A bill for an act

relating to elections; establishing a method of reapportionment; proposing coding for new law in Minnesota Statutes, chapter 2A.

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

Section 1. **[2A.13] DEFINITIONS.**

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Chief election officer.** "Chief election officer" means the secretary of state.

Subd. 3. **Commission.** "Commission" means the Temporary Redistricting Advisory Commission established under section 2A.17.

Subd. 4. **Federal census.** "Federal census" means the decennial census required by federal law to be conducted by the United States Census Bureau in every year ending in zero.

Subd. 5. **Four selecting authorities.** "Four selecting authorities" means the majority and minority leaders of the senate and the majority and minority leaders of the house of representatives.

Subd. 6. **Legal services staff.** "Legal services staff" means the director of the research department of the house of representatives, the director of the office of senate counsel, research, and fiscal analysis, and the revisor of statutes.

Subd. 7. **Partisan public office.** "Partisan public office" means:

(1) an elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government;

(2) an elective office in the executive or legislative branch of the government of this state, or an office which is filled by appointment and is excluded from the merit system under section 44.03; and

(3) an office of a county, city, or other political subdivision of this state which is filled by an election process involving nomination and election of candidates on a partisan basis.

Subd. 8. **Plan.** "Plan" means a plan for legislative and congressional reapportionment drawn up pursuant to this chapter.

Subd. 9. **Political party office.** "Political party office" means an elective office in the national or state organization of a political party, as defined by section 200.02, subdivision 6.

Subd. 10. **Relative.** "Relative" means a person's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Sec. 2. **[2A.14] PREPARATIONS FOR REDISTRICTING.**

(a) The legal services staff shall acquire appropriate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. Funds may be spent to purchase or lease equipment and materials only with prior legislative approval.

(b) By December 31 of each year ending in zero, the legal services staff shall obtain from the United States Census Bureau information regarding geographic and political units in this state for which federal census population data has been gathered and will be tabulated. The legal services staff shall use that data to:

(1) prepare necessary descriptions of geographic and political units for which census data will be reported and which are suitable for use as components of legislative districts; and

(2) prepare maps of counties, cities, and other geographic units within the state, which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with section 2A.16.

(c) As soon as possible after January 1 of each year ending in one, the legal services staff shall obtain from the United States Census Bureau the population data needed for legislative districting which the census bureau is required to provide this state under Public Law 94-171, and shall use that data to assign a population figure based upon certified federal census data to each geographic or political unit described under paragraph (b), clause (1). The legal services staff shall then begin the preparation of congressional and legislative districting plans as required by section 2A.15.

Sec. 3. **[2A.15] TIMETABLE FOR PREPARATION OF PLAN.**

Subdivision 1. **Delivery of bills; intent.** Not later than April 1 of each year ending in one, the legal services staff shall deliver to the secretary of the senate and the chief clerk of the house of representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with section 2A.16. It is the intent of this chapter that the legislature shall bring the bill to a vote in either the senate or the house of representatives expeditiously, but not less than seven days after the report of the commission required by section 2A.18 is received and made available to the members of the legislature, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it must expeditiously be brought to a vote in the second house under a similar procedure or rule.

Subd. 2. **Second plan.** If the bill embodying the plan submitted by the legal services staff under subdivision 1 fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house of representatives, as the case may be, shall at once transmit to the legal services staff information which the senate or house of representatives may direct regarding reasons why the plan was not approved. The legal services staff shall prepare a bill embodying a second plan of legislative and congressional districting prepared in accordance with section 2A.16, and taking into account the reasons cited by the senate or house of representatives for its failure to approve the plan insofar as it is possible to do so within the requirements of section 2A.16. If a second plan is required under this subdivision, the bill embodying it must be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than May 1 of the year ending in one, or 21 days after the date of the vote by which the senate or the house of representatives failed to approve the bill submitted under subdivision 1, whichever date is later. It is the intent of this chapter that, if it is necessary to submit a bill under this subdivision, the bill be brought to a vote not less than seven days after the bill is printed and made available to the members of the legislature, in the same manner as prescribed for the bill required under subdivision 1.

Subd. 3. **Third plan.** If the bill embodying the plan submitted by the legal services staff under subdivision 2 fails to be approved by a constitutional majority in either the senate or the house of representatives, the same procedure as prescribed by subdivision 2 must be followed. If a third plan is required under this subdivision, the bill embodying it must be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than June 1 of the year ending in one, or 21 days after the date of the vote by which the senate or the house of representatives failed to approve the bill

submitted under subdivision 2, whichever date is later. It is the intent of this chapter that, if it is necessary to submit a bill under this subdivision, the bill be brought to a vote within the same time period after its delivery to the secretary of the senate and the chief clerk of the house of representatives as is prescribed for the bill submitted under subdivision 2, but that the bill must be subject to amendment in the same manner as other bills.

Subd. 4. **Earlier congressional district plans; delayed census data.** Notwithstanding subdivisions 1, 2, and 3:

(a) If population data from the federal census which is sufficient to permit preparation of a congressional districting plan complying with article IV, section 3, of the Constitution of the state of Minnesota becomes available at an earlier time than the population data needed to permit preparation of a legislative districting plan in accordance with section 2A.16, the legal services staff shall so inform the presiding officers of the senate and house of representatives. If the presiding officers so direct, the legal services staff shall prepare a separate bill establishing congressional districts and submit it separately from the bill establishing legislative districts. It is the intent of this chapter that the legislature shall proceed to consider the congressional districting bill in substantially the manner prescribed by subdivisions (1), (2), and (3).

(b) If the population data for legislative districting which the United States Census Bureau is required to provide this state under Public Law 94-171 and, if used by the legal services staff, the corresponding topologically integrated geographic encoding and referencing data file for that population data is not available to the legal services staff on or before February 1 of the year ending in one, the dates in this section must be extended by a number of days equal to the number of days after February 1 of the year ending in one that the federal census population data and the topologically integrated geographic encoding and referencing data file for legislative districting becomes available.

Sec. 4. **[2A.16] REDISTRICTING STANDARDS.**

Subdivision 1. **Population standards.** Legislative and congressional districts must be established on the basis of population in accordance with paragraphs (a) to (c).

(a) Senate districts and representative districts, respectively, must each have a population as nearly equal as practicable to the ideal population for each kind of district, determined by dividing the number of districts to be established into the population of the state reported in the federal decennial census. Senate districts and representative districts must not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards in this section. In no case may the quotient, obtained by dividing the total of the absolute values of the deviations of all

district populations from the applicable ideal district population by the number of districts established, exceed one percent of the applicable ideal district population. No senate district may have a population which exceeds that of any other senate district by more than five percent, and no representative district may have a population which exceeds that of any other representative district by more than five percent.

(b) Congressional districts must each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in paragraph (a). No congressional district may have a population which varies by more than one percent from the applicable ideal district population, except as necessary to comply with article IV, section 3, of the Constitution of the state of Minnesota.

(c) If a challenge is filed with the Supreme Court alleging excessive population variance among districts established in a plan adopted by the legislature, the legislature has the burden of justifying any variance in excess of one percent between the population of a district and the applicable ideal district population.

Subd. 2. **Political subdivision boundaries.** To the extent possible, district boundaries must coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district must be as small as possible. If there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous subdivisions, but this standard does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

Subd. 3. **Convenient contiguous territory.** Districts must be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

Subd. 4. **Compactness.** (a) It is preferable that districts be compact in form, but the standards in paragraph (c), clauses (1), (2), and (3), take precedence over compactness if a conflict arises between compactness and those standards. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries. If it is necessary to compare the relative compactness of two or more districts or of two or more alternative districting plans, the tests prescribed by subdivision 1, paragraphs (b) and (c), must be used. Should the results of these two tests be contradictory, the standard in subdivision 1, paragraph (b), must be given greater weight than the standard in subdivision 1, paragraph (c).

(b) The definitions in clauses (1) to (4) apply to this subdivision.

(1) "Population data unit" means a civil township, election precinct, census enumeration district, census city block group, or other unit of territory having clearly

identified geographic boundaries and for which a total population figure is included in or can be derived directly from certified federal census data.

(2) The "geographic unit center" of a population data unit is that point approximately equidistant from its northern and southern extremities, and also approximately equidistant from its eastern and western extremities. This point must be determined by visual observation of a map of the population data unit, unless it is otherwise determined within the context of an appropriate coordinate system developed by the federal government or another qualified and objective source and obtained for use in this state with prior approval of the legislature.

(3) The "x" coordinate of a point in this state refers to the relative location of that point along the east-west axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by paragraph (c), clause (2), the "x" coordinate must be measured along a line drawn due east from a due north and south line running through the point which is the northwestern extremity of the state of Minnesota, to the point to be located.

(4) The "y" coordinate of a point in this state refers to the relative location of that point along the north-south axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by paragraph (c), clause (2), the "y" coordinate must be measured along a line drawn due south from the northernmost boundary of the state or a reasonable extension of that boundary, to the point to be located.

(c) The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district.

(1) In measuring the length and the width of a district by means of electronic data processing, the difference between the "x" coordinates of the easternmost and the westernmost geographic unit centers included in the district must be compared to the difference between the "y" coordinates of the northernmost and southernmost geographic unit centers included in the district.

(2) To determine the length and width of a district by manual measurement, the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district must each be measured. If the northernmost or southernmost portion of the boundary, or each of these points, is a part of the boundary running due east and west, the line used to make the measurement required by this

paragraph must either be drawn due north and south or as nearly so as the configuration of the district permits. If the easternmost or westernmost portion of the boundary, or each of these points, is a part of the boundary running due north and south, a similar procedure must be followed. The lines to be measured for the purpose of this paragraph must each be drawn as required by this paragraph, even if some part of either or both lines lies outside the boundaries of the district which is being tested for compactness.

(3) The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state or for a portion of the state. However, it is not valid to cumulate or compare absolute values computed under clause (1) with those computed under clause (2).

(d) The compactness of a district is greatest when the ratio of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district is one to one, the nature of this ratio being such that it is always greater than zero and can never be greater than one to one.

(1) The population dispersion about the population center of a district, and about the geographic center of a district, is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population-weighted average of the "x" coordinates and "y" coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(2) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state or for a portion of the state.

Subd. 5. **Prohibited purposes.** No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use may be made of any of the following data:

(1) addresses of incumbent legislators or members of Congress;

(2) political affiliations of registered voters;

(3) previous election results; or

(4) demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

Subd. 6. **Inclusion in larger districts.** In order to minimize electoral confusion and to facilitate communication within state legislative districts, each plan drawn under this section must provide that each representative district is wholly included within a single senate district and that, so far as possible, each representative and each senate district is included within a single congressional district. However, the standards established by subdivisions 1 to 5 take precedence where a conflict arises between those standards and the requirement, so far as possible, of including a senatorial or representative district within a single congressional district.

Subd. 7. **Vacancies.** Each bill embodying a plan drawn under this section must provide that a vacancy in the legislature which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 204D.17, must be filled from the same district which elected the senator or representative whose seat is vacant.

Sec. 5. **[2A.17] TEMPORARY REDISTRICTING ADVISORY COMMISSION.**

(a) Not later than February 15 of each year ending in one, a five-member Temporary Redistricting Advisory Commission must be established as provided by this section. The commission's only duties are those prescribed by section 2A.18.

(1) Each of the four selecting authorities shall certify to the chief election officer the authority's appointment of a person to serve on the commission. The certifications may be made at any time after the majority and minority leaders have been selected for the legislature which takes office in the year ending in one, even though that legislature's term of office has not actually begun.

(2) Within 30 days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February 15 of the year ending in one, the four commission members so appointed must select, by a vote of at least three members, and certify to the chief election officer the fifth commission member, to serve as chair.

(3) A vacancy on the commission must be filled by the initial selecting authority within 15 days after the vacancy occurs.

(4) Members of the commission must receive a per diem, travel expenses, and reimbursement for other necessary expenses incurred in performing their duties under this section and section 2A.18. The per diem and expenses must be paid from the general fund.

(b) No person may be appointed to the commission who:

(1) is not an eligible elector of the state at the time of selection;

(2) holds partisan public office or political party office; or

(3) is a relative of or is employed by a member of the legislature or Congress, or is employed directly by the legislature or Congress.

Sec. 6. **[2A.18] DUTIES OF COMMISSION.**

(a) The commission has the duties in paragraphs (b) to (e).

(b) If, in preparation of plans as required by this chapter, the legal services staff is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section 2A.16, the legal services staff may submit a written request for direction to the commission.

(c) Prior to delivering any plan and the bill embodying that plan to the secretary of the senate and the chief clerk of the house of representatives in accordance with section 2A.15, the legal services staff must provide to persons outside the legal services staff only information regarding the plan required by policies agreed upon by the commission. This paragraph does not apply to population data furnished to the legal services staff by the United States Census Bureau.

(d) Upon each delivery by the legal services staff to the legislature of a bill embodying a plan, pursuant to section 2A.15, the commission must, at the earliest feasible time, make available to the public the following information:

(1) copies of the bill delivered by the legal services staff to the legislature;

(2) maps illustrating the plan;

(3) a summary of the standards prescribed by section 2A.16 for development of the plan; and

(4) a statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

(e) Upon the delivery by the legal services staff to the legislature of a bill embodying an initial plan, as required by section 2A.15, subdivision 1, the commission must:

(1) as expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the state, on the plan embodied in the bill delivered by the legal services staff to the legislature; and

(2) following the hearings, promptly prepare and submit to the secretary of the senate and the chief clerk of the house of representatives a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report must include any comments and conclusions which its members

consider appropriate on the information and testimony received at the hearings or otherwise presented to the commission.