

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

A21-0243
A21-0546



Peter S. Wattson, Joseph Mansky,
Nancy B. Greenwood, Mary E. Kupper,
Douglas W. Backstrom, and James E. Hougas, III,
individually and on behalf of all citizens and
voting residents of Minnesota similarly situated,
and League of Women Voters Minnesota,

Plaintiffs,

and

Paul Anderson, Ida Lano, Chuck Brusven,
Karen Lane, Joel Hineman, Carol Wegner,
and Daniel Schonhardt,

Plaintiff-Intervenors,

vs.

Steve Simon, Secretary of State of Minnesota;
and Kendra Olson, Carver County Elections and
Licensing Manager, individually and on behalf of all
Minnesota county chief election officers,

Defendants,

and

Frank Sachs, Dagny Heimisdottir, Michael Arulfo,
Tanwi Prigge, Jennifer Guertin, Garrison O'Keith
McMurtrey, Mara Lee Glubka, Jeffrey Strand,
Danielle Main, and Wayne Grimmer,

Plaintiffs,

**FINAL ORDER
ADOPTING A CONGRESSIONAL
REDISTRICTING PLAN**

and

Dr. Bruce Corrie, Shelly Diaz, Alberder Gillespie,
Xiongpaoo Lee, Abdirazak Mahboub, Aida Simon,
Beatriz Winters, Common Cause, OneMinnesota.org,
and Voices for Racial Justice,

Plaintiff-Intervenors,

vs.

Steve Simon, Secretary of State of Minnesota,

Defendant.

ORDER

On February 19, 2021, plaintiffs Peter Wattson, et al. initiated an action in Carver County District Court alleging that the current congressional and legislative election districts are unconstitutionally malapportioned in light of the 2020 Census. The Wattson plaintiffs then petitioned the Minnesota Supreme Court to assume jurisdiction and appoint a special redistricting panel to hear and decide the issues raised in the action and any other redistricting cases if the Minnesota Legislature failed to address those issues. The chief justice granted the petition but stayed the action and appointment of a panel in deference to the legislature's primacy in the redistricting process. *Wattson v. Simon*, No. A21-0243 (Minn. Mar. 22, 2021) (Order of Chief Justice).

Plaintiffs Frank Sachs, et al. subsequently initiated an action in Ramsey County District Court alleging that the current congressional and legislative districts are unconstitutional. The chief justice consolidated the Sachs plaintiffs' action with the Wattson plaintiffs' stayed action. *Wattson*, No. A21-0243 (Minn. May 20, 2021) (Order

of Chief Justice). On June 30, 2021, the chief justice lifted the stay and appointed this panel to hear and decide the consolidated action and any other challenges to the congressional and legislative districts based on the 2020 Census. *Watson*, No. A21-0243 (Minn. June 30, 2021) (Order of Chief Justice). The order directed the panel to implement redistricting plans “in the event that the Legislature and the Governor have not done so in a timely manner.” *Id.* We subsequently granted the motions of plaintiff-intervenors Paul Anderson, et al. and plaintiff-intervenors Dr. Bruce Corrie, et al. to intervene in this action.

To afford counties and municipalities time to complete local redistricting, the statutory deadline for completing congressional and legislative redistricting is “25 weeks before the state primary election in the year ending in two.” Minn. Stat. § 204B.14, subd. 1a (2020). In this decennium, that date is February 15, 2022. That date has arrived, and the legislature has not yet enacted a congressional redistricting plan. To avoid delaying the electoral process, the panel must now act. We begin by addressing the constitutionality of Minnesota’s current congressional districts.

I. Constitutionality of Current Districts

The seats in the United States House of Representatives are apportioned among the states according to their respective populations. U.S. Const. art. I, § 2. Those seats are reapportioned every ten years following completion of the United States Census. *Id.*; *Wesberry v. Sanders*, 376 U.S. 1, 13-14 (1964). Minnesota’s total resident population after the 2020 Census is 5,706,494 people. Minn. State Demographer, *Minnesota’s Demographic and Census Overview for 2020 Redistricting* (Aug. 18, 2021), <https://www.house.leg.state.mn.us/comm/docs/C3TfSEuiGkWTnghCkp9IYg.pdf>.

Minnesota achieved this total by growing at a rate of 7.6 percent—slightly higher than the nationwide growth rate. Hearings Before Minn. H.R. Redistricting Comm. (Aug. 18, 2021) (testimony of S. Brower, Minn. State Demographer). As a result, Minnesota narrowly retains the eight congressional seats it has been apportioned since the 1960 Census. U.S. Census Bureau, *Apportionment Population & Number of Representatives by State: 2020 Census*, <https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/apportionment-2020-table01.pdf>; see *Hippert v. Ritchie*, No. A11-0152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Order Adopting a Cong. Redistricting Plan).

Under the United States Constitution, congressional election districts must be as nearly equal in population as is practicable. U.S. Const. art. I, § 2; *Wesberry*, 376 U.S. at 7-8. Based on the statewide total, the ideal population of a Minnesota congressional district after the 2020 Census is 713,312.¹ Because Minnesota’s growth over the last decade was not uniform, none of the congressional districts matches this ideal. The five districts centered in the 11-county metropolitan area² all gained population at a higher rate than the statewide average, making them overpopulated, while Minnesota’s three rural-centered districts all gained population at a lower rate, making them underpopulated. Minn. Dep’t of Admin., State Demographic Center, Redistricting Data: Census 2020, *Congressional Districts* [hereinafter *2020 Congressional Data*], <https://mn.gov/admin/demography/data->

¹ Because Minnesota’s total population is not evenly divisible by eight, the ideal result is six districts of 713,312 people and two districts of 713,311 people.

² The metropolitan area includes the following counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright. Minn. Stat. § 200.02, subd. 24 (2020).

by-topic/population-data/2020-decennial-census/redistricting/ (select “Congressional Districts” data file for 2020). For example, the third congressional district is overpopulated by 24,586 people, or 3.4 percent, while the seventh district is underpopulated by 39,798 people, or 5.6 percent. *Id.* Accordingly, we hold that the population of Minnesota is unconstitutionally malapportioned among the state’s current congressional districts established following the 2010 Census in *Hippert*, No. A11-0152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Order Adopting a Cong. Redistricting Plan).

II. Judicial Redistricting

To remedy this constitutional defect, the congressional districts must be rebalanced so that they all contain the same number of people; this ensures that each voter has equal power to select a representative. *Wesberry*, 376 U.S. at 7-8. Minnesota’s constitution empowers the legislature to perform this task. Minn. Const. art. IV, § 3 (“At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts.”). This responsibility accords with the legislature’s position as “the institution that is by far the best situated to identify and then reconcile traditional state policies” regarding redistricting. *Connor v. Finch*, 431 U.S. 407, 414-15 (1977); *see also Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 808 (2015) (stating that “redistricting is a legislative function”).

When the legislature fails to exercise its constitutional authority, it is the role of the state courts to develop a valid congressional plan and order its adoption. *Grove v. Emison*, 507 U.S. 25, 33 (1993) (emphasizing that “state courts have a significant role in

redistricting”). In approaching this task, we are mindful that courts lack the “political authoritativeness” of the legislature and must perform redistricting in a restrained manner. *Connor*, 431 U.S. at 415. Simply put, we are not positioned to draw entirely new congressional districts, as the legislature could choose to do. Rather, we start with the existing districts, changing them as necessary to remedy the constitutional defect by applying politically neutral redistricting principles. Still, our restrained approach does not leave any congressional district unchanged. Nor does it mean that all Minnesotans will view the changes as insubstantial.

As prior special redistricting panels have done, we sought input from the parties as to the appropriate redistricting principles. After considering the parties’ written submissions and oral arguments, we adopted seven principles to guide us in achieving the constitutional mandate of population equality. These redistricting principles include drawing districts: (1) in accordance with Section 2 of the Voting Rights Act of 1965, as amended, 52 U.S.C. § 10301 (2018), and the Fourteenth and Fifteenth Amendments to the United States Constitution; (2) that respect the reservation lands of federally recognized American Indian tribes; (3) that consist of convenient, contiguous territory; (4) that respect political subdivisions; (5) that preserve communities of interest³; (6) without the purpose of protecting, promoting, or defeating any incumbent, candidate, or political party; and

³ We broadly defined communities of interest to include, but not be limited to, “groups of Minnesotans with clearly recognizable similarities of social, geographic, cultural, ethnic, economic, occupational, trade, transportation, or other interests.” *Watson*, No. A21-0243 (Minn. Special Redistricting Panel Nov. 18, 2021) (Order Stating Preliminary Conclusions, Redistricting Principles, and Requirements for Plan Submissions).

(7) that are reasonably compact. We balanced these neutral principles in performing the task of redistricting.

III. Redistricting Information

To supplement the population data provided by the United States Census Bureau, the panel gathered information from many sources to aid it in the redistricting process.

We held nine in-person public hearings and one virtual hearing. *See Wattson*, No. A21-0243 (Minn. Special Redistricting Panel Sept. 13, 2021) (Order Scheduling Public Hearings). As we drove around the state to hear directly from Minnesotans,⁴ we had the honor and privilege to see the communities in which they live. We also invited and received written statements and redistricting plan proposals from members of the public. *Id.*

The redistricting committees of the Minnesota House of Representatives and the Minnesota Senate undertook a similar process to elicit information from the public, each hosting multiple public hearings and accepting written statements. *See generally* Minn. H.R. Redistricting Comm., <https://www.house.leg.state.mn.us/committees/home/92030> (last visited Feb. 14, 2022); Minn. Sen. Redistricting Comm., https://www.senate.mn/committees/committee_bio.html?cmte_id=3114&ls=92 (last visited Feb. 14, 2022). The house DFL majority and Republican minority and the senate Republican majority also put forth proposed congressional redistricting plans. Minn. Legis. Coordinating Comm'n, Geographic Info. Servs.: 2020 Redistricting Plans, <https://www.gis.lcc.mn.gov/>

⁴ Over nine days, we travelled to Woodbury, Minneapolis, Shakopee, Waite Park, St. Paul, Moorhead, Duluth, Worthington, and Rochester.

redist2020/plans.html (last visited Feb. 14, 2022). We carefully reviewed the records of both legislative redistricting committees.

The panel also received proposed congressional redistricting plans and written briefs from the four plaintiff groups in this action—the Wattson plaintiffs, Anderson plaintiffs, Sachs plaintiffs, and Corrie plaintiffs. And we heard oral arguments about the proposed redistricting plans.⁵ The plaintiffs did not purport to be representative of all voters, but they provided valuable insight into how we should apply the redistricting principles. Although we did not adopt any party’s proposed redistricting plan in its entirety, some proposed elements are reflected in our congressional plan.

The information we received from all sources was important to our work. Minnesotans from across the state urged the panel to recognize and respect the sovereignty and interests of federally recognized American Indian tribes, and to draw districts that enhance their voices and opportunity to elect representatives of their choice. *See, e.g.*, Hearings Before Minn. Special Redistricting Panel 12-14 (Waite Park, Minn. Oct. 14, 2021); Hearings Before Minn. Sen. Redistricting Comm. (Bemidji, Minn. Aug. 9, 2021) (testimony of L. Fineday, W. LaDuke). We also learned that Minnesota’s population growth over the last decade is attributable entirely to increases among Black, Indigenous, and People of Color (BIPOC), making the BIPOC population nearly a quarter of the

⁵ The panel also received and considered information from amici curiae Karen Saxe, et al., a group of data scientists who propose the novel approach of creating new congressional districts by using data-driven computer algorithms to apply the redistricting principles.

population statewide.⁶ Hearings Before Minn. H.R. Redistricting Comm. (Aug. 18, 2021) (testimony of S. Brower, Minn. State Demographer). In addition to the numerous BIPOC Minnesotans who spoke at public hearings, the Corrie plaintiffs brought the voices of many members of the BIPOC community to our attention through declarations detailing their experiences and redistricting preferences.⁷

The panel also heard about communities of people joined together by common interests such as economic development, education, housing, transportation, broadband expansion, and geological preservation. *See* Hearings Before Minn. Special Redistricting Panel 14 (Woodbury, Minn. Oct. 11, 2021); 10-11 (Shakopee, Minn. Oct. 13, 2021); 30 (Worthington, Minn. Oct. 20, 2021); 12, 16 (Zoom Oct. 26, 2021); Hearings Before Minn. H.R. Redistricting Comm. (Dec. 2, 2021) (testimony of D. Fisher). Minnesotans described how these communities cross political-subdivision lines. Hearings Before Minn. Special Redistricting Panel 31, 40 (Shakopee, Minn. Oct. 13, 2021); 49 (Zoom Oct. 26, 2021). But they also repeatedly reminded us of the importance of counties, cities, and townships, especially for those who live in rural areas. *Id.* at 13-14 (Worthington, Minn. Oct. 20, 2021). Unnecessary splitting of political subdivisions can be burdensome to voters and to those who manage elections. *Id.* at 17; Hearings Before Minn. H.R. Redistricting Comm. (Sept. 20, 2021) (testimony of D. Anderson).

⁶ This includes those who self-identify on the decennial census as “Hispanic origin.”

⁷ These declarations and the Corrie plaintiffs’ redistricting proposals that incorporated them may also be a resource for the legislature in the future.

And we heard Minnesotans around the state voice the desire to keep partisan politics out of the redistricting process. Hearings Before Minn. Special Redistricting Panel 14-15, 33 (Woodbury, Minn. Oct. 11, 2021); 12-13, 19 (Shakopee, Minn. Oct. 13, 2021); 15 (St. Paul, Minn. Oct 15, 2021); 21 (Duluth, Minn. Oct. 19, 2021); 14 (Worthington, Minn. Oct. 20, 2021). We carefully considered all of this information in drawing the new congressional districts.

We are grateful for the public's participation in our hearing-and-comment process and that of the legislative redistricting committees. Despite the challenge of an ongoing pandemic, which delayed the release of the census data and required changes in court procedures, we witnessed the same robust civic engagement that spurred Minnesotans to the highest census self-response rate in the nation. U.S. Census Bureau, *2020 Census: Tracking Self-Response Rates Map* (Jan. 28, 2021), <https://www.census.gov/library/visualizations/interactive/2020-census-self-response-rates-map.html>; see Hearings Before Minn. Special Redistricting Panel 52 (Zoom Oct. 26, 2021). We are also grateful to the parties for diligently navigating a compressed redistricting timeline and providing us helpful and varied perspectives on how to best serve the interests of Minnesotans in this redistricting process.

IV. New Districts

Minnesota's congressional districts must be redrawn to be as nearly equal in population as is practicable. U.S. Const. art. I, § 2; *Wesberry*, 376 U.S. at 7-8. This means that the three underpopulated districts must gain population through geographic expansion; the five overpopulated districts must lose population through geographic contraction. But

remedying the population imbalances requires more than simply adding or subtracting land. *See Reynolds v. Sims*, 377 U.S. 533, 580 (1964) (stating that “people, not land or trees or pastures, vote”). Each congressional district is unique. Redrawing the district lines requires applying and weighing the redistricting principles in a manner that respects how people live in each district and the district’s evolving circumstances. We now discuss each new district in turn.

A. First Congressional District

Some cities in the first district grew substantially, and Rochester remains the district’s population center and the state’s third-largest city. Minn. Dep’t of Admin., State Demographic Center, Redistricting Data: Census 2020, *County Subdivisions*, <https://mn.gov/admin/demography/data-by-topic/population-data/2020-decennial-census/redistricting/> (select “County Subdivisions” data file for 2020). But this primarily rural district grew at a rate slower than the state as a whole, requiring the addition of 22,586 people to meet the ideal district population. *See 2020 Congressional Data*. As the panel heard consistently from the public, there are two natural additions—Wabasha and Goodhue Counties. Both have significant ties to Rochester and are predominantly rural. *See Hearings Before Minn. Special Redistricting Panel 30-32, 35-37* (Rochester, Minn. Oct. 21, 2021). They border the Mississippi River and are part of the karst geological region, along with other counties in the first district. *See id.* at 16-17. And both Wabasha and Goodhue Counties have been part of the first district in the past. By adding Wabasha and Goodhue Counties, all of the populated tribal lands of the Prairie Island Indian Community

now lie within the first district. The Minnesota reservation lands of the Ho-Chunk Nation remain in the first district.

The Interstate Highway 90 corridor connects many cities in the first district—Worthington, Albert Lea, Austin, and Rochester. This transportation corridor supports the district’s agricultural, agriculture-related processing and manufacturing, and medical industries and unites the district’s growing BIPOC population. *See id.* at 26 (Worthington, Minn. Oct. 20, 2021). The corridor also makes it convenient to travel across the district’s expansive southern border.

B. Second Congressional District

As part of the substantial suburban growth of the past decade, the population of the second district has increased and exceeds the ideal population by 18,646 people. *See 2020 Congressional Data.* Its population centers are the suburban cities located in Scott, Dakota, and southern Washington Counties. It is bounded by the Minnesota and Mississippi Rivers. While portions of the district retain a rural character, the population growth continues to reflect the district’s increasingly suburban and exurban character.

The new second district loses population by moving Goodhue and Wabasha Counties to the first district. We make two more changes to the second district to balance population in a manner that reflects its character. First, because southern Woodbury increasingly associates with its neighbors in south Washington County—sharing schools and other services—we add that part of Woodbury to the second district. *See Hearings Before Minn. Special Redistricting Panel 18, 20-21* (Woodbury, Minn. Oct. 11, 2021). In

doing so, we continue the three-way split of Washington County.⁸ This is contrary to the requests of some members of the public but consistent with the distinct communities in different regions of the county. *Id.* at 17-19, 30 (Woodbury, Minn. Oct. 11, 2021); 25 (St. Paul, Minn. Oct. 15, 2021). Second, New Prague is now whole in the second district, along with the rest of Le Sueur County and its expanding communities along U.S. Route 169 and the Minnesota River. *See id.* at 11 (Worthington, Minn. Oct. 20, 2021) (discussing New Prague split). We also retain Northfield in the second district to preserve its connection with the Twin Cities and their suburbs, shifting the line through Rice County to include those areas around Northfield and adjacent to Le Sueur County. *See id.* at 42-43, 60-61 (Zoom Oct. 26, 2021). And the reservation lands of the Shakopee Mdewakanton Sioux Community remain in the second district.

C. Third Congressional District

The third district comprises the suburbs west of Minneapolis and is centered in Hennepin County. It is overpopulated by 24,586 people. *See 2020 Congressional Data.* But it must also receive population from the overpopulated fifth district. The new third district both contracts and expands to meet the ideal district population.

The third district loses population on its southern end, contracting so it no longer includes any part of Carver County. Hopkins and an additional portion of Edina move into the third district, joining those cities with communities to the west that share their suburban character. *See Hearings Before Minn. Special Redistricting Panel 30* (St. Paul, Minn. Oct.

⁸ As discussed below, Washington County now lies in the second, fourth, and eighth congressional districts.

15, 2021), 67 (Zoom Oct. 26, 2021). To the north, the district expands farther into established Anoka County, joining the City of Anoka with neighboring Coon Rapids. *See id.* at 23-24 (Zoom Oct. 26, 2021). Through these balanced modifications, the third district achieves the ideal population while respecting political subdivisions and retaining its character as a suburban, Hennepin County-centered district.

D. Fourth Congressional District

The fourth district is the St. Paul-based metropolitan district that extends to Minnesota's eastern border. The district includes all of Ramsey County and a substantial portion of Washington County, and its population exceeds the ideal district population by 13,164 people. *See 2020 Congressional Data.* To rebalance the district's population, we shift the existing splits in Washington County.⁹ Suburban central Washington County continues to have strong ties to St. Paul and therefore remains within the fourth district. *See Hearings Before Minn. Special Redistricting Panel 25-26* (St. Paul, Minn. Oct. 15, 2021). But northern Washington County retains a rural character which, together with the nearby St. Croix River, tie it to northern Minnesota. *See id.* at 31-32 (Woodbury, Minn. Oct. 11, 2021). Accordingly, we modify the line dividing central and northern Washington County and continue to pair only the county's central communities with Ramsey County in the fourth district.

⁹ We continue to respect the long-standing distinction between Minneapolis and St. Paul, which have anchored separate congressional districts since 1891. *See Zachman v. Kiffmeyer*, No. C0-01-160 (Minn. Special Redistricting Panel Mar. 19, 2002) (Order Adopting Cong. Redistricting Plan). None of the parties urged the panel to alter this separation and we have not received information from other sources that persuades us to do so.

E. Fifth Congressional District

The fifth district is the Minneapolis-based metropolitan district that is primarily located in Hennepin County. It is overpopulated by 22,724 people. *See 2020 Congressional Data.* As noted above, we remedy this population excess by moving Hopkins and more of Edina into the third district with their suburban neighbors. In doing so, we decline more dramatic changes that are inconsistent with our restrained judicial approach. In particular, we note that several members of the public emphasized the similarities between Brooklyn Center and Brooklyn Park and urged us to place them into the same congressional district. *See* Hearings Before Minn. Special Redistricting Panel 65 (Zoom Oct. 26, 2021); Hearings Before Minn. H.R. Redistricting Comm. (Sept. 13, 2021) (testimony of R. Jennis). But the joined population of the two cities is too large to fit entirely within either the third district or the fifth district without drastically altering either district. Accordingly, we preserve each city whole in its existing district.¹⁰

F. Sixth Congressional District

The sixth district wraps around the western and northern metropolitan area to encompass expanding suburban and exurban areas and small towns and cities. And it follows Interstate Highway 94 out from the metropolitan core to include the St. Cloud area. The district exceeds the ideal district population by 20,645 people. *See 2020 Congressional Data.*

¹⁰ To honor the public comments about joining these cities, we draw legislative districts that unite Brooklyn Park and Brooklyn Center to the greatest extent practicable. *See Wattson*, No. A21-0243 (Minn. Special Redistricting Panel Feb. 15, 2022) (Order Adopting a Legis. Redistricting Plan).

We achieve population balance by respecting the district’s increasingly suburban character. In doing so, we move rural northern Washington County and additional areas of rural Stearns County into more rural neighboring districts. And we expand the district on the southern end, making rapidly developing Carver County whole. *See* Hearings Before Minn. Special Redistricting Panel 24, 37-38 (Shakopee, Minn. Oct. 13, 2021). St. Cloud continues to anchor the district’s northwest end, aligning the city and the nearby areas that share its school district and growing diversity with similar communities in the metropolitan area. *See id.* at 18-19, 24-26 (Waite Park, Minn. Oct. 14, 2021).

G. Seventh Congressional District

The sprawling seventh district retains its agricultural, rural character. Although certain of its cities gained significant population, the district as a whole did not and is underpopulated by 39,798 people. *See 2020 Congressional Data.* This significant population shortfall requires geographic expansion. We do so without altering the district’s orientation along the state’s western border, its inclusion of the reservation lands of the Lower Sioux Indian Community and the Upper Sioux Community, or its strong rural identity. The additions make Cottonwood County whole within the seventh district, bring in Morrison and Wadena Counties and more of rural Stearns County, and portions of Hubbard and Brown Counties. These areas share the district’s core communities of interest—agriculture, agriculture-related processing and manufacturing, other light industry, and educational and other services. *See* Hearings Before Minn. Special Redistricting Panel 22-23, (Moorhead, Minn. Oct. 18, 2021); 23-24 (Worthington, Minn.

Oct. 20, 2021). And the district’s expansion honors the well-recognized distinctions between northwest and northeast Minnesota.

H. Eighth Congressional District

Like its neighbor to the west, the eighth district is rural and is substantially underpopulated. It must expand geographically to include an additional 37,383 people. *See 2020 Congressional Data*. With an international border to the north and a state border to the east, the eighth district may only expand south or west. The new district does both. To the south, the district expands to include a portion of northern Washington County, an area that shares the eighth district’s rural character and aligns with its “woods and water” geography and economy. *See Hearings Before Minn. Special Redistricting Panel 30-31* (Woodbury, Minn. Oct. 11, 2021).

The district also expands as far west as Mahnommen County. This moderate expansion continues to respect the differences between the northwest, which is home to the Red River Valley and crop agriculture, and the northeast, which is home to the Iron Range, the timber industry, and outdoor recreation and tourism.¹¹ *See id.* at 11-12, 22 (Duluth, Minn. Oct. 19, 2021). The new eighth district also adds the reservation lands of the White Earth Band and Red Lake Nation, uniting all populated northern Minnesota tribal lands in one congressional district. This change respects the sovereignty of the American Indian tribes and the request of tribal leaders and Minnesotans across the state to afford those tribes an opportunity to join their voices. *See Minn. Stat. § 10.65, subd. 1(a) (2020)* (stating

¹¹ This addition also eliminates the existing split in Bemidji and Beltrami County.

that Minnesota “acknowledges and supports” tribal nations’ “absolute right to existence, self-governance, and self-determination”); Hearings Before Minn. Special Redistricting Panel 14 (Woodbury, Minn. Oct. 11, 2021); 12-14 (Waite Park, Minn. Oct. 14, 2021); 30-31 (Duluth, Minn. Oct. 19, 2021); Hearings Before Minn. Sen. Redistricting Comm. (Bemidji, Minn. Aug. 9, 2021) (testimony of L. Fineday, W. LaDuke); Hearings Before Minn. H.R. Redistricting Comm. (Sept. 20, 2021) (testimony of M. Fairbanks); (Dec. 2, 2021) (testimony of L. Fineday).

I. Summary

In the end, application of neutral redistricting principles results in new congressional districts that change as needed to equalize population but respect the core of existing communities. We have made changes that accord with all of the redistricting principles, while recognizing our need to balance among them.

We recognize that the population growth that enabled Minnesota to retain its eight congressional districts was driven by our increased BIPOC population. This growth is reflected in the racial and ethnic composition of the new districts, which protect the equal opportunity of racial, ethnic, and language minorities to participate in the political process and elect candidates of their choice, whether alone or in alliance with others. *See* 52 U.S.C. § 10301.

When possible, we have avoided splitting political subdivisions, especially small cities and rural townships. The new congressional districts are convenient and contiguous. They also are reasonably compact, as indicated by five compactness measures. *See* App’x H.

Finally, we have not drawn the districts with the purpose of protecting, promoting, or defeating any incumbent, candidate, or political party. Election districts do not exist for the benefit of any particular representative or political party. Rather, they exist for the people to select their representatives. And our role in this redistricting process is to establish congressional districts of equal population so that each Minnesotan has equal voting power. We have done so through application of neutral redistricting principles.

V. Injunction

Because the existing congressional districts are unconstitutional for purposes of the 2022 primary and general elections, we enjoin their use in these elections and adopt the congressional district boundaries as set forth in Appendices A and B to this order. Defendants shall conduct elections using the congressional districts adopted in this order or any constitutional congressional plan subsequently enacted by the Minnesota Legislature and the Governor of the State of Minnesota.¹²

¹² We provide Secretary of State Steve Simon with a block-equivalency file and a copy of this order to facilitate implementation of this congressional plan. Should any ambiguity arise regarding the plan set forth in this order, we direct the Secretary of State to act in accordance with Minn. Stat. §§ 2.91, subds. 2-3, 204B.146, subd. 3 (2020).

Dated: February 15, 2022

BY THE PANEL:



Louise Dovre Bjorkman
Presiding Judge



Diane B. Bratvold



Jay D. Carlson



Juanita C. Freeman



Jodi L. Williamson