

Minnesota Redistricting 2011

Peter S. Wattson
Senate Counsel
Secretary of the Senate (Legislative)
State of Minnesota

Revisor of Statutes
Continuing Legal Education
St. Paul, Minnesota
December 13, 2010

Introduction

- History of Redistricting in Minnesota
- Timetable for 2011-2012
- Facts of Life in Redistricting
- Traditional Districting Principles

2

Before World War I

Legislative Apportionment

- An agricultural state
- Senate seats apportioned
 - In rural areas - to counties
 - In urban areas - to cities, towns, and wards
- Senators with staggered terms
- Representative seats apportioned
 - One to four representatives per senator
 - Some to undivided senate districts
 - Some to counties, cities, towns, and wards

3

Before World War I

Population Growth

- As population grows, legislature adds seats
 - 1905 - new capitol built
 - 1913
 - Last increase in seats
 - Last redistricting until 1959
- A steady increase in congressional seats

4

World War I to 1957

- Population moves toward the cities
- No legislative reapportionment
- Minnesota loses 10th congressional seat (1930)
 - Congressional plan vetoed - 9 elected at large (1932)
 - Johnson, Christianson, Knutson, Lundeen, Kvale, Hoidale, Arens, Chase, Shoemaker
 - Three from Minneapolis
 - Congressional redistricting enacted (1933)
- Population inequalities grow

5

Courts Enter the Political Thicket

- *Magraw v. Donovan* (1958)
 - Senate overall range: 9 to 1 (153,455 to 16,878)
 - House overall range: 14.7 to 1 (107,246 to 7,290)
 - Court will defer to Legislature
- New legislative plan enacted (1959)
- *Baker v. Carr* (1962)

6

Minnesota Loses 9th Congressional Seat (1960)

- Legislature enacts a new congressional plan (1961)

7

Minnesota's Divided Government

Changing Control of the House

- 1954 - Democrats
- 1962 - Republicans
- 1972 - Democrats
- 1984 - Republicans
- 1986 - Democrats
- 1998 - Republicans
- 2006 - Democrats
- 2010 - Republicans

8

Minnesota's Divided Government

- 1959
 - Democratic House
 - Republican Senate
 - Democratic Governor
- 1961
 - Democratic House
 - Republican Senate
 - Republican Governor
- 1966
 - Republican Legislature, Democratic Governor

9

Minnesota's Divided Government

- 1971-72
 - Republican Legislature, Democratic Governor
- 1981-82 & 1991-92
 - Democratic Legislature, Republican Governor
- 2001-02
 - Republican House
 - Democratic Senate
 - Independence Party Governor
- 2011-12
 - Republican Legislature, Democratic Governor

10

Minnesota's Divided Government

- Negotiations in the Legislature
- Aware of Governor's veto
- An eye toward the courts

11

Minnesota Legislative Plan Struck down

- *Honsey v. Donovan* (1964)
 - Senate overall range: 411% (100,520 to 24,428)
 - House overall range: 672% (56,076 to 8,343)
- Legislative plan vetoed (1965)
- Veto is valid - *Duxbury v. Donovan* (1965)
- Legislative plan enacted (1966)

12

Federal Court Draws Legislative Plan

- Congressional plan enacted (1971)
- Legislative plan vetoed (1971)
- Court draws legislative plan
 - *Beens v. Erdahl* (Jan. 25, 1972)
 - 35 Senators, 105 Representatives
 - *67th Minnesota State Senate v. Beens* (Apr. 29, 1972)
 - *Beens v. Erdahl* (June 2, 1972)
 - 67 Senators, 134 Representatives
 - Overall range: 4%

13

Federal Courts Draw Both Plans

Congressional & Legislative

- *LaComb v. Growe* (1982)
- *Emison v. Growe* (1992)

14

Federal Court Is Rebuked

- Legislature enacts a legislative plan (1991)
- Federal court enjoins state court (Dec. 5)
- State court corrects the legislative plan - *Cotlow v. Growe* (Dec. 9)
- U.S. Supreme Court vacates federal court's injunction (Jan. 10, 1992)
- Federal court enjoins Secretary of State (Feb. 19, 1992)
- U.S. Supreme Court reverses federal court (1993)

15

State Courts Draw Plans

- Special Redistricting Panel
 - Judges of Court of Appeals & District Court
 - Appointed by Chief Justice of Supreme Court
 - Statewide Jurisdiction
- 1992 - *Cotlow v. Growe* - 3 judges
 - Congressional
- 2002 - *Zachman v. Kiffmeyer* - 5 judges
 - Congressional
 - Legislative

16

Minnesota Redistricting Timetable

Congress & Legislature

- Congressional reapportionment
 - December 31, 2010
- Block populations
 - April 1, 2011
- Legislative and congressional districts
 - 25 weeks before the state primary (February 21, 2012)

17

Minnesota Redistricting Timetable

Local Government

- Precincts and city wards
 - 60 days after legislative districts
 - 19 weeks before the state primary (April 3, 2012)
- County commissioner, school, park, hospital, and soil & water conservation districts
 - 80 days after legislative districts
 - 15 weeks before the state primary (May 1, 2012)

18

Minnesota Redistricting Timetable

Candidates

- Candidates establish residency in districts
 - 6 months before Election Day (May 6, 2012)
- Candidate filing deadline
 - June 5, 2012
- State primary
 - August 14, 2012
- Election Day
 - November 6, 2012

19

Facts of Life

Why Redistrict?

- Population Shifts within State

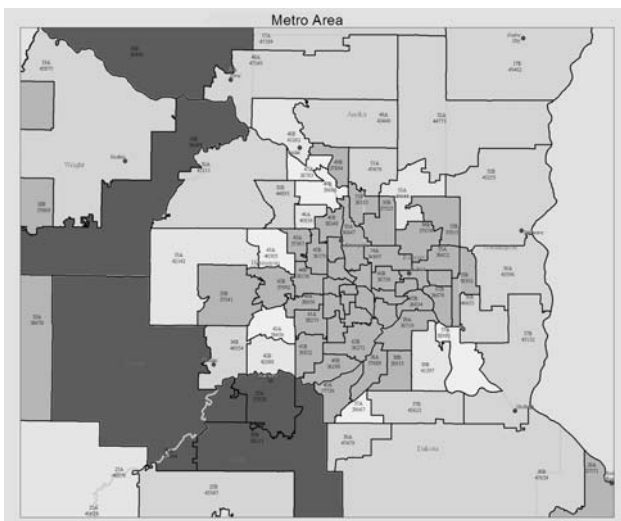
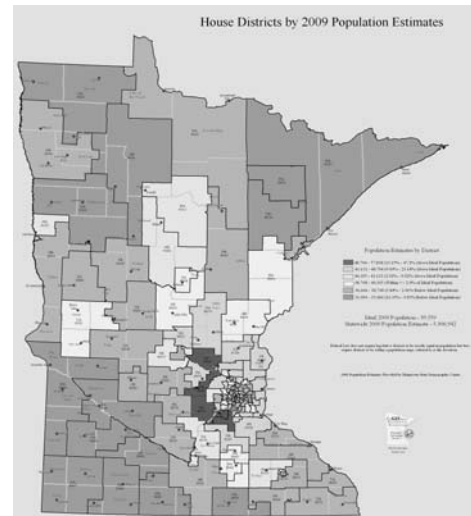
20

Facts of Life

Equal Population

- Absolute Numbers are Less Important than Relative Numbers
- Growth Slower than Average
 - Area Will Grow
- Growth Faster than Average
 - Area Will Shrink

21



Minnesota Districting Principles

Constitution - Article IV

- Equal population - § 2
- Convenient, contiguous territory - § 3
- Senate districts single-member - § 3
- House districts nested within senate districts - § 3
- Numbered in a regular series - § 3

24

Minnesota Districting Principles

Minnesota Statutes

- 67 senators, 134 representatives - § 2.021
- Single-member districts - § 2.031
- Not divide counties, cities, or townships, unless necessary to achieve equal population - § 2.91

25

Minnesota Districting Principles

Court decisions & Legislative Resolutions

- Equal population
 - Congressional districts: mathematically equal
 - Legislative districts: plus or minus 2%
- Increase minority representation, when possible
- Preserve communities of interest
- Not protect or defeat incumbents

26

Minnesota Commission Bill SF 182 (2009)

- Status
 - Passed Senate - May 2009
 - No House author
- Commission - 5 retired judges
 - Caucus leaders appoint four
 - At least three of four appoint the fifth
- Draw legislative and congressional plans
- Plans submitted to commission
- Public hearings

27

Minnesota Commission Bill SF 182 (2009)

Deadlines

- First plans
 - By April 30
 - Up or down vote
- Second plans
 - Within two weeks after rejection or start of next session
 - Up or down vote
- Third plans
 - Within two weeks after rejection or start of next session
 - May be modified

28

Districting Principles

SF 182 (2009)

- Number of districts
 - Set by statute
- Nesting
 - Minn. Const. Art. 4, § 3
- Population equality
 - Legislative - 2% deviation
 - Congressional - no deviation
 - Population Summary Report

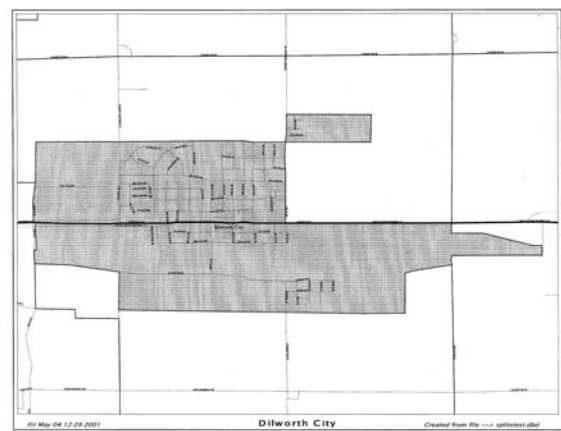
29

Districting Principles, cont'd

SF 182 (2009)

- Contiguity, compactness
 - Convenient contiguous territory - Minn. Const. Art. 4 § 3
 - Structured into compact units
 - Contiguity by water sufficient
 - Point contiguity not permitted, unless within same municipality
 - Compactness Report
 - Contiguity Report

30



Districting Principles, cont'd

SF 182 (2009)

- Numbering
 - A regular series - Minn. Const. Art. 4, § 3
- Minority representation
 - Not dilute voting strength - VRA § 2
 - Increase probability minorities elected
 - Minority Report - Voting Age Population

33

Districting Principles, cont'd

SF 182 (2009)

- Preserving political subdivisions
 - Counties, cities, towns
 - As few districts as possible
 - Political Subdivision Splits Report
- Communities of interest
 - Social, political, cultural, ethnic, or economic
 - Linked by transportation or communication
 - Communities of Interest Report

34

Districting Principles, cont'd

SF 182 (2009)

- Political competitiveness
 - Partisan index
 - Difference between Democrat and Republican index no more than 8%
 - Competitiveness Report
- Incumbents
 - Not drawn either to protect or defeat
 - Incumbents Report

35

Districting Principles, cont'd

SF 182 (2009)

- Priority
 - Numerical order in this section
 - Not violate federal or state law

36

Procedural Guidelines

SF 1326 (2001)

- Data to be used
 - PL 94-171 census data
 - As modified by GIS Office, if necessary
- Plan Submission
 - Database verified ready for use
 - Block equivalency file to GIS Office
 - Maps and reports posted on Web

38

How to Draw Redistricting Plans That Will Stand Up in Court

<http://www.senate.leg.state.mn.us/departments/scr/REDIST/Draw/Draw.pdf>

39

Minnesota Redistricting 2011

Peter S. Wattson
Senate Counsel
Secretary of the Senate (Legislative)
State of Minnesota

Revisor of Statutes
Continuing Legal Education
St. Paul, Minnesota
December 13, 2010