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September 28, 2001

## VIA MESSENGER

Clerk of Appellate Courts Office  
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OFFICE OF  
APPELLATE COURTS

SEP 28 2001

FILED

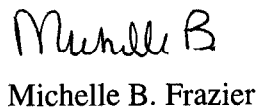
Re: Susan M. Zachman, et al. v. Mary Kiffmeyer, et al.  
Special Redistricting Panel, File No. C0-01-160

Dear Clerk:

Enclosed for filing in the above matter please find the original and nine (9) copies of the following documents:

1. Reply Memorandum in Support of Motion to Intervene;
2. Complaint in Intervention; and
3. Affidavit of Jesse Ventura.

Sincerely,

  
Michelle B. Frazier

MBF/mkl  
cc: All Counsel of Record  
Enclosures (3)

STATE OF MINNESOTA  
SPECIAL REDISTRICTING 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,

and

Jesse Ventura,

Plaintiff-Applicant Intervenor,

**REPLY MEMORANDUM IN  
SUPPORT OF MOTION TO  
INTERVENE**

v.

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.

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**INTRODUCTION**

In an attempt to isolate the proceedings before this Panel from political interests beyond those represented by traditional political parties, Plaintiffs' object to Plaintiff-Applicant Intervenor Jesse Ventura's ("Applicant") Motion to Intervene. But Applicant, as both a Minnesota voter and as Governor of Minnesota, has a personal stake in the outcome of this action. Moreover, Applicant's stated interest in achieving political fairness is both judicially cognizable and unrepresented by Plaintiffs. As such, Applicant respectfully requests this Panel

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FILED

grant his motion for intervention as a matter of right or, in the alternative, permissive intervention under Rule 24 of the Minnesota Rules of Civil Procedure.

## ARGUMENT

### **I. APPLICANT IS ENTITLED TO INTERVENTION UNDER RULE 24.01.**

#### **A. Applicant's Lack of Complaint Is Not Fatal To His Motion for Intervention.**

In an attempt to distract the Panel from the merits of Applicant's Motion to Intervene, Plaintiffs assert that Applicant's motion fails to comply with Minn. R. Civ. P. 24 and must be dismissed. But Rule 24 does not require a "Complaint" in order to intervene either as a matter of right or permissively. Instead, Rule 24 states that an applicant for intervention must describe the nature and extent of his/her claim or defenses as to which intervention is sought and the reasons for the claim of entitlement to intervention. Minn. R. Civ. P. 24.03. The simple purpose of this rule is to ensure that all parties seeking intervention provide an adequate basis upon which to determine whether to assert an objection. Given its overall spirit of encouraging intervention, Rule 24 must be construed liberally, and technicalities should not be invoked to bar participation. Engelrup v. Potter, 302 Minn. 157, 162, 224 N.W.2d 484, 487 (1974); see Norman v. Refsland, 383 N.W.2d 673, 677-78 (Minn. 1986) (noting court's emphasis that extensive use of intervention should be encouraged); Erickson v. Bennett, 409 N.W.2d 884, 887 (Minn. Ct. App. 1987) (recognizing Rule 24's spirit of promoting extensive use of intervention).

Applicant's Motion to Intervene and supporting memorandum more than sufficiently set forth the reason for Applicant's claim of entitlement to intervention.<sup>1</sup> Indeed, Plaintiffs

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<sup>1</sup> Specifically, Applicant's Motion to Intervene is clear. Because the Legislature adjourned without enacting a new redistricting law, this Panel likely will issue a redistricting order. Applicant, as a voter and Governor of Minnesota, has an interest in the outcome of this action and thus has the right to participate.

specifically cite to Applicant's explicit claims and defenses in their objection, indicating that Applicant successfully provided the Panel with a clear basis for his intervention. Because the purpose of Rule 24 is to ensure that intervening parties provide the grounds for their intervention, Applicant's detailed Motion to Intervene and supporting memorandum meet the rule's requirements. See Cotlow v. Growe, No. MX 91-1562 (Minn. 4<sup>th</sup> Jud. Dist.) (Pretrial Order No.1) (permitting intervention of applicants who failed to intervene by formal Complaint). However, Applicant has included a Complaint in Intervention. Because this submission simply reiterates Applicant's previously stated claims and defenses, it will not prejudice the other parties to this action.

B. Applicant Has Standing To Intervene In This Action.

In another attempt to distract the Panel from Applicant's sound claim for intervention, Plaintiffs assert that Applicant lacks standing.<sup>2</sup> But the gist of the standing requirement is that a party must have a stake in the outcome of a controversy. Baker v. Carr, 369 U.S. 186, 204, 82 S.Ct. 691, 703 (1962); Middlewest Motor Freight Bureau v. United States, 525 F.2d 681, 683 (8<sup>th</sup> Cir. 1975); Blue Earth County Welfare Dept. v. Cabellero, 302 Minn. 329, 335, 225 N.W.2d 373, 378 (1974). In fact, Minnesota courts have adopted an expansive view of standing and thus permit participation of any party that can establish any personal interest in a matter. Blue Earth, 302 Minn. at 335, 225 N.W.2d at 378 (citing Snyder's Drug Stores, 221 N.W.2d at 162).

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<sup>2</sup> This argument ignores that the focus of this Panel should be on the requirements for intervention under Minn. R. Civ. P. 24, rather than the more rigid concept of standing. Regardless, however, Applicant can sufficiently establish standing to participate in this action.

1. Applicant has standing as a voter in the state of Minnesota.

It is an established principle that voters possess standing to challenge malapportionment. Hanlon v. Towey, 274 Minn. 187, 191 n.6, 142 N.W.2d 741, 743 n.6 (1966) (recognizing this established principle); see Johnson v. Mortham, 915 F.Supp. 1529, 1536 (N.D.Fla. 1995) (noting registered voters have standing in action that challenges their voting districts). Contrary to Plaintiffs' assertion, such voters need not prove with specific data that their districts are "under-represented" to invoke standing. See Baker, 369 U.S. at 208, 82 S.Ct. at 705 (stating it is not "necessary to decide whether appellants' allegations of impairment\* \* \*will ultimately, entitle them to any relief, in order to hold that they have standing to seek it"). Although this is one way to establish standing, voters need only show that they have a "plain, direct and adequate interest in maintaining the effectiveness of their votes" to participate in a redistricting action. Id. (quoting Coleman v. Miller, 307 U.S. 433, 438, 59 S.Ct. 972, 975 (1939)).

Here, the 2000 Federal Census revealed that Minnesota's congressional and legislative districts no longer are apportioned according to the state's constitution. Applicant is a Minnesota resident and registered voter in the City of Maple Grove, Precinct 14, Congressional District 3 and Legislative District 33A. [Affidavit of Jesse Ventura ("Ventura Aff."), ¶ 2]. These voting districts, like all Minnesota districts, will be impacted by any reapportionment based on the 2000 Federal Census results. [Ventura Aff., ¶ 4; Affidavit of Charles Shreffler, Ex. D]. Applicant plans to attend his March 5, 2002 precinct caucus and to vote in the 2002 state primary and general elections. [Ventura Aff., ¶¶ 5-6]. Given this fact, the malapportionment of the state's congressional and legislative districts impacts the effectiveness of Applicant's vote. Indeed, the strength of Applicant's vote hinges on the ultimate reapportionment of Minnesota's

congressional and legislative districts. Under these circumstances, Applicant has a personal stake in the outcome of this redistricting action and thus has standing to intervene.

2. Applicant has standing as Governor of Minnesota.

Ignoring Applicant's voter status in the state of Minnesota, Plaintiffs base their challenge to Applicant's standing on his personal, gubernatorial interest in this action. Specifically, Plaintiffs state that Applicant's "authority" as Governor to sign or veto legislation "does not automatically translate into standing in litigation involving legislation." But Applicant does not merely possess "authority" to participate in the legislative process. Applicant is constitutionally mandated to ensure that any legislation protects the rights of all Minnesota state citizens. MINN. CONST. arts. IV-V. Given this constitutional requirement, Applicant has a vested, personal interest in the outcome of this action. Specifically, Applicant has a constitutionally defined duty and interest to ensure that any redistricting plan protects the interests of all state citizens, including the substantial number of Minnesotans who are not affiliated with the traditional political parties.

Attempting to downplay this interest and Applicant's indispensable role in the legislative process, Plaintiffs cite to cases involving "legislator standing" in their objection to Applicant's motion. Although these cases involve the intervention of legislators and other governmental entities, they do not represent a blanket rule prohibiting the intervention of such parties. Rather, these cases, like all standing cases, center on the basic proposition that a party must have a personal stake in the outcome of an action to intervene. See DeJulio v. Georgia, 127 F.Supp. 2d 1274, 1290-91 (N.D.Ga. 2001) (noting plaintiffs, members of state Legislature, only have standing to challenge legislation affecting their county); Quilter v. Voinovich, 981 F.Supp. 1032,

1037-38 (N.D. Ohio 1997) (concluding Democratic members of state apportionment board, lacked standing because they failed to present evidence of personal interest in resulting redistricting plan); Illinois Legislative Redistricting Comm'n v. LaPaille, 782 F.Supp. 1267, 1271 (N.D.Ill. 1991) (denying standing and noting “more general problem” that plaintiffs did not identify any potential injuries to personal rights). This basic premise is exemplified by the exception to “legislator standing” for instances of vote nullification, where members of the legislative branch’s personal right to vote has been affected. Quilter, 981 F.Supp. at 1037-38.

Here, Applicant, as Governor of Minnesota, has a personal interest in ensuring that the rights of all Minnesotans are considered in this Panel’s redistricting efforts. Unlike the legislative interests asserted in the “legislator standing” cases, this interest is constitutionally defined and specific to the head of Minnesota’s executive branch. See Carstens v. Lamm, 543 F.Supp. 68, 79 (D.Col. 1982) (noting Governor’s indispensable role in legislative process). Given this fact, Applicant does not need to rely on a variation of “legislator standing” or the doctrine of *parens patrie* to establish standing. Any reference to *parens patrie* simply emphasizes Applicant’s indispensable role in the legislative process and, given Applicant’s constitutional obligation to participate in this process, his personal stake in the outcome of this action. Moreover, if the “legislator standing” cases are considered, Applicant’s claim to intervention falls with the vote nullification exception—because the Legislature adjourned without passing a redistricting bill for Applicant’s consideration, Applicant’s personal and constitutionally-defined interest in ensuring that such legislation protects the interests of all state citizens was essentially nullified.<sup>3</sup>

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<sup>3</sup> Contrary to Plaintiffs’ assertion, Applicant’s participation in this action would not “obliterate the requirements of standing in litigation and permit the governor to intervene every time a statute is

Under these circumstances, Applicant has established standing in this action and his right to intervene under Rule 24. While possible, the alternative of calling a special session of the Legislature does not preclude Applicant's right. See Avery v. Campbell, 279 Minn. 383, 157 N.W.2d 42, 46 (1968) (stating fact that intervenor has another remedy does not preclude intervention to take most direct route to final disposition of controversy). A special session also does not guarantee relief in the redistricting process, as demonstrated by the Legislature's previous special session this year. See BE & K Constr. Co. v. Peterson, 464 N.W.2d 756, 758 (Minn. Ct. App. 1991) (noting consideration of applicant's ability to protect his/her interests must be viewed from practical standpoint rather than one based on strict legal criteria).<sup>4</sup>

C. Applicant Has Asserted Judicially Cognizable Interests.

In his motion to intervene, Applicant cited several judicially cognizable interests entitling him to intervention. Again ignoring the majority of these interests, Plaintiffs cite to Applicant's stated interest in political competitiveness or fairness as a basis for denying Applicant's motion. Specifically, Plaintiffs state that this interest is a political consideration "inappropriate for relief by this Panel." But Plaintiffs' argument goes to the merits of Applicant's redistricting proposals, rather than the basis for Applicant's intervention. Moreover, Plaintiffs' argument overlooks the obvious fact that political considerations permeate all redistricting efforts. See Gaffney v. Cummings, 412 U.S. 735, 752, 93 S.Ct. 2321, 2331-32 (1973) (recognizing that both political and census data are likely considered in redistricting efforts); Fletcher v. Golder, 959 F.2d 106,

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challenged." Applicant is seeking intervention because he was prohibited from participating in the redistricting process; he is not asking for another chance to consider a law that already came before him.

<sup>4</sup> Amicus curiae status also would not adequately protect Applicant's interests. Applicant would not have the ability as a non-party to appeal any issues before this Court that affect Applicant, nor would Applicant have an avenue to protect his unique interest in political competitiveness.



109 (8<sup>th</sup> Cir. 1992) (noting political motivations surround all redistricting plans). Indeed, “the very essence of [re]districting is to produce a different—a more ‘politically fair’—result.”

Gaffney, 412 U.S. at 753, 93 S.Ct. at 2331; see Davis v. Bandemer, 478 U.S. 109, 124, 106 S.Ct. 2797, 2806 (1986) (recognizing that each political group should have the same chance to elect representatives of his/her choice as any other political group).

Applicant’s interest in political fairness centers around his personal duty to ensure that the interests of all Minnesotans are protected in this Panel’s redistricting efforts. In other words, Applicant’s interest in political fairness is based on what Plaintiffs concede is the only judicially-recognized legal claim—the “one person, one vote” principle. Wesberry v. Sanders, 376 U.S. 1, 7-8, 84 S.Ct. 526, 530 (1964). Rather than acknowledge this fact, however, Plaintiffs attempt to sanitize this proceeding from any consideration beyond their partisan interests and object to Applicant’s interest in political fairness as an unconstitutional claim. This objection is without merit and should be recognized as an attempt to isolate the Panel from the diverse political interests that Applicant is prepared to introduce as a Plaintiff-Intervenor in this action.

D. Applicant’s Interests Are Not Adequately Represented By Plaintiffs.

Generally, “if [Applicant’s] interest is similar to, but not identical with that of one of the parties. . . [Applicant] ordinarily should be allowed to intervene unless it is clear that the party will provide adequate representation for the absentee.” Costley v. Caromin House, Inc., 313 N.W.2d 21, 28 (Minn. 1981) (quoting 7A Charles A. Wright & Arthur R. Miller, Federal Practice & Procedure § 1909, at 524 (1972)). It need not be established that representation will be inadequate; it is sufficient to show that it may be inadequate. United States v. Reserve

Mining Co., 56 F.R.D. 408, 414 (D.Minn. 1972) (citing Kozak v. Wells, 278 F.2d 104, 110 (8<sup>th</sup> Cir. 1960)).

Plaintiffs assert that they already represent all of Applicant's potential interests, namely the interests of "disenfranchised voters." But the redistricting process is designed to protect all voters, not a limited group of selected "disenfranchised voters." Despite this fact, past redistricting efforts only have involved traditional political parties and interests. See Cotlow v. Growe, No. C8-91-985, temporarily suspended by Emison v. Growe, 782 F.Supp. 427 (D.Minn. 1992), overturned by Growe v. Emison, 507 U.S. 25 (1993); LaComb v. Growe 541 F.Supp. 145 (D.Minn. 1982) (Civ. 4-81-414), aff'd sub nom, Orwoll v. LaComb, 456 U.S. 966 (1982); LaComb v. Growe, 541 F.Supp. 160 (D.Minn. 1982) (Civ. 4-81-152); Beens v. Erdahl, 336 F.Supp. 715 (D.Minn. 1972) (Civ. 4-71-51). By seeking intervention, Applicant is attempting to rid the redistricting process of traditional party protection and address the interests of all state citizens, including those not affiliated with the Democratic-Farmer-Labor and Republican parties. Because Plaintiffs, as members of the Republican party, have no incentive to further this interest and, in fact, are attempting to isolate the Panel from such interests, they cannot adequately represent Applicant.

**II. IN THE ALTERNATIVE, APPLICANT IS ENTITLED TO PERMISSIVE INTERVENTION.**

As asserted in his Motion to Intervene, Applicant also is entitled to permissive intervention under Minn. R. Civ. P. 24.02. Specifically, Applicant's interests in this action reach beyond those presented by the traditional political parties. Obviously the other parties to this action, who represent these traditional affiliations, do not intend to further such interests. As such, Applicant, without prejudice to the original parties, will provide a unique perspective for

the Panel by introducing the interests of all Minnesotans. See Johnson v. Mortham, 915 F.Supp. 1529, 1538-39 (N.D.Fla. 1995) (permitting intervention where NAACP presented unique perspective to court). Given this fact, Applicant respectfully requests, in the alternative, permissive intervention under Minn. R. Civ. P. 24.03.

**CONCLUSION**

Plaintiffs' objection to Applicant's Motion for Intervention is nothing more than an attempt to prevent the inclusion of interests beyond those represented by the Republican party in this action. In the interest of promoting diverse political interests, Applicant respectfully requests this Panel grant him intervention as a matter of right or, in the alternative, permissive intervention under Rule 24 of the Minnesota Rules of Civil Procedure.

Dated: September 28, 2001

DORSEY & WHITNEY LLP

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Attorneys for Plaintiff-Applicant Intervenor

STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL  
CO-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,

and

Jesse Ventura,

Plaintiff-Applicant Intervenor,

**COMPLAINT IN  
INTERVENTION**

v.

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.

---

Plaintiff-Applicant Intervenor Jesse Ventura ("Applicant") states and alleges:

**PARTIES**

1. Plaintiffs are identified in their Complaint, filed January 4, 2000, at paragraph 3, which paragraph is incorporated by reference.
2. Defendants are identified in Plaintiffs' Complaint, filed January 4, 2000, at paragraphs 5 and 6, which paragraphs are incorporated by reference.

3. Plaintiff-Applicant Intervenor Jesse Ventura is a citizen of the state of Minnesota and the Governor of Minnesota. Plaintiff-Applicant Intervenor Jesse Ventura is qualified to vote and registered to vote under the name of James George Janos in the City of Maple Grove, Minnesota, Precinct 14, Congressional District 3 and Legislative District 33A. Plaintiff-Applicant Intervenor Jesse Ventura has voted in the state of Minnesota and intends to vote again in legislative and congressional elections in Minnesota.

### **COUNT I: LEGISLATIVE REDISTRICTING**

4. The United States Constitution, amendment 14, section 1 provides in pertinent part that “[n]o state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.”

5. The United States Constitution, amendment 5, further provides that “[n]o person shall . . . be deprived of life, liberty or property without due process of law.”

6. The Minnesota Constitution, article IV, section 2, provides that “[t]he representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.”

7. The Minnesota Constitution, article IV, section 3 provides that “[a]t its first session after each enumeration of the inhabitants of this state made by authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and representative districts.”

8. In 2000, the United States, pursuant to the United States Constitution, article I, section 2, clause 3, conducted a federal census enumerating the inhabitants of Minnesota.

9. On information and belief, the United States Census for 2000 shows that Minnesota's legislative districts as established and set forth in Chapter 2 of the Minnesota Statutes and in Cotlow v. Growe, No. MX 91-1562 (Minn. 4<sup>th</sup> Jud. Dist.) are unequally apportioned.

10. The Legislature of the State of Minnesota has failed and neglected to reapportion the legislative districts in Minnesota to comply with the state's constitutional requirements.

11. Unless and until the legislature apportions legislative representation as a result of the 2000 Federal Census, Defendants will hold elections for the next Legislature during the year 2002 according to the legislative districts set forth in Chapter 2 of the Minnesota Statutes and in Cotlow v. Growe, No. MX 91-1562 (Minn. 4<sup>th</sup> Jud. Dist.), in violation of the federal and state constitutions and 42 U.S.C. § 1983.

12. Applicant intends and will vote in the state primary and general elections in 2002 and said elections, conducted in accordance with Chapter 2 of the Minnesota Statutes and Cotlow v. Growe, No. MX 91-1562 (Minn. 4<sup>th</sup> Jud. Dist.), will deprive Applicant of his constitutional rights.

13. Applicant, as a voter and Governor of the state of Minnesota, is entitled to an equal and timely apportionment of the state's legislative districts.

14. If the Legislature fails to equally and timely apportion the state's legislative districts, Applicant is entitled to judicial remedy equally apportioning these districts.

## COUNT II: CONGRESSIONAL REDISTRICTING

15. Applicant restates and realleges paragraphs 1 through 14 as if set forth fully herein.

16. The United States Constitution, amendment 14, section 1 provides in pertinent part that “[n]o state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.”

17. The United States Constitution, amendment 5, further provides that “[n]o person shall. . . be deprived of life, liberty or property without due process of law.”

18. The Minnesota Constitution, article IV, section 3, provides that “[a]t its first session after each enumeration of the inhabitants of this state made by authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts.”

19. In 2000, the United States, pursuant to the United States Constitution, article I, section 2, clause 3, conducted a federal census enumerating the inhabitants of Minnesota.

20. On information and belief, the United States Census for 2000 shows that Minnesota’s congressional districts as established and set forth in Chapter 2 of the Minnesota Statutes and in Cotlow v. Growe, No. MX 91-1562 (Minn. 4<sup>th</sup> Jud. Dist.) are unequally apportioned.



21. The Legislature of the State of Minnesota has failed and neglected to reapportion the congressional districts in Minnesota to comply with the state's constitutional requirements.

22. Unless and until the Legislature apportions congressional representation as a result of the 2000 Federal Census, Defendants will hold elections for the next Legislature during the year 2002 according to the congressional districts set forth under Chapter 2 of the Minnesota Statutes and in Cotlow v. Growe, No. MX 91-1562 (Minn. 4<sup>th</sup> Jud. Dist.), in violation of the federal and state constitutions and 42 U.S.C. § 1983.

23. Applicant intends and will vote in the state primary and general elections in 2002 and said elections, conducted in accordance with Chapter 2 of the Minnesota Statutes and Cotlow v. Growe, No. MX 91-1562 (Minn. 4<sup>th</sup> Jud. Dist.) will deprive Applicant of his constitutional rights.

24. Applicant, as a voter and Governor of the state of Minnesota, is entitled to an equal and timely apportionment of the state's congressional districts.

25. If the Legislature fails to equally and timely apportion the state's congressional districts, Applicant is entitled to judicial remedy equally apportioning these districts.

#### **ENTITLEMENT TO INTERVENTION**

26. Applicant restates and realleges paragraphs 1 through 25 as if set forth fully herein.

27. Applicant claims an interest relating to the legislative and congressional redistricting that is the subject of this action.

28. The nature of Applicant's claims and defenses as to which intervention is sought and the reasons for the claim of entitlement to intervention are:

a Applicant is a citizen and qualified voter of the United States and the state of Minnesota.

b. Pursuant to the Minnesota Constitution, Applicant plays an indispensable role in the state's redistricting process and, as the representative of the state as a polity, bears the responsibility of ensuring that any redistricting plan furthers the interests of the state and the people of Minnesota.

c. As an indispensable participant in the state's redistricting process, Applicant has substantial interests in the subject matter of the above-captioned action, which include:

i. That any congressional and legislative redistricting of the state of Minnesota be done in accordance with applicable constitutional and statutory standards;

ii. That any congressional and legislative redistricting of the state of Minnesota be done in accordance with traditional redistricting principles;

iii. That any congressional and legislative redistricting of the state of Minnesota be done to achieve political fairness or competitiveness, rather than to achieve only the interests of traditional political parties; and

iv. That any congressional and legislative redistricting of the state of Minnesota be done in furtherance of the constitutional rights of all Minnesota state citizens.

29. Without the ability to intervene, Applicant's ability to protect these interests may be impaired by the disposition of the above-captioned action.

30. Upon information and belief, Plaintiffs will not vigorously pursue or adequately represent Applicant's interests, particularly Applicant's interest in achieving a redistricting plan that achieves political fairness or competitiveness.

31. Applicant's intervention will neither unduly delay nor prejudice the adjudication of Plaintiffs' rights. Indeed, Applicant's participation in the above-captioned matter will aid the court in its inquiry by presenting a redistricting position that represents interests beyond traditional political interests and promotes political fairness or competitiveness among all state districts.

#### **CLAIM FOR RELIEF**

WHEREFORE, Applicant prays for the following relief:

1. Judicial apportionment of the Minnesota's legislative and congressional districts if the Legislature fails to equally and timely apportion them pursuant to Minnesota Constitution, article IV, sections 2 and 3;
2. Attorney fees and costs pursuant to 42 U.S.C. § 1988(b); and
3. for such other and further relief as the court may deem equitable.

Dated: September 28, 2001

DORSEY & WHITNEY LLP

By Michelle B. Frazier  
Marianne D. Short #100596  
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220 South Sixth Street, Suite 1300  
Minneapolis, MN 55402-1498  
Telephone: (612) 340-2600

Attorneys for Plaintiff-Applicant Intervener

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that sanctions may be imposed under  
Minn. Stat. § 549.211.

DORSEY & WHITNEY LLP

Michelle B. Frazier  
Michelle B. Frazier

STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL  
CO-01-160

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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,

and

Jesse Ventura,

Plaintiff-Applicant Intervenor,

**AFFIDAVIT OF JESSE  
VENTURA**

v.

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.

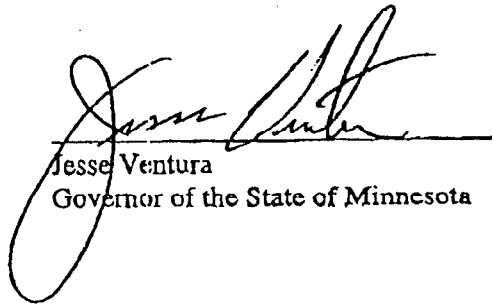
COUNTY OF HENNEPIN )

JESSE VENTURA, being first duly sworn and upon oath, deposes and states as follows:

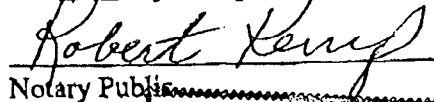
1. I am a Plaintiff-Applicant Intervenor in the above-captioned matter and a resident of the City of Maple Grove, Minnesota.

2. I am registered to vote in the State of Minnesota, Maple Grove Precinct 14, as James George Janos. I reside in congressional district 3 and legislative district 33A.
3. In 2000, the United States conducted a federal census enumerating the inhabitants of Minnesota.
4. Upon information and belief, the 2000 Federal Census demonstrated that the congressional and legislative districts in which I am registered to vote are unequally apportioned. In fact, my voting district is one of the most rapidly growing districts in the state of Minnesota.
5. 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.
6. I also plan to vote and will vote in the state primary and general elections in 2002 and thereafter for candidates of state legislative offices.
7. Unless and until the legislature apportions legislative and congressional representation as a result of the 2000 Federal Census, I will be deprived of my constitutional rights.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Jesse Ventura  
Governor of the State of Minnesota

Subscribed and Sworn to Before me  
this 20 day of September, 2001.

  
\_\_\_\_\_  
Notary Public

