

FILED

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

A21-0243

A21-0546

September 24, 2021

OFFICE OF
APPELLATE COURTS

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

v.

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

**STIPULATION REGARDING
PRELIMINARY ISSUES**

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,

v.

Steve Simon, Secretary of State of
Minnesota,

Defendant.

On August 24, 2021, the Minnesota Special Redistricting Panel ordered that the parties work toward a stipulation on certain preliminary issues. The parties hereto, by and through their respective undersigned attorneys of record, hereby agree as follows:

1. ***Jurisdiction.*** The State of Minnesota Special Redistricting Panel (the “Panel”) has subject matter jurisdiction over all matters pertaining to legislative and congressional redistricting in the State of Minnesota. In addition, the Panel was properly appointed pursuant to the power of the Chief Justice to assign judges to hear particular cases.

2. **Constitutionality of current legislative districts.** Minnesota’s legislative plan ordered in *Hippert v. Ritchie*, 813 N.W.2d 374 (Minn. Special Redistricting Panel 2012), and set forth in Minnesota Statutes Annotated, Chapter 2 Appendix and Minnesota Statutes Annotated sections 2.031, 2.395, and 2.495 (2020), is unequally apportioned based on the United States Census 2020 (“2020 Census”). Therefore, Minnesota’s current legislative plan needs to be changed to reflect the 2020 Census for purposes of Minnesota’s 2022 legislative elections.

The parties were unable to come to agreement on whether the current legislative districts are presently unconstitutional in light of the 2020 Census.

3. **Constitutionality of current congressional districts.** Minnesota’s congressional plan ordered in *Hippert v. Ritchie*, 813 N.W.2d 391 (Minn. Special Redistricting Panel 2012), and set forth in Minnesota Statutes Annotated, Chapter 2 Appendix, is unequally apportioned based on the 2020 Census. Therefore, Minnesota’s current congressional plan needs to be changed to reflect the 2020 Census for purposes of Minnesota’s 2022 congressional elections.

The parties were unable to come to agreement on whether the current congressional districts are presently unconstitutional in light of the 2020 Census.

4. **Population data.** In preparing plans, United States 2020 Census Public Law 94-171 Redistricting Data provided to the State of Minnesota by the United States Census Bureau (“Bureau”), subject to correction of errors acknowledged by the Bureau, down to the census block level, shall be used by the parties and the Panel in the redistricting process. The appropriate geographic data is available through the Geographic Information Services

Office of the Legislative Coordinating Commission and available software including, but not limited to, Maptitude for Redistricting. The Panel and all parties, as applicable, will use Maptitude for Redistricting or any similar but compatible software to draft, view, print and analyze all proposed redistricting plans. Nothing in this paragraph precludes a party or parties from identifying and proposing solutions for specific alleged errors in the redistricting database.

5. ***Ideal populations.*** Based on the results of the 2020 Census related by the Bureau on April 26, 2021, the resident population of Minnesota as of April 1, 2020 was 5,706,494. See *Resident Population for the 50 States, the District of Columbia, and Puerto Rico: 2020 Census*, U.S. Census Bureau (Apr. 26, 2021), <https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/apportionment-2020-table02.pdf>. Minnesota has 8 congressional districts, 67 state senate districts, and 134 state house districts. We calculate the ideal population for each type of election district by dividing the state's total population by the number of districts for the particular legislative body. Therefore, the ideal population of a Minnesota congressional district after the 2020 Census is 713,312, the ideal population of a Minnesota state senate district is 85,172, and the ideal population of a Minnesota House of Representatives district is 42,586.

6. ***Tolerable deviation: congressional districts.*** Congressional districts must be as nearly equal in total 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.

The parties were unable to come to agreement on the maximum tolerable deviation for congressional districts.

7. ***Tolerable percentage deviation: legislative districts.*** Legislative districts must be substantially equal in total population. *See Roman v. Sincock*, 377 U.S. 695, 710, 84 S. Ct. 1449, 1458 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a plan created by a legislature, de minimis deviation from the ideal district population is the goal. *Connor v. Finch*, 431 U.S. 407, 414, 97 S. Ct. 1828, 1833 (1977).

The parties were unable to come to agreement on the maximum tolerable percentage deviation for legislative districts.

Dated: September 24, 2021

Respectfully submitted,

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Dated: September 24, 2021

Respectfully submitted,

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Dated: September 24, 2021

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Dated: September 24, 2021

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