

FILED

June 30, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA
IN SUPREME COURT

A21-0243
A21-0546

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, et al.,

Petitioners,

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,

Respondents,

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,

Petitioners,

vs.

Steve Simon, Secretary of State of Minnesota,

Respondent.

ORDER

These matters were filed initially in district court, in Carver County and Ramsey County, with petitions filed before this court that requested appointment of a special redistricting panel to hear and decide challenges to the validity of Minnesota's state legislative and congressional districts based on the 2020 Census. We granted those requests, stayed proceedings in the district courts, stayed appointment of the panel to provide an opportunity for the Legislature to consider and enact redistricting plans, and in an order filed on May 20, 2021, consolidated these cases.

The Minnesota Legislature adjourned its regular session on May 17, 2021, and although now in special session, has not yet enacted redistricting legislation. Future legislative activity on redistricting is a possibility, but there are significant duties and responsibilities in the work required for redistricting. Further, legislative policy requires redistricting plans to be implemented no "later than 25 weeks before the state primary election" in 2022. Minn. Stat. § 204B.14, subd. 1a (2020). Thus, work by a redistricting panel must commence soon in order to permit the judicial branch to fulfill its proper role in assuring that valid redistricting plans are in place for the state legislative and congressional elections in 2022.

Based on all the files, records and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The stay imposed on proceedings before this court, on March 22, 2021 in *Wattson v. Simon*, No. A21-0243, and on May 20, 2021 in *Sachs v. Simon*, No. A21-0546, be, and the same are each, lifted.

2. Pursuant to Minn. Stat. § 2.724, subd. 1 (2020), and Minn. Stat. § 480.16 (2020), the following judges are appointed as a special redistricting panel to hear and decide all matters, including all pretrial and trial motions, in connection with the claims asserted in the complaints filed in these cases in the district courts, including the ultimate disposition of those actions:

Hon. Louise D. Bjorkman, presiding judge,

Hon. Diane B. Bratvold

Hon. Jay D. Carlson

Hon. Juanita C. Freeman

Hon. Jodi L. Williamson

The redistricting panel shall also hear and decide any additional challenges that are filed in state court to the validity of state legislative and congressional districts based on the 2020 Census.

3. The redistricting panel shall establish the procedures for proceedings before the panel, may decide whether proceedings are held in person or by remote technology, and shall order implementation of judicially determined redistricting plans for state legislative and congressional seats that satisfy constitutional and statutory requirements in the event that the Legislature and the Governor have not done so in a timely manner. *See White v. Weiser*, 412 U.S. 783, 794 (1973) (stating that reapportionment is primarily a legislative matter, but judicial action is appropriate “when a legislature fails to reapportion . . . in a timely fashion after having had an adequate opportunity to do so” (citation omitted) (internal quotation marks omitted)); Minn. Stat. § 204B.14, subd. 3(d) (2020) (requiring

reestablishment of precinct boundaries within 60 days of redistricting or at least 19 weeks before the state primary election, whichever comes first).

4. Proceedings in the actions filed in the district courts, *Wattson v. Simon*, No. 10-CV-21-127 (Carver Cty. Dist. Ct.), and *Sachs v. Simon*, No. 62-CV-21-2213 (Ramsey Cty. Dist. Ct.), remain stayed, subject to the panel's decision otherwise. The parties' unopposed motion filed in this court on June 23, 2021 to amend the complaints in these actions and add additional parties; and, the motion to intervene filed in this court on June 29, 2021, are referred to the panel for consideration and decision.

Dated: June 30, 2021

BY THE COURT:



Lorie S. Gildea
Chief Justice

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