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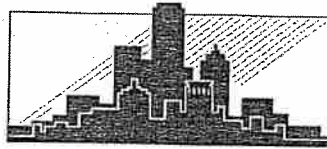
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October 26, 2011

*SENT BY ELECTRONIC MAIL  
AND UNITED STATES MAIL*

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

Re: *Hippert, et al. and Martin, et al. and Britton, et al. v. Ritchie, et al.*  
Court File Number A11-152

To the Special Redistricting Panel:

The purpose of this letter is to respond to Judge Wright's question at the oral argument held today regarding the applicability of Minn. Stat. § 200.02, subd. 24.

The undersigned was not asked about that statute. If I had been, my answer would have been that it is a relatively new statute, adopted in 2005 as part of the Omnibus Tax Bill. I would note that by virtue of § 200.02, subd. 1, this definition applies only to the Minnesota Election Law. Thus, by its terms, § 200.02, subd. 24 does not apply to constitutional redistricting cases.

Second, I would also point out Minn. Stat. § 10A.01, subd. 24, which specifically defines metropolitan governmental unit:

**Subd. 24. Metropolitan governmental unit.**

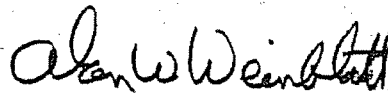
"Metropolitan governmental unit" means any of the seven counties in the metropolitan area as defined in section 473.121, subdivision 2, a regional railroad authority established by one or more of those counties under section 398A.03, a city with a population of over 50,000 located in the seven-county metropolitan area, the Metropolitan Council, or a metropolitan agency as defined in section 473.121, subdivision 5a. (Emphasis added)

Minnesota Special Redistricting Panel  
October 26, 2011  
Page Two

Thus, this election law statute at least creates confusion with § 200.02, subd. 24. Clearly, when the legislature amended Chapter 200.02 by adding subdivision 24, it did not think that an eleven county metropolitan area was sufficiently important to be included in the campaign finance law of Chapter 10A.

Finally, as I stated at the oral argument, my concern about changing to an eleven county metropolitan area without specific legislative amendment to § 473.121, is the underlying motive of that proposal. If that motive is to pack certain people (i.e., racial, ethnic, economic or political) into just a few districts (i.e., "looking inward"), using an expanded metropolitan area definition is just a ruse. The Assistant Wright County Attorney put the issue clearly. The people of western Wright County don't want to be part of the metropolitan area because they are not. The same could be said for at least the more remote portions of the other counties that Hippert, et al. seek to add.

The seven county metropolitan district should be used absent clear and convincing reasons otherwise.



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FOR  
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AWW:kq

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