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S.F. No. 4785 – Constitutional Amendments; Independent Redistricting Commission; Legislator Lobbying Prohibition; Removal of Legislative Deadlines (As amended by the A11 amendment)

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Article 1 Constitutional Amendments; Independent Redistricting Commission

Section 1 [Constitutional Amendments Proposed] proposes constitutional amendments to the state constitution.

Article 4, section 3 of the constitution is proposed to be amended by striking the language that delegates the power to redistrict after the U.S. decennial Census to the legislature. Strikes a reference to districts being comprised of convenient contiguous territory. Requires a senate district to consist of two whole representative districts.

Article 4, section 5 of the constitution is proposed to be amended to prohibit a legislator from being employed as a lobbyist while seated in the legislature and for one year after the end of legislative service.

Article 4, section 12 of the constitution is proposed to be amended to strike the limit of 120 legislative days and the requirement that the legislature not meet after the first Monday following the third Saturday in May. Allows one house of the legislature to adjourn for more than three days by notifying the other house; strikes the requirement to have consent of the other house.

Proposes a new **article 15** be added to the constitution to establish an independent redistricting commission.

Section 1 requires an Independent Redistricting Commission to adopt boundaries of congressional and legislative districts by December 31 in the year following a federal decennial census. The commission consists of 15 members, 5 members supporting one

political party, 5 members supporting a second political party, and 5 members who do not affiliate with either the first or second political party.

Section 2 provides the requirements for being a commission member. Also provides who is ineligible to serve as a commissioner or on the screening panel or as staff to the commission or screening panel.

Section 3 establishes the Redistricting Commission Applicant Screening Panel. The Panel is established no later than January 1 of the year of the decennial census. The chief justice of the Minnesota supreme court appoints two retired judges who support different political parties, and these two judges agree on a third judge who is affiliated with a third political party. By July 1 of the year of the decennial census, the panel must close the application period and select a pool of 30 candidates who support the first political party, 30 candidates who support the second political party, and 30 candidates who do not affiliate with either the first or second political party. Specified information about each candidate must be made public. The public must be allowed to view screening interviews and comment on candidates. After reviewing public comments and conducting interviews, but no later than September 15, the panel must select and make public a list of finalists who are well-qualified and reflect a geographically and demographically representative cross section of the state. There must be 15 applicants from each pool. By October 15, the panel must choose, by random lot in a public meeting, three applicants from each pool. These nine applicants are seated on the Commission.

The chair of the panel must convene the first meeting of the commission no later than 30 days after the first members are chosen. No later than 60 days after the first meeting, the commission members must convene and assess its demographic and geographic diversity of the nine members. The commission must select, by majority vote, an additional two members from each pool chosen to ensure the commission reflects the state's diversity. The commission must not conduct further business until all members have been chosen and seated.

A member of the commission may be removed for cause by a vote of 12 members. The vacancy is filled by the chief justice of the supreme court by random lot from the applicant pool from the previous selection. A commission member must not be seated as a member of the legislature during any year in which a district may adopted by the commission on which the member served is in effect.

Section 4 requires the commission to elect officers from among its members. A quorum is nine members. The commission must adopt a schedule of public hearings and administrative procedures. The commission must solicit public comment on locations for public hearings before a schedule is adopted on its map drawing process, its method of applying principles, and on proposed maps. Members of the public must be allowed to submit proposed maps. The public must be allowed to view and participate in commission meetings by electronic means and to access the work in multiple languages, consistent with available technology.

A redistricting plan must not be adopted unless the commission has conducted at least two public hearings in each congressional district where an opportunity for public comment is provided. To be adopted, a map must be approved by nine or more members, including at least two who support the first political party, two who support the second political party, and two who do not affiliate with either the first or second political party. A vote on a final

redistricting plan must not occur unless the plan has been public posted for at least 14 days. A final plan must be adopted no later than December 31 of the year following the census. The final plan must include a report summarizing the commission's work on the plan.

The commission must hire necessary staff to assist the commission in its work. Staff must be free of potential biases or conflicts of interest.

A redistricting plan is effective at the state general election held the second year after the decennial census and thereafter until new plans are adopted. The commission expires when both plans are adopted and filed with the secretary of state, but may be reconstituted.

Section 5 establishes districting principles for congressional and legislative districts. If districts cannot be drawn fully in accordance with the principles, priority is given in the order in which they are listed except where doing so would violate federal law.

Section 6 prohibits a redistricting plan from purposely favoring or disfavoring a candidate or incumbent. The statewide proportion of districts in each redistricting plan that favors a political party must correspond closely to the statewide partisan preference for the voters of Minnesota for that party.

Section 7 provides that if the commission fails to adopt a final redistricting plan by December 31 of the year following a decennial census, each member of the commission may submit one proposed plan for a total vote runoff process. Each commissioner must rank all submitted plans in order of preference. The plan that wins a total runoff must be the final plan.

Section 8 provides that the Minnesota Supreme Court has exclusive, original jurisdiction in all cases alleging that a redistricting plan fails to comply with any applicable law. The commission has exclusive standing to defend any action challenging the adoption of a plan and may reconstitute itself for this purpose. If a court determines that an adopted redistricting plan does not comply with applicable law, the commission may be reconstituted or may reconstitute itself for the purpose of adopting a compliant plan. If the new plan does not comply with the applicable law, the court may order other appropriate relief, including drawing and ordering new districts under its own authority.

Section 9 is a severability clause.

Section 2 [Submission to voters] provides the question to be submitted to the voters at the 2024 general election.

Article 2

Independent Redistricting Commission; Statutory Implementation

Section 1 [§2.031, subd. 3; Numbering] requires legislative districts to be numbered in a regular series, beginning with House district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south. This section is effective January 1, 2030, if the constitutional amendments in article 1 are adopted.

Section 2 [§2.731; Number of districts] requires congressional district numbers begin with the first district in the southwest corner of the state and end with the district with the highest number in

the northeast corner of the state. This section is effective January 1, 2030, if the constitutional amendments in article 1 are adopted.

Section 3 [§2.94; Redistricting Commission Applicant Screening Panel] provides the statutory implementing language for the Redistricting Commission Applicant Screening Panel.

Subdivision 1 [Application] provides that this section establishes and implements the Redistricting Commission Applicant Screening Panel consistent with the constitutional language in article 1.

Subdivision 2 [Appointments; first meeting; compensation] provides a timeline for appointments to the panel. Provides that members of the panel may be compensated and receive expense reimbursements.

Subdivision 3 [Ethics; conflicts of interest; ex parte communications] provides that members of the panel are public officials for purposes of chapter 10A. In addition to the prohibitions in the statutory gift ban, a member of the panel is prohibited from accepting a gift from legislators, members of congress, or staff to either. Panel members must not communicate with legislators, members of Congress, or their staff about the panel's work.

Subdivision 4 [Outreach and solicitation of applications] requires the panel to develop and implement an outreach plan to inform the public about the commission's work and to encourage people to apply for appointment. Information about the work of the commission and the application process must be made available in multiple languages.

Subdivision 5 [Application contents; required disclosures] specifies information required on the application.

Subdivision 6 [Open meetings; data practices] provides that the panel is subject to the Open Meeting Law and the Minnesota Government Data Practices Act. Specifies what data about applicants is public or private data on individuals pursuant to current law.

Subdivision 7 [General powers; staffing and professional services] provides that the panel has the authority to carry out its responsibilities required by the constitution and this law. The panel may employ nonpartisan staff and enter into other agreements to secure necessary services. The Legislative Coordinating Commission must contract with a consultant who will provide the panel with operating and logistical support. The Commission must also assist the panel in hiring additional staff and securing adequate office and meeting space.

Subdivision 8 [Expiration] provides that the panel expires upon its certification to the chief justice of the Minnesota Supreme Court that it has completed its work on establishing applicant pools.

This section is effective January 1, 2030, if the constitutional amendments in article 1 are adopted.

Subdivision 9 [Account established; appropriation] creates a redistricting commission applicant screening panel account in the special revenue fund. Money in the account is appropriated to the Panel to fulfil the requirements of this section. In each year ending in

zero, an unspecified amount is transferred from the general fund to the panel account. The commissioner of management and budget must transfer to the general fund any remaining balance in the account 120 days after the Commission created in section 4 expires.

Section 4 [\$2.95 Independent Redistricting Commission] provides the statutory implementing language for the Independent Redistricting Commission.

Subdivision 1 [Application] establishes and implements the Independent Redistricting Commission consistent with the constitutional language in article 1.

Subdivision 2 [Appointments; first meeting; compensation and removal] provides a timeline for selecting commission members and calling the first meeting. The chair of the Review Panel must convene the first meeting but is not a commission member. Members of the commission are entitled to compensation and expense reimbursement. Provides that members may be removed for cause and provides a removal process.

Subdivision 3 [Ethics; conflicts of interest; ex parte communications] provides that members of the commission are public officials for purposes of chapter 10A. In addition to the prohibitions in the statutory gift ban, a member of the panel is prohibited from accepting a gift from legislators, members of congress, or staff to either. Panel members must not communicate with legislators, members of Congress, or their staff about the panel's work.

Subdivision 4 [Open meetings; data practices; language access] provides that the commission is subject to the Open Meeting Law and the Minnesota Government Data Practices Act. Classifies data. Commission materials must be made available in all languages in which voting materials in any jurisdiction of the state are required to be distributed by state or federal law.

Subdivision 5 [Schedule of hearings; public hearing and administrative procedures] requires the commission to adopt a schedule of public hearings and hearing and administrative procedures. The schedule and producers must be posted on the commission's website. The schedule and procedures are not rules for purposes of chapter 14.

Subdivision 6 [General powers; staffing and professional services] provides that the commission has the authority to carry out its responsibilities required by the constitution and this law. The panel may employ nonpartisan staff and enter into other agreements to secure necessary services. The Legislative Coordinating Commission must contract with a consultant who will provide the panel with operating and logistical support. The Commission must also assist the panel in hiring additional staff and securing adequate office and meeting space.

Subdivision 7 [Data to be used] specifies the data to be used by the commission must be the data used by the Legislative Coordinating Commission Geographic Information Services (GIS) Office. The population counts must be the block population counts provided to the states from the decennial census, subject to the reallocation and exclusion of incarcerated persons based on their last known address in the state. A redistricting plan must not be considered for adoption until the plan's block equivalency file has been submitted to the GIS Office.

Subdivision 8 [Technical review and corrections] requires that prior to final adoption of a redistricting plan, the commission must engage in a technical review of the plan to ensure the plan encompasses all the territory of the state and that no territory is omitted or duplicated. At a meeting where a redistricting plan is proposed for final adoption, the commission may adopt technical amendments to meet the stated principles. If a technical error is discovered after the commission is dissolved, the chief administrative law judge may make technical corrections consistent with the stated principles.

Subdivision 9 [Duty of secretary of state] requires the secretary of state to provide copies of the relevant portions of a filed redistricting plan to each county auditor, who must provide a copy of the relevant portions of the plan to each municipal clerk in the county. The secretary of state, with the cooperation of the commissioner of administration, must make copies of the plan file, maps, and tables available to the public for the cost of publication. This section is effective January 1, 2030, if the constitutional amendments in article 1 are adopted.

Subdivision 10 [Account established; appropriation] creates an independent redistricting commission account in the special revenue fund. Money in the account is appropriated to the Commission to fulfil the requirements of this section. In each year ending in zero, an unspecified amount is transferred from the general fund to the account. The commissioner of management and budget must transfer to the general fund any remaining balance in the account 120 days after the Commission expires.

Section 5 [§10A.01, subd. 35; Public Official] amends the definition of “public official” for purposes of chapter 10A to include members of the Redistricting Commission Applicant Screening Panel, or member of the Independent Redistricting Commission. This section is effective January 1, 2030, if the constitutional amendments in article 1 are adopted.

Section 6 [Repealer] repeals Minn. Stat. §2.91, which relates to redistricting plans. The provisions in this plan are either replaced by provisions in the bill, are redundant, or would conflict with provisions in the bill.