History of Minnesota Redistricting

Peter S. Wattson¹

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

<table>
<thead>
<tr>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>Census</td>
</tr>
</tbody>
</table>

¹Peter S. Wattson is beginning his sixth decade of redistricting. He served as Senate Counsel to the Minnesota Senate from 1971 to 2011 and as General Counsel to Governor Mark Dayton from January to June 2011. He assisted with drawing, attacking, and defending redistricting plans throughout that time. Since retiring in 2011, he has participated in redistricting lawsuits in Arkansas, Kentucky, Florida, and Minnesota, and lectured regularly at NCSL seminars on redistricting.

Peter S. Wattson
<table>
<thead>
<tr>
<th>Act</th>
<th>Section</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gen. Laws 1860, ch. 73</td>
<td>21</td>
<td>1860</td>
</tr>
<tr>
<td>Census</td>
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<td>Gen. Laws 1866, ch. 4</td>
<td>22</td>
<td>1870</td>
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<td>Gen. Laws 1871, ch. 20</td>
<td>41</td>
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<td>Gen. Laws 1881, ch. 128</td>
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<td>Gen. Laws 1889, ch. 2</td>
<td>54</td>
<td>1897</td>
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<tr>
<td>Laws 1897, ch. 120</td>
<td>63</td>
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<tr>
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<td>Laws 1913, ch. 91</td>
<td>67</td>
<td>1913</td>
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Legislature’s power to redraw districts continues until performed - *State ex rel. Meighen v. Weatherill*, 125 Minn. 336 (1914)

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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


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.


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

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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 sine die 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


Senate | House
---|---
Court plan 2 | 67 | 134


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 is 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](https://www.leg.state.mn.us/lrl/mngov/constitutionalamendments).
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 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

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<tr>
<td>Laws 1991, ch. 246</td>
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<tr>
<td>Filed with Secretary of State</td>
<td>6/7/91</td>
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Procedure set to challenge governor's late vetoes - Seventy-Seventh Minnesota State Senate v. Carlson, 472 N.W.2d 99 (Minn. June 20, 1991)


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)

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<tr>
<td>S.F. No. 2377</td>
<td>67</td>
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<tr>
<td>Passed Senate</td>
<td>5/18/2001</td>
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<tr>
<td>Passed House</td>
<td>5/19/2001</td>
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<tr>
<td>Conferees appointed</td>
<td>5/21/2001</td>
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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 |


Laws 2003, 1st Sp. Sess. ch. 16, § 13 (adjusting boundary between House districts 45A and 45B in Crystal - map)
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 (10th 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)

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


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

1860 Census

Gen. Laws 1862, ch. 64
2 seats

1870 Census

Gen. Laws 1872, ch. 21
3 seats

1880 Census

Gen. Laws 1891, ch. 3
7 seats

1900 Census

Laws 1901, ch. 92
9 seats

1910 Census

Laws 1913, ch. 513
10 seats

1920 Census

Laws 1931, page 640 - H.F. No. 1456
9 seats

Vetoed by Gov. Olson

Veto invalid - State ex rel. Smiley v. Holm, 184 Minn. 228, 238 N.W. 494 (1931)


1932 election - 9 seats elected at large

Laws 1933, ch. 185
9 seats
1940 Census
1950 Census
1960 Census

ch. 2
8 seats

1970 Census

Laws 1971, ch. 897
8 seats

1980 Census

1981 regular session
H.F. No. 1478
8 seats
Introduced 5/7/81 1981 House Journal 2766

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

Challenge to court plan as gerrymander rejected as too close to election and too late in decade - Emison v. Growe, No. 3:90cv-87 (D. Minn. Apr. 9, 1990)

1990 Census

Congressional plan adopted, state enjoined from implementing state court's congressional plan -  

**Final Order adopting congressional plan**, subject to federal court's injunction -  

Federal court's order reversed -  

**Laws 1994, ch. 406** (state court plan enacted)  

**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**  
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 -  
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


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