

CLERK'S OFFICE

APPROVED

7-10-12

Submitted by: Assemblymember Birch and Traini

Prepared by: Department of Law

For reading: July 10, 2012

Date: _____ ANCHORAGE, ALASKA
IMMEDIATE RECONSIDERATION AR NO. 2012- 181
FAILED 7-10-12

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

4
5 **WHEREAS**, the Anchorage Municipal Charter Article IV, § 4.01 provides that the
6 Assembly shall be reapportioned whenever it becomes malapportioned;

7
8 **WHEREAS**, on March 16, 2011, the United States Census Bureau released its 2010
9 Census report for Alaska with detailed population totals and demographic
10 characteristics for use in redistricting for congressional, state and local legislative
11 districts, taking into account population shifts since the 2000 Census; and

12
13 **WHEREAS**, data and information from the 2010 Census indicate the Assembly is
14 malapportioned, including as indicated in Attachments A and B; now therefore,

15
16 **THE ANCHORAGE ASSEMBLY RESOLVES:**

17
18 **Section 1.** The Anchorage Assembly declares itself malapportioned and within six
19 months from this date the Assembly shall make such boundary adjustments among
20 the existing six Assembly Districts in order to ensure that the Assembly is fairly
21 apportioned as required by law.

22
23 **Section 2.** This resolution shall be effective immediately upon its passage and
24 approval.

25
26 **PASSED AND APPROVED** by the Anchorage Assembly this 10th day of
27 July, 2012.

28
29
30 *Ernest Koel*
31 Chair of the Assembly

32 **ATTEST:**

33
34 *Barbara A. Jones*
35
36 Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 429-2012

Meeting Date: July 10, 2012

1 **From: ASSEMBLYMEMBER CHRIS BIRCH** 

2
3 **Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **DECLARING ITSELF MALAPPORTIONED IN ACCORDANCE WITH**
5 **CHARTER SECTION 4.01.**
6

7 This resolution is intended to comply with the Assembly's obligation to the voters
8 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." Anchorage Municipal Charter section 4.01 states the "assembly shall be
11 reapportioned whenever it becomes malapportioned." While the sentence following
12 that quote requires the Assembly to review its election districts following the State
13 of Alaska's adoption of a final state redistricting plan, that is not the only time
14 reapportionment is required to occur. The directive to reapportion "whenever"
15 applies when there is sufficient reliable evidence that Assembly election districts
16 are malapportioned.
17

18 The 2010 Census conducted by the United States Census Bureau contains data
19 showing population shifts since the last decennial census. The Census Bureau
20 delivered Alaska's 2010 Census population totals on March 16, 2011 and was soon
21 followed by the Alaska Redistricting Board's (ARB) adoption of a redistricting plan
22 and Proclamation of Redistricting on June 13, 2011 in accordance with the
23 requirements of the Alaska Constitution, Art. VI. Following appeals up to the Alaska
24 Supreme Court and remand, the ARB adopted an Amended Proclamation Plan on
25 April 5, 2012, which is approved as an "interim" plan for the state's 2012 elections
26 this fall. The U.S. Dept. of Justice pre-cleared the Amended Proclamation Plan on
27 June 27, 2012, but it is still under review by the Alaska Supreme Court. Litigation
28 over the state's plan could end soon, or continue for as long as another year.
29

30 The residents and voters of the Municipality should not have to wait when 2010
31 Census data indicates malapportionment currently exists, and reapportioning
32 Assembly election district boundaries is feasible and required by Charter section
33 4.01. In addition, the original and amended redistricting plans adopted by the state
34 both contain similar boundaries for the state's legislative districts, and while not
35 final they are unlikely to change. Therefore a reapportioning of Assembly district
36 boundaries within the next six months is unlikely to require any significant
37 adjustments after the state's plan is finalized.
38

1 The attached report from e-Terra summarizes the 2010 Census population by
2 Assembly election district. (Attachment A.) Downtown, West and East Anchorage
3 districts lost population, while Chugiak/Eagle River, Mid-Town and South
4 Anchorage had significant growth. The Community Development Department
5 validated this data and produced the attached map of Assembly election district
6 boundaries. (Attachment B.) The Assembly districts are currently at 10.6% total
7 deviation from the target populations. The data has a potential error of 0.01% due
8 to a couple U.S. Census blocks in Northeast Anchorage being dissected by
9 Assembly district boundaries. The target population is an ideal for compliance with
10 the Equal Protection Clause of the United States Constitution, ensuring one person,
11 one vote as well as fair and effective representation. The Alaska Supreme Court
12 held in *Kentopp v. Anchorage*, 652 P.2d 435 (Alaska 1982), that under the
13 Anchorage Municipal Charter a presumption of unlawful malapportionment exists
14 when the total variance is over 10%. This rule as applicable to municipalities was
15 reaffirmed as recently as four years ago in *Braun v. Denali Borough*, 193 P.3d 719
16 (Alaska 2008).

17
18 The *Kentopp* case also considered and rejected an argument that the adoption of a
19 reapportionment plan required truncation of terms. Truncation is at the discretion of
20 the Assembly and may be necessary if a reapportionment results in a substantial
21 number of constituents shifting between election districts. The temporary shift of
22 constituents from one district to another in a reapportionment plan is not a
23 compelling reason for truncation when the shift is no greater than the normal
24 transition of residents who move into or out of Assembly districts or who become of
25 voting age. Furthermore, the continuity and stability associated with the staggered
26 terms of Assembly members supports a decision to reject truncation of terms. This
27 issue depends on the specific reapportionment plan that will be proposed. With an
28 Assembly composed of staggered terms and the percent of the population affected
29 as indicated in the attachments, it is unlikely that cutting short any Assembly
30 member's term would be necessary.

31
32 Charter section 4.01 authorizes the reapportionment process to proceed, given the
33 2010 Census data. Therefore I submit this resolution finding the Assembly is
34 malapportioned in accordance with our obligation to the people of Anchorage.

35
36
37 **I RECOMMEND APPROVAL OF THE RESOLUTION DECLARING THE**
38 **ASSEMBLY ELECTION DISTRICTS ARE MALAPPORTIONED.**

39
40 Prepared by: Department of Law
41 Respectfully submitted: Chris Birch, Assemblymember, District 6



bringing technology down to earth

800 E. Dimond Blvd.
STE 3-650
Anchorage, AK 99515

June 15, 2012

Chris Birch, P.E.

Anchorage Assembly
632 W 6th Avenue
Suite 250
Anchorage, AK 99501

RE: Anchorage Assembly Redistricting

Below is a table showing the results of analysis using existing 2002 MOA boundaries overlaid on the 2010 census data using industry standard redistricting GIS application Autobound. The results show that downtown, West and East Anchorage sections have a reduced population, while Chugiak / E.R., Mid-Town and South Anchorage had significant growth. The plan is currently 10.6% total deviation (*).

MOA 2002 boundaries, 2010 Census data

Section	tapersons	target	Dev	Diff
	25861	26530	-2.5%	-669
2	54974	53059	3.6%	1915
3	51066	53059	-3.8%	-1993
4	53676	53059	1.2%	617
5	50303	53059	-5.2%	-2756
6	55946	53059	5.4%	2887
	-291791	291826	-0.01	0

Let me know if you need any other information.

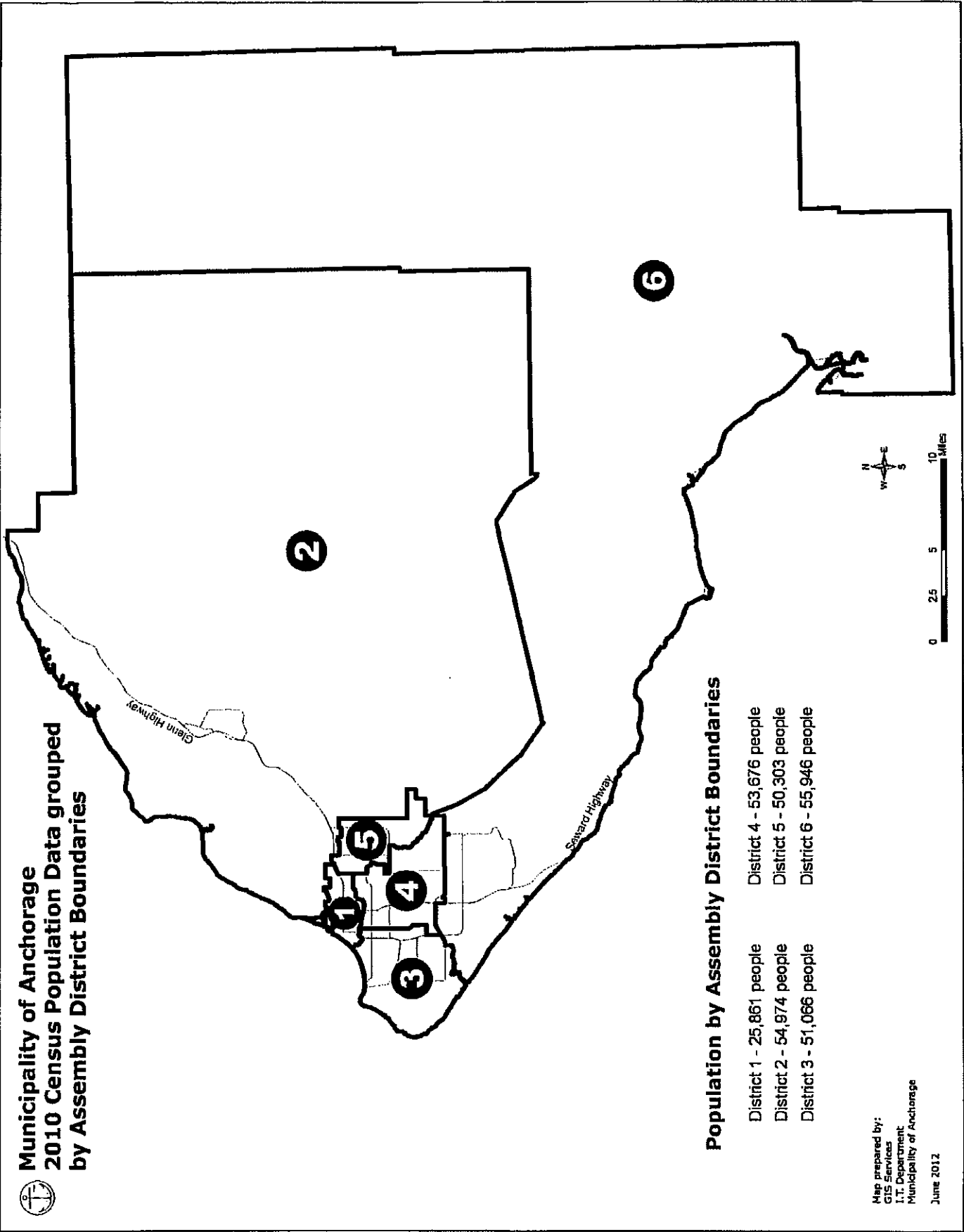
(*) The existing MOA boundaries split through some large census blocks on the NE side. There are 25 people unaccounted for in this quick assessment (.01%)

Steve Colligan, President
E-Terra, LLC
800 E Dimond Blvd
Suite 3-650
Anchorage, AK 99515

(907) 230-3422 cel
(907) 562-1500 office



**Municipality of Anchorage
2010 Census Population Data grouped
by Assembly District Boundaries**



Population by Assembly District Boundaries

District 1 - 25,861 people	District 4 - 53,676 people
District 2 - 54,974 people	District 5 - 50,303 people
District 3 - 51,066 people	District 6 - 55,946 people

Map prepared by:
GIS Services
I.T. Department
Municipality of Anchorage
June 2012