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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1855**

02/28/2019 Authored by Schultz
The bill was read for the first time and referred to the Committee on Government Operations
03/20/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

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 to prescribe the boundaries of congressional
1.4 and legislative districts following each federal decennial census; establishing
1.5 districting principles for congressional and legislative plans.

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

1.7 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

1.8 An amendment to the Minnesota Constitution is proposed to the people. If the amendment
1.9 is adopted, article IV, section 3, will read:

1.10 Sec. 3. At its first session (a) After each enumeration of the inhabitants of this state
1.11 made by the authority of the United States, the legislature a commission shall have the
1.12 power to prescribe the bounds of congressional and legislative districts. The commission
1.13 consists of five retired judges of the appellate or district courts of this state who have not
1.14 served in a party-designated or party-endorsed position, such as legislator, and 12 public
1.15 members. By January 15 of each year ending in one, after consulting with each other in an
1.16 effort to attain geographic balance in their appointments, the majority and minority leaders
1.17 of the senate and the speaker and minority leader of the house of representatives shall each
1.18 appoint one retired judge. If any of the four leaders fails to make an appointment by the
1.19 deadline, the supreme court must fill the vacancy by January 22 of that year. The four retired
1.20 judges shall meet by January 29 of that year and, by a vote of at least three retired judges,
1.21 choose the fifth retired judge. A public member must be eligible to vote but must not have
1.22 been deeply engaged in partisan politics during the previous decade. The public members
1.23 must be appointed in a manner provided by law.

2.1 (b) After notice and a hearing, by a vote of at least 12 of its members, including at least
2.2 one retired judge, the commission may remove a commissioner, for reasons that would
2.3 justify recall of a state official other than a judge under article VIII, section 6. Except for
2.4 vacancies filled by the supreme court, vacancies on the commission must be filled within
2.5 30 days after the vacancy occurs by the appointing authority that made the initial
2.6 appointment.

2.7 (c) The commission shall hold at least one public hearing in each congressional district
2.8 before adopting the first redistricting plans. The commission must request advice on how
2.9 to define communities of interest. The commission must publish on its website a preliminary
2.10 draft of each plan and their accompanying reports at least one week before the hearing and
2.11 accept comments on each plan for at least one week after the hearing.

2.12 (d) The commission shall file with the secretary of state plans prescribing the bounds
2.13 of congressional and legislative districts by September 1 of the year ending in one. Adoption
2.14 of a plan requires the affirmative vote of at least 12 members of the commission, including
2.15 at least one retired judge. The distribution of votes required from various categories of
2.16 public members must be provided by law. If the commission fails to adopt a plan by the
2.17 deadline, the supreme court shall adopt a replacement for the missing plan by February 1
2.18 of the year ending in two.

2.19 (e) The legislature may amend a redistricting plan adopted by the commission, but must
2.20 do so by a two-thirds vote of the legislators elected to each house. Any amendment must
2.21 pass both houses by the end of the 30th calendar day of the first session convened after the
2.22 commission adopts a plan. After that day, the plan, with any legislative amendments,
2.23 constitutes the state districting law.

2.24 (f) The commission expires when congressional and legislative redistricting plans are
2.25 enacted into law or adopted by court order and any legal challenges to the plans have been
2.26 resolved. If use of a plan is enjoined after the commission expires, the court enjoining the
2.27 plan may direct that a new commission be appointed under this section to draft a remedial
2.28 plan for presentation to the secretary of state in accordance with deadlines established by
2.29 order of the court.

2.30 (g) Districts must not be drawn with either the purpose or effect of denying or abridging
2.31 the right of any citizen of the United States to vote on account of race or membership in a
2.32 language minority group. The districts must ensure that members of the minority have a
2.33 realistic opportunity to elect candidates of their choice, where a concentration of a racial or

3.1 language minority population makes that possible and can be done in compliance with the
3.2 other principles in this section.

3.3 (h) Senators shall be chosen by single districts of convenient contiguous territory.

3.4 (i) Districts should be compact.

3.5 (j) A county, city, town, or precinct must not be divided into more than one district
3.6 except as necessary to meet equal population requirements or to form districts that are
3.7 composed of convenient, contiguous, and compact territory. When a county, city, town, or
3.8 precinct must be divided into more than one district, it must be divided into as few districts
3.9 as possible.

3.10 (k) Districts should attempt to preserve identifiable communities of interest.

3.11 (l) A district or plan must not be drawn with the intent or effect of unduly favoring or
3.12 disfavoring a political party.

3.13 (m) A district or plan must not be drawn with the intent to protect or defeat an incumbent.

3.14 (n) Districts should be drawn to encourage electoral competition.

3.15 (o) The statewide proportion of districts whose voters have historically favored each
3.16 political party should not be significantly smaller than the statewide proportion of votes the
3.17 candidates of the party have historically received, nor should a majority of districts have a
3.18 majority of voters who have historically favored a minority party. Both proportions must
3.19 be based on statewide state and federal partisan general election results during the last ten
3.20 years.

3.21 (p) No representative district shall be divided in the formation of a senate district.

3.22 (q) The senate districts shall be numbered in a regular series.

3.23 (r) Where it is not possible to fully comply with the principles in this section, a
3.24 redistricting plan must give priority to those principles in the order in which they are listed,
3.25 except to the extent that doing so would violate federal law.

3.26 **Sec. 2. SUBMISSION TO VOTERS.**

3.27 The proposed amendment must be submitted to the people at the 2020 general election.
3.28 The question submitted must be:

3.29 "Shall the Minnesota Constitution be amended to transfer from the legislature to an
3.30 independent redistricting commission the power to draw congressional and legislative
3.31 districts?

4.1

Yes

4.2

No "