ANCHORAGE, ALASKA
AO No. 2019–82

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE A BALLOT PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARTER TO REQUIRE THE ESTABLISHMENT OF SIX ELECTION DISTRICTS WITH TWO ASSEMBLY MEMBERS REPRESENTING EACH DISTRICT, TO BE EFFECTIVE BEFORE THE NEXT ASSEMBLY REAPPORTIONMENT PROCESS BEGINS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Pursuant to state law and the Anchorage Municipal Charter, a ballot proposition in substantially the same form as appears in Section 2 below shall be placed on the ballot and submitted to the qualified voters of the Municipality at the regular municipal election on April 7, 2020.

Section 2. The proposition shall be presented in substantially the following form:

PROPOSITION NO. ______

CHARTER AMENDMENT TO REQUIRE 12 ASSEMBLY MEMBERS AND 2 MEMBERS FOR EACH ASSEMBLY DISTRICT

This proposition would amend the Anchorage Municipal Charter sections 4.01 and 4.04, as follows (underlined and bolded words are proposed new words; [strikeouts in bold] are proposed deletions):

Section 4.01. - Power, composition and apportionment.

The legislative power of Anchorage is vested in an assembly of 12 [14] members. There shall be six [E]lection districts: [each [- if established,] shall have two assembly members, and they shall] be formed of compact and contiguous territory containing as nearly as practicable a relatively integrated socioeconomic area. ...
Section 4.04. - Presiding officer, meetings and procedures.

(e) Seven [Six] members of the assembly shall constitute a quorum; however, a smaller number may recess from time to time and compel the attendance of absent members as prescribed by assembly rule.

If approved by a majority of the voters voting on the question at the April 7, 2020 Regular Election, the amendments to the Charter above shall be effective upon the adoption of a final state redistricting plan by the Redistricting Board of the State of Alaska following the official reporting of the 2020 Census of the United States, and applicable to the next reapportionment of the Assembly per Charter § 4.01.

Shall the Anchorage Municipal Charter be amended as set forth above?

Yes [ ]   No [ ]

Section 3. Section 1 of this ordinance shall become effective immediately upon passage and approval by two-thirds of the total membership of the Assembly as set forth in Charter § 18.02. The proposition contained in Section 2 of this ordinance shall be incorporated into the Home Rule Charter for the Municipality of Anchorage and be effective upon the adoption of a final state redistricting plan by the Redistricting Board of the State of Alaska following the official reporting of the 2020 Census of the United States, and applicable to the reapportionment of the Assembly that follows per Charter § 4.01, only if the proposition is certified as approved by a majority of the qualified voters voting on said proposition at the regular municipal election of April 7, 2020. The remainder of this ordinance is effective upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 8th day of October, 2019

Chair

ATTEST:

Municipal Clerk
MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2019-82  Title: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE A BALLOT PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARTER TO REQUIRE THE ESTABLISHMENT OF SIX ELECTION DISTRICTS WITH TWO ASSEMBLY MEMBERS REPRESENTING EACH DISTRICT, TO BE EFFECTIVE BEFORE THE NEXT ASSEMBLY REAPPORTIONMENT PROCESS BEGINS.

Sponsor: ASSEMBLY
Preparing Agency: Department of Assembly
Others Impacted:

<table>
<thead>
<tr>
<th>CHANGES IN EXPENDITURES AND REVENUES:</th>
<th>(In Thousands of Dollars)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>FY20</td>
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<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>1000 Personal Services</td>
<td>$ -</td>
</tr>
<tr>
<td>2000 Non-Labor</td>
<td>-</td>
</tr>
<tr>
<td>3900 Contributions</td>
<td>-</td>
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<td>4000 Debt Service</td>
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<tr>
<td>TOTAL DIRECT COSTS:</td>
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<tr>
<td>Less: 7000 Charges to Others</td>
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<tr>
<td>FUNCTION COST:</td>
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<tr>
<td>REVENUES:</td>
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<td>CAPITAL:</td>
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POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:
If the ballot proposition passes, this will change member arrangement from eleven Assembly Members to twelve following adoption of a final state redistricting plan after reporting of the 2020 Census. This will result in an increase of approximately $44 thousand after the 2021 Municipal Election and approximately $62 thousand thereafter. This includes the addition of salary and benefits for that new position, along with funding the associated individual member account that all members are entitled to.

Adding this proposition to the ballot will not result in any economic effects, as the ballot preparation and printing process is very involved and will absorb this addition. We also do not foresee the addition of a twelfth member financially affecting the reapportionment process.

PRIVATE SECTOR ECONOMIC EFFECTS:

Prepared by: Desirea C. Camacho  Telephone: 907-343-4376
From: Assembly Member Constant

Subject: AO 2019-82: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE A BALLOT PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARTER TO REQUIRE THE ESTABLISHMENT OF SIX ELECTION DISTRICTS WITH TWO ASSEMBLY MEMBERS REPRESENTING EACH DISTRICT, TO BE EFFECTIVE BEFORE THE NEXT ASSEMBLY REAPPORTIONMENT PROCESS BEGINS.

Each Municipality of Anchorage resident deserves equal rights, equal opportunity, and equal protection under the law. In the context of election districts and how they are apportioned, the Supreme Court of the United States and the Alaska Supreme Court have recognized that the Equal Protection clause of the federal constitution, and the Equal Rights clause of the Alaska Constitution both require adherence to the principle of “fair and effective representation” – the right to group effectiveness or an equally powerful vote.

The approximately 53,059 Anchorage residents in each of Districts 2 to 6—a total of 265,295 residents—enjoy the availability and opportunities of having two representatives on the Assembly for each of those districts. Meanwhile, the 26,533 residents in District 1, commonly called the sole “majority-minority district,” with some of the most economically challenged and culturally diverse residents in the Municipality, is relegated to only one representative.1 Although this composition of the Assembly seats is within the constitutional overriding objective of substantial equality of population among the districts, after decades of having a single one-member election district it must be questioned whether the voters in District 1 have an equally geographically effective or powerful vote on the Assembly. Therefore, Anchorage is overdue in adding a 12th member to the Anchorage Assembly to provide more equal representation to the residents of District 1.

The current organization of the Assembly is established in the Municipal Charter and implemented by the Municipal Code. As Supreme Court Justice Louis Brandeis famously observed in 1932, states and local governments may serve as “laboratories of democracy” where novel social and economic experiments may be tested. The Assembly composition of five two member districts and a single one-member district with a single member, maintaining an odd number in total to avoid frequent tie votes and still provide fair and equal representation is one such experiment begun in 1975. The single-member district was first assigned the Eagle River area, then was moved in 1985 to Downtown, and has remained there since despite the popular notion that the single-member district should rotate to different parts of the Municipality each time the Assembly was

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1 These population numbers based on the 2010 U.S. Census.
reapportioned. Although it may technically meet the constitutional and legal requirements of proportional, fair and effective representation, it is not “equal” nor “fair.” It is possible to become more equal between election districts, and the effectiveness and voting power of elected officials, by changing the Assembly composition, changing our experiment.

The current organization of our Assembly does not provide truly fair and effective representation for the residents of the single-member district, and I believe may even violate the Alaska Constitution, in at least three ways:

1. **Equal rights:** Circumstances regularly arise that leave all or some residents of the Downtown district without any representation. For example, an Assembly member may need to be absent, have a conflict of interest, or have an impediment to effective communication with a constituent. The organization of our Assembly creates circumstances when the residents of District 1 have no representation at times. Districts 2-6 that have a second representative do not experience this problem, or it is extremely rare that both representatives are absent, conflicted out in a matter, or are unavailable. However, the current organization of the Assembly, as required by the Charter and Code, fails to provide an equal right to representation to the residents of District 1.

2. **Equal Opportunity:** Residents who live in District 1 have half the opportunities to campaign for, be elected to, and serve on the Anchorage Assembly. Residents in Districts 2-6 have two opportunities every three years to run for a seat on the Assembly because they have two representatives. Residents of District 1 have only one opportunity every three years because they have only one representative. This effect has compounded and continues to compound each term since District 1 was relegated to a single member. And District 1, therefore, has fewer opportunities for its residents to serve on the Assembly. Thus, the current organization of the Assembly, as required by the Charter and Code, fails to provide equal opportunity to the residents of District 1 to run for an Assembly seat.

3. **Equal Protection:** Structurally, District 1 suffers a complete severing of the relationship of its elected representatives to the department heads, the key staff, the administration, and all other entities responsible for the operation of the Municipality. Whether due to an elected member choosing not to run for re-election, losing re-election, or through term limits, District 1 loses all institutional relationships either every three, six, or nine years, while the Districts 2-6 will experience this severance of connection and power only in exceptional circumstances. Districts 2-6 are protected from this loss of relationships by the staggering of terms. The Charter and Code protect against this loss of institutional experience, connection, and political power for all districts except for District 1. The current organization of the Assembly, as required by the Charter, fails to provide equal protection against this detrimental effect on the residents of District 1.

Anchorage has an inherent interest in ensuring equal, fair and effective representation for all its residents, including those in its sole “majority-minority district.” Fairness demands we propose this Charter amendment to correct a historical political injustice.

Respectfully submitted: Christopher Constant, Assembly Member
District 1 - Downtown Anchorage