

## Minnesota Redistricting Past and Future

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## Before World War I

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Legislative Apportionment

- An agricultural state
- Senate seats apportioned
  - In rural areas - to counties
  - In urban areas - to cities, towns, and wards
- Senators with staggered terms
- Representative seats apportioned
  - One to four representatives per senator
  - Some to undivided senate districts
  - Some to counties, cities, towns, and wards

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## Before World War I

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Population Growth

- As population grows, legislature adds seats
  - 1905 - new capitol built
  - 1913
    - Last increase in seats
    - Last redistricting until 1959
- A steady increase in congressional seats

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## World War I to 1957

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- Population moves toward the cities
- No legislative reapportionment
- Minnesota loses 10th congressional seat (1930)
  - Congressional plan vetoed - 9 elected at large (1932)
    - Johnson, Christianson, Knutson, Lundeen, Kvale, Hoidale, Arens, Chase, Shoemaker
    - Three from Minneapolis
  - Congressional redistricting enacted (1933)
- Population inequalities grow

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## Courts Enter the Political Thicket

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- *Magraw v. Donovan* (1958)
  - Senate overall range: 9 to 1 (153,455 to 16,878)
  - House overall range: 14.7 to 1 (107,246 to 7,290)
  - Court will defer to Legislature
- New legislative plan enacted (1959)
- *Baker v. Carr* (1962)

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## Minnesota Loses 9<sup>th</sup> Congressional Seat (1960)

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- Legislature enacts a new congressional plan (1961)

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## Minnesota's Divided Government

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### Changing Control of the House

- 1954 - Democrats
- 1962 - Republicans
- 1972 - Democrats
- 1984 - Republicans
- 1986 - Democrats
- 1998 - Republicans
- 2006 - Democrats

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## Minnesota's Divided Government

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- 1959
  - Democratic House
  - Republican Senate
  - Democratic Governor
- 1961
  - Democratic House
  - Republican Senate
  - Republican Governor
- 1966
  - Republican Legislature, Democratic Governor

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## Minnesota's Divided Government

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- 1971-72
  - Republican Legislature, Democratic Governor
- 1981-82 & 1991-92
  - Democratic Legislature, Republican Governor
- 2001-02
  - Republican House
  - Democratic Senate
  - Independence Party Governor

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## Minnesota's Divided Government

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- Negotiations in the Legislature
- Aware of Governor's veto
- An eye toward the courts

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## Minnesota Legislative Plan Struck down

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- *Honsey v. Donovan* (1964)
  - Senate overall range: 400% (100,520 to 24,428)
  - House overall range: 700% (56,076 to 8,343)
- Legislative plan vetoed (1965)
- Veto is valid - *Duxbury v. Donovan* (1965)
- Legislative plan enacted (1966)

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## Federal Court Draws Legislative Plan

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- Congressional plan enacted (1971)
- Legislative plan vetoed (1971)
- Court draws legislative plan
  - *Beens v. Erdahl* (Jan. 25, 1972)
    - 35 Senators, 105 Representatives
  - *67<sup>th</sup> Minnesota State Senate v. Beens* (Apr. 29, 1972)
  - *Beens v. Erdahl* (June 2, 1972)
    - 67 Senators, 134 Representatives
    - Overall range: 4%

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## Federal Courts Draw Both Plans

Congressional & Legislative

- *LaComb v. Growe* (1982)
- *Emison v. Growe* (1992)

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## Federal Court Is Rebuked

- Legislature enacts a legislative plan (1991)
- Federal court enjoins state court (Dec. 5)
- State court corrects the legislative plan - *Cotlow v. Growe* (Dec. 9)
- U.S. Supreme Court vacates federal court's injunction (Jan. 10, 1992)
- Federal court enjoins Secretary of State (Feb. 19, 1992)
- U.S. Supreme Court reverses federal court (1993)

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## State Courts Draw Plans

- Special Redistricting Panel
  - Judges of Court of Appeals & District Court
  - Appointed by Chief Justice of Supreme Court
  - Statewide Jurisdiction
- 1992 - *Cotlow v. Growe* - 3 judges
  - Congressional
- 2002 - *Zachman v. Kiffmeyer* - 5 judges
  - Congressional
  - Legislative

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## Minnesota Redistricting Timetable

Congress & Legislature

- Congressional reapportionment
  - December 31, 2010
- Block populations
  - April 1, 2011
- Legislative and congressional districts
  - 25 weeks before the state primary (March 20, 2012)

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## Minnesota Redistricting Timetable

Local Government

- Precincts and city wards
  - 60 days after legislative districts
  - 19 weeks before the state primary (May 1)
- County commissioner, school, park, hospital, and soil & water conservation districts
  - 80 days after legislative districts
  - 15 weeks before the state primary (May 29)

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## Minnesota Redistricting Timetable

Candidates

- Candidates establish residency in districts
  - 6 months before Election Day (May 6, 2012)
- Candidate filing deadline
  - July 17, 2012
- State primary
  - Sept. 11, 2012
- Election Day
  - Nov. 6, 2012

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## Minnesota Districting Principles

Constitution - Article IV

- Equal population - § 2
- Convenient, contiguous territory - § 3
- Senate districts single-member - § 3
- House districts nested within senate districts - § 3
- Numbered in a regular series - § 3

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## Minnesota Districting Principles

Minnesota Statutes

- 67 senators, 134 representatives - § 2.021
- Single-member districts - § 2.031
- Not divide counties, cities, or townships, unless necessary to achieve equal population - § 2.91

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## Minnesota Districting Principles

Court decisions & Legislative Resolutions

- Equal population
  - Congressional districts: mathematically equal
  - Legislative districts: plus or minus 2%
- Preserve communities of interest
- Increase minority representation, when possible
- Not protect or defeat incumbents

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## Minnesota Commission Bill SF 182

- Status
  - Passed Senate - May 2009
- Commission - 5 retired judges
  - Caucus leaders appoint four
  - At least three of four appoint the fifth
- Draw legislative and congressional plans
- Plans submitted to commission
- Public hearings

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## Minnesota Commission Bill SF 182

Deadlines

- First plans
  - By April 30
  - Up or down vote
- Second plans
  - Within two weeks after rejection or start of next session
  - Up or down vote
- Third plans
  - Within two weeks after rejection or start of next session
  - May be modified

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## Minnesota Redistricting 2011

- Will SF 182 be enacted in 2010 session?
  - No House author
- Who will win in November 2010?
- Who will be Chief Justice in 2011?

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## November 2010

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- Divided government continues?
- One party controls all three?

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## Divided Government Continues

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- Four caucus workstations
- Outside groups
- Negotiations within Legislature
- Aware of Governor's veto
- An eye toward the court

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## One Party Controls All Three

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- Past consensus on districting principles
- Which principles will change?
  - Equal population?
  - Minority representation?
  - Respect for political subdivisions?
  - Respect for communities of interest?
  - Incumbents paired?

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