A bill for an act

relating to elections; establishing districting principles for legislative and congressional plans; providing for appointment of a commission to recommend the boundaries of legislative and congressional districts; appropriating money; amending Minnesota Statutes 2010, section 2.021; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 2010, section 2.031.

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

Section 1. Minnesota Statutes 2010, section 2.021, is amended to read:

**2.021 ~~NUMBER OF MEMBERS~~ DISTRICTING PRINCIPLES.**

Subdivision 1. **Number of districts.** ~~For each legislature, until a new apportionment shall have been made,~~ (a) The senate is composed of 67 members and the house of representatives is composed of 134 members. The membership is apportioned throughout the state in 67 senate districts and 134 house districts. Each senate district is entitled to elect one senator and each house district is entitled to elect one representative.

(b) A plan for congressional districts must have the number of districts apportioned to this state by the United States, each entitled to elect a single member.

Subd. 2. **Nesting.** A representative district may not be divided in the formation of a senate district.

Subd. 3. **Equal population.** (a) Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than two percent, plus or minus.

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

Subd. 4. **Contiguity; compactness.** The districts must be composed of convenient contiguous territory structured into compact units. Contiguity by water is sufficient.

Territory that touches only at a point is not contiguous, unless the territory is within the same city or town.

Subd. 5. **Numbering.** (a) The legislative districts must be numbered in a regular series, beginning with house district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the seven-county metropolitan area until the southeast corner has been reached; then to the seven-county metropolitan area outside the counties of Hennepin and Ramsey; then in Hennepin and finally in Ramsey.

(b) The congressional district numbers must begin with district one in the southeast corner of the state and end with the district with the highest number in the northeast corner of the state.

Subd. 6. **Minority representation.** The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible and it can be done in compliance with the other principles in this section, the districts must increase the probability that members of the minority will be elected.

Subd. 7. **Preserving political subdivisions.** A county, city, or town must not be divided into more than one district except as necessary to meet equal population requirements or to form districts that are composed of convenient, contiguous, and compact territory. When a county, city, or town must be divided into more than one district, it should be divided into as few districts as possible.

Subd. 8. **Communities of interest.** The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding principles. For purposes of this principle, "communities of interest" include, but are not limited to, geographic areas where there are clearly recognizable similarities of social, political, cultural, ethnic, or economic interests, or that are linked by common transportation or communication.

Subd. 9. **Political competitiveness.** The districts must be created to encourage political competitiveness, as defined by the commission established under section 2.025.

Subd. 10. **Incumbents.** The districts must not be drawn for the purpose of protecting or defeating an incumbent.

Subd. 11. **Priority.** Where it is not possible to fully comply with the principles provided in subdivisions 1 to 10, a redistricting plan must give priority to those principles in the order in which the subdivisions are listed in this section, except to the extent that doing so would violate federal or state law.

Sec. 2. **[2.025] REDISTRICTING COMMISSION.**

Subdivision 1. **Appointment.** By March 1 of each year ending in one, the leaders of the legislature shall appoint a redistricting commission as provided in this subdivision to draw the boundaries of legislative and congressional districts in accordance with the principles established in section 2.021. The commission consists of five retired judges of the appellate or district courts of this state who have not served in a party designated or party endorsed position, such as legislator. The majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house shall each appoint one judge, after consulting with each other in an effort to attain geographic balance in their appointments. If an appointing authority fails to make an appointment by the deadline, the vacancy must be filled by appointment by the chief justice of the Supreme Court no later than March 8 of that year. The director of the Legislative Coordinating Commission shall convene a meeting of the four judges no later than March 15 of that year, at which meeting the four judges thus appointed shall, by a vote of at least three judges, choose the fifth judge. The five judges shall select one of their number to serve as chair of the commission.

Subd. 2. **Code of conduct.** In performing their duties, the members of the commission shall abide by the Code of Judicial Conduct and are considered judicial officers within the meaning of section 609.415.

Subd. 3. **Compensation and expenses.** Members of the commission must be compensated for their commission activity as provided in section 15.0575, subdivision 3.

Subd. 4. **Administrative support.** The Legislative Coordinating Commission shall provide administrative support to the commission.

Subd. 5. **Plans submitted to commission.** The commission shall adopt a schedule for interested persons to submit proposed plans to the commission and to respond to plans proposed by others. The commission shall adopt standards to govern the format of plans submitted to it.

Subd. 6. **Public hearings.** The commission shall hold at least three public hearings in different geographical regions of the state before adopting the first redistricting plans.

Subd. 7. **Deadlines.** (a) The commission shall submit to the legislature by April 30 of the year ending in one redistricting plans for legislative and congressional seats. Either of these plans may be enacted or rejected by the legislature, but not modified.

(b) If a first plan submitted by the commission is rejected by the legislature, the commission shall submit a second plan within two weeks after the rejection, unless by then the legislature has rejected the first plan and adjourned the regular session in the year ending in one, in which case the second plan must be submitted to the legislature at the

opening of its regular session in the year ending in two. A second plan may be enacted or rejected by the legislature, but not modified.

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

(d) If a second plan is rejected by the legislature, the commission shall submit a third plan within two weeks after the rejection, unless the second plan was rejected by the legislature at its regular session in the year ending in one and the legislature adjourned the regular session in the year ending in one less than two weeks after it rejected the second plan, in which case the third plan must be submitted to the legislature at the opening of its regular session in the year ending in two. The third plan may be enacted as submitted, rejected, or enacted as modified by the legislature.

Subd. 8. **Expiration.** The commission expires when both legislative and congressional redistricting plans have been enacted into law or adopted by court order, or upon adjournment sine die of the legislature at its first regular session after each federal decennial census, whichever occurs first.

Sec. 3. **APPROPRIATION.**

$141,000 is appropriated from the general fund to the Legislative Coordinating Commission to pay the expenses of the redistricting commission created by this act, to be available until June 30, 2011. The appropriation base is $47,000 for fiscal year 2012 and zero for fiscal year 2013.

Sec. 4. **REPEALER.**

Minnesota Statutes 2010, section 2.031, is repealed.

**2.031 APPORTIONMENT.**

Subdivision 1. **Legislative districts.** The representatives in the senate and house of representatives are apportioned throughout the state in 67 senate districts and 134 house of representatives districts. Each senate district is entitled to elect one senator and each house of representatives district is entitled to elect one representative.

Subd. 2. **Definition.** The terms "county," "town," "township," "city," "ward," "precinct," "census tract," "block," and "unorganized territory" when used in a description of a legislative district in section 2.444 or 2.484, mean a geographical area established as such by law and as it existed for purposes of the 2000 federal census.