

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A11-152

OFFICE OF
APPELLATE COURTS

SEP -7 2011

FILED

Sara Hippert, Dave Greer, Linda Markowitz,
Dee Dee Larson, Ben Maas, Gregg Peppin,
Randy Penrod and Charles Roulet,
individually and on behalf of all citizens and
voting residents of Minnesota similarly
situated,

Petitioners,

and

Kenneth Martin, Lynn Wilson, Timothy
O'Brien, Irene Peralez, Josie Johnson, Jane
Krentz, Mark Altenburg, and Debra
Hasskamp, individually and on behalf of all
citizens of Minnesota similarly situated,

Plaintiff Intervenors,

Audrey Britton, David Bly, Cary Coop, and
John McIntosh, individually and on behalf of
all citizens of Minnesota similarly situated,

Plaintiff Intervenors,

vs.

Mark Ritchie, Secretary of State of
Minnesota; and Robert Hiivala, Wright
County Auditor, individually and on behalf of
all Minnesota county chief election officers,

Respondents.

Mark Ritchie, Secretary of State of Minnesota ("State Defendant"), for his Answer to the
Martin Intervenors' Complaint, states as follows:

1. Denies each and every allegation in the Martin Intervenors' Complaint, except as
may be hereinafter specifically admitted, qualified or otherwise answered below.

**ANSWER OF DEFENDANT MARK
RITCHIE, SECRETARY OF STATE
OF MINNESOTA, TO MARTIN
INTERVENORS' COMPLAINT**

2. States that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.

3. As to the allegations in Paragraph 2, states that Plaintiffs' Complaint speaks for itself. State Defendant also states that the allegations in Paragraph 2 make legal assertions and assert legal conclusions to which no response is required.

4. Admits the allegations in Paragraph 3 with respect to State Defendant. States that to the extent the allegations in Paragraph 3 are directed toward another Defendant and not the State Defendant, no response is required by the State Defendant.

5. As to the allegations in Paragraph 4, admits that he is the duly elected and acting Minnesota Secretary of State, and that his duties are prescribed by the Minnesota Constitution and Minnesota statutes. State Defendant also states that Minnesota Statutes Chapters 200 through 212 speak for themselves.

6. States that the allegations in Paragraph 5 are directed toward another Defendant, and not the State Defendant, and accordingly no response is required by the State Defendant.

7. States that the allegations in Paragraph 6 are directed toward another Defendant, and not the State Defendant, and accordingly no response is required by the State Defendant. State Defendant also states that the allegations in the second sentence in Paragraph 6 make legal assertions to which no response is required.

8. States that the allegations in Paragraphs 7 and 8 assert legal conclusions to which no response is required.

9. States that the allegations in Paragraph 9 make legal assertions and assert legal conclusions to which no response is required.

10. States that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10.

11. States that the allegations in Paragraph 11 make legal assertions and assert legal conclusions to which no response is required.

12. As to the allegations in Paragraph 12, admits that Governor Mark Dayton vetoed the redistricting plans passed by the 2011 Minnesota Legislature, objects that the allegations lack foundation and call for speculation, and states that the allegations assert legal conclusions to which no response is required.

13. States that the allegations in Paragraph 13 make legal assertions to which no response is required.

14. States that the allegations in Paragraphs 14, 15, 16, 17, 18 and 19 make legal assertions to which no response is required.

15. As to the allegations in Paragraph 20, states that the 2010 United States Census speaks for itself.

16. As to the allegations in Paragraph 21, states that the 2010 United States Census speaks for itself. State Defendant further objects that the allegations in Paragraph 21 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 21 assert legal conclusions to which no response is required.

17. As to the allegations in Paragraph 22, states that he is without knowledge or information sufficient to form a belief as to the truth of where the Martin Intervenors reside. State Defendant further states that the 2010 United States Census speaks for itself. State Defendant further objects that the allegations in Paragraph 22 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 22 assert legal conclusions to which no response is required.

18. As to the allegations in Paragraph 23, states that the 2010 United States Census speaks for itself. State Defendant further objects that the allegations in Paragraph 23 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 23 assert legal conclusions to which no response is required.

19. States that the allegations in Paragraph 24 make legal assertions to which no response is required.

20. States that the allegations in Paragraph 25 assert legal conclusions to which no response is required. State Defendant affirmatively alleges that the 2011 Minnesota legislative session adjourned without a reapportionment bill being enacted into law.

21. Objects that the allegations in Paragraph 26 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 26 assert legal conclusions to which no response is required.

22. As to the allegations in Paragraph 27, states that he is without knowledge or information sufficient to form a belief as to the truth of what the Martin Intervenors intend to do or will do. State Defendant further objects that the allegations in Paragraph 27 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 27 assert legal conclusions to which no response is required.

23. States that the allegations in Paragraph 28 make legal assertions to which no response is required.

24. Objects that the allegations in Paragraphs 29, 29(a), 29(b), 29(c), and 29(d) lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraphs 29, 29(a), 29(b), 29(c), and 29(d) assert legal conclusions to which no response is required.

25. Objects that the allegations in Paragraph 30 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 30 assert legal conclusions to which no response is required.

26. States that the allegations in Paragraphs 31 and 32 assert legal conclusions to which no response is required.

27. States that the allegations in Paragraphs 33, 34, 35 and 36 make legal assertions to which no response is required.

28. As to the allegations in Paragraph 37, states that the 2010 United States Census speaks for itself.

29. As to the allegations in Paragraph 38, states that the 2010 United States Census speaks for itself. State Defendant further objects that the allegations in Paragraph 38 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 38 assert legal conclusions to which no response is required.

30. As to the allegations in Paragraph 39, states that he is without knowledge or information sufficient to form a belief as to the truth of where the Martin Intervenors reside. State Defendant further states that the 2010 United States Census speaks for itself. State Defendant further objects that the allegations in Paragraph 39 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 39 assert legal conclusions to which no response is required.

31. As to the allegations in Paragraph 40, states that the 2010 United States Census speaks for itself. State Defendant further objects that the allegations in Paragraph 40 lack foundation and call for speculation, and accordingly denies the same. State Defendant further

states that the allegations in Paragraph 40 assert legal conclusions to which no response is required.

32. States that the allegations in Paragraph 41 make legal assertions to which no response is required.

33. States that the allegations in Paragraph 42 assert legal conclusions to which no response is required. State Defendant affirmatively alleges that the 2011 Minnesota legislative session adjourned without a reapportionment bill being enacted into law.

34. Objects that the allegations in Paragraph 43 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 43 assert legal conclusions to which no response is required.

35. As to the allegations in Paragraph 44, states that he is without knowledge or information sufficient to form a belief as to the truth of what the Martin Intervenors intend to do or will do. State Defendant further objects that the allegations in Paragraph 44 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 44 assert legal conclusions to which no response is required.

36. States that the allegations in Paragraph 45 make legal assertions to which no response is required.

37. Objects that the allegations in Paragraphs 46, 46(a), 46(b), 46(c), and 46(d) lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraphs 46, 46(a), 46(b), 46(c), and 46(d) assert legal conclusions to which no response is required.

38. Objects that the allegations in Paragraph 47 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 47 assert legal conclusions to which no response is required.

39. States that the allegations in Paragraphs 48 and 49 assert legal conclusions to which no response is required.

SEPARATE DEFENSES

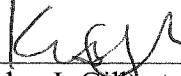
40. The Martin Intervenors' Complaint fails, in whole or in part, to state a claim upon which relief may be granted.

41. The Martin Intervenors' claims are not ripe because they have suffered no injury in fact.

42. State Defendant alleges any other matter constituting an avoidance or affirmative defense to the Martin Intervenors' Complaint.

Dated: September 6, 2011

LORI SWANSON
Attorney General
State of Minnesota



Alan I. Gilbert
Solicitor General
Atty. Reg. No. 0034678

Kristyn Anderson
Atty. Reg. No. 0267752

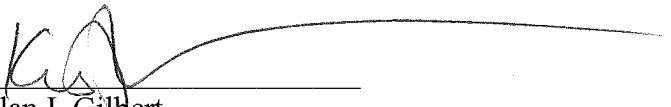
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ATTORNEYS FOR STATE DEFENDANT
MARK RITCHIE

MINN. STAT. § 549.211 ACKNOWLEDGMENT

The party on whose behalf the attached document is served acknowledge through their undersigned counsel that sanctions may be imposed pursuant to Minn. Stat. § 549.211 (2010).

Dated: September 6, 2011



Alan I. Gilbert
Solicitor General
Atty. Reg. No. 0034678

Kristyn Anderson
Atty. Reg. No. 0267752

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ATTORNEYS FOR STATE DEFENDANT
MARK RITCHIE

AFFIDAVIT OF SERVICE BY U.S. MAIL

OFFICE OF APPELLATE COURTS

SEP -7 2011

FILED

Re: Sara Hippert, et al. v. Mark Ritchie, et al.
Case Number A11-152

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carolyn Manteuffel, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on September 6, 2011, she caused to be served the *Answer of Defendant Mark Ritchie, Secretary of State of Minnesota, to Martin Intervenors' Complaint*, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

David Lillehaug
Christopher A. Stafford
Fredrikson & Byron, P.A.
200 South 6th Street, Suite 4000
Mpls., MN 55402-1425

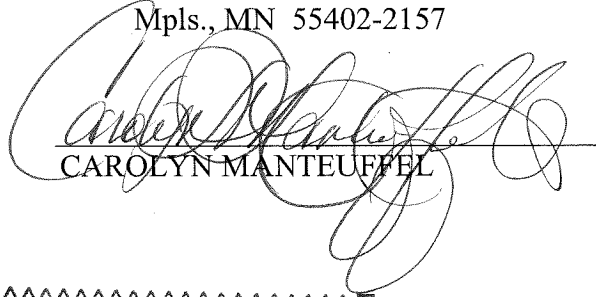
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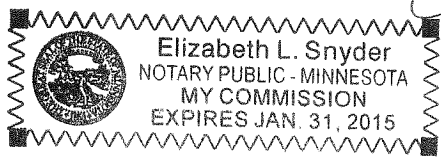
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Eric J. Magnuson
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Briggs and Morgan
2200 IDS Center
80 South 8th Street
Mpls., MN 55402-2157


CAROLYN MANTEUFFEL

Subscribed and sworn to before me on
this 6th day of September, 2011.


NOTARY PUBLIC





STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

September 6, 2011

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ST. PAUL, MN 55101-2128
TELEPHONE: (651) 282-5700

Bridget Gernander
Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-6102

OFFICE OF
APPELLATE COURTS

SEP 07 2011

Re: *Sara Hippert, et al. v. Mark Ritchie, et al.*
Case Number A11-152

FILED

Dear Ms. Gernander:

Enclosed for filing in the above-captioned matter, please find the original and three copies of *Answer of Defendant Mark Ritchie, Secretary of State of Minnesota, to Martin Intervenors' Complaint*.

By copy of this letter, service by mail is made on the counsel of record. The affidavit of service is also enclosed.

Sincerely,



KRISTYN ANDERSON
Assistant Attorney General

(651) 757-1225 (Voice)
(651) 282-5832 (Fax)

Enclosures

cc: David L. Lillehaug/Christopher A. Stafford (w/enc.)
Marc Elias/Kevin J. Hamilton/Lisa Marshall Manheim (w/enc.)
Alan W. Weinblatt/Jay Benanav/Jane L. Prince (w/enc.)
Thomas N. Kelly/Greg T. Kryzer (w/enc.)
Tony P. Trimble/Matthew w. Haapoja (w/enc.)
Eric J. Magnuson/Elizabeth M. Brama/Michael C. Wilhelm (w/enc.)

AG: #2878915-v1