

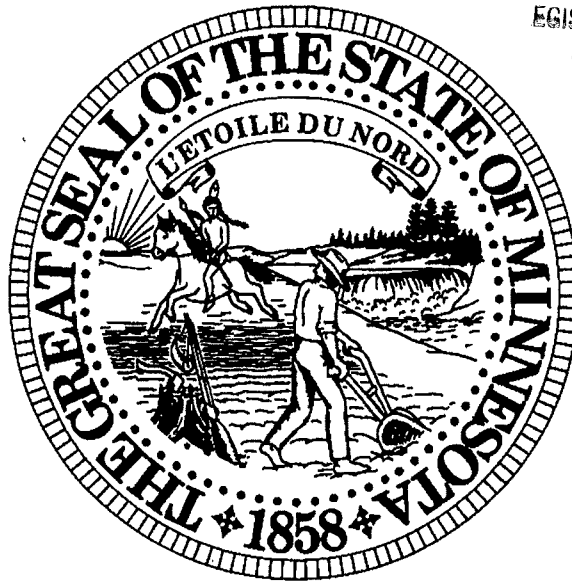
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# MINNESOTA REDISTRICTING GUIDE

FOR  
COUNTY, CITY, TOWNSHIP, AND  
SCHOOL DISTRICT OFFICIALS

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*"The representation in both houses shall be apportioned equally  
throughout the different sections of the state  
in proportion to the population thereof."*

Minnesota Constitution, Article IV, Section 2

## JULY 2001

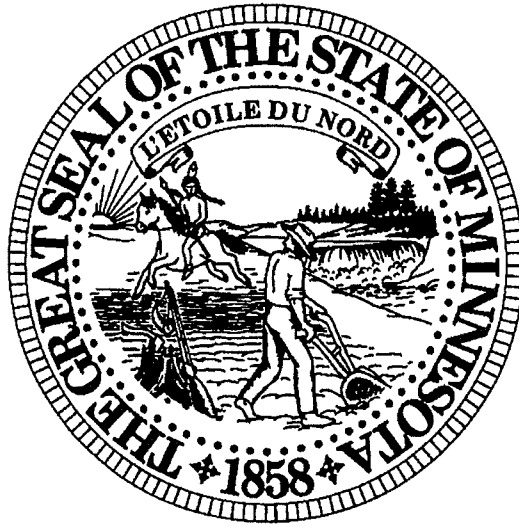
Published by the Office of  
Minnesota Secretary of State  
Mary Kiffmeyer

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St. Paul, Minnesota 55155-1299

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## *A note from the Secretary*

*to county, city, township, and school district officials*

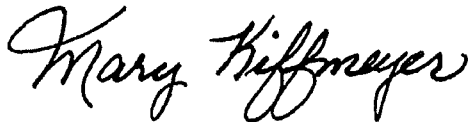
Our nation's founders decided that a census must be done every ten years to ensure that our representation in government remains equal among citizens over the passage of time. The duty to conduct a census, then to adjust the boundaries of representative districts remains with us today. We call this process "redistricting." The redistricting process, now underway, started with the conclusion of the 2000 census on March 28, 2001 when the U.S. Census Bureau delivered census data to the state of Minnesota. You will have an important role to perform in the next stages of the redistricting process.

The Minnesota Redistricting Guide was prepared with substantial input and guidance from the Secretary of State's Redistricting Working Group. After reading the introductory material, you may turn directly to the chapter that addresses your specific level of government. Your chapter will address:

1. your redistricting process,
2. specific roles and responsibilities,
3. specific requirements for your districts,
4. other government officials with whom you will interact, and
5. how your redistricting impacts voters and elected officials.

As the chief election officer in the state, I thank you for your care and attention to your role in the redistricting process. It does matter to you, your neighbors, and to our republic. I look forward to working with you throughout this important process.

Sincerely,



Mary Kiffmeyer  
Minnesota Secretary of State

## *Acknowledgements*

The 2001 Minnesota Redistricting Guide was prepared with the assistance of the Secretary of State's Redistricting Working Group. The working group was comprised of representatives from counties, cities, townships, school districts, and the Secretary of State's Office, who met on twelve occasions in 2001 to assess local government officials' need for redistricting information, to assemble the required information, and to prepare it for dissemination. Working group members shared insights from themselves and their colleagues throughout Minnesota. Their hard work and civic pride in this project are gratefully acknowledged.

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# INTRODUCTION

## 1.1 OVERVIEW

The 2001 Minnesota Redistricting Guide is for local government officials to use to prepare for the upcoming redistricting process. Prepared by the Minnesota Secretary of State's office, this guide is substantially the result of the Secretary's Redistricting Working Group. The working group was comprised of representatives from the Secretary of State's Office, counties, cities, townships, and school districts who met on twelve occasions to assess local government officials' need for redistricting information, to assemble the required information, and to prepare it for dissemination.

While redistricting will affect every level of local government in some way, the effect may be small or large, direct or indirect. Use this guide to first identify the extent of your involvement in redistricting. Then focus on the details of your responsibilities and the related law.

Chapters 2 through 4 each address redistricting from the perspective of one level of local government: counties; cities; townships; or school districts. Each chapter contains a summary figure illustrating the redistricting process and tables describing the redistricting roles and responsibilities for that level of government. Text following describes specific tasks in greater detail and provides references into the governing Minnesota statutes and rules. You will find it most useful to turn directly to the chapter describing your own role after completing this introductory chapter.

In the appendices are supplemental reference materials. You can also find additional information on the role of local government in redistricting at the Minnesota Secretary of State's web page at [www.sos.state.mn.us](http://www.sos.state.mn.us). If you have questions or have need of further information, you can email the Secretary of State's Office at [elections.dept@state.mn.us](mailto:elections.dept@state.mn.us) or call at (651) 215-1440.

## 1.2 WHAT IS REDISTRICTING?

At the most basic level, redistricting is drawing lines on a map to divide territory, and then to assign individuals who live in the territory to a type of district. The voters who live in the district then elect individuals to represent the people of the district in a legislature or other governing body.

When the Framers of our Constitution came up with the idea of having the people represented in Congress back in 1787, they were concerned with this process. They required that following the national

census conducted every ten years, the number of U.S. House members from each state should be adjusted to reflect the number of persons who lived in each state. The state legislatures then drew congressional district lines to give all persons within each state “equal representation” by having roughly the same number of persons contained within each congressional district in the state.

This principle of “One Person, One Vote”, which is achieved through the redistricting process, has been expanded over the years to include both chambers of state legislatures, county commissioner districts, municipal districts, and districts in other legislative bodies.

What happens when we don’t redistrict? The best example comes from England, which was in the minds of the Framers when they drafted our own Constitution. The British Parliament had not been “redistricted” to take into account population changes for more than 600 years! As a result, representation in Parliament was way out of balance. The Town of Manchester had 60,000 inhabitants, but no representation in the national legislature, while the Town of Dunwich “as a result of coastal erosion, had almost fallen into the sea and by 1831, had only 32 voters”, but sent *two* representatives to Parliament! The great American Revolutionary writer, Tom Paine, observing this British method of representing people in a legislature, asked, “Is there any principle in these things?”

The Framers of our own Constitution began the process of answering Tom Paine’s question more than 200 years ago. Your own work with redistricting ensures that the Constitutional principles of “One Person, One Vote” and “equal representation” will live on in the 21<sup>st</sup> Century.

## **1.3 FEDERAL AND STATE GOVERNMENT ROLES**

### **1.3.1 What does the United States House of Representatives do?**

The members of Congress do not draw their own congressional district lines. The role of Congress is very limited: after each federal census, the Congress “apportions” the number of Congressional seats to each state, based on a complicated mathematical formula, but making certain that each state receives at least one U.S. Representative as a part of this apportionment. The congressional district lines are then drawn by each state, acting through its legislature and governor.

### **1.3.2 What do the Minnesota House of Representatives and Minnesota Senate do?**

To adopt a redistricting plan for congressional or for state legislative districts, the Minnesota legislature passes a bill to make the redistricting plan a part of state law. In most ways, the redistricting plan is like any other bill: the bill is filed by a member of the House and a member of the Senate; hearings are conducted, and amendments made to the bill; any disagreements between the House and Senate are settled in conference committee, and the final version of the bill is sent to the Governor. The Governor may then approve the bill, veto the bill, or allow the bill to become law without his signature. A redistricting bill might include both the congressional and state legislative plans, or these plans could be enacted as part of separate bills.

In some ways, redistricting bills are different: these bills reference a redistricting plan on file and available on the legislature's web site, and do not set forth the legal descriptions of each district as part of the bill; likewise, redistricting bills are sometimes considered at the same time as other bills setting forth the "redistricting principles" that the legislature is considering as the "ground rules" that would apply to any specific redistricting plan. The political importance of these bills also means that they seldom move through the legislative process without controversy and extensive debate.

The state legislature also has the responsibility for adopting a redistricting plan for the members of the Metropolitan Council following each decennial census. This plan is also adopted as a state law through the same legislative process discussed above.

### **1.3.3 What does the Minnesota Secretary of State's Office do?**

The authority of the Secretary of State's Office in redistricting election districts and reestablishing precincts is derived from *Minnesota Statutes* 204B.14, 204B.145, 204B.146, and 2.91.

The Secretary of State's Office is instructed by law to:

- As an ongoing task, prepare maps illustrating precinct and district boundaries in either electronic or paper format for the public at cost of production. (M.S. 204B.146 sub. 2)
- As an ongoing task, maintain a computer database of precinct and election district boundaries. The database shall be updated whenever a boundary changes. In some cases, when a municipal boundary that is coterminous with one or more election district boundaries changes, the Secretary of State's Office may order corrections to move election district boundaries to keep them coterminous with the municipal boundary. (M.S. 204B.146 sub. 2 and 3)
- During 2001, conduct conferences to instruct county auditors and municipal and school clerks in the procedures for redistricting. (M.S. 204B.146 sub. 1)
- Upon enactment of a redistricting plan for the legislature or Congress, provide copies of the relevant portions of the plan to each county auditor, who then shall provide relevant portions to each municipal clerk in that county. (M.S. 2.91 sub. 1)
- After a state redistricting plan is adopted, make copies of the district plan files, maps, and tables available to the public at cost of production. (M.S. 2.91 sub. 1)
- After a state redistricting plan is adopted, order corrections to "clean up" the plan. These corrections include adding territories that were omitted from the plan, removing duplicate occurrences of the same territory, and resolving ambiguous boundary descriptions. A copy of each correction shall be provided to the affected county auditor, municipal clerk, and any candidate. The Secretary of State's Office shall recommend to the legislature any technical corrections to the redistricting plan. (M.S. 2.91 sub. 2, 3, and 4)
- As part of local reestablishment of precincts, notify the county auditor or municipal clerk of corrections needed to a precinct boundary and, after 60 days if no correction has been made, order

a change a change made if the Secretary of State's Office determines that a precinct boundary does not follow a census block boundary, a visible clearly identifiable physical feature, or the provisions of Minnesota Rules chapter 8255. (M.S. 204B.14 sub. 6)

- During the decade following redistricting, provide periodic updates of precinct and election district boundaries to the legislative coordinating commission (LCC), the state demographer, and the land management information center (LMIC). (M.S. 204B.146 sub. 2)

## 1.4 ROLE OF THE COURTS IN REDISTRICTING

If someone believes that a state legislative or congressional redistricting plan violates the law, that person can file a lawsuit asking the court to modify a redistricting plan, or to throw the plan out completely. A lawsuit might be brought in federal court, or in some cases, in state court, to resolve the legal issues raised concerning a redistricting plan.

There are a number of legal arguments that can be made against any redistricting plan: (1) that the plan violates the United States Constitution (the requirement that districts provide for One Person, One Vote, for example); (2) that the plan violates federal laws (the protections against racial discrimination in the federal Voting Rights Act, for example); or (3) that the plan violates the Minnesota Constitution, or Minnesota state law (the requirements for districts to be contiguous would be one example).

The court in which the lawsuit is filed will hear evidence from all the persons involved in the lawsuit, and then will issue a written ruling regarding the redistricting plan. The losing side (and even the winning side, if that side is unhappy with some part of the court's ruling) can then appeal this court's ruling to a higher court. This appeals process can continue until the highest court (the United States Supreme Court) makes its ruling, or declines to hear an appeal, which means that a lower court's ruling becomes the final decision regarding that plan.

As part of the process for the courts to make their final decision regarding the plan, a court may order a plan to be revised by the legislature. Courts in other states have even drawn district lines themselves when the legislature was unable to do so after a court order. In some unusual cases, the courts have continued to be involved in redistricting plans for the entire ten-year period between one federal census and the new redistricting plan drawn after the next federal census.

Redistricting plans adopted by local governments can also be brought before a court when a person files a lawsuit alleging that the local redistricting plan violates the law in one of the ways discussed above. A lawsuit against a local redistricting plan could be filed in either state or federal court, and the hearing and appeals process would take place in the same way as the process for litigating a state legislative or congressional redistricting plan.

There are some Minnesota statutes, which authorize voters to bring lawsuits to compel local governments to comply with the redistricting laws. Two examples would be *Minnesota Statutes* 375.025, subdivision 2, entitled "Voters rights", which sets forth the procedures and requirements for a lawsuit to require the adoption of a county commissioner redistricting plan. Another such statute may be *Minnesota Statutes* 204B.44, the "Errors and Omissions" law, which permits a voter to file a lawsuit asking a court to order

the correction of “any wrongful act, omission, or error of... any individual charged with a duty concerning an election.” If a court were to find that a local government had failed to perform redistricting responsibilities, and that these responsibilities qualified as “a duty concerning an election”, the court could then issue a final order against the local government, setting forth the relief the petitioner in the lawsuit is entitled to.

## **1.5 PREPARING FOR REDISTRICTING**

### **1.5.1 Criteria for determining your redistricting needs**

Each local unit of government needs to determine its redistricting responsibilities and how it will accomplish them. To understand how a local unit of government will complete its redistricting tasks and responsibilities, local government officials need to determine (1) if they *have* redistricting responsibilities (or if they will be primarily effected by decisions made by others), (2) if so, what those responsibilities are, (3) what level of effort will be required, and (4) what skills and tools they will need.

### **1.5.2 Who is directly involved?**

#### County

County governments must redistrict county commissioner districts after every federal census to meet the requirements in *Minnesota Statutes* 204B.135. This redistricting may take the form of:

1. reestablishing existing county commissioner districts, if they currently meet all statutory requirements, or
2. drawing new county commissioner districts, to make them conform to the statutes.

County commissioner district redistricting must occur no later than 80 days after state legislative and congressional redistricting and after precincts are redistricted or reestablished by cities and townships. Counties responsible for unorganized territories must also redistrict or reestablish precinct boundaries in those areas.

A voter may apply to a district court for a court order to require county redistricting or to revise the county’s redistricting plan. One option for the court is to appoint a redistricting commission, removing redistricting authority from the county board. (M.S. 375.025)

#### City

City governments must redistrict or reestablish its precincts after state redistricting. Reestablishing precincts is a routine process of verifying that existing precinct boundaries meet legal requirements and then reconfirming those boundaries. Redistricting precincts is required when it is determined that existing precincts do not meet the requirements in law.

Cities with wards must redistrict ward boundaries to ensure compliance with ward population equality and other legal requirements. This may involve reestablishing existing wards or drawing new ward boundaries. If cities with wards fail to redistrict their wards within 60 days after the state legislature has been redistricted, the mayor and city council members will not get paid until redistricting is completed. (M.S. 204B.14 subd. 3; M.S. 205.84)

### Township

Township boards must act redistrict or reestablish its precinct(s) following legislative redistricting. This may involve reestablishing an existing precinct or establishing new precinct boundaries, particularly if legislative or congressional districts have split the township. Townships that are split by school districts may also choose to establish multiple precincts to simplify elections. (M.S. 204B.14 subd. 3)

### School District

If all school board members are elected “at-large,” the school district does not have any election districts to redistrict. However, precinct boundary changes made by cities and townships may cause a voter’s combined polling place location to change. School districts need to assess how precinct boundary changes affect voters in a school district election.

If any school board members are elected from election districts (i.e. only voters in a specific area vote for a particular candidate) within your school district (i.e., from school board election districts as described in *Minnesota Statutes* 205A.12) then you must redistrict. (M.S. 204B.135 subd. 2; M.S. 205A.12)

## **1.5.3 Level of Effort**

The level of effort required of any given jurisdiction depends on many criteria. The questions below will help you determine what the level of effort will be.

### Election Districts

- “Election Districts” are those districts you have responsibility for establishing and may include precincts, wards, county commissioner districts, and/or school election districts.
- How many election districts do you have to redistrict/reestablish?
- What are your required redistricting tasks?
- What are the laws that apply to the types of election districts you need to draw?
- Where do your redistricting tasks fit into redistricting timeline requirements?

### Population

- How large a population do you have?
- What are the important characteristics of your population? (Racial and ethnic communities, for example)
- How has the population moved/changed since districts were last drawn?
- How is the population distributed within your districts?

School districts

- Does your school district elect board members from election districts (versus “at-large”)?
- Does your school district use combined polling places for school district only elections?

### 1.5.4 Skills and tools

The skills and tools a local government needs for redistricting depends on the tasks to be completed and the level of effort required. The following questions will help determine what skills and tools you have and what additional skills and tools you may need to acquire.

Experience

- How many “in-house” people with redistricting experience do you have?
- Who are those people and what is their redistricting-related experience?

Staff Training

- What additional education do your decision makers need?
- Who is your technical staff? What additional training do they need?
- Who is your legal staff? What additional training do they need?
- Who is your administrative staff? What additional training do they need?

Plans

- How will you include the public in the process?
- Who will be drawing draft plans for you?
- How will you share your plans?

Geographic Information Systems

- Will you save work by using a geographic information system (GIS), *or* will obtaining and using a GIS be more work and expense beyond what is required for your level or effort?
- Do you have a GIS and does your GIS meet the needs of your redistricting tasks?
- Do you have technical staff that understands GIS, GIS software, and the development and maintenance of geographic databases; *or* are they available thru other government entities or associations?

Resources

- What additional resources do you have to draw from?

## 1.6 CENSUS DATA

The U.S. Census Bureau releases two general types of data in conjunction with the federal decennial census. These data types are (1) population counts and (2) “geographic” data.

### 1.6.1 Background

Article 1, Section 2 of the U.S. Constitution provides for a census of the population of the United States, “The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.” The first census of the population of the United States was conducted in 1790, and this year marked the 21<sup>st</sup> national census.

The primary purpose of the census is to apportion the members of the U.S. House of Representatives among the states. However, the federal census is also used for state and local redistricting, and for the dispersal of money for federal programs. The need for census data to redistrict state and local election districts became very important in the 1960’s as the result of U.S. Supreme Court decisions clarifying the “one-person, one-vote” principle.

In 1974 the U.S. Congress passed Public Law 94-171, which established that the Census Bureau must provide population data to all the states within 1 year of the day the census is conducted (by April 1, 2001 this term). On March 28, 2001, the U.S. Census Bureau delivered the census population data to representatives of the Governor and the leadership of the Minnesota Legislature.

The Governor’s office will file a certified copy of official census population counts with the Office of the Secretary of State. Those certified census results are the official counts that are used to determine the population of every political subdivision in the state throughout the next decade. (M.S. 600.18)

### 1.6.2 Census blocks

The first census data delivered to the state were “block” population counts. This is the data that will be used by the Minnesota Legislature and local governments to redistrict election districts.

The Census Bureau collects population information by geographic areas called “census blocks.” The bureau then reports population counts for each block and additionally reports population summaries for larger geographic areas such as states, counties, cities, and townships. Census blocks are the smallest geographic area for which population numbers are released.

Census blocks are the geographic areas bounded by physical features or political subdivisions. The Census Bureau maps nearly all the roads, rivers, lakes, and other predominate geographic features in the country. They also map political subdivisions such as state, county, and municipal boundaries, Indian reservations, and other geographic areas defined by law.

The features that comprise the boundaries of a census block define its geographic area. These features are collectively referred to as "Census Lines," "Block Lines," "TIGER® lines" or "Census Block Boundaries."

### **1.6.3 Census tracts**

Another geographic area defined by the Census Bureau are "Census Tracts." A census tract is a collection of census blocks. Census tracts generally have a population of approximately 4,000 people. Census tract boundaries are relatively stable over time, this compares with census blocks, whose boundaries change whenever a new road is constructed or a municipal annexation occurs. The Census Bureau reports population information by census tracts to simplify the comparison of statistics among different areas of the country and among the same area over time.

### **1.6.4 Population summaries**

The Census Bureau also releases population summaries for counties, cities, townships, and other political subdivisions. These population summaries are released periodically over several years after the census is conducted. Population information can be accessed on the Internet from the State Demographer's Office at <http://www.mnplan.state.mn.us/demography/>.

### **1.6.5 Geographic data**

To use census block or tract data it is necessary to be able to identify the geographic area that the population counts are for. Block and tract population counts are released as a table. Each record in the table starts with a number that refers to a particular block or tract somewhere in the United States. To identify the population information for a particular geographic area it is necessary to have a map or GIS database that contains block numbers.

The Census Bureau developed a system to reference population data to its geographic area. The system, called TIGER®, is a digital tracking system that contains block boundaries and block numbers. "TIGER" is an acronym for Topologically Integrated Geographic Encoding and Referencing.

TIGER® data is not a digital map, but it is possible to convert TIGER® data into a format that can be used with commercial mapping and geographic information system (GIS) software. Additionally, the Census Bureau does produce map products, which can be acquired for use in redistricting.

Minnesota Statutes requires local units of government to draw precinct boundaries on census block boundaries for the first two years after the census. While it may not be necessary to all units of government to acquire census block data, it is necessary that they be able to verify that their precinct boundaries meet this statutory requirement.

More information on census data can be found on the Census Bureau's web site at [www.census.gov](http://www.census.gov)

### 1.6.6 Sources of redistricting data

Whether a local unit of government uses map products or a geographic information system in redistricting it is important that they acquire their data from a reputable source.

The U.S. Census Bureau produces both paper maps for purchase and digital images. The digital images of maps are available in PDF format and can be ordered on a CDROM or downloaded from the Internet. More information on Census Bureau products can be found on the Internet at:

[www.census.gov/geo/www/tiger/rd\\_2ktiger/pl\\_maps/pl\\_maps.html](http://www.census.gov/geo/www/tiger/rd_2ktiger/pl_maps/pl_maps.html)

The Minnesota Secretary of State's Office produces a variety of paper maps including maps of counties, cities, townships, precincts, and legislative and congressional districts. Ordering information is available on the Internet at:

[www.sos.state.mn.us/maps.html](http://www.sos.state.mn.us/maps.html)

The Legislative Coordinating Commission on Geographic Information Systems (LCC-GIS) provides a variety of digital data in GIS file formats on their web site.

[www.commissions.leg.state.mn.us/gis/](http://www.commissions.leg.state.mn.us/gis/)

The Minnesota Land Management Information Center produces maps and provides contract services to local units of government. Information can be found on their web site.

[www.lmic.state.mn.us/](http://www.lmic.state.mn.us/)

Population summary data can be found on the State Demographer's web site.

[www.mnplan.state.mn.us/demography/](http://www.mnplan.state.mn.us/demography/)

Additional sources of maps and digital data may include:

- County and municipal planning, GIS, public works, public safety, and tax departments;
- Soil and water conservation districts;
- School district bus department or companies;
- Software vendors;
- Map vendors;
- Private consulting companies (particularly engineering and environmental consultants); and
- Public and private organizations.

## 1.7 SPECIAL DISTRICTS

### 1.7.1 County park districts

The redistricting of Hennepin County Park Reserve Districts is covered in *Minnesota Statutes* 383B.68. The redistricting of Hennepin County park districts roughly, though not exactly, matches the redistricting of county commissioner districts. The Board of Park District Commissioners may find it useful to review the County chapter of this guide, though the redistricting must be done according to the provisions provided in law.

The county board, of any county other than Hennepin that established park districts under *Minnesota Statutes* 398.03, do not appear to have a statutory responsibility for the redistricting of their park districts. Park districts, in counties other than Hennepin, are defined as one-quarter of the county's geographic area and may not have population equality requirements. Counties with park districts organized according to *Minnesota Statutes* 398.03, should work with their county attorney to determine any redistricting responsibilities they may have.

### 1.7.2 Soil and water conservation district supervisor districts

Under current law, there is no requirement to redistrict Soil and Water Conservation Districts (SWCD) after each census. Although SWCDs have *nomination* districts to provide board representation from throughout the SWCD, all voters in the SWCD vote for all candidates. Therefore, there is no Constitutional redistricting requirement.

If the legislature were to pass a law to require SWCD nomination or election district redistricting, the legislature would likely define, in that law, *how* and *by whom* that redistricting is to be completed.

### 1.7.3 Hospital districts

Hospital districts are organized and defined by the cities and townships included. Hospital district boards are composed of one member elected from each city and township in the hospital district, and one member elected at-large. This organization structure is defined in *Minnesota Statutes* 447.32, subdivision 2 and are not subject to redistricting at this time.

### 1.7.4 Other local districts

There may be additional local election districts that require redistricting. The redistricting of local election districts should be conducted according to the policies and procedures established by the governing body that created the election districts. All local government election districts should be drawn in such a manner as to meet the Constitutional requirement of equal representation.

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## 2.0 COUNTY REDISTRICTING

### 2.1 INTRODUCTION

#### 2.1.1 Overview

This chapter is for county auditors, commissioners, county redistricting commissions, and others working on county redistricting. Please use this chapter along with the Minnesota County Auditor Election Guide and the Minnesota Election Laws. The content of this document is subject to change as directed in subsequent legislation. **In all matters, the law and rule are the final authority.** Consult with your county attorney if you have additional legal questions.

#### 2.1.2 What is redistricting?

Following the national census conducted every 10 years, state and local governments redraw their elective districts (redistrict) so representation among districts remains as equal as possible as populations change over time. This process is necessary to carry out the Constitution's requirement of equal representation.

Although redistricting is a basic tenet of America's form of government, it is often overlooked and misunderstood. It can affect who is, and who isn't, elected and may influence the philosophical makeup of an elected body.

Elective districts are areas with roughly equal population from which the voters elect representatives to the various levels of government. For redistricting, all persons living within the district are counted whether young or old, eligible to vote or not. Elective districts include U.S. representative districts, state legislative districts, county commissioner districts, city wards, and school board member districts.

#### 2.1.3 Redistricting process

The process begins after the Census Bureau releases official population figures. Then the state legislature the redistricts itself and the congressional districts using the federal census block population data. The goal is to construct districts that are compact, contiguous, and as equal in population as possible. The legislature's plan may be disputed, revised, and finalized by the state or federal courts.

Once the congressional and legislative boundaries are finalized, local governing bodies must reestablish the boundaries of any elective districts they may have. Cities must adjust their wards either within 60 days of the legislature's redistricting or by April 30, 2002, whichever comes first. Counties and other jurisdictions must do so within 80 days of legislative redistricting or by May 28, 2002, whichever comes first. (M.S. 204B.135; M.R. 8255.)

The county may receive numerous inquiries from local media and the public. Because redistricting is inherently perceived as being political it is important to conduct all activities with the utmost integrity, openness and composure.

When the new district boundaries are finalized, auditors must publish a notice that shows or describes the new congressional, legislative and commissioner district boundaries within the county. The notice must be published no later than June 18, 2002, which would be at least two weeks before the opening of candidate filing. (M.S. 204B.14, subd. 4.)

Cities and townships must also redraw their voting precinct boundaries after redistricting. No precinct may be divided by an elective district boundary (except by a school district boundary), so adjustments must usually be made to the precinct lines. (M.S. 204B.14, subd. 1a.)

County boards are permitted to levy up to a \$1 per capita tax to pay for costs reasonably expected to be incurred in 2002 related to redistricting. The county must distribute a portion of the levy to all cities in the county with a population of 30,000 or more. The amount to be distributed to each city is equal to \$0.25 times the number of people living in the city. (M.S. 275.70 subd. 5 (14))

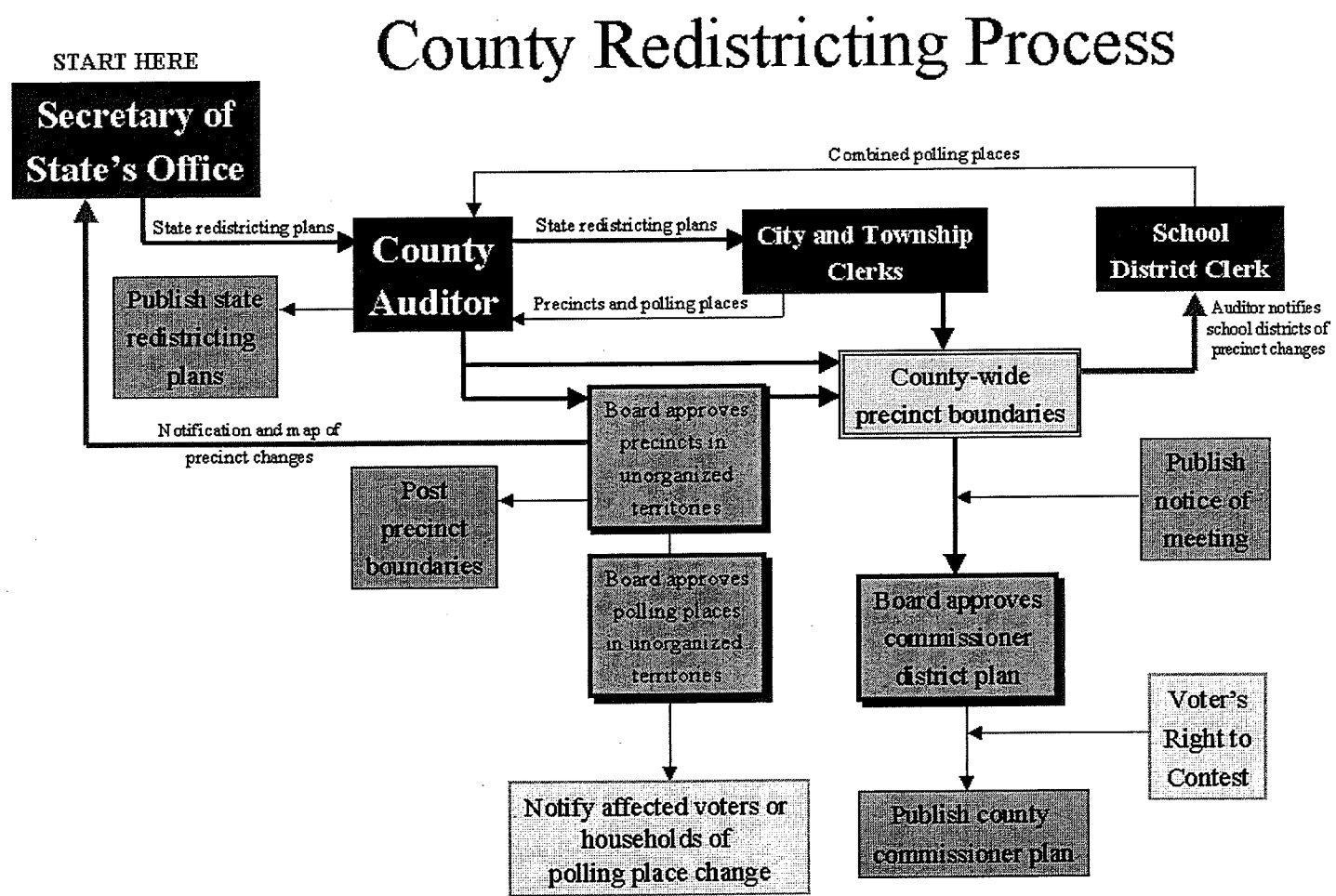
## 2.2 COUNTY ROLES AND RESPONSIBILITIES

A simplified overview of the county's redistricting process is presented in Figure 2.0. While this figure does not include every task and responsibility, it broadly illustrates the interactions among local government officials, major decisions and resulting actions.

The specific redistricting roles and responsibilities of county government are identified in tables 2.1 – 2.3. The roles and responsibilities of the county auditor are divided in Table 2.1 into the parts before, during and after redistricting. Table 2.2 focuses on the distinct roles and responsibilities of the County Board of Commissioners and Table 2.3 acknowledges the role a Redistricting Commission may have assigned to it.

In tables 2.1, 2.2, and 2.3 items required by law have their citations noted (M.S. refers to *Minnesota Statutes* and M.R. refers to *Minnesota Rules*). Steps identified as “administrative” recognize common business practices. Those identified as “recommended” are provided for your consideration. Item numbers in the last column refer to the locations in this guide where additional information is provided.

**Figure 2.0**  
**County Redistricting Process**



This chart illustrates the county redistricting process and doesn't necessarily include all required tasks and responsibilities. In all matters, the law and rule are the final authority. Rev. 6-18-01

## Table 2.1 County Auditor

**Before Redistricting**

<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the county auditor, county board, other staff, and/or groups	Recommended	2.3.2
Review official county policies to determine if there are any additional redistricting related responsibilities or tasks	Recommended	2.3.1
Act as an information resource to, and assist the work of, the county board and, if one is established, county redistricting commission	Administrative	2.3.4
Provide information to local media about redistricting	Administrative	2.3.4
Verify that all voter registration records, and data in the precinct finder are correct and accurately reflect the conditions prior to redistricting	M.S. 201.002, M.R. 8200.9315	2.3.14
Determine that existing polling places for unorganized territories meet Americans with Disabilities Act (ADA) and all statutory requirements	Administrative	2.3.8
Identify potential new polling places for unorganized territories	Administrative, Recommended	2.3.8
Acquire population counts and census block lines	Administrative	2.3.5 2.3.6

**During Redistricting**

<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
Receive legislative and congressional plans from Secretary of State's Office	M.S. 2.91 s. 1	2.3.9
Provide relevant portions of legislative and congressional plans to city and township clerks	M.S. 2.91 s. 1	2.3.11
Receive corrections of legislative and congressional plans from Secretary of State, if necessary	M.S. 2.91 s. 3	2.3.12
Coordinate and provide redistricting information to municipal and school district clerks	Administrative	2.3.13
Prepare precinct plan for unorganized territories in county for board to approve, if requested by board	Administrative	2.4.3
Determine that unorganized territory precinct plan passed by board meets statutory requirements	Administrative	2.4.5
Notify Secretary of State of changed and reestablished precinct boundaries in unorganized territories	M.S. 204B.14 s. 5	2.5.6.1
Send maps of precinct boundaries to Secretary of State for changed precincts in unorganized territories	M.S. 204B.14 s. 5	2.5.6.2
Receive ward boundary information from city clerks of cities with wards	Administrative	2.6.7
Receive precinct boundary information from city and township clerks	Administrative	2.6.7

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Assist cities with verifying that precinct (and ward) plans meet statutory requirements	Administrative, Recommended.	2.5.4
Notify school districts of changed precinct boundaries	M.S. 204B.14 s. 5	2.5.6.5
Publish 3 weeks' prior notice of county board or redistricting commission meeting during which redistricting plan will be considered	Administrative, M.S. 375.025 s. 1	2.7.4.1
Assist county commissioners with writing description of county commissioner district plan if requested	Administrative	2.7.4.5
Verify that final county commissioner plan meets statutory requirements	Administrative	2.7.2

### After Redistricting

Role or Responsibility	Cite	Item
If requested, assist county commissioners to determine which commissioners need to run for office in 2002	Administrative	2.7.8
Publish legislative, congressional, county commissioner districts	M.S. 204B.14 s. 4	2.3.10 2.7.6.2
Post legislative, congressional, county commissioner districts	Recommended	2.7.6.3
Post precinct boundaries	M.S. 204B.14 s. 4	2.5.6.3
Provide copies of notice of commissioner districts to each municipal clerk	Recommended	2.7.6.5
Receive school district precinct and polling place location changes from school clerks	Administrative	2.6.7
Update street addresses, precinct finder, and voter registration records in the statewide voter registration system following redistricting (the Secretary of State will provide assistance)	Administrative	2.9
Notify affected households in unorganized territories of any change of their polling place	M.S. 204B.16 s. 1a	2.6.4
It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards, even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special model redistricting postal verification card will be available.	Recommended	2.6.4
Confirm contracts or arrangements for new and existing polling places in unorganized territories	Administrative	2.10.3
Acquire additional voting equipment for new precincts in unorganized territories if necessary	Administrative	2.10.3
Prepare for possibility of legal challenge of commissioner plan	Administrative, M.S. 375.025 s. 2	2.8.2

**Table 2.2**  
**County Board of Commissioners**

Role or Responsibility	Cite	Item
Determine whether or not to form redistricting commission	M.S. 375.025 s. 3	2.7.4.2
Determine whether or not to assess a redistricting levy	M.S. 204B.135 s. 5, M.S. 275.70 s. 5	2.3.3
Publish 3 weeks prior notice of county board or redistricting commission meeting during which redistricting plan will be considered	M.S. 375.025 s. 1	2.7.4.1
Create and approve county commissioner district plan by resolution	M.S. 375.025 s. 1	2.7.4.5
Approve new, or reestablish existing precinct(s) in unorganized territories	M.S. 204B.15, M.S. 204B.14 s. 1	2.5.1
Establish new polling places for new precincts in unorganized territories	M.S. 204B.15, M.S. 204B.14 s. 1	2.6.2
Reestablish existing polling places for unchanged, existing precincts in unorganized territories	Recommended M.S. 204B.15, M.S. 204B.14 s. 1	2.6.2

**Table 2.3**  
**County Redistricting Commission**

Role or Responsibility	Cite	Item
Write descriptions of county commissioner districts	M.S. 375.025 s. 3	2.7.4.5

## 2.3 GETTING READY

### 2.3.1 Review county policies and procedures

Many counties may have existing policies and procedures related to redistricting tasks. A review of county policies should be conducted to determine if there are specific guidelines for redistricting.

### 2.3.2 Clarify roles, responsibilities, duties, and expectations

It is a good practice within your county to clarify and define the roles, responsibilities, duties, and expectations related to redistricting of the county auditor, county board, other county staff, and/or groups before redistricting begins. An agreement on who will do what tasks, and when, may safeguard everyone involved from unintentionally overstepping the tasks others are intending to do.

### 2.3.3 Redistricting levy

Counties have been given two opportunities to levy a special redistricting tax to cover expenses related to redistricting. The first opportunity, under *Minnesota Statutes* 204B.135 subdivision 5, expired in 2000. The second opportunity still exists under *Minnesota Statutes* 275.70 subdivision 5 (14), which was enacted in the 2001 special legislative session.

Under the expired opportunity, county boards were permitted to levy up to a \$1.00 per capita tax in levy year 2000 to pay for costs related to redistricting. The county board would retain 75% of the levy and would distribute 25% of the total on a per capita basis to all municipalities. (M.S. 204B.135 subd. 5)

The remaining opportunity for counties exists to levy a tax not to exceed \$1.00 per capita to pay redistricting costs reasonably expected to be incurred in 2002. The tax may be assessed to cover the costs of redistricting election districts, the establishment of precincts, and reassigning voters in the statewide voter registration system. The county must distribute a portion of the levy to all cities in the county with a population of 30,000 or more. The amount to be distributed to each city is equal to \$0.25 times the number of people living in the city. (M.S. 275.70 subd. 5 (14))

### 2.3.4 Provide information to county board and media

It is a good idea for those with redistricting responsibilities to learn as much as they can about the redistricting process. Reviewing this guide is just one step in the learning process. There are many sources for additional information. Some of those sources have been collected and are provided for you in Appendix G.

It is important that information relevant to local government redistricting be shared among all those involved with redistricting. This includes providing information to local media about the redistricting process and outcomes. Redistricting elective districts is an important component in the American political system and should be an open and visible process.

### 2.3.5 Acquire maps of census block lines

The county board establishes precincts in unorganized territories. If a precinct is composed entirely of unorganized territory it is not a requirement for its boundaries to be drawn on census block boundaries, though it does need to be drawn on an identifiable physical feature. However, cities and townships must draw precinct boundaries on census block boundaries between April 1, 2000 and April 1, 2002. Although there are a limited number of other boundaries allowed for precincts in unorganized territories, census block lines may be most preferable. (M.S. 204B.14 subd. 6 (a))

If precinct boundaries in unorganized territories are not drawn on census block boundaries, it may be much more difficult to determine the population of county commissioner districts.

There are several sources for maps of census block boundaries. See section 1.6.6 (SOURCES OF REDISTRICTING DATA) for a list of some of the sources of maps and digital data.

### **2.3.6 Acquire census block population**

Population is a consideration when evaluating and redistricting county commissioner districts. If all commissioner districts are made entirely of complete cities and townships, it may be possible for the county to just acquire the official census population counts for municipalities. However, if a commissioner district splits a city or township, it would be a good practice to acquire complete census block population counts. To use census block population data it is necessary to have a map indicating block boundaries and the unique number for each census block. Maps of census blocks and population totals are available from the sources listed in section 1.6.6 (SOURCES OF REDISTRICTING DATA).

### **2.3.7 Acquire maps of school districts**

Counties, unlike municipalities, are not required to acquire maps of school districts. However, the county should know the school district boundaries in unorganized territories. Property parcel records are a source for this information. To simplify conducting elections, counties may want to consider their ability to draw precinct boundaries to follow school district boundaries to whatever extent possible.

Counties should verify the source(s) of school district maps for cities and townships. When these municipalities begin redistricting they may ask the county auditor for information as to where and how they can acquire school district maps. (M.R. 8255.0015)

### **2.3.8 Identify and evaluate existing and potential polling places in unorganized territories**

Before redistricting, it is a good practice to identify and evaluate existing and potential polling places in unorganized territories. If the new legislative plans forces new precincts in unorganized areas, it is advisable to know where potential polling places exist that meets all state and federal requirements (for information about state and federal requirements, see: 2.6 POLLING PLACES).

Many counties may find it easier to first identify their potential polling places and then draw precincts around where they have a polling place. It may be harder to draw precincts first and then try to locate a polling place for each precinct.

### **2.3.9 Receive state redistricting plans from the Secretary of State's Office**

The Secretary of State's Office will provide information about the official state legislative and congressional plans to each county auditor. Those plans will be provided in the form of a map of the county clearly showing legislative and congressional district boundaries. Metes and bounds descriptions of legislative and congressional district plans will also be available from the Secretary of State and the State Revisor's Office.

Counties interested in receiving legislative and congressional district plans in the form of a geographic information system (GIS) database should contact the Secretary of State's Office for more information. Inquiries should be directed to Randall Cutting at [randall.cutting@state.mn.us](mailto:randall.cutting@state.mn.us) or by phone at (651) 215-0014. Mr. Cutting may also be mailed at 180 State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155-1299.

A variety of additional maps are available for purchase from the Secretary of State's Office including maps of counties, cities, townships, individual legislative and congressional districts, and statewide and metropolitan area maps. Map order request forms are available on the web at [www.sos.state.mn.us/maps.html](http://www.sos.state.mn.us/maps.html). For more information contact the Elections Division by email at [elections.dept@state.mn.us](mailto:elections.dept@state.mn.us) or by phone at (651) 215-1440 or (877) 600-VOTE.

After passage of state redistricting legislation, the Secretary of State's Office is the official depository of that information. While copies of legislative and congressional district plans may be available from many other sources, it is strongly recommend that counties DO NOT use information from any other source. Any changes in legislative plans as a result of court action or changes ordered by the Secretary of State may not be reflected in information available from other sources. (M.S. 2.91 subd. 1)

### **2.3.10 Publish legislative and congressional district boundaries**

County auditors are required to publish a notice illustrating or describing congressional, legislative, and county commissioner district boundaries. That notice is to be published in one or more qualified newspapers in the county by June 18, 2002. Counties may choose to publish congressional and legislative district boundaries as soon as they receive them. If a county chooses to publish state plans early they will not need to republish the state plans again when publishing county commissioner district boundaries. (See: 2.7.6.2 PUBLISH COMMISSIONER DISTRICT PLAN) (M.S. 204B.14 subd. 4)

### **2.3.11 Send each city and township clerk copies of state redistricting plans**

As soon as the county auditor receives copies of legislative and congressional district plans from the Secretary of State the auditor must forward copies of the relevant portion of those plans to each city and township clerk within the county. (M.S. 2.91 subd. 1)

The timeline of redistricting is such that municipalities need to begin their redistricting work as soon as possible after legislative redistricting. The sooner after legislative redistricting that cities and townships have the information they need to begin, the sooner they can finish. The earlier cities and townships have completed their redistricting tasks, the more time that will be available for counties to redistrict county commissioner districts.

It is a good idea for counties and municipalities to work cooperatively in the redistricting process. To help facilitate this, counties may want to coordinate and facilitate the transfer of redistricting information to city and township clerks. The more prepared cities and townships are for redistricting the more expeditiously and efficiently they may be able to conduct their redistricting responsibilities.

### **2.3.12 Receive corrections, if any, of state plans**

After passage of redistricting legislation, the Secretary of State's Office reviews the plan for errors. If errors are discovered, the Secretary of State has the responsibility to notify the affected county auditor, municipal clerk and candidates for office in the affected area. (M.S. 2.91 subd. 3)

The types of errors that can be corrected by the Secretary of State include:

- Assigning territory in state, not named in district plan, to a district,
- Assigning territory to one district if it is accidentally assigned to two or more districts,
- Assigning discontinuous portions of districts to contiguous districts, and
- Correcting errors in the language of the metes and bounds description.

If cities, townships or counties discover errors in the state legislative or congressional district plans they should immediately notify the Secretary of State's Office by sending a description of the error along with a map of the affected area. The notice should be mailed to the Secretary of State's Office, Elections Division, 180 State Office Building, 100 Constitution Avenue, St. Paul, MN 55155-1299, or faxed to (651) 296-9073.

If the Secretary of State orders corrections before the beginning of the filing period (July 2, 2002), the Secretary of State will send a copy of the correction order to the affected county auditor and municipal clerk. The Secretary of State will additionally provide copies of the correction order to affected candidates filing with the Secretary of State's office. County auditors should provide copies of the correction order to candidates filing with the county auditor's office.

If the Secretary of State orders corrections after July 2, 2002, the Secretary of State will send a copy of the correction order to the county auditor, municipal clerk, and any officially filed candidate(s) for an office affected by the correction. (M.S. 2.91 subds. 2 and 3)

### **2.3.13 Provide information to cities, townships, and school districts**

Cities, townships, and school districts may look to the county for assistance and guidance throughout the redistricting process. Counties may want to host periodic meeting with municipal and school district clerks to discuss redistricting. Topics the county may want to cover include the process for the transfer of information, redistricting responsibilities and tasks, and contingency plans if state redistricting is delayed.

### **2.3.14 Update voter registration records and street address tables**

The voter registration system will be used to update individual voter registrations after state and local redistricting. Due to the short period between the completion of redistricting and the filing period, there will be a large demand from candidates for updated voter information for use in campaigning. The accuracy of voter registration records and street address tables will impact the time and effort required to update individual records.

For more information on the voter registration system contact the Secretary of State's Office Information System Help Desk at [sos.helpdesk@state.mn.us](mailto:sos.helpdesk@state.mn.us) or by phone at (651) 297-4848. (M.S. 201.002, M.R. 8200.9315)

## **2.4 PRECINCTS**

### **2.4.1 Definition**

"Precincts" are the basic geographic units for organizing and administering elections. Precinct boundaries in unorganized territories are partially designated by the county and partially the result of various requirements in state statutes. At minimum, the unorganized territories in the county must be at least one precinct, and additional precincts are necessary if a congressional or legislative boundary divides the unorganized territory. Within these broad requirements, counties can create as many or as few precincts as necessary for the community. Precincts are not tied to population size; however, precincts sized much beyond 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

### **2.4.2 Precinct freeze**

State election law freezes all precinct boundary lines between January 1, 2000 and until after the legislature redistricts. Normally, the county board may make changes to precinct boundaries in unorganized territory at any time before June 1 of state election (even) years or 90 days before the next election. The statutes establishing the precinct freeze allows two exceptions to the freeze period: to accommodate an annexation or to divide an existing precinct. (M.S. 204B.14)

In the first exception, if a city annexes an unincorporated area located in the same county as the city and the annexed area is adjacent to the city boundary, the annexed area may be included in a precinct immediately adjacent to it. However, to include the recently annexed area into the city precinct, all other statutory requirements still apply (such as not crossing legislative, congressional, or county commissioner districts). The statutes do not provide an exception for including a non-adjacent annexation into a city precinct. (M.S. 204B.14 subd. 3 (a))

The second exception provides that a county may split an existing precinct in an unorganized territory. To do this the newly established precincts must not extend beyond the boundaries of the original precinct. Additionally, the names of the new precincts must include the name of the former precinct. (M.S. 204B.14 subd. 3 (c))

### **2.4.3 The precinct plan**

A metes and bounds description is one that describes the boundaries of a precinct in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 6<sup>th</sup> District is included in Minnesota Statutes 473.123 subdivision 3c (6):

*“The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W...”*

When a precinct plan is approved, any reference to a municipal boundary in the metes and bound description refers to that boundary on the day the plan is approved. It is not uncommon for municipal boundaries to change, and precinct boundaries do not automatically change with corporate boundary changes.

In summary, the advantages of a metes and bounds description are:

- More identifiable to people unfamiliar with the county or the unorganized territory,
- Better than using corporate limits for descriptions – as corporate limits tend to change over time, and
- Helps to remind the county that when a municipality annexes a portion of the unorganized territory, a precinct boundary change needs to occur or a new precinct needs to be created.

## **2.4.4 Consider where you have available polling places**

Some cities and counties may prefer to identify polling places before establishing precincts. It may be less difficult to draw precincts around polling places than to find polling places for established precincts. Polling places must meet state and federal accessibility and other requirements. (See: 2.6 POLLING PLACES)

Regardless of the order polling places and precincts are identified and drawn, precincts are officially established first and polling places second.

## **2.4.5 Requirements for precinct boundaries**

### **2.4.5.1 Not cross municipal or elective district boundaries**

At a minimum each unorganized territory must be at least one precinct. A precinct cannot be split between county, congressional, or legislative districts. Ideally, precincts will also follow school district boundary lines. Where precinct lines stand alone, they must follow “visible, clearly recognizable physical features” such as highways, rivers, or railroads. (M.S. 204B.14, subd. 6.)

When precincts in unorganized territories are redistricted or reestablished they must not cross:

- A municipal boundary
- A county boundary
- A legislative district boundary
- A congressional district boundary

(M.S. 204B.14)

After the county has redistricted county commissioner districts, for the remaining decade precincts also must not cross county commissioner district boundaries. (M.S. 375.025 subd. 1)

#### **2.4.5.2 Use of physical features for precinct boundaries**

In addition to not crossing political subdivision boundaries, state law further limits where precinct boundaries can be drawn:

- From April 1, 2000 to April 1, 2002; all precinct boundaries must follow a census block line. The only exceptions are precincts that are made up entirely of unorganized territory and where more than one precinct is contained entirely within one census block,
  - Starting April 1, 2000, precincts entirely in unorganized territories and for multiple precincts entirely within one census block must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255,
  - After April 1, 2002; boundaries of all election precincts must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255, and
  - If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, the Secretary of State may authorize an alternate boundary used by the U.S. Census Bureau.
- (M.S. 204B.14 subd. 6 (a) (b) (e))

Statutes define “visible, clearly recognizable physical features” as a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line that is clearly visible from the ground. (M.S. 204B.14 subd. 6 (c))

A street or roadway that has been platted, but not graded, does not qualify as a visible, clearly recognizable physical feature. (M.S. 204B.14 subd. 6 (c))

#### **2.4.5.3 Use of school districts as precinct boundaries**

The establishment of precinct boundaries lacking visible, clearly recognizable physical features is covered in *Minnesota Rules* 8255.0020. Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. In this situation a county may establish an unorganized territory precinct boundary that is not on a recognizable physical feature. However, there are further limitations on the two precincts, which share the non-visible boundary:

- The other boundaries of the two precincts must be entirely located on recognizable physical features or jurisdictional (city, township, unorganized territory, county) boundaries.
- The two precincts must be named to reflect a relationship for the purpose of reporting election results (i.e. Precinct 1A and Precinct 1B). (M.R. 8255.0020)

#### **2.4.5.4 Additional precinct boundary information**

Although precincts in unorganized territories may be made up of several non-contiguous pieces it may not be good practice. County commissioner districts must be drawn after precincts are established. Whenever a precinct exists which is made up of multiple parts, all parts of that precinct must be contained within a single county commissioner district, which may significantly limit where the county can draw commissioner districts. (M.S. 375.025 subd. 1)

Within these requirements, governing bodies may create as many or as few precincts as necessary for the community. Unlike elective districts, voting precincts are based on administrative convenience and may be large or small in population. However, precincts containing much more than 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

There are benefits to drawing precinct lines to follow census block boundaries. Municipal wards, county commissioner districts and school board member districts must be approximately equal in population. The only way to ensure that the districts are balanced by population is to know the census count for the precincts making up the districts, and the only way to know with any certainty the population count of the precincts is to use census block when drawing the precinct boundaries. Additionally, the legislative and congressional plans will use census blocks exclusively to draw district boundaries. Precincts abutting legislative or congressional districts will find that they must use at least some census block geography in order to match the district boundaries.

An additional benefit of using census block lines as precinct boundaries may be that as the U.S. Census Bureau releases demographic information over the next few years, it may be possible to link that information to precincts.

## **2.5 REESTABLISHING / REDISTRICTING PRECINCTS**

### **2.5.1 Changed versus unchanged boundaries**

After legislative redistricting is finished in 2001 or 2002, counties will need to establish precinct with newly changed boundaries and/or reestablish existing precinct boundaries in unorganized territories within 60 days of legislative redistricting or by April 30, 2002, whichever comes first. (M.S. 204B.14, subds. 3 and 4.)

The county board must adopt the reestablished or changed precinct boundaries for unorganized territories at least 90 days before the next election. An example resolution for reestablishing unchanged precincts is provided in Appendix C.

Redistricting related precinct changes and reestablished precincts go into effect on the date of the state primary election in September 2002. (M.S. 204B.14 subd. 3 (c))

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for redistricting or reestablishing precincts. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

### **2.5.2 Annexations and precinct boundary changes**

Whenever an annexation occurs a precinct boundary must change or a new precinct must be created. After an annexation it is necessary for municipalities to complete the precinct boundary change process, which includes the notifications listed below.

### **2.5.3 Coordination with school district boundaries**

Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. A difficulty in administering split precincts is ensuring each voter gets the correct ballots. A voter may be disenfranchised if their school district is voting on a bond issue and they are incorrectly given the ballot for the other school district, and thereby are not given the opportunity to cast their vote on the bond question. Likewise, this voter may be incorrectly voting on issues in a school district, in which they do not live. To avoid these types of problems, counties may want to investigate their ability to draw precinct boundaries on school district boundaries. (See: 2.4.5.3 USE OF SCHOOL DISTRICTS AS PRECINCT BOUNDARIES)

### **2.5.4 Verify precinct boundaries**

Before counties draw county commissioner districts, it is essential that counties verify that precinct boundaries meet all statutory requirements. In addition to precinct boundaries in unorganized territories, counties should verify precinct boundaries established by cities and townships as well. It is particularly important to verify that precinct boundaries used as commissioner district boundaries meet all legal requirements. The Secretary of State's Office has the responsibility to identify and correct if necessary, precinct boundaries that do not meet the requirements provided in law.

#### **2.5.4.1 Before completion of county commissioner district redistricting**

If a county would like to draw a commissioner district boundary that would follow what the county determines is a non-compliant precinct boundary, that precinct boundary must first be corrected by the appropriate local government before the county commissioner district boundary is drawn.

There is no provision for "editing" a county commissioner district plan after approval by the county board. To revise or otherwise change a commissioner district plan, the county must begin the redistricting process again and comply with all the processes and procedures defined in law for the redistricting of the county. (A.G. Opinion 1942, No. 104, p. 170)

#### **2.5.4.2 After the completion of the county commissioner district redistricting period**

If, after county commissioner district redistricting is completed, a precinct boundary is found to be illegal, that precinct boundary will be required to be corrected. If that precinct boundary is coterminous with a county commissioner district, a problem could result.

Even if an illegal precinct boundary is coterminous with a county commissioner district boundary, the precinct boundary will be required to be corrected. However, the county commissioner district boundary is not automatically moved with the precinct boundary when the precinct boundary is corrected. The correction of the precinct boundary in this situation would result in a commissioner district boundary splitting a precinct, another violation of statute.

A county may not revise or otherwise change a county commissioner district plan outside the redistricting period. (A.G. Opinion 798-D, Dec. 17, 1954)

The statutes are unclear how the resulting conflict would be resolved after the close of the redistricting period.

#### **2.5.5 Secretary of State ordered corrections of precinct boundaries**

If the Secretary of State determines that a precinct boundary does not comply with *Minnesota Statutes* 204B.14 subdivision 6, the Secretary of State shall send a notice to the county auditor or municipal clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the county or municipal governing body has not taken action to correct the precinct boundary, the Secretary of State shall correct the precinct boundary and notify the county auditor or municipal clerk of the action taken. (M.S. 204B.14 subd. 6)

The notice of incorrect precinct boundary, sent to the municipal clerk or county auditor, will contain a map showing a suggested boundary that meets all statutory requirements. The governing body then has 60 days to adopt the suggested boundary, or create another boundary that meets all statutory requirements. If the governing body fails to act within 60 days, the precinct boundary is, by default, the boundary suggested by the Secretary of State. (M.R. 8255.0025)

#### **2.5.6 Notification: who, how, and when**

After precinct boundaries in unorganized territories have been drawn if there are changes in the boundaries, the following notices must be provided before the changes can take effect:

- The auditor must immediately notify the Secretary of State.
  - The auditor must send a map to the Secretary of State indicating all changes.
  - The auditor must post a notice of the changes for at least 60 days in his or her office.
  - The auditor must notify school districts of changes within 30 days.
  - If polling locations change, the auditor must arrange to notify the affected voters or their households.
- (M.S. 204B.14)

#### **2.5.6.1 Notify Secretary of State**

Minnesota Statutes 204B.14 subdivision 5 specifies that the municipal clerk or county auditor must immediately notify the Secretary of State of any change in a precinct boundary. To fulfill this notification the clerk or auditor should mail or fax a copy of the ordinance or resolution establishing the change to the Elections Division of the Secretary of State's Office. (M.S. 204B.14 subd. 5)

#### **2.5.6.2 Send map of precinct boundaries to Secretary of State**

The clerk or auditor then must file a correct map of precinct boundaries within 30 days of the boundary change. If map is needed, one can be requested from the Secretary of State (contact Randall Cutting in the Elections Division at [randall.cutting@state.mn.us](mailto:randall.cutting@state.mn.us) or by phone at (651) 215-0014 or for more help with a map).

The Secretary of State's Office will then prepare a corrected precinct map and provide a copy to the auditor who shall make them available for public inspection. (M.S. 204B.14 subd. 5)

Counties and cities interested in submitting precinct boundary information in the form of a geographic information system (GIS) database should refer to Appendix F before sending any digital data.

#### **2.5.6.3 Post precinct boundaries**

When precinct boundaries have been changed, the change does not take effect until a notice of the change has been posted in the office of the clerk or auditor for at least 60 days. The last day to post redistricting-related precinct boundary changes is July 11, 2002. (M.S. 204B.14 subd. 4)

#### **2.5.6.4 Notify affected households of changes**

Notifying affected households of changes in precinct boundaries is covered by the notification required for changes in polling place. (See: 2.6.4 NOTIFY AFFECTED HOUSEHOLDS OF CHANGES)

#### **2.5.6.5 Notify school districts of precinct boundary changes**

A precinct boundary change may have an impact on school district elections, particularly when school districts use combined polling places or when a precinct boundary move impacts a school board member districts. The county auditor is required to notify each school district with territory affected by a precinct boundary change at least 30 days before the effective date of the change. (M.S. 204B.14 subd. 5)

#### **2.5.6.6 Publicize precinct boundary changes**

While it is not a statutory requirement to publicize a notice of precinct boundary changes beyond what is listed above and notifying affected households of a polling place change, it may be good practice after

redistricting to make precinct boundary information as widely available as possible. One suggestion may be to publish precinct information along with the publication of congressional, legislative, and/or county commissioner district boundaries.

### **2.5.7 Modification of the statewide voter registration system**

On the Statewide Voter Registration system, county staff will need to modify the precinct finder to reflect the new precinct boundaries. The precinct finder is basically a listing of streets and address ranges within a given precinct. A precinct finder takes some time to establish, but once in place the precinct finder automatically assigns new or changed voter registrations to the correct precinct saving significant time later.

In addition to the precinct finder the Voter Registration system also has a precinct table that contains a listing of all election districts that are linked to that precinct. The Elections Division of the Secretary of State's Office creates new precincts in the Voter Registration system. Once established, county staff maintains the precinct table election district assignments. The precinct table is used by the system to assign congressional, legislative, county commissioner district, and school district assignments to voter registrations.

For more information on the Voter Registration System contact the Secretary of State's Office Information System Help Desk at (651) 297-4848 or [sos.helpdesk@state.mn.us](mailto:sos.helpdesk@state.mn.us)

## **2.6 POLLING PLACES**

### **2.6.1 Definition**

The polling place is the location to which voters come to cast their ballots on election day. Every precinct must have a designated polling place.

### **2.6.2 Designating polling places**

The governing body must designate, by ordinance or resolution, a polling place for every newly established precinct. When there is no change in precinct boundaries or polling place location, a resolution reestablishing the polling place is not required. However, it is recommended that the polling place be reestablished by resolution anyway while acting to reestablish the precincts. All polling places whether new or reestablished must be:

- fully accessible (see concluding section of this chapter);
- large enough to accommodate the election activities;
- free of other, non-election activities;
- smoking free;
- liquor free and not adjacent to a liquor service area;

- located within the precinct except:
    - metropolitan area cities and towns may locate a polling place outside the precinct if it is within 3,000 feet of the precinct boundary or it is part of a combined polling place (see: 2.6.5 COMBINED POLLING PLACE);
    - non-metropolitan cities and towns may locate polling places up to five miles outside the precinct boundary.
- (M.S. 144.414; M.S. 204B.16.)

An example resolution for reestablishing unchanged precincts and polling places is provided in Appendix C.

The polling place designation in unorganized territory remains in effect until the county board makes a new designation. However, changes cannot be made less than 90 days before the next election nor any time between the state primary and general elections. County staff must update the polling place in the voter registration system's precinct table. (The only exception to this is that election judges can move the polling place location on election day in response to emergencies rendering the original polling place unusable, such as fire or other public safety evacuations.)

The polling place information in the precinct table is used in the generation of Postal Verification Cards (PVC). The PVC is sent to every new or changed registrant. It confirms that the registration has been processed, and lists the polling place address and election districts for the precinct in which the registrant lives. For new voters to be provided with correct information on the location of their polling place, and for accurate lists of voters (rosters) to be available on election day, it is vital that the precinct table be up to date.

### 2.6.3 Accessibility

Federal and state laws require that all polling places be fully accessible and usable by elderly or disabled persons. Minimum requirements include:

- paved parking with wide spaces reserved for disabled persons,
- curb cuts or temporary ramps,
- paved main routes free of stairs or with ramp or elevator bypasses,
- entrances/doorways a minimum of 32 inches wide,
- walkways and hallways at least 36 inches wide,
- hallways free of protrusions overhanging the floor,
- handrails on all stairs,
- signs directing voters around obstructed entrances or stairs to accessible routes,
- signs outlining the assistance available to voters, and
- one or more wheelchair accessible voting booth or station with writing surface 34 inches high.

For more specific details, we recommend following the specifications for the Americans with Disabilities Act detailed in 41 Code of Federal Regulations 101-19 (available at larger public and university libraries, Minnesota's Bookstore, or on the Internet).

Minnesota election law offers some accommodations if a polling place is not fully accessible or if the voter needs assistance with the voting materials:

- voting by absentee ballot;
- curbside voting;
- a bipartisan team of election judges to provide assistance in the polling place; or
- the voter bringing someone of their choosing to assist in the polling place.  
(Americans with Disabilities Act; M.S. 204B.16, subd. 5.)

## **2.6.4 Notify affected households or voters**

When redistricting causes the polling place to change for a voter in an unorganized territory, the auditor must notify every affected household with at least one registered voter, by a first class, nonforwardable mailing at least 25 days before the next election. There are two ways for the auditor to accomplish this:

- mail a special redistricting Postal Verification Card (PVC) to all affected voters or households, or
- purchase address labels to use for a homemade mailing from the Secretary of State's Public Information section at (651) 297-9100.  
(M.S. 204B.16)

Although a polling place change notification is only required to be sent to affected households, it may be better to send a notice to every registered voter in the county. It is recommended that this notice be sent even if no changes have occurred and should contain the voter's polling place, precinct, and other election districts. The benefits of this countywide notification are to inform voters if any of their election districts have been changes, and reaffirm their correct polling place.

If a county determines that a notice to all voters is desirable, it may be possible to arrange cost sharing among the county, cities, townships, and school districts to keep the mailing costs affordable. Cities, townships, and school districts have responsibilities to notify households affected by a change in the polling places they establish.

## **2.6.5 Combined polling places**

### **2.6.5.1 Creating combined polling places**

Under the following circumstances, governing bodies may combine polling places into a single, accessible location with a single team of election judges. They must, however, use separate ballot boxes and keep separate returns for each precinct involved.

- 3<sup>rd</sup> or 4<sup>th</sup> class cities,
- cities located in more than one county,
- two contiguous precincts in the same county with fewer than 500 registered voters combined,
- up to four contiguous city and townships located outside the metro area that are in the same county, or
- for precincts that vote by mail, only one polling place is required at a central location designated by the governing body.  
(M.S. 204B.14; M.S. 204B.45)

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days of approval by the governing body. For a combined polling place involving multiple municipalities or jurisdictions, each governing body involved must pass an ordinance or resolution establishing the combined polling place. (M.S. 204B.14 subd. 2 (b)(3))

#### **2.6.5.2 Withdrawing from combined polling places**

A municipality withdrawing from participation in a combined polling place must file a resolution of withdrawal with the county auditor no later than May 1<sup>st</sup> of any year. (M.S. 204B.14 subd. 2 (b)(3))

### **2.6.6 Alternate dates and procedures for establishing polling places**

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for establishing or reestablishing polling places. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

### **2.6.7 Receive precinct information from city and township clerks**

County commissioner district cannot be redistricted until after all municipalities (and the county for unorganized territories) have redistricted or reestablished their precinct boundaries. The county auditor will need to verify that all municipalities have completed their work before the county board can begin. One possible method is for the auditor to request each city and township clerk forward a copy of the ordinance or resolution redistricting or reestablishing their precinct(s).

The county auditor will also need to coordinate the transfer of precinct boundary change information to school districts, and receive information from school districts about changes in combined polling places.

## **2.7 COUNTY COMMISSIONER DISTRICTS**

### **2.7.1 Definition**

County commissioner districts are the geographic area within a county within which a county commissioner must reside when nominated, elected for office, and while serving on the board of commissioners. (M.S. 375A.09 subd. 3)

## **2.7.2 County commissioner district boundaries**

In addition to population, county commissioner districts must be drawn to meet additional statutory requirements. These requirements influence the geography of the area the county commissioner districts cover. The geographic requirements include:

1. Each county is divided into as many districts as there are members of the board of commissioners,
2. Commissioner districts are bounded by precinct lines (which may also correspond with town, municipal, and ward boundaries),
3. Commissioner districts are composed of contiguous territory, and
4. Commissioner districts are to be as regular and compact in form as practicable.  
(M.S. 375.025 subd. 1)

### **2.7.2.1 Number of districts**

Counties are to be divided into as many commissioner districts as there are members of the county board of commissioners. Each district is numbered consecutively starting with one (1) and continuing until each district is assigned a number. (M.S. 370.13; M.S. 375.025 subd. 1)

With some exceptions counties may have between 3, 5, 7, or 9 members on the county board. It is recommended that counties periodically review the size of the county board in relation to the size of the population of the county. Because a change in the size of the county board requires a redistricting of county commissioner districts, the decennial redistricting period is an opportune time to evaluate the size of the county government. (M.S. 375, M.S. 375A)

Counties deciding to increase or reduce the size of the county board will need to comply with the requirements and processes outlined in law. Contact your county attorney for more information on changing the size of the county board.

### **2.7.2.2 Relationship with precinct lines**

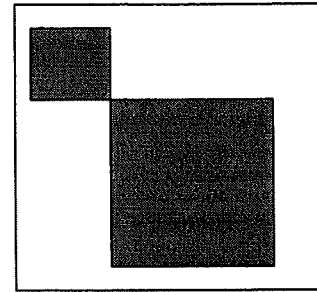
Commissioner district boundaries must be drawn on town, municipal, ward, or precinct lines. However, since all town, municipal, and ward boundaries must also correspond with precinct lines, it may be simpler to view commissioner district boundaries as being drawn on precinct lines.  
(M.S. 375.025 subd. 1; 204B.14 subd. 2)

(Also see: 2.5.4 VERIFY PRECINCT BOUNDARIES)

### **2.7.2.3 Contiguous territory**

County commissioner districts must be composed of a contiguous area. (M.S. 375.025 subd. 1)

Districts that are composed of areas that join each other at a single point are not considered contiguous. If a district is drawn which resembles the hypothetical district illustrated to the right, it would not be considered contiguous. (A.G. Opinion 798d, Nov. 8, 1965)



A district that is split by a large lake or other impassable geographic feature may also not meet the contiguity requirement.

### **2.7.2.4 Regular and compact in form**

Districts must be as regular and compact in form as possible, to the extent that is possible considering the geography of the county. (M.S. 375.025 subd. 1)

Considering the geography in most counties in Minnesota, the most regular and compact districts would be those that are squares or rectangles. While it may not be possible to draw all commissioner districts as squares or rectangles, most districts in a county should be regular and compact. Counties should avoid drawing districts that are irregular in shape. (M.S. 375.025 subd. 1)

## **2.7.3 Do county commissioner district boundaries require redistricting?**

As redistricting begins, the county must assess if it will need to change its county commissioner boundaries. Then it is necessary to determine if the county commissioners will need to run for that office again as a result of the redistricting. To determine the need to redistrict, the county must:

- determine if changes have been made to the precinct lines that had previously defined county commissioner district boundaries, and
- assess the effect of county commissioner district population changes.

### **2.7.3.1 Determining criteria**

After the certification of the decennial census Minnesota Statute 375.025, subdivision 1 specifies that each county must redistrict county commissioner districts if:

1. Any county commissioner district boundaries are no longer on precinct or ward boundaries; or
2. Any county commissioner district varies in population more than ten percent (10%) from the average of all districts in the county, unless the result *forces* a voting precinct to be split, or
3. A majority of the least populous districts contain less than a majority of the population of the county; or
4. Any commissioner districts are not as equal in population as possible (considering that they must be compact and as regular in form as practicable while bounded by town, municipal, ward, or precinct boundaries).

While these criteria specify the need to redistrict, the county may still decide to redistrict county commissioner districts, even though not required to do so, if the new districts could better meet the above criteria. Case law has ruled that the county board has discretion on the practicality of drawing commissioner districts of mathematically equal population. (State ex rel. South S. Paul, v. Hetherington, 1954, 240 Minn. 298, 61 N.W. 2d 737)

A county that meets criteria 1 – 3 above, but could better meet the population equality if they redistricted their commissioner districts, may risk a challenge to their district unchanged plan. If a county board decides not to redistrict, it is strongly recommended that they establish reasons for their decision to maintain existing commissioner district lines. Those reasons should be officially stated in the record of a meeting of the board of commissioners.

#### **2.7.3.2 Accommodate municipal precinct boundary changes**

Because city, township, and unorganized territory precinct boundaries are established before counties redistrict county commissioner districts, a precinct boundary that was previously coterminous with a commissioner district line may be shifted. This would force the county to adjust the county commissioner district boundary to reflect the new precinct boundary.

Counties wishing to draw a commissioner district boundary in a particular location, should work with their municipalities to ensure a precinct boundary exists in that location. Counties may want to work cooperatively with their cities and townships throughout the redistricting process rather than waiting to see what the municipalities establish as precinct boundaries.

After the redistricting of commissioner districts, precincts must not be split by commissioner boundaries and the county board may not move county commissioner district boundaries until the next redistricting period.

#### **2.7.3.3 Assessing Population Changes**

The relative percentage of a county's population in each county commissioner district can change as the result of altered precinct lines that had been commissioner district boundaries, or by actual population shifts among the districts.

If county commissioner lines need to be moved as a result of altered precinct boundaries (from earlier steps in the current redistricting process or from changes related to municipal annexations), the populations in those affected areas must be considered. Calculating the effect of municipal annexations on district populations can be challenging particularly if a census block has been split by an annexation. (See: 2.7.3.6 POPULATION SHIFTS AMONG COUNTY COMMISSIONER DISTRICTS.)

#### **2.7.3.4 Annexations within the same county commissioner district**

If the city and the annexed area are entirely within one county commissioner district before redistricting, and they will remain in one district after redistricting, there is no additional consideration caused by the

annexation itself. Under this scenario, there is no population shift between county commissioner districts as a result of the municipal annexation. The total population of both the city and the annexed area would be considered in the determination of the total population of the county commissioner district in which they exist.

#### **2.7.3.5 Annexations of areas in adjoining county commissioner districts**

If annexed areas cross county commissioner district boundaries (before, or during redistricting) other considerations apply.

Before the precinct boundary “freeze” (which started on January 1, 2000) the city could create a new precinct in the annexed area. In this case, there was no shift of population from one county commissioner district to another.

Annexations approved during the time precinct boundaries are frozen (since 1/1/00) require specific steps by the county to ensure that voters in areas annexed from neighboring county commissioner districts still have a precinct to vote in. The city cannot adjust its existing precinct to cross the county commissioner district boundary because this contradicts the criteria for a precinct. Instead, the county commissioner district boundary must be adjusted to allow the annexed area to become part of an adjoining precinct in the city.

The county board cannot move the county commissioner line to assign constituents in the annexed area into a new county commissioner district until the county commissioner district redistricting period begins. However, if 50 or fewer voters reside in the annexed area, the Minnesota Secretary of State’s Office may be asked to adjust the county commissioner line assigning constituents in the annexed area into another county commissioner district, even during the freeze period.

Occasionally, a city will neglect to establish a new precinct or to have the county commissioner line moved when an annexation crosses a county commissioner district boundary. The result is:

- Constituents in the annexed area incorrectly are given special, separate ballots at their precinct polling place to vote for a separate county commissioner than others in the precinct will vote for; or
- Constituents are moved in non-compliance with statute into a new county commissioner district. Left uncorrected, this oversight can result in an Errors and Omissions suit during an election, or a contest after an election. It can also cause confusion over the correct assignment of populations to county commissioner districts.

*Rather than allowing either situation to occur, the city should create a new precinct or, if possible, request the Secretary of State’s Office adjust the county commissioner district line.*

During the redistricting of county commissioner districts, the county must consider not only the balance of population among the county commissioner districts, but must also consider changes to county commissioner district boundary lines to reflect moved precinct boundaries (done earlier by cities, townships, and unorganized territories). Cities are required to draw precincts that follow the entire legal boundary of the municipality. County commissioner districts are then drawn using precinct boundaries.

### **2.7.3.6 Population shifts among county commissioner districts.**

If county commissioner district lines were moved the resulting population changes must now be considered.

Population changes are analyzed by asking the following questions:

1. Are the commissioner districts as equal in population as possible (while not splitting precincts, and while being as compact and as regular in form as practicable)?
2. Do the commissioner districts vary in population by more than 10% of the average district population size?
3. Does a majority of the least populous districts contain less than a majority of the population of the county?
4. Has a change in the boundaries of a district affected a population larger than 5% of the average district size?

To answer questions 1 – 3, it is helpful to assess the impact of assigning all, and none, of the population in each split census block to each commissioner district having a split census block. The result will be 2 bounding scenarios.

To determine the impacts:

- Calculate the population of the district containing the unorganized territory including the entire population from each split census block. Similarly, calculate the population of the district containing the city including no population from any of the split blocks. Consider each of the points under this scenario to determine if the commissioner districts meet all the relevant criteria.
- Then, calculate the reverse scenario, including all the population in the commissioner district including the city and none in the district with the unorganized territory. Consider each of the points under this scenario to determine if the commissioner districts meet all the relevant criteria.

If either of the resulting calculations indicates that the districts do not meet the requirements in items number 1 – 3 above, prudence may compel further consideration of the commissioner plan.

In answering question #4:

If the shift in boundaries affects a population larger than 5% of the average district size in the county there must be an election in the county commissioner district in the first general election following redistricting. To determine the effect of population shifts related to annexations, apply the two bounding scenarios above to each district using the populations in the annexed territory.

However, in the opinion of the Attorney General, there should be an election in all commissioner districts following redistricting. Therefore, if either of the resulting calculations indicates that the population shift may exceed the five percent threshold it is recommended that an election be held in that district.

For more information on the application of *Minnesota Statutes* 375.025 subdivision 4. (See: 2.7.8.2 THE FIVE PERCENT (5%) RULE)

## 2.7.4 County redistricting process

### 2.7.4.1 Notice of intent to redistrict

Before acting to redistrict county commissioner districts, the county board, or redistricting commission, must publish three weeks' prior notice. That notice must:

- Be published in the newspaper contracted to publish county commissioner meeting proceedings,
  - State the time of the meeting where redistricting will be considered,
  - State the place of the meeting where redistricting will be considered, and
  - State that the purpose of the meeting is to consider redistricting.
- (M.S. 375.025 subd. 1)

The notice to the right is an example of one of the notices published by Hennepin County in 1992. Note that Hennepin County planned on meeting several times to consider redistricting and incorporated multiple notices in this single publication. Also notice that citizens are informed where they can acquire copies of preliminary county commissioner district plans and the deadline for submitting alternate plans.

### 2.7.4.2 Redistricting commission

The county board may appoint a redistricting commission to prepare the counties redistricting plan. If a redistricting commission performs the redistricting duties for the county, they shall prepare and file the county redistricting plan with the county auditor in place of the county board of commissioners.

The members of the county redistricting commission shall be:

- Five to nine residents of the county,
- Not an officer or employee of the county or local government (except notaries public), and
- Not eligible for election to the county board until two (2) years after redistricting plan becomes effective.

Members of the redistricting commission serve without pay, but may be reimbursed for necessary expenses in the conduct of the business of the commission. The county board shall provide for the necessary expenses of the commission. (M.S. 375.025 subd. 3)

### Official Publication

#### County of Hennepin

Notice of public hearing and intent to consider plans for redistricting of county commissioner districts in accordance with Minnesota Statutes, Section 375.01 to 375.025

-----  
(Published in  
Finance and Commerce  
March 17, 1992)  
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Notice is hereby given that on the 26<sup>th</sup> day of March, 1992, at 7:00 p.m., the Hennepin County Board of Commissioners will hold a public hearing at the Hennepin County Government Center, 300 South Sixth Street, in the City of Minneapolis, for the purpose of considering preliminary plans for the redistricting of Hennepin County Commissioner Districts. A copy of the preliminary plans with all attachments and supporting documentation, shall be available for public inspection in the office of the Clerk of the County Board during regular office hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. Any citizen intending to submit a plan for consideration in the redistricting of Hennepin County Commissioner Districts must do so no later than March 19, 1992, at 4:30 p.m.

Notice is also given that the Hennepin County Board of County Commissioners will meet in the Hennepin County Government Center, 300 South Sixth Street, in the City of Minneapolis on April 14, 1992, for the purpose of redistricting Hennepin County Commissioner Districts.

Dated: March 17, 1992

#### **2.7.4.3 Public involvement**

It is recommended that counties solicit public involvement in the redistricting process. Public involvement may include the formation of a redistricting commission (see: 2.7.4.2 above) or holding public hearings to formulate and establish redistricting principles (see: 2.7.4.4 below).

The county board may also decide to hold multiple meetings during which they consider a variety of redistricting plans, including those submitted by members of the public. Each meeting would require a notice of intent to redistrict (see: 2.7.4.1 above).

#### **2.7.4.4 Redistricting principles**

The legislature uses a set of guiding principles to help provide a framework for state legislative and congressional redistricting. Some of the principles are based on Constitutional requirements, others on state and federal law, while still others are voluntary requirements the legislature places on itself.

The principles establish in general terms what is, and isn't, important when considering where to draw district boundaries. The legislature uses the principles as a set of standards to ensure fairness and accuracy in the state redistricting plans.

Although there is no requirement to do so, some counties may decide to adopt principles to help guide their work. If a county decides to adopt redistricting principles, they should do so carefully as it is possible that the principles may limit what they can do later.

#### **2.7.4.5 Writing the commissioner plan**

It may be preferable to write a metes and bounds description for a county commissioner plan instead of using precincts or municipal boundaries for the description.

A metes and bounds description is one that describes the boundaries of the districts in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 6<sup>th</sup> District is included in Minnesota Statutes 473.123 subdivision 3c (6):

*"The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W..."*

The advantages of a metes and bounds description are:

- More identifiable to people unfamiliar with the county
- Better than using corporate limits for descriptions – as corporate limits tend to change over time.
- May help to remind the county that when municipal annexations have occurred, a precinct boundary has occurred or a new precinct needs to be created.

When a county commissioner district-redistricting plan is approved, any reference to a municipal or precinct boundary refers to that boundary on the day the plan is approved. It is not uncommon for municipal boundaries to change, and county commissioner districts do not automatically change with those boundaries. A metes and bounds description may help to highlight the requirement that any adjustment to a commissioner district plan must be done by the Secretary of State.

While county commissioner district boundaries do not change during the decade after passage of the redistricting plan, the original precincts used to create the districts may have their names changed so a commissioner district plan written to refer to a precinct, may several years later be referring to a precinct that no longer exists. Likewise, if a municipality changes its name a plan referring to a city may seem odd years later.

Metes and bounds descriptions may be more understandable to people outside the county than a description which references particular townships and ranges, for example. They may also be better than using corporate limits or precincts for descriptions – as corporate limits tend to change over time. A metes and bounds description may also help to point out that when a municipal annexation crosses a commissioner district line, either a new precinct is necessary or a request to the Secretary of State to adjust the commissioner district line is necessary.

At the least, after an annexation has occurred, a precinct boundary change has occurred and there may be additional work necessary to update voter registrations, the precinct finder, notifications, etc.

### **2.7.5 Dates for establishing commissioner districts**

Counties must redistrict or reconfirm commissioner district boundaries within 80 days of the completion of legislative redistricting or by May 28, 2002, whichever comes first. However, the county may not redistrict commissioner districts until all cities and townships have completed redistricting or reestablishing precinct boundaries. Furthermore, the county may not redistrict until after three weeks' published notice of the meeting at which redistricting will be discussed. (M.S. 204B.14, subd. 2; M.S. 375.025 subd. 1)

A redistricting plan is effective on the 31<sup>st</sup> day after filing [in the office of the county auditor] unless a later effective date is specified, but no plan is effective for the next election unless the plan is filed with the county auditor on or before June 4, 2002 (30 days before candidate filing; transferred from Sunday June 3, 2002). (M.S. 375.025 subd. 4; M.S. 645.15)

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for redistricting or reestablishing local government elective districts. For more

information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

## **2.7.6 Notification of county redistricting**

### **2.7.6.1 Send commissioner district map to Secretary of State**

After county commissioner district are redistricted, the Elections Division of the Secretary of State's Office requests that each county auditor send a map of the county commissioner districts in their county, along with a copy of the ordinance or resolution establishing the districts.

Counties may submit commissioner district boundary information in the form of a geographic information system (GIS) database. Counties interested in sending a geographic information system (GIS) database should refer to Appendix F before sending any digital data.

### **2.7.6.2 Publish commissioner (and legislative and congressional) district plan**

County auditors are required to publish a notice illustrating or describing congressional, legislative, and county commissioner district boundaries. That notice is to be published in one or more qualified newspapers in the county by June 18, 2002. If a county choose not to publish congressional and legislative district boundaries as soon as they received them, they will need to publish them when publishing county commissioner district boundaries. (See: 2.3.10 PUBLISH LEGISLATIVE AND CONGRESSIONAL DISTRICT BOUNDARIES) (M.S. 204B.14 subd. 4)

### **2.7.6.3 Post commissioner district plan**

While counties are not specifically required to post county commissioner district plans it may be a good practice to post plans in addition to making them available for public inspection.

### **2.7.6.4 Filing commissioner district plan**

A redistricting plan is effective on the 31<sup>st</sup> day after filing [in the office of the county auditor] unless a later effective date is specified, but no plan is effective for the next election unless the plan is filed with the county auditor on or before June 4, 2002 (30 days before candidate filing; transferred from Sunday June 3, 2002). (M.S. 375.025 subd. 4; M.S. 645.15)

### **2.7.6.5 Notify cities and townships of changes in county commissioner districts**

When the redistricting of county commissioner districts causes a change in the commissioner who represents a particular city or township (or municipal precinct) a county should notify the municipal clerk of the change. The municipal clerk may wish to publicize the change in commissioner districts to inform voters within their jurisdiction.

## **2.7.7 Secretary of State authority to adjust boundaries with municipal annexations**

A county may not adjust county commissioner district boundaries except during the redistricting period between legislative redistricting and the statutorily defined deadline. When a municipal annexation crosses a commissioner district line, the city and the county may decide it would be easier to conduct elections if the new portion of the city is incorporated into the same commissioner district as the rest of the municipality. (AG Opinion 798-D, Dec. 17, 1954)

When a municipal boundary that is coterminous with a congressional, legislative, or county commissioner district boundary changes and the affected territory contains 50 or fewer registered voters, the Secretary of State may order corrections to move the affected election district boundaries so the election district boundaries again will be coterminous with the municipal boundary. The election district change is effective 28 days after the date that the order is issued. The Secretary of State shall immediately notify the municipal clerk and county auditor affected by the boundary changes and the legislative coordinating commission. (M.S. 204B.146 subd. 3)

Commissioner, legislative, and congressional district adjustment is not done automatically; the municipal clerk or county auditor may request such a change in writing. For more information contact Randall Cutting in the Elections Division of the Secretary of State's Office. Mr. Cutting may be contacted by email at [randall.cutting@state.mn.us](mailto:randall.cutting@state.mn.us) or by phone at (651) 215-0014 or may be mailed at 180 State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155-1299.

## **2.7.8 How district changes affect county commissioners**

### **2.7.8.1 Do commissioners need to run for election as a result of redistricting?**

Each county has an existing plan for when commissioners run for office, which provides for overlapping terms of commissioners. Approximately half of all county commissioners will be running for office in 2002 as a result of the existing plan. It will need to be determined which of the remaining commissioners, who were elected in 2000, will need to run for office as a result of redistricting.

According to an Attorney General's opinion every county commissioner should run for office after redistricting of county commissioner districts regardless of whether their term is scheduled to end or not. However, the statutes provide an exception when redistricting does not cause a significant change in constituency. (A.G. Opinion 798-d, Oct. 27, 1981)

Situations that would require an incumbent commissioner to run for reelection as a result of redistricting include the "5% rule" for affected population, or a commissioner being shifted out of their district as the result of redrawing commissioner district lines.

### **2.7.8.2 The five percent (5%) rule**

One of the most difficult aspects to determining if a commissioner will need to run for office in 2002 is the interpretation of *Minnesota Statutes* 375.025 subdivision 4, and whether or not a county commissioner who was elected for a four-year term in 2000 will need to run for reelection in 2002.

If the shift in a county commissioner district boundary affects a population larger than 5% of the average district size in the county, there should be an election in that county commissioner district in the first general election following redistricting regardless of whether or not that commissioner was elected in 2000.

*Minnesota Statutes* 375.025 subdivision 4, reads:

*"When a county is redistricted, there shall be a new election of commissioners in all the districts at the next general election except that if the change made in the boundaries of a district is less than five percent of the average of all districts of the county, the commissioner in office at the time of the redistricting shall serve for the full period for which elected."*

In application, the size of the constituency shift that constitutes a "significant alteration" varies with the size of the population in the county and the number of commissioner districts. The determination of the size of the threshold population is five percent of the average population in all commissioner districts. The total shift in constituency is calculated by adding the number of individuals shifted into and out of the district as a result of moving district lines during redistricting.

The total shift in constituency is calculated as follows:

$(\# \text{ of individuals shifted into district} + \# \text{ of individuals shifted out of district}) = \text{total shift}$

The threshold population is calculated as follows:

$(\text{county population} / \text{number of districts}) * 0.05 = \text{threshold}$

If the total shift is *greater* than the threshold population, then a county commissioner, who was elected for a four-year term at the 2000 general election, *will* need to run for that office again in 2002.

Consider the hypothetical example of County Commissioner District 1 shown in Table 2.4. It has a population of 10,000 and five commissioners. District 1 had a pre-redistricting population of 2,200 and, as a result of redrawing district lines, has a post-redistricting population of 2,150. While the net change in population size was only 50 people, the new district lines shifted 120 former constituents *out of* the district, and 70 new constituents *into* the district. In this example, the total shift (190) is *greater* than the threshold (100); therefore, the county commissioner *will* need to run for office again in 2002.

## Table 2.4

### Calculation of Population Shift Under the Five Percent Rule

County Information:		Calculations:
2000 county population	10,000	The threshold population is: $(10,000 / 5) * 0.05 = 100$
Number of county commissioners	5	
District 1 pre-redistricting population	2,200	The total shift in constituency is: $(120 + 70) = 190$
District 1 post-redistricting population	2,150	
Shifted from district 1 to district 2	120	
Shifted from district 3 to district 1	70	

#### 2.7.8.3 Attorney General opinions on the five percent (5%) rule

There have been two Attorney General Opinions addressing the application of this subdivision. The first addresses the question of whether “change made in the boundaries of a district” refers to change in population or geographic area. In that Opinion, Attorney General Warren Spannaus interprets the wording of the statute as specifically referring to change in population not geography.

His line of reasoning is based on, “the fact that county commissioners are elected by, and represent, people and not land areas.” Spannaus quotes the US Supreme Court, saying, “legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.” (A.G. Opinion 798-d, Jan. 13, 1976)

In his second Opinion, Spannaus draws the conclusion that the legislature intended that elections should be held in *all* county commissioner districts following redistricting due to a change in the district constituency. To support this, he points to the language in the statute, which reads, “there shall be a new election of commissioners in all districts at the next general election.”

The application of the exception with regards to a change of “less than five percent of the average of all districts of the county” recognizes that there may be instances where redistricting does not significantly change the constituency of the district. By interpreting the statute as being specifically connected with the *constituency* that composes the district, the five percent change must consider the *individuals* who are shifted into, and out of, the district as a result of redistricting. That is to say, it is not simply the net change in the size of the population of the district before and after redistricting, but that the total number of individuals affected by redistricting needs to be considered.

Spannaus argues the logic of this interpretation by considering a “theoretical situation in which the location of the district boundaries were so radically altered that the incumbent commissioner’s constituency in the new district is virtually entirely different from the one that elected him and which he previously represented.” He further asserts that the legislature could not have intended for this to happen and thus when the total, or aggregate, population shift has significantly altered the composition of the district constituency a new election should be held. (A.G. Opinion 798d, July 22, 1966)

Note: Although this subdivision contained a 10% threshold when Spannaus wrote his opinions, the later amendment to a 5% threshold would have no effect on the legal analysis developed by Spannaus.

#### **2.7.8.4 Commissioner shifted out of district**

A person may hold the office of county commissioner so long as they remain a resident of the commissioner district. However, if redrawing county commissioner district boundaries causes an incumbent commissioner's residence to be shifted into another commissioner district, they may continue to serve in office between June 15, 2002 and the end of their term following the state general election in 2002.

The commissioner, whose residence was shifted into another commissioner district as the result of redistricting, will need to run for office in their new district or move their residence back into their former district before the date of the general election. While this situation is theoretically possible, it is likely that a redistricting of county commissioner districts, which causes a commissioner's residence to be shifted into another district, would also force a new election in the districts due to a significant change in constituency.

Regardless of any other shifts or changes in commissioner districts, a commissioner must remain a resident of the county to continue to hold office. (M.S. 375.025 subd. 4)

#### **2.7.8.5 Number assigned to commissioner district**

Each county commissioner district needs to be assigned a number by the county board as a part of the redistricting plan. The number assigned to the districts determines when commissioners run for office in subsequent years. Districts assigned an odd number (1, 3, 5, 7) will run for office in 2002 for a two-year term, districts with an even number (2, 4, 6) run for a four-year term. This would work create the following pattern:

<b>Year</b>	<b>Districts with elections</b>
2002	1, 2, 3, 4, 5, 6, 7
2004	1, 3, 5, 7
2006	2, 4, 6
2008	1, 3, 5, 7
2010	2, 4, 6
2012*	1, 2, 3, 4, 5, 6, 7

\* Note: 2012 is a redistricting year and the pattern would start over after the subsequent redistricting of county commissioner districts. (M.S. 370.13; 375.025 subd. 4; 375.03)

#### **2.7.8.6 Use of the term "re-elect"**

When an incumbent county commissioner is running for reelection after redistricting, statutes provide a limitation of the use of the term "re-elect." For a candidate to use the term "re-elect" in their campaign the following conditions must apply:

- The candidate is the incumbent for the office they are campaigning for, and
- The district in which they are running contains part of the district they currently represent. (M.S. 211B.03)

#### **2.7.8.7 Vacancies in office**

In the event that a vacancy occurs on the county board of commissioners, that vacancy is to be filled from the district from which the commissioner was elected. If the vacancy occurs after the redistricting of county commissioner districts, the vacancy is to be filled from the old, pre-redistricting county commissioner district. (M.S. 351.01, A.G. Opinion 129-F, July 30, 1956)

## **2.8 CHALLENGES TO COMMISSIONER DISTRICT PLANS**

### **2.8.1 Voter right to contest**

The accessibility of geographic information systems (GIS) and the availability of data and information on the Internet may enable many more people participate in local government redistricting than ever before. Minnesota law provides guidance to citizens of their right to contest local government election district plans. A voter's right to contest county commissioner district plans is covered in two places in statute; 204B.135 subdivisions 2 and 3 (a)(c), and 375.025 subdivision 2.

A contest may be filed to (1) require the county to redistrict if it has not done so, and (2) require a revision to the redistricting plan passed by the county.

A voter wishing to contest a county redistricting plan, or compel county redistricting, must first file an application for revision of the plan with the county auditor and then a writ of mandamus with the district court in the county. The dates for filing the application and writ are:

- If the redistricting plan is approved before May 28, 2002; the application and writ must be filed within three (3) weeks, but no later than June 4, 2002,
- If the redistricting plan is approved after June 4, 2002; the application and writ must be filed within one (1) week

In the application and writ the voter may ask that the county:

- Be redistricted if the county board of commissioners has not done so within time specified by law (see: 2.7.5 DATES FOR ESTABLISHING COUNTY COMMISSIONER DISTRICTS and Appendix B)
- Revise the redistricting plan

After receiving the writ the district court may direct the county board of commissioners to:

- Show cause why it has not redistricted the county
- Show why the redistricting plan should not be revised

On hearing the matter the district court may:

- Allow the county additional time in which to redistrict
- Allow the county additional time to correct errors in the plan
- If it appears to the court the county has not been diligent in performing its redistricting duties, the court may appoint a redistricting commission to redistrict the county (along with any other conditions the court deems advisable and appropriate).

If the redistricting commission is appointed, the board shall be without authority to redistrict the county. (M.S. 204B.135 subds. 2 and 3 (a)(c), and 375.025 subd. 2)

## **2.8.2 Preparing for contests**

The county board has discretion in drawing commissioner district boundaries. Within the requirements in *Minnesota Statutes*, the county has some room for discretion in meeting strict population equality and the determination of whether districts are compact and regular in form.

However, the degree to which counties apply their discretion may increase the probability of a challenge to their plan. Counties adopting commissioner district plans when an alternative plan could be drawn to meet a stricter compliance with equal population or district compactness, should establish reasons for their decisions. It is also recommended that the county officially state their reasons in the record of the commissioner meeting.

A county may also choose to adopt redistricting principles prior to redistricting commissioner districts. Principles are occasionally used by state legislatures when redistricting state legislative and congressional districts. (See: 2.7.4.4 REDISTRICTING PRINCIPLES)

Consult with the county attorney for additional information regarding the procedures for county redistricting contests.

## **2.9 UPDATE VOTER REGISTRATION RECORDS**

The voter registration system will be used to update individual voter registrations after state and local redistricting. Due to the short period between the completion of redistricting and the filing period, there will be a large demand from candidates for updated voter information for use in campaigning. The Secretary of State's Office will assist counties with the process of updating individual voter records. However, it is likely that counties will need to do some clean-up work.

For more information on the voter registration system contact the Secretary of State's Office Information System Help Desk at (651) 297-4848 or [sos.helpdesk@state.mn.us](mailto:sos.helpdesk@state.mn.us)  
(M.S. 201.002, M.R. 8200.9315)

## **2.10 PREPARING FOR NEXT ELECTION**

### **2.10.1 Filing period**

The period for candidates who wish to appear on the ballot to file for office in 2002 is June 2, 2002 to June 16, 2002.

### **2.10.2 Precinct caucus**

In March of state election years (even numbered years), the major political parties are required by state law to hold precinct caucuses. The purpose of precinct caucuses is to elect local party officers and delegates to the party conventions and discuss resolutions. Precinct caucuses may also be used as opportunities to conduct preference polls and to begin election judge recruitment. State law establishes certain minimum requirements for the caucuses, but the conduct of the caucuses is left to the parties. Currently the major parties are: Democratic Farmer Labor, Green, Independence, and Republican. (M.S. 202A.14; M.S. 202A.18; M.S. 202A.20, subd. 2.)

Notwithstanding any conflicting local charter provisions, precinct caucuses will be held in pre-redistricting precincts. The reason for this is that post redistricting precinct changes and reestablished precincts go into effect on the date of the state primary election in 2002, but not in time for the precinct caucuses. (M.S. 204B.14 subd. 3 (c))

Caucus participation is open to anyone who is eligible to vote or will be eligible by the next state general election and who lives in the precinct. Participants must support or intend to support the party and may only participate in one party's caucus. (M.S. 202A.16.)

The law provides that caucuses are to convene at 7:00 p.m. on the first Tuesday in March in or near every election precinct. Each party's county or legislative district chairs issue a notice with the date, time and place for all their caucuses. They give a copy of the notice to the auditor at least 20 days before the caucuses so the auditor can answer questions from the public, and they publish the notice at least six days before. (M.S. 202A.14, subds. 1 & 3.)

Election law provides some protections for the caucuses. Public jurisdictions must make their facilities available for holding caucuses. State and local jurisdictions, including school districts, cannot hold meetings or events after 6:00 p.m. on caucus evening. Law permits employees to take time-off from work to attend caucuses after giving their employers 10 days written notice. (M.S. 202A.19.)

### **2.10.3 Prepare polling places**

If redistricting precincts results in more precincts than the county previously held, additional work may be needed to prepare for the upcoming state primary and general election. Among those items that may need to be done include:

- Acquire additional voting equipment;
- Additional polling place posters and supplies;
- Recruit additional election judges; and
- Confirm contracts for new or existing polling places, if necessary.

The redistricting process may be a good opportunity for counties, cities, and townships to encourage people to participate in the election process by serving as an election judge.

At every general election, it is required that a map of the precinct be posted in each polling place. If precinct boundaries have changed, a new map is especially important.

For more information about preparing polling places for upcoming elections, contact the Secretary of State's Office Elections Division.

## 3.0 CITY REDISTRICTING

### 3.1 INTRODUCTION

#### 3.1.1 Overview

This chapter is for city clerks, city council members, charter commissions, and others working on city redistricting. Please use this chapter along with the Minnesota City Clerk Election Guide and the Minnesota Election Laws. The content of this document is subject to change as directed in subsequent legislation. **In all matters, the law and rule are the final authority.** Consult with your city attorney if you have additional legal questions.

#### 3.1.2 What is redistricting?

Following the national census conducted every 10 years, state and local governments redraw their elective districts (redistrict) so representation among districts remains as equal as possible as populations change over time. This process is necessary to carry out the Constitution's requirement of equal representation.

Although redistricting is a basic tenet of America's form of government, it is often overlooked and misunderstood. It can affect who is, and who isn't, elected and may influence the philosophical makeup of an elected body.

Elective districts are areas with roughly equal population from which the voters elect representatives to the various levels of government. For redistricting, all persons living within the district are counted whether young or old, eligible to vote or not. Elective districts include U.S. representative districts, state legislative districts, county commissioner districts, city wards, and school board member districts.

#### 3.1.3 Redistricting process

The process begins after the Census Bureau releases official population figures. Then the state legislature redistricts itself and the congressional districts using the federal census block population data. The goal is to construct districts that are compact, contiguous, and as equal in population as possible. The legislature's plan may be disputed, revised, and finalized by the state or federal courts.

Once the congressional and legislative lines are finalized, local governing bodies must reestablish the boundaries of any elective districts they may have. Cities must adjust their wards either within 60 days of the legislature's redistricting or by April 30, 2002, whichever comes first. Counties and other jurisdictions must do so within 80 days of legislative redistricting or by May 28, 2002, whichever comes first. (M.S. 204B.135; M.R. 8255.)

The city may receive numerous inquiries from local media and the public. Because redistricting is inherently perceived as being political it is important to conduct all activities with the utmost integrity, openness and composure.

Cities and townships must also redraw their voting precinct boundaries after redistricting. No precinct may be divided by an elective district boundary (except by a school district boundary), so adjustments must inevitably be made to precinct lines. (M.S. 204B.14, subd. 1a.)

## **3.2 CITIES WITH ONLY ONE PRECINCT**

Cities who elect their city council "at-large," and who are not split by legislative or congressional districts may not necessarily need more than one precinct. This is the situation for a majority of Minnesota cities.

In the event that a city determines that it does not need more than one precinct and it chooses to have only one precinct, redistricting work is substantially reduced. However, if a city chooses to have only one precinct they still have a few things to do. They must:

- Acquire a map of their school district(s),
- Verify that their precinct meets all statutory requirements,
- Pass a resolution or ordinance reestablishing the precinct,
- Verify that their polling place meets all federal and statutory requirements,
- If necessary, reestablish or withdraw from a combined polling place, and
- Notify the auditor of their precinct and polling place.

Within these requirements, cities may create as many or as few precincts as necessary for the community. Unlike elective districts, voting precincts are based on administrative convenience and may be large or small in population. However, precincts containing much more than 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

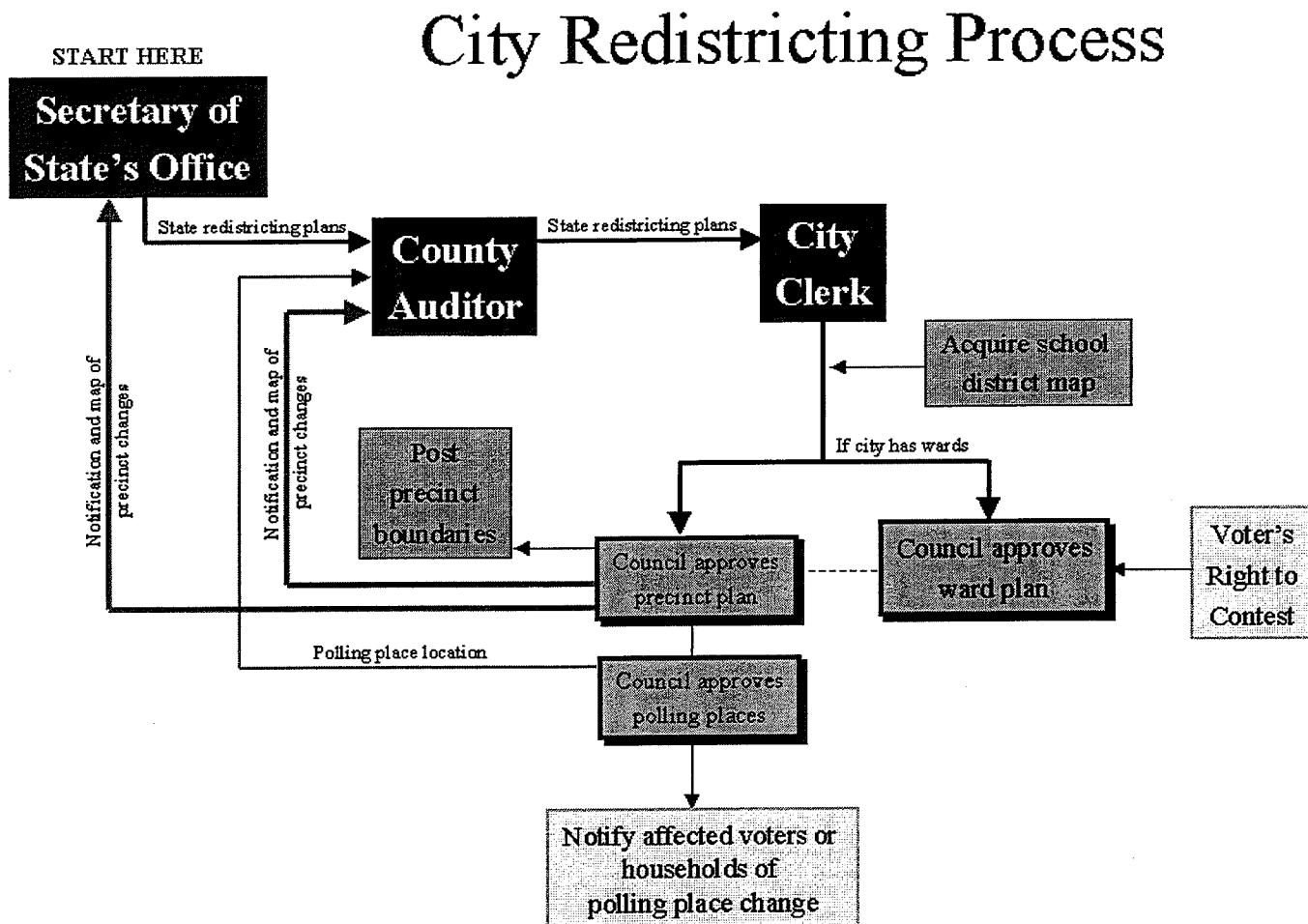
## **3.3 CITY ROLES AND RESPONSIBILITIES**

A simplified overview of the city's redistricting process is presented in Figure 3.0. While this figure does not include every task and responsibility, it broadly illustrates the interactions among local government officials, major decisions and resulting actions.

The specific redistricting roles and responsibilities of city government are identified in tables 3.1 – 3.3. The roles and responsibilities of the city clerk are divided in Table 3.1 into the parts before, during and after redistricting. Table 3.2 focuses on the distinct roles and responsibilities of the County Board of Commissioners and Table 3.3 acknowledges the role a Redistricting Commission may have assigned to it.

In tables 3.1, 3.2, and 3.3 items required by law have their citations noted (M.S. refers to *Minnesota Statutes* and M.R. refers to *Minnesota Rules*). Steps identified as “administrative” recognize common business practices. Those identified as “recommended” are provided for your consideration. Item numbers indicated in the last column refer to the locations in this guide where additional information is provided.

**Figure 3.0**  
**City Redistricting Process**



Mary Killorey  
MINNESOTA SECRETARY OF STATE

This chart illustrates the city redistricting process and doesn't necessarily include all required tasks and responsibilities. In all matters, the law and rule are the final authority. Rev. 6-18-01

## Table 3.1 -- City Clerk

\* Items apply only to cities that elect their city council members from wards (versus "at-large")

### Before Redistricting

	Role or Responsibility	Cite	Item
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the city clerk, city council, other staff, and/or groups	Recommended	3.4.2
	Review city charter or official city policies to determine if there are specific responsibilities and tasks identified	Administrative	3.4.1
	Act as an information resource to, and assist the work of, the city council or other city commissions	Administrative	3.4.3
	Provide information to local media about redistricting	Administrative	3.4.3
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	3.4.7
	Identify potential new polling places	Administrative, recommended	3.4.7
	Acquire census block lines	Administrative, M.S. 204B.14	3.4.4
	Assess any annexations that have been approved since January 1, 2000 (not reflected by census block lines)	Administrative	3.6.2
*	Acquire census block population counts	Administrative, M.S. 205.84	3.4.5
	Identify source of school district map(s)	Recommended	3.4.6
	Receive legislative and congressional redistricting plan from county auditor	M.S. 2.91 s. 1	3.4.8

### During Redistricting

	Role or Responsibility	Cite	Item
	Post legislative, and congressional district plans	Recommended	3.4.10
	Acquire school district map(s) to facilitate coordination of school district and precinct boundaries	M.R. 8255.0015	3.6.3
	Receive corrections of legislative and congressional redistricting plan from Secretary of State, if necessary	M.S. 2.91 s. 3	3.4.9
	Prepare precinct plan for city council to approve, if requested	Administrative, M.S. 204B.14	3.5.3
*	Assist city council with writing description of ward plan if requested	Administrative, M.S. 205.84	3.8.4.1
	Verify final precinct plan meets statutory requirements	Administrative, M.S. 204B.14	3.5.5
*	Verify final ward plan meets statutory requirements	Administrative, M.S. 205.84	3.8.2 3.8.3
	Identify precinct polling place(s) for city council to approve	Administrative, M.S. 204B.16	3.7.2

**After Redistricting**

	<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
	Post approved precinct and plan	M.S. 204B.14 s. 4	3.6.5.4
	Send precinct information to auditor for posting and entering into statewide voter registration system	M.S. 204B.14 s. 4 and M.S. 201.022	3.6.5.1
	Send polling place information to auditor for entering into statewide voter registration system	M.S. 204B.16, M.S. 201.021, M.S. 201.022	3.7.5
	Send ward information to auditor for entering into statewide voter registration system	M.S. 201.021, M.S. 201.022	3.8.4.5
	Send map of changed precinct boundaries to Secretary of State	M.S. 204B.14 s. 5	3.6.5.3
	Publish precincts, wards, etc. in local media	Recommended	3.6.5.6 3.8.4.4
	Receive and post new county commissioner plan from auditor	Recommended	3.4.10
	Send combined polling place information to auditor	M.S. 204B.14 s. 2 (b)(3)	3.7.6.1
	Send notice of withdrawal from combined polling place to auditor	M.S. 204B.14 s. 2 (b)(3)	3.7.6.2
	Notify affected households of any change of their polling place	M.S. 204B.16 s. 1a	3.7.4
	It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special redistricting postal verification card will be available.	Recommended	3.7.4
	Confirm contracts or arrangements for new and existing polling places	Administrative	3.10
	Arrange additional election judges if there are additional polling places	Administrative	3.10
	Acquire additional voting equipment for new precincts if necessary	Administrative	3.10
*	Prepare for possibility of legal challenge to ward plan	Administrative, M.S. 204B.135 s.3	3.9

**Table 3.2 -- City Council**

\* Items apply only to cities that elect their city council members from wards (versus "at-large")

	<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
	Specific duties may be determined by city charter or official policies	Administrative	3.4.1
*	Approve ward plan by resolution or ordinance	M.S. 204B.135 s. 1	3.8.4.1
	Approve new, or reestablish existing, precinct plan by resolution or ordinance	M.S. 204B.14 s. 3 (c)	3.6.1
	Establish new polling places by resolution or ordinance for new precincts	M.S. 204B.16	3.7.2
	Reestablish existing polling places for unchanged precincts	Recommended	3.7.2

## Table 3.3 -- City Charter Commission

\* Items apply only to cities that elect their city council members from wards (versus “at-large”)

	Role or Responsibility	Cite	Item
	Specific duties may be determined by city charter	Administrative	3.4.1
*	Write descriptions of wards	Administrative	3.8.4.1

## 3.4 GETTING READY

### 3.4.1 Review city charter or policies

Before redistricting, the city charter or official policies should be reviewed to determine if the city has established any specific redistricting related tasks. This is particularly true for cities with wards, whose charter may have ward requirements in addition to those specified in law. If there are any conflicts between the city’s charter or policies and Minnesota law, cities should work with the city attorney to determine how best to reconcile the conflicts.

### 3.4.2 Clarify roles, responsibilities, duties, and expectations

It is a good practice within your city to clarify and define the roles, responsibilities, duties, and expectations related to redistricting of the city clerk, city council, other city staff, and/or groups before redistricting begins. An agreement on who will do what tasks and when may safeguard everyone involved from unintentionally overstepping the tasks others are intending to do.

### 3.4.3 Provide information to city council and media

It is a good idea for those with redistricting responsibilities to learn as much as they can about the redistricting process. Reviewing this guide is just one step in the learning process. There are many sources for additional information. Some of those sources have been collected and are provided for you in Appendix G.

It is important that information relevant to local government redistricting be shared among all those involved with redistricting. This includes providing information to local media about the redistricting process and outcomes. Redistricting elective districts is an important component in the American political system and should be an open and visible process.

### **3.4.4 Acquire maps of census block lines**

The city council establishes precincts within the city. Among the requirements for precinct boundaries is the need to draw precinct boundaries on census block boundaries. Although there are a limited number of other boundaries allowed for precincts, census block lines are by far the most preferable.

There are several sources for maps of census block boundaries. See section 1.6.6 (SOURCES OF REDISTRICTING DATA) for a list of some of the sources of maps and digital data.

### **3.4.5 Acquire census block population**

Population is a consideration when evaluating and redistricting city wards. The legal requirement to draw precinct, and ward, on census block boundaries, simplifies the calculation of ward population totals. To use census block population data it is necessary to have a map indicating block boundaries and the unique number for each census block. Maps of census blocks and population totals are available from the sources listed in section 1.6.6 (SOURCES OF REDISTRICTING DATA).

### **3.4.6 Acquire maps of school districts**

All cities are required to acquire maps of any school district with territory within their city limits. There may be many sources for school district maps including, school districts, county offices, and state agencies. Cities should verify the source(s) of school district maps before redistricting begins.

Once redistricting begins, cities are required to acquire the map(s) within 21 days of the completion of state legislative redistricting, and before reestablishing city precincts. To simplify election day activities, cities may want to consider their ability to draw precinct boundaries to follow school district boundaries to whatever extent possible. (M.R. 8255.0015)

### **3.4.7 Identify and evaluate existing and potential polling places**

Before redistricting, it is a good practice to identify and evaluate existing and potential polling places. If the new legislative plans forces new precincts within a city, it is advisable to know ahead of time where potential polling places exist that meet all state and federal requirements.

Many cities may find it easier to first identify their potential polling places and then draw precincts around where they have a polling place. It may be harder to first draw precincts then try to find polling places for each one. Be aware that formal city council action is necessary to establish precinct boundaries before establishing polling places. (For more information, see: 3.7 POLLING PLACES)

### **3.4.8 Receive state redistricting plans from county auditor**

The county auditor is required to send a copy of relevant portions of state legislative and congressional redistricting plans to each municipal clerk within their county.

The Secretary of State's office will be providing information about the official legislative and congressional plans to each county auditor. Those plans will be provided to the county auditor in the form of a map. The Statutes do not explicitly define how, or in what format, the county auditor must provide relevant portions of state redistricting plans to municipal clerks. Cities should work with their county auditor to identify the best format for the city to receive state redistricting plans.

(M.S. 2.91 subd. 1)

After passage of state redistricting legislation, the Secretary of State is the official depository of that information. While copies of plans may be available from many other sources, it is strongly recommend that cities use only information that has been provided to their county auditor from the Secretary of State, or information that has been sent directly to the city from the Secretary of State. Any changes in legislative plans as a result of court action or changes ordered by the Secretary of State may not be reflected in information available from other sources. (M.S. 2.91 subd. 1)

### **3.4.9 Receive corrections, if any, of state plans**

After passage of redistricting legislation, the Secretary of State's office reviews the plan for errors. If errors are discovered, the Secretary of State has the responsibility to notify the municipal clerk and candidates for office in the affected area. If an error is discovered, the Secretary of State's Office will work directly with any affected city clerk at that time. (For more information see: 2.3.12 RECEIVE CORRECTIONS, IF ANY, OF STATE PLANS in the county section) (M.S. 2.91 subd. 3)

### **3.4.10 Post state redistricting plans**

While not specifically required, it is recommended that city clerks post copies of the relevant portions of county, state legislative, and congressional redistricting plans. After the county auditor forwards the relevant portions to the city clerk, the clerk may decide to post the plans in an effort to provide information about the new state plans to the public. This may be particularly important in areas where district boundaries have changed and where voters may have questions about the new plans.

## 3.5 PRECINCTS

### 3.5.1 Definition

“Precincts” are the basic geographical units for organizing and administering elections. Precinct boundaries are partially designed by the city and partially the result of various requirements in state statutes. At a minimum, each city must be at least one precinct, and additional precincts are necessary if a county, congressional, or legislative boundary divides the city. Within these broad requirements, cities may create as many or as few precincts as necessary for the community. Precincts are not tied to population size; however, precincts sized much beyond 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

### 3.5.2 Precinct freeze

State election law freezes all precinct boundary lines between January 1, 2000 and until after the legislature redistricts. Normally, the city council may make changes to precinct boundaries at any time before June 1 of state election (even) years or 90 days before the next election. The statutes establishing the precinct freeze allows two exceptions to the freeze period: to accommodate an annexation or to divide an existing precinct. (M.S. 204B.14)

In the first exception, if a city annexes an area located in the same county as the city and the annexed area is adjacent to the city boundary the annexed area may be included in a precinct immediately adjacent to it. However, to include the recently annexed area into the city precinct all other statutory requirements such as not crossing legislative, congressional, or county commissioner districts still apply. The statutes do not provide an exception for including a non-adjacent annexation into a city precinct. (M.S. 204B.14 subd. 3 (a))

The second exception provides that a city may split an existing precinct. To do this the newly established precincts must not extend beyond the boundaries of the original precinct. Additionally, the names of the new precincts must include the name of the former precinct. (M.S. 204B.14 subd. 3 (c))

### 3.5.3 The precinct plan

There are many ways to describe precinct boundaries. In a city with only one precinct, the precinct boundaries may be defined as following the municipal boundaries. However, when a city has two or more precincts, another method is needed for describing the precinct boundaries that split the city.

If a city uses a single road, or other feature, as the boundary between precincts, it may be sufficient to define the precincts in relation to that feature, for example “those portions of the city east of Main street,” or “north of Clearwater creek.” However, when precinct boundaries follow multiple features, or there are numerous precincts in the city, a metes and bounds description may be the best description.

A metes and bounds description is one that describes the boundaries of a precinct in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 6<sup>th</sup> District is included in Minnesota Statutes 473.123 subdivision 3c (6):

*"The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W..."*

When a precinct plan is approved, any reference to a municipal boundary refers to that boundary on the day the plan is approved. As municipal annexations occur, county commissioner districts and state legislative and congressional district boundaries do not automatically change.

In summary, the advantages of a metes and bounds description are:

- More identifiable to people unfamiliar with the city,
- Better than using corporate limits for descriptions – as corporate limits tend to change over time,
- They may act as a reminder that when municipal annexations occur, a precinct boundary change needs to occur or a new precinct needs to be created.

Regardless of how many precincts a city has, or what features those precincts follow, it may be best to use a description that references the physical features which define the precinct boundaries.

### **3.5.4 Consider where you have available polling places**

Some cities may prefer to identify polling places before establishing precincts. It may be less difficult to draw precincts around polling places than to find polling places for established precincts. Polling places must meet strict state and federal accessibility and other requirements.

Regardless of what order polling places and precincts are identified and drawn, precincts are officially established first and polling places second.

### **3.5.5 Precinct boundaries requirements**

#### **3.5.5.1 Not cross municipal or elective district boundaries**

With few exceptions, city councils designate precinct boundaries. At a minimum, each city or city ward, must be at least one precinct. In other words, no precinct may be shared by a city and any other jurisdiction. A precinct cannot be split between county, congressional, or legislative districts. A city split by legislative or congressional districts will need to adjust precinct boundaries to follow the legislative

and congressional district boundaries as defined in the state redistricting legislation. Ideally, precincts will also follow school district boundary lines. Where precinct lines stand alone, they must follow “visible, clearly recognizable physical features” such as highways, rivers, or railroads. (M.S. 204B.14, subd. 6.)

When precincts in unorganized territories are redistricted or reestablished they must not cross:

- A municipal boundary
  - A county boundary
  - A legislative district boundary
  - A congressional district boundary
- (M.S. 204B.14)

After the county has redistricted county commissioner districts, for the remaining decade precincts also must not cross county commissioner district boundaries. (M.S. 375.025 subd. 1)

### **3.5.5.2 Use of physical features for precinct boundaries**

In addition to not crossing political subdivision boundaries (i.e. city limits), *Minnesota Statutes*, further limits precinct boundaries in several ways.

- From April 1, 2000 to April 1, 2002; all precinct boundaries must follow a census block line. The only exceptions are precincts that are made up entirely of unorganized territory and where more than one precinct is contained entirely within one census block,
  - Starting April 1, 2000, precincts entirely in unorganized territories and for multiple precincts entirely within one census block must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255,
  - After April 1, 2002; boundaries of all election precincts must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255, and
  - If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, the Secretary of State may authorize an alternate boundary used by the U.S. Census Bureau.
- (M.S. 204B.14 subd. 6 (a) (b) (e))

Statutes define “visible, clearly recognizable physical features” as a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line that is clearly visible from the ground. (M.S. 204B.14 subd. 6 (c))

A street or roadway that has been platted, but not graded, does not qualify as a visible, clearly recognizable physical feature. (M.S. 204B.14 subd. 6 (c))

### **3.5.5.3 Use of school district boundaries as precinct boundaries**

The establishment of precinct boundaries lacking visible, clearly recognizable physical features is covered in *Minnesota Rules* 8255.0020. Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. In this event a city may establish a precinct boundary that is not on a recognizable physical feature. However, there are further limitations on the two precincts, which share the non-visible boundary.

- The other boundaries of the two precincts must be entirely located on recognizable physical features or jurisdictional (city, township, unorganized territory, county) boundaries.
- The two precincts must be named to reflect a relationship for the purpose of reporting election results (i.e. Precinct 1A and Precinct 1B).  
(M.R. 8255.0020)

#### **3.5.5.4 Additional precinct boundary information**

Although precincts may be made up of non-contiguous portions of the city it may not be good practice. County commissioner districts must be drawn after precincts are established. Whenever a precinct exists which is made up of multiple parts, all parts of that precinct must be contained within a single county commissioner district, which may significantly limit where the county can draw commissioner districts. (M.S. 375.025 subd. 1)

Within these requirements, governing bodies may create as many or as few precincts as necessary for the community. Unlike elective districts, voting precincts are based on administrative convenience and may be large or small in population. However, precincts containing much more than 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

There are benefits to drawing precinct lines to follow census block boundaries. Municipal wards and county commissioner districts must be approximately equal in population. The only way to ensure that the districts are balanced by population is to know the census count for the precincts making up the districts, and the only way to know with any certainty the population count of the precincts is to use census block when drawing the precinct boundaries. Additionally, the legislative and congressional plans will use census blocks exclusively to draw district boundaries. Precincts abutting legislative or congressional districts will find that they must use at least some census block geography in order to match the district boundaries.

## **3.6 REESTABLISHING / REDISTRICTING PRECINCTS**

### **3.6.1 Changed versus unchanged boundaries**

After legislative redistricting is finished in 2001 or 2002, cities will need to establish precincts with newly changed boundaries and/or reestablish existing precinct boundaries within 60 days or by April 30, 2002, whichever comes first. (M.S. 204B.14, subds. 3 and 4.)

Minnesota law recognizes that cities will have different tasks related to the establishment of precincts after legislative redistricting. The law identifies that some cities will have to change their precinct boundaries. The precinct boundary changes may be the cause of changes to legislative or congressional district boundaries, ward boundaries, or as the result of the city's own initiative. The changing of precinct boundaries is known as "redistricting" precincts.

Other cities will not need to make any changes to precincts boundaries. These cities will simply need to reconfirm or “reestablish” their precinct boundaries. An example resolution for reestablishing unchanged precincts is provided in Appendix C.

Although statute recognizes a difference exists, the statutes do not regularly differentiate between “redistricting” and “reestablishing” precinct boundaries directly (a voter’s polling place change after redistricting does require additional action by the city). Every city must, by council action, carry out either a precinct redistricting or reestablishment after legislative redistricting.

Because there is not a fundamental difference between redistricting and reestablishing precinct boundaries, for the purpose of this guide the words are not always clearly differentiated.

The city council must adopt the reestablished or changed precinct boundaries for the city at least 90 days before the next election. However, post-redistricting precinct changes and reestablished precincts go into effect on the date of the state primary election in September 2002. (M.S. 204B.14 subd. 3 (c))

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for redistricting or reestablishing precincts. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State’s Office.

### **3.6.2 Annexations and precinct boundary changes**

Whenever an annexation occurs a precinct boundary has changed or a new precinct must be created. After an annexation it is necessary for municipalities to complete the process that includes the notifications listed in 3.7.5.

Cities will need to assess any annexations that have occurred since the completion of the Census’s TIGER® database on January 1, 2000. Cities who need to make precinct boundary changes as the result of an annexation since 1/1/00 (the beginning of the precinct freeze) refer to 3.5.2 PRECINCT FREEZE

### **3.6.3 Coordination with school district boundaries**

Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. A difficulty in administering split precincts is ensuring each voter gets the correct ballots. A voter may be disenfranchised if their school district is voting on a bond issue and they are incorrectly given the ballot for the other school district, and thereby are not given the opportunity to cast their vote on the bond question. Likewise, this voter may be incorrectly voting on issues in a school district, in which they do not live. To avoid these types of problems, cities may want to investigate their ability to draw precinct boundaries on school district boundaries. (See: 3.5.5.3 USE OF SCHOOL DISTRICTS AS PRECINCT BOUNDARIES)

### **3.6.4 Secretary of State ordered corrections of precinct boundaries**

If the Secretary of State determines that a precinct boundary does not comply with *Minnesota Statutes* 204B.14 subdivision 6, the Secretary of State shall send a notice to the city clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the city council has not taken action to correct the precinct boundary, the Secretary of State shall correct the precinct boundary and notify the city clerk of the action taken. (M.S. 204B.14 subd. 6)

The notice of incorrect precinct boundary, sent to the city clerk will contain a map showing a suggested boundary that meets all statutory requirements. The city council then has 60 days to adopt the suggested boundary, or create another boundary that meets all statutory requirements. If the city council fails to act within 60 days, the precinct boundary is, by default, the boundary suggested by the Secretary of State. (M.R. 8255.0025)

### **3.6.5 Notification: who, how, and when**

After precinct boundaries have been drawn if there are changes in the boundaries, the following notices must be provided before the changes can take effect the clerk must:

- Notify the county auditor.
- Immediately notify the Secretary of State.
- Send a map to the Secretary of State indicating all changes.
- Post a notice of the changes for at least 60 days in his or her office.
- If polling locations change, arrange to notify the affected voters or their households.

(M.S. 204B.14)

#### **3.6.5.1 Notify of the county auditor**

County commissioner district redistricting cannot occur until all municipalities have completed redistricting or reestablishing their precincts. Additionally, the county auditor is required to update the statewide voter registration system whenever there have been changes in precinct boundaries.

In order for the auditor to know commissioner district redistricting and in order to make updates to the system they need to have information from municipal clerks. Work with your county auditor to determine the specific process that will be used in your county.

#### **3.6.5.2 Notify the Secretary of State's Office**

Minnesota Statutes 204B.14 subdivision 5 specifies that the city clerk must immediately notify the Secretary of State of any change in a precinct boundary. To fulfill this notification the clerk should mail or fax a copy of the ordinance or resolution establishing the change to the Elections Division. (M.S. 204B.14 subd. 5)

### **3.6.5.3 Send map of precinct boundaries to Secretary of State's Office**

The clerk then must file a correct map of precinct boundaries within 30 days of the boundary change. If a base map is needed, one can be requested from the Secretary of State (contact Randall Cutting in the Elections Division at randall.cutting@state.mn.us or by phone at (651) 215-0014 for more help with a map).

The Secretary of State's Office will then prepare a corrected precinct map and provide a copy to the clerk and auditor who shall make them available for public inspection. (M.S. 204B.14 subd. 5)

Cities interested in submitting precinct boundary information in the form of a geographic information system (GIS) database should refer to Appendix F before sending any digital data.

### **3.6.5.4 Post precinct boundaries**

When precinct boundaries have been changed, the change does not take effect until a notice of the change has been posted in the office of the clerk for at least 60 days. (M.S. 204B.14 subd. 4)

### **3.6.5.5 Notify affected households of changes**

Notifying affected households of changes in precinct boundaries is covered by the notification required for changes in polling place. (See: 3.7.4 NOTIFY AFFECTED HOUSEHOLDS)

### **3.6.5.6 Publish precinct boundaries**

Though not specifically required, it is recommended that cities publish precinct boundaries in an effort to provide redistricting information to the public. This may be especially important in cities that have had precinct boundary changes.

## **3.7 POLLING PLACES**

### **3.7.1 Definition**

The polling place is the location to which voters come to cast their ballots on election day. Every precinct must have a designated polling place.

### **3.7.2 Designating polling places**

The city council must designate, by ordinance or resolution, a polling place for every newly established precinct. When there is no change in precinct boundaries or polling place location, a resolution

reestablishing the polling place is not required. However, it is recommended that the polling place be reestablished by resolution anyway while acting to reestablish the precinct. All polling places whether new or reestablished must be:

- fully accessible (see concluding section of this chapter);
- large enough to accommodate the election activities;
- free of other, non-election activities;
- smoking free;
- liquor free and not adjacent to a liquor service area;
- located within the precinct except:
  - metropolitan area cities and towns may locate a polling place outside the precinct if it is within 3,000 feet of the precinct boundary or it is part of a combined polling place (see 3.7.6 COMBINED POLLING PLACE);
  - non-metropolitan cities and towns may locate polling places up to five miles outside the precinct boundary.

(M.S. 144.414; M.S. 204B.16.)

An example resolution for reestablishing unchanged precincts and polling places is provided in Appendix C.

The polling place designation remains in effect until the city council makes a new designation. However, changes cannot be made less than 90 days before the next election nor any time between the state primary and general elections. (The only exception to this is that election judges can move the polling place location on election day in response to emergencies rendering the original polling place unusable, such as fire or other public safety evacuations.)

### 3.7.3 Accessibility

Federal and state laws require that all polling places be fully accessible and usable by elderly or disabled persons. Minimum requirements include:

- paved parking with wide spaces reserved for disabled persons,
- curb cuts or temporary ramps,
- paved main routes free of stairs or with ramp or elevator bypasses,
- entrances/doorways a minimum of 32 inches wide,
- walkways and hallways at least 36 inches wide,
- hallways free of protrusions overhanging the floor,
- handrails on all stairs,
- signs directing voters around obstructed entrances or stairs to accessible routes,
- signs outlining the assistance available to voters, and
- one or more wheelchair accessible voting booth or station with writing surface 34 inches high.

For more specific details, we recommend following the specifications for the Americans with Disabilities Act detailed in 41 Code of Federal Regulations 101-19 (available at larger public and university libraries, Minnesota's Bookstore, or on the Internet).

Minnesota election law offers some accommodations if a polling place is not fully accessible or if the voter needs assistance with the voting materials:

- voting by absentee ballot;
  - curbside voting;
  - a bipartisan team of election judges to provide assistance in the polling place; or
  - the voter bringing someone of their choosing to assist in the polling place.
- (Americans with Disabilities Act; M.S. 204B.16, subd. 5.)

### **3.7.4 Notify affected households**

When redistricting causes a voter's polling place to change, the clerk also must notify all affected households by a first class, nonforwardable mailing at least 25 days before the next election. There are two ways to accomplish this:

- mail a special redistricting Postal Verification Card (PVC) to all affected households or voters, or
  - purchase address labels to use for a homemade mailing from the Secretary of State's Public Information section at (651) 297-9100.
- (M.S. 204B.16)

It is strongly recommended that all voters in the county be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. The benefits of this are to inform voters if any of their election districts have changed, and reaffirm their correct polling place. Cost sharing among the county, cities, townships, and school districts may keep the mailing costs affordable for any group. A special redistricting postal verification card will be available.

### **3.7.5 Notify county auditor**

Whenever there has been a change in polling place location, the city clerk must notify the county auditor of the new location. The auditor needs the information for entry into the statewide voter registration system.

### **3.7.6 Combined polling places**

#### **3.7.6.1 Creating combined polling places**

Under the following circumstances, governing bodies may combine polling places into a single, accessible location with a single team of election judges. They must, however, use separate ballot boxes and keep separate returns for each precinct involved.

- 3<sup>rd</sup> or 4<sup>th</sup> class cities,
  - cities located in more than one county,
  - two contiguous precincts in the same county with fewer than 500 registered voters combined,
  - up to four contiguous city and townships located outside the metro area that are in the same county, or
  - for precincts that vote by mail, only one polling place is required at a central location designated by the governing body.
- (M.S. 204B.14; M.S. 204B.45)

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 of approval by the governing body. For a combined polling place involving multiple municipalities or jurisdictions, each governing body involved must pass an ordinance or resolution establishing the combined polling place. (M.S. 204B.14 subd. 2 (b)(3))

#### **3.7.6.2 Withdrawing from combined polling places**

A municipality withdrawing from participation in a combined polling place must file a resolution of withdrawal with the county auditor no later than May 1<sup>st</sup> of any year. (M.S. 204B.14 subd. 2 (b)(3))

### **3.7.7 Alternate dates and procedures for establishing polling places**

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for establishing or reestablishing polling places. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

## **3.8 WARDS**

### **3.8.1 Definition**

Wards are elective districts in a city from which members of the city council are elected. There are over 100 cities in Minnesota who use wards for electing council members. This compares with the over 700 Minnesota cities who elect their councils "at-large." In cities that elect their council members at-large, all citizens are able to vote for any council member and thus they meet the "one-person, one-vote" requirement of the U.S. Constitution. Cities with wards must redistrict their wards after the federal census, and must make the wards equal in population in order to meet the equal representation requirement.

### **3.8.2 Ward boundaries**

Wards must be drawn to meet statutory requirements in addition to population equality. These requirements influence the geography of the county commissioner districts. The geographic requirements include:

- Wards are bounded by precinct lines,
  - Wards are compact in area,
  - Wards are composed of contiguous territory.
- (M.S. 205.84)

The requirement of precincts to be drawn on census block lines would also force ward boundaries to be drawn on census block boundaries, as precincts cannot cross ward boundaries. (M.S. 204B.14 subd. 2)

Census block boundaries do not reflect any municipal annexation after January 1, 2000. If a city has annexed territory since that date, the precinct and ward plans should be written to include those annexed area. However, the population of the recently annexed may be difficult to accurately determine (see below for more information).

Remember to check your city charter to determine if it specifies additional requirements for the wards within your city beyond what is presented here.

### **3.8.3 Population and city wards**

Wards must be as equal in population as practicable. (M.S. 205.84 subd. 1)

It may not be possible to draw wards that are equal in population. Situations where wards may have unequal population are:

- The total population of the city is not divisible by the number of wards, or
- The population totals within census blocks do not provide refined enough numbers to draw equal population wards.

For the purpose of redistricting wards, the city must use the population counts that are certified by the U.S. Census Bureau and reflect the city's population as of April 1, 2000. Therefore, the city does not necessarily need to consider any annexation of population after the completion of the decennial census. However, case law has established that in some situations a city may consider post-census population changes, or imminent development, when redistricting wards.

The obvious problem in considering the population in territory annexed after that date is the difficulty of precisely determining the size of that population. If an annexation includes an entire census block, population for that block is easy to determine. However, if a partial census block is annexed, the city may need to use another method to determine the population of the annexed area or the entire ward.

Since it is not possible to get an official population count for a portion of a census block, the city may form an estimate of the actual resident population annexed. However, if an estimate is used the city will need to be able to document how that estimate was developed in order to withstand a possible court challenge to the city's redistricting plan.

The population for the entire census block is available, and in most cases the actual number annexed is less than the total. If the total population of the census block would not cause the population of the ward to exceed Constitutional requirements, it may be sufficient to simply proceed as though the entire population of the census block were annexed for the purpose of calculating ward population.

### 3.8.4 City redistricting process

#### 3.8.4.1 Writing the ward plan

There are many ways to describe ward boundaries. If a city a single road, or other feature, as the division between wards, it may be sufficient to define the wards in relation to that feature, for example “those portions of the city east of Main street,” or “north of Clearwater creek.” However, when ward boundaries follow multiple features, a metes and bounds description may be the best description.

It may be preferable to write a metes and bounds description for wards than to define wards by referencing the precinct(s) that make up the wards.

A metes and bounds description is one that describes the boundaries of the wards in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council’s 6<sup>th</sup> District is included in Minnesota Statutes 473.123 subdivision 3c (6):

*“The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W...”*

The advantages of a metes and bounds description are:

- More identifiable to people unfamiliar with the city,
- Better than using precincts for descriptions – as precincts tend to change over time.

When a ward redistricting plan is approved, any reference to a municipal or precinct boundary refers to that boundary on the day the plan is approved. It is not uncommon for municipal boundaries to change. A metes and bounds description may help to reinforce that when an annexation has occurred, a change in precincts and wards also has occurred.

Metes and bounds descriptions may be more understandable to people unfamiliar with the city than a description which references particular additions to the city, for example. They may also be better than using precincts for descriptions – as precincts tend to change over time.

#### 3.8.4.2 Public involvement

It is recommended that cities solicit public involvement in the redistricting process. Public involvement may include multiple meetings during which the council considers a variety of redistricting plans, including those submitted by members of the public.

#### **3.8.4.3 Dates for establishing wards**

A city may not redistrict its wards before the legislature has been redistricted in 2002. The city then must redistrict its wards, along with its precincts, within 60 days of legislative redistricting or by April 30, 2002, whichever comes first. (M.S. 204B.135 subd. 1)

An ordinance establishing new ward boundaries becomes effective on September 10, 2002, the date of the state primary election. (M.S. 205.84 subd. 2)

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for redistricting or reestablishing local government elective districts. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

#### **3.8.4.4 Publish and post ward plan**

While it is not specifically required to publish or post ward redistricting plans it may be a good practice to publish and post plans to make them as widely available as possible.

#### **3.8.4.5 Notify Auditor**

City clerks should notify the county auditor of any change in ward boundaries. In most cities precinct names also indicate the ward designations so additional notification is not necessary. In situations where precinct names do not reference the ward to which they belong, the city clerk should provide the county auditor with information about which precincts are in which wards.

### **3.8.5 How redistricting affects city council members**

#### **3.8.5.1 Residence in ward**

When elected, a member of the city council must be, and remain, a resident of the ward they represent.

If redistricting causes a ward boundary to move, and that boundary change causes a council member to be shifted into another ward, the council member is allowed to continue to serve for the remainder of their term. However, if the council member runs for re-election, they will need to become a resident of the ward they represent. (M.S. 205.84 subd. 2)

#### **3.8.5.2 Failure to redistrict**

*Minnesota Statutes* provides a penalty if the city council fails to either confirm existing wards meet statutory requirements, or redistrict wards to meet statutory requirements. The city council must take an action to either formally reconfirm or change wards boundaries within the time frames provided in law.

In the event that the council fails to act in time, no further compensation shall be paid to the mayor or council members until such time as they act. (M.S. 205.84 subd. 2)

### 3.9 VOTER RIGHT TO CONTEST

The accessibility of geographic information systems (GIS) and the availability of data and information on the Internet may enable many more people to participate in local government redistricting. Minnesota law provides guidance to citizens of their right to contest local government election district plans. A voter's right to contest ward plans is covered in *Minnesota Statute* 204B.135 subdivisions 1 and 3 (a) and (b).

A voter wishing to contest a city ward redistricting plan, or compel redistricting, must file a writ of mandamus with the district court in the county. The dates for filing the writ are:

- If the redistricting plan is approved before April 30, 2002; the writ must be filed within three (3) weeks, but no later than May 7, 2002;
- If the redistricting plan is approved after April 30, 2002; the writ must be filed within one (1) week.

Consult with the city attorney for additional information regarding the procedures for ward redistricting contests.

### 3.10 PREPARING FOR NEXT ELECTION

If redistricting precincts results in more precincts than the city previously held, additional work may be needed to prepare for the upcoming state primary and general election. Among those items that may need to be done include:

- Acquire additional voting equipment;
- Additional polling place posters and supplies;
- Recruit additional election judges; and
- Confirm contracts for new or existing polling places, if necessary.

The redistricting process may be a good opportunity for counties, cities, and townships to encourage people to participate in the election process by serving as an election judge.

At every general election, it is required that a map of the precinct be posted in each polling place. If precinct boundaries have changed, a new map is especially important.

For more information about preparing polling places for upcoming elections, contact the Secretary of State's Office Elections Division.

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## 4.0 TOWNSHIP REDISTRICTING

### 4.1 INTRODUCTION

#### 4.1.1 Overview

This chapter is for township clerks, township board members, and others working on township redistricting. Please use this chapter along with the Minnesota Township Clerk Election Guide and the Minnesota Election Laws. The content of this document is subject to change as directed in subsequent legislation. **In all matters, the law and rule are the final authority.** Consult with your township attorney if you have additional legal questions.

#### 4.1.2 What is redistricting?

Following the national census conducted every 10 years, state and local governments redraw their elective districts (redistrict) so representation among districts remains as equal as possible as populations change over time. This process is necessary to carry out the Constitution's requirement of equal representation.

Although redistricting is a basic tenet of America's form of government, it is often overlooked and misunderstood. It can affect who is, and who isn't, elected and may influence the philosophical makeup of an elected body.

Elective districts are areas based on population size from which the voters elect representatives to the various levels of government. For redistricting, all persons living within the district are counted whether young or old, eligible to vote or not. Elective districts include U.S. representative districts, state legislative districts, county commissioner districts, city wards, and school board member districts.

#### 4.1.3 Redistricting process

The process begins when the Census Bureau releases official population figures. Then the state legislature redistricts itself and the congressional districts using the federal census block population data. The goal is to construct districts that are compact, contiguous, and as equal in population as possible. The legislature's plan may be disputed, revised, and finalized by the state or federal courts.

Once the congressional and legislative lines are settled, local governing bodies must reestablish the boundaries of any elective districts they may have. Cities must adjust their wards either within 60 days of the legislature's redistricting or by April 30, 2002, whichever comes first. Counties and other jurisdictions must do so within 80 days of legislative redistricting or by May 28, 2002, whichever comes first. (M.S. 204B.135; M.R. 8255.)

The township may receive numerous inquiries from local media and the public. Because redistricting is inherently perceived as being political it is important to conduct all activities with the utmost integrity, openness and composure.

Cities and townships must also redraw their voting precinct boundaries after redistricting. No precinct may be divided by an elective district boundary (except by a school district boundary), so adjustments must inevitably be made to precinct lines. (M.S. 204B.14, subd. 1a.)

## **4.2 TOWNSHIPS WITH ONLY ONE PRECINCT**

Townships that are not split by legislative or congressional districts may not necessarily need more than one precinct. This is the situation for most Minnesota townships.

In the event that a township determines that it does not need more than one precinct and it chooses to have only one precinct, redistricting work is substantially reduced. However, if a township chooses to have only one precinct it still must:

- Acquire a map of their school district(s),
- Verify that their precinct meets all statutory requirements,
- Pass a resolution or ordinance reestablishing the precinct,
- Verify that their polling place meets all federal and statutory requirements,
- If necessary, reestablish or withdraw from a combined polling place, and
- Notify the auditor of their precinct and polling place.

Within these requirements, townships may create as many or as few precincts as necessary for the community. Unlike elective districts, voting precincts are based on administrative convenience and may be large or small in population. However, precincts containing much more than 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

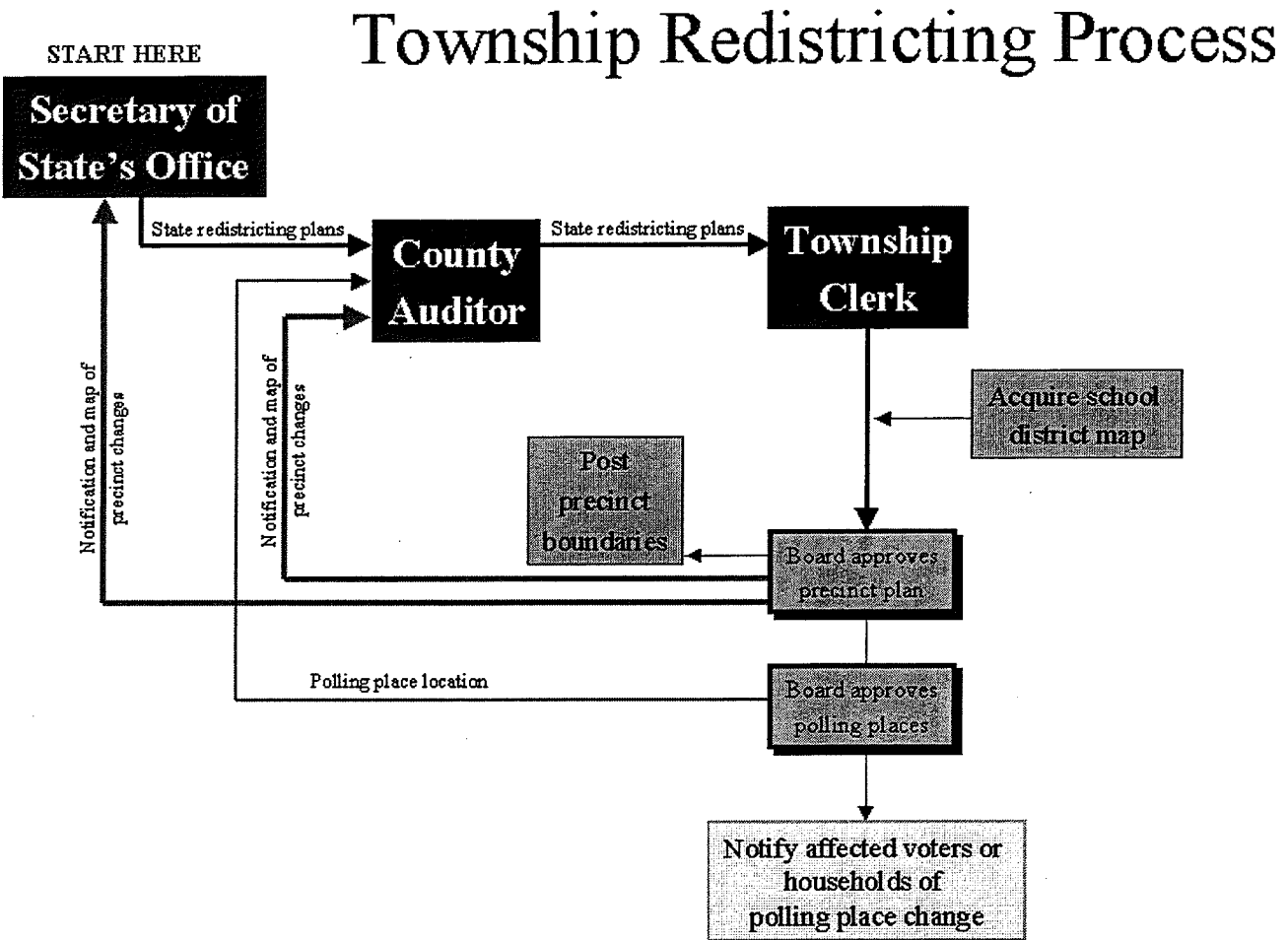
## **4.3 TOWNSHIP ROLES AND RESPONSIBILITIES**

A simplified over view of the township's redistricting process is presented in Figure 4.0. While this figure does not include every task and responsibility, it broadly illustrates the interactions among local government officials, major decisions and resulting actions.

The specific redistricting roles and responsibilities of township government are identified in tables 4.1 and 4.2. The roles and responsibilities of the township clerk are divided in Table 4.1 into the parts before, during and after redistricting. Table 4.2 focuses on the distinct roles and responsibilities of the Township Board of Commissioners.

In tables 4.1 and 4.2 items required by law have their citations noted (M.S. refers to *Minnesota Statutes* and M.R. refers to *Minnesota Rules*). Steps identified as “administrative” recognize common business practices. Those identified as “recommended” are provided for your consideration. Item numbers indicated in the last column refer to the locations in this guide where additional information is provided.

**Figure 4.0**  
**Township Redistricting Process**



This chart illustrates the township redistricting process and doesn't necessarily include all required tasks and responsibilities. In all matters, the law and rule are the final authority. Rev. 6-18-01



Mary Killebrew  
MINNESOTA SECRETARY OF STATE

**Table 4.1 -- Township Clerk****Before Redistricting**

	<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the township clerk, township board, other staff, and/or groups	Recommended	4.4.2
	Review official township policies to determine if there are additional redistricting related tasks that have been identified	Administrative	4.4.1
	Act as an information resource to, and assist the work of, the township board	Administrative	4.4.3
	Provide information to local media about redistricting	Administrative	4.4.3
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	4.4.6
	Identify potential new polling places	Administrative, Recommended	4.4.6
	Acquire census block lines	Administrative, M.S. 204B.14	4.4.4
	Assess any annexations that have been approved since January 1, 2000 (not reflected by census block lines)	Administrative	4.6.2
	Identify source of school district map(s)	Recommended	4.4.5
	Receive legislative and congressional redistricting plan from county auditor	M.S. 2.91 s. 1	4.4.7

**During Redistricting**

	<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
	Post legislative, and congressional district plans	Recommended	4.4.9
	Acquire school district map(s) to facilitate coordination of school district and precinct boundaries	M.R. 8255.0015	4.4.5
	Receive corrections of legislative and congressional redistricting plan from Secretary of State's Office if necessary	M.S. 2.91 s. 3	4.4.8
	Prepare precinct plan for township board to approve, if requested	Administrative, M.S. 204B.14	4.5.3
	Verify final precinct plan meets statutory requirements	Administrative, M.S. 204B.14	4.5.5
	Identify precinct polling place(s) for township board to approve	Administrative, refer to M.S. 204B.16	4.7.2

**After Redistricting**

<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
Post approved precinct and plan	M.S. 204B.14 s. 4	4.6.5.4
Send precinct information to auditor for posting and entering into statewide voter registration system	M.S. 204B.14 s. 4, M.S. 201.022	4.6.5.1
Send polling place information to auditor for entering into statewide voter registration system	M.S. 204B.16, M.S. 201.021, M.S. 201.022	4.7.5
Send map of changed precinct boundaries to Secretary of State's Office	M.S. 204B.14 s. 5	4.6.5.3
Publish precincts in local media	Recommended	4.6.5.6
Receive and post new county commissioner plan from auditor	Recommended	4.4.9
Send combined polling place information to auditor	M.S. 204B.14 s. 2 (b)(3)	4.7.6.1
Send notice of withdrawal from combined polling place to auditor	M.S. 204B.14 s. 2 (b)(3)	4.7.6.2
Notify affected households of any change of their polling place	M.S. 204B.16 s. 1a	4.7.4
It is strongly recommends that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special redistricting postal verification card will be available.	Recommended	4.7.4
Confirm contracts or arrangements for new and existing polling places	Administrative	4.8
Arrange additional election judges if there are additional polling places	Administrative	4.8
Acquire additional voting equipment for new precincts if necessary	Administrative	4.8

**Table 4.2 -- Township Board**

<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
Approve new, or reestablish existing, precinct plan by resolution or ordinance	M.S. 204B.14 s. 3 (c)	4.5.3
Establish new polling places by resolution or ordinance for new precincts	M.S. 204B.16	4.7.2
Reestablish existing polling places for unchanged precincts	Recommended	4.7.2

## **4.4 GETTING READY**

### **4.4.1 Review township policies**

Before redistricting, the township policies should be reviewed to determine if there are any specific redistricting-related tasks defined by the township.

### **4.4.2 Clarify roles, responsibilities, duties, and expectations**

It is a good practice within your township to clarify and define the roles, responsibilities, duties, and expectations related to redistricting of the township clerk, township board, other township staff, and/or groups before redistricting begins. An agreement on who will do what tasks and when may safeguard everyone involved from unintentionally overstepping the tasks others are intending to do.

### **4.4.3 Provide information to township board and media**

It is a good idea for those with redistricting responsibilities to learn as much as they can about the redistricting process. Reviewing this guide is just one step in the learning process. There are many sources for additional information. Some of those sources have been collected and are provided for you in Appendix G.

It is important that information relevant to local government redistricting be shared among all those involved with redistricting. This includes providing information to local media about the redistricting process and outcomes. Redistricting elective districts is an important component in the American political system and should be an open and visible process.

### **4.4.4 Acquire maps of census block lines**

The township board establishes precincts within the township. Among the requirements for precinct boundaries is the need to draw precinct boundaries on census block boundaries. Although there are a limited number of other boundaries allowed for precincts, census block lines are by far the most preferable.

There are several sources for maps of census block boundaries. See section 1.6.6 (SOURCES OF REDISTRICTING DATA) for a list of some of the sources of maps and digital data.

#### **4.4.5 Acquire maps of school districts**

All townships are required to acquire maps of any school district with territory within their boundaries. To simplify election day activities, townships may want to consider their ability to draw precinct boundaries to follow school district boundaries to whatever extent possible.

There may be many sources for school district maps including, school districts, county offices, and state agencies. Townships should verify the source(s) of school district maps before redistricting begins.

Once township redistricting begins, townships are required to acquire the map(s) within 21 days of the completion of state legislative redistricting, and before reestablishing township precincts. (M.R. 8255.0015)

#### **4.4.6 Identify and evaluate existing and potential polling places**

Before redistricting it is a good practice to identify and evaluate existing and potential polling places. If the new legislative plans forces new precincts within a township, it is advisable to know ahead of time where potential polling places exist that meet all state and federal requirements. (For more information about state and federal polling place requirements, see: 4.7 POLLING PLACES.)

Many townships may find it easier to first identify their potential polling places and then draw precincts around where they have a polling place. It may be harder to first draw precincts then try to find polling places for each one.

#### **4.4.7 Receive state redistricting plans from county auditor**

The county auditor is required to send a copy of relevant portions of state legislative and congressional redistricting plans to each municipal clerk within their county.

The Secretary of State's office will be providing information about the official legislative and congressional plans to each county auditor. Those plans will be provided to the county auditor in the form of a map. The statutes do not explicitly define how, or in what format, the county auditor must provide relevant portions of state redistricting plans to municipal clerks. Townships should work with their county auditor to identify the best format for the township to receive state redistricting plans. (M.S. 2.91 subd. 1)

After passage of state redistricting legislation, the Secretary of State is the official depository of that information. While copies of plans may be available from many other sources, it is strongly recommend that cities use only information that has been provided to their county auditor from the Secretary of State, or information that has been sent directly to the city from the Secretary of State. Any changes in legislative plans as a result of court action or changes ordered by the Secretary of State may not be reflected in information available from other sources. (M.S. 2.91 subd. 1)

#### **4.4.8 Receive corrections, if any, of state plans**

After passage of redistricting legislation, the Secretary of State's office reviews the plan for errors. If errors are discovered, the Secretary of State has the responsibility to notify the municipal clerk and candidates for office in the affected area. If an error is discovered, the Secretary of State's office will work directly with any affected township clerks at the at time. (For more information, see: 2.3.12 RECEIVE CORRECTIONS, IF ANY, OF STATE PLANS in the county section) (M.S. 2.91 subd. 3)

#### **4.4.9 Post state plans**

While not specifically required, it is recommended that township clerks post copies of the relevant portions of county, state legislative, and congressional redistricting plans. After the county auditor forwards the relevant portions to the township clerk, the clerk may decide to post the plans in an effort to provide information about the new state plans to the public. This may be particularly important in areas where district boundaries have changed and where voters may have questions about the new plans.

### **4.5 PRECINCTS**

#### **4.5.1 Definition**

"Precincts" are the basic geographical units for organizing and administering elections. Precinct boundaries are partially designed by the township and partially the result of various requirements in state statutes. At a minimum, each township must be at least one precinct, and additional precincts are necessary if a county, congressional, or legislative boundary divides the townships. Within these broad requirements, townships may create as many or as few precincts as necessary for the community. Precincts are not tied to population size; however, precincts sized much beyond 2,000 to 3,000 registered voters can become unwieldy for election administration purposes. (M.S. 204B.14.)

#### **4.5.2 Precinct freeze**

State election law freezes all precinct boundary lines between January 1, 2000 and until after the legislature redistricts. Normally, the township board may make changes to precinct boundaries at any time before June 1 of state election (even) years or 90 days before the next election. The statutes establishing the precinct freeze allows two exceptions to the freeze period: to accommodate an annexation or to divide an existing precinct. (M.S. 204B.14)

In the first exception, if a city annexes an area located in the same county as the city and the annexed area is adjacent to the city boundary the annexed area may be included in a precinct immediately adjacent to it. However, to include the recently annexed area into the city precinct all other statutory requirements such as not crossing legislative, congressional, or county commissioner districts still apply. The statutes do not

provide an exception for including a non-adjacent annexation into a city precinct. (M.S. 204B.14 subd. 3 (a))

The second exception provides that a township may split an existing precinct. To do this the newly established precincts must not extend beyond the boundaries of the original precinct. Additionally, the names of the new precincts must include the name of the former precinct. (M.S. 204B.14 subd. 3 (c))

### 4.5.3 The precinct plan

There are many ways to describe precinct boundaries. In a township with only one precinct, the precinct boundaries may be defined as following the township boundaries. However, when a township has two or more precincts, another method is needed for describing the precinct boundaries that split the township.

If a township uses a single road, or other feature, as the boundary between precincts, it may be sufficient to define the precincts in relation to that feature, for example “those portions of the township east of County Road 7,” or “south of Pelican brook.” However, when precinct boundaries follow multiple features, or where there are numerous precincts in the township, a metes and bounds description may be the best description.

A metes and bounds description is one that describes the boundaries of a precinct in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council’s 6<sup>th</sup> District is included in Minnesota Statutes 473.123 subdivision 3c (6):

*“The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W...”*

When a precinct plan is approved, any reference to a municipal boundary refers to that boundary on the day the plan is approved. As municipal annexations occur, county commissioner districts and state legislative and congressional district boundaries do not automatically change.

In summary, the advantages of a metes and bounds description are:

- More identifiable to people unfamiliar with the township,
- Better than using corporate limits for descriptions – as corporate limits tend to change over time,
- A reminder that when municipal annexations occur, a precinct boundary change needs to occur or a new precinct needs to be created.

Regardless of how many precincts a city has, or what features those precincts follow, it may be best to use a description that references the physical features which define the precinct boundaries.

#### **4.5.4 Consider where you have available polling places**

Some townships may prefer to identify polling places before establishing precincts. It may be less difficult to draw precincts around polling places than to find polling places for established precincts. Polling places must meet strict state and federal accessibility and other requirements.

Regardless of what order polling places and precincts are identified and drawn, precincts are officially established first and polling places second.

#### **4.5.5 Precinct boundaries requirements**

##### **4.5.5.1 Not cross municipal or elective district boundaries**

With few exceptions, township boards designate precinct boundaries. At a minimum, each township must be at least one precinct. In other words, no precinct may be shared by a township and any other jurisdiction. A precinct cannot be split between county, congressional, or legislative districts. Ideally, precincts will also follow school district boundary lines. Where precinct lines stand alone, they must follow “visible, clearly recognizable physical features” such as highways, rivers, or railroads. (M.S. 204B.14, subd. 6.)

When precincts are redistricted or reestablished they must not cross:

- A municipal boundary
  - A county boundary
  - A legislative district boundary
  - A congressional district boundary
- (M.S. 204B.14)

After the county has redistricted county commissioner districts, for the remaining decade precincts also must not cross county commissioner district boundaries. (M.S. 375.025 subd. 1)

##### **4.5.5.2 Use of physical features for precinct boundaries**

In addition to not crossing political subdivision boundaries (i.e. township limits), *Minnesota Statutes*, further limits precinct boundaries in several ways.

- From April 1, 2000 to April 1, 2002; all precinct boundaries must follow a census block line. The only exceptions are precincts that are made up entirely of unorganized territory and where more than one precinct is contained entirely within one census block,
- Starting April 1, 2000, precincts entirely in unorganized territories and for multiple precincts entirely within one census block must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255,
- After April 1, 2002; boundaries of all election precincts must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255, and

- If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, the Secretary of State may authorize an alternate boundary used by the U.S. Census Bureau. (M.S. 204B.14 subd. 6 (a) (b) (e))

Statutes define “visible, clearly recognizable physical features” as a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line that is clearly visible from the ground. (M.S. 204B.14 subd. 6 (c))

A street or roadway that has been platted, but not graded, does not qualify as a visible, clearly recognizable physical feature. (M.S. 204B.14 subd. 6 (c))

#### **4.5.5.3 Use of school district boundaries as precinct boundaries**

The establishment of precinct boundaries lacking visible, clearly recognizable physical features is covered in *Minnesota Rules* 8255.0020. Administering precincts that are split by school districts is often difficult and may lead to confusions on election day. In this event a township may establish a precinct boundary that is not on a recognizable physical feature. However, there are further limitations on the two precincts, which share the non-visible boundary.

- The other boundaries of the two precincts must be entirely located on recognizable physical features or jurisdictional (city, township, unorganized territory, county) boundaries.
- The two precincts must be named to reflect a relationship for the purpose of reporting election results (i.e. Precinct 1A and Precinct 1B). (M.R. 8255.0020)

#### **4.5.5.4 Additional precinct boundary information**

Although precincts may be made up of non-contiguous portions of the township it may not be good practice. County commissioner districts must be drawn after precincts are established. Whenever a precinct exists which is made up of multiple parts, all parts of that precinct must be contained within a single county commissioner district, which may significantly limit where the county can draw commissioner districts. (M.S. 375.025 subd. 1)

Within these requirements, governing bodies may create as many or as few precincts as necessary for the community. Unlike elective districts, voting precincts are based on administrative convenience and may be large or small in population. However, precincts containing much more than 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

There are benefits to drawing precinct lines to follow census block boundaries. County commissioner districts must be approximately equal in population. The only way to ensure that the districts are balanced by population is to know the census count for the precincts making up the districts, and the only way to know with any certainty the population count of the precincts is to use census block when drawing the precinct boundaries. Additionally, the legislative and congressional plans will use census blocks exclusively to draw district boundaries. Precincts abutting legislative or congressional districts will find that they must use at least some census block geography in order to match the district boundaries.

## **4.6 REESTABLISHING / REDISTRICTING PRECINCTS**

### **4.6.1 Changed versus unchanged boundaries**

After legislative redistricting is finished in 2001 or 2002, townships will need to establish precincts with newly changed boundaries and/or reestablish existing precinct boundaries within 60 days after legislative redistricting or by April 30, 2002, whichever comes first. (M.S. 204B.14, subds. 3 and 4.)

Minnesota law recognizes that townships will have different tasks related to the establishment of precincts after legislative redistricting. The law identifies that some townships will have to change their precinct boundaries. The precinct boundary changes may be the cause of changes to legislative or congressional district boundaries, or as the result of the township's own initiative. The changing of precinct boundaries is known as "redistricting" precincts.

Other townships will not need to make any changes to precinct boundaries. These townships will simply need to reconfirm or "reestablish" their precinct boundaries. An example resolution for reestablishing unchanged precincts is provided in Appendix C.

Although statute recognizes a difference exists, the statutes do not regularly differentiate between redistricting and reestablishing precinct boundaries directly (a voter's polling place change after redistricting does require additional action by the township). Every township must, by board action, carry out either a precinct redistricting or reestablishment after legislative redistricting.

Because there is not a fundamental difference between redistricting and reestablishing precinct boundaries, for the purpose of this guide the words are not always clearly differentiated.

The township board must adopt the reestablished or changed precinct boundaries at least 90 days before the next election. However, post-redistricting precinct changes and reestablished precincts go into effect on the date of the state primary election in September 2002. (M.S. 204B.14 subd. 3 (c))

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for redistricting or reestablishing precincts. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

### **4.6.2 Annexations and precinct boundary changes**

Whenever an annexation occurs a precinct boundary needs to change or a new precinct must be created. After an annexation it is necessary for municipalities to complete the process that includes the notifications listed in section 4.6.5.

Townships should assess any annexations that have occurred since the completion of the Census's TIGER® database on January 1, 2000. Townships who need to make precinct boundary changes as the

result of an annexation since 1/1/00 (the beginning of the precinct freeze) refer to 4.5.2 PRECINCT FREEZE

#### **4.6.3 Coordination with school district boundaries**

Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. A difficulty in administering split precincts is ensuring each voter gets the correct ballots. A voter may be disenfranchised if their school district is voting on a bond issue and they are incorrectly given the ballot for the other school district, and thereby are not given the opportunity to cast their vote on the bond question. Likewise, this voter may be incorrectly voting on issues in a school district, in which they do not live. To avoid these types of problems, townships may want to investigate their ability to draw precinct boundaries on school district boundaries. (See: 4.5.5.3 USE OF SCHOOL DISTRICT BOUNDARIES)

#### **4.6.4 Secretary of State ordered corrections of precinct boundaries**

If the Secretary of State determines that a precinct boundary does not comply with *Minnesota Statutes* 204B.14 subdivision 6, the Secretary of State shall send a notice to the township clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the township board has not taken action to correct the precinct boundary, the Secretary of State shall correct the precinct boundary and notify the township clerk of the action taken. (M.S. 204B.14 subd. 6)

The notice of incorrect precinct boundary, sent to the township clerk will contain a map showing a suggested boundary that meets all statutory requirements. The township board then has 60 days to adopt the suggested boundary, or create another boundary that meets all statutory requirements. If the township board fails to act within 60 days, the precinct boundary is, by default, the boundary suggested by the Secretary of State. (M.R. 8255.0025)

#### **4.6.5 Notification: who, how, and when**

After precinct boundaries have been drawn if there are changes in the boundaries, the following notices must be provided before the changes can take effect the clerk must:

- Notify the county auditor.
  - Immediately notify the Secretary of State.
  - Send a map to the Secretary of State indicating all changes.
  - Post a notice of the changes for at least 60 days in his or her office.
  - If polling locations change, arrange to notify the affected voters or their households.
- (M.S. 204B.14)

#### **4.6.5.1 Notify of the county auditor**

County commissioner district redistricting cannot occur until all municipalities have completed redistricting or reestablishing their precincts. Additionally, the county auditor is required to update the statewide voter registration system whenever there have been changes in precinct boundaries.

In order for the auditor to know commissioner district redistricting and in order to make updates to the system they need to have information from municipal clerks. Work with your county auditor to determine the specific process that will be used in your county.

#### **4.6.5.2 Notify of Secretary of State**

Minnesota Statutes 204B.14 subdivision 5 specifies that the township clerk must immediately notify the Secretary of State of any change in a precinct boundary. To fulfill this notification the clerk should mail or fax a copy of the ordinance or resolution establishing the change to the Elections Division. (M.S. 204B.14 subd. 5)

#### **4.6.5.3 Send map of precinct boundaries to Secretary of State**

The clerk then must file a correct map of precinct boundaries within 30 days of the boundary change. If base map is needed, one can be requested from the Secretary of State (contact Randall Cutting in the elections division at [randall.cutting@state.mn.us](mailto:randall.cutting@state.mn.us) or by phone at (651) 215-0014 for more help with a map).

The Secretary of State will then prepare a corrected precinct map and provide a copy to the clerk and auditor who shall make them available for public inspection. (M.S. 204B.14 subd. 5)

Townships interested in submitting precinct boundary change information to the Secretary of State's Office in the form of a geographic information system (GIS) database see appendix F.

#### **4.6.5.4 Post precinct boundaries**

When precinct boundaries have been changed, the change does not take effect until a notice of the change has been posed in the office of the clerk for at least 60 days. (M.S. 204B.14 subd. 4)

#### **4.6.5.5 Notify affected households of changes**

Notifying affected households of changes in precinct boundaries is covered by the notification required for changes in polling place. (See: 4.7.4 NOTIFY AFFECTED HOUSEHOLDS.)

#### **4.6.5.6 Publish precincts**

Though not specifically required, it is recommended that townships publish precinct boundaries in an effort to provide redistricting information to the public. This may be especially important in townships that have had precinct boundary changes.

## **4.7 POLLING PLACES**

### **4.7.1 Definition**

The polling place is the location to which voters come to cast their ballots on election day. Every precinct must have a designated polling place.

### **4.7.2 Designating polling places**

The township board must designate, by ordinance or resolution, a polling place for every newly established precinct. When there is no change in precinct boundaries or polling place locations, a resolution reestablishing the polling place is not required. However, it is recommended that polling places be reestablished by resolution anyway while acting to reestablish the precinct. All polling places whether new or reestablished must be:

- fully accessible (see concluding section of this chapter);
- large enough to accommodate the election activities;
- free of other, non-election activities;
- smoking free;
- liquor free and not adjacent to a liquor service area;
- located within the precinct except:
  - metropolitan area cities and towns may locate a polling place outside the precinct if it is within 3,000 feet of the precinct boundary or it is part of a combined polling place (see 4.7.6.1 COMBINED POLLING PLACES);
  - non-metropolitan cities and towns may locate polling places up to five miles outside the precinct boundary.

(M.S. 144.414; M.S. 204B.16.)

An example resolution for reestablishing unchanged precincts and polling places is provided in Appendix C.

The polling place designation remains in effect until the township board makes a new designation. However, changes cannot be made less than 90 days before the next election nor any time between the state primary and general elections. (The only exception to this is that election judges can move the polling place location on election day in response to emergencies rendering the original polling place unusable, such as fire or other public safety evacuations.)

### 4.7.3 Accessibility

Federal and state laws require that all polling places be fully accessible and usable by elderly or disabled persons. Minimum requirements include:

- paved parking with wide spaces reserved for disabled persons,
- curb cuts or temporary ramps,
- paved main routes free of stairs or with ramp or elevator bypasses,
- entrances/doorways a minimum of 32 inches wide,
- walkways and hallways at least 36 inches wide,
- hallways free of protrusions overhanging the floor,
- handrails on all stairs,
- signs directing voters around obstructed entrances or stairs to accessible routes,
- signs outlining the assistance available to voters, and
- one or more wheelchair accessible voting booth or station with writing surface 34 inches high.

For more specific details, we recommend following the specifications for the Americans with Disabilities Act detailed in 41 Code of Federal Regulations 101-19 (available at larger public and university libraries, Minnesota's Bookstore, or on the Internet).

Minnesota election law offers some accommodations if a polling place is not fully accessible or if the voter needs assistance with the voting materials:

- voting by absentee ballot;
- curbside voting;
- a bipartisan team of election judges to provide assistance in the polling place; or
- the voter bringing someone of their choosing to assist in the polling place.

(Americans with Disabilities Act; M.S. 204B.16, subd. 5.)

### 4.7.4 Notify affected households or voters

When redistricting causes a voter's polling place to change, the clerk also must notify all affected households by a first class, nonforwardable mailing at least 25 days before the next election. There are two ways to accomplish this:

- mail a special redistricting Postal Verification Card (PVC) to all affected voters or households, or
  - purchase address labels to use for a homemade mailing from the Secretary of State's Public Information section at (651) 297-9100.
- (M.S. 204B.16)

It is strongly recommended that all voters in the county be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. The benefits of this are to inform voters if any of their election districts have changed, and reaffirm their correct polling place. Cost sharing among the county, cities, townships, and school districts may keep the mailing costs affordable for any group. A special redistricting postal verification card will be available.

#### **4.7.5 Notify county auditor**

Whenever there has been a change in polling place location, the township clerk must notify the county auditor of the new location. The auditor needs the information for entry into the statewide voter registration system.

#### **4.7.6 Combined polling places**

##### **4.7.6.1 Creating combined polling places**

Under the following circumstances, governing bodies may combine polling places into a single, accessible location with a single team of election judges. They must, however, use separate ballot boxes and keep separate returns for each precinct involved.

- 3<sup>rd</sup> or 4<sup>th</sup> class cities,
- cities located in more than one county,
- two contiguous precincts in the same county with fewer than 500 registered voters combined,
- up to four contiguous city and townships located outside the metro area that are in the same county, or
- for precincts that vote by mail, only one polling place is required at a central location designated by the governing body.

(M.S. 204B.14; M.S. 204B.45)

A copy the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 of approval by the governing body. For a combined polling place involving multiple municipalities or jurisdictions, each governing body involved must pass an ordinance or resolution establishing the combined polling place. (M.S. 204B.14 subd. 2 (b)(3))

##### **4.7.6.2 Withdrawing from combined polling places**

A municipality withdrawing from participation in a combined polling place must file a resolution of withdrawal with the county auditor no later than May 1<sup>st</sup> of any year. (M.S. 204B.14 subd. 2 (b)(3))

#### **4.7.7 Alternate dates and procedures for establishing polling places**

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for establishing or reestablishing polling places. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

## 4.8 PREPARING FOR NEXT ELECTION

If redistricting precincts results in more precincts than the township previously held, additional work may be needed to prepare for the upcoming state primary and general election. Among those items that may need to be done include:

- Acquire additional voting equipment;
- Additional polling place posters and supplies;
- Recruit additional election judges; and
- Confirm contracts for new or existing polling places, if necessary.

The redistricting process may be a good opportunity for counties, cities, and townships to encourage people to participate in the election process by serving as an election judge.

At every general election, it is required that a map of the precinct be posted in each polling place. If precinct boundaries have changed, a new map is especially important.

For more information about preparing polling places for upcoming elections, contact the Secretary of State's Office Elections Division.

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## **5.0 SCHOOL DISTRICT REDISTRICTING**

### **5.1 INTRODUCTION**

#### **5.1.1 Overview**

This chapter is for school district clerks, school board members, and others working on school board member district redistricting. Please use this chapter along with the Minnesota School Clerk Election Guide and the Minnesota Election Laws. The content of this document is subject to change as directed in subsequent legislation. **In all matters, the law and rule are the final authority.** Consult with your school district attorney if you have additional legal questions.

#### **5.1.2 What is redistricting?**

Following the national census conducted every 10 years, state and local governments redraw their elective districts (redistrict) so representation among districts remains as equal as possible as populations change over time. This process is necessary to carry out the Constitution's requirement of equal representation.

Although redistricting is a basic tenet of America's form of government, it is often overlooked and misunderstood. It can affect who is, and who isn't, elected and may influence the philosophical makeup of an elected body.

Elective districts are areas with roughly equal population from which the voters elect representatives to the various levels of government. For redistricting, all persons living within the district are counted whether young or old, eligible to vote or not. Elective districts include U.S. representative districts, state legislative districts, county commissioner districts, city wards, and school board member districts.

#### **5.1.3 Redistricting process**

The process begins after the Census Bureau releases official population figures. The state legislature then redistricts itself and the congressional districts using the federal census block population data. The goal is

to construct districts that are compact, contiguous, and as equal in population as possible. The legislature's plan may be disputed, revised, and finalized by the state or federal courts.

Once the congressional and legislative boundaries are finalized, local governing bodies must reestablish the boundaries of any elective districts they may have. Cities must adjust their wards either within 60 days of the legislature's redistricting or by April 30, 2002, whichever comes first. School districts and other jurisdictions must do so within 80 days of legislative redistricting or by May 28, 2002, whichever comes first. (M.S. 204B.135; M.R. 8255.0010)

The school district may receive numerous inquiries from local media and the public. Because redistricting is inherently perceived as being political it is important to conduct all activities with the utmost integrity, openness and composure.

Cities and townships must also redraw their voting precinct boundaries after redistricting. No precinct may be divided by an elective district boundary (except by a school district boundary), so adjustments must inevitably be made to the precinct lines. (M.S. 204B.14, subd. 1a)

This chapter is for school district clerks, school boards, and others working on school board member election redistricting. Please use this chapter along with the Minnesota School Clerk Election Guide and the Minnesota Election Laws. Specific contents in this document are subject to changes in legislation. In all matters, the law and rule are the final authority.

## 5.2 SCHOOL BOARD ORGANIZATION

School districts fall into four categories:

1. Elect board members "at-large" and use municipal polling places,
2. Elect board members "at-large" and use combined polling places,
3. Elect board members from election districts and use municipal polling places, and
4. Elect board members from election districts and use combined polling places.

School districts described in categories #2 and #4 are divided into two additional categories:

- A. Districts that combine all municipal polling places into a single polling place for the conduct of school special elections, and
- B. Districts that combine groups of municipal polling places into two or more polling places for the conduct of school special elections.

This results in the following six scenarios:

(1 above). School districts electing board members "at-large" and using municipal polling places for school district special elections (i.e. bond referendum) may, or may not, have to notify affected voters of a polling place change.

(2-A above). School districts electing board members "at-large" and combining all municipal polling places for the conduct of school special elections have no polling place changes and no need to notify affected voters.

(2-B above). School districts electing board members “at-large” and combining municipal polling places into two or more polling places for the conduct of school special elections may, or may not, have to notify affected voters of a polling place change.

(3 above). School districts electing board members from election districts and using municipal polling places, will have election district redistricting and may, or may not, have to notify affected voters of a polling place change.

(4-A above). School districts electing board members from election districts and combining municipal polling places into a single polling place, will have election district redistricting but will not have to notify voters of a polling place change.

(4-B above). School districts election board members from election districts and combining municipal polling places into two or more polling places, will have election district redistricting and may, or may not, have to notify affected voters of a polling place change.

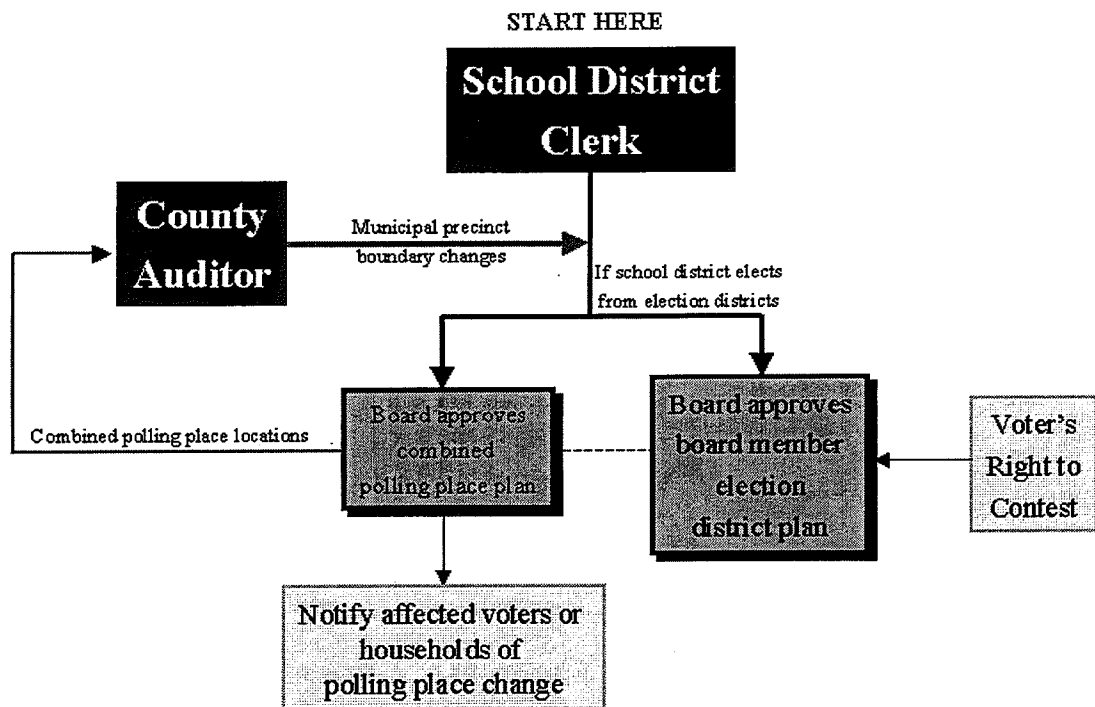
## 5.3 SCHOOL DISTRICT ROLES AND RESPONSIBILITIES

A simplified over view of the School Districts’s redistricting process is presented in Figure 5.0. While this figure does not include every task and responsibility, it broadly illustrates the interactions among local government officials, major decisions and resulting actions.

The specific redistricting roles and responsibilities of the school district are identified in tables 5.1 and 5.2. The roles and responsibilities of the school district clerk are divided in Table 5.1 into the parts before, during and after redistricting. Table 5.2 focuses on the distinct roles and responsibilities of the School Board.

In tables 5.1 and 5.2 items required by law have their citations noted (M.S. refers to *Minnesota Statutes* and M.R. refers to *Minnesota Rules*). Steps identified as “administrative” recognize common business practices. Those identified as “recommended” are provided for your consideration. Item numbers indicated in the last column refer to the locations in this guide where additional information is provided.

**Figure 5.0**  
**School District Redistricting Process**



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MINNESOTA SECRETARY OF STATE

This chart illustrates the school district redistricting process and doesn't necessarily include all required tasks and responsibilities. In all matters, the law and rule are the final authority. Rev. 6-18-01

## Table 5.1 -- School District Clerk

\* Items apply only to school districts that elect their board members from election districts (versus “at-large”)

### Before Redistricting

	Role or Responsibility	Cite	Item
	Review school board policy to determine if there are specific responsibilities and tasks identified	Administrative	5.4.1
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the county auditor, county board, other staff, and/or groups	Recommended	5.4.2
	Act as an information resource to, and assist the work of, the school board	Administrative	5.4.3
	Provide information to local media about redistricting	Administrative	5.4.5
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	5.4.5
	Identify potential new polling places	Recommended	5.4.5
	Verify county parcel information contains correct school district information to determine county has correct district boundaries	Administrative	5.4.6.1
	Notify auditor(s) of school district boundary errors or changes	Administrative	5.4.6.1
*	Acquire census population counts	M.S. 205A.12 s. 4	5.4.4

### During Redistricting

	Role or Responsibility	Cite	Item
	Receive precinct information from auditor	M.S. 204B.14 s. 5	5.4.7
*	Assist school board with writing description of election district plan for approval, if requested	Administrative	5.7.4.2
*	Verify final election district plan meets statutory requirements	Administrative, M.S. 205A.12	5.7.2
*	Notify auditor(s) of new or reestablished school district election districts for posting and entering into statewide voter registration system	Administrative	5.7.4.4
*	Notify Secretary of State’s Office of new or reestablished school district election district boundaries	Administrative	5.7.4.4
	Coordinate or reconfirm precinct boundaries to match precincts established by other government entities	Recommended	5.7.2.5
	Identify polling places for school board to approve, if requested	Administrative	5.6.1
	Prepare plan for combined polling places for school board to approve, if requested	Administrative	5.6.2

**After Redistricting**

	<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
	Notify auditor(s) of change in school polling place for entering into statewide voter registration system	M.S. 201.021, M.S. 201.022	5.6.5
	Notify affected voters of any change in combined polling place locations for school district special elections	M.S. 205A.11	5.6.4
	It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special redistricting postal verification card will be available.	Recommended	5.6.4
*	Prepare for possibility of legal challenge of election district plan	Administrative	5.8

**Table 5.2 -- School Board**

\* Items apply only to school districts that elect their board members from election districts (versus “at-large”)

	<b>Role or Responsibility</b>	<b>Cite</b>	<b>Item</b>
*	Approve new boundaries of election districts if board members are elected by election districts (versus “at-large”)	M.S. 205A.12 s 6	5.7.4.2
	Approve new polling place(s) if necessary	M.S. 204B.16 s. 1	5.6.1
	Approve new combined precincts	M.S. 205A.11 s. 2	5.6.2

**5.4 GETTING READY****5.4.1 Review school district policies and procedures**

School districts may have existing policies and procedures related to redistricting tasks. A review of school district policies should be conducted to determine if there are specific guidelines for redistricting.

**5.4.2 Clarify roles, responsibilities, duties, and expectations**

It is a good practice within your school district to clarify and define the roles, responsibilities, duties, and expectations related to redistricting of the school district clerk, school board, other school district staff, and/or groups before redistricting begins. An agreement on who will do what tasks and when may safeguard everyone involved from unintentionally overstepping the tasks others are intending to do.

### **5.4.3 Provide information to school board and media**

It is a good idea for those with redistricting responsibilities to learn as much as they can about the redistricting process. Reviewing this guide is just one step in the learning process. There are many sources for additional information. Some of those sources have been collected and are provided for you in Appendix G.

It is important that information relevant to local government redistricting be shared among all those involved with redistricting. This includes providing information to local media about the redistricting process and outcomes. Redistricting elective districts is an important component in the American political system and should be an open and visible process.

### **5.4.4 Acquire population counts (census)**

Population is a consideration when evaluating and redistricting school board member election districts. If election districts are made up of cities, townships, or precincts, it may be possible to acquire official census population summaries for those subdivisions.

If school board member election districts split municipalities or precincts, the school district will need to acquire a complete population census of the school district. The school district can either use the official federal census population counts or the school district can conduct a census of their own.  
(M.S. 205A.12 subd. 4)

The availability and convenience of the federal census block population counts may make it simpler for the school district to use those numbers rather than conduct a census of their own. To use the federal census counts it will be necessary to have a map of census blocks and the corresponding block population number for each census block.

There are several sources for maps of census block boundaries. See section 1.6.6 (SOURCES OF REDISTRICTING DATA) for a list of some of the sources of maps and digital data.

### **5.4.5 Identify and evaluate existing and potential polling places**

Before redistricting it is a good practice to identify and evaluate existing and potential polling places. If the school district chooses to use combined polling places for the purpose of conducting school special elections, the polling places used will need to meet all state and federal requirements (for more information see: 5.6 POLLING PLACES).

Many school districts may find it easier to first identify polling places and then designate combined polling places where potential polling places are available (see 5.6 POLLING PLACES).

## **5.4.6 School district maps**

### **5.4.6.1 Work with county to update school district boundary information**

To conduct fair and accurate elections, it is necessary for the county to have accurate information about the boundaries of school districts. This is particularly important in cities and townships split by two or more school districts. It is essential that voters receive correct ballots in polling places on election day. This is difficult if the county does not have accurate information about the location of school districts boundaries.

The school district should work with the county auditor to verify that all voter registration records and the county's precinct finder have the proper school district indicated. The school district should also work with the county to verify that the county's parcel records include the proper school district designation for taxation purposes.

### **5.4.6.2 Identify sources of school district maps**

City and township clerks are required to acquire maps of school districts in their jurisdiction in a short window of time between legislative redistricting and the establishment of their precinct boundaries. School districts are not specifically required to provide these maps. However, many cities and townships will likely call their school district inquiring about a map. (M.R. 8255.0015)

To assist the city and township clerks, the school district may want to identify sources of school district maps. Potential sources include the school district busing office or contractor, county auditor or planning or zoning departments, and others.

## **5.4.7 Receive precinct information**

To help facilitate drawing school board member districts on precinct boundaries, and to identify those voters who will need to be furnished a change in combined polling place notice, the school district will want to receive precinct boundary change information from the county auditor as soon as it is available. The county auditor is not required to send changed precinct boundary information to school districts until August 12, 2002 (30 days before the state primary election; transferred from Sunday August 11, 2002). The school district may also want to acquire municipal precinct boundary changes directly from the municipal clerk to increase the amount of time the school district has the precinct information. (M.S. 204B.14 subd. 5; M.S. 645.15)

## **5.5 PRECINCTS**

"Precincts" are the basic geographical units for organizing and administering elections. Precinct boundaries are established by cities, townships, and counties following requirements in state statutes. To

change precinct boundaries, the municipal governing body must adopt the changes at least 90 days before the next election. (M.S. 204B.14)

School boards must use the precincts created by cities and townships. When no other election is being held in one or more precincts, school districts have wide discretion to combine the polling places that would have normally served those precincts. (M.S. 205A.11)

## **5.6 POLLING PLACES**

### **5.6.1 Designation**

If the school district election coincides with another election in a precinct, as they will for the general election in 2002, the city or township is responsible for operating that precinct's polling place. (M.S. 205 A.11, subd. 1.)

Otherwise, the school district will use the city and township polling places unless the board acts to establish its own polling places or to create one or more combined polling places. In all cases polling places must be:

- fully accessible;
- large enough to accommodate the election activities;
- free of other non-election activities;
- smoking free; and
- liquor free and not adjacent to a liquor service area.

(M.S. 144.414; M.S. 204B.16; M.S. 205A.11)

The polling place designation remains in effect until the school board makes a new designation. Changes cannot be made less than 90 days before the next election. Be sure to immediately notify the county auditor of a polling place change. (M.S. 204B.16)

### **5.6.2 Combined Polling Place**

By passing a resolution, a school board may combine the polling places serving precincts in which only the district's election is taking place that day. The designation criteria above apply. In giving notice, the clerk should be clear that the combination applies only to school district election(s) and whether it is a one time or on-going arrangement.

When using a combined polling place for a levy or bond referendum, the clerk must send a special notice to households of registered voters in the affected precincts. The notice should specify the reason for the election, the date, the voting hours, and the voting location. It must be sent by "return service requested" (nonforwardable) mail at least 14 days before the election. The district must mail the notice for every referendum that uses a combined polling place except when the referendum:

- is held by mail, or
- is held on a uniform election day and uses a previously established polling place. (M.S. 205A.11)

### 5.6.3 Accessibility

Federal and state laws require that all polling places be fully accessible and usable by elderly or disabled persons. Minimum requirements include:

- paved parking with extra wide spaces reserved for disabled persons;
- curb cuts or temporary ramps;
- paved main routes free of stairs or with ramp or elevator bypasses;
- entrances/doorways a minimum of 32 inches wide;
- walkways and hallways at least 36 inches wide;
- hallways free of protrusions overhanging the floor;
- handrails on all stairs;
- signs directing voters around obstructed entrances or stairs to accessible routes;
- signs outlining the assistance available to voters; and
- one or more wheelchair accessible voting booth or station with writing surface 34 inches high.

For all accessibility requirements, the best course is to comply with the specifications for the Americans with Disabilities Act detailed in 41 Code of Federal Regulations 101-19 (available at larger public and university libraries, Minnesota's Bookstore at (800) 652-9747, or on the Internet).

Minnesota election law offers some accommodations if a polling place is not fully accessible or if the voter needs assistance with the voting materials:

- voting by absentee ballot;
  - curbside voting;
  - a bipartisan team of election judges to provide assistance in the polling place; or
  - voters bringing someone of their choosing to assist in the polling place.
- (Americans with Disabilities Act; M.S. 204B.16, subd. 5)

### 5.6.4 Notify Affected Voters

Every time a polling place is changed, all affected households must be notified by a first class, "return service requested" (nonforwardable) mailing at least 25 days before the next election. There are two ways to accomplish this:

- the clerk can have the auditor mail a Postal Verification Card (PVC) to all the affected households or voters, or
- the clerk may purchase address labels from the Secretary of State's Public Information section at (651) 297-9100 to use for a mailing.

It is strongly recommended that all voters in the county be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. The benefits of this are to inform voters if any of their election districts have changed, and reaffirm their correct polling place. Cost sharing among the county, cities, townships, and school districts may keep the mailing costs affordable for any group. A special redistricting postal verification card will be available.

### **5.6.5 Alternate dates and procedures for establishing polling places**

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for establishing or reestablishing polling places. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

## **5.7 SCHOOL BOARD MEMBER DISTRICTS**

### **5.7.1 Definition**

Any independent school district may establish separate election districts for the purpose of electing board members. School districts, with board member election districts, must establish and redistrict those districts using the procedures in *Minnesota Statutes* 205A.12. (M.S. 205A.12 subd. 1)

### **5.7.2 School Board Member District Boundaries**

#### **5.7.2.1 District representation**

School districts, unlike other local governments have a variety of options for the structure of districts for the purpose of electing members of the school board. A single member only must represent a city ward, county commissioner district, and state legislative and congressional districts. However, school board members may be elected from:

- At-large,
  - Single-member districts,
  - Multimember districts,
  - A combination of single-member and multimember districts,
  - A combination of single-member or multimember districts, or
  - Both a combination or single-member or multimember districts and one or more members elected at-large.
- (M.S. 205A.12 subd. 2)

The remainder of this chapter is most relevant for school districts 2 – 6 above

### **5.7.2.2 District population census**

The school district may use the 2000 federal census numbers for the calculation of population totals in board member election districts. The school district may also conduct a special census and use the population counts for redistricting. (M.S. 205A.12 subd. 4)

### **5.7.2.3 District population equality**

Within a school district with single-member districts, each single-member district must be equal in population. In school districts, which elect members from multimember districts or combinations of single- and multimember districts, the size of each district must be in proportion to the number of members who represent that district. In other words, each constituent must have the same level of representation on the school board to comply with the Constitutional requirement of equal representation. (M.S. 205A.12 subd. 4)

The following is an example of a hypothetical district of 50,000 people, which elects two members from single-member districts, and three members from a single multimember district.

District Number	Board Members	Population
1	1	10,000
2	1	10,000
3	3	30,000
TOTAL		50,000

### **5.7.2.4 District geography**

Each school board member election district must be compact in shape and composed of contiguous territory.

The most compact elective districts will be those which are roughly circular, square, or rectangular in shape. Considering the shape of most school districts in Minnesota, it is not possible for each elective district to be a circle or square. However, the elective districts within a particular school district should be as compact as feasible.

School districts with discontinuous pieces (islands of school district territory not connected with the rest of the district) will recognize that it is not always possible to draw an elective district that is contiguous. Within the main core of the school district, a contiguous elective district is an area which is all one piece – no islands or pockets mixed with other elective districts. For an elective district to be considered contiguous, the discontinuous pieces of the school district must be in the closest elective district within the main core of the school district. (M.S. 205A.12 subd. 4)

School districts are provided wide latitude on the location of where boundaries can be drawn. Cities, townships, and counties have numerous restrictions on where they can, and cannot, draw precinct, ward, and commissioner district lines. School districts have the authority to draw board member elective district boundaries wherever it is necessary for the district. However, to simplify elections it is a good idea to try to coordinate school board member districts with municipal precincts to whenever possible.

#### **5.7.2.5 Coordination with other voting and election districts**

To simplify elections, school districts may want to try to conform board member election districts with municipal precincts whenever possible. It may also be advantageous to try to conform board member districts to other election districts including legislative, congressional, and county commissioner districts.

### **5.7.3 Do Board Member District Boundaries need to be changed?**

After the certification of the 2000 census the school district must:

- Confirm board member election districts conform to law, or
- Redistrict board member election districts to meet the provisions in law.

Specifically, the school district must verify that its board member election districts comply with district population equality and that districts are compact and contiguous. (See: 5.7.2 SCHOOL BOARD MEMBER DISTRICT BOUNDARIES) (M.S. 205A.12 subd. 6)

### **5.7.4 School Board redistricting process**

#### **5.7.4.1 Notice of intent to redistrict**

The school board must publish one weeks' notice before holding a public hearing on a proposed resolution for the redistricting of member elective districts. (M.S. 205A.12 subd. 6)

#### **5.7.4.2 Writing the redistricting plan**

It may be preferable to write a metes and bounds description for a school board member district plan.

A metes and bounds description is one that describes the boundaries of the districts in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 6<sup>th</sup> District is included in Minnesota Statutes 473.123 subdivision 3c (6):

*"The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W..."*

The advantages of a metes and bounds description are:

- More identifiable to people unfamiliar with the school district,
- Better than using corporate limits or precincts for descriptions – as they both tend to change over time,

When a school board member district-redistricting plan is approved, any reference to a municipal or precinct boundary refers to that boundary on the day the plan is approved. It is not uncommon for these boundaries to change, and school board member districts do not necessarily change with those boundaries.

Metes and bounds descriptions may be more understandable to people unfamiliar with the school district than a description which references particular townships and ranges, for example. They may also be better than using corporate limits or precincts for descriptions – as corporate limits may change over time.

#### **5.7.4.3 Dates for establishing member districts**

School districts with board member election districts must redistrict or reconfirm existing board member election districts within 80 days of the completion of legislative redistricting or by May 28, 2002, whichever comes first. However, the school district may not redistrict until after publishing one weeks' notice in advance of the meeting at which redistricting will be discussed. (M.S. 204B.14, subd. 2; M.S. 205A.12 subd. 6)

A redistricting plan for school board member election districts is effective on September 10, 2002, the date of the state primary in 2002. (M.S. 205A.12 subd. 6)

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2002), there are alternate dates and procedures for redistricting or reestablishing local government elective districts. For more information on the alternate dates and procedures refer to Appendix B or contact the Elections Division of the Secretary of State's Office.

#### **5.7.4.4 Notification**

After acting to redistrict school board member election districts, the school district needs to notify the county auditor(s) of the board member election district boundaries for entry into the statewide voter registration system.

The Secretary of State's Office Elections Division also requests school districts which elect board members from election districts to send a copy of the election district plan.

### 5.7.5 How district boundary changes affect board members

Board members shifted out of the election district they represent as a result of redrawing election district boundaries during redistricting, are not disqualified from serving for the remainder of the term for which they were elected.

When running for office on the school board, a candidate must reside in the district for which they file for office. Except for shifts in election districts as the result of redistricting, each board member must be a resident of the election district that they represent. (M.S. 205A.12 subd. 5)

## 5.8 VOTER RIGHT TO CONTEST

The accessibility of geographic information systems (GIS) and the availability of data and information on the Internet may enable many more people to participate in local government redistricting. *Minnesota Statutes* provides guidance to citizens of their right to contest local government election district plans. A voter's right to contest school board member district plans is covered in *Minnesota Statutes* 204B.135 subdivisions 2 and 3 (a) and (c).

A voter wishing to contest a school board member election district redistricting plan, or compel county redistricting, must first file a writ of mandamus with the district court in the county. The dates for filing the writ are:

- If the redistricting plan is approved before May 28, 2002; the application and writ must be filed within three (3) weeks, but no later than June 4, 2002,
- If the redistricting plan is approved after June 4, 2002; the application and writ must be filed within one (1) week.

Consult with the school district attorney for additional information regarding the procedures for school district redistricting contests.

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# APPENDIX A

## Example Timeline

1/1/00	Precinct boundary freeze begins (M.S. 204B.14 subd. 3)
4/1/00	Official date of US Census
11/7/00	General election
12/31/00	State population totals reported to the President, U.S. House of Representatives apportioned.
Feb/01	U.S. Census Bureau releases 2000 TIGER® line data.
3/28/01	Census Bureau releases block populations to Minnesota Legislature and on the Internet.
7/23-7/31/01	MN Secretary of State's Office conducts redistricting conferences for local government officials. (M.S. 204B.146 subd. 1)
3/19/02	The legislature intends to have legislative and Congressional redistricting completed. (M.S. 204B.14 subd. 1a)
4/30/02	Municipal wards and precincts redistricting estimated completion date. Wards and precincts must be redrawn within 60 days after legislative redistricting, or at least 19 weeks before the state primary, whichever occurs first. (M.S. 204B.14 subd. 3c)
5/28/02	County Commissioner Districts and School Districts that elect members from election districts must be redrawn within 80 days after legislative redistricting, or 15 weeks before the primary, whichever comes first. (M.S. 204B.135 subd. 2)
6/01/02	Deadline for combined polling places to be established. (M.S. 204B.14 subd. 2)
6/11/02	Last day to approve new polling places before primary election (90 days prior to election). (M.S. 204B.16 subd. 3)
6/17/02	Last day to publish notice of new congressional, legislative, and county commissioner district lines (14 days prior to opening of filing). (M.S. 204B.14 subd. 4)
7/01/02	Deadline to file combined polling place action with county auditor (30 days after combined polling place is established). (M.S. 204B.14 subd. 2)
7/02/02	Candidate filing period begins (M.S. 204B.09 subd. 1)
7/11/02	Last day to post notice of new precinct boundaries (60 days prior to election). (M.S. 204B.14 subd. 4)
8/15/02	Last day to notify all voters of new precinct boundary changes (25 days before the primary election). (M.S. 204B.16 subd. 1a)
9/10/02	Primary election
11/5/02	General election

## **APPENDIX B**

### **Alternate Schedule to Establish Precincts and Elective Districts**

(If state redistricting plan is adopted within 19 weeks of primary in 2002 or 2004)

#### **ALTERNATIVE SCHEDULE**

(Minnesota Rule 8255.0010)

If the redistricting legislation is adopted and court challenges are resolved less than 19 weeks before the state primary, in a year ending in two (after April 30 in 2002), the following schedule for reestablishing precinct boundaries and election districts must be followed:

1. Precincts must be reestablished no later than 28 days after the adoption of the legislative plan.
2. Wards must be redistricted no later than 28 days after the adoption of the legislative plan.
3. Local government election districts (i.e. county commissioner districts and school board member election districts) must be redistricted no later than 42 days after adoption of the legislative plan.

When a city or township reestablishes precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

#### **POSTING NOTICE OF BOUNDARY CHANGES**

(Minnesota Rule 8255.0030)

A notice and a detailed map showing the new precincts or districts must be posted after local election district boundaries and precinct boundaries are reestablished under the "alternative" timeline in *Minnesota Rules* 8255.0010 (above). The notices required under this part must be posted within 72 hours after the adoption of precinct or election district boundaries. The notices must remain posted until the day following the state general election in a year ending in two (November 5<sup>th</sup> in 2002).

Cities and Townships: For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

Counties: For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

School Districts: For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in

other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also be available for public inspection at the office of the county auditor.

## **NOTICE TO AFFECTED VOTERS**

(Minnesota Rule 8255.0050)

When precinct boundaries are changed under *Minnesota Rule* 8255.0010 (above), the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

## APPENDIX C

### Example Resolution for Reestablishing Unchanged Precincts and Polling Places

#### RESOLUTION

Be it resolved, by \_\_\_\_\_,  
(governing body's name)

(1) Whereas the boundaries of \_\_\_\_\_,  
(precinct name)

which consists of the territory of \_\_\_\_\_ remain unchanged  
(name of political subdivision or unorganized territory)

following state legislative redistricting, the \_\_\_\_\_  
(governing body's name)

hereby reestablishes this precinct with those boundaries as required by *Minnesota Statutes* 204B.14, subdivision 3(c).

(2) Whereas the polling place for \_\_\_\_\_  
(precinct name)

remains at \_\_\_\_\_,  
(polling place location)

the \_\_\_\_\_ hereby reestablishes  
(governing body's name)

this location as the designated polling place for this precinct in accordance with *Minnesota Statutes* 204B.16.

**ADOPTED, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002:**

[SIGNATURE LINES]

# APPENDIX D

## Sample Notice of Precinct Change

To the Secretary of State:

Our local unit of government has changed a precinct boundary and are notifying you of that change pursuant to *Minnesota Statutes* 204B.14, subdivision 5.

<b>Name and Title:</b> _____		
<b>County name</b> _____	<b>City or township</b> _____	
<b>Mailing Address:</b> _____		
	<b>City</b> _____	<b>State</b> _____ <b>Zip</b> _____
<b>Phone Number:</b>	(       )	
<b>Fax Number:</b>	(       )	
<b>Email Address:</b> _____		

The following precincts have had boundary changes:

Precinct Number	Precinct Name

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

- ✓ Attach a copy of the resolution or ordinance establishing the change.
- ✓ Enclose a map of the precinct boundaries or send a map within 30 days (if assistance is needed with a map contact the Elections Division)

Minnesota Secretary of State's Office

# APPENDIX E

## Computer Software for Redistricting

Redistricting in 2002 can be completed using paper maps as it has been done for years. Counties and cities making few, or no, changes to their election districts or precincts, sophisticated software may not be necessary. For others, new tools are available.

Technological advances over the past few decades have begun to transform the redistricting process. For nearly 200 years all redistricting was done using paper maps and lists of census population counts. Back in 1971 computers were first used for legislative and congressional redistricting in Minnesota. More recently a few counties and cities have used computers to assist with redistricting tasks. In the 2001 redistricting process as many as one-half of Minnesota counties may integrate technology into their redistricting.

Geographic information systems are one of the tools available to help with redistricting. GIS grew out of a need to manage large amounts of information in the natural resource and utility management industries. GIS employs sophisticated computer software to manipulate digital databases that contain map objects (e.g. roads, rivers, and lakes) and a table of information about those objects (e.g. road names and lake depths). The data released by the U.S. Census Bureau is well suited for use with GIS as it contains both map objects (census blocks) and tabular data (population counts).

Though many counties may find it easier to complete their redistricting tasks using a geographic information system (GIS) it is NOT A STATE REQUIREMENT. GIS software, like any computer software, requires an operator who has learned to use the software and manage the databases necessary for the software. For this reason, many counties may actually find it easier to NOT use a GIS.

The Secretary of State's Office has received inquiries from some counties and cities interested in investigating whether GIS software may be helpful in their redistricting process. There are numerous GIS software packages on the market today as well as Computer Aided Drafting and Design (CADD) software that perform many of the same functions as GIS software. **The Secretary of State's Office makes no endorsement of any hardware or software products including the products listed below.** Among those software products, the following features specifically designed for redistricting needs:

- ArcView (ESRI) [www.esri.com](http://www.esri.com) with redistricting extension  
[www.esri.com/software/arcview/extensions/district\\_extension.html](http://www.esri.com/software/arcview/extensions/district_extension.html)
- AutoBound (Digital Corp.) [www.digitalcorp.com](http://www.digitalcorp.com)
- Maptitude for Redistricting (Caliper Corp.) [www.caliper.com](http://www.caliper.com)

Each of these products contains many features useful for redistricting election districts and precincts. They all have the ability to group geographic features (e.g. census blocks or precincts) into districts. Each program can provide statistical information about each district such as population and other demographic information.

### **ArcView with Redistricting Extension:**

ArcView 3.x is a GIS/Desktop Mapping software package produced by Environmental Systems Research Institute (ESRI). The Redistricting Extension is a free “add-on” that can be used with ArcView 3.x to provide redistricting-specific functions.

To use the ArcView with Redistricting Extension, a local government will need to purchase a copy of the ArcView 3.x software. However, the Redistricting Extension is free and can be downloaded from the Internet. Users will need to acquire the digital databases necessary to use the software. The Legislative Coordinating Commission on Geographic Information System office (LCC-GIS) has placed county census databases in Shapefile format for download on their web site. (“Shapefile” is the native file format for use with ArcView 3.x.)

For more information:

ArcView 3.x: [www.esri.com](http://www.esri.com)

Extension: [www.esri.com/software/arcview/extensions/district\\_extension.html](http://www.esri.com/software/arcview/extensions/district_extension.html)

Data: [www.commissions.leg.state.mn.us/gis/html/redis-download.htm](http://www.commissions.leg.state.mn.us/gis/html/redis-download.htm)

### **AutoBound:**

AutoBound is a software product also written for use with ArcView 3.x. This product has numerous redistricting and reporting functions. AutoBound adds numerous data management functions such as direct import of Census population and TIGER® data. It also provides the ability to use spreadsheet functions to analyze district statistics.

To use AutoBound a local government will need to purchase the AutoBound software. A license for ArcView 3.x is also necessary, but can be purchased along with the AutoBound software if necessary. Users will need to acquire the digital databases necessary to use the software. However, AutoBound can use either Shapefiles or the Census Bureau’s native TIGER® data. There are several sources to download the data from the Internet including the LCC-GIS website.

For more information:

AutoBound: [www.digitalcorp.com](http://www.digitalcorp.com)

Data: [www.commissions.leg.state.mn.us/gis/html/redis-download.htm](http://www.commissions.leg.state.mn.us/gis/html/redis-download.htm)

### **Maptitude for Redistricting:**

Maptitude for Redistricting is the software package that was selected by the Minnesota Legislature for state redistricting. Mapitude for Redistricting is a software product that is run on top of Mapitude, a GIS software package. Mapitude for Redistricting has many of the same functions that the other redistricting products have.

One of the main benefits of the Maptitude for Redistricting software is that the developer also provides copies of many of the GIS databases needed to use the software.

For more information:

Maptitude for Redistricting: [www.caliper.com](http://www.caliper.com)

For more detailed information about each software product and for pricing information, contact the software vendor directly.

# **APPENDIX F**

## **Guidelines and Procedures for Submitting Digital Precinct and Election District Boundary Data to the Secretary of State**

### **Authorization**

*Minnesota Statutes* 204B.146 allowed the Secretary of State's Office to authorize counties, cities, and townships to provide precinct and election district boundary updates in electronic formats. Those counties and municipalities using a geographic information system (GIS) may provide precinct and election district boundaries as a GIS compatible database or file in lieu of a paper map by complying with the guidelines and procedures defined by the Secretary of State's Office Elections Division. Data submitted by these procedures fulfills the requirement of providing a map of precinct boundary changes in *Minnesota Statutes* 204B.14, subdivision 5.

### **Procedure**

1. Immediately notify the Secretary of State's Office of boundary changes.
2. Contact Randall Cutting in the Secretary of State's Office Elections Division for specific instructions for transfer of digital database. Mr. Cutting can be contacted by email, phone, or mail at:  
Email: randall.cutting@state.mn.us  
Phone: 651-215-0014  
Mail: 180 State Office Building  
100 Constitution Avenue  
St. Paul, MN 55155-1299
3. Submit a digital database or file that meets the technical guidelines below.
4. The Elections Division will notify the auditor or clerk that:
  - a. If the file is acceptable, that the file was received and has been filed, or
  - b. If the file is unusable in its current form, that the county/municipality must submit a paper map or digital file that meets the technical guidelines.

### **Technical Guidelines**

Local units of government sending geographic information system (GIS) databases to the Secretary of State's Office to fulfill notification requirements must submit files which meet these technical guidelines.

A local unit of government may submit data as either (1) a block equivalency file or (2) a GIS database.

### **Block Equivalency Files**

- A block equivalency file must be in the dbase (.dbf) file format,
- A file must be derived from the 2000 TIGER® database,
- The file must contain a record for every census block within the legal boundaries of the jurisdiction, and
- For every census block, there must be a populated field containing the number of the precinct, or election district, to which that block is assigned.

### **GIS Databases**

GIS databases may be submitted as either an ESRI Shapefile, or a Caliper Archived Compact Geographic File. The standards for each file format are as follows:

#### **ESRI Shapefile**

- File geography must be based on the 2000 TIGER® database,
- File coordinate system must be:
  - Universal Transverse Mercator (UTM), Zone 15,
  - North American Datum of 1983 (NAD83),
  - GRS 1980 Spheroid, and
  - Measured in meters.
- Shapefile components may be zipped into a single file for convenience in transferring. Zipped files must be compatible with WinZip or a similar product.

#### **Caliper Archived Compact Geographic File**

- File geography must be based on the 2000 TIGER® database,
- File coordinate system must be in Decimal Degrees (the native coordinate system of Caliper-supplied data).

**Note:** Counties and cities, which intend to submit digital data, but are unable to submit a Block Equivalency, Shapefile, or Caliper file may contact Randall Cutting in the Elections Division to discuss alternate submission possibilities.

# **APPENDIX G**

## **Additional Redistricting Resources**

### **Redistricting Conferences**

The Secretary of State's Office will conduct seven redistricting conferences around Minnesota from July 23-31, 2001. These conferences are open to all local government officials with redistricting responsibilities. Videotapes of the conferences may be available by calling the Elections Division at (651) 215-1440 or (877) 600-VOTE.

### **Secretary of State's Office**

The Secretary of State's Office provides information on the statutory language and attorney general's opinions about redistricting and elections related topics. Contact the Elections Division at [elections.dept@state.mn.us](mailto:elections.dept@state.mn.us) or by phone at (651) 215-1440 or (877) 600-VOTE.

The Office also provides system support and training for the operation of the statewide voter and election management system. Contact the Helpdesk at [sos.helpdesk@state.mn.us](mailto:sos.helpdesk@state.mn.us) or (651) 297-4848.

### **Other Counties, Cities, Townships, and School Districts**

It is recommended that local units of government work cooperatively throughout the redistricting process. Many county officials have indicated their intent to assist the cities and townships in their jurisdiction with redistricting-related tasks.

One particular area where cooperation may be particularly valuable is the operation of redistricting computer software.

### **County, City, Township, and School District Organizations**

Representatives of several local government organizations participated in the Secretary of State's Redistricting Working Group and are familiar with the redistricting process.

### **County, City, Township, and School District Attorneys**

Local government officials with questions that require an interpretation of law or declaratory judgment from the court should contact their attorneys.

## Internet

The Secretary of State's Office provides training and resources for local government officials regarding elections and redistricting:

<http://www.sos.state.mn.us>

The Secretary of State's Office Information Systems Helpdesk assists with application support for the statewide voter registration system.

<http://soshelpdesk.sos.state.mn.us>

The National Conference of State Legislatures (NCSL) has collected a large amount of information about legislative and congressional redistricting from around the country.

<http://www.ncsl.org/programs/legman/elect/redist.htm>

The Legislative Coordinating Commission on Geographic Information Systems (LCC-GIS) provides GIS assistance to the state legislature to conduct legislative and congressional redistricting.

<http://www.commissions.leg.state.mn.us/gis/>

The U.S. Census Bureau conducts the federal decennial census and releases the geographic and population count data that is used for redistricting at all levels of government.

<http://www.census.gov>

The U.S. Census Bureau's redistricting data (TIGER®) web page.

<http://www.census.gov/geo/www/tiger/index.html>

A publication of the U.S. Census Bureau discussing the census and the data that is generated by, and developed to support, the census.

<http://www.census.gov/clo/www/strength2.pdf>

Minnesota Planning is the home of the Land Management Information Center, the State Demographer's Office, the Governor's Citizen Advisory Commission on (state) Redistricting, and the Governor's Council on Geographic Information. Minnesota Planning provides information on geographic information systems, population data, and a variety of other information and resources.

<http://www.mnplan.state.mn.us/>

Minnesota Statutes and Rules are available on-line from the State Revisor's Office.

<http://www.leg.state.mn.us/leg/statutes.htm>

# **APPENDIX H**

## **Index of Statutes, Rules, and Attorney General Opinions**

### **Minnesota Statutes:**

- M.S. 2.91                      Redistricting Plans**  
    Subd. 1      Distribution  
    Subd. 2      Corrections  
    Subd. 3      Notice of Corrections  
    Subd. 4      Recommendations to Legislature
- M.S. 204B.135              Redistricting of Election Districts**  
    Subd. 1      Cities with Wards  
    Subd. 2      Other Election Districts  
    Subd. 3      Voters Rights  
    Subd. 4      Special Elections; Limitations  
    Subd. 5      Redistricting Expenses
- M.S. 204B.14              Election Precincts**  
    Subd. 1      Boundaries  
    Subd. 2      Legislative Policy  
    Subd. 3      Separate Precinct; Combines Polling Place  
    Subd. 4      Boundary Changes; Prohibitions; Exception  
    Subd. 5      Precinct Boundaries; Description; Maps  
    Subd. 6      Precinct Boundaries to Follow Physical Features  
    Subd. 7      Application to Municipalities
- M.S. 204B.146              Duties of the Secretary of State**  
    Subd. 1      Redistricting  
    Subd. 2      Precinct and Election District Boundaries  
    Subd. 3      Correction to Election District Boundaries
- M.S. 204B.15              Unorganized Territory; Election Precincts**
- M.S. 205.84              Redistricting; Cities With Wards**  
    Subd. 1      General Provisions  
    Subd. 2      Effective Date  
    Subd. 3      Transition Schedule
- M.S. 205A.12              School Board Election Districts**  
    Subd. 1      General Provisions  
    Subd. 2      Election  
    Subd. 3      Ballot Question  
    Subd. 4      Election District Boundaries  
    Subd. 5      Board Elections

- Subd. 6 Redefining Election District Boundaries
- Subd. 7 Dissolution of Election Districts

**M.S. 311B.03 Use of Term "Reelect"**

**M.S. 370.13 Redistricting of County; Subsequent Election**

**M.S. 375.025 Commissioner Districts**

- Subd. 1 Standards
- Subd. 2 Voter's Rights
- Subd. 3 Redistricting Commission
- Subd. 4 Redistricting Plan; Election Following Redistricting

**M.S. 375A.09 Modification of the Number and Method of Election of the County Board**

- Subd. 1 General
- Subd. 2 Number of Members
- Subd. 3 Qualifications
- Subd. 4 Districts; Nomination

**M.S. 383A.23 Commissioners; Composition; Redistricting**

- Subd. 1 Repealed
- Subd. 2 Repealed
- Subd. 3 Repealed
- Subd. 4 Repealed
- Subd. 5 Future Redistricting

**M.S. 383B.68 Regional Park District; Commissioner**

**M.S. 383C.797 St. Louis County; 7<sup>th</sup> County Commissioner District**

### **Minnesota Rules:**

**M.R. 8255.0010 Alternate Dates for Completion of Local Redistricting**

**M.R. 8255.0015 Coordination of Reestablishment of Precinct Boundaries**

**M.R. 8255.0020 Establishment of Precinct Boundaries Lacking Recognizable Physical Features**

**M.R. 8255.0025 Correction of Precinct Boundaries Not Based on Recognizable Physical Features**

**M.R. 8255.0030 Posting Notice of Boundary Change**

**M.R. 8255.0040 Published Notification by County Auditor**

**M.R. 8255.0050 Notice to Affected Voters**

### **Attorney General Opinions:**

This index of Attorney General's Opinions includes all of those opinions identified as relating to local government redistricting. Some opinions are clarifications of language that no longer exists.

- 1922 No. 121, p. 132    Changing boundaries-necessity of the following lines in redistricting
- 1926 No. 64, p. 74    Redistricting districts
- 1934 No. 241, p. 431    Status of commissioners under redistricting
- 1942 No. 104, p. 170    Publishing Notice-City ward boundaries changed
- 798-G, July 19, 1954    Consolidation of two villages into one, each of the villages before consolidation begin separate commissioner districts, does not effect the boundaries of the commissioner districts.
- 798-D, Dec. 17, 1954    May redistricting only following state and federal census
- 126-F, July 30, 1956    Vacancy- filling of, after redistricting
- 798d, March 26, 1959    County board must use the latest state or federal census rather than more recent estimates. New Districts established by action of majority of whole board. In districts having only one resident commissioner, as redistricted under 375.02, such commissioner shall serve for full period for which he was elected.
- 798b, March 17, 1960    Annexations by a city do not in and of themselves cause a change in the boundaries of commissioner districts. Redistricting can only be done by the county board pursuant to M.S. 375.02.
- 798d, June 17, 1960    Annexations by a city do not cause a change in the boundaries of commissioner districts. When a county has been redistricted it may not redistrict itself until after the next state or federal census is taken.
- 798d, March 26, 1962    Effect of election of redistricting: State institutional inmates as to census.
- 798D, May 7, 1962    Redistricting after decennial census; over 30% of population in one district: next general election certain commissioners need not run for office until expiration of their term.
- 798D, May 9, 1962    Necessity of submitting redistricting to voters; effect of redistricting on offices of commissioners, and terms of the offices discussed.
- 185a-2, Jan. 7, 1964    The county board possesses authority to establish election precincts in unorganized territory and may designate such precincts by reference to organized towns as they existed prior to dissolution.

- 798-d, Jan. 17, 1964 In factual situation presented, proposed redistricting does not conform to requirements of M.S. 375.02 that commissioner districts be composed of contiguous territory
- 798d, Nov. 8, 1965 Territories which connect at one corner are not legally contiguous and may not be joined in one district under M.S. 375.02.
- 126F, April 22, 1966 Prior opinions of office upheld. A vacancy in county board is filled by a board of appointment comprised of representatives from the "old" district as outlined in M.S. 375.10, 375.02.
- 798c, June 7, 1966 County boards have an obligation to determine whether the appointment of commissioner districts in their respective counties compiles with the requirements 375.02 and the standards are applicable thereto by the decision in *Hanlon v. Towey*, \_\_\_ Minn. \_\_\_. A finding by a county board that its districts do not so conform, and that the gross inequalities can be avoided, gives rise to a duty to redistrict.
- The fact that in a given county each districts as now constituted contains less than 30 percent of the population does not necessarily eliminate the need for further redistricting to comply with constitutional redistricting.
- 798d, July 22, 1966 When it becomes necessary to have a new election of commissioners pursuant to M.S. 375.02, the "next general election" referred to in the statute is the next general election at which the names of candidates for such office can be redistricted until after another such census.
- Op. Atty. Gen. 798d, June 17, 1966, must be regarded as modifying and forming an exception to prior opinions of the Attorney General, which held that when a county is redistricted after a state or federal census it may not again be redistricted until after another such census.
- The result of any special census taken pursuant to M.S. 297.13 or M.S. 340.60 may not be taken into consideration in determining the population of the county for purposes of redistricting under M.S. 375.02.
- 798d, Aug. 1, 1966 County board should estimate the separate population of two unorganized townships for redistricting purposes where, under facts herein, state or federal census does not give separate populations of each such township, but combines the total population of both in its official report.
- 798-d, Jan. 13, 1976 Basis for application of election exception in Minn. Stat. 375.025 subd. 4(1974) Is change made in boundaries of commissioner district, which alters its population and not one, which simply alters its land area.
- 798-d, Oct. 27, 1981 County Commissioner districts required to be as nearly equal as possible in population. Computation of change in boundaries for exception to election requirement (Minn. Stat. 375.025, subd. 4 (1980)) requires aggregation of persons added to and those subtracted from a district.
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Please make the following corrections to the Redistricting Guide.

1) Section 2.10.1 (p. 49) the filing period should be: July 2, 2002 to July 16, 2002.

2) Section 2.7.8.5 (p. 46) the numbering sequence provided in M.S. 370.13, and described in the guide, is only required for the initial redistricting after the creation of a new county. The county board must, as a part of their redistricting plan, indicate the pattern of elections. The framework provided is one of many options available to the county. (M.S. 375.025)