

Minnesota Redistricting Process: A Historical Overview

Matt Gehring, House Research Department
Committee on Redistricting
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Overview

- Historical overview, by decade
- 1990s and 2000s
 - Increased focus on challenges encountered by committee members in creating a plan
- Looking forward: 2010-2012 Timeline

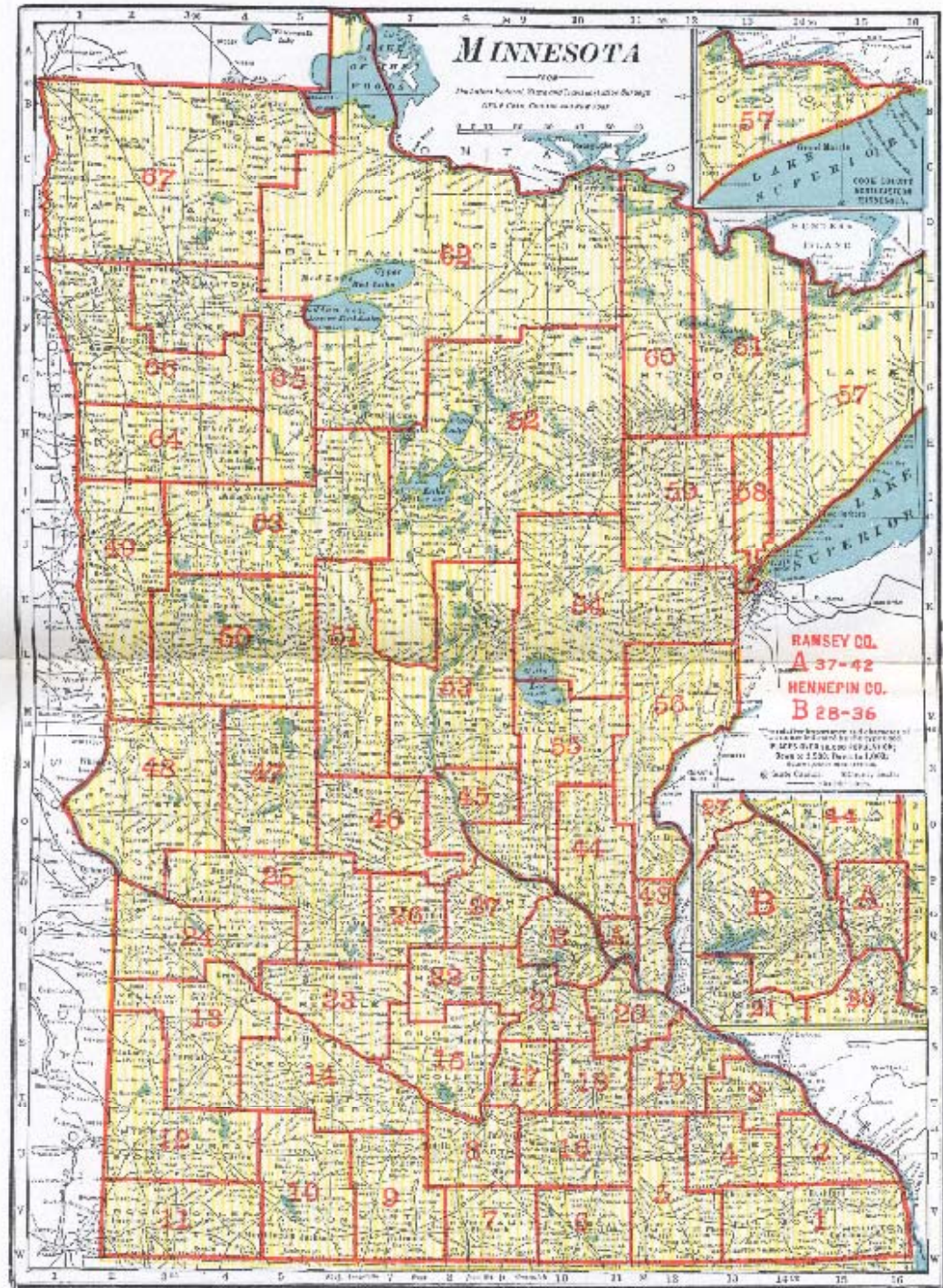
Early History



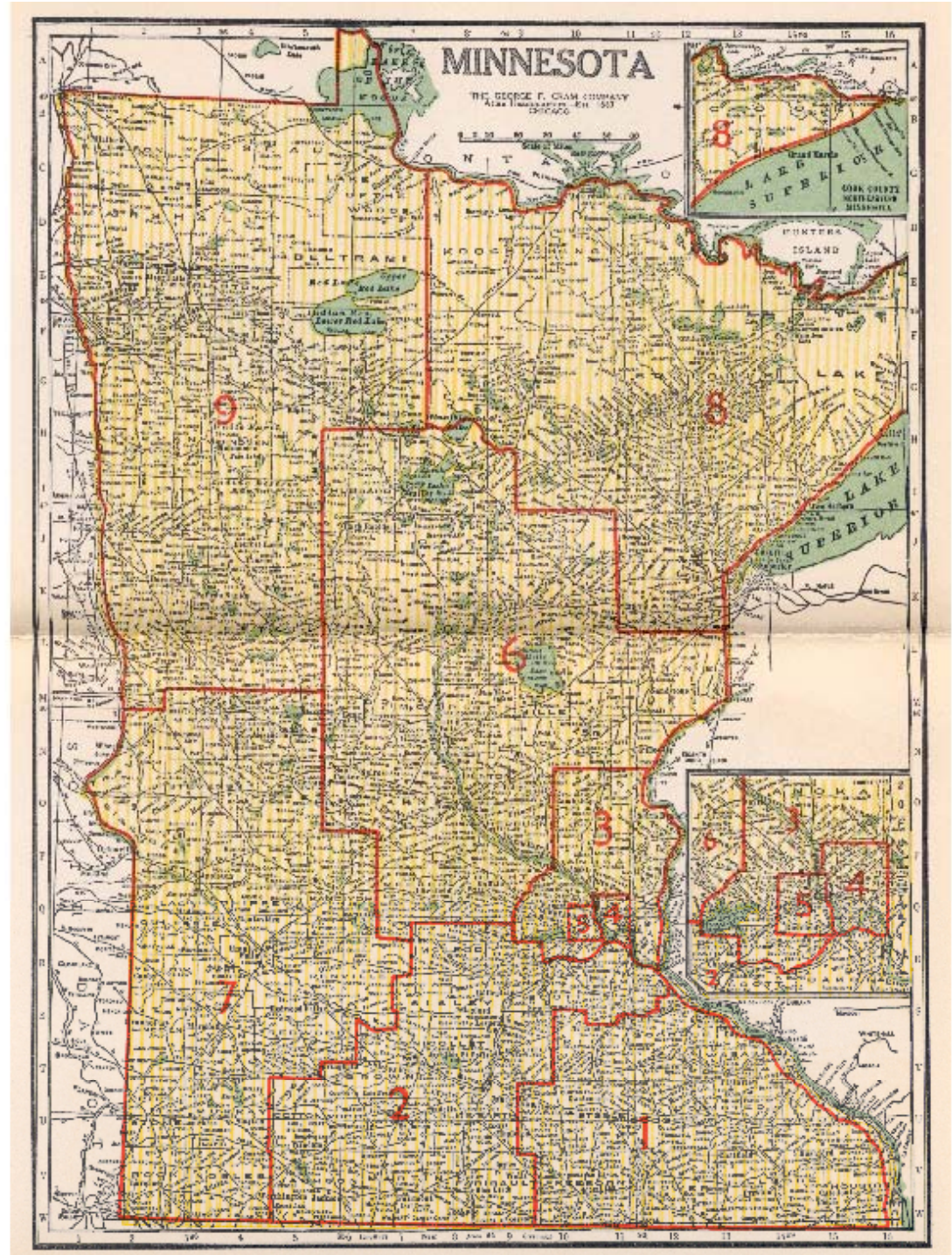
Early 20th Century – 1950s

- 1913: Size of legislature increased
 - 67 Senators (previously: 63)
 - 130 Representatives (previously: 119)
- No legislative redistricting from 1913 - 1959
- 1933: Congressional redistricting plan enacted
 - 1930 Census resulted in loss of 10th Congressional District

Minnesota Legislative District Boundaries: 1913



Minnesota Congressional District Boundaries: 1933



1950s – 1960s

1960 Minnesota Population: 3,413,864
(+ 14% from 1950)

Loss of 9th Congressional District



1958: Magraw v. Donovan

- Citizens file suit in federal court alleging 1913 legislative boundaries violate 14th Amendment
 - 1910 – 1950: 43.7% increase in state population
 - 184.8% increase in Anoka County
 - 1950: 40th House District (4th Ward, St. Paul): 7,290
 - 1950: 36th House District South (Hennepin County): 107,246
 - Proportions: 1 voter in smallest district = 14.7 voters in largest



1958: Magraw v. Donovan

- Court defers to legislative opportunity to redistrict:

“It seems to us that if there is to a judicial disruption of the present legislative apportionment ... it should not take place unless and until it can be shown that the Legislature meeting in January 1959 has advisedly and deliberately failed and refused to perform its constitutional duty to redistrict the State.”

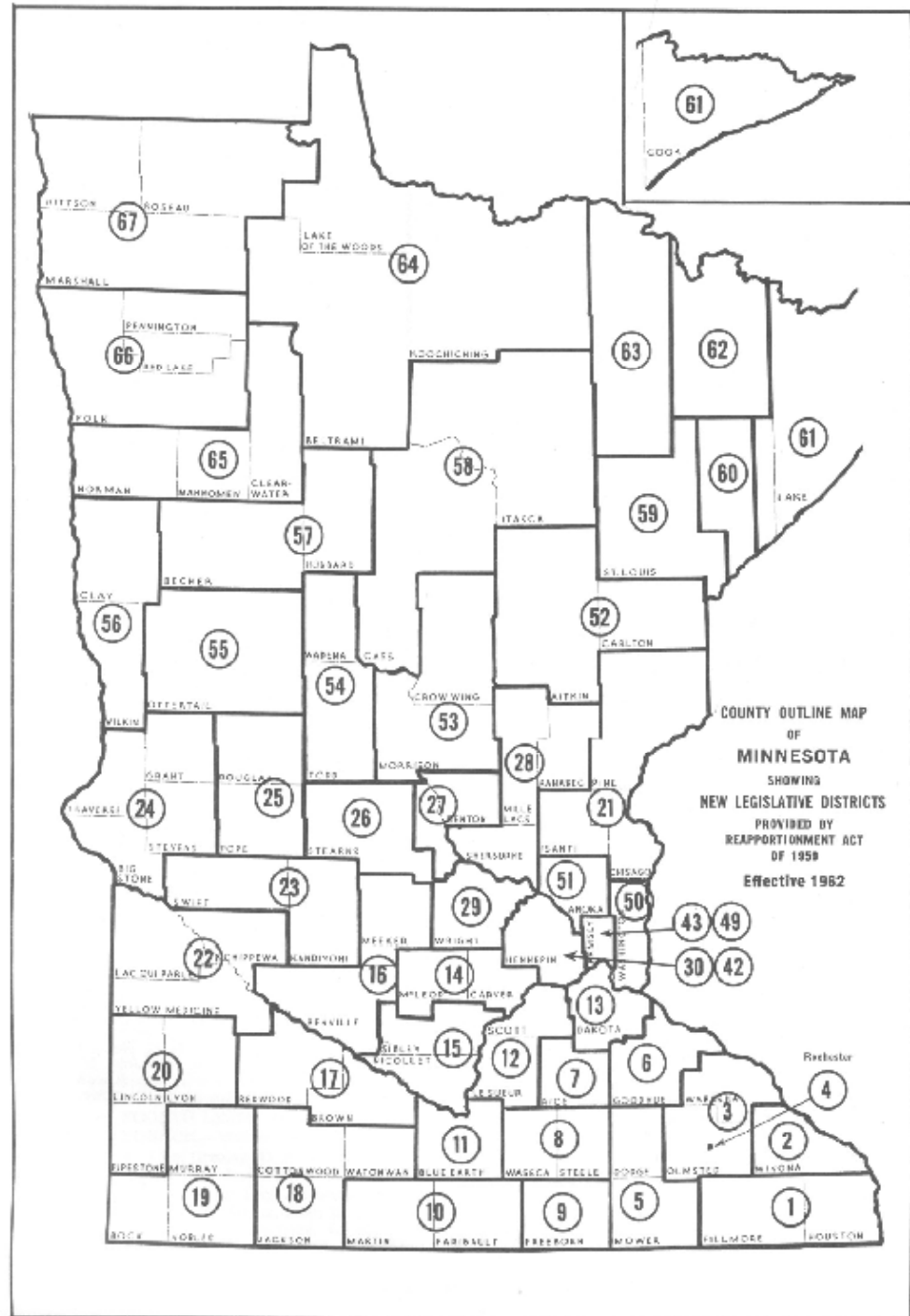
163 F. Supp. 184, 188 (D. Minn. 1958)



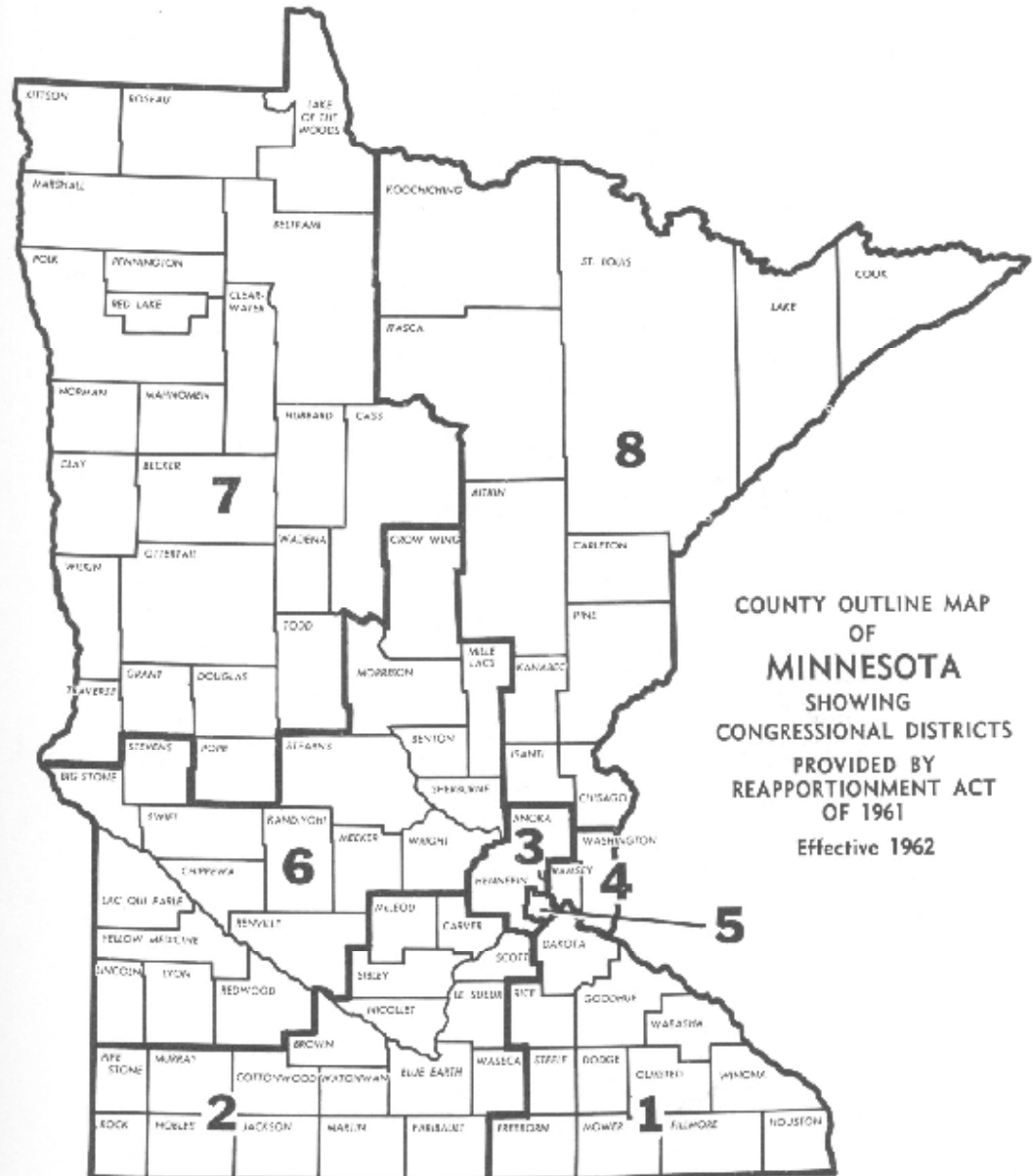
1959 - 1960s: Legislative Process

- 1959: Legislature adopts new legislative plan
 - “somewhat” using 1950 population data
 - Divided Government: DFL Governor; Liberal/DFL House; Conservative/Republican Senate
- 1961: New Congressional plan enacted
 - Divided Government: Republican Governor; Liberal/DFL House; Conservative/Republican Senate

Minnesota Legislative District Boundaries: 1959



Minnesota Congressional District Boundaries: 1961





1959 – 1960s: Litigation

- 1964: Legislative plan challenged in federal court as violation of 14th Amendment (equal protection) and Minnesota Constitution's equal apportionment requirements
 - “Ideal” population of House district (1960): 25,288
 - 1960: 43rd District North (Ramsey County) 56,076
 - 1960: 67th District (Kittson County) 8,343



1959 – 1960s: Litigation

- 1959 legislative plan declared unconstitutional; deferral to the legislature to try again

“What is important here is equality of representation; that inequality in representation in both houses of Minnesota’s legislature must be avoided as far as practicable; that this is what is meant by the “one person, one vote” concept; and that a situation where one senator represents over 100,000 people and another senator represents only 24,428 is not one of acceptable equality but is, instead, improperly discriminatory.”

Honsey v. Donovan, 236 F. Supp. 8, 20 (D. Minn. 1964).

“We have every confidence that the Minnesota legislature will fulfill its constitutional obligations and, at the forthcoming 1965 regular session, will enact appropriate reapportionment legislation...”

236 F. Supp. at 21.



1959 – 1960s: Legislative Process

- 1965: Legislative plan passed by conservative/Republican Legislature
 - Veto by DFL Governor Karl Rolvaag
 - Legal challenge to veto fails
- 1966 extra session: New plans passed by legislature
 - Plan #1: Vetoed by Governor Rolvaag (5/11/1966)
 - Plan #2: Approved by Governor Rolvaag (5/20/1966)

1970s

Minnesota Population: 3,804,971
(+ 11.5% from 1960)



1970s: Congressional Plan

- Divided government: Conservative/Republican Legislature; DFL Governor Wendell Anderson
- 1971: Congressional Plan enacted by legislature
 - Approved by Governor Anderson (6/7/1971)



1970s: Legislative Plan

- 1971 Regular session: Legislative plan approved by House (4/26/1971)
 - Senate does not approve plan
- 1971 Extra session: Legislative plan approved by House and Senate (10/29/1971)
 - Governor Anderson issues pocket veto (11/1/1971)



1970s: Legislative Plan

- November, 1971: Federal court declares existing set of districts (based on 1960s data) invalid
 - Court orders the following criteria to be used:
 - Single member, compact, contiguous districts of as equal population as possible
 - Population deviations of up to $\pm 2\%$ permissible to preserve political subdivision boundaries
 - No consideration to incumbent residences or political voting patterns



1970s: Legislative Plan

- December, 1971: Federal court rules that best reapportionment of legislature is achieved by reducing size of legislature
 - 35 Senate districts, 105 House districts
 - Senate appeals to U.S. Supreme Court
- January, 1972: Federal court issues a new plan
 - Includes reduction in size of legislature



1970s: Legislative Plan

- April, 1972: Minnesota Senate appeal to U.S. Supreme Court is successful
 - U.S. Supreme Court orders federal court to issue a new plan, adhering more closely to size of legislature mandated in Minnesota statute

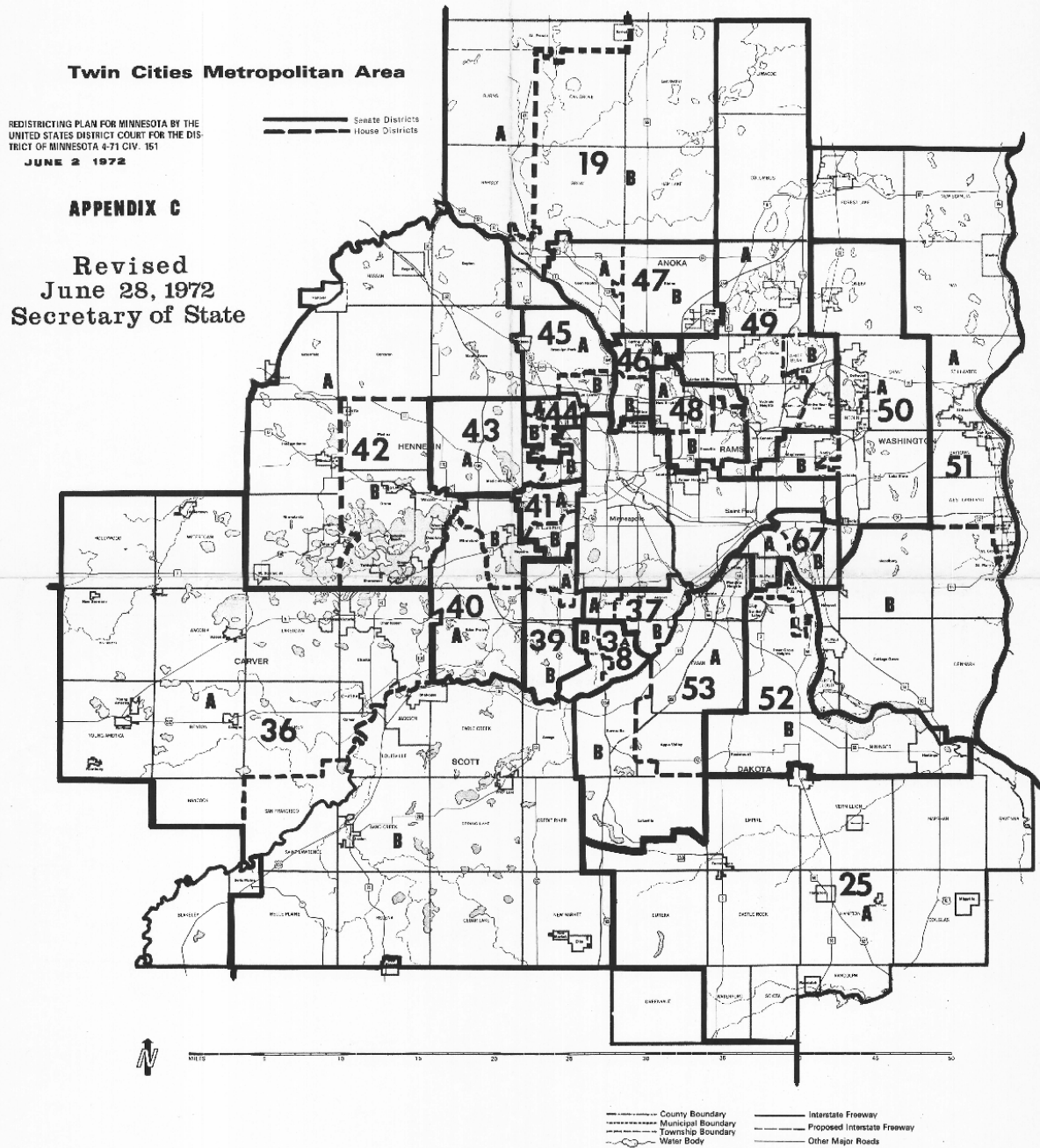
Sixty-Seventh Minnesota State Senate v. Beens, 406 U.S. 187 (1972)
- June, 1972: Federal District Court issues a revised plan
 - Includes 134 House Districts, 67 Senate Districts

Minnesota Legislative District Boundaries: 1972



Minnesota Legislative District Boundaries: 1972

A:



1980s

Minnesota Population: 4,075,970
(+ 7.1% from 1970)



1980s: Legislative Process

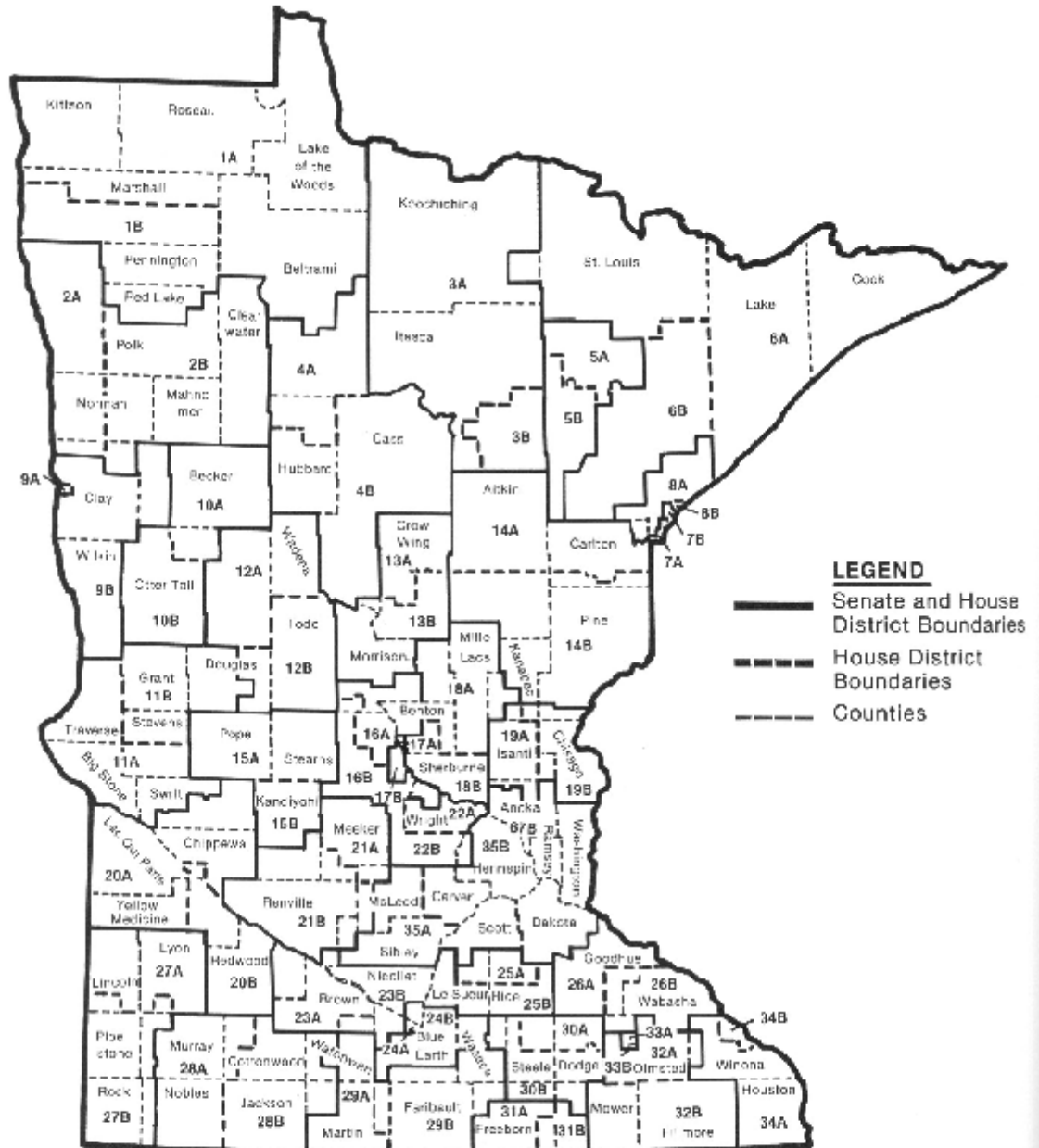
- Congressional Districts
 - May 1981: House plan introduced (HF 1478)
 - January 1981: Differing plans approved by House and Senate
 - Conference Committee fails to come to agreement
- Legislative Districts
 - January, 1982: Senate introduces plan for legislative districts (SF 1552); approved within one week of introduction
 - Dies in House committee



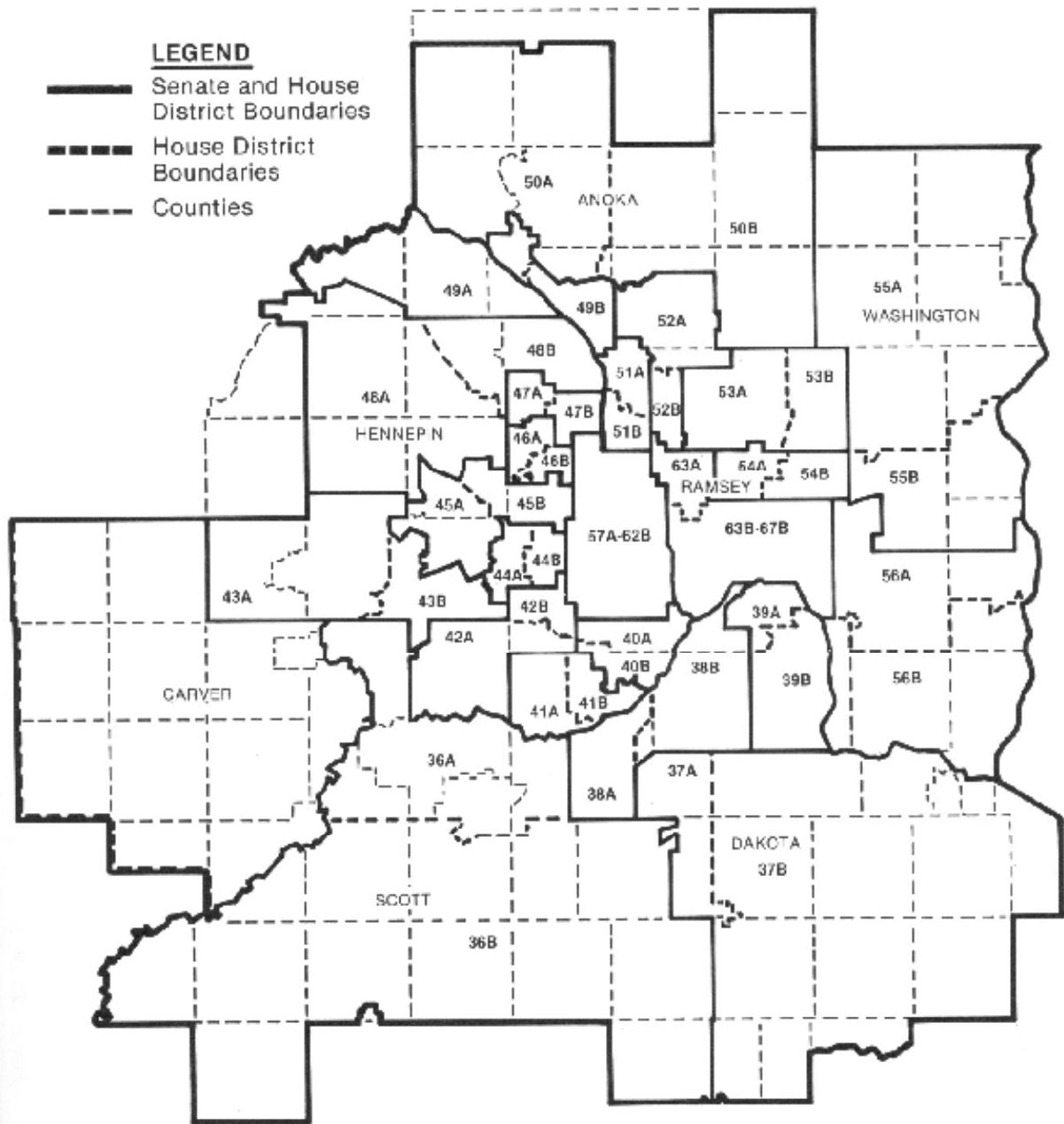
1980s: Legislative Plan

- March, 1982: Federal Court sets legislative boundaries
 - Priorities:
 - Population equality
 - “Respecting minor civil division boundaries”
 - Compactness and contiguity
 - Increasing probability of minority representation, where possible
 - Including metro-area residents within districts located entirely in seven-county metro area
 - Minor adjustments for “constituency-legislator relations”
- LaComb v. Growe*, 541 F. Supp. 160 (D. Minn. 1982)
- 1983: Legislature adopts court-ordered plan, with adjustments

Minnesota Legislative District Boundaries: 1982



Minnesota Legislative District Boundaries: 1982





1980s: Congressional Plan

- September, 1981: Congressional boundaries (based on 1970s data) declared invalid
- Four potential plans submitted to Federal court for consideration, plus internally-created plans
 - Plaintiffs (group of citizens)
 - Minnesota Senate
 - Independent Republican Congressional Delegation (2)
 - Revision of Minnesota House Plan
 - Alternate plan



1980s: Congressional Plan

- Federal court draws its own plan, based on the following standards:
 - Recognition that “essentially one-half of the people of Minnesota live in the metropolitan area and one-half live in out-state Minnesota”
 - Advancement of the Minnesota Constitution’s requirement of “convenient, contiguous territory”
 - Consistency with principles used in legislative apportionment
 - Meets other adopted criteria for Congressional districts

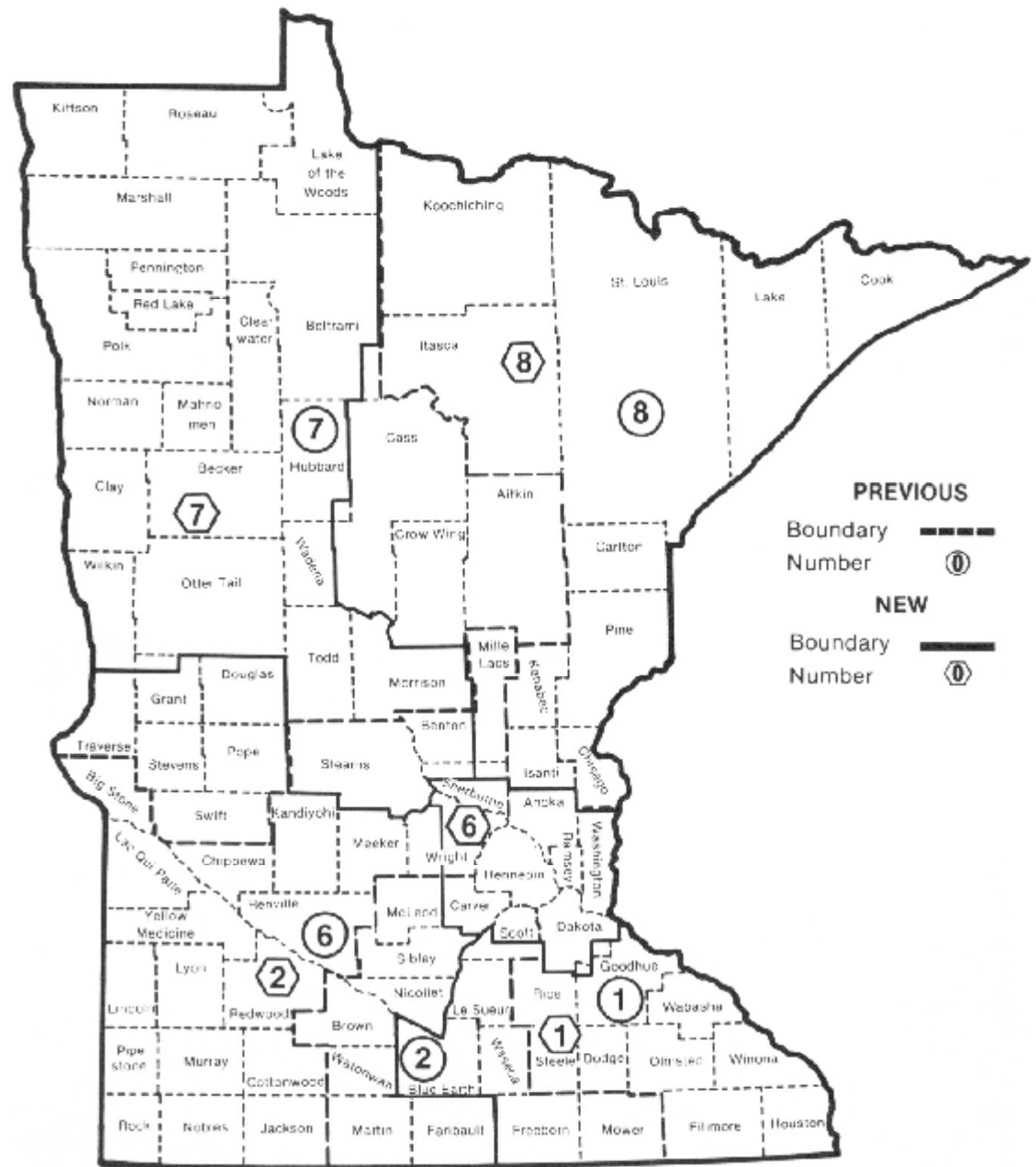


1980s: Congressional Plan

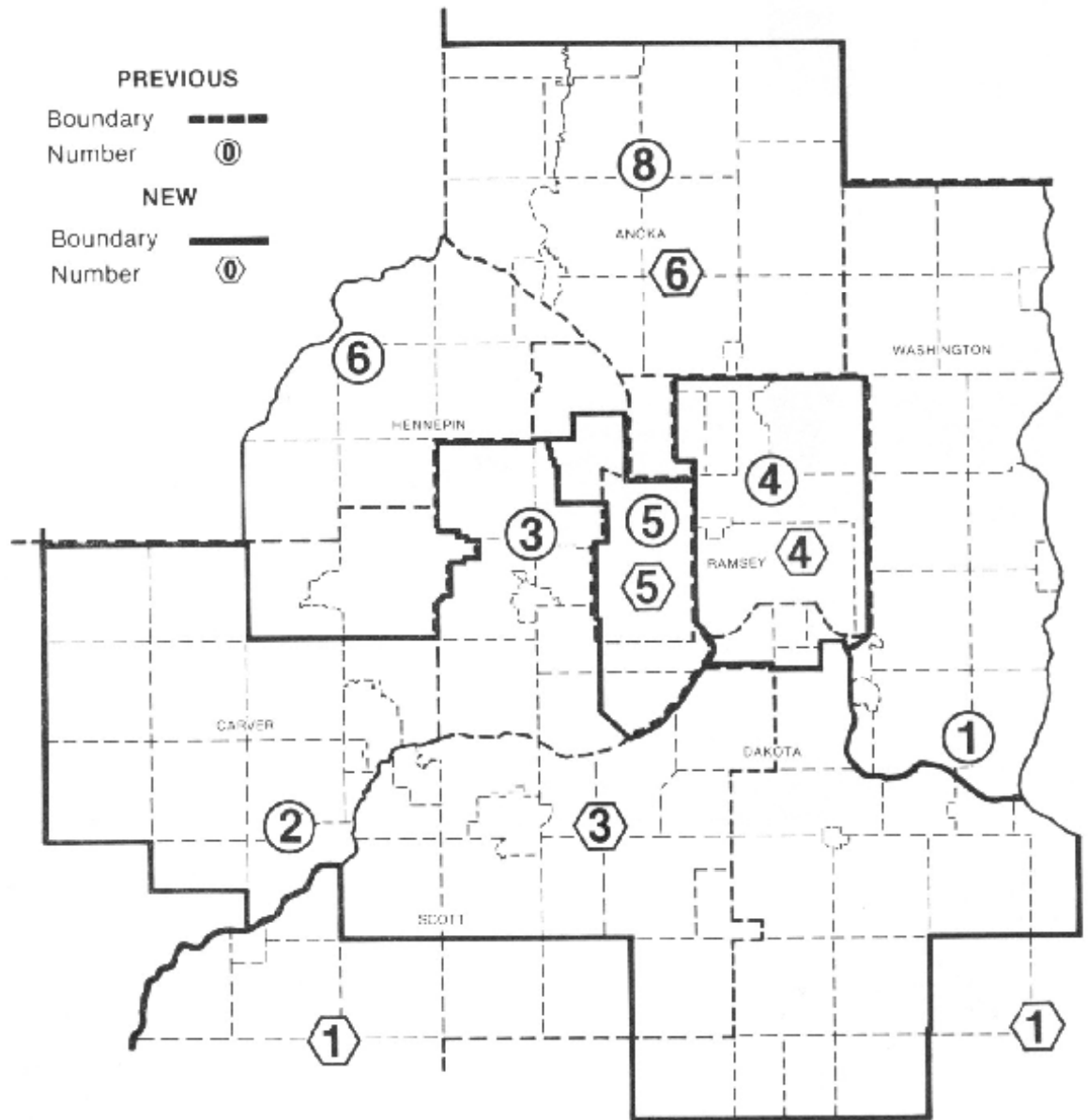
- Criteria established by court for Congressional redistricting
 - Eight Districts “as nearly equal in population as possible”
 - Maximum deviation of +/- 0.25%
 - Single member, compact, contiguous districts
 - Preserve political subdivisions
 - “Preserve the voting strength of minority population and, wherever possible, increase the probability of minority representation from areas of sizable concentrations of minority population”
 - Communities of interest may be preserved

LaComb v. Growe, 541 F. Supp. 145, fn 5 (D. Minn. 1982) (citing order of court dated December 29, 1981)

Minnesota Congressional District Boundaries: 1982



Minnesota Congressional District Boundaries: 1982



1990s

Minnesota Population: 4,375,099
(+ 7.3% from 1980)



1990s: Legislation and Litigation

- 1991 Regular session:
 - Legislature adopts two concurrent resolutions setting standards for legislative and congressional redistricting, effective for the 1990s process only
 - Statutory deadline for enactment of new plan (25 weeks prior to state primary) is signed into law (204B.14, subd. 1a).
 - House and Senate approve legislative plan
 - Plan becomes law without governor's signature
- Senate minority leader challenges legislative plan based on technical errors in drafting that cause districts to lack compactness, be non-contiguous, and not substantially equal in population
 - Challenge consolidated with previously-filed suit in federal court challenging plans as discriminatory



1990s: Legislation and Litigation

- October, 1991: State court panel declares plan enacted by legislature unconstitutional, with many errors
 - State court panel announces plan to draw own plan, based on the legislature's plan, unless a new plan is enacted into law
- December 5, 1991: Federal court issues injunction preventing state court from taking further action
- December 9, 1991: State court issues revised, corrected legislative plan (subject to federal injunction)



1990s: Legislation and Litigation

- January 6, 1992: Special legislative session convened
 - Legislature approves plan for Congressional districts, and plan for correcting prior error-laden legislative plan
- January 10, 1992: U.S. Supreme Court orders injunction against state court lifted
- January 11, 1992: Both plans approved by legislature vetoed by Governor Carlson
 - State court legislative plan went into effect



1990s: Legislation and Litigation

- February, 1992: 3-judge federal court panel issues legislative and Congressional plans, pre-empting state court plans
- March, 1992: Appeal to U.S. Supreme Court
 - State court plan upheld for legislative boundaries
 - Federal court plan upheld for Congressional boundaries
 - Additional hearings on challenges to both plans after 1992 elections
- February, 1993: U.S. Supreme Court rules unanimously that federal court overstepped authority and should have deferred to legislature and state court processes

Grove v. Emison, 507 U.S. 25 (1993)
- 1994: Legislature enacts court-ordered legislative plan, with corrections, and court-ordered Congressional plan into law
 - Additional minor modifications enacted in 1997



1990s: Legislation and Litigation

- End Result of 1990s Process:
 - 1992 Elections
 - Legislative boundaries as ordered by 3-judge state court panel
 - Congressional boundaries as ordered by 3-judge federal court panel
 - 1994 Elections
 - Legislative boundaries remain unchanged (technical errors corrected)
 - Congressional boundaries revert to original order of 3-judge state court panel

2000s

Minnesota Population: 4,919,479
(+ 12.4% from 1990)



2000s: Litigation

- January 4, 2001: Suit filed in state court alleging current districts unconstitutional, based on 2000 census results
- January 11, 2001: Plaintiffs from 1990s case seek to have the 3-judge panel's judgment reopened and current districts declared unconstitutional, based on 2000 census results
 - Motion redirected to Minnesota Supreme Court



2000s: Litigation

- March, 2001: Motion to appoint new court panel to create new district boundaries granted, but stayed pending need
- July 2001: Five-judge panel appointed

“...it is important that the primacy of the legislative role in the redistricting process be honored and that the judiciary not be drawn prematurely into the process.”

Zachman v. Kiffmeyer, 629 N.W.2d 98 (Minn. 2001)



2000s: Litigation

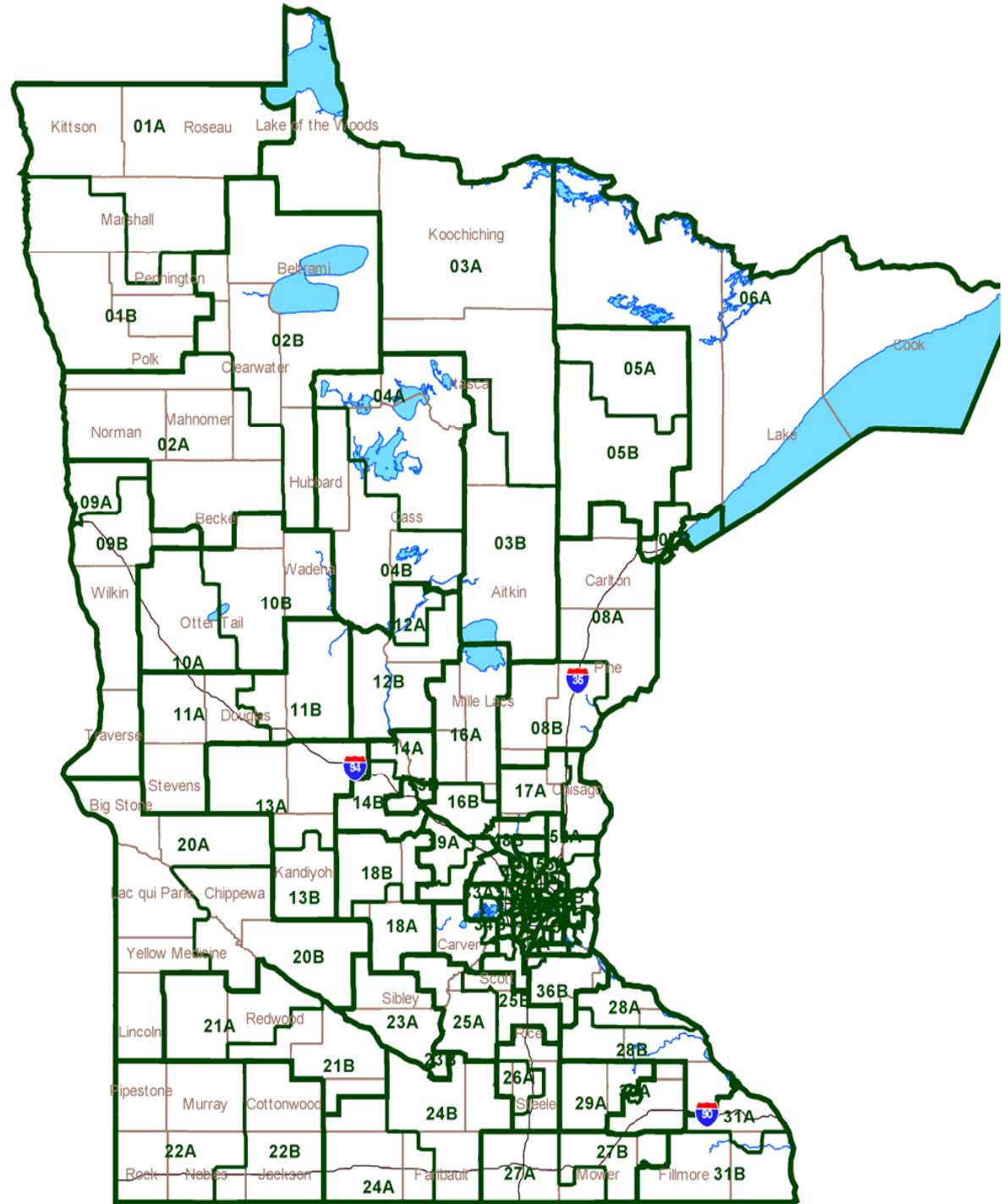
- October, 2001: Plaintiffs from 1990s case (*Cotlow*) and a number of state and federal officials granted permission to intervene
- December, 2001: 5-judge panel sets criteria for plans
 - Statutory requirements (number, nesting, etc.)
 - “Faithful adherence to the concept of population-based representation”
 - Contiguous districts
 - Compactness used to determine fairness of boundaries
 - No substantial weight to impact on incumbents or parties
- January, 2002: 5-judge panel sets schedule for statewide public hearings



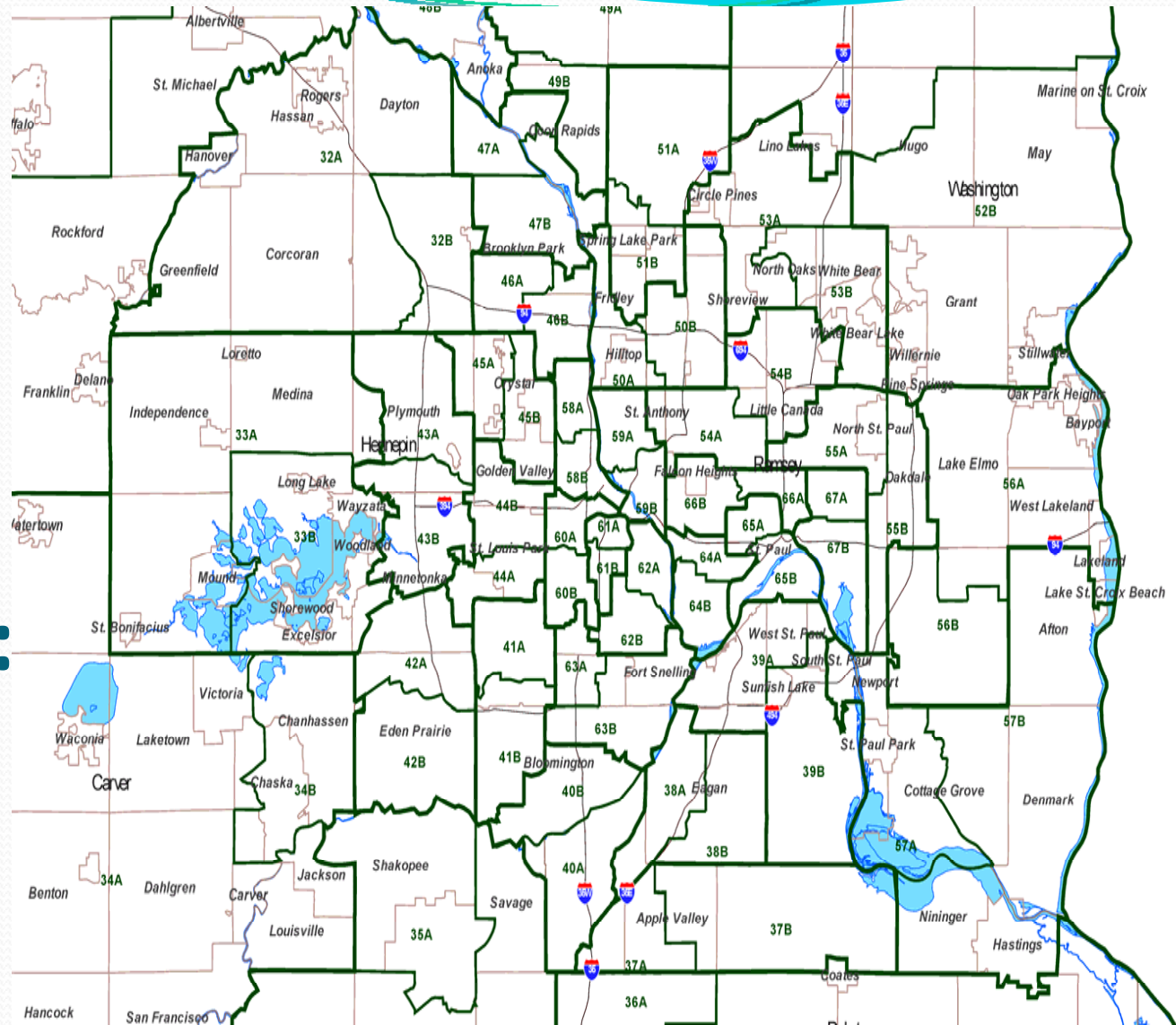
2000s: Litigation

- March 19, 2002: 5-judge panel issues new legislative and congressional district boundaries
 - Legislative plan
 - Mean population deviations: 0.28% (Senate); 0.32% (House)
 - Divided political subdivisions
 - 31 counties, 25 minor civil divisions (Senate)
 - 50 counties, 46 minor civil divisions (House)
 - Communities of interest
 - Tribal reservations intact in common Senate district
 - Iron Range, Red River Valley, St. Croix River Valley
 - Counties with shared services (SW)
 - Minneapolis and St. Paul organized neighborhoods
 - Minority groups reflected in preservation of political boundaries
 - No consideration of political competitiveness; minor adjustments to avoid incumbent protection and incumbent conflicts

Minnesota Legislative District Boundaries: 2002



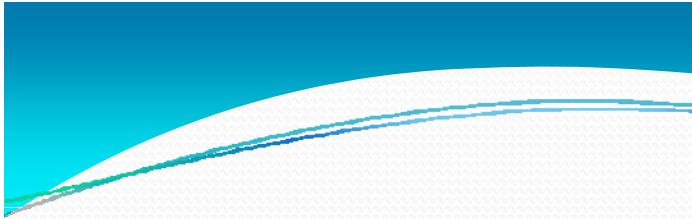
Minnesota Legislative District Boundaries: 2002



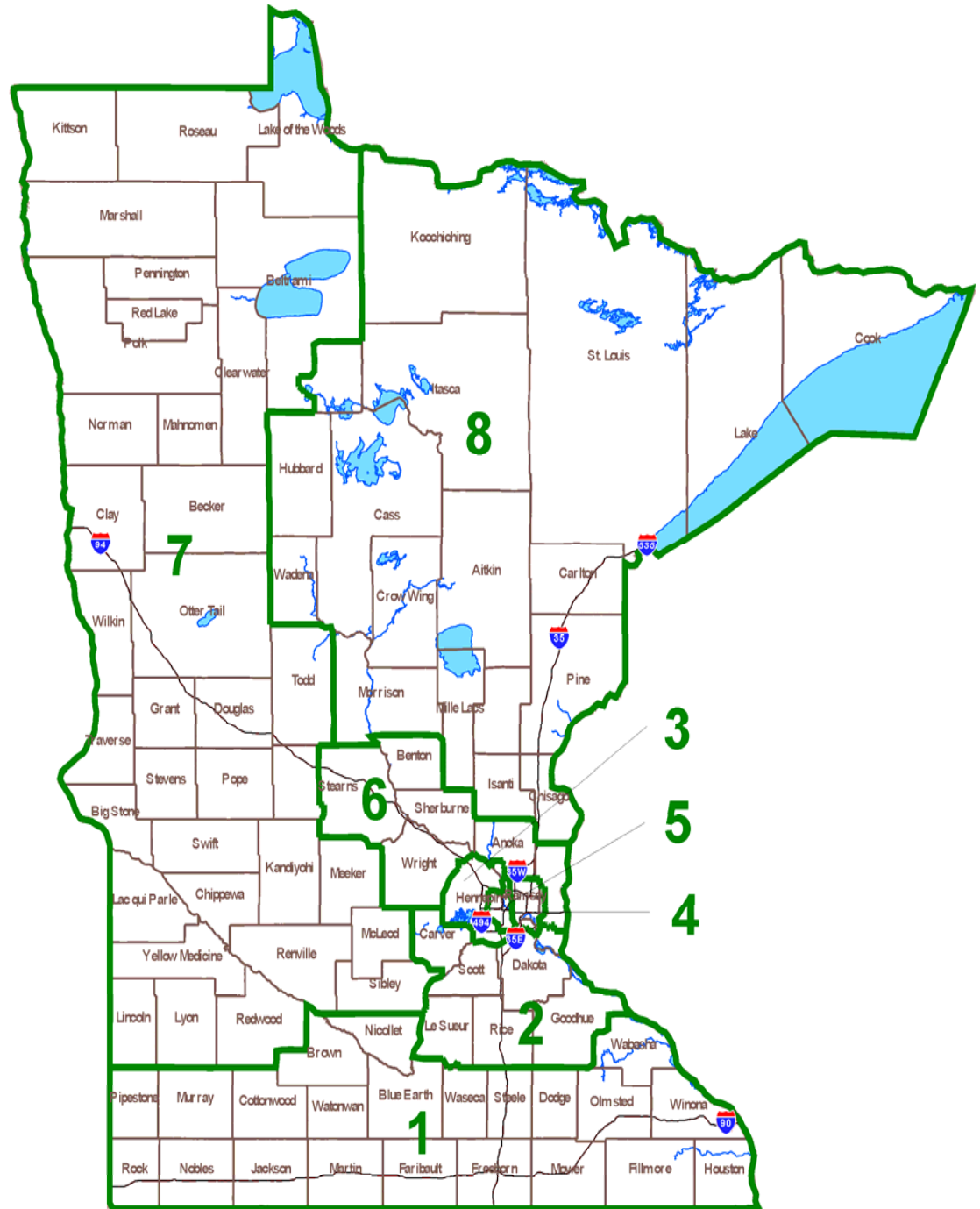


2000s: Litigation

- Congressional Plan
 - Zero population deviation
 - Convenient, contiguous, compact territory
 - Population-shift analysis to determine where districts should be located
 - Urban/suburban (5), Greater Minnesota (3)
 - Communities of interest:
 - I-90 corridor, I-94 St. Cloud corridor, suburbs
 - Analysis of Minneapolis/St. Paul split



Minnesota Congressional District Boundaries: 2002





2000s: Litigation

- Miscellaneous facts about the litigation process
 - Total litigation time spanned 21 months
 - Four groups of plaintiffs were named parties in the action; each filed their own version of a plan and challenged the others
 - Zachman et. al (new GOP plaintiffs)
 - Cotlow et. al (1990s DFL plaintiffs)
 - Gov. Jesse Ventura
 - Moe, Pugh, McCollum, Sabo, Luther, Peterson, Oberstar (DFL Legislators/Members of Congress)
 - One group filed an amicus brief in the case (Minnesota Women's Campaign Fund)
 - Litigation resulted in roughly \$368,000 in attorney's fees and costs awarded to the plaintiffs (paid by state and local governments)



2000s: Legislative Process

- 2001 Legislative Session: House and Senate committees meet, separately, to develop districting principles, and legislative and congressional plans
- House and Senate struggle (and ultimately fail) to come to agreement on a concurrent resolution establishing redistricting principles
 - May, 2001: SF 1326 Conference committee appointed, discharged for interim, motion to appoint again in 2002

2000s: Legislative Process – Districting Principles

House Proposed Districting Principles (SF 1326, Unofficial Eng. 12/5/02)

- Permit a population deviation for legislative districts of +/- 0.75 percent
- Minority Representation:
 - Prohibits “intent or effect of dispersing or concentrating minority population in a manner that prevents minority communities from electing their candidates of choice”

Senate Proposed Districting Principles (SF 1326, 2nd Eng. 4/19/01)

- Permit a population deviation for legislative districts of +/- 2 percent
- Minority Representation:
 - Where possible, “districts must increase the probability that members of the minority will be elected”

2000s: Legislative Process – Districting Principles

House Proposed Districting Principles (SF 1326, Unofficial Eng. 12/5/02)

- No specifications for political competitiveness or incumbent protection
- Specifies priority of principles

Senate Proposed Districting Principles (SF 1326, 2nd Eng. 4/19/01)

- Districts should be politically competitive, where possible and consistent with other principles; district must not be drawn to protect or defeat an incumbent
- No specification of priorities



2000s: Legislative Process

- 2001-2002: 10 different Congressional redistricting plans; 11 different legislative redistricting plans submitted
 - SF 2377 became vehicle; ultimately failed in conference committee
 - One set of plans submitted by Governor's Advisory Commission
- 2003 & 2004: Legislature adjusts boundaries affecting four House districts

2010s

Minnesota Population: 5,303,925
(+ 7.8% from 2000)



2011-12: Timelines

- December 21, 2010: Minnesota notified of total state population, and Congressional apportionment (8)
- Early March (no later than April 1): Data arrives from Census Bureau to allow process of map-drawing to begin
- February 21, 2012: New Congressional and legislative districts must be in place (25 weeks before state primary)
- April/May 2012: Deadlines for completion of local redistricting
- August 14, 2012: State Primary
- November 6, 2012: State General Election

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Questions?