

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A11-152

Sara Hippert, Dave Greer, Linda
Markowitz, Dee Dee Larson, Ben Maas,
Gregg Peppin, Randy Penrod and Charles
Roulet, individually and on behalf of all
citizens and voting residents of Minnesota
similarly situated,

OFFICE OF
APPELLATE COURTS

DEC 09 2011

FILED

Plaintiffs,

and

**MARTIN INTERVENORS'
RESPONSE TO OTHER PARTIES'
PROPOSED LEGISLATIVE
PLANS**

Kenneth Martin, Lynn Wilson, Timothy
O'Brien, Irene Peralez, Josie Johnson, Jane
Krentz, Mark Altenburg and Debra
Hasskamp,
individually and on behalf of all citizens of
Minnesota similarly situated,

Intervenors,

and

Audrey Britton, David Bly, Cary Coop,
and John McIntosh, individually and on
behalf of all citizens of Minnesota
similarly situated,

Intervenors,

vs.

Mark Ritchie, Secretary of State of
Minnesota; and Robert Hiivala, Wright
County Auditor, individually and on behalf
of all Minnesota county chief election
officers,

Defendants.

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I. INTRODUCTION

Pursuant to the Panel's Scheduling Order No. 2, the Martin Intervenors respectfully submit this response to the legislative redistricting maps submitted by the Hippert Plaintiffs and Britton Intervenors.

Upon its appointment by Chief Justice Gildea, the Panel adopted neutral principles to govern the redistricting process and made a substantial effort to ensure that the legislative map it would adopt would reflect real communities of interest. To that end, it toured the state to hear testimony from local community leaders and citizens, holding hearings in each part of the state.

By presenting almost precisely the same map that was passed by the Republican-controlled legislature on a party-line vote and vetoed by Governor Dayton, the Hippert Plaintiffs essentially suggest that this was an unnecessary effort—all the Panel need do is adopt the Republican legislative majority's plan and its task is done. It cannot possibly be the case that the Republican legislative majority's plan complies fully with the Panel's redistricting principles that had not yet been adopted and with public testimony that had not yet been heard when the plan was drafted. Indeed, the Republican legislative majority's plan—now advanced by the Hippert Plaintiffs—does not.

The Hippert Plaintiffs' failure to propose a plan that takes into account the views of the citizens who testified before the Panel is consistent with the approach of the Republican legislative majority. The Hippert Plaintiffs suggest to the Panel that the public had ample time to review and comment on the Republican legislative majority's

legislative plan prior to its passage. *See* Hippert Plaintiffs' Memorandum in Support of Proposed Legislative Redistricting Plan ("Hippert Legislative Memo") at 7. The opposite is true.

The Republican legislative majority's plan was unveiled in the House at 6:30 p.m. on May 2, approved by a party-line vote in committee on May 3 at 6:30 p.m., and adopted on May 6 in spite of pleas for more time for review and public input.¹ The Senate passed the House plan on a party-line vote a week later. Along the way, the Republican legislative majority rejected amendments that would have required three public hearings and five days of public review before a final legislative plan could be passed.² Governor Dayton vetoed the Republican legislative majority's plan precisely because it was "unveiled and adopted with little opportunity for public analysis and reaction."³ The Hippert Plaintiffs' suggestions to the contrary ignore history.

The Britton Intervenors' legislative plan has a host of deficiencies. For starters, it splits more political subdivisions than any plan before the Panel. It splits adjacent communities with substantial minority populations, such as Brooklyn Park and Brooklyn Center. The Britton legislative plan pays little heed to reservation borders, splitting the Mille Lacs, Fond du Lac, and Bois Forte reservations between senate districts, and failing to put the Red Lake and White Earth reservations in a single district.

¹ Second Affidavit of Christopher Stafford, Ex. N (<http://www.house.leg.state.mn.us/hinfo/sessiondaily.asp?yearid=2011&storyid=2704>).

² *Id.*, Ex. O (<http://www.tcdailyplanet.net/news/2011/05/03/republican-redistricting-plans-14-dfl-legislators-against-each-other>); *see also id.* Ex. P (<http://www.startribune.com/politics/blogs/121833458.html>).

Indeed, rather than incorporate public concerns, the Britton Intervenors largely *ignore* the public testimony before the Panel. For example, the Britton Intervenors would split Rochester into multiple senate districts notwithstanding the request of Rochester Mayor Ardele Brede and numerous citizens that most of Rochester be placed in a *single* senate district.

When crafting their legislative plan, the Martin Intervenors took a very different approach from either the Hippert Plaintiffs or the Britton Intervenors. In a word, it is responsive. It was drawn after the Panel adopted neutral redistricting principles, and in response to the public testimony the Panel heard. Having heard the public reaction to—and criticism of—the Republican legislative majority’s map, the Martin Intervenors were able to avoid that plan’s pitfalls.

As a result, the Martin legislative plan best serves and balances the redistricting principles adopted by the Panel. It creates districts of substantially equal population made up of contiguous, convenient territory and does so while minimizing political subdivision splits, recognizing the rapid growth of Minnesota’s minority communities over the past ten years, and preserving communities of interest. It does so by creating sensible districts that recognize both the demographic changes of the past ten years and the long-standing distinctions among different regions of the state. It is fair, consistent, and balanced and will serve the interests of Minnesotans in the years to come.

³ See *id.*, Ex. Q (Letter from Mark Dayton to Kurt Zellers (May 19, 2011)).

II. OVERVIEW

As an initial matter, the Martin Intervenors note that the Panel's principles—not any others—provide the measuring stick against which the submitted plans must be judged. The Panel already entertained briefing and resolved these issues by Order dated November 4, 2011. The question before the Panel at this point is how best to implement *these principles*, not how to devise new ones.

Nonetheless, the Hippert Plaintiffs open their supporting memorandum by offering a series of their own redistricting “rules” nowhere found in the Panel's rulings to date. See Hippert Legislative Memo at 2-6. Two of the Hippert Plaintiffs' newly fashioned “rules” merit particular mention.

First, the Hippert Plaintiffs offer the principle that the Panel should draw house districts “first” before creating senate districts, which should be treated simply as a means of connecting discrete house districts. This makes little sense, and certainly not as a mechanistic rule. Senate districts matter too. Both house and senate districts should include similar communities sharing similar interests. It makes no more sense to create house districts without simultaneously considering the overall character of the senate district in which they are combined than to create a senate district without regard for its constituent house districts. In other words, senate and house districts should be drawn at the “same” time—communities sharing discrete but related interests should be identified for placement in separate house districts and “nested” in a single senate district.

Second, the Hippert Plaintiffs advance the rule that districts should use rivers as natural boundaries “whenever possible.” Hippert Legislative Memo at 5. Again, this makes no sense as a general rule. It may be true that in a particular case a river creates a real divide between two communities. But rivers, in the present century, are scarcely insurmountable obstacles. We do not live in an era when rivers must be forded. Minnesota’s rivers can be crossed over by any number of bridges. Thus, two communities on either side of a river may be far more similar to each other than to other communities. For example, a developed suburb in northern Dakota County such as Burnsville may well have more in common with Bloomington on the north bank of the Minnesota River than it does with the less developed suburbs to its south.⁴ Based on each particular case, it may—or may not—make sense to use a river as a boundary. Presumably, this is why all three plans before the Panel create districts that cross rivers in some cases and use rivers as boundaries in other cases. A general “rule” about rivers adds no value to the redistricting process.

Turning now to the Panel’s redistricting principles, the Martin Intervenors start with the parties’ common ground. All three plans before the Panel draw contiguous districts. All three are comparable with regard to measures of compactness. On the other hand, the plans offer stark differences with regard to Principle 4 (Population-Based Representation) and Principle 5 (Minority Voting Rights).

⁴ Written Submission of Nancy Nystuen to State Redistricting Panel (Oct. 12, 2011).

With regard to population deviation, the parties present three distinct choices for the Panel. The Britton Intervenors present one extreme. In pursuit of the goal of drawing districts of equal population, the Britton Intervenors cast the Panel's other redistricting principles by the wayside. As a result, the Britton Intervenors split more political subdivisions than any other plan—52 counties in their house plan, 41 counties in their senate plan, and 60 and 87 cities and towns in their house and senate plans, respectively. Moreover, as noted above, the Britton Intervenors disregard reservation borders in Greater Minnesota and other well-established communities of interest.

The Hippert Plaintiffs fall on the other side of the divide. For example, only the Hippert Plaintiffs' legislative plan contains districts deviating from the ideal district by more than 1%. Oddly, one of the few changes the Hippert Plaintiffs made to the Republican legislative majority's plan after the Panel adopted its principle of *de minimis* deviation was to *increase* the population inequality of the plan. See Hippert Legislative Memo at 9-10. Whatever else might be said about the principles adopted by the Panel, *increasing* the population disparities between districts was assuredly not a goal.

The Martin legislative plan gets the balance right and best achieves the goal of *de minimis* deviation from the ideal district population while still drawing legislative districts that respect political subdivisions and reflect actual communities. The Martin legislative plan comes much closer to achieving population equality than does the Hippert legislative plan:

Plan	Relative Mean Deviation	Relative Deviation
Martin Senate	0.40%	-0.94% to 0.91%
Hippert Senate	0.46%	-0.96% to 0.99%
Martin House	0.51%	-0.99% to 0.99%
Hippert House	0.59%	-1.29% to 1.13%

The Martin legislative plan also betters the Hippert legislative plan when it comes to protecting the voice of Minnesota's fast-growing minority communities, creating more house districts in which minority communities form at least 30% of the total and voting age population:

Plan	Total Minority Population	Minority Voting Age Population
Martin Senate	8	6
Hippert Senate	8	6
Martin House	17	12
Hippert House	16	6

The Martin house plan therefore betters the Hippert house plan when it comes to creating districts in which minority communities will have a substantial ability to influence election outcomes. Moreover, while both parties create the same number of senate districts in which minority communities form at least 30% of the total and voting age population, the Martin senate plan creates five senate districts that are currently majority minority with respect to total population. The Hippert senate plan creates only four. Thus, across the board, the Martin legislative plan takes more strides toward

redressing the current underrepresentation of minority communities in the Minnesota Legislature.

III. DISCUSSION OF SPECIFIC DISTRICTS

While the Martin legislative plan offers significant advantages when viewed at a high level, its real benefit over the other plans before the Panel comes into sharper focus when the treatment of specific districts is considered. Unlike the other parties, the Martin Intervenors drew districts conforming to the requests made by local community leaders and citizens appearing before the Panel (as well as those who testified before the legislature). The result is a plan with districts that reflect real communities of interest throughout Minnesota.

There is some common ground between the parties. By way of example, all three parties draw similar districts in the far northwestern corner of the state. That said, the parties proposed by the parties diverge in material respects. The Martin Intervenors will not focus on drawing the Panel's attention to the similarities between the parties' plans but, rather, some of the most critical ways in which the other parties' legislative plans fail to meet the Panel's principles or ignore the public testimony heard by the Panel.

A. Northwestern Minnesota

1. Red Lake and White Earth Reservations

Ten years ago, the *Zachman* panel took special care to put the White Earth and Red Lake reservations in a single senate district. *Zachman v. Kiffmeyer*, No. C0-01-160 (Minn. Special Redistricting Panel Mar. 19, 2002) (Final Order Adopting a Legislative Redistricting Plan (“*Zachman* Legislative Order)), at 5. The same concerns were voiced in 2011. The Panel heard numerous citizens describe how important keeping the two reservations in the same district remains today.⁵ But of the three plans submitted to the Panel, *only* the Martin legislative plan complies with the request of tribal leaders and places the Red Lake and White Earth reservations in a single senate and house district.

The Hippert Plaintiffs’ legislative plan is particularly problematic on this score. One of the Hippert Plaintiffs’ justifications for their unprecedented cross-state northern Minnesota congressional district is a professed desire to combine reservations in northern Minnesota into a single district. Hippert Plaintiffs’ Memorandum in Support of Proposed Congressional Redistricting Plan at 45. It is therefore surprising that the Hippert Plaintiffs do *not* combine *any* of the reservations in northwestern Minnesota (Red Lake, White Earth, and Leech Lake) into a single senate or house district.

Placing the Red Lake and White Earth reservations in a single house district has other benefits beyond protecting one of the best-recognized communities of interest in the state. By drawing a district containing the two reservations, the Martin Intervenors are

able to eliminate the current split of Hubbard County and keep the county within a single house and senate district, as requested at the Bemidji hearing.⁶ The other parties' legislative plans split Hubbard County.

2. Bemidji, Grand Rapids, and Cohasset

The Hippert Plaintiffs keep Bemidji whole within a single house district, as do the Martin Intervenors. Unlike the Hippert Plaintiffs, the Martin Intervenors place Bemidji in a senate district with similar communities.

At the Bemidji hearing, the Panel heard about the community of interest along the Highway 2 corridor from Bemidji in the west to Cohasset in the east. Thus, as requested by the Grand Rapids Chamber of Commerce, the Cohasset City Council, and Leech Lake tribal leaders, the Martin Intervenors' proposed SD 3 includes Bemidji, Grand Rapids, Leech Lake, and Cohasset in a single district.⁷

The Hippert Plaintiffs instead split these communities into three separate senate districts. The Hippert Plaintiffs' proposed SD 2 connects Bemidji with counties to its *southwest*, all the way to the North Dakota border. Cohasset is separated from its sister communities to the west and placed in the Hippert Plaintiffs' proposed SD 6, an elongated north-south district that combines Cohasset with Aitkin, Mille Lacs, and Benton counties. The district extends approximately 150 miles from north to south,

⁵ Bemidji Hr. 13:4-14:22 (Michelle Johnson), 21:19-22:23 (Mike Simpkins), 26:6-11 (Rita Albrecht).

⁶ Bemidji Hr. 28:5-29:3 (Steve Engel).

⁷ *Id.* 37:9-39:2 (Bud Stone), 40:19-41:23 (Eugene "Ribs" Whitebird), 45:4-15 (David Decker, asking Panel to keep Cohasset with nearby similar communities).

running from north of Cohasset to the outskirts of St. Cloud. According to the Cohasset City Council, Cohasset does not “have any common interest” with areas of the state closer to the metro.⁸

The Martin legislative plan recognizes and preserves communities of interest in the Bemidji area. The Hippert legislative plan does not.

3. Moorhead

All parties agree on the basic approach to redistricting Moorhead itself. The city can largely form a house district by itself. The parties take very different approaches to redistricting the surrounding area. Again, the Martin Intervenors best preserve communities of interest in the Moorhead area.

Moorhead shares a community of interest with Detroit Lakes to its east.⁹ Moorhead and its surrounding areas also share an important community of interest with Wilkin County. As the Mayor of Breckenridge noted, the cities along the western border have shared interests related to flooding and taxation issues and have been well-served by the existing district structure.¹⁰

Only the Martin Intervenors’ legislative plan connects Moorhead to the communities with which it shares similar interests to the east and south of the city, uniting Moorhead and Clay County with both Detroit Lakes *and* Wilkin County. The

⁸ *Id.* 45:4-15 (David Decker).

⁹ Moorhead Hr. 15:15-17:20 (Bob Louiseau).

¹⁰ *Id.* 22:18-23:24 (Mayor of Breckenridge Cliff Barth); *see also* *Zachman* Legislative Order at 6 n.3 (noting that areas near Moorhead “exemplify a situation where” it was

Hippert Plaintiffs' proposed HD 9B connects Moorhead and Detroit Lakes but does not pair Clay and Wilkin counties. The Britton Intervenors recognize the community of interest between Clay and Wilkin counties, but split Moorhead from Detroit Lakes. The Martin legislative plan, unlike the other plans before the Panel, recognizes and preserves *all* the communities of interest in and around Moorhead.

B. Northeastern Minnesota

1. Hippert Proposed SD 3

The Hippert Plaintiffs' SD 3 is a monstrous district stretching across most of northern Minnesota. It is perhaps the most unusually shaped district before the Panel. The district runs from Lake of the Woods County and the Red Lake reservation in the west to the Iron Range (where the district narrows to a tiny strip near Hibbing), and all the way to the outskirts of Duluth. This district is roughly 180 miles wide and has a perimeter of 818 miles. As a result, Hippert proposed SD 3 drew particular fire at the public hearings held by the Panel in Cloquet and Bemidji.

According to Ron Dicklich, who represented a district in northeastern Minnesota for 12 years, driving to the westernmost part of this district from Floodwood is akin to driving from Pengilly to Madison, Wisconsin.¹¹ Proposed SD 3 combines strikingly dissimilar agricultural and tourism interests in its western half with communities focused

appropriate to "recognize[] communities of interest at the expense of making every district neat and rectangular").

¹¹ Cloquet Hr. 28:14-22 (Ron Dicklich).

on natural resources and land use issues in its east.¹² The result is that “it would be very difficult for somebody to try to represent that area that would go from all the way from say Mountain Iron, Minnesota all the way up to just outside of Roseau.”¹³

Criticism of the Hippert Plaintiffs’ proposed SD 3 was not limited to residents of northeastern Minnesota. As one resident of Beltrami County put it during her testimony before the Panel, the Hippert Plaintiffs’ proposed SD 3 and HD 3A “just wouldn’t work for Beltrami County.”¹⁴

Because Hippert proposed SD 3 cuts a swath through northeastern Minnesota, it has a negative domino effect on the rest of the Hippert Plaintiffs’ districts in this part of the state. For example, because the Hippert Plaintiffs’ SD 3 slices all the way to Duluth, the Hippert Plaintiffs do not preserve the basic contours of current SD 5, which unites similar Range communities in St. Louis County.¹⁵ The Martin Intervenors’ proposed SD 5, on the other hand, is a compact square centered in St. Louis County that protects the mining and land use interests of the Iron Range and provides these communities with cohesive representation in the state legislature.

Likewise, the Martin Intervenors are able to keep most of Itasca County whole within a single house district (HD 3A), and nearly the entire county in SD 3. The Hippert Plaintiffs’ SD 3 cuts the county in two.

¹² *Id.* 27:11-28:10.

¹³ *Id.* 28:10-13.

¹⁴ Bemidji Hr. 19:19-20:5 (Lisa Boulay).

¹⁵ Cloquet Hr. 33:6-34:11 (Mayor of Virginia Steve Peterson), 31:21-32:22 (Mayor of Hoyt Lakes Mayor Marlene Pospeck).

2. Carlton County and the Fond du Lac Reservation

Over the years, Carlton County has often been split into house districts, even though the county comes close to forming an ideal house district by itself.¹⁶ The Hippert Plaintiffs' proposed SD 7 continues this pattern by placing significant portions of Carlton County in two separate house districts.¹⁷ The Britton Intervenors, meanwhile, cut Carlton County into three separate house and senate districts and also cut the Fond du Lac reservation in two, placing much of the reservation in a district with Range towns.

By contrast, the Martin Intervenors respect the boundaries of Carlton County. The vast majority of Carlton County is kept whole within Martin proposed HD 12A, with only Thomson City and Thomson Township split into a separate house district (a necessary measure to keep intact the Fond du Lac reservation, which straddles the border between Carlton and St. Louis counties).¹⁸

¹⁶ *Id.* 16:12-18:24 (Jesse Berglund); *see also* Written Submission of Jesse Berglund to State Redistricting Panel (Oct. 10, 2011).

¹⁷ Cloquet Hr. 18:25-19:12 (Jesse Berglund); Written Submission of Jesse Berglund to State Redistricting Panel (Oct. 10, 2011).

¹⁸ *See* Cloquet Hr. 16:12-18:24 (Jesse Berglund, requesting the Panel keep Carlton County and the Fond du Lac reservation whole); 35:1-13 (Barry Bergquist, asking Panel to keep Esko and Scanlon in a district with Cloquet and the rest of Carlton County).

C. Southern Minnesota

1. Rochester

Rochester is the state's third-largest city and the fastest growing city in Greater Minnesota. The Hippert Plaintiffs essentially ask the Panel to dismember Rochester. The Hippert Plaintiffs would split Rochester into five house districts and three senate districts. This proposal appears designed to dilute the city's voting strength by packaging chunks of the city with surrounding rural areas. Most notably, the Hippert Plaintiffs place the majority of Rochester's population in *separate* senate districts (SD 23 and SD 24) rather than drawing *one* Rochester-based senate district:

Hippert House District	Rochester Population
23A	3,593
23B	39,591
24A	39,972
24B	23,533
25A	80

Unfortunately, the Britton Intervenors do the same thing in their proposed SD 24 and 25.

In light of the Hippert Plaintiffs' professed commitment to minimizing splits of political subdivisions, their approach to Rochester makes little sense, particularly because

it expressly contradicts the testimony of Mayor Ardell Brede before the Panel.¹⁹ Mayor Brede gave a very clear overview of Rochester to the Panel and made a very clear and sensible request regarding the drawing of Rochester districts.

Mayor Brede explained how Rochester differs significantly from the surrounding communities. Most notably, the minority population of Rochester is 20.8%, compared to 4.6% for the remainder of Olmstead County.²⁰ Splitting the city and combining it with surrounding areas therefore means diluting Rochester's thriving minority communities.

Mayor Brede noted that Rochester was large enough to accommodate a single senate district and that the remainder of the city already constituted a significant portion of a third house district (27,605).²¹ The population of the city grew by 20,963 over the past ten years. If the same population trend holds, Rochester's population will be the equivalent of more than three house districts within ten years.²²

In light of these population trends and the distinction between Rochester and surrounding communities, Mayor Brede asked the Panel to create one all-Rochester senate district, and then combine the fast-growing northern and western parts of the city with a surrounding area to facilitate the creation of a district that over time will become a second Rochester senate district.²³ Mayor Brede's approach—which protects the city's

¹⁹ Notably, the Hippert Plaintiffs do not draw the Panel's attention to Mayor Brede's testimony to the Panel, which the Mayor also provided by written submission. *See* Written Submission of Ardell Brede, Mayor of Rochester, to State Redistricting Panel.

²⁰ Mankato Hr. 52:24-53:23 (Mayor of Rochester Ardell Brede).

²¹ *Id.* 53:24-54:3.

²² *Id.* 52:12-23.

²³ *Id.* 54:4-55:20.

interests and those of its growing minority communities—was repeatedly echoed by the other speakers who talked to the Panel about redistricting Rochester.²⁴

Not only does this preserve the interests of Rochester, it preserves the interests of the surrounding communities. Given the dissimilarities between Rochester and its surrounding communities, any legislator would be hard-pressed to balance the interests of a district containing parts of Rochester and surrounding communities.

Unlike the other parties, the Martin Intervenors follow the testimony heard by the Panel and draw a single senate district containing the core of Rochester. This approach would provide both the city and its surrounding communities with responsive representation in the state legislature.

2. Mankato

Mankato's population (39,309) is almost precisely equal to an ideal house district (39,582). If there was one refrain the Panel heard at the public hearing in Mankato, it was that the city's residents did not wish to see the city split between two house districts.²⁵ For example, Patty O'Connor, the election administrator for Blue Earth County and Mankato, explained that splitting Mankato into separate legislative districts

²⁴ *Id.* 18:19-19:5 (Janet Krueger, asking Panel to preserve minority communities in Rochester in a single senate and house district to the degree possible); Minneapolis Hr. 43:23-44:17 (Rick Varco, same), 61:15-62:10 (Lester Collins, same).

²⁵ Mankato Hr. 72:2-19 (John Scheidel, requesting that the Panel make Mankato one house district and the surrounding communities the other house district), 66:22-68:2 (Rich Graheim, requesting that Panel preserve community of interest shared by Mankato, North Mankato, Washington Lake, Madison Lake, Cleveland, and St. Peter), 11:10-14:6 (Drew Campbell, asking Panel to keep Mankato whole); 15:3-17:9 (Karen Foreman,

would greatly increase the cost of election administration.²⁶ Pat Hentges explained that among other problems, the Republican legislative majority's plan would "dissect" the economic interests of Mankato and split major symbols of city government—including City Hall—from the rest of the city.²⁷

This testimony did not sway the Hippert Plaintiffs or induce them to alter the Republican legislative majority's patently unnecessary split of Mankato. Thus, the Hippert Plaintiffs slice Mankato in two, placing one-third of the city in HD 20A and two-thirds of the city in HD 20B. The result dilutes the voting strength of Mankato and creates a decidedly odd-shaped SD 20.

Unlike the Hippert Plaintiffs, the Martin Intervenors keep Mankato whole in one house district (HD 21B). In a second house district (HD 21A), the Martin Intervenors combine nearby cities sharing similar interests to Mankato and one another, including North Mankato, Washington Township, St. Peter, Kasota, Washington Lake, Madison Lake, Eagle Lake, Skyline, South Bend, Belgrade, Cleveland, and Lime Township.²⁸ The result is a compact senate district with Mankato at its core. This approach protects the interests of the city itself, while recognizing that Mankato and its surrounding communities share interests that can be advanced by a single senator in St. Paul.

same); *id.* 43:5-46:16 (Patrick Hentges, same), 27:19-28:20 (Mark Anderson, same), 78:20-79:11 (Wendell Sande, same), 70:12-24 (Patty O'Connor, same).

²⁶ *Id.* 68:17-71:3 (Patty O'Connor).

²⁷ *Id.* 44:21-45:19 (Patrick Hentges).

²⁸ *Id.* 71:15-72:19 (John Scheidel), 23:15-26:14 (Max Hailperin), 20:14-22:16 (Anne Ganey); Written Submission of Bill Bassett to State Redistricting Panel (Oct. 6, 2011)

3. Houston and Winona Counties

In the far southeast corner of the state, the Martin Intervenors preserve the existing relationship between Houston and Winona counties. Houston and Winona counties have been in the same senate district for thirty years and have often also been connected with Fillmore County, as they are at present. Thus, as one citizen told the Panel at the Mankato hearing, placing Houston, Winona, and Fillmore counties in a single district “would be the best-case scenario for the citizens of southeastern Minnesota, taking into consideration existing partnerships between the counties and organizations that work across these county lines such as SEMCAT and SELCO, the southeastern libraries cooperating.”²⁹ The Martin Intervenors create this best case scenario by preserving the basic contours of the existing district and adjusting its boundaries only as necessary to achieve population equality.

The Hippert Plaintiffs and Britton Intervenors, on the other hand, split Houston County and Winona County and instead put Houston County with Fillmore and Mower counties to its west. This approach unnecessarily eliminates the long-standing relationship between Houston and Winona counties.

4. Albert Lea and Austin

Not only do the Hippert Plaintiffs’ and Britton Intervenors’ approaches to the far southeastern counties ignore the historical affinity between Winona and Houston

(Washington Lake residents, asking to be placed in senate district with Mankato and St. Peter).

²⁹ Mankato Hr. 8:21-9:17 (Jacob Grippen).

counties, it would require the Panel to put Austin and Albert Lea into separate senate districts. This makes little sense. The two communities have been connected in the same senate district for more than forty years and share many of the same educational systems and media and government service providers. *See* Martin Intervenors' Memorandum Regarding Legislative Plan at 22-23.³⁰ Albert Lea and Austin have long been paired in a single senate district precisely because they naturally fit into a single district. The Martin Intervenors preserve that long-standing relationship.

5. Red Wing and Lake City

The Lake City Common Council has asked the Panel to place Lake City in the same district as Red Wing because of the commonalities between the two cities.³¹ The Martin Intervenors accommodate this request. The Hippert Plaintiffs and Britton Intervenors do not.

6. Rice County

As the Panel was requested to do at the St. Paul hearing, the Martin Intervenors' proposed SD 23 puts Rice County in a single senate district, which makes sense given that Rice County's population is fairly close to that of an ideal senate district.³² By contrast, the Britton Intervenors split Rice County into three separate house districts

³⁰ *See also* Written Submission of Heather Beckius to State Redistricting Panel (Oct. 20, 2011).

³¹ Written Submission of Ronald Johnson, City Administrator of Lake City, to State Redistricting Panel (Oct. 11, 2011).

³² St. Paul Hr. 15:23-16:25 (Tom Hayes).

(proposed HD 27A, HD 27B, and HD 28A). The Hippert Plaintiffs do the same (HD 22A, HD 22B, and HD 52B).

D. St. Cloud

Given that St. Cloud occupies three counties and is larger than a single house district but smaller than a senate district, both St. Cloud and its constituent counties will to be split. That is inevitable. That said, there are better and worse ways to draw a St. Cloud district. The Hippert Plaintiffs' St. Cloud district provides an example of the latter.

The Hippert Plaintiffs' proposed St. Cloud district (SD 15) is an irregularly-shaped district that looks something like a Tetris block. It exacerbates the political subdivision splits in the region by connecting St. Cloud with three small townships in three different counties—Haven Township, in Sherburne County (population 1,986), Minden Township in Benton County (population 1,664), and St. Augusta in Stearns County (population 3,317).

The Martin Intervenors create a simpler and more compact district. The Martin Intervenors place most of St. Cloud in two house districts within the same senate district (SD 16). The district has a total perimeter of 55.15 miles, compared to the Hippert Plaintiffs' SD 15, that has a total perimeter of 66 miles.

Martin HD 16B captures the most densely populated parts of the city, including downtown St. Cloud and the neighborhoods on the east bank of the Mississippi River. The eastern edge of the district is drawn at the natural border provided by Highway 10.

The western edge of the district is drawn at Cooper Road/33rd Ave N. These major thoroughfare lines create a readily understandable and natural district.

The Martin Intervenors pair HD 16B with HD 16A immediately to its west, which combines most of the remainder of St. Cloud with St. Joseph and St. Joseph Township (combined population of 8,458) as well as Waite Park (population 6,715). Not only does this create a regular, rectangular senate district located primarily in Stearns County, it unites communities sharing a natural kinship and does not dilute the voting power of students attending the many institutes of higher learning in the area.³³ By connecting St. Cloud with the larger communities to its west rather than smaller townships, the Martin Intervenors best preserve communities of interest in the St. Cloud area and most elegantly resolve the challenges presented in redistricting St. Cloud.

E. Suburban and Exurban Metropolitan Area

1. Woodbury

Woodbury is a fast-growing community, and it must be split into different districts given its present population. Thus, it presents similar issues as St. Cloud—how best to split a significant city into readily understandable and cohesive districts. To that end, Woodbury residents asked the Panel to minimize splits of the city as much as possible, and to draw easily identifiable boundaries between Woodbury districts.³⁴

³³ St. Cloud Hr. 6:19-8:15 (Josh Preston).

³⁴ St. Paul Hr. 29:20-30:7 (Mark Wackerfuss); Bloomington Hr. 14:14-16 (Dennis Schneider).

The Martin legislative plan meets these requests. It splits Woodbury into two senate districts and two house districts along the identifiable boundaries of Radio Drive and Bailey Road.³⁵ The Hippert Plaintiffs, on the other hand, unnecessarily split Woodbury into three separate house districts and two separate senate districts. This dilutes the voting power of Woodbury, is more confusing for the city's residents, and is more burdensome for election officials.

2. Burnsville

Burnsville provides a good illustration of how the Hippert Plaintiffs' claim that rivers in Minnesota are natural boundary lines for districts may—or may not—be true based on the particular circumstances of a particular community.

Burnsville is a long-developed suburb. It shares much in common with Bloomington north of the river, including similarities in age of housing stock and mixture of owner occupied versus rental housing, average age of residents, number of people per household, income, number of languages spoken in homes, and race/ethnicity.³⁶ Thus, as one Burnsville resident informed the Panel by written submission:

I would like the panel to know that while the Minnesota River is an obvious geographic boundary, it should not be viewed as a boundary of my community. We who live in the northern part of Burnsville have far more in common with residents immediately to our north (across the river) than we do with residents of Lakeville and others immediately to our south.³⁷

³⁵ St. Paul Hr. 29:20-30:7 (Mark Wackerfuss); Bloomington Hr. 14:14-16 (Dennis Schneider).

³⁶ Written Submission of Nancy Nystuen to State Redistricting Panel (Oct. 12, 2011).

³⁷ *Id.*

The Martin Intervenors recognize the affinity between northern Burnsville and Bloomington, placing southern Bloomington and northern Burnsville in SD 40, with the border between HD 40A (Bloomington) and HD 40B (Burnsville) drawn at the Minnesota River. The Hippert Plaintiffs and Britton Intervenors, on the other hand, pair northern Burnsville with communities to its west and south.

3. Brooklyn Park and Brooklyn Center

The Hippert Plaintiffs and Martin Intervenors each take care to preserve the voice of the significant minority communities in Brooklyn Center and Brooklyn Park. Each places Brooklyn Center and much of Brooklyn Park in a single senate district. This creates a natural district that is majority-minority with regard to total population and very nearly so with regard to voting age population as well. The Britton Intervenors split Brooklyn Center and Brooklyn Park into separate senate districts (SD 54 and SD 48, respectively). This greatly and inappropriately reduces the voting power of the Brooklyns' minority communities:

Proposed District	Total Minority Population	Minority Voting Age Population
Hippert Proposed SD 37	56.6%	48.2%
Martin Proposed SD 45	55.7%	47.2%
Britton Proposed SD 54	Not Provided	33.5%
Britton Proposed SD 48	Not Provided	36.6%

4. Minnetonka

Minnetonka is larger than a single house district but smaller than a senate district. Given its geographical location and size, it is necessary to split the city into separate districts.

That said, there are better and worse ways to do so. The Republican legislative majority's map advanced by the Hippert Plaintiffs splits Minnetonka into *four* separate house districts and *three* separate senate districts and places the bulk of the city in an east-west district with the smaller cities around Lake Minnetonka. As the City Manager of Minnetonka, John Gunyou, put it in a submission to the Panel, "the legislature's proposed new districts would have no logical relationship with any geographic, demographic or political boundaries."³⁸ The Martin Intervenors, on the other hand, split Minnetonka into only three districts and put the great majority of the city in house and senate districts with the neighboring communities of Eden Prairie, Hopkins, and Plymouth. This approach preserves the historic affinity between Minnetonka and the surrounding communities and minimizes necessary splits of the city.

³⁸ Written Submission of John Gunyou, City Manager, Minnetonka, to State Redistricting Panel (Oct. 3, 2011).

F. Twin Cities

1. St. Paul

Like the other parties, the Martin Intervenors draw eight house districts that lie entirely or largely in St. Paul. Like the Britton Intervenors, the Martin Intervenors use existing districts as a starting point for the new St. Paul districts, given that the existing districts were drawn by the *Zachman* panel to respect St. Paul neighborhoods. *Zachman* Legislative Order at 6.

The Hippert Plaintiffs take a different approach, seen most dramatically in their decidedly peculiar proposed SD 67. Current SD 67 serves the blue collar and minority communities in the East Side of St. Paul, including a significant Hmong American community.³⁹ At present, the district is only underpopulated by approximately 6,500 people.⁴⁰ The Martin Intervenors preserve the East Side of St. Paul by retaining the basic contours of existing SD 67 and extending the district slightly to the west past its historic boundary near Payne Ave.⁴¹

The Hippert Plaintiffs, on the other hand, eliminate the current East Side district in favor of an odd-shaped district that encompasses very different areas and interests. The Hippert Plaintiffs' proposed SD 67 starts near the airport on the south bank of the Mississippi River, crosses the river, and then runs in a narrow strip from Maplewood through a segment of the East Side before extending into the dissimilar south Washington

³⁹ St. Paul Hr. 23:13-28:20 (Paul Sawyer).

⁴⁰ *Id.* 26:24-27:3.

⁴¹ *Id.* 23:13-28:20.

County communities of Newport, St. Paul Park, and Grey Cloud Island Township.⁴² This odd arrangement splits the East Side communities of interest that have long been preserved within a single senate district. It also significantly dilutes the minority population in existing HD 67B, eliminating what is now a majority-minority district (with regard to total population):

District	Current Total Minority Population	Martin Total Minority Population	Hippert Total Minority Population
HD 67A	57.0%	56.57%	52.3%
HD 67B	55.3%	56.72%	33.5%

The impact on the Asian community in SD 67 is dramatic. At present, SD 67 has an Asian population of nearly 17,000.⁴³ The Republican legislative majority's plan reduces the Asian population of SD 67 dramatically. The Martin Intervenors' proposed SD 67 preserves it:

	Martin Intervenors' Proposed SD 67	Hippert Plaintiffs' Proposed SD 67
Total Asian Population	18,743	9,603
Total Voting Age Asian Population	10,629	5,730

⁴² *Id.* 27:23-28:10, 49:9-50:9 (Davin Driscoll, objecting to the Republican legislative majority's proposed SD 67 and explaining that a legislator from Goodhue Street in St. Paul would have a difficult time representing her constituents on Grafton Avenue in St. Paul Park).

⁴³ Written Submission of Bao Vang, Hmong American Partnership, to State Redistricting Panel (Oct. 21, 2011).

In this regard, it is notable that while the Hippert Plaintiffs cite to the written submission of Bao Vang of the Hmong American Partnership in support of their approach to redistricting St. Paul, they fail to note the purpose of the submission—to ask the Panel to *reject* the map adopted by the Republican legislative majority and now advanced by the Hippert Plaintiffs.⁴⁴

The Hippert Plaintiffs' only justification for their proposed SD 67 is that they drew the district to avoid political subdivision splits elsewhere. The suggestion does not hold up under scrutiny. The Martin Intervenors draw a sensible SD 67 and were able to do so while preserving West St. Paul and South St. Paul in a single house district and avoiding political subdivision splits in North St. Paul and Landfall. As shown by the Hippert Plaintiffs' decision to split Maplewood into three separate house and senate districts, political subdivision splits are inevitable, particularly in the metropolitan area. The real motivating factor behind the Hippert Plaintiffs' proposed SD 67 appears to have been a desire to pair two DFL incumbents (Representatives Sheldon Johnson and Nora Slawik) in a single district (HD 67B).

In sum, this proposed SD 67 is a textbook example of the flaws in the Hippert Plaintiffs' legislative plan. As one St. Paul resident put it to the Panel:

One proposal that exemplifies how not to do redistricting is the proposal for House District 67B that chopped up the Dayton's Bluff neighborhood and extended a leg down to

⁴⁴ *Id.* ("We ask that you reject the proposed lines in these particular areas, because they divide the Hmong community of interest").

Grey Cloud Island. There is little if any logic to such a plan.⁴⁵

The Hippert Plaintiffs' other proposed St. Paul districts are similarly problematic. The Hippert Plaintiffs purport to follow "neighborhood boundaries to the extent possible" in St. Paul. Hippert Legislative Memo at 45. In fact, they greatly redesign the existing districts, which, as noted above, were *already* drawn by the *Zachman* panel to preserve St. Paul neighborhoods.

Because the existing districts have served St. Paul well over the past ten years, St. Paul's Mayor asked the Panel to preserve the basic boundaries of the existing districts, a request that was echoed by St. Paul citizens who noted, among other things, that the basic configuration of existing St. Paul districts maximizes the legislative power of minority communities.⁴⁶ No great surgery to existing districts is required to adhere to these requests and preserve the footprint of current St. Paul districts. To achieve population equality, the Martin Intervenors extend the boundary of existing SD 66 slightly north to encompass additional portions of inner ring Ramsey County suburbs.

2. Minneapolis

In Minneapolis, like the other parties, the Martin Intervenors seek to preserve the boundaries of neighborhoods wherever possible given population constraints. The result is that all three parties—particularly the Hippert Plaintiffs and Martin Intervenors—draw broadly similar districts within Minneapolis.

⁴⁵ Written Submission of Tom Dimond to State Redistricting Panel (Oct. 5, 2011).

Like the Hippert Plaintiffs, the Martin Intervenors achieve population equality in the southwesternmost Minneapolis house district by uniting the Linden Hills and Fulton neighborhoods with eastern Edina (Martin HD 60B and Hippert 62B). The Martin proposal is superior, however, because it splits Edina in the simplest way possible—at the natural boundary created by Highway 100.

IV. CONCLUSION

In summary, the differences among the legislative plans proposed by the Panel manifest their origins. Because the Hippert Plaintiffs simply ask the Panel to adopt the Republican legislative majority's vetoed plan, their plan is notably unresponsive both to (a) the principles identified as controlling by this Panel and (b) the public testimony that the Panel heard. Because the Britton Intervenors largely ignore all redistricting principles other than population-based representation, they split myriad political subdivisions, reservations, and communities of interest.

By contrast, because the Martin legislative plan was specifically drawn to adhere to the redistricting principles adopted by the Panel and reflect the public testimony that the Panel solicited to aid it in drawing new districts, it faithfully meets the Panel's redistricting principles and creates districts that serve real Minnesotan communities.

⁴⁶ Written Submission of Chris Coleman, Mayor of St. Paul, to State Redistricting Panel (Oct. 21, 2011); St. Paul Hr. 50:9-23 (Davin Driscoll), 32:13-34:2 (James Haggar).

For the foregoing reasons, and those stated in their Memorandum Regarding Legislative Plan, the Martin Intervenors request that the Panel adopt the Martin legislative redistricting plan.

Dated December 9, 2011.

Respectfully Submitted,

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