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STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

FILED

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 SUPPORT OF
PROPOSED LEGISLATIVE
REDISTRICTING PLAN**

**ORAL ARGUMENT
REQUESTED**

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INTRODUCTION

Over the past ten years, the population of Minnesota has continued to shift significantly. Plaintiffs' legislative redistricting plan accurately reflects the state's changing demographics and ensures fair representation of every Minnesotan while satisfying each of the Panel's redistricting principles. The plan focuses on constitutional and statutory principles and preserves political subdivisions and persuasively-established communities of interest to the greatest extent possible. It is the result of legislative hearings and public comment, and is essentially the plan passed by both bodies of the Minnesota Legislature in the spring of 2011, with some modifications that reflect further public comments and the criteria this Panel adopted.

Plaintiffs' legislative redistricting plan is unlike any other plan that will be submitted to the Panel because it incorporates modifications resulting from specific public responses to this map. No other plan has been subject to public commentary, nor can any other plan claim to be as responsive to the public's concerns. Plaintiffs respectfully request that the Panel adopt their legislative redistricting plan in its entirety.

BACKGROUND

I. PLAINTIFFS' LEGISLATIVE REDISTRICTING PLAN ACCURATELY REFLECTS THE CHANGING DEMOGRAPHICS OF THE STATE.

Plaintiffs' legislative redistricting plan is based on the demographic changes that occurred in Minnesota over the past ten years. In particular, demographic shifts have created greater population density in the outer suburban and exurban rings of the metropolitan area. While this is a continuation of prior trends, it also creates new challenges each redistricting cycle. For example, it becomes a greater challenge to minimize political subdivision splits and population deviation when populations are considerably more dense in some suburban cities and counties, but considerably more dispersed in other areas of the state. Despite these obstacles, Plaintiffs' plan balances low population deviations with minimal political subdivision splits.

While Plaintiffs' plan is largely the plan passed by the Legislature, Plaintiffs' plan also includes modifications that were made in response to public input, and changes that were made in light of the Panel's November 4, 2011 Order Stating Redistricting Principles (hereinafter "Criteria Order"). The following discussion details the information considered and approaches undertaken by Plaintiffs in constructing their maps, and demonstrates why the Panel should adopt Plaintiffs' redistricting plan.

A. Legislative Maps Should Begin with Logical Groupings of Counties and Cities Where Possible.

Because population equality is the primary reason for redistricting, the initial legislative drafters of Plaintiffs' plan began the map-drawing process by locating logical groupings of counties and cities that form close-to-ideal population sizes for either senate

or house districts. For example, the six counties in Minnesota's northwest corner (Kittson, Roseau, Marshall, Pennington, Red Lake, and Polk) naturally create a compact Senate District with a population deviation of only 0.10% from the ideal. Numerous additional examples of logical groupings of counties and cities exist throughout the state. *See infra*, Argument § III(A)(1)(a–j) (identifying logical groupings of counties and cities). In order to achieve population equality and preserve political subdivisions, Plaintiffs strongly recommend that the Panel adopt a map that incorporates these natural city and county groupings.

B. House Districts Should Be Drawn Before Senate Districts.

After identifying logical groupings of counties and cities that form close-to-ideal districts, the legislative drafters drew their maps by drawing house districts first and senate districts second. House districts are the smallest and most responsive level of state government in Minnesota. Each member in Minnesota's House of Representatives represents half the number of citizens represented by a state senator. As a result, house districts often contain more cohesive and unified groups of constituents. Because fewer citizens vote in each house election, it is also easier for a group of like-minded citizens to influence the outcome of an election in the house than in the senate.

Because house districts must be nested within senate districts, *see* MINN. CONST. art. IV, § 3, drawing house districts first saves time and effort when drawing legislative maps. Not only does it simplify the drawing of senate districts, but any political subdivisions or communities of interest that are preserved in a house district will necessarily be preserved in the larger senate district. And drawing house districts before

senate districts best ensures low population deviation in both senate and house districts because care is taken to build each part with the smallest deviation reasonably possible. This approach ensures compliance with the Panel's redistricting criteria at the smallest and most responsive level of government at the outset of the map-drawing process.

In addition, drawing house districts first results in fewer political subdivision splits and preserves more communities of interest in accordance with the Panel's redistricting criteria. Whereas the current *Zachman* house districts feature 50 county splits and 46 minor civil division ("MCD") splits, Plaintiffs' plan achieves 40 county splits and 39 MCD splits in house districts despite significant population growth in the state over the past ten years. *See infra*, Argument § II(B) (comparing political subdivision splits in Plaintiffs' redistricting plan to the *Zachman* districts).

After drawing house districts, the creation of senate districts involves largely selecting which house districts make the most sense together. This is a far more efficient approach than the alternative—*i.e.*, drawing the larger senate districts first and then dividing them to create house districts. Attempting to divide senate districts may require odd district borders and political subdivision splits to create house districts with low population deviations. By drawing house districts first, these complications can be avoided, and preservation of political subdivisions and communities of interest will be accomplished at the beginning of the mapping process as opposed to the end.

Because Plaintiffs' house districts were created before senate districts, Plaintiffs' redistricting plan achieves impressive results with respect to preservation of political subdivisions and communities of interest. Accordingly, Plaintiffs respectfully urge the

Panel to take the same approach and ensure that house districts are drawn first for Minnesota's 2012 legislative maps.

C. Districts Should Use Rivers as Natural Boundary Lines.

In addition to its many lakes, Minnesota has the good fortune of being home to numerous rivers, including the Mississippi River, the Minnesota River, the Crow Wing River, and the St. Croix River, just to name a few. These rivers and their tributaries have significantly influenced the state and the development of its communities. Many of the state's counties and cities already utilize rivers as natural boundaries.

Plaintiffs' redistricting plan uses rivers as natural boundaries whenever possible. Utilizing such natural, geographic boundaries preserves the communities of interest that have developed in Minnesota over time and results in more convenient districts in some areas. Within the 11-county metropolitan area, for example, Plaintiffs' legislative districts do not cross any rivers except where the municipality itself crosses a river. In the more rural regions of the state, it is necessary to cross rivers in some circumstances to satisfy population equality requirements. *See infra*, Argument § III(A)(3) (discussing the use of rivers as boundaries in Plaintiffs' redistricting plan). Because rivers are natural boundaries for Minnesota's communities, Plaintiffs respectfully recommend that the Panel utilize rivers for district boundaries wherever possible.

D. Townships Should Be Paired With Their Related Cities or Towns Whenever Possible.

Another strength of Plaintiffs' legislative redistricting map is that, in almost every circumstance, it pairs townships with their related cities or towns. This is important for a

number of reasons. Many townships share services with neighboring cities and towns, such as utilities or schools. Whenever cities or towns annex territories, it is almost always from a neighboring township. The *Zachman* panel recognized this fact and drew the current legislative boundaries "to minimize the long-term impact" of population growth and annexations. *Zachman*, Legislative Redistricting Order, at 5 (Mar. 19, 2002).

Plaintiffs' redistricting plan achieves considerable success with respect to pairing townships and their related cities or towns. In Plaintiffs' legislative map, no townships are split from their related cities or towns in any senate districts, and only a single township is split from its related city or town in one house district. *See infra*, Argument § III(A)(5) (discussing split in Big Lake township). For these reasons, Plaintiffs respectfully suggest that the Panel ensure townships are paired with related cities or towns in the legislative map it adopts.

II. PLAINTIFFS' LEGISLATIVE REDISTRICTING PLAN BENEFITTED FROM PUBLIC COMMENT AND LEGISLATIVE EXPERTISE.

"[R]eapportionment is primarily a matter for legislative consideration and determination." *White v. Weiser*, 412 U.S. 783, 794 (1973); *see also* Order, at 2 (C.J. Gildea, June 1, 2011). Unlike any other plan that will be submitted to the Panel, the essential elements of Plaintiffs' redistricting plan have been subject to public comment, and Plaintiffs' plan is the only plan that includes modifications based on the public's input. Plaintiffs' redistricting plan is also the only plan submitted to this Panel that has benefited from the expertise of the majority of the elected representatives in Minnesota's Legislature.

The initial draft of Plaintiffs' redistricting plan was made available to the public in the spring of 2011 during the legislative process. The primary goals of the plan were to ensure equal representation for every citizen in Minnesota and to comply with the statutory requirements of Minnesota and federal law. The plan received substantial feedback from the public during 24 legislative hearings over the course of five months. Following the legislative hearings, the legislative drafters modified the map to address some of the concerns raised by the public. The plan then passed both the Minnesota House and Senate. From the beginning of this litigation, Plaintiffs have supported adoption of the legislatively enacted plan.

In October of 2011, the Panel held public hearings throughout the state. Again, the public had opportunities to comment on the Legislature's redistricting plan supported by Plaintiffs. No other party elected to make its maps available for public input during the Panel's public hearings. After the Panel issued its redistricting criteria order on November 4, 2011, Plaintiffs modified portions of the Legislature's plan slightly to address additional public input and the further guidance provided by the Panel's criteria.

While no redistricting plan can satisfy every person or interest in the state, much of the feedback received about this plan was positive. Of course, some members of the public were averse to change or had other feedback. However, both the legislature and Plaintiffs modified the Legislature's initial plan to address and resolve many of the criticisms expressed. The end result is a redistricting plan that has been shaped by the voices of the people of Minnesota to a greater extent than any other plan.

When considering the various plans submitted in this proceeding, Plaintiffs respectfully request that the Panel keep these considerations in mind, as well as the fact that the citizens of Minnesota have never before seen and have had no opportunity to analyze or comment upon any of the other parties' proposed redistricting plans. These factors, combined with the extremely favorable metrics of Plaintiffs' plan, support its adoption by this Panel.

ARGUMENT

I. PLAINTIFFS' PROPOSED LEGISLATIVE DISTRICTS SATISFY CONSTITUTIONAL REQUIREMENTS.

A. The Proposed Legislative Districts Satisfy the Panel's Population Equality Requirements.

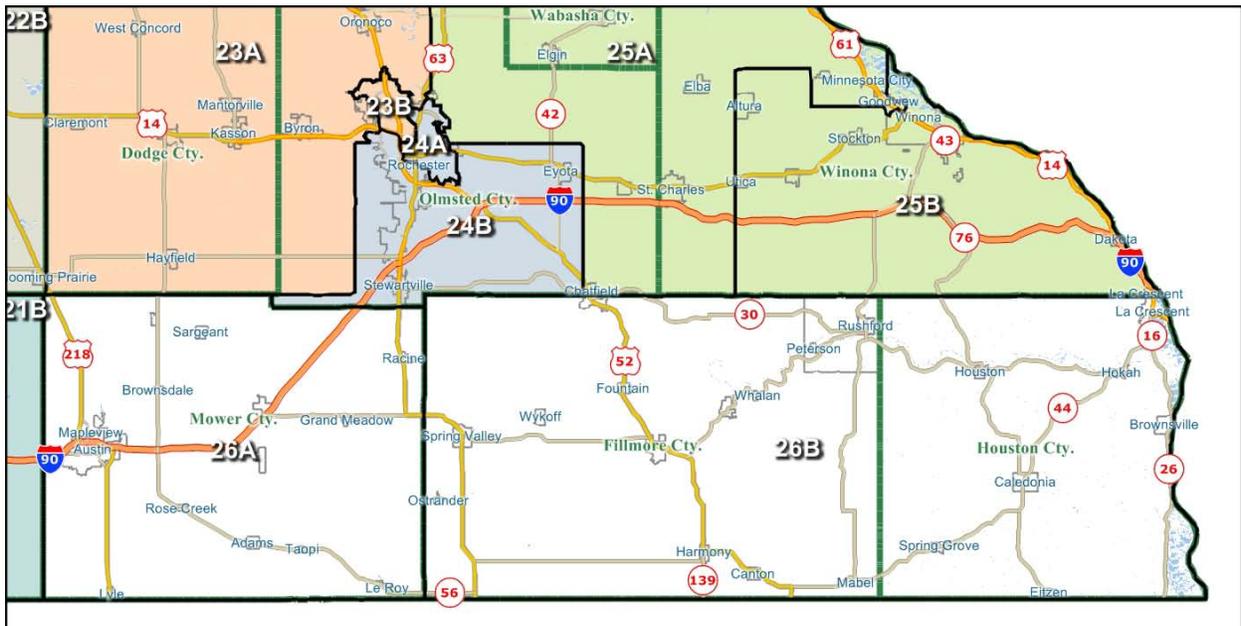
Redistricting plans for state legislatures must faithfully adhere to the concept of population-based representation. *Roman v. Sincock*, 377 U.S. 695, 710 (1964); *see also* MINN. CONST. art IV, § 2 ("[R]epresentation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof."). *De minimis* variation among districts is the goal. *Connor v. Finch* 431 U.S. 407, 414 (1977); *Chapman v. Meier*, 420 U.S. 1, 26–27 (1975). However, courts have long recognized 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...." *Reynolds v. Sims*, 377 U.S. 533, 579 (1964). Based on 2010 U.S. Census data, the ideal population for Minnesota's senate districts is 79,163, and the ideal population for Minnesota's house districts is 39,582. *See* Criteria Order, at 5 (Nov. 4. 2011).

While Plaintiffs proposed plus or minus one-percent ($\pm 1\%$) as the maximum tolerable percentage deviation from the ideal legislative district, the Panel adopted plus or minus two-percent ($\pm 2\%$) as its maximum tolerable percentage deviation. *See* Criteria Order, Legislative Redistricting Principle No. 4 (Nov. 4, 2011). In light of this criterion, Plaintiffs modified the plan passed by the Legislature slightly, in order to reduce political

subdivision splits in a few areas, which resulted in exceeding a $\pm 1\%$ population deviation in three house districts.

1. House District 26A.

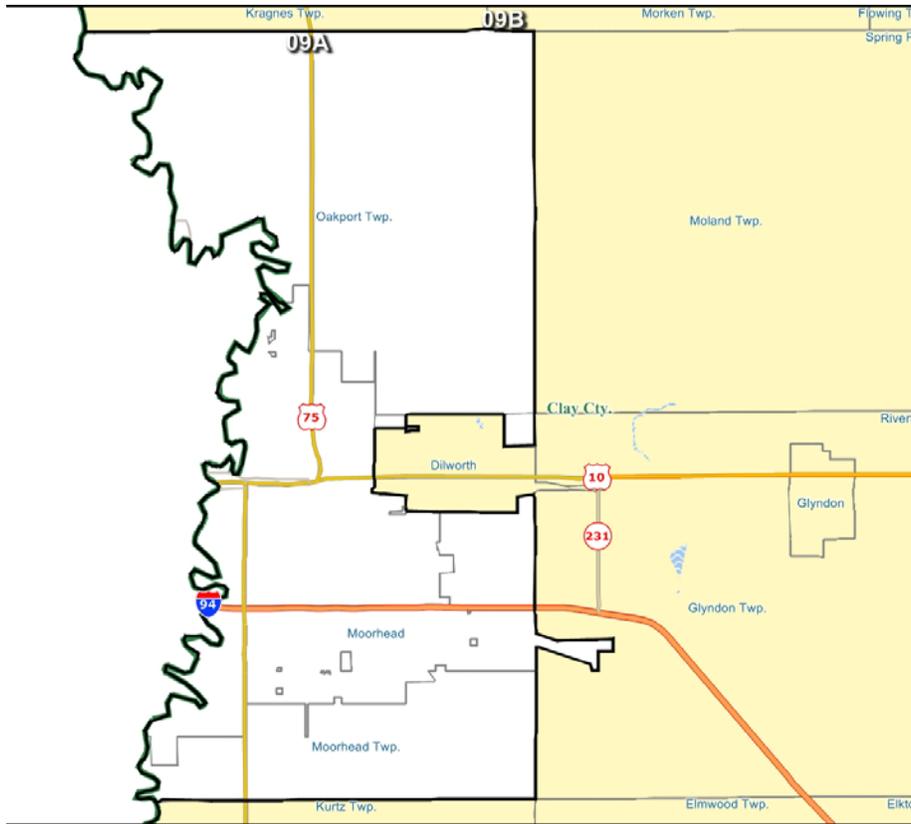
Plaintiffs Senate District 26 includes a natural grouping of Fillmore, Mower, and Houston Counties similar to the Legislature's initial map. After the Panel adopted a $\pm 2\%$ maximum tolerable population deviation, Plaintiffs modified the map prepared by the Legislature, which had split Beaver Township in Fillmore County in order to stay within a $\pm 1\%$ population deviation. The revised district removes the township and county split:



As a result of this change, Plaintiffs' House District 26A deviates slightly from the Legislature's $\pm 1\%$ goal, but is still well within the Panel's $\pm 2\%$ maximum. Plaintiffs' Senate District 26 has a population deviation of -0.14% (-107 persons); Plaintiffs' House District 26A has a population deviation of -1.06% (-419 persons); and Plaintiffs' House District 26B has a population deviation of 0.79% (311 persons). See Hippert Maptitude Reports, [Senate Population Summary](#), at Tab I; [House Population Summary](#), at Tab Q.

2. House District 9A.

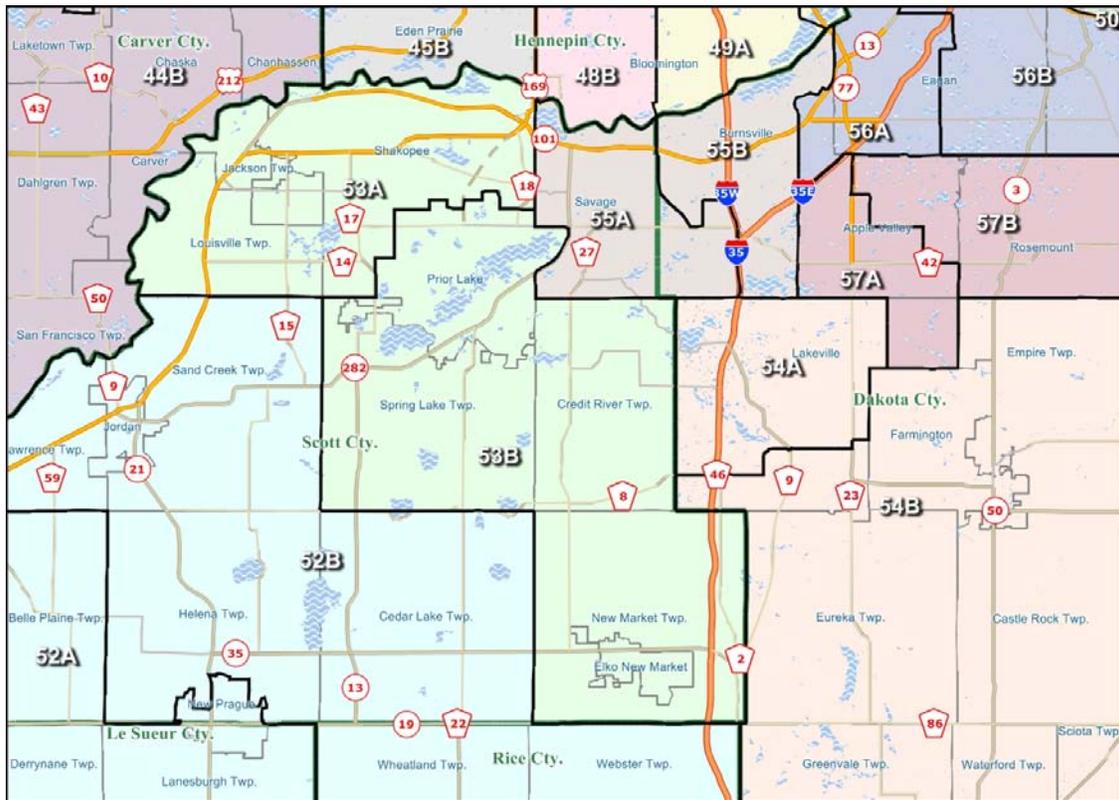
Plaintiffs' House District 9A presently contains all of the City of Moorhead, as well as Oakport and Moorhead townships. The map that passed the Legislature included a split of Moorhead Township, in part because of non-contiguities in the area and in part to keep population deviation below $\pm 1\%$ in accordance with the Legislature's redistricting criteria. In light of the Panel's adoption of a $\pm 2\%$ maximum, Plaintiffs propose to put all of Moorhead Township in the same district as the City of Moorhead.



As a result of this change, House District 9A has a population deviation of 1.13% (449 persons) from the ideal house district population. See Hippert Maptitude Reports, [House Population Summary](#), at Tab Q.

3. House District 53B.

Plaintiffs' House District 53B contains Prior Lake and the townships of Spring Lake, Credit River, and New Market. The Legislature's initial map split the city of Savage three times and Scott County eight times in order to keep the population deviation within the $\pm 1\%$ threshold. After the Panel adopted a $\pm 2\%$ threshold, Plaintiffs modified House District 53B so that the city of Savage is kept whole within House District 55A.



This change reduced the number of splits in Savage from three to zero and reduced the number of splits in Scott County from eight to five. Because of this change, the population deviation of House District 53B is -1.29% (-509 persons) from the ideal house district population, but is still well within the Panel's $\pm 2\%$ deviation threshold. See Hippert Maptitude Reports, [House Population Summary](#), at Tab Q. This change also

required Plaintiffs to make minor adjustments to surrounding districts to satisfy population requirements.

4. Plaintiffs' Modifications to Preserve Political Subdivisions Increased Their Population Deviations Slightly.

The changes made to the Legislature's final plan for House District 26B, House District 9A, and House District 53B allowed Plaintiffs to better preserve political subdivisions, but slightly increased their population deviations:

	Plaintiffs' House Districts	Plaintiffs' Senate Districts
Mean Deviation	0.59% (233.57 persons)	0.46% (366.12 persons)
Largest District Deviation	1.13 % (449 persons)	0.99% (786 persons)
Smallest District Deviation	-1.29% (-509 persons)	-0.96% (-763 persons)
Overall Range	2.42% (958 persons)	1.96% (1,549 persons)

See Hippert Maptitude Reports, [Senate Population Summary](#), at Tab I; House Population Summary, at Tab Q.

The population deviations in Plaintiffs' legislative redistricting plan are well within the Panel's $\pm 2\%$ maximum tolerable percentage deviation standard. Moreover, Plaintiffs' legislative districts only deviate from the ideal district populations to the extent necessary to effectuate rational state policies – primarily the preservation of political subdivisions. See *Reynolds*, 377 U.S. at 580 (holding that preservation of political subdivisions is "a consideration that appears to be of more substance in justifying some deviations from population-based representations"); see also *infra*, Argument § II(B). Accordingly, Plaintiffs' legislative districts comply with both the constitutional requirements for population equality and the Panel's redistricting criteria. See Criteria Order, Legislative Redistricting Principle No. 4 (Nov. 4, 2011).

B. The Proposed Legislative Districts Are Composed of Convenient, Contiguous Territory.

The Minnesota Constitution requires that legislative districts must consist of "convenient contiguous territory." MINN. CONST. art. IV, § 3. Plaintiffs' legislative districts are contiguous because no district occupies more than one distinct area. *See* Hippert Maptitude Reports, [Senate Contiguity Report](#), at Tab J; House Contiguity Report, at Tab R.

Plaintiffs' legislative districts are also convenient, *i.e.*, "[w]ithin easy reach; easily accessible." *LaComb v. Growe*, 541 F. Supp. 145, 150 (D. Minn. 1982) (quoting *The Compact Edition of the Oxford English Dictionary* (Oxford University Press 1971)), *aff'd sub nom. Orwoll v. LaComb*, 456 U.S. 966 (1982). Plaintiffs' legislative districts are easily accessible by virtue of Plaintiffs' close adherence to the Panel's other redistricting criteria, such as preserving political subdivisions and communities of interest, and by Plaintiffs' utilization of natural boundaries, like rivers, where appropriate. By rigorously applying the redistricting criteria and following the state's natural geography, Plaintiffs' legislative districts benefit from the existing roadways and highways that connect Minnesota's various communities. Thus, Plaintiffs' legislative districts are composed of convenient, contiguous territory. *See* Criteria Order, Legislative Redistricting Principle No. 6 (Nov. 4, 2011).

C. The Proposed Legislative Districts Satisfy the Numbering and Nesting Requirements of the Minnesota Constitution.

The Minnesota Constitution requires that no house district shall be divided in the formation of a senate district and that senate districts must be numbered in a regular

series. MINN. CONST. art. IV, § 3; *see also* Criteria Order, Legislative Redistricting Principle Nos. 2–3 (Nov. 4, 2011). Plaintiffs' redistricting plan achieves each of these requirements and complies with the Panel's criteria.

II. THE PROPOSED LEGISLATIVE DISTRICTS SATISFY STATUTORY REQUIREMENTS.

A. Plaintiffs' Legislative Redistricting Plan Has the Correct Number of Senate and House Districts Required by Minnesota Law.

Minnesota law requires 67 state senate districts with one senator for each district and 134 state house districts with one representative for each district. Minn. Stat. §§ 2.021, 2.031, subd. 1. Plaintiffs' redistricting plan satisfies this requirement. *See* [Appendix B](#) (District-by-District Analysis).

B. The Proposed Legislative Districts Do Not Divide Political Subdivisions More Than Necessary to Meet Constitutional Requirements.

Minnesota law requires that "political subdivisions not be divided more than necessary to meet constitutional requirements." Minn. Stat. § 2.91, subd. 2; *see also* *Karcher v. Daggett*, 462 U.S. 725, 733 n.5, 740–41 (1983). Like the *Zachman* plan, Plaintiffs' redistricting plan recognizes the importance of respecting the boundaries of the state's political subdivisions while working toward the goal of population equality. *Id.*, at 3. "Counties, cities, and townships constitute some of Minnesota's most fundamental communities of interest and centers of local government." *Zachman*, Legislative Redistricting Order, at 3 (Mar. 19, 2002) (citing *LaComb v. Growe*, 541 F. Supp. 160, 163 (D. Minn. 1982)). Preservation of these important communities gives political

subdivisions "a stronger, unified voice, and will minimize confusion for the state's voters." *Id.*

At the same time, the increase of high-density populations located throughout the state make avoiding political subdivision splits a more complex and difficult task than ever before. *See Zachman, Legislative Redistricting Order*, at 5 (Mar. 19, 2002) ("[M]any cities in Minnesota are too large to remain intact in one house district..."). As a result, any house redistricting plan must split a minimum of 23 counties and 20 cities, all of which exceed the ideal population for house districts. Likewise, any senate redistricting plan must split a minimum of 12 counties and 7 cities that exceed the ideal population for senate districts.

Over the past ten years, Minnesota continued to experience the long-term trend of increasingly dense population concentrations in certain areas, especially in the suburban/exurban 11-county metropolitan area and other regional population centers in the state. At the same time, rural areas and Ramsey County lost population. Many of the suburban and exurban areas of the state that experienced rapid population growth over the past decade are adjacent to high population centers where political subdivision splits were already necessary. High population growth in these already-dense areas only exacerbates the difficulty of preserving political subdivisions when drawing legislative boundaries.

By drawing house boundaries before senate boundaries, and by paying careful attention to preserving political subdivisions, Plaintiffs' redistricting plan succeeds in preserving the majority of the state's political subdivisions. In an environment of more

concentrated population centers, Plaintiffs' house plan features fewer political subdivision splits than the *Zachman* plan, and Plaintiffs' senate plan achieves substantially the same number of political subdivision splits as the *Zachman* plan:

	Plaintiffs' House Redistricting Plan	<i>Zachman</i> Panel's House Redistricting Plan
Number of Counties Split Into More Than One House District	40	50
Number of Times a County Is Split Into More Than One House District	144	148
Number of Minor Civil Divisions ("MCDs") Split Into More Than One House District	39	46
Number of Times a MCD is Split Into More Than One House District	72	77

See Hippert Maptitude Reports, [Senate Political Subdivision Splits](#), at Tab K.

	Plaintiffs' Senate Redistricting Plan	<i>Zachman</i> Panel's Senate Redistricting Plan
Number of Counties Split Into More Than One Senate District	29	31
Number of Times a County Is Split Into More Than One Senate District	81	76
Number of MCDs Split Into More Than One Senate District	28	25
Number of Times a MCD is Split Into More Than One Senate District	38	36

See Hippert Maptitude Reports, [House Political Subdivision Splits](#), at Tab S.

Plaintiffs' plan also does not split a single township from its related city or town in any senate district in the state, and only one of Plaintiffs' house districts splits a township from its related city or town. As a result, Plaintiffs' legislative districts will continue to protect the state's political subdivisions despite ongoing population growth and any annexations that might occur over the next decade. See *Zachman*, Legislative Redistricting Order, at 5 (Mar. 19, 2002) ("[A]lthough annexations and population growth have been ongoing even after our geographic data was fixed, district boundaries

were drawn in many areas to minimize the long-term impact of these changes."). Plaintiffs' legislative redistricting plan preserves political subdivisions as required by Minnesota law, and will continue to preserve them for the foreseeable future in satisfaction of the Panel's criteria. *See* Criteria Order, Legislative Redistricting Principle No. 7 (Nov. 4, 2011).

C. The Proposed Legislative Districts Comply with the Voting Rights Act.

Plaintiffs' redistricting plan fully complies with the requirements of the Voting Rights Act, 42 U.S.C. §§ 1973–1973aa6, and the 14th and 15th Amendments to the United States Constitution. No house or senate district was drawn with the intention of abridging voting rights, nor does any house or senate district have the effect of abridging voting rights on account of race, ethnicity, or membership in a language minority group.

While "a court may not presume bloc voting within even a single minority group," *Grove v. Emison*, 507 U.S. 25, 41 (1993) (citing *Thornburg v. Gingles*, 478 U.S. 30, 46 (1986)), it is appropriate for the Panel to seek to prevent "the disconnection of minority populations living in compact areas...." *Zachman*, Legislative Redistricting Order, at 6 (Mar. 19, 2002). Over the past ten years, "[m]inorities accounted for more than 80 percent of the state's growth."¹ Much of the minority growth in Minnesota occurred in

¹ *See* Mary Jane Smetanka, *Minnesota's Changing Face*, STAR TRIBUNE (March 17, 2011), available online at <http://www.startribune.com/local/118100959.html> (last visited November 15, 2011).

the Twin Cities metropolitan area.² Plaintiffs' redistricting plan reflects this growth in Minnesota's minority population with a number of minority opportunity districts—*i.e.*, districts in which more than 30% of the population consist of racial minorities. The minority opportunity districts in Plaintiffs' legislative plan outnumber the minority opportunity districts created by the *Zachman* plan.

	Plaintiffs' House Districts	Plaintiffs' Senate Districts	<i>Zachman</i> Panel's House Districts	<i>Zachman</i> Panel's Senate Districts
Minority Opportunity Districts Based on Total Population	16	8	11	6
Minority Opportunity Districts Based on Voting Age Population	12	6	9	3

See Hippert Maptitude Reports, [Senate Total Minority Population](#) and [Voting Age Population](#), at Tabs L and M; [House Total Minority](#) and [Voting Age Population](#), at Tabs T and U.

Plaintiffs' legislative redistricting plan creates these minority opportunity districts simply by following the demographics of the region, not by artificially constructing districts or by deviating from the Panel's redistricting criteria. The plan increases "the ability of minorities to elect legislators of their choice, especially if minority groups should choose to vote together in certain districts." *Zachman*, Legislative Redistricting Order, at 6 (Mar. 19, 2002). Plaintiffs' redistricting plan complies with the Voting Rights

² See Richard Chin and MaryJo Webster, *The New Faces of Minnesota*, Pioneer Press (April 17, 2011) ("The white population in the seven-county metro area dipped slightly, but the minority population grew by more than 50 percent.").

Act as well as the Panel's redistricting criteria. *See* Criteria Order, Legislative Redistricting Principle No. 6 (Nov. 4, 2011).

III. PLAINTIFFS' PROPOSED LEGISLATIVE DISTRICTS SATISFY OTHER TRADITIONAL REDISTRICTING CRITERIA.

A. The Proposed Legislative Districts Preserve Communities of Interest Where Possible.

Preservation of persuasively established communities of interest is a traditional redistricting principle, which the Panel adopted to the extent it can be achieved in compliance with the Panel's other redistricting principles. *See* Criteria Order, Legislative Redistricting Principle No. 8 (Nov. 4, 2011). It is "not possible to preserve communities of interest in every instance...." *Zachman*, Legislative Redistricting Order, at 6 n.3 (Mar. 19, 2002). In some cases, communities of interest may conflict with each other, and in many cases, clearly identifiable communities of interest are too large to fit within a single house or senate district. Plaintiffs' redistricting plan preserves as many persuasively established communities of interest as possible in compliance with the Panel's other redistricting criteria.

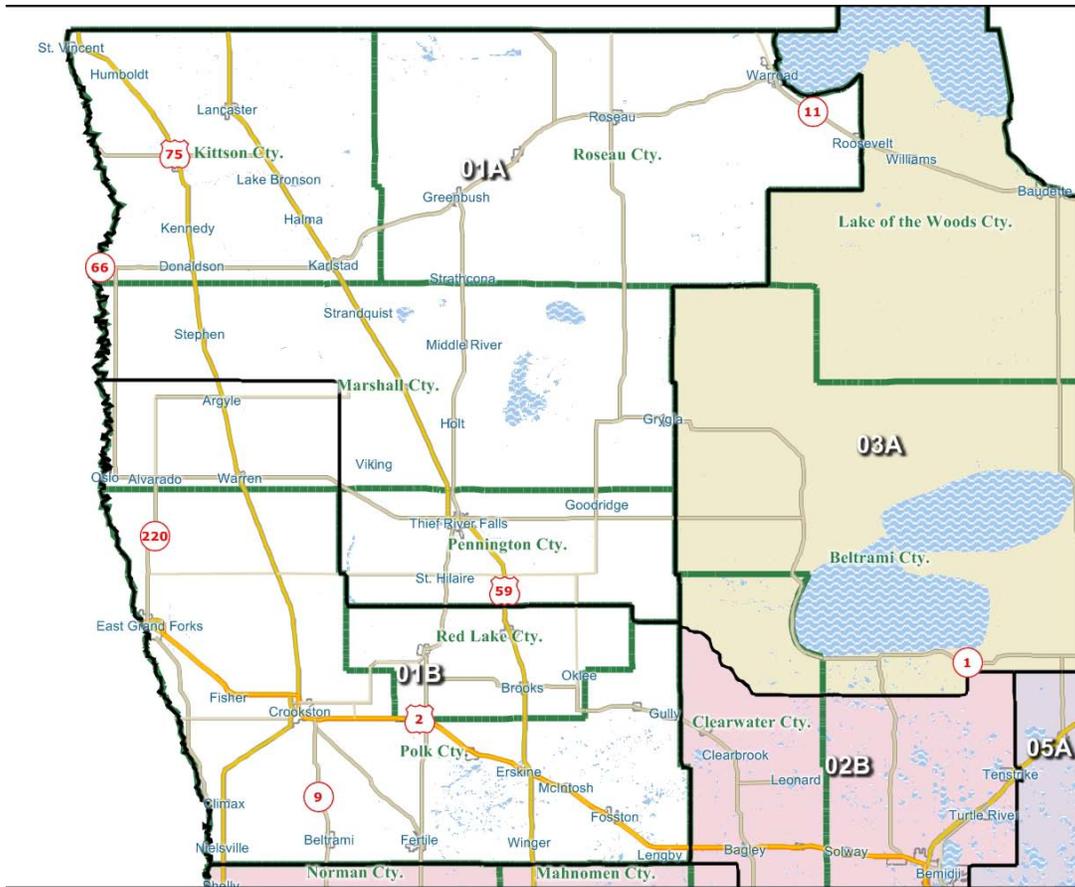
1. Plaintiffs' Redistricting Plan Preserves Communities of Interest By Grouping Logical Counties and Cities Together.

"Counties, cities, and townships constitute some of Minnesota's most fundamental communities of interest...." *Zachman*, Legislative Redistricting Order, at 3 (Mar. 19, 2002). To preserve communities of interest formed by the state's political subdivisions, the legislative drafters of the initial version of Plaintiffs' map identified groupings of whole counties or cities around the State that naturally form house or senate districts

close to the ideal population size. This resulted in the formation of Plaintiffs' Senate Districts 1 and 26, and Plaintiffs' House Districts 9A, 16A, 26A, 26B, 32B, 33A, 41A, 42B, 50B, and 53A.

a. Senate District 1.

Plaintiffs' Senate District 1 is located in the far northwest corner of the state and is comprised of six whole counties (Kittson, Roseau, Marshall, Pennington, Red Lake, and Polk), which form a compact rectangle.

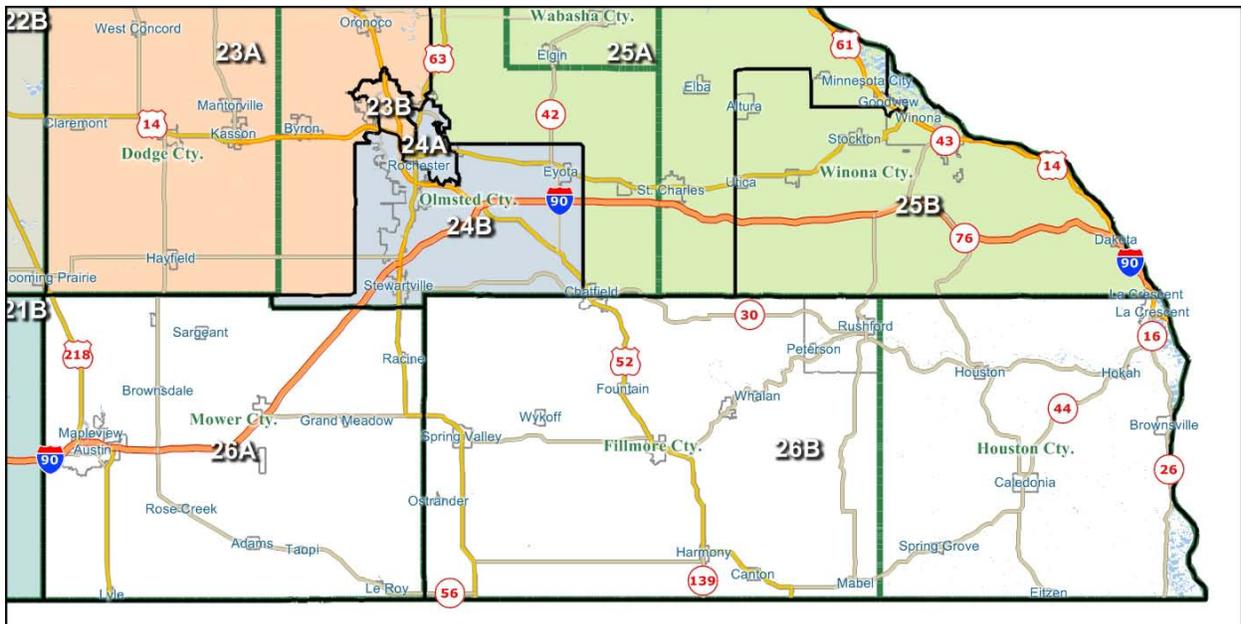


Plaintiffs' House District 1A and House District 1B keep whole five of the counties in Senate District 1, splitting Marshall county only once along township boundaries without splitting any cities or townships. As a result, Plaintiffs' Senate District 1 has a population

deviation of 0.10% (76 people); Plaintiffs' House District 1A has a population deviation of -0.10% (-41 people); and Plaintiffs' House District 1B has a population deviation of 0.29% (116 people). See Hippert Maptitude Reports, [Senate Population Summary](#), at Tab I, House Population Summary, at Tab Q.

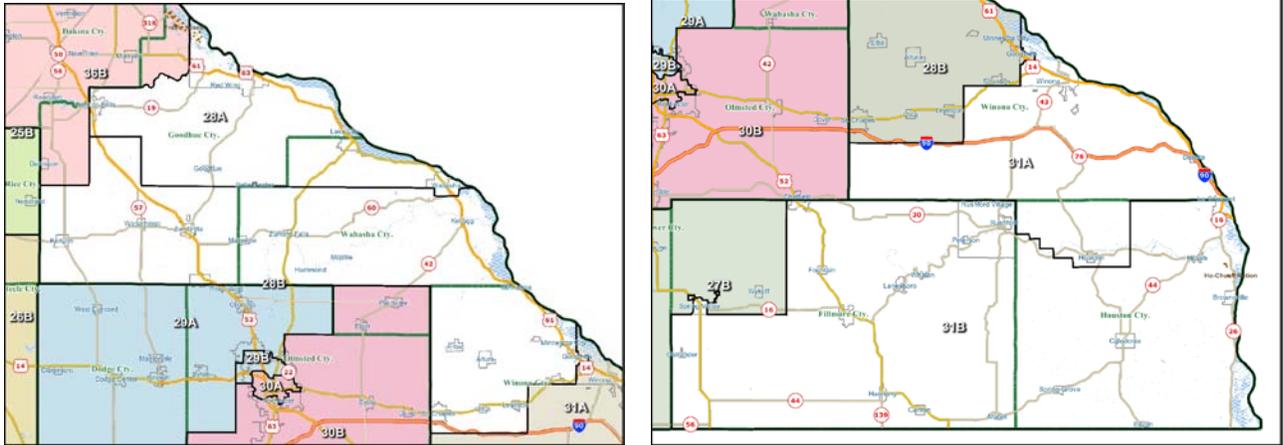
b. Senate District 26.

Plaintiffs' Senate District 26 is located in the far southeastern corner of the state and is composed of three whole counties: Mower, Houston and Fillmore.



Senate District 26 is shaped like a rectangle and is bordered on the east by Wisconsin. Plaintiffs' House District 26A contains all of Mower County, and Plaintiffs' proposed House District 26B contains all of Houston and Fillmore Counties.

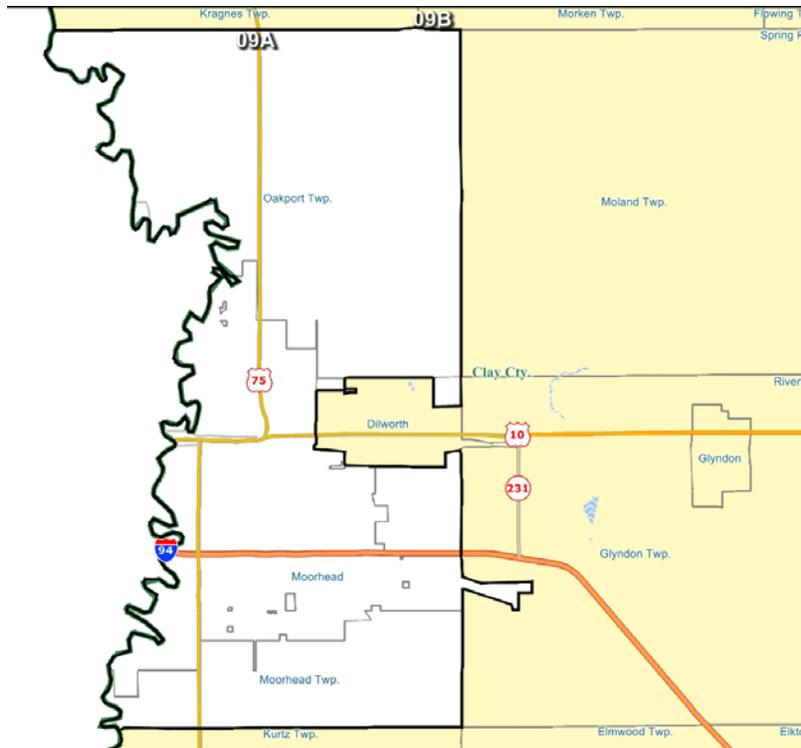
Plaintiffs' Senate District 26 is a substantial improvement over the existing districts in the area. Currently, Senate Districts 28 and 31 split Fillmore and Winona Counties, and House Districts 28A, 31A and 31B split Winona, Fillmore and Houston Counties:



While it would be possible to further reduce the population deviation of House District 26A by splitting one of the three counties in Senate District 26, keeping three counties whole in one senate district justifies the slightly higher population deviation of House District 26A, which is still well under the Panel's $\pm 2\%$ maximum, at -1.06% (-419 persons). See Hippert Maptitude Reports, [Senate Population Summary](#), at Tab I.

c. House District 9A.

Plaintiffs' House District 9A is located in western Minnesota and is composed of the city of Moorhead, plus Oakport Township and Moorhead Township. This district is substantially similar to the current House District 9A, which encompasses the City of Moorhead along with several other townships north of Moorhead in Clay County. Its irregular shape reflects the shape of city and township boundaries:



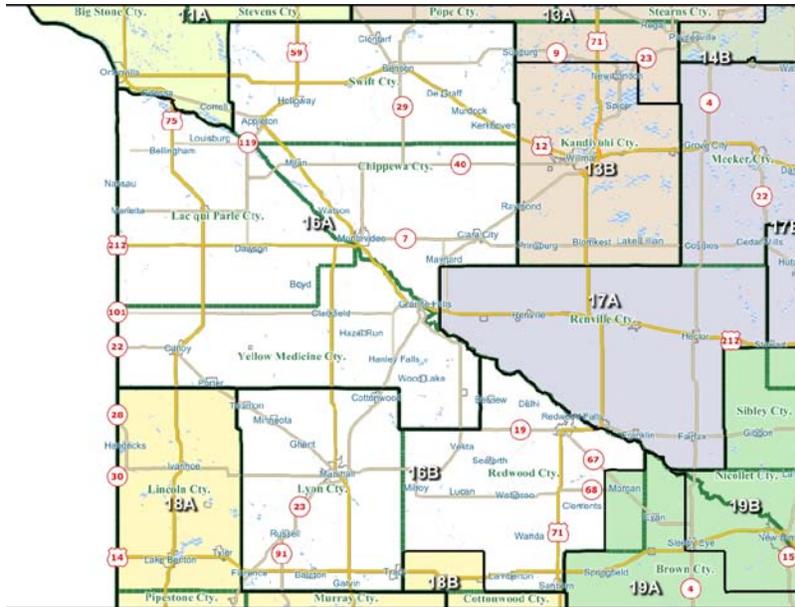
Over the last decade, Moorhead's population increased by 18.3% (from 32,177 to 38,065 persons),³ to near the ideal house district population of 39,582 persons. The City of Moorhead plus its two neighboring townships have a population deviation of 1.13% (449 persons) from the ideal house district population. *See* Hippert Maptitude Reports, [House Population Summary](#), at Tab Q. As discussed earlier, by including these neighboring townships, Plaintiffs' House District 9A protects Moorhead from any splits that might occur in the next decade in light of its above-average growth rate and the likelihood of future annexations.

³ *See* <http://quickfacts.census.gov/qfd/states/27/2743864.html> (last visited on November 15, 2011).

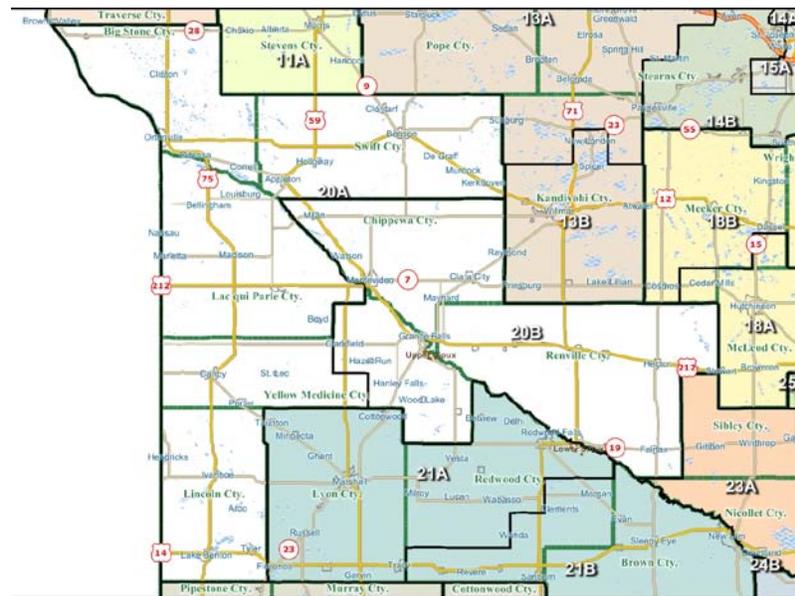
d. House District 16A.

Plaintiffs' House District 16A is located in west central Minnesota and is composed of four whole counties, Swift, Chippewa, Lac qui Parle, and Yellow Medicine.

These counties form a square shape augmented by the Minnesota River.



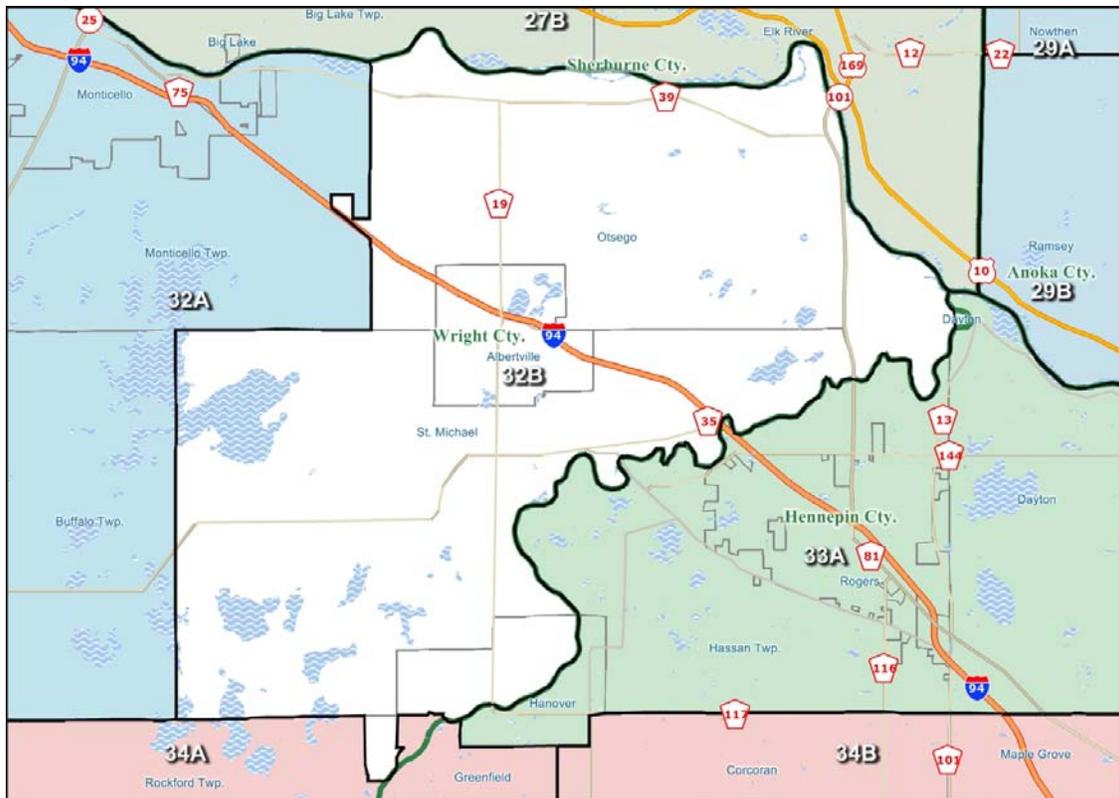
Together, Plaintiffs' House Districts 16A and 16B improve upon current House Districts 20A and 20B, which split Yellow Medicine County:



Plaintiffs' House District 16A has a population deviation 0.86% (339 persons). *See* Hippert Maptitude Reports, [House Population Summary](#), at Tab Q. Neighboring House District 16B includes all of Lyon County and the cities of Marshall and Redwood Falls, and it has a population deviation of 0.14% (55 persons). *Id.*

e. House District 32B.

Plaintiffs' House District 32B consists of the cities of Albertville, St. Michael, and Otsego, which are located in a high-growth, exurban area northwest of Minneapolis. The district's shape is the result of city boundaries and the Crow River, which runs along the district's southern boundary.



The cities of Albertville, St. Michael, and Otsego are currently in House District 19B, which stretches south to Rockford and Delano. Over the past ten years, Albertville grew by 94.5% (from 3,621 to 7,044 persons);⁴ St. Michael grew by 80.2% (from 9,099 to 16,399 persons);⁵ and Otsego grew by 114.9% (from 6,389 to 13,571 persons).⁶

The population growth in this area was so significant that the cities of Albertville, St. Michael, and Otsego are now close to the ideal population for a house district. All three cities share a similar exurban character, and each is located near I-94 in Wright County. Plaintiffs' House District 32B has a population deviation of -0.60% (-239 persons). See Hippert Maptitude Reports, [House Population Summary](#), at Tab Q.

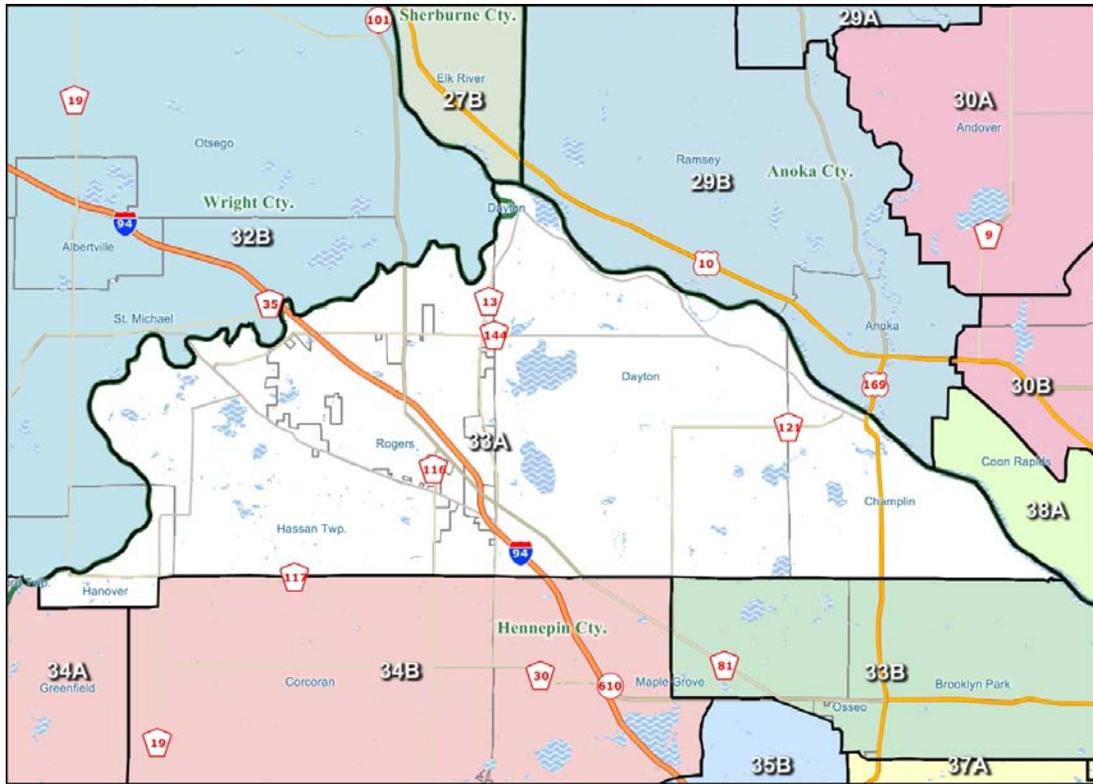
f. House District 33A.

Plaintiffs' House District 33A is just south of Plaintiffs' House District 32B and is comprised of the cities of Rogers, Dayton and Champlin, and Hassan Township. The district's shape follows city and township boundaries and the Crow and Mississippi Rivers in the north:

⁴ See <http://quickfacts.census.gov/qfd/states/27/2700730.html> (last visited on November 15, 2011).

⁵ See <http://quickfacts.census.gov/qfd/states/27/2757346.html> (last visited on November 15, 2011).

⁶ See <http://quickfacts.census.gov/qfd/states/27/2749138.html> (last visited on November 15, 2011).



The cities in Plaintiffs' House District 33A are currently in House District 32A, which stretches south to Corcoran, Greenfield and Hanover. Over the last decade, Rogers grew by 139.6% (from 3,588 to 8,597 persons)⁷ and Champlin grew by 4.0% (from 22,193 to 23,089 persons).⁸ Meanwhile, Dayton's population shrank by 0.6% (from 4,699 to 4,671 persons).⁹ Together, these cities are almost exactly the ideal population for a house district. They each share a similar exurban character, and they are each

⁷ See <http://quickfacts.census.gov/qfd/states/27/2755186.html> (last visited on November 15, 2011).

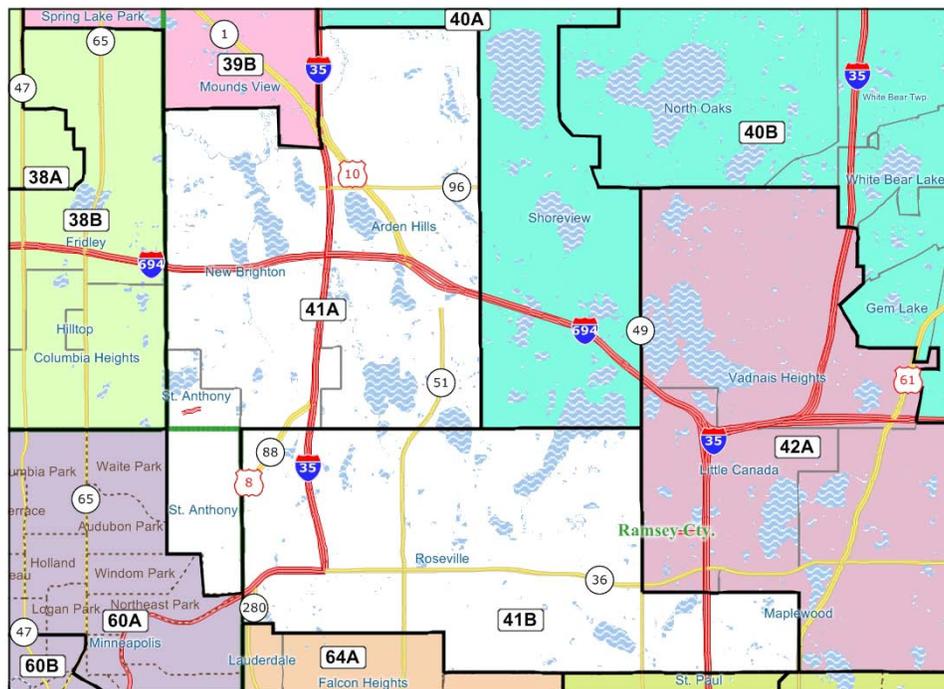
⁸ See <http://quickfacts.census.gov/qfd/states/27/2710846.html> (last visited on November 15, 2011).

⁹ See http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk;http://factfinder.census.gov/servlet/GCTTable?_bm=y&-geo_id=04000US27&-box_head_nbr=GCT-PH1&-ds_name=DEC_2000_SF1_U&-redoLog=false&-mt_name=DEC_2000_SF1_U_GCTPH1_ST7&-format=ST-7 (last visited on November 15, 2011).

bordered by either the Crow River or the Mississippi River. Plaintiffs' House District 33A has a population deviation of only -0.04% (-16 persons). See Hippert Maptitude Reports, [House Population Summary](#), at Tab Q.

g. House District 41A.

Plaintiffs' House District 41A includes the cities of St. Anthony, New Brighton, and Arden Hills.



Collectively, the populations of St. Anthony (8,226),¹⁰ New Brighton (21,456),¹¹ and Arden Hills (9,552)¹² equal 39,234, which is close to the ideal population for house districts of 39,582. The three cities are each either a first- or second-ring suburb and are

¹⁰ See <http://quickfacts.census.gov/qfd/states/27/2756680.html> (last visited on November 15, 2011).

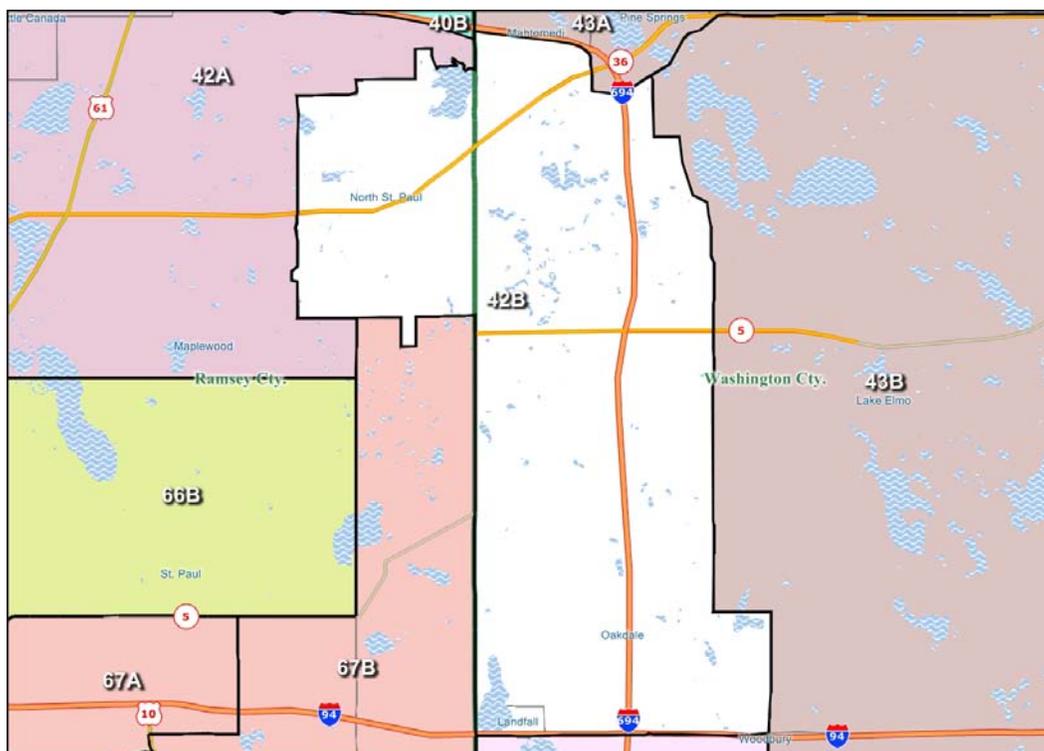
¹¹ See <http://quickfacts.census.gov/qfd/states/27/2745430.html> (last visited on November 15, 2011).

¹² See <http://quickfacts.census.gov/qfd/states/27/2702026.html> (last visited on November 15, 2011).

similar in character. Plaintiffs' House District 41A has a population deviation of -0.88% (-348 persons). *See* Hippert Maptitude Reports, [House Population Summary](#), at Tab Q.

h. House District 42B.

Plaintiffs' House District 42B is located northeast of St. Paul and is composed of the cities of North St. Paul, Oakdale, and Landfall.



The populations of Oakdale (27,378)¹³ and North St. Paul (11,460)¹⁴ add up to 38,838, which is just under the ideal house district population size of 39,582. During the Panel's public hearings, an Oakdale City Council Member specifically requested that Oakdale be kept whole, and Plaintiffs' House District 42B accomplishes this. *See* Testimony of Paul

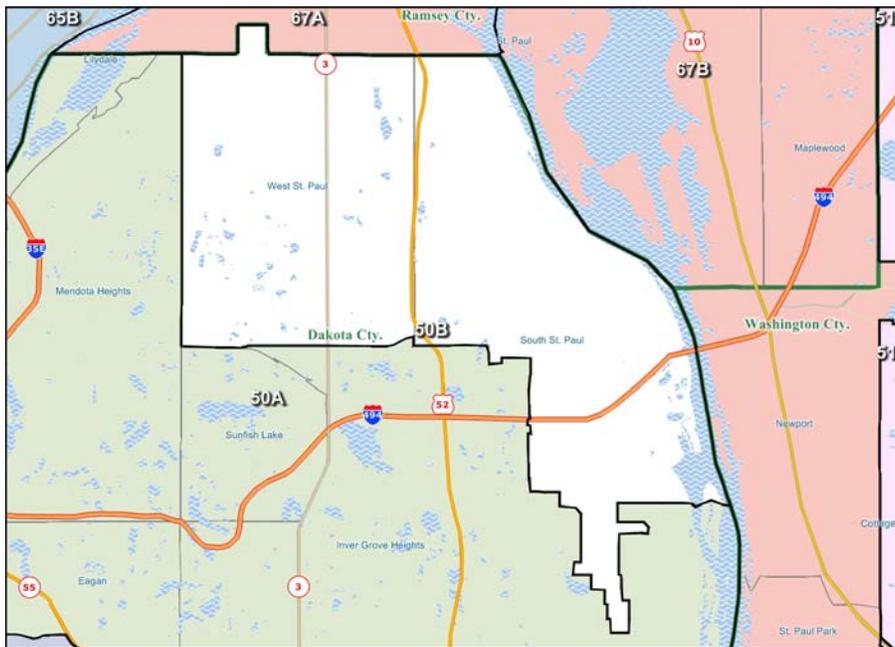
¹³ *See* <http://quickfacts.census.gov/qfd/states/27/2747680.html> (last visited on November 15, 2011).

¹⁴ *See* <http://quickfacts.census.gov/qfd/states/27/2747221.html> (last visited on November 15, 2011).

Reinke, Oakdale City Council Member, Minneapolis Public Redistricting Hearing (Oct. 6, 2011) (p. 51–52). By adding Landfall, which is south of Oakdale and bordered by I-494, Plaintiffs' House District 42B has a population deviation of -0.15% (58 persons). See Hippert Maptitude Reports, [House Population Summary](#), at Tab Q.

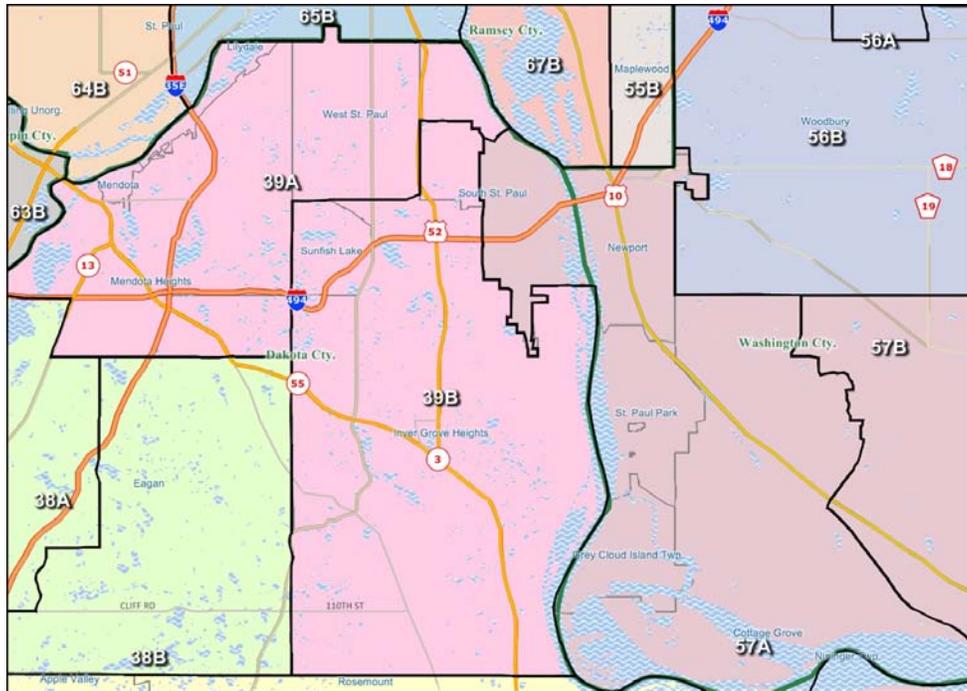
i. House District 50B.

Plaintiffs' House District 50B is located southeast of St. Paul and is comprised of the cities of West St. Paul and South St. Paul. The district's shape follows city boundaries, and the Mississippi River forms its eastern border.



Under the existing boundaries, South St. Paul, whose population is 20,160,¹⁵ is split into three House Districts (39A, 39B and 57A), and shares districts with each of West St. Paul (39A), Inver Grove Heights (39B) and Newport (57A). The current boundaries also force West St. Paul to share a district with Mendota Heights.

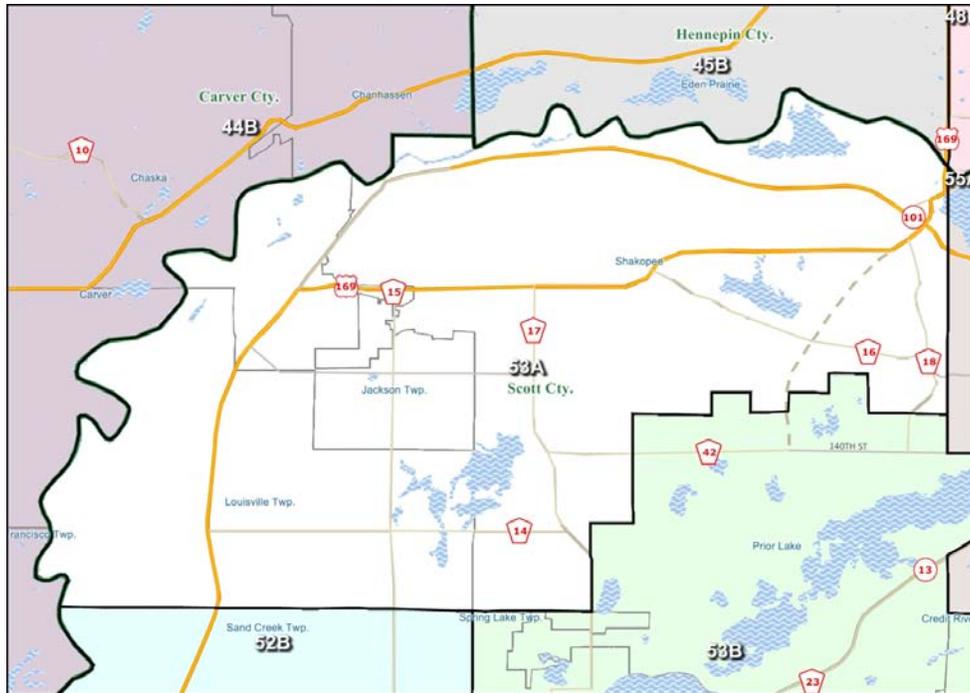
¹⁵ See <http://quickfacts.census.gov/qfd/states/27/2761492.html> (last visited on November 15, 2011).



Not only does Plaintiffs' House District 50B remedy the three South St. Paul splits in the current map, but it unites the similar cities of West St. Paul and South St. Paul into a single House District with a population of 39,700 persons. As a result, the population deviation of Plaintiffs' House District 50B is 0.30% (118 persons). See Hippert Maptitude Reports, [House Population Summary](#), at Tab Q.

j. House District 53A.

Plaintiffs' House District 53A is located southwest of Eden Prairie and is composed of the city of Shakopee and Louisville Township and Jackson Township. The shape of the district follows city boundaries, and the Minnesota River forms the district's northern border.



Plaintiffs' House District 53A is the fastest-growing area of the State. The current district in which Shakopee is located (current House District 53A) is the most-populated current house district, having grown by 64.1% over the past decade (from 36,485 to 59,872 persons). The City of Shakopee alone grew 80.3% over the past ten years, from 20,568 persons to 37,076 persons,¹⁶ only 2,506 persons under the ideal house district population. By combining Shakopee with Louisville Township and Jackson Township to the south, Plaintiffs' House District 53A has a population deviation of 0.57% (224 persons). *See* Hippert Maptitude Reports, [House Population Summary](#), at Tab Q.

2. Plaintiffs' Redistricting Plan Preserves Communities of Interest By Drawing House Districts First.

After identifying logical groupings of counties and cities, Plaintiffs' redistricting plan preserves communities of interest because of its focus on drawing house districts

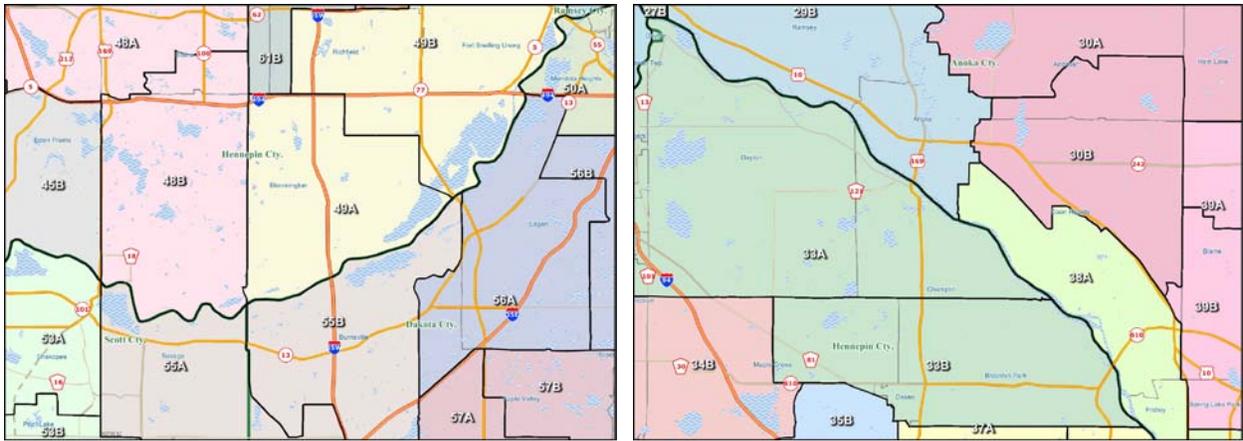
¹⁶See <http://quickfacts.census.gov/qfd/states/27/2759350.html> (last visited on November 15, 2011).

before senate districts. By focusing on the smallest districts and the most representative level of government first, Plaintiffs' redistricting plan preserves more political subdivisions and communities of interest within house districts. *See supra*, Argument § II(B) (comparing political subdivision splits in Plaintiffs' redistricting plan with the *Zachman* districts). Because of the nesting requirement of the Minnesota Constitution, these political subdivisions and communities of interest are naturally preserved within Plaintiffs' senate districts. *See* Minn. Const. art. IV, § 3; *see also* Criteria Order, Legislative Redistricting Principle No. 2; *see also supra*, Background § I(B) (discussing why house districts should be drawn first).

3. Plaintiffs' Redistricting Plan Preserves Communities of Interest By Using Rivers As Natural Boundaries.

As previously discussed, rivers create geographic boundaries that naturally influence the development of communities of interest and serve as borders for many of Minnesota's political subdivisions. Plaintiffs' redistricting plan uses rivers as natural boundaries for house and senate districts wherever possible.

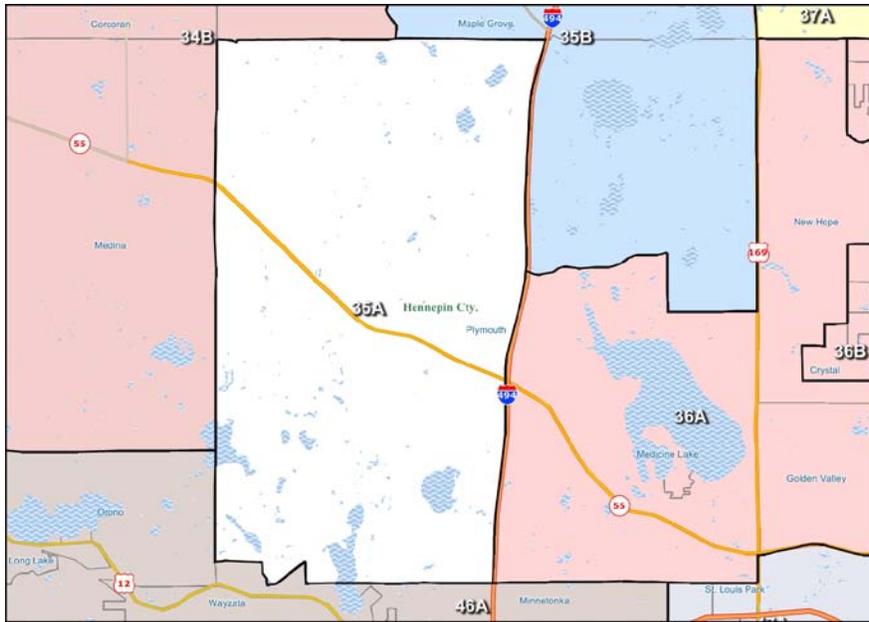
Within the metropolitan area, Plaintiffs' redistricting plan does not cross any river boundaries except where a municipality itself crosses a river. Examples of house and senate districts in which Plaintiffs' legislative map utilizes rivers as natural boundaries include House Districts 32B, 33A, 38A, 38B, 50B, 53A, 55A, and 55B. The following examples illustrate how the rivers serve as natural borders to political subdivisions, communities of interest, and well-drawn districts:



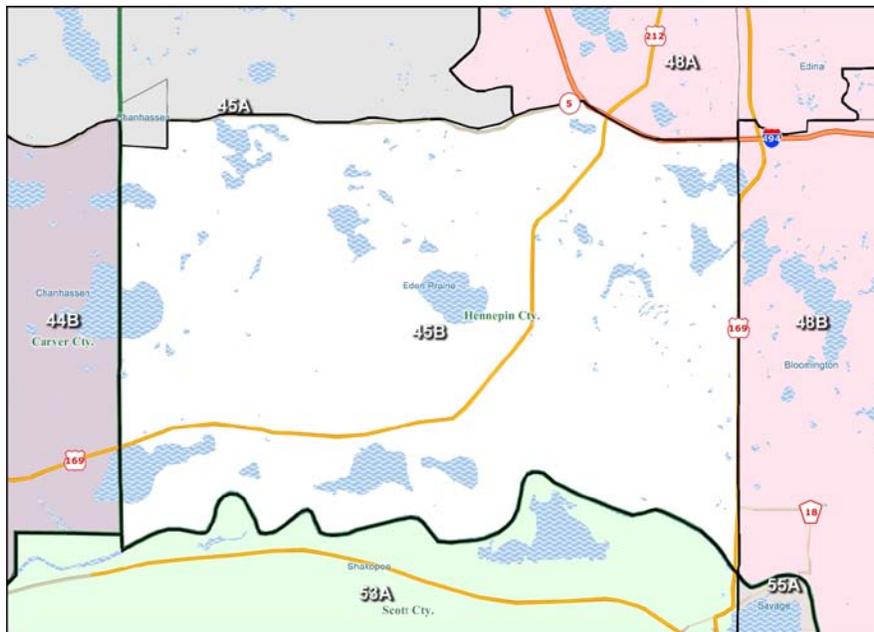
This approach is not possible in certain out-state areas of Minnesota where the dispersion of population is so great that it is necessary for a house or senate district to cross a river to achieve the required population or to preserve a political subdivision. For example, the Mississippi River bisects Morrison County, so it was necessary for Plaintiffs' House District 12B to cross the river to avoid splitting Morrison County. It was also necessary for Plaintiffs' House District 16A to cross the Minnesota River due to significant population losses in that area. However, in Plaintiffs' House District 16A, the city of Granite Falls crosses the Minnesota River anyway. Likewise, portions of the city of Mankato straddle the Minnesota River in Plaintiffs' House District 20A.

4. Plaintiffs' Redistricting Plan Preserves Communities of Interest By Using Major Roads As District Borders.

Another way that Plaintiffs' plan preserves communities of interest is by using major roadways as district borders where possible. For example, Plaintiffs' plan utilizes I-494 as the border between Plaintiffs' House Districts 35A and 35B.



Plaintiffs' also uses I-494 and Highway 5 as the northern border of House District 45B.



Other examples where Plaintiffs' Plan uses major roads as the district borders include using 85th Avenue North as the northern border of Senate District 37; using Highway 61 as the border between House Districts 43A and 31A; and using Highway 55

as the border between House Districts 50A and 56B. Utilizing clear borders like major roads further helps Plaintiffs' redistricting plan preserve communities of interest.

5. Plaintiffs' Redistricting Plan Preserves Communities of Interest By Keeping Townships With Their Neighboring Cities and Towns.

Townships in Minnesota frequently share services with their neighboring cities and towns, such as school districts, utilities, and other governmental functions. *See, e.g.*, Testimony of Christy Jo Fogarty, Farmington City Council Member, Minneapolis Public Redistricting Hearing (Oct. 6, 2011) (p. 15). When cities or towns annex territory, it is almost always from a surrounding township. For this reason, one of the *Zachman* panel's primary goals when drawing boundaries was to "minimize the long-term impact" of annexations and population growth. *Zachman*, Legislative Redistricting Order, at 4 (Mar. 19, 2002).

Plaintiffs' legislative redistricting plan follows the approach taken by the *Zachman* panel by ensuring that no townships are split from their related cities or towns in any senate districts, and only a single township is split from its related city or town in one house district. The only township that is split from its related city or town in Plaintiffs' plan is Big Lake township in Plaintiffs' House District 27B. Plaintiffs added this split to House District 27B in response to the testimony of Elk River City Council member Paul Motin. Council Member Motin requested that Elk River's house district not cross into Anoka County so that Elk River would not be subject to the Metropolitan Council's jurisdiction. *See* Testimony of Paul Motin, Elk River City Council Member, St. Cloud Hearing (Oct. 13, 2011) (p. 29–30). In order to accommodate this request, it was

necessary for Plaintiffs to split part of Big Lake township apart from the city of Big Lake in House District 27B. However, Big Lake township and the city of Big Lake both remain wholly within Plaintiffs' Senate District 27.

Importantly, Plaintiffs' legislative map combines townships with their related cities and towns in districts in which annexation proceedings are currently pending before the State of Minnesota Municipal Boundary Association:

- **Plaintiffs' House District 25A:** Pending annexation by Mazeppa City in Mazeppa Township (Wabasha County);
- **Plaintiffs' House District 7B:** Pending annexations by Moose Lake City in Moose Lake Township and Silver Township (Carlton County).¹⁷

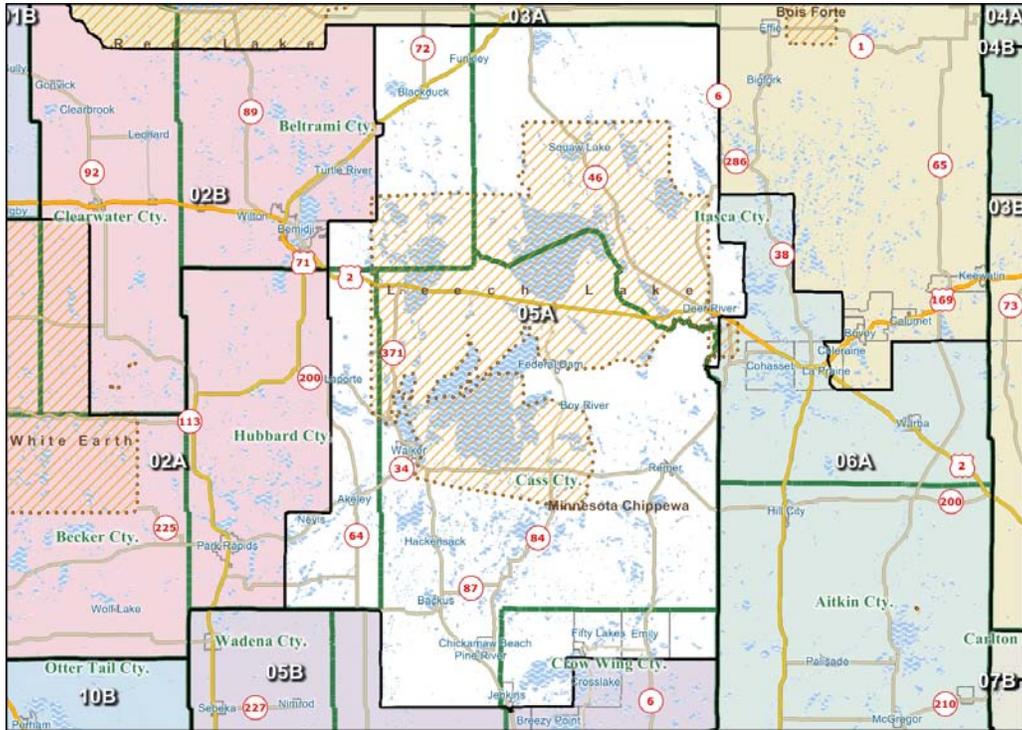
By preserving townships and their related cities and towns in single districts wherever possible, Plaintiffs' redistricting map will continue to protect these communities of interest not only as they currently exist, but also over the long term.

6. Plaintiffs' Legislative Redistricting Plan Preserves Tribal Communities of Interest.

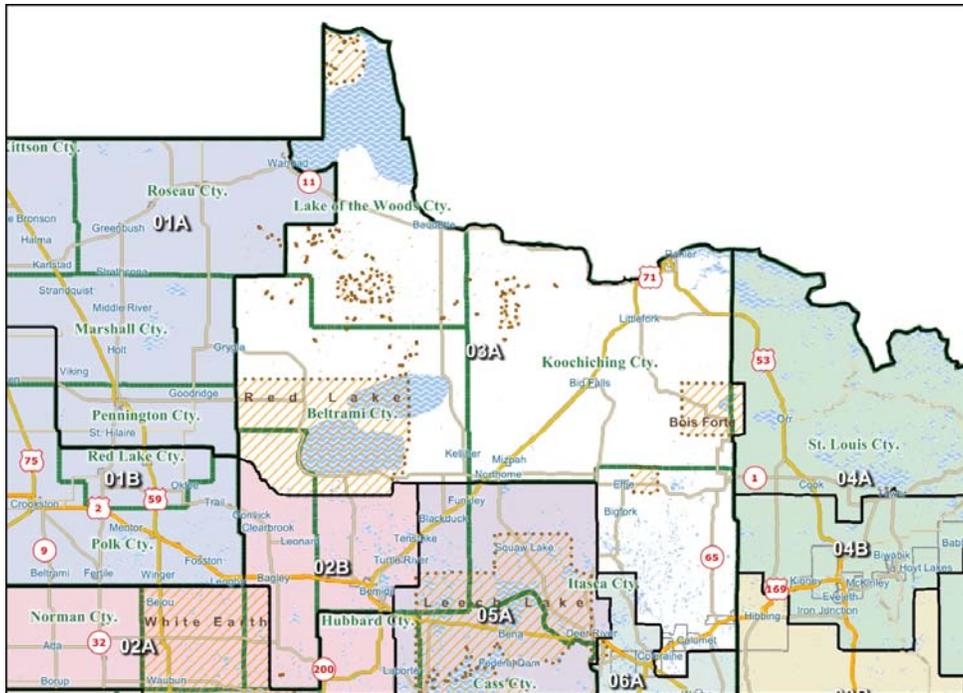
Past redistricting cycles have recognized Indian Reservations and tribal communities as easily defined communities of interest that should be preserved where possible. *See Zachman*, Legislative Redistricting Order, at 5 (Mar. 19, 2002). Plaintiffs continued this tradition when drafting their legislative redistricting plan. However, because the borders of certain Indian Reservations do not fit neatly within city or county boundaries, in some cases it was only possible to fit substantially all of an Indian

¹⁷ *See* State of Minnesota Municipal Boundary Adjustment Bureau, Municipal Boundary Adjustment Docket, <http://www.mba.state.mn.us/Docket.html> (last visited November 15, 2011).

Reservation, but not the entire reservation, in a single district. For example, the Fond du Lac Reservation is located substantially within Plaintiffs' House District 7A. Likewise, the Leech Lake Indian Reservation is located substantially within Plaintiffs' House District 5A.



Plaintiffs' redistricting map also creates splits in Beltrami and Clearwater counties in order to preserve the entire Red Lake Indian Reservation in Plaintiffs' House District 3A. *See infra*, Argument § III(A)(7)(e) (discussing Plaintiffs' House Districts 3A and 2B).



The White Earth Indian Reservation is located within Plaintiffs' House District 2A, and the Mille Lacs Indian Reservation is located in Plaintiffs' House District 6B. In addition, in Plaintiffs' House District 62A, the Legislature modified its initial map in response to public comments by extending the border of House District 62A east to Highway 55 in order to preserve the Little Earth tribal community as whole. *See* Testimony of Carol Pass, East Phillips Neighborhood Association President, Sally Fineday, Native Vote Alliance Minnesota, and Karl Knutsen, House Redistricting Committee Public Hearing (May 3, 2011); Written Submission of Jodie M. Bantley to State Redistricting Panel dated October 20, 2011; *see also infra*, Argument § III(A)(7)(a) (discussing Plaintiffs' House District 62A). Plaintiffs' redistricting map preserves the communities of interests created by Minnesota's tribal communities.

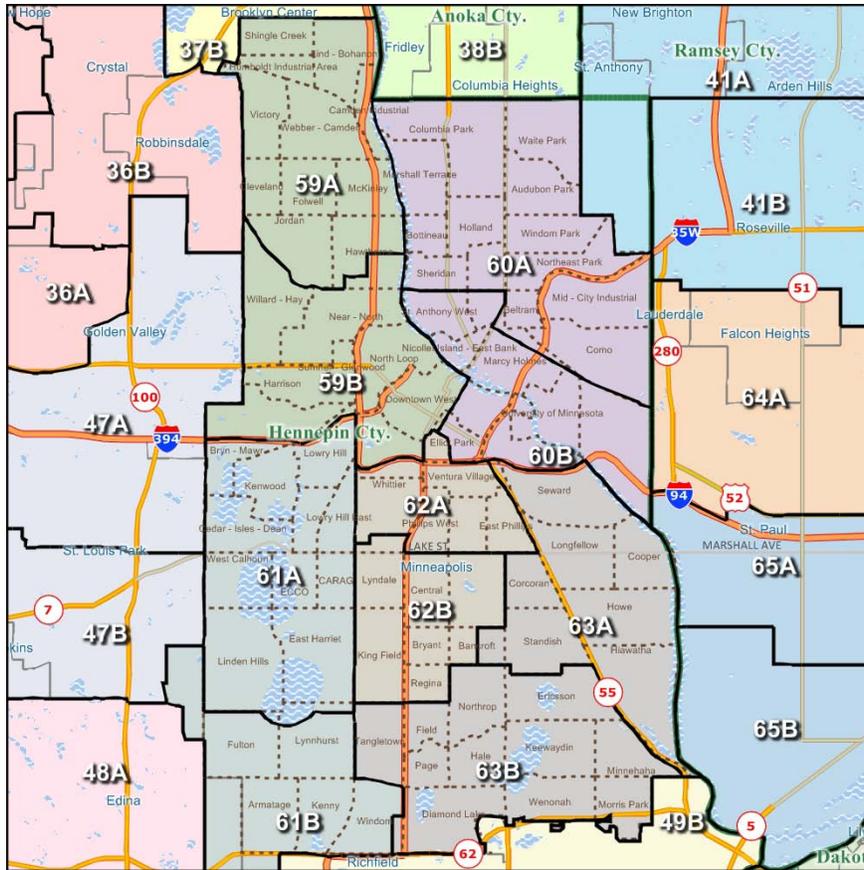
7. Plaintiffs' Legislative Redistricting Plan Preserves Communities of Interest in the State's Metropolitan Areas.

Minnesota's metropolitan areas are economic centers of the state. Plaintiffs' redistricting plan sought to protect the unique character of each of the state's major metropolitan areas.

a. Plaintiffs' Redistricting Plan Preserves Communities of Interest in Minneapolis.

In Minneapolis, Plaintiffs' legislative redistricting plan follows the approach taken by the *Zachman* panel of following "neighborhood boundaries to the extent possible." *Zachman*, Legislative Redistricting Order, at 5 (Mar. 19, 2002). Over the past decade, the population of Minneapolis remained virtually unchanged. The current population of Minneapolis is 382,578,¹⁸ or 9.7 house districts based on the ideal house district population of 39,582. Plaintiffs' map creates ten house districts in Minneapolis:

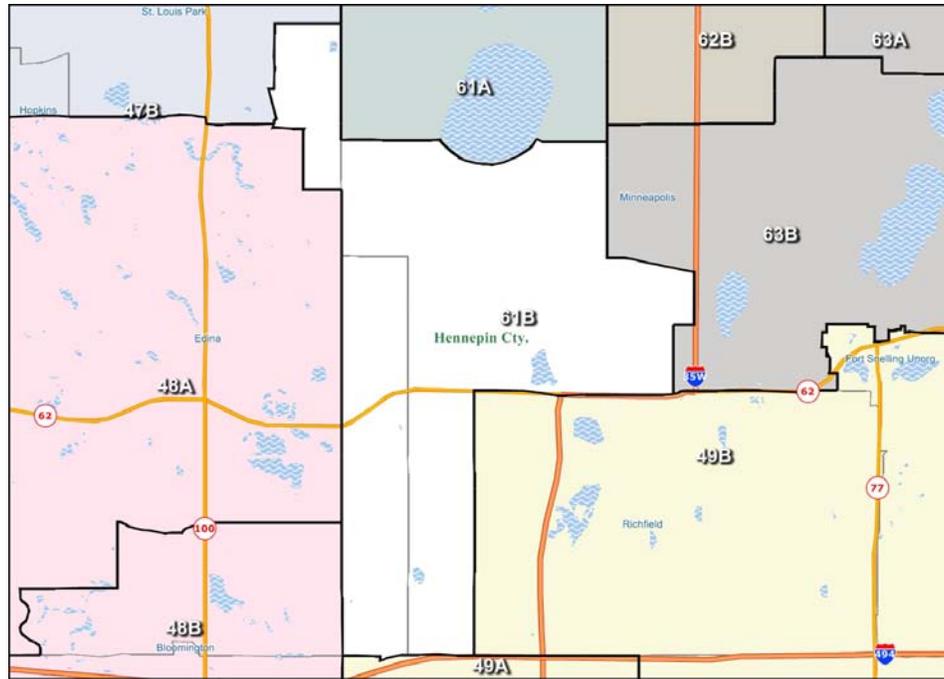
¹⁸ See <http://quickfacts.census.gov/qfd/states/27/2743000.html> (last visited on November 15, 2011).



Notably, Plaintiffs' map splits Minneapolis neighborhoods far fewer times than the current *Zachman* districts.

	Plaintiffs' Legislative Redistricting Plan	Zachman Panel's Legislative Redistricting Plan
Minneapolis Neighborhoods Split By House Districts	8	24
Minneapolis Neighborhoods Split By Senate Districts	6	11

Plaintiffs also attempted to keep as many house districts wholly within Minneapolis as possible. Only one of the ten house districts in Minneapolis, House District 61B, shares population beyond the City of Minneapolis border. That district combines the southwest area of Minneapolis south of Lake Harriet, with small portions of Edina and Richfield:



Combining southwest Minneapolis with eastern Edina in a single house district makes sense because Edina's current population is 47,941¹⁹ and must be split between house districts anyway. The Linden Hills and Fulton neighborhoods of Minneapolis are also substantially similar in character to the eastern part of Edina located in Plaintiffs' House District 61B.

Plaintiffs' redistricting plan includes accommodations made by the Legislature in several Minneapolis areas in response to public comments received during the legislative redistricting hearings. For example, in response to public comments, the legislative drafters of the plan extended the initial House District 60B south to the Mississippi River in its southeast corner to avoid splitting the Prospect Park Neighborhood. *See* Testimony of Dan Cragie, Prospect Park/East River Road Improvement Association Board Member,

¹⁹ *See* <http://quickfacts.census.gov/qfd/states/27/2718188.html> (last visited on November 15, 2011).

and Karl Knutsen, House Redistricting Committee Public Hearing (May 3, 2011). The legislative drafters also modified the initial House District 60B to avoid splitting the Beltrami neighborhood. To balance the population in House District 60B, the legislative drafters extended House District 62A north of I-94 to include the Elliott Park neighborhood.

With respect to Plaintiffs' House District 59B, the legislative drafters modified their initial map by pushing the border between 59B and 61A north to follow I-394. This change was in response to public comments requesting that the Loring Park Neighborhood be preserved with Downtown Minneapolis. *See* Testimony of Michael Katch, House Redistricting Committee Public Hearing (May 3, 2011). The change resulted in a split in the Bryn-Mawr neighborhood, but because the split uses the pre-existing I-394 division as its division point, it minimizes any potential disruption to that neighborhood.

The most significant modification made by the legislative drafters to the Minneapolis map involved extending House District 62A east to Highway 55 based on comments received from the public. *See* Testimony of Carol Pass, East Phillips Neighborhood Association President, Sally Fineday, Native Vote Alliance Minnesota, and Karl Knutsen, House Redistricting Committee Public Hearing (May 3, 2011); *see also* Written Submission of Jodie M. Bantley to State Redistricting Panel dated October 20, 2011. This change enabled the plan to preserve both the East Phillips neighborhood and the Little Earth tribal community as whole in Plaintiffs' House District 62A. To

balance the population in House District 62A, however, it was necessary to extend House District 62B north and create a split in the Whittier neighborhood.

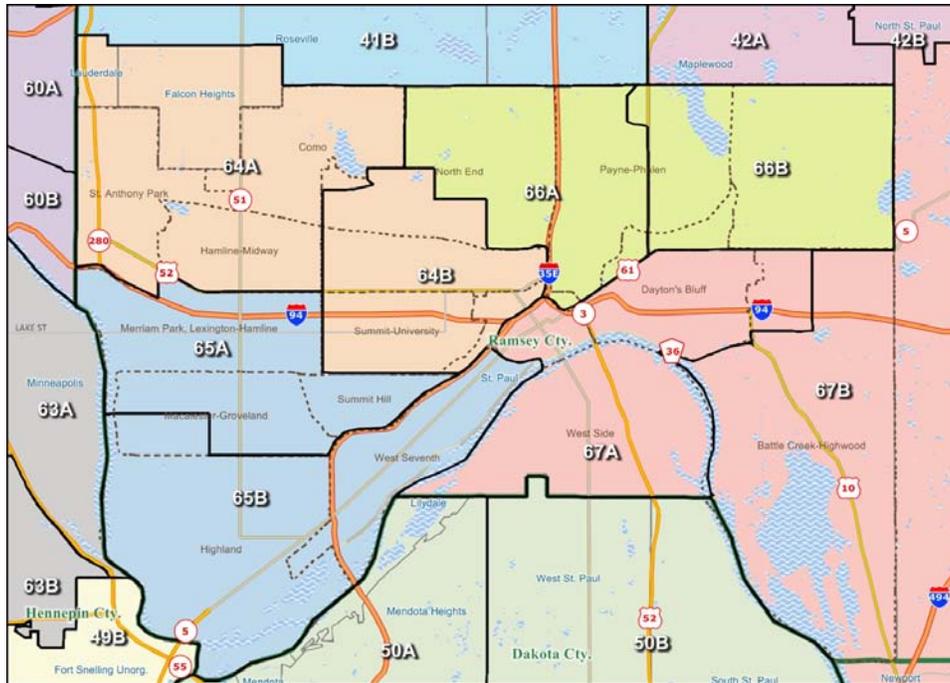
Plaintiffs' redistricting plan keeps house districts wholly within the city of Minneapolis in all but one instance, and follows the neighborhood boundaries in Minneapolis while splitting fewer neighborhoods than the existing *Zachman* plan. Just as importantly, Plaintiffs' plan includes modifications that were made in response to public comments. These modifications allow Plaintiffs' plan to preserve the Minneapolis neighborhoods of Beltrami, Prospect Park, Loring Park, and East Phillips, as well as the Little Earth tribal community.

b. Plaintiffs' Redistricting Plan Preserves
Communities of Interest in St. Paul.

As with Minneapolis, Plaintiffs' redistricting plan follows "neighborhood boundaries to the extent possible" in St. Paul and also keeps districts wholly within St. Paul where possible. *Cf. Zachman*, Legislative Redistricting Order, at 5 (Mar. 19, 2002). Like the Minneapolis map, Plaintiffs' plan also includes modifications made to the St. Paul map in response to comments received from the public during legislative redistricting hearings.

Over the last decade, the population of St. Paul decreased slightly to 285,068,²⁰ or 7.2 house districts based on the ideal house district population of 39,582. Plaintiffs' map creates eight house districts in St. Paul.

²⁰ See <http://quickfacts.census.gov/qfd/states/27/2758000.html> (last visited on November 15, 2011).



Plaintiffs' legislative map splits far fewer St. Paul planning districts than then the current *Zachman* districts.

	Plaintiffs' Legislative Redistricting Plan	<i>Zachman</i> Panel's Legislative Redistricting Plan
St. Paul Planning Districts Split By House Districts	4	10
St. Paul Planning Districts Split By Senate Districts	3	7

All but two of Plaintiffs' house districts in St. Paul are located wholly within the city. Plaintiffs' House District 64A shares population with Lauderdale and Falcon Heights, which are similar in character to the St. Anthony Park and Midway areas of St. Paul (Falcon Heights is combined with this portion of St. Paul in current house district 66B). Plaintiffs' House District 67B shares population with Newport, St. Paul Park, Grey Cloud Island, and a large portion of the uniquely shaped city of Maplewood.

Sharing population between two house districts in St. Paul and their neighboring suburbs allows Plaintiffs' redistricting plan to avoid splitting West St. Paul and South St.

Paul in House District 50B. *See supra*, Argument § III(A)(1)(i) (discussing Plaintiffs' House District 50B). This approach also allows Plaintiffs' redistricting plan to avoid political subdivision splits in North St. Paul, Oakdale, and Landfall in House District 42B. *See supra*, Argument § III(A)(1)(h) (discussing Plaintiffs' House District 42B). The only political subdivision that is split in this configuration, apart from St. Paul (whose population makes splits inevitable), is Maplewood. Given its distinctive shape, a political subdivision split in Maplewood is likely, if not unavoidable. Maplewood is currently split by existing House Districts 55A and 55B.

Plaintiffs' plan includes modifications in St. Paul made by the legislative drafters in response to public comments. For example, the legislative drafters modified the initial House Districts 64A and 64B in response to public comments expressing concerns about dilution of the African-American community and preservation of the Rondo community. *See* Testimony of Kaye Thompson Peters, House Redistricting Committee Public Hearing (May 3, 2011); *see also* Testimony of Arthur Allen, St. Paul Public Redistricting Hearing, (Oct. 5, 2011) (p. 12-13). In response to these concerns, the legislative drafters extended the southwestern border of House District 64A south to I-94 and extended the northeastern border of House District 64B north to the rail line. The Rondo community is now located wholly within Plaintiffs' House District 64B.

Within the initial Senate District 65, the legislative drafters altered the divisions of their initial House Districts 65A and 65B in response to public comments. *See* Testimony of Kay Thompson Peters, House Public Redistricting Hearing (May 3, 2011).

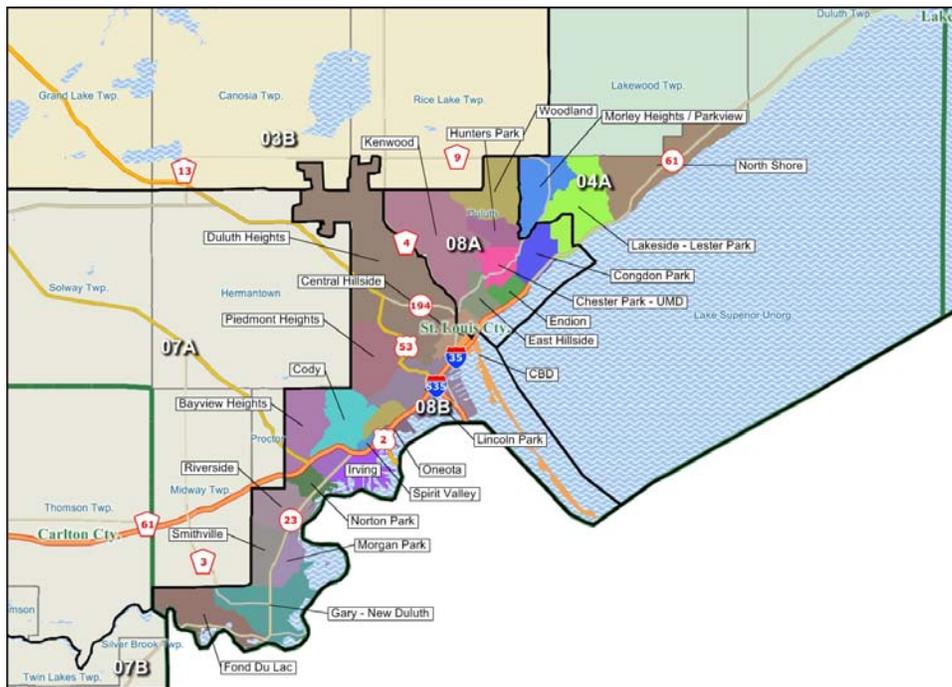
Plaintiffs' plan avoids splitting the Merriam Park/Lexington-Hamline neighborhood south of I-94 because of these alterations.

Based on public comments, the legislative drafters also modified the house district pairings in the initial Senate Districts 66 and 67 to provide more continuity for the Hmong-American population in eastern St. Paul. *See* Testimony of Paul Sawyer, House Redistricting Committee Public Hearing (May 3, 2011); *see also* Testimony of Arthur Allen, St. Paul Public Redistricting Hearing, (Oct. 5, 2011) (p. 12-13); Testimony of Paul Sawyer, St. Paul Public Redistricting Hearing (Oct. 5, 2011) (p. 25-26); Written Submission of Bao Vang, Hmong American Partnership, to State Redistricting Panel (Oct. 21, 2011). The legislative drafters changed their initial House District 66B to House District 67A (which now contains the West Side and West Seventh neighborhoods). The legislative drafters then changed their initial House District 67A to House District 66B (which now contains the Greater Eastside and Lake Phalen neighborhoods). As a result, the northeastern part of St. Paul is now in a single senate district, Plaintiffs' Senate District 66.

Like Plaintiffs' legislative map for Minneapolis, Plaintiffs' map for St. Paul preserves neighborhood boundaries and other communities of interest, and features several changes that were made in response to specific requests from members of the public.

c. Plaintiffs' Redistricting Plan Preserves Communities of Interest in Duluth.

As with Minneapolis and St. Paul, Plaintiffs drew as many legislative districts within Duluth as possible before leaving city boundary lines. Over the last decade, the population of Duluth remained essentially unchanged at 86,265,²¹ entitling it to 2.17 house districts based on the ideal house district population of 39,582. Plaintiffs' map creates two house districts within Duluth, House Districts 8A and 8B, and a third, House District 4A, which contains the remaining 8.8% of Duluth's population.



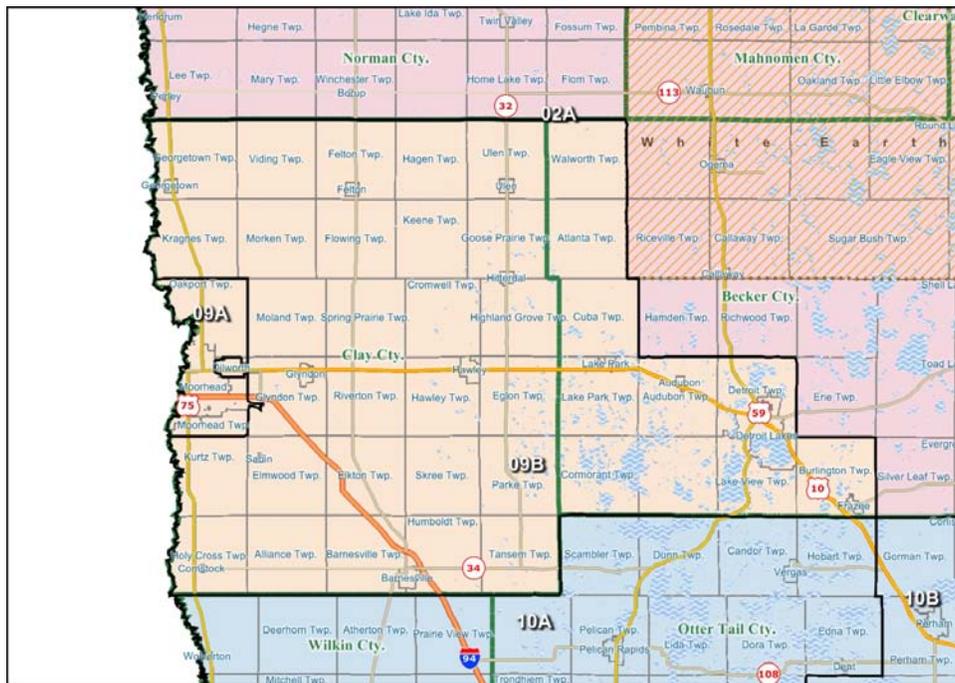
Plaintiffs' House District 8A preserves the Duluth neighborhoods of Kenwood, Woodland, East Hillside, Chester Park/UMD, Endion, Congdon Park, and includes portions of the Central Hillside, Central Business District, and Lakeside-Lester Park neighborhoods. Plaintiffs' House District 8B preserves the Duluth neighborhoods of

²¹ See <http://quickfacts.census.gov/qfd/states/27/2758000.html> (last visited on November 15, 2011).

Duluth Heights, Peadmont Heights, Lincoln Park, Denfeld, Oneaota, Spirit Valley, Code, Bayview Heights, Fairmount, Irving, Norton Park, Riverside, Smithville, Morgan Park, Gary-New Duluth and Fon Du Lac, and includes portions of the Central Hillside and Central Business District neighborhoods. Plaintiffs' House District 4A preserves the Duluth neighborhoods of North Shore, Morley Heights, and Parkview, and includes portions of Lakeside-Lester Park. The only three Duluth neighborhoods split in Plaintiffs' plan are Central Hillside, the Central Business District, and Lakeside-Lester Park.

d. Plaintiffs' Redistricting Plan Preserves Communities of Interest in Moorhead.

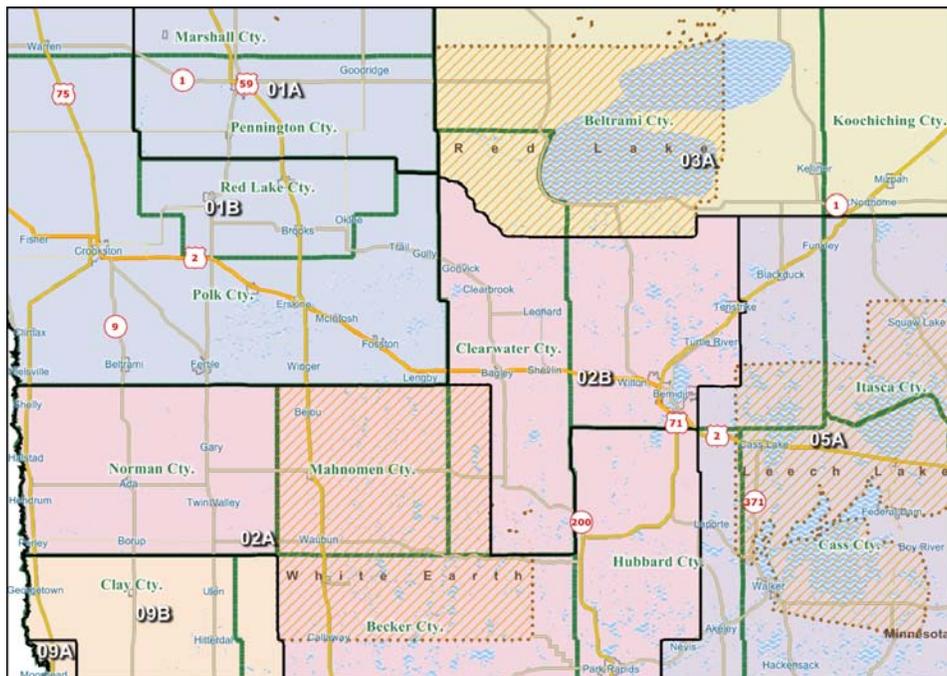
Plaintiffs' House District 9A consists of the City of Moorhead and the neighboring townships of Oakport Township and Moorhead Township. *See supra*, Argument §§ I(A)(2) and III(A)(1)(c) (discussing Plaintiffs' House District 9A).



This district preserves these three political subdivisions as whole and has a population deviation of 1.13% (449 persons). Plaintiffs' House District 9B includes the remainder of Clay County and portions of Becker County, including the cities of Detroit Lakes and Dilworth. As a result, Plaintiffs' Senate District 9 preserves representation for Moorhead and the surrounding Clay County communities from which many people commute or otherwise travel to Moorhead for business, school, or other matters.

e. Plaintiffs' Redistricting Plan Preserves Communities of Interest in Bemidji and the Red Lake Indian Reservation.

Plaintiffs' House Districts 3A and 2B were drawn to preserve the communities of interest represented by the Red Lake Indian Reservation and the nearby city of Bemidji. The Red Lake Indian Reservation is located in House District 3A, and Bemidji is located in House District 2B.



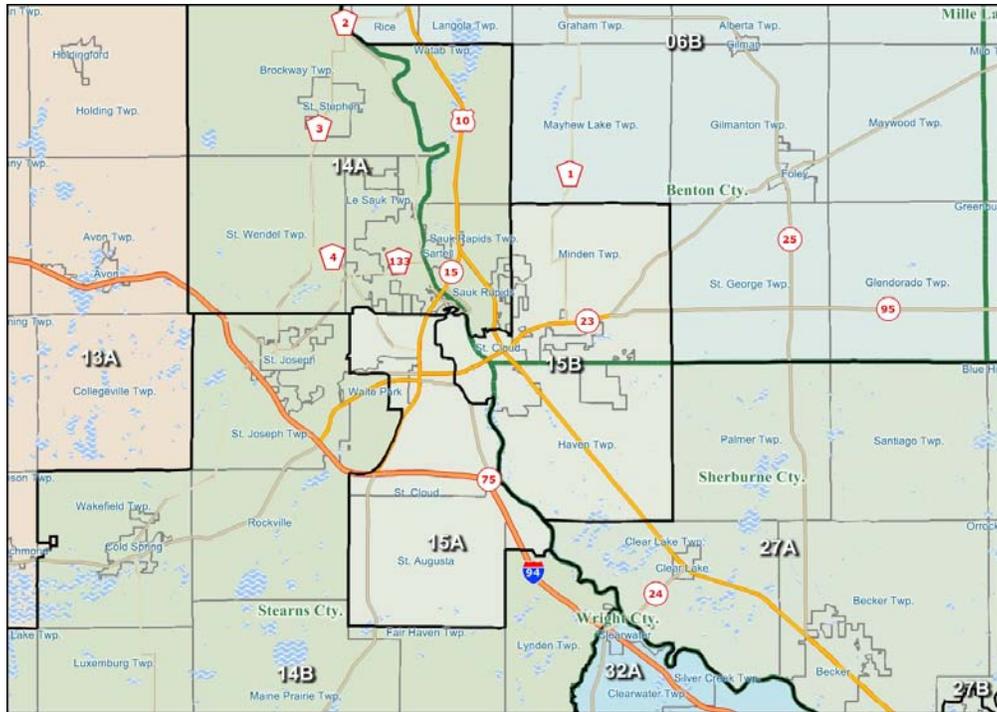
In order to locate the Red Lake Indian Reservation in a single house district and the city of Bemidji in a single house district, it was necessary for Plaintiffs' redistricting plan to split Beltrami and Clearwater counties.

f. Plaintiffs' Redistricting Plan Preserves Communities of Interest in St. Cloud.

The City of St. Cloud has a history of being divided. St. Cloud's division results from the city occupying portions of three counties (Stearns, Benton, and Sherburne), the fact that it is split by the Mississippi River (which runs from north to south through the city), and the city's unique shape. It is also influenced by St. Cloud's location in the center of the state. Under the existing boundaries, St. Cloud is divided between House Districts 15A and 15B. A split between house districts is necessary in St. Cloud because its current population is 65,842,²² larger than the ideal house district population.

Like the current *Zachman* boundaries, Plaintiffs' map splits St. Cloud into two house districts, 15A and 15B:

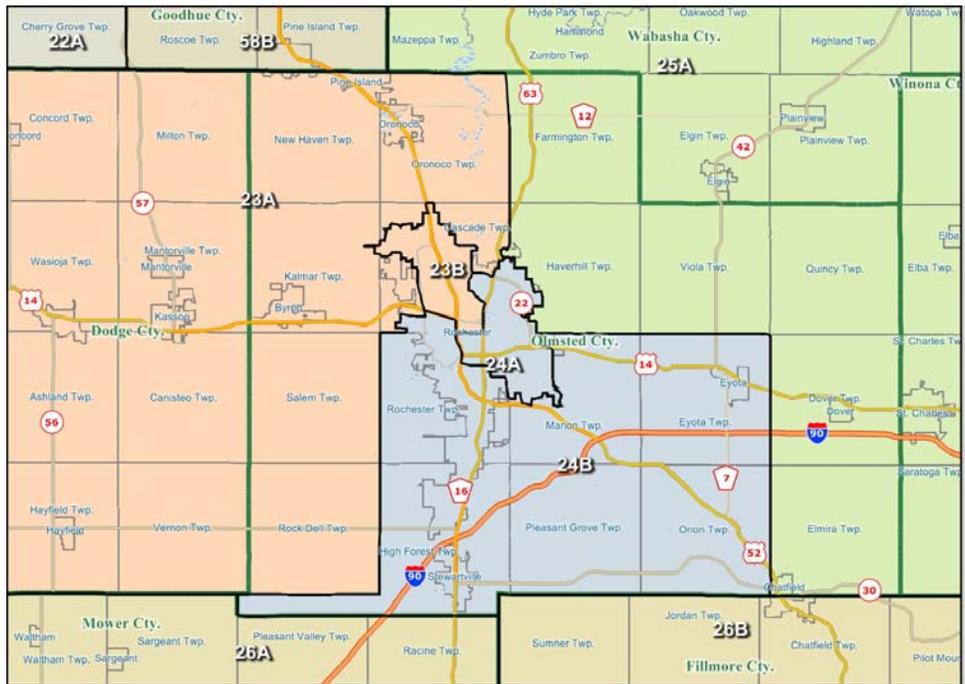
²² See <http://quickfacts.census.gov/qfd/states/27/2756896.html> (last November 15, 2011).



For the most part, Plaintiffs' House Districts 15A and 15B are divided by the Mississippi River. In response to public comments, the Legislature's plan extended the western boundary of House District 15B west across the Mississippi River to include the downtown area of St. Cloud and the St. Cloud State University Campus. *See* Testimony of Kimberly Johnson, House Redistricting Committee Public Hearing (May 3, 2011). Plaintiffs' plan incorporates this change. The remainder of Plaintiffs' House District 15B contains the neighboring townships of Minden and Haven, and the remainder of Plaintiffs' House District 15A contains the neighboring city of St. Augusta.

g. Plaintiffs' Redistricting Plan Preserves Communities of Interest in Rochester.

Over the past decade, the population of Rochester grew 24.4% and is currently 106,769.²³ With this population, Rochester is too large to fit into a single senate district or two separate house districts. Plaintiffs' redistricting plan includes the majority of Rochester's population in House Districts 23B, 24A, and 24B:



Plaintiffs modified the Legislature's final plan for the Rochester Area to preserve political subdivisions and to accommodate a request from Rochester's Mayor that the urban interests of the city be preserved in as few house districts as possible. See Testimony of Ardell F. Brede, Mayor of City of Rochester, House Redistricting Committee Rochester Public Hearing (Feb. 25, 2011); Written Submission of Ardell F. Brede, Mayor of City of Rochester, to House Redistricting Committee (Feb. 24, 2011). Plaintiffs' modification

²³ See <http://quickfacts.census.gov/qfd/states/27/2754880.html> (last visited on November 15, 2011).

allowed all of Dodge County to be preserved as whole in Plaintiffs' House District 23A and required minor alterations to surrounding districts to satisfy population requirements.

Even though the population of Rochester numerically fits into three house districts, containing the entire city of Rochester in three house districts is not possible while adhering to the Panel's other redistricting criteria. Rochester has an eccentric shape, with many annexations and non-contiguous areas, and cannot be contained in three house districts without splitting numerous surrounding political subdivisions. Plaintiffs honored the Mayor's request by preserving the bulk of Rochester's population (96.63% or 103,176 persons) within Plaintiffs' House Districts 23B, 24A, and 24B. The remaining 3.37% of Rochester's population (3,593 persons) is located in Plaintiffs' House District 23A.

h. Plaintiffs' Redistricting Plan Preserves
Communities of Interest in Mankato.

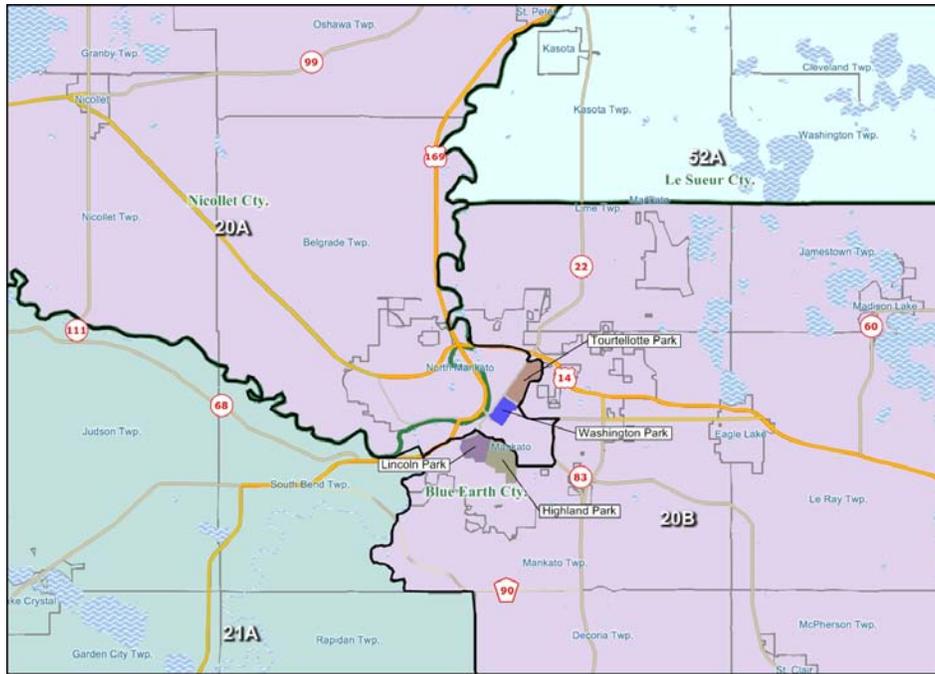
Mankato's population grew 21.2% over the past decade and is currently 39,309.²⁴ Mankato is immediately adjacent to North Mankato, which has a population of 13,394.²⁵ Mankato is also surrounded by various townships, including Mankato Township, Lime Township, and Belgrade Township, portions of which are likely to be annexed in the coming decade. See <http://www.mankato-mn.gov/PlanningAndZoning/Annexation.aspx> (last visited on November 15, 2011); Testimony of Patrick Hentges, City Manager,

²⁴ See <http://quickfacts.census.gov/qfd/states/27/2739878.html> (last visited on November 15, 2011).

²⁵ See <http://quickfacts.census.gov/qfd/states/27/2747068.html> (last visited on November 15, 2011).

Mankato Public Redistricting Hearing (October 14, 2011) (p. 45-46). This area is too large to fit in to a single house district, but it fits neatly into a senate district.

Plaintiffs' proposed Senate District 20 includes all of Mankato and its surrounding townships, plus the cities of North Mankato, St. Peter and Nicollet.



Plaintiffs' House Districts 20A and 20B split the city of Mankato along major roads, including US Highway 14, Riverfront Drive, Victory Drive, Balcerzak Drive, and U.S. Highway 169.

Most of northwestern Mankato (10,872 persons), the Bethany Lutheran College campus, and the townships of Traverse, Oshawa, Granby, Nicollet, and Belgrade are included with the cities of Nicollet, St. Peter and North Mankato in Plaintiffs' House District 20A. The remainder of Mankato (32,086 persons), the Minnesota State University – Mankato campus, and the townships of Lime, Mankato, Decoria,

Jamestown, LeRay, and McPherson, along with Eagle Lake, Madison Lake and St. Clair, are included in Plaintiffs' House District 20B.

The split between House Districts 20A and 20B in Mankato follows the borders of Mankato's neighborhood associations. The Lincoln Park and Highland Park neighborhoods are located in Plaintiffs' House District 20B, and the Tourtellotte Park and Washington Park neighborhoods are located in Plaintiffs' House District 20A.

8. Plaintiffs' Legislative Redistricting Plan Preserves Communities of Interest in the State's Rural Areas.

During the Panel's public hearings, the Panel heard from a number of witnesses who supported Plaintiffs' redistricting plan as it relates to more rural areas. *See, e.g.*, Testimony of Judy Soderstrom, James Evenson, and Joan Parskalleh, St. Cloud Public Redistricting Hearing (Oct. 13, 2011) (p. 10–11, 12–13, 15–18); Testimony of Rhonda Sivarajah, Chair of Anoka County Board of Commissioners, St. Paul Public Redistricting Hearing (Oct. 5, 2011) (p. 61–65). Because of the priority that Plaintiffs placed on preserving political subdivisions and drawing house districts first, Plaintiffs' redistricting plan results in far fewer house district splits in cities and townships than the current *Zachman* districts in out-state Minnesota. In the 76 Minnesota counties outside of the 11-county metropolitan area, Plaintiff's redistricting plan boundaries split only two cities: Alexandria (in House Districts 11A and 11B) and Faribault (in Senate Districts 52 and 22). Despite the house district split in Alexandria, the entire city of Alexandria is preserved in Plaintiffs' Senate District 11.

With the exceptions of Alexandria and Faribault, none of the other larger "hub" cities in out-state Minnesota are split into more than one house district. Starting in the southeast corner of the state, these cities include: Austin, Albert Lea, Fairmont, Windom, Worthington, Pipestone, Marshall, Redwood Falls, Granite Falls, Willmar, Appleton, Morris, Fergus Falls, Detroit Lakes, Moorhead, Park Rapids, Thief River Falls, Bemidji, Walker, Brainerd, Grand Rapids, Hibbing, Eveleth, Chisholm, Virginia, Biwabik, Hoyt Lakes, Ely, Two Harbors, Grand Marais, Cloquet, Moose Lake, Hinckley, Hastings, Red Wing, Wabasha, and Winona.

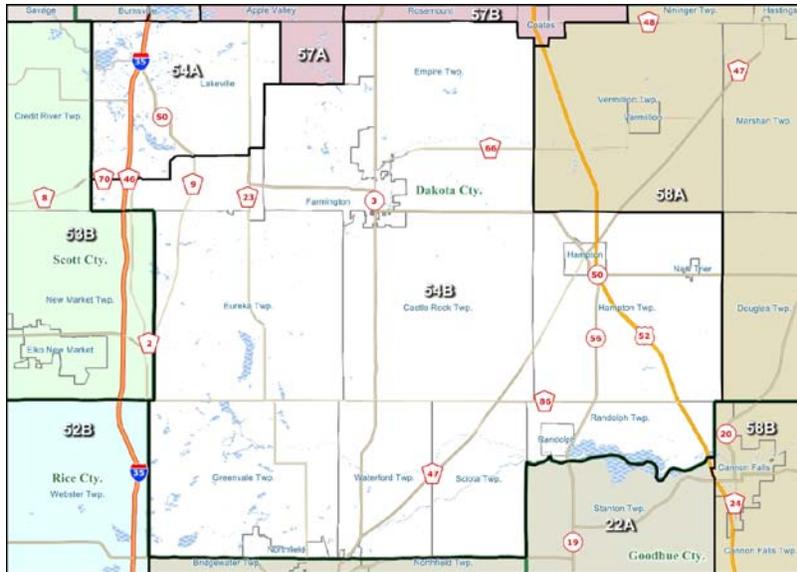
In contrast, the current *Zachman* districts split seven larger out-state cities and townships, including: North Mankato, Detroit Township, Minden Township, Mankato Township, Moorhead Township, Cascade Township, and St. Wendel Township.

The current *Zachman* districts also split the city of Elk River into House Districts 16B and 48B. During the Panel's public hearings, a business owner from Elk River testified that the split in Elk River made it difficult to attract business and opportunity to the area. *See* Testimony of Ronald Touchette, Elk River Economic Development Authority President, Minneapolis Public Redistricting Hearing (Oct. 6, 2011) (p. 12). Elk River City Council Member Paul Motin offered similar testimony about the difficulties created by the split of Elk River. *See* Testimony of Paul Motin, Elk River City Council Member, St. Cloud Public Redistricting Hearing (Oct. 13, 2011) (p. 28–29). Plaintiffs' redistricting plan addresses this problem by keeping Elk River whole within Plaintiffs' House District 27B.



In addition, after the legislative redistricting hearings in the spring of 2011, the legislative drafters of the plan modified House District 4B so that it kept together the Quad Cities of Mountain Iron, Virginia, Eveleth, and Gilbert. *See* Testimony of Ron Dicklich, Range Association of Municipalities and School Districts, House Redistricting Committee Public Hearing (May 3, 2011); *see also* Testimony of Steve Peterson, Mayor of City of Virginia, St. Cloud Public Redistricting Hearing (October 10, 2011) (p. 33).

During the Panel's public hearings, the Panel also heard testimony from a Farmington City Council Member about the importance of pairing townships with their related towns and cities. *See* Testimony of Christy Jo Fogarty, Farmington City Council Member, Minneapolis Public Redistricting Hearing (Oct. 6, 2011) (p. 15–18). Ms. Fogarty testified in support of Plaintiffs' Senate District 54 because it kept Farmington with its surrounding townships, including Eureka Township, Empire Township, and Castle Rock Township.



Ms. Fogarty explained that keeping Farmington and its surrounding townships together was important because of the existence of joint power agreement between Farmington and the townships and their long working relationships together. A resident of rural Sherburne County also testified about the importance of keeping townships together with their neighboring cities and towns, as did the Chair of the Anoka County Board of Commissioners. See 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).

Plaintiffs' plan splits fewer political subdivisions in rural Minnesota than the *Zachman* plan, and in all but one circumstance, it pairs townships with their related towns and cities throughout rural Minnesota. Plaintiffs' redistricting plan also incorporates changes that were made based on public input about the interests of rural Minnesota, and many members of the public testified in favor of Plaintiffs' plan as it relates to rural areas of the state. Plaintiffs' redistricting plan represents a substantial improvement over the

current legislative districts with respect to preserving communities of interest in rural Minnesota.

B. The Proposed Legislative Districts Are Structured Into Compact Units.

Mathematical measures of compactness "have their limitations ... because they tend to compare a district's shape to circles or squares even though Minnesota's contours often do not lend themselves to the creation of circle or square districts." *Zachman*, Congressional Redistricting Order, at 9 n.3 (Mar. 19, 2002). As a result, compactness represents "probably the least significant" redistricting criterion. *Carstens v. Lamm*, 543 F. Supp. 68, 87 (D. Co. 1982).

Plaintiffs' redistricting plan achieves compactness scores substantially similar to those achieved by the *Zachman* panel ten years ago.

	Plaintiffs' House Redistricting Plan	<i>Zachman</i> Panel's House Redistricting Plan
Roeck (mean)	0.44	0.44
Schwartzberg (mean)	1.51	1.52
Perimeter (sum)	13,142	13,605.09
Polsby-Popper (mean)	0.44	0.42
Length-Width (mean)	7.05	7.34
Population Polygon (mean)	0.78	0.76
Population Circle (mean)	0.44	0.45

See Hippert Maptitude Reports, [House Measures of Compactness](#), at Tab V.

	Plaintiffs' Senate Redistricting Plan	Zachman Panel's Senate Redistricting Plan
Roeck (mean)	0.42	0.44
Schwartzberg (mean)	1.56	1.54
Perimeter (sum)	10,161	10,110.59
Polsby-Popper (mean)	0.40	0.41
Length-Width (mean)	10.22	11.28
Population Polygon (mean)	0.77	0.76
Population Circle (mean)	0.45	0.45

See Hippert Maptitude Reports, [Senate Measures of Compactness](#), at Tab N.

Plaintiffs' house districts are more compact than the *Zachman* house districts under the Schwartzberg, Perimeter, Length-Width, Polsby-Popper, and Population Polygon measures. Plaintiffs' house districts are equally as compact as the *Zachman* house districts under the Roeck measure, and they are slightly less compact than the *Zachman* house districts under the Population Circle measure. Plaintiffs' senate districts are more compact than the *Zachman* senate districts under the Length-Width and Population Polygon measures. Plaintiffs' senate districts are slightly less compact than the *Zachman* senate districts under the Roeck, Schwartzberg, Perimeter, and Polsby-Popper measures, and they are equally compact as the *Zachman* senate districts under the Population Circle measure. Plaintiffs' legislative plan satisfies the Panel's compactness criteria.

C. The Proposed Legislative Districts Were Not Drawn To Protect or Defeat Incumbents.

The Panel's redistricting principles require that, as a factor subordinate to all other redistricting criteria, "legislative districts shall not be drawn for the purpose of protecting or defeating an incumbent." See Criteria Order, Legislative Redistricting Principle No. 9 (Nov. 4, 2011). While Plaintiffs' redistricting plan neither sought to protect nor defeat

incumbents, some incumbent pairings were inevitable as a result of population growth and losses throughout the state. Because the populations of districts held by Republican representatives grew at a substantially faster pace than the populations of districts held by Democratic representatives, a greater number of Democratic incumbent pairings is inevitable, but in many cases, Republicans are equally affected. The following incumbent pairings result from Plaintiffs' plan:

District	Senators/Representatives	Previous Districts
Senate District 16	Senators Dahms (R) and Kubly (DFL)	Senate Districts 21 (Dahms) and 20 (Kubly)
Senate District 61	Senators Kelash (DFL) and Dibble (DFL)	Senate Districts 63 (Kelash) and 60 (Dibble)
House District 5A	Representatives Howes (R) and Persell (DFL)	House Districts 4B (Howes) and 4A (Persell)
House District 16A	Representatives Koenen (DFL) and Falk (DFL)	House Districts 20B (Koenen) and 20A (Falk)
House District 19A	Representatives Torkelson (R) and Gunther (R)	House Districts 21B (Torkelson) and 24A (Gunther)
House District 24B	Representatives Benson (R) and Liebling (DFL)	House Districts 30B (Benson) and 30A (Liebling)
House District 33A	Representatives Peppin (R) and Dittrich (DFL)	House Districts 32A (Peppin) and 47A (Dittrich)
House District 46A	Representatives Doepke (R) and Benson (DFL)	House Districts 33B (Doepke) and 43B (Benson)
House District 61 A	Representatives Hornstein (DFL) and Greene (DFL)	House Districts 60B (Hornstein) and 60A (Greene)
House District 67B	Representatives Johnson (DFL) and Slawik (DFL)	House Districts 67B (Johnson) and 55B (Slawik)

See Hippert Maptitude Reports, [Senate Incumbency Report](#), at Tab O; House Incumbency Report, at Tab W. These pairings are the result of where the people of Minnesota chose to live over the past decade and are a natural byproduct of the democratic process. They are population driven and unavoidable. See [Appendix B](#) (District-by-District Analysis).

For example, Plaintiffs' House District 16A results in pairing two Democratic incumbent representatives (Representatives Koenen and Falk). This pairing is the result of the significant population losses in western Minnesota, which suffered the worst population losses in the state. While population growth was +7.8% on average statewide over the past decade, Swift County lost 18.2% of its population (from 11,956 to 9,783 persons);²⁶ Chippewa County lost 4.9% of its population (from 13,088 to 12,441 persons);²⁷ Lac Qui Parle County lost 10% of its population (from 8,067 to 7,259 persons);²⁸ and Yellow Medicine County lost 5.8% of its population (from 11,080 to 10,438 persons).²⁹ Compared with the average growth of +7.8% elsewhere in the state, these dramatic population losses in western Minnesota made an incumbent pairing inevitable. That pairing happens to involve two incumbent Democrats because the districts in those areas with significant population losses are currently represented by Democrats.

In several areas, Plaintiffs' legislative plan includes modifications that removed pairings of incumbents. For example, the Legislature's alterations of Plaintiffs' House District 64A and 64B in St. Paul to preserve neighborhoods avoided a pairing of Representatives Hausman (DFL) and Lesch (DFL) in current House Districts 66A and

²⁶ See <http://quickfacts.census.gov/qfd/states/27/27151.html> (last visited on November 15, 2011).

²⁷ See <http://quickfacts.census.gov/qfd/states/27/27023.html> (last visited on November 15, 2011).

²⁸ See <http://quickfacts.census.gov/qfd/states/27/27073.html> (last visited on November 15, 2011).

²⁹ See <http://quickfacts.census.gov/qfd/states/27/27173.html> (last visited on November 15, 2011).

66B (Plaintiffs' House Districts 64A and 66A). In addition, Plaintiffs modified the Legislature's map to avoid a pairing of Representatives Tillberry (DFL) and Laine (DFL) in current House Districts 51B and 50A (Plaintiffs' House Districts 38A and 38B). The retirement of Senator Berglin and subsequent election of Senator Hayden (DFL) in current House District 61 also avoided a pairing that would have otherwise resulted between Senator Berglin (DFL) and Senator Torres-Ray (DFL) in Plaintiffs' House District 63. While some pairings were inevitable because of changes in Minnesota's population, Plaintiffs' redistricting plan was not drawn to protect or defeat any incumbents.

CONCLUSION

Plaintiffs' legislative redistricting plan accurately reflects the changing demographics of the State of Minnesota, satisfies the Panel's redistricting criteria, and ensures fair representation for every citizen of the state. Although no plan can satisfy every person, Plaintiffs' plan is fair and balanced. By focusing on logical groupings of counties and cities, drawing house districts first, pairing townships with their related cities and towns, and utilizing natural boundaries such as rivers where possible, Plaintiffs' plan results preserves Minnesota's political subdivisions and communities of interest to the greatest extent possible. Plaintiffs' redistricting plan is the only plan submitted to the Panel that has received the benefit of legislative expertise, that has been vetted by the public, and that incorporates specific changes based on the public's input. Plaintiffs' respectfully request that the Panel adopt their legislative redistricting plan in its entirety.

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