

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

CO-01-160

Susan M. Zachman, Maryland Lucky R.
Rosenbloom, Victor L.M. Gomez, Gregory G.
Edeen, Jeffrey E. Karlson, Diana V. Bratlie,
Brian J. LeClair and Gregory J. Ravenhorst,
individually and on behalf of all citizens and
voting residents of Minnesota similarly
situated,

Plaintiffs,

and

Patricia Cotlow, Thomas L. Weisbecker,
Theresa Silka, Geri Boice, William English,
Benjamin Gross, Thomas R. Dietz and John
Raplinger, individually and on behalf of all
citizens and voting residents of Minnesota
similarly situated,

Plaintiffs-Intervenors,

and

Jesse Ventura,

Plaintiff-Intervenor,

and

Roger D. Moe, Thomas W. Pugh, Betty
McCollum, Martin Olav Sabo, Bill Luther,
Collin C. Peterson and James L. Oberstar,

Plaintiffs-Intervenors,

vs.

Mary Kiffmeyer, Secretary of State of
Minnesota, and Doug Gruber, Wright County
Auditor, individually and on behalf of all
Minnesota county chief election officers,

Defendants.

FINAL ORDER

Adopting a Legislative
Redistricting Plan

ORDER

On July 12, 2001, Chief Justice Blatz of the Minnesota Supreme Court appointed this panel to release congressional and legislative redistricting plans only in the event the Minnesota Legislature did not do so in a timely manner. *Zachman v. Kiffmeyer*, 629 N.W.2d 98 (Minn. 2001) (Order of Chief Justice) (quoting *White v. Weiser*, 412 U.S. 783, 794-95 (1973) (“[R]eapportionment is primarily a matter for legislative consideration and determination * * *.”)). Based on the chief justice’s order and the primacy of the legislature in redistricting matters, we subsequently scheduled the release of our final redistricting plan for March 19, 2002, the statutory date by which the legislature anticipated the completion of redistricting in this decennium. *See* Minn. Stat. § 204B.14, subd. 1a (2000); *Zachman v. Kiffmeyer*, No. C0-01-160, at 5 (Minn. Spec. Redistricting Panel Oct. 29, 2001) (Scheduling Order No. 2).

It is now March 19, but the legislature has not enacted a redistricting statute. As a result, Minnesota’s population remains unconstitutionally malapportioned among the state’s legislative districts. Scheduling Order No. 2, *supra*, at 3; *see also* Minn. Const. art. IV, § 2 (“The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.”). To bring Minnesota’s legislative districts in compliance with the United States and Minnesota Constitutions, we now adopt the legislative redistricting plan set forth in Appendices A through F to this order.

First and foremost, this plan satisfies the criteria adopted in our order of December 11, 2001. *Zachman v. Kiffmeyer*, No. C0-01-160, at 3-5 (Minn. Spec. Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions). Each of the plan’s 67 senate districts and 134 house districts is composed of convenient, contiguous

territory.¹ The districts are also compact, with overall and average compactness scores comparable to those of the parties' proposed plans. No house district was divided in the creation of a senate district.

Just as importantly, this plan achieves population equality to the greatest extent possible while respecting political subdivision boundaries. The mean deviation for the plan's senate districts is .28%, or 206 persons from the ideal senate district population of 73,425 people. The mean deviation for the plan's house districts is .32%, or 118 persons from the ideal house district population of 36,713 people. No house or senate district has a population deviation greater than .80%. These deviations are lower than those in any of the plans submitted by the parties and significantly lower than the deviations in plans of past decades.

While working toward population equality, we concluded that it was particularly important to respect the boundaries of the state's political subdivisions. Counties, cities, and townships constitute some of Minnesota's most fundamental communities of interest and centers of local government. *See LaComb v. Growe*, 541 F. Supp. 160, 163 (D. Minn. 1982) ("Because minor civil divisions contain people with a community of interests and common local government, the Court gave the highest priority after population equality to respecting minor civil division boundaries."). It was consistently stated by the parties to this lawsuit and in public hearings conducted around the state that drawing legislative boundaries that respect political subdivisions will give political subdivisions a stronger, unified voice, and will minimize confusion for the state's voters. (Criteria Stip. ¶¶ 7, 8) (all parties jointly recognizing the need for recognition and, where possible, preservation of political subdivisions); (Zachman Br. on

¹ Where Minnesota's many bodies of water make an area contiguous only by water, we have generally verified that a road within or near the district's boundaries provides access to
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Legislative Redistricting Plan at 10) (arguing for superiority of Zachman plan based on a combination of “substantial population equality * * * *and* a low number of city and county splits”); (Moe Br. on Legislative Redistricting Plan at 12) (noting the Moe plan’s focus on the preservation of political subdivisions, in part to ensure their fair representation); *see also Hearings Before Minn. Spec. Redistricting Panel* 9, 18, 20, 32 (Marshall, Minn. Feb. 4, 2002); 8, 25, 38 (St. Cloud, Minn. Feb. 4, 2002); 58-59, 60 (Detroit Lakes, Minn. Feb. 5, 2002); 19, 36 (Duluth, Minn. Feb. 5, 2002); 18 (Rochester, Minn. Feb. 6, 2002); 11, 12 (St. Paul, Minn. Feb. 6, 2002). We agree with this sound logic and therefore implement a plan in which senate district boundaries divide only 31 counties and 25 minor civil divisions, and house district boundaries divide only 50 counties and 46 minor civil divisions.²

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populated parts of the district.

² A number of senate and house districts are composed entirely of intact counties, cities, and townships. For example, Todd, Douglas, Grant, and Stevens Counties comprise one entire senate district. Senate District 20 consists of Big Stone, Chippewa, Lac Qui Parle, Lincoln, Renville, Swift, and Yellow Medicine Counties without splitting any of them. While Lincoln and Lyon Counties or Redwood, Renville, and Yellow Medicine Counties may have preferred to remain in the same district due to their common interests, *see* Marshall Hearing, *supra*, at 19, it was not possible to accomplish this without creating additional political subdivision splits. Among the house districts, Districts 48B and 35A are each composed solely of two intact suburban cities. Meeker, McLeod, and Wright Counties together have the proper population for two entire senate districts. Because the cities and townships in Wright County tend to have a large number of noncontiguous areas, these house and senate districts tend to be irregularly shaped in order to minimize the number of political subdivision splits. The same is true of House Districts 53A and 53B in the White Bear Lake/White Bear Township areas.

Additionally, we have implemented some districts from the parties’ plans that best preserve political subdivisions. Senate District 55 was adopted from the Zachman plan because it encompasses three complete cities without dividing any of them. Similarly, we drew Senate District 22 at the suggestion of the Ventura and Moe plaintiffs because it consists of Cottonwood, Jackson, Murray, Nobles, Pipestone, and Rock Counties without splitting any of them. Adding a small city or township from another county may have decreased Senate District 22’s already low population deviation, but creating an additional political subdivision split for such a small change in population was not a favorable trade.

The total number of divided counties, cities, and townships does not, however, tell the whole story. First, the plan also minimizes the number of times a political subdivision was split into more than two senate or house districts. Second, although annexations and population growth have been ongoing even after our geographic data was fixed, district boundaries were drawn in many areas to minimize the long-term impact of these changes. Third, the plan recognizes that many cities in Minnesota are too large to remain intact in one house district, but are small enough to fit within a senate district and would like to remain intact where possible. (*E.g.*, Letter from Dennis F. Maetzold, Mayor of Edina, to Minn. Spec. Redistricting Panel of Feb. 5, 2002.) The plan keeps many of these cities, including Apple Valley, Eden Prairie, Edina, Lakeville, Maple Grove, St. Cloud, St. Louis Park, and Woodbury, within a single senate district, splitting them only to create house districts of the proper population.

Furthermore, the plan splits only 69 precincts among senate districts and 119 precincts among house districts. While precincts are not entitled to the same deference as political subdivisions, preserving precinct boundaries is another means of minimizing voter confusion in the coming elections. Minimizing precinct splits will also reduce the statutory burden on local governments to draw new precinct and ward boundaries by April 30, 2002. *See* Minn. Stat. §§ 204B.135, subd. 1, 204B.14, subd. 3(c) (2000).

Although this plan places primary importance on the integrity of political subdivisions, it also respects communities of interest in many areas of the state. As tribal leaders have requested, the White Earth and Red Earth Reservations are intact in a common senate district. Detroit Lakes Hearing, *supra*, at 29 (testimony of Bobby Whitefeather, Tribal Chair of Red Lake Nation); (Joint Letter of Dec. 19, 2001 from Doyle Turner, Tribal Chair of White Earth Reservation, and Bobby Whitefeather to Senate Redistricting Working Group). The plan also

recognizes other well-known Minnesota communities, such as the Iron Range, Red River Valley, and St. Croix River Valley.³ The plan recognizes that county affiliations and services in southwest Minnesota tend to be shared with counties to the east or west more than with those to the north or south. *E.g.*, Marshall Hearing, *supra*, at 6, 18. Within the metropolitan area, the plan follows Minneapolis and St. Paul neighborhood boundaries to the extent possible.

This plan also prevents the disconnection of minority populations living in compact areas, as in northwest and south central Minneapolis and in various parts of St. Paul. As a basic result of both a statewide increase in the diversity of Minnesota's population and our objective to follow political subdivision, neighborhood, precinct, and community boundaries, minority groups have greater opportunities to influence their legislators under this plan than under either the parties' plans or the plan from the last decade. The plan may also increase the ability of minorities to elect legislators of their choice, especially if minority groups should choose to vote together in certain districts.

The last of our substantive criteria involved incumbent protection and conflict. Despite the requests of various parties, we have declined to consider election results, the "political

³ While it was not possible to preserve communities of interest in every instance, Senate District 9 and House Districts 9a and 9b exemplify a situation where the plan recognizes communities of interest at the expense of making every district neat and rectangular. The township of Breckenridge, which is located along the state's western border in Wilkin County, sought to be at the south end of a Red River Valley senate district that included portions of Clay County. Detroit Lakes Hearing, *supra*, at 14-15, 22 (testimony of Neoma Laken, Breckenridge City Council Alderman, and Cliff Barth, Mayor of Breckenridge). Dilworth and Glyndon, both situated near Moorhead in Clay County, share interests with Breckenridge and sought to be in a different house district than Moorhead. *Id.* at 33, 36-37 (testimony of Keith Coalwell, Mayor of Dilworth, and Lori DeJong, Mayor of Glyndon). Detroit Lakes sought to be in the same senate district with Moorhead because their residents share jobs and other community resources. *Id.* at 7 (Testimony of Larry Buboltz, Mayor of Detroit Lakes). Senate District 9 and House Districts 9a and 9b fulfill all of these requests. We specifically reference these districts because they
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competitiveness” of these districts, or the extent to which an incumbent retains his or her prior territory. Drawing districts without frequent reference to the location of incumbents seems to naturally result in a number of incumbent conflicts. Where possible without increasing the number of split political subdivisions, creating greater population deviations, or disrupting communities of interest, we have made some minor changes to ensure the plan does not result in “either undue incumbent protection or excessive incumbent conflicts.” *See* Order Stating Redistricting Principles, *supra*, at 5. In this way, the plan strikes a balance between the competing interests of the parties.

Similarly, amicus curiae, the Minnesota Women’s Campaign Fund (MWCF), and citizens testifying in the public hearings have asked us to ensure that no plan has an undue impact on female legislators. The MWCF has specifically asked that we consider: (1) whether the number and kind of incumbent pairings adversely and disproportionately affect women; (2) the percentage of new territory assigned to women incumbents as compared to the percentage assigned to men; and (3) the extent to which a female incumbent is assigned to a new district in which the majority of voters belong to an opposing political party. (MWCF Br. at 8-9.) Because we declined to consider the changes to any incumbent’s territory or the electoral composition of any incumbent’s district, we similarly decline to undertake such political analyses for female incumbents. Given our criteria, however, we did assess the number of incumbent pairings involving women. Women constitute only 28% of paired senators and 24% of paired

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illustrate the frequent choices between accommodating communities of interest and creating tidy districts boundaries.

representatives in this plan.⁴ Twenty percent of all female senators and 24% of all female representatives are paired.

Based on all these considerations, we conclude that although no plan satisfies every interest, this plan is balanced and fair while placing a premium on achieving low population deviations and creating relatively few political subdivision splits. *See* Order Stating Redistricting Principles, *supra*, at 10-11 (noting that redistricting plans should be “fundamentally fair and based primarily on the state’s population and secondarily on neutral districting principles”). Because we have already held that the current legislative districts are inappropriate for use in future elections, *see* Scheduling Order No. 2, *supra*, at 3, we enjoin the defendants and the class of election officials they represent from conducting elections for the Minnesota Senate or the Minnesota House of Representatives using the current legislative districts or any legislative redistricting plan other than that which we hereby adopt.⁵ In the alternative, defendants may conduct elections under any constitutional legislative plan subsequently enacted by the Minnesota Legislature and the Governor of the State of Minnesota.

DATED: March 19, 2002

BY THE PANEL:

Edward Toussaint, Jr.
Presiding Judge

⁴ Currently, 37% of Minnesota’s senators and 25% of its representatives are women.

⁵ We will provide Secretary of State Mary Kiffmeyer’s office with a block equivalency file and a copy of this order to facilitate the implementation of this plan. If any ambiguities should arise regarding the plan set forth in this order, the secretary of state is directed to act in accordance with Minn. Stat. §§ 2.91, subs. 2 – 3, 204B.146, subd. 3 (2000).

Thomas J. Kalitowski

Gary J. Pagliaccetti

Heidi S. Schellhas

Renee L. Worke