
IN RE: The Redistricting of Stevens
County, Minnesota.

Court File No. CX-02-134

ORDER

The above-entitled matter came on for a hearing before the undersigned, one of the judges of the District Court on June 3, 2002, upon a petition of Ron Staples seeking a writ of mandamus challenging the Stevens County redistricting plan pursuant to Minn.Stat. §375.025. Charles C. Glasrud, Esq., appeared representing Stevens County. The Petitioner, Ronald W. Staples, appeared pro se.

The parties essentially agreed to the underlying facts. The dispute centered more upon the interpretation of the law. Based upon the information presented at the hearing, the arguments of the parties and all the files, records and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. The Stevens County Board, after the 2000 federal census, adopted a redistricting plan after several alternate redistricting options were examined and rejected. The redistricting plan map is attached hereto and incorporated by reference as Appendix A.
2. The current redistricting plan divides the County into as many consecutively numbered districts as there are members of the County Board.
3. The districts are all bounded by town, municipal, ward, or precinct lines.
4. The districts on the existing redistricting plan are composed of contiguous territory. They appear to be as regular and compact in form as practicable and there is no gross disparity in the population between the districts.
5. None of the districts vary in population more than ten percent from the average for all districts in Stevens County.
6. A majority of the least populous districts contain not less than a majority of the population of Stevens County.
7. The Petitioner also submitted three redistricting plans. One of these plans had been considered by the County Board and rejected. The other two were not presented to the County Board for consideration.
8. There was an additional plan considered by the County Board prior to choosing the existing plan. That plan required the city of Morris to take action to redraw its ward boundaries. The City has refused to take such action on two occasions. As a result, that plan was not considered to be a viable option.

9. There are 105 residents who were counted by the 2000 federal census as part of Baker Township when in actuality these 105 people reside in Morris. The Census Bureau has apparently admitted the error however; no formal action has been taken to remedy this mistake. Both parties agree that the 105 people should be counted as residents of Morris since that is where they actually reside.

CONCLUSIONS OF LAW

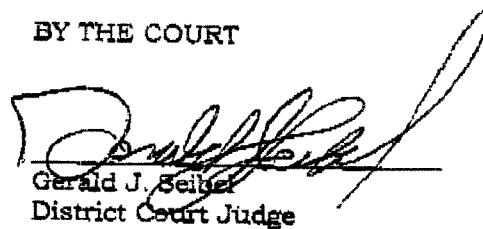
1. The existing redistricting plan is in compliance with Minnesota Statute §375.025 whether the 105 people are counted as residing where the federal census put them or if they are counted as residents of Morris.
2. There was no claim that the existing redistricting plan violates the constitution.

ORDER

1. The petition for a writ of mandamus requiring the County to be redistricted is **DENIED**. The existing redistricting plan adopted by the County Board is both statutorily and constitutionally valid.
2. The attached memorandum is incorporated by reference herein.

June 11, 2002

BY THE COURT


Gerald J. Seibel
District Court Judge

Memorandum

The issue here does not arise by the County Board's failure to formulate a redistricting plan after the 2000 census but rather because of the redistricting plan chosen by the Board. The question before this Court then, is whether this existing redistricting plan is in compliance with the Minnesota Statutes and whether the existing plan is constitutional.

The Petitioner does not contend that the existing plan is constitutionally invalid nor does he raise many concerns about its statutory validity. Rather, the Petitioner proposes that the existing plan is not the best plan available. However, whether the existing redistricting plan is, or is not, the best plan available is not a question for this Court to decide. The separation of powers doctrine limits judicial review of public bodies. In relation to the court's involvement in the judgments and discretion of municipal (and other) government bodies, the Minnesota Supreme Court has said, "it is not in the province of the court to substitute its judgment for that of the body making such a decision, but merely to determine whether that body was within its jurisdiction, was not mistaken as to the applicable law, and did not act arbitrarily, oppressively, or unreasonably, and to determine whether the evidence could reasonably support or justify the determination." In Village of Edina v. Joseph, 254 Minn. 84, 93, 119 N.W.2d 809, 815 (Minn. 1962).

The only issues remaining are whether the existing plan meets the statutory guidelines and whether the plan is constitutional.

Minnesota Statute §375.025 is the applicable statute in this case. Subdivision 1 of that statute reads, in relevant part:

Each county shall be divided into as many districts numbered consecutively as it has members of the county board. Commissioner districts shall be bounded by town, municipal, ward, or precinct lines. Each district shall be composed of contiguous territory as regular and compact in form as practicable, depending upon the geography of the county involved and shall be as nearly equal in population as possible. No district shall vary in population more than ten percent from the average for all districts in the county, unless the result forces a voting precinct to be split. A majority of the least populous districts shall contain not less than a majority of the population of the county.

The existing redistricting plan fulfills each of the requirements listed in this section.

First, according to the existing plan, Stevens County is divided into five consecutively numbered districts, the same number as there are members of the County Board. Second, the districts are bounded by town, municipal, ward, or precinct line. One voter asked the Court to order a different redistricting plan that would essentially require the Court to order the city of Morris to adopt different ward

boundaries. However, the Court again cannot substitute its judgment for the lawfully exercised decision of a duly elected body. Thus, that plan cannot be ordered. Third, the districts are composed of contiguous territory, are as regular and compact in form as practicable, and there is no gross disparity in the populations between the districts. Fourth, no district varies in population more than ten percent from the average for all districts in Stevens County. Finally, a majority of the least populous districts contain not less than a majority of the population of the county. This clearly demonstrates that the requirements of Minn.Stat. §375.025 are met by the existing redistricting plan.

The one question that remains then is whether the existing plan meets constitutional muster. On its face, the plan appears constitutionally valid. Furthermore, neither party challenged the constitutionality of the existing redistricting plan. Therefore, this Court must find that the plan is constitutional.

The Court expresses no opinion whether the existing redistricting plan is, or is not, be the best plan available. Since it was lawfully adopted by the county board, the existing plan must stand.

GJS