

No. C0-01-160

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

Susan M. Zachman, et al.,

Petitioners,

vs.

Mary Kiffmeyer, et al.,

Respondents.

**RESPONSE OF THE STATE OF
MINNESOTA TO PETITIONERS'
MOTION FOR ENTRY OF
SCHEDULING ORDER**

The State of Minnesota submits this response to Petitioners' motion for entry of their proposed scheduling order. Petitioners' proposed schedule is based on a deadline of January 1, 2002 for the Legislature to enact a redistricting plan, rather than the statutory deadline of March 19, 2002.

Under Minn. Stat. § 204B.14 (2000), the Legislature has until March 19, 2002 to complete legislative redistricting. In her Order appointing this Panel, Chief Justice Blatz cited the statutory deadline in requiring the Panel to release a redistricting plan "only in the event a legislative redistricting plan is not enacted in a timely manner." Order of July 12, 2001, at 2. The Chief Justice also reiterated her direction to the Panel that "the primacy of the legislative role in the redistricting process be honored and that the judiciary not be drawn prematurely into that process." *Id.* at 1 (quoting Chief Justice's Order of March 2, 2001).

The State believes the Chief Justice's order properly respects the Legislature's judgment and process. Accordingly, the State believes this matter should proceed based on March 19, 2002 as the deadline for the Legislature to enact a redistricting plan.

This statutory deadline gives the Legislature the opportunity to deliberate and act for seven weeks after the 2002 legislative session begins, whereas Petitioners' proposed deadline would have the Panel release a redistricting plan weeks before the session even starts.

Petitioners' proposed scheduling order envisions four months of proceedings before the Panel, from early September 2001 to early January 2002. Applying the March 19, 2002 legislative deadline to this suggested four-month period would mean the first litigation deadline would not come until early November 2001. Thus, the Panel need not establish the specifics of a scheduling order at this early stage, but can defer those determinations until the Legislature has proceeded further with its work on redistricting. That would allow the Panel to set the specific provisions of a scheduling order with a more up-to-date and complete status of the Legislature's redistricting work, and would allow potential intervenors or other added parties to submit their views on the specifics of a scheduling order.

For these reasons, the State requests that a scheduling order be deferred at this time, or alternatively, if a scheduling order is issued that it provide the Legislature with the maximum opportunity to first exercise its redistricting authority.

Dated: 9/10/01

Respectfully submitted,

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