

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF ST. LOUIS

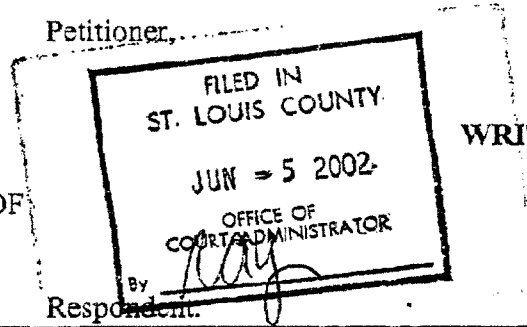
SIXTH JUDICIAL DISTRICT

FILE NO. C5-02-601437

JOANNE FAY,

v.

ST. LOUIS COUNTY BOARD OF COMMISSIONERS,



WRIT OF MANDAMUS

The State of Minnesota to the St. Louis County Board of Commissioners: Greeting:

WHEREAS, it appears by the Petition of Joanne Fay herein.

1. Petitioner resides at 1811 Woodland Avenue, Duluth, Minnesota 55803 and is a qualified voter in St. Louis County, Minnesota.
2. Petitioner is the St. Louis County Board Commissioner for District 2 of St. Louis County, Minnesota.
3. On May 28, 2002 Respondent adopted a redistricting plan (herein referred to as Alternative Plan No. 1), a copy of which is attached hereto and marked as Exhibit A.
4. Petitioner contends the adoption of Alternative Plan No. 1 was effected by the Respondent without applying or adhering to the standards and criteria set forth and required in Minnesota Statute Section 375.025, subdivision 1.

5. Specifically Minnesota Statute Section 375.025, subdivision 1 requires that "no district shall vary in population more than 10% from the average for all districts in the county, unless the result forces a voting precinct to be split."
6. It appears from the Petition herein the plan that was adopted by Respondent may create a population shift of more than 10% in District 5 in violation of Minnesota Statute Section 375.025, subdivision 1.
7. From the Petition it appears Respondent may have used non-adjusted 2000 U.S. Census population figures to arrive at a population shift of less than 10% as shown on page 1 of Alternative Plan No 1 whereas Respondent had available and before it the corrected U.S. Census population figures attached hereto as Exhibit B.
8. It appears if Respondent had used the population figures shown on attached Exhibit B, the population would have increased by 599 individuals, for a total population figure of 32,032 for District 5, which is in excess of the 10% allowed by law.
9. From the Petition it appears the proposed redistricting plans submitted by the St. Louis County Auditor's office, namely, Plans A, B, and C, may correctly apply the standards set forth in Minnesota Statute Section 375.025, subdivision 1. Copies of those plans are attached hereto as Exhibits C, D, and E, respectively and it appears that the percent deviation in those proposed plans may fall within the standards set forth in Minnesota Statute Section 375.025, subdivision 1.
10. While Minnesota Statute Section 375.025 further requires that each new District be "as nearly equal in population as possible" it appears Alternative Plan No. 1

may not do so, having an apparent deviation swing from a -3.7% shift in population in District 1 to a 9.73% shift in District 5. With the population of the County being 200,528, the mean appears to be 28,646.85 under Alternative Plan No. 1.

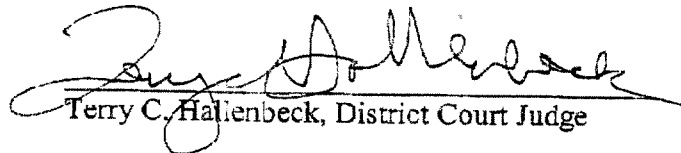
11. Under Plan A, the percent deviation shift from the lowest to highest for all Districts appears to range from -3.76% to 4.56%; for Plan B, -3.7% to 4.56%; and for Plan C, -3.70% to 4.56%.
12. Under the applicable criteria that the new Districts be as nearly equal in population, it appears adoption of Alternative Plan No. 1 may possibly violate the statutory standard.

Therefore, you are commanded after the receipt of this Writ to show cause before this Court on the 25th day of June, 2002 at 1:30 pm why this Court should not appoint a redistricting commission, direct you to, or itself, redistrict the County in accordance with the standards set forth in Minnesota Statute Section 375.025, subdivision 1.

Witness the Honorable Terry C. Hallenbeck, Judge of said Court, this 5th day of June 2002.

Dated at Duluth, Minnesota, this 5th day of June 2002.

BY THE COURT:


Terry C. Hallenbeck, District Court Judge