

Submitted by: Assembly Chair LaFrance on behalf of
the Assembly Reapportionment
Committee

Reviewed by Assembly Counsel and Department of
Law

For reading: November 23, 2021

**ANCHORAGE, ALASKA
AR No. 2021-382**

**A RESOLUTION OF THE ANCHORAGE ASSEMBLY DECLARING ITSELF
MALAPPORTIONED IN ACCORDANCE WITH CHARTER SECTION 4.01.**

WHEREAS, the Anchorage Municipal Charter Article IV, § 4.01 provides that the Assembly shall determine “whether or not it is malapportioned within two months from ...[a]doption of a final state redistricting plan under art. VI, sec. 10, Constitution of the State of Alaska,” and that the Assembly shall be reapportioned whenever it becomes malapportioned; and

WHEREAS, on August 12, 2021, the United States Census Bureau released its 2020 Census report for Alaska with detailed population totals and demographic characteristics for use in redistricting for congressional, state, and local legislative districts, taking into account population changes within election districts since the 2010 Census; and

WHEREAS, the Alaska Redistricting Board adopted a final redistricting map November 5, 2021, and Proclamation of Redistricting on November 10, 2021; and

WHEREAS, On April 7, 2020, voters approved Proposition 12, amending the Anchorage Municipal Charter Article IV, §4.01 by adding a twelfth Assembly member and specifying there shall be two members per election district; and

WHEREAS, Proposition 12 is effective upon adoption of the final state redistricting plan based on the 2020 Census and is now effective, meaning the Municipality is currently malapportioned because District 1 has about half of the population needed for fair and equal representation as the other five districts; and

WHEREAS, data and information from the 2020 Census indicate the Assembly is malapportioned, including as indicated in Attachment A; now therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Anchorage Assembly declares itself malapportioned and within six months from this date the Assembly shall make such boundary adjustments among the existing six Assembly Districts as are needed in order to ensure that the Assembly is fairly apportioned as required by law.

Section 2. This Resolution shall be effective immediately upon passage and approval by the Assembly.

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PASSED AND APPROVED by the Anchorage Assembly this _____ day
of _____, 2021.

Chair of the Assembly

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM 757-2021

Meeting Date: November 23, 2021

1 **FROM: Assembly Reapportionment Committee**

2
3 **SUBJECT: A RESOLUTION OF THE ANCHORAGE MUNICIPAL**
4 **ASSEMBLY DECLARING ITSELF MALAPPORTIONED**
5 **IN 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 the
8 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."

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

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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.

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36 The attached report from Resource Data Inc. summarizes the 2020 Census
37 population by Assembly election district. Three districts lost population since 2010,
38 while three districts had growth. Given the effect of Prop 12's addition of an
39 Assembly member, the Assembly districts are currently at 92.81% total deviation
40 from the target populations. The data has a potential error of 0.309% due to a few
41 U.S. Census blocks currently dissected by Assembly district boundaries. The target

1 population is the ideal number for compliance with the Equal Protection Clause of
2 the United States Constitution, ensuring one person, one vote as well as fair and
3 effective representation. The Alaska Supreme Court held in *Kentopp v. Anchorage*,
4 652 P.2d 435 (Alaska 1982), that a presumption of unlawful malapportionment
5 exists when the total variance is over 10%. This rule as applicable to municipalities
6 was reaffirmed in *Braun v. Denali Borough*, 193 P.3d 719 (Alaska 2008).

7
8 An issue frequently raised within the reapportionment process is whether it will
9 require any Assembly Member's term to be truncated. The *Kentopp* case also
10 considered and rejected an argument that the adoption of a reapportionment plan
11 required truncation of terms. Truncation is at the discretion of the Assembly and may
12 be necessary if a reapportionment results in a substantial number of constituents
13 shifting between election districts. The temporary shift of constituents from one
14 district to another in a reapportionment plan is not a compelling reason for truncation
15 when the shift is no greater than the normal transition of residents who move into or
16 out of Assembly districts or who become of voting age. Furthermore, the continuity
17 and stability associated with the staggered terms of Assembly members supports a
18 decision to reject truncation of terms. This issue depends on the specific
19 reapportionment plan that will be proposed. With an Assembly composed of
20 staggered terms and the percent of the population affected as indicated in the
21 attachments, it is unlikely that cutting short any Assembly member's term would
22 be necessary. This issue will be addressed with finality when the Assembly adopts
23 a reapportionment plan and new map of redrawn Assembly Election Districts.

24
25 Charter section 4.01 authorizes the reapportionment process to proceed. Therefore,
26 we submit this resolution finding the Assembly is malapportioned in accordance with
27 our obligation to the people of Anchorage.

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

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