

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1457

Adding Civil Rule 90.8 regarding expedited proceedings in election redistricting cases.

IT IS ORDERED:

Civil Rule 90.8 is added to the Rules of Court, to read as follows:

Civil Rule 90.8. Expedited Applications to Compel Correction of Any Error in Redistricting Plan.

(a) Scope. This rule applies to applications to the superior court under art. VI, sec. 11, Constitution of the State of Alaska, to compel the Redistricting Board to correct any error in its redistricting plan. This rule supersedes the other civil rules to the extent that they may be inconsistent with this rule.

(b) Application.

(1) Application to compel the Redistricting Board to correct any error in redistricting must be made within 30 days following the adoption of the final redistricting plan and proclamation by the Redistricting Board.

(2) Service of the application shall be made on the Redistricting Board, the Office of the Attorney General, and the Office of the Lieutenant Governor.

(c) Expedited Proceeding. Applications under this rule shall be expedited, and shall have priority over all other matters pending before the court. The date for the court's decision shall be no later than 120 days prior to the statutory filing deadline for the first statewide

election in which the challenged redistricting plan is scheduled to take effect.

(d) Record. The record in the superior court proceeding consists of the record from the Redistricting Board (original papers and exhibits filed before the board and the electronic record or transcript, if any, of the board's proceedings), as supplemented by such additional evidence as the court, in its discretion, may permit. If the court permits the record to be supplemented by the testimony of one or more witnesses, such testimony may be presented by deposition without regard to the limitations contained in Civil Rule 32(a)(3)(B). A paginated copy of the record from the Redistricting Board shall be filed in the supreme court at the same time it is filed in the superior court.

(e) Scheduling Conference. Within ten days of the application, the assigned judge shall hold a scheduling conference, which all parties must attend. Telephonic participation may be permitted at the judge's discretion. At the conference, the judge shall enter a scheduling order that addresses all matters appropriate in the circumstances of the case.

(f) Assignment. Cases shall be assigned by presiding judges and may be assigned across judicial district lines in coordination with other presiding judges and the administrative director.

DATED: November 15, 2001

EFFECTIVE DATE: November 15, 2001

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti