

FILED

**STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A21-0243
A21-0546**

October 12, 2021

**OFFICE OF
APPELLATE COURTS**

Peter S. Wattson, Joseph Mansky, Nancy B. Greenwood, Mary E. Kupper, Douglas W. Backstrom and James E. Hougas III, individually and on behalf of all citizens and voting residents of Minnesota similarly situated, and League of Women Voters Minnesota,

Plaintiffs,

and

Paul Anderson, Ida Lano, Chuck Brusven, Karen Lane, Joel Hineman, Carol Wegner, and Daniel Schonhardt,

Plaintiff-Intervenors

**CORRIE PLAINTIFFS'
PROPOSED REDISTRICTING
PRINCIPLES AND PLAN SUBMISSION
REQUIREMENTS**

vs.

Steve Simon, Secretary of State of Minnesota; and Kendra Olson, Carver County Elections and Licensing Manager, individually and on behalf of all Minnesota county chief election officers,

Defendants,

and

Frank Sachs, Dagny Heimisdottir, Michael Arulfo, Tanwi Prigge, Jennifer Guertin, Garrison O'Keith McMurtrey, Mara Lee Glubka, Jeffrey Strand, Danielle Main, and Wayne Grimmer,

Plaintiffs,

and

Dr. Bruce Corrie, Shelly Diaz, Alberder
Gillespie, Xiongpaoo Lee, Abdirazak
Mahboub, Aida Simon, Beatriz Winters,
Common Cause, OneMinnesota.org, and
Voices for Racial Justice,

Plaintiff-Intervenors,

vs.

Steve Simon, Secretary of State of Minnesota,

Defendant.

The Corrie Plaintiffs propose the following redistricting principles to guide the process in drawing new congressional and state legislative districts.

REDISTRICTING PRINCIPLES

Congressional Districts

1. There shall be eight congressional districts with a single representative for each district. The district numbers shall begin with Congressional District 1 in the southeast corner of the State and end with Congressional District 8 in the northeast corner of the state.

2. The congressional districts shall be as nearly equal in population as is practicable. *Wesberry v. Sanders*, 376 U.S. 1, 7-8, 84 S. Ct. 526, 530 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a redistricting plan created by a legislature, absolute population equality shall be the goal. *Abrams v. Johnson*, 521 U.S. 74, 98, 117 S. Ct. 1925, 1939 (1997). Because Minnesota's total population is not divisible into eight congressional districts of equal population, the ideal result is six districts of 713,312 persons and two districts of 713,311 persons.

3. Congressional districts shall be drawn to comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973-1973aa-6 (2006). Congressional districts shall not dilute or diminish the equal opportunity of racial, ethnic, and language minorities to participate in the political process and to elect candidates of their choice, whether alone or in coalition with others. Districts shall provide all voters, including racial, ethnic, and language minorities who constitute less than a voting-age majority of a district, with equal opportunity to elect candidates of their choice.

4. Congressional districts shall consist of convenient, contiguous territory. Minn. Stat. § 2.91, subd. 2 (2010). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Congressional districts with areas that connect only at a single point shall not be considered contiguous.

5. Congressional districts shall be structured into compact units as measured using one or more statistical tests. *See Shaw v. Reno*, 509 U.S. 630, 646, 113 S. Ct. 2816, 2826 (1993).

6. Political subdivisions shall not be divided more than necessary to meet constitutional or minority representation requirements, form districts that are composed of convenient contiguous territory, or preserve communities of interest. Minn. Stat. § 2.91, subd. 2; *Karcher v. Daggett*, 462 U.S. 725, 733 n.5, 740-41, 103 S. Ct. 2653, 2660 n.5, 2663-64 (1983).

7. Communities of interest shall be respected to the maximum extent possible. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433, 126 S. Ct. 2594, 2618 (2006) (*LULAC*) (stating that "maintaining communities of interest" is a traditional redistricting principle); *Miller v. Johnson*, 515 U.S. 900, 916, 115 S. Ct. 2475, 2488 (1995) (including respect for "communities defined by actual shared interests" in list of "traditional race-neutral districting

principles"). For purposes of this principle, a "community of interest" may include a racial, ethnic, or linguistic group, or any group with shared experiences and concerns, including but not limited to: geographic, governmental, regional, social, cultural, historic, socioeconomic, occupational, trade, or transportation interests. A "community of interest" shall not include relationships with political parties, incumbents, or candidates. Each person incarcerated on April 1, 2020 shall be deemed to be residing at his or her last known place of residence, rather than at the institution of his or her incarceration.

8. A federally recognized American Indian reservation shall not be divided into more than one district except as necessary to meet constitutional requirements. When a federally recognized American Indian reservation must be divided into more than one district, it should be divided into as few districts as possible. *See Hippert*, 813 N.W.2d at 402 (noting that judicially adopted congressional districts "respect[ed] the reservation boundaries of federally recognized Indian tribes").

9. Congressional districts shall not be drawn for the purpose or effect of promoting, protecting, or defeating any incumbent, candidate, or party.

Legislative Districts

1. There shall be 67 state senate districts with one senator for each district. Minn. Stat. §§ 2.021, 2.031, subd. 1 (2010). There shall be 134 state house districts with one representative for each district. Minn. Stat. §§ 2.021, 2.031, subd. 1.

2. No state house district shall be divided in the formation of a state senate district. Minn. Const. art. IV, § 3.

3. The legislative districts shall be numbered in regular series, beginning with House District 1A in the northwest corner of the state and proceeding across the state from west to each,

north to south, but bypassing the 11-county metropolitan area until the southeast corner has been reached; then to the 11-county metropolitan area outside the cities of Minneapolis and St. Paul; then to Minneapolis and St. Paul. See Minn. Const. art. IV, § 3 (requiring senate districts to be numbered in regular series); Minn. Stat. § 200.02, subd. 24 (2010) (defining “[m]etropolitan area” for purposes of Minnesota Election Law as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright).

4. Legislative districts must be apportioned so that districts are as nearly of equal population as practicable. *Reynolds v. Sims*, 377 U.S. 533, 577 (1964). De minimis deviation from the ideal district population shall be the goal, but the Panel shall allow for deviation from the ideal so long as it is based on legitimate considerations incident to the effectuation of rational state policy. *Connor v. Finch*, 431 U.S. 407, 414, 418 (1977); *Chapman v. Meier*, 420 U.S. 1, 26-27, 95 S. Ct. 751, 766 (1975). The ideal population of a state senate district is 85,172, and the ideal population of a state house district is 42,586.

5. Legislative districts shall be drawn to comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973-1973aa-6. Legislative districts shall not dilute or diminish the equal opportunity of racial, ethnic, and language minorities to participate in the political process and elect candidates of their choice, whether alone or in coalition with others. Legislative districts shall provide all voters, including racial, ethnic, and language minorities who constitute less than the voting-age majority of a district, with equal opportunity to elect candidates of their choice.

6. Legislative districts shall consist of convenient, contiguous territory. Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2. Contiguity by water is sufficient if the body

of water does not pose a serious obstacle to travel within the district. Legislative districts with areas that connect only at a single point shall not be considered contiguous.

7. Legislative districts shall be structured into compact units as measured using one or more statistical tests. *See Reynolds v. Sims*, 377 U.S. 533, 578–79, 84 S. Ct. 1362, 1390 (1964).

8. Political subdivisions shall not be divided more than necessary to meet constitutional or minority representational requirements, form districts that are composed to convenient contiguous territory, or preserve communities of interest.

9. Communities of interest shall be respected to the maximum extent possible. *See LULAC*, 548 U.S. at 433, 126 S. Ct. at 2618; *Miller*, 515 U.S. at 916, 115 S. Ct. at 2488. For purposes of this principle, a “community of interest” may include a racial, ethnic, or linguistic group, or any group with shared experiences and concerns, including but not limited to: geographic, governmental, regional, social, cultural, historic, socioeconomic, occupational, trade, or transportation interests. A “community of interest” shall not include relationships with political parties, incumbents, or candidates.

10. Each person incarcerated on April 1, 2020 shall be deemed to be residing at his or her last known place of residence, rather than at the institution of his or her incarceration.

11. A federally recognized American Indian reservation shall not be divided into more than one district except as necessary to meet constitutional requirements. When a federally recognized American Indian reservation must be divided into more than one district, it should be divided into as few districts as possible. *See Hippert v. Ritchie*, 813 N.W.2d 374, 384 (Minn. Special Redistricting Panel 2012) (noting that judicially adopted legislative districts “demonstrate[d] a respect for the reservation boundaries of federally recognized Indian tribes”).

12. Legislative districts shall not be drawn for the purpose or effect of promoting, protecting, or defeating any candidate, incumbent, or party.

PLAN SUBMISSION REQUIREMENTS

The Corrie Plaintiffs propose the following requirements for submission of proposed redistricting plans:

General Requirements

1. Each party may submit no more than one proposed redistricting plan for the United States House of Representatives, one plan for the Minnesota Senate, and one plan for the Minnesota House of Representatives.

2. Submissions shall be filed with the Clerk of Appellate Courts.

3. Submissions shall include electronic files, paper maps, and Maptitude or other equivalent software generated reports, and any other submissions requested by the Panel.

Electronic Redistricting Plans

1. Unless otherwise directed by the Panel, each electronic redistricting plan must be in the form of a separate block-equivalency file. Each file must be in comma-delimited format (.csv) or Excel format (.xlsx) and include, at a minimum, one field that identifies all census blocks in the state and another field for the district to which each census block has been assigned.

2. Each block-equivalency file must assign district numbers using the following conventions:

a. Congressional district numbers shall contain one character and be labeled 1 through 8;

b. Senate district numbers shall contain two characters and be labeled 01 through 67; and

c. House district numbers shall contain three characters and be labeled 01A through 67B..

3. Copies of each shall be filed electronically with the Clerk of Appellate Courts in a format to be determined by the Court (*e.g.*, flash drive, Dropbox, etc.).

Reports

Unless otherwise directed by the Panel, for each proposed congressional, senate, and house redistricting plan, each party shall submit the following Maptitude or other equivalent software-generated reports containing the components listed below as well as its standard summary data:

1. *Population Summary Report* showing district populations as the total number of persons; deviations from the ideal as both a number of persons and as a percentage of the population; and the population of the largest and smallest districts and the overall range of deviations of the districts;

2. *Plan Components Report* (short format) listing the names and populations of counties within each district and, where a county is split between or among districts, the names and populations of the portion of the split county and each of the split county's whole or partial minor civil divisions (cities and townships) within each district;

3. *Contiguity Report* listing all districts and the number of distinct polygons within each district;

4. *Measures of Compactness Reports* stating the results of more than one recognized measure of compactness such as: the Reock; Schwartzberg; Perimeter; Polsby-Popper; Length-Width; Population Polygon; Population Circle; and Ehrenburg measures of compactness for each district;

5. *Political Subdivisions Splits Report* listing the split counties, minor civil divisions, and voting districts (precincts), and the district to which each portion of a split political subdivision or voting district is assigned;

6. *Minority Voting-Age Population Report* listing for each district the voting age population of each racial, ethnic, or language minority, and the total minority voting age population according to the categories recommended by the United States Department of Justice. The report must also specify each district with 30 percent or more total minority population;

7. *Communities of Interest Report* detailing how the redistricting plan achieves compliance with the criterion requiring communities of interest together to be respected to the maximum extent possible; and

8. *Partisan Fairness Report* describing how the redistricting plan used contemporary social science metrics to determine that the map does not significantly advantage one political party over another.

Each party shall label every page of a report with the report's name, the corresponding proposed plan, and the party submitting the plan.

Additional Requirements

Unless otherwise directed by the Panel, these requirements are the minimum submissions required of the parties that submit proposed redistricting plans. The parties may submit additional maps, reports, or justification for their proposed redistricting plans.

The parties agree to accept service of the above reports, maps, and proposed plans by email or other mutually agreeable form of electronic service, such as FTP site. The parties should not be required to physically serve paper maps, reports, or proposed plans on each other.

The parties' proposed redistricting plans will be submitted to the panel by December 1, 2021. To give the Legislature and the Governor an opportunity to review and consider the proposed redistricting plans submitted to the panel, each party shall provide the Legislature and the Governor with a block-equivalency file for each proposed plan. The panel strongly encourages the parties to submit any additional information that Legislators, the Governor, or their staffs may request.

ORAL ARGUMENT

Oral argument on the proposed redistricting plans has been set for _____.. Arguments shall begin at _____ in Courtroom _____ of the Minnesota Judicial Center. The parties shall be heard in the order in which they are listed in the caption of this case.

The parties will each have 30 minutes to present their proposed redistricting plans and are encouraged to prepare visual presentations to supplement their oral arguments. The panel will recess at the close of the morning's presentations and resume at 1:30 p.m. At that time, each party

will have 15 minutes to present oral arguments in favor of its proposed redistricting plans or in opposition to other proposed plans. Each party also may utilize an additional five minutes for rebuttal.

Any party that declines to submit proposed redistricting plans will be permitted to argue in favor of or against a particular proposed plan. The parties shall notify the panel in writing by _____, whether they intend to participate in either session of the _____oral argument and whether they require particular technical equipment to present their proposed redistricting plans. At the close of oral argument, the parties shall provide the panel with copies of their electronic, overhead, or slide presentations via email or paper.

LATHROP GPM LLP

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