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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1018**

02/11/2019 Authored by Schultz, Dehn, Bahner, Persell, Nelson 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; providing for 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; proposing coding for new law in Minnesota Statutes,
1.6 chapter 2.

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

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

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

1.15 Subd. 2. **Appointment.** By January 15 of each year ending in one, the majority leader
1.16 of the senate, the minority leader of the senate, the speaker of the house, and the minority
1.17 leader of the house of representatives shall each appoint one judge, after consulting with
1.18 each other in an effort to attain geographic balance in their appointments. If an appointing
1.19 authority fails to make an appointment by the deadline, the vacancy must be filled by
1.20 appointment by the chief justice of the supreme court no later than January 22 of that year.
1.21 The director of the Legislative Coordinating Commission shall convene a meeting of the
1.22 four judges no later than January 29 of that year, at which meeting the four appointed judges
1.23 shall, by a vote of at least three judges, choose the fifth judge. The five judges shall select
1.24 one of their number to serve as chair of the commission.

2.1 Subd. 3. **Code of conduct.** In performing their duties, the five retired judges shall abide
2.2 by the Code of Judicial Conduct and are considered judicial officers within the meaning of
2.3 section 609.415.

2.4 Subd. 4. **Removal; filling vacancies.** (a) The commission may remove a commissioner,
2.5 after notice and a hearing, for reasons that would justify recall of a state official under
2.6 section 211C.02.

2.7 (b) Except for vacancies filled by the chief justice as directed by subdivision 2, vacancies
2.8 on the commission must be filled by the appointing authority that made the initial
2.9 appointment. A vacancy must be filled within 30 days after the vacancy occurs.

2.10 Subd. 5. **Lobbyist registration.** Action of the commission to submit a redistricting plan
2.11 to the legislature is an "administrative action" for purposes of section 10A.01, subdivision
2.12 21, requiring certain persons to register as a lobbyist.

2.13 Subd. 6. **Compensation and expenses.** Commissioners must be compensated for their
2.14 commission activity as provided in section 15.0575, subdivision 3.

2.15 Subd. 7. **Plans submitted to commission.** The commission shall adopt a schedule for
2.16 interested persons to submit proposed plans to the commission and to respond to plans
2.17 proposed by others. The commission shall adopt standards to govern the format of plans
2.18 submitted to it. The schedule and standards adopted by the commission under this subdivision
2.19 are not rules for purposes of chapter 14, and section 14.386 does not apply.

2.20 Subd. 8. **Public hearings; preliminary drafts.** The commission shall hold at least one
2.21 public hearing in each congressional district before adopting the first redistricting plans.
2.22 The commission must publish on its website a preliminary draft of the plan at least one
2.23 week before the hearing.

2.24 Subd. 9. **Deadlines.** (a) The commission shall submit to the legislature, by April 30 of
2.25 the year ending in one, plans for legislative and congressional districts. Each plan must be
2.26 accompanied by a report summarizing information and testimony received by the commission
2.27 in the course of the hearings and including any comments and conclusions the commissioners
2.28 deem appropriate on the information and testimony received at the hearings or otherwise
2.29 presented to the commission.

2.30 (b) The legislature intends that a bill be introduced to enact each plan and that the bill
2.31 be brought to a vote in either the senate or the house of representatives, under a procedure
2.32 or rule permitting no amendments except those of a purely corrective nature, not less than
2.33 three days after the report of the commission is received and made available to the members

3.1 of the legislature. The legislature further intends that the bill be brought to a vote in the
 3.2 second house within one week after final passage in the first house under a similar procedure
 3.3 or rule. If either the senate or the house of representatives fails to approve a first plan
 3.4 submitted by the commission, within one week after the failure, the secretary of the senate
 3.5 or the chief clerk of the house must notify the commission of the failure, including any
 3.6 information that the senate or house may direct by resolution regarding reasons why the
 3.7 plan was not approved. If the governor vetoes a plan, the veto message serves as the notice.

3.8 (c) The commission shall submit a second plan within two weeks after it receives the
 3.9 notice, unless by then the legislature has adjourned the regular session in the year ending
 3.10 in one, in which case the second plan must be submitted to the legislature at the opening of
 3.11 its regular session in the year ending in two. The legislature intends that a second plan be
 3.12 considered by the legislature under the same procedure as provided for a first plan under
 3.13 paragraph (b).

3.14 (d) If the commission fails to submit a plan by either of these two deadlines, the legislature
 3.15 may proceed to enact a plan without waiting for the commission to submit a plan.

3.16 (e) If the secretary of the senate or the chief clerk of the house notifies the commission
 3.17 that a second plan has failed, or the governor vetoes a second plan, the commission shall
 3.18 submit a third plan within two weeks after it receives the notice, unless by then the legislature
 3.19 has adjourned regular session in the year ending in one, in which case the third plan must
 3.20 be submitted to the legislature at the opening of its regular session in the year ending in
 3.21 two. The third plan is subject to the same procedure as provided for first and second plans
 3.22 under paragraph (b), except that amendments are not limited.

3.23 Subd. 10. **Expiration.** (a) The commission expires when both legislative and
 3.24 congressional redistricting plans have been enacted into law or adopted by court order and
 3.25 any legal challenges to the plans have been resolved.

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

3.30 Sec. 2. **[2.035] DISTRICTING PRINCIPLES.**

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

4.1 Subd. 2. **Population equality.** (a) Congressional districts must be as nearly equal in
4.2 population as practicable.

4.3 (b) Legislative districts must be substantially equal in population. The population of a
4.4 legislative district must not deviate from the ideal by more than one percent, plus or minus.

4.5 Subd. 3. **Minority representation.** (a) Districts must not be drawn with either the purpose
4.6 or effect of denying or abridging the right of any citizen of the United States to vote on
4.7 account of race or membership in a language minority group.

4.8 (b) The districts must ensure that members of the minority have a realistic opportunity
4.9 to elect candidates of their choice, where a concentration of a racial or language minority
4.10 population makes that possible and it can be done in compliance with the other principles
4.11 in this section.

4.12 Subd. 4. **Contiguity; compactness.** The districts must be composed of convenient
4.13 contiguous territory structured into compact units. Contiguity by water is sufficient if the
4.14 water does not pose a serious obstacle to travel within the district. Districts with areas that
4.15 touch only at a point are not contiguous.

4.16 Subd. 5. **Political subdivisions.** A county, city, town, or precinct must not be divided
4.17 into more than one district except as necessary to meet equal population requirements or to
4.18 form districts that are composed of convenient, contiguous, and compact territory. When a
4.19 county, city, town, or precinct must be divided into more than one district, it must be divided
4.20 into as few districts as possible.

4.21 Subd. 6. **Communities of interest.** (a) Districts should attempt to preserve identifiable
4.22 communities of interest where that can be done in compliance with the preceding principles.

4.23 (b) For purposes of this principle, "communities of interest" include, but are not limited
4.24 to, geographic areas where there are clearly recognizable similarities of social, political,
4.25 cultural, ethnic, economic, or other interests.

4.26 Subd. 7. **Cores of prior districts.** Districts should attempt to preserve the cores of prior
4.27 districts where that can be done in compliance with the preceding principles.

4.28 Subd. 8. **Political parties.** A district or plan must not be drawn with the intent to favor
4.29 or disfavor a political party.

4.30 Subd. 9. **Incumbents.** The districts must not be drawn for the purpose of protecting or
4.31 defeating an incumbent. The impact of redistricting on incumbent officeholders is a factor
4.32 subordinate to all other redistricting criteria that the commission may consider to determine

5.1 whether a proposed plan results in either undue incumbent protection or excessive incumbent
5.2 conflicts.

5.3 Subd. 10. **Competition.** Districts should be drawn to encourage electoral competition
5.4 where that can be done in compliance with the preceding principles. A district is competitive
5.5 if the plurality of the winning political party in the territory encompassed by the district,
5.6 based on statewide state and federal partisan general election results during the last ten
5.7 years, has historically been no more than eight percent.

5.8 Subd. 11. **Proportionality.** The statewide proportion of districts whose voters, based
5.9 on statewide state and federal partisan general election results during the last ten years,
5.10 favor each political party should reasonably correspond to the statewide preferences of the
5.11 voters of this state where that can be done in compliance with the preceding principles.

5.12 Subd. 12. **Numbering.** (a) Congressional district numbers must begin with district one
5.13 in the southeast corner of the state and end with the district with the highest number on the
5.14 northeast corner of the state.

5.15 (b) Legislative districts must be numbered in a regular series, beginning with House
5.16 District 1A in the northwest corner of the state and proceeding across the state from west
5.17 to east, north to south. In a county that includes more than one whole senate district, the
5.18 districts must be numbered consecutively.

5.19 Subd. 13. **Priority of principles.** Where it is not possible to fully comply with the
5.20 principles contained in subdivisions 2 to 12, a redistricting plan must give priority to those
5.21 principles in the order in which they are listed in this section, except to the extent that doing
5.22 so would violate federal or state law.

5.23 Sec. 3. **[2.037] LEGISLATIVE COORDINATING COMMISSION;**
5.24 **REDISTRICTING.**

5.25 Subdivision 1. **Administrative support.** The Legislative Coordinating Commission
5.26 shall provide administrative support to the Redistricting Advisory Commission.

5.27 Subd. 2. **Database.** (a) The geographic areas and population counts used in maps, tables,
5.28 and legal descriptions of legislative and congressional districts considered by the legislature
5.29 must be those used by the Geographic Information Services (GIS) Office of the Legislative
5.30 Coordinating Commission. The population counts shall be the block population counts
5.31 provided to the state under Public Law 94-171 after each decennial census, subject to
5.32 correction of any errors acknowledged by the United States Census Bureau.

6.1 (b) Nothing in this subdivision prohibits the use of additional data, as determined by the
6.2 legislature.

6.3 (c) The database that stores the information described in paragraph (a) must be made
6.4 available on the GIS Office website.

6.5 Subd. 3. **Partisan index.** The GIS Office shall develop an index of election results for
6.6 statewide state and federal partisan general elections during the last ten years for the
6.7 Redistricting Advisory Commission, legislators, and the public to measure the partisanship
6.8 of a plan. The GIS Office shall consult with the legislative caucus leaders to determine the
6.9 election results to use in calculating the index.

6.10 Subd. 4. **Publication; consideration of plans.** A redistricting plan must not be considered
6.11 for adoption by the senate or house of representatives until the redistricting plan's block
6.12 equivalency file has been submitted to the GIS Office in a form prescribed by the GIS
6.13 Office. The block equivalency file must show the district to which each census block has
6.14 been assigned. The GIS Office shall publish each plan submitted to it on the GIS Office
6.15 website.

6.16 Subd. 5. **Reports.** Publication of a plan must include the following reports described as
6.17 follows:

6.18 (1) A population equality report, listing each district in the plan, its population as the
6.19 total number of persons, and deviations from the ideal as both a number of persons and as
6.20 a percentage of the population. The report must also show the populations of the largest
6.21 and smallest districts and the overall range of deviations of the districts.

6.22 (2) A minority voting age population report, listing for each district the voting age
6.23 population of each racial or language minority and the total minority voting age population,
6.24 according to the categories recommended by the U.S. Department of Justice. The report
6.25 must also highlight each district with 30 percent or more total minority voting age population.

6.26 (3) A contiguity report, listing for each district the number of distinct polygons within
6.27 it. The report must also show the number of districts with more than one polygon.

6.28 (4) A measures of compactness report, listing for each district the results of at least the
6.29 Reock, Polsby-Popper, Minimum Convex Hull, Population Polygon, Population Circle,
6.30 Ehrenburg, Perimeter, Length-Width, and Schwartzberg measures of compactness. The
6.31 report must also state for all the districts in a plan the sum of its perimeters and the mean
6.32 of its other measurements.

7.1 (5) A political subdivision splits report, listing any split counties, cities, towns,
7.2 unorganized territories, and precincts, and the district to which each portion of a split
7.3 subdivision is assigned. The report must also show the number of subdivisions split and the
7.4 number of times a subdivision is split.

7.5 (6) A communities of interest report, listing any district or districts to which a community
7.6 of interest has been assigned. If the chief author of a plan asserts that it preserves a
7.7 community of interest, maps of the plan must include a layer identifying the census blocks
7.8 within the community of interest. The report must also show the number of communities
7.9 of interest that are split and the number of times a community of interest is split.

7.10 (7) A cores of prior districts report, listing for each district the total population, voting
7.11 age population, and percentage of the population taken from the territory of a prior district,
7.12 and the number of persons that were moved into the district and thus not part of its core.
7.13 The report must also show the number of districts changed from a prior district, the number
7.14 of persons moved from one district to another, and the average percentage core of a prior
7.15 district's voting age population for all districts in the plan.

7.16 (8) An incumbents by district report, listing for each district any incumbents residing in
7.17 it, their political party, and the number of the prior district in which they resided. The report
7.18 must also show the number of incumbents paired, whether they have been paired with an
7.19 incumbent of their own party or of another party, and the number of open seats.

7.20 (9) A partisanship report, listing for each district the number of partisan index votes, the
7.21 percentage of votes for the party whose candidates received the highest cumulative number
7.22 of votes at all the elections included in the index ("the first party"), the percentage of votes
7.23 for the party whose candidates received the second-highest cumulative number of votes
7.24 ("the second party"), the percentage of the cumulative number of votes received by all other
7.25 parties and write-in candidates at all the elections included in the index ("third parties"),
7.26 and the percentage plurality by which the cumulative number of votes for candidates of the
7.27 first party has historically exceeded the cumulative number of votes for candidates of the
7.28 second party in the territory encompassed by the district. The report must also show for
7.29 each of the first two parties and for the group of third parties the number of districts in which
7.30 it has a plurality of the cumulative historical vote, its percentage of the statewide vote, the
7.31 percentage of seats it has won, and the number of its districts that are competitive. The
7.32 report may also show other measures of partisan fairness accepted in the political science
7.33 literature.

- 8.1 (10) A plan components report, listing for each district the names and populations of
8.2 the counties within it and, where a county is split between or among districts, the names
8.3 and populations of the portion of the split county and each of the split county's whole or
8.4 partial cities, townships, unorganized territories, and precincts within each district.