Senate Counsel, Research, and Fiscal Analysis

State of Minnesota

Redistricting Principles for Legislative Districts in Minnesota 1980-2010

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Redistricting principles, also called redistricting criteria, are the priorities that guide map drawers during the redistricting process. Redistricting principles in Minnesota, as in many other states, are found in both federal and state law. The following principles are found in federal law:

- The U.S. constitution Article 1, §2 requires representatives to the U.S. House of Representatives to "be apportioned among the several states according to their respective numbers." The U.S. Supreme Court has interpreted this to mean that population for congressional districts must be as nearly equal as practicable. Wesberry v. Sanders, 376 U.S. 1 (1964).
- The 14th Amendment to the U.S. Constitution, often referred to as the "Equal Protection Clause" says "No state shall … deny to any person within its jurisdiction the equal protection of the laws." This applies in a variety of contexts when it comes to redistricting. In one instance, the U.S. Supreme Court interpreted the Equal Protection Clause to require substantially equal population in districts. Reynolds v. Sims, 377 U.S. 533 (1964).
- The 15th Amendment to the U.S. Constitution prohibits redistricting plans that deny or abridge the right to vote based on race, color, or previous condition of servitude. Gomillion v. Lightfoot, 364 U.S. 339 (1960).
- The Voting Rights Act of 1965 (VRA) prohibits redistricting plans that intentionally or inadvertently discriminate on the basis of race. 52 U.S.C. 10101 et. seq.

State law provides the following principles:

- Districts must be "apportioned equally" throughout the state and must be "substantially equal." Minn. Constitution, Art. IV, Sec. 2; Minn. Stat. § 2.91.
- House of Representatives districts must "nested" within a Senate district. Minn. Constitution, Art. IV, Sec. 3.
- Senate districts must be numbered in a regular series. Minn. Constitution, Art. IV, Sec. 3.
- Districts must be single-member. Minn. Constitution, Art. IV, Sec. 3; Minn. Stat. 2.731, 2.031.
- Districts must be "of convenient contiguous territory." Minn. Constitution, Art. IV, Sec. 3; Minn. Stat. 2.91.
- Political subdivisions must not be divided more than necessary. Minn. Stat. 2.91.

In addition to the principles required by federal and state law, the legislature and the courts have adopted additional principles in each of the past four redistricting cycles in Minnesota. These additional principles have been adopted only for that cycle and have not been enacted into permanent law. Over the last four redistricting cycles, the courts conducted redistricting in Minnesota in the absence of legislatively enacted redistricting plans.[1] Each decade, the courts adopted redistricting principles to guide the panel when drawing maps. The tables below provide the text of the redistricting principles used each in the 1980, 1990, 2000, and 2010 cycle.

For more information on the history of the redistricting of legislative districts in Minnesota, please refer to History of History of Minnesota Legislative Redistricting.

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[1] In the 1990 redistricting cycle, a legislatively enacted plan for legislative districts became law after an ineffective veto by the governor. That plan was subsequently struck down and the court completed redistricting for the 1990's.

Redistricting Principles	**Hippert v. Ritchie**, A11-152, State Court, Special Redistricting Panel Order Stating Redistricting Principles and Requirements for Plan Submissions, Filed Nov. 4, 2011	**Zachman v. Kiffmeyer**, CO-01-160 State Court, Special Redistricting Panel Order, Filed December 11, 2001	**Cotlow v. Growe**, C8-91-985[2] State Court, Special Redistricting Panel Pretrial Order No. 3, Filed September 13, 1991[3]
Number of Districts	There shall be 67 state senate districts with one senator for each district. Minn. Stat.§§ 2.021, 2.031, subd. 1 (2010). There shall be 134 state house districts with one representative for each district. Minn. Stat. §§ 2.021, 2.031, subd. 1.	There will be 67 senate districts with a single senator for each district. There will be 134 house of representative districts with a single representative for each district. Minn. Stat. §§ 2.021, 2.031, subd. 1 (2000).	The Senate must be composed of 67 members. The House of Representatives must be composed of 134 members. Each district is entitled to elect a single member.
Nesting	No state house district shall be divided in the formation of a state senate district. Minn. Const. art. IV, § 3.	No representative district shall be divided in the formation of a senate district. Minn. Const. art. IV, § 3.	A representative district may not be divided in the formation of a senate district.
Numbering Sequence	The legislative districts shall be numbered in a regular series, beginning with House District lA in the northwest comer of the state and proceeding across the state from west to east, north to south, but bypassing the 11-county metropolitan area until the southeast corner has been reached; then to the 11-county metropolitan area outside the cities of Minneapolis and Saint Paul; then to Minneapolis and Saint Paul. See Minn. Const. art. IV, § 3 (requiring senate districts to be numbered in a regular series); Minn. Stat. § 200.02, subd. 24 (2010) (defining "[m]etropolitan area" for purposes of the Minnesota Election Law as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright).	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 cities of Minneapolis and St. Paul; then to Minneapolis and St. Paul.	The districts must be numbered in a regular series, beginning with House district la 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 cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.

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[2]The state court adopted both legislative and congressional principles and plans. For the 1992 election, the state court plan was used for legislative districts and the federal court plan was used for congressional districts. Subsequent court action dictated that the state court maps for both legislative and congressional districts were to be used for subsequent elections.

[3] Pretrial Order Number 3 adopted by reference several provisions from Pretrial Order Number 2, filed August 16, 1991.

Population Equality	Redistricting plans for state legislatures shall faithfully adhere to the concept of population-based representation. <u>Roman v. Sincock</u>, 377 U.S. 695, 710, 84 S. Ct. 1449, 1458 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a plan created by a legislature, de minimis deviation from the ideal district population shall be the goal. <u>Connor v. Finch</u>, 431 U.S. 407, 414, 97 S. Ct. 1828, 1833 (1977); <u>Chapman v. Meier</u>, 420 U.S. 1, 26-27, 95 S. Ct. 751, 766 (1975). The population of a legislative district shall not deviate by more than two percent from the population of the ideal district. See <u>Zachman</u>, No. C0-01-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions); <u>Catlow</u>, No. MX-91-1562 (Minn. Special Redistricting Panel Aug. 16, 1991) (Pretrial Order No. 2).	Legislative redistricting plans will faithfully adhere to the concept of population-based representation. <u>Roman v. Sincock</u>, 377 U.S. 695, 710 (1964). The plans will not exceed a maximum population deviation of plus or minus 2%. See <u>Cotlow v. Growe</u>, No. MX-91-1562, at 4 (Special Redistricting Panel Aug. 16, 1991) (Pretrial Order No. 2). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a legislative redistricting plan, de minimis deviation from the ideal district population will be the goal. <u>Connor v. Finch</u>, 431 U.S. 407, 414 (1977); <u>Chapman v. Meier</u>, 420 U.S. 1, 26-27 (1975).	The districts must be substantially equal in population. The population of a district must not deviate from the ideal by more than two percent. Because a court-ordered reapportionment plan must conform to a higher standard of population equality than a legislative reapportionment plan, de minimis deviation from the population norm will be the goal for establishing districts. see <u>Chapman</u>, 420 U.S. 1, 95 s. Ct. 751; <u>Connor</u>, 431 U.S. 407, 97 S. Ct. 1828.
Racial, Ethnic, and Language Minority Group Protections	Legislative districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group and must otherwise comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973-1973aa-6 (2006).	Legislative districts shall not be drawn with either the purpose or effect of diluting racial or ethnic minority voting strength and must otherwise comply with the Voting Rights Act of 1965, as amended, and the Fourteenth and Fifteenth Amendments to the United States Constitution.	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, the districts must increase the probability that members of the minority will be elected. Any plan adopted by the court shall comply with the applicable provisions of the Federal Voting Rights Act, 42 U.S.C. § 1971, et seq.

Contiguousness and Compactness	Legislative districts shall consist of convenient, contiguous territory structured into compact units. Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2; Reynolds v. Sims, 377 U.S. 533, 578-79, 84 S. Ct. 1362, 1390 (1964) (stating that a legitimate redistricting principle is to provide for compact districts of contiguous territory). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Legislative districts with areas that connect only at a single point shall not be considered contiguous.	Districts will consist of convenient, contiguous territory structured into compact units. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district. Districts with areas that connect at only a single point will be considered noncontiguous. Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2; Reynolds, 377 U.S. at 578-79.	The districts must be composed of convenient contiguous territory structured into compact units. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district.
Preserving Political Subdivisions	Political subdivisions shall not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; Reynolds, 377 U.S. at 580-81, 84 S. Ct. at 1391-92.	The districts will be drawn with attention to county, city, and township boundaries. A county, city, or township will 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 any county, city, or township must be divided into one or more districts, it will be divided into as few districts as possible. Minn. Stat. § 2.91, subd. 2; Reynolds, 377 U.S. at 580-81.	The districts will be drawn with attention to county, city and township boundaries. A county, city, or township will 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 any county, city or township must be divided into one or more districts, it will be divided into as few districts as practicable. Reynolds v. Sims, 377 U.S. 533, 578-79, 84 S. Ct. 1362, 1390-91 (1964); Swann v. Adams, 385 U.S. 440, 444, 87 S. Ct. 569, 572 (1967).

Preserving Communities of Interest	Where possible in compliance with the preceding principles, communities of interest shall be preserved. See <u>LULAC</u>, 548 U.S. at 433, 126 S. Ct. at 2618; Miller, 515 U.S. at 916, 115 S. Ct. at 2488. For purposes of this principle, "communities of interest" include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be considered if persuasively established and if consideration thereof would not violate applicable law.	Communities of interest will be preserved where possible in compliance with the preceding principles. For purposes of this principle, "communities of interest" include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be considered if persuasively established and not in violation of applicable law.	The districts should attempt to preserve communities of interest when that can be done in compliance with the preceding standards. The panel may recognize a community's character as urban, suburban or rural. See <u>Skolnick v. State Electoral Bd. of Ill.</u>, 336 F. Supp. 839 (N.D. Ill. 1971); <u>Lacomb v. Growe</u>, 541 F. supp. 145 (D. Minn. 1982); <u>Lacomb v. Growe</u>, 541 F. Supp. 160 (D. Minn. 1982); <u>Maryland Citizens Comm. for Fair Congressional Redistricting. Inc. v. Tawes</u>, 253 F. Supp. 731 (D. Md. 1966), aff'd sub. nom. <u>Alton v. Tawes</u>, 384 U.S. 315, 86 S. Ct. 1590 (1966). Additional communities of interest shall be considered if persuasively established and not in violation of applicable case law.
Incumbents	Legislative districts shall not be drawn for the purpose of protecting or defeating incumbents. But the impact of redistricting on incumbent officeholders is a factor subordinate to all redistricting criteria that the panel may consider to determine whether proposed plans result in either undue incumbent protection or excessive incumbent conflicts.	Districts may not be drawn for the purpose of protecting or defeating an incumbent. However, as a factor subordinate to all redistricting criteria, the panel may view a proposed plan's effect on incumbents to determine whether the plan results in either undue incumbent protection or excessive incumbent conflicts.	Past voting behavior and residency of incumbents shall not be used as criteria; however, they may be used to evaluate the fairness of plans submitted to the court.

Redistricting Principles	**Emison v. Growe**, 4-91-202[4] U.S. District Court, District of Minnesota, Fourth Division [Order](#), Filed October 21, 1991	**LaComb v. Growe**, 4-81 Civ. 152 Filed December 29, 1981	
Number of Districts	There shall be sixty-seven (67) Senate districts and one hundred thirty-four (134) House districts. Each district may elect a single member	There shall be sixty-seven (67) Senate districts and one hundred thirty-four (134) House districts. The districts shall be single member.	
Nesting	No House district shall be divided in the formation of a Senate district.	No House district shall be divided in the formation of a Senate district.	
Numbering Sequence	The districts shall be numbered in a regular series. House district IA shall begin in the northwest corner of the state, with each subsequent district proceeding in order across the state from west to east and north to south until ending in the southeast corner of the state, bypassing in the process the seven-county metropolitan area. The same process then continues for the seven- county metropolitan area outside the cities of Minneapolis and St. Paul, and ends with the cities of Minneapolis and St. Paul.		
Population Equality	The population of the districts will be as nearly equal as possible. Minor deviations in population equality not to exceed plus or minus two percent (2%) will be permitted when necessary to facilitate recognition of other criteria	The population of the districts will be as nearly equal as possible. Minor deviations in population equality not to exceed plus or minus two percent (2%) will be permitted when necessary to facilitate recognition of the other criteria. Accordingly, the maximum permissible deviation for Senate districts is plus or minus 1,217 people and the maximum permissible deviation for House districts is plus or minus 608 people.	

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[4] The state court adopted both legislative and congressional principles and plans. For the 1992 election, the state court plan was used for legislative districts and the federal court plan was used for congressional districts. Subsequent court action dictated that the state court maps for both legislative and congressional districts were to be used for subsequent elections.

Racial, Ethnic, and Language Minority Group Protections	The districts shall preserve the voting strength of minority populations and will, wherever possible, increase the probability of such minority representation from areas of sizable concentrations of minority population.	Districts shall preserve the voting strength of minority populations and will, wherever possible, increase the probability of minority representation from areas of sizable concentrations of minority population.	
Contiguousness and Compactness	The districts shall be compact and consist of convenient contiguous territory. Where contiguity of a district is interrupted by water, this criterion is satisfied if the water does not seriously impede travel within the district.	The districts shall be compact and contiguous.	
Preserving Political Subdivisions	The integrity of existing political subdivision boundaries of the State, e.g., counties, cities, or townships, shall be respected to the extent practicable to minimize division in the formation of a district.	The integrity of existing boundaries of political subdivisions of the Senate will be respected to the extent practicable to minimize division in the formation of a district.	
Preserving Communities of Interest	An apportionment plan may recognize the preservation of communities of interest in the formation of districts while adhering to the established criteria. To the extent any consideration is given to a community of interest, the data or information upon which the consideration is based shall be identified.	IT IS FURTHER ORDERED That apportionment plans may recognize the preservation of communities of interest in the formation of districts. To the extent any consideration is given to a community of interest, the data or information upon which the consideration is based shall be identified.	
Incumbents	Previous electorate voting behavior or residency of incumbents shall not be used in the development of any apportionment plan. This information may be used by the court, however, to evaluate the fairness and equity of plans submitted.		