

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. _____

Meeting Date:_____

1 **FROM: Assembly Reapportionment Committee**

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3 **SUBJECT: A RESOLUTION OF THE ANCHORAGE MUNICIPAL**
4 **ASSEMBLY DECLARING ITSELF MALAPPORTIONED IN**
5 **ACCORDANCE WITH CHARTER SECTION 4.01.**

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7 This Resolution is submitted in order to comply with the Assembly's obligation to
8 the voters and residents of the Municipality of Anchorage to ensure fair and equal
9 representation, and consistent with the Constitutional mandate of "one person, one
10 vote."

11
12 Anchorage Municipal Charter section 4.01 states the "assembly shall be
13 reapportioned whenever it becomes malapportioned" and requires the Assembly
14 to review its election districts following the State of Alaska's adoption of a final state
15 redistricting plan.

16
17 The 2020 Census conducted by the United States Census Bureau contains data
18 showing population shifts since the last decennial census. The Census Bureau
19 delivered Alaska's 2020 Census population totals on August 12, 2021, followed by
20 the Alaska Redistricting Board's (ARB) adoption of a final redistricting map
21 November 5, and its Proclamation of Redistricting on **November 10, 2021**, in
22 accordance with the requirements of the Alaska Constitution, Art. VI. (See
23 <https://www.akredistrict.org/map-gallery/>)

24
25 On April 7, 2020, voters approved Proposition 12, amending the Anchorage
26 Municipal Charter Article IV, §4.01 by adding a twelfth Assembly member and
27 specifying 2 members per district. Proposition 12 is effective upon adoption of the
28 final state redistricting plan based on the 2020 Census and is now effective. The
29 Assembly Reapportionment Committee was formed to fulfill the Charter
30 responsibility to determine if the Assembly is malapportioned, and to develop
31 proposed reapportionment plans. The Committee has determined the effect of
32 Proposition 12 and the 2020 Census data unequivocally demonstrate the
33 Municipality is currently malapportioned because District 1 has about half of the
34 population otherwise needed for fair and equal representation.

35
36 The attached report from Resource Data Inc. summarizes the 2020 Census
37 population by Assembly election district. _____ districts lost
38 population, while _____ districts had growth. The Assembly districts
39 are currently at ____% total deviation from the target populations. The data has a

potential error of __% due to a couple of U.S. Census blocks in Northeast Anchorage being dissected by Assembly district boundaries. The target population is the ideal number for compliance with the Equal Protection Clause of the United States Constitution, ensuring one person, one vote as well as fair and effective representation. The Alaska Supreme Court held in *Kentopp v. Anchorage*, 652 P.2d 435 (Alaska 1982), that a presumption of unlawful malapportionment exists when the total variance is over 10%. This rule as applicable to municipalities was reaffirmed in *Braun v. Denali Borough*, 193 P.3d 719 (Alaska 2008).

An issue frequently raised within the reapportionment process is whether it will require any Assembly Member's term to be truncated. The *Kentopp* case also considered and rejected an argument that the adoption of a reapportionment plan required truncation of terms. Truncation is at the discretion of the Assembly and may be necessary if a reapportionment results in a substantial number of constituents shifting between election districts. The temporary shift of constituents from one district to another in a reapportionment plan is not a compelling reason for truncation when the shift is no greater than the normal transition of residents who move into or out of Assembly districts or who become of voting age. Furthermore, the continuity and stability associated with the staggered terms of Assembly members supports a decision to reject truncation of terms. This issue depends on the specific reapportionment plan that will be proposed. With an Assembly composed of staggered terms and the percent of the population affected as indicated in the attachments, it is unlikely that cutting short any Assembly member's term would be necessary. This issue will be addressed with finality when the Assembly adopts a reapportionment plan and new map of redrawn Assembly Election Districts.

Charter section 4.01 authorizes the reapportionment process to proceed. Therefore, we submit this resolution finding the Assembly is malapportioned in accordance with our obligation to the people of Anchorage.

WE RECOMMEND APPROVAL OF THE RESOLUTION DECLARING THE ASSEMBLY ELECTION DISTRICTS ARE MALAPPORTIONED.

Prepared and submitted by: Assembly Reapportionment Committee
Christopher Constant, Chair, District 1
Pete Petersen, District 6
Crystal Kennedy, District 2
Austin Quinn-Davidson, District 3