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October 18, 2001

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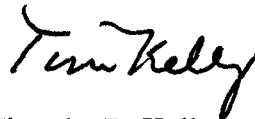
Mr. Frederick K. Grittner  
Clerk of Appellate Courts  
305 Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155-6102

Re: Susan B. Zachman, et al. v. Mary Kiffmeyer, et al.  
Minn. Special Redistricting Panel, No. C0-01-160  
Our File No. 6088.01

Dear Mr. Grittner:

Pursuant to the Special Redistricting Panel's Order of October 29, 2001, enclosed for filing is the Original and (9) nine copies of the Zachman Plaintiffs' Statement of Unresolved Issues Regarding Criteria.

Very truly yours,



Timothy D. Kelly

TDK:dme

Enclosures

cc: All Counsel of Record (*via facsimile and U.S. Mail*)  
Elizabeth M Brama (*via facsimile*)

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**FILED**

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STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL

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C0-01-160

Susan M. Zachman, Maryland Lucky R.  
Rosenbloom, Victor L.M. Gomez, Gregory G.  
Edeen, Jeffrey E. Karlson, Diana V. Bratlie, Brian  
J. LeClair and Gregory J. Ravenhorst, individually  
and on behalf of all citizens and voting residents of  
Minnesota similarly situated,

Plaintiffs,

and

Patricia Cotlow, Thomas L. Weisbecker, Theresa  
Silka, Geri Boice, William English, Benjamin  
Gross, Thomas R. Dietz and John Raplinger,  
individually and on behalf of all citizens and voting  
residents of Minnesota similarly situated,

Applicants for Intervention,

and

Jesse Ventura,

Applicant for Intervention,

and

Roger D. Moe, Thomas W. Pugh, Betty  
McCollum, Martin Olav Sabo, Bill Luther, Collin  
C. Peterson and James L. Oberstar,

Applicants for Intervention,

vs.

Mary Kiffmeyer, Secretary of State of Minnesota,  
and Doug Gruber, Wright County Auditor,  
individually and on behalf of all Minnesota county  
chief election officers,

Defendants.

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**ZACHMAN PLAINTIFFS'  
STATEMENT OF  
UNRESOLVED ISSUES  
REGARDING CRITERIA**

**I. THE ZACHMAN PLAINTIFFS URGE THIS PANEL TO ADOPT A POPULATION DEVIATION OF PLUS OR MINUS 0.75% FOR LEGISLATIVE DISTRICTS.**

The Zachman plaintiffs urge adoption of the following language relative to legislative district deviation<sup>1</sup>:

Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than point seventy-five percent (0.75%), plus or minus.

This contention is based on the following three points:

(i) court precedent requires a lower population deviation when a judicial body draws a redistricting map in the first instance than when a legislature draws a map;

(ii) modern technology makes it easier to draw maps with a lower deviation while preserving political subdivisions, which point was empirically demonstrated during the 2001 Minnesota Legislative session; and

(iii) Minnesota's State Constitution requires a lower population deviation than permitted by U.S. Supreme Court decisions interpreting the U.S. Constitution.

**A. Court precedent requires a lower population deviation when a judicial body draws a redistricting map.**

We urge this Panel to adopt a comparatively low deviation to promote the U.S. and Minnesota constitutional requirements that legislative districts be equal in population. Other parties to this action have proposed a deviation of two percent (2%), plus or minus, arguing that 2% was the standard adopted in prior redistricting cycles and was also passed by the Minnesota Senate during the 2001 legislative session.

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<sup>1</sup>"Deviation" means the total of the percentage the largest and smallest districts deviate from the "ideal" population. Therefore, if the largest district is one-half percent (0.5%) larger than the ideal population size and the smallest district is one-half percent (0.5%) smaller than the ideal population size, the overall deviation is one percent (1.0%).

Federal caselaw indicates that plans drafted by a judicial body must be closer to strict equality in population than plans drafted a legislature. *See Chapman v. Meier*, 420 U.S. 1 (1975); *Connor v. Finch*, 431 U.S. 407 (1977); *Abrams v. Johnson*, 521 U.S. 74 (1977). As the *Emison* court stated,

The Supreme Court has observed that any court-ordered reapportionment plan will be held to stricter standards and must strive to achieve ‘the goal of population equality with little more than *de minimis* variation. . . A court-ordered plan. . . must be held to higher standards than a State’s own plan. With a court plan, any deviation from approximate population equality must be supported by enunciation of historically significant state policy or unique features (citations omitted).

*Emison v. Growe*, 782 F.Supp. 428 (D.Minn. 1992). Therefore, while a two percent (2%) deviation may be an appropriate criterion for a plan drafted by the Legislature, this Panel should keep in mind that a plan drafted by a judicial body should be closer to strict equality in population.

If the Court was to adopt a 2% deviation it would be required to enunciate “historically significant state policy or unique features” to justify the ruling, an unusual and perhaps challenging step. In our view, adoption of the 2% criterion also makes it less likely the Legislature will adopt its own plan before the Court rules, i.e., why bother to fight a political battle if the Court will ultimately adopt a plan using the same general deviation used by the Legislative plans introduced in 2001.

While the deviation proposed during the last three (3) redistricting cycles has been two percent (2%), plus or minus, we urge this Panel not to rely on this experience because: (1) the 1991 Cotlow case involved a plan drafted by the Legislature; and (2) as shown in Section B, *infra*, current technology enables drafting of plans with a lower deviation that still preserve “traditional redistricting criteria.” A population deviation of 0.75%, plus or minus, should be adopted.

**B. Modern technology enables drawing of redistricting maps with lower deviation while preserving political subdivisions.**

One rationale for permitting higher population deviation among legislative districts in previous federal court cases is due to a desire to promote the (non-constitutional) traditional redistricting criteria of preservation of political subdivision lines (*i.e.*, cities and counties) and identifiable communities of interest. *See, e.g. Brown v. Thompson*, 1462 U.S. 835 (1983) (“we recognize that some deviations from population equality may be necessary to permit states to pursue other legitimate objectives such as ‘maintaining the integrity of various political subdivisions.’”)

Today’s sophisticated computer technology enables a plan drafter to preserve “traditional redistricting criteria” at a lower deviation. In his testimony before the Minnesota Legislature, Minnesota State Demographer Tom Gillaspay stated that in recent years the “census geography” of the entire state has become uniform, versus the system in the 1980s where the metropolitan areas had one geography and the non-metropolitan areas had another. Now the State Demographic has block level information in the non-metropolitan areas as well as the metropolitan areas. *See* Affidavit of Timothy D. Kelly, Exhibit A. (“Kelly Affid.”)

Additionally, an article entitled “Drawing Better Boundaries” in the September, 2001 issue of *Government Technology* magazine, pp. 68-69, reported:

[Peter Wattson, chief counsel of the Minnesota Senate], said the software does make a difference. ‘*The technology made it easier to get districts of equal population. It’s made it possible to reduce population deviations.*’ (emphasis added.)

A copy of the article is attached to the Timothy D. Kelly Affid. as Exhibit B.

Actual redistricting experience this year also shows that lower population deviations can be attained in Minnesota while still preserving political subdivisions. During the 2001 legislative session, the plan passed by the Minnesota House had a lower deviation than the plan passed by the

Minnesota Senate, yet the Minnesota House plan split fewer cities and counties. A comparison of the plans is as follows:

| <u>Plan</u>                                      | <u>Population Deviation</u>                  | <u>Splits</u>            |
|--|--|--------------------------|
| Plan L0002-0 (House)<br>Author: Sen. Belanger    | Deviation: 1.45% overall<br>(0.74 to - 0.71) | 60 counties<br>44 cities |
| Plan L0001-3 (House)<br>Author: Sen. Pogemiller  | Deviation: 3.52% overall<br>(1.86 to - 1.67) | 64 counties<br>84 cities |
| Plan S0002-0 (Senate)<br>Author: Sen. Belanger   | Deviation: 1.23% overall<br>(0.64 to - 0.60) | 52 counties<br>31 cities |
| Plan S0001-3 (Senate)<br>Author: Sen. Pogemiller | Deviation: 2.49% overall<br>(1.37 to - 1.12) | 49 counties<br>51 cities |

See Kelly Affid., Exhibit C.

Additionally, during the 1991 redistricting cycle, the federal court in *Emison v. Growe* drafted a legislative plan with a lower deviation than the plans proposed by the parties (including the plan passed by the Minnesota Legislature), yet the federal court's plan preserved traditional redistricting criteria better than the other plans. As the court concluded:

The court's plan is more compact, splits fewer cities and townships, better protects minority voting rights and *still contains substantially lower population deviation* (emphasis added).

*Emison v. Growe*, 782 F.Supp 427, 443, 444 (D.Minn 1992)<sup>2</sup>.

Based on the foregoing, arguments in favor of a lower deviation that express a desire to preserve cities, counties and communities of interest (or other "traditional redistricting criteria") should be rejected by this Panel. That is really another way of saying "ignore the demographic shifts" of recent years. Plaintiffs urge this Panel to adopt a population deviation of 0.75%, plus or

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<sup>2</sup>The *Emison* court plan had an overall deviation for senate districts of -0.74% to 0.58%, a range of 769 persons or 1.20%. The average senate deviation was 0.15% per district. See 782 F.Supp. at 444.

minus, to protect the rights of voters in currently overpopulated legislative districts throughout the state from vote dilution.

**C. Minnesota's State Constitution requires lower population deviations than U.S. Supreme Court precedent applying the U.S. Constitution.**

Article I, Section 2 of the United States Constitution provides:

The House of Representatives. . . shall be apportioned among the several States. . . . according to their respective Numbers. . . .

Article IV, Section 2 of the Minnesota Constitution provides:

The number of members who compose the senate and house of representatives shall be prescribed by law. The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof (emphasis added).

Since *Wesberry v. Sanders*, 376 U.S. 1 (1964), the standard for determining constitutional population size for congressional districts is strict equality. In interpreting the “one person, one vote” doctrine and the provisions of Article I, Section 2 of the U.S. Constitution (set forth above), the U.S. Supreme Court stated in *Wesberry* that congressional districts must be “as nearly equal in population as practicable.” *Id.* at 8. “Practicable” means districts that are physically possible; thus, congressional districts must be of exactly equal size if that is physically possible.<sup>3</sup>

As to state legislative districts, while the federal courts applying the Equal Protection clause have consistently permitted greater population deviation than that permitted for congressional districts, *See Reynolds v. Sims*, 377 U.S. 533, 579 (1964), these courts have held that a legislative district plan will *prima facie* violate the 14th Amendment if the deviation from the “ideal” population size exceeds ten percent (10%). *See Gaffney v. Cummings*, 412 U.S. 735, (1973); *Chapman v. Meier*; *Connor v. Finch*, 431 U.S. 407 (1977); *Voinovich v. Quilter*, 507 U.S. 146

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<sup>3</sup>This standard has been universally recognized by all parties in this litigation by the Stipulation signed October 17, 2001 by all parties' counsel.

(1993). The chief rationale for permitting greater deviation is the lack of a specific federal constitutional provision governing legislative districts like Article I, Section 2 governing congressional plans. Therefore, under the U.S. Constitution, legislative district plans are scrutinized under the Equal Protection Clause of the 14th Amendment.

Because *Sims* and its progeny rely on an interpretation of the U.S. Constitution extrapolated from the Equal Protection Claim and not from a specific State provision relating to legislative district equality, we respectfully submit that these authorities need not be read strictly in this case.<sup>4</sup>

The Minnesota Constitution specifically addresses legislative redistricting plans. As cited above, Article IV, Section 2 of the Minnesota Constitution explicitly states that, “[t]he representation in both houses shall be apportioned equally [emphasis added].” By essentially using the words “shall be equal,” the Minnesota Constitution appears to require greater population equality than Article I, Section 2 of the U.S. Constitution, which only uses the words “among the States according to their respective numbers.”

Plaintiffs submit that this is a question of first impression before this Panel; no federal or Minnesota redistricting panel or court has considered or interpreted the Minnesota Constitution provision requiring “equal” districts<sup>5</sup>, although Article IV, Section 2 was cited in *Cotlow* in a string citation along with *Wesberry v. Sanders*. Therefore, the question of whether the Minnesota

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<sup>4</sup>Obviously, Plaintiffs do not contend that the Minnesota Constitution applies to congressional plans; only legislative plans.

<sup>5</sup>The 1991 Federal District Court in *Emison v. Growe* cited the Minnesota Constitution in adopting legislative districts with deviation *less than* the 2% deviation proposed by the Minnesota Legislature, 782 F.Supp. at 443. However, the decision relied on U.S. Supreme Court cases applying the Equal Protection clause and did not expressly interpret or otherwise discuss the Minnesota Constitution provisions.



Constitution requires the Legislature to approach stricter equality than that required under federal Equal Protection analysis is still an open question.

The Zachman Plaintiffs could find no U.S. Supreme Court decision evaluating state constitutional provisions related to legislative district population deviations that considered state constitutional language comparable to the Minnesota Constitution. Many state constitutions require that towns or counties not be divided; others only require legislative districts to be “substantially equal” in population<sup>6</sup>. Therefore, Minnesota’s Constitution appears unique in its requirement that the houses “shall be apportioned equally.” This unique, specific language is a compelling reason to adopt a deviation as low as possible that will still enable political subdivisions and communities of interest to remain intact.

As a final note, *Reynolds v. Sims* and its progeny were decided long before the above-described computer technology existed to easily draw strictly equal legislative districts. This technology calls into question the continuing validity of judicial references in those decisions regarding the difficulty of drawing mathematically equal legislative districts. As such, a practical

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<sup>6</sup>The Supreme Court cases cited above permitting legislative district population deviation at 10% and below and the relevant state constitutional provisions at issue in those cases are set forth below:

| <u>CASE</u>                                   | <u>STATE CONSTITUTIONAL PROVISION</u>  |
|---|--|
| <i>Reynolds v. Sims</i> (1964)                | – “apportionment districts according to their numbers”   |
| <i>Gaffney v. Cummings</i> (1973)             | – “apportionment shall be consistent with federal standards”   |
| <i>Brown v. Thomson</i> , 462 U.S. 835 (1983) | – “apportionment as nearly as may be according to the number of inhabitants, except each county shall have at least one representative |
| <i>Voinovich v. Quilter</i> (1993)            | – “apportionment shall be substantially equal in ratio to population with up to 95% deviation among districts”                         |

reason for rejecting strict equality no longer exists, and court references to such argument are no longer persuasive.

## II. PLAINTIFFS URGE THIS PANEL TO REJECT “POLITICAL COMPETITIVENESS” AS A REDISTRICTING CRITERIA.

Certain Plaintiffs urge adoption of the following criterion

Political Competitiveness. Previous or projected electorate voting behavior by party shall not be used in the development or evaluation of any apportionment plan.

We agree, as do all parties to this litigation, that constitutional questions of population deviation are not the only valid redistricting criteria. The courts have repeatedly permitted non-constitutional criteria known as “traditional redistricting principles.” However, “political competitiveness” has never been recognized by the courts as a “traditional redistricting principle,” and Plaintiffs believe that political considerations should have no part of this Panel’s decision, which should be based on the facts and the law.

Federal and state courts have routinely held that political considerations such as “political competitiveness” and “political fairness” are improper considerations for redistricting plans drawn by the courts, even though such considerations may be proper (although not required) in the legislative realm<sup>7</sup>. In *Fletcher v. Golder*, 959 F.2d 106 (8th. Cir. 1992), the Eighth Circuit Court of Appeals affirmed a decision of the district court to exclude all evidence of political considerations when drawing redistricting plans. The *Fletcher* court quoted the district court as follows:

**While legislatures may legitimately compromise on partisan considerations, *a court, where no legislative body has adopted a plan, should base its decision on the Constitution and the laws rather than become embroiled in partisan political***

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<sup>7</sup>In *Gaffney v. Cummings*, 93 S.Ct. 2321 (1973) and *Davis v. Bandemer*, 478 U.S. 109 (1986), the U.S. Supreme Court held otherwise constitutional redistricting plans were not otherwise invalid because their purpose was political in nature. However, neither of these cases involved plans drawn by the judiciary.

**questions.** Therefore, this court declined to consider evidence concerning political competitiveness and evidence concerning the protection of incumbents (emphasis added).

959 F.2d at 108; see also *Gaffney v. Cummings*, 412 U.S. 735, 753 (1973)(while legislature is best situated to identify and reconcile traditional state policies, “courts . . . possess no distinctive mandate to compromise sometimes conflicting state apportionment policies in the people’s name”); *Connor v. Finch*, 97 S.Ct. 1828, 1834-1835 (“legislature is by far institution best situated to identify and then reconcile traditional state policies” and “courts possess no distinctive mandate to compromise sometimes conflicting state apportionment policies in the people’s name”); *Skolnick v. State Electoral Bd. of Ill.*, 336 F.Supp. 839, 844 (“Given the vagaries of electoral politics, and given the imperfect data available for predicting the outcome of elections, it would be unwise for the court to establish as a criterion. . . establishment of politically-balanced districts.”).

The last three times the Minnesota courts have considered redistricting, either by drafting a redistricting plan or analyzing a legislatively-enacted plan, the panels refused to include political considerations as a criterion. In 1972, the court specifically decided that no consideration was to be given to “the voting pattern of electors.” *Beens v. Erdahl*, 336 F.Supp. 715, 719 (D.Minn. 1972). Similarly, ten years later, the three-judge panel again refused to permit political considerations to guide the plan drawn up by a Special Master appointed by the panel:

In consideration of the adoption of criteria, some of the parties suggested that a final test be given to any plan proposed to make certain that it be ‘politically fair. . .’ However, here again this court in its criteria order of December 29, 1981 **consciously chose not to adopt such a standard in this case** (emphasis added).

*LaComb v. Growe*, 541 F.Supp. 160, 168 (D.Minn. 1982)(concurring opinion). Finally, the *Emison v. Growe* panel ordered in its criteria determination that “previous electorate voting behavior. . . shall not be used in the development of any apportionment plan.” *Emison v. Growe*, No. 4-91-202, Order dated October 21, 1991, pp 4-5 (D.Minn. 1991).

In practical terms, the major problem with a criteria of “political competitiveness” is the lack of an objective standard by which to measure such competitiveness. It is so broad as to encompass any notion that suits any party’s current interest. To date, no party to this litigation has proposed a standard or test to be used to judge political competitiveness, and, if asked, each party to this litigation could very well offer its own test of competitiveness<sup>8</sup>.

Moreover, relying on past voting behavior from one or two isolated races in a district is unreliable, because different factors affect each race: whether or not an incumbent is running; whether a candidate is unopposed; whether voter turnout/interest is high or low, etc. Additionally, demographic changes that occur over a ten (10)-year period make predicting whether a district will be “competitive” in the year 2008 nearly impossible. These factors make measuring “competitiveness” as an objective standard nearly impossible even if everyone agreed what the phrase means.

As such, political competitiveness is an extremely unreliable barometer to be used by this Panel, given the judiciary’s duty to render decisions based on the intersection of objective facts and law. This Panel should not act as a crystal ball to attempt to divine the will of the voters in each legislative district over the next 10 years; rather, the Panel should adopt criteria that are constitutionally and legally sound and reliable.

Without an objective, reliable standard for this Panel to follow, the value of political competitiveness becomes a guessing game about votes to be taken over the next decade. The very vagueness of the criterion distracts the Panel from the approved legal criteria which seek to

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<sup>8</sup>For example, should the presidential or U.S. Senate votes in 2000 be used? Or the vote for governor in 1998? These questions make defining political competitiveness difficult if not impossible.


implement "one-man, one-vote." Plaintiffs urge this Panel to follow the precedent of *Fletcher*, et. al. cited above and reject political competitiveness as a criteria.

**CONCLUSION**

Plaintiffs urge this Panel to adopt a deviation of 0.75%, plus or minus. Article 4, Section 2 of the Minnesota Constitution is clear (even more clear than Article 1, Section 2 of the United States Constitution): legislative districts "shall be apportioned equally." Minnesota's unique constitutional provision, along with existing technological advances, provide persuasive reasons why even a 2% deviation is undesirable and subject to legal challenge. True equality should mean what it says, to the best extent of the currently available technology. Mathematically equal legislative district populations (a feat easily achievable given today's technology) comply with the Minnesota Constitution and provide the fairest possible representation for Minnesota's voters.

Dated: November 13, 2001

**KELLY & BERENS, P.A.**

  
\_\_\_\_\_  
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***Attorney for Plaintiffs***

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STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL

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C0-01-160

Susan M. Zachman, Maryland Lucky R.  
Rosenbloom, Victor L.M. Gomez, Gregory  
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Applicants for  
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vs.

Mary Kiffmeyer, Secretary of State of  
Minnesota, and Doug Gruber, Wright  
County Auditor, individually and on behalf  
of all Minnesota county chief election  
officers,

Defendants.

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***AFFIDAVIT OF  
TIMOTHY D. KELLY***

STATE OF MINNESOTA )  
                                  ) ss.  
COUNTY OF HENNEPIN )

TIMOTHY D. KELLY, first being duly sworn and upon oath, deposes and states as follows:

1. I am an attorney representing Plaintiffs Susan M. Zachman, Maryland Lucky R. Rosenbloom, Victor L.M. Gomez, Gregory G. Edeen, Jeffrey E. Karlson, Diana V. Bratlie, Brian J. LeClair and Gregory J. Ravenhorst in this matter.

2. Attached hereto as Exhibit A is a true and correct copy of the testimony of Minnesota State Demographer Tom Gillaspay before the Minnesota House of Representatives Redistricting Committee on 2/10, 2001.

3. Attached hereto as Exhibit B is a true and correct copy of an article entitled "Drawing Better Boundaries."

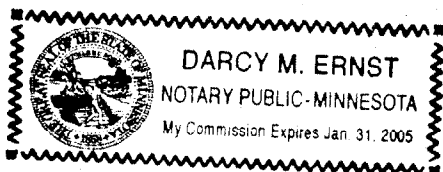
4. Attached here and made a part of as Exhibit C is a true and correct copy of a Summary Report from the Minnesota Geographic Information Systems Office showing the deviation and political subdivision splits from the legislative plans passed by the Minnesota House and Senate.

FURTHER YOUR AFFIANT SAYETH NOT.

Timothy D. Kelly  
TIMOTHY D. KELLY

Subscribed and sworn to before me  
this 13<sup>th</sup> day of November, 2001.

Darcy M. Ernst  
Notary Public





## Exhibit A

The following was transcribed from the 2/6/01 Minnesota House Redistricting Committee tape.

Paulsen: "...does the technology allow us to do that, to have a narrower deviation than we've had historically with the plus or minus two percent...uh... in Minnesota?"

Gillaspy: "Mr. Chairman, uh, members of the committee. Uh, uh, certainly with the advent of computers it is a great deal easier, uh, there has also been a change in census geography uh, uh, that began in the 1990 census that uh, that all areas have the same geography. Uh, in the '80 census and before uh, the uh the metropolitan areas had one geography, the nonmetropolitan areas had another geography system and it was extremely confusing and uh, we did not have block level information for example in uh, in nonmetropolitan areas so we now have a great deal more information in uh outside of the metropolitan areas and uh, that uh, allows for much greater, much closer analysis than uh, ever before."

B

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# DRAWING BETTER BOUNDARIES

*Minnesota is using new software to make redistricting easier and more transparent.*

Ten years ago, the mechanics of congressional and legislative redistricting in most states was largely a manual process. The software of the period was cumbersome, difficult, expensive and carried a steep learning curve.

Today's redistricting tools are something entirely different. Designed primarily by makers of geographic information systems, they allow users to quickly analyze an enormous range of demographic information, voting records and other aggregate data. Incumbents can watch as a boundary line is moved this

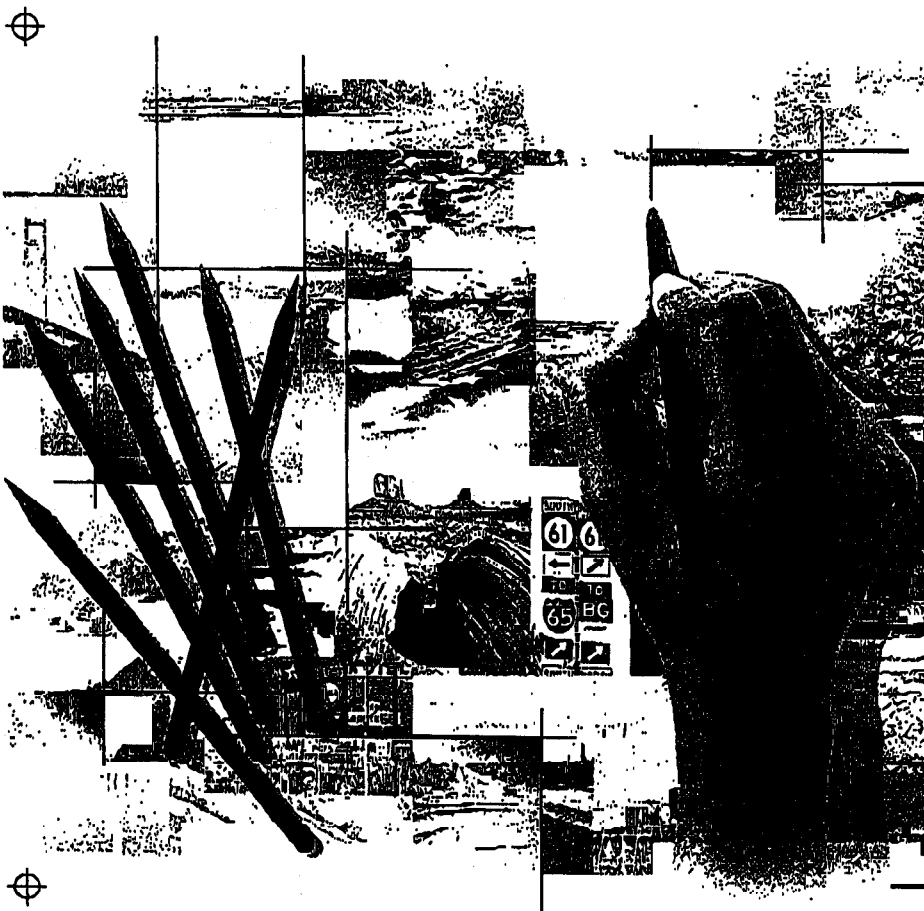
way or that and immediately see the changes in population, the ethnic and racial mix of a particular

block, whether a precinct or neighborhood is being split, where minority/majority blocks can be created and which party is likely to gain or lose seats in Congress or in the state assembly. In fact, today's redistricting tools can spit out plans, maps and boundary options faster than anyone is capable of absorbing.

The new technology may make redistricting a faster, more open process. Tools that can quickly and accurately analyze and map the Census Bureau's TIGER 2000 files and P.L. 94-171 demographic fields may help produce plans that not only stand up in court, but reduce the number of legal challenges that dogged 41 of the 50 states after redistricting plans were enacted in 1992.

## First-Mover

What influence the new technology will have on the actual political process of redrawing congressional and legislative boundaries depends as much on the legislature's approach as on the incumbents involved in the process. Minnesota's Hennipin County Commissioner Randy Johnson described redistricting as an almost life-and-death issue to many politicians. How congressional and legislative lines are redrawn can determine who will get elected or not elected over an entire decade. "In the scramble for political survival, everybody is looking to rely on somebody else to make sure they don't get shafted in the process," Johnson



said. Under these circumstances, partisan infighting and incumbency protection can quickly overshadow demographic concerns and community interests.

Minnesota is one of the most progressive states when it comes to utilizing software in redistricting efforts. In Minnesota, Republicans control the House, the Democratic-Farm-Labor (DFL) Party has a majority in the Senate and the governor is a member of the Independence Party. Although the Minnesota Legislature has yet to agree on principles for redrawing congressional and legislative boundaries, the new technology reportedly has several advantages

and very little downside. In addition to speed and convenience, advantages include openness, increased accuracy of demographic analysis, and the ability to support redistricting standards that are more likely to stand up in court.

So far, the technology appears to have had little effect on the partisan nature of the redistricting process. Republican and DFL caucuses in both the Senate and the House each draw up a redistricting plan, four in all, along with the principles and guidelines used in drafting them. Each caucus has a team of hired GIS/redistricting technicians. Each has the

Geo Info: State

By Bill McGarigle

Contributing Editor

**“After the next decennial census, it will be sophisticated enough and simple enough that large numbers of people who want to use it and get involved in the process will be able to.”**

— Randy Johnson, commissioner, Hennipin County

same redistricting software, printers, plotters, monitors and workstations all other caucuses use. Completed redistricting plans and principles worked out by the different caucuses are sent as bills to the nonpartisan Legislative GIS Office where they are processed into a standardized format with maps, reports and statistics for each district. The bills are then made available to conference committees and floor sessions, and at the same time put on the Web for public access. Anyone can download them, look at the interactive maps and use the data to put together their own plans, including those by counties and cities.

Les Meilleur, director of the Legislative GIS Office, said Minnesota regularly uses ESRI software, but this year the Legislature, GIS office and counties are all using Maptitude for Redistricting from Caliper Corp. “We can’t produce the quality of maps with Maptitude that we can with ArcInfo, but redistricting is more or

less a data-crunching and plan-making process,” Meilleur said. “Maptitude is more flexible and provides more of what we need.”

Maptitude was particularly helpful during the period when the four caucuses were meeting almost constantly and submitting bills. Troy Lawrence, assistant director of the GIS office, said that over a four-day period toward the end of May, the GIS office worked almost around the clock processing plans, turning out maps, preparing for hearings, etc.

As of June, all redistricting bills had been through the committee process, were past the floor and were in the conference phase, where

conferees were trying to reconcile differences between the House and Senate principles. If consensus is reached, plans will still have to meet the technical requirements of law, be approved and signed by the governor and, finally, stand up to court challenges. Peter Wattson, chief council of the Minnesota Senate, said conferees may work through summer and fall until they have a plan. At that time the governor can call a special session of the Legislature to enact it. If they don’t produce a plan by March 19, 2002, the courts will step in.

**Influencing the Political Process**

Apart from the political process of redrawing congressional and legislative boundaries, Wattson said the software does make a difference. “The technology made it easier to get districts of equal population. It’s made it possible to reduce population deviations,” he said. “Also, the technology may make it easier to keep track of cities and counties that have been split, even reduce the number of splits. The standard reports we were able to produce with the plans make splitting — compacting — the partisan character of districts and the populations so easy to see, they just jump right out at you.”

“The ability to download a plan, analyze it and run it against another plan or index that

another organization has come up with makes it more difficult to disguise political gamesmanship [such as splitting or compacting],” said Michael Brodcorp, redistricting specialist of the Minnesota Senate Republican Caucus. “The technology lets you see immediately where and how changes have been made.”

“The new software has made the redistricting process casier for some people to explore many alternatives quickly,” Johnson said. “After the next decennial census, it will be sophisticated enough and simple enough that large numbers of people who want to use it and get involved in the process will be able to.”

In Minnesota, the new software has shown a potential for making redistricting a much more open process, making legislators more accountable to the public, and helping ensure that demographic concerns are not overshadowed by partisan interests or incumbency protection. Will the technology reduce delays caused by partisan disputes and long, drawn-out debates? Maybe not this time, but then redistricting tools will be even better next time around.

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**GARNERING PUBLIC INTEREST**

Whether or not an open redistricting process will generate public interest remains to be seen. Historically, the public has shown little interest in redistricting beyond needing to know the location of one’s polling place on Election Day. However, the relatively low cost, convenience and availability of current redistricting software and its ability to run on most commercial-grade PCs may eventually contribute to wider public involvement in the process.

Some state governments already make redistricting plans and maps available on the internet and provide planning instruction at libraries. Grassroots organizations assist the public by running plans and maps on their Web sites, along with explanations of how population shifts and boundary changes will affect a community’s political representation. Affordable software may enable community groups to develop and submit their own plans. Free software with basic redistricting functions is already available. Digital Engineering Corp., an ESRI partner, makes one called GeoTrack, which can be downloaded from their Web site <[www.digitalcorp.com/geotrack](http://www.digitalcorp.com/geotrack)>.

The screenshot shows a software interface with a map on the left and a data table on the right. The table has columns for 'District', 'Population', and 'Area'. The map shows a geographical area with various districts outlined. The interface appears to be a desktop application with a menu bar and toolbars.

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## Population Summary Report

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|                    |        |                     |         |         |         |         |
|--------------------|--------|---------------------|---------|---------|---------|---------|
| Overall Range:     |        | 1.45                | Percent | 532     | Persons |         |
| Largest District:  | 36,984 | Deviation:          | 0.74    | Percent | 271     | Persons |
| Smallest District: | 36,452 | Deviation:          | -0.71   | Percent | -261    | Persons |
|                    |        | Mean Deviation:     | 0.37    | Percent | 135.04  | Persons |
|                    |        | Standard Deviation: |         |         | 156.48  | Persons |
| Ideal District:    | 36,713 |                     |         |         |         |         |

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| District | Population | Deviation | % Devn. |
|----------|------------|-----------|---------|
| 01A      | 36,569     | -144      | -0.39   |
| 01B      | 36,563     | -150      | -0.41   |
| 02A      | 36,519     | -194      | -0.53   |
| 02B      | 36,840     | 127       | 0.35    |
| 03A      | 36,808     | 95        | 0.26    |
| 03B      | 36,873     | 160       | 0.44    |
| 04A      | 36,536     | -177      | -0.48   |
| 04B      | 36,579     | -134      | -0.36   |
| 05A      | 36,475     | -238      | -0.65   |
| 05B      | 36,950     | 237       | 0.65    |
| 06A      | 36,456     | -257      | -0.70   |
| 06B      | 36,750     | 37        | 0.10    |
| 07A      | 36,781     | 68        | 0.19    |
| 07B      | 36,725     | 12        | 0.03    |
| 08A      | 36,635     | -78       | -0.21   |
| 08B      | 36,521     | -192      | -0.52   |
| 09A      | 36,669     | -44       | -0.12   |
| 09B      | 36,561     | -152      | -0.41   |
| 10A      | 36,649     | -64       | -0.17   |
| 10B      | 36,767     | 54        | 0.15    |
| 11A      | 36,967     | 254       | 0.69    |
| 11B      | 36,476     | -237      | -0.65   |
| 12A      | 36,812     | 99        | 0.27    |
| 12B      | 36,568     | -145      | -0.39   |
| 13A      | 36,590     | -123      | -0.34   |
| 13B      | 36,453     | -260      | -0.71   |
| 14A      | 36,491     | -222      | -0.60   |
| 14B      | 36,694     | -19       | -0.05   |
| 15A      | 36,456     | -257      | -0.70   |
| 15B      | 36,949     | 236       | 0.64    |
| 16A      | 36,596     | -117      | -0.32   |
| 16B      | 36,729     | 16        | 0.04    |

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## Political Subdivisions Split Between Districts

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Number of subdivisions split into more than one district:

|        |     |
|--------|-----|
| County | 52  |
| MCD    | 31  |
| VTD    | 125 |

Number of times a subdivision is split into more than one district:

|        |     |
|--------|-----|
| County | 122 |
| MCD    | 41  |
| VTD    | 131 |

Number of splits involving no population:

|        |    |
|--------|----|
| County | 4  |
| MCD    | 2  |
| VTD    | 12 |

| County | MCD | VTD | District | Population |
|--------|-----|-----|----------|------------|
|--------|-----|-----|----------|------------|

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*Split Counties:*

|            |  |  |    |         |
|------------|--|--|----|---------|
| Aitkin     |  |  | 07 | 2,601   |
| Aitkin     |  |  | 11 | 7,967   |
| Aitkin     |  |  | 13 | 4,733   |
| Anoka      |  |  | 30 | 36,586  |
| Anoka      |  |  | 31 | 19,014  |
| Anoka      |  |  | 33 | 171,501 |
| Anoka      |  |  | 34 | 73,130  |
| Anoka      |  |  | 35 | 85,799  |
| Anoka      |  |  | 36 | 26,089  |
| Becker     |  |  | 05 | 2,065   |
| Becker     |  |  | 06 | 27,935  |
| Beltrami   |  |  | 01 | 269     |
| Beltrami   |  |  | 02 | 39,381  |
| Benton     |  |  | 10 | 2,194   |
| Benton     |  |  | 12 | 25,637  |
| Benton     |  |  | 16 | 8,185   |
| Blue Earth |  |  | 21 | 271     |
| Blue Earth |  |  | 22 | 56,261  |
| Brown      |  |  | 17 | 3,939   |
| Brown      |  |  | 20 | 1,339   |
| Brown      |  |  | 21 | 21,633  |
| Carlton    |  |  | 08 | 5,352   |
| Carlton    |  |  | 13 | 26,319  |
| Carver     |  |  | 42 | 43,964  |
| Carver     |  |  | 50 | 32,685  |
| Carver     |  |  | 51 | 35,743  |
| Cass       |  |  | 02 | 4,610   |
| Cass       |  |  | 07 | 22,538  |
| Cass       |  |  | 10 | 2       |
| Chippewa   |  |  | 14 | 2,398   |

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## Population Summary Report

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|                    |        |                     |         |         |         |         |
|--------------------|--------|---------------------|---------|---------|---------|---------|
| Overall Range:     |        | 1.23                | Percent | 905     | Persons |         |
| Largest District:  | 73,892 | Deviation:          | 0.64    | Percent | 467     | Persons |
| Smallest District: | 72,987 | Deviation:          | -0.60   | Percent | -438    | Persons |
|                    |        | Mean Deviation:     | 0.25    | Percent | 184.51  | Persons |
|                    |        | Standard Deviation: |         |         | 230.00  | Persons |
| Ideal District:    | 73,425 |                     |         |         |         |         |

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| District | Population | Deviation | % Devn. |
|----------|------------|-----------|---------|
| 01       | 73,132     | -293      | -0.40   |
| 02       | 73,359     | -66       | -0.09   |
| 03       | 73,681     | 256       | 0.35    |
| 04       | 73,115     | -310      | -0.42   |
| 05       | 73,425     | 0         | 0.00    |
| 06       | 73,206     | -219      | -0.30   |
| 07       | 73,506     | 81        | 0.11    |
| 08       | 73,156     | -269      | -0.37   |
| 09       | 73,230     | -195      | -0.27   |
| 10       | 73,416     | -9        | -0.01   |
| 11       | 73,443     | 18        | 0.02    |
| 12       | 73,380     | -45       | -0.06   |
| 13       | 73,043     | -382      | -0.52   |
| 14       | 73,185     | -240      | -0.33   |
| 15       | 73,405     | -20       | -0.03   |
| 16       | 73,325     | -100      | -0.14   |
| 17       | 73,270     | -155      | -0.21   |
| 18       | 73,124     | -301      | -0.41   |
| 19       | 73,892     | 467       | 0.64    |
| 20       | 73,419     | -6        | -0.01   |
| 21       | 73,476     | 51        | 0.07    |
| 22       | 73,592     | 167       | 0.23    |
| 23       | 73,268     | -157      | -0.21   |
| 24       | 73,316     | -109      | -0.15   |
| 25       | 73,361     | -64       | -0.09   |
| 26       | 73,395     | -30       | -0.04   |
| 27       | 73,369     | -56       | -0.08   |
| 28       | 73,253     | -172      | -0.23   |
| 29       | 73,711     | 286       | 0.39    |
| 30       | 73,267     | -158      | -0.22   |
| 31       | 73,742     | 317       | 0.43    |
| 32       | 73,643     | 218       | 0.30    |

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## Political Subdivisions Split Between Districts

Number of subdivisions split into more than one district:

|        |     |
|--------|-----|
| County | 60  |
| MCD    | 44  |
| VTD    | 206 |

Number of times a subdivision is split into more than one district:

|        |     |
|--------|-----|
| County | 193 |
| MCD    | 75  |
| VTD    | 221 |

Number of splits involving no population:

|        |    |
|--------|----|
| County | 4  |
| MCD    | 5  |
| VTD    | 30 |

| County | MCD | VTD | District | Population |
|--------|-----|-----|----------|------------|
|--------|-----|-----|----------|------------|

*Split Counties:*

|            |  |  |     |         |
|------------|--|--|-----|---------|
| Aitkin     |  |  | 07A | 2,601   |
| Aitkin     |  |  | 11B | 7,967   |
| Aitkin     |  |  | 13A | 4,733   |
| Anoka      |  |  | 30B | 36,586  |
| Anoka      |  |  | 31A | 11,384  |
| Anoka      |  |  | 31B | 7,630   |
| Anoka      |  |  | 33A | 36,833  |
| Anoka      |  |  | 33B | 186,781 |
| Anoka      |  |  | 34A | 36,597  |
| Anoka      |  |  | 34B | 36,533  |
| Anoka      |  |  | 35A | 68,019  |
| Anoka      |  |  | 35B | 47,545  |
| Anoka      |  |  | 36A | 20,988  |
| Anoka      |  |  | 36B | 5,101   |
| Becker     |  |  | 05A | 2,065   |
| Becker     |  |  | 06A | 8,452   |
| Becker     |  |  | 06B | 19,483  |
| Beltrami   |  |  | 01A | 269     |
| Beltrami   |  |  | 02A | 8,048   |
| Beltrami   |  |  | 02B | 31,333  |
| Benton     |  |  | 10B | 2,194   |
| Benton     |  |  | 12A | 2,548   |
| Benton     |  |  | 12B | 23,089  |
| Benton     |  |  | 16A | 8,185   |
| Blue Earth |  |  | 21B | 271     |
| Blue Earth |  |  | 22A | 36,826  |
| Blue Earth |  |  | 22B | 21,268  |
| Brown      |  |  | 17B | 3,939   |
| Brown      |  |  | 20B | 1,339   |
| Brown      |  |  | 21B | 21,633  |

## Population Summary Report

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|                    |        |                     |         |         |         |         |
|--------------------|--------|---------------------|---------|---------|---------|---------|
| Overall Range:     |        | 3.52                | Percent | 1,294   | Persons |         |
| Largest District:  | 37,395 | Deviation:          | 1.86    | Percent | 682     | Persons |
| Smallest District: | 36,101 | Deviation:          | -1.67   | Percent | -612    | Persons |
|                    |        | Mean Deviation:     | 0.62    | Percent | 227.17  | Persons |
|                    |        | Standard Deviation: |         |         | 283.76  | Persons |
| Ideal District:    | 36,713 |                     |         |         |         |         |

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| District | Population | Deviation | % Devn. |
|----------|------------|-----------|---------|
| 01A      | 36,920     | 207       | 0.56    |
| 01B      | 36,546     | -167      | -0.45   |
| 02A      | 36,433     | -280      | -0.76   |
| 02B      | 36,655     | -58       | -0.16   |
| 03A      | 36,693     | -20       | -0.05   |
| 03B      | 37,114     | 401       | 1.09    |
| 04A      | 37,127     | 414       | 1.13    |
| 04B      | 36,135     | -578      | -1.57   |
| 05A      | 36,402     | -311      | -0.85   |
| 05B      | 36,351     | -362      | -0.99   |
| 06A      | 36,461     | -252      | -0.69   |
| 06B      | 36,584     | -129      | -0.35   |
| 07A      | 36,375     | -338      | -0.92   |
| 07B      | 36,492     | -221      | -0.60   |
| 08A      | 36,376     | -337      | -0.92   |
| 08B      | 36,738     | 25        | 0.07    |
| 09A      | 36,431     | -282      | -0.77   |
| 09B      | 36,488     | -225      | -0.61   |
| 10A      | 36,715     | 2         | 0.01    |
| 10B      | 36,794     | 81        | 0.22    |
| 11A      | 37,370     | 657       | 1.79    |
| 11B      | 36,947     | 234       | 0.64    |
| 12A      | 36,335     | -378      | -1.03   |
| 12B      | 37,347     | 634       | 1.73    |
| 13A      | 36,602     | -111      | -0.30   |
| 13B      | 36,728     | 15        | 0.04    |
| 14A      | 37,022     | 309       | 0.84    |
| 14B      | 37,079     | 366       | 1.00    |
| 15A      | 37,163     | 450       | 1.23    |
| 15B      | 36,936     | 223       | 0.61    |
| 16A      | 36,707     | -6        | -0.02   |
| 16B      | 36,718     | 5         | 0.01    |

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## Political Subdivisions Split Between Districts

Number of subdivisions split into more than one district:

|        |     |
|--------|-----|
| County | 64  |
| MCD    | 84  |
| VTD    | 248 |

Number of times a subdivision is split into more than one district:

|        |     |
|--------|-----|
| County | 192 |
| MCD    | 126 |
| VTD    | 263 |

Number of splits involving no population:

|        |    |
|--------|----|
| County | 0  |
| MCD    | 10 |
| VTD    | 38 |

| County | MCD | VTD | District | Population |
|--------|-----|-----|----------|------------|
|--------|-----|-----|----------|------------|

*Split Counties:*

|            |  |  |     |         |
|------------|--|--|-----|---------|
| Aitkin     |  |  | 04B | 4,445   |
| Aitkin     |  |  | 12A | 10,856  |
| Anoka      |  |  | 18B | 27,865  |
| Anoka      |  |  | 32B | 22,067  |
| Anoka      |  |  | 33A | 37,782  |
| Anoka      |  |  | 33B | 8,557   |
| Anoka      |  |  | 34A | 36,527  |
| Anoka      |  |  | 34B | 15,113  |
| Anoka      |  |  | 37A | 36,662  |
| Anoka      |  |  | 37B | 103,365 |
| Anoka      |  |  | 38B | 51,322  |
| Anoka      |  |  | 40A | 77,569  |
| Anoka      |  |  | 40B | 9,497   |
| Anoka      |  |  | 41A | 62,939  |
| Becker     |  |  | 02B | 8,115   |
| Becker     |  |  | 08B | 21,885  |
| Beltrami   |  |  | 02B | 16,669  |
| Beltrami   |  |  | 03B | 22,981  |
| Benton     |  |  | 11B | 685     |
| Benton     |  |  | 16B | 7,122   |
| Benton     |  |  | 17A | 21,626  |
| Benton     |  |  | 17B | 8,736   |
| Blue Earth |  |  | 20B | 1,244   |
| Blue Earth |  |  | 22A | 4,098   |
| Blue Earth |  |  | 22B | 37,395  |
| Blue Earth |  |  | 27A | 717     |
| Blue Earth |  |  | 27B | 14,911  |
| Brown      |  |  | 20A | 515     |
| Brown      |  |  | 20B | 26,721  |
| Carlton    |  |  | 05B | 11,201  |

## Population Summary Report

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|                    |        |                     |         |         |         |         |
|--------------------|--------|---------------------|---------|---------|---------|---------|
| Overall Range:     |        | 2.49                | Percent | 1,828   | Persons |         |
| Largest District:  | 74,432 | Deviation:          | 1.37    | Percent | 1,007   | Persons |
| Smallest District: | 72,604 | Deviation:          | -1.12   | Percent | -821    | Persons |
|                    |        | Mean Deviation:     | 0.48    | Percent | 354.57  | Persons |
|                    |        | Standard Deviation: |         |         | 447.59  | Persons |
| Ideal District:    | 73,425 |                     |         |         |         |         |

---

| District | Population | Deviation | % Devn. |
|----------|------------|-----------|---------|
| 01       | 73,466     | 41        | 0.06    |
| 02       | 73,088     | -337      | -0.46   |
| 03       | 73,807     | 382       | 0.52    |
| 04       | 73,262     | -163      | -0.22   |
| 05       | 72,753     | -672      | -0.92   |
| 06       | 73,045     | -380      | -0.52   |
| 07       | 72,867     | -558      | -0.76   |
| 08       | 73,114     | -311      | -0.42   |
| 09       | 72,919     | -506      | -0.69   |
| 10       | 73,509     | 84        | 0.11    |
| 11       | 74,317     | 892       | 1.21    |
| 12       | 73,682     | 257       | 0.35    |
| 13       | 73,330     | -95       | -0.13   |
| 14       | 74,101     | 676       | 0.92    |
| 15       | 74,099     | 674       | 0.92    |
| 16       | 73,425     | 0         | 0.00    |
| 17       | 73,735     | 310       | 0.42    |
| 18       | 74,432     | 1,007     | 1.37    |
| 19       | 72,766     | -659      | -0.90   |
| 20       | 73,318     | -107      | -0.15   |
| 21       | 72,801     | -624      | -0.85   |
| 22       | 74,085     | 660       | 0.90    |
| 23       | 72,929     | -496      | -0.68   |
| 24       | 73,564     | 139       | 0.19    |
| 25       | 73,507     | 82        | 0.11    |
| 26       | 72,610     | -815      | -1.11   |
| 27       | 73,833     | 408       | 0.56    |
| 28       | 73,030     | -395      | -0.54   |
| 29       | 73,599     | 174       | 0.24    |
| 30       | 73,435     | 10        | 0.01    |
| 31       | 73,434     | 9         | 0.01    |
| 32       | 73,746     | 321       | 0.44    |

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## Political Subdivisions Split Between Districts

Number of subdivisions split into more than one district:

|        |     |
|--------|-----|
| County | 49  |
| MCD    | 51  |
| VTD    | 139 |

Number of times a subdivision is split into more than one district:

|        |     |
|--------|-----|
| County | 110 |
| MCD    | 64  |
| VTD    | 144 |

Number of splits involving no population:

|        |    |
|--------|----|
| County | 0  |
| MCD    | 4  |
| VTD    | 21 |

| County | MCD | VTD | District | Population |
|--------|-----|-----|----------|------------|
|--------|-----|-----|----------|------------|

*Split Counties:*

|            |  |  |    |         |
|------------|--|--|----|---------|
| Aitkin     |  |  | 04 | 4,445   |
| Aitkin     |  |  | 12 | 10,856  |
| Anoka      |  |  | 18 | 27,865  |
| Anoka      |  |  | 32 | 22,067  |
| Anoka      |  |  | 33 | 43,255  |
| Anoka      |  |  | 34 | 50,917  |
| Anoka      |  |  | 37 | 73,474  |
| Anoka      |  |  | 38 | 43,330  |
| Anoka      |  |  | 40 | 166,944 |
| Anoka      |  |  | 41 | 71,414  |
| Becker     |  |  | 02 | 8,115   |
| Becker     |  |  | 08 | 21,885  |
| Beltrami   |  |  | 02 | 16,669  |
| Beltrami   |  |  | 03 | 22,981  |
| Benton     |  |  | 11 | 685     |
| Benton     |  |  | 16 | 7,122   |
| Benton     |  |  | 17 | 30,362  |
| Blue Earth |  |  | 20 | 1,244   |
| Blue Earth |  |  | 22 | 41,493  |
| Blue Earth |  |  | 27 | 13,795  |
| Carlton    |  |  | 05 | 11,201  |
| Carlton    |  |  | 12 | 20,470  |
| Carver     |  |  | 35 | 24,649  |
| Carver     |  |  | 42 | 45,556  |
| Chippewa   |  |  | 13 | 11,821  |
| Chippewa   |  |  | 19 | 1,267   |
| Chisago    |  |  | 18 | 15,503  |
| Chisago    |  |  | 33 | 24,470  |
| Chisago    |  |  | 34 | 1,128   |
| Cottonwood |  |  | 20 | 438     |