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# History of Minnesota Redistricting

Peter S. Wattson<sup>1</sup>

## Minnesota Constitution 1857

### Article 4 - Legislative Department

**Sec. 2.** . . . The representation in both houses shall be apportioned equally throughout the different sections of the state, in proportion to the population thereof, excluding Indians not taxable under the provisions of law.

**Sec. 23.** The legislature shall provide by law for an enumeration of the inhabitants of this state in the year 1865, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

**Sec. 24.** The senators shall also be chosen by single districts of convenient contiguous territory . . . and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series . . . [and] there shall be an entire new election of all the senators at the election next succeeding each new apportionment provided for in this article.

## Legislature

**Senate**

**House**

*1850*

*Census*

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Gen. Laws 1860, ch. 73	21	42
		<i>1860 Census</i>
Gen. Laws 1866, ch. 4	22	47
		<i>1870 Census</i>
Gen. Laws 1871, ch. 20	41	106
		<i>1880 Census</i>
Gen. Laws 1881, ch. 128	47	103
Gen. Laws 1889, ch. 2	54	114
		<i>1890 Census</i>
Laws 1897, ch. 120	63	119
		<i>1900 Census</i>
		<i>1910 Census</i>
Laws 1913, ch. 91	67	130

Legislature's power to redraw districts continues until performed - *State ex rel. Meighen v. Weatherill*, [125 Minn. 336](#) (1914)

*1920  
Census*

*1930  
Census*

*1940  
Census*

A change in population equality subsequent to enactment does not render the 1913 reapportionment void. A remedy lies in the political conscience of the legislature. - *Smith v. Holm*, [220 Minn. 486](#) (1945)

1950  
Census

Districts grossly unequal in population, court will defer to legislature - *Magraw v. Donovan*, 163 F. Supp. 184 (D. Minn. 1958)

Laws 1959, Ex.Sess. ch. 45      67      135

1960  
Census

Laws 1963, ch. 870 proposed:

*1964 Constitutional Amendment to remove obsolete provisions*

Sec. 2. . . .The representation in both houses shall be apportioned equally throughout the different sections of the state, in proportion to the population thereof, ~~excluding Indians not taxable under the provisions of law.~~

Sec. 23. The legislature shall have the power to provide by law for an enumeration of the inhabitants of this state in the year 1865, and every tenth year thereafter. and also have the power at their first session after each enumeration so made, and also at their first session after each enumeration of the inhabitants of this state made by the authority of the United States, ~~the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.~~

1959 plan declared invalid - *Honsey v. Donovan*, 236 F. Supp. 8 (Dec. 4, 1964)

1965 regular session

S.F. No. 102

Introduced	1/19/65	1965 Senate Journal 66
Sent to Governor Rolvaag	5/20/65	1965 Senate Journal 2133
Vetoed	5/24/65	1965 Senate Journal 2554

Veto is valid - *Duxbury v. Donovan*, 272 Minn. 424, 138 N.W.2d 692 (Nov. 26, 1965)

1966 extra session

S.F. No. 2

Introduced	4/25/66	1967 Senate Journal 21
Sent to Governor Rolvaag	5/9/66	1967 Senate Journal 119
Vetoed	5/11/66	1967 Senate Journal 126

S.F. No. 6

Introduced	5/18/66	1967 Senate Journal 133
Sent to Governor Rolvaag	5/18/66	1966 Senate Journal 137
Approved	5/20/66	

	Senate	House
<a href="#">Laws 1966, Ex. Sess. ch. 1</a>	67	135

*1970  
Census*

1971 regular session

H.F. No. 2531

Introduced	4/15/71	1971 House Journal 1363
Passed House	4/26/71	1971 House Journal 1824
Referred to Senate committee	4/27/71	1971 Senate Journal 1608

1971 extra session

H.F. No. 76

Introduced	6/2/71	1971 E.S. House Journal 51
Sent to Governor Wendell Anderson	10/29/71	1971 E.S. Senate Journal 607
House adjourned <i>sine die</i>	10/30/71	1971 E.S. House Journal 698
Pocket vetoed	11/1/71	1971 E.S. House Journal 702

1966 plan declared invalid - *Beens v. Erdahl*, [No. 4:71cv-151](#) (D. Minn. Nov. 15, 1971)

	Senate	House
Court plan 1	35	105

*Beens v. Erdahl*, 336 F. Supp. 715 (D. Minn. Jan. 25, 1972) rev'd sub nom. *Sixty-Seventh Minnesota State Senate v. Beens*, 406 U.S. 187 (Apr. 29, 1972)

	Senate	House
Court plan 2	67	134

*Beens v. Erdahl*, 349 F. Supp. 97 (D. Minn. June 2, 1972)

Court plan corrected - *Beens v. Erdahl*, No. 4:71cv-151 [Order](#) (D. Minn. June 21, 1972) ([metro area map](#)) ([Minneapolis-St. Paul map](#)), [Order](#) (D. Minn. June 30, 1972)

[Laws 1974, ch. 409](#), proposed:

*1974 Constitutional amendment to revise organization and language of constitution*

Sec. 23 ~~3~~. ~~The legislature shall have the power to provide by law for an enumeration of the inhabitants of this state and also have the power at their first session~~ At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, ~~to the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative and legislative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.~~ Sec. 24. ~~The Senators shall also be chosen by single districts of convenient contiguous territory; at the same time that members of the house of representatives are required to be chosen, and in the same manner; and~~ No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. ~~The terms of office of senators and representatives shall be the same as now prescribed by law until the general election of the year one thousand eight hundred and seventy-eight (1878), at which time there shall be an entire new election of all senators and representatives.~~

[Laws 1980, ch. 588](#), proposed a constitutional amendment to create a bipartisan commission to draw congressional and legislative plans. The amendment was defeated on a vote of 1,036,581 in favor to 754,935 against, because the vote in favor (49.85% of those voting at the election) was 3,125 (.15%) less than a majority of the 2,079,411 persons who voted at the election. <https://www.leg.state.mn.us/lrl/mngov/constitutionalamendments>.

*1980  
Census*

*LaComb v. Growe*, [4:81cv-152, Doc. 25](#) (D. Minn. Sept. 28, 1981) (order declaring 1972 legislative plan invalid for population inequality after the 1980 Census)

1982 regular session

S.F. No. 1552

Introduced	1/21/82	1982 Senate Journal 3163
Passed Senate	1/28/82	1982 Senate Journal 3242
Referred to House committee	1/28/82	1982 House Journal 5144

Court plan - *LaComb v. Growe*, [541 F. Supp. 160](#) (D. Minn. Mar. 11, 1982)

Court plan corrected - *LaComb v. Growe*, No. 4-81 Civ. 152, [Order](#) (D. Minn. Mar. 25, 1982) ([Minneapolis map](#)) ([Rochester map](#)) ([St. Cloud map](#))

[Laws 1983, ch. 191](#) - court plan enacted, with adjustments to boundary between House districts 39A and 39B (South St. Paul)

*1990  
Census*

	<b>Senate</b>	<b>House</b>
<a href="#">Laws 1991, ch. 246</a>	67	134
Vetoed by Gov. Carlson	5/28/91	1991 Senate Journal 5544
Filed with Secretary of State	6/7/91	1991 Senate Journal 5566

Procedure set to challenge governor's late vetoes - *Seventy-Seventh Minnesota State Senate v. Carlson*, [472 N.W.2d 99](#) (Minn. June 20, 1991)

Governor's veto of redistricting law was invalid - *Seventy-Seventh Minnesota State Senate v. Carlson*, [No. C3-91-7547](#) (Dist. Ct., Ramsey Co., Aug. 2, 1991)

[State court proceedings enjoined](#) - *Emison v. Growe*, No. 4:91cv-202 (D. Minn. Dec. 5, 1991)

Laws 1991, ch. 246 construed and corrected, subject to injunction - *Cotlow v. Growe*, [No. C8-91-985](#) (Minn. Spec. Redis. Panel, Dec. 9, 1991)

Laws 1992, ch. 358 (correcting Laws 1991, ch. 246)

Vetoed by Gov. Carlson 1/10/92

1992 Senate Journal 5616

Injunction of state court proceedings vacated - *Cotlow v. Emison*, [502 U.S. 1022](#) (Jan. 10, 1992) (mem.)

[Order for Entry of Judgment](#) correcting Laws 1991, ch. 246 - *Cotlow v. Growe*, No. C8-91-985 (Minn. Spec. Redis. Panel, Jan. 30, 1992)

State panel's legislative plan rejected, federal court's plan adopted - *Emison v. Growe*, [782 F. Supp. 427](#) (D. Minn. Feb. 19, 1992)

Federal court's order on legislative plan stayed pending appeal - *Growe v. Emison*, 112 S. Ct. 1461 (Mar. 11, 1992) (Blackmun, J., in chambers)

Federal court's order reversed - *Growe v. Emison*, [507 U.S. 25](#) (Feb. 23, 1993)

[Laws 1994, ch. 612](#) (correcting legislative districts)

[Laws 1997, ch. 44](#) (portions of Moorhead Township annexed by City of Dilworth moved from district 9A to district 9B)

#### 2000

#### Census

Motion to appoint three-judge special redistricting panel granted and stayed - *Cotlow v. Growe*, [622 N.W.2d 561](#) (Minn. Mar. 2, 2001)

	Senate	House
S.F. No. 2377	67	134
Introduced	5/11/2001	2001 Senate Journal 2896
Passed Senate	5/18/2001	2001 Senate Journal 3755
Passed House	5/19/2001	2001 House Journal 5232
Conferees appointed	5/21/2001	2001 House Journal 5440
Five-judge special redistricting panel appointed - <i>Zachman v. Kiffmeyer</i> , <a href="#">629 N.W.2d 98</a> (Minn. July 12, 2001)		
Returned to conference committee	2/4/2002	2002 Senate Journal 4070
Legislative plan adopted - <i>Zachman v. Kiffmeyer</i> , <a href="#">No. C0-01-160</a> (Minn. Spec. Redis. Panel Mar. 19, 2002)		
<a href="#">Laws 2003, 1<sup>st</sup> Sp. Sess. ch. 16</a> , § 13 (adjusting boundary between House districts 45A and 45B in Crystal - <a href="#">map</a> )		

[Laws 2004, ch. 170](#) (adjusting boundary between House districts 41A and 41B in Edina - [map](#))

*2010  
Census*

2010 Census shows 2002 districts no longer equal, legislature will fail to enact new plan, court panel should be appointed - *Britton v. Ritchie*, [Complaint](#), No. 11-CV-93 (D. Minn. Jan. 12, 2011); *Hippert v. Ritchie*, [Complaint](#), No. 86-CV-11-433 (10<sup>th</sup> Dist. Wright Cty. Jan. 21, 2011)

Motion to appoint five-judge special redistricting panel granted and stayed, pending outcome of legislative session - [Order](#), *Hippert v. Ritchie*, No. A11-152 (Minn. Feb. 14, 2011)

	<b>Senate</b>	<b>House</b>
<a href="#">Laws 2011, ch. 35</a>	67	134
Vetoed by Gov. Dayton	5/18/2011	2011 House Journal <a href="#">4984</a>
2011 session adjourned without plan, five-judge Special Redistricting Panel appointed - <a href="#">Order</a> , <i>Hippert v. Ritchie</i> , No. A11-152 (Minn. June 1, 2011)		
Legislative plan adopted - <a href="#">Order</a> , <i>Hippert v. Ritchie</i> , No. A11-152 (Minn. Feb. 21, 2012)		

[18 Boundary corrections made in March 2012 by Secretary of State](#) under Minn. Stat. [§ 2.91](#)

[Laws 2013, ch. 131](#), art. 2, § 1 (adjusting boundary between House districts 39A and 39B in Stillwater Township - [map](#)); § 2 (adjusting boundary between House districts 49A and 49B in Edina - [map](#))

## Congress

	<i>1860</i> <i>Census</i>
<a href="#">Gen. Laws 1862, ch. 64</a>	2 seats
	<i>1870</i> <i>Census</i>
<a href="#">Gen. Laws 1872, ch. 21</a>	3 seats
	<i>1880</i> <i>Census</i>
	<i>1890</i> <i>Census</i>
<a href="#">Gen. Laws 1891, ch. 3</a>	7 seats
	<i>1900</i> <i>Census</i>
<a href="#">Laws 1901, ch. 92</a>	9 seats
	<i>1910</i> <i>Census</i>
<a href="#">Laws 1913, ch. 513</a>	10 seats
	<i>1920</i> <i>Census</i>
	<i>1930</i> <i>Census</i>
Laws 1931, page 640 - H.F. No. 1456	9 seats
Vetoed by Gov. Olson	
Veto invalid - <i>State ex rel. Smiley v. Holm</i> , <a href="#">184 Minn. 228</a> , 238 N.W. 494 (1931)	
State court reversed, law nullified - <i>Smiley v. Holm</i> , <a href="#">285 U.S. 355</a> (Apr. 11, 1932)	
1932 election - 9 seats elected at large	
<a href="#">Laws 1933, ch. 185</a>	9 seats

	1940 <i>Census</i>	
	1950 <i>Census</i>	
	1960 <i>Census</i>	
Laws 1961, 2 <sup>nd</sup> Ex. Sess. ch. 2	8 seats	
	1970 <i>Census</i>	
Laws 1971, ch. 897	8 seats	
	1980 <i>Census</i>	
1981 regular session		
H.F. No. 1478	8 seats	
Introduced	5/7/81	1981 House Journal 2766
1972 plan declared invalid - <i>LaComb v. Growe</i> , Civ. No. 4-81-414, Doc. 14 (D. Minn. Sept. 15, 1981)		
1982 regular session		
H.F. No. 1478	8 seats	
Passed House	1/21/82	1982 House Journal 5057
Passed Senate	1/27/82	1982 Senate Journal 3239
Motion for conferees	1/28/82	1982 House Journal 5144
Court plan adopted- <i>LaComb v. Growe</i> , 541 F. Supp. 145 (D. Minn. Mar. 11, 1982) <i>aff'd sub nom. Orwoll v. LaComb</i> , 456 U.S. 966 (1982)		
Challenge to court plan as gerrymander rejected as too close to election and too late in decade - <i>Emison v. Growe</i> , No. 3:90cv-87 (D. Minn. Apr. 9, 1990)		
	1990 <i>Census</i>	
State court proceedings enjoined - <i>Emison v. Growe</i> , No. 4-91-202 (D. Minn. Dec. 5, 1991)		

Laws 1992, ch. 357 8 seats

Vetoed by Gov. Carlson 1/10/92 1992 Senate Journal 5618

Injunction vacated - *Cotlow v. Emison*, [502 U.S. 1022](#) (Jan. 10, 1992) (mem.)

Congressional plan adopted, state enjoined from implementing state court's congressional plan - *Emison v. Growe*, [782 F. Supp. 427](#) (D. Minn., Feb. 19, 1992)

[Final Order adopting congressional plan](#), subject to federal court's injunction - *Cotlow v. Growe*, No. C8-91-985 (Minn. Spec. Redis. Panel, Apr. 15, 1992)

Federal court's order reversed - *Growe v. Emison*, [507 U.S. 25](#) (Feb. 23, 1993)

[Laws 1994, ch. 406](#) (state court plan enacted) 8 seats

*2000  
Census*

Motion to appoint three-judge special redistricting panel granted and stayed - *Cotlow v. Growe*, [622 N.W.2d 561](#) (Minn. Mar. 2, 2001)

S.F. No. 2377 8 seats

Introduced 5/11/2001 2001 Senate Journal 2896

Passed Senate 5/18/2001 2001 Senate Journal 3755

Passed House 5/19/2001 2001 House Journal 5232

Conferees appointed 5/21/2001 2001 House Journal 5440

Five-judge special redistricting panel appointed - *Zachman v. Kiffmeyer*, [629 N.W.2d 98](#) (Minn. July 12, 2001)

Returned to conference committee 2/4/2002 2002 Senate Journal 4070

Congressional plan adopted - *Zachman v. Kiffmeyer*, [No. C0-01-160](#) (Minn. Spec. Redis. Panel Mar. 19, 2002)

*2010  
Census*

2010 Census shows 2002 districts no longer equal, legislature will fail to enact new plan, court panel should be appointed - *Britton v. Ritchie*, [Complaint](#), No. 11-CV-93 (D. Minn. Jan. 12, 2011); *Hippert v. Ritchie*, [Complaint](#), No. 86-CV-11-433 (10<sup>th</sup> Dist. Wright Cty. Jan. 21, 2011)

Motion to appoint five-judge special redistricting panel granted and stayed, pending outcome of legislative session - [Order](#), *Hippert v. Ritchie*, No. A11-152 (Minn. Feb. 14, 2011)

[Laws 2011, ch. 36](#)

8 seats

Vetoed by Gov. Dayton

5/18/2011

2011 House Journal [4984](#)

2011 session adjourned without plan, five-judge Special Redistricting Panel appointed - [Order](#), *Hippert v. Ritchie*, No. A11-152 (Minn. June 1, 2011)

Congressional plan adopted - [Order](#), *Hippert v. Ritchie*, No. A11-152 (Minn. Feb. 21, 2012)