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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1605**

02/25/2019 Authored by Klevorn, Halverson, Huot, Sandell, Schultz and others  
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act  
1.2 relating to redistricting; requiring the appointment of a commission to recommend  
1.3 the boundaries of legislative and congressional districts; establishing districting  
1.4 principles for legislative and congressional plans; assigning duties to the Legislative  
1.5 Coordinating Commission; assigning duties to the secretary of state; proposing  
1.6 coding for new law in Minnesota Statutes, chapters 2; 204B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[2.032] REDISTRICTING COMMISSION.**

1.9 Subdivision 1. **Commission membership; duties.** In each year ending in one, a  
1.10 redistricting commission is created to draw the boundaries of legislative and congressional  
1.11 districts in accordance with the principles established in section 2.035. The commission  
1.12 consists of 12 members of the public, to be appointed in the manner provided in subdivision  
1.13 2, and five retired judges of the appellate or district courts of this state who have not served  
1.14 in a party-designated or party-endorsed position, such as legislator, to be appointed in the  
1.15 manner provided in subdivision 3.

1.16 Subd. 2. **Public members; appointment.** (a) The secretary of state shall supervise the  
1.17 appointment of public members to the redistricting commission.

1.18 (b) By January 15 of each year ending in zero, the secretary of state shall open a widely  
1.19 publicized process that encourages eligible residents of this state to apply for membership  
1.20 on the redistricting commission. The secretary of state shall solicit recommendations for  
1.21 appointment to the redistricting commission from nongovernmental organizations with an  
1.22 interest in the elections process.

2.1 (c) The secretary of state shall provide an application form which must be designed to  
2.2 show (1) that an applicant meets the requirements of this subdivision, (2) that the application  
2.3 must be submitted under oath affirming the truthfulness of its contents under penalty of  
2.4 perjury, and (3) the applicant's demographic information, such as gender, race, ethnicity,  
2.5 and age.

2.6 (d) The following persons are not eligible to serve as a commissioner:

2.7 (1) a person who is not eligible to vote;

2.8 (2) a person under a contract with, or who serves as a consultant or staff to, or who has  
2.9 an immediate family relationship with the governor, a member of the legislature, or a member  
2.10 of Congress; and

2.11 (3) a person, or member of the person's immediate family, who has done any of the  
2.12 following during the ten years immediately preceding the date of application:

2.13 (i) been appointed to, elected to, or a candidate for federal or state office;

2.14 (ii) served as an officer, employee, or paid consultant of a political party or of the  
2.15 campaign committee of a candidate for elective federal or state office;

2.16 (iii) served as an elected or appointed member of a political party state central committee;

2.17 (iv) registered as a federal, state, or local lobbyist or principal;

2.18 (v) served as paid congressional or legislative staff; or

2.19 (vi) violated the candidate contribution limits in section 10A.27.

2.20 (e) For purposes of this subdivision, a member of a person's immediate family means a  
2.21 sibling, spouse, parent or stepparent, child or stepchild, or in-law.

2.22 (f) The secretary of state shall process applications as they are received and remove from  
2.23 the applicant pool any person not eligible to serve as a commissioner and notify the person  
2.24 of the reason they were removed. To be considered, applications must be received by  
2.25 September 15 of the year ending in zero. An applicant must provide with the application  
2.26 two positive references from community leaders or groups that promote civic engagement  
2.27 with whom the applicant has worked and demonstrate that the applicant:

2.28 (1) has experience with outreach to community groups to encourage civic participation  
2.29 with an emphasis on historically disenfranchised groups; or

2.30 (2) has an interest in or experience with government, elections, or civic life.

3.1 (g) The secretary of state shall, based on a review of the applications, prepare a list of  
3.2 120 applicant finalists who have demonstrated based on their application an ability to be  
3.3 impartial and respect the diversity of this state's many communities. The list must, to the  
3.4 extent practical, reflect the gender, socioeconomic, age, racial, language, ethnic, and  
3.5 geographic diversity of the state.

3.6 (h) The list must include:

3.7 (1) 40 applicant finalists identifying with the largest major political party in Minnesota;

3.8 (2) 40 applicant finalists identifying with the second largest major political party in  
3.9 Minnesota; and

3.10 (3) 40 applicant finalists identifying their political party preference as belonging to a  
3.11 party not described in clause (1) or (2) or to no party.

3.12 For purposes of this paragraph, the two largest political parties are the parties whose  
3.13 candidates received the greatest and second greatest number of votes at the most recent  
3.14 gubernatorial election.

3.15 (i) By December 15 of the year ending in zero, the secretary of state shall give the list  
3.16 of finalists and their applications to the majority and minority leaders of the senate, the  
3.17 speaker of the house, and the minority leader of the house of representatives. At an open  
3.18 meeting, each of the four leaders shall remove 21 applicant finalists from the list: seven  
3.19 applicant finalists identifying their political party preference with the majority party in the  
3.20 house of representatives, seven applicant finalists identifying their political party preference  
3.21 with the minority party in the house of representatives, and seven applicant finalists who  
3.22 identified their political party preference with a party different than the majority party in  
3.23 the house of representatives and the minority party of the house of representatives or with  
3.24 no party. The leaders shall remove applicants one at a time in the order listed above, unless  
3.25 the leaders agree to a different order.

3.26 (j) By January 15 of each year ending in one, after the process of removing applicants  
3.27 from the list is completed, each of the four leaders of the house of representatives and senate  
3.28 shall give the list of finalists and their applications to the secretary of state. The secretary  
3.29 of state shall randomly draw four names from the remaining applicants identifying their  
3.30 political party preference as belonging to the majority party of the house of representatives,  
3.31 four identifying their political party preference as belonging to the minority party of the  
3.32 house of representatives, and four identifying their political party preference as belonging  
3.33 to a different party than the majority party in the house of representatives and the minority

4.1 party of the house of representatives or to no party. These 12 persons shall serve as public  
4.2 member commissioners.

4.3 (k) The secretary of state's actions under this subdivision are not subject to chapter 14.

4.4 Subd. 3. **Retired judges; appointment.** By January 15 of each year ending in one, the  
4.5 four leaders of the house of representatives and senate shall each appoint one retired judge,  
4.6 after consulting with each other in an effort to attain geographic balance in their  
4.7 appointments. If the legislative leaders do not make the appointment by the deadline, the  
4.8 chief justice of the supreme court shall make the appointment by January 22 of that year.  
4.9 The director of the Legislative Coordinating Commission shall convene a meeting of the  
4.10 four retired judges by January 29 of that year. The four retired judges shall then appoint the  
4.11 fifth retired judge by a vote of at least three judges.

4.12 Subd. 4. **Code of conduct.** (a) In performing their duties, the five retired judges serving  
4.13 as commissioners shall abide by the Code of Judicial Conduct and are considered judicial  
4.14 officers.

4.15 (b) Public members of the commission exercise the function of a public officer.

4.16 Subd. 5. **Removal; filling vacancies.** (a) A commissioner can be removed with two-thirds  
4.17 vote of the commission after notice and a hearing for reasons that would justify recall of a  
4.18 state official under section 211C.02.

4.19 (b) The commission must remove a commissioner who participates in a communication  
4.20 that violates subdivision 8.

4.21 (c) Except for vacancies filled by the chief justice, vacancies on the commission must  
4.22 be filled by the appointing authority that made the initial appointment and filled within 30  
4.23 days after the vacancy occurs. The appointing authority for public members is the secretary  
4.24 of state and must be filled by drawing from the same partisan pool as the vacant position.  
4.25 If no applicants in the pool are available for service, the secretary of state shall establish a  
4.26 new pool, as provided in subdivision 2.

4.27 Subd. 6. **Open records.** The commission is subject to chapter 13, except that a plan is  
4.28 not public data until it has been submitted to the commission for its consideration.

4.29 Subd. 7. **Open meetings.** The commission is subject to chapter 13D.

4.30 Subd. 8. **Open communications.** (a) A commissioner must not communicate with  
4.31 legislators regarding the content of a plan. Commission staff must not communicate with  
4.32 anyone outside of commission staff regarding the content of a plan. The prohibition under  
4.33 this paragraph does not apply to open meetings of the commission.

5.1 (b) A commissioner may not direct, request, suggest, or recommend an interpretation  
5.2 of a districting principle or a change to a district boundary to staff except during open  
5.3 meetings of the commission.

5.4 (c) Except for public input and comment, commission staff must not have any  
5.5 communications about the content or development of any plan outside of public hearings  
5.6 with anyone except other staff members. Commission staff shall report to the commission  
5.7 attempts made to exert influence over the staff's role in the drafting of plans.

5.8 (d) The commission may designate one or more commission staff to communicate with  
5.9 commissioners regarding administrative matters and may define the scope of the permitted  
5.10 communication.

5.11 Subd. 9. **Lobbyist registration.** Action of the commission to submit a redistricting plan  
5.12 to the legislature is an administrative action for purposes of section 10A.01, subdivision  
5.13 21, requiring certain persons to register as a lobbyist.

5.14 Subd. 10. **Compensation and expenses.** Commissioners must be compensated for their  
5.15 commission activity as provided in section 15.059, subdivision 3.

5.16 Subd. 11. **Plans submitted to commission.** The commission shall adopt a schedule for  
5.17 interested persons to submit proposed plans and to respond to plans proposed by others.  
5.18 The commission shall also adopt standards to govern the format of plans submitted. The  
5.19 schedule and standards adopted by the commission under this subdivision are not rules.  
5.20 Chapter 14 and section 14.386 do not apply to this section.

5.21 Subd. 12. **Public hearings.** The Redistricting Commission shall hold at least one public  
5.22 hearing in each congressional district before adopting the first legislative and congressional  
5.23 district plans. The commission must ask for input on defining communities of interest for  
5.24 consideration. The commission must publish on its website preliminary drafts of the  
5.25 legislative and congressional district plans and each preliminary draft's accompanying  
5.26 reports at least one week before a hearing required under this subdivision and allow the  
5.27 public at least 30 days to submit comments after publication.

5.28 Subd. 13. **Deadlines.** (a) By April 30 of each year ending in one, the commission shall  
5.29 submit plans to the legislature for legislative and congressional districts. Each plan must be  
5.30 accompanied by a report summarizing information and testimony received by the commission  
5.31 in the course of the hearings and including any comments and conclusions the commissioners  
5.32 deem appropriate on the information and testimony received at the hearings or otherwise  
5.33 presented. Any plan submitted to the legislature must be approved by an affirmative vote  
5.34 of at least 13 members of the commission.

6.1 (b) The legislature intends that a bill be introduced to enact each plan and that the bill  
6.2 be brought to a vote in either the senate or the house of representatives under a procedure  
6.3 or rule permitting no amendments except those of a purely corrective nature, not less than  
6.4 one week after the report of the commission was received and made available to the members  
6.5 of the legislature. The legislature further intends that the bill be brought to a vote in the  
6.6 second body within one week after final passage in the first body under a similar procedure  
6.7 or rule. If either the senate or the house of representatives fails to approve a first plan  
6.8 submitted by the commission, within one week after the failure the secretary of the senate  
6.9 or the chief clerk of the house must notify the commission of the failure, including any  
6.10 information that the senate or house of representatives may direct by resolution regarding  
6.11 reasons why the plan was not approved. If the governor vetoes a plan, the veto message  
6.12 serves as the notice.

6.13 (c) The commission shall submit a second plan within two weeks after the commission  
6.14 received the notice, unless by then the legislature has adjourned the regular session in the  
6.15 year ending in one, in which case the second plan must be submitted to the legislature at  
6.16 the opening of its regular session in the year ending in two. The legislature intends that a  
6.17 second plan be considered by the legislature under the same procedure as provided for a  
6.18 first plan under paragraph (b).

6.19 (d) If the commission fails to submit a plan by either of these two deadlines, the legislature  
6.20 may proceed to enact a plan in place of the missing plan without waiting for the commission  
6.21 to submit a plan.

6.22 (e) If the secretary of the senate or the chief clerk of the house notifies the commission  
6.23 that a second plan has failed, or the governor vetoes a second plan, the commission shall  
6.24 submit a third plan within two weeks after the commission received the notice, unless by  
6.25 then the legislature has adjourned the regular session in the year ending in one, in which  
6.26 case the third plan must be submitted to the legislature at the opening of its regular session  
6.27 in the year ending in two. The third plan is subject to the same procedure as provided for  
6.28 first and second plans under paragraph (b).

6.29 Final approval of all plans, whether enacted by the legislature or as provided by court  
6.30 order, must take place no later than the date provided in section 204B.14, subdivision 1a.

6.31 Subd. 14. **Data used.** (a) To draw congressional and legislative districts, the Redistricting  
6.32 Commission shall use, at a minimum, census data representing the entire population of  
6.33 Minnesota.

7.1 (b) The Redistricting Commission shall use redistricting population data that includes  
 7.2 data for persons who are incarcerated reflecting their residence to be their last known  
 7.3 residential address before incarceration.

7.4 Subd. 15. **Expiration.** (a) The Redistricting Commission expires when both legislative  
 7.5 and congressional redistricting plans have been enacted into law or adopted by court order  
 7.6 and any legal challenges to the plans have been resolved.

7.7 (b) If use of a plan is enjoined after the commission expires, the court enjoining the plan  
 7.8 may direct that a new commission be appointed under this section to draft a remedial plan  
 7.9 for presentation to the legislature in accordance with deadlines established by the court's  
 7.10 order.

7.11 Sec. 2. [2.035] DISTRICTING PRINCIPLES.

7.12 Subdivision 1. **Application.** The principles in this section apply to legislative and  
 7.13 congressional districts.

7.14 Subd. 2. **Prohibited information.** (a) No plan shall be drawn to purposefully favor or  
 7.15 disfavor a political party or candidate.

7.16 (b) Information regarding registered voters, political affiliation, voting history, and  
 7.17 demographics shall be sequestered from the Redistricting Commission for the initial phase  
 7.18 of the process, but may be used to test for compliance with the goals in subdivision 3 and  
 7.19 reports described in section 2.036, subdivision 4.

7.20 Subd. 3. **Priority of principles.** Redistricting commissioners appointed under section  
 7.21 2.032 shall adhere to the principles in subdivisions 4 to 12 when drawing congressional and  
 7.22 legislative districts. Where it is not possible to fully comply with the principles contained  
 7.23 below, a redistricting plan shall give priority to those principles in the order in which they  
 7.24 are listed, except to the extent that doing so would violate federal or state law.

7.25 Subd. 4. **Population equality.** (a) Congressional districts must be as nearly equal in  
 7.26 population as practicable.

7.27 (b) Legislative districts must be substantially equal in population. The population of a  
 7.28 legislative district must not deviate from the ideal by more than 1.5 percent.

7.29 Subd. 5. **Contiguity.** The districts must be contiguous allowing for easy travel throughout  
 7.30 the district. Contiguity by water is sufficient if the water is not a serious obstacle to travel  
 7.31 within the district. Districts with areas that touch only at a point are not contiguous.

8.1 Subd. 6. **Minority representation.** (a) Each district must be drawn in compliance with  
8.2 all state and federal laws. A district must not be drawn with either the purpose or effect of  
8.3 diluting, denying, or abridging the right of any citizen of the United States to vote on account  
8.4 of race, ethnicity, or membership in a language minority group, whether by themselves or  
8.5 when voting in concert with other people.

8.6 (b) Racial, ethnic, and language minorities must have an equal opportunity to participate  
8.7 in the political process and elect candidates of their choice. Racial, ethnic, and language  
8.8 minorities who constitute less than a voting-age majority of a district must have an  
8.9 opportunity to substantially influence the outcome of an election.

8.10 Subd. 7. **Communities of interest.** District boundaries shall recognize communities of  
8.11 interest. A community of interest is a contiguous population sharing common social and  
8.12 economic interests that should be included within a single district for purposes of the  
8.13 community's effective and fair representation. Communities of interest include but are not  
8.14 limited to geographic areas where there are clearly recognizable similarities of social,  
8.15 cultural, ethnic, economic, or other interests. Examples of shared interests are those common  
8.16 to an urban area, rural area, industrial area, or agricultural area and those common to areas  
8.17 in which the people share similar living standards, have similar work opportunities, or have  
8.18 access to the same media of communication relevant to the election process. Communities  
8.19 of interest shall not include relationships with political parties, incumbents, or political  
8.20 candidates.

8.21 Subd. 8. **Political subdivisions.** Counties, cities, and municipalities should be preserved  
8.22 to the greatest extent possible and in compliance with the other principles to preserve rather  
8.23 than divide them among multiple districts.

8.24 Subd. 9. **Incumbents.** The residence of incumbents shall not be taken into consideration  
8.25 in the development or approval of a proposed plan.

8.26 Subd. 10. **Compactness.** Compactness must be measured by using one or more statistical  
8.27 tests and must be compact.

8.28 Subd. 11. **Partisan symmetry and bias.** A district must not be drawn in a manner that  
8.29 unduly favors or disfavors any political party. The commission shall use judicial standards  
8.30 and the best available scientific and statistical methods to assess whether a plan unduly  
8.31 favors or disfavors a political party.

8.32 Subd. 12. **Numbering.** (a) Congressional district numbers must begin with district one  
8.33 in the southeast corner of the state and end with the district with the highest number in the  
8.34 northeast corner of the state.



9.1 (b) Legislative districts must be numbered in a regular series, beginning with house  
 9.2 district 1A in the northwest corner of the state and proceeding across the state from west to  
 9.3 east, north to south. In a county that includes more than one whole senate district, the districts  
 9.4 must be numbered consecutively.

9.5 Sec. 3. [2.036] LEGISLATIVE COORDINATING COMMISSION;  
 9.6 REDISTRICTING.

9.7 Subdivision 1. **Administrative support.** The Legislative Coordinating Commission  
 9.8 shall provide administrative support to the Redistricting Commission.

9.9 Subd. 2. **Database.** The geographic areas and population counts used in maps, tables,  
 9.10 and legal descriptions of legislative and congressional districts considered by the legislature  
 9.11 must be those used by the Geographic Information Services (GIS) Office of the Legislative  
 9.12 Coordinating Commission. The population counts shall be the block population counts  
 9.13 provided to the state under Public Law 94-171 after each decennial census, subject to  
 9.14 correction of any errors acknowledged by the United States Census Bureau. The GIS Office  
 9.15 must make the database available to the public on the GIS Office website.

9.16 Subd. 3. **Publication; consideration of plans.** A redistricting plan must not be considered  
 9.17 for adoption by the senate or house of representatives until the redistricting plan's block  
 9.18 equivalency file has been submitted to the GIS Office in a form prescribed by the GIS  
 9.19 Office. The block equivalency file must show the district to which each census block has  
 9.20 been assigned. The GIS Office shall publish each plan submitted to it on the GIS Office  
 9.21 website.

9.22 Subd. 4. **Reports.** Publication of a plan shall include the reports described as follows:

9.23 (1) a population equality report, listing each district in the plan, its population as the  
 9.24 total number of persons, and deviations from the ideal as both a number of persons and as  
 9.25 a percentage of the population. The report must also show the populations of the largest  
 9.26 and smallest districts and the overall range of deviations of the districts;

9.27 (2) a contiguity report, listing each district that is noncontiguous either because two  
 9.28 areas of a district do not touch or because they are linked by a point;

9.29 (3) a minority voting-age population report, listing for each district the voting age  
 9.30 population of each racial or language minority and the total minority voting age population,  
 9.31 according to the categories recommended by the United States Department of Justice. The  
 9.32 report must also highlight each district with 30 percent or more total minority population;

10.1 (4) a communities of interest report, if the chief author of a plan asserts that it preserves  
 10.2 a community of interest, maps of the plan must include a layer identifying the census blocks  
 10.3 within the community of interest. Publication of the plan must also include a report that  
 10.4 lays out the research and process used to identify the communities of interest and lists the  
 10.5 district or districts to which the community of interest has been assigned. The report must  
 10.6 include the number of communities of interest that are split and the number of times the  
 10.7 communities were split;

10.8 (5) a political subdivision splits report, listing the split counties, cities, towns, unorganized  
 10.9 territories, and precincts, and the district to which each portion of a split subdivision is  
 10.10 assigned. The report must also show the number of subdivisions split and the number of  
 10.11 times a subdivision is split;

10.12 (6) a plan components report, listing for each district the names and populations of the  
 10.13 counties within it and, where a county is split between or among districts, the names and  
 10.14 populations of the portion of the split county and each of the split county's whole or partial  
 10.15 cities, townships, unorganized territories, and precincts within each district.

10.16 (7) a measures of compactness report, listing for each district at least the results of the  
 10.17 Reock, Polsby-Popper, Minimum Convex Hull, Population Polygon, Population Circle,  
 10.18 Ehrenburg, Length-Width, measures of compactness. The report must also state for all the  
 10.19 districts in a plan the sum of its perimeters and the mean of its other measurements. The  
 10.20 commission may consider other tests of compactness; and

10.21 (8) a partisan bias report, listing multiple measures of partisan symmetry or other  
 10.22 measures of partisan bias as accepted in political science literature and the best available  
 10.23 scientific and statistical methods.

10.24 **Sec. 4. [204B.136] REDISTRICTING OF LOCAL ELECTION DISTRICTS.**

10.25 **Subdivision 1. Redistricting plan standards; Redistricting Commission.** The principles  
 10.26 provided in section 2.035 must be applied to the redistricting of:

10.27 (1) county commissioner districts, county park districts, and soil and water conservation  
 10.28 supervisor districts in counties with a population greater than 100,000; and

10.29 (2) wards in cities with a population greater than 75,000.

10.30 **Subd. 2. Population variance.** The minimum population variance permitted for county  
 10.31 districts and wards may be up to 1.5 percent of the mean population for all districts or wards  
 10.32 in a redistricting plan adopted as provided in this section.

- 11.1 Subd. 3. Procedure. Redistricting plans required by this section shall be prepared and  
11.2 adopted by the charter commission, or where such a commission does not exist, by a  
11.3 redistricting commission of no fewer than seven and no more than 15 members appointed  
11.4 by the chief judge of the district court in which a majority of the population of the affected  
11.5 jurisdiction reside.