Minnesota Redistricting 2021-22

Peter S. Wattson
Will Your Vote Count in 2022?
Clean Elections Minnesota
Zoom
September 28, 2021

Introduction

- Why does government redistrict?
- Why should citizens care about it?
- When will it happen?
- Who will draw the maps?
- How will they draw them?
- How can you participate?

Definitions

- Reapportionment
  - Assigning seats in a legislative body to established districts
  - Don’t change district boundaries
  - Change number of members per district

- Redistricting
  - Redrawing district boundaries
  - Don’t change number of members per district
  - Change district boundaries

Why Redistrict?

- Reapportionment of Congressional Seats

Why Redistrict?

- Population Shifts within State
Equal Population

The Facts of Life

- Absolute Numbers are Less Important than Relative Numbers
- Growth Slower than Average
  - Area Will Grow
- Growth Faster than Average
  - Area Will Shrink

Why Should Citizens Care?

- Even in districts of equal population, not all groups of voters will have an equal opportunity to elect candidates of their choice
  - Rural v. urban gerrymandering
  - Racial gerrymandering
  - Partisan gerrymandering
What Do We Hope to Accomplish?

- Fair representation for all citizens
- Minorities and communities of interest each have an equal opportunity to elect representatives of their choice
- The political party that wins the most votes statewide elects the most members to a legislative body

Why Does the Legislature Always Fail?

- Political interests who see their power waning don’t want to let it slip away
  - 19th Century - SE MN farmers not wanting to cede power to central & NW MN farmers & Twin Cities
  - 20th Century - rural interests not wanting to cede power to urban interests
  - 21st Century legislative leaders shift the blame for incumbent pain to the courts

Why Does the Legislature Always Fail?

They Treat Redistricting Like Any Other Bill

- Start with 4 caucuses drawing plans
  - Each leader seeks support from all caucus members
  - Majority caucus in each body does not seek support from minority caucus, just wants the plan to pass their body

Why Does the Legislature Always Fail?

They Treat Redistricting Like Any Other Bill

- If house & senate controlled by same party, but governor is different party
  - Plans pass both bodies, vetoed by governor
- If house & senate controlled by different parties
  - Plans might pass one or both bodies
  - Conferees can’t agree
    - Their members are committed to the plan they voted for, see no reason to compromise
    - Better to let the court do it

Is There a Better Way?

Start with house & senate leaders
- Let them discuss how they might find common ground

Create a bipartisan joint redistricting committee
- As if it were a conference committee from the beginning

Is There a Better Way?

Joint committee leaders direct staff to start with maps both parties could accept

Most districts will not be competitive
- That’s just the way it is in Minnesota
- Since most districts for both parties will be either safe or strong, there should be plenty of incumbents who could vote for the plan

Don’t give each incumbent a veto over the content of their district
Why Haven’t We?

Most Members Like the Current System
- Most members like their current district
  - “After all, it elected me.”
- They know their district was drawn by a court
- They’d like the court to draw another district that is good for them
- “Least change” is usually good for incumbents

Why Haven’t We?

It’s a Lot Easier to Blame the Court
- Caucus leaders don’t want the heat from their members who are drawn into competitive districts
- Every incumbent can blame the court for a district they don’t like
- Caucus leaders can blame the court on behalf of their unhappy members

Why Shouldn’t the Court Do It?

- Participating in this highly partisan process risks tarnishing the court’s reputation for impartiality
- The court lacks expertise in balancing the political interests involved in choosing which voters to put into which districts

Will there be Public Hearings?

- Before drawing a plan - yes
  - See House, Senate, Court schedules on web
- On preliminary plan
  - Never done before
  - Court did not request advice from parties before setting hearing schedule
- Wattson & Klevorn redistricting commission bills would require it
- Chair Murphy says she will do it this year

How Does a Legislative Body Protect its Incumbents?

- Each caucus redistricting leader attempts to draw districts their incumbents can win
  - May (or may not) consult closely with incumbents to seek their input
  - Keep constituents who vote for incumbent
  - Shed constituents who don’t
  - Do not draw two or more incumbents of their party into same district
- Some caucus leaders prefer competitive districts (incumbents listen to leadership)
### Will a Fair Map Lean DFL?

- Minnesota is a Democratic state
  - Hasn’t favored a Republican presidential candidate since 1972 (Nixon)
  - Hasn’t elected a Republican to statewide office in 15 years (Gov. Pawlenty 2006)
- Cumulative statewide votes for partisan federal & state offices in the last decade have favored DFL candidates by more than 8%
- If a fair map is one where the party that receives the most votes statewide wins the most seats, a fair map will lean DFL

### Is Drawing “Least Change” Maps Desirable?

- Where you stand depends on where you sit
  - Most incumbents would prefer least changes to the district that elected them
  - A non-incumbent drawing a map may want to make big changes
  - Those not drawing the map, and suspicious of those who are, may prefer little changes

### Is it Time to Ditch Single-Member Districts?

- Single-member, winner-take-all districts enable a minority of voters statewide to win a majority of seats
- Proportional representation
  - Ensures most votes get most seats
  - Problems getting to know candidates
    - Other countries vote for a party, party leaders choose who fills their seats
    - Representatives accountable to party, not to constituents

### Why Not a Commission?

- Any commission, advisory or independent, must be created by the legislature
- A majority of legislators don’t want to give up that power
  - Like Charlie Brown, they dream that some decade, Lucy won’t pull the football away
  - Some decade, they will run the table and draw districts that prevent the other party from ever controlling either body

### When Will It Happen?

- **2020 Census**
  - Census Day: April 1, 2020
  - Congressional reapportionment
    - State totals only
    - Number of congressional districts
    - By December 31, 2020 (April 26, 2021)
- **Redistricting**
  - Block populations
  - By March 31, 2021 (August 12, 2021)

### Why the Delay?

- COVID-19 delayed census workers from following up by knocking on doors
  - May-July delayed to August-October
- Trump attempted to exclude undocumented residents from the count
  - Ask everyone if they are a citizen
  - Use administrative records to identify noncitizens
- Trump attempted to reapportion by Dec. 31
Minnesota Redistricting Timetable

Congress & Legislature
- Legislative and congressional districts
  - 25 weeks before state primary
    - February 15, 2022

Local Government
- Precincts and city wards
  - 60 days after legislative districts
  - 19 weeks before the state primary
    - March 29, 2022
- County commissioner, school, park, hospital, and soil & water conservation districts
  - 80 days after legislative districts
  - 15 weeks before the state primary
    - April 26, 2022

Minnesota Redistricting Timetable

Candidates
- Legislative candidates establish residency in districts
  - 6 months before Election Day
    - May 8, 2022
- Candidate filing deadline
  - May 31, 2022
- State primary
  - August 9, 2022
- Election Day
  - Nov. 8, 2022

Minnesota Constitution

Article IV, § 23
- Legislature has power to redraw congressional & legislative districts at its first session after each census to equalize their populations

Who Will Draw the Maps?

- 1860 to 1971 - Legislature
- 1972 to 1992 - Federal Court
- 1992 to 2012 - State Court
- 2021 - ?

2021 Who Will Draw the Maps?

- Divided government continues
  - Democratic House
  - Republican Senate
  - Democratic Governor
2021
Who Will Draw the Maps?

Wattson v. Simon

- Minnesota Supreme Court asked to appoint Special Redistricting Panel
  - Wattson v. Simon complaint (Feb. 19)
  - Anderson notice to intervene (Mar. 15)
  - Sachs v. Simon complaint (Apr. 26)
  - Corrie notice to intervene (July 15)
- Court consolidates Wattson & Sachs
  - Order (May 20, 2021)

Wattson v. Simon

- Panel appointed - June 30
- Deadline to intervene - August 4
- Public testimony - October 11-26
- Districting principles submitted - October 12
- Principles adopted - November?
- Plans submitted - November, December?

Wattson v. Simon

Principles

- Population equality
  - Congressional - as equal as practicable without dividing a precinct
  - Legislative - 2%, plus or minus

Wattson v. Simon

Principles

- Minority representation
  - No intent or effect to deny or abridge the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice

Wattson v. Simon

Principles

- Convenient contiguous territory
- Not divide counties, cities, towns, or precincts more than necessary
- Not divide American Indian reservations more than necessary
- Compact territory

Wattson v. Simon

Principles

- Preserve communities of interest
  - Geographic, demographic, socioeconomic
  - Cultural, historical, occupational
- Not drawn with intent to protect or defeat incumbents
**Wattson v. Simon**

**Principles**
- Not drawn with intent or effect to unduly favor or disfavor a political party
  - "A plan should make it more likely than not that the political party whose candidates receive a plurality of the statewide votes for seats in a legislative body will win a plurality of seats in the body."
- Encourage electoral competition

---

**Winning More Seats Without Winning More Votes**

**Wisconsin 2018**

- **How the people voted**
  - *State Assembly popular vote*:
    - 54% for 54, 46% for 46
    - **State Assembly seats won**:
      - 54% wins 54 seats, 46% wins 46 seats
  - *G. M. Brown’s margin*:
    - 54% wins 54 seats, 46% wins 46 seats
  - *U.S. Senate*:
    - 54% wins 54 seats, 46% wins 46 seats
  - *Attorney General*:
    - 54% wins 54 seats, 46% wins 46 seats
  - *State Treasurer*:
    - 54% wins 54 seats, 46% wins 46 seats
  - *Secretary of State*:
    - 54% wins 54 seats, 46% wins 46 seats

---

**It All Depends on How You Draw the Lines**

- Steven Nass (Facebook, Feb. 21, 2015)

**How to Steal an Election**
- 15% RED WIN
- 40% BLUE WIN
- 50% BLUE WIN
- 90% RED WIN

---

**Wattson v. Simon**

**Principles**
- Numbering the districts
  - Legislative districts not skip metro area
  - Counties and cities with multiple senate districts have them numbered consecutively
    - Hennepin, Ramsey, Dakota, Anoka, Washington
    - Minneapolis, St. Paul

---

**Minnesota**

**Special Redistricting Panel - Maps**
- Similar to past
  - The least change needed to solve the constitutional problem of unequal populations
- Minority opportunity districts in TC Area
  - 7 BIPOC reps elected from majority-minority districts
  - 9 BIPOC reps elected in 2020 from non-Hispanic white-majority House districts
  - Minority incumbents may be paired (5 of 16 in Peter’s house plan)

---

**How Can You Participate?**

- Talk to me & League of Women Voters
- Testify or submit materials at October hearings
  - Special Redistricting Panel
  - House Redistricting Committee
  - Senate Redistricting Committee