

STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL

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**OFFICE OF  
APPELLATE COURTS**

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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  
CONGRESSIONAL  
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

It is well established that “[w]hen the judicial branch performs redistricting, it lacks the political authority of the legislative and executive branches and, therefore, must act in a restrained and deliberative manner to accomplish the task.” *Hippert v. Ritchie*, 813 N.W.2d 391, 395 (Minn. 2012) (citing *Connor v. Finch*, 431 U.S. 407, 425 (1977)). While the Sachs, Corrie, and Wattson Plaintiffs (together, the “Opposing Parties”) (and particularly the Wattson and Sachs Plaintiffs) claim to use the *Hippert* map as a starting point,<sup>1</sup> their actual proposed congressional maps illustrate otherwise. The Anderson Plaintiffs are the only party that does not advocate for the adoption of sweeping changes to the congressional districts that have served Minnesotans well for the past two decades. Hence, this Panel should reject the plans proposed by the Opposing Parties and continue, consistent with precedent, to take a restrained approach to redistricting.

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<sup>1</sup> Only the Corrie Plaintiffs do not purport to provide this Panel with a map that only minimally alters the plan adopted in *Hippert*. The Sachs Plaintiffs, for instance, state that they “[u]sed the successful map [adopted in *Hippert*] as a starting point . . . [and then] dr[ew] new districts that reflect both the *Hippert* panel’s analysis and resulting plan and the population and demographic shifts that have occurred in the state over the past decade.” Sachs Cong. Mem. at 1. The Wattson Plaintiffs likewise assert that they utilized what the *Hippert* panel called a “‘least-change’ approach,” “us[ing] the Congressional . . . plans adopted by the 2012 Special Redistricting panel . . . [as a] point of departure . . . mak[ing] those changes necessary to conform the existing *Hippert* plans to all redistricting principles adopted by the Panel.” Wattson Mem. at 1. However, a straightforward review of their proposed redistricting plans belies any claims that these plaintiffs held to or achieved a restrained approach.

## ARGUMENT

### I. THE SACHS AND CORRIE PLAINTIFFS' UNJUSTIFIED REJECTION OF THE FIVE-THREE CONGRESSIONAL DISTRICT MODEL

Minnesota's congressional district lines have historically been drawn to account for the unique rural, urban, and suburban/exurban voices in the state based upon its demographics and population distribution. Recognizing population growth in the metropolitan area, in 2002 the *Zachman* Panel adopted a "five-three" model (*i.e.*, five urban, suburban, and/or exurban districts, and three Greater Minnesota districts) instead of the traditional "four-four" model (*i.e.*, four urban, suburban, and exurban districts and four Greater Minnesota districts) in drawing its congressional redistricting plan. Today, Minnesota now has exactly five-eighths of its population living in the eleven-county metropolitan area and St. Cloud — justifying, more than ever, the continuation of the model adopted in *Zachman*. Below, the Anderson Plaintiffs set forth in greater detail the historical background of Minnesota's congressional plan model, the current distribution of Minnesota's population, and why the Corrie and Sachs Plaintiffs' proposed departure from Minnesota's five-three congressional district model is unreasonable, unjustified, and dilutes the voice of Suburban and Greater Minnesota.

#### A. Minnesota's "Five-Three" Congressional District Model is Based Upon Long-Standing Population Dispersion and Trends

In drawing congressional district lines in 2001, the *Zachman* Panel recognized that the 2000 Census established that "59.4%, or closer to five-eighths than one-half, of the state's population lives in urban and suburban areas" encompassing the eleven-county metropolitan area and St. Cloud. *Zachman v. Kiffmeyer*, CO-01-160, Final Order Adopting

a Congressional Redistricting Plan, at 4-5 (Minn. Special Redistricting Panel Mar. 19, 2002) (the “Zachman Congressional Redistricting Order”) at 4-5. This demographic and population shift in the state called for a change from the “four-four” district plans adopted in Minnesota’s previous two redistricting cycles, to the adoption of a “five-three” congressional district plan. *Id.* The *Zachman* Panel concluded that this “five-three” approach was appropriate in Minnesota because the continuation of the “four-four” congressional district model would require “that at least one or two districts in any such plan would have a significant mix of rural and suburban populations.” *Id.*

The *Zachman* Panel therefore drew districts in which Minnesota’s distinct urban, suburban, and rural voices would be separately represented. This, of course, makes sense. For example, the issues of concern to a citizen residing in Nashwauk undoubtedly differ from the concerns of a citizen residing in the city of Anoka. Thus of the three Greater Minnesota districts (*i.e.*, the First, Seventh, and Eighth) in the Zachman plan, “only the eighth district ha[d] any population from counties that are part of the metropolitan statistical area” — namely, Chisago and Isanti Counties, which “are not part of the original seven-county metropolitan area, were part of the prior eighth district, and have common interests with counties to the west and north.” Zachman Congressional Redistricting Order at 6. With respect to the five metro area districts, the *Zachman* Panel “opt[ed] to leave Minneapolis and St. Paul in two separate districts surrounded by their first-ring suburbs,” thereby “creat[ing] a plan with three predominantly suburban and exurban districts and two predominantly urban districts, in addition to the three rural districts.” *Id.* at 9.

These demographic trends continued in 2011. As the *Hippert* Panel recognized, “[a]lthough Minnesota’s overall population has grown and population shifts have occurred, the percentage of the state’s population living in the metropolitan area and Saint Cloud has not changed dramatically.” *Hippert*, 813 N.W.2d at 397. More specifically, the percentage of Minnesota’s population living in that area of the state grew modestly from 59.4% to 61% — which remained “closer to five-eighths than one half.” *Id.* In light of these population trends, the *Hippert* Panel “maintain[ed] five congressional districts composed mainly of metropolitan counties and three congressional districts composed mainly of counties in greater Minnesota.” *Id.* As did the *Zachman* Panel, the *Hippert* Panel drew only one Greater Minnesota district (the Eighth) to include any portion of the 11-county metropolitan area (again Chisago and Isanti Counties), and while the Sixth district drawn by *Hippert* required the inclusion of limited areas in Greater Minnesota counties, those areas immediately surround the city of St. Cloud and make up a small portion of the Sixth district’s population. In other words, neither the Eighth nor the Sixth congressional districts drawn in *Hippert* “have a significant mix of rural and suburban populations.” *See Zachman Congressional Redistricting Order* at 4-5.

**B. The Anderson Plaintiffs Adopt this Model Consistent with Current Demographics**

While Minnesota’s population has continued to grow over the last decade, the percentage of citizens living in the eleven-county metropolitan area and St. Cloud has not significantly changed — increasing from approximately 61% in 2010 to 62.5% in 2020. In short, the case for a “five-three” congressional model is stronger than ever before,

because exactly five-eighths of the state population live in the eleven-county metropolitan area and St. Cloud. There is, therefore, no reason or justification to depart from this “five-three” congressional district model.

To this end, and to ensure that the distinct voices and concerns of Minnesota residents living in urban, suburban, and rural areas continue to be adequately represented in Congress, the Anderson Plaintiffs’ proposed congressional redistricting plan (“Anderson Congressional Plan”) continues to abide by this approach. As such, the Anderson Plaintiffs make only slight adjustments to district boundaries where necessary to satisfy the constitutional requirement of population equality, and avoid a significant mix of rural and urban or suburban interests in any district. Specifically, the Anderson Plaintiffs’ First, Seventh, and Eighth congressional districts continue to be comprised of Greater Minnesota counties and residents, with only the Eighth including any “any population from counties that are part of the metropolitan statistical area” — *i.e.*, Chisago and Isanti Counties. The Anderson Plaintiffs further maintain the distinctly urban character of the Fourth and Fifth congressional districts, including separately within those districts St. Paul and Minneapolis, respectively, and their surrounding suburbs. And the Anderson Plaintiffs’ Second, Third, and Sixth congressional districts maintain their entirely suburban/exurban character, with the Second district largely encompassing the suburban and exurban areas of the south metro, the Third district consisting of the suburbs in the west metro, and the Sixth district largely made up of the exurban areas in the west and north metro, and up the I-94 corridor to encompass most of the city of St. Cloud and its immediately surrounding area. Finally and notably, the Anderson Congressional Plan significantly reduces the inclusion of rural areas

in the Sixth district, down to 5.9% from 15.1% in *Hippert*. In sum, the Anderson Congressional Plan fairly and appropriately represents the distribution of the State's population.

**C. The Sachs and Corrie Plaintiffs' Unjustifiably Depart from the "Five-Three" Model and Dilute Rural and Suburban Voices**

Despite Minnesota's stable population trends and the unchanged population distribution between Greater Minnesota and the metropolitan area, the congressional district plans proposed by the Sachs and Corrie Plaintiffs disrupt this long-established five-three congressional district model. As a result, each proposes congressional plans with districts that include "a significant mix of rural and suburban populations," thereby diluting the distinct voices of those populations. They do so without explanation or justification, of which there is none. For that reason, the Panel should reject their proposed congressional district plans.

First, the Sachs Plaintiffs in effect advocate for a "two-four-two" district plan — namely, a congressional plan with two rural districts, four urban and suburban districts, and two districts in which the ability of either rural or suburban Minnesotans to speak with one voice about issues of common concern will be substantially diluted. The marked difference in the plan proposed by the Sachs Plaintiffs can be seen in their proposed Sixth and Eighth congressional districts, in which the mix of Minnesotans living in rural versus urban and suburban areas is significantly altered. While the Sixth district must necessarily include some rural areas, the Sachs Plaintiffs propose doubling that district's rural population percentage, increasing it from 15.1% to 30.5%. They do so by adding to this

suburban/exurban district distinctively rural counties with agricultural interests that have been traditionally included in Minnesota’s Seventh congressional district — namely, Kandiyohi, McLeod, and Meeker. *See, e.g.*, Minnesota Employment and Economic Development Region 6E: Southwest Central, [https://mn.gov/deed/assets/rp\\_edr6e\\_2020\\_tcm1045-133245.pdf](https://mn.gov/deed/assets/rp_edr6e_2020_tcm1045-133245.pdf) (noting that agriculture is a key industry in this portion of the state, comprising 2.1% of the population of the state but accounting for 6% of the farms and 8% of the market value of farm products sold in the state). Likewise, while population equality makes the inclusion of some exurban areas in one of Minnesota’s rural districts unavoidable, the Sachs Plaintiffs more than double the suburban/exurban population included in the Eighth district — increasing that percentage from 13.8% to 31.6%. And, notably, the Sachs Plaintiffs extend the border of the Eighth district beyond the traditionally included exurban counties of Chisago and Isanti to encompass distinctively suburban areas in Anoka County (*e.g.*, the city of Anoka, the city of Andover, and the city of Ham Lake) – an area included in the original seven-county metro area and one that has little in common with the distinct interests of northeastern Greater Minnesota.

Second, the Corrie Plaintiffs’ congressional plan also disrupts, without explanation or justification grounded in population shifts of the past decade, Minnesota’s “five-three” district model. Thus, they dilute the voices of rural and suburban Minnesotans in their First, Sixth, and Seventh congressional districts. The Corrie Plaintiffs, too, substantially increase the rural population percentage in the Sixth congressional district from 15.1% to 22.8%, and extend the boundaries of that district far beyond the area immediately surrounding St.

Cloud into the distinctively rural counties of Kanabec, Mille Lacs, Morrison, and Pine, which have traditionally been part of the Eighth district. Further, while proposing an Eighth district comprised entirely of rural counties, the Corrie Plaintiffs’ congressional plan proposes the addition of suburban and exurban populations to the First and Seventh districts, thereby increasing the number of Greater Minnesota districts with metropolitan populations from one to two. What’s more, unlike the current Eighth congressional district’s inclusion of the traditionally exurban counties of Chisago and Isanti, the Corrie Plaintiffs’ proposed changes to the First and Seventh districts would add distinctly suburban areas within the original seven-county metropolitan area. Specifically, the Corrie Plaintiffs propose adding to the First district portions of Dakota and Scott Counties and to the Seventh district more than half of Carver County — including, notably, half of the city of Chaska.

**II. ALL PARTIES’ PLANS ARE ESSENTIALLY EQUAL WITH RESPECT TO MINORITY REPRESENTATION AND COMPACTNESS**

While each of the parties’ plans vary from the others in certain significant ways, the parties’ plans are essentially equal with respect to two of this Panel’s adopted redistricting metrics: minority representation and compactness. On both counts, no party particularly distinguishes itself from any other.

**A. No Proposed Plan Distinguishes Itself Based on Adherence to Voting Rights Act Standards**

Consistent with Federal law, this Panel’s Principles Order requires that districts not be drawn to abridge the voting rights of minority populations in Minnesota, and that they be drawn to protect the equal opportunity of those populations to participate in the electoral

process and to elect candidates of their choice. Each of the parties to this proceeding have, as compared to *Hippert*, drawn congressional districts that increase the percentage of minority populations therein. Moreover, each party’s proposed redistricting plan includes two minority opportunity districts (*i.e.*, the Fourth and Fifth districts) and has minority population percentages in each of Minnesota’s eight congressional districts that are substantially equal to every other party’s proposed plan.

**Table 1: Minority Representation — Voting Age Population Percentage Comparison**

<b>District</b>	<b>Anderson</b>	<b>Sachs</b>	<b>Corrie</b>	<b>Wattson</b>	<b>Hippert</b>
1	14%	13%	14%	15%	9%
2	21%	24%	23%	21%	13%
3	24%	22%	26%	24%	16%
4	32%	31%	32%	32%	24%
5	35%	35%	33%	35%	29%
6	13%	13%	11%	13%	7%
7	11%	11%	11%	10%	7%
8	9%	10%	11%	10%	6%

**B. Compactness Metrics Do Not Distinguish Any Proposed Plan**

In looking to the five measures of compactness against which this Panel ordered the parties to measure their plans, the respective parties stack up as follows:

**Table 2: Compactness Metric Comparison**

	<b>Anderson</b>	<b>Corrie</b>	<b>Sachs</b>	<b>Wattson</b>	<b>Hippert</b>
<b>Reock (Mean)</b>	.42	.43	.44	.39	.41
<b>Polsby-Popper (Mean)</b>	.33	.37	.35	.27	.33
<b>Area/Convex Hull (Mean)</b>	.76	.82	.80	.73	N/A
<b>Population Polygon (Mean)</b>	.71	.77	.77	.68	.71
<b>Population Circle (Mean)</b>	.36	.41	.38	.37	.36

Thus, while the Wattson Plaintiffs’ proposed congressional redistricting plan is, overall, less compact than the other parties’ plans, each party’s proposed congressional redistricting plan generally has compactness metrics substantially similar to the others and to the metrics of the *Hippert* plan.

**III. ONLY THE ANDERSON CONGRESSIONAL PLAN FULLY SATISFIES THE PANEL’S ADOPTED REDISTRICTING CRITERIA**

**A. The Panel Should Reject Plans that Fail to Meet Constitutionally Required Population Equality Requirements**

The United States Constitution requires that, “as nearly as is practicable one man’s vote in a congressional election is to be worth as much as another’s.” *Wesberry v. Sanders*, 376 U.S. 1, 7 (1964). As a result, “equal representation for equal numbers of people [is] the fundamental goal for the House of Representatives.” *Id.* at 18; *see also Karcher v. Daggett*, 462 U.S. 725, 731 (1983) (“Article I, § 2 establishes a ‘high standard of justice and common sense’ for the apportionment of congressional districts: ‘equal representation

for equal numbers of people.” (citing *Wesberry*, 376 U.S. at 18)). This principle “is designed to prevent debasement of voting power and diminution of access to elected representatives.” *Kirkpatrick v. Priesler*, 394 U.S. 526, 531 (1961). In congressional redistricting, “even small deviations [from population equality] detracts from these purposes.” *Id.* And “[b]ecause a court-ordered plan must conform to a higher standard of population equality than a legislative redistricting plan, the goal is absolute population equality.” Principles Order at 5, § 1 (citing *Abrams v. Johnson*, 521 U.S. 74, 98 (1997)).

While acknowledging that absolute population equality is the goal in congressional redistricting, the Corrie Plaintiffs do not achieve it and do not provide any justification for this outcome. Indeed, the Corrie Plaintiffs have a population deviation range of -25 persons to +29 persons — resulting in, for example, a difference of 54 persons between the Seventh and the Eighth congressional districts and 43 persons between the Fifth and the Sixth. *See* Erickson Decl., Ex. A. Given the primacy of population equality in congressional districting, combined with the multitude of options to meet this standard — both from a software capability perspective and the options for drawing eight congressional districts in the State — the constitutional requirement of population equality cannot be subordinated to other redistricting principles. Moreover, the Corrie Plaintiffs’ congressional plan does not better achieve any other outcomes.

For example, the Corrie Plaintiffs congressional plan splits far more political subdivisions than any other plan submitted by a party in this case. *See* discussion *infra* Section III.C. It does so while not achieving materially greater minority representation in the Corrie Plaintiffs’ proposed districts, with the percentage of a voting age minority

population in their proposed districts being largely on par with all other parties (with each exceeding the metrics achieved in *Hippert*). See discussion *supra* Section II.A.

And while the Corrie Plaintiffs assert in their brief that their districts were drawn in an effort to preserve certain communities of interest, their plan also results, as discussed below, in the division of certain long-recognized communities of interest. Further, the Panel adopted as a redistricting principle the preservation of communities of interest only when such preservation can be achieved “in compliance with the preceding principles,” including population equality. Principles Order at 7, ¶ 7.

While less extreme, the Sachs Plaintiffs’ congressional plan likewise fails to satisfy this Panel’s population equality principle. The Sachs Plaintiffs’ congressional plan results in districts with an overall deviation range of two persons while still splitting 11 counties and 13 cities or townships. Again, there is no reason for this outcome.

As evidenced by the Anderson Congressional Plan, the drawing of districts with ideal populations while still meeting other redistricting goals is practicable and achievable. Those plans that fail to meet constitutional population equality requirements should not be adopted by this Panel.

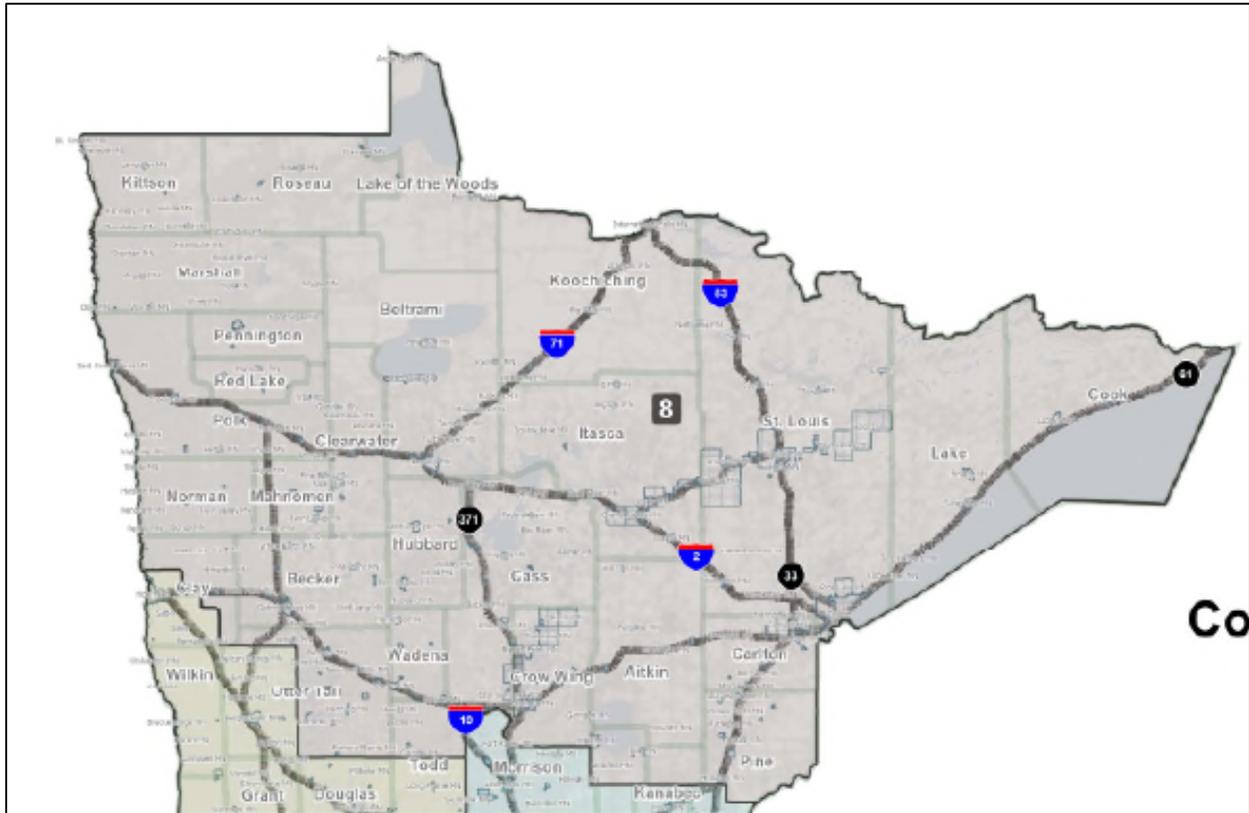
**B. The Corrie and Wattson Plaintiffs Fail to Propose Districts Consisting of “Convenient Contiguous Territory”**

**1. The Corrie Plaintiffs’ Eighth Congressional District**

Minn. Stat. § 2.91, subd. 2 requires that all districts in a redistricting plan shall “consist of convenient contiguous territory . . . .” Proposing an Eighth congressional district that spans the full width of northern Minnesota and covers an area totaling 47,637.67

square miles, the Corrie Plaintiffs ignore this directive and the *Hippert* Panel’s rejection of such an Eighth District configuration ten years ago:

**Figure 1: Corrie Plaintiffs’ Eighth Congressional District**



In addition to its sheer geographic size — it is approximately 25% larger than the current Seventh district, which is currently the largest district in Minnesota — the Corrie Plaintiffs’ proposed Eighth district lacks easy accessibility and one end of the proposed district is not “[w]ithin easy reach” of the other. *See LaComb v. Grove*, 541 F. Supp. 145, 150 (D. Minn. 1982) (quoting *The Compact Edition of the Oxford English Dictionary* (Oxford University Press 1971)). And while the Corrie Plaintiffs will undoubtedly argue that Highways 2 and 10 provide the ability to traverse this proposed district, they are unlike I-90, which provides a fully accessible major thoroughfares. In fact, ten years ago the *Hippert* Panel rejected a

proposal to reconfigure the Eighth district to encompass the entire northern portion of the State, a proposal that likewise relied on the existence of Highway 2 to provide a congressional representative with a means of traveling around his or her district. The configuration of the Highways and Interstates in the northern portion of the State have not changed in the past ten years. Traveling from Lancaster, Minnesota in the northwest to Grand Marais in the northeast would still require a seven to eight hour drive that would take the traveler on an approximately 400-mile journey either first far south to Highway 2 (before heading north again) or north across the border into Canada before heading back south to Minnesota along Lake Superior.<sup>2</sup>

Moreover, the Corrie Plaintiffs' assertion that their change to the Eighth district maintains within one district all American Indian reservations in the northern part of the state cannot justify a departure from the statutory requirement that districts be convenient. Additionally, drawing the district in this way divides distinct communities of interest in the northern part of the state that have been long recognized (*see* discussion *infra* Sections III.D.6-7), and contiguous lands of American Indian reservations in northern Minnesota can be maintained without undermining these principles.

## **2. The Wattson Plaintiffs' Second Congressional District**

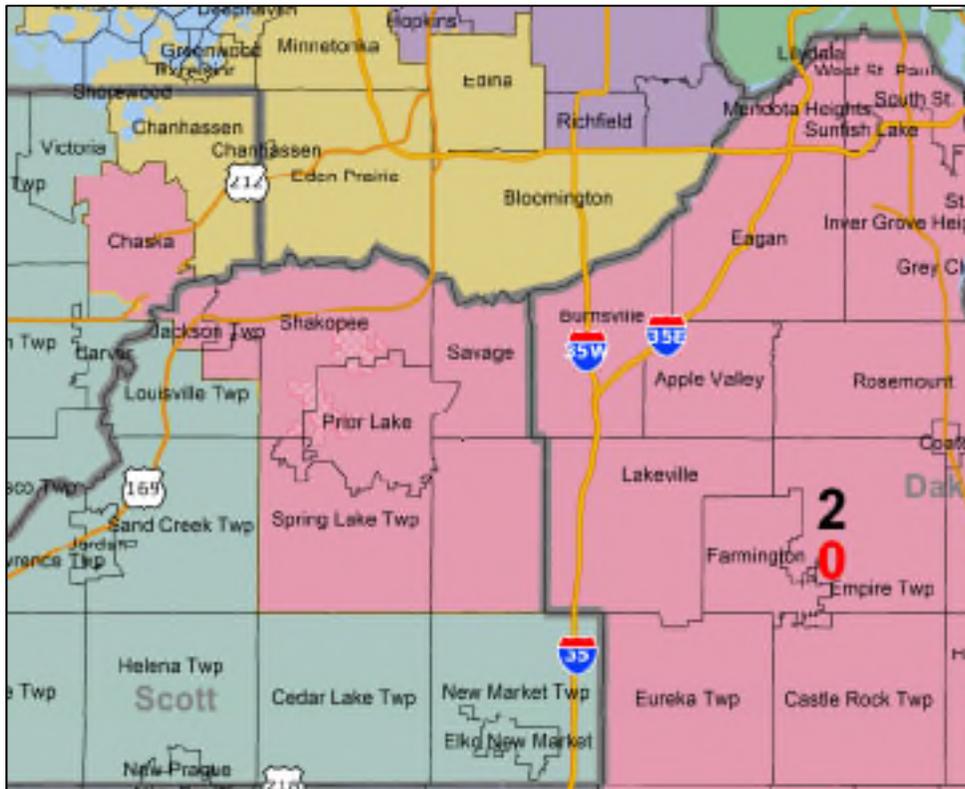
While the Panel's Principles Order provides that district "[c]ontiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district," the Wattson Plaintiffs' Second district oddly includes a tail that crosses the Minnesota river

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<sup>2</sup> The Sachs Plaintiffs propose extending the Seventh District all the way to the Iowa border. This proposal was likewise made to and rejected by the *Hippert* Panel ten years ago.

solely for the purpose of splitting the city of Chaska to include a portion of that city in these plaintiffs' proposed Second congressional district.

**Figure 2: Wattson Plaintiffs' Second Congressional District Tail**



The Wattson Plaintiffs provide no explanation for this Second district tail, other than to say that the division of Chaska was necessary to meet population equality requirements. *See* Wattson Br. at 27-28. But as reflected by the Anderson Congressional Plan, this oddly shaped district and the splitting of part of Chaska from the rest of the city and Carver County makes little sense and is not necessary to achieve population equality. It should be rejected.

**C. Only the Anderson Plaintiffs Do Not Unnecessarily Divide Political Subdivisions**

The Opposing Parties claim — incorrectly — that they meet this Panel’s criterion of not unnecessarily dividing political subdivisions. As this Panel acknowledged in its order, the satisfaction of this criterion is required by Minnesota law, which provides that “political subdivisions must not be divided more than necessary to meet constitutional requirements.” See Minn. Stat. § 2.91, subd. 2 (emphasis added); see also *Karcher v. Daggett*, 462 U.S. 725, 741-41 (1983); *Reynolds v. Sims*, 377 U.S. 533, 580-81 (1964). The Anderson Congressional Plan outperforms the Opposing Parties in minimizing the number of political subdivision splits, and even reduces the number of political subdivision splits as compared to Minnesota’s existing congressional district plan, while still achieving constitutional population equality requirements. This demonstrates that each of the Opposing Parties’ proposed congressional plans unnecessarily divides political subdivisions.

**Table 3: Political Subdivision Split Comparison**

<b>Split Political Subdivisions</b>					
<b>Splits</b>	<b>Anderson</b>	<b>Corrie</b>	<b>Sachs</b>	<b>Watson</b>	<b>Hippert</b>
<b>County</b>	7	17	11	12	9
<b>City/Township</b>	7	25	13	10	7

Both the Watson Plaintiffs and Sachs Plaintiffs claim that their plan does not split political subdivisions more than necessary to meet constitutional requirements. However, the Watson Plaintiffs’ proposed congressional plan results in 12 counties being split 18 times and 10 minor civil divisions being split 10 times. The only justification that the Watson Plaintiffs provide for these splits is that they were necessary to achieve population

equality requirements, but that is disproved by the fact that the Anderson Congressional Plan splits only 7 counties 10 times and 7 minor civil divisions 7 times, while still adhering to population equality requirements. And the Sachs Plaintiffs' proposed plan splits 11 counties and 13 minor civil divisions, yet still fails to meet the ideal district population.

The Corrie Plaintiffs' proposed plan splits a staggering 17 counties and 24 cities or townships — far more than the Anderson Congressional Plan (*see* Anderson Plaintiffs' Congressional Plan Reports, at Tab H.) or, indeed, any plan.<sup>3</sup> The Corrie Plaintiffs claim that these splits were necessary “because otherwise it would not be possible to comply with the redistricting principles that are superior to the political subdivision split requirements,” such as the constitutional requirement of population equality. Corrie Br. at 13. But this is not the case. The Anderson Congressional Plan was able to meet the ideal of six districts of 713,312 people and two districts of 713,311 people while splitting only 7 counties and 7 cities or townships. In contrast, even with substantial changes to current district boundaries and an eye-boggling number of political subdivision splits, the Corrie Plaintiffs were unable achieve population equality.

The Corrie Plaintiffs may attempt to justify their deviations from the ideal congressional district population and immense number of political subdivision splits by contending that it was the necessary result of ensuring that “communities of interest” or identified minority groups are fairly represented within each district. But maintaining

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<sup>3</sup> From the Corrie Plaintiffs' block equivalency files, the Anderson Plaintiffs ran two additional reports not included with their initial filing. Those reports are included herewith as Appendix B.

“communities of interests” generally is not a constitutional requirements, and in any event the metrics do not support the Corrie Plaintiffs’ plan. Notably, the Corrie Plaintiffs’ congressional plan, as compared to the Anderson Congressional Plan, does not contain any districts that have substantially higher minority representation based on voting age population. The Anderson and the Corrie Plaintiffs achieve the same minority population percentage in the First, Fourth, and Seventh districts and are within 2% of each other in the remaining districts, with the Corrie plan achieving a higher minority population percentage in the Second, Third, and Eighth districts and the Anderson Legislative Plan achieving a higher minority population percentage in the Fifth and Sixth districts. *See* discussion *supra* Section II.A. Yet the Anderson Plaintiffs do not unnecessarily split political subdivisions or substantially alter the current congressional map.

Each of the Opposing Parties’ congressional plans, then, fail to adhere to this Panel’s principle that “political subdivisions . . . not be divided more than necessary to meet constitutional requirements.” Principles Order at 7, ¶ 6. This Panel should therefore reject those plans.

**D. The Opposing Parties Fail to Preserve Established Communities of Interest**

Despite acknowledging the concept of “least changes” plans, each of the Opposing Parties to this proceeding makes significant changes to Minnesota’s eight congressional districts. In doing so, they ignore logical groupings of counties and cities that have natural affinities, common interests, and common concerns, drawing their proposed congressional districts with odd and illogical groupings of political subdivisions that will hinder the

ability of Minnesota citizens with common interests to collectively elect a representative to advocate for those interests in Congress.

### **1. First Congressional District**

Both the Corrie Plaintiffs and the Sachs Plaintiffs propose splitting what is currently the First congressional district into two districts: one district encompassing southwest Minnesota and the other covering southeast Minnesota, thereby dividing a community of interest that has been recognized in congressional redistricting plans for the past twenty years. The *Zachman* panel drew the First district to encompass the “community of interest that naturally arises along . . . Interstate 90.” *Zachman Congressional Redistricting Order* at 5-6. The *Hippert* panel likewise preserved this community of interest when drawing the boundaries of the First district, rejecting proposals to extend the Seventh district to the Iowa border. *See Hippert*, 813 N.W.2d at 401. Now, without any persuasive justification, the Corrie and Sachs Plaintiffs advocate for a dramatic departure from the First district’s current boundaries.

The Corrie Plaintiffs’ proposed First district splits the community of interest in southern Minnesota, and, as a result, dilutes the voices of rural Minnesotans. *See, e.g.*, Written Testimony of Robert Tims (Oct. 19, 2021) (noting that the First district is a “predominantly rural district driven by large medical and agricultural interests that has spawned many small to mediums sized companies”). Their plan combines the primarily agricultural interests of the state’s southeast region with parts of Scott and Dakota counties — counties included in the eleven-county metropolitan area with strong connections to the Twin Cities. The justification that the Corrie Plaintiffs provide for this dramatic shift in the

First district’s current boundaries is that it “keeps Latino communities together in the cities of Faribault and Northfield.” Corrie Cong. Mem. at 14. But the Anderson Congressional Plan also keeps Faribault and Northfield in one district without splitting the southern part of the state and diluting the interests of rural voters by including voters residing in the suburbs of the Twin Cities.

The Sachs Plaintiffs’ justification for splitting the community of interest in southern Minnesota is likewise unconvincing. The Sachs Plaintiffs contend that southern Minnesota should be split into two districts because southeastern Minnesota is “centered on health care, research, and manufacturing” while the southwestern region of the state is focused on agriculture. Sachs Cong. Mem. at 17. But any such differences do not justify a complete overhaul of the congressional map, particularly since these same interests have existed for decades under past districting plans. *First*, although the southeast region is home to the mid-size communities of Rochester and Mankato, like the southwest region it continues to be heavily invested in agriculture and manufacturing. *See* Anderson Br. at 19. Moreover, the shared latitude of southwest and southeast Minnesota unite their agricultural interests. Both southwest and southeast Minnesota primarily grow corn and soybeans,<sup>4</sup> which are

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<sup>4</sup> In 2020, southern Minnesota counties produced over 50 bushels per acre of soybeans, whereas northwestern Minnesota counties produced less than 41 bushels per acre. USDA, National Agricultural News Services, Minnesota Ag News — 2020 Soybean County Estimates, [https://www.nass.usda.gov/Statistics\\_by\\_State/Minnesota/Publications/County\\_Estimates/2021/MN-CtyEst-Soybeans-02-21.pdf](https://www.nass.usda.gov/Statistics_by_State/Minnesota/Publications/County_Estimates/2021/MN-CtyEst-Soybeans-02-21.pdf). In 2018, the latest year for which data is available, northwestern Minnesota had the highest sugar beet yields, totaling over 29 tons per acre, but southern Minnesota produced none. *Id.*, 2018 Sugarbeet County Estimates, [https://www.nass.usda.gov/Statistics\\_by\\_State/Minnesota/Publications/County\\_Estimates/2019/MN-CtyEst-Sugarbeets-17-18.pdf](https://www.nass.usda.gov/Statistics_by_State/Minnesota/Publications/County_Estimates/2019/MN-CtyEst-Sugarbeets-17-18.pdf).

more similar than, for example, the agricultural interests of northwest Minnesota, which grows wheat, potatoes, and sugar beets. *See* <https://mn.gov/deed/data/locallook/northwest/northwest-blog.jsp>. Likewise, both the Wattson and the Sachs Plaintiffs divide the hog farming interests of southcentral Minnesota, particularly by dividing the counties of Blue Earth, Brown, Freeborn, Martin, Nicollet, and Watonwan between the First and Seventh districts.<sup>5</sup> *Second*, Interstate 90 makes southern Minnesota easily accessible, as recognized by the *Zachman* Panel 20 years ago. In contrast, the Corrie and Sachs Plaintiffs' proposals to divide up southern Minnesota result in less convenient districts. *See* discussion *supra* Section III.D.1. Accordingly, the Corrie and Sachs Plaintiffs' attempts to unjustifiably and dramatically alter the boundaries of the First district should be rejected.

## **2. Second Congressional District**

In drawing their proposed Second congressional districts, each of the Opposing Parties make certain illogical changes to the boundaries of the existing district. In many instances, the goal appears to be partisan-based: By moving first ring suburbs, which have natural affinities with and similarities to Minneapolis and St. Paul, to districts comprised largely of highly suburban and exurban areas, these parties put more DFL-leaning voters in the perennially toss-up Third and Second districts. At the same time, removing first ring suburbs and adding outer suburban voters to the urban Fourth and Fifth districts pose no

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<sup>5</sup> *See* USDA, National Agricultural Statistics Service, Quick Stats, <https://quickstats.nass.usda.gov/results/ADA68465-9CAD-3887-B12E-E68F6357322B> (reflecting annual hog sales by County).

real risk to DFL candidates, incumbents, or the party, because the Fourth and Fifth districts have had highly reliable DFL majorities for decades. Such efforts appear obvious on the face of Opposing Parties’ maps, and there is little other explanation for some of the redistricting proposals.

a. The Sachs Plaintiffs

The Sachs Plaintiffs certainly exhibit this tendency in their mapmaking. For example, the Sachs Plaintiffs draw their Second congressional district to cross the Minnesota River, picking up the city of Bloomington from the Third district and the first-ring suburb of Richfield and the unorganized Fort Snelling — both of which share borders, thoroughfares, and amenities with south Minneapolis — from the Fifth congressional district. *See* Testimony of Dory Shonagon, Shakopee Hearing at 40:12-19 (Oct. 13, 2021) (requesting that Edina be put in the Third district and noting similarities between Bloomington and Edina, including shared medical facilities and shopping); Testimony of Kathy Kranz to the House Redistricting Committee (Sept. 13, 2021) (“Bloomington is not like any of the metropolitan urban areas in terms of population, residency and even infrastructure. We fit well within Congressional District 3 with likeminded outer ring western suburbs and growing rural areas.”).

Likewise, the first ring suburbs of Richfield and Fort Snelling continue to have more in common with the southern portion of Minneapolis than they do with the highly suburban/exurban cities and towns that make up even the Sachs Plaintiffs’ proposed Second congressional district (which includes a broad array of cities from Apple Valley to Hastings to Hampton). Even the Sachs Plaintiffs appear to recognize the commonality of

these areas with Minneapolis, as they drew their state House District 59B to encompass both Richfield and Fort Snelling along with a portion of the city of Minneapolis. And to account for this population loss, the Sachs Plaintiffs had to move into the urban Fifth congressional district certain outer ring northeastern suburbs (*i.e.*, Lexington, and part of Circle Pines) that have little in common with the city of Minneapolis. For example, Lexington has a population of 3,902 and a population density of 5,661 persons per square mile within its small 0.7 square mile area<sup>6</sup> and Circle Pines has a population of 4,906 and a population density of 2,807 people per square mile within its 1.7 square mile area.<sup>7</sup> In contrast, Minneapolis has a population of 439,012, covering 54 square miles with a population density of 8,130 persons per square mile.<sup>8</sup> Moreover, the populations of Lexington and Circle Pines are relatively older, with median ages of 38<sup>9</sup> and 39.8,<sup>10</sup> respectively, whereas Minneapolis's median age is 32.3.<sup>11</sup>

The Sachs Plaintiffs further divide the suburban St. Croix Valley region to the east of St. Paul, moving from the Fourth to the Second congressional district the cities of Afton, Lake St. Croix, Lakeland, Lakeland Shores, and St. Mary's Point, and separating them from cities with which they share common interests and concerns arising from their

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<sup>6</sup> World Population Review, Lexington, Minnesota, <https://worldpopulationreview.com/us-cities/lexington-mn-population>. World Population Review compiles data from the U.S. Census Bureau.

<sup>7</sup> *Id.*, Circle Pines, Minnesota, <https://worldpopulationreview.com/us-cities/circle-pines-mn-population>.

<sup>8</sup> *Id.*, Minneapolis, Minnesota, <https://worldpopulationreview.com/us-cities/minneapolis-mn-population>.

<sup>9</sup> *See supra* n. 6.

<sup>10</sup> *See supra* n. 7.

<sup>11</sup> *See supra* n. 8.

proximity to the St. Croix River and cities such as Stillwater, West Lakeland, Marine on St. Croix, and Bayport. In doing so, the Sachs Plaintiffs, again, have to make up for population loss in the Fourth congressional district by removing the distinctly outer-ring suburban communities of Centerville, Lino Lakes, and Circle Pines from the traditionally suburban/exurban Sixth congressional district and adding them (or, in Circle Pine’s case, a portion of it) to the distinctly urban Fourth congressional district with which they share little in common. As noted above, Circle Pines has a median age of 39.8. St. Paul, in contrast, is much younger with a median age of 32.<sup>12</sup> Likewise, Centerville and Lino Lakes are older, with median ages of 38.6<sup>13</sup> and 39.6,<sup>14</sup> respectively. Moreover, Lino Lakes and Centerville have population densities of just 813<sup>15</sup> and 1,879<sup>16</sup> people per square mile, respectively, whereas St. Paul has a population density of 5,971 people per square mile.<sup>17</sup>

Finally, contrary to public testimony, the Sachs Plaintiffs divide both the city and the township of Northfield between the Second and First congressional districts. *See* Written Testimony of Michael Fitzgerald (Oct. 21, 2021); *see also* Written Testimony of Lorraine Rovig (Oct. 26, 2021) (noting the “steady flow of students and professors” from the Twin Cities to Northfield and the “deep connection to the southern suburban area via Interstate 35”). And while the Sachs Plaintiffs argue that this division is justified because

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<sup>12</sup> World Population Review, St. Paul, Minnesota, <https://worldpopulationreview.com/us-cities/st-paul-mn-population>.

<sup>13</sup> *Id.*, Centerville, Minnesota, <https://worldpopulationreview.com/us-cities/centerville-mn-population>.

<sup>14</sup> *Id.*, Lino Lakes, <https://worldpopulationreview.com/us-cities/lino-lakes-mn-population>.

<sup>15</sup> *See supra* n. 14.

<sup>16</sup> *See supra* n. 13.

<sup>17</sup> *See supra* n. 12.

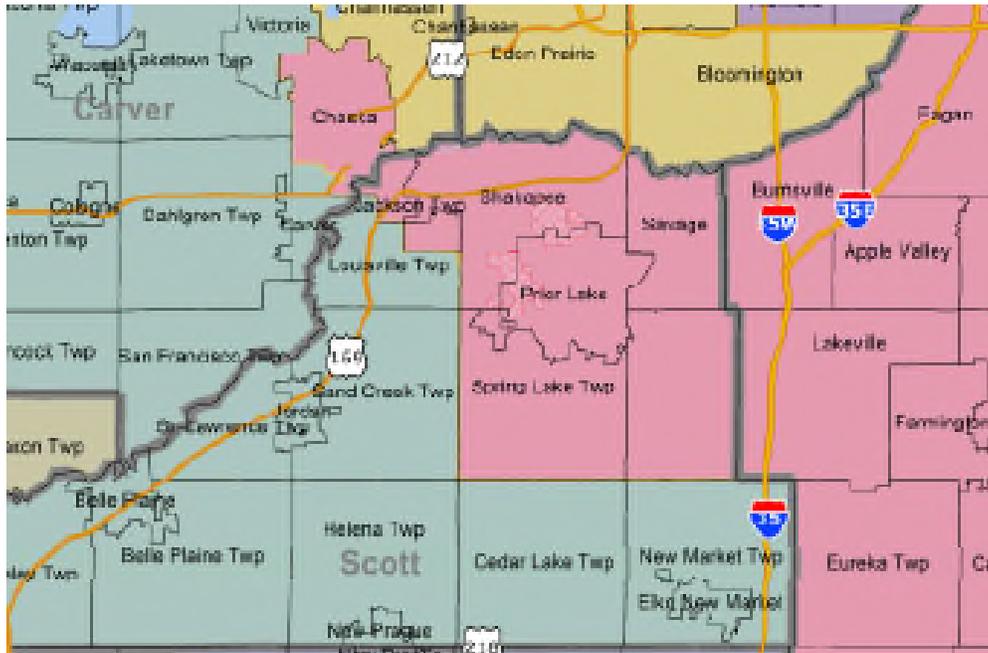
the city's colleges are kept in the Second congressional district, the Anderson Congressional Plan establishes that the division of this city is not necessary to meet population equality requirements.

Consistent with their push for this Panel to minimize certain neutral and traditional redistricting principles such as the preservation of political subdivisions and compactness, the Sachs Plaintiffs' Second congressional district is simply a continuation of the entire theme of their proposed congressional map — a blurring of the lines between rural, suburban/exurban, and urban, mixing residents of these differing areas within several districts and, in doing so, diluting their voices and disregarding distinct communities of interest for political gain.

b. The Wattson Plaintiffs

The Wattson Plaintiffs also make notable changes to the boundaries of the Second district, dividing cities and communities that naturally share common interests and concerns, and doing so in a manner that results in the drawing of odd district lines with minimal justification. In addition to its northeastern Chaska tail (discussed *supra* Section III.B.2), the Wattson Plaintiffs' proposed Second district not only splits Scott County between the Sixth and the Second districts, it does so at an odd right angle that unnecessarily divides neighboring communities that are naturally aligned and share common interests and concerns. For instance, the Wattson Plaintiffs separate the cities of Jordan and Belle Plaine (in the Sixth district) from the city of Shakopee (in the Second district), but those cities share suburban characteristics and amenities arising from their proximity to each other and their connectedness by Highway 169.

**Figure 3: Wattson Plaintiffs Division of Scott County**



The Wattson Plaintiffs further split New Market Township and the city of Elko New Market from the neighboring city of Lakeville, with which they share a school district. Such map-making fails to recognize an additional unique exurban and rural interest: citizens in townships like New Market often have mailing addresses and other affiliations associated with the neighboring city (in this case, Lakeville) — again, failing to recognize the characteristics of more exurban and rural areas of the State.

c. Corrie Plaintiffs

The city of Eden Prairie has always been kept with neighboring Minnetonka. These cities, along with other surrounding cities such as Shorewood, Excelsior, and Deephaven, share second/third ring suburban interests, often connected to Lake Minnetonka and surrounding areas, that are best represented within one congressional district. Indeed portions of the city of Eden Prairie fall within the Minnetonka school district, further

connecting the interests of these two neighboring cities. Yet the Corrie Plaintiffs propose removing Eden Prairie from the Third congressional district and moving it into the Second with cities with which it does not share similar unique suburban characteristics — such as Hastings, Rosemount, and Lakeville. This unusual district configuration of course has collateral consequences, such as a need to make up for population gains in the Second district by moving a portion of Scott and Dakota counties, counties within Minnesota’s original seven-county metropolitan area, into the traditionally rural First congressional district. And while the Corrie Plaintiffs assert that their proposed Second district “unites the East African community that resides in the precincts near where Bloomington, Savage, and Burnsville” meet, they cite to no evidence regarding the interests or size of such groups, nor does their community of interest report identify such a group residing in this area. *See* Erickson Dec, Ex. G.<sup>18</sup> The Corrie Plaintiffs also split Bloomington between the Second and Fifth congressional districts. Again, their justification for putting east and west Bloomington into two separate districts is to purportedly unite the East African community in west Bloomington in the Second district and “Latin American cohorts [in east Bloomington] . . . [who] expressed a desire to remain with Minneapolis” in the Fifth district. Corrie Leg. Mem. at 17. Again, the Corrie Plaintiffs cite to no evidence regarding the interests or size of such groups, nor does their community of interest report identify that these groups reside in those areas.

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<sup>18</sup> The Corrie Plaintiffs’ community of interest report further does not comply with the Panel’s requirement that the report identify “the census block within the community of interest, and the district or districts to which the community of interest has been assigned.”

### 3. Third Congressional District

Each of the Opposing Parties, too, makes unnecessary and unsupported changes to the existing Third congressional district, notably divorcing first-ring suburbs from the neighboring cities with which they share common interests.

#### a. The Sachs Plaintiffs

The Sachs Plaintiffs move the first-ring suburbs of Crystal, St. Louis Park, and Golden Valley from the Fifth congressional district to the Third. This results in a loss of population in the Fifth district that the Sachs Plaintiffs offset by adding to that district outer-ring northeastern suburbs (namely, a portion of the city of Anoka, the city of Blaine, the city of Lexington, and a portion of the city of Circle Pines) despite these distinctly suburban areas having little in common with the urban areas of Minneapolis. *See* discussion *supra* Section III.D.2. The partisan reason for this shifting of these political subdivisions appears obvious — to add DFL leaning voters to the historically competitive Third congressional district from the politically “safe” Fifth congressional district, while diluting the votes of some northeastern suburban voters by putting them in the highly DFL Fifth district. Further, the addition of these first-ring suburbs to the Third district appears to have the additional collateral consequence of requiring the division of the city of Brooklyn Park, which is currently entirely within the Third district, between the Third and the Fifth districts.

#### b. The Wattson Plaintiffs

The Wattson Plaintiffs likewise divide naturally forming communities of interest by placing a portion of the suburban city of Minnetonka in the primarily urban/inner suburban

Fifth congressional district. The Wattson Plaintiffs also move the cities of Minnetrista and Saint Bonifacius from the Third to the Sixth congressional district, separating those communities from other cities that likewise surround Lake Minnetonka. Given these strange choices, it certainly appears that the overall goal is to make the Third district more DFL-leaning while retaining the safely DFL cores of the Fourth and Fifth congressional districts.

c. The Corrie Plaintiffs

The Corrie Plaintiffs' proposed Third congressional district is a substantial overhaul of the existing congressional map, which is further likely to cause voter confusion and clearly combines cities that have little in common. For instance, while the current Third district contains no portion of Ramsey County, the Corrie Plaintiffs propose moving several first-ring Ramsey County suburbs (*e.g.*, New Brighton and Spring Lake Park) from the Fourth and Fifth districts to the Third. One notable example is the Corrie Plaintiffs' proposal that the Ramsey County portion of St. Anthony, which is nearly an extension of northeast Minneapolis, be moved from the Fifth district to the Third. As with the changes to the Third district proposed by the Sachs and Wattson Plaintiffs, this change would, of course, move DFL-leaning voters that currently reside in the Fifth to the historically competitive Third congressional district. And while the Corrie Plaintiffs attempt to justify the composition of their Third congressional district on nonpartisan grounds, by claiming that it represents the voices of varying minority groups, minority representation in their Third district (as measured by voting age population) increases only 2% as compared to the Anderson Congressional Plan. Further, this increased minority representation in the

Third district results in a decrease in the Fifth district, and the Anderson Congressional Plan achieves greater minority representation (35% vs. 32%) therein. Further, the Anderson Congressional Plan achieves the same minority representation (32%) as the Corrie Plaintiffs' plan in the Fourth district.

In short, the Corrie Plaintiffs' proposed Third congressional district contains a hodgepodge of random cities from all over the metro area — from the northern suburbs to the southwestern suburbs, from first-ring suburbs to the exurbs. This is sweeping reconfiguration of the Third congressional district that should be entirely rejected. *See Hippert*, 813 N.W.2d at 397 (rejecting “sweeping reconfigurations of congressional districts”).

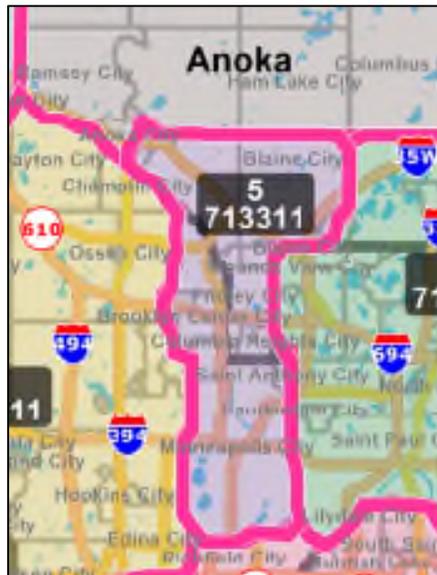
#### **4. Fourth and Fifth Congressional Districts**

The Sachs and Corrie Plaintiffs' plans for the Fourth congressional district continue their departure from the *Zachman* and *Hippert* Panels' creation in the metropolitan area of “a plan with three predominantly suburban and exurban districts and two predominantly urban districts, in addition to the three rural districts.” *Zachman* Congressional Redistricting Order at 9. Instead, they blur the lines between predominantly urban areas and the suburban/exurban areas in Minnesota's second-ring suburbs and beyond.

For example, as discussed *supra* Section III.D.2, the Sachs Plaintiffs move Centerville, a portion of Circle Pines, and Lino Lakes from the Sixth congressional district to the Fourth, while moving cities along the St. Croix river that have been traditionally included in the Fourth district to the Second. In the Fifth district, they remove several first-ring suburbs (including Golden Valley and Richfield) from the Fifth in exchange for

several second-ring (and beyond) suburban and exurban areas — namely, a portion of the city of Anoka (with the remainder placed in the rural Eighth congressional district), the city of Blaine, the city of Lexington, and a portion of the city of Circle Pines. The Sachs Plaintiffs’ reconfiguration of district lines results in the drawing of a long and narrow Fifth congressional district that makes little sense under the redistricting principles adopted by this Panel:

**Figure 4: The Sachs Plaintiffs’ Fifth Congressional District**



The Corrie Plaintiffs’ proposed Fourth and Fifth congressional districts likewise dilute the predominately urban character of these districts by exchanging several first-ring suburbs for outer-ring suburbs and exurbs. For example, the Corrie Plaintiffs move New Brighton and a portion of Spring Lake Park, first-ring suburbs, from the Fourth congressional district to the Third, and in exchange pick up the exurban areas of Hastings, Newport, and Denmark Township from the Second district. And while they justify their odd and unreasoned redistricting of the Fourth congressional district through their claim

that their map “keeps together Black/African American communities in St. Paul,” the Anderson Plaintiffs (along with the other two parties) also keep St. Paul whole in the Fourth district.

### **5. Sixth Congressional District**

Both of the congressional plans proposed by the Corrie and Sachs Plaintiffs divide rural communities of interest by combining rural and sparsely populated counties with more densely populated suburban counties in Sixth district. The Wattson Plaintiffs also divide communities of interest in the Sixth district by unjustifiably splitting up the exurban and suburban communities of interest in Scott and Carver counties.

The Corrie Plaintiffs’ proposed Sixth district encompasses interests of both the suburban and exurban communities that are located in counties such as Anoka, Wright, and Sherburne and the primarily rural and agricultural interests of residents that reside in Morrison, Isanti, Kanabec and Mille Lacs counties. This Panel need only view the population density data of these counties from the 2020 census to conclude that the Corrie Plaintiffs’ proposed Sixth district makes little sense. Anoka, Wright, and Sherburne counties have population densities of 862.4, 213.8, 224.5 people per square mile, respectively. In contrast, Morrison, Isanti, Kanabec, and Mille Lacs counties have population densities of 30.2, 94.4, 30.7, and 46.2 persons per square mile, respectively.<sup>19</sup> The sole justification the Corrie Plaintiffs provide for this extensive departure from current district boundaries is that it keeps St. Cloud whole within the district. But the Anderson

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<sup>19</sup> United States Census Bureau, Minnesota: 2020 Census, <https://public.tableau.com/shared/RPZYNMSQY?:showVizHome=no>.

Congressional Plan was able to keep St. Cloud whole except for a small portion that is located in primarily rural Benton County, without disrupting the primarily suburban and exurban interests that have historically characterized the Sixth congressional district.

Likewise, the Sachs Plaintiffs claim that their proposed congressional district plan “ensure[s] that the distinctive voice of rural Minnesota is not subsumed by the disparate interests of the Twin Cities metropolitan area” (Sachs Cong. Mem. at 1-2), yet their plan does the exact opposite through inexplicable groupings of suburban communities with rural and agricultural regions. The Sachs Plaintiffs propose to combine in the Sixth district the primarily rural counties of Kandiyohi, Meeker, and McLeod, with agricultural interests (*see* discussion *supra* Section I.C) and respective population densities of 38.5, 54.8, and 74.8 persons per square mile, with Scott, Carver, Wright, and Sherburne counties, with population densities of 423.6, 302, 213, and 224.5 persons per square mile, respectively.<sup>20</sup> Although the Sachs Plaintiffs claim that their proposed Sixth district represents exurban interests (Sachs Cong. Mem. at 23), in reality their plan does nothing more than unjustifiably carve off rural Minnesotans from their traditionally rural districts and pair them with suburban communities with differing interests and priorities. *See Hippert*, 8113 N.W.2d at 400 (noting the “suburban and exurban character” of the Sixth district).

In apparent recognition that their proposed plan dilutes the interests of Minnesota’s rural voters, the Sachs Plaintiffs claim that their plan distinguishes between “suburban

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<sup>20</sup> United States Census Bureau, Minnesota: 2020 Census, <https://public.tableau.com/shared/RPZYNMSQY?:showVizHome=no>.

communities that are closely linked to the urban cores of the Twin Cities from exurban areas that continue to reflect their own rural pasts and share relatively more in common with outlying rural areas.” Sachs Cong. Mem. at 3. But the Sachs Plaintiffs provide no support for their contention that exurban areas “continue to reflect their own rural pasts” and fail to explain how counties such as Scott, Carver, and Wright conform with this unsupported characterization.

The Wattson Plaintiffs, too, divide communities of interest within the Sixth district through odd and inexplicable splits of the suburban and exurban counties of Wright, Scott, and Carver. Specifically, the Wattson Plaintiffs divide Wright County between the Sixth and Seventh districts and Scott County between the Sixth and Second. And Carver County is divided up into *four* separate districts — the Second, Third, Sixth, and Seventh. Without explanation, the Wattson Plaintiffs put three Carver County residents into the Seventh district. *See* Wattson Dec., Ex. C-4. Not only are these divisions, as discussed above, unnecessary to meet constitutional requirements, they divide fundamental and easily defined communities of interest.

Accordingly, because the Opposing Parties’ proposed congressional plans unjustifiably divide communities of interest within the Sixth district, the Panel should reject them.

## **6. Seventh Congressional District**

The Opposing Parties’ congressional plans should further be rejected because they fail to preserve communities of interest in the Seventh congressional district.

As discussed in detail above, the Sachs Plaintiffs dilute the interests of Minnesota’s rural voters by carving off the counties of Kandiyohi, Meeker, and McLeod from the Seventh district and placing them in the primarily suburban and exurban Sixth district. *See* Written Testimony of Craig Bishop to House Redistricting Committee (Sept. 20, 2021) (“CD7 has been a western-agricultural district since . . . 1970.”); *see also* *Hippert*, 813 N.W.2d at 398 (noting that “agricultural interests . . . largely define the balance of the seventh congressional district”).

Similarly, the Corrie Plaintiffs’ proposed Seventh congressional district, like their proposed First district, splits the community of interest that naturally arises in southern Minnesota along Interstate 90. *See supra* section III.D.1. Again, the Corrie Plaintiffs’ only justification for these fundamental changes to the current congressional district map is to keep minority interests together in one district. Corrie Cong. Mem. at 18-19. But, as discussed *supra* II.A, the Corrie Plaintiffs’ proposed congressional map does not increase minority representation among districts as compared to the Anderson Congressional Plan, or, in fact, as compared to any other parties’ congressional plan. Indeed, the Anderson Plaintiffs’ Congressional Plan achieves the same percentage of minority representation in the Seventh district (as measured by voting age population) as the Corrie Plaintiffs’ plan. The Corrie Plaintiffs also attempt to support their plan by pointing out that it keeps the diverse communities of Worthington, St. James, and Madelia in one district. *Id.* at 19. But the Anderson Congressional Plan does the same with fewer changes to the current congressional district map.

The Wattson Plaintiffs’ proposed congressional plan fails to preserve the distinct communities of interest located in northwestern and northeastern Minnesota by extending the boundary of what is currently the Eighth district into the Seventh district. As noted in the Anderson Plaintiffs’ Memorandum in Support of Congressional Plan, northwestern Minnesota is home to agricultural interests such as the farming of wheat, potatoes and sugar beets, whereas northeastern Minnesota is characterized by interests related to the timber and mining industries. *See* Anderson Cong. Mem. at 30-31. But the Wattson Plaintiffs’ congressional plan ignores these differences by adding the northwestern counties of Lake of the Woods, Beltrami, Clearwater, Mahnomen, and parts of Becker to the Eighth district. As a result, the Wattson Plaintiffs’ congressional plan fails to account for the unique interests and priorities of voters in northwestern and northeastern Minnesota.

#### **7. Eighth Congressional District**

As discussed above, the Corrie Plaintiffs’ proposed Eighth district, like the Wattson Plaintiffs’ proposed Seventh and Eighth districts, fails to preserve the distinct communities of interest that reside in northwestern and northeastern Minnesota. The Corrie Plaintiffs’ proposed Eighth congressional district spans the northern half of the state — a dramatic change that utterly fails to take into account the notably unique communities of interest in the northwestern and northeastern Minnesota and ignores the *Hippert* Panel’s rejection of such a proposal ten years ago. Moreover, this Panel received testimony requesting that the Panel not draw a district that spans the northern half of the state. *See* Testimony of Debra Taylor, Duluth Hearing at 22:7-14 (Oct. 19, 2021) (“Do not draw a congressional district across the whole northern part of the state. For 125 years . . . we’ve had two very distinct

economies in the northern part of the state. [T]he Red River Valley . . . is primarily agricultural. [T]he north central and northeastern part of the state is tourism, forestry . . . and . . . mining.”). Likewise, the Zachman Panel recognized that “there are some natural divisions within the state; for example, northwestern Minnesota and the Red River Valley have interests separate from northeastern Minnesota’s interest in its forests, the Iron Range, and Lake Superior.” Zachman Congressional Redistricting Plan at 9.

The Sachs Plaintiffs’ proposed Eighth district also fails to preserve communities of interest by diluting the voice of Minnesota’s rural residents by extending the boundaries of the Eighth district southwards to encompass parts of densely populated Anoka County. The Sachs Plaintiffs’ proposed change flatly ignores the primarily rural character of the Eighth district and they provide no persuasive justification for putting portions of Anoka County, which has a population density of 862.4 persons per square mile within the same district as Koochiching County, with a population density of only 3.9 persons per square mile.

The only justification that the Sachs Plaintiffs give for this dramatic shift in the Eighth district is that “connections and transportation patterns between northeastern Minnesota and the Twin Cities metropolitan area” such as Interstate 35, which links Duluth and the Twin Cities, have somehow given rise to a community of interest. But the Sachs Plaintiffs fail to identify these “transportation patterns” and point to no evidence that the I-35 corridor has given rise to common interests between the suburbs of Minneapolis and the far northern reaches of the state. In short, the Sachs Plaintiffs do not even attempt to define the community of interest they claim their proposed Eighth district preserves.

Therefore, unlike the Anderson Congressional Plan, the proposed congressional plans of the Opposing Parties fail to preserve the distinct rural and agricultural interests that have been represented in the Eighth district for decades. This Panel should therefore decline to adopt their plans.

**E. Reliance on the Sachs, Wattson, and Corrie Plans Would Cause a Departure from Fair, Historical Maps**

While the Panel ordered that “[d]istricts must not be drawn with the purpose of protecting, promoting, or defeating any incumbent, candidate, or political party,” it is clear that each of the Opposing Parties’ proposed congressional plans were drawn in furtherance of partisan goals. For instance, and as discussed elsewhere in this response, the Sachs Plaintiffs’ proposed plan makes significant changes to congressional district boundaries with the clear goal of moving DFL strongholds into the traditionally competitive Second and Third congressional districts. And while the Sachs Plaintiffs were required to account for these losses by moving small portions of the outer suburbs from the Sixth to the Fifth or Fourth districts, those added populations pose no real risk to the DFL and its candidates and incumbents in light of the highly reliable DFL majorities in the Fourth and Fifth districts.

While notably placing three republican incumbents within the same district (*i.e.*, the Seventh), the Corrie Plaintiffs also increase DFL support in the Third district by moving reliable DFL strongholds in the first-ring suburbs from the Fifth and Fourth to the Third districts. Likewise, the Wattson Plaintiffs’ proposal results in the First, Second, and Third congressional districts becoming more favorable to the DFL. In particular, the Wattson

Plaintiffs add all of Northfield and remove part of Cottonwood County in the First district; remove rural Scott County and add St. Paul Park, Newport, and portions of Woodbury in the Second district; and remove Chaska, Victoria, Laketown Township, Independence, Minnetrista, and St. Bonifacius and add Anoka in the Third district.

### **CONCLUSION**

Each of the Opposing Parties' congressional redistricting plans propose drastic reconfigurations to Minnesota's existing congressional districts and fail to meet this Panel's redistricting criteria. Moreover, each of their plans unjustifiably departs from the five-three district plan adopted by both the *Zachman* and *Hippert* panels by combining rural and suburban communities into the same district. Doing so negatively impacts the ability for rural voters to elect representatives that reflect their priorities and concerns. The Anderson Congressional Plan, on the other hand, adopts this five-three model while preserving political subdivisions to the greatest extent possible, and thereby preserves the unique interests of rural, suburban/exurban, and urban Minnesotans. Therefore, the Panel should reject the Opposing Parties' plans and adopt the Anderson Congressional Plan in its entirety.

Dated: December 17, 2021

Respectfully submitted,

TAFT STETTINIUS & HOLLISTER LLP

By: s/ Elizabeth M. Brama  
Elizabeth M. Brama (#0301747)  
[EBrama@Taftlaw.com](mailto:EBrama@Taftlaw.com)  
Maren M. Forde (#0390221)  
[MForde@Taftlaw.com](mailto:MForde@Taftlaw.com)  
Samuel N. Louwagie (#0400885)  
[SLouwagie@Taftlaw.com](mailto:SLouwagie@Taftlaw.com)

2200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
Telephone: (612) 977-8400  
Facsimile: (612) 977-8650

**Attorneys for Plaintiffs Paul Anderson,  
Ida Lano, Chuck Brusven, Karen Lane,  
Joel Hineman, Carol Wegner, and Daniel  
Schonhardt**