

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A11-152

OFFICE OF
APPELLATE COURTS
DEC 12 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,

**RESPONSE OF SECRETARY
OF STATE MARK RITCHIE**

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,

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,

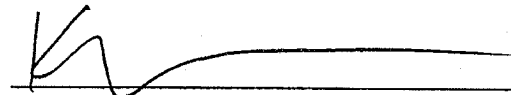
Defendants.

Secretary of State Mark Ritchie submits in the above-referenced matter the Position Of The Office Of The Secretary of State With Respect To Minimizing Divisions Of Political Subdivisions And Resulting Administrative Burdens, attached hereto as Exhibit A.

Dated: December 8, 2011

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL
State of Minnesota



ALAN I. GILBERT
Solicitor General
Atty. Reg. No. 0034678

KRISTYN ANDERSON
Assistant Attorney General
Atty. Reg. No. 0267752

445 Minnesota Street, Suite 1100
St. Paul, Minnesota 55101-2127
(651) 757-1225 (Voice)
(651) 296-1410 (TTY)

ATTORNEYS FOR MARK RITCHIE,
SECRETARY OF STATE OF
MINNESOTA

EXHIBIT A

POSITION OF THE OFFICE OF THE SECRETARY OF STATE WITH RESPECT TO MINIMIZING DIVISIONS OF POLITICAL SUBDIVISIONS AND RESULTING ADMINISTRATIVE BURDENS

The Office of the Secretary of State has no comments on the merits of the plans submitted to the court in regard to the principles of numbering, equality of population, abridgment of voting rights, preservation of communities of interest, or protection or defeat of incumbents.

However, with respect to the principle that divisions of political subdivisions should be minimized, the Office of the Secretary of State is concerned that the plan to be adopted by the court minimize the administrative burden on the state, on municipalities and on citizens in both their roles as taxpayers and voters, in the ultimate operations of elections. The state is responsible for operating the Statewide Voter Registration System and for those functions necessary for the State Canvassing Board to function after every state election. Municipalities are responsible for the operation of polling places and precincts. Citizens pay for these operations through their tax dollars as well as being subject as voters to the district lines ultimately drawn in this process.

In order to promote the principle that political subdivision divisions should be minimized and to minimize the administrative burden to those subdivisions caused by splits, the Office recommends that the court avoid the following:

- The creation of precincts mandated by legislative or congressional splits that have zero or near zero population. If such a split is created adjacent to a town or city boundary, the precinct cannot be combined with another precinct as no precinct may cross either the legislative boundary or the town or city boundary. This kind of split serves no purpose in balancing the population between districts but creates a great deal of additional effort and expense for the town or city, especially because electronic voting equipment, with its higher associated programming and ballot costs per precinct, is mandated by statute to be available to persons with disabilities in nearly all elections, see *Minnesota Statutes*, section 206.57, subds. 5 and 5a).
- Small city or township splits that require a jurisdiction currently administered as one precinct and with limited resources to create additional precincts. This especially impacts voters in townships with March elections, who must then use these new precincts for those elections as well as for state primary and general elections. This essentially doubles the cost of conducting elections over the decade, as a precinct may not cross a legislative boundary. Moreover, in almost all cases, townships, which generally have few resources, bear all the costs of March township elections.

- Splits that mandate precincts with very small voter populations that put voter privacy at risk; when a precinct has few voters, it is easier to deduce the votes of particular persons.
- Splits in any jurisdiction that mandate a precinct that has population above zero but which creates a split that is vastly disproportional to the remaining area of the jurisdiction as this not only divides a community of interest but also makes the administration of an election more burdensome, for example, in a city of 250, which is currently one precinct, where a proposed legislative or congressional split creates one precinct of 30 voters separate from the remainder of the city, the city now has the burden of establishing at least two polling places, two rosters, and programming voting equipment and ballots in two separate precincts.
- Unwittingly creating splits where there are annexation patterns in a city that have left parcels of unorganized territory or of a township within the city boundaries, and the exterior city boundaries are followed in drawing a legislative or congressional line that then divides the portions of the unorganized territory or township surrounded by the city into two separate districts by placing the main body of the township in a different district has the effect of creating an additional precinct of no or very low population.
- Following recognizable physical boundaries in all cases instead of the jurisdictional boundaries, regardless of local conditions; for example, if a major city has a small population in an area that is geographically separated from the remainder of the city by a major highway, it may not only be more isolating to those voters but also more costly to the city for a district boundary to follow the highway instead of the city boundary, rather than integrating the voters into a larger precinct as could be done if the city boundary were followed.

In addition, the creation of additional precincts as described above also adds to the number of precincts statewide, for which there are additional state and county-level costs for voter registration and election reporting.

In the opinion of the Secretary of State, each plan submitted to the court contains at least one example of a proposed district line that creates a split that imposes unnecessary administrative burdens on state or local jurisdictions.

Where splits are caused by the existence of pockets of non-annexed territory inside a city, the Office of the Secretary of State recognizes that those splits may be unavoidable.

The Office of the Secretary of State asks the court to draw district lines in a way that minimizes jurisdictional splits and therefore eases administrative burdens on the local jurisdictions that actually conduct the elections as well as on the state.