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Commercial Litigation ■ Civil Trials

September 21, 2001

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Frederick K. Grittner
Minnesota Supreme Court Administrator
305 Minnesota Judicial Center
25 Constitution Avenue
St. Paul, MN 55155-6102

OFFICE OF
APPELLATE COURTS

SEP 24 2001

FILED

Re: Susan M. Zachman, et al. v. Mary Kiffmeyer, et al.
Supreme Court File No. C0-01-160
Special Redistricting Panel

Dear Mr. Grittner:

Enclosed for filing, please find the original and nine copies of the following:

- Notice of Objection to Intervention of Applicant Governor Jesse Ventura;
- Plaintiffs' Memorandum in Opposition to Motion to Intervene of Governor Jesse Ventura;
- Plaintiffs' Memorandum in Opposition to Intervention of Roger D. Moe, et al.;
- Plaintiffs' Reply Memorandum on Motion for Entry of Scheduling Order;
- Affidavit of Charles R. Shreffler; and
- Affidavits of Susan M. Zachman, Victor L. M. Gomez, Gregory G. Edeen, Diana V. Bratlie, and Brian J. LeClair.

Sincerely,

SHREFFLER LAW FIRM, P.A.

By: 
Charles R. Shreffler

CRS:sms

Enclosures

cc: Alan I. Gilbert, Esq. (w/enc.)
Brian J. Asleson, Esq. (w/enc.)
Alan W. Weinblatt, Esq. (w/enc.)
John D. French, Esq. (w/enc.)
Marianne D. Short, Esq. (w/enc.)
Thomas B. Heffelfinger, Esq. (w/enc.)

OFFICE OF
APPELLATE COURTS
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FILED

STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL

C0-01-160

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

Plaintiffs,

vs.

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

Defendants.

**NOTICE OF OBJECTION
TO INTERVENTION
OF APPLICANT
GOVERNOR JESSE VENTURA**

Plaintiffs, pursuant to Rule 24.03 of the Minnesota Rules of Civil Procedure, hereby give
Notice of their objection to the proposed intervention by Applicant for Intervention Governor Jesse
Ventura.

1. Applicant's motion is not proper under the Minnesota Rules of Civil Procedure for
failure to include a pleading setting forth the bases for relief sought by Applicant. Because
Applicant has not submitted a Complaint in Intervention, the Court and present parties cannot

determine whether any of Applicant's claims are consistent, inconsistent or common with or to those asserted by the present parties.

2. Applicant has no separate or cognizable right or interest in the subject matter of this action which is different from that of the existing parties. Applicant, by his Motion, alleges an interest in promoting political competitiveness and political fairness, which interest is not a legal claim.

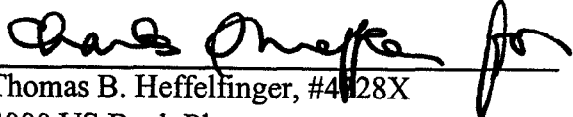
3. Applicant does not have standing in his capacity as governor to bring this action. Applicant as governor of the state should not be permitted to sue the Minnesota Secretary of State and place the state in the position of de facto suing itself.

4. The existing parties adequately represent Applicant's claimed interest.

5. Applicant's alleged claim of interest can be protected by a motion by Applicant to appear *amicus curiae*.

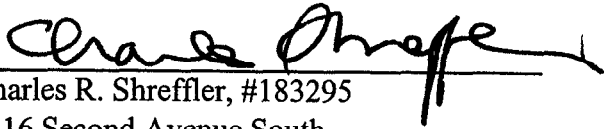
Dated: September 21, 2001

BEST & FLANAGAN, LLP


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(612) 339-7121

Dated: September 21, 2001

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(612) 872-8000

Attorneys for Plaintiffs

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Charles R. Shreffler, of the City of Minneapolis, County of Hennepin, State of Minnesota, being first duly sworn on oath, says that on the 21st day of September, 2001 he served

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Affidavit of Victor L. M. Gomez;
Affidavit of Gregory G. Edeen;
Affidavit of Diana V. Bratlie;
Affidavit of Brian J. LeClair;

on the following parties in this action, through their respective attorneys, by mailing a true and correct copy thereof, enclosed in an envelope, postage for first class mail prepaid, and by depositing same at the post office in Minneapolis, Minnesota, and directed to the following at their last known address:

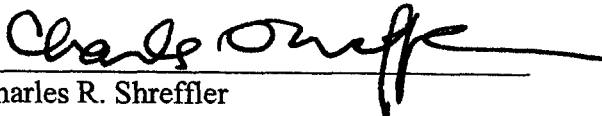
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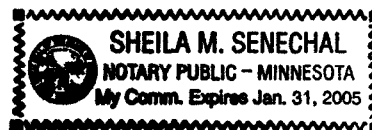
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Alan W. Weinblatt, Esq.
Weinblatt & Gaylord, PLC
336 North Robert Street, Suite 1616
St. Paul, MN 55101


Charles R. Shreffler

Subscribed and affirmed to before me
this 21st day of September, 2001.


Notary Public



SEP 24 2001

FILED

STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL

C0-01-160

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

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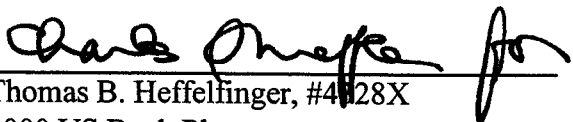
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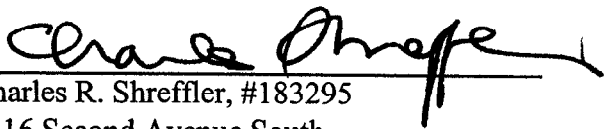
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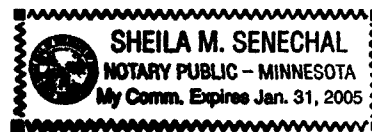
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Charles R. Shreffler

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Notary Public



**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

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County Auditor, individually and on behalf
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officers,

Defendants.

**PLAINTIFFS' MEMORANDUM
IN OPPOSITION TO MOTION
TO INTERVENE OF
JESSE VENTURA**

Plaintiffs Susan M. Zachman, et al., respectfully submit this memorandum in opposition to the Motion to Intervene of Jesse Ventura (the "Applicant").

SUMMARY

Applicant seeks to intervene for the primary purpose of promoting his goal of "political competitiveness." Because a "politically competitive" redistricting plan is not a judicially-recognized right, and because Applicant as governor does not have standing in redistricting litigation, Plaintiffs request that Applicant's motion be denied. Moreover, Applicant's Motion is

improper for failure to comply with the Minnesota Rules of Civil Procedure. Finally, Applicant has articulated no recognized legal interest that is not adequately represented by the current Plaintiffs.

ARGUMENT

I. **APPLICANT'S MOTION SHOULD BE STRICKEN BECAUSE APPLICANT HAS FAILED TO SUBMIT THE PLEADING REQUIRED BY RULE 24.03.**

Rule 24.03 of the Minnesota Rules of Civil Procedure provides the proper procedure for a motion to intervene:

A person desiring to intervene shall serve on all parties to the action and file a notice of intervention. . . .The notice of intervention shall be accompanied by a pleading setting forth the nature and extent of every claim or defense as to which intervention is sought and the reasons for the claim of entitlement to intervention.

Emphasis added.

On September 13, 2001, counsel for Applicant served a Motion to Intervene and a supporting Memorandum. Applicant's moving papers failed to include a Complaint "setting forth the nature and extent of every claim or defense as to which intervention is sought" as required by Rule 24.03. Because Applicant has not submitted the required pleading, Applicant's Motion fails to conform to the Minnesota Rules of Civil Procedure. Applicant's Motion is defective, and accordingly should not be considered by this Panel.

The other proposed intervenors in this litigation have filed the required Complaints in Intervention setting forth their claims. This litigation was commenced on January 8, 2001, and the Panel was appointed on July 12, 2001. Applicant has had plenty of time to properly intervene. Granting Applicant further time to intervene will only serve to delay the Minnesota redistricting process, while the March 5, 2002 precinct caucus date fast approaches. Because Applicant's claimed reasons for intervening are either groundless or adequately represented by the existing parties to this

action, this Panel should not further delay relief to Minnesota voters under the United States and Minnesota Constitutions. Accordingly, Applicant's Motion should be denied.

II. APPLICANT AS GOVERNOR IS NOT A PROPER PARTY TO THIS ACTION.

Applicant seeks to intervene as a plaintiff in this litigation because, as governor, Applicant is an "indispensable part of the state's legislative process" and because Applicant has "an interest in the 'transaction' at issue that inevitably will be affected by the outcome of this case." However, Applicant in his position as governor is not a proper party to redistricting litigation, and Applicant has not shown a recognized legal interest not adequately represented by the current parties to this litigation.

A. Applicant in his capacity governor is not a property party to redistricting litigation.

The first requirement for all litigation is that the plaintiffs and defendants are "proper parties" to the action. *See Allen v. Wright*, 468 U.S. 737, 750-751 (1984); *Humphrey v. Philip Morris Inc.*, 551 N.W. 2d 490, 494 (Minn. 1996)(discussing standing); *R.E.R. v. J.G.*, 552 N.W. 27, 30 (Minn. Ct. App. 1996). Absent standing, Applicant cannot be permitted to intervene.

1. Applicant does not have standing based solely on his right to "participate" in redistricting legislation.

Applicant's Memorandum repeatedly refers to the important role the governor of Minnesota plays in the legislative process, including redistricting. However, the cases cited in Applicant's Memorandum merely state the obvious: Applicant, as governor, has the authority to sign or veto redistricting legislation. While Plaintiffs grant that the governor's authority to sign or veto legislation is a crucial part of the legislative process, this authority does not automatically translate into standing in litigation involving legislation. Such an assertion would obliterate the requirements of standing in litigation and permit the governor to intervene every time a statute is challenged.

Plaintiffs seek relief under the United States and Minnesota Constitutions from Minnesota's existing congressional and legislative districts. Since *Baker v. Carr*, 369 U.S. 186, 204-205 (1962), the courts have recognized that the proper plaintiffs in redistricting litigation are voters who reside in districts that are "under-represented." For such voters, the population of the voter's district is larger than the "ideal" population size for the district based on U.S. Census Bureau calculations, and hence, the district violates the "one person, one vote" principle by diluting the aggrieved voter's right to equal representation.

As summarized in *League of Nebraska Municipalities v. Marsh*, 209 F.Supp. 189, 192 (D. Neb. 1962):

Only a citizen who is a legal voter in a legislative district where his rights are impinged by the failure to reapportion can maintain a [redistricting] action. . . . Our conclusion is in harmony with the interpretation of the Solicitor General of the United States, Archibald Cox, in his article in the August 1962 issue of the American Bar Association Journal, where he says, 'In *Baker v. Carr* the Supreme Court laid down three propositions: 1. Individual voters have standing to sue for redress against any constitutional interference with the right to vote. . . .'

Similarly, the mayors of the various cities . . . acting in their official capacities, as distinguished from their rights as individual, have no standing to maintain this action, and as to them the motion to dismiss is sustained (emphasis added).

Applicant does not seek to intervene as an individual voter whose vote may be diluted. Rather, Applicant apparently seeks a variation of "legislator standing" in his capacity as governor. However, "legislator standing" has been consistently held to be inapplicable in redistricting litigation except under certain, specific circumstances. In one of the most recent cases to consider so-called "legislator standing" with respect to redistricting, *Quilter v. Voinovich*, 981 F.Supp. 1032 (N.D. Ohio 1997), members of the Ohio Apportionment Board attempted to file a lawsuit in their official capacity as members of that board, arguing (as Applicant has) that they have not had an adequate

opportunity to create legal voting districts. The court denied that the members of the commission had standing, reasoning as follows:

[T]he plaintiffs contend that the plaintiffs who were members of the Apportionment Board have standing *as a result of 'being unable to fulfill their duty to create legal voting districts'* - *i.e.*, legislator standing (*citations omitted*). A recent decision of the Supreme Court, however, suggests that legislator standing based on institutional injury . . . is limited to instances of *vote nullification with regard to a specific legislative action*. *Raines v. Byrd*, 117 S.Ct. 2312, (1997).

[T]he precedent of granting the plaintiffs standing in this context would invite any legislator who was outvoted on a particular measure to bring a constitutional challenge to that measure merely because he or she had not prevailed. *Cf. Raines*, 117 S.Ct. at 2323 (Souter, J., concurring in the judgment). (“[H]arm to the interest in having government abide by the Constitution . . . would be shared to the same extent by the public at large and thus would provide no basis for suit [by the legislators].” 117 S.Ct. at 2323.

981 F.Supp at 1037-1038; *see also Illinois Legislative Redistricting Commission v. LaPaille*, 782 F.Supp. 1267 (N.D.Ill. 1991) (“members of the Illinois Legislative Redistricting Commission and its Republican majority are not suing as voters and therefore lack standing” in redistricting litigation under Voting Rights Act (emphasis added); *DeJulio v. Georgia*, 127 F.Supp.2d 1274 (N.D.Ga. 2001)(dismissal affirmed of Governor, each body of the General Assembly and individual members of the General Assembly where each where improper parties in Voting Rights Act litigation related to “local legislation” related to drawing of city and county district lines).

The Applicant does not have standing based on his position as Governor of the State of Minnesota, even though that position is admittedly “indispensable” to the legislative process. No more than the members of the Ohio Apportionment Board in *Quilter* does the Governor of Minnesota in his official capacity have an interest beyond the generalized interest of all citizens.

Moreover, there is no prejudice to Applicant in denying his motion to intervene. As governor of the State of Minnesota, Jesse Ventura is able more than any other Minnesota voter or citizen to provide his own remedy and fashion his own relief in the redistricting process. Applicant has the statutory authority to call a special session of the Minnesota Legislature at any time on any topic. Minn. Stat. §3.011.

2. “*Parens patriae*” standing by Applicant on behalf of Minnesota voters is improper.

Applicant’s Memorandum cites several cases referring to the *parens patriae* authority of the state. “*Parens patriae*” means literally “parent of the country.” The doctrine of *parens patriae* allows a sovereign to bring an action on behalf of the interest of all its citizens. *Louisiana v. Texas*, 176 U.S. 1, 19 (1900); *State of Minn. by Humphrey v. Standard Oil Co.*, 568 F.Supp. 556, 563 (D.Minn. 1983). *Standard Oil* describes the doctrine:

Originally, [the *parens patriae*] doctrine allowed the state to represent individuals who were legally unable to do so for themselves. . . . As recently defined by the Supreme Court, the *parens patriae* doctrine allows a state to maintain a legal action where state citizens have been harmed, where the state maintains a quasi-sovereign interest. *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592 (1982). A state maintains a quasi-sovereign interest either where the health and well being of its residents is affected, or where the state works to assure that its residents enjoy the full benefit of federal laws.

Id.

In other Minnesota and federal court decisions describing *parens patriae* standing, the courts have repeatedly limited the doctrine to civil suit by a state against private parties where citizens have failed or are unable to act on their own behalf. For example, a long-standing tenet of the doctrine is that a state does not have *parens patriae* standing to sue the federal government, because the doctrine is designed to pursue civil wrongs against private individuals. See *State of Texas v. Mosbacher*, 783

F.Supp. 308, 316 (S.D.Tex. 1993)(state may not sue federal government challenging congressional district reapportionment as *parens patriae*).

This litigation does not fit the *parens patriae* situation, and Applicant has cited no authority to justify invoking such standing.¹ Here Applicant is not attempting to intervene for the purposes of suing a private individual for civil wrongs that threaten the health or well being of Minnesota residents. Because litigation has already been commenced by the Plaintiffs (and joined by the Cotlow Plaintiffs) on behalf of all Minnesota voters, there is no need for the governor to step in on behalf of the state by invoking *parens patriae* standing. Minnesota voters are adequately represented by the existing parties. The special circumstances occasionally justifying *parens patriae* standing are wholly inapplicable to the facts and procedure posture of this lawsuit.²

III. APPLICANT HAS ASSERTED NO JUDICIALLY COGNIZABLE INTEREST TO JUSTIFY INTERVENTION BECAUSE PROMOTING “POLITICAL COMPETITIVENESS” AND “POLITICAL FAIRNESS” ARE NOT CONSTITUTIONAL CLAIMS

Applicant cannot show a legal interest in this litigation entitling him to intervention. Applicant’s stated goal of a claimed “constitutionally-defined interest” in promoting the goals of “the fundamental redistricting principle of political fairness and competitiveness” is not a proper consideration of the courts in redistricting litigation. These are political considerations inappropriate for relief by this Panel. As such, this Panel cannot provide the relief sought by Applicant.

¹The only case cited in Applicant’s Memorandum that recognizes the participation of a governor as *parens patriae* in redistricting litigation is *State ex rel. Reynolds v. Zimmerman*, 126 N.W. 2d 551, 559 (Wis. 1964). This Wisconsin Supreme Court case was decided before the long line of federal cases limiting redistricting standing to voters whose votes have been diluted, and pre-dates the *Alfred L. Snapp & Son, Inc.* decision clarifying the *parens patriae* doctrine.

²*Parens patriae* standing cannot justify the personal intervention of Applicant. *Parens patriae* is reserved for actions which are asserted on behalf of *all* the sovereign’s citizens. See *United States v. Santee Sioux Tribe of Nebraska*, 2001 WL 694531 (8th. Cir. 2001). To the extent Applicant desires to bootstrap personal intervention with intervention under *parens patriae* standing, such contentions are improper.

With respect to congressional redistricting, federal and state courts have consistently recognized that the only judicially-recognized legal claim is that a district violates the “one person, one vote” principle. In *Chapman v. Meier*, 420 U.S. 1 (1974), the U.S. Supreme Court held:

[P]opulation equality appears now to be the preeminent, if note the sole, criterion on which to adjudge constitutionality [of congressional districting]. *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Kirkpatrick v. Preisler*, 394 U.S. 526 (1969); *Wells v. Rockefeller*, 394 U.S. 542 (1969); *White v. Weiser*, 541 U.S. 783 (1973).

Emphasis added.

Plaintiffs’ Complaint sets forth claims of population inequality with respect to Minnesota’s existing congressional districts. To the extent Applicant makes such claims, they are not distinguishable from the claims of the existing parties. Claims of “political competitiveness” or “political fairness” are not judicially-cognizable claims with respect to congressional redistricting, and Applicant has therefore failed to show any unique grounds to justify intervention with respect to congressional plans.

With respect to legislative redistricting, the courts have routinely held that political considerations such as “political competitiveness” and “political fairness” are improper considerations for redistricting plans drawn by the courts. In *Fletcher v. Golder*, 959 F.2d 106 (8th Cir. 1992), the Eighth Circuit affirmed a decision of the district court to exclude all evidence of political considerations when drawing redistricting plans. The *Fletcher* court quoted the district court as follows:

While legislatures may legitimately compromise on partisan considerations, a court, where no legislative body has adopted a plan, should base its decision on the Constitution and the laws rather than become embroiled in partisan political questions. Therefore, this court declined to consider evidence concerning political competitiveness and evidence concerning the protection of incumbents.

959 F.2d at 108. Emphasis added. See also *Gaffney v. Cummings*, 412 U.S. 735, 753 (1973); *Connor v. Finch*, 431 U.S. 407, 414-15 (1977)(while legislature is best situated to identify and

reconcile traditional state policies, "courts . . . possess no distinctive mandate to compromise sometimes conflicting state apportionment policies in the people's name").³ In *Skolnick v. State Electoral Bd. of Ill.*, 336 F.Supp. 839, 844 (N.D.Ill. 1971), the district court found that:

While *Baker v. Carr*, 369 U.S. 186 (1962), and its progeny thrust the court into the "political thicket" of reapportionment, it did not to our knowledge invite the court to become a prognosticator of election results. Given the vagaries of electoral politics, and given the imperfect data available for predicting the outcome of elections, it would be unwise for the court to establish as a criterion for Congressional redistricting the establishment of politically-balanced districts.

The last three times the Minnesota courts considered redistricting, either by drafting a redistricting plan or analyzing a legislatively-enacted plan, the panels refused to weigh political considerations such as those sought by Applicant. In 1972, the court specifically decided that no consideration was to be given to the residence of incumbent legislators "or to the voting pattern of electors." *Beens v. Erdahl*, 336 F.Supp. 715, 719 (D.Minn. 1972).

Similarly, ten years later, the three-judge panel again refused to permit political considerations to guide the plan drawn by a Special Master:

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

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

³*Gaffney v. Cummings*, 93 S.Ct. 2321 (1973) (cited by Applicant's Memorandum) is distinguishable because in *Gaffney* the Court was judging a legislatively-adopted plan. The Court refused to overturn an otherwise acceptable legislatively-drafted plan because its purpose was to promote "political fairness." Here, because no legislative plan has been passed, political considerations are improper.

Applicant's desire to promote political competitiveness and political fairness, although appropriate in a Legislative context, is not a judicially-recognized claim. Applicant's motion to intervene for this purpose should be denied.

IV. APPLICANT'S JUDICIALLY COGNIZABLE INTERESTS ARE ADEQUATELY REPRESENTED BY THE CURRENT PARTIES.

Minneapolis Star Tribune v. Schumacher, 392 N.W.2d 197, 207 (Minn. 1986) describes the requirements for intervention under Rule 24:

Rule 24.01 establishes a 4-part test that a non-party must meet before being allowed to intervene as of right: (1) a timely application for intervention, (2) an interest relating to the property or transaction which is the subject of the action; (3) circumstances demonstrating that the disposition of the action may as a practical matter impair or impede the party's ability to protect that interest; and (4) a showing that the party is not adequately represented by the existing parties.

Emphasis added.

Even assuming that Applicant is a proper intervenor as a Minnesota voter from an over-represented district, intervention is improper because Applicant's interests as a voter are adequately represented by the current parties. Plaintiffs and the Cotlow Plaintiffs have challenged the constitutionality of the existing congressional and legislative districts. Applicant as a voter has articulated no claims distinct from the existing parties. All of the potential interests of Applicant are adequately represented by the citizens who are already parties. The redistricting process is intended to protect the rights of disenfranchised voters, which group is adequately represented by the existing plaintiffs, and therefore, Applicant's motion should be denied.

CONCLUSION

In conclusion, Applicant has not made a proper claim for intervention in this litigation. Applicant should not be permitted to further delay the Minnesota redistricting process through a defective motion that fails to comply with the Rules of Civil Procedure and fails to assert judicially

recognized interests. Because Applicant's interests as a voter are adequately represented by the current parties, Plaintiffs respectfully request that Applicant's motion be denied.

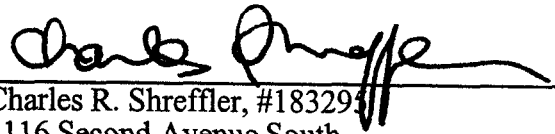
Dated: September 21, 2001

BEST & FLANAGAN, LLP


Thomas B. Heffelfinger #4328X
4000 US Bank Place
601 Second Avenue South
Minneapolis, MN 55402-4331
(612) 339-7121

Dated: September 21, 2001

SHREFFLER LAW FIRM, P.A.


Charles R. Shreffler, #18329
2116 Second Avenue South
Minneapolis, MN 55404-2606
(612) 872-8000

Attorneys for Plaintiffs

**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

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

Plaintiffs,

vs.

**AFFIDAVIT OF
SUSAN M. ZACHMAN**

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

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF WRIGHT)

SUSAN M. ZACHMAN, being first duly sworn and upon oath, deposes and states as follows:

1. I am a plaintiff in the above-captioned matter, and a resident of the City of St. Michael, Minnesota.
2. I plan to attend the March 5, 2002 precinct caucus for my election precinct. One of my primary reasons for participating in this upcoming precinct caucus is to consider

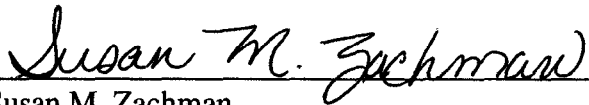
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SEP 24 2001

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candidates seeking party endorsement for legislative and congressional races. If legislative and congressional redistricting plans are not adopted before this date, it will not be possible to know what candidates are seeking endorsements because neither district nor precinct lines will be known.

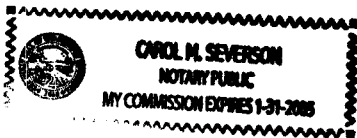
3. At my precinct caucus, I intend to make myself available as a delegate to the legislative and congressional endorsing conventions in April and May, 2002, for the purpose of endorsing candidates for elective office from my political party. The endorsing process begins at the precinct caucus level. If congressional and legislative boundaries for the November 2002 election, as well as precinct boundaries, are not established prior to the March 5, 2002 precinct caucus, it will be difficult, if not impossible, to participate in the process of endorsing candidates for legislative and congressional races.

FURTHER AFFIANT SAYETH NOT.


Susan M. Zachman

Subscribed and sworn to before me
this 19 day of September, 2001.


Notary Public



**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

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

Plaintiffs,

vs.

**AFFIDAVIT OF
VICTOR L. M. GOMEZ**

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

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)


VICTOR L. M. GOMEZ, being first duly sworn and upon oath, deposes and states as follows:

1. I am a plaintiff in the above-captioned matter, and a resident of the City of St. Paul, Minnesota.
2. I plan to attend the March 5, 2002 precinct caucus for my election precinct. One of my primary reasons for participating in this upcoming precinct caucus is to consider

candidates seeking party endorsement for legislative and congressional races. If legislative and congressional redistricting plans are not adopted before this date, it will not be possible to know what candidates are seeking endorsements because neither district nor precinct lines will be known.

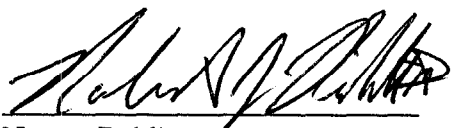
3. At my precinct caucus, I intend to make myself available as a delegate to the legislative and congressional endorsing conventions in April and May, 2002, for the purpose of endorsing candidates for elective office from my political party. The endorsing process begins at the precinct caucus level. If congressional and legislative boundaries for the November 2002 election, as well as precinct boundaries, are not established prior to the March 5, 2002 precinct caucus, it will be difficult, if not impossible, to participate in the process of endorsing candidates for legislative and congressional races.

FURTHER AFFIANT SAYETH NOT.

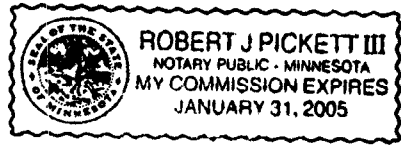


Victor L. M. Gomez

Subscribed and sworn to before me
this 20 day of September, 2001.



Notary Public



**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

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

Plaintiffs,

vs.

**AFFIDAVIT OF
GREGORY G. EDEEN**

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

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF WRIGHT)

GREGORY G. EDEEN, being first duly sworn and upon oath, deposes and states as follows:

1. I am a plaintiff in the above-captioned matter, and a resident of the City of St. Michael, Minnesota.
2. I plan to attend the March 5, 2002 precinct caucus for my election precinct. One of my primary reasons for participating in this upcoming precinct caucus is to consider

candidates seeking party endorsement for legislative and congressional races. If legislative and congressional redistricting plans are not adopted before this date, it will not be possible to know what candidates are seeking endorsements because neither district nor precinct lines will be known.

3. At my precinct caucus, I intend to make myself available as a delegate to the legislative and congressional endorsing conventions in April and May, 2002, for the purpose of endorsing candidates for elective office from my political party. The endorsing process begins at the precinct caucus level. If congressional and legislative boundaries for the November 2002 election, as well as precinct boundaries, are not established prior to the March 5, 2002 precinct caucus, it will be difficult, if not impossible, to participate in the process of endorsing candidates for legislative and congressional races.

FURTHER AFFIANT SAYETH NOT.

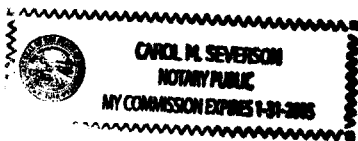


Gregory G. Edeen

Subscribed and sworn to before me
this 12 day of September, 2001.



Notary Public



**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

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

Plaintiffs,

vs.

**AFFIDAVIT OF
DIANA V. BRATLIE**

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

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

DIANA V. BRATLIE, being first duly sworn and upon oath, deposes and states as follows:

1. I am a plaintiff in the above-captioned matter, and a resident of the City of Lakeville, Minnesota.
2. I plan to attend the March 5, 2002 precinct caucus for my election precinct. One of my primary reasons for participating in this upcoming precinct caucus is to consider

candidates seeking party endorsement for legislative and congressional races. If legislative and congressional redistricting plans are not adopted before this date, it will not be possible to know what candidates are seeking endorsements because neither district nor precinct lines will be known.

3. At my precinct caucus, I intend to make myself available as a delegate to the legislative and congressional endorsing conventions in April and May, 2002, for the purpose of endorsing candidates for elective office from my political party. The endorsing process begins at the precinct caucus level. If congressional and legislative boundaries for the November 2002 election, as well as precinct boundaries, are not established prior to the March 5, 2002 precinct caucus, it will be difficult, if not impossible, to participate in the process of endorsing candidates for legislative and congressional races.

FURTHER AFFIANT SAYETH NOT.

Diana V. Bratlie

Diana V. Bratlie

Subscribed and sworn to before me
this 20th day of September, 2001.

Kathleen J. Schueller
Notary Public



KATHLEEN J. SCHUELLER
Notary Public - Minnesota
My Commission Expires January 31, 2006

**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

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

Plaintiffs,

vs.

**AFFIDAVIT OF
BRIAN J. LeCLAIR**

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

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

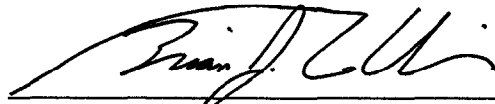
BRIAN J. LeCLAIR, being first duly sworn and upon oath, deposes and states as follows:

1. I am a plaintiff in the above-captioned matter, and a resident of the City of Woodbury, Minnesota.
2. I plan to attend the March 5, 2002 precinct caucus for my election precinct. One of my primary reasons for participating in this upcoming precinct caucus is to consider

candidates seeking party endorsement for legislative and congressional races. If legislative and congressional redistricting plans are not adopted before this date, it will not be possible to know what candidates are seeking endorsements because neither district nor precinct lines will be known.

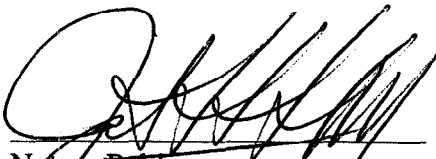
3. At my precinct caucus, I intend to make myself available as a delegate to the legislative and congressional endorsing conventions in April and May, 2002, for the purpose of endorsing candidates for elective office from my political party. The endorsing process begins at the precinct caucus level. If congressional and legislative boundaries for the November 2002 election, as well as precinct boundaries, are not established prior to the March 5, 2002 precinct caucus, it will be difficult, if not impossible, to participate in the process of endorsing candidates for legislative and congressional races.

FURTHER AFFIANT SAYETH NOT.

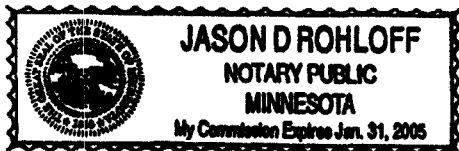


Brian J. LeClair

Subscribed and sworn to before me
this 19th day of September, 2001.



Notary Public



**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

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APPELLATE COURTS
SEP 24 2001

FILED

Susan M. Zachman, Maryland Lucky R.
Rosenbloom, Victor L.M. Gomez, Gregory
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Bratlie, Brian J. LeClair and Gregory J.
Ravenhorst, individually and on behalf of all
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vs.

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

Defendants.

**PLAINTIFFS' REPLY
MEMORANDUM ON MOTION
FOR ENTRY OF SCHEDULING
ORDER**

Regarding Plaintiffs' pending motion for Entry of a Scheduling Order, Plaintiffs submit this Memorandum in Reply to the Response of the State of Minnesota. Because the Special Redistricting Panel has not yet held a hearing on this motion for Entry of a Scheduling Order, Plaintiffs respectfully request that this motion be heard on October 3, 2001, the date set aside for hearing on intervention motions.

On July 31, 2001, Plaintiffs moved this court for entry of a scheduling order in this matter on the grounds that the redistricting process requires prompt judicial action. Plaintiffs point out that

there is an urgent need to complete redistricting plans in time for Minnesota's cities and counties to draw precinct boundaries in anticipation of the March 5, 2002 precinct caucuses.¹

The State cites Minnesota Statute §204B.14 as the basis for the March 19, 2002 "statutory deadline." This statute, however, must be read in conjunction with Minnesota Statute §204B.135, which provides:

A city that elects its council members by wards may not redistrict those wards before the legislature has been redistricted in a year ending in one or two. The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first.

Emphasis added. Also, Minnesota Statute §202A.14 provides:

At 7:30 p.m. on the first Tuesday after the first Monday in March in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19. . . .

Minnesota Statutes §202B.14 provides:

Subd. 1. Boundaries. The governing body of each municipality shall establish the election precincts in the municipality. The governing body of a county shall establish the boundaries of precincts in unorganized territory in the county.

Emphasis added.

Based on the above citations, Minnesota municipalities and counties are solely responsible for drawing the election precincts which serve as the boundaries for partisan precinct caucuses. Under Minnesota law, these precinct caucuses shall be held the first Tuesday after the first Monday in March. However, Minnesota municipalities and counties cannot redistrict precincts, wards or commissioner districts until the congressional and legislative redistricting plans are adopted. *See*

¹On August 16, 2001, Intervenor-Plaintiffs Cotlow, *et. al.*, through counsel Alan Weinblatt, filed a Memorandum in Support of Plaintiffs' Motion for Scheduling Order, which Memorandum recognized the urgency of prompt judicial action and proposed alternate scheduling deadlines substantially similar to those suggested in Plaintiffs' Motion. Defendant Doug Gruber has to date filed no response to Plaintiffs' motion.

Minn. Stat. §204B.135. This statute implicitly codifies the Legislature's recognition that this local redistricting process takes at least 60 days. Because the "first Tuesday after the first Monday in March" in 2002 will be March 5, 2002, a more realistic deadline to allow municipalities and counties to finish the redistricting of precincts and other districts is January 4, 2002, sixty days prior to March 5, 2002.

Adoption of a legislative redistricting plan sufficiently in advance of the precinct caucuses is vitally important to Minnesota voters. The precinct caucuses select the delegates who will endorse, at subsequent committees, each political party's candidates for the Minnesota Legislature and United States Congress. Incumbent legislators, prospective candidates, local political party leaders, prospective precinct caucus attendees, and the overall electoral process in Minnesota will be disrupted if these boundaries are not known at the time precinct caucuses must be held. See Affidavits of Susan M. Zachman, Victor L. M. Gomez, Diana V. Bratlie, Gregory G. Edeen, and Brian J. LeClair.

Past practice indicates that March 19, 2002 is too late for cities and counties to complete their redistricting work in time to adequately prepare for caucuses and elections. Early January is the latest a plan should be released. A newspaper article describing the 1991 redistricting process is instructive as to the urgency that plans be adopted by early January of next year. A February 1, 1991 *St. Paul Pioneer Press* article on page B1, "Carlson Seeking Fast, Fair Way to Redistrict, Avoid Court Fight," reported:

The prospect of a court-ordered redistricting plan is already looming on the horizon. . . . Lawmakers aren't even considering passing a redistricting plan during this session. . . . That has prompted great concern among local officials and groups such as Common Cause, who say that delaying redistricting until 1992 will not leave local governments enough time to accomplish tasks ranging from drawing of precinct lines to updating voter lists. . . .

Legislative leaders have tentatively set March 26, 1992 as the deadline for getting things done. The League of Minnesota Cities, Common Cause and others are rallying for a plan to be adopted by the end of 1991.

Emphasis added. See Exhibit B to Affidavit of Charles R. Shreffler.

The concern of local officials in 1991 described in the above article was also expressed in testimony taken that year by the Minnesota Senate on its redistricting bills. On May 15, 1991, the Senate Redistricting Committee took public testimony on S.F. 1571, a Senate redistricting bill. The following exchange between Senator Cohen, and Mr. Bill Davis, the Chairman of the Political Action Committee for the Minnesota Dakota State Conference for the NAACP highlighted the concern for prompt action:

SEN. COHEN: . . . When I worked with minority communities in St. Paul, I know one concern relative to the timetable was that everybody else waits for us. So in order to draw precincts within municipal lines and try to create some county board districts or city council wards that would reflect minority population, whatever, it was felt there was some urgency. . . .

MR. DAVIS: [T]hat is precisely what I was alluding to, was that the drawing of these lines then sets the tone and the standard for the drawing of the ward lines, the county lines and all of the other lines that precede that, so I think that therein lies a domino affect. So that once these lines are drawn, then the other jurisdictions can begin to draft lines, again giving the community of color an opportunity to organize and mobilize and have an opportunity, at least playing on a level playing field in terms of identifying candidates that can potentially serve those communities.

Emphasis added. Shreffler Aff., Ex. C, pp. A-4 to A-7. A later exchange that same day between Senator Storm and Mr. Jim Moulder, the Executive Director of the Minnesota Association of Counties, indicated the need cities and counties have for a prompt redistricting resolution:

SEN. STORM: Mr. Moulder, what are the time constraints that you and your people are under that would be impeded if we had a plan that was agreed upon . . . by August 1?

MR. MOULDER: Mr. Chairman, Senator Storm, our preference is to have it done now [May 15, 1991]. It wouldn't cause huge problems if it was August 1st [1991], but I think the longer time frame that we have the better off that we are.

Shreffler Aff., Ex. C, pp. A-9, 10.

If precinct boundaries for the 2002 election are not in place well before March 5, 2002, incumbents and candidates will not know the districts in which they live. Precinct caucus attendees and political party leaders will not know the precinct lines, making it difficult to encourage participation or conduct meaningful caucuses.

At a hearing conducted by the Senate Redistricting Working Group on August 28, 2001, the City Clerk for the City of Sauk Rapids, Cindy Jameson, testified on the need lead time needed for cities and counties to complete their redistricting duties:

SEN. KLEIS: What type of, obviously you've worked through the last period, ten years ago, so you know the time frame and what it takes, you know, as far as time that you need.

MS. JAMESON: Yes. Absolutely.

SEN. KLEIS :What type of time do you need?....

JAMESON: OK I've worked in both the county and the city. And, the county definitely has the brunt of the work, I would say, because they have to gather the plans from the cities and so, for a time frame -- boy -- if you guys would be done today, we would be happy. [Laughter] But I think Joe can attest to that. That as much time as we could possibly have would be great. I mean, March is coming fast. And I know myself, when I had to deal with it back in 1982, the number of records that have to be changed, and the voter histories, and making sure that everyone would be in the appropriate legislative district and senate district.

I'm just saying that with time constraints, I am sure that Stearns County, Benton County, and Sherburne County would be elated if we could get a feel for a final mapping, so that they can at least do some scheduling and meetings, so that they can sit down and address all the problems. Because technically (and Joe, like I said, can attest to this), it takes months sometimes for that to be done. So we're talking March. Boy, if you guys come down with something just like that, it puts a huge burden on the counties and the cities to come up with plans.

Shreffler Aff., Ex. A at pp. 3-4.

Minnesota's past practice is an excellent indicator of the necessity for prompt court action on redistricting today. Ten years ago, the state court Special Redistricting Panel adopted redistricting principles on September 13, 1991. The parties submitted their respective redistricting plans in November 1991, and the Panel released its legislative redistricting plan on January 31, 1992. Ten years ago, redistricting plans had been enacted in May 1991 through the legislative process. That Panel's primary task was a constitutional review of the plans already enacted.

This Panel has less time to do more work. No plans have been enacted through the legislative process. In fact, each branch of the Legislature and the Governor have prepared their own congressional plans. The Panel has the task of considering the constitutional merits of these competing plans. In early 1972, the Federal District Court of Minnesota drew Minnesota's legislative district boundaries in December and January, because the governor had vetoed a legislatively-enacted redistricting plan. Beens v. Erdahl, 336 F.Supp. 715 (D.Minn.1972). The court invoked jurisdiction on the following basis:

During the initial months of the litigation, the . . . Minnesota Legislature continued to meet in regular session, fully aware of this lawsuit and the reapportionment problem generally. No reapportionment plan was adopted during the regular session of the Legislature.

336 F.Supp. at 718. After assuming jurisdiction, the Beens court adopted the following schedule:

By November 13, the parties were to suggest criteria to be used in apportioning the Legislature; by December 7, they were to submit proposals for apportioning the Legislature; and by December 21, the parties were to submit final comments on the plans of others. This time schedule was established in light of the nearly total agreement of the parties that a plan of apportionment would have to be ready by the end of January if the electoral process was to proceed in an orderly fashion.

Id. Emphasis added. The court issued its plan on January 25, 1972. Id. at 719.

As in Beens, the Minnesota Legislature has gone through the entire 2001 regular legislative session, with full knowledge of this lawsuit, and failed to pass a redistricting plan. The Minnesota

Legislature will not re-convene until January 29, 2002. Even if a redistricting plan were passed on the first day of the 2002 Session, cities and counties would have only five weeks to redraw election precincts before the statutorily-mandated March 5 precinct caucuses.

Even if the Legislature passed and Governor signed redistricting legislation early in the coming Session, those plans may be submitted to this Panel for review. There is also the possibility that a party would seek appellate review of any plans released by this Panel. Even assuming an expedited appeals process under the Minnesota Rules of Appellate Procedure, an appeal will likely take several weeks or months. The potential for further appellate review is an additional scheduling factor.

Finally, Rule 111.03(a) of the Minnesota Rules of General Practice states:

No sooner than sixty days and no longer than ninety days after an action has been filed, the court shall enter its scheduling order. The court may issue the order after either a telephone or in-court conference, or without a conference or hearing if none is needed.

Emphasis added.

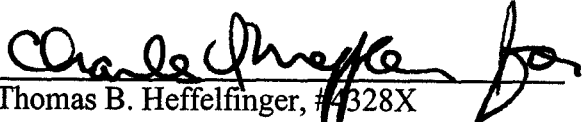
This litigation was filed and served January 5, 2001. The stay of proceedings was entered by Chief Justice Blatz on March 2, 2001. The stay was lifted, and this Panel was appointed, on June 8, 2001. Not including the stay period, almost six months have elapsed since filing, without entry of a scheduling order. Plaintiffs respectfully request that the Panel issue its Scheduling Order promptly.

In conclusion, because precinct caucuses will be held March 5, 2002, the electoral process, including candidate selection and endorsements, will be unnecessarily disrupted if new election precincts are not in place by that date. Minnesota's cities and counties will need at least 60 days to complete their redistricting duties. Therefore, a Scheduling Order recognizing that redistricting plans should be released in early January is crucial to protecting the orderly flow of the endorsement

and electoral process. For these reasons, Plaintiffs request this Panel to promptly adopt a Scheduling Order recognizing the legal and practical realities inherent in the redistricting process.

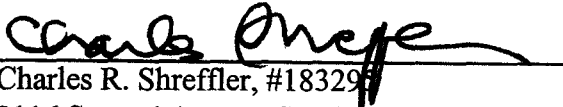
Dated: September 21, 2001

BEST & FLANAGAN, LLP


Thomas B. Heffelfinger, #4328X
4000 US Bank Place
601 Second Avenue South
Minneapolis, MN 55402-4331
(612) 339-7121

Dated: September 21, 2001

SHREFFLER LAW FIRM, P.A.


Charles R. Shreffler, #18329
2116 Second Avenue South
Minneapolis, MN 55404-2606
(612) 872-8000

Attorneys for Plaintiffs

**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

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

Plaintiffs,

vs.

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

Defendants.

**PLAINTIFFS' MEMORANDUM
IN OPPOSITION TO
INTERVENTION OF
ROGER D. MOE, ET AL.**

Plaintiffs Susan Zachman, et al., respectfully submit this Memorandum in Opposition to the Motion to Intervene submitted by applicants Roger D. Moe, Thomas W. Pugh, Betty McCollum, Martin Olav Sabo, William P. Luther, Collin C. Peterson and James L. Oberstar (collectively, "Applicants").

SUMMARY

Applicants have no special judicially cognizable interest in the subject litigation, other than their generalized interest in the subject matter, and therefore do not meet the requirements for

intervention of right or permissive intervention under Rule 24. Applicants are not proper plaintiffs in this litigation because they are not voters who reside in under-represented districts in which their votes are diluted. Accordingly, Plaintiffs respectfully urge this Panel to deny Applicants' motion to intervene.

ARGUMENT

I. APPLICANTS DO NOT HAVE STANDING BECAUSE THEY ARE NOT VOTERS FROM UNDER-REPRESENTED DISTRICTS.

Plaintiffs challenge the constitutionality of the existing congressional and legislative districts and seek to bar the State of Minnesota from administering elections under these districts. All of the potential interests of Applicants are already represented by Plaintiffs and the Cotlow Plaintiffs.¹ Plaintiffs' sole interest in this lawsuit is the promulgation by the Panel (if the legislature fails to timely act) of constitutionally reapportioned legislative and congressional districts under the "one person, one vote" standard of Reynolds v. Sims, 377 U.S. 533 (1964). This interest is shared by Minnesota voters whose votes have been diluted due to demographic shifts, whom Plaintiffs and the Cotlow Plaintiffs sufficiently represent.

The courts have long emphasized that the only proper plaintiffs in redistricting litigation are voters who have been disenfranchised by districts that no longer meet the *Reynolds* test:

Only a citizen who is a legal voter in a legislative district where his rights are impinged by the failure to reapportion can maintain a [redistricting] action. . . . Our conclusion is in harmony with the interpretation of the Solicitor General of the United States, Archibald Cox, in his article in the August 1962 issue of the American Bar Association Journal, where he says, "In Baker v. Carr the Supreme Court laid down three propositions: 1. Individual voters have standing to sue for redress against any constitutional interference with the right to vote. . . ."

¹All parties have consented to the intervention of certain DFL voter-plaintiffs (herein the "Cotlow Plaintiffs"). These intervenor-plaintiffs, like Plaintiffs, are all voters residing in "under-represented" districts.

Similarly, the mayors of the various cities . . . acting in their official capacities, as distinguished from their rights as individuals, have no standing to maintain this action, and as to them the motion to dismiss is sustained.

League of Nebraska Municipalities v. Marsh, 209 F.Supp. 189, 192 (D. Neb. 1962) (emphasis added); see also League of Women Voters of Nassau County v. Nassau County Board of Supervisors, 737 F.2d 155, 161 (2nd Cir. 1984) (plaintiffs who reside in over-represented counties cannot claim any injury and do not have standing to maintain redistricting action).

As voters, Applicants are improper plaintiffs because each Applicant resides in a district which is “over-represented” under the Reynolds test. An over-represented district’s population, as set by the 2001 U.S. Census numbers, is less than the “ideal” district size. The 2000 U.S. Census placed Minnesota’s population at 4,919,479. Minnesota Statutes provide for sixty-seven (67) senators and one hundred thirty-four (134) legislators; therefore the “ideal” apportionment is 73,425 persons per senator and 36,713 persons per representative. See Shreffler Aff., Exhibits D and E.

Applicants’ districts are as follows:

<u>Applicant</u>	<u>District</u>	<u>Population Difference from Ideal</u>
Senator Moe	SD 2	66,071 (-7,543, or 10.02% over-represented)
Representative Pugh	HD 39A	36,767 (-2,946, or 8.02% over-represented)
Congresswoman McCollum	HD 55B	33,546 (-3,167, or 8.63% over-represented)
Congressman Luther	HD 56A	36,352 (-361, or 0.98% over-represented)
Congressman Sabo	HD 60A	34,554 (-2,159, or 5.88% over-represented)
Congressman Oberstar	HD 5B	31,451 (-5,262, or 14.33% over-represented)
Congressman Peterson	HD 11A	36,412 (B301, or 0.82% over-represented)

See Affidavit of Charles R. Shreffler, ¶¶5-11. As such, none of these Applicants has standing as an under-represented voter entitled to relief in redistricting litigation under Baker v. Carr.

II. APPLICANTS AS OFFICEHOLDERS DO NOT HAVE STANDING IN REDISTRICTING LITIGATION.

Applicants' position as incumbent officeholders does not entitle them to intervene in this litigation. Such claims can be dismissed as either an attempt to claim a legal right to run in a particular district or an invocation of so-called "legislator standing," both doctrines which are repeatedly frowned on by the courts.

A. There is no constitutional right to run for office from a particular district.

In LaPorte County Republican Cent. Committee v. Board of Commissioners of County of LaPorte, 851 F.Supp. 340 (N.D.Ind. 1994), a Republican county commissioner sued the Democrat-controlled Board of County Commissioners based his contention that a redistricting plan tended to discriminate against Republicans generally. In dismissing the claims, the court stated:

There is no federally-protected right to run for an office in a particular district, and the plaintiffs have not alleged the kind of history of disproportionate results that would be required to sustain a constitutional challenge to the 1993 redistricting plan.

851 F.Supp. at 344. Emphasis added.

To the extent that the claims of the Applicants (who are all either U.S. Representatives or incumbent Minnesota legislators) can be read as an attempt to preserve or protect their existing districts, intervention to pursue such claims is inappropriate.

B. Applicants do not have standing in their capacity as U.S. Representatives or legislators.

Although Applicants are elected members of the U.S. Congress or the Minnesota Legislature, standing does not exist by virtue of their elected position (regardless of the importance of this position to the legislative redistricting process or the Applicant personally). In one of the most recent cases to consider so-called "legislator standing" in redistricting litigation, Quilter v. Voinovich, 981 F.Supp. 1032 (N.D. Ohio 1997), certain members of the Ohio Apportionment Board

attempted to file a lawsuit in their official capacity as members of that board, arguing that they have not had an adequate opportunity to create legal voting districts. The court held that the members of the commission lacked standing, reasoning as follows:

[T]he plaintiffs contend that the plaintiffs who were members of the Apportionment Board have standing as a result of “being unable to fulfill their duty to create legal voting districts” - i.e., legislator standing. . . . A recent decision of the Supreme Court, however, suggests that legislator standing based on institutional injury. . . is limited to instances of vote nullification with regard to a specific legislative action. Raines v. Byrd, 117 S.Ct. 2312, 138 L.Ed.2d 849 (1997).

[T]he precedent of granting the plaintiffs standing in this context would invite any legislator who was outvoted on a particular measure to bring a constitutional challenge to that measure merely because he or she had not prevailed. Cf. Raines, 117 S.Ct. at 2323 (Souter, J., concurring in the judgment). “[H]arm to the interest in having government abide by the Constitution. . . would be shared to the same extent by the public at large and thus would provide no basis for suit [by the legislators].” 117 S.Ct. at 2323.

See also Illinois Legislative Redistricting Commission v. LaPaille, 782 F.Supp. 1267 (N.D.Ill. 1991); DeJulio v. Georgia, 127 F.Supp.2d 1274 (N.D.Ga. 2001)(dismissal affirmed of Governor, each body of the General Assembly and individual members of the General Assembly where each where improper parties in Voting Rights Act litigation related to “local legislation” related to drawing of city and county district lines).

Based on the foregoing cases, it is clear that Applicants Moe and Pugh do not have standing based solely on their positions in the Minnesota Legislature. Like the members of the Ohio Apportionment Board and the Illinois Redistricting Commission in the cases mentioned above, Applicants as elected officials do not have any interest beyond the generalized interest of all citizens. Without a legally cognizable interest, standing does not exist and intervention is improper.

III. APPLICANTS' INTERESTS ARE ADEQUATELY REPRESENTED BY THE CURRENT PLAINTIFFS.

Even assuming that Applicants were entitled to intervene as under-represented voters, Applicants' claims are adequately represented by Plaintiffs and the Cotlow Plaintiffs who have already intervened in this litigation. If a proposed intervenor's interest is adequately represented by existing parties, he is not entitled to intervene. State ex rel. Donnell v. Jourdain, 374 N.W. 2d 204 (Minn.Ct.App. 1985), citing SST, Inc. v. City of Minneapolis, 288 N.W.2d 225, 231 (Minn. 1979).

Assuming *arguendo* that Applicants' intervention as voters is proper because Applicants' votes may be diluted, the Cotlow Plaintiffs, whose intervention has been consented to by all parties to this litigation, adequately represent the interests of Applicants. Applicants' Memorandum states the need for intervention because the Applicants are members of the Democrat-Farmer-Labor party and will not be represented by Plaintiffs. However, voters who represent the interests of the DFL Party have already intervened in this matter. The Cotlow Plaintiffs' grounds for intervention were clearly stated on page 6 of their Memorandum in Support of Motion to Intervene as Plaintiffs:

Applicants are individual citizens associated with the Minnesota Democratic-Farmer-Labor Party. As such, they represent a substantial voting block. However, the present parties to this action do not represent that block. The existing Plaintiffs represent solely the interests of the [Republican Party of Minnesota] and their interests are substantially different from those of Applicants as evidenced by the Minnesota Legislature's failure to implement either the House of Representative's Plan or the Senate's Plan for redistricting.

Not only do the Cotlow Plaintiffs represent the interests of the DFL Party (an interest Applicants purport to also represent), each and every one of the Cotlow Plaintiffs is an under-represented voter entitled to relief in redistricting litigation. As such, the Cotlow Plaintiffs more appropriately represent a DFL voter's claimed interest in this litigation, because the Cotlow Plaintiffs

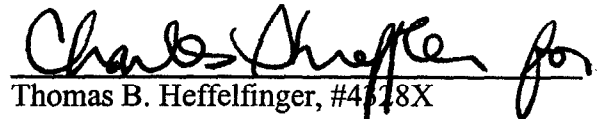
are actual, aggrieved voters with a constitutional claim, not incumbent officeholders. The Cotlow Plaintiffs are well positioned to represent Applicants' interests.

CONCLUSION

In conclusion, Applicants have not made a proper claim for intervention in this litigation. Applicants should not be permitted to further delay the Minnesota redistricting process, and accordingly, Plaintiffs respectfully request that Applicants' Motion to Intervene be denied.

Dated: September 21, 2001

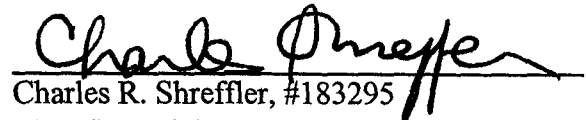
BEST & FLANAGAN, LLP



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601 Second Avenue South
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(612) 339-7121

Dated: September 21, 2001

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Minneapolis, MN 55404-2606
(612) 872-8000

Attorneys for Plaintiffs

**STATE OF MINNESOTA
SPECIAL REDISTRICT PANEL**

C0-01-160

OFFICE OF
APPELLATE COURTS

SEP 24 2001

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

FILED

Plaintiffs,

vs.

**AFFIDAVIT OF
CHARLES R. SHREFFLER**

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

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

CHARLES R.SHREFFLER, states and affirms under penalty of perjury as follows:

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

2. Attached hereto and made a part of as Exhibit A is a true and correct copy of a transcript dated August 28, 2001 from a hearing held at 11:00 a.m. at Conference Room 3, St. Cloud City hall, in St. Cloud, Minnesota by the Senate "Redistricting Working Group" for the purpose of

hearing public comment of redistricting plans. (*Senate Redistricting Working Group, Public Hearing on Redistricting Plans before public audience in St. Cloud, MN*).

3. Attached hereto and made a part of as Exhibit B is a true and correct copy of an article dated February 1, 1991, from the *St. Paul Pioneer*. "Carlson Seeking Fast, Fair Way to Redistrict, Avoid Court Fight," *St. Paul Pioneer Press*, Feb 1, 1991, at B1.

4. Attached hereto as Exhibit C is a true and correct copy of a transcript dated May 15, 1991 from the meeting of the Minnesota State Senate Redistricting Committee, which heard public testimony on S.F. 1571 from Bill Davis, NAACP; Bill Wilson; Richard Tanner, MN Chippewa Tribe; Jim Mulder, Assoc. of MN Counties; Bob Weinholzer, Independent Republican Party. (*S.F. No. 1571 Public Testimony before the Senate Redistricting Committee, 67th Leg. Sess (MN 1991)* (statements of Bill Davis, NAACP; Bill Wilson; Richard Tanner, MN Chippewa Tribe; Jim Mulder, Assoc. of MN Counties; Bob Weinholzer, Independent Republican Party)).

5. On information and belief, Applicant Roger D. Moe is a resident of Senate District 2.

6. On information and belief, Applicant Thomas W. Pugh is a resident of House District 39A.

7. On information and belief, Applicant Betty McCollum is a resident of House District 55B.

8. On information and belief, Applicant William P. Luther is a resident of House District 56A.

9. On information and belief, Applicant Martin Olav Sabo is a resident of House District 60A.

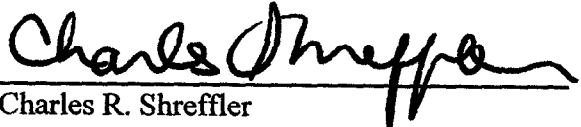
10. On information and belief, Applicant James L. Oberstar is a resident of House District 5B.

11. On information and belief, Applicant Collin C. Peterson is a resident of House District 11A.


12. Attached here and made a part of as Exhibit D is a true and correct copy of a Population Summary Report showing the population, deviation from ideal and percentage deviation of Minnesota Senate Districts.

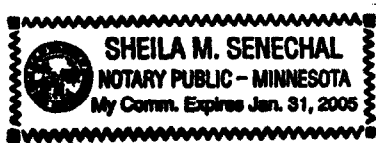
13. Attached here and made a part of as Exhibit E is a true and correct copy of a Population Summary Report showing the population, deviation from ideal and percentage deviation of Minnesota House Districts.

FURTHER AFFIANT SAYETH NOT.


Charles R. Shreffler

Subscribed and affirmed before me
this 21st day of September, 2001.


Notary Public



REDISTRICTING WORK GROUP

Tuesday, August 28, 2001
11:00 A.M.

St. Cloud City Hall
Conference Room 3

A g e n d a

Introductions

Questions on plans

Public Testimony

Committee Discussion

Senator Lawrence J. Pogemiller
Chair

Mary Harrison
Legislative Assistant

REDISTRICTING WORK GROUP

**Tuesday August 28, 2001
11:00 A.M.**

**St. Cloud City Hall
Conference Room 3**

Transcript of Testimony Cindy Jameson, City Clerk for City of Sauk Rapids

JAMESON: Hi. (excuse me) I'm Cindy Jameson. I'm the deputy clerk for the City of Sauk Rapids. I guess we, I have my engineering tech with me here today, and we were just looking at this House and Senate division, how it was broken up and that. And I guess our concern is when we are gonna be growing or annexing, we are going to be going north and east along that Highway 23 corridor.

[POGEMILLER: Could you grab one of those and just point out what is happening?]

JAMESON: For instance, right here, as you can see, here's the city boundary for the City of St Cloud, and here's the City of Sauk Rapids. Well, both of us, I think, are going to be moving North and East. And our concern is, just like the school district is too, about having one representative to represent that area. What is going to happen is, as soon as we start going further, and also the City of St. Cloud, you are going to end up with two representatives again. I guess we would like to see, as the school district, one representative in which to communicate with and someone that we can call on as a core city. As you know, in Benton County, a third of the pop, if not more, I think it's actually two-thirds, is in the City of Sauk Rapids.

[POGEMILLER: one third?]

JAMESON: Yes. And that's our concern. We are very, I think that the people that are in the City of Sauk Rapids are happy with the representatives they have right now,. But I can certainly see that in the future, not only for representation purposes, but, and I know that the representatives are concerned about that, but also, I've worked in elections for many years, and - believe it or not - when you are making up your ballots, and someone goes to the ballot box and sees that, you know I'm not voting for this person anymore, or that the city would be split up, that's our concern.

Back in 1982, I believe the City of Sartell, with one of the legislative district plans, was actually split right down the middle with the congressional district at that time, and that was addressed. And I think Joe Mansky remembers that, when he at the Secretary of State's office. So our concern is two things: we have the density and the population in the City of Sauk Rapids, but we are also a fast growing city. And so we want to make sure that the representation that we do have takes into consideration that growth along the

Highway 23 corridor. And I guess that's about our main concern.

BARKLEY: Is St. Cloud, is there gonna be a diving line there, or are you gonna be north of 23, there're gonna be south of it? Is that what's going on?

JAMESON: Yes. Right now that's what's happening

BARKLEY: Does it run directly east - west, or how does it run?

JAMESON: If you wanna

[**POGEMILLER:** Rep Gray, please sit at the table, if you can find a chair]

JAMESON: Actually, southwest - northeast.

POGEMILLER: So on here, could somebody, Mr. Ellenbeck, maybe the clerk, could you show us where 23 goes here?

[someone is heard describing where Highway 23 lies in the Sauk Rapids area]

JAMESON And what is going to happen, with that growth, it's going to collide, actually, along that Highway 23 corridor, if one of these would be accepted, because right now the St. Cloud city would be 16 B, and we are consider 17a. So, it's a concern.. And we just wanna make sure that when they do draw the lines, they do take that into consideration, because it is a great growth area.

POGEMILLER: Questions?

JAMESON: Right now what the city has informally started our annexation agreement, our former annexation agreement, with Mindon Township, but we will be going that route. We visited, the administrator Dennis Mironwki, has met with Mindon Township officials already, so we will be going in that direction. Do you have any questions?

BARKLEY: What is the tradition of Sauk Rapids and Sartell? Are they, should they be together, or not together? I was afraid of asking that...

JAMESON: Depends on who you ask! [Laughter] I guess that at this point, I think our growth has basically been towards Sauk Rapids Township, which we've annexed quite a few pieces and also now toward the Mindon side. We really haven't - I can ask my engineering tech to help us out here - have we gone anything further into Sartell? I didn't think so.

BARKLEY: Is Sartell growing into that, is it LeSauk Township, or are they done growing, or what is going on there?

JAMESON: They're growing, yes, at huge rate, also. We're both, both cities, we're experiencing growth pains at this point. But at this point, we have to keep going, that's just...

BARBLEY: Are they staying out of St. Wendell? Or are they going into St. Wendell too?

JAMESON: You would have to ask somebody from Sartell on that.

[Someone makes comments on the sewer system of St. Wendell and how St. Joseph will be taking care of the township.]

JAMESON: I won't take up any more of your time. I just want you to be aware of that growth. Also we've had to add two additional precincts to the city, so we're already at six precincts, and its growing. Two commissioner districts in Benton County will be considerably affected by that, and that would be Duane Grandy and also Earl Bukowski. And I think Earl Bukowski from Benton County is here if he would like to comment. Those were my only comments.

POGEMILLER: Great. Thanks. Senator Kleis.

KLEIS: *Mr. Chairman, if you could stay there, since you have some expertise in elections.*

JAMESON: *Joe does too. [laughter]*

KLEIS: *What type of, obviously you've worked through the last period, ten years ago, so you know the time frame and what it takes, you know, as far as time that you need.*

JAMESON: *Yes. Absolutely.*

KLEIS: *What type of time do you need? I mean, what's the ideal situation? Obviously now we're not in the legislative session, and there aren't maps that are in effect, so what does it take for a county or a city to do this....*

JAMESON: *OK - I've worked in both the county and the city. And, the county definitely has the brunt of the work, I would say, because they have to gather the plans from the cities and so, for a time frame -- boy -- if you guys would be done today, we would be happy. [Laughter]*

But I think Joe can attest to that. That as much time as we could possibly have would be great. I mean, March is coming fast. And I know myself, when I had to deal with it back in 1982, the number of records that have to be changed, and the voter histories, and making sure that everyone would be in the appropriate legislative district and senate district. And that is actually for your benefit to have it done earlier. And for cost-wise, I know politically, you are, each one has their own thoughts, of course, on redistricting. But when you take a city, and you divide it up into more than one congressional district or more than one legislative district or school districts down the road, the cost and time of

ballot preparation and for the actual ballot itself...

[END OF TAPE ONE]

[TAPE TWO]

POGEMILLER: *Why don't you repeat your last sentence?*

JAMESON: *I'm just saying that with time constraints, I am sure that Sterns County, Benton County, and Sherburne County would be elated if we could get a feel for a final mapping, so that they can at least do some scheduling and meetings, so that they can sit down and address all the problems. Because technically (and Joe, like I said, can attest to this), it takes months sometimes for that to be done. So we're talking March. Boy, if you guys come down with something just like that, it puts a huge burden on the counties and the cities to come up with plans and have, of course, we always say there's a margin of error. But in elections there is no margin of error, so to speak, because then you get into errors and omissions. I guess that's about all I have to say. Thank you.*

BARKLEY: One quick question.

POGEMILLER: Mr. Barkley.

BARKLEY: Being a broken record, I'd kind of like to get a confirmation of the same question. Communities of interest are one of the thing we are supposed to take into consideration. City of Sauk Rapids, would you say that the issue you are facing have more similarities to cities going down southeast from you, down the Hwy 10 corridor, or northwest of you, going up towards Fergus Falls. Which area, do you think, is better reflective of the issues that you are dealing with?

JAMESON: That's kind of a trick question. Because, one thing, the city of Sauk Rapids wants to keep the smallness, the feel for a smaller city. But yet we are experiencing the pains of the growing city. And so, I will answer you with this - we actually have, I would say both the north and the metro. And that's what makes Sauk Rapids and that area unique. We're going to try to keep it that way. Smart answer, right Joe?

POGEMILLER: [Laughter] We're going to put you in two Congressional districts! Thank you very, very much.

[end]

B

LOTTERIES

MINNESOTA/MEGABUCKS
 Jackpot: \$4.5 million
 Numbers: 8, 12, 29, 40, 50, 51
 Bonus: 65 tickets
 Numbers for \$1,072 each.
 Jackpot: \$7 million

Numbers: 0, 1, 8

LOTTO
 Jackpot: \$1.4 million
 Numbers: 12, 17, 20, 23, 24, 38
 Bonus: Ten of spades
 No winner, but 5 tickets
 5 numbers for \$600 each.
 Jackpot: \$1.5 million

Results call Cityline at 645-6060,
 (LTO). In Wisconsin, call
 800-242-7777.

TWENTY-FOUR HOURS

WORLD OF WOOD

The first annual Woodworking World Twin Cities Show opens at 5 p.m. today at the Minneapolis Convention Center. Show hours Saturday are 10 a.m. to 6 p.m. Sunday hours are 10 a.m. to 5 p.m.

MOCK TRIAL TOURNEY

A regional mock trial tournament will begin at 11 a.m. Saturday at Hamline University Law School, Hewitt and North Snelling avenues, St. Paul. Final rounds begin at 6 p.m. Saturday.

STORY TIME

Kids of all ages are invited to a Northwind Story Hour Open House with Jerry Blue, at 11 a.m. Saturday at The Loft, Pratt Community Center, 66 Malcolm Ave. S.E., Minneapolis.

INDEX

FIGHTING GANGS

Gang-related crime is growing in Minnesota and law enforcement need new laws to combat it, state's attorney general.

KIDS IN POVERTY

The Kids Count Data Book Minnesota children slipped into poverty in the 1980s, but the continued graduating from high school and remained healthy.

TEEN-AGER CONVICT

A 17-year-old St. Paul youth is the death of his best friend, through criminal negligence. County judge has ruled.

POLITICS

OBITUARIES, DEATH NOTICE

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Carlson seeking fast, fair way to redistrict, avoid court fight

BRUCE ORWALL STAFF WRITER

Gov. Arne Carlson said Thursday he's interested in finding a faster, cheaper and fairer way to redraw Minnesota's political districts, possibly through the use of a nonpartisan or bipartisan commission that would accomplish the task apart from the political process.

The Minnesota Constitution says it is the Legislature's responsibility to undertake redistricting, the always-controversial process of redrawing legislative and congressional districts based on the latest census. But Carlson said he's toying with the notion of convincing lawmakers to allow a nonpartisan commission to draw the plan the Legislature adopts.

"It may not be in the best interests of the incumbents," Carlson said, "but it would be in the best interests of the

public."

Carlson said he has thought about involving nonpartisan groups such as Common Cause in the process, to remove questions of whether the DFL-controlled Legislature is producing a plan that is fair.

Another approach, Carlson said, would be to appoint a bipartisan group and have all parties agree to be bound by its results.

The Independent-Republican governor said the ideas are appealing partly because they may help avoid the now-traditional courtroom struggle over redistricting that has taken place in each of the past four decades.

"We are going to explore this," Carlson said. "If the Legislature would like to avoid the court battle, one way would be to have some neutral group draw the lines."

The prospect of a court-ordered redistricting plan is already looming on the horizon. Alan Weinblatt, the DFL attorney who prevailed in 1972 and 1982 redistricting cases, already has filed suit in Hennepin County asking the court to get involved if the 1991 legislative session doesn't produce a plan. Lawmakers aren't even considering passing a redistricting plan during this session.

That has prompted great concern among local officials and groups such as Common Cause, who say that delaying redistricting until 1992 will not leave local governments enough time to accomplish tasks ranging from drawing of precinct lines to updating voter lists.

Legislative leaders have tentatively set March 26, 1992, as the deadline for getting the job done. The League of Minnesota Cities, Common Cause and others

DISTRICTS CONTINUED ON 12B ▶



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**St. Paul be
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BRIAN BONNER STAFF WRITER

St. Paul began its crack-
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The main feature of the cr-
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The officers are allowed
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 police say.

The skyway ordinance li-
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 music.

Critics say its vagueness a-
 discretion granted police inv-
 Minnesota Civil Liberties U-
 tive Director William Roath
 lic, particularly members o
 community, have every reas-
 vious.

"There's good reason for t

SKYWAYS CONT.

'King Ralph' coming to Carnival



MARK MORSON/STAFF PHOTOGRAPHER

Working from a poster at right, St. Paul ice carver Tom Doyle sculpts the face of actor John Goodman, who will portray King Ralph in the new Universal Pictures film for the 1991 Carnival. The

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POLITICS

Humphrey plans to propose tough anti-gang laws

JACK H. COFFMAN STAFF WRITER

Gang-related crime is growing rapidly in Minnesota and law enforcement officers need new laws to combat it, Attorney General Robert Humphrey III said Thursday as he prepared to unveil what he called "tough" laws that get at gang violence.

What Humphrey is calling the "Minnesota Street Terrorism Act" would give police new crimes to charge gang members with and mandatory sentences for firearms-related activity.

Although the "Twin Cities area" — San Francisco or Miami, gang violence is growing here and it is time to put a stop to it now and get ahead of the problem," Humphrey said in an interview.

Humphrey's anti-gang plan is expected to be one of the top anti-crime programs to be considered by the Legislature this year.

"He said there were five gang-related killings in Minneapolis in 1989 and there were 22 such homicides there last year. He said reports of gang activity are now spreading to suburban communities where there is growing concern over gangs."

Under Humphrey's proposal, membership in a gang could be a felony if the gang member knew the organization he or she belonged to was promoting criminal activity.

Gang firepower would be attacked through new laws creating a 15-year mandatory prison sentence for anyone who had been

convicted of three or more drug trafficking crimes and who possessed a firearm. Humphrey said he would propose sentences for any gang member who possesses a military-style assault rifle.

While St. Paul and Minneapolis have special groups dealing with gang activity, other communities do not. To assist these communities in dealing with gangs, Humphrey said a statewide gang intel-

ligence unit should be created in the Bureau of Criminal Apprehension along with establishment of a computer list of every known gang member in the state.

In dealing with gang crimes, police often find it difficult to get witnesses to cooperate because they fear reprisals. Humphrey said he is proposing a state wit-

ness protection program which would relocate witnesses and give them protection from gang revenge.

Humphrey said he does not yet know just how much his plan would cost. However, he said there is a possibility much of it could be financed through assets seized in drug and gang-related raids.

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More Wellstone, Boschwitz campaign funding reported

BRUCE ORWALL STAFF WRITER

U.S. Sen. Paul Wellstone raised more than \$1.3 million for his underdog campaign against former U.S. Sen. Rudy Boschwitz last year, according to Federal Election Commission documents filed Thursday.

Boschwitz's final 1990 campaign finance documents were not available Thursday, but he had raised \$2.2 million in 1990 and more than \$7.2 million during his six-year term. Wellstone raised \$1.4 million during his 18-month

campaign.

Jeff Blodgett, director of Wellstone's Minnesota office, said the new senator began his term with \$117,000 in campaign debt — up since the campaign ended because he wanted to begin running a full office immediately, rather than waiting until he was sworn in.

The FEC documents show Wellstone received more than \$294,000 from political action committees. The influential contributor groups he says he wants to eliminate. Wellstone imposed what he called restraint on his use of PAC funds by accepting money only from PACs with Minnesota affiliations.

In the Third District congressional race, U.S. Rep. Jim Ramstad's FEC report wasn't available, but he had broken the state record for a congressional campaign by the end of December, spending more than \$910,000 in 1990.

Gubernatorial candidates list finances

BILL SALSBERY STAFF WRITER

Former DFL Gov. Rudy Perpich and one-time Independent-Republican candidate Jon Gramseth each spent about \$2.5 million on their successful 1990 gubernatorial campaigns, according to campaign finance reports filed Thursday.

Figures weren't available for the election winner, IR Gov. Arne Carlson. His aides were working feverishly Thursday night to meet a midnight deadline for mailing the report to the Ethical Practices Board.

Perpich, the three-term governor who lost to Carlson, spent \$2,522,316 on his campaign in 1990 and 1990. He raised nearly \$2 million and received another \$612,289 in public funding. His campaign ended the year with \$29,842 in cash and \$6,441 in unpaid bills and loans and \$12,419 in cash on hand.

Gramseth, who withdrew from the race Oct. 28 amid allegations of sexual improprieties, spent \$2,466,473 on his two-year campaign. He ended the year with \$231,940 in unpaid bills and loans and \$12,419 in cash on hand.

The reports indicate the two candidates spent most of their money on television advertising.

Among Perpich's largest contributors were millionaire agribusinessman Dwayne Andreas of Iverton, Ill., who gave \$45,000, the political arm of the Minnesota Education Association and Minnesota Federation of Teachers, \$35,000 each; the state Teachers union political fund, \$31,250; state Auditor Mark Dayton, \$30,000; and the Minnesota AFL-CIO, \$29,000.

Gramseth's other large contributors included Katherine Anderson, Bayport, and David Wilbur Jr., Edina, \$60,000 each; Marvin Schwan, Gary, S.D., \$54,850; Debra Schwan, Gary, S.D., \$45,900; A.M. Husting, Bayport, \$42,500; Julianne Lewis, Edina, \$37,150; Richard Amex, Burnsville, \$32,850; John Menard, Eau Claire, Wis., \$30,000; and Timothy Roper, Potosi, Mo., \$25,000.

DISTRICTS

Legislators are calling for a plan to be adopted by the end of 1991. That would entail a special legislative session, probably next fall.

Both Carlson and Senate Majority Leader Roger Wade, DFL, skinned, said they are open to the prospect of a special session for redistricting.

Carlson said he is persuaded by the fact that if the Legislature doesn't act in 1991, some Minnesotans will go to their precinct caucuses next February not knowing who their legislative candidates will be or what districts they're in. "That breeds a lot of angst to a special session," he said.

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SENATE REDISTRICTING COMMITTEE

**May 15, 1991
318 State Capitol
5:00 p.m.**

**S.F. No. 1571
Public Testimony**

Mr. Bill Davis, NAACP

Mr. Bill Wilson

Mr. Richard Tanner, Minnesota Chippewa Tribe

Mr. Jim Mulder, Association of Minnesota Counties

Mr. Bob Weinholzer, Independent Republican Party

**Transcribed by Mary Hennessy
Committee Secretary**

(Explanation of S.F. No. 1571 not transcribed.)

SEN. MOE: A number of people have indicated an interest to say a few words and I'd like to ask those to testify at this time. I'll just go right down this list that I have. Mr. Bill Davis, representing the NAACP. Mr. Davis, welcome.

MR. DAVIS: Thank you Mr. Chairman. Members of the committee, ladies and gentlemen, my name is Bill Davis. I am the Chairman of the Political Action Committee for the Minnesota Dakota State Conference for the National Association for the Advancement of Colored People, also known as the NAACP. I also serve as the First Vice-President and Chair of the Political Action Committee for the Greater Minneapolis branch of the NAACP and also serve as the chair of the statewide organization known as the Minnesota African American Political Caucus.

Mr. Chairman, I appreciate the opportunity to be here today, to speak to you on the issue before you, the redistricting proposal. I have been a party to numerous discussions regarding this with Senator Pogemiller. Several members from the community of color have been invited in from time to time to review the basic footprints of the general area that is being proposed. Let me back up and say that nationally the NAACP is very interested in redistricting. Statewide, nation-wide this has become one of our top priorities. We have established a redistricting committee, which I am chair of as well, and we have been asked to monitor redistricting activities throughout the State of Minnesota, as well as in our local area and to report back to the national office. It is our feeling that we are either locked in or locked out for the balance of this century, so we feel that redistricting is very very important to the community of color. As I mentioned, I have been afforded the opportunity along with other people of color to participate in this process and we have been extended an opportunity to sit down in front of the computer to do some carving out of districts to make sure we have a fair and as well as an opportunity to have representation. This is not an assurance by any stretch of the imagination but certainly to provide an opportunity for a person of color to be elected and particularly the three districts we spoke about earlier: Senate District (I'm only familiar with the old numbers) but Senate District 57, which is now 58; former Senate District 60, which is now 61; and 65, which is in St. Paul, which still remains Senate District 65. Those three areas as well as a couple of senate districts in northern Minnesota have a significant population of color. Those issues are key to us because, as you know, the voters right act allows and encourages groups, particularly people of color, to come forth, particularly if they feel the plan excludes opportunity for running for public office. So

we were very much concerned about this process. I think its important to point out that it's necessary, in fact imperative, that some action be taken very soon with respect to drawing these lines, so that the community of color can begin to organize in those respective communities, as opposed to waiting for a year or for a special session to take place. We think that the technology is there, as Sen. Pogemiller has already spoke to. This is not the 60's the 70's or the 80's when we did not have that type of technology that we currently have available to us in the 90's. I think with the advent of the computers and the programs it makes it much easier to draw a fair boundary for the various communities. So I would urge this committee to move forward with this process, continue to solicit input from other individuals who would like to step forward. But clearly, delaying this process will only hamper the opportunities for particularly communities of color who organize, which also may give rise to some further challenges if that is perceived to be the situation.

I think this plan sets the standards by which cities will begin to draw their boundaries. That is also critical and very important to the community of color that the lines for the cities be drawn as soon as possible as well. We have elections that will be coming up in '92 and '93 and we would like to have the opportunity and the luxury of identifying these individuals in these areas to represent us where there is a large concentration of people of color.

Mr.Chair, that concludes my remarks and I certainly will answer any questions people would have at this time.

SEN. MOE: Thank you Mr. Davis. Are there any questions of Mr. Davis at this time? Sen. Storm.

SEN. STORM: Mr. Chair, Mr. Davis, two questions. One, have you scrutinized any part of the plan other than the districts pertaining to communities of color?

MR. DAVIS: Mr. Chairman, principally when viewing the communities of color, the three district we talked about, certainly had an opportunity to look at how that affects the other districts adjacent to it but not much beyond that. That's where our principal focus and concentration has been. I should also add that this process, I had an opportunity to participate in 1980, and in comparison this is certainly a more fair and open process, afforded a number of people an opportunity to review the districts. In answer to your question, it was limited to the three specific districts with the exception of the other districts in close proximity to it.

SEN. STORM: Mr. Davis, I'm glad, as you are, that there has been some open discussion (inaudible portion). What's difficult for me is to place that in context of a total plan. I can appreciate that you feel portions of the plan are very acceptable and very appropriate. I can't accept that as an endorsement of a plan for the State, and I'm sure you can understand the need to scrutinize it on a much larger basis.

The second question, if we were looking at an ideal time frame and you're saying you too feel a sense of urgency, could you help us with some parameter? Is it imperative in your opinion that this be passed this week, or for communities of color, if it were to be passed August 1st, would that still be acceptable?

MR. DAVIS: Mr. Chair, Senator Storm, I think that the sooner the plan can be adopted and the lines can be

identified, then we can move on to the next process, which will be ultimately any challenges that may occur. That's always going to add additional time to the process. If we do not ratify a plan until August, let's say, then we have a door, a window, which will give people an opportunity to challenge the plan, which then would extend it beyond that period of time. I would think what we are trying to do is get something out, something to the public, put some parameters down, allow people to react to it and move forward. I think this is the first step of a many many step process. I think it is a good step. I would encourage you to follow the suggestions of the Chair, when he suggested that we move forward, have additional hearings, let people react to it. This is not a new phenomena. People knew that redistricting was going to take place. This is not a new subject matter. I think that everyone in this room knew, had a rough idea where the lines were going to be drawn, if not the exact lines. I don't think this is new information that anyone is receiving today. In this particular format it may be new, but not the notion of redrawing the lines. So, I think the opportunity has been afforded people and those who were conscientious, eager, interested, made every effort to avail themselves of this information, and I think now is the time to act and move forward and then allow whatever challenges to come forth at that time.

SEN. STORM: Mr. Wattson, what is the mandated time frame? When must we have a plan prior to (Inaudible portion)?

MR. WATTSON: Mr. Chairman, Senator Storm, the constitution and the statutes don't lay down a firm date by which the Legislature has to act. In other states they do have constitutional and statutory deadlines. We don't.

We have a practical deadline of March 24th or March 25th 1992. If the Legislature has not completed action by that time the courts would feel it incumbent upon them to impose a plan so that the redrawing of the municipal precincts, the city wards, the county commissioner districts could go forward in advance of the filings opening the first part of July.

Is there a deadline when a person could file a lawsuit? Not really. If the plan passed by the Legislature in the 1991 session, the Governor signs it, it could be subject to a court test immediately. The court has the summer and fall to examine it, scrutinize it, throw it out if it doesn't meet constitutional requirements, and the Legislature has the opportunity to come back and meet the court's concerns. If the Legislature doesn't act until February or March of 1992, then the court review has to occur at a time when there is no opportunity for the Legislature to come back and fix things. It is too late in the process. So those are the practical deadlines and practical considerations that we face.

SEN STORM: So that early completion, Mr. Chairman, does not necessarily preclude challenge at any point along the way.

MR. WATTSON: Mr. Chairman, Senator Storm, not at all.

SEN. COHEN: Mr. Chairman, Mr. Davis, I don't want to put words in your mouth, and maybe Councilman Wilson who is present might agree with this. When I worked with minority communities in St. Paul, I know one concern relative to the timetable was that everybody else waits for us. So in order to draw precincts within municipal lines

and try to create some county board districts or city council wards that would reflect minority population, whatever, it was felt there was some urgency. I don't know if that is your sense as well.

MR. DAVIS: Mr. Chair, Senator Cohen, that is precisely what I was alluding to, was that the drawing of these lines then sets the tone and the standard for the drawing of the ward lines, the county lines and all of the other lines that precede that, so I think that therein lies a domino affect. So that once these lines are drawn, then the other jurisdictions can begin to draft lines, again giving the community of color an opportunity to organize and mobilize and have an opportunity, at least playing on a level playing field in terms of identifying candidates that can potentially serve those communities.

SEN. MOE: Any other questions of Mr. Davis? If not, thank you very much for appearing tonight.

Mr. Bill Wilson, St. Paul City Council, welcome.

MR. WILSON: Mr. Chairman and members of the committee it is my pleasure to address you this evening on this matter of redistricting. It is certainly a very important undertaking on the part of the State - lays the foundation upon which all the elections in the State of Minnesota will be held. So, clear and decisive and fair process going into redistricting is imperative. I, like Mr. Davis, have had the opportunity of working with Senator Pogemiller and Senator Cohen to have input into this process and we welcome that input. Seldom do citizens have the opportunity to have a hands-on experience to help shape the outcomes of these kinds of processes. Here in the State of Minnesota we are pleased to know we have this

kind of open, inclusive process. It is important beyond that for the communities to know that this process is available. This again goes back to the fundamental question of inclusiveness and involvement of the people in our government. The cornerstone of that of course is in voting and the right to vote, as was the opportunity for you to vote to make a difference. I certainly as a person feel strongly about this. In my last election we won by 2 votes, and so we can appreciate the importance of each and every vote. My vote and the other individual's vote made a difference and so we take this very seriously. I appreciate the fact that this body takes it seriously. So, I'd like to encourage the committee would move forward with a plan. As Mr. Davis alluded to, it does lay the foundation for all the districting throughout the State, and if I am correct in this that the local jurisdictions cannot do districting until the State has completed its redistricting, so we anticipate the State's districting so we can in fact go forward. The people throughout the cities in St. Paul and Minneapolis and across the State are awaiting that opportunity. Again, I thank Mr. Chairman for the opportunity to testify. We were here on some late evenings, working, the citizens trying to have input and make a difference. We'd like to see the result of this go forward quickly.

SEN. MOE: Thank you. Are there any questions of President Wilson?

SEN. STORM: Mr. Chairman, Mr. Wilson, we appreciate you being here and appreciate also your support of the process as you have participated and given your insight. Have you had a chance to scrutinize the plan at all? Are you prepared to speak to what you feel is the value or propriety of the plan?

MR. WILSON: Of the plan in its totality?

SEN. STORM: Of the plan that Sen. Pogemiller just described and maps shown.

MR. WILSON: Only in very general terms. We were primarily focusing on districts, I was primarily focusing on districts, affecting the communities of color. We had some general experiences seeing the impact that had on other districts throughout the city and State, but fundamentally that was our experience.

SEN. MOE: Any other questions of President Wilson? Thank you very much.

Jim Mulder from the Association of Minnesota Counties.

MR. MULDER: Thank you Mr. Chairman, my name is Jim Mulder. I am the Executive Director of the Minnesota Association of Counties. We strongly support the Legislature in doing the redistricting and getting it done this session. It certainly will assist us and aid us in being able to do our work. We are very concerned about the timetable that is set forth and our ability to be able to do our job. So, we strongly support the process moving forward yet this session and hope it will be completed. We have taken no stand on the merits of this, but certainly on the timing we certainly appreciate it.

SEN. MOE: Any questions of Mr. Mulder?

SEN. STORM: Mr. Chairman, Mr. Mulder, what are the time constraints that you and your people are under that would be impeded if we had a plan that was agreed upon,

had good bipartisan support, had a lot of broader public inputs and have it completed by August 1st?

MR. MOULDER: Mr. Chairman, Senator Storm, our preference is to have it done now. It wouldn't cause huge problems if it was August 1st, but I think the longer time frame that we have the better off that we are.

SEN. STORM: Mr. Chairman, Mr. Mulder, if we took until August 1st, then could we be assured of a plan that would have had scrutiny and would have been accepted as a fair plan by a broad group of people? Would you feel that would be a worthwhile venture?

MR. MOULDER: Mr. Chairman, Senator Storm, I'm not in a position to make a judgment on that kind of a qualitative judgment. Whether its a better plan or not.

SEN. MOE: Are there any other questions of Mr. Mulder? If not, thank you very much.

Mr. Dick Tanner, did you indicate that you would like to make some comments?

Welcome.

MR. RICHARD TANNER: My name is Richard Tanner. I work with the Minnesota Chippewa Tribe and looking at the map, it's very nice that in redistricting we are keeping the Reservation more or less intact within one senate district and will help. We have Senator Finn now who is out of LaPorte and may help him retain his seat in the respect that Leech Lake Reservation is within one senate district where before, it was in two. White Earth Reservation was in two senate districts before. Now it's in

one senate district. Red Lake was kind of split in two senate districts. Now they are all essentially in two senate districts, which really does help a lot. It also helps in terms of having the house districts also within one district rather than being split up in two or three different districts. Speaking from experience, I think that it could help an Indian person if they decided to run for the House of Representatives, like I did in 1982. I lost by around 200 votes. But even the present, if I had that map now, if I had used that map in '82 I probably would have won, because that way, all the Reservation's villages are within one district. I think this would increase at least the chances of (inaudible portion). But it does open up in the future the opportunity for three Indian people to run in House seats and have a good chance of winning in the northern part of the State.

SEN MOE: Are there any questions of Mr. Richard Tanner?

SEN. STORM: Mr. Chairman, I am going to ask the same question of Mr. Tanner. I am as encouraged and excited as you are about the opportunities for Native Americans to have representation, but have you scrutinized the plans beyond those districts? Are you able to comment?

MR. TANNER: No, just like you, I haven't had an opportunity to look at the whole plan, just those districts which had large population of Indian people, including the urban areas. But outside of the Reservation areas and the urban areas I have not really looked at it.

SEN. MOE: Thank you very much Mr. Tanner, I appreciate your testimony.

Mr. Todd Otis. (Testimony of Mr. Todd Otis, State Democratic Farmer Labor Party, not transcribed).

SEN MOE: Mr. Bob Weinholzer, you have equal time here.

MR. WEINHOLZER: Thank you Mr. Chairman, Bob Weinholzer, Chairman of the Independent Republicans. I have to admit that I just saw this material at 5:00 P.M. today for the first time, so it's very hard for me to give an opinion on it. It may very well be the fairest plan that has come out of the Legislature in the last 30 years. Not that that would take a whole lot, but it might very well be.

I was very interested to see all the cooperation of the different groups and the people testifying for this tonight. It seems like everyone was informed about it and cooperated on it except the I.R.'s. I did notice that. One of the statements that was brought up was the fact that we do have until March 1992 for the Legislature to actually redistrict. Now this will be one of the more important pieces of legislation to come out of this session, if it does, based on the fact that besides bonding there is no other legislation that will have an enforcement on following legislatures for the next 10 years. This I think makes it very important that this be well thought out, well planned, well discussed plan for redistricting that is fair to all parties concerned. I do have to say probably the hardest thing about this to try to determine if this is fair or not is the lack of maps. Because I have taken the descriptions here and I know one thing, I will be in a new district and so far I have read six of them and I still have not found where I am going to be. And without a map I think it becomes extremely difficult to try to get a real feeling how fair these districts would be. So again, this may be a very,

very good plan, it may be excellent, but I do think that we need not to rush this recklessly through and to take some time for full consideration and the opportunity for people throughout the entire State to come in and testify, since it does have an effect on laying the rules for the next 10 years.

SEN. MOE: Thank you. Any questions of Mr. Weinholzer?

MR. WEINHOLZER: Thank you.

SEN. MOE: Thank you. Is there anyone else who would care to make some comments? O.K.

SEN. POGEMILLER: Mr. Chairman, Senator Benson had asked earlier regarding the average. There was a typo on the deviation sheet passed out. I think the corrected version has been passed out. There were two districts that were flip flopped, district numbers, so this is the corrected version. I don't have the average, but I believe that the largest positive deviation is 1.57, the largest negative deviation is 1.85, and the range is 3.42. And I believe, and maybe Mr. Wattson can help me, but I believe the courts have basically said that as long as you stay within a range of 10 you are doing good work, or you are doing acceptable work.

MR. WATTSON: Mr. Chairman, Sen. Pogemiller. What the courts have said is that if the overall range of a legislative plan is less than 10% the plan will not be found to be prima facie invalid on population grounds. It could be that a plan that had a less than 10% overall range was invalid because it discriminated against minorities for example, but it would not be subject to attack simply on

failure to meet equal population requirements. So the maximum level for the court is 10% and this plan has an overall range of 3.42%, with the largest positive deviation being 1.57% and the largest negative being 1.85%. Each is under the 2% you established for yourself in the concurrent resolution. 1.57 and 1.85.

SEN. KNAAK: There is in passing before I forget a typo on page 36, line 21.

SEN. POGEMILLER: Mr. Chairman.

SEN. MOE: Excuse me, did you want a response to that?

SEN. KNAAK: The author can offer an amendment, I can.

SEN. MOE: I think there are a half a dozen or more. Maybe that would be appropriate for him to go through other typos or technicals.

SEN. POGEMILLER: Yes, I believe I would offer an amendment.

MR. WATTSON: Mr. Chairman, members of the committee. The ones that have been called to my attention so far. The first is on page 11, line 18, or 17 and 18, where it says "that portion of Lac Que Parlo County consisting of" blank, just delete all of that, there is no Lac Que Parlo County....

(Remainder of meeting not transcribed.)

D

Population Summary Report

Overall Range:		50.76	Percent	37,273	Persons	
Largest District:	99,920	Deviation:	36.08	Percent	26,495	Persons
Smallest District:	62,647	Deviation:	-14.68	Percent	-10,778	Persons
		Mean Deviation:	9.65	Percent	7,087.91	Persons
		Standard Deviation:			9,088.71	Persons
Ideal District:	73,425					

District	Population	Deviation	% Devn.
01	64,084	-9,341	-12.72
02	66,071	-7,354	-10.02
03	66,717	-6,708	-9.14
04	78,387	4,962	6.76
05	62,713	-10,712	-14.59
06	70,040	-3,385	-4.61
07	65,973	-7,452	-10.15
08	75,570	2,145	2.92
09	68,639	-4,786	-6.52
10	73,771	346	0.47
11	70,321	-3,104	-4.23
12	77,718	4,293	5.85
13	64,352	-9,073	-12.36
14	76,919	3,494	4.76
15	66,662	-6,763	-9.21
16	72,494	-931	-1.27
17	81,245	7,820	10.65
18	81,733	8,308	11.31
19	95,242	21,817	29.71
20	72,720	-705	-0.96
21	64,820	-8,605	-11.72
22	64,045	-9,380	-12.77
23	66,910	-6,515	-8.87
24	69,326	-4,099	-5.58
25	75,179	1,754	2.39
26	65,882	-7,543	-10.27
27	66,021	-7,404	-10.08
28	73,840	415	0.57
29	73,198	-227	-0.31
30	74,460	1,035	1.41
31	73,440	15	0.02
32	68,239	-5,186	-7.06

District	Population	Deviation	% Devn.
33	85,971	12,546	17.09
34	84,687	11,262	15.34
35	93,454	20,029	27.28
36	80,555	7,130	9.71
37	99,920	26,495	36.08
38	85,523	12,098	16.48
39	72,604	-821	-1.12
40	62,901	-10,524	-14.33
41	78,697	5,272	7.18
42	78,319	4,894	6.67
43	78,533	5,108	6.96
44	66,842	-6,583	-8.97
45	68,402	-5,023	-6.84
46	62,647	-10,778	-14.68
47	65,154	-8,271	-11.26
48	79,449	6,024	8.20
49	73,052	-373	-0.51
50	95,650	22,225	30.27
51	86,402	12,977	17.67
52	65,585	-7,840	-10.68
53	70,986	-2,439	-3.32
54	66,254	-7,171	-9.77
55	68,411	-5,014	-6.83
56	95,147	21,722	29.58
57	85,941	12,516	17.05
58	69,201	-4,224	-5.75
59	67,902	-5,523	-7.52
60	67,092	-6,333	-8.63
61	73,638	213	0.29
62	65,225	-8,200	-11.17
63	63,289	-10,136	-13.80
64	64,274	-9,151	-12.46
65	69,777	-3,648	-4.97
66	67,307	-6,118	-8.33
67	73,957	532	0.72

State Total: 4,919,479

E

Population Summary Report

Overall Range:		76.34	Percent	28,026	Persons	
Largest District:	58,795	Deviation:	60.15	Percent	22,082	Persons
Smallest District:	30,769	Deviation:	-16.19	Percent	-5,944	Persons
		Mean Deviation:	11.01	Percent	4,042.60	Persons
		Standard Deviation:			5,394.15	Persons
Ideal District:	36,713					

District	Population	Deviation	% Devn.
01A	32,838	-3,875	-10.55
01B	31,246	-5,467	-14.89
02A	31,385	-5,328	-14.51
02B	34,686	-2,027	-5.52
03A	31,840	-4,873	-13.27
03B	34,877	-1,836	-5.00
04A	37,736	1,023	2.79
04B	40,651	3,938	10.73
05A	31,262	-5,451	-14.85
05B	31,451	-5,262	-14.33
06A	35,560	-1,153	-3.14
06B	34,480	-2,233	-6.08
07A	33,397	-3,316	-9.03
07B	32,576	-4,137	-11.27
08A	34,750	-1,963	-5.35
08B	40,820	4,107	11.19
09A	32,619	-4,094	-11.15
09B	36,020	-693	-1.89
10A	36,457	-256	-0.70
10B	37,314	601	1.64
11A	36,412	-301	-0.82
11B	33,909	-2,804	-7.64
12A	39,744	3,031	8.26
12B	37,974	1,261	3.43
13A	32,692	-4,021	-10.95
13B	31,660	-5,053	-13.76
14A	38,977	2,264	6.17
14B	37,942	1,229	3.35
15A	35,106	-1,607	-4.38
15B	31,556	-5,157	-14.05
16A	34,430	-2,283	-6.22
16B	38,064	1,351	3.68

District	Population	Deviation	% Devn.
17A	38,920	2,207	6.01
17B	42,325	5,612	15.29
18A	38,491	1,778	4.84
18B	43,242	6,529	17.78
19A	47,651	10,938	29.79
19B	47,591	10,878	29.63
20A	36,741	28	0.08
20B	35,979	-734	-2.00
21A	33,241	-3,472	-9.46
21B	31,579	-5,134	-13.98
22A	32,501	-4,212	-11.47
22B	31,544	-5,169	-14.08
23A	33,380	-3,333	-9.08
23B	33,530	-3,183	-8.67
24A	33,910	-2,803	-7.63
24B	35,416	-1,297	-3.53
25A	38,231	1,518	4.13
25B	36,948	235	0.64
26A	32,320	-4,393	-11.97
26B	33,562	-3,151	-8.58
27A	32,584	-4,129	-11.25
27B	33,437	-3,276	-8.92
28A	37,372	659	1.80
28B	36,468	-245	-0.67
29A	37,369	656	1.79
29B	35,829	-884	-2.41
30A	40,906	4,193	11.42
30B	33,554	-3,159	-8.60
31A	39,704	2,991	8.15
31B	33,736	-2,977	-8.11
32A	33,497	-3,216	-8.76
32B	34,742	-1,971	-5.37
33A	49,853	13,140	35.79
33B	36,118	-595	-1.62
34A	38,057	1,344	3.66
34B	46,630	9,917	27.01
35A	45,184	8,471	23.07
35B	48,270	11,557	31.48
36A	41,723	5,010	13.65
36B	38,832	2,119	5.77
37A	41,420	4,707	12.82
37B	58,500	21,787	59.34
38A	40,898	4,185	11.40
38B	44,625	7,912	21.55
39A	33,767	-2,946	-8.02
39B	38,837	2,124	5.79
40A	31,733	-4,980	-13.56
40B	31,168	-5,545	-15.10
41A	31,695	-5,018	-13.67

District	Population	Deviation	% Devn.
41B	47,002	10,289	28.03
42A	33,590	-3,123	-8.51
42B	44,729	8,016	21.83
43A	44,616	7,903	21.53
43B	33,917	-2,796	-7.62
44A	34,122	-2,591	-7.06
44B	32,720	-3,993	-10.88
45A	35,695	-1,018	-2.77
45B	32,707	-4,006	-10.91
46A	31,239	-5,474	-14.91
46B	31,408	-5,305	-14.45
47A	32,706	-4,007	-10.91
47B	32,448	-4,265	-11.62
48A	46,279	9,566	26.06
48B	33,170	-3,543	-9.65
49A	39,853	3,140	8.55
49B	33,199	-3,514	-9.57
50A	44,051	7,338	19.99
50B	51,599	14,886	40.55
51A	39,558	2,845	7.75
51B	46,844	10,131	27.60
52A	33,166	-3,547	-9.66
52B	32,419	-4,294	-11.70
53A	33,184	-3,529	-9.61
53B	37,802	1,089	2.97
54A	32,480	-4,233	-11.53
54B	33,774	-2,939	-8.01
55A	34,865	-1,848	-5.03
55B	33,546	-3,167	-8.63
56A	36,352	-361	-0.98
56B	58,795	22,082	60.15
57A	46,267	9,554	26.02
57B	39,674	2,961	8.07
58A	36,052	-661	-1.80
58B	33,149	-3,564	-9.71
59A	32,909	-3,804	-10.36
59B	34,993	-1,720	-4.68
60A	34,554	-2,159	-5.88
60B	32,538	-4,175	-11.37
61A	37,293	580	1.58
61B	36,345	-368	-1.00
62A	33,016	-3,697	-10.07
62B	32,209	-4,504	-12.27
63A	30,769	-5,944	-16.19
63B	32,520	-4,193	-11.42
64A	31,763	-4,950	-13.48
64B	32,511	-4,202	-11.45
65A	35,458	-1,255	-3.42
65B	34,319	-2,394	-6.52

District	Population	Deviation	% Devn.
66A	35,134	-1,579	-4.30
66B	32,173	-4,540	-12.37
67A	37,856	1,143	3.11
67B	36,101	-612	-1.67

State Total: 4,919,479