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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2594

05/06/2021 Authored by Klevorn and Bahner The bill was read for the first time and referred to the Committee on Redistricting

1.1 A bill for an act
1.2 relating to elections; providing districting principles; requiring redistricting reports;
1.3 requiring certain hearings and disclosures; amending Minnesota Statutes 2020,
1.4 sections 2.031, by adding a subdivision; 2.731; proposing coding for new law in
1.5 Minnesota Statutes, chapter 2.

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

1.7 Section 1. Minnesota Statutes 2020, section 2.031, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 3. Numbering. Legislative districts must be numbered in a regular series, beginning
1.10 with House District 1A in the northwest corner of the state and proceeding across the state
1.11 from west to east, north to south. In a county that includes more than one whole senate
1.12 district, the districts must be numbered consecutively.

1.13 EFFECTIVE DATE. This section is effective the day following final enactment.

1.14 Sec. 2. [2.035] DISTRICTING PRINCIPLES.

1.15 Subdivision 1. Application. The prohibitions and principles in this section apply to
1.16 legislative and congressional districts.

1.17 Subd. 2. Prohibitions. (a) Districts must not be drawn to purposefully favor or disfavor
1.18 a political party, candidate, or incumbent.

1.19 (b) Districts must not be drawn using voter registration; voter turnout; voting history;
1.20 party preference, including participation in the presidential nominating primary; general
1.21 election voting patterns; or primary voting patterns, except for the purposes of drawing

2.1 districts in compliance with this section and of issuing the reports required by section 2.036,  
2.2 subdivision 3.

2.3 (c) Districts must not be drawn using the location of incumbents' or candidates' residences.

2.4 (d) Districts must not be drawn using data subject to reporting or regulation under chapter  
2.5 10A; section 201.091, subdivision 4a; United States Code, title 52, subtitle III; or United  
2.6 States Code, title 26, subtitle H.

2.7 Subd. 3. **Priority of principles.** Districts must be drawn in accordance with the principles  
2.8 in subdivisions 4 to 14. If districts cannot be drawn fully in accordance with the principles  
2.9 in subdivisions 4 to 14, a districting plan must give priority to the principles in the order in  
2.10 which they are listed, except when doing so would violate federal or state law.

2.11 Subd. 4. **Population equality.** (a) Each congressional district must be as nearly equal  
2.12 in population as practicable.

2.13 (b) Each legislative district must be substantially equal in population. The population  
2.14 of a legislative district must not deviate by more than plus or minus five percent from the  
2.15 population of the ideal district.

2.16 Subd. 5. **Minority representation.** (a) Districts must comply with the 14th and 15th  
2.17 Amendments of the United States Constitution and the Voting Rights Act of 1965 as  
2.18 amended.

2.19 (b) Districts must not dilute or diminish the equal opportunity of racial, ethnic, and  
2.20 language minorities to participate in the political process and to elect candidates of their  
2.21 choice, whether alone or in coalition with others.

2.22 (c) Districts must provide all voters, including racial minorities and language minorities  
2.23 who constitute less than a voting-age majority of a district, with equal opportunity to elect  
2.24 candidates of their choice.

2.25 Subd. 6. **Convenience and contiguity.** Each district must be convenient and contiguous.  
2.26 A district is convenient if it allows reasonable ease of travel within the district. Contiguity  
2.27 by water is sufficient if the water is not a serious obstacle to travel within the district. A  
2.28 district with areas that touch only at a point is not contiguous.

2.29 Subd. 7. **Nesting.** A state legislative representative district must not be divided in the  
2.30 formation of a state legislative senate district.

2.31 Subd. 8. **Communities of interest.** Districts must minimize the division of identifiable  
2.32 communities of interest. A community of interest may include any group with shared

3.1 experiences and concerns, including but not limited to geographic, governmental, regional,  
3.2 social, cultural, historic, socioeconomic, occupational, trade, or transportation interests.  
3.3 Communities of interest must not include relationships with political parties, incumbents,  
3.4 or candidates.

3.5 Subd. 9. **Political subdivisions and American Indian reservations.** Districts must  
3.6 minimize the division of counties, cities, towns, and federally recognized American Indian  
3.7 reservations, except when (1) the division occurs because a portion of a city or town is not  
3.8 contiguous with another portion of the same city or town, or (2) despite the division, the  
3.9 known population of any affected county, city, town, or federally recognized American  
3.10 Indian reservation remains wholly located within a single district.

3.11 Subd. 10. **Compactness.** Districts must be reasonably compact. More than one measure  
3.12 must be used to evaluate compactness of districts.

3.13 Subd. 11. **Partisan effect.** Districts must not be drawn with the effect of unduly favoring  
3.14 or disfavoring any political party. Districts must be drawn using judicial standards and the  
3.15 best available scientific and statistical methods to assess whether a plan complies with this  
3.16 subdivision. More than one measure of partisan effect must be used. A districting plan  
3.17 violates this principle if it produces likely partisan effects that represent a significant outlier  
3.18 compared to computer-simulated districts using nonpartisan criteria.

3.19 Subd. 12. **Natural geographic boundaries.** Districts must be drawn to respect natural  
3.20 geographic boundaries, including bodies of water, mountain ranges, and other significant  
3.21 geological and topographic features.

3.22 Subd. 13. **Additional principles.** (a) A legislative committee with jurisdiction over  
3.23 redistricting may use additional principles if the principles are adopted by a two-thirds  
3.24 majority vote of the committee members, but the additional principles must not be prioritized  
3.25 above the principles in this section.

3.26 (b) Nothing in this subdivision prohibits the use of additional data.

3.27 (c) If additional data is used, the GIS Office must make the data available to the public  
3.28 on the GIS Office website.

3.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.30 Sec. 3. **[2.036] REDISTRICTING; LEGISLATIVE PROCESS.**

3.31 Subdivision 1. **Publication; consideration of plans.** A plan must not be submitted to  
3.32 the legislature until the plan's block equivalency file has been submitted to the GIS Office

4.1 in a form prescribed by the GIS Office. The block equivalency file must show the district  
4.2 to which each census block has been assigned. The GIS Office must publish each plan  
4.3 submitted to it on the GIS Office website.

4.4 Subd. 2. **Data used.** (a) The geographic areas and population counts used in maps, tables,  
4.5 and legal descriptions of legislative and congressional districts considered by the legislature  
4.6 and its committees with jurisdiction over redistricting must be those used by the Geographic  
4.7 Information Services (GIS) Office of the Legislative Coordinating Commission. The  
4.8 population counts must be the block population counts provided to the state under Public  
4.9 Law 94-171 after each decennial census, subject to correction of any errors acknowledged  
4.10 by the United States Census Bureau.

4.11 (b) A legislative committee with jurisdiction over redistricting must use, at a minimum,  
4.12 census data representing the entire population of the state to draw congressional and  
4.13 legislative districts, except when required by law or for the purposes of issuing the reports  
4.14 required by subdivision 3.

4.15 (c) A legislative committee with jurisdiction over redistricting must use population data  
4.16 that reflects incarcerated persons at their last known residence before incarceration.

4.17 Subd. 3. **Reports.** Publication of a plan must include the reports described as follows:

4.18 (1) a population equality report that lists each newly drawn district, its population as the  
4.19 total number of persons, and deviations from the ideal as both the number of persons and  
4.20 as a percentage of the population. The report must also show the populations of the largest  
4.21 and smallest districts and the overall range of deviations of districts;

4.22 (2) a minority voting-age population report that lists for each district the voting age  
4.23 population of each racial, ethnic, or language minority and the total minority voting age  
4.24 population according to the categories recommended by the United States Department of  
4.25 Justice. The report must also specify each district with 30 percent or more total minority  
4.26 population;

4.27 (3) a contiguity report that lists each district that is noncontiguous either because two  
4.28 areas of a district do not touch or because they are linked by a point;

4.29 (4) if a plan preserves a community of interest, a communities of interest report must  
4.30 describe how the committee used public testimony and other public data to identify  
4.31 communities of interest and where it drew district boundaries in response to that testimony.  
4.32 The report must also list each district to which an identified community of interest has been  
4.33 assigned;

5.1 (5) a political subdivision and American Indian reservation splits report that lists each  
 5.2 split of a county, city, township, federally recognized American Indian reservation,  
 5.3 unorganized territory, and precinct, and the district to which each portion of a split division  
 5.4 is assigned. The report must also show the number of subdivisions split and the number of  
 5.5 times a subdivision is split;

5.6 (6) a plan components report that lists for each district the names and populations of the  
 5.7 counties within it and, if a county is split between or among districts, the names and  
 5.8 populations of the portion of the split county and each of the split county's whole or partial  
 5.9 cities, townships, unorganized territories, and precincts within each district;

5.10 (7) a measures of compactness report that lists for each district the results of the multiple  
 5.11 measures of compactness, including but not limited to Reock, Polsby-Popper, Minimum  
 5.12 Convex Hull, Population Polygon, Population Circle, Ehrenburg, Perimeter, and  
 5.13 Length-Width measures. The report must also state for each district the sum of the district's  
 5.14 perimeter and the mean of the measurements. The report may list additional tests of  
 5.15 compactness that are accepted in political science and statistics literature; and

5.16 (8) a partisanship report that lists multiple measures of partisan symmetry. The report  
 5.17 may list additional tests of partisan bias that are accepted in political science and statistics  
 5.18 literature.

5.19 Subd. 4. **Public hearings.** A legislative committee with jurisdiction over redistricting  
 5.20 must, at a minimum, hold one public hearing in each congressional district before adopting  
 5.21 preliminary drafts of legislative and congressional district plans. The primary purpose of a  
 5.22 public hearing in each congressional district is to provide an opportunity for public testimony  
 5.23 from residents of that district.

5.24 Subd. 5. **Disclosure.** (a) A legislative committee with jurisdiction over redistricting must  
 5.25 comply with chapter 13 and section 138.17.

5.26 (b) Meetings of a legislative committee with jurisdiction over redistricting are subject  
 5.27 to chapter 13D.

5.28 (c) A legislative committee with jurisdiction over redistricting must:

5.29 (1) publish a draft agenda at least 72 hours before each hearing;

5.30 (2) provide public notice at least seven days in advance of any public hearing. The notice  
 5.31 must be posted on the committee's website and published in local news sources and on  
 5.32 social media. Notice must be provided in all languages required for voting materials under

6.1 the federal Voting Rights Act of 1965 and United State Codes, title 52, section 10503, in  
6.2 the congressional district in which the public hearing is scheduled;

6.3 (3) prepare and publish a report, before any public hearing and no later than May 15,  
6.4 2021, and by March 1 in a year ending in "1" thereafter, that describes the committee's  
6.5 general priorities and intentions for using redistricting criteria in its decision-making process,  
6.6 including a discussion on how the committee plans to balance competing requirements;

6.7 (4) adopt a schedule for interested persons to submit proposed plans and to respond to  
6.8 plans proposed by others. A legislative committee with jurisdiction over redistricting must  
6.9 also adopt standards to govern the format of plans submitted. A legislative committee with  
6.10 jurisdiction over redistricting must post submitted plans to its website as soon as practicable;

6.11 (5) seek public input to identify communities of interest and conduct outreach and hold  
6.12 additional public hearings if the committee determines that the public input received does  
6.13 not represent the full diversity of demographic backgrounds of each district and its  
6.14 surrounding areas;

6.15 (6) prepare and publish the following:

6.16 (i) all plans discussed by the full committee;

6.17 (ii) a summary of all public input received in each comment period;

6.18 (iii) a summary of the data the committee used to create those plans;

6.19 (iv) an analysis of the maps using redistricting metrics;

6.20 (v) a written explanation if an alternative plan furthers constitutional and statutory  
6.21 redistricting criteria more than the final plan selected by the redistricting committee; and

6.22 (vi) any other information that provides the basis on which the redistricting committee  
6.23 made decisions to achieve compliance with constitutional and statutory requirements;

6.24 (7) make reasonable efforts to schedule meetings in the evenings, on weekends, and at  
6.25 other times when the most residents of that congressional district are able to attend;

6.26 (8) whenever possible, use technology that allows for real-time virtual participation and  
6.27 feedback for all meetings. All audio-visual recordings of committee meetings must be  
6.28 maintained on the legislative website for 11 years;

6.29 (9) make reasonable efforts to make available translation services for  
6.30 limited-English-speaking individuals and those needing accommodations in compliance  
6.31 with the Americans with Disabilities Act. A redistricting committee may contract with an  
6.32 entity that provides interpreter services through telephone and video remote technologies;

7.1 (10) publish on its website preliminary drafts of the legislative and congressional district  
7.2 plans after completing the hearings in each congressional district. The committee must also  
7.3 publish on its website each preliminary draft's accompanying reports;

7.4 (11) allow the public at least 30 days to submit comments to the committee after  
7.5 publication of required plans and reports. After expiration of the 30 days, the committee  
7.6 must hold another hearing in each congressional district; and

7.7 (12) provide notice of the availability of both plans and reports for each congressional  
7.8 district in all languages required for voting materials under the federal Voting Rights Act  
7.9 of 1964, United States Code, title 52, section 10503, and as required for compliance with  
7.10 the Americans with Disabilities Act.

7.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.12 Sec. 4. Minnesota Statutes 2020, section 2.731, is amended to read:

7.13 **2.731 NUMBER OF DISTRICTS.**

7.14 The state of Minnesota is divided into eight congressional districts, each of which is  
7.15 entitled to elect one representative to the Congress of the United States of America.  
7.16 Congressional district numbers must begin with district one in the southeast corner of the  
7.17 state and end with the district with the highest number in the northeast corner of the state.

7.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.