

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

A21-0243
A21-0546



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,

Applicants for Intervention,

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

Dr. Bruce Corrie, Shelly Diaz,
Alberder Gillespie, Xiongpaoo Lee,
Abdirazak Mahboub, Aida Simon,
Beatriz Winters, Common Cause,
OneMinnesota.org, and Voices for
Racial Justice,

Applicants for Intervention,

vs.

Steve Simon, Secretary of State of Minnesota,

Defendant.

ORDER

The panel has received two motions to intervene in this matter. On June 29, 2021, Paul Anderson and six other Minnesota voters (the Anderson applicants) filed a motion to intervene.¹ On July 15, 2021, Dr. Bruce Corrie, six other Minnesota voters, and three organizations representing the interests of Minnesota voters (the Corrie applicants) filed a motion to intervene. The panel set a deadline of August 4, 2021, for motions to intervene; we received no additional motions.

The panel also set a deadline of August 13, 2021, for responses to intervention motions. We received responses from defendant Steve Simon, plaintiffs Frank Sachs,

¹ The Anderson applicants had previously filed a notice of intervention and a complaint in intervention in the action Peter S. Wattson, et al. (the Wattson plaintiffs) initiated in Carver County District Court. In its first scheduling order, the panel construed both submissions as timely motions to intervene.

et al., and the Wattson plaintiffs. All stated that they do not oppose intervention by either group of applicants. Defendant Olson did not file a response. No party or applicant has requested oral argument on the issue of intervention.

Both groups of applicants seek to intervene as of right under Minn. R. Civ. P. 24.01 or, in the alternative, to obtain permissive intervention under Minn. R. Civ. P. 24.02. Because we conclude that the applicants have satisfied the requirements of rule 24.02, we need not reach the application of rule 24.01.

Rule 24.02 provides:

Upon timely application anyone may be permitted to intervene in an action when an applicant's claim or defense and the main action have a common question of law or fact. . . . In exercising its discretion [whether to grant intervention], the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

Minn. R. Civ. P. 24.02. This language states only one substantive requirement—that the proposed intervenors have a common question of law or fact with the main action. *League of Women Voters Minn. v. Ritchie*, 819 N.W.2d 636, 641-42 (Minn. 2012). But we also consider the factors of timeliness and undue delay or prejudice.

The requirement of commonality between the applicants' claims and the main action is amply satisfied. Both groups of applicants assert an interest in the constitutionality of the existing congressional and legislative districts and the appropriate remedy for any constitutional infirmity. These are precisely the interests that the existing plaintiffs assert. And this panel was constituted for the purpose of addressing all such issues. *See Wattson v. Simon*, No. A21-0243 (Minn. June 30, 2021) (Order of Chief Justice) (providing that, in

addition to deciding the existing parties' claims, the panel "shall also hear and decide any additional challenges that are filed in state court to the validity of state legislative and congressional districts based on the 2020 Census").

The other two factors noted in rule 24.02 also favor intervention. First, both groups of applicants filed timely motions to intervene. The Anderson applicants sought to intervene at the beginning of the action, before the panel was appointed. The Corrie applicants moved to intervene shortly after the panel's appointment, before the panel issued its first scheduling order. Both motions preceded any substantive decisions in this matter. As such, they are timely.

Second, the applicants' intervention at this early stage would cause no undue delay or prejudice. The existing parties will bear the added burden of responding to additional arguments. But they do not oppose intervention. And the panel has a strong interest in gathering broad and varied input to inform its decision, because the redistricting process affects all Minnesotans. *See Snyder's Drug Stores, Inc. v. Minn. State Bd. of Pharmacy*, 221 N.W.2d 162, 166 (Minn. 1974) (observing that intervention could increase the complexity of the case "but such a contribution would, if anything, be a beneficial addition allowing for a more informed decision by the court"); *see also* Lisa Marshall Manheim, *Redistricting Litigation and the Delegation of Democratic Design*, 93 B.U. L. Rev. 563, 609, 616 (2013) (discussing concerns that judicial redistricting relies on litigants who may not be "representative of the electorate as a whole," but noting that increasing participation can improve representativeness). This interest outweighs the possible inconvenience to the existing parties of responding to additional arguments. *Hippert v.*

Ritchie, No. A11-0152 (Minn. Special Redistricting Panel Aug. 18, 2011) (Order Granting Motions to Intervene).

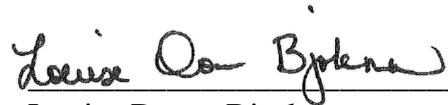
For these reasons, we grant the Anderson applicants' and the Corrie applicants' motions to intervene under rule 24.02. In light of our decision, the August 31, 2021 hearing on the motions to intervene will be removed from the panel's docket.

IT IS HEREBY ORDERED:

1. The Anderson applicants' motion to intervene is GRANTED.
2. The Corrie applicants' motion to intervene is GRANTED.

Dated: August 23, 2021

BY THE PANEL:



Louise Dovre Bjorkman
Presiding Judge

Judge Diane B. Bratvold
Judge Jay D. Carlson
Judge Juanita C. Freeman
Judge Jodi L. Williamson