
**STATE OF MINNESOTA
IN SUPREME COURT**

C0-01-160

Susan M. Zachman, Maryland Lucky R.
Rosenbloom, Victor L.M. Gomez, Gregory
G. Edeen, Jeffrey E. Karlson, Diana V.
Bratlie, Brian J. LeClair and Gregory J.
Ravenhorst, individually and on behalf of all
citizens and voting residents of Minnesota
similarly situated,

Petitioners,

vs.

Mary Kiffmeyer, Secretary of State of
Minnesota; and Doug Gruber, Wright
County Auditor, individually and on behalf
of all Minnesota county chief election
officers,

Respondents.

**MOTION TO LIFT
STAY AND
APPOINT PANEL**

To: The Honorable Kathleen Ann Blatz, Chief Justice of the Minnesota Supreme Court,
305 Minnesota Judicial Center, 25 Constitution Avenue, St. Paul, MN 55155-6102:

By Order dated March 2, 2001, the Court granted Petitioners' motion to appoint a special redistricting panel. The Court stayed appointment of the panel pending a determination "that panel action must commence in order that the judicial branch can fulfill its proper role in assuring that valid redistricting plans are in place in time for the 2002 state legislative and congressional elections. . . ." 622 N.W.2d 561, 563-64 (Minn. 2001).

Petitioners respectfully request that the Court lift the stay at this time, and appoint a special redistricting panel. The grounds for this motion are:

1. The rationale for the stay, deference to the Legislature, no longer exists. The Court has respected the “primacy of the legislative role in the redistricting process.” *Id.* at 563. The Legislature has now adjourned without reaching agreement on the principles to be followed in preparing legislative and congressional redistricting plans, and also without agreement on specific redistricting plans.

2. Time is of the essence. Ten years ago, the Court appointed a special redistricting panel on June 4, 1991. That appointment followed the Legislature’s passage of legislative and congressional redistricting plans. The primary role of that panel was the review of one redistricting plan that had been approved by both Houses of the Legislature. This year, the Houses of this Legislature have disagreed on both principles and plans and the panel will be required to determine redistricting principles and then to draw legislative and congressional plans consistent with those principles. These tasks will certainly be more time consuming than the tasks undertaken by the 1991 panel. Further, adoption of congressional and legislative redistricting plans does not complete the work of redistricting. At that point, other governmental units (e.g., counties, municipalities, school districts) will need time to complete their redistricting work. To reduce voter confusion and the potential for disenfranchisement in the 2002 elections, the public is better served if the judicial tasks related to redistricting would be completed in 2001.

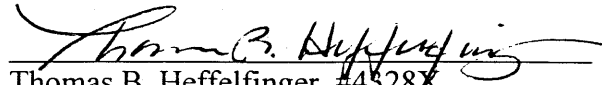
This Motion is based upon the Memorandum of Law and Affidavit of Thomas B.

Heffelfinger filed herewith.

Respectfully submitted.

Dated: June 2, 2001.

BEST & FLANAGAN LLP



Thomas B. Heffelfinger, #4528X
4000 US Bank Place
601 Second Avenue South
Minneapolis, MN 55402-4331
(612) 339-7121

Dated: June 8, 2001.

SHREFFLER LAW FIRM, P.A.



Charles R. Shreffler, #183195
2116 Second Avenue South
Minneapolis, MN 55404-2606
Telephone: (612) 872-8000

Attorneys for Petitioners

AFFIDAVIT OF SERVICE

JEANNE M. TROUP, being duly sworn, on oath says that on June 8, 2001, she served true and correct copies of the following documents in the Susan M. Zachman, et al. v. Mary Kiffmeyer, et al. matter, Supreme Court File No. C0-01-160, as follows:

1. Petitioners' Motion to Lift Stay and Appoint Panel;
2. Petitioners' Memorandum of Law in Support of Motion to Lift Stay and Appoint Panel;
3. Affidavit of Thomas B. Heffelfinger, with exhibits A and B; and
4. Proposed Order.

upon:

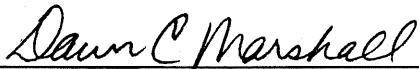
Mary Kiffmeyer
Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

Mike Hatch, Esq.
Attorney General
102 Capitol Building
Aurora Avenue
St. Paul, MN 55155

by depositing true and correct copies of the foregoing documents with the United States mail in pre-paid envelopes addressed to the above-named individuals, at the above-listed addresses, the last-known addresses for same.


JEANNE M. TROUP

Subscribed and sworn to before me
this 8th day of June, 2001.



Notary Public

