Or, put differently, what will the courts do if a minority candidate's lack of success can be shown to be attributable to party affiliation?

# Alaska Redistricting Case: The 1990's

*Hickel v. Southeast Conference*, 846 P.2d 38 (Alaska 1992)

The Alaska Supreme Court found that the Governor's reapportionment plan for Southeast Alaska violated the anti-gerrymandering provisions of the Alaska Constitution by failing to observe existing municipal boundaries and ignoring natural geographic boundaries by splitting all of the major islands of the Alexander Archipelago. The court reasoned that municipalities in the state are *per se* socio-economic areas. The court found that a desire to increase Native representation in a specific district did not justify departure from the anti-gerrymandering provisions. A reapportionment plan may minimize the anti-gerrymandering provisions when minimization is the only means available to satisfy Voting Rights Act requirements.

The court found that the Governor's plan for the Mat-Su Borough violated the anti-gerrymandering provisions when it divided up excess borough population among five other election districts. The court concluded that excess population should, to the maximum extent possible, be kept together and added to another socio-economically and compact district.

The court found that the governor's plan violated the anti-gerrymandering provision by combining populations of Inupiaq and Athabaskan Natives in a single district. The court found that the combination of these tribal groups did not create a district that encompasses as nearly as practicable a relatively integrated socio-economic area.

The court found *sua sponte* that the division of the Aleutian Islands into two districts violates the anti-gerrymandering provisions.

The court found that determination of the population base for redistricting purposes did not require adjustment of the census population to delete non-resident military personnel if there was an adequate showing that it was not possible to accurately identify those military personnel who are non-residents and that failure to adjust for military personnel did not introduce an urban/rural bias.

The Supreme Court directed the Superior Court to formulate an interim plan for the approaching general election.