

Presented by: The Assembly
Introduced: 03/24/2003
Drafted by: J.R. Corso

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2200

A Resolution Determining that an Adequate Census Indicates an Excessive Representational Disparity Between Assembly Electoral Districts.

WHEREAS, Charter Section 6.7 requires two or more individual Assembly electoral districts, and

WHEREAS, AS 29.20.060 requires that Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States, and

WHEREAS, the Alaska Supreme Court has ruled that under federal standards, deviations in the populations of electoral districts of up to ten percent are presumptively valid, but variations in excess of ten percent are unlawful unless the government body justifies the malapportionment, and

WHEREAS, CBJ 11.30.020 provides for the Assembly to determine whether a designated report of population distribution, data, or both constitutes an adequate census for purposes of reapportionment, and

WHEREAS, CBJ 11.30.010 establishes the standard for an adequate census such as the decennial census of the United States or such other similar, comprehensive census or data as may be performed or collected more frequently by the United States, the state or the municipality, and provided further that except for the United States decennial census, census data must be less than two years old when presented to the Assembly.

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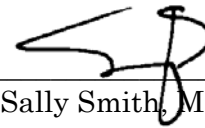
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The CBJ Election Official has advised the Assembly that the Alaska Division of Elections has provided population data based on the 2000 United States Census. These data establish that the population of the City and Borough is 30,711, of which 13,484 are within Assembly District 1 and 17,227 are within Assembly District 2. Each district therefore varies from the ideal district by 12.2%.

Section 2. The Assembly determines pursuant to CBJ 11.30.020 that the census described in Section 1 of this resolution is adequate to indicate that current Assembly election districts are inconsistent with the equal representation standards of the Constitution of the United States under the rule established by *in re 2001 Redistricting Cases*, 44 P.3d 141 (Alaska, 2002), *Hickel v. Southeast Conference*, 846 P.2d 38 (Alaska 1992), and other applicable law.

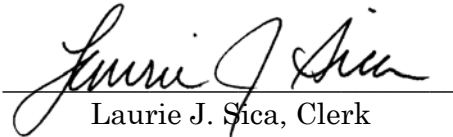
Section 3. Effective Date. This resolution shall be effective immediately upon adoption. The date of adoption shall also be the date of determination for purposes of CBJ 11.30.010.

Adopted this 24th day of March, 2003.



Sally Smith, Mayor

Attest:



Laurie J. Sica, Clerk

Vote: Unanimous