

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2255

(SENATE AUTHORS: KIFFMEYER and Howe)

DATE	D-PG	OFFICIAL STATUS
03/11/2019	764	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
03/14/2019	915a	Comm report: To pass as amended and re-refer to Rules and Administration

1.1 A bill for an act

1.2 proposing an amendment to the Minnesota Constitution, article IV, section 3;

1.3 establishing a redistricting commission; establishing redistricting principles;

1.4 proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota

1.5 Statutes 2018, section 204B.14, subdivision 1a.

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

1.7 style="text-align:center">**ARTICLE 1**

1.8 style="text-align:center">**CONSTITUTIONAL AMENDMENT; REDISTRICTING COMMISSION**

1.9 Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

1.10 An amendment to the Minnesota Constitution is proposed to the people. If the amendment

1.11 is adopted, article IV, section 3, will read:

1.12 Sec. 3. ~~At its first session after each enumeration of the inhabitants of this state made~~

1.13 ~~by the authority of the United States, the legislature shall have the power to prescribe the~~

1.14 ~~bounds of congressional and legislative districts. Senators shall be chosen by single districts~~

1.15 ~~of convenient, contiguous, and compact territory. No representative district shall be divided~~

1.16 ~~in the formation of a senate district. The senate districts shall be numbered in a regular~~

1.17 ~~series. Districts shall be as nearly equal in population as practicable. Political subdivisions~~

1.18 ~~shall not be divided more than necessary to meet constitutional requirements. A district~~

1.19 ~~must not be drawn purposely to favor or disfavor any political party or political group. The~~

1.20 ~~legislature may enact additional principles by law, but legislatively enacted principles must~~

1.21 ~~not be prioritized above the principles in this section.~~

1.22 A redistricting commission shall adopt boundaries of congressional and legislative

1.23 districts in accordance with this section. The commission consists of four members. The

2.1 majority leader of the senate, the minority leader of the senate, the speaker of the house of
 2.2 representatives, and the minority leader of the house of representatives shall each appoint
 2.3 one member. A member must be an eligible voter in this state. A current or former judge
 2.4 is not eligible to be a commission member. The legislature may provide for additional
 2.5 eligibility requirements and prohibitions by law.

2.6 Prior to adopting a legislative or congressional districting plan, the commission shall
 2.7 hold at least two public hearings in each congressional district.

2.8 By December 31 of a year ending in one, the commission shall adopt a legislative
 2.9 districting plan and a congressional districting plan. For a plan to be adopted by the
 2.10 commission, the plan must be approved by three-fourths of the members of the commission.
 2.11 After the commission adopts a final plan, the commission shall file the plan with the secretary
 2.12 of state within seven days of the adoption. Upon filing with the secretary of state, the plan
 2.13 is effective for the next state general election, and remains in effect until new plans are
 2.14 adopted by a commission constituted following the next federal decennial census. The
 2.15 commission established after each federal decennial census expires when both legislative
 2.16 and congressional redistricting plans have been adopted and filed with the secretary of state,
 2.17 or January 1 of a year ending in two, whichever is earlier.

2.18 The legislature shall provide by law a process to reconvene the commission. Reconvening
 2.19 the commission requires a two-thirds vote of the members of each house.

2.20 A districting plan is not subject to section 23 or 24 of this article.

2.21 **Sec. 2. SUBMISSION TO VOTERS.**

2.22 (a) The proposed amendment must be submitted to the people at the 2020 general election.
 2.23 The question submitted must be:

2.24 "Shall the Minnesota Constitution be amended to establish a redistricting commission
 2.25 to conduct legislative and congressional redistricting after each federal decennial census?

2.26 Yes

2.27 No "

2.28 (b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the
 2.29 question submitted to the people under paragraph (a) shall be: "Redistricting Commission."

ARTICLE 2

REDISTRICTING COMMISSION; REDISTRICTING PRINCIPLES

Section 1. [2.92] REDISTRICTING COMMISSION.

Subdivision 1. **Application.** This section applies to the Redistricting Commission established in article IV, section 3, of the Minnesota Constitution.

Subd. 2. **Appointments; meeting; chair.** (a) The majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives must each appoint one member by January 15 of a year ending in one. A vacancy on the commission must be filled promptly by the appointing authority that made the initial appointment. By February 1 of a year ending in one, the chief justice of the Minnesota Supreme Court must convene the first meeting of the commission. The members of the commission must select the chair from among the members at the first meeting.

(b) The commission is subject to chapters 13 and 13D.

(c) Public members of the commission must be compensated as provided in section 15.0575.

Subd. 3. **Members.** (a) A member must be an eligible voter in this state. A current or former judge is not eligible to be a commission member. While serving on the commission, members must not campaign for elective office, actively participate or contribute to a political campaign, or hold office in the legislature or congress.

(b) Before serving on the commission, every person shall take and subscribe an oath to faithfully perform the duties of that office. The oath must be filed with the Secretary of State.

Subd. 4. **Public hearings; proposed plans.** (a) The commission must adopt a schedule for interested persons to submit proposed plans to the commission and to respond to plans proposed by others. The commission must adopt procedures to govern the creation and format of plans submitted to it. The schedule and procedures must be posted on the Legislative Coordinating Commission's website. The commission must hold at least one public hearing in each congressional district before proposing any redistricting plan to gather public input.

(b) After completing the public hearings required by paragraph (a), the commission may propose districting plans for legislative and congressional districts. The commission must, by three-fourths vote, select one plan for legislative districts and one plan for congressional districts to present to the public for input. The selected plans must be posted on the

4.1 Legislative Coordinating Commission's website. After the plans have been posted, the
4.2 commission must hold at least one public hearing in each congressional district to solicit
4.3 feedback on the proposed plans.

4.4 Subd. 5. **Adoption of plan.** After completing the public hearings required by subdivision
4.5 4, but before December 31 of a year ending in one, the commission must adopt a legislative
4.6 districting plan and a congressional districting plan as provided in article IV, section 3, of
4.7 the Minnesota Constitution.

4.8 Subd. 6. **Reports.** For each plan considered or adopted by the commission, the
4.9 commission must prepare a detailed map of each district and a report explaining how the
4.10 commission complied with the redistricting provisions established in section 2.93.

4.11 Subd. 7. **Administrative support.** The Legislative Coordinating Commission must
4.12 provide the commission with administrative support and staff, meeting and working space,
4.13 equipment, hardware, software, and other assistance as requested by the commission.

4.14 Subd. 8. **Reconvening the redistricting commission.** The redistricting commission
4.15 may be reconvened after it has expired and before the next year ending in one as provided
4.16 in this section. Upon an affirmative vote of two-thirds of the members of each house, the
4.17 redistricting commission is reconvened. Appointments to the commission must be made in
4.18 the manner provided in this section. The commission may modify an existing congressional
4.19 or legislative plan or amend a new congressional or legislative plan. Any modification or
4.20 new plan adopted pursuant to this subdivision must be done in the manner provided in this
4.21 section.

4.22 **EFFECTIVE DATE.** This section is effective December 1, 2020, if the constitutional
4.23 amendment in article 1 is adopted and applies to redistricting conducted on or after that
4.24 date.

4.25 **Sec. 2. [2.93] REDISTRICTING PRINCIPLES.**

4.26 Subdivision 1. **Applicability; constitutional duty of legislature.** The principles in this
4.27 section apply to legislative and congressional districts.

4.28 Subd. 2. **Convenience; contiguity; compactness.** The districts must be composed of
4.29 convenient, contiguous, and compact territory. Contiguity by water is sufficient if the water
4.30 is not a serious obstacle to travel within the district. Point contiguity is not sufficient.

4.31 Subd. 3. **Nesting.** A representative district may not be divided in the formation of a
4.32 senate district.

5.1 Subd. 4. **Numbering.** (a) Legislative districts must be numbered in a regular series,
5.2 beginning with house district 1A in the northwest corner of the state and proceeding across
5.3 the state from west to east, north to south, but bypassing the 11-county metropolitan area
5.4 until the southeast corner has been reached; then to the 11-county metropolitan area outside
5.5 the cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.

5.6 (b) Congressional district numbers must begin with district one in the southeast corner
5.7 of the state and end with district eight in the northeast corner of the state.

5.8 Subd. 5. **Equal population.** (a) Legislative districts must be as nearly equal in population
5.9 as practicable. The population of a legislative district must not deviate from the ideal by
5.10 more than one percent, plus or minus.

5.11 (b) Congressional districts must be as nearly equal in population as practicable.

5.12 Subd. 6. **Minor civil divisions.** (a) A county, city, or town must not be unduly divided
5.13 unless required to meet equal population requirements or to form districts composed of
5.14 convenient, contiguous territory.

5.15 (b) A county, city, or town is not unduly divided in the formation of a legislative or
5.16 congressional district if:

5.17 (1) the division occurs because a portion of a city or town is noncontiguous with another
5.18 portion of the same city or town; or

5.19 (2) despite the division, the known population of any affected county, city, or town
5.20 remains wholly located within a single district.

5.21 Subd. 7. **Political parties.** A district must not be drawn purposely to favor or disfavor
5.22 any political party or political group.

5.23 Subd. 8. **Minority representation.** (a) The dilution of racial or ethnic minority voting
5.24 strength is contrary to the laws of the United States and Minnesota. These principles must
5.25 not be construed to supersede any provision of the Voting Rights Act of 1965, as amended.

5.26 (b) A redistricting plan must not have the intent or effect of dispersing or concentrating
5.27 minority population in a manner that prevents minority communities from electing their
5.28 candidates of choice.

5.29 Subd. 9. **Preserving communities of interest.** (a) Districts should attempt to preserve
5.30 identifiable communities of interest where that can be done in compliance with the principles
5.31 under this section.

6.1 (b) For purposes of this subdivision, "communities of interest" means recognizable areas
6.2 with similarities of interests including but not limited to racial, ethnic, geographic, social,
6.3 or cultural interests.

6.4 Subd. 10. **Data to be used.** The geographic areas and population counts used in maps,
6.5 tables, and legal descriptions of the districts must be those used by the Geographic
6.6 Information Systems (GIS) Office of the Legislative Coordinating Commission. The
6.7 population counts shall be the block population counts provided to the state under Public
6.8 Law 94-171 after each decennial census, subject to correction of any errors acknowledged
6.9 by the United States Census Bureau.

6.10 Subd. 11. **Consideration of plans.** A redistricting plan must not be considered for
6.11 adoption by the Redistricting Commission until the redistricting plan's block equivalency
6.12 file has been submitted to the GIS Office in a form prescribed by the GIS Office. The block
6.13 equivalency file must show the district to which each census block has been assigned.

6.14 Subd. 12. **Priority of principles.** Where it is not possible to fully comply with the
6.15 principles contained in subdivisions 2 to 9, a redistricting plan must comply with the
6.16 principles contained in subdivisions 2 to 7 and then give priority to those principles in
6.17 subdivisions 7 and 8 in the order in which they are listed in this section, except to the extent
6.18 that doing so would violate federal or state law.

6.19 **EFFECTIVE DATE.** This section is effective the day following final enactment and
6.20 applies to any plan for districts enacted or established for use on or after that date.

6.21 Sec. 3. **REPEALER.**

6.22 Minnesota Statutes 2018, section 204B.14, subdivision 1a, is repealed.

6.23 **EFFECTIVE DATE.** This section is effective December 1, 2020, if the constitutional
6.24 amendment in article 1 is adopted.

APPENDIX
Repealed Minnesota Statutes: S2255-1

204B.14 ELECTION PRECINCTS.

Subd. 1a. **Legislative policy.** It is the intention of the legislature to complete congressional and legislative redistricting activities in time to permit counties and municipalities to begin the process of reestablishing precinct boundaries as soon as possible after the adoption of the congressional and legislative redistricting plans but in no case later than 25 weeks before the state primary election in the year ending in two.