

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

A11-152

OFFICE OF
APPELLATE COURTS

SEP 28 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,

Plaintiffs,

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,

Intervenors,

STIPULATION

and

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

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,

Defendants.

The parties hereto, by and through their respective undersigned attorneys of record,
hereby stipulate and agree as follows:

1. Jurisdiction. The State of Minnesota Special Redistricting Panel (the “Panel”) has subject matter jurisdiction over all matters pertaining to legislative and congressional redistricting in the State of Minnesota.

2. Current Districts.

(a). Legislative Districts: Minnesota’s legislative plan ordered in *Zachman v. Kiffmeyer*, Civ. File No. C0-01-160 (Final Orders dated March 19, 2002) (hereinafter “*Zachman*”) and set forth in Minnesota Statutes Chapter 2 Appendix, as well as Minn. Stat. §§ 2.031, 2.444 and 2.484 (2003), is unequally apportioned based on the United States Census 2010 (“2010 Census”). Therefore, Minnesota’s current legislative plan needs to be changed to reflect the 2010 Census for purposes of Minnesota’s 2012 legislative elections.

(b). Congressional Districts. Minnesota’s congressional plan ordered in *Zachman* and set forth in Minnesota Statutes Chapter 2 Appendix is unequally apportioned based on the 2010 Census. Therefore, Minnesota’s current congressional plan needs to be changed to reflect the 2010 Census for purposes of Minnesota’s 2012 congressional elections.

3. Population Data. In preparing plans, United States Census 2010 Census Public Law 94-171 Redistricting Data provided to the State of Minnesota by the United States Census Bureau (“Bureau”), subject to correction of errors acknowledged by the Bureau, down to the census block level, shall be used by the parties and the Panel in the redistricting process. The appropriate geographic data is available through the Geographic Information Systems Office of the Legislative Coordinating Commission and in available software including, but not limited to, Maptitude for Redistricting. The Panel and all parties, as applicable, will use Maptitude for Redistricting or any similar but compatible software to draft, view, print and analyze all proposed redistricting plans.

4. Ideal Populations. Based on the results of the 2010 Census released by the United States Census Bureau on December 21, 2010, the population of Minnesota as of April 1, 2010 is 5,303,925 (See <http://2010.census.gov/2010census/data/index.php>). The United States Supreme Court has held that the populations of congressional districts must be as nearly equal as practicable. *Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964); see also U.S. Const. art. I, § 2 (“Representatives and direct taxes shall be apportioned among the several states which may be included within this Union according to their respective numbers...”). Accordingly, the ideal population for a Congressional District in any plan adopted by the Panel shall be 662,991 persons. The ideal population for a Minnesota State Senate District in any plan adopted by the Panel is 79,163. The ideal population for a Minnesota House of Representatives District in any plan adopted by the Panel is 39,582.

5. Tolerable Percentage Deviation. With respect to Congressional Districts, the parties agreed on the following language: “The only acceptable deviation from the ideal population for a Congressional District in any plan adopted by the Panel is plus (+) or minus (-) one (1) person.” The parties could not agree on a maximum tolerable percentage deviation from the ideal Minnesota State Senate District and House of Representative District adopted by the Panel. See Joint Statement of Unresolved Issues.

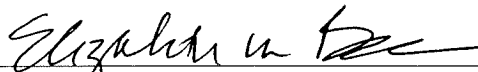
6. Oral Argument. The parties jointly request oral argument on all unagreed items as set forth within the parties’ Joint Statements of Unresolved Issues filed with the Panel.

7. Criteria Stipulation. The parties will submit their proposals for congressional and legislative redistricting principles on October 5, 2011, in accordance with the Panel’s July 18, 2011 Scheduling Order.

8. Electronic Redistricting Plan Submissions. Each electronic redistricting plan must be in the form of a separate block-equivalency file. Final electronic redistricting plans

issued by the Panel, but not necessarily those submitted to the Panel by any party, shall be transmitted in both a block equivalency file and in ESRI Shapefile format. All submitted plans shall include a Plan Component report and Political Subdivision Splits Between Districts report.

BRIGGS AND MORGAN, P.A.

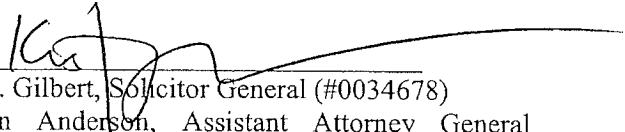
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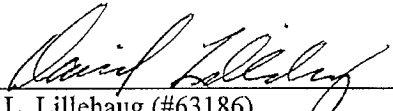
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STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

A11-152

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,

Plaintiffs,

and

**JOINT STATEMENT OF
UNRESOLVED ISSUES**

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,

Intervenors,

and

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

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,

Defendants.

The parties hereto, by and through their respective undersigned attorneys of record,
hereby state that the parties were not able to resolve the following issues through stipulation:

1. Tolerable Percentage Deviation. The parties discussed the issue of tolerable percentage deviation from the ideal Minnesota State Senate District and the ideal House of Representative District, but were not able to reach agreement. The parties' proposals for this issue are as follows:

Hippert et al.: "The maximum tolerable percentage deviation from the ideal Minnesota State Senate District and House of Representative District adopted by the Panel shall be plus (+) or minus (-) one percent (1%)."

Britton et al.: The maximum tolerable percentage deviation from the ideal Minnesota State Senate District and House of Representative District adopted by the Panel shall be plus (+) or minus (-) one-half percent (0.5%). *The Britton* plaintiffs would also agree to the position of the *Martin* plaintiffs."

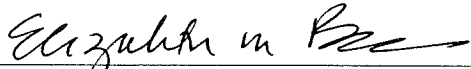
Martin et al.: The Court should adopt the goal of population equality with *de minimis* population deviation among legislative districts justified only by longstanding state redistricting principles such as the protection of communities of interests.

2. Whether Current Districts are "Unconstitutionally Flawed." Secretary of State Ritchie argues that the current districts, which will not be used for the 2012 regular State elections, are not unconstitutionally flawed. Other parties disagree, and will respond individually in support of their position(s).

With regard to (1) and (2) above, the parties will set forth the basis for their respective positions in their individual Statements of Unresolved Issues.

3. Redistricting Principles. The parties disagree on a number of congressional and legislative redistricting principles. The parties will submit their proposals for congressional and legislative redistricting principles on October 5, 2011, in accordance with the Panel's July 18, 2011 Scheduling Order No. 1.

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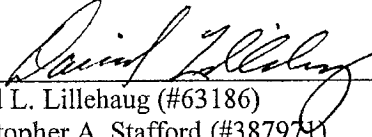
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STATE OF MINNESOTA
IN SUPREME COURT

A11-152

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Plaintiffs,

and

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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,

Defendants.

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

I, Jill N. Yeaman, under the direction of Elizabeth M. Brama, being duly sworn, states that on September 28, 2011, true and correct copies of the **STIPULATION** and **JOINT STATEMENT OF UNRESOLVED ISSUES** were filed by email and messengered to this Court; and true and correct copies thereof were served upon the following parties in this action by electronic mail and by placing copies in the U.S. mail, postage prepaid, addressed as follows, to-wit:

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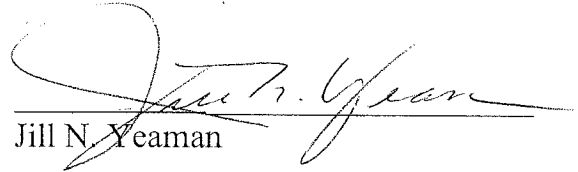
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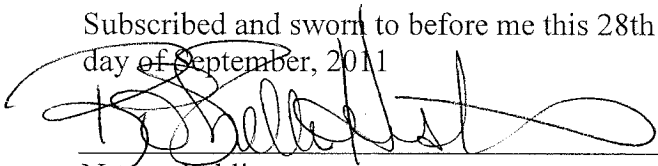
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Dated: September 28, 2011


Jill N. Yeaman

Subscribed and sworn to before me this 28th
day of September, 2011



Notary Public





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September 28, 2011

Elizabeth M. Brama
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VIA E-MAIL AND MESSENGER

Minnesota Special Redistricting Panel
c/o Clerk of Appellate Courts
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OFFICE OF
APPELLATE COURTS

SEP 28 2011

FILED

**Re: *Hippert v. Ritchie*: Stipulated Matters
Court File No. A11-152**

Dear Judge Wright:

The contesting parties to the above-referenced matter have reviewed and discussed the Panel's July 18, 2011 Scheduling Order, as well as the Panel's Orders Setting Public Hearing Schedule. We enclose an original and nine copies of the following documents that have been executed by all parties (in some cases by facsimile or emailed signature):

- Stipulation; and
- Joint Statement of Unresolved Issues.

The parties will also submit individual Statements of Unresolved Issues providing support for their respective positions on unresolved items. The individual Statement of the Hippert Plaintiffs will be provided under separate cover.

Additionally, the parties jointly and respectfully propose the following deadlines for the remainder of the redistricting process:

- November 18, 2011 – Closing date for submission of the parties' proposed redistricting maps and supporting justification.
- December 9, 2011 – Closing date for the parties' responses to each other's redistricting plans and supporting justification.
- December 16, 2011 – Oral arguments on the parties' proposed redistricting plans.
- February 21, 2012 – Statutory deadline for completion of redistricting.

Minnesota Special Redistricting Panel
September 28, 2011
Page 2

Thank you for your consideration of these items.

Sincerely,



Elizabeth M. Brama

EMB/jy

cc: Eric J. Magnuson
Michael C. Wilhelm
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Matthew W. Haapoja
Mark D. Fosterling
Alan I. Gilbert
Kristyn Anderson
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