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**Senate Counsel, Research, and Fiscal Analysis**

State of Minnesota

# **Redistricting Principles for Congressional Districts in Minnesota 1980-2010**

**February 2021**

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Redistricting principles, also called redistricting criteria, are the priorities that guide map drawers during the redistricting process. Redistricting principles in Minnesota, as in many other states, are found in both federal and state law. The following principles are found in federal law:

- The U.S. constitution Article 1, §2 requires representatives to the U.S. House of Representatives to “be apportioned among the several states according to their respective numbers.” The U.S. Supreme Court has interpreted this to mean that population for congressional districts must be as nearly equal as practicable. Wesberry v. Sanders, 376 U.S. 1 (1964).
- The 14<sup>th</sup> Amendment to the U.S. Constitution, often referred to as the “Equal Protection Clause” says “No state shall ... deny to any person within its jurisdiction the equal protection of the laws.” This applies in a variety of contexts when it comes to redistricting. In one instance, the U.S. Supreme court interpreted the Equal Protection Clause to require substantially equal population in districts. Reynolds v. Sims, 377 U.S. 533 (1964).
- The 15<sup>th</sup> Amendment to the U.S. Constitution prohibits redistricting plans that deny or abridge the right to vote based on race, color, or previous condition of servitude. Gomillion v. Lightfoot, 364 U.S. 339 (1960).
- The Voting Rights Act of 1965 (VRA) prohibits redistricting plans that intentionally or inadvertently discriminate on the basis of race. 52 U.S.C. 10101 et. seq.

State law provides the following principles:

- Districts must be “apportioned equally” throughout the state and must be “substantially equal.” Minn. Constitution, Art. IV, Sec. 2; Minn. Stat. § 2.91.
- House of Representative districts must “nested” within a Senate district. Minn. Constitution, Art. IV, Sec. 3.
- Senate districts must be numbered in a regular series. Minn. Constitution, Art. IV, Sec. 3.
- Districts must be single-member. Minn. Constitution, Art. IV, Sec. 3; Minn. Stat. 2.731, 2.031.
- Districts must be “of convenient contiguous territory.” Minn. Constitution, Art. IV, Sec. 3; Minn. Stat. 2.91.
- Political subdivisions must not be divided more than necessary. Minn. Stat. 2.91.

In addition to the principles required by federal and state law, the legislature and the courts have adopted additional principles in each of the past four redistricting cycles in Minnesota. These additional principles have been adopted only for that cycle and have not been enacted into permanent law. Over the last four redistricting cycles, the courts conducted redistricting in Minnesota in the absence of legislatively enacted redistricting plans.<sup>1</sup> Each decade, the courts adopted redistricting principles to guide the panel when drawing maps. The tables below provide the text of the redistricting principles used each in the 1980, 1990, 2000, and 2010 cycle.

For more information on the history of Congressional redistricting in Minnesota, please refer to [History of Minnesota Congressional Redistricting](#).

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<sup>1</sup> In the 1990 redistricting cycle, a legislatively enacted plan for legislative districts became law after an ineffective veto by the governor. That plan was subsequently struck down and the court completed redistricting for the 1990’s.

Redistricting Principles	<b>Hippert v. Ritchie</b> , A11-152, State Court, Special Redistricting Panel <a href="#">Order Stating Redistricting Principles and Requirements for Plan Submissions</a> , Filed Nov. 4, 2011	<b>Zachman v. Kiffmeyer</b> , CO-01-160 State Court, Special Redistricting Panel <a href="#">Order</a> , Filed December 11, 2001	<b>Cotlow v. Growe</b> , C8-91-985 <sup>2</sup> State Court, Special Redistricting Panel <a href="#">Pretrial Order No. 3</a> , Filed September 13, 1991 <sup>3</sup>
Number of Districts	1. There shall be eight congressional districts with a single representative for each district. The district numbers shall begin with Congressional District 1 in the southeast corner of the state and end with Congressional District 8 in the northeast corner of the state.	1. There will be eight districts with a single representative for each district.  3. The congressional district numbers will begin with district one in the southeast corner of the state and end with district eight in the northeast corner of the state.	1. There will be eight districts, each entitled to elect a single member.  4. The districts will be numbered in a regular series, beginning with congressional district one in the southeast corner of the state and ending with district eight in the northeast corner of the state.
Population Equality	2. The congressional districts shall be as nearly equal in population as is practicable. <u>Wesberry v. Sanders</u> , 376 U.S. 1, 7-8, 84 S. Ct. 526, 530 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a redistricting plan created by a legislature, absolute population equality shall be the goal. <u>Abrams v. Johnson</u> , 521 U.S. 74, 98, 117 S. Ct. 1925, 1939 (1997). Because Minnesota's total population is not divisible into eight congressional districts of equal population, the ideal result is five districts of 662,991 persons and three districts of 662,990 persons.	2. The districts must be as nearly equal in population as is practicable. <u>Wesberry v. Sanders</u> , 376 U.S. 1, 7-8 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a legislative redistricting plan, absolute population equality will be the goal. See <u>Abrams v. Johnson</u> , 521 U.S. 74, 98 (1997).	2. The districts will be as nearly equal in population as practicable. Because a court-ordered reapportionment plan must conform to a higher standard of population equality than a legislative reapportionment plan, de minimis deviation from the population norm will be the goal for establishing districts. See <u>Chapman v. Meier</u> , 420 U.S. 1, 95 S. Ct. 751 (1975); <u>Connor v. Finch</u> , 431 U.S. 407, 97 S. Ct. 1828 (1977).

<sup>2</sup> The state court adopted both legislative and congressional principles and plans. For the 1992 election, the state court plan was used for legislative districts and the federal court plan was used for congressional districts. Subsequent court action dictated that the state court maps for both legislative and congressional districts were to be used for subsequent elections.

<sup>3</sup> Pretrial Order Number 3 adopted by reference several provisions from [Pretrial Order Number 2](#), filed August 16, 1991.

Racial, Ethnic, and Language Minority Group Protections	3. Congressional districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group and must otherwise comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973-1973aa-6 (2006).	5. Congressional districts shall not be drawn with either the purpose or effect of diluting racial or ethnic minority voting strength and must otherwise comply with the Voting Rights Act of 1965, as amended, and the Fourteenth and Fifteenth Amendments to the United States Constitution.	5. The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible, the districts must increase the probability that members of the minority will be elected. Any plan adopted by the court shall comply with the applicable provisions of the Federal Voting Rights Act, 42 U.S.C. § 1971, et seq.
Contiguousness and Compactness	4. Congressional districts shall consist of convenient, contiguous territory structured into compact units. Minn. Stat. § 2.91, subd. 2 (2010); <u>Shaw v. Reno</u> , 509 U.S. 630, 646, 113 S. Ct. 2816, 2826 (1993) (stating that district lines may be drawn "to provide for compact districts of contiguous territory"). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Congressional districts with areas that connect only at a single point shall not be considered contiguous.	4. Districts will consist of convenient, contiguous territory structured into compact units. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district. Districts with areas that connect at only a single point will be considered noncontiguous. Minn. Stat. § 2.91, subd. 2 (2000); <u>Shaw v. Reno</u> , 509 U.S. 630, 646 (1993) (citing <u>Reynolds v. Sims</u> , 377 U.S. 533, 578 (1964)).	3. The districts will be composed of convenient contiguous territory structured into compact units. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district.
Preserving Political Subdivisions	5. Political subdivisions shall not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; <u>Karcher v. Daggett</u> , 462 U.S. 725, 733 n.5, 740-41, 103 S. Ct. 2653, 2660 n.5, 2663-64 (1983).	6. The districts will be drawn with attention to county, city, and township boundaries. A county, city, or township will not be divided into more than one district except as necessary to meet equal population requirements or to form districts that are composed of convenient, contiguous, and compact territory. When any county, city, or township must be divided into one or more districts, it will be divided into as few districts as possible. Minn. Stat. § 2.91, subd. 2; <u>Karcher v. Daggett</u> , 462 U.S. 725, 733 n.5, 740-41 (1983).	6. The districts will be drawn with attention to county, city and township boundaries. A county, city, or township will not be divided into more than one district except as necessary to meet equal population requirements or to form districts that are composed of convenient, contiguous and compact territory. When any county, city or township must be divided into one or more districts, it will be divided into as few districts as practicable. <u>Reynolds v. Sims</u> , 377 U.S. 533, 578-79, 84 s. ct. 1362, 1390-91 (1964); <u>Swann v. Adams</u> , 385 U.S. 440, 444, 87 s. ct. 569, 572 (1967).

<p>Preserving Communities of Interest</p>	<p>6. Where possible in compliance with the preceding principles, communities of interest shall be preserved. See <u>League of United Latin Am. Citizens v. Perry</u>, 548 U.S. 399, 433, 126 S. Ct. 2594, 2618 (2006) (LULAC) (stating that "maintaining communities of interest" is a traditional redistricting principle); <u>Miller v. Johnson</u>, 515 U.S. 900, 916, 115 S. Ct. 2475, 2488 (1995) (including respect for "communities defined by actual shared interests" in list of "traditional race-neutral districting principles"). For purposes of this principle, "communities of interest" include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be considered if persuasively established and if consideration thereof would not violate applicable law.</p>	<p>7. Communities of interest will be preserved where possible in compliance with the preceding principles. For purposes of this principle, "communities of interest" include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be considered if persuasively established and not in violation of applicable law.</p>	<p>7. The districts should attempt to preserve communities of interest when that can be done in compliance with the preceding standards. The panel may recognize a community's character as urban, suburban, or rural. See <u>Skolnick v. state Electoral Bd. of Ill.</u>, 336 F. Supp. 839 (N.D. Ill. 1971); <u>Lacomb v. Growe</u>, 541 F. Supp. 145 (0. Minn. 1982); <u>Lacomb v. Growe</u>, 541 F. Supp. 160 (D. Minn. 1982); <u>Maryland Citizens Comm. for Fair Congressional Redistricting, Inc. v. Tawes</u>, 253 F. Supp. 731 (D. Md. 1966), <i>aff'd sub. nom.</i> <u>Alton v. Tawes</u>, 384 U.S. 315, 86 s. ct. 1590 (1966). Additional communities of interest shall be considered if persuasively established and not in violation of applicable case law.</p>
<p>Incumbents</p>	<p>7. Congressional districts shall not be drawn for the purpose of protecting or defeating incumbents. But the impact of redistricting on incumbent officeholders is a factor subordinate to all redistricting criteria that the panel may consider to determine whether proposed plans result in either undue incumbent protection or excessive incumbent conflicts.</p>	<p>8. Districts may not be drawn for the purpose of protecting or defeating an incumbent. However, as a factor subordinate to all redistricting criteria, the panel may view a proposed plan's effect on incumbents to determine whether the plan results in either undue incumbent protection or excessive incumbent conflicts.</p>	<p>Past voting behavior and residency of incumbents shall not be used as criteria; however, they may be used to evaluate the fairness of plans submitted to the court.</p>

Redistricting Principles	<b>Emison v. Grove</b> , 4-91-202 <sup>4</sup> U.S. District Court, District of Minnesota, Fourth Division <a href="#">Order</a> , Filed October 21, 1991	<b>LaComb v. Grove</b> , 4-81 Civ. 152 Filed December 29, 1981	
Number of Districts	1. There shall be eight (8) districts.  2. Each district may elect a single member  6. The districts shall be numbered in a regular series. Congressional district one shall begin in the southeast corner of the state, and congressional district eight shall end in the northeast corner of the state.	1. There shall be eight (8) districts.  2. The districts shall be single member...	
Population Equality	3. The population of the districts will be as nearly equal as possible. The maximum permissible deviation from population equality will be plus or minus one-quarter of one percent (.25%).	1. ... The population of the districts shall be as nearly equal as possible. The maximum permissible deviation from population equality will be plus or minus one-quarter of one percent (.25%), or 1,274 people.	
Racial, Ethnic, and Language Minority Group Protections	4. The districts shall preserve the voting strength of minority populations and will, wherever possible, increase the probability of such minority representation from areas of sizable concentrations of minority population.	4. Districts shall preserve the voting strength of minority populations and will, wherever possible, increase the probability of minority representation from areas of sizable concentrations of minority population.	
Contiguousness and Compactness	5. The districts shall be compact and consist of convenient contiguous territory. Where contiguity of a district is interrupted by water, this criterion is satisfied if the water does not seriously impede travel within the district.	2. The districts shall be ... compact and contiguous.	

<sup>4</sup> The state court adopted both legislative and congressional principles and plans. For the 1992 election, the state court plan was used for legislative districts and the federal court plan was used for congressional districts. Subsequent court action dictated that the state court maps for both legislative and congressional districts were to be used for subsequent elections.

Preserving Political Subdivisions	7. The integrity of existing political subdivision boundaries of the State, e.g., counties, cities, or townships, shall be respected to the extent practicable to minimize division in the formation of a district.	3. The integrity of existing boundaries of political subdivisions of the State will be respected to the extent practicable to minimize division in the formation of a district.	
Preserving Communities of Interest	8. An apportionment plan may recognize the preservation of communities of interest in the formation of districts while adhering to the established criteria. To the extent any consideration is given to a community of interest, the data or information upon which the consideration is based shall be identified.	IT IS FURTHER ORDERED That apportionment plans may recognize the preservation of communities of interest in the formation of districts. To the extent any consideration is given to a community of interest, the data or information upon which the consideration is based shall be identified.	
Incumbents	9. Previous electorate voting behavior or residency of incumbents shall not be used in the development of any apportionment plan. This information may be used by the court, however, to evaluate the fairness and equity of plans submitted.		