

DEC 09 2011

**FILED**

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.

---

**HIPPERT PLAINTIFFS'  
MEMORANDUM IN RESPONSE  
TO INTERVENORS' PROPOSED  
LEGISLATIVE REDISTRICTING  
PLANS**

**ORAL ARGUMENT  
REQUESTED**

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.

---

**HIPPERT PLAINTIFFS'  
MEMORANDUM IN RESPONSE  
TO INTERVENORS' PROPOSED  
LEGISLATIVE REDISTRICTING  
PLANS**

**ORAL ARGUMENT  
REQUESTED**

## TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION .....	1
ARGUMENT.....	5
I.    PLAINTIFFS' LEGISLATIVE REDISTRICTING PLAN IS THE ONLY PLAN THAT FOLLOWS THE PANEL'S REDISTRICTING CRITERIA .....	5
A.    Plaintiffs' Legislative Plan Preserves Political Subdivisions .....	5
1.    Plaintiffs' Plan Achieves Minimal Political Subdivision Splits.....	5
2.    Intervenors Ignored The Panel's Criteria And Did Not Attempt To Preserve Political Subdivisions .....	7
3.    Intervenors Split More Cities and Counties Than Necessary .....	11
a.    The Martin Intervenors Divide Hastings Into Three Separate Senate Districts .....	11
b.    The Martin And Britton Intervenors Create Unnecessary Political Subdivision Splits In Northern Scott County .....	13
c.    The Martin Intervenors Needlessly Divide Hopkins Into Separate Districts .....	15
4.    Modest Improvements In Population Deviation Do Not Justify The Numerous Political Subdivision Splits In The Other Parties' Plans.....	17
B.    Plaintiffs' Legislative Plan Complies With The Panel's Criteria By Creating Districts Composed Of Contiguous, Convenient Territory; Intervenors' Plans Do Not.....	20
C.    Plaintiffs' Legislative Plan Complies With The Panel's Criteria By Preserving Persuasively Established Communities Of Interest Where Possible; Intervenors' Plans Do Not .....	25
1.    Intervenors Needlessly Split Neighborhoods and Planning Districts In the State's Largest Cities .....	25
2.    Intervenors Combine Urban and Suburban Areas More Than Necessary .....	26

## TABLE OF CONTENTS

(continued)

	<u>Page</u>
3. Intervenor Separate Townships From Their Related Cities and Towns.....	27
D. Plaintiffs' Legislative Plan Complies With The Panel's Criteria By Creating Districts That Were Not Drawn To Protect Or Defeat Incumbents, Unlike Intervenor's Plans.....	30
1. Intervenor's Plans Feature An Astonishing Number of Republican Pairings .....	31
2. The High Number of Republican Pairings in Intervenor's Plans Do Not Reflect the Demographic Changes Over the Past Decade .....	32
3. Plaintiffs' Plan Is The Only Plan That Complies with The Panel's Criteria Regarding Undue Incumbent Protection or Defeat .....	33
II. THE PARTIES' AGREEMENT ON SEVERAL PROPOSED LEGISLATIVE DISTRICTS VALIDATES PLAINTIFFS' RECOMMENDATION TO USE LOGICAL GROUPINGS OF COUNTIES AND CITIES .....	34
A. All Of The Parties Proposed The Same Districts In Northwestern Minnesota And In West And South St. Paul .....	35
B. The Martin Intervenor Proposed Similar Districts To Plaintiffs' Districts In Certain Areas Of The State .....	36
C. The Britton Intervenor Proposed Similar Districts To Plaintiffs' Districts In Certain Areas Of The State .....	39
D. The Panel Should Adopt The Logical Groupings Of Counties And Cities Proposed By Plaintiffs .....	41
III. PLAINTIFFS' LEGISLATIVE DISTRICTS ARE SUPERIOR TO THE DISTRICTS PROPOSED BY THE MARTIN AND BRITTON INTERVENORS .....	42
A. Plaintiffs' Plan Protects Minnesota's Out-State Population Centers Better Than Intervenor's Plans .....	42
1. Plaintiffs' Plan Protects the Moorhead Area Better Than Intervenor's Plans .....	42
2. Plaintiffs' Plan Protects the St. Cloud Area Better Than Intervenor's Plans .....	44

## TABLE OF CONTENTS

(continued)

	<u>Page</u>
3. Plaintiffs' Plan Protects the Mankato Area Better Than Intervenors' Plans.....	47
4. Plaintiffs' Plan Protects The Rochester Area Better Than Intervenors' Plans .....	50
B. Many Of Intervenors' Proposed Districts Constitute Outright Political Gerrymandering .....	56
1. Britton House District 44B .....	57
2. Britton House District 52A .....	58
3. Martin House Districts 11A and 11B.....	59
4. Martin House Districts 18A and 18B.....	60
5. Martin Senate District 22 .....	61
6. Martin House District 39B .....	62
7. Martin House District 54B .....	64
C. Many Of Intervenors' Proposed Districts Are Unconstitutionally Inconvenient .....	64
1. Britton House District 33B .....	65
2. Britton Senate District 34.....	67
3. Britton House Districts 57A and 57B .....	68
4. Martin House District 4A.....	69
5. Martin House District 12B .....	71
6. Martin House District 49A.....	73
7. Martin House District 50B .....	74
D. The Problems with the Martin and Britton Intervenors' Plans Are Too Numerous to Ignore .....	75
IV. THE PANEL SHOULD REJECT THE LEGISLATIVE MAP PROPOSED BY DRAW THE LINE.....	75
CONCLUSION .....	81

## INTRODUCTION

The legislative redistricting plan submitted by the Hippert Plaintiffs is the result of significant legislative judgment and expertise. It was influenced by and modified in response to months of public comment. After the Panel issued its redistricting criteria on November 4, 2011, Plaintiffs further modified their legislative plan to ensure compliance with the Panel's criteria. Throughout the entire process, Plaintiffs drew their maps in accordance with identifiable and objective principles, minimized political subdivision splits, followed the natural geography of Minnesota, and preserved communities of interest wherever possible. The result is that Plaintiffs' legislative plan provides every Minnesotan an opportunity to participate equally in state government and protects the unique communities of Minnesota in a logical and principled manner.

The same cannot be said for the legislative redistricting plans submitted by the Martin and Britton Intervenors. The Martin and Britton maps ignore the criteria adopted by the Panel and subvert the interests of the people of Minnesota for partisan ends. Apart from blatant political motivations, Intervenors' plans do not reflect any principled or rational approach to redistricting. Even members of their own political party have decried the Martin Intervenors' congressional map as "hyper-partisan and bizarre."<sup>1</sup> If anything, the Martin Intervenors' legislative plan is worse.

---

<sup>1</sup> Kevin Diaz and Rachel E. Stassen-Berger, *DFLers Decry Redistricting Plan of ... DFL*, STAR TRIBUNE (Nov. 18, 2011), available online at <http://www.startribune.com/politics/statelocal/134160393.html> (last visited on December 7, 2011).

When confronted with criticism regarding the obvious political motivations of the Martin Intervenors' maps, Intervenor Ken Martin, the current chair of the Democratic Farmer Labor (DFL) party, admitted that the Martin plans reflect "what's in the best interest of the party" instead of what's in the best interest of the citizens of Minnesota.<sup>2</sup> Likewise, the Britton Intervenors acknowledge that they are "DFL oriented voters" and that "[t]he plan that they present will benefit their interests...." See Description of Britton Intervenors' Proposed Legislative Districts (hereinafter "Britton Brief"), at 40 (Nov. 18, 2011).

Even absent these admissions, the partisan motivations underlying the Martin and Britton legislative plans are clearly reflected in their maps. The number of incumbent pairings and open seats in both plans is stunning. The Martin and Britton plans have more than twice the number of incumbent pairings and open seats than Plaintiffs' plan, and far more than the *Zachman* panel approved. The Martin plan does not include a single Democratic pairing, and the overwhelming number of pairings in both the Martin and Britton plans involve Republican incumbents. The Martin plan features 12 Republican-only incumbent pairings in the House and 3 Republican-only incumbent pairings in the Senate. The Britton plan features 11 Republican-only incumbent pairings in the House and 5 Republican-only incumbent pairings in the Senate.

---

<sup>2</sup> Tom Scheck, *DFL Chair: I Did What's Best For The Party*, MPR NEWS CAPITOL VIEW (Nov. 21, 2011) (emphasis added), available online at [http://minnesota.publicradio.org/collections/special/columns/polinaut/archive/2011/11/dfi\\_chair\\_i\\_did.shtml](http://minnesota.publicradio.org/collections/special/columns/polinaut/archive/2011/11/dfi_chair_i_did.shtml) (last visited on December 7, 2011).

Given the population trends of the past decade, with significant growth in traditional Republican areas, it is actually difficult to draw maps that achieve these political results. The miniscule odds of achieving these results without premeditation lead to the unavoidable conclusion that the Martin and Britton maps were drawn primarily for the purpose of achieving calculated political objectives.

The Martin and Britton Intervenors' agenda is also clear in their apparent disregard for the Panel's redistricting criteria. The Martin and Britton legislative plans were drawn in accordance with the criteria that each of those parties proposed to the Panel, instead of the criteria actually adopted by the Panel. Both the Martin and Britton legislative maps are full of oddly configured districts that needlessly split political subdivisions, cross rivers with no apparent purpose, and divide communities of interest without providing any benefits to the people of Minnesota. It is not surprising that the Martin and Britton Intervenors refused to release their maps for public review until the last possible minute.

The people of Minnesota deserve better than the unprincipled maps proposed by the Martin and Britton Intervenors. To adopt either of these politically motivated maps would entangle the Panel in precisely "the politics that surround redistricting processes and are common to the legislative arena," which the Panel must avoid. *Zachman v. Kiffmeyer et al.*, No. C0-01-160 (hereinafter "*Zachman*"), Order Stating Redistricting Principles, at 10 (Minn. Special Redistricting Panel, Dec. 11, 2001). On the other hand, Plaintiffs' legislative map is consistent with the Panel's criteria, protects Minnesota's communities, and follows a sensible, rational framework for redistricting based on

objective and identifiable standards and principles. Plaintiffs respectfully request that the Panel reject the proposals made by the Martin and Britton Intervenors and adopt Plaintiffs' legislative redistricting plan in its entirety.

## ARGUMENT

### I. PLAINTIFFS' LEGISLATIVE REDISTRICTING PLAN IS THE ONLY PLAN THAT FOLLOWS THE PANEL'S REDISTRICTING CRITERIA.

On November 4, 2011, the Panel adopted redistricting principles for the party's submissions to the Panel. *See* Order Stating Redistricting Principles and Requirements for Plan Submissions (hereinafter "Criteria Order") (Minn. Special Redistricting Panel, Nov. 4, 2011). In adopting these redistricting principles, the Panel rejected various arguments made by the parties regarding what criteria should govern, including the arguments that nebulous communities of interest justify splitting political subdivisions, and that the maps should be drawn with restrictive population deviations that make numerous divisions of counties and cities inevitable. Nonetheless, the Martin and Britton legislative redistricting plans cling to their rejected criteria and ignore the criteria actually adopted by the Panel. Plaintiffs' plan is the only legislative redistricting plan submitted to the Panel that adheres to the redistricting principles established in the Panel's November 4, 2011 criteria order.

#### A. Plaintiffs' Legislative Plan Preserves Political Subdivisions.

##### 1. Plaintiffs' Plan Achieves Minimal Political Subdivision Splits.

Political subdivisions are the fundamental building blocks of Minnesota and represent some of Minnesota's "most fundamental communities of interest and centers of local government." *Zachman*, Final Order Adopting a Legislative Redistricting Plan, at 3 (Mar. 19, 2002). Courts have long recognized that preservation of political subdivisions is an important consideration, which justifies "some deviations from population-based

representations” in legislative districts. *Reynolds v. Sims*, 377 U.S. 533, 580 (1964). Minnesota law explicitly requires that political subdivisions be preserved to the greatest extent possible. Minn. Stat. § 2.91, subd. 2.

Consistent with the precedent established by past redistricting panels and the requirements of Minnesota law, the Panel adopted redistricting criteria requiring that “[p]olitical subdivisions shall not be divided more than necessary to meet constitutional requirements.” See Criteria Order, at Legislative Redistricting Principle No. 7 (Nov. 4, 2011); see also Minn. Stat. § 2.91, subd. 2. The Panel also rejected the requests of the parties to adopt a maximum tolerable percentage deviation of  $\pm 0.5\%$  or  $\pm 1\%$  for legislative districts and, instead, adopted the  $\pm 2\%$  standard used by the *Zachman* Panel. See Criteria Order, at Legislative Redistricting Principle No. 4 (Nov. 4, 2011).

By adopting a  $\pm 2\%$  deviation, the Panel signaled that even though population equality is extremely important, the other criteria adopted by the Panel – such as preservation of political subdivisions and communities of interest and the creation of contiguous, convenient districts – are also integral parts of the redistricting process. While Plaintiffs’ population deviations are well within the Panel’s  $\pm 2\%$  maximum deviation, Plaintiffs’ legislative redistricting plan is the only plan submitted to the Panel that gives due concern to these other redistricting criteria.

Plaintiffs drew house districts before drawing senate districts and utilized logical groupings of counties and cities wherever possible. The result is that Plaintiffs’ legislative plan compares very favorably to the results reached by the *Zachman* panel, and does far better than either the Martin or Britton plans.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>	<b>Zachman Panel's House Redistricting Plan</b>
<b>Number of Counties Split Into More Than One House District</b>	40	49	52	50
<b>Number of Times a County Is Split Into More Than One House District</b>	144	163	168	148
<b>Number of Minor Civil Divisions ("MCDs") Split Into More Than One House District</b>	39	66	86	46
<b>Number of Times an MCD Is Split Into More Than One House District</b>	72	104	127	77

	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>	<b>Zachman Panel's Senate Redistricting Plan</b>
<b>Number of Counties Split Into More Than One Senate District</b>	29	38	41	31
<b>Number of Times a County Is Split Into More Than One Senate District</b>	81	91	97	76
<b>Number of MCDs Split Into More Than One Senate District</b>	28	45	59	25
<b>Number of Times an MCD Is Split Into More Than One Senate District</b>	38	60	70	36

**2. Intervenor Ignored The Panel's Criteria And Did Not Attempt To Preserve Political Subdivisions.**

While Plaintiffs' legislative plan reduces or is substantially equivalent to the number of county and MCD splits approved in *Zachman*, the Martin and Britton Intervenor's plans each dramatically increase the number of political subdivision splits in

the state. The Britton Intervenors' plan is particularly egregious in this respect. The Britton plan almost doubles the current number of MCDs split by house districts from 46 to 86 (an increase of 87%), and it more than doubles the number of MCDs split by senate districts from 25 to 59 (an increase of 136%).

The Martin Intervenors' proposal is slightly better than the Britton plan, but still results in a substantial, unnecessary increase in political subdivision splits from the existing legislative maps. The Martin plan increases the number of MCDs split by house districts from 46 to 66 (an increase of 43%), and it increases the number of MCDs split by senate districts from 25 to 45 (an increase of 80%).

The large number of political subdivision splits in both the Martin and Britton plans appears to result from these parties' conscious disregard of the Panel's directive to preserve political subdivisions. The Panel adopted redistricting criteria that prioritizes the statutory requirement for preservation of political subdivisions over preservation of other communities of interest. *See* Criteria Order, at Legislative Redistricting Principle No. 8 (Nov. 4, 2011) (stating that communities of interest shall be preserved only "[w]here possible in compliance with the preceding principles").

The Martin Intervenors expressly disavow the Panel's criteria in the formulation of their maps. They argue that "[c]ounty boundaries in the Twin Cities do not generally define metropolitan area communities . . . ." *See* Martin Intervenors' Memorandum Regarding Legislative Plan (hereinafter "Martin Brief"), at 17 (Nov. 18, 2011). The Martin Intervenors further argue that "communities in the Twin Cities are often created because of shared circumstances, concerns, or neighborhoods rather than city or county

boundaries.” *Id.* This argument is unfounded and simply serves to increase dramatically the number of political subdivision splits over the number of splits in the existing *Zachman* districts and in Plaintiffs’ plan.

In a similar fashion, the Britton Intervenors argue that “Minnesotans do not [choose] to live just within political subdivisions.” *See* Britton Brief, at 38 (Nov. 18, 2011). The Britton Intervenors also make the inflammatory argument that “blind adherence to municipal boundaries is a rationale for ‘packing,’ i.e., fencing in those who the drafter perceives to be ‘different.’” *Id.* However, the Britton Intervenors make no effort to establish that ‘packing’ is either the goal or result of Plaintiffs’ proposed plan.

In addition to being conclusory and unsupported, the Martin and Britton Intervenors’ arguments against preserving political subdivisions are a rejection of the redistricting criteria adopted by this Panel as well as previous redistricting panels. *See* Criteria Order, at Legislative Redistricting Principle No. 7 (Nov. 4, 2011) (requiring preservation of political subdivisions); *see also Zachman*, Order Stating Redistricting Principles and Requirements for Plan Submissions, at Legislative Redistricting Principle No. 7 (Dec. 11, 2011) (same). Intervenors’ arguments ignore and directly contradict Minnesota law. *See* Minn. Stat. § 2.91, subd. 2 (requiring preservation of political subdivisions). More importantly, their arguments do a grave injustice to the people of Minnesota, who most assuredly do choose to live within certain cities or counties.

The Martin and Britton Intervenors do not offer any evidence in support of their arguments that political subdivisions do not matter to Minnesotans. The Martin

Intervenors do not identify what “circumstances,” “concerns,” or neighborhoods<sup>3</sup> they believe justify dividing metro area counties or cities. *See* Martin Brief, at 17 (Nov. 18, 2011). Nor do the Britton Intervenors offer any support for their argument that Minnesotans identify more with “[t]ransportation corridors and arterial streets”<sup>4</sup> than the cities or counties in which they live. *See* Britton Brief, at 38 (Nov. 18, 2011).

Even if the Martin and Britton Intervenors had evidence to support their arguments, it would be irrelevant. The Martin and Britton Intervenors already presented these arguments to the Panel, and the Panel rejected them. The Panel’s redistricting criteria order is a clear refutation of the Martin and Britton Intervenors’ requests to use vaguely defined communities of interest to justify political subdivision splits. *See* Criteria Order, at Legislative Redistricting Principle Nos. 7 and 8 (Nov. 4, 2011) (prioritizing political subdivisions over communities of interest). The Martin and Britton Intervenors’ attempt to litigate this issue anew shows that they made no effort to tailor their maps to the criteria adopted by the Panel. Their reliance on previously rejected

---

<sup>3</sup> Despite the Martin Intervenors’ argument that neighborhoods are communities of interest, the Martin Intervenors split far more neighborhoods and planning districts than necessary in Minneapolis, St. Paul, and Duluth. *See infra*, § I(C)(1) (comparing neighborhood and planning district splits in the Hippert, Martin, and Britton plans).

<sup>4</sup> The Panel should reject the Britton Intervenors’ argument that arterial streets and transportation corridors are more important than city or county boundaries in a legislative plan. Very often, arterial streets and transportation corridors provide objective, convenient boundaries for legislative districts that preserve both political subdivisions and communities of interest. *See* Hippert Plaintiffs’ Memorandum in Support of Proposed Legislative Redistricting Plan, at 35–37 (Nov. 18, 2011) (discussing the use of major roads as borders for legislative districts).

arguments to support their *ad hoc* approach to map drawing is but one of many reasons why the Panel should reject the proposals of the Martin and Britton Intervenors.

**3. Intervenors Split More Cities and Counties Than Necessary.**

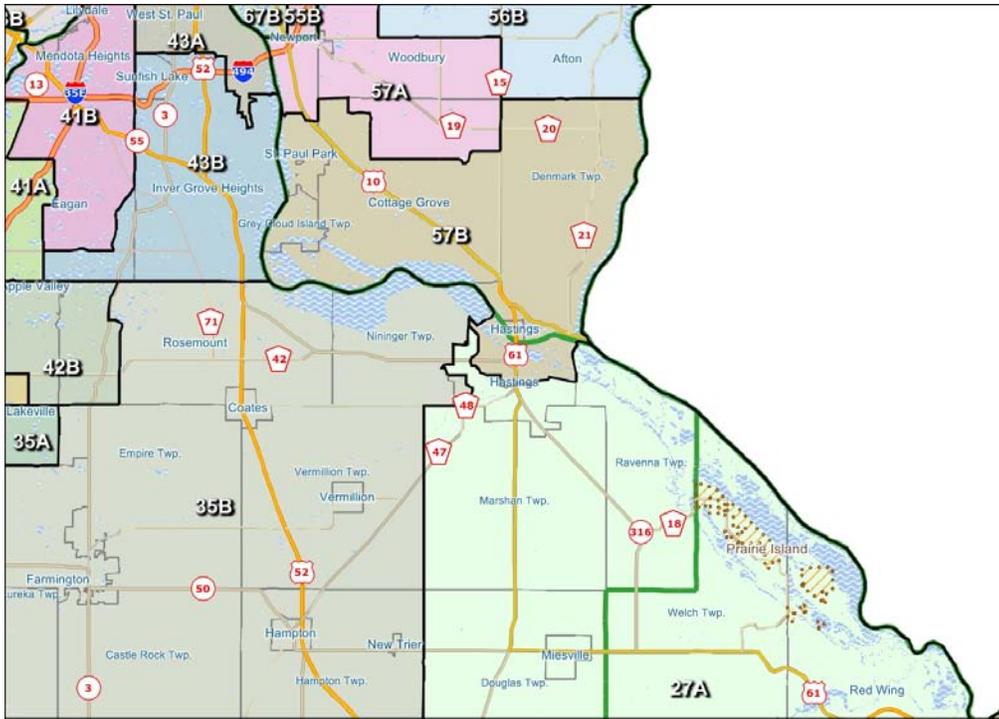
In many areas, the Martin and Britton Intervenors' disregard for the state's political subdivisions appears indefensible. While there are too many political subdivision splits in Intervenors' plans to detail them all in this brief, a few examples are particularly noteworthy and are illustrative of the Martin and Britton plans' failure to comply with the Panel's criteria. Plaintiffs' plan proves that these subdivision splits can be avoided while still applying the Panel's other criteria.

**a. The Martin Intervenors Divide Hastings Into Three Separate Senate Districts.**

Hastings has a population of 22,172, which is a little more than half the size of the ideal house district and a little more than one quarter the size of an ideal senate district.<sup>5</sup> Nevertheless, the Martin plan divides Hastings between three senate districts (Martin Senate Districts 27, 35, and 57):

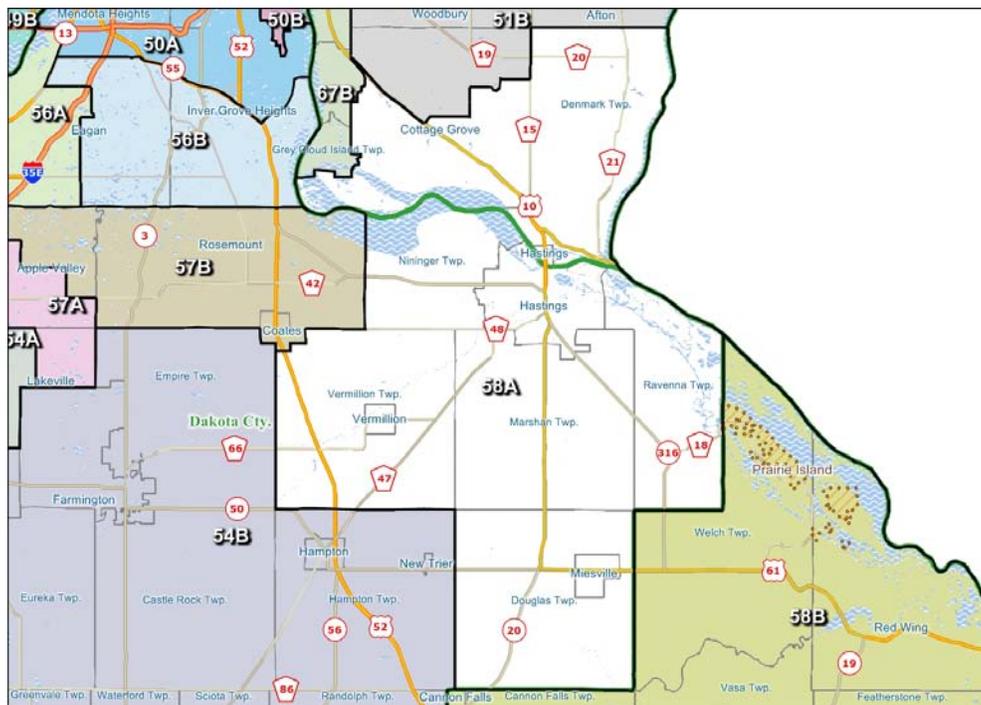
---

<sup>5</sup> See <http://quickfacts.census.gov/qfd/states/27/2727530.html> (last visited on December 7, 2011).



**MARTIN HASTINGS AREA**

In contrast, Plaintiffs’ plan keeps all of Hastings within Plaintiffs’ House District 58A:

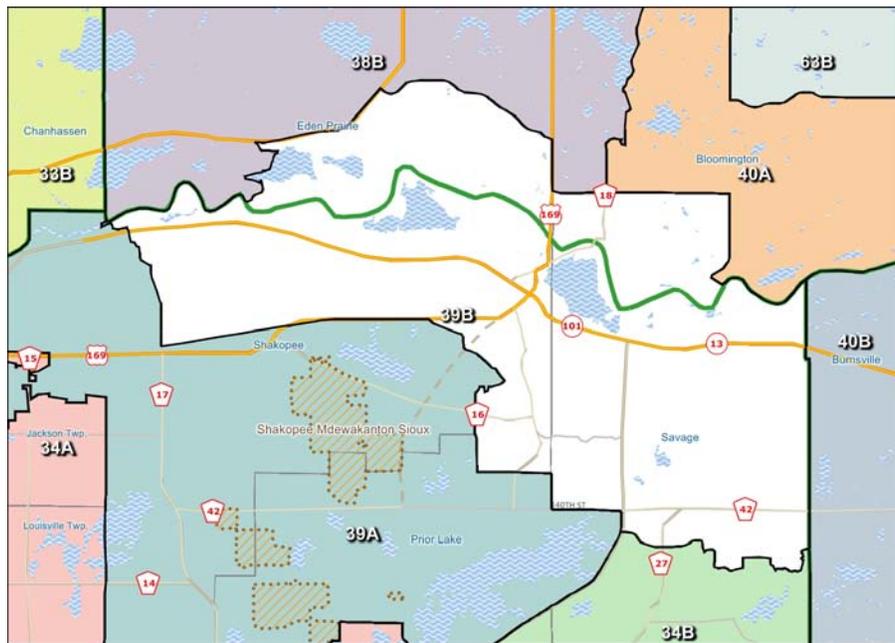


**HIPPERT HOUSE DISTRICT 58A**

Because the carved-up portion of Hastings in the Martin Intervenor’s Senate Districts 27, 35, and 57 represent only a fraction of each district, the Martin Intervenor’s plan significantly diminishes the representation of Hastings in the Minnesota Senate. The Martin Intervenor’s proposal to divide Hastings into three senate districts should be rejected.

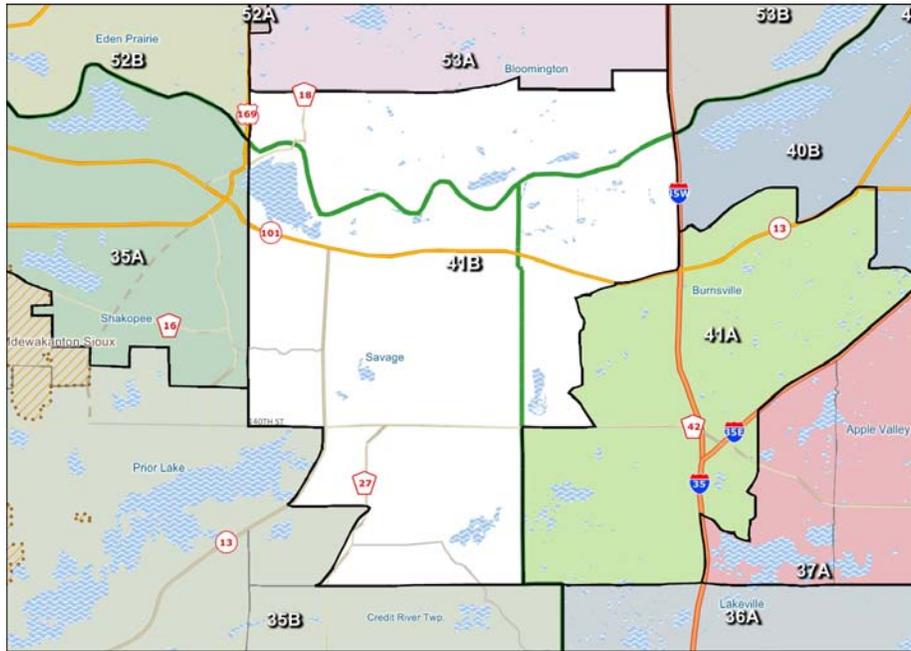
**b. The Martin And Britton Intervenor’s Create Unnecessary Political Subdivision Splits In Northern Scott County.**

Both the Martin and Britton Intervenor’s create unnecessary political subdivision splits and cross the Minnesota River without justification in northern Scott County. The Martin Intervenor’s plan is particularly detrimental to this region, splitting Shakopee, Savage, and Prior Lake in Scott County as well as Eden Prairie and Bloomington in southern Hennepin County:



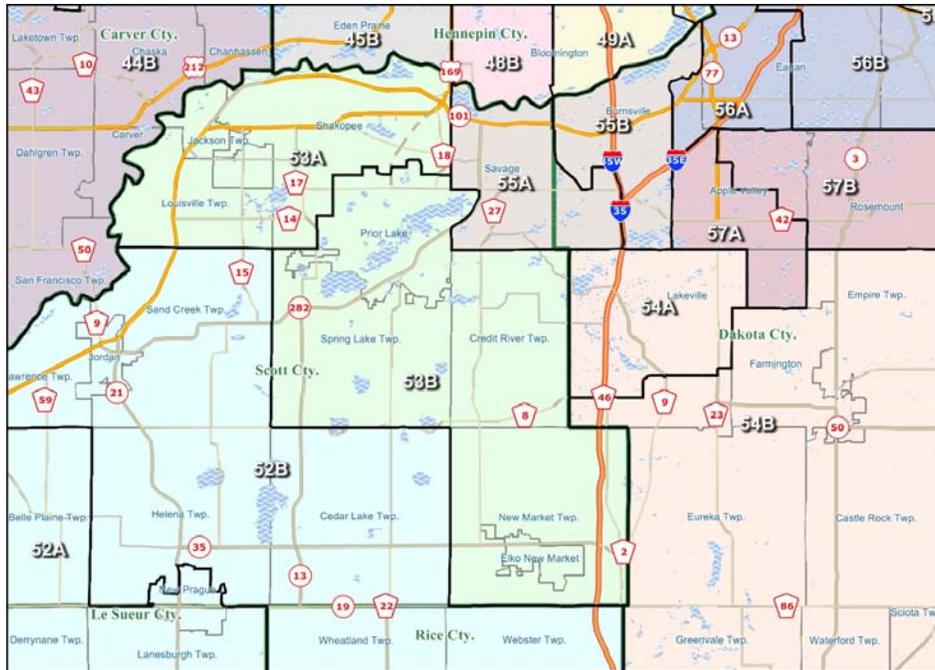
**MARTIN NORTHEASTERN SCOTT COUNTY**

The Britton plan is slightly better in this region, but Britton House District 41B also crosses the Minnesota River and creates unnecessary splits in Savage, Bloomington, and Burnsville:



**BRITTON HOUSE DISTRICT 41B**

In comparison, Plaintiffs’ plan avoids crossing the Minnesota River and keeps the cities of Shakopee, Savage, and Prior Lake whole:



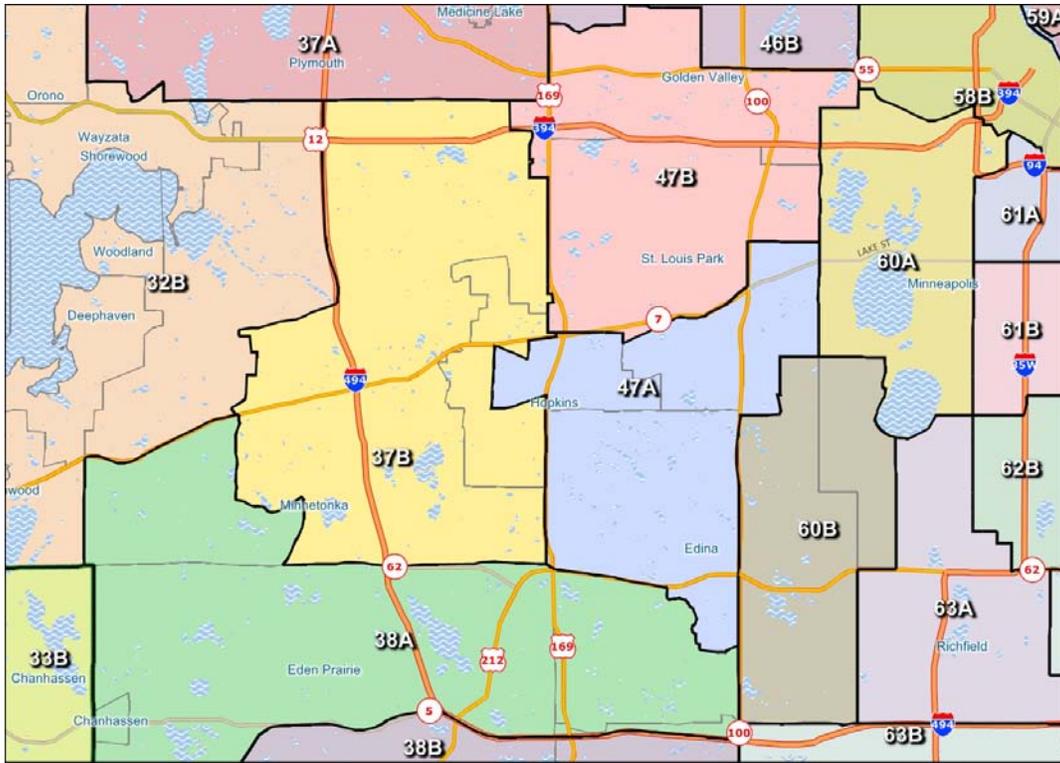
### HIPPERT NORTHEASTERN SCOTT COUNTY

Because Plaintiffs’ plan for Northern Scott County features fewer political subdivision splits and does not cross the Minnesota River, it is superior to the proposals of the Martin and Britton Intervenor.

c. The Martin Intervenor’s Needlessly Divide Hopkins Into Separate Districts.

Hopkins has a population of 17,591, which is less than half the size of an ideal house district and less than one quarter the size of an ideal senate district.<sup>6</sup> Nonetheless, the Martin plan divides Hopkins between two house districts (Martin House Districts 37B and 47A) and two senate districts (Martin Senate Districts 37 and 47):

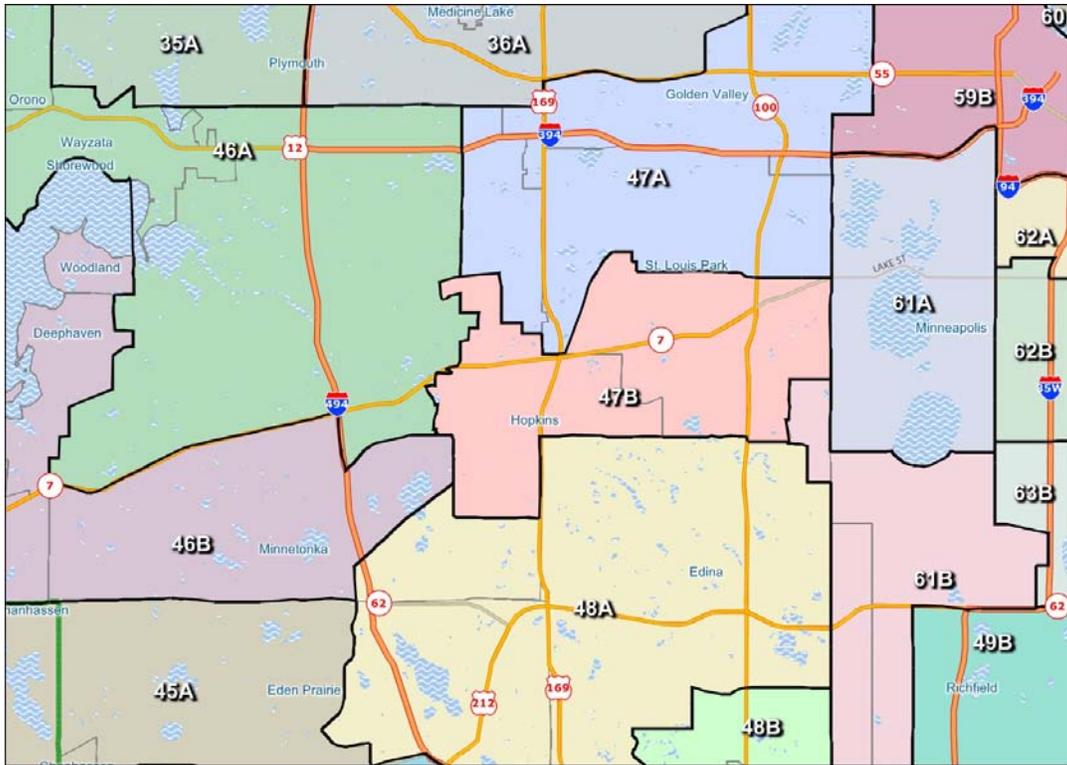
<sup>6</sup> See <http://quickfacts.census.gov/qfd/states/27/2730140.html> (last visited on December 7, 2011).



### MARTIN HOPKINS AREA

The Martin Intervenors offer no explanation for the odd shape of these districts or for the needless split of the city of Hopkins. *See* Martin Brief, at 36, 38 (Nov. 18, 2011).

Plaintiffs' plan keeps all of Hopkins whole within Plaintiffs' House District 47B and Plaintiffs' Senate District 47:



### HIPPERT HOPKINS AREA

The Martin Intervenors' approach to the city of Hopkins is yet another example of an unjustified political subdivision split that can be easily avoided.

#### **4. Modest Improvements In Population Deviation Do Not Justify The Numerous Political Subdivision Splits In The Other Parties' Plans.**

Despite carving up the state's political subdivisions, the Martin and Britton Intervenors achieve only modest improvements in population deviations as compared to Plaintiffs' plan. In the case of the Martin Intervenors, the improvements in population deviation are barely discernible, making their political subdivision splits even more questionable.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>	<b>Zachman Panel's House Redistricting Plan</b>
<b>Mean Deviation</b>	0.59% (233.57 persons)	0.51% (203.49 persons)	0.23% (102 persons)	0.32% (118.29 persons)
<b>Largest District Deviation</b>	1.13% (449 persons)	0.99% (392 persons)	0.40% (158 persons)	0.78% (285 persons)
<b>Smallest District Deviation</b>	-1.29% (-509 persons)	-0.99% (-392 persons)	-0.39% (-155 persons)	-0.79% (-289 persons)
<b>Overall Range</b>	2.42% (958 persons)	1.98% (784 persons)	0.79% (313 persons)	1.56% (574 persons)

	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>	<b>Zachman Panel's Senate Redistricting Plan</b>
<b>Mean Deviation</b>	0.46% (366.12 persons)	0.40% (314.93 persons)	0.17% (130.93 persons)	0.28% (205.88 persons)
<b>Largest District Deviation</b>	0.99% (786 persons)	0.91% (722 persons)	0.38% (299 persons)	0.73% (539 persons)
<b>Smallest District Deviation</b>	-0.96% (-763 persons)	-0.94% (-746 persons)	-0.37% (-296 persons)	-0.61% (-449 persons)
<b>Overall Range</b>	1.96% (1,549 persons)	1.85% (1,468 persons)	0.75% (595 persons)	1.35% (988 persons)

All of the parties' population deviations are well within the Panel's  $\pm 2\%$  maximum population deviation standard. *See* Criteria Order, Legislative Redistricting Principle No. 4 (Nov. 4, 2011). However, only Plaintiffs' plan utilizes the flexibility of the Panel's  $\pm 2\%$  maximum tolerable percentage deviation to comply with the Panel's other redistricting criteria, such as preservation of political subdivisions. *See Reynolds*, 377 U.S. at 579 (holding that "divergences from a strict population standard" for legislative districts are permissible so long as they "are based on legitimate considerations incident to the effectuation of a rational state policy...."). Plaintiffs modified the initial map passed by the Legislature after the Panel adopted its redistricting

criteria in order to reduce further the number of political subdivision splits in Plaintiffs' House Districts 9A, 26A, and 53B. *See* Hippert Plaintiffs' Memorandum in Support of Proposed Legislative Redistricting Plan (hereinafter "Hippert Brief"), at 9–13 (Nov. 18, 2011).

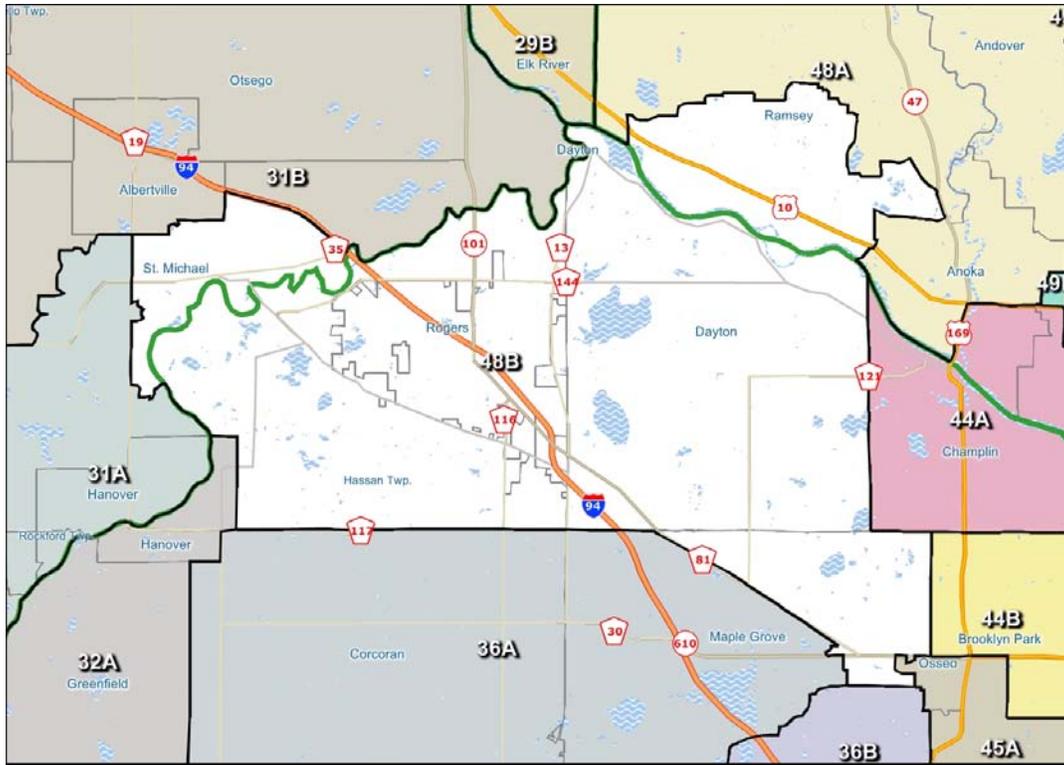
The minimally better population deviations achieved by the Martin and Britton Intervenor come at a heavy cost, borne largely by the state's cities, townships, and counties. The *Zachman* Panel rejected this type of approach, which sacrifices counties and cities for modest improvements in population deviation. *See Zachman*, Final Order Adopting a Legislative Redistricting Plan, at 4 n.2 (Mar. 19, 2002) ("[C]reating an additional political subdivision split for such a small change in population was not a favorable trade."). The dramatic number of splits in the Martin and Britton plans will impose a significant and costly burden on these municipalities and make elections difficult to administer.

The low number of political subdivision splits in Plaintiffs' plan proves that many of the splits in the Martin and Britton plans easily can be avoided. To preserve Minnesota's communities, the Panel should follow the precedent of *Zachman*, reject the slice-and-dice approach of the Martin and Britton Intervenor, and embrace the more flexible approach established in the Panel's criteria and utilized in Plaintiffs' legislative plan.

**B. Plaintiffs' Legislative Plan Complies With The Panel's Criteria By Creating Districts Composed Of Contiguous, Convenient Territory; Intervenors' Plans Do Not.**

The Minnesota Constitution as well as the Panel's redistricting criteria require that legislative districts must consist of "convenient contiguous territory." MINN. CONST. art. IV, § 3; *see also* Criteria Order, Legislative Redistricting Principle No. 6 (Nov. 4, 2011). The Panel's criteria provide that "[c]ontiguity by water is sufficient if the body of water does not pose a serious obstacle within the district," and that "[l]egislative districts with areas that connect only at a single point shall not be considered contiguous." Criteria Order, Legislative Redistricting Principle No. 6 (Nov. 4, 2011).

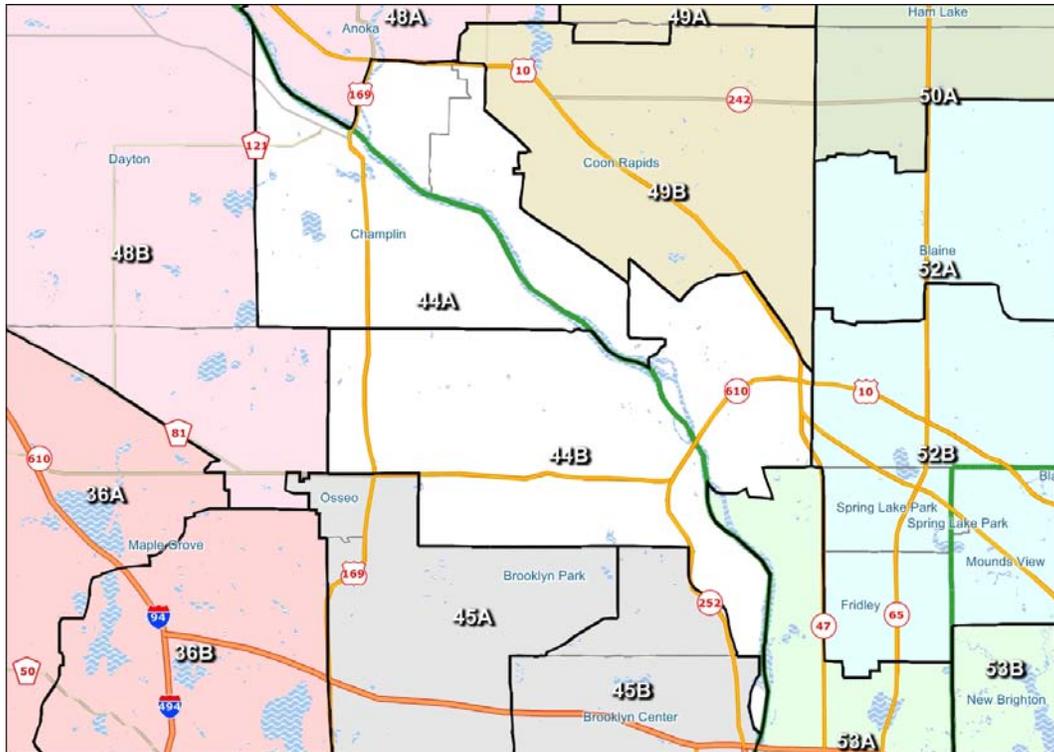
One of the most egregious ways in which the Martin and Britton Intervenors' plans violate the Panel's requirement for contiguous and convenient districts is by drawing districts that cross rivers without justification. In many areas, the Martin Intervenors create difficult-to-traverse districts that pay no attention to the natural borders between Minnesota's communities. For example, Martin House District 48B crosses the Crow River in the west and the Mississippi River in the northeast to create a house district spanning two rivers and three counties:



### **MARTIN HOUSE DISTRICT 48B**

The portion of Ramsey in the northeastern part of Martin House District 48B is not contiguous with the remainder of the district because it cannot be accessed from Dayton without traveling through a neighboring house district.

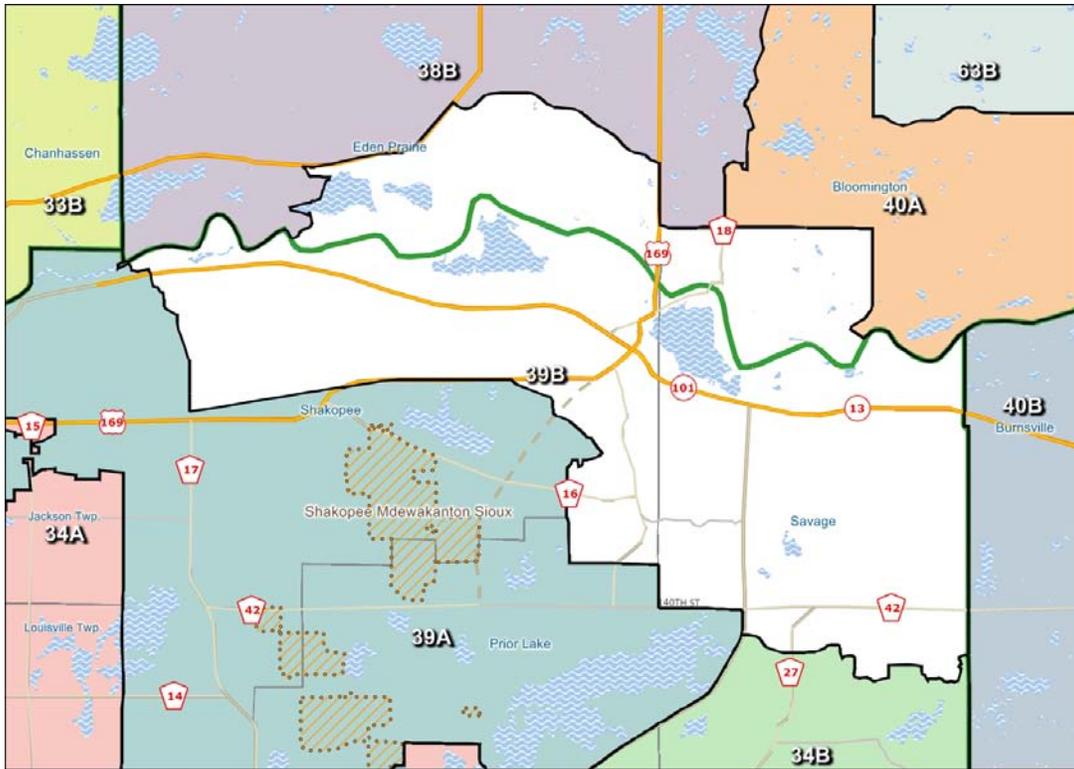
Other examples of the Martin Intervenor's districts crossing rivers unnecessarily are Martin House Districts 44A and 44B. Each of these districts straddle the Mississippi River where it divides Hennepin and Anoka counties:



**MARTIN HOUSE DISTRICTS 44A AND 44B**

The Martin Intervenor’s House Districts 44A and 44B create unwarranted political subdivision splits in Anoka and Coon Rapids, and needlessly divide communities of interest on either side of the river.

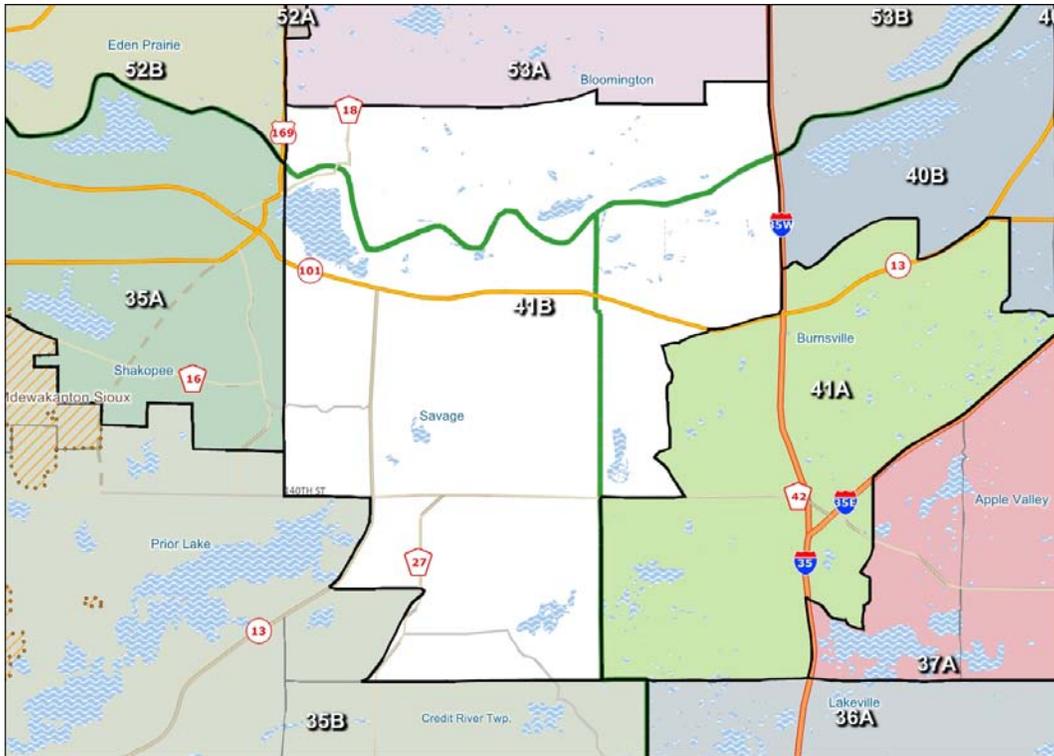
Both the Martin and Britton Intervenor’s cross rivers without justification in the south metro area as well. The Martin Intervenor’s House District 39B crosses the Minnesota River and combines portions of Shakopee, Eden Prairie, Bloomington, and Savage in a single district:



### **MARTIN HOUSE DISTRICT 39B**

The Martin Intervenors offer no justification for this odd district. *See* Martin Brief, at 36 (Nov. 18, 2011).

The Britton Intervenors' House District 41B also crosses the Minnesota River, creating an inconvenient and illogical district in the south metro, combining portions of Savage, Bloomington, and Burnsville without justification:



### **BRITTON HOUSE DISTRICT 41B**

The Martin and Britton Intervenor’s willingness to cross the Minnesota River in the south metro demonstrates a failure to appreciate the distinct communities in that region. In the south metro, the Minnesota River is as much a psychological divide as it is a physical one. Many Minnesotans on either side of the river define themselves as being either “north of the river” or “south of the river.” Lumping these communities into single districts ignores one of the most significant geographical boundaries in the region and does a grave disservice to the individuals on both sides of the river.

Utilizing rivers as district boundaries makes sense not only because it results in convenient, contiguous districts, but also because it helps preserve political subdivisions and communities of interest. By crossing rivers needlessly, the Martin and Britton plans violate both the Panel’s redistricting criteria and the requirement of the Minnesota

Constitution for districts that consist of “convenient contiguous territory.” MINN. CONST. art. IV, § 3. The utilization of rivers as district boundaries in Plaintiffs’ plan is a far more logical and effective strategy. *See* Hippert Brief, at 5, 34–35 (Nov. 18, 2011) (discussing the use of rivers as borders for legislative districts).

**C. Plaintiffs’ Legislative Plan Complies With The Panel’s Criteria By Preserving Persuasively Established Communities Of Interest Where Possible; Intervenors’ Plans Do Not.**

The Panel’s redistricting criteria directed the parties to preserve “persuasively established” communities of interest where possible in compliance with the Panel’s other redistricting principles. *See* Criteria Order, Legislative Redistricting Principle No. 8 (Nov. 4, 2011). Plaintiffs’ legislative plan accomplishes this by, among other things, preserving political subdivisions, using rivers and major roadways as district borders, preserving neighborhoods in the state’s metropolitan centers, and pairing townships with their related cities and towns. *See* Hippert Brief, at 20–61 (Nov. 18, 2011). In contrast, the Martin and Britton Intervenors do not appear to have any coherent approach to preserving communities of interest.

**1. Intervenors Needlessly Split Neighborhoods and Planning Districts In the State’s Largest Cities.**

The lack of any principled approach to preserving communities of interest is apparent in the Martin and Britton Intervenors’ approach to the state’s largest cities: Minneapolis, St. Paul, and Duluth. In these cities, Plaintiffs’ plan splits far fewer neighborhoods and planning districts than either the Martin or Britton Intervenors’ plans.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>
<b>Minneapolis Neighborhood Splits</b>	8	12	22
<b>St. Paul Planning District Splits</b>	4	8	9
<b>Duluth Neighborhood Splits</b>	3	6	4

	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>
<b>Minneapolis Neighborhood Splits</b>	6	6	15
<b>St. Paul Planning District Splits</b>	3	4	6
<b>Duluth Neighborhood Splits</b>	1	5	1

Neighborhood and planning district borders provide objective standards that enable the preservation of “persuasively established” communities of interest. During the Panel’s public hearings, many members of the public requested that neighborhoods and planning districts be preserved where possible. *See e.g.*, Testimony of Elianne Farhat, Minneapolis Public Redistricting Hearing (Oct. 6, 2011) (p. 48–51); Testimony of Lori Stee, Minneapolis Public Redistricting Hearing (Oct. 6, 2011) (p. 28–29); Testimony of Megan Gamble, St. Paul Public Redistricting Hearing (Oct. 5, 2011) (p. 80–81). The high number of splits in the Martin and Britton plans suggest that Intervenors did not make serious attempts to preserve neighborhoods and planning districts.

## **2. Intervenors Combine Urban and Suburban Areas More Than Necessary.**

The Martin and Britton maps join areas of Minneapolis with surrounding suburban areas more than is appropriate or necessary. Only one of Plaintiffs’ legislative districts in Minneapolis, Plaintiffs’ House District 61B, shares population with a neighboring

suburb. *See* Hippert Brief, at 42–43 (Nov. 18, 2011). In contrast, both the Martin and Britton plans feature two or more districts that divide Minneapolis residents away from the city and into a district with neighboring suburbs.

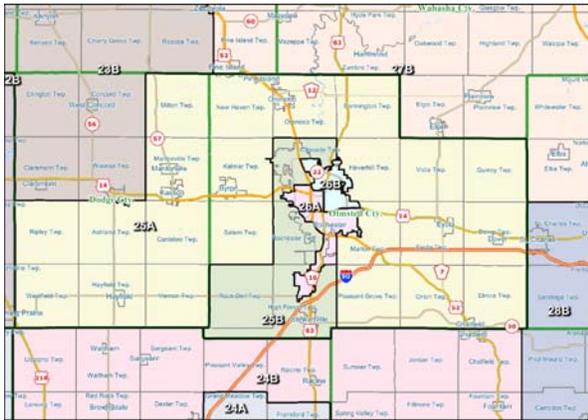
The Martin Intervenors’ proposed House Districts 60B and 63A combine portions of Edina and Richfield with portions of south Minneapolis. The Britton Intervenors’ House District 56B combines portions of south Minneapolis with Richfield, and the Britton Intervenors’ House District 59A combines portions of northeast Minneapolis with St. Anthony and portions of Columbia Heights. The Britton Intervenors’ House Districts 54A and 60A also share small portions of population between Minneapolis and Brooklyn Center.

Combining the urban areas of Minneapolis and neighboring suburban areas into single districts violates both the Panel’s criterion requiring preservation of political subdivisions and its criterion requiring preservation of communities of interest. Plaintiffs’ plan proves that it is unnecessary for more than one Minneapolis district to share population with its neighboring suburbs.

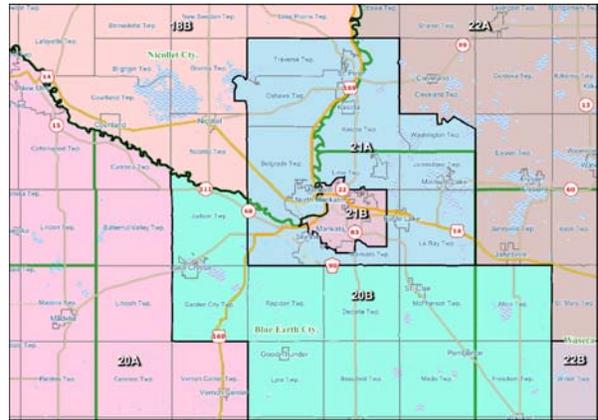
### **3. Intervenors Separate Townships From Their Related Cities and Towns.**

The Martin and Britton Intervenors’ maps divide communities of interest by separating townships from their related cities and towns in rural Minnesota. During the Panel’s public hearings, numerous members of the public testified about the advantages of keeping townships and their related cities or towns together. *See e.g.*, Testimony of Christy Jo Fogarty, Farmington City Council Member, Minneapolis Public Redistricting

Hearing (Oct. 6, 2011) (p. 15–18); Testimony of Joan Parskalleh, St. Cloud Public Redistricting Hearing (Oct. 13, 2011) (p. 17); Testimony of Rhonda Sivarajah, Chair of Anoka County Board of Commissioners, St. Paul Public Redistricting Hearing (Oct. 5, 2011) (p. 62–65). The Martin Intervenors disregarded this testimony, in part, by creating odd-shaped donut districts around both Mankato and Rochester:

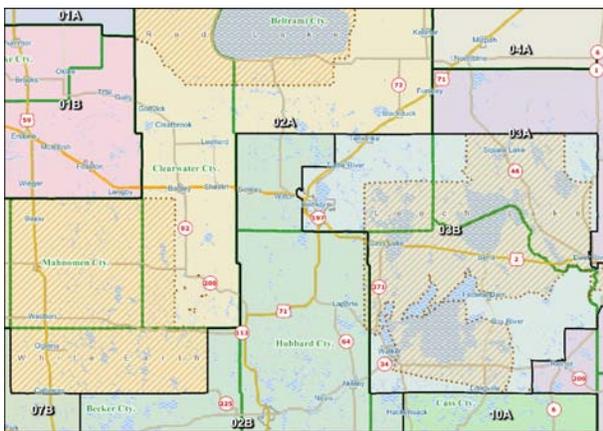


**MARTIN ROCHESTER AREA**

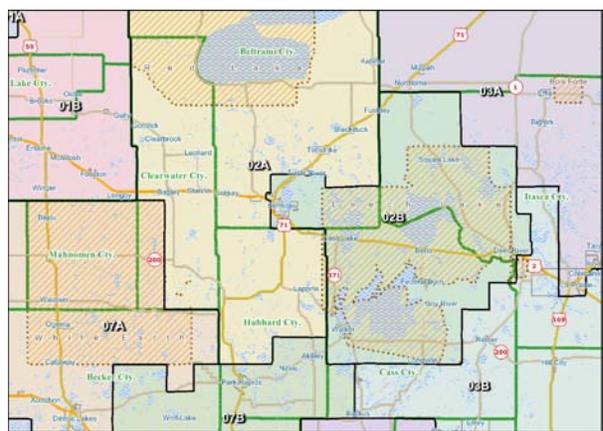


**MARTIN MANKATO AREA**

Both the Martin and Britton Intervenors' maps separate Bemidji from the townships to its immediate north, west, and south:

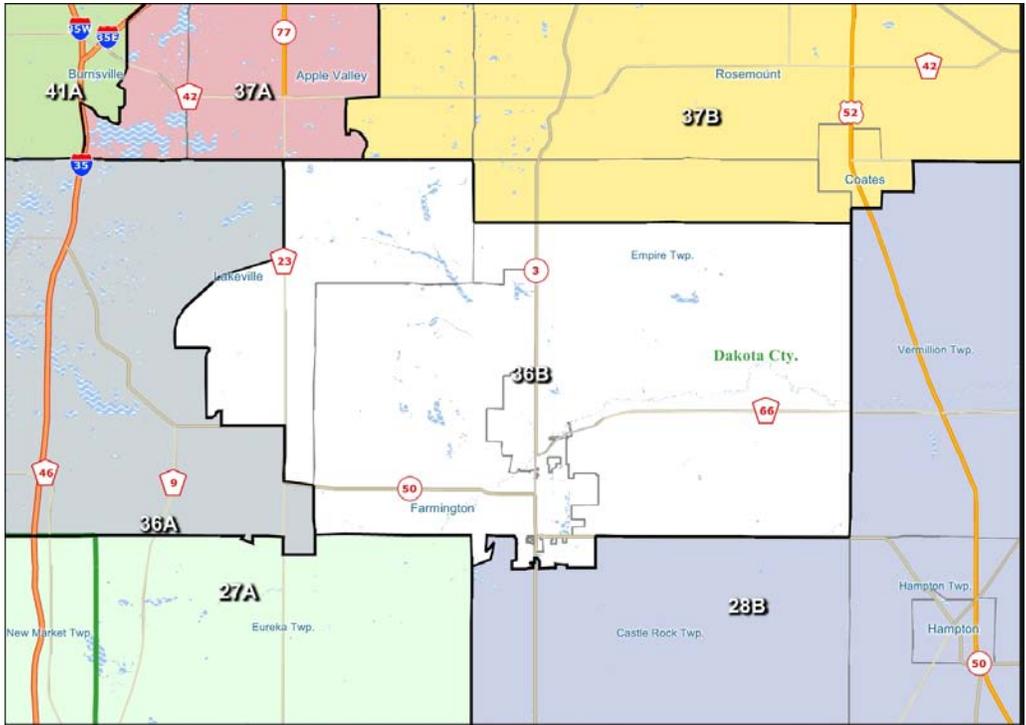


**MARTIN BEMIDJI AREA**



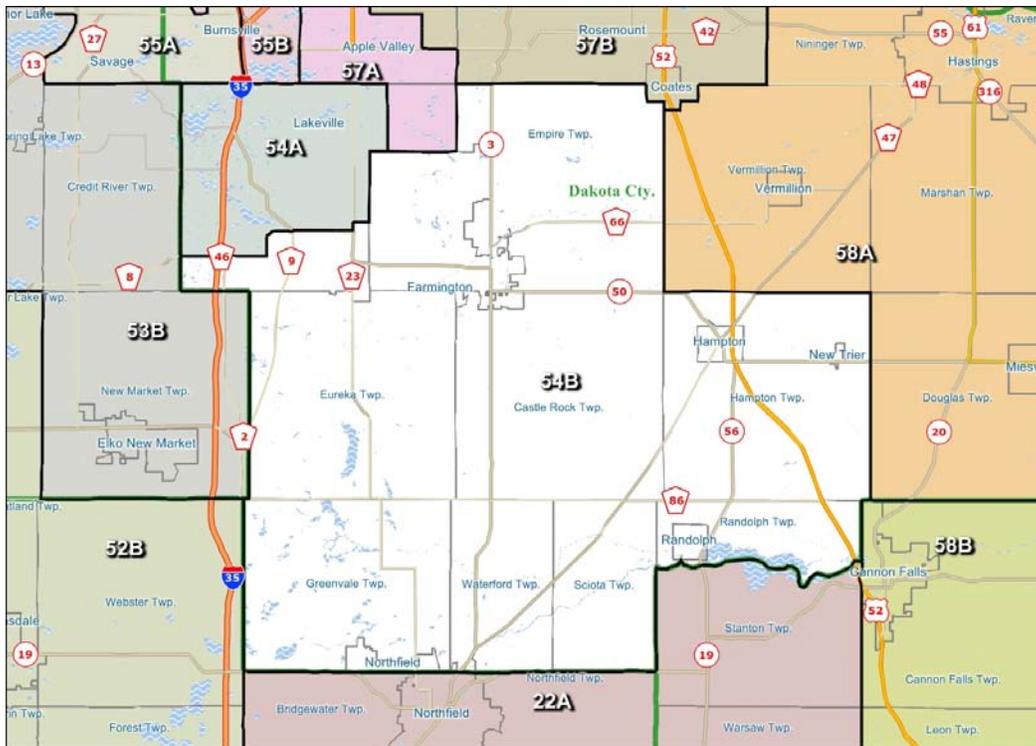
**BRITTON BEMIDJI AREA**

In addition, the Britton Intervenor's proposed House District 36B cuts off Farmington from its surrounding townships:



**BRITTON HOUSE DISTRICT 36B**

Britton House District 36B is directly contrary to the testimony of Farmington City Council Member Christy Jo Fogarty that Farmington should be combined with its surrounding townships because of their shared services. *See* Testimony of Christy Jo Fogarty, Farmington City Council Member, Minneapolis Public Redistricting Hearing (Oct. 6, 2011) (p. 15). In comparison, Plaintiffs' House District 54B respects the public testimony at the Panel's hearings and preserves Farmington with its surrounding townships:



### **HIPPERT HOUSE DISTRICT 54B**

If the Martin and Britton Intervenor sought to protect communities of interest, it is unclear what principles they followed to do so. Both the Martin and Britton Intervenor appear to have approached communities of interest in a haphazard, *ad hoc* fashion. The principled and objective approach that Plaintiffs’ plan uses to preserve communities of interest better serves the people of Minnesota.

#### **D. Plaintiffs’ Legislative Plan Complies With The Panel’s Criteria By Creating Districts That Were Not Drawn To Protect Or Defeat Incumbents, Unlike Intervenor’s Plans.**

As a factor subordinate to all other redistricting criteria, the Panel’s redistricting principles directed that “[l]egislative districts shall not be drawn for the purpose of protecting or defeating an incumbent.” Criteria Order, Legislative Redistricting Principle No. 9 (Nov. 4, 2011). The Martin and Britton Intervenor’s proposed redistricting plans

violate this criterion in spades. *See* Appendices A–B (identifying incumbent pairings in the Martin and Britton plans).

**1. Intervenor’s Plans Feature An Astonishing Number of Republican Pairings.**

Both the Martin and Britton Intervenor’s proposals feature more than double the number of incumbent pairings and open seats than found in Plaintiffs’ plan.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>
<b>Number of Incumbents Paired</b>	16	35	39
<b>Number of Open Seats</b>	8	19	21

	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>
<b>Number of Incumbents Paired</b>	4	13	18
<b>Number of Open Seats</b>	2	7	9

When the party affiliations associated with these incumbent pairings are considered, the political aims of the Martin and Britton Intervenor’s are obvious.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>
<b>DFL vs. DFL</b>	3	0	4
<b>GOP vs. GOP</b>	1	12	11
<b>DFL vs. GOP</b>	4	5	4

	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>
<b>DFL vs. DFL</b>	1	0	2
<b>GOP vs. GOP</b>	0	3	5
<b>DFL vs. GOP</b>	1	3	2

The Martin plan does not feature a single pairing of Democratic legislators, yet manages to create 12 Republican-only pairings in the House of Representatives. Likewise, the Britton plan features more than double the number of Republican pairings than Democrat pairings in both the House and the Senate.

## 2. The High Number of Republican Pairings in Intervenor's Plans Do Not Reflect the Demographic Changes Over the Past Decade.

The numerous Republican pairings in both the Martin and Britton Intervenor's plans could not have been achieved by accident. Given the demographic trends of the last decade, such one-sided results are highly improbable and, in fact, difficult to achieve.

Incumbent pairings are more likely to occur in low-growth areas where districts must expand geographically. The majority of the population growth over the past decade occurred in suburban and exurban areas that are currently represented by Republican legislators.<sup>7</sup> Because of high population growth, these districts must grow geographically smaller. On the other hand, many of the areas of the state currently represented by Democrats either suffered population stagnation or losses over the past decade.<sup>8</sup> Because of below-average growth or population losses, these districts must grow geographically larger.

---

<sup>7</sup> For example, over the past decade, the population of Shakopee increased by 80.3%, yet the Martin Intervenor's House District 39B creates a pairing between Republican Representative Beard in Shakopee and Republican Representative Loon, who lives on the other side of the Minnesota River. See <http://quickfacts.census.gov/qfd/states/27/2759350.html> (last visited on December 7, 2011) (showing population growth in Shakopee).

<sup>8</sup> For example, western Minnesota experienced significant population losses over the past decade. The Martin Intervenor's propose oddly-shaped House Districts 13A and 17A in this region in order to avoid pairing DFL Representative Koenen in Chippewa County, which lost 4.9% of its population over the past decade, and DFL Representative Falk in Swift County, which lost 18.2% of its population over the past decade. See <http://quickfacts.census.gov/qfd/states/27/27023.html> (last visited on December 7, 2011) (showing population loss in Chippewa County); <http://quickfacts.census.gov/qfd/states/27/27151.html> (last visited on December 7, 2011) (showing population loss in Swift County).

Given the changes in the state's population over the past decade, incumbent pairings are less likely in the high growth areas of Minnesota currently represented by Republicans. Conversely, incumbent pairings are more likely in the predominately Democratic areas where population decreased or stagnated over the past ten years. Nevertheless, the vast majority of the incumbent pairings in the Martin and Britton plans involve Republicans. Intervenors' plans appear to be driven not by demographic data, but rather by acknowledged partisan motivations.

**3. Plaintiffs' Plan Is The Only Plan That Complies with The Panel's Criteria Regarding Undue Incumbent Protection or Defeat.**

Plaintiffs are the only party to present a redistricting plan designed to reduce the number of incumbent pairings, after applying all other criteria. The Legislature modified its initial proposed House Districts 64A and 64B to remove a potential pairing between DFL Representatives Hausman and Lesch. In compliance with the Panel's criteria, Plaintiffs further modified the Legislature's plan to avoid a pairing between DFL Representatives Tillberry and Lane in Plaintiffs' House Districts 38A and 38B. *See* Hippert Brief, at 64–65 (Nov. 18, 2011) (discussing changes made to Plaintiffs' plan to reduce incumbent pairings).

Even if Plaintiffs' plan did not include these modifications, the number of incumbent pairings in Plaintiffs' plan would still be far fewer than in Intervenors' plans, and the nature of the pairings in Plaintiffs' plan would still be less overtly political than in Intervenors' plans. Plaintiffs' incorporation of changes to their plan to eliminate Democratic incumbent pairings demonstrates that Plaintiffs worked to comply with the

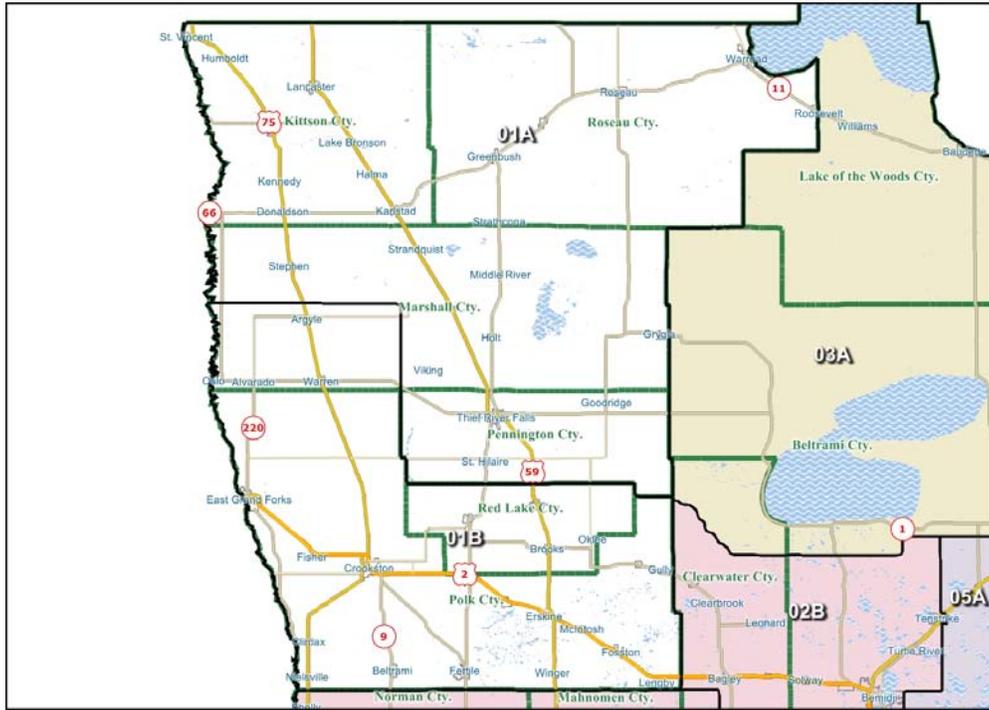
Panel's criteria and to create a map that is fair and beneficial to the people of Minnesota. Plaintiffs' plan is the only submission to the Panel that complies with the Panel's criterion regarding incumbents.

## **II. THE PARTIES' AGREEMENT ON SEVERAL PROPOSED LEGISLATIVE DISTRICTS VALIDATES PLAINTIFFS' RECOMMENDATION TO USE LOGICAL GROUPINGS OF COUNTIES AND CITIES.**

Although the map-drawing strategies used by the parties varied significantly, there are some areas where the parties proposed districts that are the same or substantially similar. Many of these districts are the districts identified as logical groupings of cities or counties by Plaintiffs. *See* Hippert Brief, at 20–34 (Nov. 18, 2011). The fact that parties with distinct orientations proposed these districts demonstrates that they are in the best interests of Minnesota and that the Panel should adopt them. It also supports Plaintiffs' recommendation that any redistricting map should be drawn first by identifying logical groupings of counties and cities that naturally form close-to-ideal districts in order to preserve political subdivisions and communities of interest. *See* Hippert Brief, at 2–3 (Nov. 18, 2011).

**A. All Of The Parties Proposed The Same Districts In Northwestern Minnesota And In West And South St. Paul.**

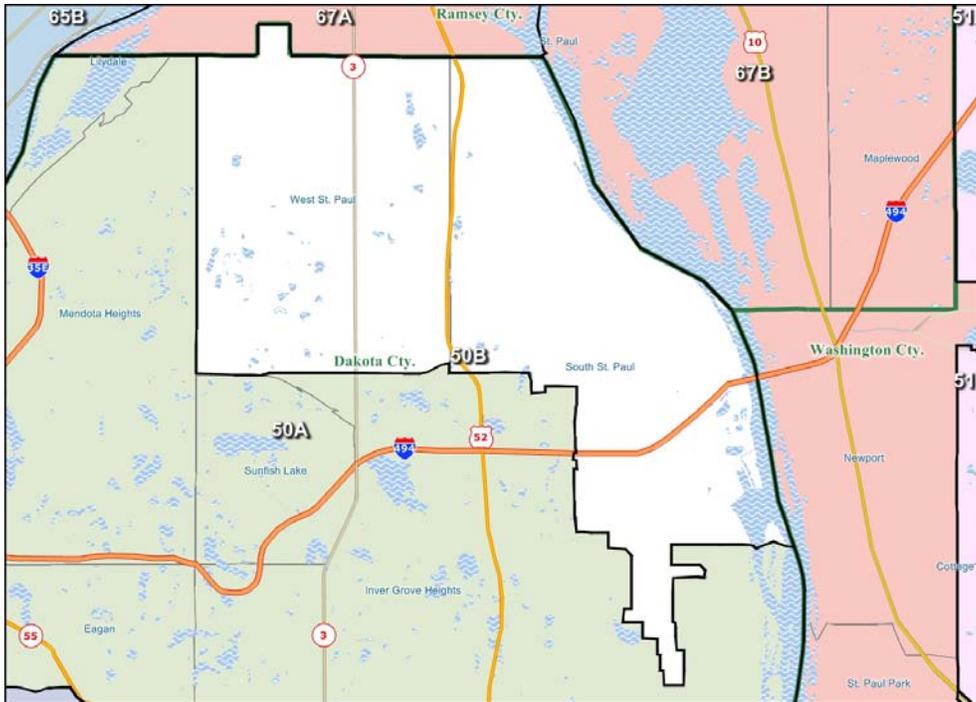
All of the parties proposed the same Senate District 1, consisting of Kittson, Roseau, Marshall, Pennington, Red Lake, and Polk counties in northwestern Minnesota:



**HIPPERT SENATE DISTRICT 1**

These six counties form a natural senate district with a population deviation of only 0.10% (76 people). *See Hippert Brief*, at 21–22 (Nov. 18, 2011).

All of the parties also proposed a house district in West St. Paul and South St. Paul that is identical to Plaintiffs’ House District 50B (Martin House District 43A and Britton House District 39A):



### **HIPPERT HOUSE DISTRICT 50B**

These two cities create a house district that has a population deviation of 0.30% (118 persons). *See* Hippiert Brief, at 31–32 (Nov. 18, 2011).

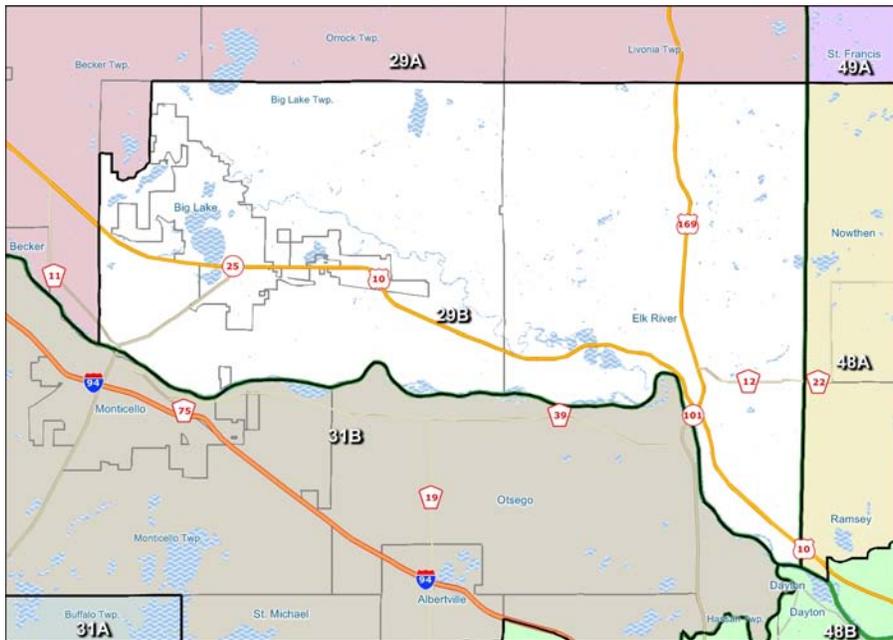
#### **B. The Martin Intervenors Proposed Similar Districts To Plaintiffs’ Districts In Certain Areas Of The State.**

Both Plaintiffs and the Martin Intervenors proposed similar house districts in the Elk River and Big Lake Area. Plaintiffs’ House District 27B combines Elk River and Big Lake in a single house district, excluding only a small portion of Big Lake Township in the northwestern corner of the district:



**HIPPERT HOUSE DISTRICT 27B**

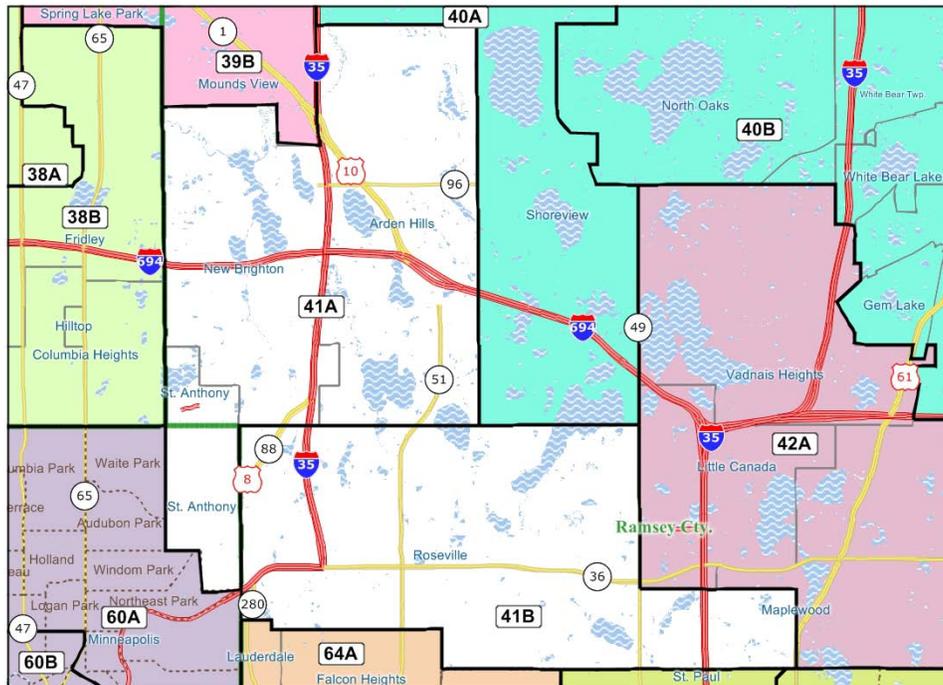
The Martin Intervenors’ proposed House District 29B is near-identical to Plaintiffs’ House District 27B, and differs only by a small variation along the district’s northwestern corner:



**MARTIN HOUSE DISTRICT 29B**

Both Plaintiffs' House District 27B and the Martin Intervenors' proposed House District 29B preserve the community of interest created by Elk River and Big Lake in southern Sherburne county.

The Martin Intervenors' proposed House District 53B is also identical to Plaintiffs' House District 41A in the St. Anthony, New Brighton, and Arden Hills area:

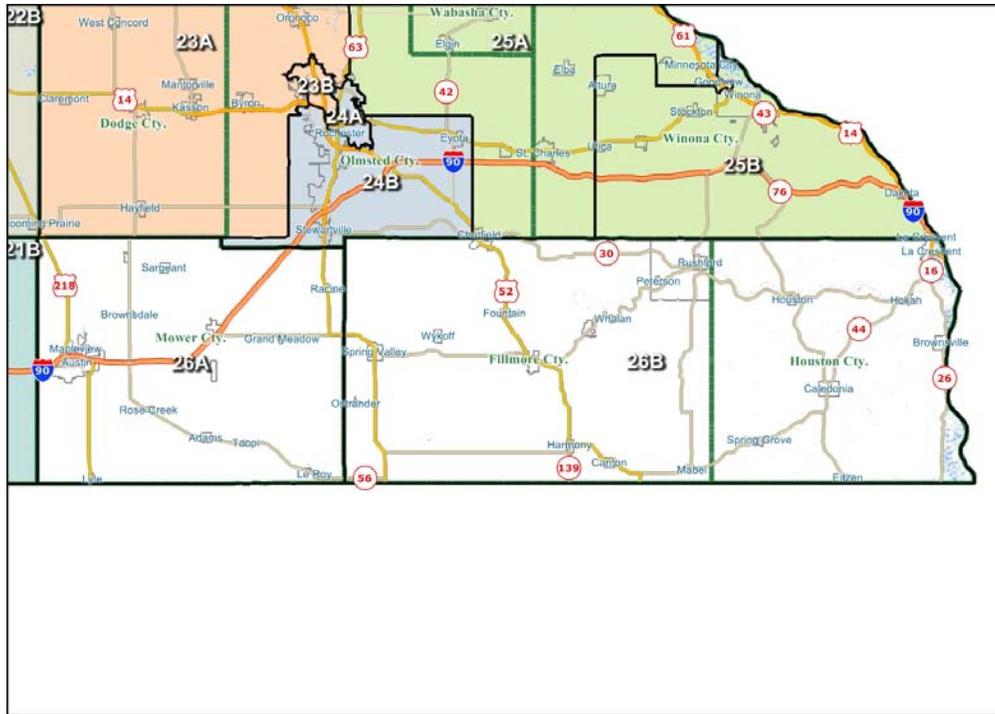


**HIPPERT HOUSE DISTRICT 41A**

These three cities share a similar suburban character and form a near-ideal house district with a population deviation of -0.88% (-348 persons). See Hippert Brief, at 29–30 (Nov. 18, 2011).

**C. The Britton Intervenor Proposed Similar Districts To Plaintiffs’ Districts In Certain Areas Of The State.**

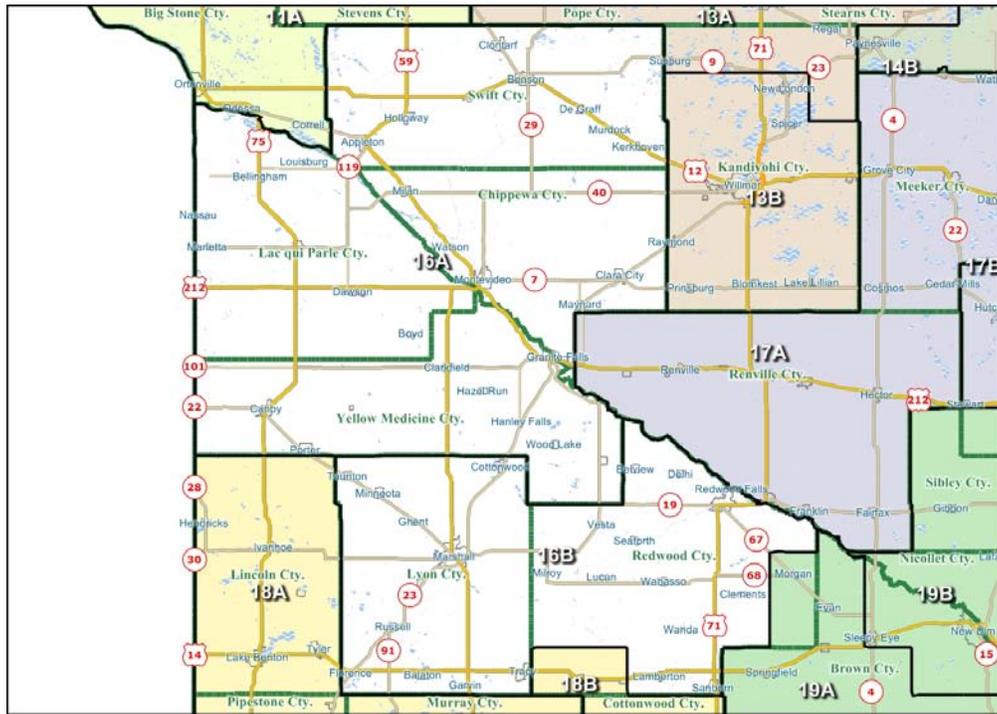
The Britton Intervenor proposed a Senate District 23 that is identical to Plaintiffs’ Senate District 26, consisting of Mower, Fillmore, and Houston counties in southeast Minnesota:



**HIPPERT SENATE DISTRICT 26**

These three counties create a natural senate district with a population deviation of -0.14% (-107 persons). *See* Hippiert Brief, at 10, 22–23 (Nov. 18, 2011). While Plaintiffs’ approach to splitting this senate district into house districts differs slightly from the Britton Intervenor’s approach, Plaintiffs’ approach is superior because it avoids splitting any of the three counties involved. In contrast, the Britton Intervenor split Fillmore County between their proposed House Districts 23A and 23B.

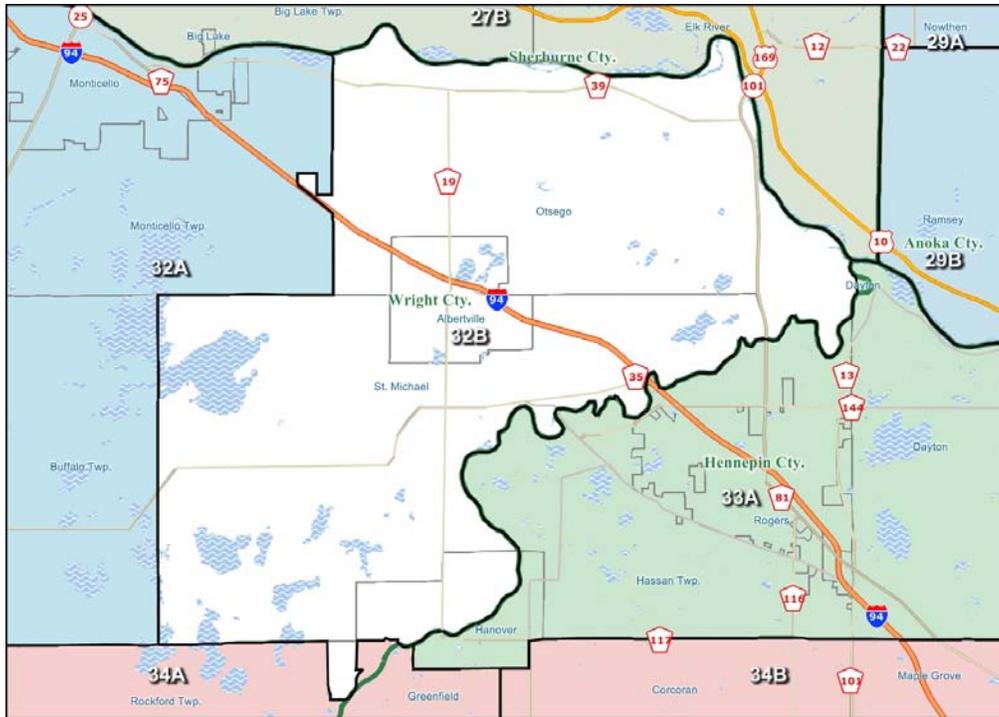
The Britton Intervenors' proposed House District 16A is substantially similar to Plaintiffs' proposed House District 16A, which consists of Swift, Chippewa, Lac qui Parle, and Yellow Medicine counties:



### HIPPERT HOUSE DISTRICT 16A

These four counties form a natural house district with a population deviation of 0.86% (339 persons). *See* Hippert Brief, at 25–26 (Nov. 18, 2011). The Britton Intervenors modify this district slightly and, by doing so, create splits in Big Stone County and Yellow Medicine County. Plaintiffs' House District 16A does not split any counties.

In addition, the Britton Intervenors' House District 33A is substantially similar to Plaintiffs' House District 32B, which consists of Albertville, St. Michael, and Otsego:



### **HIPPERT HOUSE DISTRICT 32B**

These three cities form a natural house district with a population deviation of -0.60% (-239 persons). *See* Hippert Brief, at 26–27 (Nov. 18, 2011). The Britton Intervenors’ House District 33A is similar, but crosses the Crow River and creates a split in Hennepin County to include the eastern portion of the city of Hanover. Plaintiffs’ approach is better because it uses the Crow River as a natural border and avoids crossing county lines.

#### **D. The Panel Should Adopt The Logical Groupings Of Counties And Cities Proposed By Plaintiffs.**

The areas in which the parties proposed the same or similar districts despite their different philosophies demonstrate the strength of these proposed districts. The fact that many of these districts are the logical groupings of counties and cities identified by Plaintiff also validates Plaintiffs’ recommendation that the Panel should utilize the same

technique. Because the other parties largely agree with these districts, the Panel should adopt Plaintiffs' Senate Districts 1 and 26 and Plaintiffs' House Districts 16A, 27B, 32B, 41A, and 50B.

### **III. PLAINTIFFS' LEGISLATIVE DISTRICTS ARE SUPERIOR TO THE DISTRICTS PROPOSED BY THE MARTIN AND BRITTON INTERVENORS.**

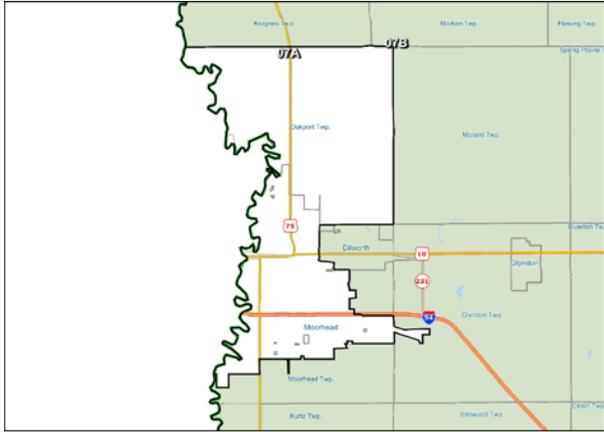
Plaintiffs' adherence to the Panel's criteria and Plaintiffs' use of identifiable standards and principles produced a map that is objectively better than the maps proposed by either the Martin and Britton Intervenors. Many of the districts proposed by the Martin and Britton Intervenors are politically motivated and fail to satisfy the Panel's criteria.

#### **A. Plaintiffs' Plan Protects Minnesota's Out-State Population Centers Better Than Intervenors' Plans.**

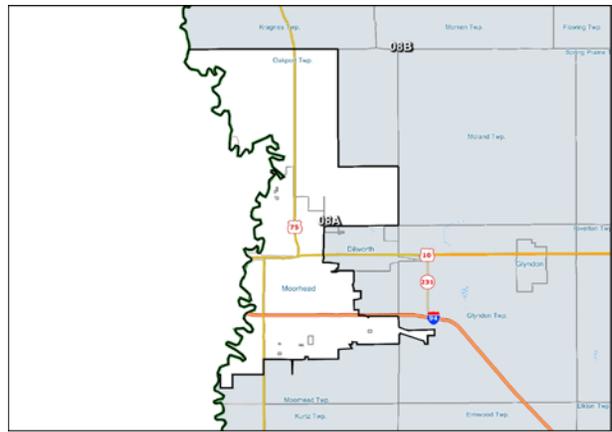
One of the key areas in which Plaintiffs' plan is superior to the plans proposed by the Martin and Britton Intervenors is with respect to the population centers in out-state Minnesota. For Moorhead, St. Cloud, Mankato, and Rochester, Plaintiffs' plan represents a more sensible and logical approach, which better protects the interests of those cities and their surrounding regions.

##### **1. Plaintiffs' Plan Protects the Moorhead Area Better Than Intervenors' Plans.**

The Martin and Britton Intervenors both propose similar districts for the Moorhead area. The Martin Intervenors' proposed House District 7A and the Britton Intervenors' proposed House District 8A each separate the city of Moorhead from Moorhead Township directly to its south and east:



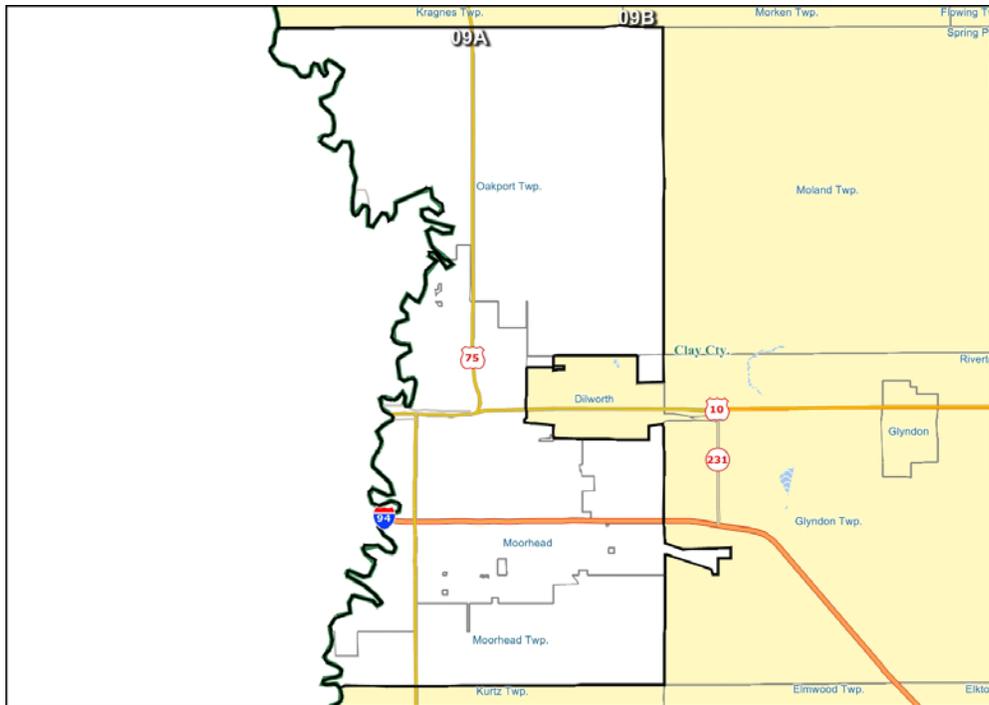
**MARTIN HOUSE DISTRICT 7A**



**BRITTON HOUSE DISTRICT 8A**

The only difference between Intervenor’s proposals is that the Britton Intervenor’s proposed House District 8A creates an additional split in Oakport Township.

Plaintiffs’ House District 9A keeps Moorhead together with its two surrounding townships and does not feature any political subdivision splits:



**HIPPERT HOUSE DISTRICT 9A**

Moorhead and its two nearby townships create a near-ideal house district with a population deviation of 1.13% (449 persons). *See* Hippert Brief, at 11, 50–51 (Nov. 18, 2011). Plaintiffs’ plan represents the better approach for the Moorhead area because, by keeping Moorhead with its two surrounding townships, it will “minimize the long-term impact” of ongoing annexations and population growth in the area. *See Zachman*, Final Order Adopting a Legislative Plan, at 4–5 (Mar. 19, 2002).

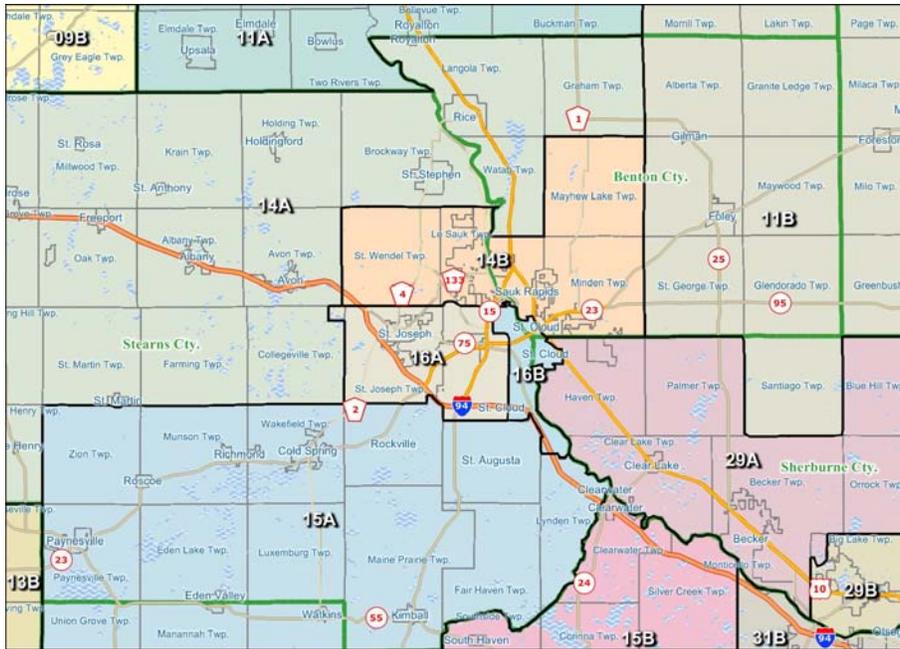
## **2. Plaintiffs’ Plan Protects the St. Cloud Area Better Than Intervenor’s Plans.**

St. Cloud is a complex city for redistricting because it is divided by the Mississippi River and occupies portions of three counties. Plaintiffs’ House Districts 15A and 15B divide St. Cloud in a simple, logical way, based on public testimony. Plaintiffs’ plan keeps St. Cloud within a single senate district, consistent with its population of 65,842.<sup>9</sup> *See* Hippert Brief, at 52–53 (Nov. 18, 2011). The Martin and Britton plans, on the other hand, divide St. Cloud far more than is necessary.

The Martin Intervenor’s divide St. Cloud into three separate senate districts (Martin Senate Districts 14, 16, and 29), with the majority of St. Cloud’s population packed into a snake-like House District 16B:

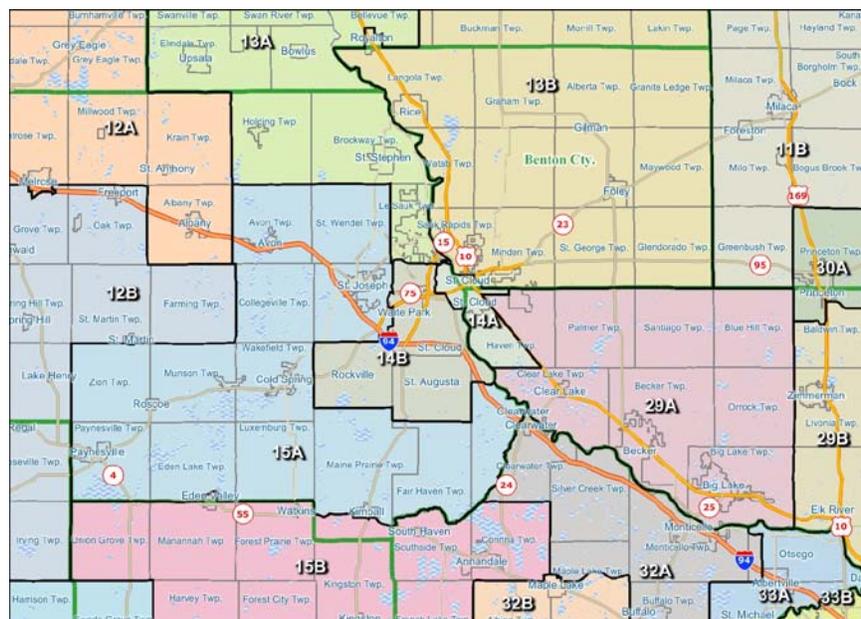
---

<sup>9</sup> *See* <http://quickfacts.census.gov/qfd/states/27/2756896.html> (last visited on December 7, 2011).



**MARTIN ST. CLOUD AREA**

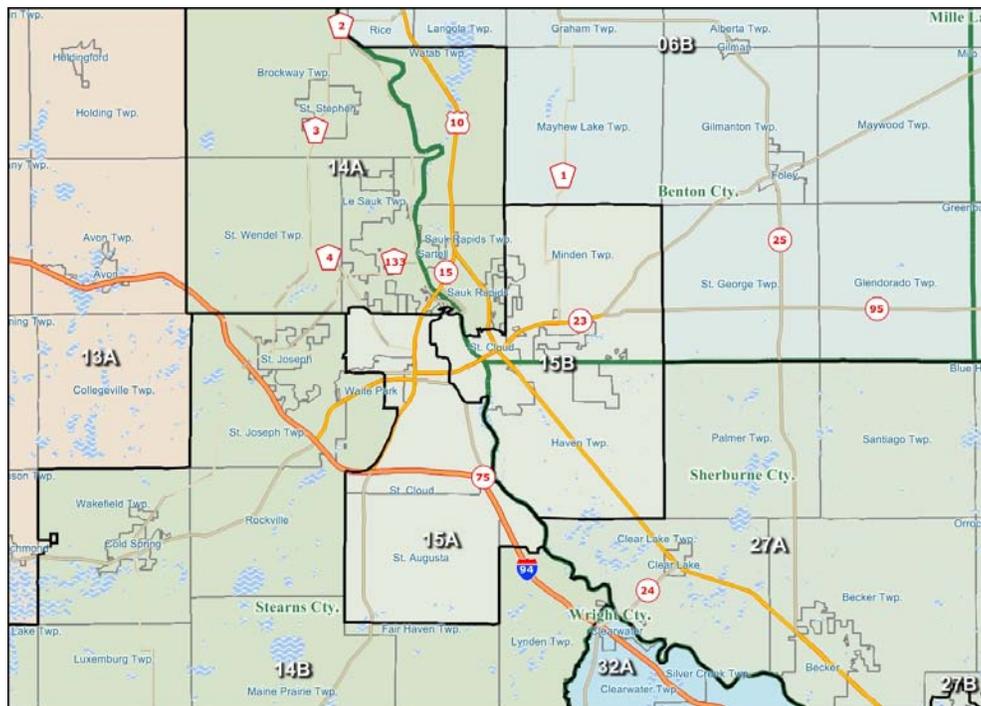
The Britton Intervenor also divide St. Cloud into three separate senate districts (Britton Senate Districts 13, 14, and 29), with odd-shaped districts radiating outward from St. Cloud in a pinwheel configuration:



**BRITTON ST. CLOUD AREA**

The Martin and Britton Intervenors' division of St. Cloud into three separate senate districts will dilute the city's representation in the Minnesota Senate.

In contrast, Plaintiffs' plan proves that just because portions of St. Cloud are non-contiguous, there is no reason to divide the city into three separate senate districts. Plaintiffs' plan contains all of St. Cloud within two reasonably compact house districts, Plaintiffs' House Districts 15A and 15B:



### HIPPERT ST. CLOUD AREA

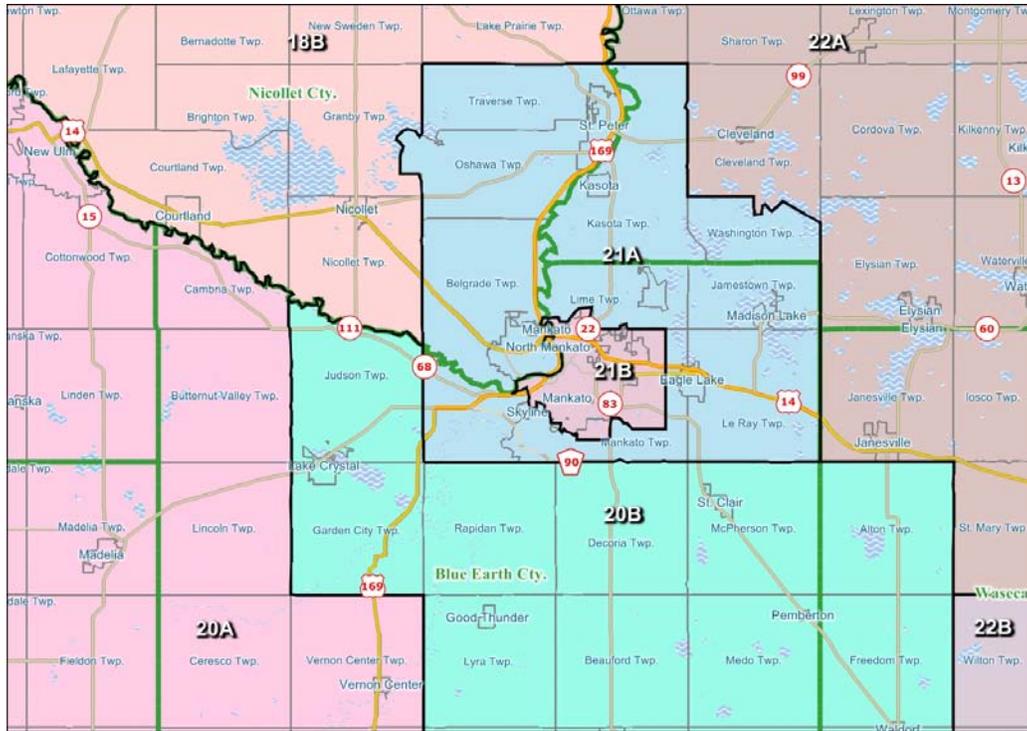
Plaintiffs' House District 15B crosses the river to include the downtown area of St. Cloud and the St. Cloud State University Campus, as requested during the Legislature's public redistricting hearings. See Testimony of Kimberly Johnson, House Redistricting Committee Public Hearing (May 3, 2011). Unlike Intervenors' plans, Plaintiffs' House District 15B keeps St. Cloud in the same senate district as its neighboring townships,

Minden Township and Haven Township. The straightforward approach of Plaintiffs' plan better serves the St. Cloud area than the divisive proposals from the Martin and Britton Intervenors.

### **3. Plaintiffs' Plan Protects the Mankato Area Better Than Intervenors' Plans.**

Plaintiffs' plan keeps Mankato, North Mankato, and its surrounding townships in two house districts (Plaintiffs' House Districts 20A and 20B) and a single senate district, and utilizes the Minnesota River as a natural boundary for surrounding districts. The Martin and Britton Intervenors took different approaches to the Mankato area, with each plan having its own shortcomings.

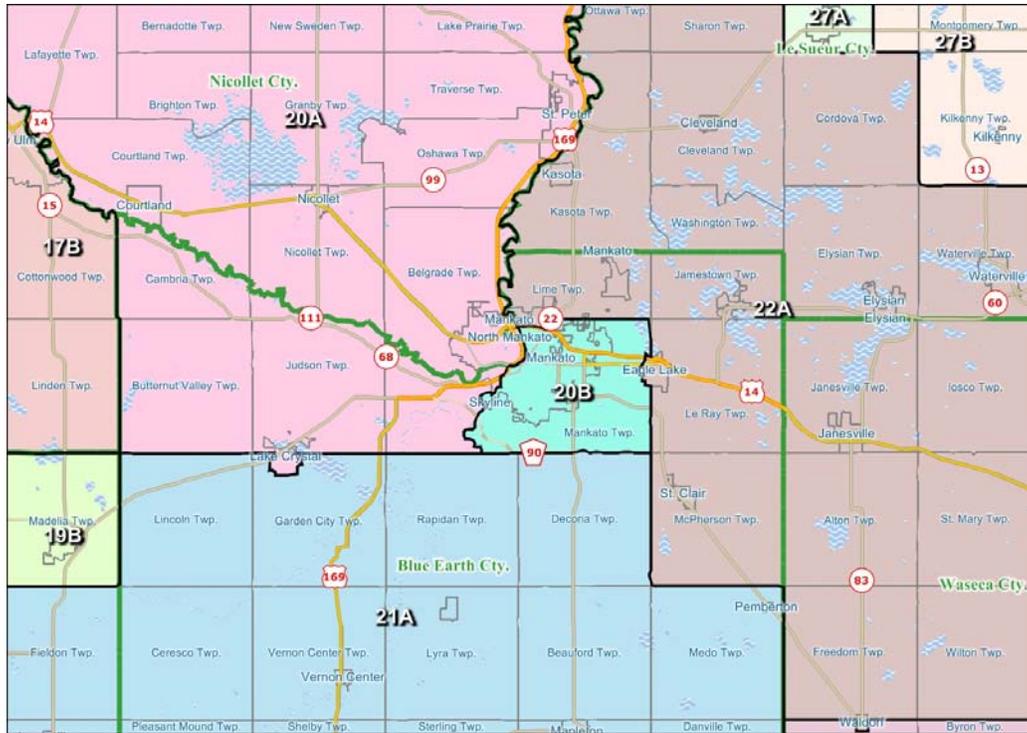
The Martin Intervenors created a donut district around Mankato. The Martin Intervenors pack the majority of Mankato's population into their proposed House District 21B and create unnecessary splits in surrounding Mankato Township to satisfy population equality requirements. The remainder of the surrounding areas, including North Mankato, are in Martin House District 21A, which completely encircles Martin House District 21B:



### MARTIN MANKATO AREA

The Martin Intervenors’ proposed House District 21A crosses the Minnesota River on both sides of the Mankato donut hole, and creates an unnecessary split in nearby Le Sueur County. As a ripple effect, the Martin Intervenors’ House Districts 21A and 21B in Mankato require creation of a sprawling Senate District 22 to the north and east, spanning five counties, crossing the Minnesota River, and encompassing many distinct communities. *See infra*, § III(B)(5) (discussing Martin Senate District 22).

The Britton Intervenors use the Minnesota River as a district border in the Mankato region, but divide the city of Mankato into two senate districts and create unnecessary splits in Blue Earth county. In the Britton map, Mankato is split between the Britton Intervenors’ proposed House Districts 20B and 22A while North Mankato is in proposed House District 20A:

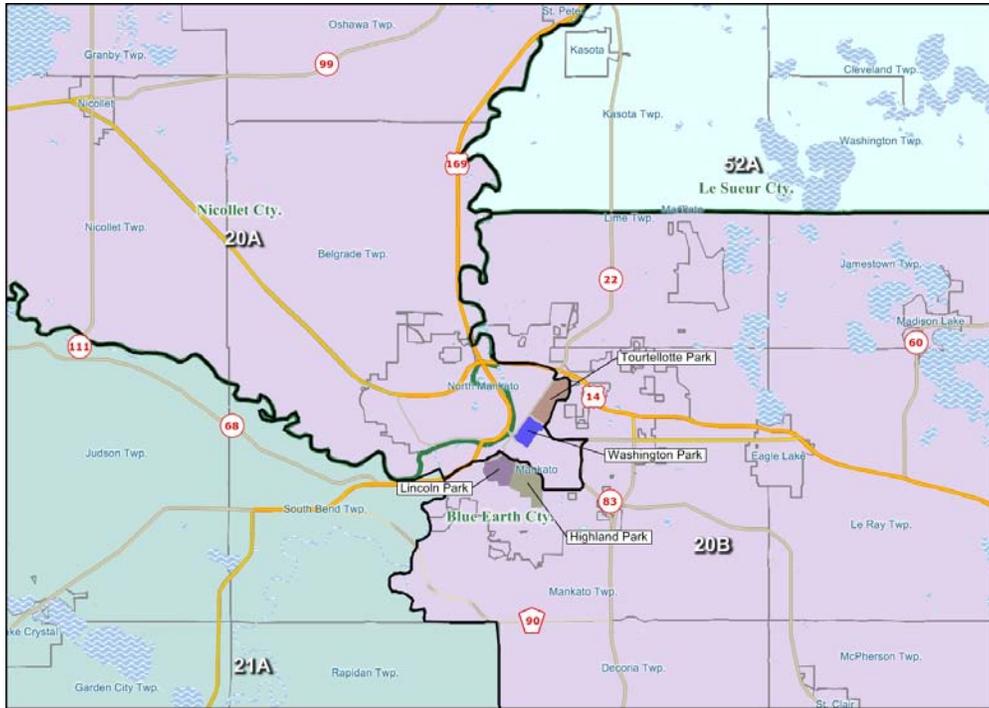


### BRITTON MANKATO AREA

The Britton Intervenor’s proposed House Districts 20A and 22A both cross county lines and create unnecessary splits in Blue Earth County. The Britton plan divides the population of Mankato between Britton House Districts 20B and 22A and Britton Senate Districts 20 and 22.

The Britton Intervenor’s House District 22A also cuts off the majority of the city of Mankato from nearby Lime Township, where annexations are likely in the coming decade. See <http://www.mankato-mn.gov/PlanningAndZoning/Annexation.aspx> (last visited on December 7, 2011); Testimony of Patrick Hentges, City Manager, Mankato Public Redistricting Hearing (Oct. 14, 2011) (p. 45–46). Like the Martin plan, the Britton plan’s approach to this region also results in a sprawling Senate District 22 to the north and east of Mankato.

Plaintiffs’ plan keeps Mankato and its surrounding areas in a single senate district and avoids dividing Mankato from its surrounding townships:



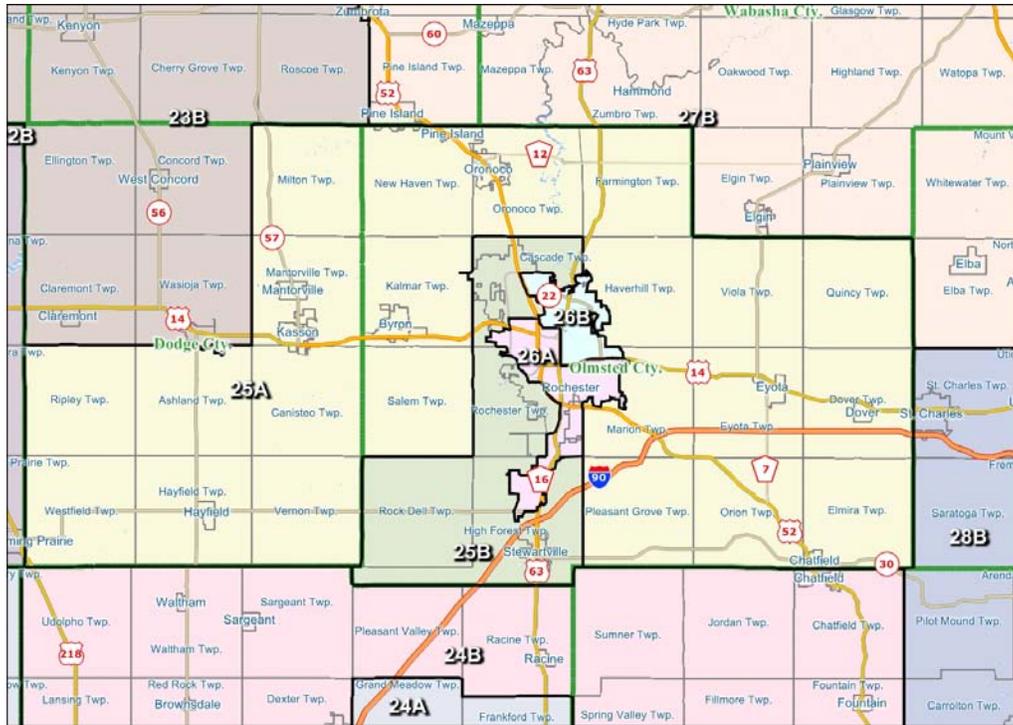
### HIPPERT MANKATO AREA

Unlike the approach of the other parties’, Plaintiffs’ plan is uncomplicated and does not have adverse ripple effects in the areas surrounding the Mankato region.

#### 4. Plaintiffs’ Plan Protects The Rochester Area Better Than Intervenor’s Plans.

Rochester is another Minnesota city that poses complex redistricting issues due to its unique shape. Plaintiffs’ plan keeps the vast majority of Rochester’s population in three reasonably compact districts without unduly dividing the surrounding areas. The same cannot be said for the Martin and Britton Intervenor’s plans.

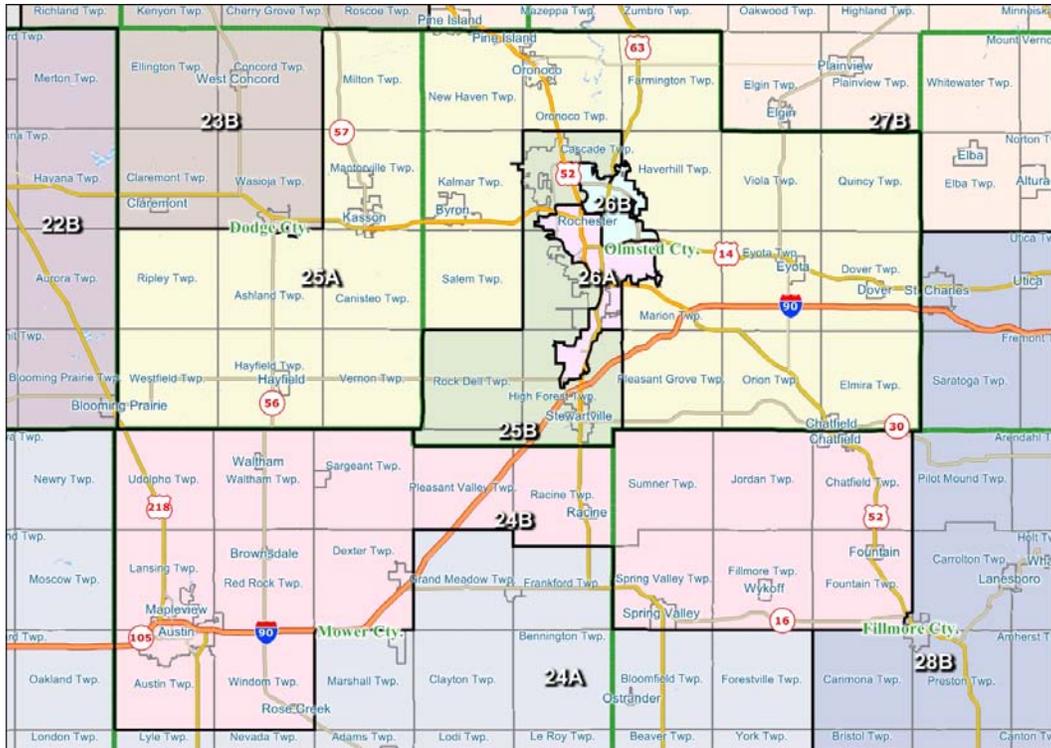
The Martin Intervenor creates another donut district in Rochester, anchored by the bizarre-shaped House Districts 26A and 26B:



### MARTIN ROCHESTER AREA

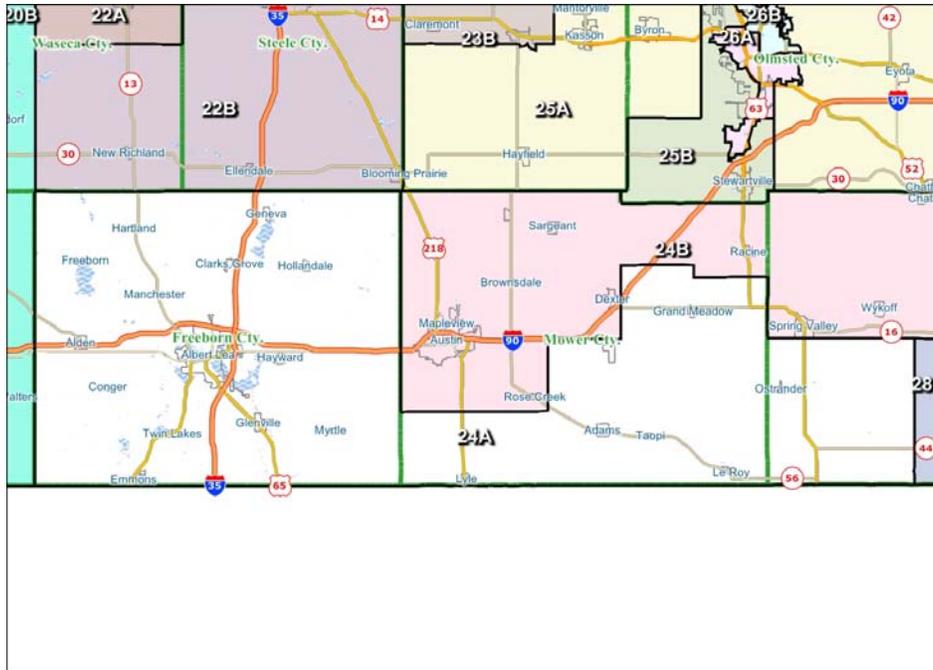
The Martin Intervenors' proposed House Districts 26A and 26B are completely surrounded by House Districts 25A and 25B.

While the Martin Intervenors' attempt to keep Rochester's population within three house districts is a worthy goal, it has adverse consequences for the surrounding region of southeastern Minnesota. The Martin Intervenors' proposed House Districts 24B and 25A are particularly sprawling and unusual in form:



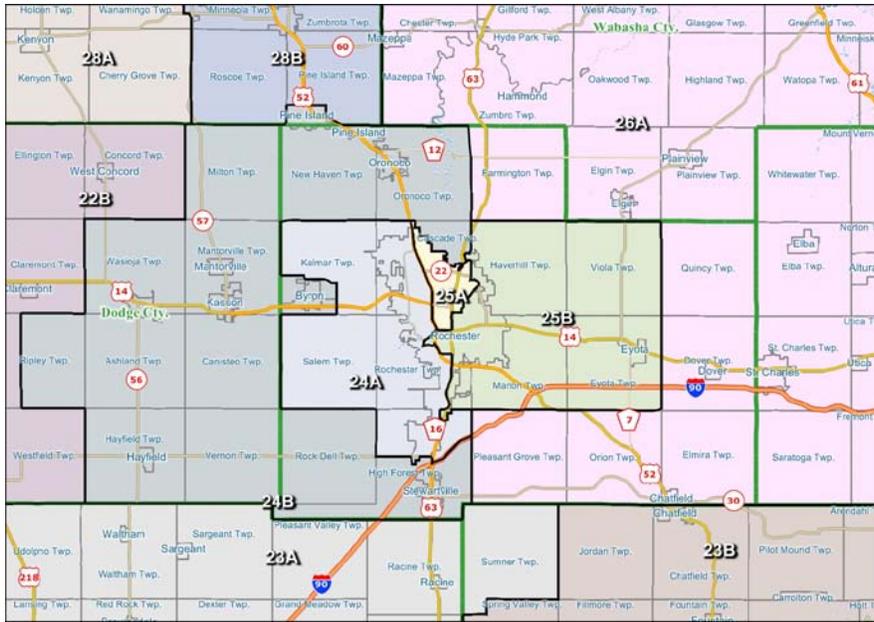
### MARTIN HOUSE DISTRICTS 25A AND 24B

The Martin Intervenor's House District 25A extends from the border of Steele County and Dodge County, wraps around the Rochester area to the north, and then expands east to the border of Olmsted and Winona counties. It is mirrored in the south by the Martin Intervenor's proposed House District 24B, which cuts across the region south of Rochester and creates unnecessary splits in Mower and Fillmore counties. The odd shape of the Martin Intervenor's proposed House District 24B, in turn, creates an odd shape for Martin House District 24A immediately to its south and west:



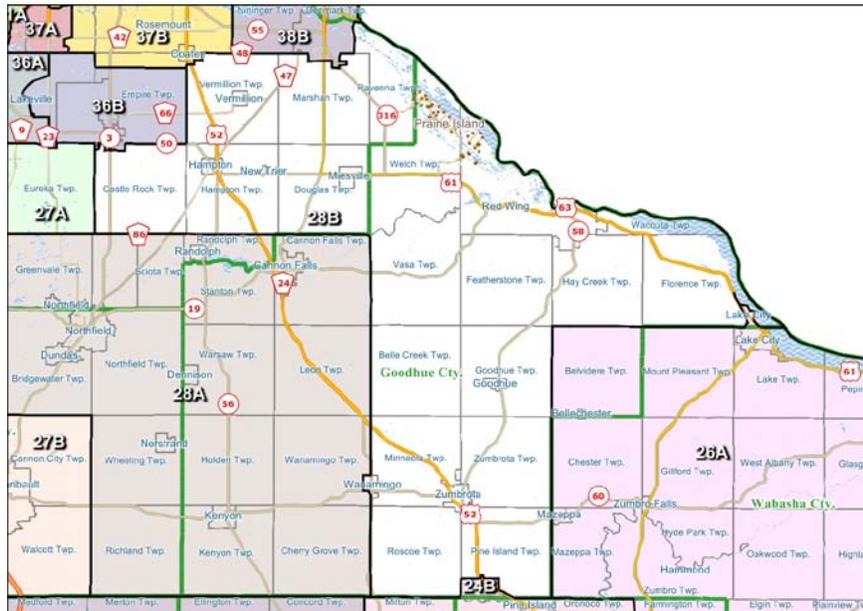
### MARTIN HOUSE DISTRICT 24A

The Britton Intervenor propose a configuration in the Rochester area that is similar to the Martin Intervenor’s donut proposal. The Britton Intervenor cluster Rochester’s population within their proposed House Districts 24A, 25A, and 25B – those districts in turn are surrounded by the Britton Intervenor’s proposed House Districts 24B and 26A:



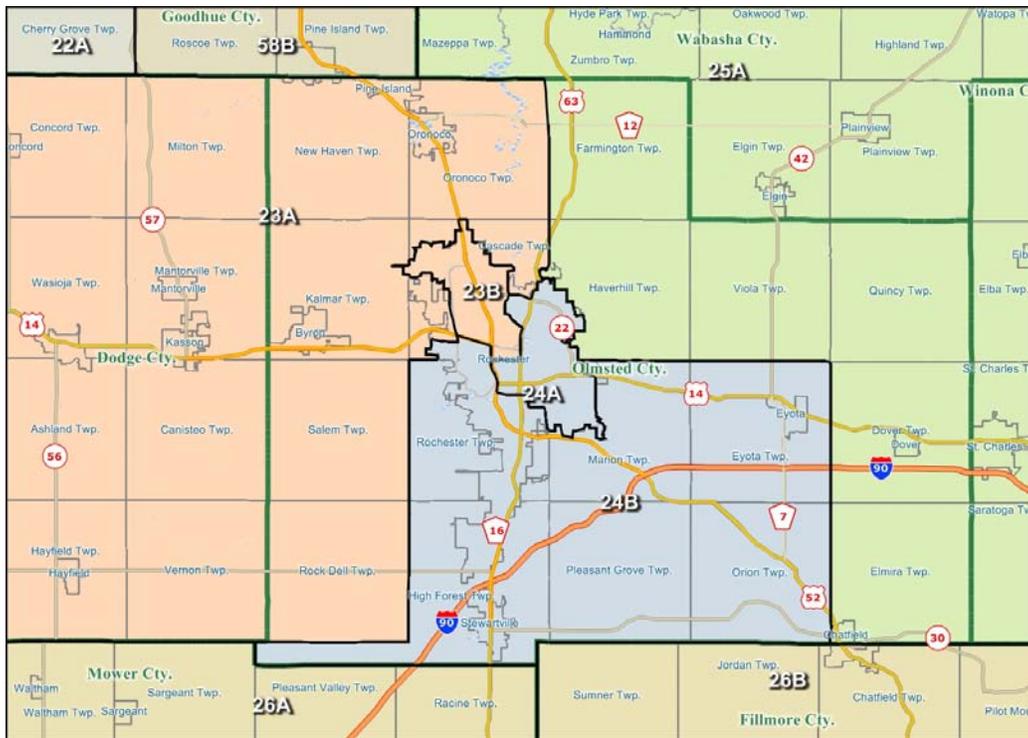
**BRITTON ROCHESTER AREA**

This approach creates splits in neighboring Dodge, Goodhue, and Winona counties. It also results in the creation of a strange T-shaped House District 28B in Goodhue County and the southeastern portion of Dakota county:



**BRITTON HOUSE DISTRICT 28B**

Plaintiffs’ plan keeps the vast majority of Rochester’s population within three house districts, but does not sacrifice the surrounding areas to contain Rochester completely within three house districts. In Plaintiffs’ plan, the majority of Rochester’s population is located within Plaintiffs’ House Districts 23B, 24A, and 24B:



### HIPPERT ROCHESTER AREA

The remaining 3.37% of Rochester’s population (3,593 persons) is located within Plaintiffs’ House District 23A. *See* Hippert Brief, at 54–55 (Nov. 18, 2011).

One of the benefits of Plaintiffs’ approach is that it avoids the numerous political subdivision splits found in the Martin and Britton Intervenor’s proposals for southeastern Minnesota. Plaintiffs’ plan keeps all of Dodge County within House District 23A, all of Goodhue County within House District 58B, and all of Wabasha County within House District 25A. The only two counties in southeastern Minnesota that Plaintiffs’ plan splits

are Olmsted County<sup>10</sup> and Winona County,<sup>11</sup> both of which are too large to fit within a single house district. In contrast, the Martin plan creates splits in Dodge, Goodhue, Winona, Fillmore, and Mower counties, and the Britton plan creates splits in Dodge, Goodhue, Winona, and Fillmore counties.

By including a small portion of Rochester's population in a fourth house district, Plaintiffs' plan avoids the issues created in the areas surrounding Rochester in southeastern Minnesota by both the Martin and Britton plans. Plaintiffs' approach creates straightforward, logical districts in Rochester, and it better serves the region as a whole.

#### **B. Many Of Intervenors' Proposed Districts Constitute Outright Political Gerrymandering.**

Many of the districts proposed by the Martin and Britton Intervenors present highly unusual configurations. The odd shapes of the districts, the absence of any other rational justifications for those shapes, and the frequency with which the configurations result in political consequences favoring Democrats support the conclusion that these districts were drawn for political reasons alone.

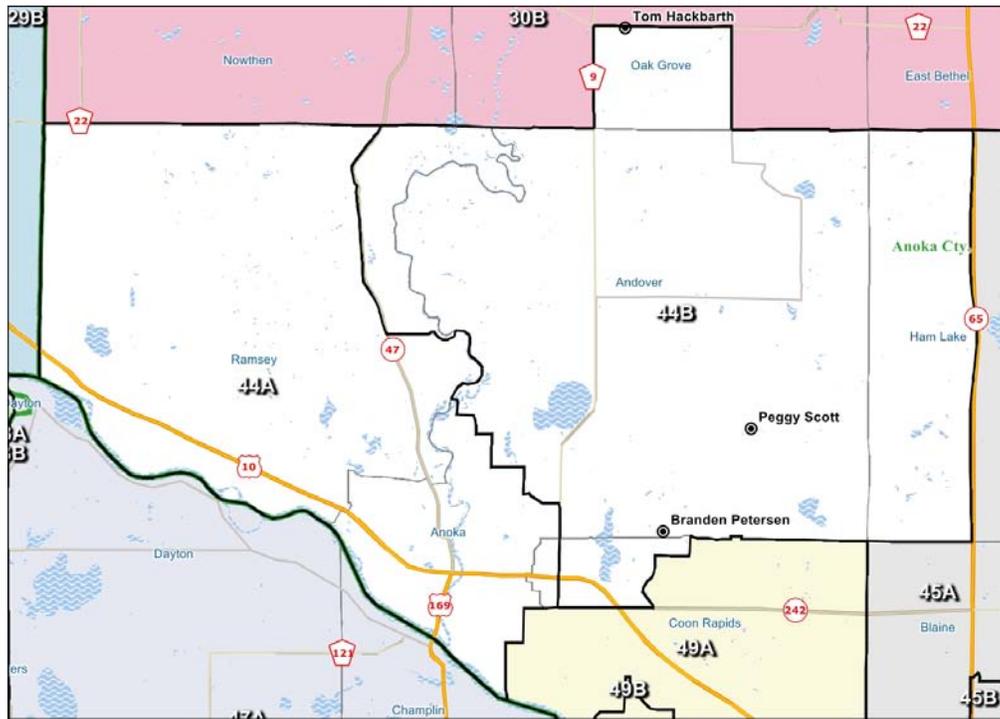
---

<sup>10</sup> See <http://quickfacts.census.gov/qfd/states/27/27109.html> (last visited on December 7, 2011) (showing the population of Olmsted County as 144,248).

<sup>11</sup> See <http://quickfacts.census.gov/qfd/states/27/27169.html> (last visited on December 7, 2011) (showing the population of Winona County as 51,461). Notably, Plaintiffs' plan keeps all of Winona County in a single senate district, Plaintiffs' Senate District 25.

## 1. Britton House District 44B.

The Britton Intervenor's House District 44B is an odd-shaped district centered around the city of Andover:

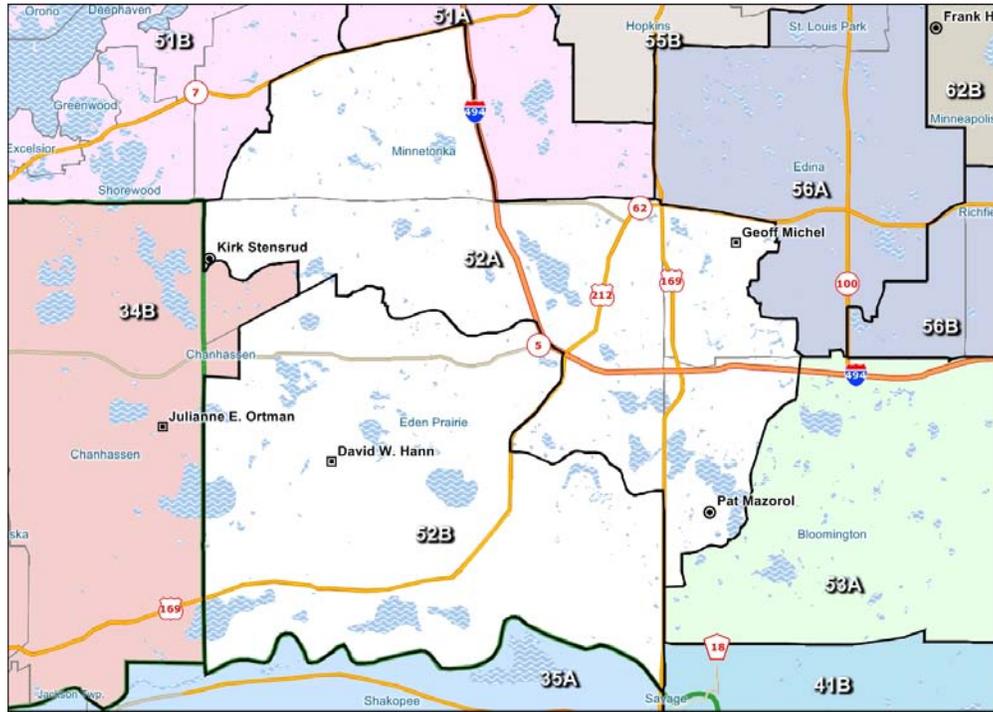


### **BRITTON HOUSE DISTRICT 44B**

This district splits Ham Lake, Oak Grove, Ramsey, and Coon Rapids for no apparent purpose other than to create a district that pairs three Republican members of the Minnesota House of Representatives. The Britton Intervenor offers no explanation for this district or the unnecessary political subdivision splits it creates. *See Britton Brief*, at 27 (Nov. 18, 2011).

## 2. Britton House District 52A.

The Britton Intervenor's House District 52A is a blob-shaped district that carves segments out of Minnetonka, Eden Prairie, Edina, and Bloomington:

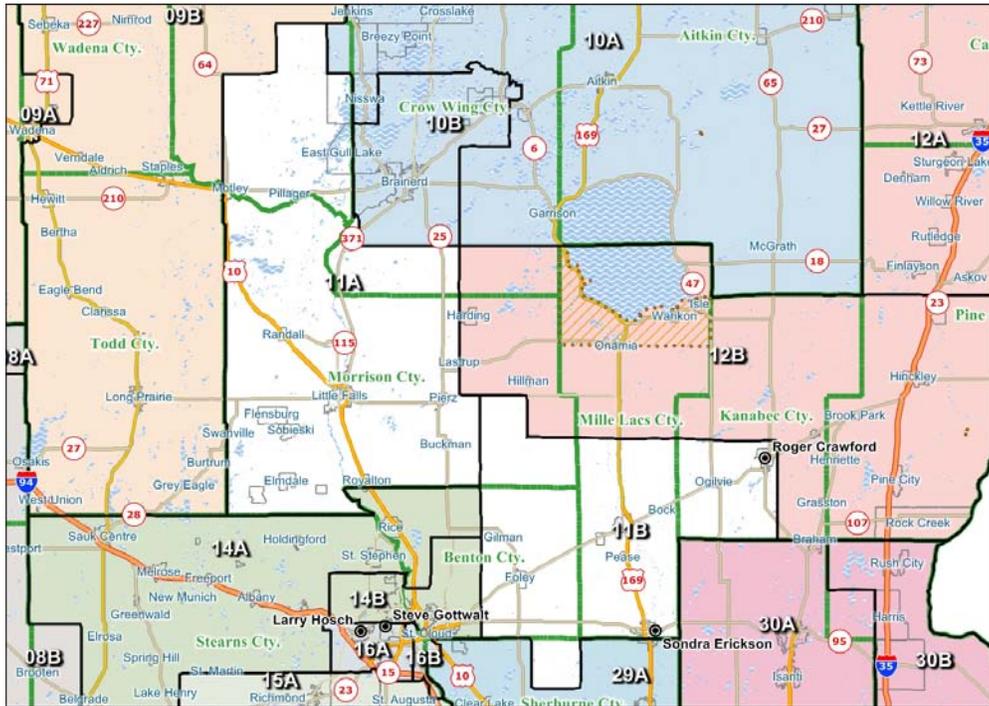


### BRITTON HOUSE DISTRICT 52A

The only apparent justification for Britton House District 52A is that it manages to pair two Republican representatives at its far western and eastern ends (Representatives Stensrud and Mazorol). The odd shape of the district also appears to be an attempt to pair Republican Senators Michel and Hann in Britton Senate District 52 by drawing the district around Senator Michel's residence in the northeastern corner of the district.

### 3. Martin House Districts 11A and 11B.

The Martin Intervenors' proposed House Districts 11A and 11B combine to create an unusual shaped Senate District 11:



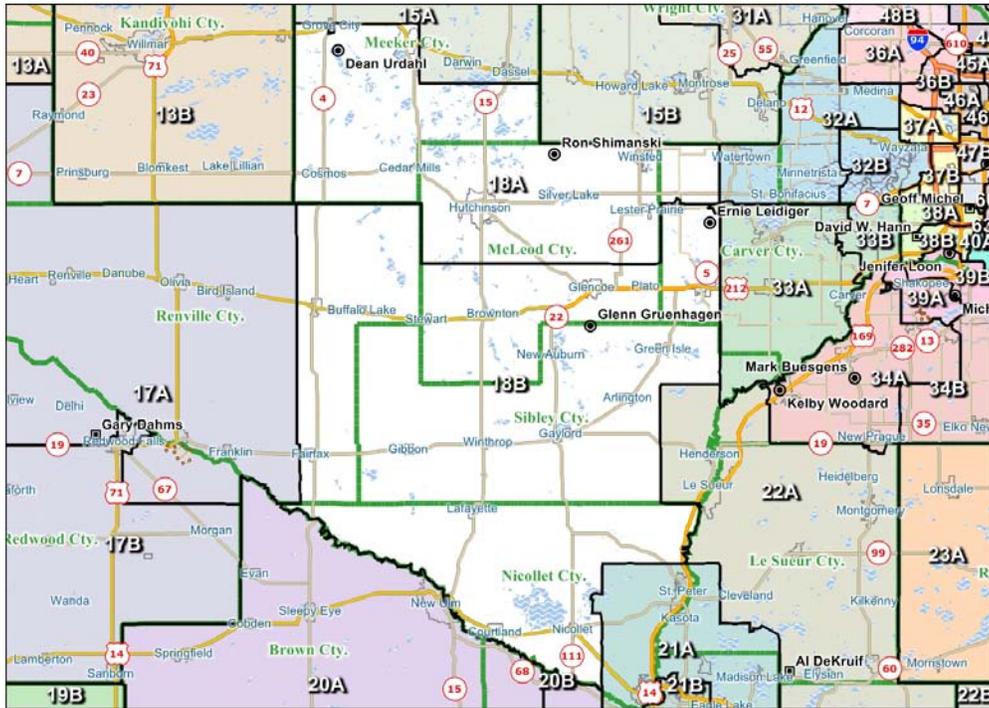
#### MARTIN HOUSE DISTRICTS 11A AND 11B

By creating splits in Kanabec, Mille Lacs, Benton, and Sherburne counties, the Martin Intervenors create a pairing between Republican Representatives Crawford and Erickson in their proposed House District 11B. This configuration also divides Morrison County into three house districts even though the population of that county is less than a single house district.<sup>12</sup>

<sup>12</sup> See <http://quickfacts.census.gov/qfd/states/27/27097.html> (showing the population of Morrison County as 33,198) (last visited on December 7, 2011).

#### 4. Martin House Districts 18A and 18B.

The Martin Intervenors' House Districts 18A and 18B cut across numerous county lines to create two pairings of Republican incumbents:

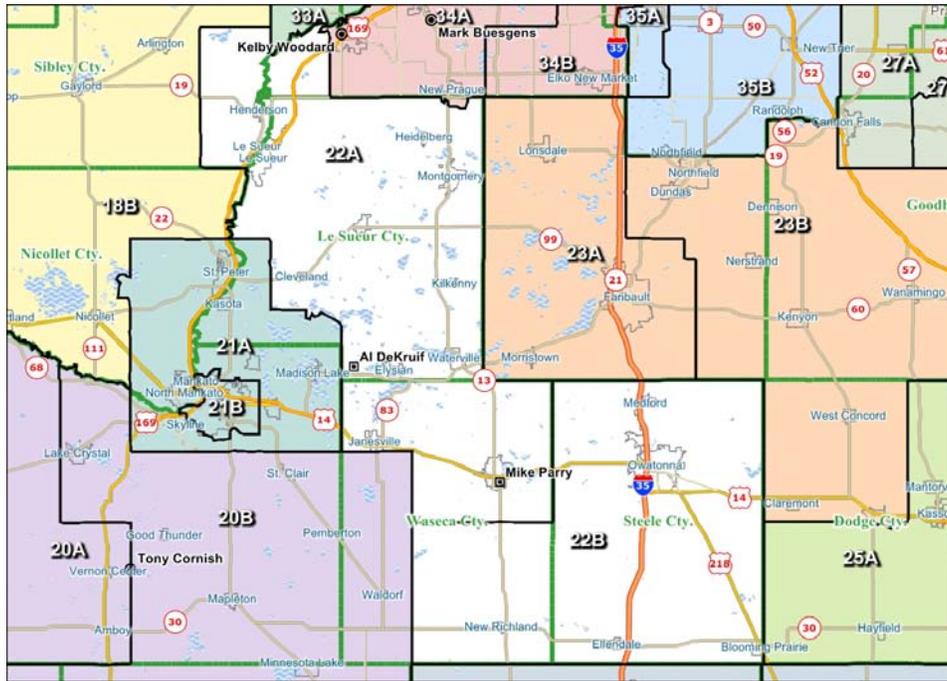


#### MARTIN HOUSE DISTRICTS 18A AND 18B

Martin House District 18A splits Meeker, McLeod, and Carver counties to create a pairing between Republican Representatives Urdahl and Shimanski. Likewise, Martin House District 18B splits Renville, McLeod, and Carver counties to create a pairing between Republican Representatives Leidiger and Gruenhagen. The Martin Intervenors offer no justification for these splits. *See* Martin Brief, at 28 (Nov. 18, 2011).

## 5. Martin Senate District 22.

The Martin Intervenors' Senate District 22 spans five counties and crosses the Minnesota River, creating a single rambling senate district that reaches from Le Sueur in the northeast to Owatonna and Blooming Prairie in the southeast:

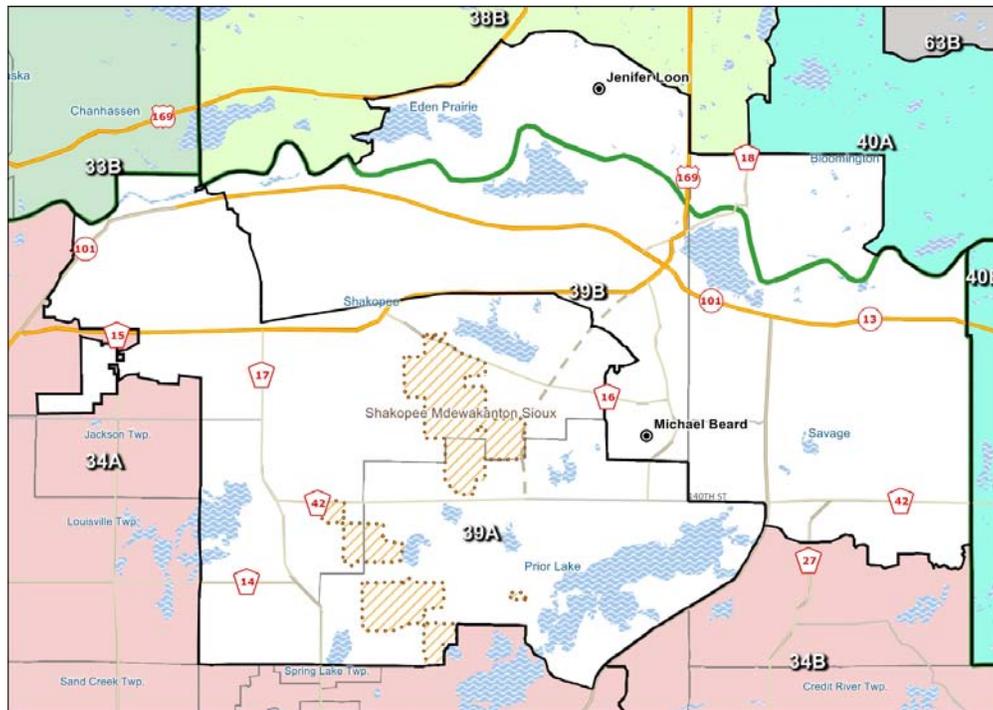


### MARTIN SENATE DISTRICT 22

This peculiar district appears to be a by-product of the Martin Intervenors' donut hole district in Mankato, and it results in a pairing between Republican Senators DeKruif and Parry.

## 6. Martin House District 39B.

The Martin Intervenors' proposed House District 39B is one of the most illogical and difficult to understand districts submitted to the Panel. This district crosses the Minnesota River and the border between Scott and Hennepin counties, and splits the cities of Eden Prairie, Shakopee, and Savage:

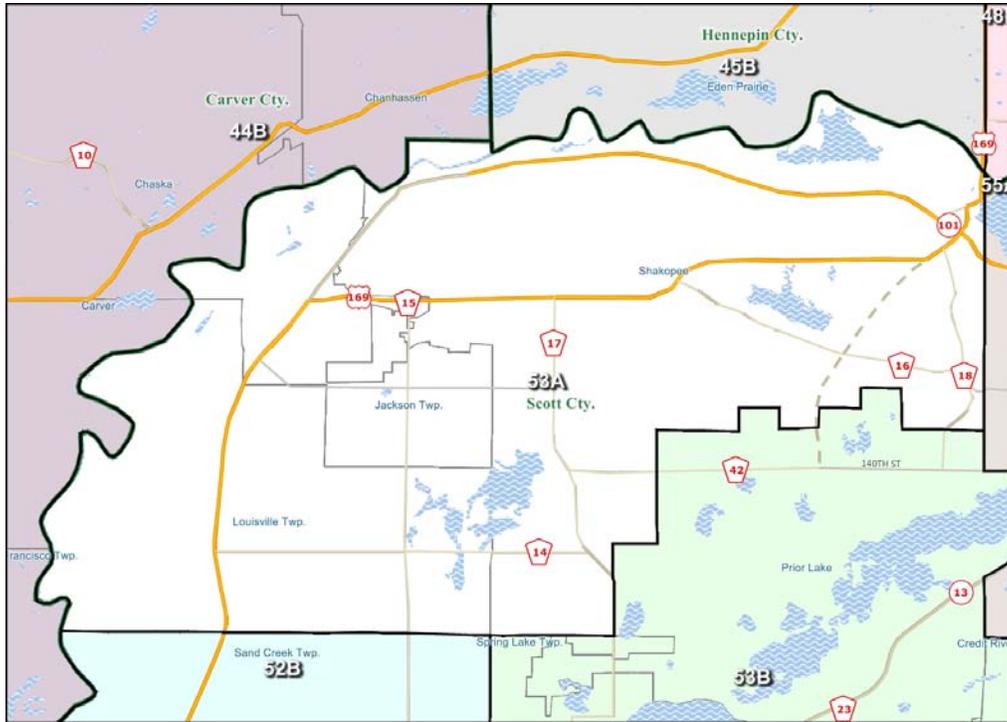


### MARTIN HOUSE DISTRICT 39B

The only apparent purpose for the peculiar shape of the Martin Intervenors' House District 39B is to pair Republican Representatives Loon and Beard, who reside on opposite sides of the Minnesota River.

The inexplicable shape of the Martin Intervenors' House District 39B is particularly glaring when compared to Plaintiffs' map in this area. Plaintiffs' House

District 53A recognizes that Shakopee, Jackson Township, and Louisville create an ideal house district:

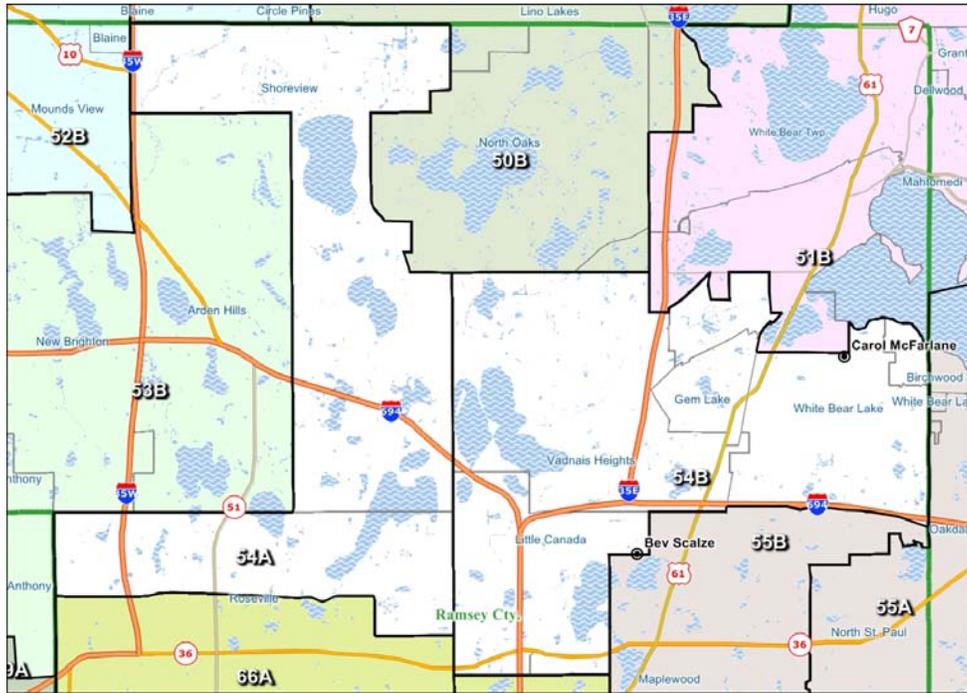


### HIPPERT HOUSE DISTRICT 53A

Plaintiffs’ House District 53A uses the Minnesota River as a natural border, does not split any political subdivisions, and has a population deviation of only 0.57% (224 persons). *See* Hippert Brief, at 32–33 (Nov. 18, 2011). Given the simplicity of Plaintiffs’ approach and the fact that it complies with the Panel’s criteria, there is no non-partisan explanation for the Martin Intervenors’ proposed House District 39B.

## 7. Martin House District 54B.

The Martin Intervenors' proposed House District 54B is a visually curious district in the suburban areas north of St. Paul:



### MARTIN HOUSE DISTRICT 54B

The shape of Martin Intervenors' House District 54B appears designed to pair DFL Representative Scalze with Republican Representative McFarlane, each of whom live on opposite borders of the district.

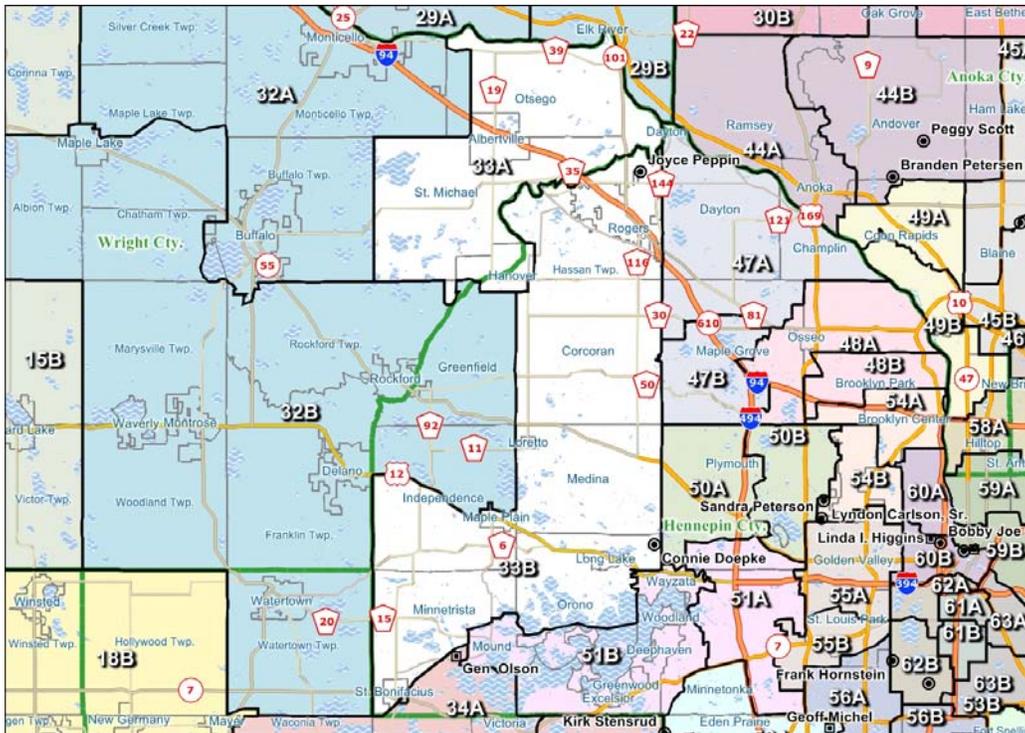
#### **C. Many Of Intervenors' Proposed Districts Are Unconstitutionally Inconvenient.**

Sprawling, massive districts are hallmarks of both the Martin and Britton Intervenors' plans. While some districts need to be geographically large due to low population, the shape of many of the districts proposed by the Martin and Britton Intervenors suggests that they were drawn either as mere afterthoughts or to accomplish

illegitimate, political objectives. The results are inconvenient, unwieldy districts that will poorly serve the people of Minnesota if adopted and violate the requirement of the Minnesota Constitution for “convenient contiguous territory.” MINN. CONST. art. IV, § 3.

**1. Britton House District 33B.**

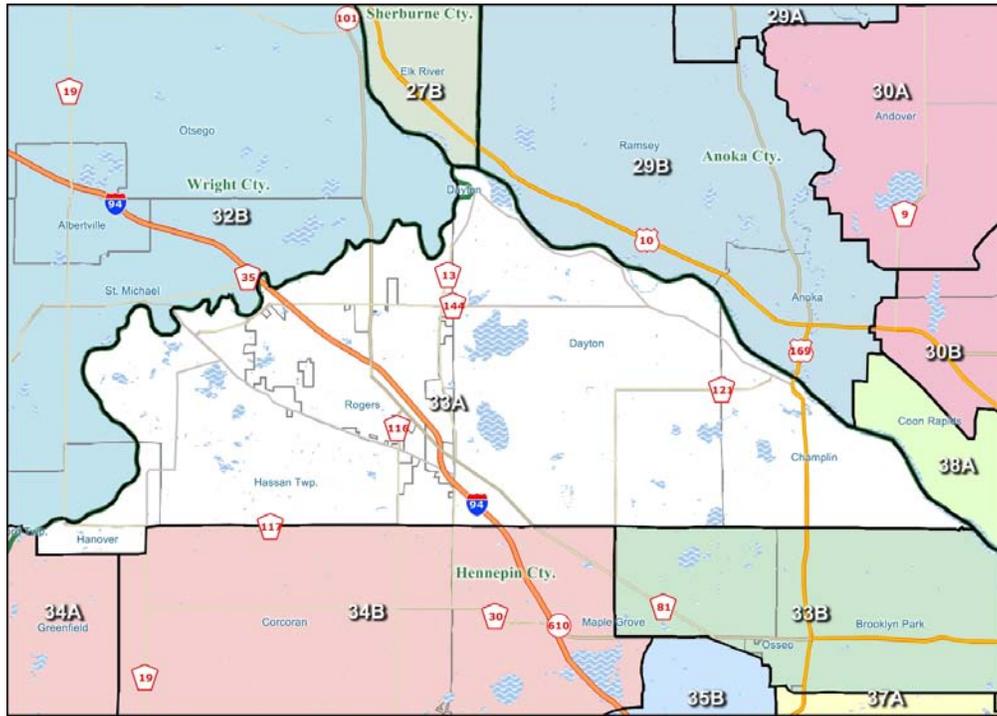
The Britton Intervenor’s House District 33B reaches from Rogers in northern Hennepin County all the way south to Lake Minnetonka, then it spreads west in a horn shape that splits the smaller communities of Independence and Minnetrista:



**BRITTON HOUSE DISTRICT 33B**

The Britton Intervenor’s House District 33B pairs two female Republican representatives who live at the far northern and southern ends of the district (Representatives Joyce Peppin and Connie Doepke).

With respect to Rogers and Hassan Township in northern Hennepin County, Plaintiffs' House District 33A demonstrates that these areas create a near-perfect house district when paired with nearby Dayton and Champlin:

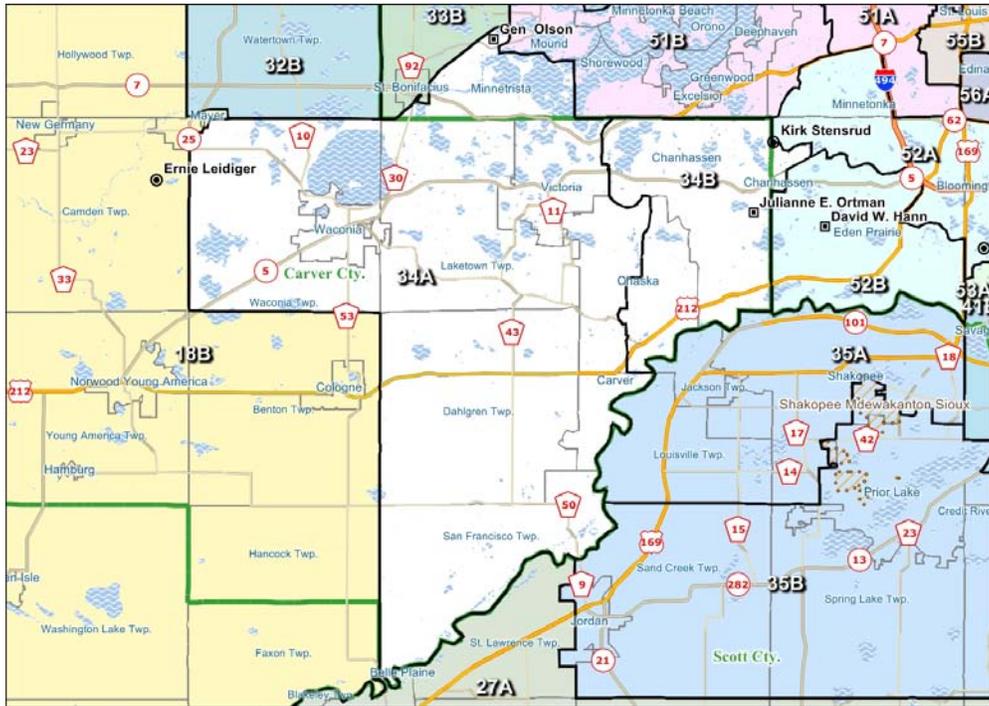


### HIPPERT HOUSE DISTRICT 33A

Plaintiffs' House District 33A has a population deviation of -0.04% (-16 persons). *See* Hippert Brief, at 28–29 (Nov. 18, 2011). Plaintiffs' plan represents a far more logical approach than the Britton Intervenors' House District 33B.

## 2. Britton Senate District 34.

Another uniquely-shaped, inconvenient district proposed by the Britton Intervenors is their Senate District 34. This cross-shaped district stretches from Minnetrista in the north, to the Minnesota River in the south, and incorporates Waconia and Chanhassen on either end:

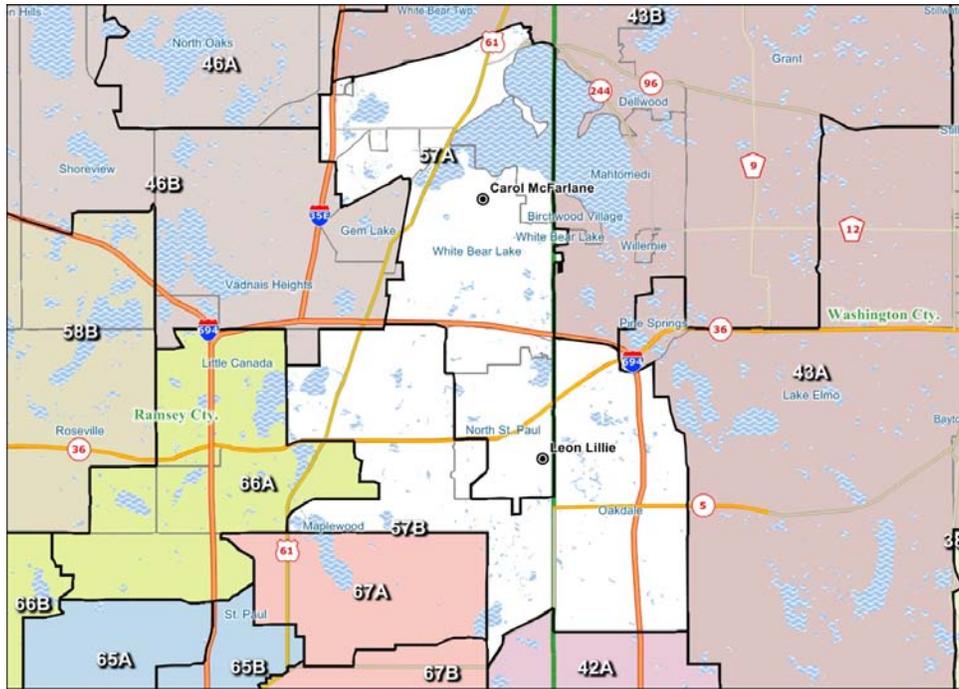


### BRITTON SENATE DISTRICT 34

The top part of this district features a protrusion northward into Minnetrista, which appears to serve no other purpose than to create an incumbent pairing between two female Republican Senators, Gen Olson and Julianne Ortman.

### 3. Britton House Districts 57A and 57B.

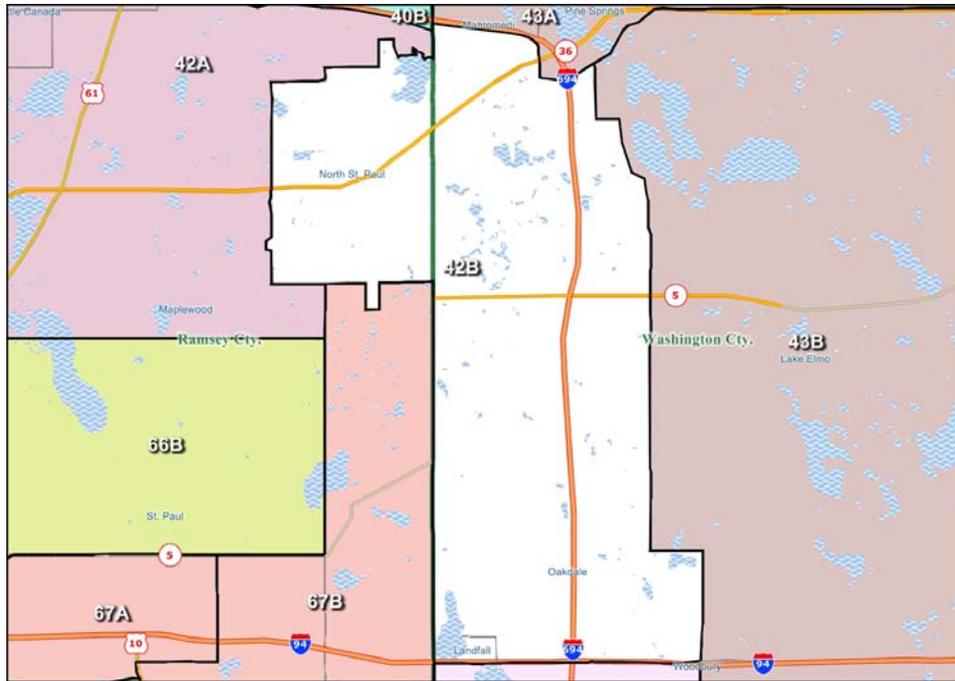
The Britton Intervenors' proposed House District 57A is an oddly-shaped district that extends from White Bear Lake south to portions of North St. Paul, cutting into an even more bizarre-shaped House District 57B:



### BRITTON HOUSE DISTRICTS 57A AND 57B

The strange shape of Britton House District 57A results in a pairing between Republican Representative McFarlane and Democratic Representative Lillie. It also results in an unnecessary split in North St. Paul.

In contrast, Plaintiffs' House District 42B keeps North St. Paul whole and pairs it with Oakdale and Landfall to create an ideal house district:

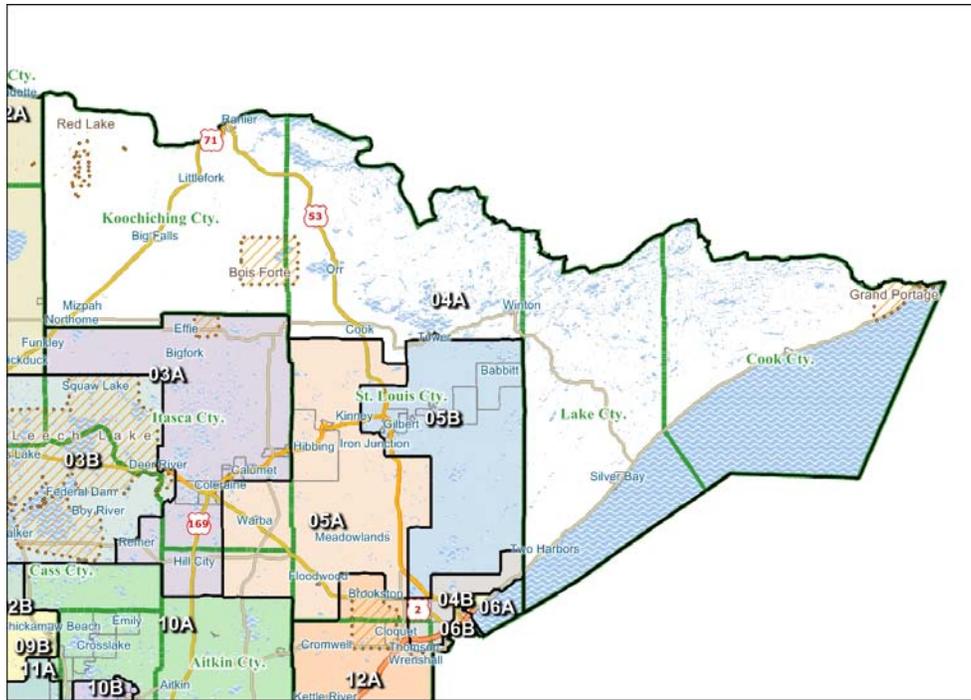


### **HIPPERT HOUSE DISTRICT 42B**

Plaintiffs' House District 42B has a population deviation of -0.15% (58 persons) and represents a more sensible approach to North St. Paul and surrounding areas. *See* Hippert Brief, at 30–31 (Nov. 18, 2011).

#### **4. Martin House District 4A.**

The Martin Intervenors' House District 4A is perhaps the largest district in terms of territory proposed by any party. The District extends along the north shore of Lake Superior from Two Harbors to Grand Marais and then extends west along the Canadian Border all the way to International Falls and the border of Koochiching and Lake of the Woods counties:

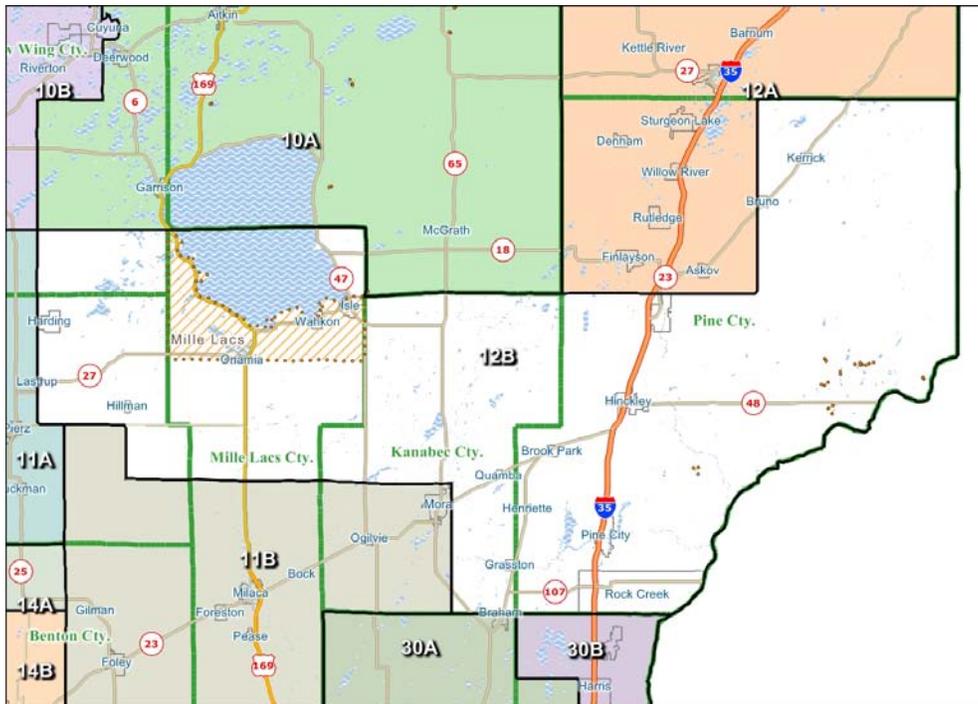


### MARTIN HOUSE DISTRICT 4A

This district is almost impossible to travel easily and is by no means convenient. While a large district is necessary in this part of Minnesota due to sparse population, the inclusion of Koochiching County pushes this district beyond the bounds of “convenient contiguous territory.”

## 5. Martin House District 12B.

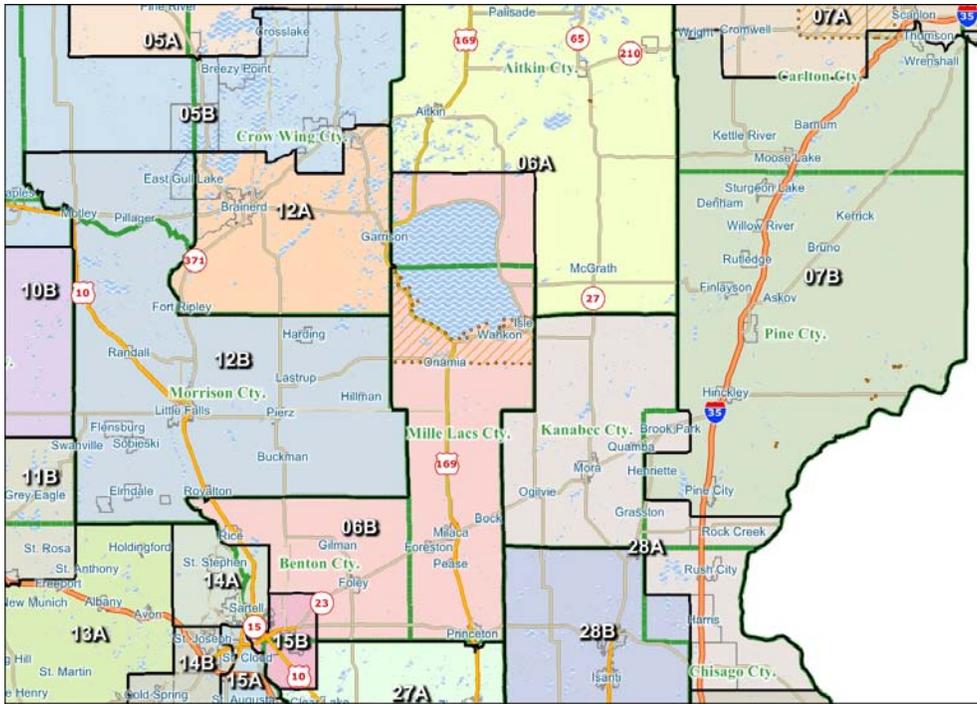
The Martin Intervenors' House District 12B is an expansive, snake-like district that extends from Morrison County in the west to Pine County and the Wisconsin border in the east:



### MARTIN HOUSE DISTRICT 12B

This district cuts across four counties (Morrison, Mille Lacs, Kanabec, and Pine) and creates splits in all of them.

The Martin Intervenors' House District 12B presents a stark contrast to Plaintiffs' plan, which preserves Morrison, Mille Lacs, and Kanabec counties as whole and splits only Pine County:

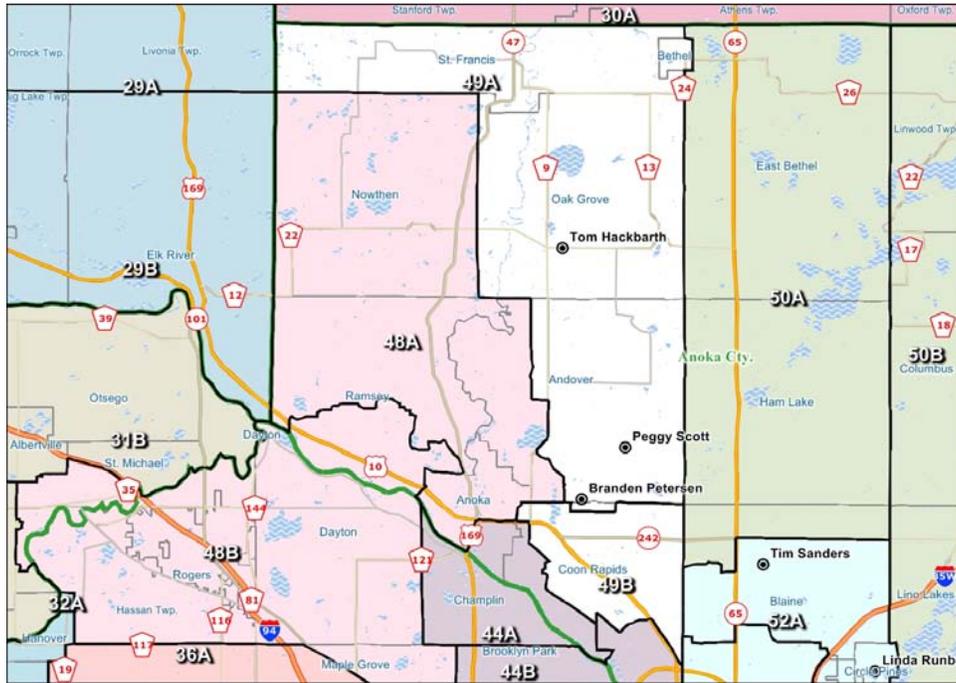


### HIPPERT MILLE LACS REGION AND SURROUNDING AREAS

Plaintiff’s plan not only creates more compact and convenient districts in this area, but it also preserves more political subdivisions in compliance with the Panel’s criteria.

## 6. Martin House District 49A.

The Martin Intervenors' House District 49A is an oddly-shaped district that almost divides Anoka County in half:

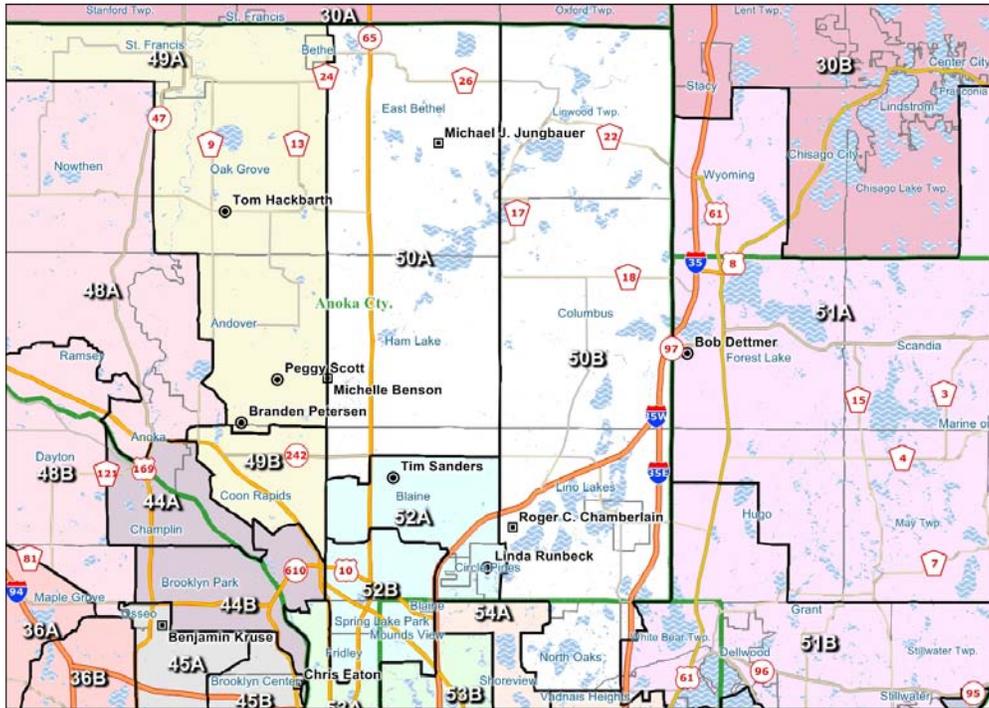


### MARTIN HOUSE DISTRICT 49A

This district splits Andover and Coon Rapids, separates Bethel from East Bethel, and does not follow any major transportation routes. The apparent purpose of the Martin Intervenors' House District 49A is to pair three Republican representatives in a single district (Representatives Peggy Scott, Tom Hackbarth, and Branden Petersen).

## 7. Martin House District 50B.

The Martin Intervenors' House District 50B is an awkward column-shaped district that stretches from Linwood Township in the north down to North Oaks in the south:



### MARTIN HOUSE DISTRICT 50B

Like the Martin Intervenors' House District 49A, this district is difficult to traverse from end to end. In addition, it appears that the Martin Intervenors drew their House District 50B, along with their similar column-shaped House District 50A, to create a pairing of three Republican Senators (Senators Benson, Jungbauer, and Chamberlain) in the Martin Intervenors' Senate District 50.

**D. The Problems with the Martin and Britton Intervenors' Plans Are Too Numerous to Ignore.**

The Martin and Britton plans are replete with unconventionally-shaped districts. The frequency with which Intervenors' districts appear to serve no other purpose than to pair Republican incumbents is too significant to ignore. Moreover, the Martin and Britton plans adhere to their own criteria rather than the criteria adopted by the Panel. Intervenors flagrantly divide political subdivisions and communities of interest without any identifiable justifications.

While redistricting may not be a "cold mathematical exercise," it is and should be subject to certain constraints and objective principles, particularly in the case of judicially created redistricting plans. Plaintiffs' plan is the only plan submitted by any party to this litigation that complies with the Panel's redistricting criteria and adheres to the requirements of Minnesota law.

**IV. THE PANEL SHOULD REJECT THE LEGISLATIVE MAP PROPOSED BY DRAW THE LINE.**

While not a party to this litigation, Draw the Line also submitted a legislative redistricting plan to the Panel. Because the Draw the Line plan suffers from many of the same defects as the plans proposed by the Martin and Britton Intervenors, the Panel should reject this plan as well.

The Draw the Line map features even more political subdivision splits than the maps proposed by the Martin and Britton Intervenors.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>	<b>Draw The Line House Redistricting Plan</b>
<b>Number of Counties Split Into More Than One House District</b>	40	49	52	60
<b>Number of Times a County Is Split Into More Than One House District</b>	144	163	168	209
<b>Number of MCDs Split Into More Than One House District</b>	39	66	86	145
<b>Number of Times a MCD Is Split Into More Than One House District</b>	72	104	127	206

	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>	<b>Draw The Line Senate Redistricting Plan</b>
<b>Number of Counties Split Into More Than One Senate District</b>	29	38	41	51
<b>Number of Times a County Is Split Into More Than One Senate District</b>	81	91	97	127
<b>Number of MCDs Split Into More Than One Senate District</b>	28	45	59	101
<b>Number of Times a MCD Is Split Into More Than One Senate District</b>	38	60	70	123

The Draw the Line map also splits more neighborhoods and planning districts in Minneapolis, St. Paul, and Duluth than any of the plans submitted by the parties.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>	<b>Draw The Line House Redistricting Plan</b>
<b>Number of Minneapolis Neighborhoods Split</b>	8	12	22	29
<b>Number of St. Paul Planning Districts Split</b>	4	8	9	11
<b>Number of Duluth Neighborhoods Split</b>	3	6	4	6

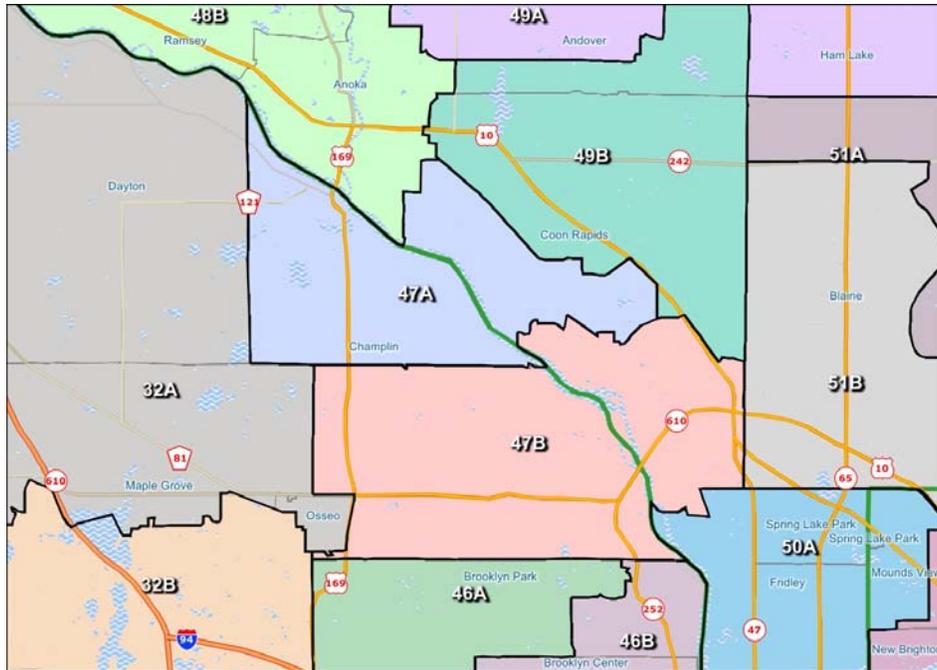
	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>	<b>Draw the Line Senate Redistricting Plan</b>
<b>Number of Minneapolis Neighborhoods Split</b>	6	6	15	18
<b>Number of St. Paul Planning Districts Split</b>	3	4	6	7
<b>Number of Duluth Neighborhoods Split</b>	1	5	1	4

It is not clear if these splits are the result of an overall strategy, or simply the result of a lack of expertise in preparing legislative districting maps. Whatever the reason, the result is wholly at odds with the Panel’s criteria.<sup>13</sup>

Like the Martin and Britton maps, the Draw the Line map also needlessly crosses rivers and divides communities of interest in several areas. For example, Draw the Line’s proposed House Districts 47A and 47B straddle the Mississippi River between Champlin and Coon Rapids and between Brooklyn Park and Fridley:

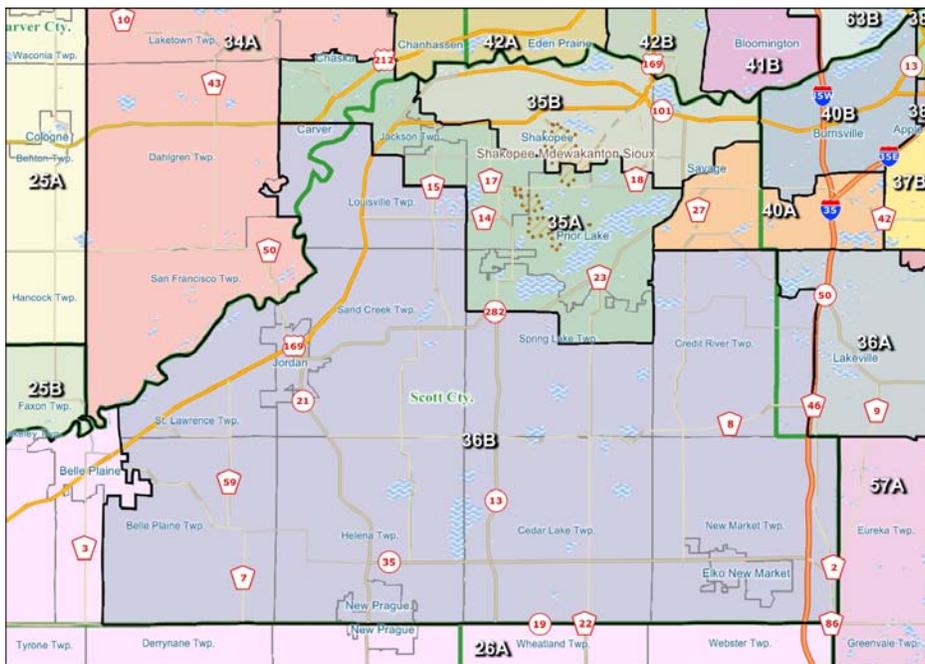
---

<sup>13</sup> Draw the Line acknowledges that it relied on its own criteria instead of the Panel’s criteria when drawing its maps. *See* Draw the Line Letter to Minnesota Special Redistricting Panel, at 6–8 (Oct. 21, 2011) (explaining the “Citizens’ Redistricting Commission Redistricting Principles”). Like the Martin and Britton Intervenors, Draw the Line disregarded the Panel’s criteria and Minnesota law by emphasizing preservation of communities of interest over preservation of political subdivisions. *See id.*, at 6–7.



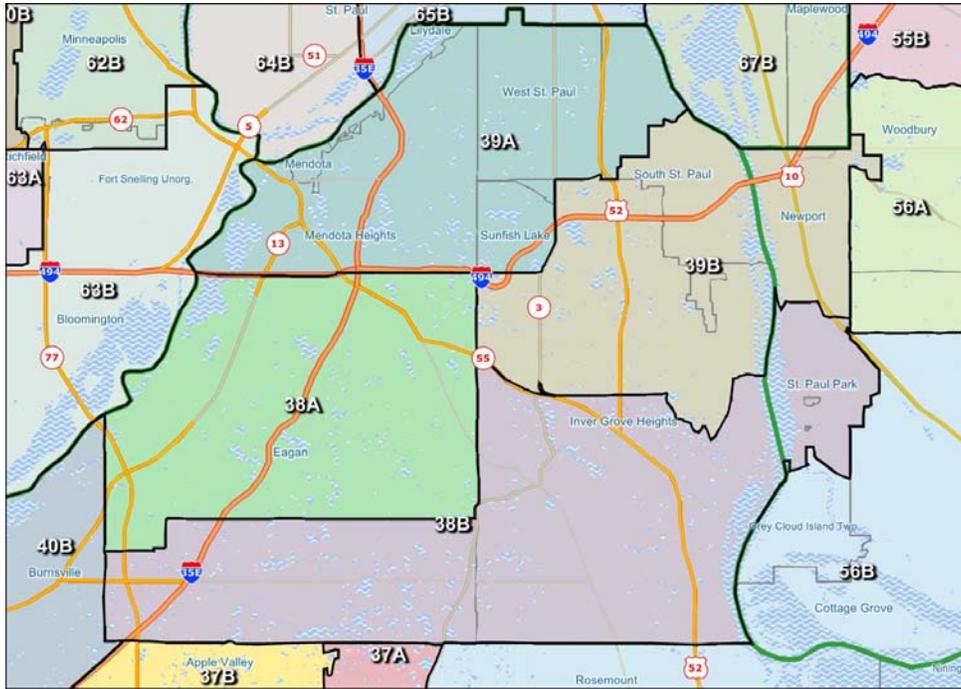
**DRAW THE LINE HOUSE DISTRICTS 47A AND 47B**

In the southwest metro, the Draw the Line map crosses the Minnesota River in its proposed House Districts 35A and 36B:



**DRAW THE LINE HOUSE DISTRICTS 35A AND 36B**

And in the southeast metro, the Draw the Line map crosses the Mississippi River unnecessarily in its proposed House Districts 38B and 39B:



**DRAW THE LINE HOUSE DISTRICTS 38B AND 39B**

Finally, the Draw the Line map results in a greater number of incumbent pairings and open seats than any of the parties' plans.

	<b>Hippert House Redistricting Plan</b>	<b>Martin House Redistricting Plan</b>	<b>Britton House Redistricting Plan</b>	<b>Draw The Line House Redistricting Plan</b>
<b>Number of Incumbents Paired</b>	16	35	39	54
<b>Number of Open Seats</b>	8	19	21	27
<b>DFL vs. DFL Pairings</b>	3	0	4	11
<b>GOP vs. GOP Pairings</b>	1	12	11	12
<b>DFL vs. GOP Pairings</b>	4	5	4	4

	<b>Hippert Senate Redistricting Plan</b>	<b>Martin Senate Redistricting Plan</b>	<b>Britton Senate Redistricting Plan</b>	<b>Draw the Line Senate Redistricting Plan</b>
<b>Number of Incumbents Paired</b>	4	13	18	26
<b>Number of Open Seats</b>	2	7	9	13
<b>DFL vs. DFL Pairings</b>	1	0	2	5
<b>GOP vs. GOP Pairings</b>	0	3	5	6
<b>DFL vs. GOP Pairings</b>	1	3	2	2

In fairness to Draw the Line, the incumbent pairings and open seats in their legislative plan are less overtly political than the plans proposed by the Martin and Britton Intervenors, but they are still far more numerous than necessary.

On the whole, the Draw the Line map complies with the Panel’s criteria to an even lesser extent than the plans submitted by the Martin and Britton Intervenors. Quantitatively, the Draw the Line plan fails virtually every standard. With all due respect to these efforts, the Panel should reject their proposed redistricting plan.

## CONCLUSION

From the outset of these proceedings, Plaintiffs have advocated for clear, objective criteria grounded first in the applicable constitutional and statutory provisions, and then in established and well recognized traditional redistricting considerations. While there is room for differing views on how these criteria may be applied in specific instances, one would expect that if all parties endeavored to follow the criteria adopted by the Panel, there would be considerable commonality to the plans submitted. But that is clearly not the case. In light of that fact, what guidance should the Panel take from the plans it has received? With respect, the Panel should look closely at Plaintiffs' submission, and adopt it in large part, if not in its entirety.

Plaintiffs' legislative redistricting plan is the only plan that follows the redistricting principles adopted by the Panel. It is the only plan that was developed with the benefit of legislative expertise. It is the only plan that has been subject to public scrutiny and has incorporated changes based on public input. And it is the only plan that was developed based on neutral, objective guiding principles that can be easily identified and explained.

The plans submitted by the Martin and Britton Intervenors ignore the Panel's criteria. They were shielded from public view until the last possible moment, and they largely disregard the public testimony provided at the Panel's hearings. Moreover, the Martin and Britton Intervenors' plans have no clear guiding principles. The arguments offered by the Martin and Britton Intervenors are nothing more than *ad hoc* justifications for blatant political line-drawing.

The political manipulations offered by the Martin and Britton parties would exceed even the bounds of appropriate legislative action, despite the broader authority of the Legislature to consider political concerns. Under no stretch of the imagination or the law are the proposed maps appropriate for a judicial redistricting panel. Courts must not become “entangled in the politics that might surround redistricting processes and are common to the legislative arena.” *Zachman*, Order Stating Redistricting Principles and Requirements for Plan Submissions, at 10 (Minn. Special Redistricting Panel, Dec. 11, 2001). While “[l]aws promulgated by the Legislative Branch can be inconsistent, illogical, and ad hoc; law pronounced by the courts must be principled, rational, and based upon reasoned distinctions.” *Vieth v. Jubelirer*, 541 U.S. 267, 278 (2004). The Panel’s task is “an exposed and sensitive one that must be accomplished circumspectly, and in a manner ‘free from any taint of arbitrariness or discrimination.’” *Connor v. Finch*, 431 U.S. 407, 415 (1977) (citing *Roman v. Sincock*, 377 U. S. 695, 710 (1964)). The Martin and Britton Intervenors’ plans propose precisely the kind of arbitrariness and discrimination that the Panel must avoid.

The people of Minnesota deserve a legislative redistricting plan that is principled, objective, and follows the criteria adopted by the Panel as well as the requirements of Minnesota and federal law. Through the culmination of a long process of public feedback and modification, Plaintiffs’ legislative redistricting plan accomplishes these objectives. Plaintiffs’ plan provides a sound basis for civic engagement and assures that every Minnesotan will have an equal voice in state government in the coming decade. The “hyper-partisan and bizarre” maps proposed by the Martin and Britton Intervenors do

not achieve these goals. Plaintiffs respectfully request that the Panel reject the plans proposed by the Martin and Britton Intervenors and adopt Plaintiffs' redistricting plan in its entirety.

**BRIGGS AND MORGAN, P.A.**

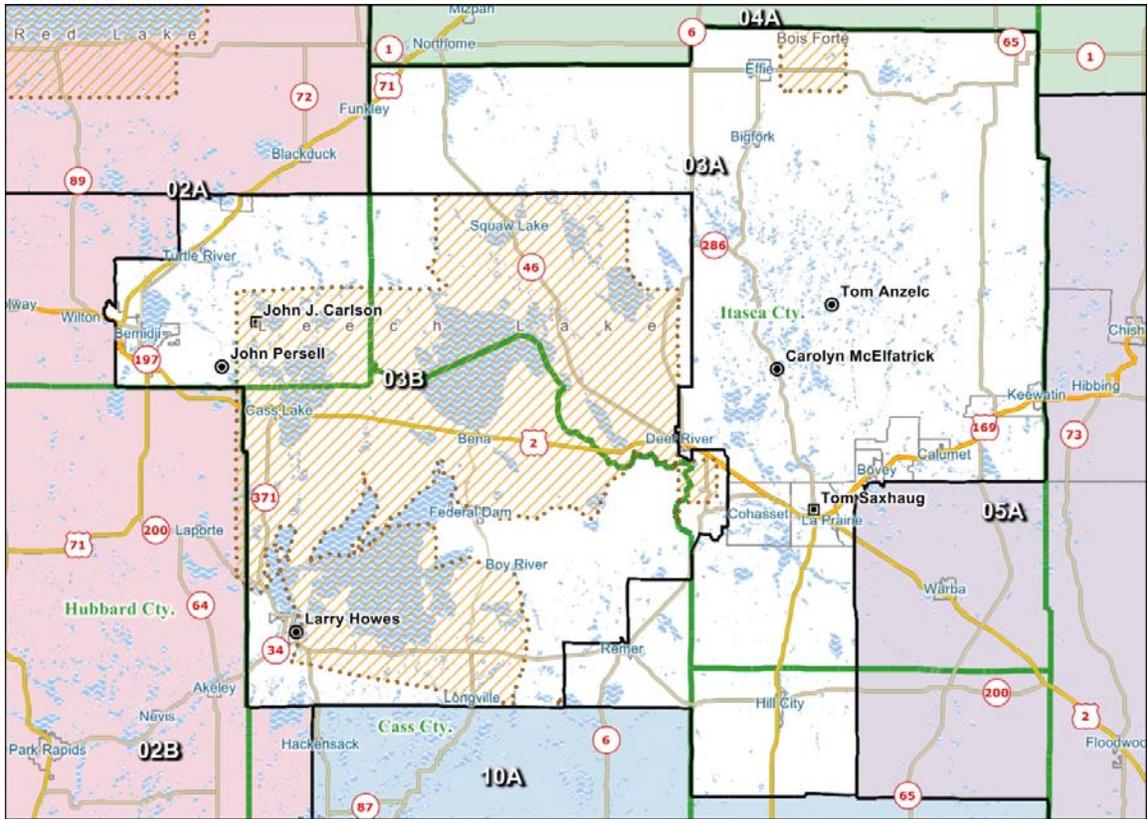
By: s/ Eric J. Magnuson  
Eric J. Magnuson (#0066412)  
Elizabeth M. Brama (#0301747)  
Michael C. Wilhelm (#0387655)  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402-2157

**TRIMBLE & ASSOCIATES, LTD.**

Tony P. Trimble, #122555  
Matthew W. Haapoja, #268033  
10201 Wayzata Boulevard, Suite 130  
Minnetonka, MN 55305

***ATTORNEYS FOR HIPPERT PLAINTIFFS***

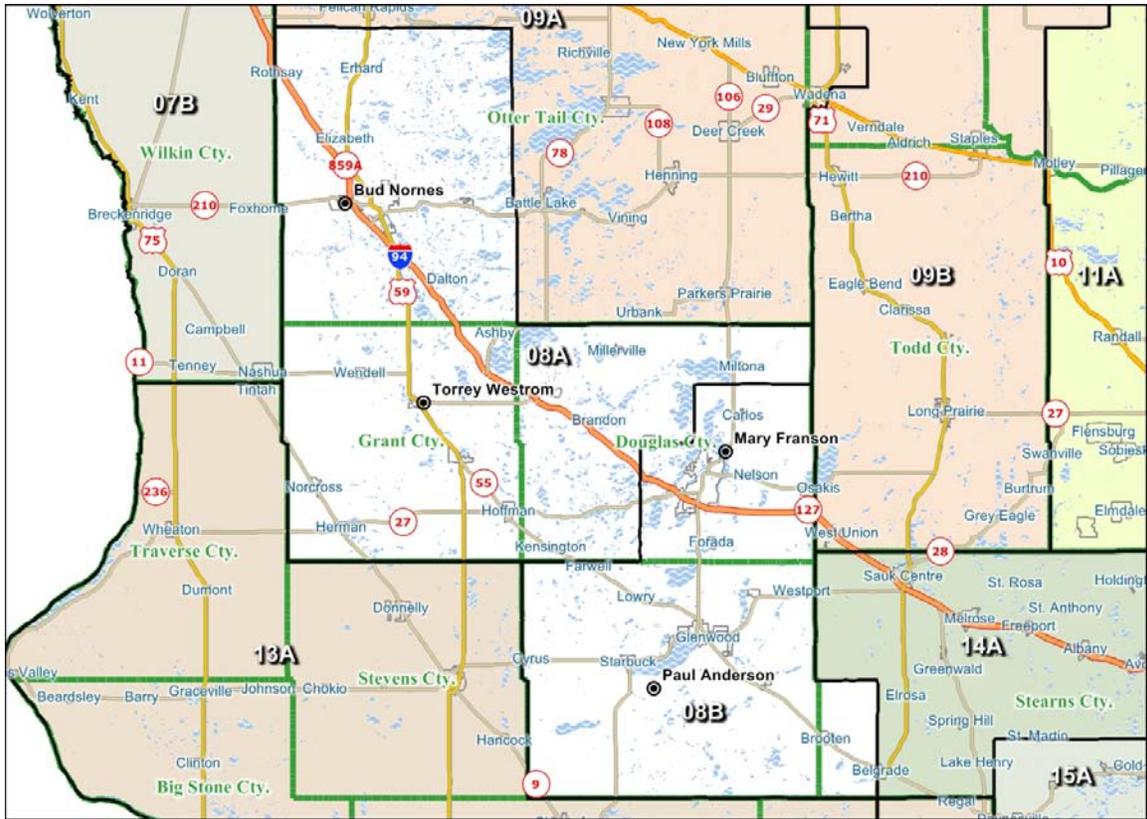
# Appendix A



Martin House District 03A pairs House Members Carolyn McElfatrick (R) and Tom Anzelc (DFL).

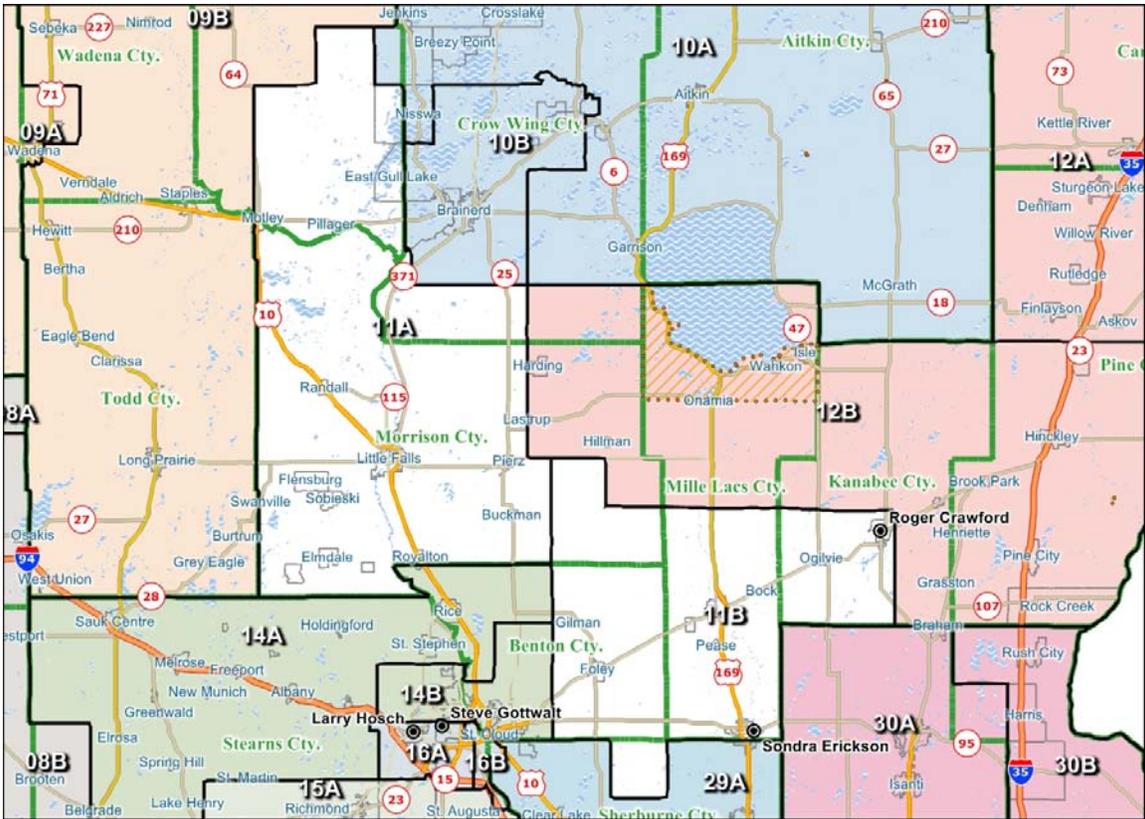
Martin House District 03B pairs House Members John Persell (DFL) and Larry Howes (R).

Martin Senate District 03 pairs Senators John Carlson (R) and Tom Saxhaug (DFL).

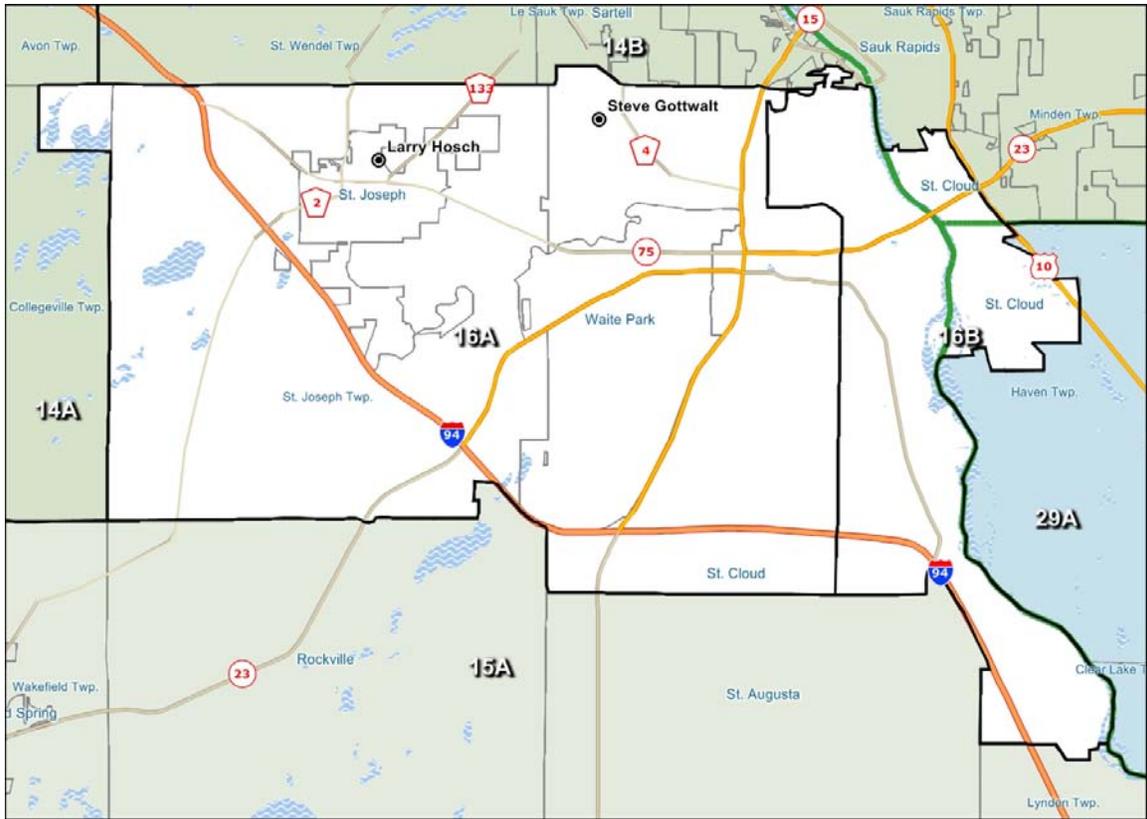


Martin House District 08A pairs House Members Torrey Westrom (R) and Bud Nornes (R).

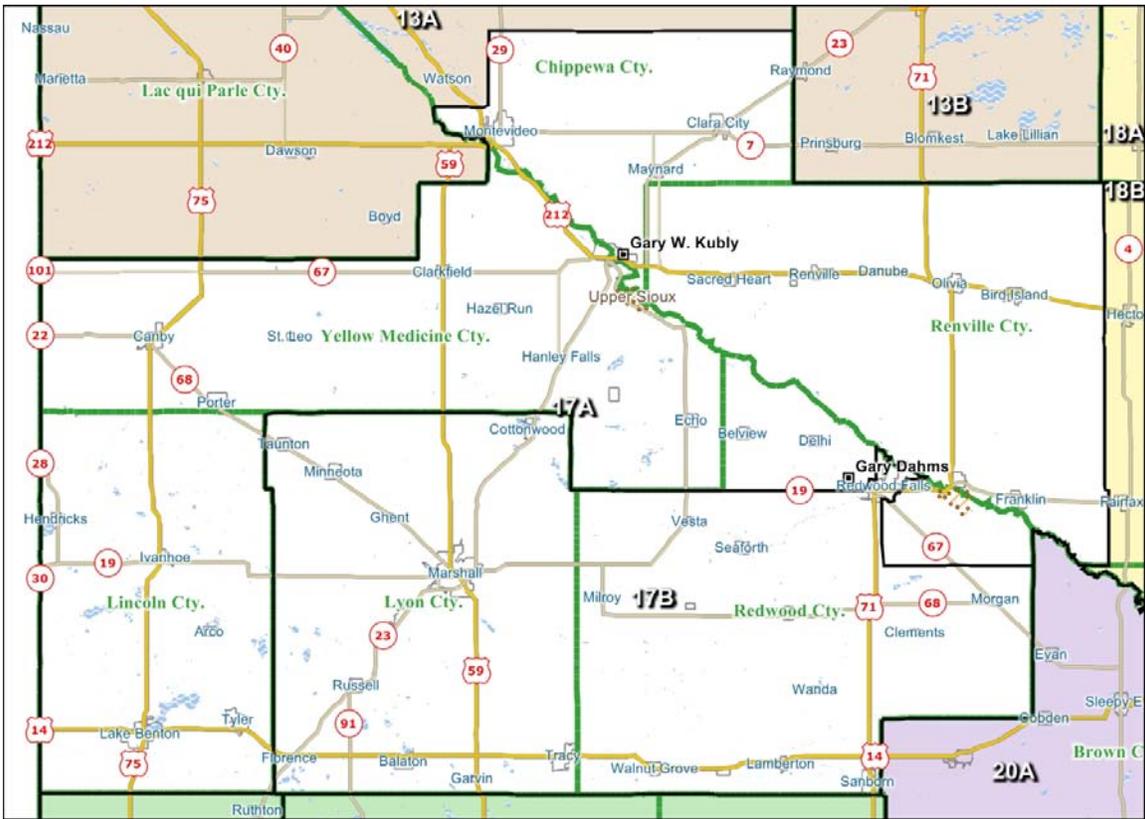
Martin House District 08B pairs House Members Paul Anderson (R) and Mary Franson (R).



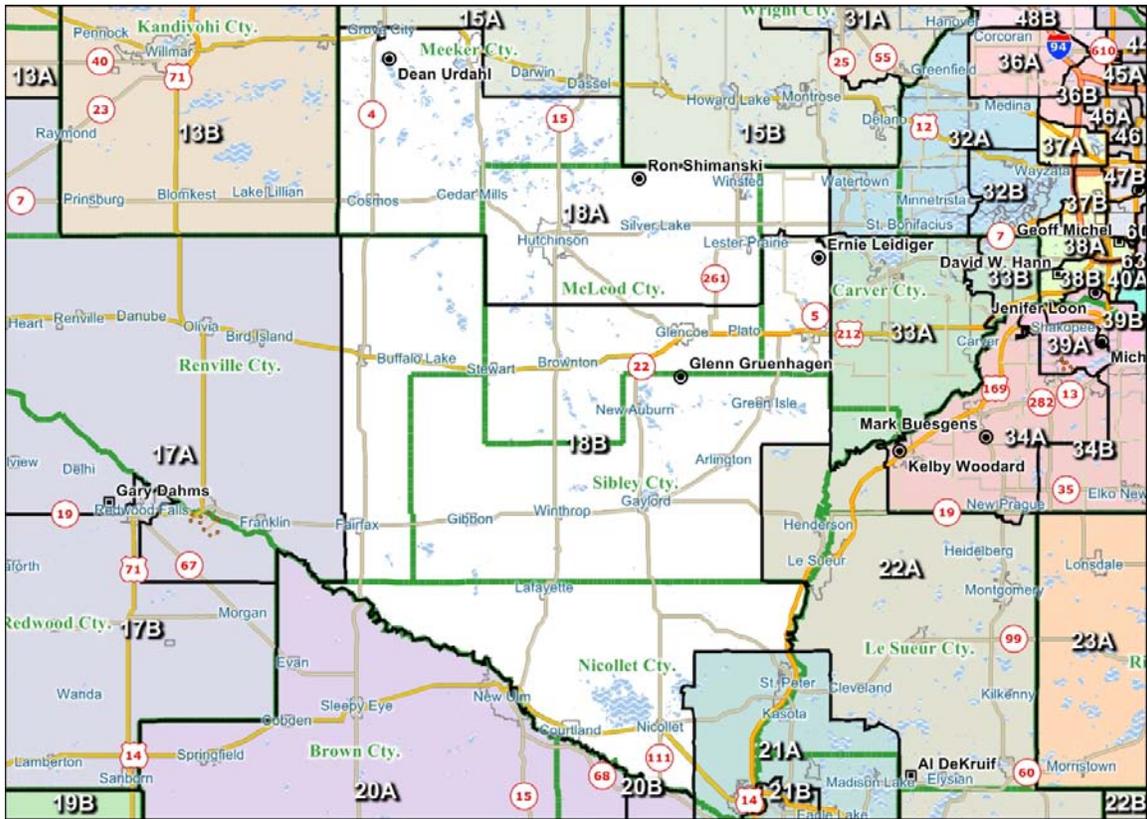
Martin House District 11B pairs House Members Sondra Erickson (R) and Roger Crawford (R).



Martin House District 16A pairs House Members Larry Hosch (DFL) and Steve Gottwalt (R).

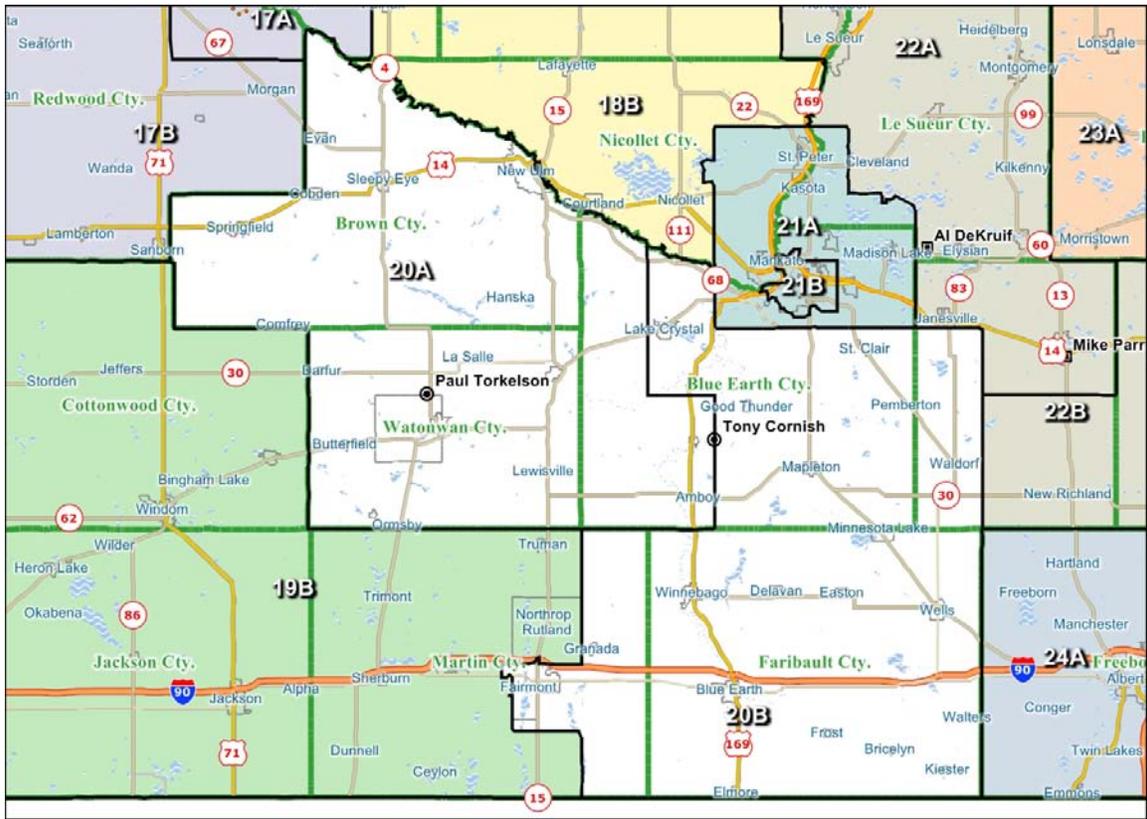


Martin Senate District 17 pairs Senators Gary Kubly (DFL) and Gary Dahms (R).

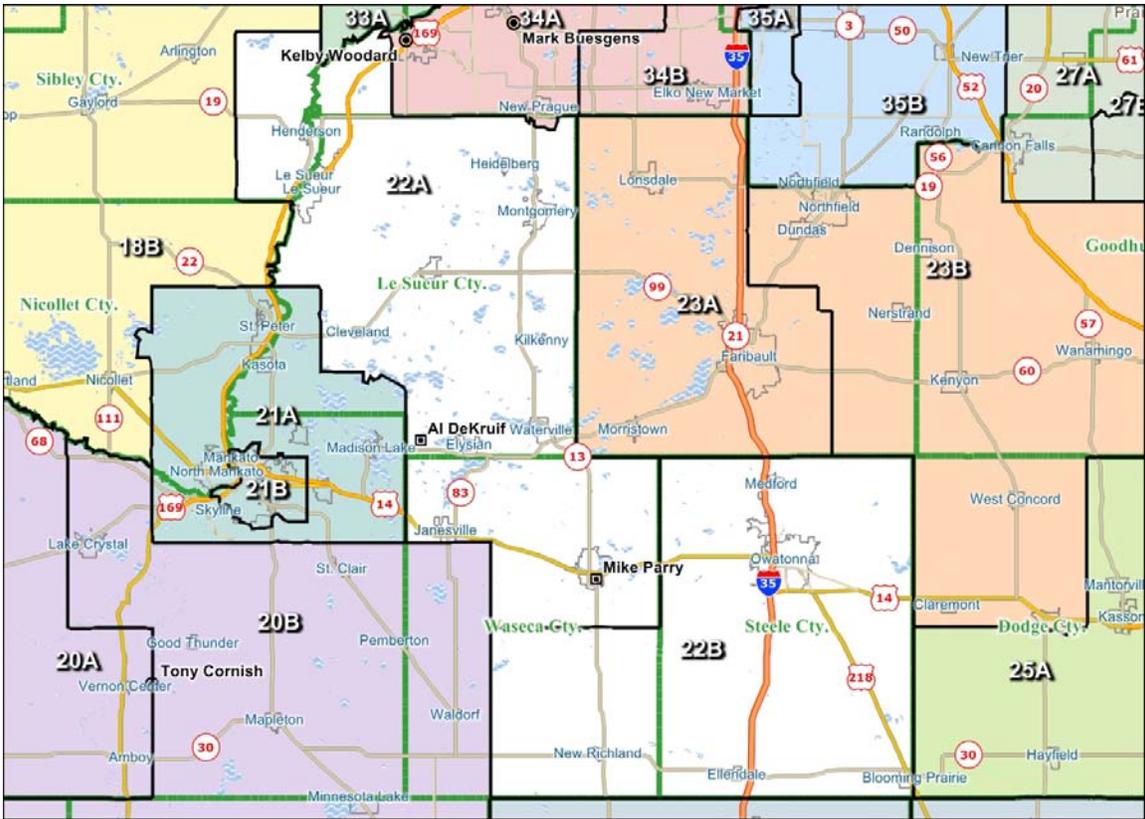


Martin House District 18A pairs House Members Dean Urdahl (R) and Ron Shimanski (R).

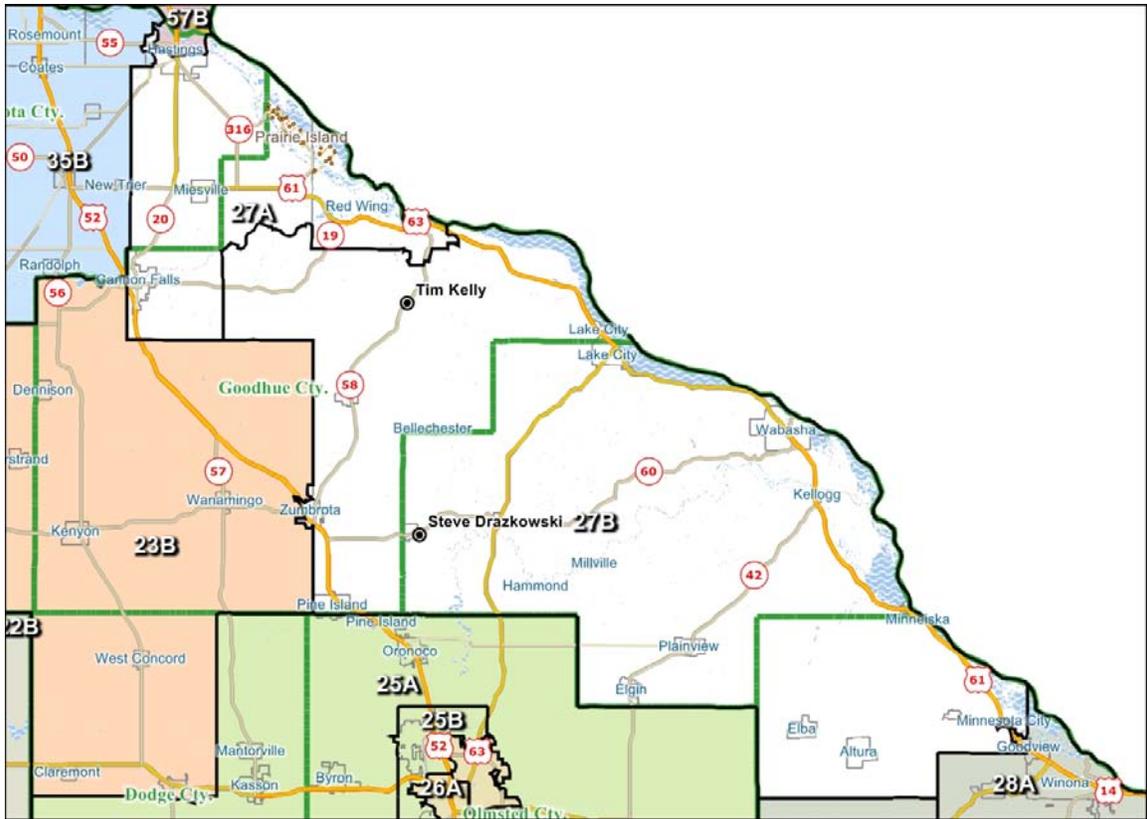
Martin House District 18B pairs House Members Glenn Gruenhagen (R) and Ernie Leidiger (R).



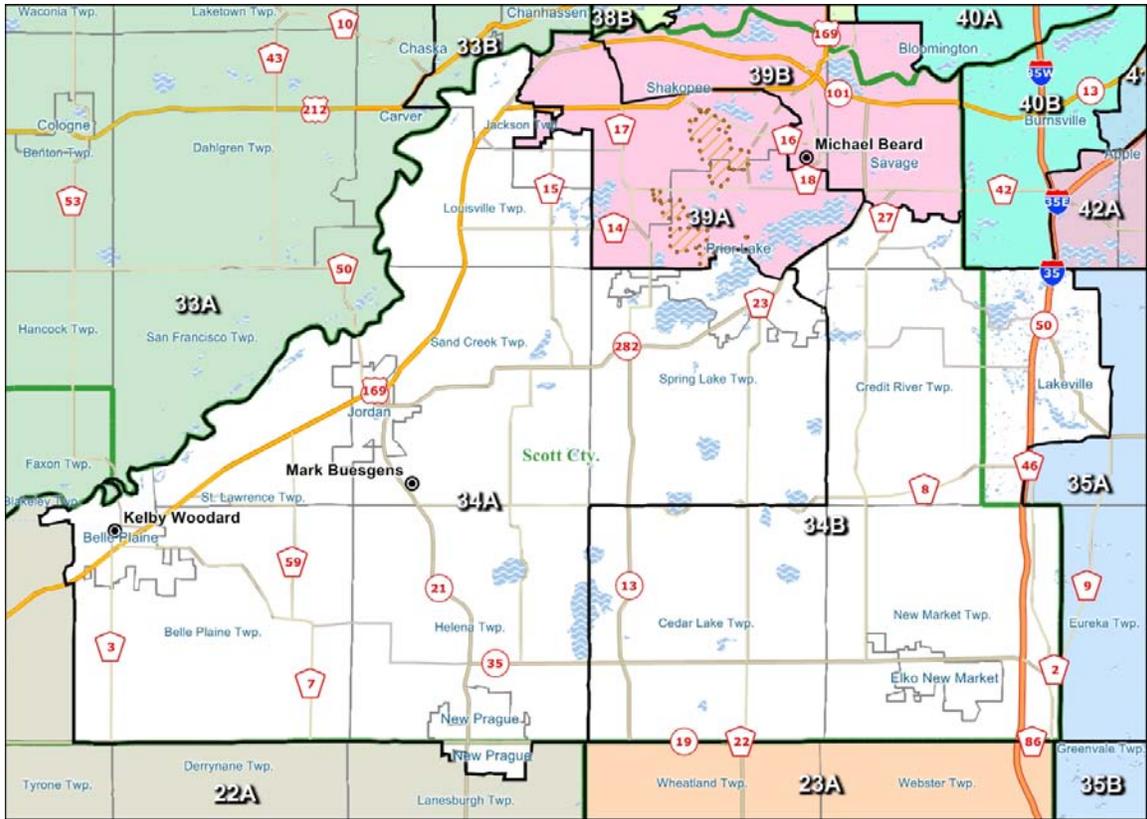
Martin House District 20A pairs House Members Paul Torkelson (R) and Tony Cornish (R).



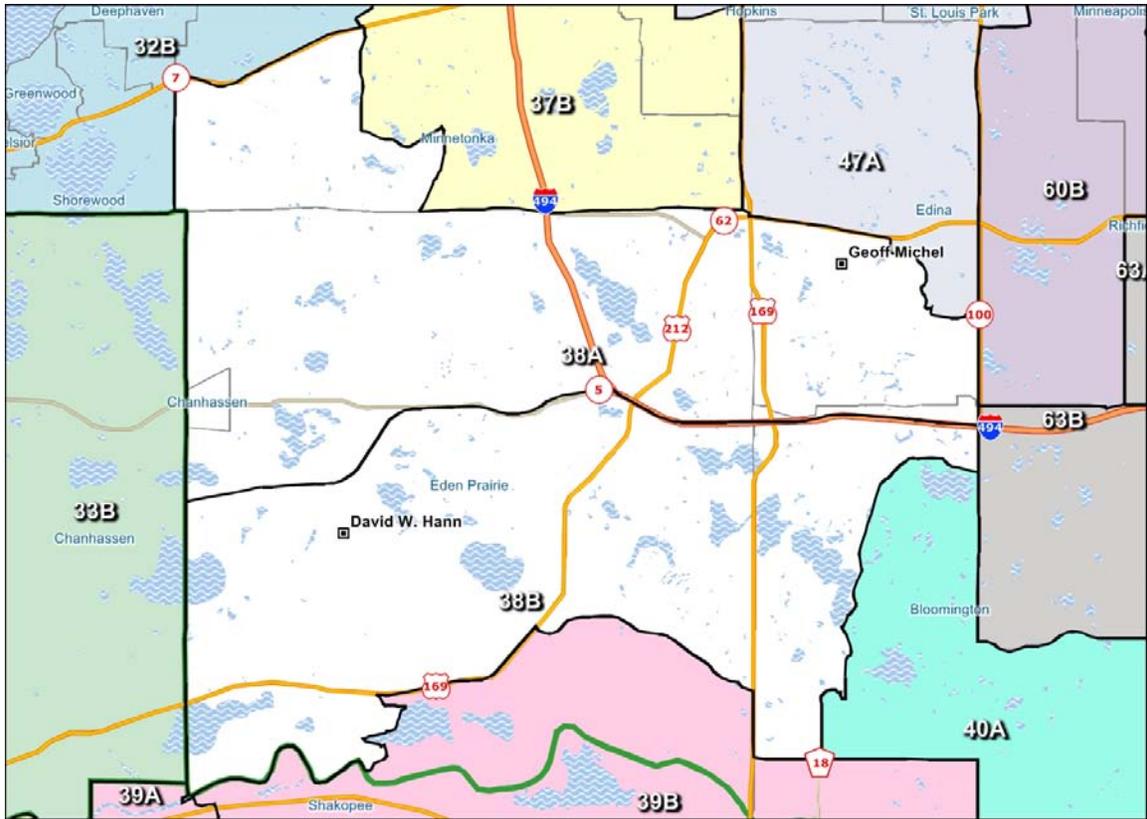
Martin Senate District 20 pairs Senators Al DeKruif (R) and Mike Parry (R).



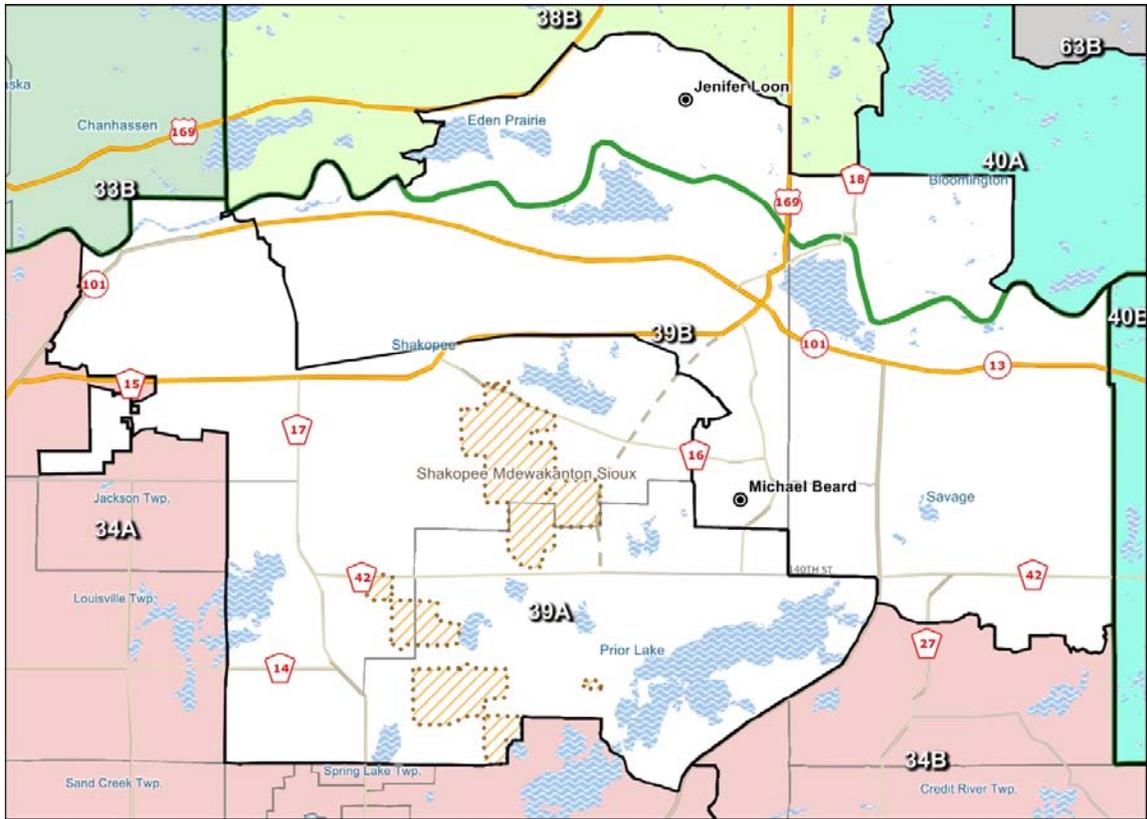
Martin House District 27B pairs House Members Tim Kelly (R) and Steve Drazkowski (R).



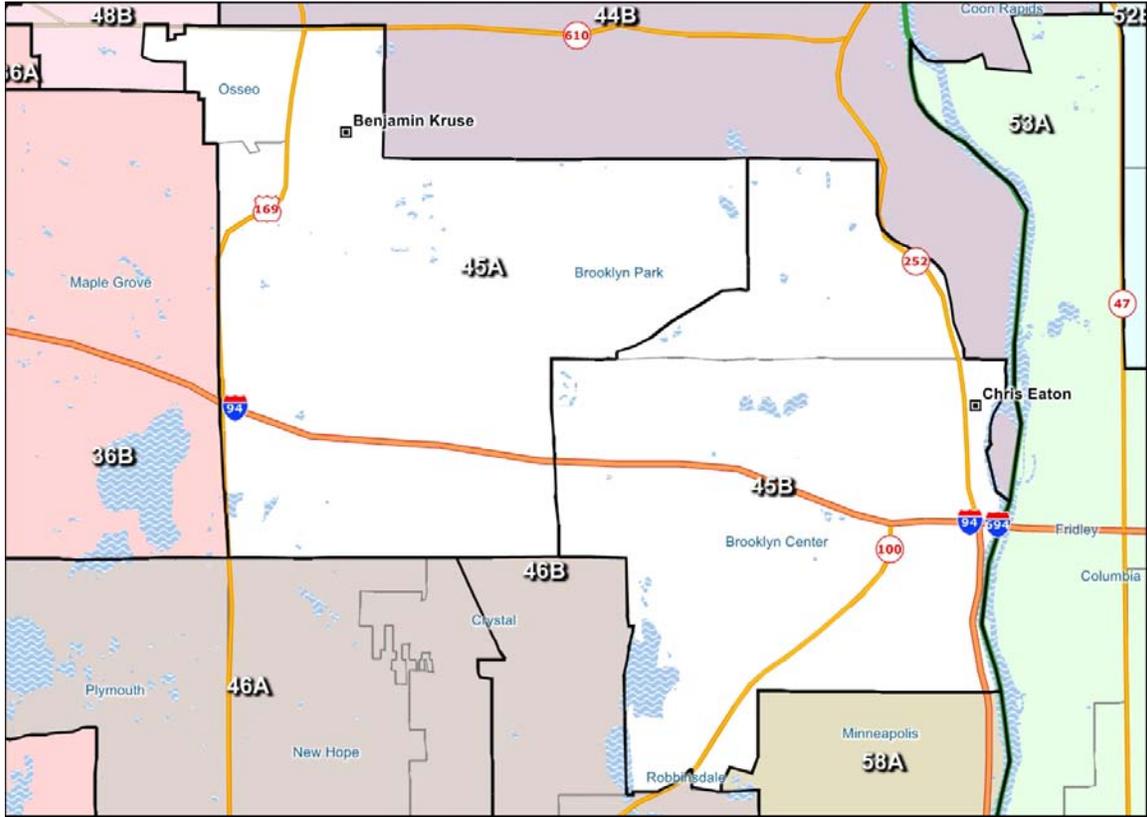
Martin House District 34A pairs House Members Kelby Woodard (R) and Mark Buesgens (R).



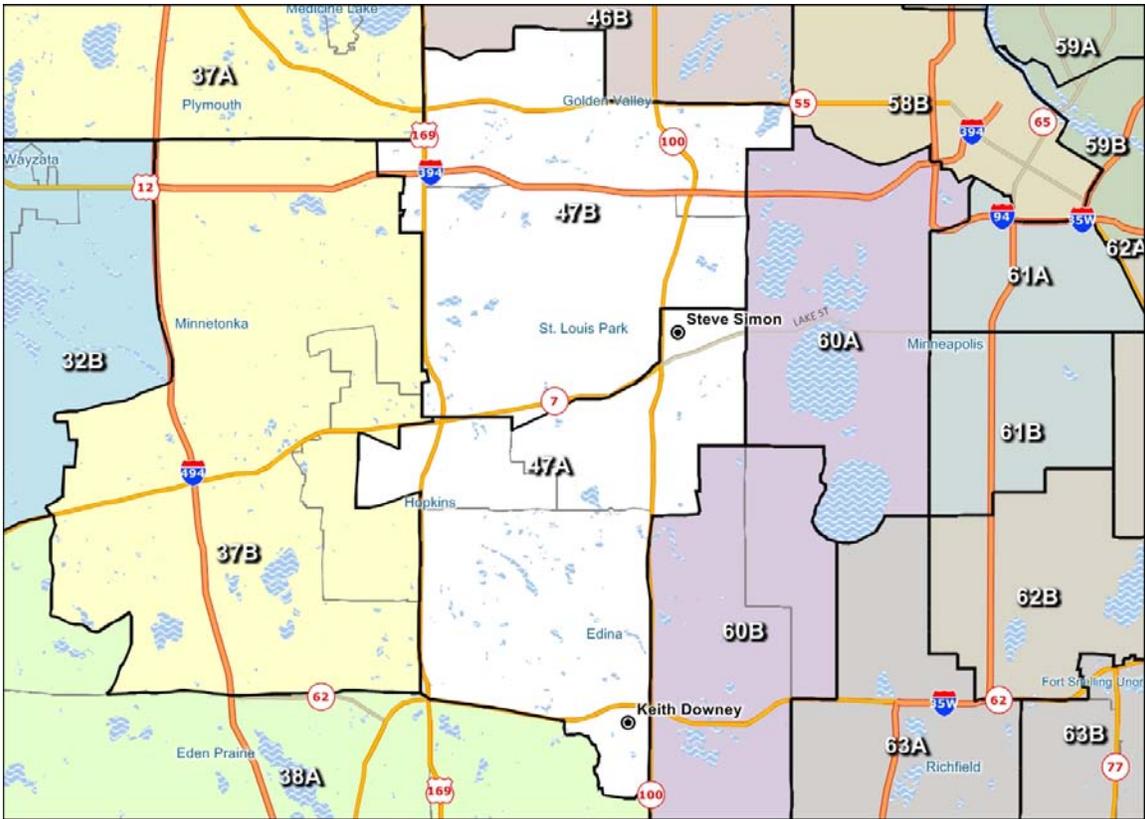
Martin Senate District 38 pairs Senators David Hann (R) and Geoff Michel (R).



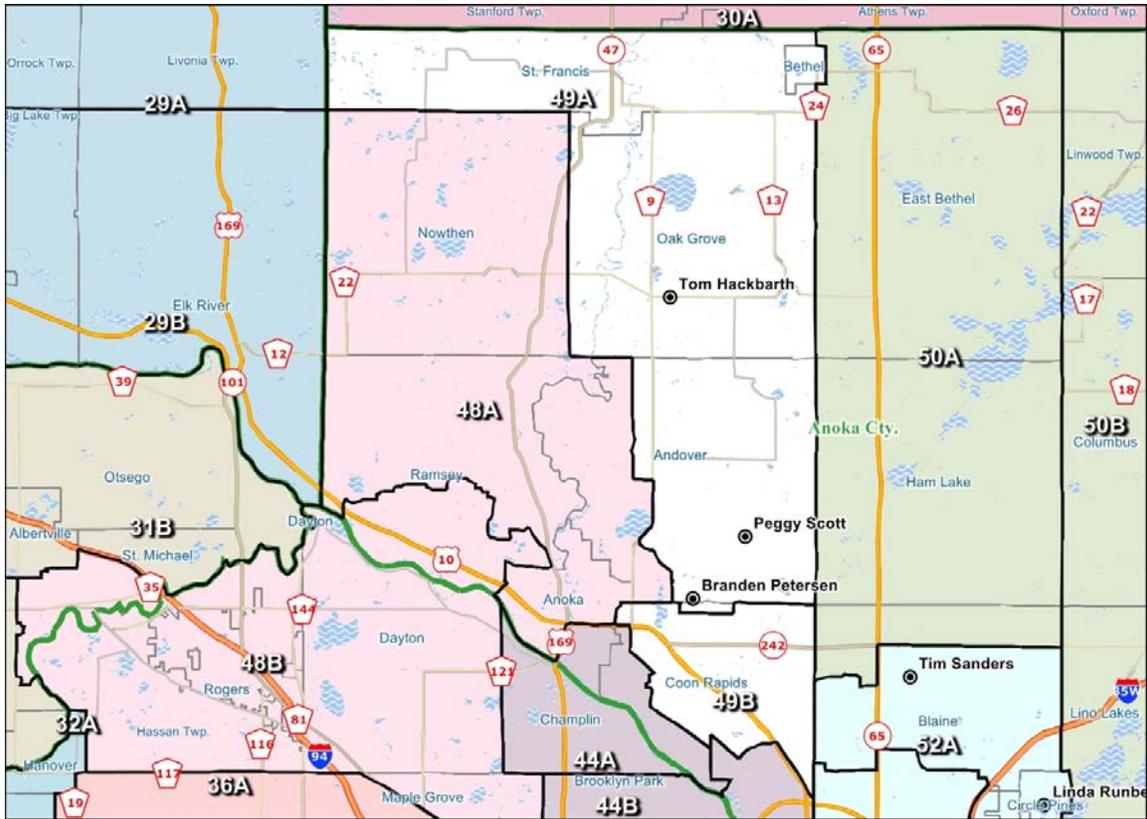
Martin House District 39B pairs House Members Michael Beard (R) and Jenifer Loon (R).



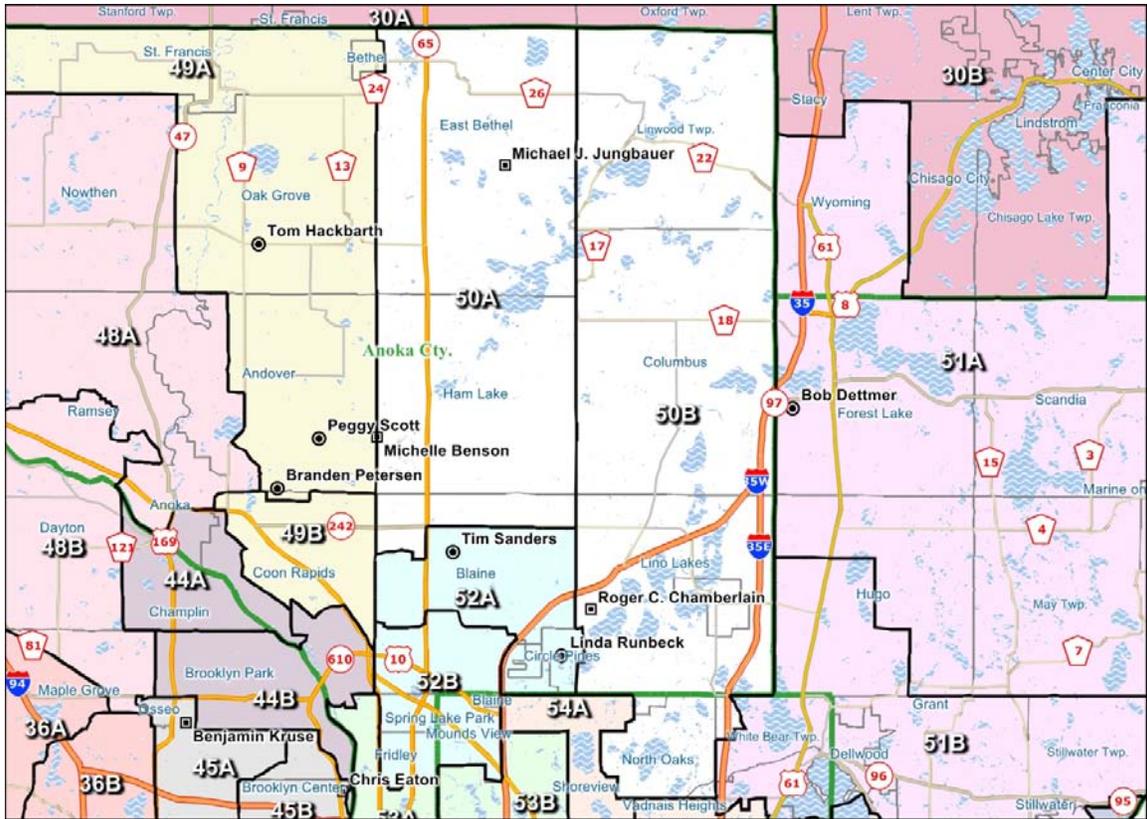
Martin Senate District 45 pairs Senators Benjamin Kruse (R) and Chris Eaton (DFL).



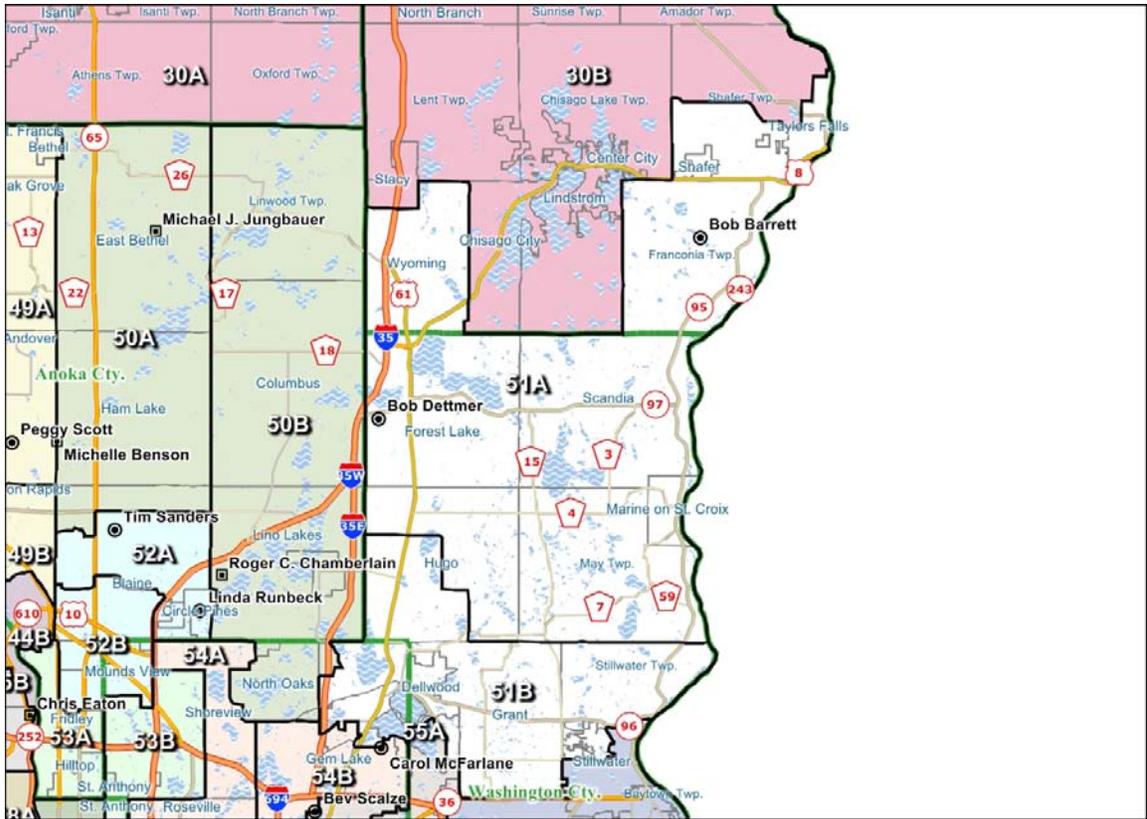
Martin House District 47A pairs House Members Keith Downey (R) and Steve Simon (DFL).



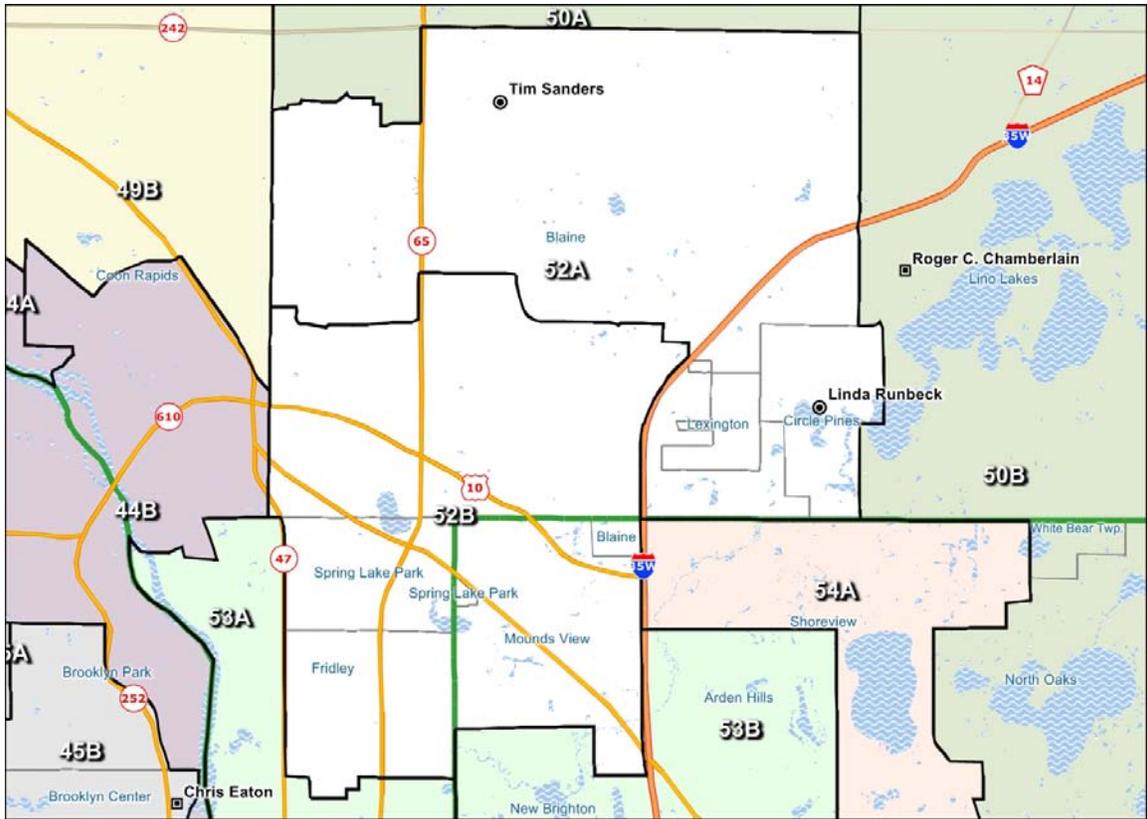
Martin House District 49A pairs House Members Branden Petersen (R), Tom Hackbarth (R), and Peggy Scott (R).



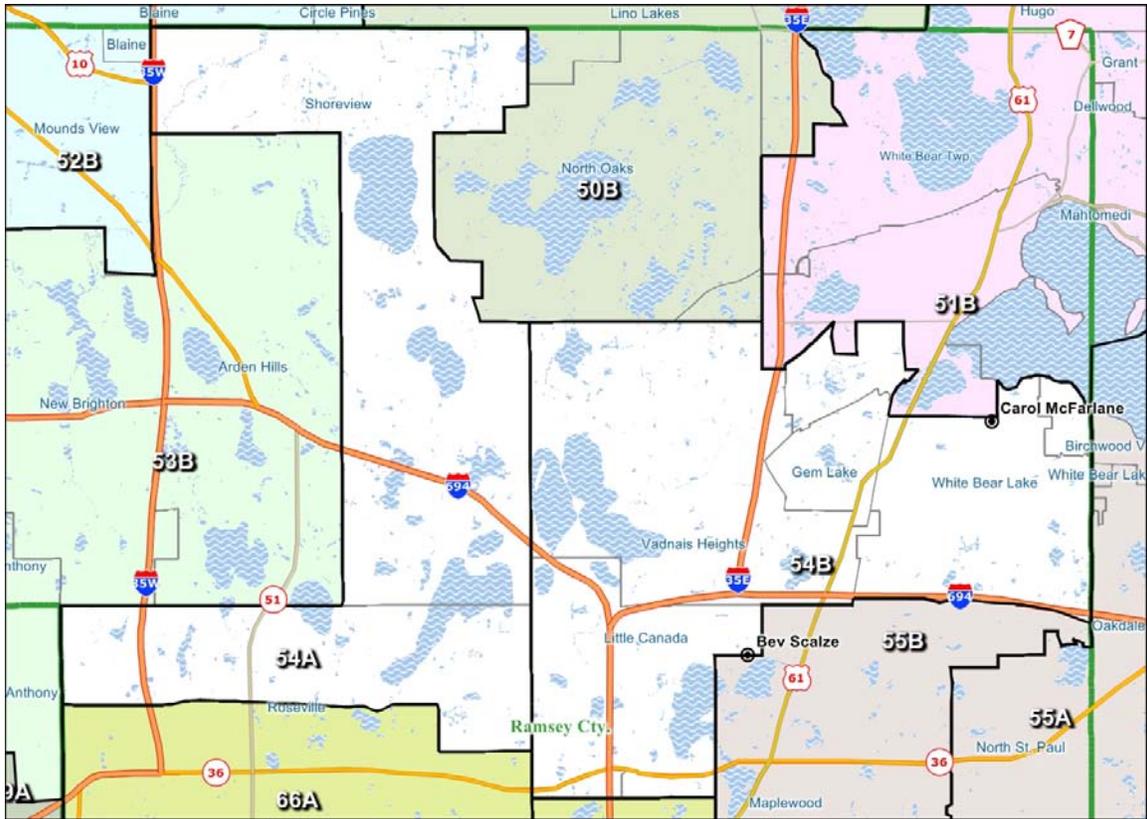
Martin Senate District 50 pairs Senators Michelle Benson (R), Roger Chamberlain (R), and Michael Jungbauer (R).



Martin House District 51A pairs House Members Bob Dettmer (R) and Bob Barrett (R).

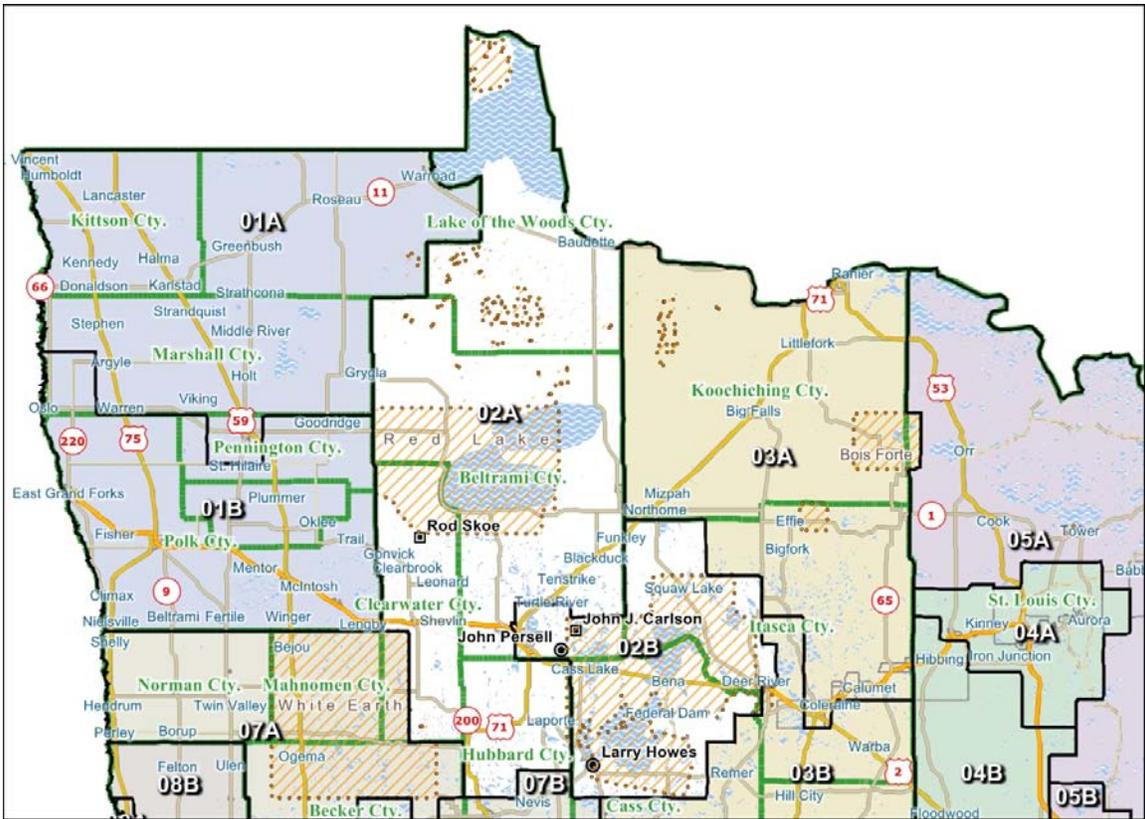


Martin House District 52A pairs House Members Tim Sanders (R) and Linda Runbeck (R).



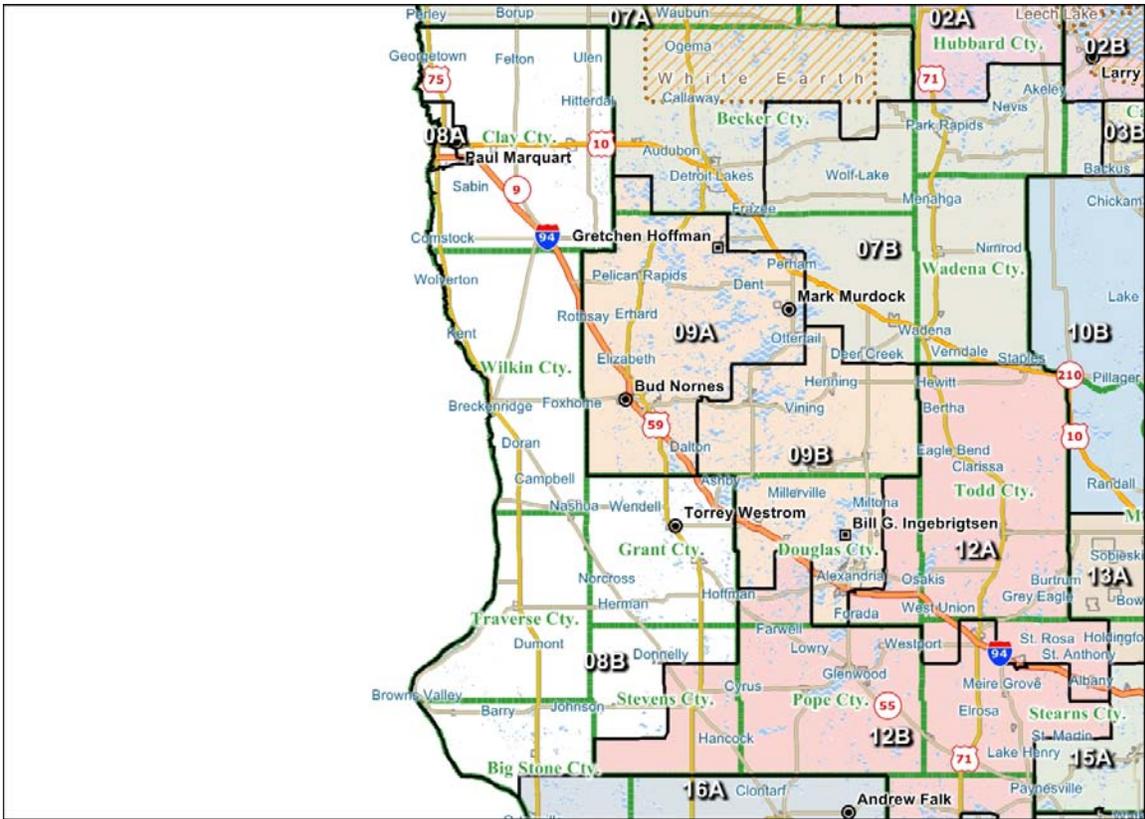
Martin House District 54B pairs House Member Carol McFarlane (R) and Bev Scalze (DFL).

# Appendix B

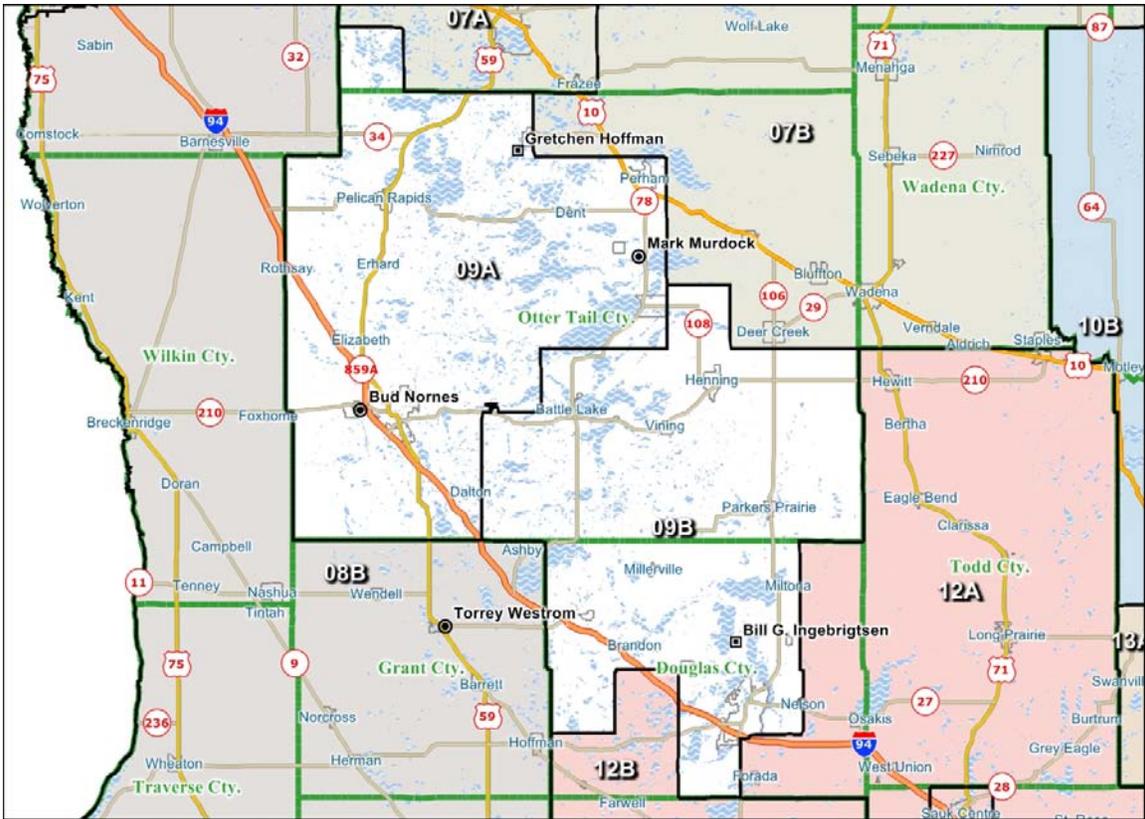


Britton House District 02B pairs House Members Larry Howes (R) and John Persell (DFL).

Britton Senate District 02 pairs Senators John Carlson (R) and Rod Skoe (DFL).

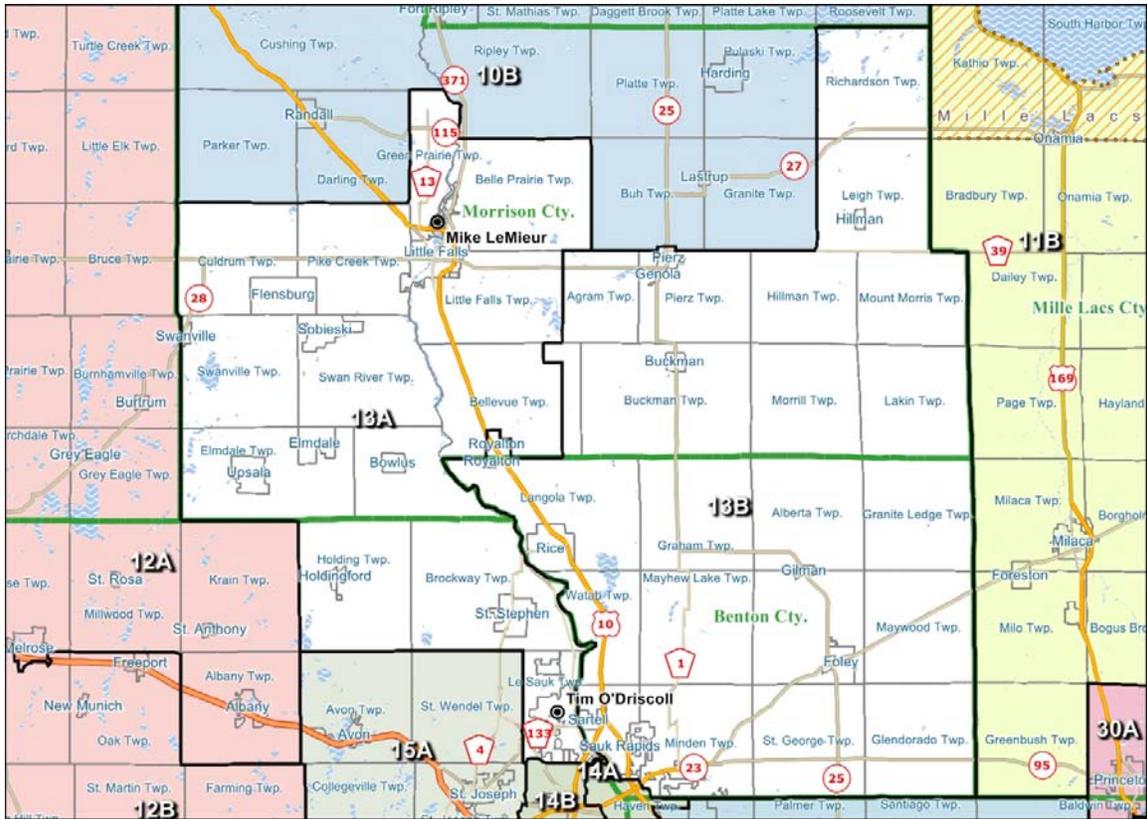


Britton House District 08B pairs House Members Torrey Westrom (R) and Paul Marquart (DFL).

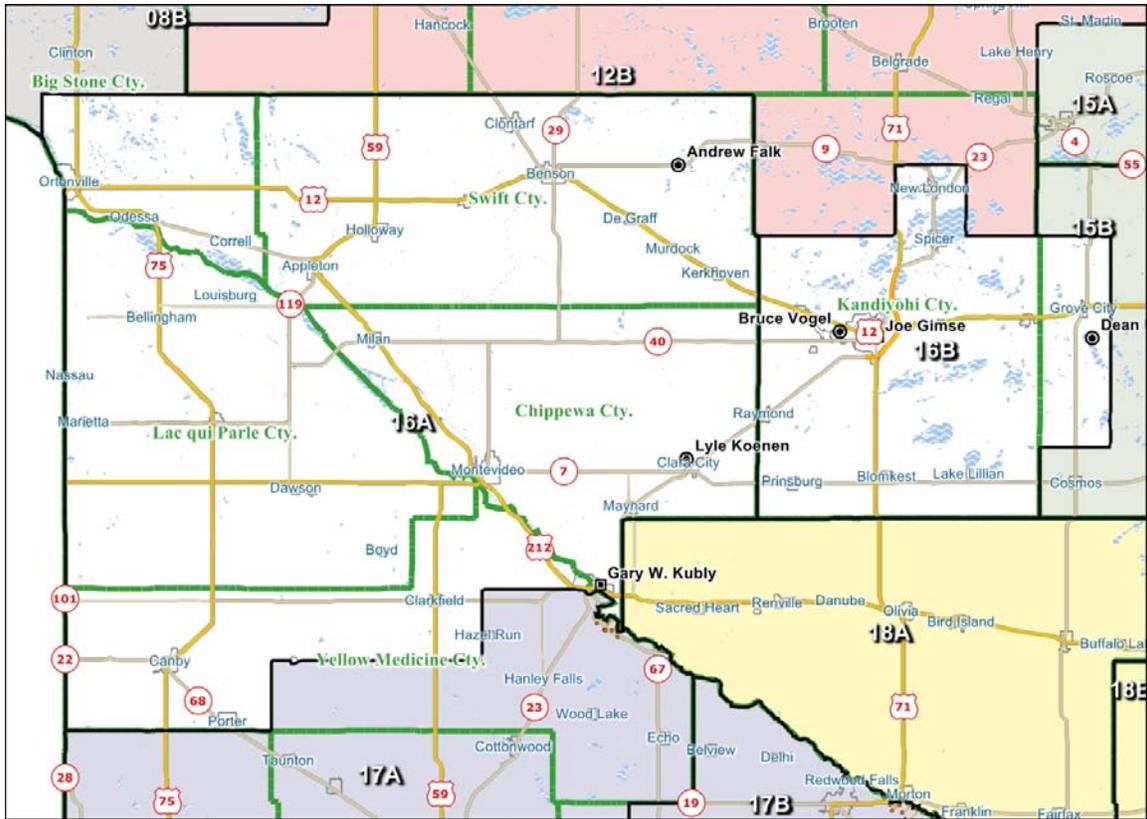


Britton House District 09A pairs House Members Bud Nornes (R) and Mark Murdock (R).

Britton Senate District 09 pairs Senators Bill Ingebrigtsen (R) and Gretchen Hoffman (R).



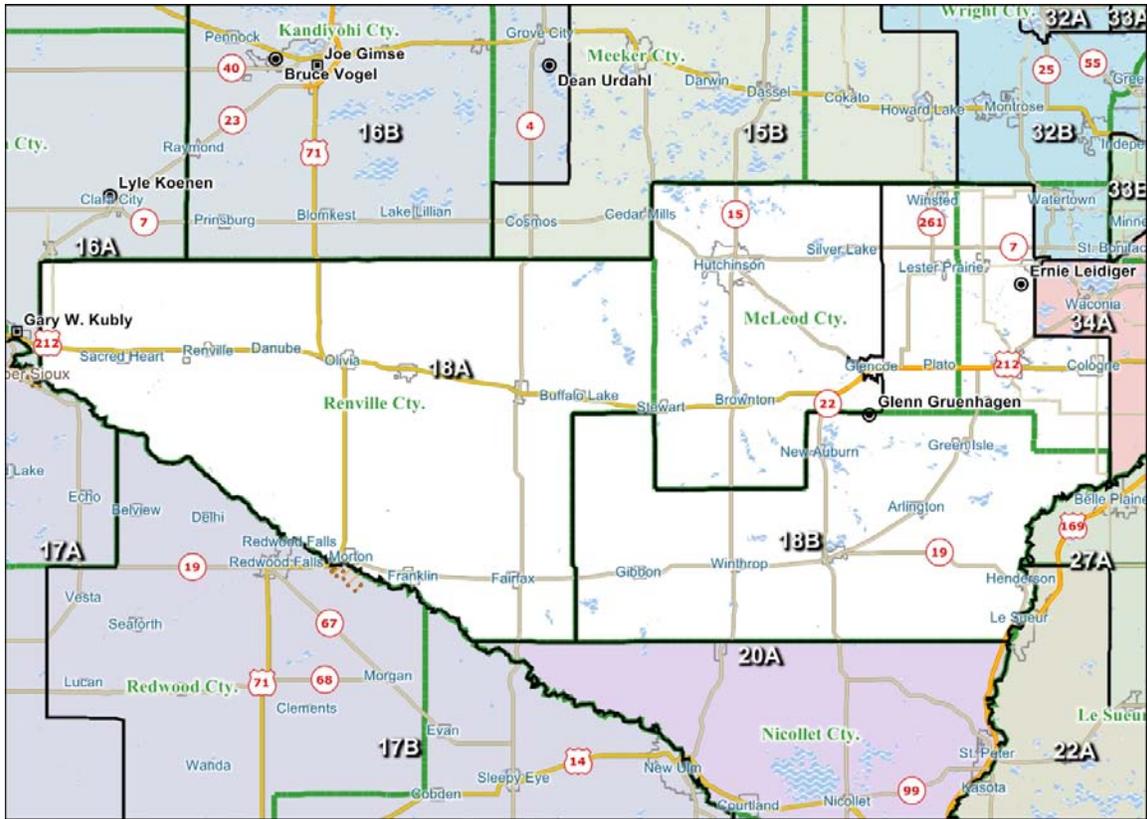
Britton House District 13A pairs House Members Mike LeMieur (R) and Tim O’Driscoll (R).



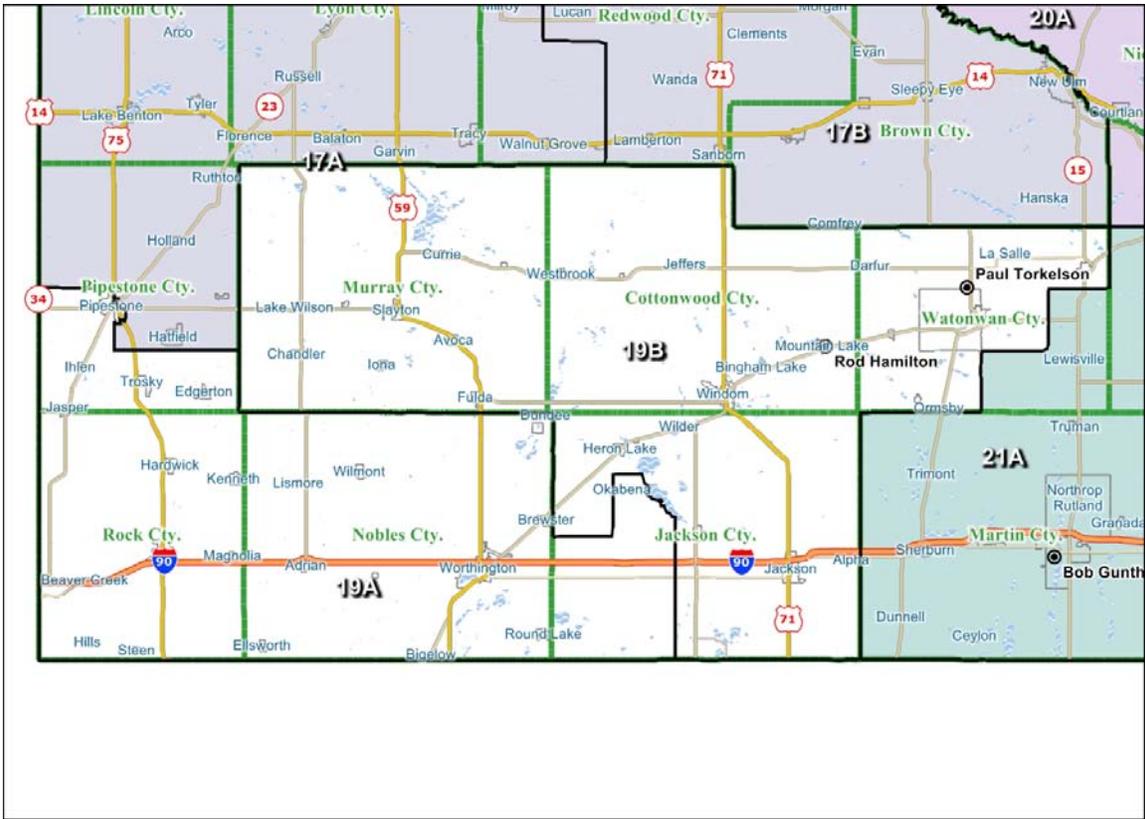
Britton House District 16A pairs House Members Lyle Koenen (DFL) and Andrew Falk (DFL).

Britton House District 16B pairs House Members Bruce Vogel (R) and Dean Urdahl (R).

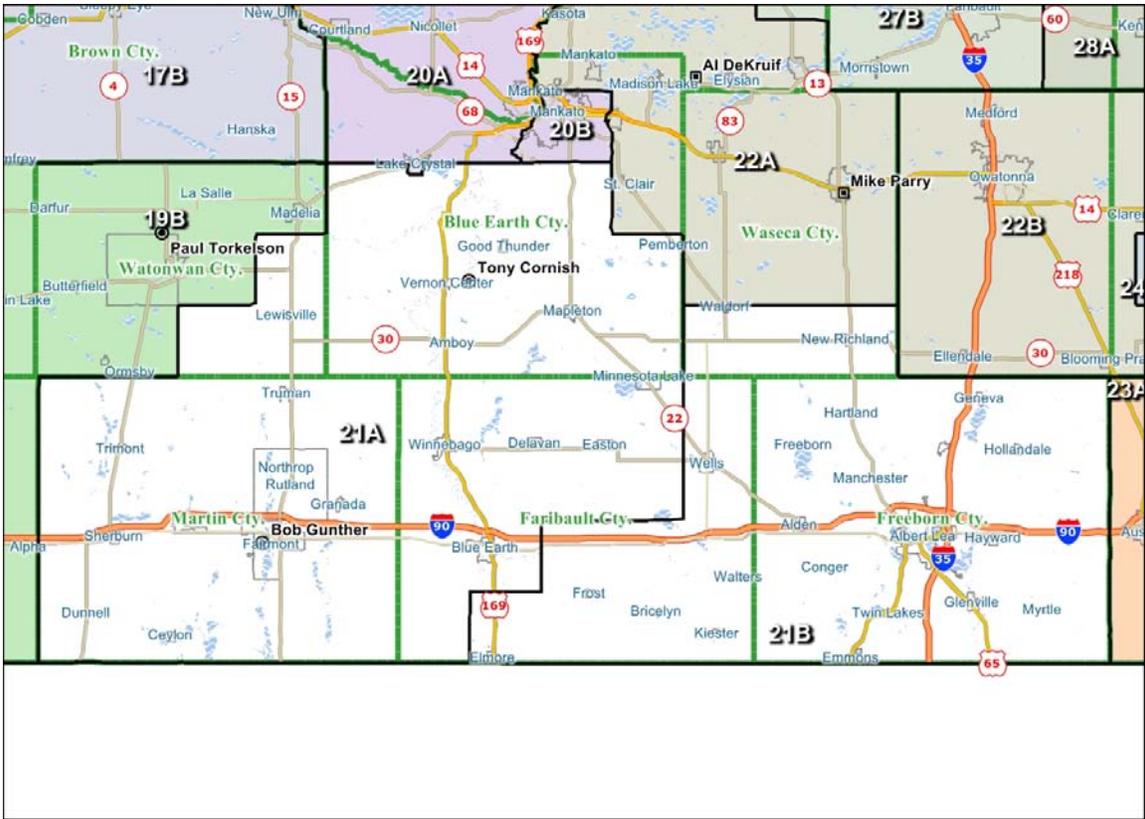
Britton Senate District 16 pairs Senators Joe Gimse (R) and Gary Kubly (DFL).



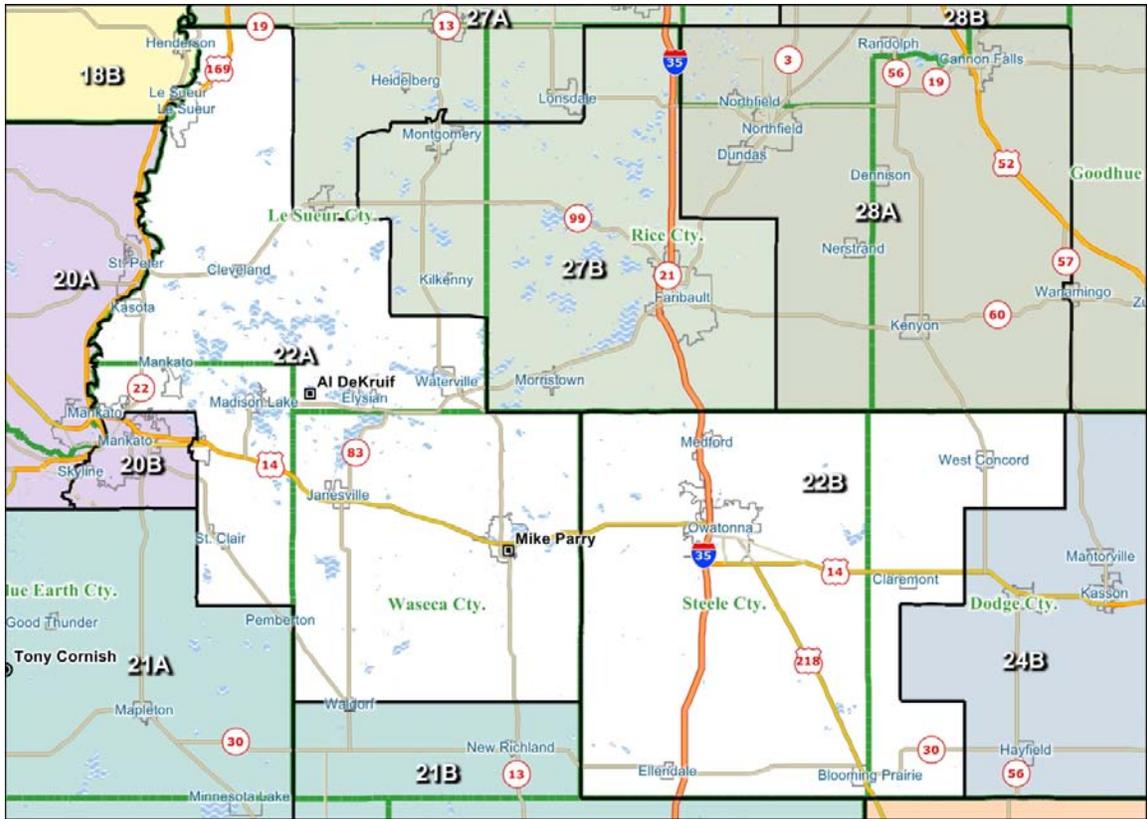
Britton House District 18B pairs House Members Glen Gruenhagen (R) and Ernie Leidiger (R).



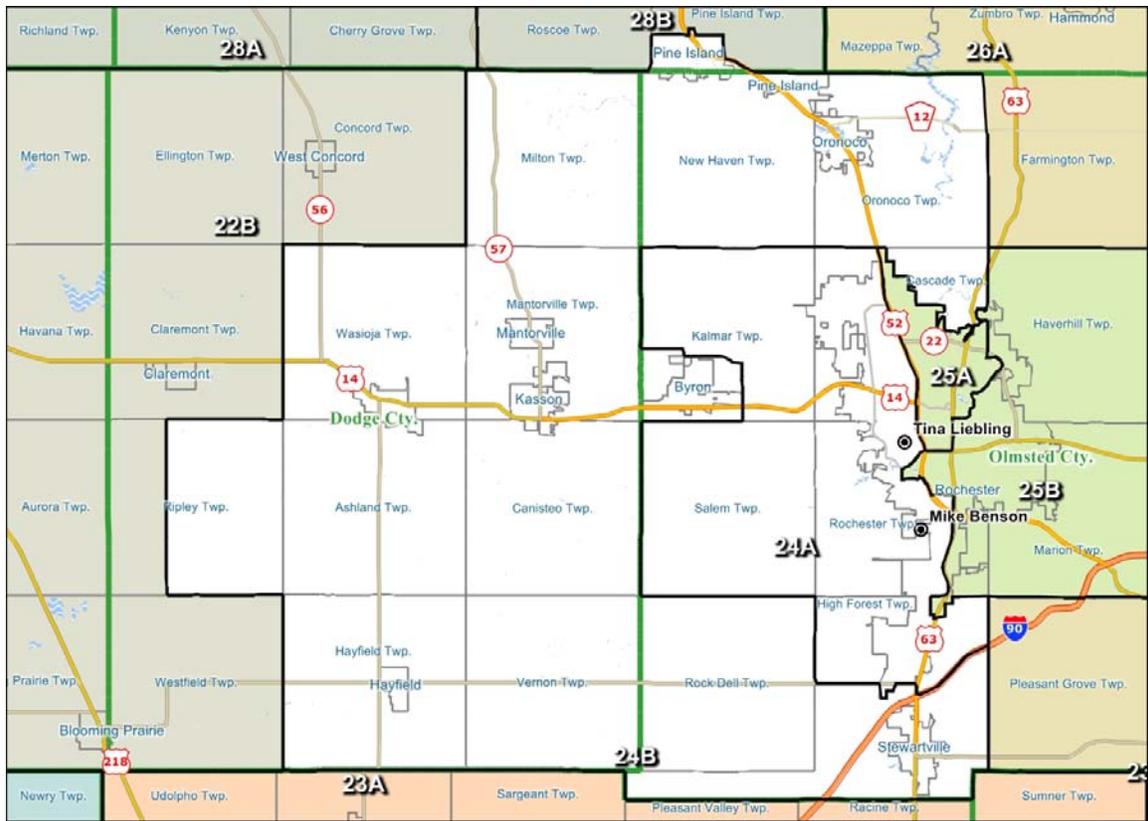
Britton House District 19B pairs House Members Paul Torkelson (R) and Rod Hamilton (R).



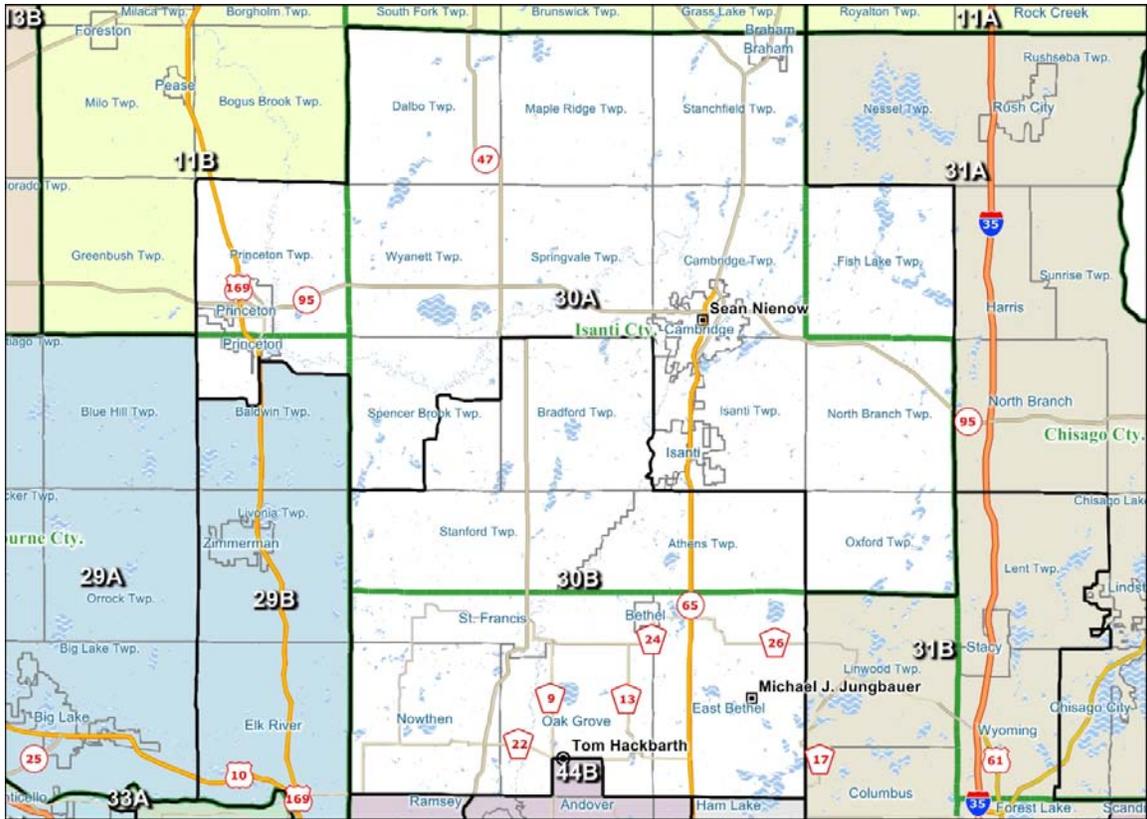
Britton House District 21A pairs House Members Bob Gunther (R) and Tony Cornish (R).



Britton Senate District 22 pairs Senators Al DeKruif (R) and Mike Parry (R).

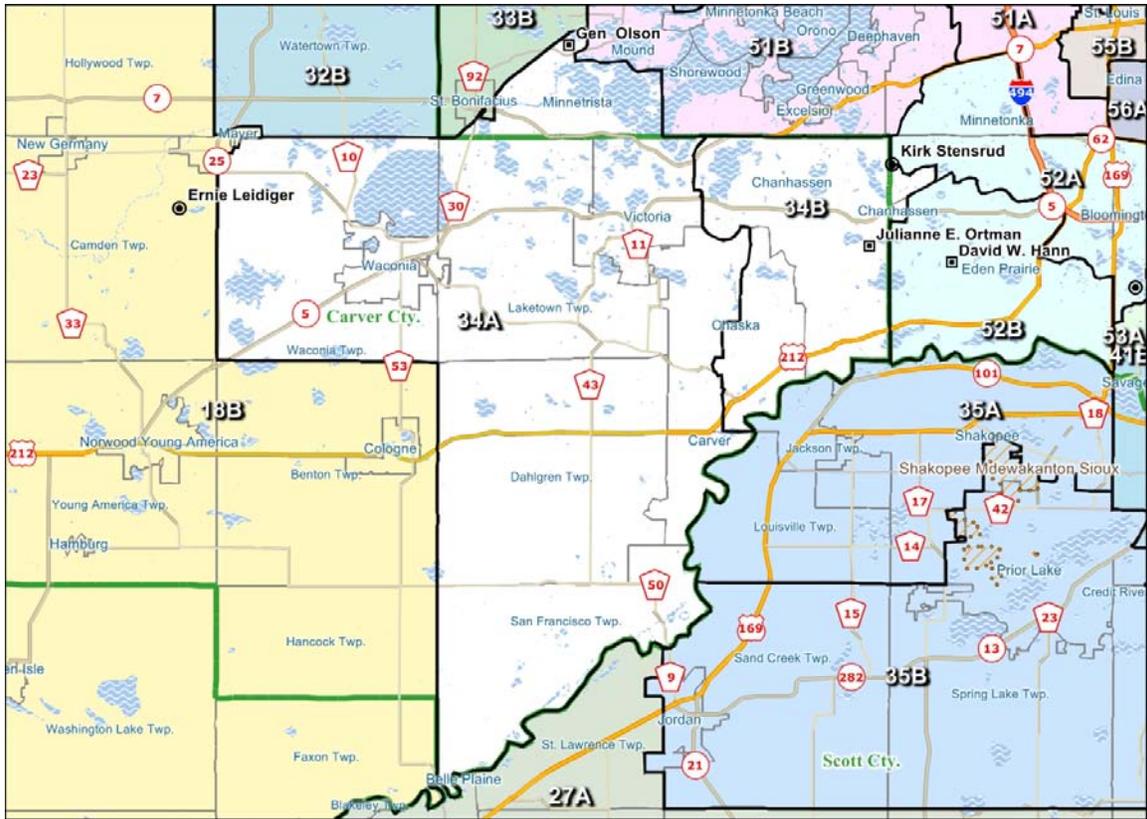


Britton House District 24A pairs House Members Mike Benson (R) and Tina Liebling (DFL).

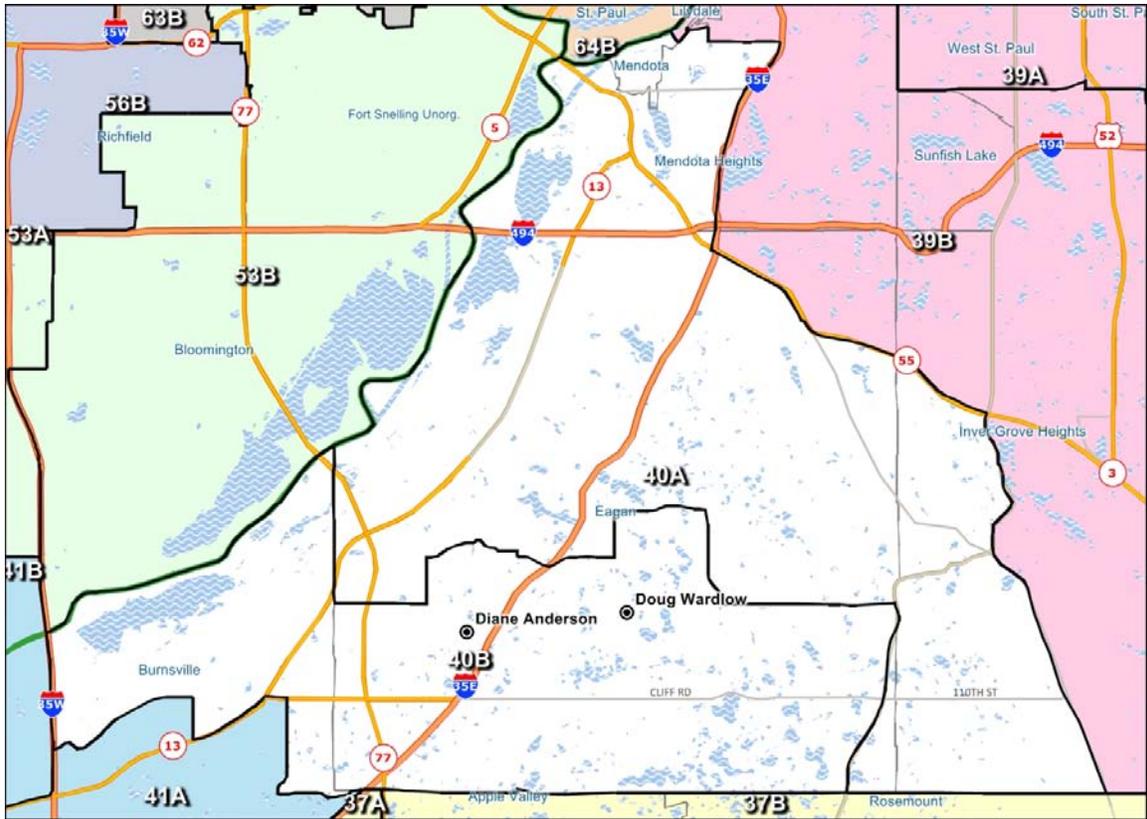


Britton Senate District 30 pairs Senators Sean Nienow (R) and Michael Jungbauer (R).

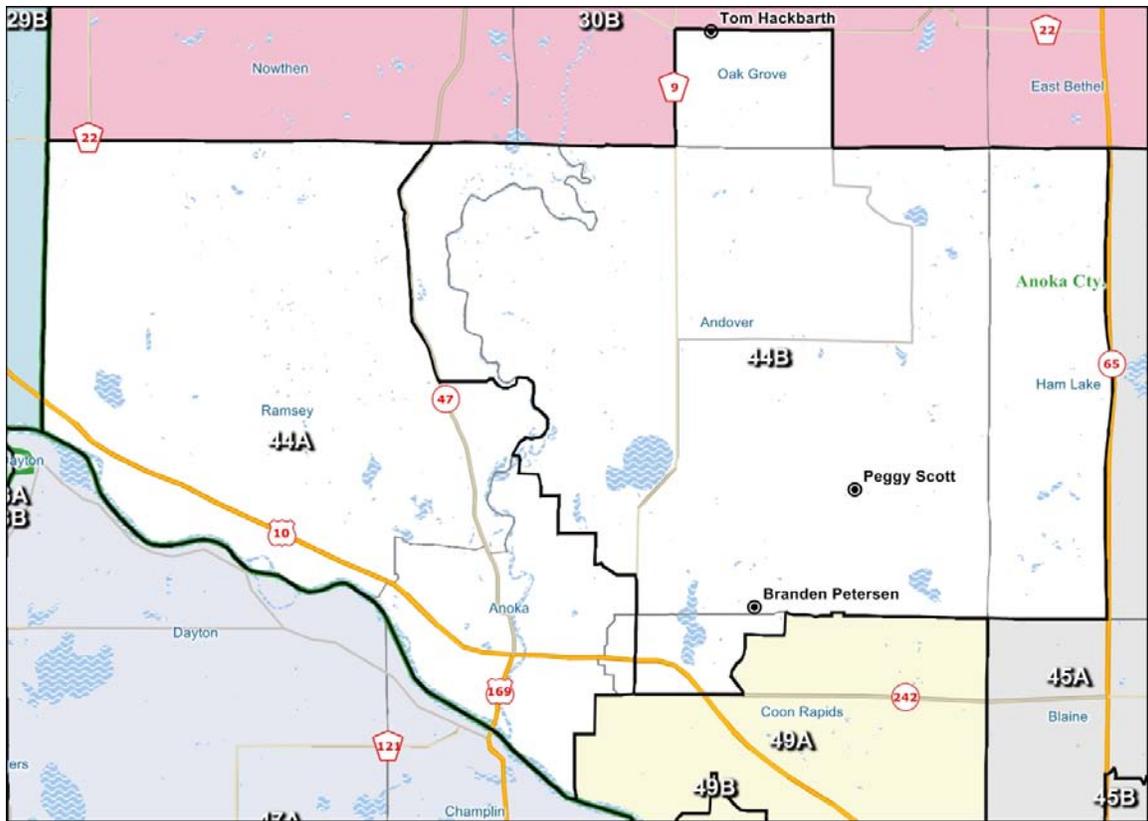




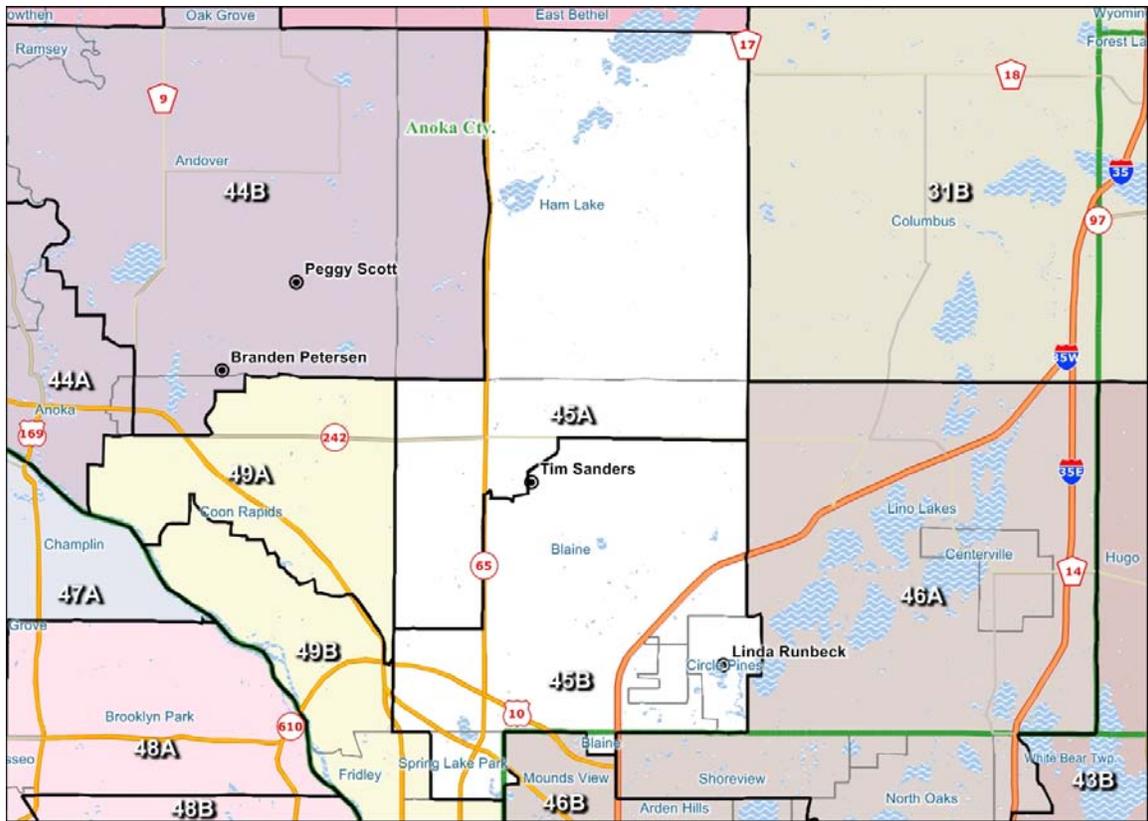
Britton Senate District 34 pairs Senators Gen Olson (R) and Julianne Ortman (R).



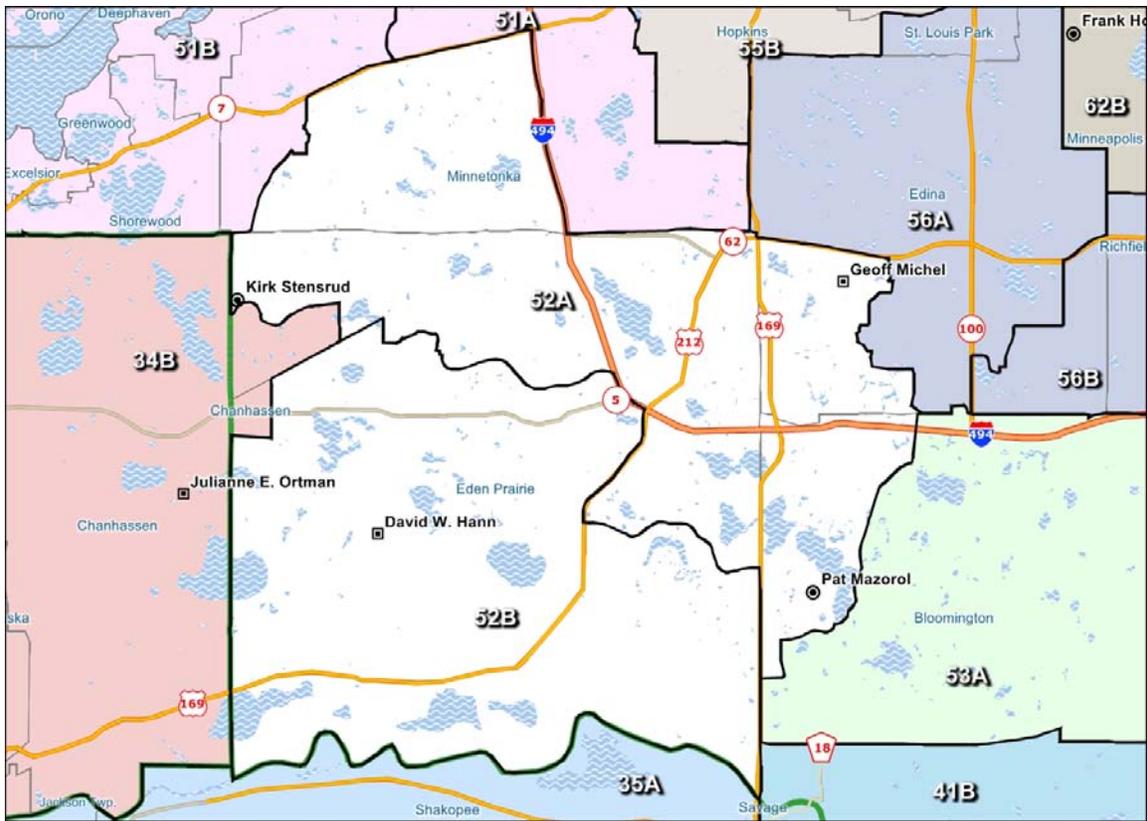
Britton House District 40B pairs House Members Diane Anderson (R) and Doug Wardlow (R).



Britton House District 44B pairs House Members Peggy Scott (R), Branden Petersen (R), and Tom Hackbarth (R).

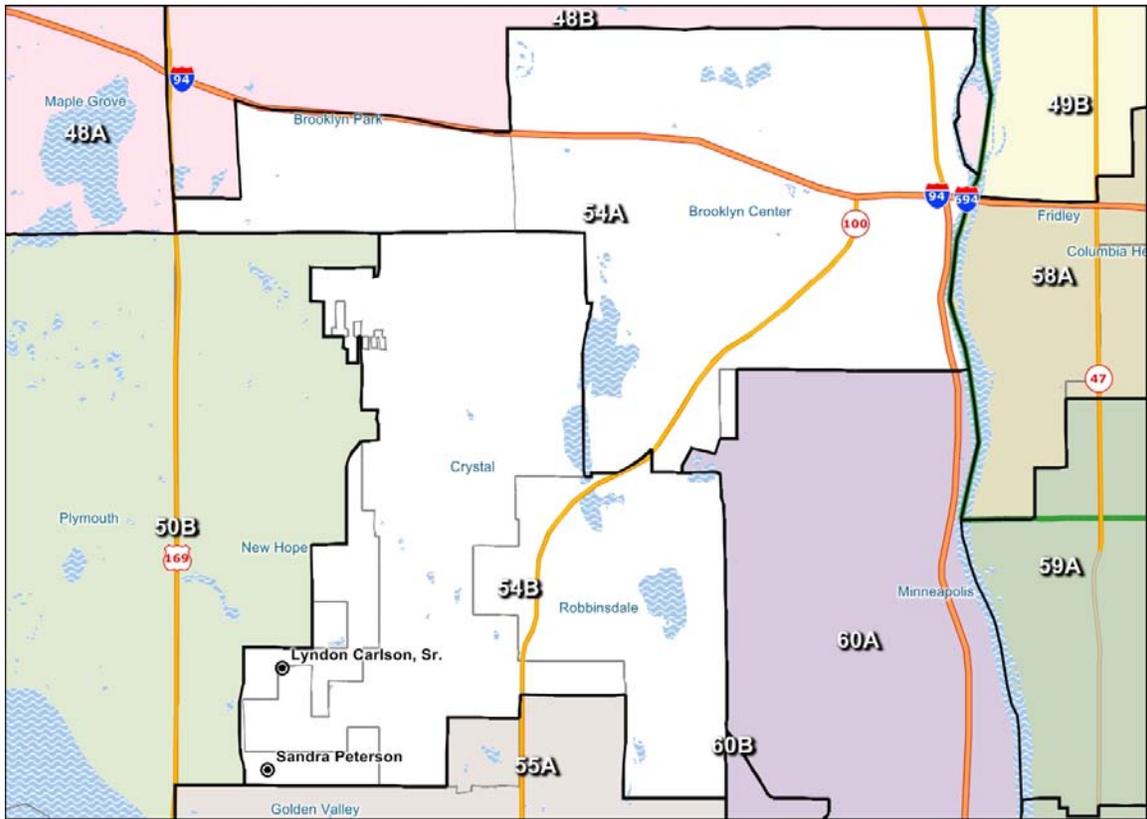


Britton House District 45B pairs House Members Tim Sanders (R) and Linda Runbeck (R).

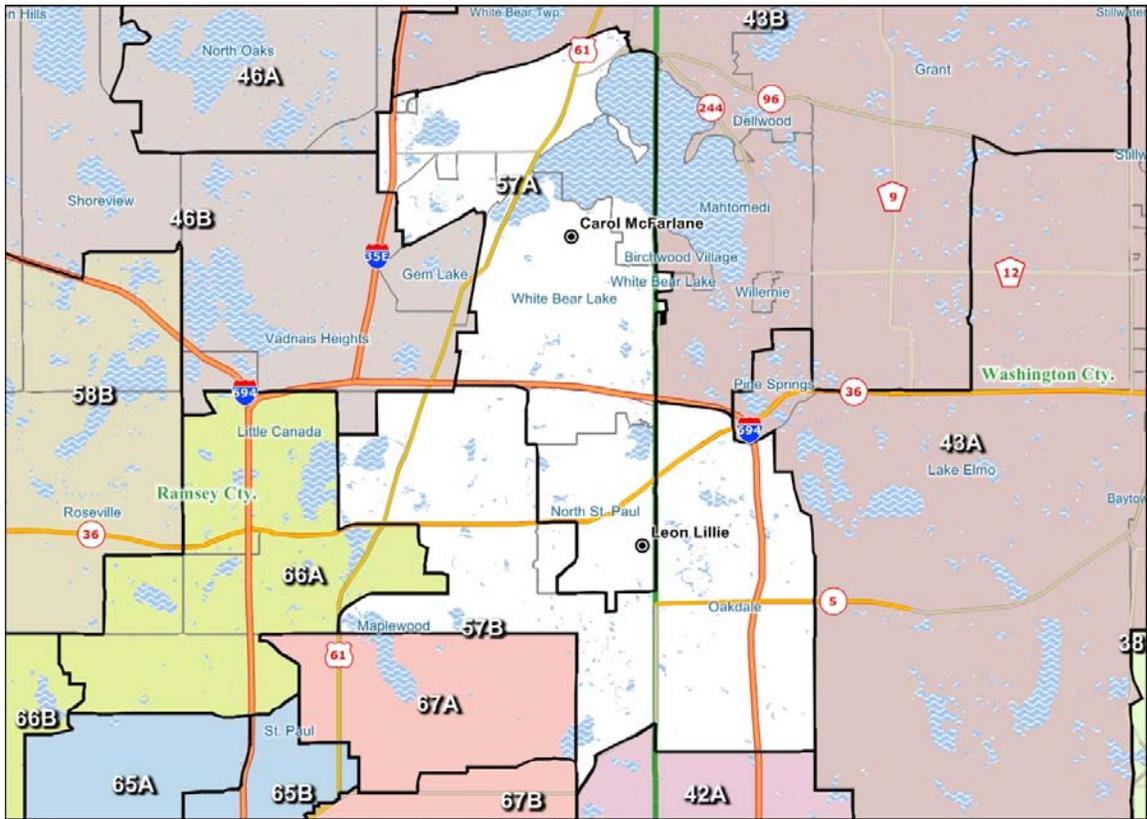


Britton House District 52A pairs House Members Kirk Stensrud (R) and Pat Mazorol (R).

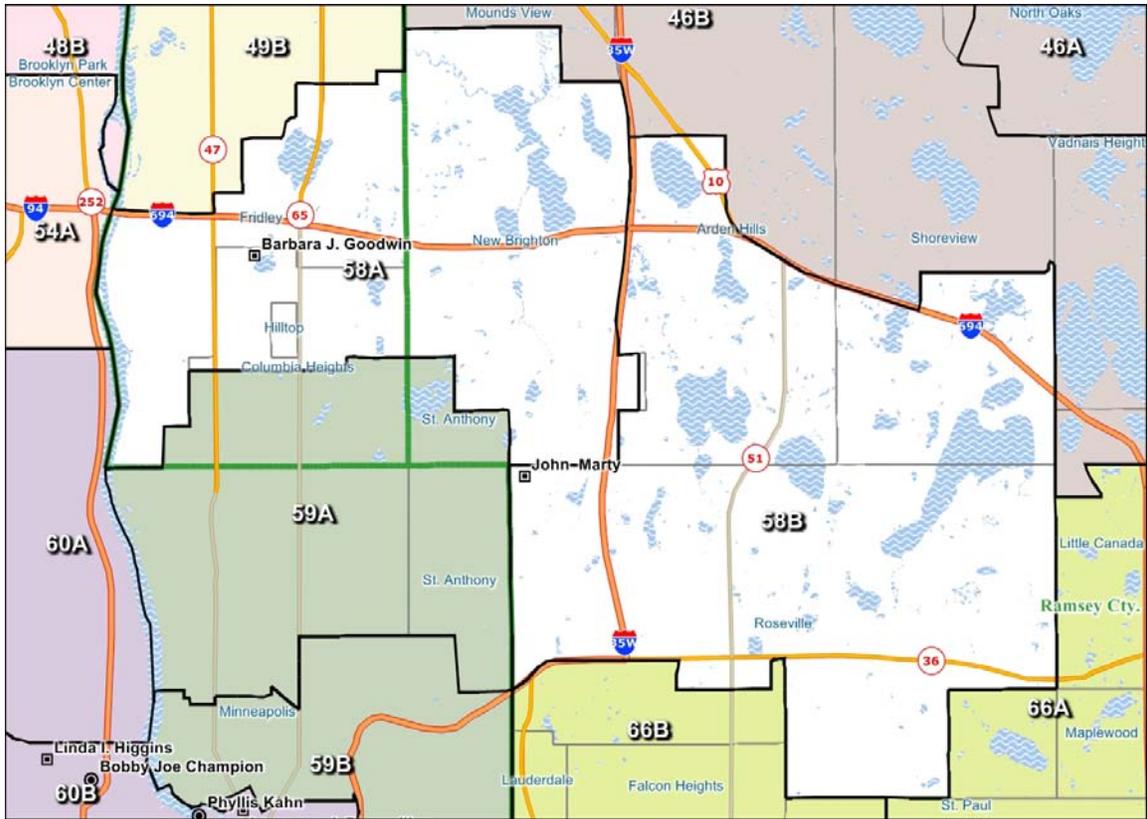
Britton Senate District 52 pairs Senators David Hann (R) and Geoff Michel (R).



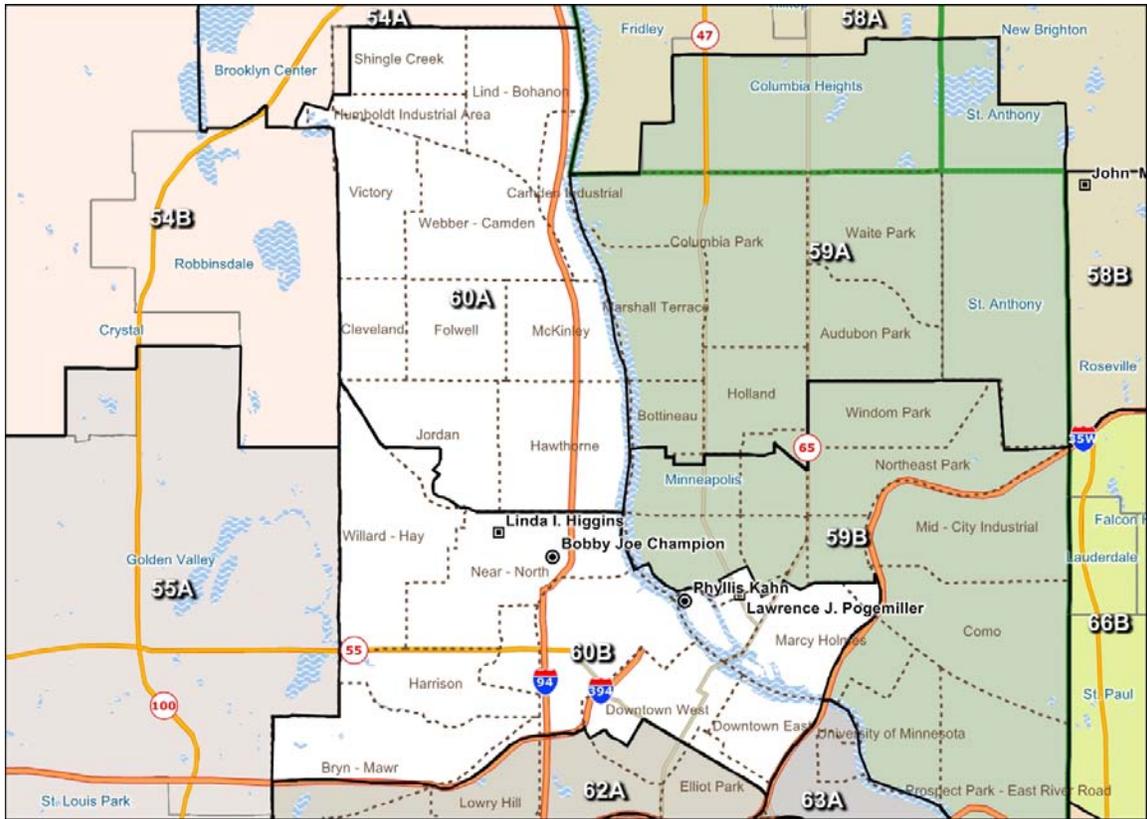
Britton House District 54B pairs House Members Sandra Peterson (DFL) and Lyndon Carlson, Sr. (DFL).



Britton House District 57A pairs House Members Carol McFarlane (R) and Leon Lillie (DFL).

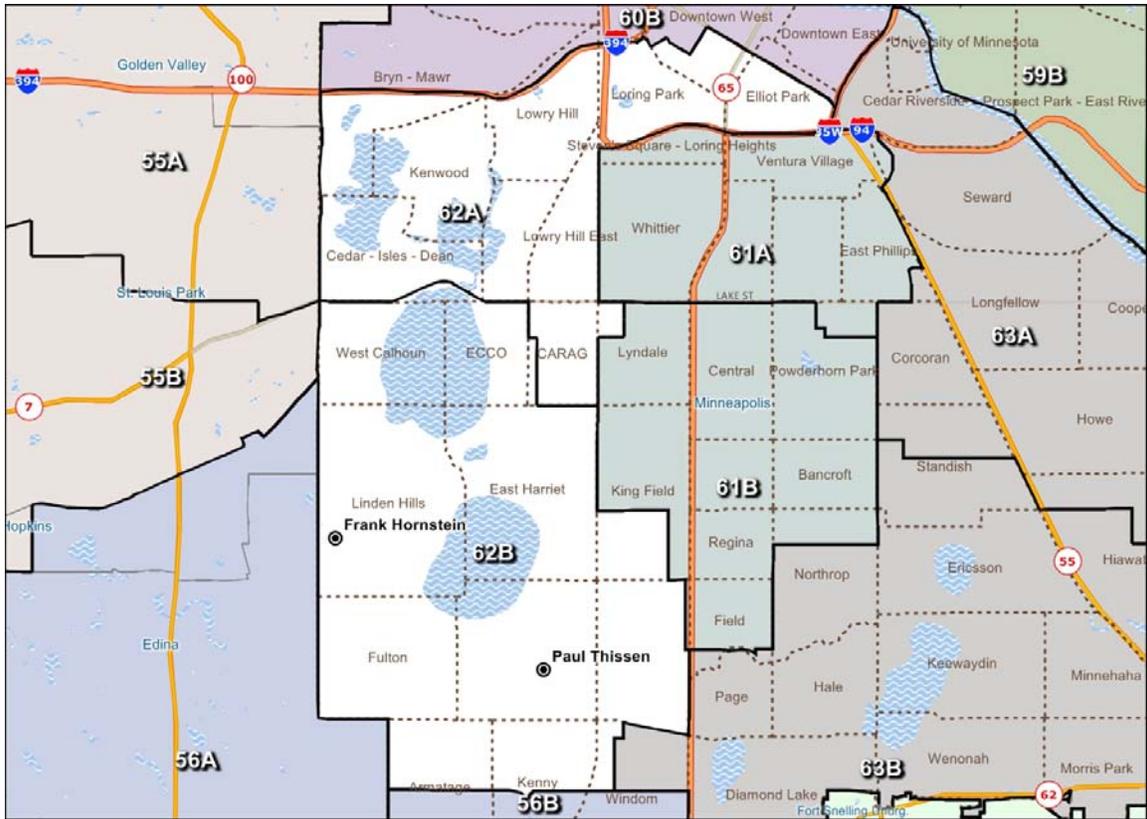


Britton Senate District 58 pairs Senators Barbara Goodwin (DFL) and John Marty (DFL).



Britton House District 60B pairs House Members Phyllis Kahn (DFL) and Bobby Joe Champion (DFL).

Britton Senate District 60 pairs Senators Linda Higgins (DFL) and Lawrence Pogemiller (DFL).



Britton House District 62B pairs House Members Frank Hornstein (DFL) and Paul Thissen (DFL).