

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

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**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,

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

**ANDERSON PLAINTIFFS'
RESPONSE TO PROPOSED
LEGISLATIVE
REDISTRICTING PLANS**

**ORAL ARGUMENT
REQUESTED**

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.

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INTRODUCTION

The Panel should adopt the Anderson Plaintiffs' Proposed Legislative Redistricting Plan ("Anderson Legislative Plan") because it is the only plan that adheres to all of the Panel's redistricting principles. Indeed, the Anderson Legislative Plan significantly reduces splits of political subdivisions and increases minority opportunity districts compared to the plan adopted in *Hippert*, while maintaining compact districts consisting of convenient, contiguous territory.

The advantages of the Anderson Legislative Plan are all the more evident when compared with the plans submitted by the Sachs, Corrie, and Wattson Plaintiffs (together, the "Opposing Parties"). The Anderson Legislative Plan is comparable to, and in some cases exceeds, the Opposing Parties' plans in increasing minority representation, minimizing deviations from the ideal district population, and preserving contiguous lands of American Indian Reservations. Yet the Anderson Legislative Plan is the *only* plan that meets this Panel's requirement that political subdivisions not be divided "more than necessary to meet constitutional requirements." In contrast, each of the Opposing Parties propose political subdivision splits far in excess of the Anderson Legislative Plan.¹ Avoiding the division of political subdivisions minimizes voter confusion, decreases the administrative burden on local governments in running elections, and ensures that

¹ Additionally, while the Anderson Plaintiffs remain unclear as to the methodologies and claimed science the Citizen Data Scientists use to support the redistricting principle metrics set forth in their Amicus Brief (and thus continue to oppose any reliance on those metrics), the Anderson Legislative Plan likewise fares better when judged against those metrics than the Opposing Parties' plans.

communities of interest are not unnecessarily divided. Accordingly, the Panel should adopt the Anderson Legislative Plan in full.

ARGUMENT

I. REDISTRICTING CRITERIA LARGELY MET BY ALL PARTIES

While each of the parties' plans vary from the others in certain significant ways, all of the parties' plans satisfy three of this Panel's adopted redistricting criteria – namely, population equality, compliance with the Voting Rights Act, and the preservation of American Indian Reservations.

A. While the Wattson Plaintiffs Unnecessarily Exceed a One Percent Population Deviation, All Parties Comply with This Panel's Two Percent Maximum Population Deviation

Because the Minnesota Constitution requires that “representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population therefore” (Minn. Const., art. IV, § 2) and legislative redistricting plans adopted by courts “must ordinarily achieve the goal of population equality with little more than de minimis variation” (*Chapman v. Meier*, 420 U.S. 1, 26-27 (1975)), this Panel ordered that “the goal is de minimis deviation from the ideal district population” and that “[t]he population of a legislative district must not deviate by more than two percent from the population of the ideal district.” November 18, 2021 Order Stating Preliminary Conclusions, Redistricting Principles, and Requirements for Plan Submissions (“Principles Order”) at 5-6, ¶ 2. The Panel further stated that the two-percent threshold “is a maximum deviation, not a level under which all deviations will be presumed acceptable.” *Id.*

As demonstrated below, the Anderson Legislative Plan adheres to the Panel’s order by proposing house and senate districts that deviate from the ideal district population by no more than 1%, with a mean deviation in the house of 0.56% and in the senate of 0.45%. The Anderson Legislative Plan therefore complies with constitutional population equality requirements and the Panel’s order.

Table 1: Percentage Deviations From Ideal District Population (House)

	Anderson	Corrie	Sachs	Wattson	Hippert
Largest District	0.99%	0.59%	0.99%	2.00%	0.82%
Smallest District	-0.99%	-0.53%	-0.99%	-1.96%	-0.75%
Mean Deviation	0.56%	0.24%	0.56%	0.99%	0.29%

Table 2: Percentage Deviation From Ideal District Population (Senate)

	Anderson	Corrie	Sachs	Wattson	Hippert
Largest District	0.95%	0.44%	0.98%	1.97%	0.82%
Smallest District	-0.95%	-0.47%	-0.97%	-1.86%	-0.75%
Mean Deviation	0.45%	0.15%	0.42%	0.77%	0.21%

The Sachs Plaintiffs’ mean deviations are similar to those of the Anderson Plaintiffs, with a mean house deviation of 0.56% and a mean senate deviation of 0.42% as compared to the Anderson Plaintiffs’ mean house deviation of 0.56% and mean senate deviation of 0.45%. They further, like the Anderson Plaintiffs, do not exceed a 0.99% deviation in any district. But the Wattson Plaintiffs propose legislative districts that deviate from the ideal population by a substantially greater percentage than any other parties’ legislative plans — nearly exceeding the Panel’s 2% maximum deviation. In light of the fact that the Wattson

Plaintiffs also split more political subdivisions than both the Anderson and Sachs plaintiffs, their high deviations from the ideal population, although under (or at) the 2% maximum, are not justified. *See* Principles Order at 6, ¶ 2 (“[Two percent] is a maximum deviation, not a level under which all population deviations will be presumed acceptable.”).

Moreover, although the Corrie Plaintiffs’ proposed legislative districts have the lowest population deviations as compared to the other parties’ legislative plans, this comes at the expense of the Panel’s other redistricting principles. As discussed below, the Corrie Plaintiffs propose districts that unnecessarily divide political subdivisions — indeed, they divide more political subdivisions than any other party — and many of their districts, although meeting the technical requirement that they be contiguous, do not meet the spirit of the requirement that districts consist of “convenient, contiguous” territory. Principles Order at 6, ¶ 5 (citing Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2.).

B. All Proposed Plans Comply With The Voting Rights Act

As required by both Federal law and the United States Constitution, this Panel ordered that:

Districts must not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group . . . [and] Districts shall be drawn to protect 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 alliance with others.

Principles Order at 6, ¶ 4. Unlike, for instance, principles of population equality, contiguity, and political subdivision preservation, which can be evaluated using quantitative data, there is no easy data driven metric to determine whether a party has drawn its districts in violation

of the Voting Rights Act or to otherwise dilute the voices of minority populations. But there are, of course, certain data points that can be useful to the analysis. For example, the Panel can evaluate statistics regarding the racial makeup of legislative districts, either by total population or voting age population. On both of these metrics, the Anderson Legislative Plan (as all other plans) exceeds the number of minority opportunity (defined as a district with a minority population of at least thirty percent) and minority-majority districts drawn in *Hippert*.

Table 3: Number of Minority Opportunity Districts and Majority-Minority Districts Based on Total Population

	Anderson	Corrie	Sachs	Wattson	Hippert
Minority Opportunity Districts (House)	34	32	36	31	15
Minority Opportunity Districts (Senate)	15	14	17	15	8
Majority-Minority Districts (House)	11	10	9	10	10
Majority-Minority Districts (Senate)	5	5	5	5	5

Table 4: Number of Minority Opportunity Districts and Majority-Minority Districts Based on Voting-Age Population²

	Anderson	Corrie	Sachs	Wattson	Hippert
Minority Opportunity Districts (House)	18	24	24	21	13
Minority Opportunity Districts (Senate)	9	10	9	10	6
Majority-Minority Districts (House)	9	9	9	9	6
Majority-Minority Districts (Senate)	4	5	4	4	2

Further, when evaluating these metrics by a measure of total population the Anderson Legislative Plan draws more minority opportunity house districts than both the Wattson and the Corrie Plaintiffs, more such senate districts than the Corrie Plaintiffs, and more minority-majority house districts than all other parties.

Moreover, the voting age population metrics of each party are substantially similar, and even more so when you consider the Anderson Plaintiffs’ proposed districts that fall just under the traditional thirty-percent threshold for minority opportunity districts. For example, while the Anderson Plaintiffs’ House District 43A (which encompasses Oakdale) with a minority voting age population of 29.2% is not included in the chart above, the Sachs Plaintiffs’ House District 41B (also encompassing Oakdale) with a minority voting age population of 30.41% is included. The same is true of, among others, the Anderson Plaintiffs’ House District 51B, which encompasses Bloomington and has a minority

² From the Opposing Parties’ block equivalency files, the Anderson Plaintiffs ran several additional reports not included with their initial filing. Those reports are included herewith as Appendix A.

voting-age population of 29.59%, and the Sachs Plaintiffs' House District 58A, with a minority voting age population of 30.38%.

It is also important to be clear that the United States Supreme Court has noted that “a court may not presume bloc voting within even a single minority group.” *Grove v. Emison*, 507 U.S. 25, 41 (1993) (citing *Thornburg v. Gingles*, 478 U.S. 30, 46 (1986)). The Court has thus expressed caution in using such data to draw congressional and legislative districts along racial lines, recognizing instead the use of traditional redistricting principles, such as the preservation of political subdivisions, “to defeat a claim that a district has been gerrymandered on racial lines.” *See Shaw v. Reno*, 509 U.S. 640, 647-49 (1993). And while the Anderson Plaintiffs' minority district statistics are on par with the other parties, it achieved those metrics through the use of traditional redistricting criteria – for instance, the preservation of political subdivisions, a redistricting principle on which the Anderson Legislative Plan far exceeds any other proposed plan.

C. All Parties Except for the Corrie Plaintiffs Succeed in Preserving the Boundaries of Contiguous American Indian Reservations to The Extent Practicable

The parties' success in not splitting contiguous American Indian reservations in their legislative plans is likewise largely the same. While the Wattson and Sachs Plaintiffs do not split any contiguous lands of American Indian reservations, the Anderson Plaintiffs' only do so in one limited instance. That is, 11 individuals (or 0.1% of the entire population) on the Leech Lake Reservation are placed in House District 5B, while the remainder are in 5A. This joins all individuals residing on those lands into one senate district while avoiding the division of the city of Deer River. The Corrie Plaintiffs, on the other hand, divide the

populations of contiguous Shakopee Mdewakanton Sioux lands into three house (44A, 50A, and 50B) and two senate districts.

II. THE ANDERSON LEGISLATIVE PLAN EXCELS WHERE OTHER PROPOSED PLANS FALL SHORT

In its Principles Order, this Panel largely adopted the redistricting principles that have governed Minnesota's redistricting process for the past 20 years. In doing so, the Panel adopted a maximum deviation from ideal district populations of plus or minus two percent, thereby reaffirming³²

g that while population equality is paramount in redistricting, in state legislative redistricting certain deviations are permissible to further other important redistricting goals. The Panel did, however, note that "[t]his is a maximum deviation, not a level under which all population deviations will be presumed acceptable." Principle Order at 6, ¶ 2.

Whether a party preserves political subdivisions is one redistricting criteria the Panel may use in determining whether a deviation from the ideal district population is justified. As the United States Supreme Court has held, "[a] consideration that appears to be of more substance in justifying some deviations from population-based representation in state legislatures is that of insuring some voice to political subdivisions, as political subdivisions." *Reynolds v. Sims*, 377 U.S. 533, 580 (1964). Thus this Panel, as did the Zachman and Hippert Panels before it, held that "[p]olitical subdivisions must not be divided more than necessary to meet constitutional requirements." Principles Order at 7, ¶ 6.

While this protection was appropriately extended to the preservation of the contiguous lands of American Indian Reservations (*see* Principles Order at 6, ¶ 4), the Panel refused to adopt redistricting criteria that elevated certain other principles proposed by the Opposing Parties. For example, the Panel did not adopt the Wattson Plaintiffs’ proposed redistricting principle requiring the preservation of precincts. *Compare* Wattson 10/12/21 Proposed Principles (proposing that “[a] county, city, town, *or precinct*, must not be divided”) *with* Principles Order at 7, ¶ 6 (“Political subdivisions must not be divided more than necessary to meet constitutional requirements.”). Nor did the Panel adopt the Wattson Plaintiffs’ proposal that this Panel consider and use partisan data to draw districts that are proportional and competitive. Likewise the Panel did not adopt proposals by the Sachs and Corrie Plaintiffs to elevate the preservation of communities of interest over the preservation of political subdivisions. *Compare* 10/12/21 Corrie Proposed Principles an 10/12/21 (“Political subdivisions shall not be divided more than necessary to [among other things] preserve communities of interest”); Sachs Proposed Principles (same) *with* Principles Order at 7, ¶ 6 and *id.* ¶ 7 (“Communities of people with shared interests will be preserved wherever possible to do so in compliance with the preceding principles.”).

As discussed *supra* Section I, there are certain principles (such as population equality, compliance with the Voting Rights Act, and the preservation of American Indian Reservations) that are met by the plans submitted to the Panel. But, as to other principles, the other parties to this proceeding miss the mark. Most notably, with the Opposing Parties apparently continuing to elevate their rejected principles over the preservation of political subdivisions, none of their plans satisfy the Panel’s requirement that political subdivisions

only be split when necessary to meet constitutional requirements. In failing to draw their districts in accordance with this principle, each of the plans from the Opposing Parties divide established communities of interest that form in and around these political subdivisions.

A. Only the Anderson Plaintiffs Preserve Political Subdivisions Except Where Required to Meet Constitutional Requirements

The Anderson Plaintiffs substantially reduce the number of political subdivisions that were split between districts, as compared to the *Hippert* Plan and the plans submitted by the Opposing Parties, while still achieving a high level of population equality throughout their proposed legislative plan (*see* discussion *supra* Section I.A).

Table 5: Comparison of Political Subdivisions Split

	Anderson	Corrie	Sachs	Wattson	Hippert
Number of Counties Split (House)	40	54	50	54	54
Number of Cities/Towns Split (House)	43	182	69	73	89
Number of Counties Split (Senate)	33	46	33	45	39
Number of Cities/Towns Split (Senate)	31	129	36	38	45

On the other hand, each of the legislative redistricting plans submitted by the Opposing Parties splits far more political subdivisions than necessary to meet constitutional redistricting requirements – and, in particular, splits far more small, rural communities than are required to draw a constitutionally sound redistricting plan. For

instance, while the Anderson Legislative Plan succeeds in not splitting the population of any township, the Sachs Plaintiffs, Wattson Plaintiffs, and Corrie Plaintiffs, split the populations of sixteen, twelve, and fifty-three townships, respectively. Each of the plans submitted by the other parties further includes numerous and unnecessary divisions of sparsely populated counties and cities, as well as other subdivision splits that make little sense and can only be explained by the elevation of principles that this Panel has rejected.

Despite their failure to avoid the unnecessary division of political subdivisions, however, as described below there are several “perfect” districts proposed by the Anderson Plaintiffs on which at least one other party agrees. The Panel should adopt these districts of agreement, while rejecting the districts drawn by parties that unnecessarily and excessively divide political subdivisions.

1. The Panel Should Adopt the Anderson Plaintiffs’ “Perfect” Districts on Which Other Parties Agree

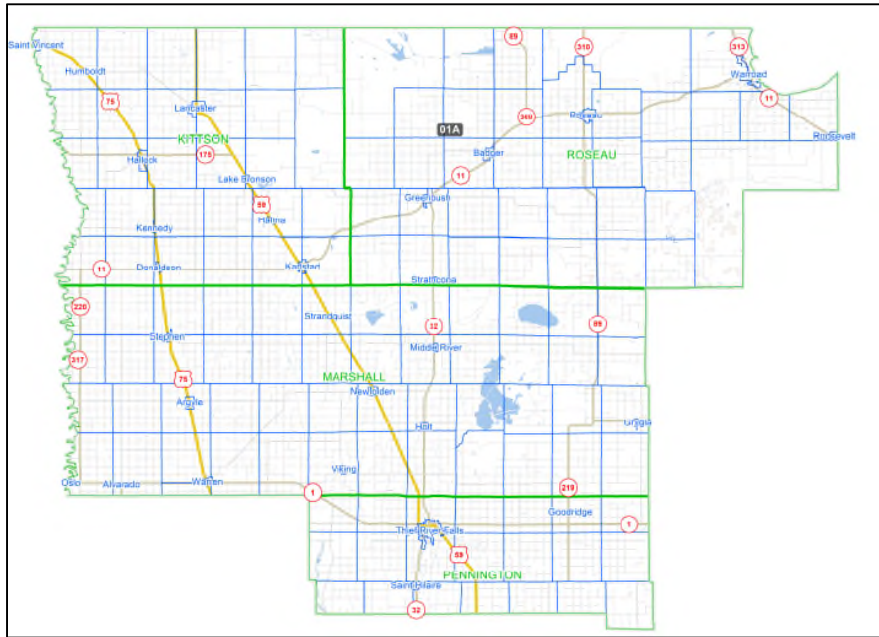
As set forth in the Anderson Plaintiffs’ opening brief, the Anderson Plaintiffs started with what they refer to as nine “perfect” house districts and three “perfect” senate districts, for a total of twelve “perfect” districts. *See* Anderson Opening Mem. at 6-7. And as they did with drawing districts to preserve political subdivisions, in drawing these twelve “perfect” districts, the Anderson Plaintiffs succeeded in drawing more than the one, three, and five such districts drawn by the Corrie, Wattson, and Sachs Plaintiffs, respectively. Four of those collective nine “perfect” districts, however, are identical to “perfect” districts drawn by the Anderson Plaintiffs, which demonstrates the reasonableness and fairness of

these districts and their compliance with this Panel’s redistricting principles. They should, therefore, be adopted by the Panel in drawing its legislative plan.

a. The Anderson Plaintiffs’ and Corrie Plaintiffs’ House District 1A

Both the Anderson and Corrie Plaintiffs propose the adoption of a House District 1A in the northwestern corner of the state that includes Roseau, Kittson, Marshall, and Pennington Counties in their entirety:

Figure 1: Anderson and Corrie Plaintiffs’ Proposed House District 1A

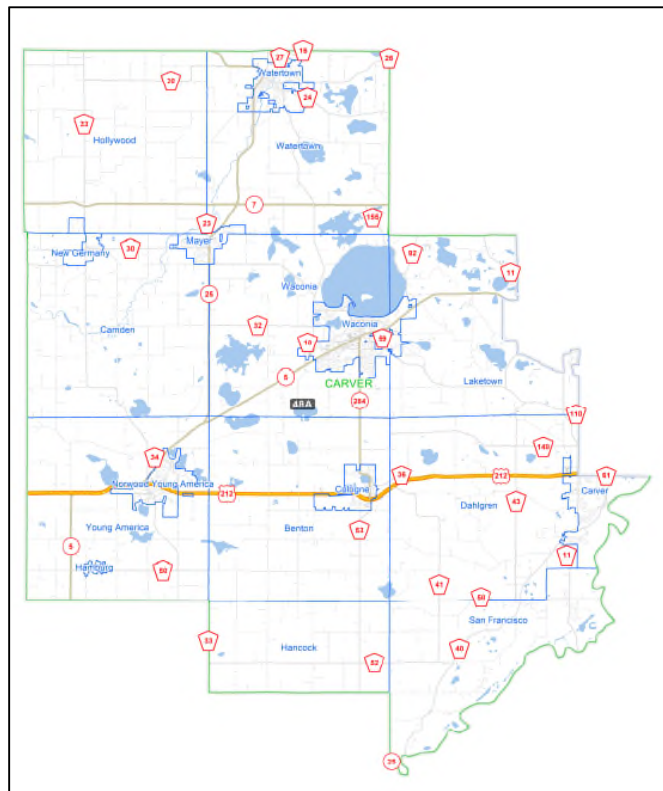


This proposed house district consists of a natural combination of four whole counties in the very northwestern corner of the state, and has a population that deviates from the ideal by only -0.04%, or -16 persons.

b. The Anderson Plaintiffs’ House District 48A and the Sachs’ Plaintiffs’ House District 49B

Both the Anderson Plaintiffs and the Sachs Plaintiffs propose drawing a district within Carver County to include in their entirety the cities of Carver, Cologne, Hamburg, Mayer, New Germany, Norwood Young America, Waconia, and Watertown and the townships of Benton, Camden, Dahlgren, Hancock, Hollywood, Laketown, San Francisco, Waconia, Watertown, and Young America.

Figure 2: Anderson Plaintiffs’ House District 48A

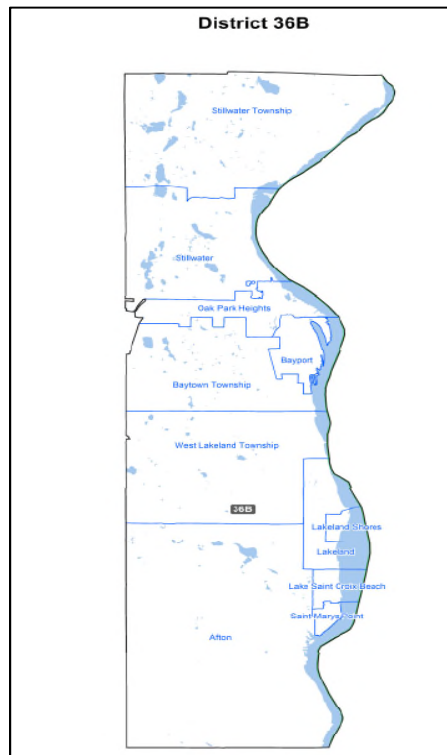


This house district consists of a natural pairing of cities and townships in western Carver County, and has a population deviation of only 0.07%, or 29 persons, from the ideal.

c. The Anderson Plaintiffs’ House District 36B and Wattson Plaintiffs’ House District 48B

Both the Anderson Plaintiffs and the Wattson Plaintiffs drew a “perfect” house district along the St. Croix River that includes in their entirety the cities of Afton, Bayport, Lake St. Croix Beach, Lakeland, Lakeland Shores, Oak Park Heights, Saint Mary’s Point, and Stillwater, and the townships of Baytown, Stillwater, West Lakeland.

Figure 3: Anderson Plaintiffs’ House District 36B

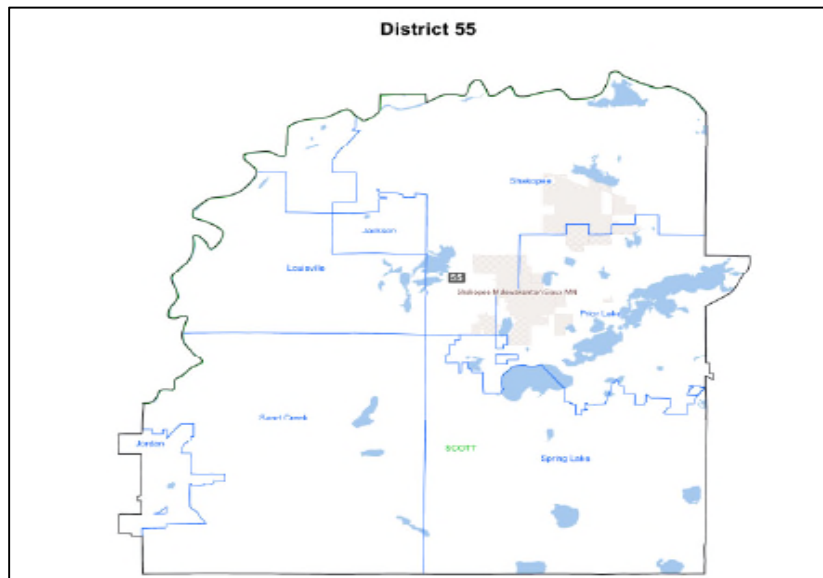


This proposed district was drawn consistent with testimony from the public (*see* Anderson Opening Mem. at 45), comprises a natural grouping of political subdivisions that all share interests related to their residence in the St. Croix River Valley, and has a deviation of only 0.05%, or 20 persons, from the ideal house district population.

d. The Anderson Plaintiffs’ Senate District 55 and the Wattson Plaintiffs’ Senate District 52

The Anderson Plaintiffs and the Wattson Plaintiffs both propose a “perfect” senate district that consists of the cities of Jordan, Prior Lake, Shakopee and of the townships of Jackson, Louisville, Sand Creek, and Spring Lake in their entirety:

Figure 4: Anderson Plaintiffs’ Senate District 55



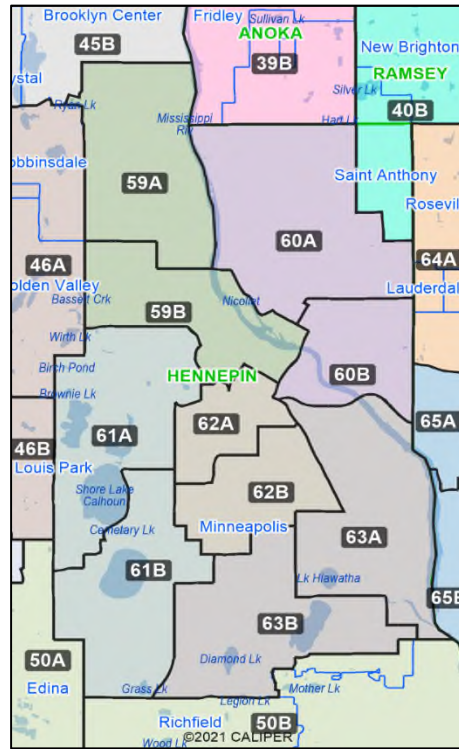
In addition to these political subdivisions, this proposed senate district also includes the entire population of the Shakopee Mdewakanton Sioux Reservation, and has a population deviation from the ideal of only 0.84%, or 718 persons.

e. Anderson Plaintiffs’ and Wattson Plaintiffs’ Minneapolis Districts

While not technically “perfect” districts because its population is too large, both the Anderson Plaintiffs’ and Wattson Plaintiffs’ legislative plans propose Minneapolis districts that stay within the boundaries of Minneapolis except for one instance in which a portion

of south Minneapolis is combined with Richfield. This approach is consistent with the plan adopted by the *Hippert* panel in which the Panel drew a single Minneapolis district that extended beyond the borders of Minneapolis (*Hippert*, 813 N.W.2d at 385) and should be adopted.

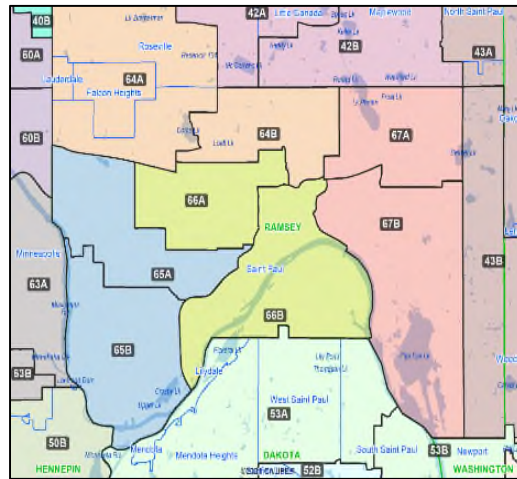
Figure 5: Anderson Plaintiffs’ Proposed Division of Minneapolis



f. Anderson, Sachs, and Wattson Plaintiffs’ St. Paul Districts

Like Minneapolis, with the notable exception of the Corrie Plaintiffs, each of the parties’ legislative plans propose St. Paul districts that stay within the boundaries of St. Paul except for one instance in which a St. Paul district includes Roseville. Again, this is consistent with the approach adopted by the *Hippert* Panel. *Id.*

Figure 6: Anderson Plaintiffs' Proposed Division of St. Paul



2. The Sachs Plaintiffs' Legislative Plan Unnecessarily Divides Political Subdivisions and Should Be Rejected

In drawing their house districts, the Sachs Plaintiffs split 25% more counties and 60.5% more cities and towns than the Anderson Plaintiffs, and their senate districts split 16% more cities and towns than the Anderson Legislative Plan. Moreover, despite drawing a legislative plan that exceeds the number of political subdivisions split in the Anderson Legislative Plan, the Sachs Plaintiffs' districts achieve similar population deviation metrics, and both the Sachs Plaintiffs and the Anderson Plaintiffs comply with the Voting Rights Act. *See* discussion *supra* Section I.A. Their subdivision splits are, therefore, not necessary to meet constitutional requirements.

a. Excessive splits in rural areas

Notably, consistent with their overall approach to redistricting, as, for instance, reflected in their congressional plan, the Sachs Plaintiffs' proposed legislative plan dilutes the voice of rural voters by disproportionately splitting small, rural communities that fall well below the ideal population for house and senate districts. For example, whereas the

Anderson Legislative Plan does not split the population of *any* township in drawing their house and senate districts, the Sachs Plaintiffs' legislative plan splits the populations of a staggering sixteen townships between house districts, and eleven of those townships are split between senate districts as well. While none of these splits are necessary, some make less sense than others. For example, the Sachs Plaintiffs split Sand Creek Township between two proposed house (24A and 55B) and senate districts, with only one resident placed in House District 24A. Likewise, the Sachs Plaintiffs propose splitting Haven Township between two proposed house (14B and 15A) and senate districts, with only two residents located in House District 14B.

The Sachs Plaintiffs' legislative plan also unnecessarily splits sparsely populated counties and cities, further diluting the voices of rural Minnesotans. For instance, despite public testimony that Dodge County, with a population of 20,867 (or 48% of the ideal house district population), should not be carved up again in this redistricting cycle, the Sachs Plaintiffs divide Dodge County into three house (21B, 27A, and 27B) and two senate districts. But Dodge County is just one example in a long list of divided rural communities. For example, the Sachs Plaintiffs split the following counties and cities, despite the fact that none comes close to the ideal population for either a house or senate district: (1) Becker County (population 35,213) is divided into three house (2A, 4B, 8A) and senate districts; (2) Chippewa County (population 12,599) is divided into two house (12B and 17A) and senate districts; (3) Kanabec County (population 16,032) is split into two house districts (11A and 11B); (4) Martin County (population 20,025) is split into two house districts (22A and 22B); (5) Norman County (population 6,441) is divided into two house (1B and 4B)

and senate districts; (6) Pennington County (population 13,992) is divided into two house districts (1A and 1B); (7) Pipestone County (population 9,424) is divided into two house districts (16A and 16B); (8) Pope County (population 11,308) is split into two house districts (12A and 12B); (9) Yellow Medicine County (population 9,528) is divided into two house (16A and 17A) and senate districts; (10) the city of Hutchinson (population 14,505) is split between two house districts (18A and 18B); (11) the city of Waseca (population 9,334) is split between two house districts (23A and 23B); (12) the city of Howard Lake (population 1,931) is split between two house (18A and 29A) and senate districts; and (13) the city of Maple Lake (population 2,159) is split between two house districts (29A and 29B).

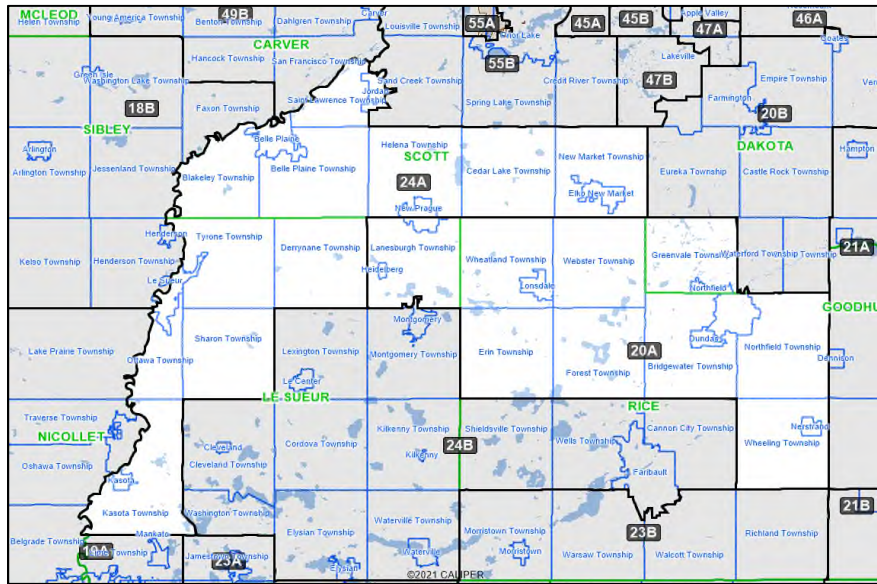
b. Other notable subdivision splits

Rural communities are, however, not the only political subdivisions that are unnecessarily split in the Sachs Plaintiffs' legislative plan. While not possible to discuss each and every such division, there are a few examples that stand out:

(1) The city of New Prague

While falling partly within the eleven-county metropolitan area (with portions of the city in both Scott and Le Sueur Counties), the city of New Prague has a population of only 8,162 people. Yet, in districts that take on long, narrow, and winding shapes, the Sachs Plaintiffs unnecessarily divide that city into two house districts – 20A and 24A – and their corresponding senate districts.

Figure 7: Sachs Plaintiffs’ Proposed Division of New Prague

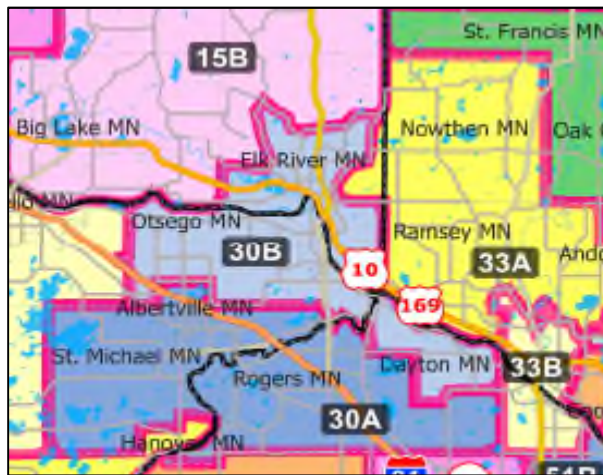


As reflected in the Anderson Legislative Plan, however, this city can be kept whole within one house and senate district, and that district does not need to follow a meandering path to pick up population.

- (2) The cities of Elk River, Dayton, Ramsey, and Champlin

The Sachs Plaintiffs’ division of the city of Elk River (15B, 30B, and 33A) into three districts and each of the cities of Dayton (30A and 30B), Ramsey (33A and 33B), and Champlin (33B and 51B) into two districts along uneven and unnatural lines results in the Sachs Plaintiffs drawing oddly shaped districts in the northwestern metro:

Figure 8: Sachs Plaintiffs’ Proposed Division of Elk River, Dayton, Ramsey & Champlin



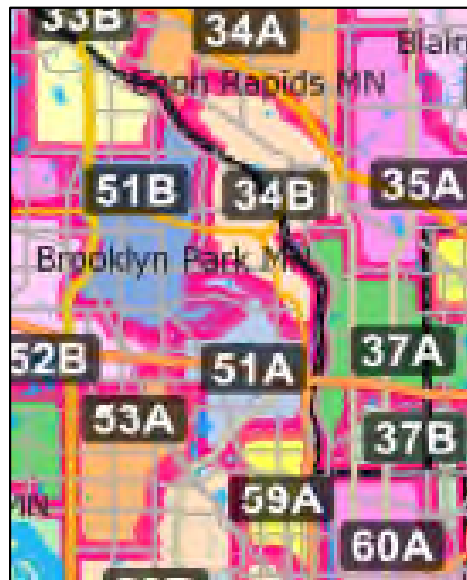
These divisions are, however, not necessary, and the Anderson Plaintiffs succeeded in drawing their Legislative Plan to only split the city of Dayton once, and to keep Elk River, Ramsey, and Champlin whole.

(3) The city of Brooklyn Park

With a population of 86,478, the city of Brooklyn Park must be divided between house and senate districts in any legislative plan. The Sachs Plaintiffs, however, unnecessarily carve up this city into five house districts (34B, 51A, 51B, 52B, 53A) and four senate districts. In doing so, they needlessly divide the residents of Brooklyn Park and dilute their ability to speak through a common representative. The Sachs Plaintiffs’ legislative proposal runs contrary to the public testimony this Panel has received concerning keeping Brooklyn Park as intact as possible. *See* Written Testimony of Madeleine Lerner (Oct. 28, 2021) (“We ask that you keep the African and African immigrant communities together in the northwest suburbs, namely Brooklyn Park and Brooklyn Center.”); Written Testimony of Richard Jennis (undated) (“I understand that due

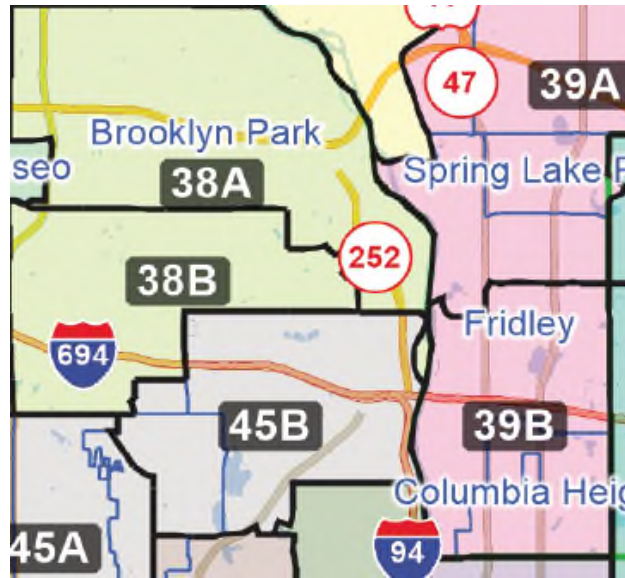
to population size, keeping Brooklyn Park and Brooklyn Center together in one House District is not a possibility. I therefore propose splitting Brooklyn Park and Brooklyn Center into two different House Districts, but keeping both cities within the same Senate District.”).

Figure 9: Sachs Plaintiffs’ Proposed Division of Brooklyn Park



Further, this excessive division of the city of Brooklyn Park can be avoided. The Anderson Legislative Plan only divides Brooklyn Park between three house districts (38A, 38B, 45B) and two senate districts, and draws senate district 38 to be an all Brooklyn Park district, allowing Brooklyn Park to speak with a united voice through one elected senator.

Figure 10: Anderson Plaintiffs’ Proposed Division of Brooklyn Park



3. The Wattson Plaintiffs’ Legislative Plan Focuses on Rejected Principles, Resulting in Unnecessary Political Subdivision Splits

When compared to the Anderson Legislative Plan, the Wattson Plaintiffs divide 35% more counties and 69.8% more cities and towns between house districts, and 36% more counties and 22.5% more cities and towns between senate districts. Yet despite having far more political subdivision splits than the Anderson Plaintiffs, the Wattson Plaintiffs also have far greater deviations from the ideal district population than the Anderson Plaintiffs do. *See* discussion *supra* Section I.A. And both the Anderson Plaintiffs and the Wattson Plaintiffs comply with the Voting Rights Act – in fact, when measured against total population in a district, the Anderson Plaintiffs draw more minority opportunity and minority-majority house districts than the Wattson Plaintiffs. *See* discussion *supra* Section I.B. The Wattson Plaintiffs’ excessive political subdivision splits are, therefore, not necessary to meet constitutional requirements, and instead seem to be

the result of their focus on voting precinct preservation and partisan data, despite this Panel's rejection of principles related thereto.

a. Excessive rural subdivision splits

As do the Sachs Plaintiffs, in drawing their legislative plan the Wattson Plaintiffs unnecessarily divide numerous small communities in townships and counties with small populations.

Notably, the Wattson Plaintiffs divide the populations of twelve townships, with six of these townships (namely, the townships of Minden, Farden, Hart Lake, Lakeport, Steamboat, Kasota, and White Bear) being split even between senate districts. As a result, the Wattson Plaintiffs' legislative plan diminishes the ability of these rural voters to use a collective voice to impact state elections and policy, increases voter confusion (which can, in turn, impact voter turnout), and increases the burden of running efficient elections on local officials in these small communities.

Likewise, the Wattson Plaintiffs' legislative plan further splits a large number of rural counties, far more than is necessary given the fact that none come close to exceeding ideal house or senate district populations. For example, like the Sachs Plaintiffs, the Wattson Plaintiffs continue to carve up Dodge County, splitting its population of 20,867 into four house and three senate districts: 22B, 24B, 25A, and 25B. Other examples of rural counties split by the Wattson Plaintiffs despite the fact that they do not come close to the ideal population for either a house or senate district include the following: (1) Aitkin County (population 15,697) is split between two house (5B and 10B) and senate districts; (2) Brown County (population 25,912) is split between two house districts (16A and 16B);

(3) Faribault County (population 13,921) is split between two house (20A and 25A) and senate districts; (4) Jackson County (population 9,989) is split between two house (16B and 19B) and senate districts; (5) Kanabec County (population 16,032) is split between two house (10B and 11B) and senate districts; (6) Meeker County (population 23,400) is split between two house (15B and 17A) and senate districts; (7) Pennington County (population 13,992) is split between two house districts (1A and 1B); (8) Pine County (population 28,876) is split between two house districts (11A and 11B); (9) Pipestone County (population 9,424) is split between two house districts (19A and 19B); (10) Pope County (population 11,308) is split between two house districts (12A and 12B); (11) Sibley County (population 14,836) is split between two house districts (17A and 17B); (12) Swift County (population 9,838) is split between two house (12A and 15A) and senate districts; (13) Todd County (population 25,262) is split between three house (9A, 10A, 12B) and senate districts; and (14) Wadena County (population 14,065) is split between two house (5B and 9A) and senate districts.

b. Other notable political subdivision splits

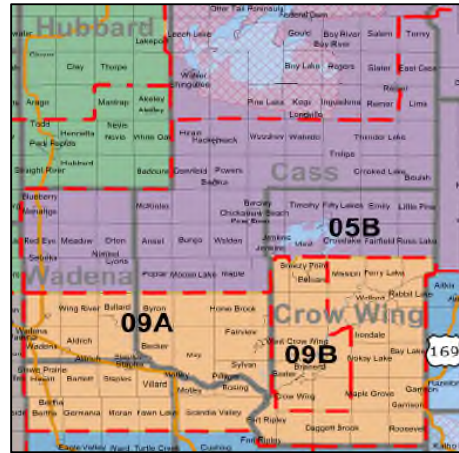
The Wattson Plaintiffs' legislative plan further includes the unnecessary division of other communities. While not possible to discuss each such division, below is a discussion of the most representative examples.

(1) Crow Wing County

Crow Wing County has a population of 66,123, which makes it small enough to fit into two house districts and one senate district. Despite this, the Wattson Plaintiffs not only divide Crow Wing County into three house (5B, 9A, and 9B) and two senate districts, they

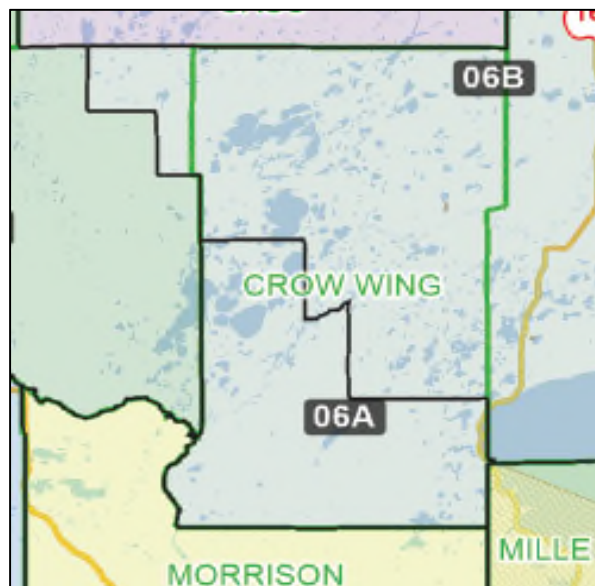
do so by drawing oddly shaped districts, with their House District 9A oddly wrapping around their House District 9B.

Figure 11: Wattson Plaintiffs' House Districts 5B, 9A, and 9B



As reflected in the Anderson Legislative Plan, which divides Crow Wing County into only two house districts (6A and 6B) and combines them in one senate district, these additional splits and the Wattson Plaintiffs' contorted map drawing in this region are not necessary:

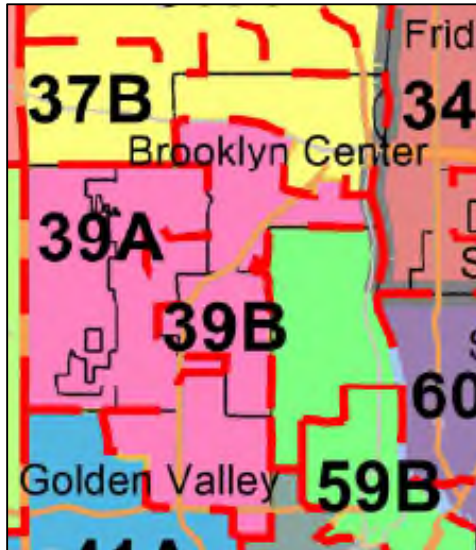
Figure 12: Anderson Plaintiffs' House Districts 6A and 6B



(2) The city of Brooklyn Center

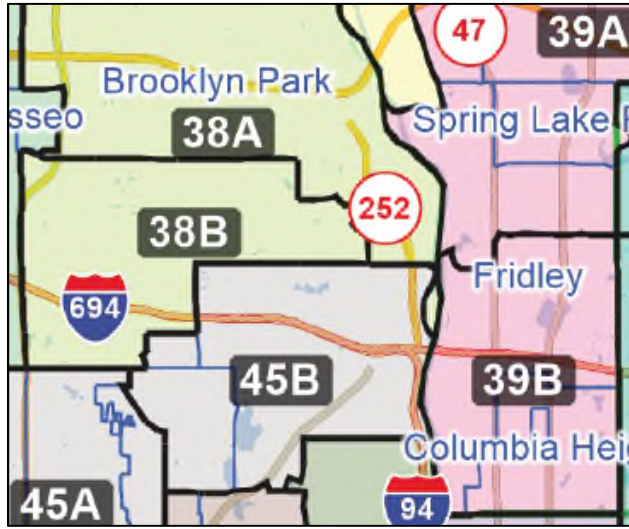
The city of Brooklyn Center has a population of 33,782, which makes it small enough to fit into one house district. The Wattson Plaintiffs, however, unnecessarily divide Brooklyn Center into two senate and house districts, namely, Senate Districts 39 and 37 and House Districts 39B and 37B. Additionally, the Wattson Plaintiffs' legislative plan zig-zags through Brooklyn Center, which would likely result in increased voter confusion.

Figure 13: Wattson Plaintiffs' Proposed Division of Brooklyn Center



By contrast, the Anderson Plaintiffs keep Brooklyn Center entirely within proposed House District 45B, using convenient and logical boundaries.

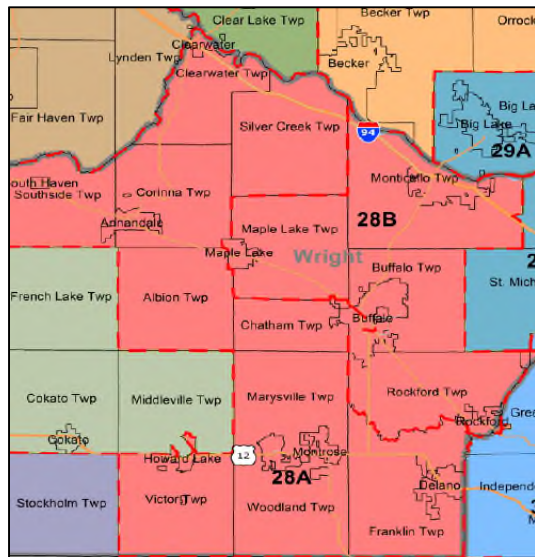
Figure 14: Anderson Plaintiffs' House District 45B



(3) Wright County

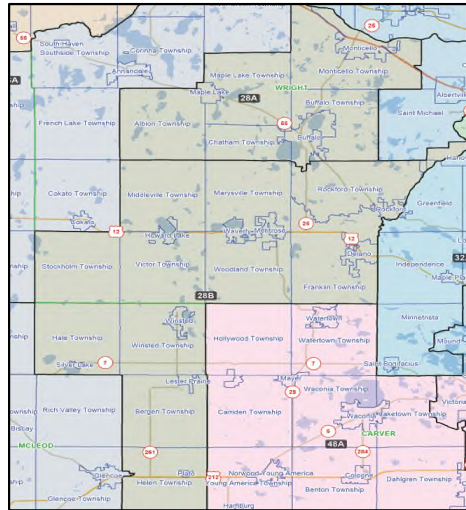
The population of Wright County, due to the size of its population, must be split into separate senate and house districts. But the Wattson Plaintiffs create their proposed house districts 28A and 28B by snaking through the middle of Wright County around townships and splitting the city of Buffalo.

Figure 15: Wattson Plaintiffs' House Districts 28A & 28B



By contrast, the Anderson Plaintiffs’ proposed House Districts 28A and 28B keep all cities and townships intact, with the exception of some cities that were split along county lines.

Figure 16: Anderson Plaintiffs’ Proposed House Districts 28A & 28B



c. Preserving Existing Precincts Does Not Justify the Wattson Plaintiffs’ Excessive Political Subdivision Splits

Instead of focusing on the preservation of political subdivisions, the Wattson Plaintiffs appear to have drawn their maps with a focus on the preservation of existing voting precincts. And while the Wattson Plaintiffs provide the Panel with numerous justifications for this approach, such as eliminating voter confusion and election administration burdens, they further acknowledge that in *Zachman*, Minnesota’s Special Redistricting Panel held that while the preservation of precincts can be a consideration as a means to minimize voter confusion and reduce election burdens on local governments, “precincts are not entitled to the same deference as political subdivisions” (Wattson Mem. at 14 (quoting *Zachman* Legislative Redistricting Order at 4)). Indeed the Wattson

Plaintiffs advocated for this Panel’s adoption of criteria requiring the preservation of precinct boundaries, but this Panel rejected that proposal and instead adopted the same language as the *Zachman* and *Hippert* Panels in ordering that “[p]olitical subdivisions must not be divided more than necessary to meet constitutional requirements.” Principles Order at 7, ¶ 7.

Notably, the preservation of political subdivisions is another means of eliminating not only voter confusion and election administration burdens, but also the division of communities of interest throughout the state. And unlike political subdivisions, Minnesota’s voting precinct boundaries must and will be redrawn after the redistricting process has concluded. *See* Minn. Stat. § 204B.14, subd. 1a. The preservation of Minnesota’s existing and outdated precincts simply cannot be elevated above the preservation of political subdivisions.³

³ The Wattson Plaintiffs further assert that excessive precinct divisions can be used as a means for this Panel to judge whether a party’s plan abridges the rights of minority groups to participate in the political process or constitutes a partisan gerrymander. *See* Wattson Mem. at 15-18. First, setting aside the merits of that argument, the Anderson Legislative Plan does not have excessive precinct divisions, having far less than the number of precinct splits proposed by the Corrie Plaintiffs (187 v. 236 for house districts and 98 v. 140 for senate districts), and are not excessively more than those in the Sachs Plaintiffs’ plan (*i.e.*, 113 split precincts for house districts and 56 split precincts for senate districts). Second, the existence of political subdivision splits may also be evidence of racial or partisan gerrymanders (*see* Wattson Mem. at 16 (quoting *Shaw v. Reno*, 509 U.S. 640, 647 (1993))), and the Anderson Legislative Plan is superior to all other plans on this metric.

d. The Panel Should Likewise Decline the Wattson Plaintiffs' Invitation to Consider Past Election Results When Drawing Districts

While insisting that the partisanship reports they spend a significant portion of their brief expounding upon are not being submitted for the Panel's use in drawing legislative districts, the Wattson Plaintiffs proceed to "test" their plans against those reports. *See* Wattson Mem. at 80-103. Particularly given the Wattson Plaintiffs' high population deviations and excessive political subdivision splits, it is not hard to surmise that this partisan data was, in fact, used in drawing the Wattson legislative plan.

This Panel's Principles Order, however, expressly rejected the Wattson Plaintiffs' proposals for the use of partisan data in drawing district lines. *See* Principles Order at 8, ¶ 9. Indeed, while the Wattson Plaintiffs' partisanship reports are based upon results from past elections, the Panel unequivocally held that it "will not consider past election results when drawing districts." *Id.* The Panel should, therefore, not only refuse to consider this data in drawing its legislative plan, it should reject the plan submitted by the Wattson Plaintiffs based upon these very reports.

Realizing this conflict, the Wattson Plaintiffs claim that "these reports were not submitted for the Panel to use in drawing its plans," but only "to test the plans of the parties to this action to determine whether any party has submitted a plan" that benefits or disadvantages an incumbent, candidate, or political party. Wattson Mem. at 76. But this argument boils down to mere semantics. All of the reports that the parties submitted at the request of the Panel will be used to test the parties' redistricting plans' adherence to the Panel's redistricting criteria. If the Panel wished to consider past election data to test

whether any of the parties' plans was unjustifiably partisan, it could have requested that the parties submit partisanship reports. But the Panel made no such request and explicitly barred the consideration of that data.

4. The Corrie Plaintiffs' Legislative Plan Unnecessarily Divides Political Subdivisions and Does Not Meet the Requirement of "Convenient, Contiguous Territory"

The number of political subdivisions split by the Corrie Plaintiffs far exceeds any other plan submitted to the Panel, and particularly the number of political subdivisions split in the Anderson Legislative Plan. In drawing their house districts, the Corrie Plaintiffs split 35% more counties and 323.3% (or more than three times) more cities and towns than the Anderson Plaintiffs, and their senate districts split 39.4% more counties and 316.1% (again more than three times) more cities and towns than the Anderson Plaintiffs. This shocking number of political subdivision splits is neither justified nor required to meet constitutional requirements. While the Corrie Plaintiffs achieve slight improvements to population deviations (*see* discussion *supra* Section I.A), these improvements are negligible as compared to their substantial shortcomings on the political subdivision split metric. Further, as discussed *supra* Section I.B, both parties comply with the requirements of equal protection and the Voting Rights Act, but only the Corrie Plaintiffs draw odd and awkwardly shaped districts that excessively divide counties, cities, and townships.

Simply put, the Corrie Plaintiffs' excessive political subdivision splits are not necessary to meet constitutional requirements.

a. Excessive divisions in rural Minnesota

Given the sheer number of political subdivisions split by the Corrie Plaintiffs, unnecessary splits in their plan can be found throughout the state. But as with the Sachs and Wattson Plaintiffs' plans, the impacts of the Corrie Plaintiffs' divisions will particularly be felt in rural Minnesota. Shockingly, the Corrie Plaintiffs propose to split the populations of fifty-three townships in drawing their house districts and thirty-five townships in drawing their senate districts. In doing so, the Corrie Plaintiffs' legislative plan will result in diluting the vote of thousands of rural Minnesotans. For all of the reasons set forth above, these divisions can, and *should*, be avoided.

The Corrie Plaintiffs' plan likewise contains numerous divisions of small communities in counties with populations well below the ideal for house and senate districts. For example: (1) Aitkin County (population 15,697) is split between three house (8A, 9A, and 12A) and senate districts; (2) Brown County (population 25,912) is split between two house districts (22A and 22B); (3) Chippewa County (population 13,471) is split between two house (8A and 18A) and senate districts; (4) Faribault County (population 13,921) is split between two house districts (24A and 24B); (5) Kanabec County (population 16,032) is split between three house (9A, 9B, and 15A) and two senate districts; (6) Koochiching County (population 12,062) is split between two house (2A and 3A) and senate districts; (7) Meeker County (population 23,400) is split between three house (18A, 19A, and 19B) and two senate districts; (8) Mille Lacs County (population 26,459) is split between three house (12A, 15A, and 15B) and two senate districts; (9) Pine County (population 28,876) is split between two house districts (9A and 9B); (10) Sibley

County (population 14,836) is split between three house (20A, 20B, and 43B) and two senate districts; (11) Swift County (population 9,838) is split between two house (10B and 18B) and senate districts; (12) Todd County (population 25,262) is split between three house (11A, 11B, 12B) and two senate districts; and (13) Watonwan County (population 11,253) is split between two house (22B and 24A) and senate districts.

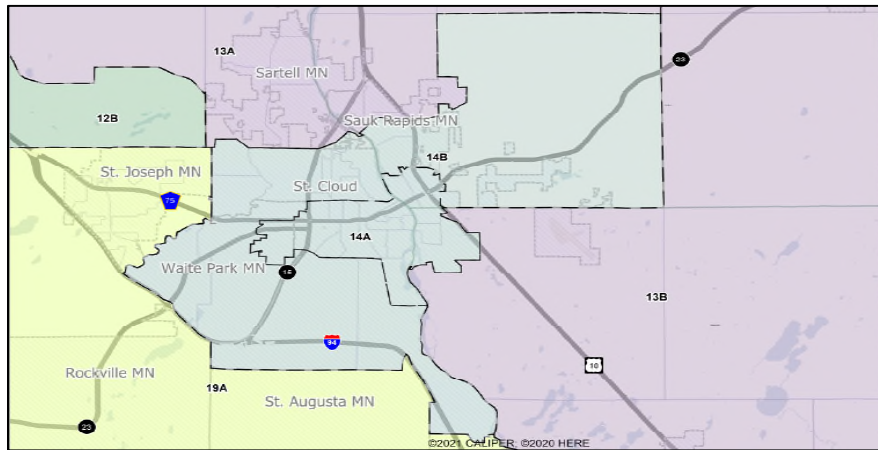
b. Other notable political subdivision splits

The Corrie Plaintiffs' political subdivision splits, however, do not occur only in rural counties and townships, instead excessive divisions are found all over the state. While too numerous to discuss all of them herein, two notable examples can be seen in the Corrie Plaintiffs' division of Sauk Rapids, Waite Park, and Sartell, and their split of Chaska, Shakopee, and Prior Lake.

(1) Sauk Rapids, Waite Park, and Sartell

The Corrie Plaintiffs carve up Sauk Rapids into three house (13A, 14A, and 14B) and two senate districts, the population of Waite Park into two house districts (14A and 14B), and Sartell into two house and senate districts (13A and 14B). No other party to this proceeding divides the populations of these cities between districts, and the Corrie Plaintiffs' divisions result in odd and meandering districts, with tentacles that branch out to reach populations and a Senate District 13 that wraps around Senate District 14:

Figure 17: Corrie Plaintiffs' Senate Districts 13 and 14



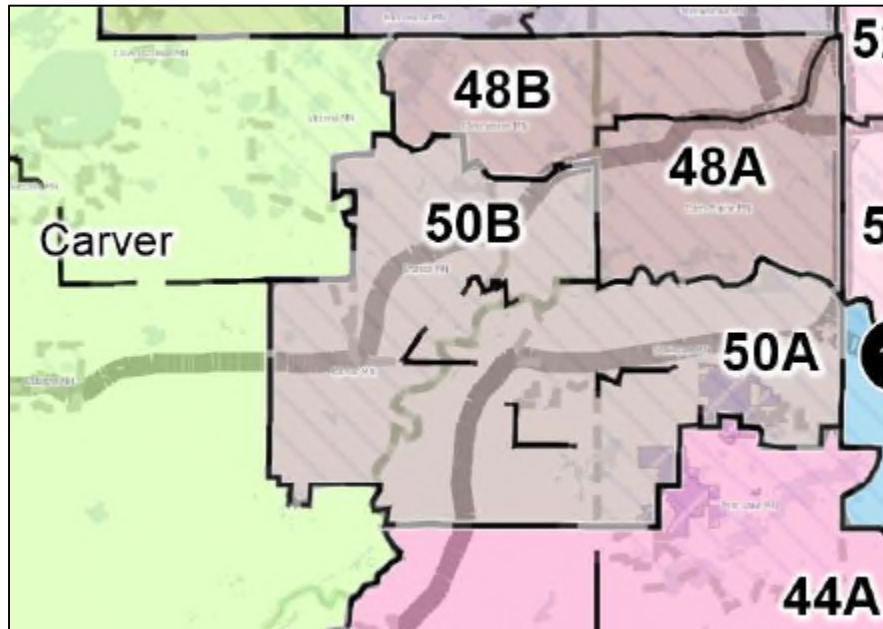
The Corrie Plaintiffs justify these divisions and non-uniform districts on the grounds that drawing House District 14A along this path connects the most diverse sections of St. Cloud with the most diverse corner of Waite Park, as requested by the representatives of the East African community members and from input from CAIR-MN and thus creates a BIPOC voting age population in the district of 33.7%. Corrie Leg. Mem. at 32. But drawing these districts with such a singular focus results in four districts that snake, wrap, and contort themselves around each other, while unnecessarily dividing political subdivisions that the public in testimony to this Panel asked not be divided. *See* Written Testimony of Diana Kasper (Oct. 23, 2021) (requesting to keep Waite Park in one senate and one house district); Written Testimony of Debra Taylor (Oct. 18, 2021) (“Please make districts as compact as possible. You need to have a good reason to draw a District that is shaped like the front of a pair of eye glasses”). Moreover, while in drawing these district in such a way the Corrie Plaintiffs admittedly succeeded in drawing a minority opportunity district, the Anderson Plaintiffs’ House Districts 13B (which includes all of Waite Park) and 14A (which includes all of Sartell) also achieve high minority representation percentages (23%

and 20%, respectively), not unnecessarily dividing minority population living in compact areas while taking a balanced approach to redistricting that considers all of the redistricting principles adopted by this Panel.

(2) Chaska, Shakopee, and Prior Lake

The cities of Chaska and Prior Lake have populations of 27,810 and 27,617, respectively, and therefore do not need to be split. Shakopee, however, with a population of 43,698, is slightly larger than the ideal house district, and so must be split between two house districts. The Corrie Plaintiffs’ proposal inexplicably splits each of Shakopee, Prior Lake, and Chaska into house districts 50A and 50B, resulting in a bizarrely shaped district.

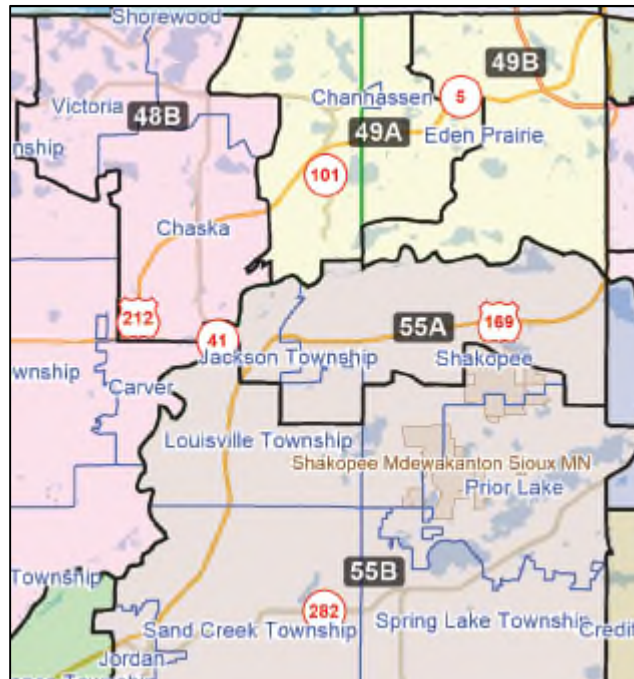
Figure 18: Corrie Plaintiffs House Districts 50A & B



The Anderson Plaintiffs, however, avoid splitting Chaska and Prior Lake. The Anderson Legislative Plan proposes placing Chaska in house district 48B and Prior Lake in house district 55B. Because Shakopee must be divided, the Anderson Plaintiffs pair a

small northern portion of Shakopee with neighboring Jackson Township in house district 55A. The remainder of Shakopee is put in house district 55B with Prior Lake, which lies just to Shakopee’s south.

Figure 19: Anderson Plaintiffs’ House Districts 48B, 55A, and 55B



B. By Drawing Their Legislative Plans Without Regard For Political Subdivisions, the Opposing Parties Fail to Preserve Well-Recognized Communities of Interest

It has been long-recognized that political subdivisions are some of Minnesota’s “most fundamental communities of interest and centers of local government.” Zachman Legislative Order at 3. In disregarding political subdivisions in drawing their legislative plans, fundamental and well-recognized and established communities of interest were likewise disregarded by the Opposing Parties.

1. The Anderson Legislative Plan Best Preserves Communities of Interest in Minneapolis and St. Paul

In order to keep intact the communities of interest in Minneapolis and St. Paul, as well as to protect the communities of interest that reside outside of the Twin Cities, the panel in *Hippert* drew legislative districts to “continue to preserve neighborhood and planning-district boundaries to the greatest extent practicable” and created only one house district that encompassed population beyond the Minneapolis border and one district that extended beyond the St. Paul border. *Hippert v. Ritchie*, 813 N.W.2d 374, 385 (Minn. 2012). The Anderson Plaintiffs adopted this same approach, making only minimal changes to the Minneapolis and St. Paul districts drawn by *Hippert* to achieve population equality, and drawing only one district to encompass population beyond the Minneapolis border and one district to encompass population beyond the St. Paul border. The Wattson Plaintiffs adopt a similar approach with respect to both Minneapolis and St. Paul, while the Sachs Plaintiffs adopt a similar approach with respect to St. Paul but pack all of Minneapolis into ten house districts with higher than their average population deviations.

In contrast, the Corrie Plaintiffs’ legislative plan draws four house districts that extend beyond the borders of Minneapolis and three house districts that encompass populations outside of St. Paul.

Figure 20: Corrie Plaintiffs' Proposed Division of Minneapolis

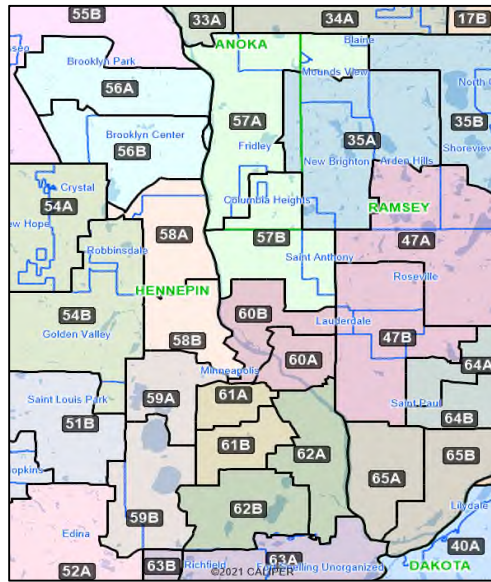
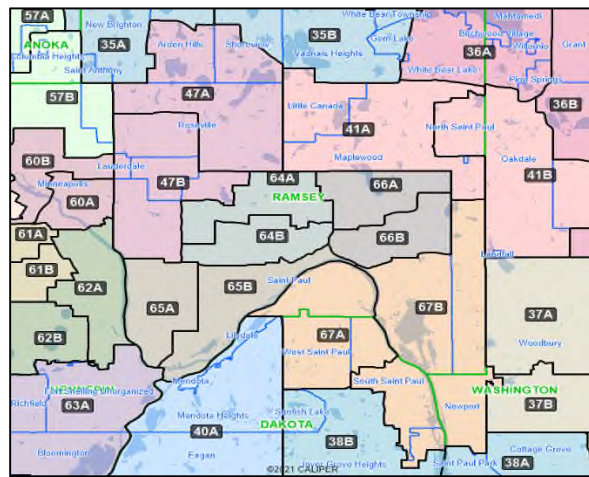


Figure 21: Corrie Plaintiffs' Proposed Division of St. Paul



In doing so, the Corrie Plaintiffs unnecessarily divide and dilute the voices of the communities of interest both within and without the borders of Minneapolis and St. Paul. The sole justification the Corrie Plaintiffs provide for their approach to drawing these districts is that their plan preserves minority interests. But, as already discussed and as demonstrated below, the Corrie Plaintiffs' plan does not achieve significantly better

minority representation as compared to any of the other parties' plans, including the Anderson Legislative Plan.

Table 6: Comparison of Minneapolis & St. Paul Minority Opportunity Districts (Voting-Age Population)

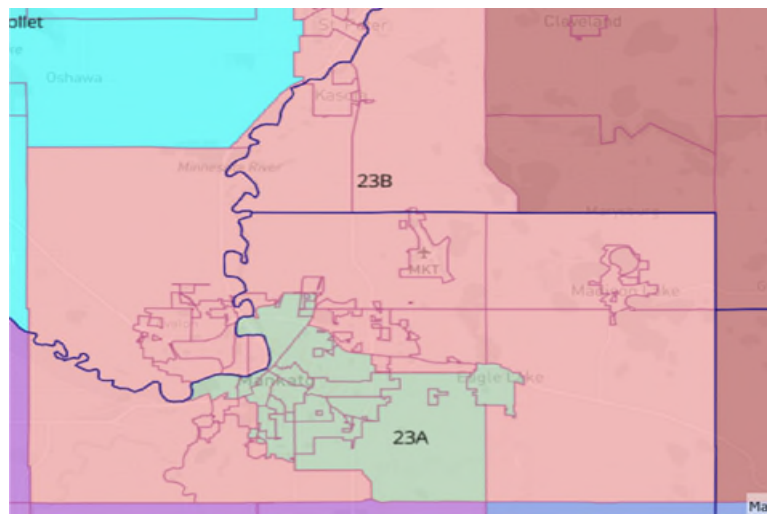
Description	Anderson		Corrie		Sachs		Wattson	
	District	% Minority	District	% Minority	District	% Minority	District	% Minority
Northern Brooklyn Park	38A	44.90	55B	31.49	34B	35.03	37A	57.94
Southern Brooklyn Park	38B	64.59	56A	60.65	51B	53.87	37B	60.98
Fridley, Columbia Heights	39B	38.49	57A	33.33	37A	32.10	34A	35.75
New Hope, Crystal, Plymouth	45A	30.11	54A	31.42	53A	33.50	39A	30.79
Brooklyn Center, Crystal, Brooklyn Park	45B	55.97	56B	65.07	51A	60.15	39B	37.55
Richfield, Fort Snelling, Minneapolis	50B	35.59	63A	41.44	58B	36.00	44A	33.66
Shakopee	55A	33.67	50A	34.64	55A	33.26	52A	33.68
Burnsville	56B	31.59	46A	34.07	45B	30.15	54B	30.69
NW Minneapolis	59A	61.62	58A	58.77	59A	61.68	59A	61.03
Minneapolis	59B	46.99	58B	58.01	59B	51.99	59B	48.90
University of Minnesota	60B	39.70	60A	43.20	60B	38.06	60B	32.01
Minneapolis I-94/35W	62A	54.10	61A	59.65	62A	41.78	62A	56.40
Minneapolis	62B	54.90	61B	44.39	62B	57.56	62B	62.70
North/Central St. Paul	64B	64.35	64A	54.44	66B	59.02	66B	63.52
St. Paul I-94	66A	58.74	64B	62.03	65A	62.69	65A	59.21
St. Paul Capitol	66B	39.51	67A	35.92	65B	35.61	65B	36.81
NE St. Paul	67A	63.49	66A	65.44	67A	65.72	67A	66.79
SE St. Paul	67B	59.81	67B	34.85	67B	59.51	67B	58.61
Rochester	25B	25.55	28B	31.13	25A	21.28	23B	25.22
Maplewood	42B	28.39	41A	38.19	39B	31.23	46B	34.28
Minneapolis	60A	25.57	60B	30.31	60A	26.58	60A	26.46

Columbia Heights	39A	27.99	57B	29.57	37B	34.44	34B	29.23
Oakdale	43A	29.20	41B	28.43	41B	30.41	48A	21.69
Bloomington	51B	29.59	63B	28.59	58A	30.38	44B	35.59
E Minneapolis	63A	27.93	62A	21.96	63A	31.17	63B	22.93

2. The Anderson Legislative Plan Best Preserves Communities of Interest in Mankato

The Corrie Plaintiffs’ division of Mankato and its surrounding townships into proposed house districts 23A and 23B divides communities of interest. Although the city of Mankato, with a population of 44,448, is too large to keep within one house district, the Corrie Plaintiffs unnecessarily split Mankato Township, resulting in most of Mankato residing in proposed house district 23A and much of Mankato Township residing in proposed house district 23B.

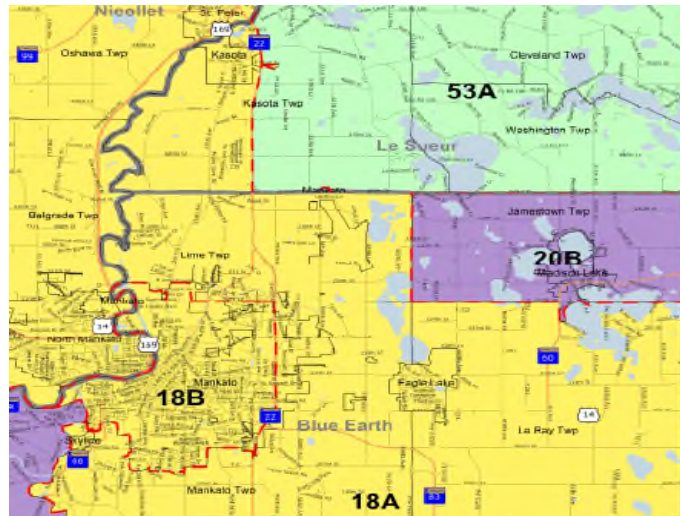
Figure 22: Corrie Plaintiffs’ Proposed Division of Mankato



The Wattson Plaintiffs likewise unnecessarily split Mankato Township, placing the majority of that Township with a small portion of the city of Mankato in their proposed House District 18A, while keeping the majority of the city of Mankato with a small portion of Mankato Township in House District 18B. In doing so, the Wattson Plaintiffs draw

strange districts in which their House District 18A wraps around and nearly envelops their House District 18B:

Figure 23: Wattson Plaintiffs’ Proposed Division of Mankato



In contrast, the Anderson Plaintiffs were able to keep Mankato Township within the same house district as most of Mankato. Moreover, the Corrie Plaintiffs’ erratic division of Mankato will result in voter confusion and burdensome administration of elections, whereas the Anderson Plaintiffs’ divide Mankato by splitting it mostly along Riverfront Drive, while keeping Mankato Township whole. And while the Sachs Plaintiffs’ Mankato districts are similar to those proposed by the Anderson Plaintiffs, the Sachs Plaintiffs also split Mankato Township. Accordingly, the panel should adopt the Anderson Legislative Plan’s proposed Mankato districts.

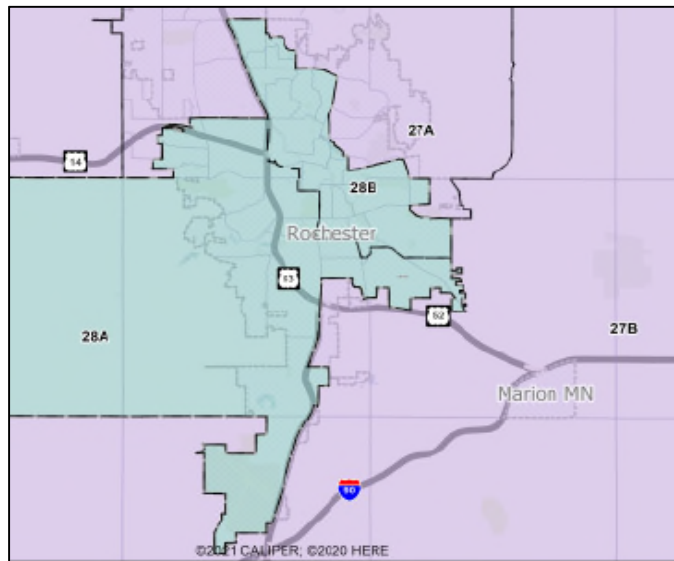
Figure 24: Anderson Plaintiffs Proposed Mankato Districts



3. The Anderson Legislative Plan Best Preserves Communities of Interest in Rochester

The Corrie Plaintiffs divide communities of interest in Rochester through the zig-zagging boundary of their proposed House Districts 27A, 27B, and 28A. Although Rochester is too large to fit into a single house district, the Corrie Plaintiffs’ division of Rochester makes little sense and negatively affects townships surrounding Rochester. Specifically, the Corrie Plaintiffs’ legislative plan divides the townships of Cascade, Haverhill, Rochester, and Marion surrounding the city of Rochester.

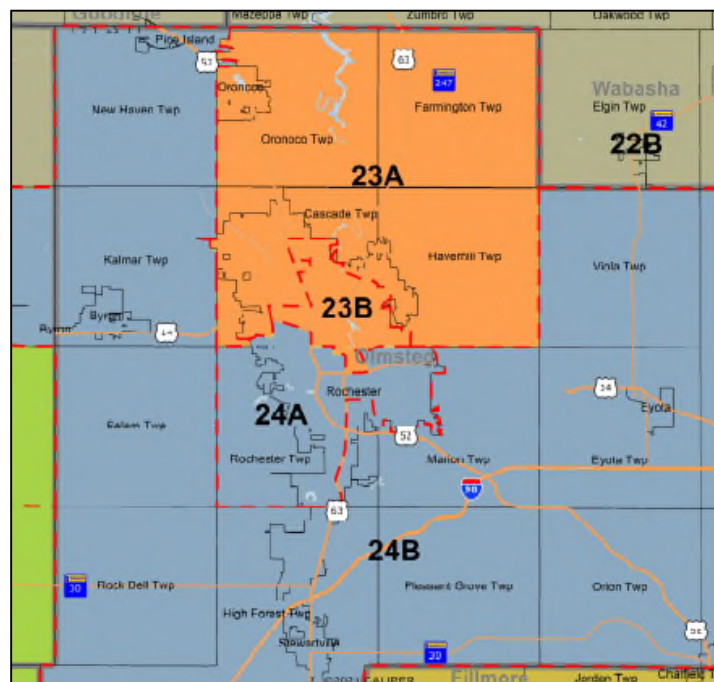
Figure 25: Corrie Plaintiffs’ Proposed Division of Rochester



The only stated justification that the Corrie Plaintiffs provide for their unusual split of Rochester and the surrounding cities and towns is that their plan increases minority representation. In particular, the Corrie Plaintiffs point to their House District 28B, which has a minority population of 37% by total population. But this is not significantly greater than the corresponding house district (26A) proposed by the Anderson Plaintiffs. Indeed, drawing their house district 26A according to traditional, neutral, and non-racially motivated criteria, resulted in a minority population of 30.01% by total population.

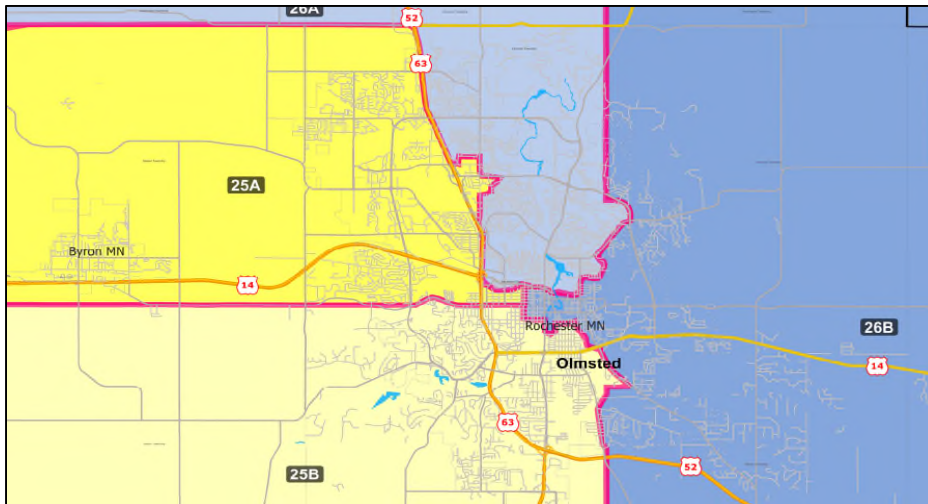
The Wattson Plaintiffs’ legislative plan also fails to preserve townships surrounding the city of Rochester by dividing the townships of Rochester and Marion. Further, the Wattson Plaintiffs’ proposed house district 24B oddly wraps around from eastern to western Olmsted, resulting in the unnecessary division of Dodge County into four house districts.

Figure 26: Wattson Plaintiffs’ Proposed Division of Rochester



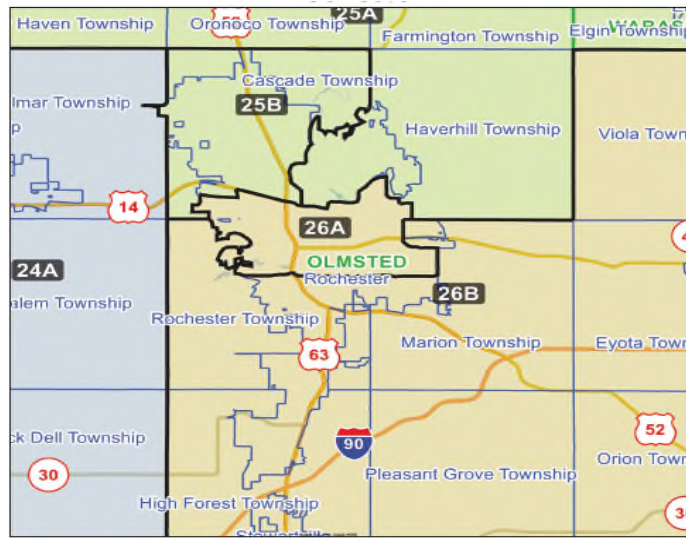
The Sachs Plaintiffs propose splitting Rochester evenly into four house districts. Although this may make logical sense at first glance, it actually results in unnecessarily dividing the communities of interest in Rochester. This is because the Sachs Plaintiffs propose no Rochester only house district — as in the Anderson Legislative Plan — and also dilute the voices of rural voters by unnecessarily spreading urban votes into rural areas, consistent with their proposed redistricting plans overall, by including more Rochester residents in each of the districts surrounding Rochester.

Figure 27: Sachs Plaintiffs’ Proposed Division of Rochester



In contrast to the Opposing Parties’ plans, the Anderson Legislative Plan splits Rochester along major roadways, such as County Road 125 and 20th street, and into distinct sections based on geography. The Anderson Plaintiffs created one all Rochester house seat in the central portion of the city (26A), one northeastern Rochester seat (25A), one northwestern Rochester seat (25B), and one southern Rochester seat (26B). Again, unlike the Corrie Plaintiffs, the Anderson Plaintiffs do not divide any townships.

Figure 28: Anderson Plaintiffs’ Proposed Division of Rochester

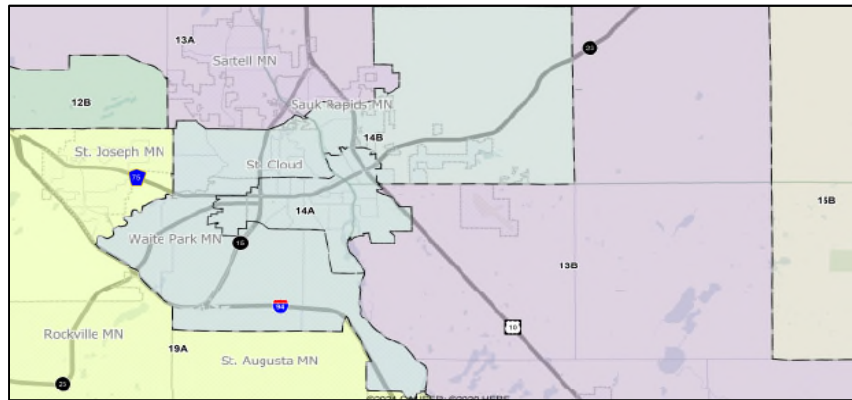


4. The Anderson Legislative Plan Best Preserves Communities of Interest in St. Cloud

As further discussed, *supra*, The Corrie Plaintiffs’ legislative plan zig-zags through the center of St. Cloud to create proposed House District 14A. This proposed district should be rejected because the odd boundaries would, in addition to unnecessarily dividing political subdivisions and confusing voters, divide communities of interest. Specifically, the Corrie Plaintiffs’ legislative plan divides the communities of interests that naturally arise on the eastern and western banks of the Mississippi river. Instead of dividing St. Cloud along its natural boundaries, the Corrie Plaintiffs’ legislative plan cuts across the Mississippi River resulting in a division of the communities east of the Mississippi River into proposed House Districts 14A and 14B and a division of the communities west of the Mississippi River into proposed House Districts 14A and 14B. The Corrie Plaintiffs’ legislative plan further divides communities of interests by putting St. Cloud and its surrounding areas into four separate senate districts, — namely 13, 12, 19, and 15. In

contrast, the Anderson Plaintiffs’ Legislative Plan splits St. Cloud between House Districts 13B and 14A by following the natural boundary lines of the Mississippi River. Additionally, the Anderson Plaintiffs were able to keep St. Cloud and the surrounding areas in two senate districts, as opposed to the four senate districts proposed by the Corrie Plaintiffs.

Figure 29: Corrie Plaintiffs’ Proposed Division of St. Cloud



Moreover, both the Corrie and Sachs Plaintiffs’ legislative plans divide the Catholic college campuses of St. John’s University and College of St. Benedict.

Figure 30: Corrie Plaintiffs’ Proposed Division of St. John’s and St. Benedict’s

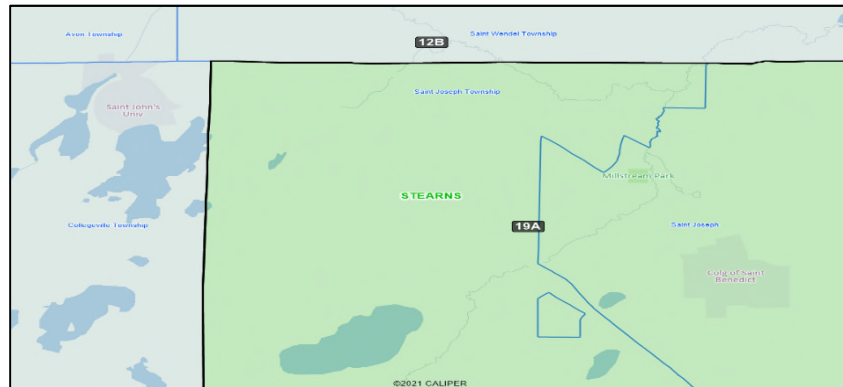
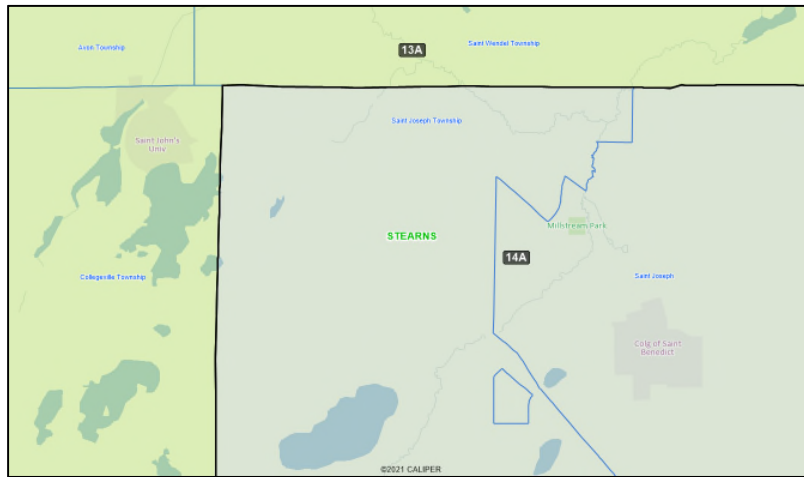


Figure 31: Sachs Plaintiffs' Proposed Division of St. John's and St. Benedict's

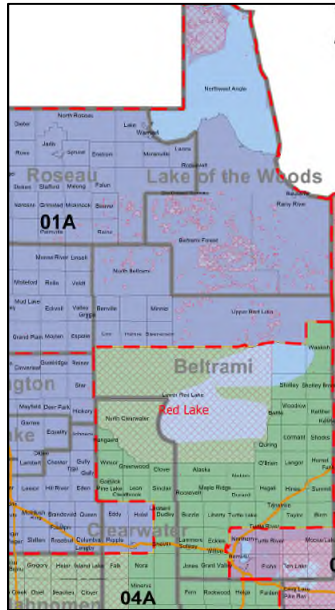


These two campuses are approximately a ten-minute drive from each other and share an academic program and other resources. See <https://www.csbsju.edu/about>. It makes little sense to put these campuses into two separate house and senate districts.

5. The Anderson Legislative Plan Best Preserves Communities of Interest in Northwestern Minnesota

The Wattson Plaintiffs unnecessarily divide the communities of interest within Beltrami County, including by separating the Red Lake Reservation from the rest of Beltrami County. Namely, the Wattson Plaintiffs propose locating the northern portion of Beltrami County and Lake of the Woods County in House District 1A and Senate District 1, and the remainder of Beltrami County, including the Red Lake Reservation, into House District 4A and Senate District 4. This results in splitting the contiguous portion of the Red Lake Reservation from the Red Lake Reservation trust lands located in northern Beltrami County and Lake of the Woods County.

Figure 32: Wattson Plaintiffs' House Districts 1A & 4A



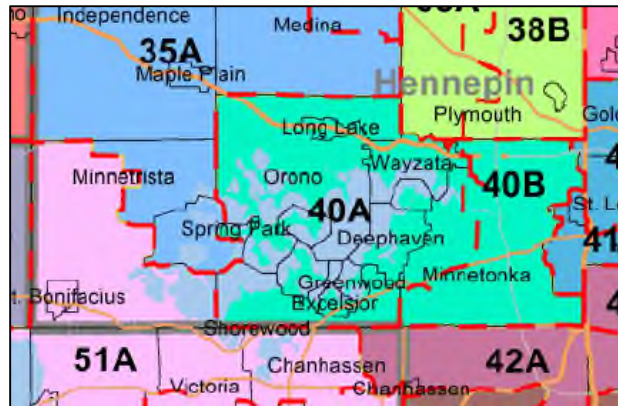
By contrast, the Anderson Plaintiffs avoid this issue by keeping Beltrami County and Lake of the Woods within one house and senate district — namely Senate District 2 and House District 2A.

6. The Anderson Legislative Plan Best Preserve Communities of Interest in the Lake Minnetonka Area

As discussed in their opening memorandum, the Anderson Plaintiffs drew the boundaries of their proposed House District 32B to preserve the shared interest of the Lake Minnetonka communities: Shorewood, Deephaven, Excelsior, Greenwood, Long Lake, Minnetonka Beach, Mound, Orono, Spring Park, Tonka Pay, Wayzata, and Woodland. Anderson Leg. Mem. at 43. Rather than keep these communities intact, however, the Wattson Plaintiffs divide these communities into four separate house districts (35A, 40A, 40B, and 51A) and three separate senate districts (35, 40, and 51). Because these communities share interests that result from their accessibility to Lake Minnetonka, these

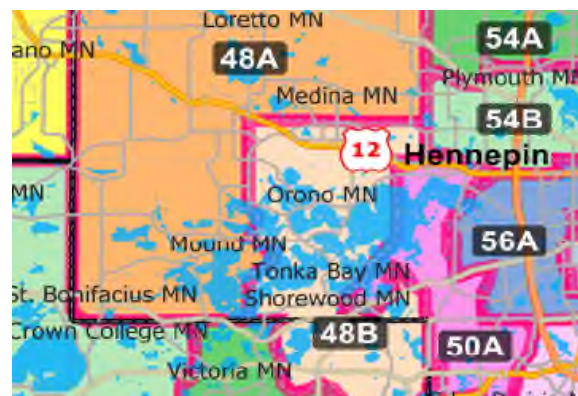
communities should be kept together. The Wattson Plaintiffs' legislative plan fails to do so.

Figure 33: Wattson Plaintiffs' Senate Districts 35, 40 & 51



Similar to the Wattson Plaintiffs, the Sachs Plaintiffs' legislative plan fails to keep intact the communities that have common interests and priorities as a result of their proximity to Lake Minnetonka. Instead of keeping the communities in this area whole within one house and senate district, like the Anderson Plaintiffs, the Sachs Plaintiffs divide these communities into two senate districts (48 and 50) and three house districts (48A, 48B, and 50A). As discussed above, these communities should be put into a shared house and senate district.

Figure 34: Sachs Plaintiffs' House Districts 48A, 48B & 50A



III. THE PANEL SHOULD VIEW AWKWARDLY OR BIZZARELY SHAPED DISTRICTS WITH A CRITICAL EYE

This Panel should follow United States Supreme Court precedent and view awkwardly or bizarrely shaped districts with a critical eye. In striking down Texas's redistricting plans in *Bush v. Vera*, 517 U.S. 952 (1996), the Court held that "bizarrely shaped" districts that were "far from compact" cause "constitutional harm" and were evidence of incumbent protection and racial gerrymandering. It has also been observed that such bizarrely shaped districts may also be evidence of partisan gerrymandering. *See* Christopher Ingraham, America's most gerrymandered congressional districts, *Washington Post* (May 15, 2014) (describing how "outlandishly" and "sprawling arbitrarily" shaped districts are evidence of partisan gerrymandering).

Both this Panel and the Minnesota Constitution require that legislative districts consist of "convenient, contiguous territory." Principles Order at 6-7, ¶ 5; Minn. Const. art. IV, § 3. While "[c]ontiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district . . . Districts with areas that connect only at a single point will not be considered contiguous." Principles Order at 6-7, ¶ 5. Districts are "convenient" when they are "accessible" and when one end of a district is "within easy reach" of the other. *See LaComb v. Growe*, 541 F. Supp. 145, 150 (D. Minn. 1982) (quoting *The Compact Edition of the Oxford English Dictionary* (Oxford University Press 1971)).

While there are, of course, some circumstances in which mapmaking requires districts with slightly odd boundaries, shapes, and/or areas, this Panel should reject any such districts when drawn without justification grounded in this Panel's Order and

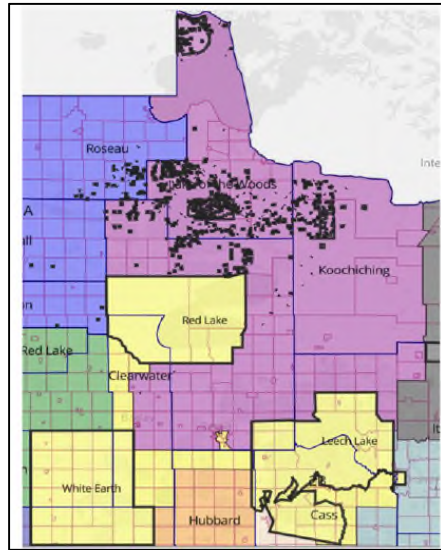
traditional redistricting criteria. The other parties have several districts that, while technically contiguous, take on odd shapes without adequate justification grounded in traditional redistricting principles, are lacking in compactness,⁴ and are inconvenient. While these instances are too numerous to include them all in this brief, several notable examples are included below.

1. Corrie Plaintiffs' House District 2B

The Corrie Plaintiffs House District 2B splits, in a sparsely populated area of the state, six counties, eleven townships, and the city of Bemidji. It splits those subdivisions via its connection of three separate areas by thin strips of land, while carving out a portion of Cass county at a sharp angle, forming a house district that is far from compact (*see* Erickson Dec., Ex. F):

⁴ While this Panel subordinated compactness to all other principles, compactness is a useful companion to the principle of contiguity because while a meandering district may be contiguous, its lack of compactness can be evidence of gerrymandering. *See, e.g.,* Zachman Principles Order at 11 (“[T]he United States Supreme Court has repeatedly recognized compactness as one means of averting gerrymandering and preventing districts from sprawling across a state.”) (citing *Shaw v. Reno*, 509 U.S. 640, 647 (1993); *Swann v. Adams*, 385 U.S. 440, 444 (1967); *Reynolds*, 377 U.S. at 578-79).

Figure 35: Corrie Plaintiffs House District 2B (Shown in Yellow)

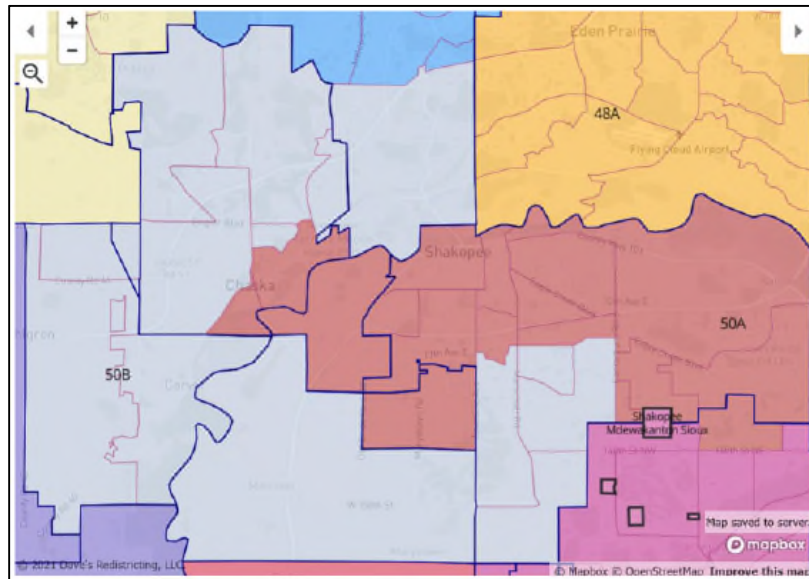


The Corrie Plaintiffs argue that the odd shape of their district is justified because it “includes the 3 American Indian reservations with the highest populations (Red Lake Nation, White Earth Nation, and Leech Lake Band of Ojibwe).” While there is no disagreement that this Panel, consistent with its Principles Order and tribal sovereignty, should avoid dividing populations residing on contiguous reservation lands, the Panel’s remaining principles and the requirements of Minnesota law should not be thrown out the window to draw together non-contiguous reservation lands of separate American Indian reservations located far from each other. The Anderson Legislative Plan succeeds in not dividing the contiguous lands of the White Earth, Leech Lake, and Red Lake reservations, while also preserving political subdivision boundaries in contiguous, compact, and convenient districts. The Corrie Plaintiffs’ House District 2B should therefore not be adopted by this Panel.

2. Corrie Plaintiffs' House Districts 50A and 50B

Two other of the Corrie Plaintiffs' house districts that take on unusual and non-compact shapes are their House Districts 50A and 50B, the latter of which curls around and subsumes a tail of the former:

Figure 36: Corrie Plaintiffs' House Districts 50A and 50B



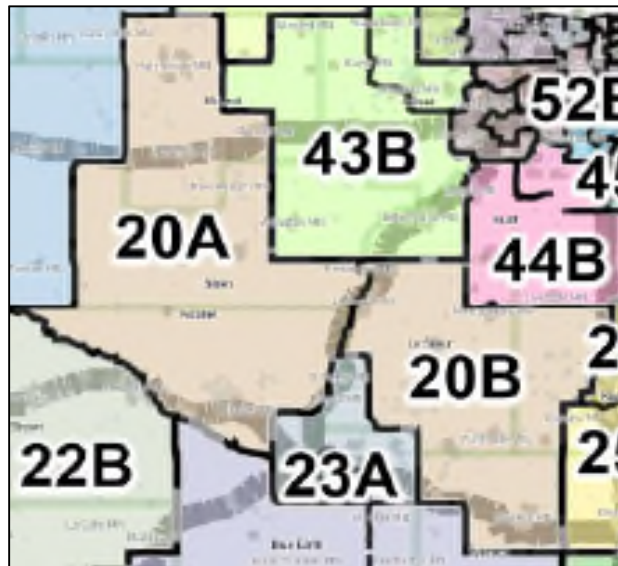
In drawing these districts, the Corrie Plaintiffs divide four cities and one township, creating districts that are not compact (Erickson Dec., Ex. F), and a district 50B that is not convenient to traverse. That is, to avoid crossing district lines to get to one end of the district to another, a traveler would be required to drive all the way around the tail of the Corrie Plaintiffs' House District 50A and across the Minnesota River. The Corrie Plaintiffs explain that House District 50A “keeps whole the Latino/Hispanic communities in Shakopee, Jackson Township, and Chaska, as requested by [community members,]” but this explanation does not justify the adoption of these oddly shaped districts. As an initial matter, the Community of Interest Report filed by the Corrie Plaintiffs does not support

their alleged preservation of this community – showing only the percentage of the population of Chaska that is included in their House Districts 50A and 50B. Erickson Dec., Ex. G. Nevertheless, while this Panel can and should seek to prevent “the disconnection of minority populations living in compact areas . . .” (*Hippert*, 813 N.W.2d at 374), it should not disregard its other constitutional, statutory, and neutral redistricting principles to draw together groups of people into non-compact districts.

3. Corrie Plaintiffs’ Senate District 20

The Corrie Plaintiffs further draw a long Senate District 20 that stretches from the city of Hutchinson in one corner to the city of Waseca in another – requiring the crossing of the Minnesota River to get from one end to the other.

Figure 37: Corrie Plaintiffs’ Proposed Senate District 20



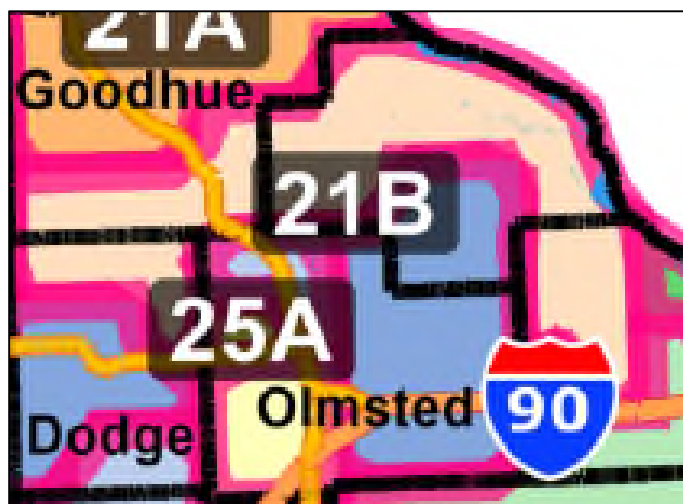
Because this district is not convenient, it should not be adopted by this Panel.⁵

⁵ For the reasons discussed, *supra* Section II.A.4.b, the Panel should further not adopt the Corrie Plaintiffs’ proposed House Districts 14A and 14B.

4. Sachs Plaintiffs' House District 21B

The Sachs Plaintiffs likewise configure certain districts in ways that make little sense under this Panel's redistricting criteria. For instance, as part of its division of Dodge County into three house districts (*see* discussion *supra* Section II.A.2.a), the Sachs Plaintiffs draw a House District 21B that wraps around their Senate District 26 in a long and narrow strip of land.

Figure 38: Sachs Plaintiffs' Proposed House District 21B



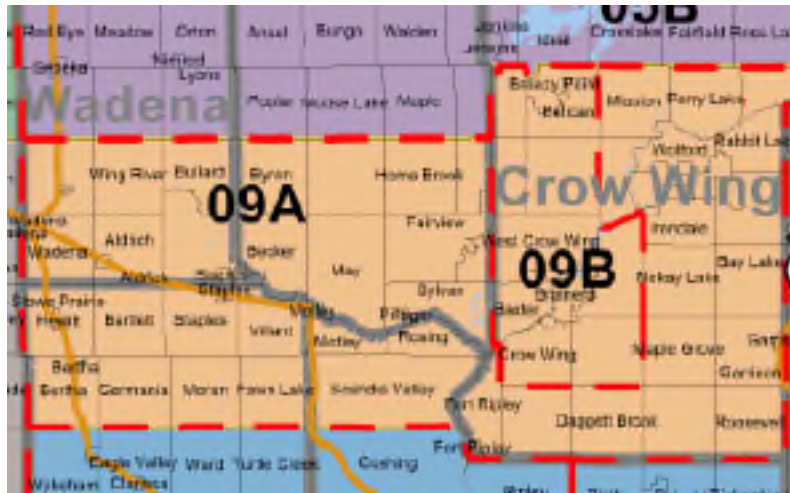
The Sachs Plaintiffs explain the odd and winding shape of their district by stating that “it is due to the configuration of Rochester’s districts to the south.” Sachs Leg. Mem. at 20. But as reflected in the Anderson Legislative Plan, it is possible to draw legislative districts in the southeastern corner of the state that both do not divide Dodge County and do not follow such a narrow meandering path.

5. Wattson Plaintiffs' House Districts 9A

The Wattson Plaintiffs also make unusual choices in the drawing of several of their proposed legislative districts. For instance, in dividing Crow Wing County into three

different House Districts, the Wattson Plaintiffs draw a House District 9B that is nearly entirely nestled within their House District 9A, maintaining contiguity in the latter only by a thin strip of land.

Figure 39: Wattson House Districts 9A and 9B



While meeting the technical requirements for contiguity, this Panel should reject the Wattson Plaintiffs’ proposal that it draw one district to be, but for one strip of land, swallowed by another.

IV. The Panel Should Reject Districts Clearly Drawn For Political Purposes

While the Panel expressly ordered that it would not “draw districts based on the residence of incumbent officeholders and will not consider past election results when drawing districts,” where the Panel sees districts clearly drawn for political gain, it should reject them. For example, the Wattson Plaintiffs were somehow able to draw their proposed House Districts 27A, 27B, and 31A, all bordering each other and just north of the Twin Cities to each include two republican incumbents. The right angles and awkward

boundaries of these districts make clear that the reason for their odd shapes is to create these republican incumbent pairings.

CONCLUSION

The Anderson Legislative Plan, more than any other plan filed in this case, was drawn in compliance with the redistricting principles adopted by this Panel. The Anderson Legislative Plan achieves the least number of political subdivision splits compared to any other party, while still adhering to constitutional and statutory requirements. By keeping political subdivisions intact, especially townships, the Anderson Legislative Plan ensures that the voices of communities of interest have an effective voice in the electoral process — while the Opposing Parties' plans succeed only in diluting these voices. This Panel should therefore adopt the Anderson Legislative Plan in its entirety.

Dated: December 17, 2021

Respectfully submitted,

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