

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A11-152

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

Plaintiffs,

and

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

Intervenors,

and

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

Intervenors,

vs.

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

Defendants.

OFFICE OF
APPELLATE COURTS

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**MARTIN INTERVENORS'
MEMORANDUM REGARDING
CONGRESSIONAL PLAN**

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I. INTRODUCTION

Pursuant to the Panel's Scheduling Order No. 2, the Martin Intervenors respectfully submit the accompanying proposed congressional redistricting plan and the following supporting justification. After providing a brief description of the plan and the considerations underlying it, the Martin Intervenors compare their congressional plan to the principles for redistricting plans adopted by the Panel in its November 4, 2011 Order Stating Redistricting Principles and Requirements for Plan Submissions.

II. DESCRIPTION OF PLAN

The districts are of equal population and made up of contiguous, convenient territory, and political subdivisions are preserved where possible. But at the same time, the plan recognizes that drawing districts is not a cold, mathematical exercise. It is instead an effort to ensure that communities of Minnesotans, whatever their political bent, are given an equal voice and reside in districts sharing common concerns and common interests so that all Minnesotans receive fair representation in Congress.

The current congressional map was drawn ten years ago by the *Zachman* panel in light of the demographics of the day. The *Zachman* panel considered how to preserve long-standing, well-recognized communities, and grappled with how best to draw districts in the metropolitan area that reflected and would accommodate rapid suburban and exurban growth. The *Zachman* Panel did a good job with a difficult task, and its work provides the starting point for the Martin Intervenors' congressional plan.

Minnesota retained its eight congressional seats, but its demographics did not remain static. Continuing rapid growth in the metropolitan area, driven largely by the significant growth in Minnesota's minority communities in suburban and exurban areas, and population loss in western Minnesota are reshaping the face of the state. Population growth in Twin Cities suburbs and exurbs is creating bands of similarly situated communities that share common interests and possess similar characteristics. The southeastern and south central part of the state is experiencing dynamic development, led by rapid population growth in the regional hubs of Rochester and Mankato.

The Martin congressional plan addresses and reflects these dynamics. In doing so, it is guided by three general propositions that help guide the creation of congressional districts. First, there is a strong distinction between the Twin Cities metropolitan area and Greater Minnesota. Minnesota congressional maps have always reflected this distinction. Based on the demographics of the day, there have been either three or four districts in Greater Minnesota. Drawing Greater Minnesota districts ensures that the distinctive voice of rural Minnesota is not subsumed by the disparate interests of the Twin Cities metropolitan area.

Second, different regions in Greater Minnesota are unique in their own right and should be organized into districts that reflect that fact. For example, northeastern and northwestern Minnesota regions are distinct regions; the Iron Range in the east and the Red River Valley in the west have different industries and constitute distinct communities of interest.

Third, communities within the metropolitan area are best drawn with an eye towards their general population density and, relatedly, their relative urban, suburban, or exurban character. In this regard, drawing districts with reference to the major transportation corridors of the metropolitan area also assists in creating districts tracking the communities of the region.

The Martin Intervenors' proposed congressional map redraws existing districts as necessary to account for demographic trends, recognize these foundational principles, and comply with the redistricting principles adopted by the Panel.

Minnesota currently has a "5-3" map, with five districts in the urban, suburban, and exurban Twin Cities region and three districts in Greater Minnesota. At present, approximately 60% of the state's residents live in the 11-county metropolitan area. The Martin congressional plan therefore preserves the present 5-3 divide, which fairly mirrors the demographics of the state and best ensures that the interests of voters in Greater Minnesota are not overshadowed by metropolitan area interests.

The Martin Intervenors' congressional plan preserves three Greater Minnesota districts (CD 1, CD 7, and CD 8) but adjusts the boundaries between them based on demographic changes and the public testimony heard by the Panel. It retains the current split between the Red River Valley and northwestern Minnesota and the Iron Range and northeastern Minnesota. These communities are vastly dissimilar and have not been placed in the same congressional district since the 1800s. The Martin congressional plan also better preserves the Greater Minnesota/metropolitan area divide by removing

Chisago and Isanti counties (part of the 11-county metropolitan area) from CD 8 in Greater Minnesota and adding these counties to metropolitan area CD 6.

To achieve population equality and unite the agricultural interests in the western part of the state, the Martin Intervenors unite northwestern and southwestern Minnesota in a new CD 7 that runs from Canada in the north to Iowa in the south. It creates a new, more compact CD 1 in the southeastern part of the state structured around the fast-growing hubs of Rochester and Mankato and the region's transportation corridors to the Twin Cities. Dividing the southwest from the southeast recognizes that the urbanizing southeast increasingly has less in common with the agricultural communities of southwest Minnesota.

With respect to St. Paul and Minneapolis, the Martin congressional plan maintains the long-standing practice of Minneapolis and St. Paul as separate districts. It achieves population equality and best serves communities of interest by connecting Minneapolis to fast-growing minority communities and connecting St. Paul to Washington County to its east. It then draws three suburban and exurban districts, creating CD 3 as an inner ring suburban district to the south and west of the Twin Cities and CD 2 and CD 6 as encircling outer ring districts to the south and north of the Twin Cities. These districts are drawn to achieve population equality, to pair suburban and exurban communities with similar composition and interests, and to reflect public testimony about what has and has not worked in the current districts.

The Martin congressional plan accomplishes these ends while creating convenient, contiguous districts that keep intact nearly all of Minnesota's counties, cities, and towns.

The Martin Intervenors respectfully submit that the congressional plan attached to this memorandum and more fully described below complies with the principles adopted by the Panel to guide redistricting in the present cycle.

III. PRINCIPLES COMPARISON

The Martin congressional plan complies with each of the seven principles adopted by the Panel in its November 4, 2011 Order Stating Redistricting Principles and Requirements for Plan Submissions.

A. Principle 1: Eight Districts

There will be eight districts with a single representative for each district.

The Martin congressional plan satisfies this principle. As required in the Panel's order, district numbers begin with CD 1 in the southeast corner of the state and end with CD 8 in the northeast corner of the state.

B. Principle 2: Equal Population

The congressional districts shall be as nearly equal in population as practicable.

The Martin congressional plan satisfies this principle. *See* Population Summary Report, filed herewith. The total population of the State of Minnesota after the 2010 census is 5,303,925. The ideal population of a Minnesota congressional district is 662,991. Because Minnesota's population is not divisible into eight congressional

districts of equal population, the ideal result is five districts of 662,991 persons and three districts of 662,990 persons.

DISTRICT	IDEAL SIZE	ACTUAL SIZE	DEVIATION
1	662,991	662,991	0
2	662,991	662,990	-1
3	662,991	662,991	0
4	662,991	662,990	-1
5	662,991	662,991	0
6	662,991	662,990	-1
7	662,991	662,991	0
8	662,991	662,991	0

The total deviation of three persons is the lowest possible deviation, with the deviation of one person in three districts due to the mathematical impossibility of obtaining eight districts of equal population.

C. Principle 3: Minority Voting Rights

Districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group and must otherwise comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended.

The Martin congressional plan satisfies this principle. The Martin congressional plan was not drawn with either the purpose or effect of denying or abridging minority rights, and it otherwise complies with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended. *See* District Statistics Report, filed herewith.

While the Martin congressional plan was not drawn with race as the predominant motivating factor, it does recognize, as any new congressional plan must, the notable growth in Minnesota’s minority population. Indeed, minorities accounted for more than 80% of the state’s growth in the 2000s, and the increase in Minnesota’s minority population is the principal reason that Minnesota retained eight congressional seats.¹

Each of Minnesota’s minority communities grew rapidly:

RACE	2010	2000	CHANGE 2000 to 2010	PERCENT CHANGE 2000 to 2010 ²
Total	5,303,925	4,919,492	384,433	7.8%
White Alone	4,524,062	4,400,282	123,780	2.8%
Black or African American Alone	274,412	171,731	102,681	59.8%

¹ St. Paul Hr. 10:5-14 (Donald Jorovsky).

² Affidavit of Christopher Stafford (“Stafford Aff.”), Ex. A (<http://www.demography.state.mn.us/resource.html?Id=31946>).

American Indian and Alaska Native Alone	60,916	54,967	5,949	10.8%
Asian Alone	214,234	141,968	72,266	50.9%
Native Hawaiian or Other Pacific Islander Alone	2,156	1,979	177	8.9%
Other Race Alone	103,000	65,810	37,190	56.5%
Two or More Races	125,145	82,742	42,403	51.2%
Hispanic	250,258	143,382	106,876	74.5%

While many parts of the state have experienced notable minority population growth, the increasing suburbanization and exurbanization of minority communities that historically resided in the urban core of the Twin Cities is particularly noteworthy.³ The minority population of the seven-county metropolitan area increased 52% from 2000 to 2010.⁴ Of particular note, Brooklyn Park has a minority population just shy of 50%, and Brooklyn Center is Minnesota's first majority-minority city, at 54.1%.⁵ Residents of color now have a significant presence throughout the first ring and second ring suburbs.⁶

³ St. Paul Hr. 68:16-21 (Bruce Corrie).

⁴ Written Submission of Tom Dimond, accompanying testimony given at October 6, 2011 hearing in St. Paul (MetroStats: What the 2010 Census Tells Us About the Twin Cities Region).

⁵ Stafford Aff. Ex. B (<http://www.demography.state.mn.us/resource.html?Id=31951>).

⁶ Written Submission of Tom Dimond, accompanying testimony given at October 6, 2011 hearing in St. Paul (MetroStats: What the 2010 Census Tells Us About the Twin Cities Region).

In 11 communities, more than one in three residents are people of color, and in an additional 11 suburbs, at least one in four residents is a person of color.⁷

There is no reason to believe these trends will cease or decelerate in the next ten years. Nonetheless, because Minnesota remains a heavily Caucasian state, carelessly drawn districts could easily dilute the influence of strong minority communities in first tier and second tier suburbs.

Population trends allow for the inadvertent dilution of minority voting strength to be avoided. The population in urban Minneapolis and St. Paul already necessitates pairing each city with some of its suburbs. Rapid population growth south of the Twin Cities already requires suburban districts to be redrawn. The Martin congressional plan accounts for these population trends and protects increasing minority voting strength by modifying existing CD 3, CD 4, and CD 5 to create three minority influence districts. A minority influence district is one “in which a minority group can influence the outcome of an election even if its preferred candidate cannot be elected.” *Bartlett v. Strickland*, 129 S. Ct. 1231, 1242 (U.S. 2009). The Martin congressional plan creates CD 3, CD 4, and CD 5 as three such districts.

CD 5 consolidates Minneapolis and Brooklyn Park and Brooklyn Center to form a district with a total minority population of approximately 37% and a minority voting age population of approximately 31%. CD 4 connects St. Paul and Ramsey County with Washington County, creating a district with a total minority population of approximately

⁷ *Id.*

28% and a minority voting age population of approximately 23%. CD 3 preserves and combines growing minority communities in the suburbs circling the southwestern and southeastern borders of the Twin Cities to create a district with a total minority population of approximately 21% and a minority voting age population of approximately 17%. These new districts recognize that rapidly growing minority communities should be afforded the opportunity to influence their respective districts to ensure their voices are heard and their interests are served.

D. Principle 4: Convenient, Contiguous, and Compact Districts

Congressional districts shall consist of convenient, contiguous territory structured into compact units. . . . Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Congressional districts with areas that connect only at a single point shall not be considered contiguous.

The Martin congressional plan satisfies this principle. All districts are contiguous. *See* Contiguity Report, filed herewith. All districts are structured into convenient and compact districts. As requested by the Panel in Scheduling Order No. 2, the Martin Intervenors provide the Panel with eight different measures of compactness—the Roeck, Polsby-Popper, perimeter, population circle, Schwartzberg, length-width, population polygon, and Ehrenburg tests. *See* Compactness Reports, filed herewith.

As demonstrated by the attached Compactness Reports, the Martin congressional plan compares favorably with the four measures of compactness utilized by the *Zachman* panel—the Roeck, Polsby-Popper, perimeter, and population circle tests.

The Roeck test compares each district to an ideal circle (considering the circle to best be the most compact shape possible) and computes the ratio of the area of the district to the minimum area of a circle sufficiently large to encompass the district. One is the most compact, zero the least compact. The Polsby-Popper test similarly compares the ratio of a district's area with the area of a circle sharing the same perimeter (again, one is the most compact). The perimeter test simply tabulates the total miles of border for all legislative districts. The population circle test computes the ratio of the district population to the approximate population of the minimum enclosing circle of the district (one is the most compact).

The Martin congressional plan compares to the *Zachman* congressional plan as follows:

- The Martin congressional plan has a mean Roeck rating of .37, compared to the rating of .42 under the *Zachman* plan.
- The Martin congressional plan's mean Polsby-Popper rating of .31 matches the rating under the *Zachman* plan.
- The Martin congressional plan has a perimeter measure of 4,205.03, which betters the measure of 4,225.97 under the *Zachman* plan.
- The Martin congressional plan has a mean population circle rating of .30, as compared to the rating of .34 under the *Zachman* plan.

As a comparison to the *Zachman* congressional plan therefore demonstrates, the Martin congressional plan fully meets this principle.

E. Principle 5: Political Subdivisions

Political subdivisions shall not be divided more than necessary to meet constitutional requirements.

The Martin congressional plan satisfies this principle. *See* Plan Components Report and Split Political Subdivisions Report, filed herewith. In total, the Martin congressional plan preserves intact 80 of Minnesota's 87 counties, dividing only Anoka, Beltrami, Dakota, Hennepin, Martin, Stearns, and Washington Counties. It preserves intact 2,747 of Minnesota's 2,754 cities and towns, dividing only Ramsey, Bemidji, Brooklyn Park, Wayzata, Sherburn, St. Cloud, and Woodbury. With respect to county splits, the Martin congressional plan improves upon the plan adopted in 2001, which split eight counties, and matches the 2001 plan with respect to city and town splits.

As a general matter, the plan breaks congressional districts at county boundaries wherever possible. It is, however, not always possible to meet the constitutional mandates of drawing convenient, contiguous districts that are equal in population without splitting at least a few political subdivisions at both the county and local level.

Keeping political subdivisions intact is relatively easily done in Greater Minnesota, where county governments serve as one of the primary organizers of communities and deliverers of services. The Martin congressional plan splits only two cities and counties in Greater Minnesota. It splits Sherburn in Martin County to achieve

population equality between CD 1 and CD 7. It splits Beltrami County to achieve population equality between CD 7 and CD 8 and to comply with the expressed wishes of Bemidji citizens who indicated they wish to see Bemidji divided between CD 7 and CD 8, as Bemidji straddles the divide between the northwestern and northeastern parts of the state and shares interests with each community.⁸

In the more densely populated metropolitan areas of the state, by contrast, communities often blur together across city or county lines. Communities are based more on economic, cultural, and other interests, and those interests typically align based on relative proximity to the urban core regardless of whether they fall on one side of a county line or the other. Moreover, because the metropolitan area is increasingly densely packed, districts of equal population cannot be drawn unless some counties and cities are split.

Thus, to the degree that city and county splits prove unavoidable, the Martin Intervenors largely confine splits to the area immediately surrounding the core metropolitan area of the state. Other than Bemidji and Sherburn, the Martin congressional plan splits only one city—St. Cloud—just outside of the 11-county metropolitan area. St. Cloud defies many of the Panel’s redistricting principles, as it is split between three counties and contains discontinuous territory. Recognizing that St. Cloud is one of Minnesota’s largest cities and is growing rapidly, the Martin congressional plan preserves the city to the degree possible to maximize the city’s voice

⁸ Bemidji Hr. 20:25-21:18 (Mike Simpkins).

in Congress. The Martin congressional plan divides St. Cloud only once, splitting the discontinuous portion of the city that is in Benton County and separated from the rest of St. Cloud by Highway 10.

The remaining city and county splits are in the seven-county metropolitan area and are necessary to achieve population equality.

F. Principle 6: Communities of Interest

Where possible in compliance with the preceding principles, communities of interest shall be preserved. . . . For purposes of this principle, “communities of interest” include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be recognized if persuasively established and if consideration thereof would not violate applicable law.

Given the availability of powerful software tools, it is now possible to create any number of different configurations of congressional districts that meet the principles of achieving population equality, creating districts of convenient, contiguous territory, and minimizing splits of political subdivisions. The defining question is not, therefore, whether these goals can be met, but *how* they will be met. In short, the question is how to

draw a congressional map that creates eight districts that will best serve the communities that fall within them.

As a result, the Martin congressional map is drawn to create districts that represent natural and well-defined communities of interest that share common social, geographic, political, cultural, ethnic, and economic interests. Given Minnesota's unique topographic features—its lakes, rivers, forests, prairies, and distinctive regions—the state's transportation corridors often serve as an important means of creating and unifying communities of interest. The Martin congressional plan therefore also takes care to create districts that are readily traversable and naturally formed.

The Martin congressional plan uses the existing districts as a starting point. The current districts were created by the Panel's predecessor in 2001 after an exhaustive process and after the *Zachman* panel heard considerable public testimony. It makes sense to begin there. The Martin congressional plan then modifies the existing districts as is necessary to achieve population equality or to respond to public testimony that features of the existing districts have not worked or no longer make sense in light of demographic, economic, or similar trends.

1. Greater Minnesota

a. CD 7 and CD 8

In the northern part of the state, the Martin congressional plan preserves the well-established divide between northwestern and northeastern Minnesota.

For more than a century, since 1891, northwestern and northeastern Minnesota have each elected their own congressional representative.⁹ The two regions are distinct, separated by, among other things, different economic drivers, different community interests, different government services, and poor transportation links. As the *Zachman* panel recognized ten years ago, “there are some natural divisions within the state; for example, northwestern Minnesota and the Red River Valley have interests separate from northeastern Minnesota’s interests in its forests, the Iron Range, and Lake Superior.” *Zachman v. Kiffmeyer*, C0-01-160, Final Order Adopting a Congressional Redistricting Plan (“*Zachman* Congressional Order”), at 11.

Thus, as the Panel heard at public hearings, the interests of northeastern and northwestern Minnesota remain just as distinct as they were ten years ago. The Panel heard how the Iron Range and northeastern Minnesota work together and share one set of economic interests in forestry, mining, shipping, health care and tourism, whereas the Red River Valley and northwestern Minnesota, by contrast, center on agricultural interests and related concerns.¹⁰ In addition to their disparate economic interests, the two regions have different centers of gravity. Northeastern Minnesota is organized around

⁹ See Cloquet Hr. 24:12-14 (Don Bye).

¹⁰ Minneapolis Hr. 26:15-27:19 (Henry O. Moore); see also Cloquet Hr. 10:3-11:6 (Debra Taylor); Moorhead Hr. 25:10-22 (Barbara Sipson); *id.* 13:23-14:20 (Mayor of Moorhead Mark Voxland).

the central hub of Duluth.¹¹ Moorhead serves the same function in northwestern Minnesota.¹²

The distinction between the two regions is manifested in the structure of local government and civic organizations. Everything from regional development authorities, transportation districts, pollution control districts, and regional library systems are separated between the northwestern and northeastern parts of the state.¹³ For example:

- **Regional development.** Minnesota's Regional Development Act divides the state into multi-county planning and development districts to facilitate cooperation between citizens, local government officials, and the private sector. Regions 1, 2, and 4 all cover northwestern Minnesota, while Region 5 covers northeastern Minnesota.¹⁴
- **Transportation districts.** The Minnesota Department of Transportation is divided into eight regional areas. District 1 serves northeastern Minnesota and District 2 serves northwestern Minnesota.¹⁵

¹¹ Cloquet Hr. 12:10-15 (Debra Taylor).

¹² See Cloquet Hr. 24:21-25:9 (Don Bye) (describing Duluth as education, medical, and distribution center of northeastern Minnesota and Moorhead-Fargo as education, medical, and distribution center of northwestern Minnesota).

¹³ Cloquet Hr. 9:3-10:1 (Debra Taylor); see also *id.* 27:2-10 (Ron Dicklich), discussing separate service areas for northwestern and northeastern parts of the state).

¹⁴ Stafford Aff. Ex. N (<http://www.mrdo.org>).

¹⁵ *Id.* Ex. O (<http://www.dot.state.mn.us/d2>).

- **Emergency medical services.** The Minnesota Emergency Medical Services Regulatory Board organizes the state into eight regions, including a Northwest EMS Region and a Northeast EMS Region.¹⁶
- **Pollution control.** The Minnesota Pollution Control Agency divides its activities into a Northwest region headquartered in Detroit Lakes and a Northeast region headquartered in Duluth.¹⁷
- **Tourism.** The Minnesota Office of Tourism organizes the state into regions that include a North Central/West region and a Northwest region.¹⁸
- **Library systems.** Minnesota’s twelve regional library systems are also organized in a way that recognizes the divide between the northeastern and northwestern parts of the state. Northwestern Minnesota is served by the Northwest Regional Library while the Arrowhead Library system serves northeastern Minnesota.¹⁹

While these different organizations and entities do not divide northwestern and northeastern Minnesota into precisely the same geographic areas, all recognize the distinction between the two. None serve a “northern” Minnesota region.

The alternative to the current basic configuration of CD 7 and CD 8 is a single northern district running from North Dakota to Lake Superior. Such a district would

¹⁶ *Id.* Ex. H (<http://www.emsrb.state.mn.us/regions.asp?docid=336>).

¹⁷ *Id.* Ex. J (<http://www.pca.state.mn.us/index.php/about-mpca/mpca-overview/agency-structure/mpca-offices/mpca-offices.html>).

¹⁸ *Id.* Ex. P (<http://www.exploreminnesota.com/where-to-go/index.aspx>).

¹⁹ *Id.* Ex. K (<http://mnllibraryassociation.org/jobs-resources>).

ignore the differences outlined above, and defy the wishes of the citizens of northern Minnesota, who strongly expressed their opposition to an east-west district running across the entire northern part of the state.²⁰

Therefore, the Martin congressional plan recognizes and preserves the distinction between northwestern and northeastern Minnesota. Because of disparate population growth, the existing boundaries of the CD 7 and CD 8 cannot be maintained in all respects. CD 8 is presently underpopulated by 2,649 people, and CD 7 is presently underpopulated by 37,479 people.²¹ Thus, CD 8 must pick a fairly minimal amount of additional population. CD 7 must pick up a relatively more significant chunk of population, and in a less populated area of the state.

The two alternatives are to extend CD 8 further south into the metropolitan area, or further west into counties in the center of northern Minnesota. The Panel heard testimony that residents of the present CD 8 would prefer to retain and bolster the rural nature of the district by picking up population to the west, in the center of the state, rather than to pick up additional metropolitan area population.²² The Martin congressional plan accomplishes by removing metropolitan-area Isanti and Chisago counties from current CD 8 and adding Todd County (presently in CD 7) and Benton County (presently in CD 6). The Martin congressional map also includes the southeastern corner of Beltrami

²⁰ See, e.g., Cloquet Hr. 21:16-23 (Don Bye, describing an east-wide district as a “monstrosity” that would be “an impossibility to represent”); *id.* 27:2-10 (Ron Dicklich, asking the Panel to “maintain[]the integrity of the two separate districts”); *id.* 9:3-5 (same).

²¹ Stafford Ex. M (<http://www.demography.state.mn.us/resource.html?Id=31942>).

County as does the present congressional map and divides Bemidji between CD 7 and CD 8. Bemidji and surrounding areas straddle the divide between northwestern and northeastern Minnesota, and share common interest with both.²³ Splitting Bemidji gives the city a congressional voice representing these common interests.²⁴

CD 7's boundaries also require alteration to achieve population equality. At present, CD 7 runs down nearly the entire western border of the state but does not encompass the six counties in the southwest corner of the state, which are presently in CD 1. At the Moorhead hearing, the Panel heard that residents of current CD 7 support redrawing the district to pick up these six counties and a portion of Martin County.²⁵ Unlike northeastern Minnesota, these six counties share common agricultural interests with the counties to their north.²⁶ And like the rest of western Minnesota, the six counties in southwestern Minnesota that are presently part of CD 1 are sparsely populated and face long-term demographic challenges:

County	Population Growth 2000-2010 ²⁷
Cottonwood	-3.9%
Jackson	-8.9%
Murray	-4.8%

²² Cloquet Hr. 10:25-11:6 (Debra Taylor, requesting that the Panel extend the Eighth District into Beltrami and Todd counties rather than extending it into the metro area).

²³ Bemidji Hr. 20:25-21:18 (Mike Simpkins).

²⁴ Bemidji Hr. 20:25-21:18 (Mike Simpkins).

²⁵ Moorhead Hr. 13:23-14:20 (Mayor of Moorhead Mark Voxland).

²⁶ Mankato Hr. 19:6-25 (Janet Krueger).

²⁷ Stafford Aff. Ex. L (<http://www.demography.state.mn.us/resource.html?Id=31945>).

County	Population Growth 2000-2010 ²⁷
Nobles	2.6%
Pipestone	-3.0%
Rock	-0.3%

Ten years ago, the *Zachman* panel elected not to draw a western Minnesota district running from Canada to Iowa, citing the difficulty of travel through this part of the state. While the Martin Intervenors appreciate this concern, the vast majority of western Minnesota—all but the six southwestern counties—is already in a north-south district. Adding six more counties in the southwest does not present fundamentally different transportation issues. Western Minnesota is, in fact, served by highways connecting the region’s population centers. Highway 75 runs the entire way from Iowa to Canada as does Highway 59. Many other highways connect western Minnesota. Highway 71 runs from Jackson on the Iowa border to Bemidji. Highway 23 runs from the southwestern corner of the state to Willmar, where it connects with Highway 71 and Highway 12 heading west. At Sauk Center, Highway 71 connects with I-94 and, at Wadena, it connects with Highway 10 running to Moorhead.

Moreover, as further discussed below, southeastern and southwestern Minnesota have grown more distinct. Southwestern Minnesota shares more in common with the rest of western Minnesota than it does with the southeast. The result is that it now makes more sense, given the need to expand CD 7 to achieve population equality, to draw the district the remainder of the way to the Iowa border.

In sum, modifying CD 7 to create a district running down the western border of the state preserves the divide between northwestern and northeastern Minnesota and creates a new district with shared agricultural interests.

b. CD 1

Not only does the Martin congressional plan preserve different districts for northeastern and northwestern Minnesota, it recognizes that southeastern and southwestern Minnesota have different interests, and are growing increasingly dissimilar. The Martin congressional plan allows the creation of a more compact CD 1 centered on the regional hubs of Rochester and Mankato, and prevents the rural southwest from being overshadowed in a district whose population center of gravity is increasingly moving to the east.

This requires a CD 1 that does not stretch across the entire state from east to west. Ten years ago, the *Zachman* panel recognized that one district in Greater Minnesota would need to run along the entire border of the state. *Zachman* Congressional Order, at 6. The question it confronted was whether this district should be in the northern, western, or southern part of the state. As it recognized, the northern option was inappropriate—northwestern and northeastern Minnesota were too distinct. *Id.* at 11. It thus came down to the west or the south. From early statehood onwards, the southern part of the state had been separated into southwestern and southeastern districts. Nonetheless, given the demographic realities of the day, the *Zachman* panel chose the southern option, motivated primarily by testimony that the ease of travel afforded by I-90 created a natural

community of interest in the southern part of the state. (As discussed above, major highways do serve western Minnesota from north to south.) For reasons of population equality requirements and shared interests in western Minnesota, as discussed above, and the growing dissimilarity of the southwest and southeast, as addressed below, the Martin Intervenors submit it is necessary to restore southern Minnesota to its traditional district structure.

There is now a clear and growing difference between the two sides of the southern portions of the state. The Panel heard from citizens who feel the current district is not working well, and who discussed the “natural divide” between the six southwesterly counties and the rest of CD 1.²⁸ As discussed above, the southwestern corner of Minnesota is agricultural and losing population. By contrast, the southeastern part of the state is booming, driven by rapid growth in the regional centers of Rochester and Mankato. Rochester is the fastest-growing city in Greater Minnesota, growing by 24.4% between 2000 and 2010.²⁹ Mankato is not far behind, growing by 21.2% during the same period.³⁰ The southeastern part of the state is now four times as dense as the southwestern part. Whereas the southwestern part of the state shares agricultural interests similar to the rest of western Minnesota, the southeast increasingly centers on health care, research, manufacturing, and higher education.³¹

²⁸ Mankato Hr. 64:23-66:14 (Jenna Covey); *id.* 9:18-11:1 (Jacob Grippen); *id.* 19:6-25 (Janet Krueger).

²⁹ Stafford Aff. Ex. B (<http://www.demography.state.mn.us/resource.html?Id=31951>).

³⁰ *Id.*

³¹ Mankato Hr. 10:8-13 (Jacob Grippen); *id.* 16:12-16:23 (Karen Foreman, describing Mankato as regional center for retail, medical, and higher education); *id.* 32:6-33:5

As in the northern part of the state, the southwestern corner of the state is served by different governmental and community organizations than the south central and southeastern parts of the state.³² For example:

- **Regional development.** Region 8 serves southwestern Minnesota, while Region 8 and 10 serve south central and southeastern Minnesota.³³
- **Emergency medical services.** The Minnesota Emergency Medical Services Regulatory Board has a Southwest Region made up of the six southwesternmost counties.³⁴
- **Pollution control.** The Minnesota Pollution Control Agency divides its activities between a Southwest Region and a Southeast Region.³⁵
- **Library systems.** Southwestern Minnesota is served by the Plum Creek Library System, while the Traverse Des Sioux Library System and Southeastern Libraries Cooperating serve south central and southeastern Minnesota.³⁶

The existing organizational structure of southern Minnesota supports dividing current CD 1.

(Cheryl Avenel-Navara, asking the Panel not to draw a map that allows rural southwest Minnesota to be forgotten or overshadowed).

³² Mankato Hr. 9:18-10:7 (Jacob Grippen); *see also* Stafford Aff. Ex. N (<http://mrdo.org>) (southwest and southeast served by different regional development commissions).

³³ *See* Stafford Aff. Ex. N (<http://www.mrdo.org>).

³⁴ *See id.* Ex. H (<http://www.emsrb.state.mn.us/regions.asp?docid=336>).

³⁵ *See id.* Ex. J (<http://www.pca.state.mn.us/index.php/about-mpca/mpca-overview/agency-structure/mpca-offices/mpca-offices.html>).

Moreover, the interests of the southeastern corner of the state are becoming more closely aligned with the Twin Cities. Southeastern Minnesota is closely linked to the Twin Cities by Interstate 35 and Highways 169, 52, and 61, as well as a potential high-speed rail route.³⁷ Southeastern businesses reach out to customers in the Twin Cities.³⁸ As a result, the Panel heard from citizens that they shared more in common with the counties leading into the southern metropolitan area than with the agricultural regions of western Minnesota.³⁹

Given the rapid growth in Mankato and Rochester, little adjustment to the boundaries of CD 1 is necessary to achieve population equality with the removal of the six westernmost counties. CD 1 is presently underpopulated by 18,204. Population equality is achieved by adding Le Sueur and Rice counties, which connect the southeastern part of the state to the metropolitan area. As discussed below, this alteration of the existing boundaries is also necessary to remove excess population from fast-growing CD 2.

2. The Twin Cities Metropolitan Area

Over the past ten years, the fastest-growing part of the state has been the suburban and exurban areas of the Twin Cities metropolitan area, with outer ring suburbs generally experiencing the most rapid growth:

³⁶ See *id.* Ex. K (<http://mnllibraryassociation.org/jobs-resources>).

³⁷ Mankato Hr. 10:14-) (Jacob Grippen).

³⁸ Mankato Hr. 65:13-19 (Jenna Covey).

³⁹ Mankato Hr. 19:6-25 (Janet Krueger); *id.* 65:13-66:14 (Jenna Covey).

SEVEN COUNTY REGION	POPULATION GROWTH 2000-2010⁴⁰
Anoka	10.0%
Carver	29.7%
Dakota	12.0%
Hennepin	3.3%
Ramsey	-0.5%
Scott	45.2%
Washington	18.4%
ELEVEN COUNTY REGION	POPULATION GROWTH 2000-2010
Chisago	31.1%
Isanti	20.9%
Sherburne	37.4%
Wright	38.6%

As a result, current CD 2 and CD 6, the outlying suburban/exurban districts, are significantly overpopulated, while CD 3, made up primarily of Hennepin County, and the core urban districts, CD 4 and CD 5, are underpopulated:

⁴⁰ *Id.* Ex. B (<http://www.demography.state.mn.us/resource.html?Id=31951>).

DISTRICT	AMOUNT OVER- OR UNDER- POPULATED
CD 2	69,524
CD 3	-12,806
CD 4	-48,367
CD 5	-46,509
CD 6	96,487

The Martin congressional plan takes a simple approach to reconfiguring the five metropolitan area districts to achieve population equality and create districts composed of communities sharing common interests. It is essentially an iteration of the one used by the *Zachman* panel ten years ago.

Under the Martin congressional plan, St. Paul and Minneapolis form the core of CD 5 and 4, and are connected with adjoining suburbs that share similar interests to the urban core. The Martin congressional plan then creates three districts ringing the Twin Cities. Drawing ring districts unites communities that share similar population densities, share similar interests, and which are connected by convenient transportation corridors.⁴¹

⁴¹ Bloomington Hr. 10:17-11:11 (Sally Burns, describing how creating districts that circle the Twin Cities creates districts that pair citizens that share similar interests with communities sharing a similar suburban or exurban character).

a. **CD 4 and CD 5**

First, the Martin congressional plan keeps Minneapolis and St. Paul in separate districts along with first ring suburbs that share common interests with the urban cores.⁴² Since 1891, St. Paul and Minneapolis have been in separate congressional districts. *Zachman* Congressional Order at 7. As the *Zachman* panel recognized in 2001, it is “neither desirable nor practical” to consolidate Minneapolis and St. Paul into a single district. *Id.* This remains true today.⁴³

CD 5

Modification of the existing boundaries of the urban districts is necessary to achieve population equality. The Martin congressional plan shifts the boundaries of the current CD 5 to the northwest to encompass the Hennepin County suburbs of Brooklyn Park, Brooklyn Center, and Osseo. These adjustments are necessary to achieve population equality, unite communities that share similar interests, and create a minority influence district.

As discussed above, suburban areas have experienced substantial minority growth, with Brooklyn Park and Brooklyn Center now having minority populations of 49.9% and 54.1%, respectively.⁴⁴ By connecting Minneapolis to its northwestern suburbs, the Martin congressional plan makes CD 5 a minority influence district, with a total minority

⁴² Minneapolis Hr. 34:13-35:2 (Jules Goldstein, explaining that the differences between the central cities and the first ring suburbs are “minor”).

⁴³ Minneapolis Hr. 56:12-57:6 (Minneapolis Mayor Rybek, explaining that St. Paul and Minneapolis should not be placed into a single district); *see also* Minneapolis Hr. 45:11-15 (Rick Varco); *id.* 54:19-21 (Duane K. Reed); *id.* 60:20-24 (Lester Collins).

⁴⁴ Stafford Aff. Ex. B (<http://www.demography.state.mn.us/resource.html?Id=31951>).

population of approximately 37% and a minority voting age population of approximately 31%.⁴⁵ By contrast, if Brooklyn Park and Brooklyn Center were pushed outward into an overwhelmingly white suburban/exurban district, minority voting strength would be diluted rather than enhanced as under the Martin congressional plan.⁴⁶

Giving a northwesterly orientation to CD 5 also makes the district well served by the major transportation corridors in the area. I-94 runs northwest from the center of Minneapolis through Brooklyn Park and Brooklyn Center. Highway 169 runs down the western side of the district. Highway 10 borders the district on its northeastern edge.

CD 4

The Martin congressional plan takes a similar approach with current CD 4. At present, CD 4 centers almost entirely on Ramsey County. Like CD 5, it must pick up additional population. The Martin congressional plan creates a new CD 4 that unites all but the southwestern corner of Washington County with Ramsey County, while preserving the community of interest in the St. Croix River Valley.

Urbanized Washington County increasingly has much in common with Ramsey County, including shared transportation corridors, major medical facilities, and similar industries.⁴⁷ Many Washington County residents work in St. Paul, and St. Paul residents

⁴⁵ Minneapolis Hr. 54:12-25 (Duane Reed); *id.* 60:24-61:2 (Lester Collins).

⁴⁶ Minneapolis Hr. 55:1-7 (Duane Reed); St. Paul Hr. 40:4-41:11 (Emma Greenman).

⁴⁷ Bloomington Hr. 12:20-14:5 (Dennis Schneider); St. Paul Hr. 21:8-22:11 (Gerald Beedle, explaining that he regularly travels to the Twin Cities); *id.* 36:2-37:4 (Joseph Ward, asking the Panel to connect Washington County to the urban core to its west); *id.* 44:18-48:1 (Woodbury resident Rhonda Swartz, explaining that she spends 90% of her time in Ramsey and Washington Counties, discussing shared services between the two

regularly visit the St. Croix River Valley for boating, fishing, camping, canoeing, and shopping.⁴⁸

In addition to unifying communities with common interests, the new CD 4 is naturally aligned along major transportation corridors. I-94 transects the middle of the district. I-35 runs down the district's west side, and the western part of the district is also served by Highway 61.

In pairing most of Washington County with Ramsey County, the Martin congressional plan took care to preserve the community of interest in the St. Croix River Valley running down the east side of Washington County.⁴⁹ That community is part of CD 4. Finally, like the Martin Intervenors' proposed CD 5, proposed CD 4 is a minority influence district, with a total minority population of approximately 28% and a minority voting age population of approximately 23%.

b. CD 3

Current CD 2, to the south of the Twin Cities, is overpopulated by 69,524. By contrast, current CD 3, to the west of Minneapolis, is underpopulated by 12,806 persons.

Consistent with the overall philosophy of ringing the Twin Cities with bands of similar suburbs and exurbs, the Martin congressional plan recasts CD 3 as a compact, inner ring district that unites the southwestern corner of Washington County (surrounding St. Paul), the northern tip of Dakota County (ringing St. Paul and Minneapolis), and the

counties, and asking the Panel to "push CD04 out to the St. Croix River" if possible); *id.* 57:21-25 (Kay Hendrickson, describing Woodbury as a "suburban, relaxed St. Paul").

⁴⁸ St. Paul Hr. 22:1-9 (Gerald Beedle).

southeastern part of Hennepin County (surrounding Minneapolis). These inner ring suburbs share similar interests and have similar population densities.

Again, the Martin congressional plan creates districts that align from the transportation corridors in the metropolitan area. The contours of CD 3 follow the I-94 beltway to the south and west of the Twin Cities. In the south, I-35 traverses the center of the district. The district follows I-94W to the west and I-94E to the east. It is also well served by the highways connecting western and southern Minnesota with the Twin Cities, including Highways 212, 169, 52, and 61.

Like the Martin Intervenor's proposed CD 4 and CD5, proposed CD 3 is a minority influence district, with a total minority population of 20.59% and a minority voting age population of 16.90%. The minority population of proposed CD 3 is fast-growing, as many of the cities it contains have some of the fastest-growing minority communities in Minnesota.⁵⁰ There is no reason to believe this growth will cease or decelerate in the next ten years. CD 3 not only recognizes the minority communities that exist to the south and southwest of the Twin Cities today, but lays the foundation for a district that would have increasing minority influence in the years to come.

c. CD 2 and CD 6

The corollary of pairing the Twin Cities with similar first ring suburbs and creating an inner ring district to the south of the Twin Cities is the creation of two outer

⁴⁹ St. Paul Hr. 21:8-22:23 (Gerald Beedle).

⁵⁰ Stafford Aff. Ex. B (<http://www.demography.state.mn.us/resource.html?Id=31951>).

ring suburbs that recognize the rapid population growth in these parts of the metropolitan area. The Martin congressional plan creates CD 2 and CD 6 as outer ring districts. Each serves the natural interests of the parts of the state that lie between the urban cores and their immediate suburbs, on the one hand, and Greater Minnesota, on the other.

CD 2

CD 2, to the west and south of the Twin Cities, is made up of the western part of Hennepin County, Carver County, Scott County, the southern portion of Dakota County, and Goodhue County. Again, the district is composed of communities sharing similar population densities, and which share similar traits, being neither closely aligned with the urban core of the Twin Cities nor sharing common interests with Greater Minnesota.

Again, the district is naturally formed from the transportation corridors leading into the Twin Cities. For example, from the northwest to the southeast, the district is crossed by I-94, Highway 212, Highway 169, I-35, Highway 52, and Highway 61.

CD 6

Finally, the Martin congressional plan creates CD 6 as an outer ring district to the north and northwest of the Twin cities. CD 6 is made up of Stearns, Wright, Sherburne, Isanti, and Chisago Counties, and nearly all of Anoka County. The western part of the district continues to follow the I-94 corridor to St. Cloud, and eliminates the now-unnecessary split of Stearns County in current CD 6. The northeastern part of the district follows I-35 north as the interstate heads toward Duluth.

Current CD 6 has experienced the highest rate of population growth over the past ten years, and is presently the most overpopulated district—at 96,487 persons (more than

1/7 a congressional district). Fixing the present gross overpopulation of CD 6 thus requires the more populous portions of the present district to be moved to achieve population equality.

Not only must CD 6 be revised to correct for its overpopulation, but adjustments can and should be made to create a more sensible district than was possible ten years ago. The Martin congressional plan fixes a district that, as the Panel heard at public hearings, “just doesn’t work.”⁵¹ CD 6 presently stretches 110 miles from Woodbury in the southeast to St. Rosa in the northwest. It does not unify any cognizable set of interests. Most notably, as discussed above, Washington County has far more in common with Ramsey County than it does with rural Stearns and Wright counties.⁵² It fits far more comfortably with Ramsey County immediately to its west, and with the southern inner ring suburbs to its southwest, than with the exurban and rural counties dozens of miles to its northwest along the I-94 corridor.

Beyond moving Washington County in CD 3 and CD 4, the Martin congressional plan makes two other minor adjustments to current CD 6. First, as discussed above, Isanti and Chisago Counties are outer ring exurban districts that now have more in common with the other communities ringing the Twin Cities than they do with the Iron Range in the northeast.⁵³ The Martin congressional plan incorporates these two counties

⁵¹ Bloomington Hr. 12:14-19 (Dennis Schneider).

⁵² *See supra* note 47.

⁵³ Cloquet Hr. 10:25-11:6 (Debra Taylor, requesting that the Panel extend CD 8 into Beltrami and Todd Counties rather than extending it into the metropolitan area to its south).

into CD 6. Second, as also discussed above, the Martin congressional plan moves Benton County into CD 7.

G. Principle 7: Effect on Incumbents

Congressional districts shall not be drawn for the purpose of protecting or defeating incumbents. But the impact of redistricting on incumbent officeholders is a factor subordinate to all redistricting criteria that the panel may consider to determine whether proposed plans result in either undue incumbent protection or excessive incumbent conflicts.

The Martin congressional plan satisfies this principle. It does not draw districts with the purpose of protecting or defeating incumbents, and avoids excessive incumbent protection or conflict.

The following chart indicates the districts in which the current incumbent U.S. Representatives live, and the districts in which these Representatives may reasonably be expected to run under the Martin congressional plan:

INCUMBENT	CURRENT DISTRICT	DISTRICT IN WHICH INCUMBENT IS LIKELY TO RUN
Tim Walz	1	1
John Kline	2	2

Eric Paulsen	3	3
Betty McCollum	4	4
Keith Ellison	5	5
Michele Bachmann	6	6
Collin Peterson	7	7
Chip Cravaack	8	8

Under the Martin congressional plan, no incumbent's chances for reelection would be unduly hindered. All but two Representatives continue to reside in his or her current district.

Under the Martin congressional plan, CD 8 becomes an open seat, because Chisago County (home to Representative Chip Cravaack) is paired primarily with other counties in the 11-county metropolitan area (Anoka, Sherburne, and Wright) rather than with the Greater Minnesota counties in current CD 8. This issue arises because Congressman Cravaack lives far from the center of his current district. Regardless, Congressman Cravaack can easily run for reelection in CD 8, which in nearly every respect serves the same constituents as current CD 8 (84.96% of the population of current CD 8 would reside in proposed CD 8). Moreover, Congressman Cravaack need not change his residence should he wish to run for reelection in CD 8. Under the United States Constitution, a Representative need only be an inhabitant of the state from which he is elected. U.S. Const. art. I, § 2. He need not reside in the district he represents.

Congresswoman Michele Bachmann's current residence in the city of Stillwater would place her in CD 4, paired with Betty McCollum. The pairing is not reasonably avoidable, given the need to move Washington County, where Congresswoman Bachmann resides, from the current CD 6. This issue arises because Congresswoman Bachmann's residence in Stillwater, in the far eastern corner of CD 6, makes it difficult to keep her residence in CD 6. As discussed above, the present CD 6 is ineffective, Washington County residents wish to be paired with Ramsey County, and the enormous population growth in CD 6 requires it to be split.

This pairing does not, however, serve to unfairly diminish the likelihood that either Congresswoman Bachmann or Congresswoman McCollum will be reelected. Should she choose to run again for the House, Congresswoman Bachmann can easily run in the new CD 6. Save for necessary adjustments to achieve population equality and better serve communities of interest, the Martin congressional plan retains CD 6 in its current form, and so the district therefore remains overwhelmingly composed of Congresswoman Bachmann's current constituents (83.6% of the population of current CD 6 would reside in proposed CD 6). Moreover, Congresswoman Bachmann need not change her residence should she wish to run for reelection in CD 6.

As a result, while the Martin congressional plan does pair Representative McCollum and Representative Bachmann, both could run for reelection in the districts they currently represent, and will not actually be paired in the 2012 election. Likewise, Congressman Cravaack could run for reelection in CD 8. The Martin congressional plan

therefore does not create excessive incumbent conflict, and thus complies with this principle.

IV. CONCLUSION

For the foregoing reasons, the Martin Intervenors respectfully request that this Panel adopt the Martin congressional redistricting plan.

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PERKINS COIE LLP

By: Marc Elias
Marc E. Elias (DC Bar #442007)
Kevin J. Hamilton (Wash. Bar
#15648)
607 Fourteenth Street, N.W., Suite
800
Washington, D.C. 2005-2011
Telephone: (202) 628-6600

Admitted Pro Hac Vice

FREDRIKSON & BYRON, P.A.

By: David L. Lillehaug
David L. Lillehaug (#63186)
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402
Telephone: (612) 492-7000

Attorneys for Martin Intervenors

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