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Attorneys for City of Valdez

**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-21-08869 CI  
(Consolidated)  
Case No. 3VA-21-00080 CI

**SUPPLEMENTAL AFFIDAVIT OF KIMBALL BRACE**  
**(EXPERT TESTIMONY FOR VALDEZ)**

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

Kimball Brace, being first duly sworn, deposes and states:

1. My name is Kimball William Brace. I am the president of Election Data Services, Inc. (“EDS, Inc.”), a Manassas, Virginia-based consulting firm whose specialty is reapportionment, redistricting matters, election administration issues, and the census.

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2. I have been retained by the City of Valdez (“Valdez”) through the law firm of Brena, Bell & Walker, P.C., with regard to the redistricting cases consolidated in the above-captioned matter.

3. All the materials considered in forming the opinions contained herein are identified in this report.

4. Mr. Torkelson filed a supplemental affidavit on January 20, 2022 (“Supplemental Affidavit”), which is in essence a rebuttal expert report. The Supplemental Affidavit “is meant to addresses[sic] the pre-filed expert testimony of Kimball Brace offered by the Valdez Plaintiffs and Skagway Plaintiffs.”<sup>1</sup>

5. Mr. Torkelson has not been identified as an expert witness in this matter. During his deposition, Mr. Torkelson made no claim of expertise with regard to redistricting or the use of redistricting software. To the contrary, Mr. Torkelson has never been involved in redistricting before this cycle.<sup>2</sup> Suggested he would be surprised to learn that anyone ever indicated he was an expert witness in this proceeding<sup>3</sup> and stated he had never worked with the programs used by the Board for redistricting before.<sup>4</sup> He had never

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<sup>1</sup> Supplemental Affidavit of Peter Torkelson at 1, para 1.

<sup>2</sup> Torkelson Depo. Tr. at 15, lines 11-12.

<sup>3</sup> *Id.* at 15, lines 13-17.

<sup>4</sup> *Id.* at 15, line 21 – 16, line 17.

taken a computer science class,<sup>5</sup> a class in programing,<sup>6</sup> or received a certificate in computer science for attending a formal seminar.<sup>7</sup> His training in AutoBound, the software program the Board purchased for redistricting, was primarily two and a half days with the software developer.<sup>8</sup>

6. Having had the opportunity to review Mr. Torkelson’s deposition transcript (which was received after I filed my original affidavit) and his Supplemental Affidavit, it is apparent that Mr. Torkelson has not properly represented my testimony, his testimony during deposition, and deposition testimony of the Board.

**A. The Board Was Not Adequately Prepared to Begin the Redistricting Process?**

7. Mr. Torkelson testified that “Mr. Brace implies that the Board was ill-prepared for the receipt of Census PL redistricting data or failed to prepare an analysis of population changes affecting the existing 2013 house districts in a timely fashion. None of these assertions are accurate.”<sup>9</sup>

8. Mr. Torkelson states that “the Board staff worked closely with experts at the State of Alaska, Department of Labor to test drive computer systems using sample state of

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<sup>5</sup> Torkelson Depo. Tr. at 28, lines 1-4.

<sup>6</sup> *Id.* at 28, lines 8-10.

<sup>7</sup> *Id.* at 28, lines 16-22.

<sup>8</sup> *Id.* at 17, lines 5-7.

<sup>9</sup> Supplemental Affidavit of Peter Torkelson at 2, para 3.

Rhode Island data”<sup>10</sup> and “Board staff provided members with detailed population-change information 1 hour and 34 minutes after receipt of the Census PL data at 9:00 a.m. on August 12.”<sup>11</sup>

9. I have no reason to doubt Mr. Torkelson forwarded the population change data as he suggested, but that fact does not suggest the Board was properly prepared to timely and thoroughly conduct its redistricting responsibilities. I suggested the preliminary steps that should be taken in advance of the redistricting process in paragraphs 20–36 of my affidavit. Mr. Torkelson does not appear to have taken many of these steps.

10. One example of the Board’s lack of preparedness is that neither Mr. Torkelson nor the Board were aware that they had no option except to use the census blocks when drawing districts until September 3, 2021.<sup>12</sup> The fact that census blocks must be used in redistricting is a basic concept in both redistricting and in the use of the AutoBound software. It would seem unlikely that Mr. Torkelson’s few days of training on the AutoBound software were sufficient for understanding the manner in which AutoBound operates, even though it is apparent while using the software that the user must rely upon census blocks.

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<sup>10</sup> Supplemental Affidavit of Peter Torkelson at 1, para 3.

<sup>11</sup> *Id.* at 2, para 4.

<sup>12</sup> Exhibit A (E-Mail from Mr. Torkelson to Mr. Sandberg Re: Non-Block Geography).

11. Another example of the lack of preparedness is that the Board did not review the geography for Alaska, which is contained in the geographic TIGER file that was made available in February of 2020, prior to mapping.

12. Mr. Torkelson highlighted his lack of familiarity and frustrations with the software during his deposition when he testified:

Q: So you're talking about early September you're starting to see these types of things, you're starting to understand the mapping challenges that you're facing. Is that –

A: I'm starting to see patterns of frustration, patterns of misunderstanding, patterns of just, you know, the task ahead of us, having realizations, so yeah.

Q: Okay. And one of the key mapping challenges was your learning about the way that these census blocks worked for mapping purposes, is that fair?

A: Yeah, that's -- that's fair. And I -- I don't know if you've read all my e-mail or not, but there are certainly -- I had exchanges with -- how do I say this? The census block shapes were a severe limitation on our ability to draw districts that were -- appeared compact, that didn't appear to have bizarre protrusions or odd shapes to them. So when we kept hitting these problems, I naturally thought, well, are we bound to census blocks? Like, could we draw another line.

And I chased that one down with the Department of Labor, you know, saying, hey, I know autoBound just lets us pick blocks, but you guys have GIS software. You can draw a shapefile any shape you want, right? Yes. You know, could we do that? And the answer was just no. . . .

So while you could cut a crazy block in half, you wouldn't know where the population actually lived, and therefore you wouldn't know how many people were in the district and you wouldn't -- you just couldn't do it.

And so at the end of the day, despite the odd shapes, I was forced to the realization that the census blocks and the population data they contained -- so that block has 1637 people in it, that's the greatest resolution, the most granular, the smallest Lego in the box is that block. And we were going to have to adapt our districts, if we wanted them to not have odd protrusions, we were going to have to adapt our district shapes to incorporate some of

these particularly troublesome blocks that we inherited from the Census Bureau.<sup>13</sup>

13. Mr. Torkelson also stated under oath that:

Frustration began pretty quickly, you know. I would say between August 23, 24 and September 7, 8, 9, in that time frame, there was plenty of frustration as we ran -- we found these, right? We didn't know they were there until we started mapping. So the frustration was definitely flowing then.<sup>14</sup>

The frustration happened quick, but in terms of figuring out -- because of course people would be like, members would be like, well, who drew that block? I don't know, you know, the Census Bureau. Well, who would ever do that? Well, turns out there isn't a human who would do that because it's crazy. A computer did that. Then it made more sense. So eventually I learned a computer drew them. The frustration came pretty quickly.<sup>15</sup>

14. Mr. Torkelson also did not know that the census blocks were created by an algorithm or that between 2010 and 2020 the Census Bureau had undertaken a census block reduction effort for Alaska that reduced the number of census blocks by 37 percent.<sup>16</sup>

15. Had Mr. Torkelson imported the TIGER file geography in advance of receiving the census data and explored the geography he would have realized that the Board was bound to draw districts utilizing census blocks and could have identified oddly shaped census blocks well in advance of beginning the redistricting process. This preliminary step would have avoided the frustration Mr. Torkelson and the Board experienced and the redistricting process could have proceeded more expeditiously and efficiently.

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<sup>13</sup> Torkelson Depo. Tr. at 50, line 19 – 52, line 24.

<sup>14</sup> *Id.* at 53, lines 14-20.

<sup>15</sup> *Id.* at 54, line 21 – 55, line 4.

<sup>16</sup> *Id.* at 56, line 1 – 57, line 10.

## B. When did Mapping Begin?

16. The Supplemental Affidavit suggests “Mr. Brace alleges that the Board did not begin mapping together until September 7, 2021.” He suggests my statement is not accurate. In doing so, Mr. Torkelson seems to confuse when the Board began mapping, which was on September 7, with when Board members individually or in pairs began experimenting with incomplete maps in the software. The Board did not begin drawing a redistricting map together prior to September 7, 2021.

17. Mr. Torkelson testified during his deposition that during the August 23 and 24 meetings “we met, did a formal reception of the data, tried to kind of set a roadmap of -- for the moving forward.”<sup>17</sup> I have no reason to disagree with his statement, but the Board did not begin to map as a Board until September 7. Ms. Marcum testified:

Q: Okay. Do you see the call to order from September 7th, 2021, at 10:44?

A: Yes.

Q: Was that the first time the board met? A: No. Q: Okay. When did -- did the board’s meetings before this -- did they include meetings to consider plans?

A: No.

Q: Okay. So this was the first time the board met to consider a plan, correct?

A: Yes.

Q: Okay. And what were the nature of the board’s meetings prior to this one?

A: Previous meetings were primarily to deal with administrative matters.<sup>18</sup>

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<sup>17</sup> Torkelson Depo. Tr. at 30, line 5-7.

<sup>18</sup> Marcum Depo. Tr. at 12, line 15 – 13, line 5.

18. Mr. Torkelson’s suggestion that the Board began mapping prior to September 7, 2021, is contradicted by the testimony of other Board members. When asked, Board Member Marcum was perfectly clear that the September 7 board meeting was the first time the Board met and discussed a map for Alaska.<sup>19</sup> As she stated, prior to the Board’s September 7, 2021, “[n]o plan for Alaska was discussed.”<sup>20</sup> Chairman Binkley was asked, “[s]o the Board spent drawing maps an hour or two on the 7th, and then the 8th, and then on the 9th they proposed and adopted plans, is that the timetable?” To which Chairman Binkley responded, “Sounds correct.”<sup>21</sup> The Board did not meet or discuss mapping Alaska until three days before it adopted proposed plan V.1 and V.2. The Board should have prepared much earlier and began mapping as a Board much earlier.

**C. The Board did not allow Public Comment on V.3 and V.4 prior to Adoption.**

19. Mr. Torkelson states in the Supplemental Affidavit “Mr. Brace implies that the Board adopted versions v.3 and v.4 without first taking public testimony. Not true.”<sup>22</sup> This testimony misrepresents what actually occurred during the September 20 meeting when V.3 and V.4 were introduced and adopted. A review of the minutes for the

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Binkley Depo. Tr. at 50, lines 3-7.

<sup>22</sup> Supplemental Affidavit of Peter Torkelson at 6, para 11.

September 20 meeting shows that no public testimony was permitted between the time the Board introduced V.3 and V.4 and the adoption of those plans.<sup>23</sup>

20. In fact, V.4 was not even shared with any other Board member prior to Ms. Borromeo's presentation of V.4 during the September 20 meeting.

Q: Ms. Borromeo, you were just referring to Version 4. We were just talking about -- I think one of the things that you just said was if you compare your Version 4 with the final map that was adopted, they're very similar; is that - is that a fair statement?

A: Yes.

Q: Okay. Now, the Version 4, you were the creator of Version 4? That's was your -

A: Yes.

Q: Okay. And that was presented to the Board and adopted by the Board on September 20th; is that correct?

A: Yes.

Q: Okay. And had you shared it, what members of the Board had you shared your Version 4 with prior to September 20th?

A: None.

Q: Okay. And so you had -- you had just created it before and presented it at the September 20th meeting and hadn't shared it with any other member of the Board?

A: Yes.<sup>24</sup>

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<sup>23</sup> ARB000175-000192.

<sup>24</sup> Borromeo Depo. Tr. at 50, line 18 - 51, line 6.

21. Mr. Torkelson confuses the opportunity to comment on V.1 and V.2 with the opportunity to comment on V.3 and V.4. There was no opportunity for public comment between the time the Board presented V.3 and V.4 to the public on September 20 and the adoption of those proposed plans on the same day. This is particularly troublesome because V.3 and V.4 were adopted after the constitutional deadline for adopting plans and V.4 is an entirely different map than V.2.

**D. Data Anomalies.**

22. Mr. Torkelson attempts to minimize the nature of the data anomalies that appeared on the Board’s website for the Final Plan.<sup>25</sup> The Board’s redistricting website included an interactive map and a population deviation table that contained erroneous population data for 24 of the 40 house districts.

23. Although Mr. Torkelson is correct in stating that this error occurred due to renumbering of the districts, this does not change the significance of the error for any public member attempting to analyze the populations for the Final Plan. Thus, the Board’s adoption of the Final Plan was based upon erroneous population data for Districts 11 – 29 and 31 – 35. This “staff oversight” appeared on the Board’s website until January 13, 2022, well after Plaintiffs filed their complaints in this matter. Simply put, the Board and the public were unable to analyze the actual population data and deviations in the Final Plan for over three months.

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<sup>25</sup> Supplemental Affidavit of Peter Torkelson at 6, para 12.

### E. Renumbering.

24. Mr. Torkelson attempts to minimize the confusing nature of the Board's practice of repeatedly renumbering districts. The Supplemental Affidavit states "I agree the renumbering process was potentially confusing." However, at his deposition Mr. Torkelson stated under oath that renumbering caused "*persistent confusion*" and that "there was plenty of confusion to go around on the numbering."<sup>26</sup>

25. Mr. Torkelson appears to dispute that the renumbering process occurred in an ad hoc manner but his testimony regarding renumbering expressly states that renumbering was ad hoc. Specifically, Mr. Torkelson testified:

So I would say there was multiple minor renumberings as we built a composite House map in the first week of November, and as each -- sections of the map came from different ideas or different authors, *and then the board adopted that map on November 5th, Friday, with the numberings that had just been assigned sort of ad hoc as it all came together.*<sup>27</sup>

26. Mr. Torkelson also suggests that renumbering was "unavoidable."<sup>28</sup> While some renumbering may occur in any given redistricting process, the Board's practices resulted in confusion that could have been avoided. The Board could and should have implemented a uniform numbering policy or convention at the outset in order to avoid unnecessary renumbering of districts throughout the redistricting process. Similarly, the

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<sup>26</sup> Torkelson Depo. Tr. at 112, lines 4-9.

<sup>27</sup> *Id.* at 112, line 4 – 113, line 6.

<sup>28</sup> Supplemental Affidavit of Peter Torkelson at 7, para 15.

Board could have provided that policy to third party map drafters or requested that third-party plans be renumbered with a standard numbering convention.

**F. The *Hickel* Process.**

27. The Supplemental Affidavit of Mr. Torkelson includes testimony regarding the Board’s access to and consideration of racial data.<sup>29</sup> It is true that the Board appears to have created a simplified active matrix that did not display racial data sometime after the September 8 meeting. However, it is unclear when individual Board member laptops were configured to obscure racial data. The Board had access to racial data from the time they were provided laptops in August through the September 9 meeting when V.1 and V.2 were adopted. By that time the Board had reached general consensus with regard to Districts 37 – 40, which they referred to as the VRA Districts. A review of the video from the September 7 Board meeting showing Ms. Bahnke’s presentation of Districts 37 – 40 shows that her active matrix includes racial data.<sup>30</sup>

28. In his Supplemental Affidavit Mr. Torkelson insists that the Board did not consider VRA compliance until November 2, 2021. However, during his deposition Mr. Torkelson testified:

Q: Now, what were the VRA protected districts?

A: So in the 2013 cycle and for the last decade, effectively, Districts 37, 38, 39, and 40 of the 2013 plan, and we retained those numbers in the 2021 plan because we started numbering at the south, so it was natural to end in District 40 in the north. So 37, 38, 39, 40 have successfully elected candidates of the minority’s choice for the last election cycles, and my understanding was that

<sup>29</sup> Supplemental Affidavit of Peter Torkelson at 7, para 16 – 8, para 20.

<sup>30</sup> September 7, 2021 Board Meeting Video at 3:00 – 3:04, Time stamp 1:25 -1:30 p.m.

those needed to be -- retrogression to those districts would be something we had to look very closely at.

Q: Okay. And there's no -- there's no secret that 37, 38, 39, and 40 are VRA protected districts for the last decade, is there?

A: Oh, no. I mean, it's widely known and, you know, we were all certainly aware from the beginning that those previous districts had been under the protection of the VRA.<sup>31</sup>

29. From the time Ms. Bahnke presented Districts 37 – 40 on September 7 to the time the Board adopted V.1 and V.2 only minor variations to these districts occurred. In addition, the VRA Districts for V.3 and V.4 are nearly identical with the exception that V.4 includes the mainland portion of Kodiak in District 37. Districts 37 – 40 in the Final Plan contain only minor changes, which added Nanwalek and Port Graham to District 37, and slightly shifted the boundaries of District 37 and 38 north, so that District 37 added Goodnews Bay and Platinum and District 38 added Chevak.

### **G. Family Income Ranges.**

30. Mr. Torkelson includes family income data in his Supplemental Affidavit to show socioeconomic integration between Valdez and the Matanuska Susitna Borough.<sup>32</sup> In reviewing the record of Board meetings, I have not seen any other instance of the Board considering family income to show socioeconomic integration between communities. I am not aware of any discussion of family income similarities between the Mat-Su Borough and Valdez in the Board meeting transcripts.

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<sup>31</sup> Torkelson Depo. Tr. at 124, line 13 – 125, line 5.

<sup>32</sup> Supplemental Affidavit of Peter Torkelson at 15, para 33.

## H. Additional VRA Considerations.

31. Emails recently produced after *in camera* review revealed new insight into the creation of the Board's VRA Analysis Report. It appears that Mr. Torkelson and Deputy Director TJ Presley were the primary drafters of the VRA Analysis report and that the report was presented to the Board without final review and approval from Mr. Adelson, the Board's VRA expert.<sup>33</sup> Thus, the Board's staff appears to have taken the lead in preparing technical VRA analysis rather than the expert witnesses responsible for providing that analysis. This is irregular and calls into question the nature and scope of VRA analysis that was actually conducted by the Board's VRA experts.

32. Mr. Torkelson also provided a VRA analysis comparison for the Valdez Plan compared to the Final Plan.<sup>34</sup> This comparison reveals that the Valdez Plan provides greater representation for Alaska Native Voters than does the Final Plan. District 37 in the Valdez Plan meets the 45% - 50% recommended range for ensuring Alaska Natives have an opportunity to elect candidates of choice.<sup>35</sup> District 37 in the Final Plan does not.

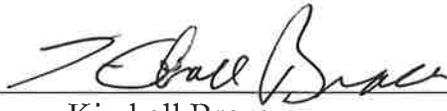
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<sup>33</sup> Exhibit B (Emails Re VRA Analysis Report).

<sup>34</sup> Supplemental Affidavit of Peter Torkelson at 13, para 30.

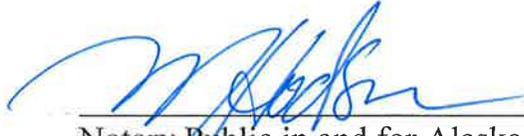
<sup>35</sup> ARB 000102.

DATED this 23<sup>rd</sup> day of January, 2022.

  
\_\_\_\_\_  
Kimball Brace

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of January, 2022.



  
\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: 6-10-2023

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**Certificate of Service**

The undersigned hereby certifies that a copy of the foregoing document was e-mailed to the following attorneys/parties of record this 23<sup>rd</sup> day of January, 2022:

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//s//Mary G. Hodsdon

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**From:** Peter Torkelson <Peter.Torkelson@akredistrict.org>

**To:** John Binkley <john.binkley@akredistrict.org>, "Singer, Matthew" <MSinger@SCHWABE.com>

**Subject:** AC: Non-Block Geography

**Date:** Fri, 3 Sep 2021 17:37:56 +0000

**Importance:** Normal

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P.

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**From:** Sandberg, Eric A (DOL) <eric.sandberg@alaska.gov>

**Sent:** Friday, September 3, 2021 8:36 AM

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

**Cc:** TJ Presley <TJ.Presley@akredistrict.org>; Juli Lucky <juli.lucky@akredistrict.org>

**Subject:** RE: Non-Block Geography

The only time something remotely similar came up was after the 2013 plan, the plaintiffs accused the board of splitting the UAF campus. Basically a census block contained some research buildings on the unpopulated northwest part of campus and then ran north across the woods to Yankovich Road, containing 77 people. I checked the group quarters numbers and saw none the 77 were listed in dorms, so all the people were on Yankovich Road. I signed an affidavit that the software could not fracture blocks, and the judge agreed with our reasoning that is was not the board trying to split the campus, but the census block couldn't be split.

Eric

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**From:** Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)>

**Sent:** Friday, September 3, 2021 8:22 AM

**To:** Sandberg, Eric A (DOL) <[eric.sandberg@alaska.gov](mailto:eric.sandberg@alaska.gov)>

**Cc:** Presley, Thomas J (LEG) <[tj.presley@akredistrict.org](mailto:tj.presley@akredistrict.org)>; Juli Lucky <[juli.lucky@akredistrict.org](mailto:juli.lucky@akredistrict.org)>

**Subject:** RE: Non-Block Geography

Ok, thanks. I can certainly see advantages in sticking with blocks, but I suspect the question will arise so wanted to get your take.

P.

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**From:** Sandberg, Eric A (DOL) <[eric.sandberg@alaska.gov](mailto:eric.sandberg@alaska.gov)>  
**Sent:** Friday, September 3, 2021 8:18 AM  
**To:** Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)>  
**Subject:** RE: Non-Block Geography

I'm not entirely sure. Last time, even though we dealt with strange blocks, we always used block boundaries for all metes and bounds, so it never came up. The division of elections will then take the districts and use blocks to create precincts within the new districts.

I don't believe that autobound has a split block feature. I don't know how it would affect various processes if we split blocks afterwards in ArcGIS or something for analysis further down the road, be it the Division of Elections or DOJ or anyone else importing the plan into their system.

My guess is for a host of reasons, it is best to avoid splitting, but I don't know if there is any legal prohibition.

Eric

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**From:** Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)>  
**Sent:** Friday, September 3, 2021 7:26 AM  
**To:** Sandberg, Eric A (DOL) <[eric.sandberg@alaska.gov](mailto:eric.sandberg@alaska.gov)>  
**Subject:** Non-Block Geography

Hi Eric – we are looking at a few cases where really large, and bizarre shaped blocks with zero population are significantly reducing compactness.

Question: when it comes time to actually proclaim the districts, are we bound to blocks? Could we pick two lat/longs and connected them in a straight 45 degree line, for example?

P.

**From:** Badelsonfcc <badelsonfcc@verizon.net>

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

**Cc:** TJ Presley <TJ.Presley@akredistrict.org>, Matthew Singer <MSinger@schwabe.com>, Jonathan Katz <jonathan.n.katz@gmail.com>

**Subject:** Re: AC: Privileged 2 points

**Date:** Tue, 2 Nov 2021 17:40:16 -0400

**Importance:** Normal

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Thanks. Glad to hear members were pleased.

I'll check my calendar. What time on Tuesday?

Bruce Adelson, Esq.  
Federal Compliance Consulting LLC  
Adjunct Professor of Law, University of Pittsburgh School of Law  
Instructor of Family Medicine, Georgetown University School of Medicine

Sent from my iPhone

On Nov 2, 2021, at 3:35 PM, Peter Torkelson <Peter.Torkelson@akredistrict.org> wrote:

Great job guys!

Sounds like members would like to talk again. Would next Tuesday work for you both?

Another day/time option preferable?

P.

---

**From:** Badelsonfcc <badelsonfcc@verizon.net>

**Sent:** Tuesday, November 2, 2021 11:14 AM

**To:** TJ Presley <TJ.Presley@akredistrict.org>

**Cc:** Peter Torkelson <Peter.Torkelson@akredistrict.org>; Matthew Singer <MSinger@schwabe.com>; Jonathan Katz <jonathan.n.katz@gmail.com>

**Subject:** Re: AC: Privileged 2 points

Thanks

Wasn't sure about the edits I suggested.

Bruce Adelson, Esq.  
Federal Compliance Consulting LLC  
Adjunct Professor of Law, University of Pittsburgh School of Law  
Instructor of Family Medicine, Georgetown University School of Medicine

Sent from my iPhone

On Nov 2, 2021, at 3:07 PM, TJ Presley <TJ.Presley@akredistrict.org> wrote:

Hey Brad,

The board is looking over the analysis Peter wrote that you and Dr Katz provided substantial edits to. Here is the attachment again

---

**From:** Badelsonfcc <badelsonfcc@verizon.net>  
**Sent:** Tuesday, November 2, 2021 11:05 AM  
**To:** Peter Torkelson <Peter.Torkelson@akredistrict.org>  
**Cc:** TJ Presley <TJ.Presley@akredistrict.org>; Matthew Singer <MSinger@schwabe.com>; Jonathan Katz <jonathan.n.katz@gmail.com>  
**Subject:** Re: AC: Privileged 2 points

Please send us the report given to the Board.

Thanks

Bruce Adelson, Esq.  
Federal Compliance Consulting LLC  
Adjunct Professor of Law, University of Pittsburgh School of Law  
Instructor of Family Medicine, Georgetown University School of Medicine

Sent from my iPhone

On Nov 2, 2021, at 2:38 PM, Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)> wrote:

Chari decided to take the final testimony person. So we are on hold for a few more minutes. Thanks for your patience.

P.

---

**From:** Badelsonfcc <[badelsonfcc@verizon.net](mailto:badelsonfcc@verizon.net)>  
**Sent:** Tuesday, November 2, 2021 10:27 AM  
**To:** Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)>  
**Cc:** TJ Presley <[TJ.Presley@akredistrict.org](mailto:TJ.Presley@akredistrict.org)>; Matthew Singer <[MSinger@schwabe.com](mailto:MSinger@schwabe.com)>; Jonathan Katz <[jonathan.n.katz@gmail.com](mailto:jonathan.n.katz@gmail.com)>  
**Subject:** Re: AC: Privileged 2 points

Ok

Bruce Adelson, Esq.  
Federal Compliance Consulting LLC

Adjunct Professor of Law, University of Pittsburgh School of Law  
Instructor of Family Medicine, Georgetown University School of Medicine

Sent from my iPhone

On Nov 2, 2021, at 2:26 PM, Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)> wrote:

I will sign on in a few minutes. We have a testifier still at the podium. Will signal the chair to wrap up shortly.

P.

---

**From:** Badelsonfcc <[badelsonfcc@verizon.net](mailto:badelsonfcc@verizon.net)>  
**Sent:** Tuesday, November 2, 2021 10:19 AM  
**To:** Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)>  
**Cc:** TJ Presley <[TJ.Presley@akredistrict.org](mailto:TJ.Presley@akredistrict.org)>; Matthew Singer <[MSinger@schwabe.com](mailto:MSinger@schwabe.com)>; Jonathan Katz <[jonathan.n.katz@gmail.com](mailto:jonathan.n.katz@gmail.com)>  
**Subject:** Re: AC: Privileged 2 points

thanks

Bruce Adelson, Esq.  
Federal Compliance Consulting LLC  
Adjunct Professor of Law, University of Pittsburgh School of Law  
Instructor of Family Medicine, Georgetown University School of Medicine

Sent from my iPhone

On Nov 2, 2021, at 2:16 PM, Peter Torkelson <[Peter.Torkelson@akredistrict.org](mailto:Peter.Torkelson@akredistrict.org)> wrote:

Here you are:

Topic: Meeting with Bruce & Jonathon  
Time: Nov 2, 2021 10:30 AM Alaska

Join Zoom Meeting  
<https://zoom.us/j/99458562270?pwd=aytuTFRRYXcrYmhsb2pkTFVldGxYQT09>

Meeting ID: 994 5856 2270  
Passcode: 517717

<DRAFT-VRA-Compliance-v12.docx>

**From:** Badelsonfcc <badelsonfcc@verizon.net>

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

**Cc:** "Singer, Matthew" <MSinger@schwabe.com>

**Subject:** Re: Availability today?

**Date:** Tue, 9 Nov 2021 12:18:59 -0500

**Importance:** Normal

---

Hi Peter

Today will be difficult. I am in a meeting now and have another at 3 pm ET. I also have two more tonight.

Please let me know if there is interest in meeting the rest of this week.

Thanks,

Bruce Adelson, Esq.  
Federal Compliance Consulting LLC  
Adjunct Professor of Law, University of Pittsburgh School of Law  
Instructor of Family Medicine, Georgetown University School of Medicine

Sent from my iPhone

On Nov 9, 2021, at 12:14 PM, Peter Torkelson <Peter.Torkelson@akredistrict.org> wrote:

Good morning Bruce (afternoon to you).

Would you be available for another virtual meeting this morning. We are re-convening at 9am AST, 1pm EST. Not sure when members may want to dial you in, maybe immediately or sometime between 1pm and 2:30pm your time.

Any openings on short notice?

P.

**From:** Zoom <no-reply@zoom.us>

**To:** peter.torkelson@akredistrict.org

**Subject:** Bruce Adelson has joined your meeting - Meeting with Bruce & Jonathon

**Date:** Tue, 02 Nov 2021 18:27:19 +0000 (UTC)

**Importance:** Normal



Hi Peter Torkelson,

Bruce Adelson has joined your meeting:

**Topic** Meeting with Bruce & Jonathon

**Meeting ID** 994 5856 2270

**Time** Nov 2, 2021 10:30 AM Alaska

[Start Meeting](#)

Thank you for choosing Zoom.  
-The Zoom Team



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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 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>

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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**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:

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<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%		102.6%

#29246.1