

NOV 13 2001



Mary Kiffmeyer

MINNESOTA SECRETARY OF STATE

FILED

November 13, 2002

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

Re: Zachman et al. vs. Kiffmeyer et al.
C0-01-160

Dear Honorable Toussaint:

I submit the enclosed documents containing the Minnesota Office of Secretary of State's recommendations on the criteria to be used in the development of a 2002-redistricting plan.

Redistricting is the fundamental process for organizing a democracy that, if done properly, will result in the fair and equitable representation of citizens by their government. The true purpose of this process is to support democracy and citizen values as expressed through democratically conducted elections.

While other parties to this case may provide information on a range of factors, I am submitting these criteria from the perspective as Minnesota's Chief Election Official. Because redistricting will have a profound impact on citizenship and elections in Minnesota, I believe the court must carefully consider this viewpoint in its deliberations.

As you must know, Minnesota has a national reputation of fair and efficient election administration as well as voter participation. To retain and build this reputation, our office has established four principles of voter rights: Access, Accuracy, Integrity and Privacy to scrutinize election administration policies and proposals. We urge the court to consider these principles in the redistricting process.

As public officials we must instill public confidence in our elections system, promote access, eliminate any barriers to voting and empower essential community interests through elections as a fundamental institution of our democracy.

I believe that it is incumbent upon all public officials to cherish and maintain the Minnesota tradition that has produced exemplary civic leadership for our state and our country. I trust that the redistricting plan and the redistricting process will reflect our democratic values.

By copy of this letter, these papers are being served upon the Parties in this matter.

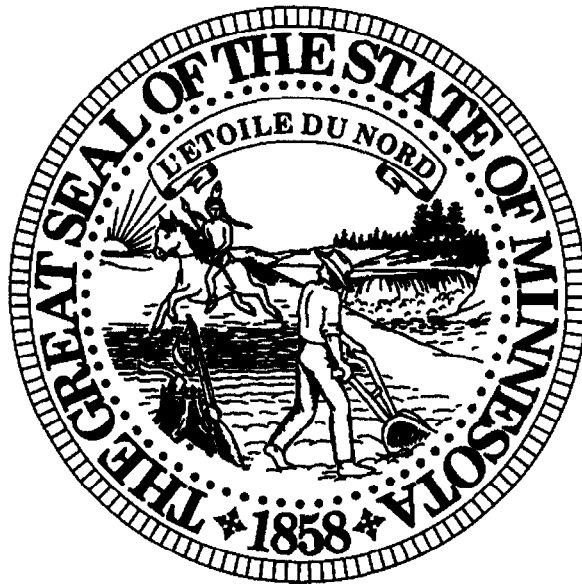
Sincerely,

Mary Kiffmeyer
Mary Kiffmeyer

Enclosures:

Copy: All parties

RECOMMENDATIONS FOR REDISTRICTING CRITERIA



*"The representation in both houses shall be apportioned equally
throughout the different sections of the state
in proportion to the population thereof."*

Minnesota Constitution, Article IV, Section 2

NOVEMBER 13, 2001

Minnesota Secretary of State
Mary Kiffmeyer

100 Constitution Avenue, State Office Building, Room 180
St. Paul, Minnesota 55155-1299

Telephone: (651) 215-1440 Web: www.sos.state.mn.us

Fax: (651) 296-9073 Email: elections.dept@state.mn.us

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

Patricia Cotlow, Thomas L. Weisbecker, Theresa Silka, Geri Boice, William English, Benjamin Gross, Thomas R. Dietz and John Raplinger, individually and on behalf of all citizens and voting residents of Minnesota similarly situated,

Plaintiffs-Intervenors,

and

Jesse Ventura,

Plaintiff-Intervenor,

and

Roger D. Moe, Thomas W. Pugh, Betty McCollum, Martin Olav Sabo, Bill Luther, Collin C. Peterson and James L. Oberstar,

Plaintiffs-Intervenors,

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.

Submission by Defendant,
Mary Kiffmeyer, Secretary of State
of Recommendation on Redistricting
Criteria

INTRODUCTION

A. Citizenship

It is the role of government and its institutions to promote and uphold the values, beliefs, attitudes and behaviors inherent to the citizens it serves in a democratic system.

Citizenship in our country and state requires societal equity, cohesion and participation.

Citizenship is about inclusion rather than exclusion, participation rather than marginalization, the support of our culture and values rather than the establishment of simple bureaucratic procedures, and it requires active involvement rather than passive observation. Government must serve to diligently support citizenship by articulating its values, promoting its growth and allowing it to flourish.

While redistricting occurs every ten years, the impact on the attitudes of voters and their approach to citizenship may extend beyond this time frame. The process of redistricting may be considered by some to be an arcane political exercise designed to advance a particular partisan perspective. However, redistricting is the fundamental process for organizing a democracy that, if done properly, will result in the fair and equitable representation of citizens by their government. The true purpose of this process is to support democracy and citizen values as expressed through democratically conducted elections. It is to give voice to an individual and a community, not to decrease it.

As the state's chief election official, the Secretary of State must protect liberty through the fair administration of election laws. In that pursuit, the Minnesota Office of Secretary has established four fundamental principals of Voters Rights that serve as the guideposts for election administration. These Voter Rights are:

Access, Accuracy, Integrity and Privacy.

These principles must be kept in balance when considering the conduct and administration of elections and the development and implementation of a redistricting plan. Doing so will serve to build public confidence in both the process and the outcome.

A critical element to proper election administration is clear and timely voter education. This does not mean just knowing who is on the ballot the day before the election. It includes knowledge about the structure of government at all levels, how to access it services and how to participate in its operation and oversight. Providing this information will only make our democracy and citizenship stronger.

For many, the precinct caucus process is the first step of involvement in the election process that culminates in the November general election. Indeed, precinct caucuses are the first real outlet for a citizen who wishes to engage their government.

With the court's decision to support the legislative redistricting deadline set in statute and release of a redistricting plan after the March 5, 2002 precinct caucus date, an important step in the election process is compromised. This may lead to citizen confusion and a seemingly chaotic and poorly understood process. The result may be a reduction in citizen involvement. Indeed, if one goal of redistricting is to advance citizenship, a delay in the process itself may undercut this goal.

To help minimize or offset this negative impact on citizenship, it is imperative for all subsequent steps in the redistricting process to be followed flawlessly.

B. Minnesota's Tradition

The people of Minnesota have a long-standing tradition of practicing *advanced citizenship*. Some consider citizenship as a cultural value in our state. For this reason, it is incumbent upon us as public servants to establish the means to continue this tradition. Redistricting can help further this tradition.

In fact, just last week (November 6, 2002) Minnesota was recognized as one of only two states to receive an "A" for its election system in a report conducted by *Common Cause*, a national advocacy group for election and campaign finance reforms.

As reported by the *Star Tribune* newspaper, "The Common Cause study, which faulted most states for not improving their election laws after last year's protracted presidential election battle in Florida, praises Minnesota's system for its accessibility and integrity."

Among the specific features praised:

- An "integrated, computerized statewide voter registration list that counties can access and update" immediately, to counter voter fraud and protect the integrity of the ballot.
- One of the nation's most liberal same-day registration laws, allowing voters to register at the polls on election day and to vote immediately.
- Among the lowest rates of ballot spoilage in the nation. Only about 0.8 percent of all ballots cast are marked improperly and rejected, compared with an average of 2 percent nationally.
- Perhaps most noteworthy is the highest voter turnout in the nation, or 68.8 percent of eligible voters in the 2000 election, compared with the national average of 50.4 percent, an almost perennial distinction."

In the 2000 presidential election, Minnesota also had the highest use of absentee ballots in our state's history and the highest same-day voter registration in two decades. Minnesota lead the nation in providing information over the internet by implementing the

nation's first precinct level election night election results reporting system and by permitting voters to locate their voting site via the internet.

While our election process has been praised, its tradition of excellence can and must be supported by a thorough and timely redistricting process and plan.

C. Redistricting Criteria

The Secretary of State recommends the consideration of three major criteria in the development of a redistricting plan.

- I. Instill Public Confidence: Timely implementation of a redistricting plan
- II. Promote Access and Eliminate Barriers
- III. Empower Communities of interest

I. INSTILL PUBLIC CONFIDENCE

In the administration of elections, the public must know that the process will be conducted in a fair, open and honest way. This includes efforts at each stage: during the campaign process, on election day and in determining the election's results. Yet, simply saying this will occur is not enough for an otherwise skeptical public. The public must see for themselves through repeated action, effort and outcomes that its government pursues these goals. In this way the public will have confidence in both the process and the outcome, and be drawn to participate.

While every citizen may know their municipal address, the Court's recent ruling about the unconstitutionality of our current boundaries leaves all of us in doubt about our congressional, legislative and other election addresses. This circumstance, if improperly resolved, may undermine the public's confidence in the election process. Thus, a timely determination of the redistricting process will serve to support public confidence. To develop that confidence, the public must know that the process for the determination and ultimately the location of election districts at every government level was done in a thoughtful, logical, understandable and structured manner.

A. Implement Multiple Steps in a Timely Manner

In order to accomplish the timely implementation of a redistricting plan it is critical that the plan be adopted no later than March 19, 2002. The statutory duties and responsibilities of the Office of the Secretary of State and the many governmental units also involved must be accomplished within strict statutory deadlines. Adhering to the

March 19, 2002 deadline is critical and essential in order to successfully accomplish the required duties.

For many, the precinct caucus process is an initial step toward involvement in the election process that culminates in the November general election. The court's decision to release a redistricting plan on March 19, 2002 will have a negative impact on the citizenship and participation that begins with the precinct caucus. To help minimize or offset this negative impact on citizenship, it is imperative for all subsequent steps in the redistricting process to be followed flawlessly.

The March 19, 2001 deadline is particularly important for the Office of the Secretary of State and other lower units of government because of the numerous statutory responsibilities for redistricting. Table J presents a listing of Statutes, Rules and Attorney General Opinions relating to redistricting. In general, Minnesota Statutes 204B.14, 204B.145, 204B.146, and 2.91 sets out the statutory framework for redistricting in Minnesota listed below.

1. As an ongoing task, prepare maps illustrating precinct and district boundaries in either electronic or paper format for the public at cost of production. (M.S. 204B.146 sub.
2. As an ongoing task, maintain a computer database of precinct and election district boundaries. The database shall be updated whenever a boundary changes. In some cases, when a municipal boundary that is coterminous with one or more election district boundaries changes, the OSS may order corrections to move election district boundaries to keep them coterminous with the municipal boundary. (M.S. 204B.146 sub. 2 and 3)
3. During 2001, conduct conferences to instruct county auditors and municipal and school clerks in the procedures for redistricting. (M.S. 204B.146 sub. 1)
4. Upon enactment of a redistricting plan for the legislature or Congress, provide copies of the relevant portions of the plan to each county auditor, who then shall provide relevant portions to each municipal clerk in that county. (M.S. 2.91 sub. 1)
5. After a state redistricting plan is adopted, make copies of the district plan files, maps, and tables available to the public at cost of production. (M.S. 2.91 sub. 1)
6. After a state-redistricting plan is adopted, order corrections to "clean up" the plan. These corrections include adding territories that were omitted from the plan, removing duplicate occurrences of the same territory, and resolving ambiguous boundary descriptions. A copy of each correction shall be provided to the affected county auditor, municipal clerk, and any candidate. The OSS shall recommend to the legislature any technical corrections to the redistricting plan. (M.S. 2.91 sub. 2, 3, and 4)

7. As part of local reestablishment of precincts, notify the county auditor or municipal clerk of corrections needed to a precinct boundary and, after 60 days if no correction has been made, order a change a change made if the OSS determines that a precinct boundary does not follow a census block boundary, a visible clearly identifiable physical feature, or the provisions of Minnesota Rules chapter 8255. (M.S. 204B.14 sub. 6)
8. During the decade following redistricting, provide periodic updates of precinct and election district boundaries to the legislative coordinating commission (LCC), the state demographer, and the land management information center (LMIC). (M.S. 204B.146 sub. 2)

B. Implement Plan in a timely manner

The adoption of March 19, 2002 as the deadline for the redistricting plan will necessitate the following tight schedule for the implementation of the redistricting plan.

- | | |
|---------|---|
| 3/19/02 | Deadline for adoption of legislative and Congressional redistricting plan. |
| 4/30/02 | Municipal wards and precincts redistricting estimated completion date. Wards and precincts must be redrawn within 60 days after legislative redistricting, or at least 19 weeks before the state primary, whichever occurs first. (M.S. 204B.14 subd. 3c) |
| 5/28/02 | County Commissioner Districts and School Districts that elect members from election districts must be redrawn within 80 days after legislative redistricting, or 15 weeks before the primary, whichever comes first. (M.S. 204B.135 subd. 2) |
| 6/01/02 | Deadline for combined polling places to be established. (M.S. 204B.14 subd. 2) |
| 6/11/02 | Last day to approve new polling places before primary election (90 days prior to election). (M.S. 204B.16 subd. 3) |
| 6/17/02 | Last day to publish notice of new congressional, legislative, and county commissioner district lines (14 days prior to opening of filing). (M.S. 204B.14 subd. 4) |
| 7/01/02 | Deadline to file combined polling place action with county auditor (30 days after combined polling place is established). (M.S. 204B.14 subd. 2) |
| 7/02/02 | Candidate filing period begins (M.S. 204B.09 subd. 1) |

- 7/11/02 Last day to post notice of new precinct boundaries (60 days prior to election). (M.S. 204B.14 subd.4) 8/15/02 Last day to notify all voters of new precinct boundary changes (25 days before the primary election). (M.S. 204B.16 subd. 1a)
- 9/10/02 Primary
- 11/5/02 General election

NOTE: In the event that the Legislature and the courts do not act prior to April 30, 2002, alternative timelines in Minnesota Rules 8255.0010 – 0050 go into effect.

C. Provide timely information to multiple governmental units

It is important that the Office of Secretary of State be able to provide the necessary information in a timely manner to the following governmental units involved in redistricting in order for them to meet their statutory deadlines.

1. County

County governments must redistrict county commissioner districts after every federal census to meet the requirements in *Minnesota Statutes* 204B.135. This redistricting may take the form of: reestablishing existing county commissioner districts, if they currently meet all statutory requirements, or drawing new county commissioner districts, to make them conform to the statutes.

County commissioner district redistricting must occur no later than 80 days after state legislative and congressional redistricting and after precincts are redistricted or reestablished by cities and townships. Counties responsible for unorganized territories must also redistrict or reestablish precinct boundaries in those areas.

A voter may apply to a district court for a court order to require county redistricting or to revise the county's redistricting plan. One option for the court is to appoint a redistricting commission, removing redistricting authority from the county board. (M.S. 375.025)

2. City

City governments must redistrict or reestablish its precincts after state redistricting. Reestablishing precincts is a routine process of verifying that existing precinct boundaries meet legal requirements and then reconfirming those boundaries. Redistricting precincts is required when it is determined that existing precincts do not meet the requirements in law.

Cities with wards must redistrict ward boundaries to ensure compliance with ward population equality and other legal requirements. This may involve reestablishing existing wards or drawing new ward boundaries. If cities with wards fail to redistrict their wards within 60 days after the state legislature has been redistricted, the mayor and city council members will not get paid until redistricting is completed. (M.S. 204B.14 subd. 3; M.S. 205.84)

3. Township

Township boards must act to redistrict or reestablish its precinct(s) following legislative redistricting. This may involve reestablishing an existing precinct or establishing new precinct boundaries, particularly if legislative or congressional districts have split the township. Townships that are split by school districts may also choose to establish multiple precincts to simplify elections. (M.S. 204B.14 subd. 3)

4. School District

If all school board members are elected "at-large," the school district does not have any election districts to redistrict. However, precinct boundary changes made by cities and townships may cause a voter's combined polling place location to change. School districts need to assess how precinct boundary changes affect voters in a school district election.

If any school board members are elected from election districts (i.e. only voters in a specific area vote for a particular candidate) within a school district (i.e., from school board election districts as described in *Minnesota Statutes* 205A.12) then the school district must redistrict. (M.S. 204B.135 subd. 2; M.S. 205A.12)

D. Redistricting Checklist necessary for timely implementation

The Secretary of State's Office has developed several redistricting duties and responsibility checklists that demonstrates the complex nature of implementing a redistricting plan and the necessity for governmental units to have sufficient time to complete their redistricting duties.

See Tables A- I for a review of the required checklist items.

II. PROMOTE ACCESS AND ELIMINATE BARRIERS

A government that serves its citizens well must ensure that it is within reach of its citizens. Access to government at all levels must be ensured geographically, economically, and culturally. Likewise, government must work to remove barriers to citizens wishing to engage their government. When this is achieved, citizenship is

supported and can grow. This approach must be considered in all aspects of organizing government, including the redistricting process.

A. Eliminate Geographic Barriers

1. Contiguous

Districts must be composed of a contiguous area. (M.S. 375.025 subd. 1)

Districts that are composed of areas that join each other at a single point are not considered contiguous. If a district is drawn which resembles the hypothetical district illustrated to the right, it would not be considered contiguous. (A.G. Opinion 798d, Nov. 8, 1965)

A district that is split by a large lake or other impassable geographic feature may also not meet the contiguity requirement.

2. Regular and compact in form

Districts must be as regular and compact in form as possible, to the extent that is possible considering the geography of the county. (M.S. 375.025 subd. 1)

Considering the geography in most counties in Minnesota, the most regular and compact districts would be those that are squares or rectangles. While it may not be possible to draw all districts as squares or rectangles, most districts should be regular and compact. Counties should avoid drawing districts that are irregular in shape. (M.S. 375.025 subd. 1)

3. Use easily identifiable features for precinct boundaries

In addition to not crossing political subdivision boundaries, state law further limits where precinct boundaries can be drawn:

From April 1, 2000 to April 1, 2002, all precinct boundaries must follow a census block line. The only exceptions are precincts that are made up entirely of unorganized territory and where more than one precinct is contained entirely within one census block. Starting April 1, 2000, precincts entirely in unorganized territories and for multiple precincts entirely within one census block must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255,

After April 1, 2002; boundaries of all election precincts must follow visible, clearly recognizable physical features or be consistent with the provisions in *Minnesota Rules* 8255, and If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, the Secretary of State may authorize an alternate boundary used by the U.S. Census Bureau. (M.S. 204B.14 subd. 6 (a) (b) (e))

Statutes define “visible, clearly recognizable physical features” as a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line that is clearly visible from the ground. (M.S. 204B.14 subd. 6 (c))

A street or roadway that has been platted, but not graded, does not qualify as a visible, clearly recognizable physical feature. (M.S. 204B.14 subd. 6 (c))

If the Secretary of State determines that a precinct boundary does not comply with *Minnesota Statutes* 204B.14 subdivision 6, the Secretary of State shall send a notice to the county auditor or municipal clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the county or municipal governing body has not taken action to correct the precinct boundary, the Secretary of State shall correct the precinct boundary and notify the county auditor or municipal clerk of the action taken. (M.S. 204B.14 subd. 6)

The notice of incorrect precinct boundary, sent to the municipal clerk or county auditor, will contain a map showing a suggested boundary that meets all statutory requirements. The governing body then has 60 days to adopt the suggested boundary, or create another boundary that meets all statutory requirements. If the governing body fails to act within 60 days, the precinct boundary is, by default, the boundary suggested by the Secretary of State. (M.R. 8255.0025) Secretary of State ordered corrections of precinct boundaries

If the Secretary of State determines that a precinct boundary does not comply with *Minnesota Statutes* 204B.14 subdivision 6, the Secretary of State shall send a notice to the county auditor or municipal clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the county or municipal governing body has not taken action to correct the precinct boundary, the Secretary of State shall correct the precinct boundary and notify the county auditor or municipal clerk of the action taken. (M.S. 204B.14 subd. 6)

The notice of incorrect precinct boundary, sent to the municipal clerk or county auditor, will contain a map showing a suggested boundary that meets all statutory requirements. The governing body then has 60 days to adopt the suggested boundary, or create another boundary that meets all statutory requirements. If the governing body fails to act within 60 days, the precinct boundary is, by default, the boundary suggested by the Secretary of State. (M.R. 8255.0025)

B. Provide Timely Information to Voters

Government works best when the citizens it serves are fully informed in a clear and timely manner about its operation. When government actively informs the public, it promotes citizenship. This includes informing the public about the basic organizing units of government (wards, precincts, legislative districts, etc) for their representation. Likewise, the process by which they are determined must be in a thoughtful,

comprehensive and timely manner. This is particularly important in the redistricting process.

1. Provide early notice of precinct boundary changes

Precincts are the basic geographic units for organizing and administering elections. Precincts are not tied to population size, however precincts sized much beyond 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

For many, the precinct caucus process is the initial step of involvement in the election process that culminates in the November general election. Indeed, precinct caucuses are the first real outlet for a citizen who wishes to engage their government.

With the uncertainty that will result by a redistricting plan issued after the March 5, 2002 precinct caucus date, an important step in the election process is compromised. This may lead to citizen confusion and a seemingly chaotic and poorly understood process. The result may be a reduction in citizen involvement. Indeed, if one goal of redistricting is to advance citizenship, a delay in the process itself may undercut this goal.

To help minimize or offset this negative impact on citizenship, it is imperative for all subsequent steps in the redistricting process to be followed flawlessly. This starts with the early notice of precinct boundary changes.

The following are some examples of the timelines involved in the process.

In March of state election years (even numbered years), the major political parties are required by state law to hold precinct caucuses. The purpose of precinct caucuses is to elect local party officers and delegates to the party conventions and discuss resolutions. Precinct caucuses may also be used as opportunities to conduct preference polls and to begin election judge recruitment. State law establishes certain minimum requirements for the caucuses, but the conduct of the caucuses is left to the parties. Currently the major parties are: Democratic Farmer Labor, Green, Independence, and Republican. (M.S. 202A.14; M.S. 202A.18; M.S. 202A.20, subd. 2.)

Notwithstanding any conflicting local charter provisions, precinct caucuses will be held in pre-redistricting precincts. The reason for this is that post-redistricting precinct changes and reestablished precincts go into effect on the date of the state primary election in 2002, but not in time for the precinct caucuses. (M.S. 204B.14 subd. 3 (c))

Caucus participation is open to anyone who is eligible to vote or will be eligible by the next state general election and who lives in the precinct. Participants must support or intend to support the party and may only participate in one party's caucus. (M.S. 202A.16.)

The law provides that caucuses are to convene at 7:00 p.m. on the first Tuesday in March in or near every election precinct. Each party's county or legislative district chairs issue a

notice with the date, time and place for all their caucuses. They give a copy of the notice to the auditor at least 20 days before the caucuses so the auditor can answer questions from the public, and they publish the notice at least six days before. (M.S. 202A.14, subds. 1 & 3.)

Election law provides some protections for the caucuses. Public jurisdictions must make their facilities available for holding caucuses. State and local jurisdictions, including school districts, cannot hold meetings or events after 6:00 p.m. on caucus evening. Law permits employees to take time-off from work to attend caucuses after giving their employers 10 days written notice. (M.S. 202A.19.)

2. Provide Adequate Notice

When precinct boundaries have been changed, the change does not take effect until a notice of the change has been posted in the office of the clerk or auditor for at least 60 days. The last day to post redistricting-related precinct boundary changes is July 11, 2002. (M.S. 204B.14 subd. 4)

After precinct boundaries in unorganized territories have been drawn if there are changes in the boundaries, the following notices must be provided before the changes can take effect:

- The auditor must immediately notify the Secretary of State.
- The auditor must send a map to the Secretary of State indicating all changes.
- The auditor must post a notice of the changes for at least 60 days in his or her office.
- The auditor must notify school districts of changes within 30 days.
- If polling locations change, the auditor must arrange to notify the affected voters or their households. (M.S. 204B.14)

C. Promote Continuity and Preservation of Polling Places

A polling place can often be considered as the physical representation of a community. A specific polling place location may be selected if it is recognized by members of that community as an institution (church, city hall, school, etc) that provides a means for citizens in that community to congregate. Indeed, that location may be a long-standing physical, traditional and cultural center of a community's identity. Oftentimes, a community may have used a specific polling place for a generation or more.

Thus, to change a polling place location may serve to undermine voter turnout for an election and contribute a reduction in citizen involvement in the election process. For this reason, it is important that the continuity of polling places be considered in the redistricting process.

Some cities and counties may prefer to identify polling places before establishing precincts. It may be less difficult to draw precincts around polling places than to find

polling places for established precincts. Polling places must meet state and federal accessibility and other requirements.

Regardless of the order polling places and precincts are identified and drawn, precincts are officially established first and polling places second.

III. EMPOWERING COMMUNITY INTERESTS

Democracy is about inclusion and participation. Full citizenship participation leads to social cohesion that produces harmony conducive to social and economic development.

The face of Minnesota is changing and the need to support the development of cohesion in light of these changes is important. In 2000, the legislature enacted legislation that provided for voting instructions in multiple languages in order to increase voter participation in minority communities. This was in response to an accelerated influx of immigrants that created an explosive growth of ethnic minority citizens in this state.

Indeed, ten years ago the minority presence in our state was considerably smaller. Today, it is not unusual to travel the Twin Cities and see storefronts with advertisements in other languages, minority newspapers and television programs designed to serve a specific minority population.

As an example, the 2000 census results provide some interesting information about minorities in Minnesota.

Statewide	10.5% minority
7 county metro area	15.2% minority
Ramsey County	22.6% minority
Hennepin County	19.4% minority
St. Paul	32.9% minority
Minneapolis	34.8% minority

Yet minorities have no community representation in Congress and only 2% representation in the state legislature. This situation needs to be examined in light of Section 2 of the Voting Rights Act of 1965.

Empowering the citizenship of minority voters and the representation of their communities encompasses a wide range of strategies. It begins with the inclusion of minority voter and the creation of avenues for minority candidates to be elected and serve in elected bodies. In Minnesota, minorities are concentrated in the Twin Cities Metro area with other pockets scattered throughout the state. Minorities are composed of three separately identifiable minority groups: Asian, African-American, Hispanic and Native American. At least three of these groups are sufficiently large and geographically compact to be considered as a possible a voting boc. This fact must be included in considering redistricting plans.

In addition to language, minority communities are united by other factors that must be taken into consideration in a redistricting plan. For example, Hispanics are predominately Catholic and speak Spanish as a common language. Minority communities are served in Spanish or in other languages by distinct newspapers, radios, TV programs, businesses, chambers of commerce and other institutions and organizations. The Hmong share a common Vietnam War experience that dispersed them as refugees. These are examples of the institutions, organizations and circumstances that unite Minnesota's minorities.

In short, the time has now arrived for Minnesota to develop and implement strategies, particularly a redistricting plan, that will empower the minority community in Minnesota to elect a representative to the United States Congress and other government offices throughout the state.

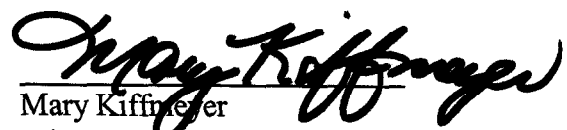
IV. CONCLUSION

The 2002 redistricting plan must reflect Minnesota's values and tradition of fair and efficient elections. The confidence, engagement and citizenship of Minnesotans can be measured in many ways. Perhaps the most common approach is through voter turnout. In the 2000 election, Minnesota continued its tradition by achieving the nation's highest voter turnout. This milestone must not be jeopardized through redistricting, but bolstered by an implementation date of March 19, 2002 to permit the timely execution of redistricting plans by all governmental units.

Citizenship can also be advanced by ensuring the full and complete access to the elections system and the elimination of barriers through contiguous and compact election districts. Likewise, providing citizens with information through early and proper notice of precinct boundary changes and the continuity of polling place locations will minimize voter confusion.

Finally, Minnesota's newest citizens and current ethnic minority community must be empowered for full participation in our election system. This may be accomplished best through the establishment of districts that provide these communities with representation in both Congress and our state legislature.

Let us adopt and implement a redistricting plan that serves to promote and uphold the values, beliefs, attitudes and behaviors of Minnesota. Let us adopt a plan we can all be proud of.


Mary Kiffmeyer
Minnesota Secretary of State

TABLES OF REDISTRICTING DUTIES AND RESPONSIBILITIES

Table A: County Auditor

Before Redistricting

Role or Responsibility	Cite	Item
Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the county auditor, county board, other staff, and/or groups	Recommended	2.3.2
Review official county policies to determine if there are any additional redistricting related responsibilities or tasks	Recommended	2.3.1
Act as an information resource to, and assist the work of, the county board and, if one is established, county redistricting commission	Administrative	2.3.4
Provide information to local media about redistricting	Administrative	2.3.4
Verify that all voter registration records, and data in the precinct finder are correct and accurately reflect the conditions prior to redistricting	M.S. 201.002, M.R. 8200.9315	2.3.14
Determine that existing polling places for unorganized territories meet Americans with Disabilities Act (ADA) and all statutory requirements	Administrative	2.3.8
Identify potential new polling places for unorganized territories	Administrative, Recommended	2.3.8
Acquire population counts and census block lines	Administrative	2.3.5 2.3.6

During Redistricting

Role or Responsibility	Cite	Item
Receive legislative and congressional plans from Secretary of State's Office	M.S. 2.91 s. 1	2.3.9
Provide relevant portions of legislative and congressional plans to city and township clerks	M.S. 2.91 s. 1	2.3.11
Receive corrections of legislative and congressional plans from Secretary of State, if necessary	M.S. 2.91 s. 3	2.3.12
Coordinate and provide redistricting information to municipal and school district clerks	Administrative	2.3.13
Prepare precinct plan for unorganized territories in county for board to approve, if requested by board	Administrative	2.4.3
Determine that unorganized territory precinct plan passed by board meets statutory requirements	Administrative	2.4.5
Notify Secretary of State of changed and reestablished precinct boundaries in unorganized territories	M.S. 204B.14 s. 5	2.5.6.1
Send maps of precinct boundaries to Secretary of State for	M.S. 204B.14 s.	2.5.6.2

	unorganized territories if necessary		
	Prepare for possibility of legal challenge of commissioner plan	Administrative, M.S. 375.025 s. 2	2.8.2

Table B
County Board of Commissioners

	Role or Responsibility	Cite	Item
	Determine whether or not to form redistricting commission	M.S. 375.025 s. 3	2.7.4.2
	Determine whether or not to assess a redistricting levy	M.S. 204B.135 s. 5, M.S. 275.70 s. 5	2.3.3
	Publish 3 weeks prior notice of county board or redistricting commission meeting during which redistricting plan will be considered	M.S. 375.025 s. 1	2.7.4.1
	Create and approve county commissioner district plan by resolution	M.S. 375.025 s. 1	2.7.4.5
	Approve new, or reestablish existing precinct(s) in unorganized territories	M.S. 204B.15, M.S. 204B.14 s. 1	2.5.1
	Establish new polling places for new precincts in unorganized territories	M.S. 204B.15, M.S. 204B.14 s. 1	2.6.2
	Reestablish existing polling places for unchanged, existing precincts in unorganized territories	Recommended M.S. 204B.15, M.S. 204B.14 s. 1	2.6.2

County Redistricting Commission

	Role or Responsibility	Cite	Item
	Write descriptions of county commissioner districts	M.S. 375.025 s. 3	2.7.4.5

TABLE C: City Clerk

* Items apply only to cities that elect their city council members from wards (versus "at-large")

Before Redistricting

	Role or Responsibility	Cite	Item
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the city clerk, city council, other staff, and/or groups	Recommended	3.4.2
	Review city charter or official city policies to determine if there	Administrative	3.4.1

	are specific responsibilities and tasks identified		
	Act as an information resource to, and assist the work of, the city council or other city commissions	Administrative	3.4.3
	Provide information to local media about redistricting	Administrative	3.4.3
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	3.4.7
	Identify potential new polling places	Administrative, recommended	3.4.7
	Acquire census block lines	Administrative, M.S. 204B.14	3.4.4
	Assess any annexations that have been approved since January 1, 2000 (not reflected by census block lines)	Administrative	3.6.2
*	Acquire census block population counts	Administrative, M.S. 205.84	3.4.5
	Identify source of school district map(s)	Recommended	3.4.6
	Receive legislative and congressional redistricting plan from county auditor	M.S. 2.91 s. 1	3.4.8

During Redistricting

	Role or Responsibility	Cite	Item
	Post legislative, and congressional district plans	Recommended	3.4.10
	Acquire school district map(s) to facilitate coordination of school district and precinct boundaries	M.R. 8255.0015	3.6.3
	Receive corrections of legislative and congressional redistricting plan from Secretary of State, if necessary	M.S. 2.91 s. 3	3.4.9
	Prepare precinct plan for city council to approve, if requested	Administrative, M.S. 204B.14	3.5.3
*	Assist city council with writing description of ward plan if requested	Administrative, M.S. 205.84	3.8.4.1
	Verify final precinct plan meets statutory requirements	Administrative, M.S. 204B.14	3.5.5
*	Verify final ward plan meets statutory requirements	Administrative, M.S. 205.84	3.8.2 3.8.3
	Identify precinct polling place(s) for city council to approve	Administrative, M.S. 204B.16	3.7.2

After Redistricting

	Role or Responsibility	Cite	Item
	Post approved precinct and plan	M.S. 204B.14 s. 4	3.6.5.4
	Send precinct information to auditor for posting and entering into statewide voter registration system	M.S. 204B.14 s. 4 and M.S. 201.022	3.6.5.1
	Send polling place information to auditor for entering into	M.S. 204B.16,	3.7.5

	statewide voter registration system	M.S. 201.021, M.S. 201.022	
	Send ward information to auditor for entering into statewide voter registration system	M.S. 201.021, M.S. 201.022	3.8.4.5
	Send map of changed precinct boundaries to Secretary of State	M.S. 204B.14 s. 5	3.6.5.3
	Publish precincts, wards, etc. in local media	Recommended	3.6.5.6 3.8.4.4
	Receive and post new county commissioner plan from auditor	Recommended	3.4.10
	Send combined polling place information to auditor	M.S. 204B.14 s. 2 (b)(3)	3.7.6.1
	Send notice of withdrawal from combined polling place to auditor	M.S. 204B.14 s. 2 (b)(3)	3.7.6.2
	Notify affected households of any change of their polling place	M.S. 204B.16 s. 1a	3.7.4
	It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special redistricting postal verification card will be available.	Recommended	3.7.4
	Confirm contracts or arrangements for new and existing polling places	Administrative	3.10
	Arrange additional election judges if there are additional polling places	Administrative	3.10
	Acquire additional voting equipment for new precincts if necessary	Administrative	3.10
*	Prepare for possibility of legal challenge to ward plan	Administrative, M.S. 204B.135 s.3	3.9

Table D: City Council

* Items apply only to cities that elect their city council members from wards (versus “at-large”)

	Role or Responsibility	Cite	Item
	Specific duties may be determined by city charter or official policies	Administrative	3.4.1
*	Approve ward plan by resolution or ordinance	M.S. 204B.135 s. 1	3.8.4. 1
	Approve new, or reestablish existing, precinct plan by resolution or ordinance	M.S. 204B.14 s. 3 (c)	3.6.1
	Establish new polling places by resolution or ordinance for new precincts	M.S. 204B.16	3.7.2
	Reestablish existing polling places for unchanged precincts	Recommended	3.7.2

Table E: City Charter Commission

* Items apply only to cities that elect their city council members from wards (versus “at-large”)

	Role or Responsibility	Cite	Item
	Specific duties may be determined by city charter	Administrative	3.4.1
*	Write descriptions of wards	Administrative	3.8.4.1

Table F: Township Clerk

Before Redistricting

	Role or Responsibility	Cite	Item
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the township clerk, township board, other staff, and/or groups	Recommended	4.4.2
	Review official township policies to determine if there are additional redistricting related tasks that have been identified	Administrative	4.4.1
	Act as an information resource to, and assist the work of, the township board	Administrative	4.4.3
	Provide information to local media about redistricting	Administrative	4.4.3
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	4.4.6
	Identify potential new polling places	Administrative, Recommended	4.4.6
	Acquire census block lines	Administrative, M.S. 204B.14	4.4.4
	Assess any annexations that have been approved since January 1, 2000 (not reflected by census block lines)	Administrative	4.6.2
	Identify source of school district map(s)	Recommended	4.4.5
	Receive legislative and congressional redistricting plan from county auditor	M.S. 2.91 s. 1	4.4.7

During Redistricting

	Role or Responsibility	Cite	Item
	Post legislative, and congressional district plans	Recommended	4.4.9
	Acquire school district map(s) to facilitate coordination of school district and precinct boundaries	M.R. 8255.0015	4.4.5
	Receive corrections of legislative and congressional redistricting plan from Secretary of State’s Office if necessary	M.S. 2.91 s. 3	4.4.8
	Prepare precinct plan for township board to approve, if requested	Administrative, M.S. 204B.14	4.5.3

Verify final precinct plan meets statutory requirements	Administrative, M.S. 204B.14	4.5.5
Identify precinct polling place(s) for township board to approve	Administrative, refer to M.S. 204B.16	4.7.2

After Redistricting

Role or Responsibility	Cite	Item
Post approved precinct and plan	M.S. 204B.14 s. 4	4.6.5.4
Send precinct information to auditor for posting and entering into statewide voter registration system	M.S. 204B.14 s. 4, M.S. 201.022	4.6.5.1
Send polling place information to auditor for entering into statewide voter registration system	M.S. 204B.16, M.S. 201.021, M.S. 201.022	4.7.5
Send map of changed precinct boundaries to Secretary of State's Office	M.S. 204B.14 s. 5	4.6.5.3
Publish precincts in local media	Recommended	4.6.5.6
Receive and post new county commissioner plan from auditor	Recommended	4.4.9
Send combined polling place information to auditor	M.S. 204B.14 s. 2 (b)(3)	4.7.6.1
Send notice of withdrawal from combined polling place to auditor	M.S. 204B.14 s. 2 (b)(3)	4.7.6.2
Notify affected households of any change of their polling place	M.S. 204B.16 s. 1a	4.7.4
It is strongly recommends that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special redistricting postal verification card will be available.	Recommended	4.7.4
Confirm contracts or arrangements for new and existing polling places	Administrative	4.8
Arrange additional election judges if there are additional polling places	Administrative	4.8
Acquire additional voting equipment for new precincts if necessary	Administrative	4.8

Table G: Township Board

Role or Responsibility	Cite	Item
Approve new, or reestablish existing, precinct plan by resolution or ordinance	M.S. 204B.14 s. 3 (c)	4.5.3
Establish new polling places by resolution or ordinance for new	M.S. 204B.16	4.7.2

precincts		
Reestablish existing polling places for unchanged precincts	Recommended	4.7.2

Table H: School District Clerk

* Items apply only to school districts that elect their board members from election districts
(versus "at-large")

Before Redistricting

	Role or Responsibility	Cite	Item
	Review school board policy to determine if there are specific responsibilities and tasks identified	Administrative	5.4.1
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the county auditor, county board, other staff, and/or groups	Recommended	5.4.2
	Act as an information resource to, and assist the work of, the school board	Administrative	5.4.3
	Provide information to local media about redistricting	Administrative	5.4.5
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	5.4.5
	Identify potential new polling places	Recommended	5.4.5
	Verify county parcel information contains correct school district information to determine county has correct district boundaries	Administrative	5.4.6.1
	Notify auditor(s) of school district boundary errors or changes	Administrative	5.4.6.1
*	Acquire census population counts	M.S. 205A.12 s. 4	5.4.4

During Redistricting

	Role or Responsibility	Cite	Item
	Receive precinct information from auditor	M.S. 204B.14 s. 5	5.4.7
*	Assist school board with writing description of election district plan for approval, if requested	Administrative	5.7.4. 2
*	Verify final election district plan meets statutory requirements	Administrative, M.S. 205A.12	5.7.2
*	Notify auditor(s) of new or reestablished school district election districts for posting and entering into statewide voter registration system	Administrative	5.7.4. 4
*	Notify Secretary of State's Office of new or reestablished school district election district boundaries	Administrative	5.7.4. 4
	Coordinate or reconfirm precinct boundaries to match precincts established by other government entities	Recommended	5.7.2. 5
	Identify polling places for school board to approve, if requested	Administrative	5.6.1

	Prepare plan for combined polling places for school board to approve, if requested	Administrative	5.6.2
--	--	----------------	-------

After Redistricting

	Role or Responsibility	Cite	Item
	Notify auditor(s) of change in school polling place for entering into statewide voter registration system	M.S. 201.021, M.S. 201.022	5.6.5
	Notify affected voters of any change in combined polling place locations for school district special elections	M.S. 205A.11	5.6.4
	It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special redistricting postal verification card will be available.	Recommended	5.6.4
*	Prepare for possibility of legal challenge of election district plan	Administrative	5.8

Table I: -- School Board

* Items apply only to school districts that elect their board members from election districts
(versus "at-large")

	Role or Responsibility	Cite	Item
*	Approve new boundaries of election districts if board members are elected by election districts (versus "at-large")	M.S. 205A.12 s 6	5.7.4.2
	Approve new polling place(s) if necessary	M.S. 204B.16 s. 1	5.6.1
	Approve new combined precincts	M.S. 205A.11 s. 2	5.6.2

TABLE J:

Index of Statutes, Rules, and Attorney General Opinions

Minnesota Statutes:

M.S. 2.91	Redistricting Plans
Subd. 1	Distribution
Subd. 2	Corrections
Subd. 3	Notice of Corrections
Subd. 4	Recommendations to Legislature
M.S. 204B.135	Redistricting of Election Districts
Subd. 1	Cities with Wards
Subd. 2	Other Election Districts
Subd. 3	Voters Rights
Subd. 4	Special Elections; Limitations
Subd. 5	Redistricting Expenses
M.S. 204B.14	Election Precincts
Subd. 1	Boundaries
Subd. 2	Legislative Policy
Subd. 3	Separate Precinct; Combines Polling Place
Subd. 4	Boundary Changes; Prohibitions; Exception
Subd. 5	Precinct Boundaries; Description; Maps
Subd. 6	Precinct Boundaries to Follow Physical Features
Subd. 7	Application to Municipalities
M.S. 204B.146	Duties of the Secretary of State
Subd. 1	Redistricting
Subd. 2	Precinct and Election District Boundaries
Subd. 3	Correction to Election District Boundaries
M.S. 204B.15	Unorganized Territory; Election Precincts
M.S. 205.84	Redistricting; Cities With Wards
Subd. 1	General Provisions
Subd. 2	Effective Date
Subd. 3	Transition Schedule
M.S. 205A.12	School Board Election Districts
Subd. 1	General Provisions
Subd. 2	Election
Subd. 3	Ballot Question

Subd. 4	Election District Boundaries
Subd. 5	Board Elections
Subd. 6	Redefining Election District Boundaries
Subd. 7	Dissolution of Election Districts
M.S. 311B.03	Use of Term "Reelect"
M.S. 370.13	Redistricting of County; Subsequent Election
M.S. 375.025	Commissioner Districts
Subd. 1	Standards
Subd. 2	Voter's Rights
Subd. 3	Redistricting Commission
Subd. 4	Redistricting Plan; Election Following Redistricting
M.S. 375A.09	Modification of the Number and Method of Election of the County
Board	
Subd. 1	General
Subd. 2	Number of Members
Subd. 3	Qualifications
Subd. 4	Districts; Nomination
M.S. 383A.23	Commissioners; Composition; Redistricting
Subd. 1	Repealed
Subd. 2	Repealed
Subd. 3	Repealed
Subd. 4	Repealed
Subd. 5	Future Redistricting
M.S. 383B.68	Regional Park District; Commissioner
M.S. 383C.797	St. Louis County; 7 th County Commissioner District

Minnesota Rules:

M.R. 8255.0010	Alternate Dates for Completion of Local Redistricting
M.R. 8255.0015	Coordination of Reestablishment of Precinct Boundaries
M.R. 8255.0020	Establishment of Precinct Boundaries Lacking Recognizable Physical Features
M.R. 8255.0025	Correction of Precinct Boundaries Not Based on Recognizable Physical Features

798D, May 7, 1962 Redistricting after decennial census; over 30% of population in one district: next general election certain commissioners need not run for office until expiration of their term.

798D, May 9, 1962 Necessity of submitting redistricting to voters; effect of redistricting on offices of commissioners, and terms of the offices discussed.

185a-2, Jan. 7, 1964 The county board possesses authority to establish election precincts in unorganized territory and may designate such precincts by reference to organized towns as they existed prior to dissolution.

798-d, Jan. 17, 1964 In factual situation presented, proposed redistricting does not conform to requirements of M.S. 375.02 that commissioner districts be composed of contiguous territory

798d, Nov. 8, 1965 Territories which connect at one corner are not legally contiguous and may not be joined in one district under M.S. 375.02.

126F, April 22, 1966 Prior opinions of office upheld. A vacancy in county board is filled by a board of appointment comprised of representatives from the "old" district as outlined in M.S. 375.10, 375.02.

798c, June 7, 1966 County boards have an obligation to determine whether the appointment of commissioner districts in their respective counties compiles with the requirements 375.02 and the standards are applicable thereto by the decision in *Hanlon v. Towey*, ___ Minn. ___. A finding by a county board that its districts do not so conform, and that the gross inequalities can be avoided, gives rise to a duty to redistrict.

The fact that in a given county each districts as now constituted contains less than 30 percent of the population does not necessarily eliminate the need for further redistricting to comply with constitutional redistricting.

798d, July 22, 1966 When it becomes necessary to have a new election of commissioners pursuant to M.S. 375.02, the "next general election" referred to in the statute is the next general election at which the names of candidates for such office can be redistricted until after another such census.

Op. Atty. Gen. 798d, June 17, 1966, must be regarded as modifying and forming an exception to prior opinions of the Attorney General, which held that when a county is redistricted after a state or federal census it may not again be redistricted until after another such census.

The result of any special census taken pursuant to M.S. 297.13 or M.S. 340.60 may not be taken into consideration in determining the population of the county for purposes of redistricting under M.S. 375.02.

798d, Aug. 1, 1966 County board should estimate the separate population of two unorganized townships for redistricting purposes where, under facts herein, state or federal census does not give separate populations of each such township, but combines the total population of both in its official report.

798-d, Jan. 13, 1976 Basis for application of election exception in Minn. Stat. 375.025 subd. 4(1974)

Is change made in boundaries of commissioner district, which alters its population and not one, which simply alters its land area.

798-d, Oct. 27, 1981 County Commissioner districts required to be as nearly equal as possible in population. Computation of change in boundaries for exception to election requirement (Minn. Stat. 375.025, subd, 4 (1980)) requires aggregation of persons added to and those subtracted from a district.