

**FILED**

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**STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL  
A21-0243  
A21-0546**

October 20, 2021

**OFFICE OF  
APPELLATE COURTS**

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Peter S. Wattson, Joseph Mansky, Nancy B. Greenwood, Mary E. Kupper, Douglas W. Backstrom and James E. Hougas III, individually and on behalf of all citizens and voting residents of Minnesota similarly situated, and League of Women Voters Minnesota,

Plaintiffs,

and

Paul Anderson, Ida Lano, Chuck Brusven, Karen Lane, Joel Hineman, Carol Wegner, and Daniel Schonhardt,

Plaintiff-Intervenors

**CORRIE PLAINTIFFS'  
RESPONSE TO THE PARTIES'  
PROPOSED REDISTRICTING  
PRINCIPLES AND PLAN SUBMISSION  
REQUIREMENTS**

**ORAL ARGUMENT REQUESTED**

vs.

Steve Simon, Secretary of State of Minnesota; and Kendra Olson, Carver County Elections and Licensing Manager, individually and on behalf of all Minnesota county chief election officers,

Defendants,

and

Frank Sachs, Dagny Heimisdottir, Michael Arulfo, Tanwi Prigge, Jennifer Guertin, Garrison O'Keith McMurtrey, Mara Lee Glubka, Jeffrey Strand, Danielle Main, and Wayne Grimmer,

Plaintiffs,

and

Dr. Bruce Corrie, Shelly Diaz, Alberder  
Gillespie, Xiongpaoo Lee, Abdirazak  
Mahboub, Aida Simon, Beatriz Winters,  
Common Cause, OneMinnesota.org, and  
Voices for Racial Justice,

Plaintiff-Intervenors,

vs.

Steve Simon, Secretary of State of Minnesota,

Defendant.

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The Corrie Plaintiffs submit the following response to the parties' respective submissions on proposed redistricting principles.

### INTRODUCTION

Minnesota is rapidly becoming a more diverse state. For the last 20 years, every people of color group in Minnesota grew at a much faster rate than the state's White population.<sup>1</sup> Ten years ago, Minnesota's population was 83 percent White; today, that total is down to just 76 percent.<sup>2</sup> Between 2010 and 2018, Minnesota added *five* times as many persons of color compared to its non-Hispanic White residents, with the state's Black or African American population growing at the fastest rate (36 percent growth), followed by its Asian population (32 percent growth), followed

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<sup>1</sup> (Minnesota Disparities by Race Report, Minnesota Department of Employment and Economic Development Information Office (June 2020), [https://mn.gov/deed/assets/061020\\_MN\\_disparities\\_final\\_tcm1045-435939.pdf](https://mn.gov/deed/assets/061020_MN_disparities_final_tcm1045-435939.pdf) (hereinafter "Minnesota Disparities by Race Report."))

<sup>2</sup> United States Census Bureau, *Racial and Ethnic Diversity in the United States* (August 12, 2021), [www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html](http://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html).

by its Hispanic or Latin(x) population (24 percent growth).<sup>3</sup> The clear trend toward a more diverse Minnesota is only expected to continue, and recent growth among people of color groups throughout Minnesota is largely responsible for the state retaining its 8<sup>th</sup> Congressional seat following the 2020 Census.

While Minnesota’s people of color communities are growing rapidly, these communities continue to be left behind economically. Indeed, by almost any economic metric—*e.g.*, income and poverty levels, labor force participation rates, levels of educational attainment, rates of home, business and automobile ownership—Minnesota’s White residents fare better than their neighbors who identify as Black, Indigenous, or Persons of Color (“BIPOC”).<sup>4</sup> The disparities are wide, persistent, and well chronicled. Closing these disparities “is crucial to keep the state’s economy moving forward.”<sup>5</sup> And it starts with redistricting.

A guiding principle in any representative democracy is that elected officials should reflect and be responsive to the communities they are elected to serve. But in Minnesota—as with other areas of racial disparity—Minnesotans of color are disproportionately represented by elected officials who do not look like them or share their experiences. Currently, BIPOC Minnesotans

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<sup>3</sup> Minnesota State Demographic Center, Age, Race, & Ethnicity, <https://mn.gov/admin/demography/data-by-topic/age-race-ethnicity/>.

<sup>4</sup> Minnesota Disparities by Race Report; Kyeland Jackson, *How does Minnesota Compare to the Nation in Racial Equity?*, <https://www.tptoriginals.org/how-does-minnesota-compare-to-the-nation-in-racial-equity/>; Racial Disparities and Equity, [https://minnesotago.org/application/files/7214/5825/5846/Racial\\_Inequality\\_Public\\_Final.pdf](https://minnesotago.org/application/files/7214/5825/5846/Racial_Inequality_Public_Final.pdf); Randy Furst and Mary Jo Webster, *How Did Minn. Become One of the Most Racially Inequitable States*, Star Tribune, Sept. 6, 2019, <https://www.startribune.com/how-did-minnesota-become-one-of-the-most-racially-inequitable-states/547537761/>; Samuel L. Myers, Jr., *Minnesota Is One of the Best Places to Live in America. Unless You’re Black*, New York Times (April 16, 2021), <https://www.nytimes.com/2021/04/16/opinion/sunday/minnesota-racism-daunte-wright.html?smid=em-share>; Alessia Leibert, *How the Deck is Stacked: Racial and Ethnic Disparities in Earnings Following High School Graduation in Minnesota*, March 2021, <https://mn.gov/deed/newscenter/publications/trends/march-2021/deck-is-stacked.jsp>.

<sup>5</sup> Minnesota Disparities by Race Report.

make up nearly 22 percent of the population, but only 12 percent of the Minnesota Legislature.<sup>6</sup> In addition, at the Congressional level, Minnesota has only elected two persons of color in the state's history—Keith Ellison and Ilhan Omar—both of whom were elected from Minnesota's 5<sup>th</sup> Congressional District. Currently, representatives of color make up only 10 percent of Minnesota's Congressional delegation (again, compared with nearly 22 percent of the state's population).<sup>7</sup>

The parties all agree that under the U.S. and Minnesota Constitutions, this Panel is charged with drawing new legislative and Congressional district boundaries in a way that produces districts with no (Congressional) or de minimis (legislative) population deviation between them. In fulfilling this basic charge, the Panel need not be constrained by boundaries drawn by predecessor panels decades ago. Nor should the Panel be concerned about how the new boundaries it adopts might impact incumbent politicians, candidates, or political parties.

Instead, the Panel should start fresh and adopt new boundaries that reflect not only where an increasingly diverse Minnesota is today, but—more importantly—where an even more diverse Minnesota is expected to be in the future. The Panel must of course be guided by redistricting principles and criteria that are enshrined in the Constitution, but in articulating the principles that will guide this cycle's redistricting process, the Panel should put maximum emphasis on preserving communities of interest—and particularly communities of color with common interests—in a

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<sup>6</sup> Compare United States Census Bureau, QuickFacts Minnesota, <https://www.census.gov/quickfacts/MN>, with Becky Z. Dernbach et. al., *In St. Paul, the most diverse Minnesota Legislature ever is just getting started* (Jan. 25, 2021), <https://www.mprnews.org/story/2021/01/25/in-st-paul-the-most-diverse-minnesota-legislature-ever-is-just-getting-started>.

<sup>7</sup> Compare Minnesota Members of Congress, <https://mn.gov/portal/government/federal/minnesota-delegation.jsp>, with United States Census Bureau, QuickFacts Minnesota, <https://www.census.gov/quickfacts/MN>.

manner that enhances their opportunities to influence elections, consistent with the 14<sup>th</sup> and 15<sup>th</sup> Amendments to the U.S. Constitution and the Voting Rights Act.

## ARGUMENT

### I. The Panel Should Reject the “Least-Change” Approach.

Certain parties have asked the Panel to adhere to a “least-change” approach in drawing new district boundaries in order to promote stability, order, and predictability. (*See, e.g.*, Anderson Plaintiffs’ Memorandum of Law in Support of Motion to Adopt Proposed Redistricting Principles at 3-4.) To the extent these parties are suggesting the Panel should strive to make as few changes as possible to district boundaries that were drawn decades ago, their position should be rejected.

A “least-change” approach to redistricting—to the extent it suggests an aversion to modifying existing district boundaries—“rests on the basic idea that, by definition, the prior map worked for those in power. And if they won before, they have a good chance of continuing to win unless conditions radically change. They do not need a wholesale redesign.” (Robert Yablon, *Gerrylaundrying*, Legal Studies Research Paper Series Paper No. 1708 at 14 (2021), <https://ssrn.com/abstract=3910061> (hereinafter, “Yablon, *Gerrylaundrying*”).) In effect, the “least-change” approach is an incumbent protection approach that tends to stifle electoral competition, make elected officials less responsive to the constituents they serve, and drive constituents into “safe districts” and away from the political process. As the Secretary of State notes, when districts are “safe voters may be discouraged, as they may feel results are predetermined; candidates may ignore particular groups of constituents; and the actual contest may be moved to a partisan primary in which many fewer voters participate. Conversely, a truly competitive district fosters meaningful discussion of the issues and interests that are of concern to Minnesotans.” (Secretary’s Proposed Redistricting Principles at 9.)

Nothing in U.S. Constitution requires the Panel to be influenced in any way by prior district boundaries. Quite the opposite—the whole point of decennial redistricting is to draw new boundaries that meet the moment and reflect population growth among the electorate. In the seminal United States Supreme Court opinion on redistricting—*Reynolds v. Sims*—the Supreme Court held that a state’s persistent failure to redraw district boundaries that reflected where and how the electorate was growing violates the U.S. Constitution. *See Reynolds*, 377 U.S. 533 (1964) (holding that Alabama districts that reflected population levels from decades past improperly diluted the votes of urban residents in violation of the Equal Protection Clause of the Constitution). In *Reynolds*, the State of Alabama had gone six decades without making any changes to its district maps. The resulting political entrenchment and population disparities were the Constitutional evils the Court saw fit to address:

The result was not just extreme malapportionment, with some districts having many times the population of others, but also extreme entrenchment. Lawmakers had long declined to revisit district lines precisely because those lines served to protect both their own job security and the outsized political power of their constituents. Through the one person, one vote doctrine, the Supreme Court did more than redress population disparities; it also necessitated decennial redistricting. The requirement that district boundaries be periodically redrawn to equalize population now serve to limit the ability of those in power to cement their status through a no-change strategy.

(Yablon, *Gerrylaundrying* at 8-9 (discussing *Reynolds v. Sims*.)

Likewise, there is nothing in the Minnesota Constitution that requires this Panel to consider how the new boundaries it adopts might impact incumbent politicians, candidates, or political parties. Thus, the Panel should adopt the intent neutral language proposed by the majority of the parties—stating “Congressional districts shall not be drawn for the purpose or effect of promoting, protecting, or defeating any incumbent, candidate, or party”—and should reject

the language proposed by some parties, which would have the Panel consider the “the impact of redistricting on incumbent officeholders” as a “factor subordinate to” all other redistricting criteria in determining whether proposed plans “result in either undue incumbent protection or excessive incumbent conflicts.” Consistent with applicable Supreme Court precedent, the Panel should reject the later proposed language—which suggests the relative impact of a proposed redistricting plan on incumbent officeholders has any relevance at all—because it is unnecessary and improper. In fact, considering the impact of redistricting plans on incumbent officeholders tends to promote maps that stifle electoral competition among candidates (including incumbents) and thereby fails to appropriately prioritize population equality and the fair and adequate representation of all Minnesotans. (See Yablon, *Gerrylaundersing* at 20 (noting that the decennial redistricting process should “constrain[] continuity by requiring periodic redistricting to ensure population equality”) (emphasis added).)

## **II. The Panel Should Adopt the following Redistricting Principles Proposed by the Corrie Plaintiffs.**

### **A. Communities of Interest<sup>8</sup>**

Respecting communities of interest is of the utmost importance to ensuring the fair and adequate representation of all Minnesotans in Congress and the Minnesota Legislature. As such, the Panel should adopt the following congressional and legislative principle that places the appropriate emphasis on redrawing maps in a manner that preserves communities of interest:

Communities of interest shall be respected to the maximum extent possible. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433, 126 S. Ct. 2594, 2618 (2006) (*LULAC*) (stating that “maintaining communities of interest” is a traditional redistricting principle); *Miller v. Johnson*, 515 U.S. 900, 916, 115 S. Ct. 2475, 2488 (1995) (including respect for “communities defined by actual shared interests” in list of “traditional race-neutral districting principles”). For purposes of

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<sup>8</sup> The Sachs Plaintiffs and the Wattson Plaintiffs propose nearly identical language, except that the Corrie Plaintiffs submit that communities of interest should be respected to the maximum extent possible.

this principle, a “community of interest” may include a racial, ethnic, or linguistic group, or any group with shared experiences and concerns, including but not limited to: geographic, governmental, regional, social, cultural, historic, socioeconomic, occupational, trade, or transportation interests. A “community of interest” shall not include relationships with political parties, incumbents, or candidates.

The United States Supreme Court requires districts to be drawn to respect communities of common interest. *See LULAC*, 548 U.S. at 433; *Miller*, 515 U.S. at 916-920; *Abrams v. Johnson*, 521 U.S. 74, 99-100 (1997). In line with this requirement, Minnesota redistricting panels—along with 23 other states—have recognized the importance of respecting communities of interest in their redistricting principles. *See Hippert*, No. A11-152 (Minn. Special Redistricting Panel Nov. 4, 2011) (Order Stating Redistricting Principles and Requirements for Plan Submissions at 6-7, 9); *Zachman*, No. C0-01-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions at 3,5); *Cotlow*, No. MX 91-001562 (Minn. Special Redistricting Panel Aug. 16, 1991) (Pretrial Order No. 2 at 3-6). (*See also* Justin Levitt, *Communities of Interest*, Brennan Center for Justice (Nov. 2010), <https://www.brennancenter.org/sites/default/files/analysis/6%20Communities%20of%20Interest.pdf> (identifying the states that have adopted respecting communities of interest as a formal principle in the redistricting process).)

Having a strong principle in place to protect communities of interest in the redistricting process can, on the one hand, guard against improper gerrymandering and, on the other hand, ensure that historically underrepresented groups are adequately represented in legislative bodies after the maps are redrawn. As the Supreme Court recognized in *LULAC*, “[t]he practical consequence of drawing a district to cover two distant, disparate communities is that one or both groups will be unable to achieve their political goals.” 548 U.S. at 434. In contrast, when communities of interest are respected or preserved, such communities will be able to elect

candidates of their choice who will, in turn, adequately represent their interests. *See id.*; *see also id.* at 470 (Stevens, J., concurring in part and dissenting in part) (noting that splintering communities of interest resulted in a political advantage in new districts and also an erosion of the “crucial assumption” that “representatives . . . will act as vigorous advocates for the needs and interests” of all their constituents.)

The Supreme Court has defined communities of interest as groups of people with “actual shared interests.” *See Miller*, 515 U.S. at 916. Here, the Corrie Plaintiffs propose the following definition of a community of interest: “a racial, ethnic, or linguistic group, or any group with shared experiences and concerns, including but not limited to: geographic, governmental, regional, social, cultural, historic, socioeconomic, occupational, trade, or transportation interests.” In addition to the interests articulated by the *Hippert* panel, this definition adds regional, historic, socioeconomic, occupational, trade, and transportation interests. This definition better reflects the full range of interests shared by communities here in Minnesota. (*See* Sachs Plaintiffs’ Proposed Redistricting Principles at 15-16 (noting that the revised list of principles better reflects the range of issues around which communities might form, and which have been recognized by the courts and citing to the applicable case law).)

In addition, the definition proposed by the Corrie Plaintiffs recognizes that communities of interest should not necessarily be limited by geography or the boundaries of political subdivisions. While people tend to organize themselves into neighborhood or geographic regions based on shared interests and behaviors—as the Sachs Plaintiffs discuss in greater detail in connection with their proposed redistricting principles—it is not necessarily the case that individuals share common interests because they reside within the same political subdivision. (*See* Sachs Plaintiffs’ Proposed Redistricting Principles at 18-21; *see also* Glenn D. Magpantay, *A Shield Becomes a Sword:*

*Defining and Deploying Constitutional Theory for Communities of Interest in Political Redistricting*, 25 *Barry L. Rev.* 1, 8 (Spring 2020) (“The concepts of neighborhoods, communities, and communities of common interest are often invoked in redistricting, and often confused. A neighborhood is typically defined externally and assigned, whereas a community of interest is internally defined and self-defined. Neighborhoods are spatially bound while communities may not have a common locality. The law then incorporated both neighborhoods and communities into a community of common interest.”).) Put simply, political subdivisions do not necessarily align with communities of interest. Therefore, the panel should adopt the Corrie Plaintiffs’ proposed principle on communities of interest, which places the appropriate emphasis on redrawing maps in a manner that preserves such communities.

**B. Fourteenth and Fifteenth Amendments and the Voting Rights Act<sup>9</sup>**

Because Minnesota’s population growth over the last 10 years is largely attributable to BIPOC communities, it is particularly important that the Panel adopt a strong principle regarding minority representation under the Fourteenth and Fifteenth Amendments and the Voting Rights Act. The Corrie Plaintiffs propose the following principle:

Congressional and legislative districts shall be drawn to comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973-1973aa-6 (2006). Congressional districts shall not dilute or diminish the equal opportunity of racial, ethnic, and language minorities to participate in the political process and to elect candidates of their choice, whether alone or in coalition with others. Districts shall provide all voters, including racial, ethnic, and language minorities who constitute less than a voting-age majority of a district, with equal opportunity to elect candidates of their choice.

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<sup>9</sup> All parties agree that adherence to the Fourteenth and Fifteenth Amendments and the Voting Rights Act is required in the redistricting process. The Sachs and Wattson Plaintiffs propose similar principles to that advanced by the Corrie Plaintiffs.

The first sentence of the proposed principle is a catch-all that ensures compliance with the Fourteenth and Fifteenth Amendments, the Voting Rights Act, and the applicable case law. In addition, the Corrie Plaintiffs' proposed principle more explicitly references and encompasses Section 2 of the Voting Rights Act, which provides in part that: "[a] violation of the Section 2 is established if . . . it is shown that the political processes . . . are not equally open to participation by [minority groups] . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." See 52 U.S.C. § 10301(b); see also *Thornburg v. Gingles*, 478 U.S. 30, 80 (1986) ("The District Court in this case carefully considered the totality of the circumstances and found that in each district racially polarized voting; the legacy of official discrimination in voting matters, education, housing, employment, and health services; and the persistence of campaign appears to racial prejudice . . . impaired the ability of geographically insular and politically cohesive groups of black voters to participate equally in the political process and to elect candidates of their choice . . . we affirm.").

**III. The Panel Should Adopt the Following Redistricting Principles Supported by the Majority of the Parties.**

Congressional Districts

1. The congressional districts shall be as nearly equal in population as is practicable. *Wesberry v. Sanders*, 376 U.S. 1, 7-8, 84 S. Ct. 526, 530 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a redistricting plan created by a legislature, absolute population equality shall be the goal. *Abrams v. Johnson*, 521 U.S. 74, 98, 117 S. Ct. 1925, 1939 (1997). Because Minnesota's total population is not divisible into eight congressional districts of equal population, the ideal result is six

districts of 713,312 persons and two districts of 713,311 persons. (Corrie Plaintiffs, Sachs Plaintiffs, Watton Plaintiffs,<sup>10</sup> Secretary of State, Anderson Plaintiffs.)

2. Congressional districts shall consist of convenient, contiguous territory. Minn. Stat. § 2.91, subd. 2 (2010). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Congressional districts with areas that connect only at a single point shall not be considered contiguous. (Corrie Plaintiffs, Sachs Plaintiffs, Wattson Plaintiffs, Secretary of State, Anderson Plaintiffs.<sup>11</sup>)

3. Congressional districts shall be structured into compact units as measured using one or more statistical tests. *See Shaw v. Reno*, 509 U.S. 630, 646, 113 S. Ct. 2816, 2826 (1993). (Corrie Plaintiffs, Sachs Plaintiffs, Secretary of State.<sup>12</sup>)

4. A federally recognized American Indian reservation shall not be divided into more than one district except as necessary to meet constitutional requirements. When a federally recognized American Indian reservation must be divided into more than one district, it should be divided into as few districts as possible. *See Hippert*, 813 N.W.2d at 402 (noting that judicially adopted congressional districts “respect[ed] the reservation boundaries of federally recognized Indian tribes”). (Corrie Plaintiffs, Sachs Plaintiffs, Wattson Plaintiffs, Secretary of State.<sup>13</sup>)

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<sup>10</sup> The Wattson Plaintiffs propose including additional language allowing deviations from population equality if necessary to achieve a legitimate goal.

<sup>11</sup> The Anderson Plaintiffs propose combining the contiguous and compact principles as follows: “Congressional districts shall consist of convenient, contiguous territory structured into compact units. Minn. Stat. § 2.91, subd. 2 (2010). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Congressional districts with areas that connect only at a single point shall not be considered contiguous.”

<sup>12</sup> As noted in Footnote 11, the Anderson Plaintiffs include language concerning compactness with the language concerning contiguity.

<sup>13</sup> The Secretary of State combines a principle regarding the preservation of American Indian reservations with another principle concerning the division of political subdivisions as follows: “Political subdivisions shall not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; *Karcher v. Daggett*, 462 U.S. 725, 733 n. 5, 740-41

5. Congressional districts shall not be drawn for the purpose or effect of promoting, protecting, or defeating any incumbent, candidate, or party. (Corrie Plaintiffs, Sachs Plaintiffs, Secretary of State.<sup>14</sup>)<sup>15</sup>

### Legislative Districts

1. The legislative districts shall be numbered in regular series, beginning with House District 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the 11-county metropolitan area until the southeast corner has been reached; then to the 11-county metropolitan area outside the cities of Minneapolis and St. Paul; then to Minneapolis and St. Paul. See Minn. Const. art. IV, § 3 (requiring senate districts to be numbered in regular series); Minn. Stat. § 200.02, subd. 24 (2010) (defining “[m]etropolitan area” for purposes of Minnesota Election Law as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright). (Corrie Plaintiffs, Sachs Plaintiffs, Secretary of State.)

2. Legislative districts shall consist of convenient, contiguous territory. Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2. Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Legislative districts with

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(1983). Lands within the jurisdiction of federally recognized sovereign tribes also shall not be divided more than necessary to meet constitutional requirements . . . .”

<sup>14</sup> The Secretary of State proposes two principles that encompass this principle: (1) “Congressional districts shall not be drawn for the purpose of protecting or defeating incumbents . . . .”; and (2) “A congressional district must not be drawn in a manner that favors or disfavors any political party . . . .”

<sup>15</sup> The Anderson Plaintiffs also include the following language: “Congressional districts shall not be drawn for the purpose of protecting or defeating incumbents . . . .” The Anderson Plaintiffs proposal is silent, however, regarding candidates and parties.

areas that connect only at a single point shall not be considered contiguous. (Corrie Plaintiffs, Sachs Plaintiffs, Wattson Plaintiffs, Secretary of State, Anderson Plaintiffs.<sup>16</sup>)

3. Legislative districts shall be structured into compact units as measured using one or more statistical tests. *See Reynolds v. Sims*, 377 U.S. 533, 578–79, 84 S. Ct. 1362, 1390 (1964). (Corrie Plaintiffs, Sachs Plaintiffs, Secretary of State.<sup>17</sup>)

4. Political subdivisions shall not be divided more than necessary to meet constitutional or minority representational requirements, form districts that are composed of convenient contiguous territory, or preserve communities of interest. (Corrie Plaintiffs, Sachs Plaintiffs, Wattson Plaintiffs.<sup>18</sup>)

5. A federally recognized American Indian reservation shall not be divided into more than one district except as necessary to meet constitutional requirements. When a federally recognized American Indian reservation must be divided into more than one district, it should be divided into as few districts as possible. *See Hippert v. Ritchie*, 813 N.W.2d 374, 384 (Minn. Special Redistricting Panel 2012) (noting that judicially adopted legislative districts “demonstrate[d] a respect for the reservation boundaries of federally recognized Indian tribes”). (Corrie Plaintiffs, Sachs Plaintiffs, Secretary of State.<sup>19</sup>)

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<sup>16</sup> As noted in Footnote 11, the Anderson Plaintiffs propose combining the contiguous and compact principles.

<sup>17</sup> As noted in Footnotes 11 and 12, the Anderson Plaintiffs include language concerning compactness with the language concerning contiguity.

<sup>18</sup> The Wattson Plaintiffs also include the following language: “When a county, city, town, or precinct must be divided into more than one district, it must be divided into as few districts as possible.”

<sup>19</sup> As noted in Footnote 13, the Secretary of State includes language regarding American Indian reservations, but proposes combining it with the principles concerning the division of political subdivisions.

6. Legislative districts shall not be drawn for the purpose or effect of promoting, protecting, or defeating any candidate, incumbent, or party. (Corrie Plaintiffs, Sachs Plaintiffs, Secretary of State.<sup>20</sup>)<sup>21</sup>

## CONCLUSION

Minnesota is rapidly becoming a more diverse state, and that trend is only expected to continue. The new district boundaries adopted by this Panel should reflect not only where an increasingly diverse Minnesota is today, but where an even more diverse Minnesota is expected to be in the future. The redistricting principles that will guide the boundary drawing process should embody this important goal.

The lack of diversity among elected Minnesota's officials, at both the state and federal levels, is antithetical to a functioning representative democracy. The "least-change" approach advocated by certain parties will only foster entrenchment and protect incumbents. This strategy has no mooring in the Constitution and should be rejected.

In fact, the Panel should take the opposite approach. It should start fresh and be open to changes that will promote electoral competition, make elected officials more responsive to the constituencies they are elected to serve, and enhance the opportunity of Minnesota's growing BIPOC communities to influence elections. This approach is entirely consistent with the 14<sup>th</sup> and 15<sup>th</sup> Amendments to the U.S. Constitution and the Voting Rights Act, and it is required now more than ever.

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<sup>20</sup> As noted in Footnote 14, the Secretary of State proposes two principles that encompass this principle.

<sup>21</sup> As noted in Footnote 15, the Anderson Plaintiffs also include the following language: "Congressional districts shall not be draw for the purpose of protecting or defeating incumbents . . ." The Anderson Plaintiffs proposal is silent, however, in regard to candidates and parties.

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Dated: October 20, 2021

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