

Mary Kiffmeyer

MINNESOTA SECRETARY OF STATE

October 24, 2001

The Honorable Edward Toussaint
Chief Judge
Minnesota Court of Appeals
25 Constitution Avenue
St. Paul, MN. 55155

Dear Judge Toussaint:

I am seeking the court's clarification regarding an apparent contradiction in the current law between Minn. Stat. 204B.14 and Minn. Stat. 202A.14.

Minn. Stat. 204B.14 subd 1a sets the redistricting deadline at no later than 25 weeks before the state primary election in the year ending in two, which in the year 2002 would be March 19, 2002.

Meanwhile Minn. Stat. 202A.14, subd. 1 sets the date for precinct caucuses as the first Tuesday in March, which in the year 2002 would be March 5, 2002.

My office has responsibility for the implementation of these two statutes. I believe that a redistricting order issued after March 5, 2002 will cause confusion and will deprive citizens of this state of the statutory opportunity to participate in precinct caucuses.

Precinct caucuses are a long-standing Minnesota tradition. Thousands of Minnesotans participate in this time-honored process articulated in the law to provide and encourage citizen involvement in the election system. Precinct caucuses are the foundational first step in each election cycle, a **lengthy**, multi-step process ending with the selection of candidates at the general election. Disruption at the foundational point of the precinct caucus disrupts the entire process.

Additional value of the precinct caucus process can be judged on the basis of the very specific laws governing this process which provide for:

- establishing a specific time and place for the meetings
- permitting leave from employment to attend precinct caucuses
- requiring an agenda for the caucus
- accessibility requirements for the disabled
- interpreter services

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- eligibility to vote
- specific caucus procedures
- prohibitions on government meetings
- prohibitions on college or university meetings
- prohibitions on public school meetings
- prohibitions on state public meetings

Indeed, the laws prohibition of legislative meetings on precinct caucus night is an acknowledgment by the legislature itself that the timing of the caucus is of critical importance and that the legislature's own business must be subservient to the precinct caucus process and the people.

My concern is that a redistricting order issued after the caucuses are conducted on March 5, 2002 would result in individuals having attended caucuses in the wrong precinct. Thus, these individuals would be potentially deprived of the opportunity to serve as delegates in future party activities, including the proper process for the endorsement of party candidates.

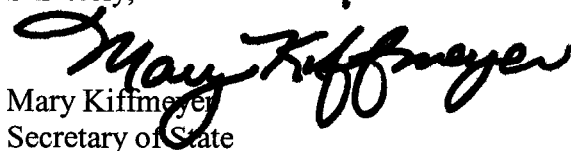
The specific question is how to rectify any inconsistency between current precinct boundaries and future precinct boundaries in time to ensure the right of full participation in precinct caucuses by all voters. The law does not provide for precinct caucuses to be held on subsequent dates other than for a specific and very limited exception regarding inclement weather.

One solution to resolve this contradiction in the law is for the court to issue an order before to March 5, 2002 with sufficient time for municipalities to set precinct boundaries. I have proposed February 12, 2002 as the date for the issuance of this order. This date would give the legislature time to act within their responsibility.

I ask the court to review this statutory contradiction and to provide guidance to this office.

Thank you for your consideration of this matter.

Sincerely,


Mary Kiffmeyer
Secretary of State

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