

Redistricting in the MDN States

Justin Levitt

MINNESOTA
(status quo)



KEY POINTS:

The state legislature currently draws both congressional and state legislative districts, subject to a few self-imposed constraints, and subject to federal constitutional and statutory limitations.

Article IV of the Minnesota Constitution governs redistricting, with few constraints; the legislature has adopted concurrent resolutions – nonbinding and without the force of law – to express the redistricting priorities they have selected. In the 2001 cycle, control was divided, with a Governor from the Independence Party, a Senate controlled by Democrats, and a House controlled by Republicans. The redistricting process for both Congressional and state legislative districts deadlocked, and control fell to the courts.

PROCESS:

Congressional and state legislative districts are currently drawn by the state legislature. Plans must be adopted 25 weeks before the primary elections in 2012, which are currently scheduled for September 7.

- **Independence from Legislators:** None.
- **Partisan Balance:** The process has only as much partisan balance as the legislature itself. It is possible each house will be controlled by a different party, or that the governor will be of a different party than a united legislature, but it is also possible that there will be unified party control.
- **Minority Participation:** The process will feature as much diversity as the legislature itself, but the body's substantial size makes such diversity relatively more feasible.
- **Public Input:** There are no specific provisions for the public to present or comment on plans.
- **Timing:** It is ambiguous whether Minnesota law prohibits the legislature from redrawing either state legislative or congressional districts more than once per decade.

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CRITERIA:

Because most of Minnesota's redistricting criteria are set by a concurrent resolution of the legislature, they may also be adjusted by the legislature.

Congressional and state legislative districts must be contiguous, and if possible, compact. They must also follow the federal standard of equal population; at present, the Minnesota legislature has set a stricter standard, determining that state legislative districts must also fall within 2% above or below the mean population.

The legislature has determined that both congressional and state legislative districts should also preserve whole political units -- counties, cities, and towns, in that order -- where feasible. Districts should attempt to preserve communities of interest where possible, and the districts must increase the voting strength of racial or language minority populations where possible.

- **Population Equality:** The current criteria restrict population disparity substantially. As a result, it is more likely that residents' votes will be of roughly equivalent weight around the state. However, the tight population limits may make it more difficult to preserve political boundaries, and may limit flexibility to create minority opportunity districts pursuant to the Voting Rights Act. There is also no express provision to determine whether the state must rely on the count conducted by the federal census (which counts incarcerated persons where they are incarcerated).
- **Minority Rights:** The legislature has determined that districts should, where demographic trends make this possible, increase the probability that members of racial or language minorities are elected. It is not clear whether this is meant to provide protection beyond the federal Voting Rights Act. If so, such a rule may further limit flexibility to maintain political boundaries.
- **Compactness:** There is a general requirement that districts be reasonably compact. This requirement, however, is not further defined and may be difficult to enforce.
- **District Competition:** There is no provision encouraging or discouraging competition within a district.
- **Statewide Partisan Balance:** If there exists unified partisan control of the legislature and governor's mansion, that party will have the ability to drive statewide results favorable to itself. There is no provision otherwise encouraging or discouraging statewide partisan balance.
- **Preservation of Political Boundaries:** The legislature has emphasized the preservation of political units, and particularly the minimal division of counties, cities, and towns. To the extent that communities of interest bridge political boundaries, this may limit the opportunity to accommodate such communities.
- **Communities of Interest:** The legislature has declared that it will attempt to preserve communities of interest where possible, but this is not further defined and may be difficult to enforce.
- **Nesting:** Each state Senate district must comprise two House of Representatives districts, tying each house's districts to the other.
- **Incumbent Residence:** The current criteria do not prohibit those drawing the lines from considering the residences of incumbents, allowing intentional harm (or benefit) to individual legislators, but also reducing the likelihood of unintentional impact on incumbents.