

October 27, 2011

**VIA E-MAIL AND MESSENGER**

Minnesota Special Redistricting Panel  
c/o Clerk of Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King, Jr. Boulevard  
St. Paul, MN 55155

**OFFICE OF  
APPELLATE COURTS**

**OCT 27 2011**

**FILED** H

**Re: Hippert et al. v. Ritchie et al., Court File No. 1A-11-152**

Dear Panel:

The Martin Intervenors submit this letter in response to Judge Wright's question at yesterday's oral argument regarding the relevance of Minn. Stat. § 200.02, subd. 24, as to whether the Panel should number legislative maps with regard to the existing seven-county definition or the eleven-county definition advanced by the Hippert Plaintiffs.

The well-established seven-county definition should be recognized and used by the Panel to govern redistricting. The seven-county definition of the metropolitan area is found in Minn. Stat. § 473.121, subd. 2 & 4. The seven-county definition in Section 473.121 is used in dozens of Minnesota laws. *See, e.g.*, Minn. Stat. § 10A.01, subd. 24 (campaign finance law); § 40A.152 (exclusive agricultural zones); Minn. Stat. § 103D.621 (drainage improvements); Minn. Stat. § 103F.516 (permanent wetland preserves); Minn. Stat. § 115A.931(c) (yard waste prohibitions); Minn. Stat. § 116J.435 (establishment of a business development public infrastructure account); Minn. Stat. § 144E.101 (ambulance services); Minn. Stat. § 144E.127 (interhospital transfers); Minn. Stat. § 163.051 (wheelage taxes).

While Minn. Stat. § 200.02, subd. 24, contains an eleven-county definition of "metropolitan area" specific to the Minnesota Election Law, Minn. Stat. §§ 200-212, the 2005 law does not cover redistricting. The evident purpose of the definition, as used in a limited number of sections, is to give rural communities more flexibility in administering elections. But, in other sections of the Minnesota Election Law, the seven-county definition applicable to most aspects of Minnesota law continues to be utilized. *See* Minn. Stat. § 204B.45 (governing mail balloting in certain municipalities); Minn. Stat. § 205.16 (governing notice of elections in municipalities). Thus, even within the Election Law, different definitions of the metropolitan area are used depending on the particular situation at issue.

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In sum, there is no compelling legal or practical reason for the Panel to discontinue the 40-year practice of using the seven-county definition for redistricting purposes.

Respectfully submitted,



Marc Erik Elias



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cc: All Counsel of Record (via email)