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
2020 Minnesota House District Population
2020 Census Data from the Minnesota State Demographic Center

2020 Census Population by District

- 48,854 - 52,579 (More Than 10% Above Ideal Population) (129)
- 46,809 - 48,809 (9% to 10% Above Ideal Population) (129)
- 43,923 - 44,568 (11% to 5% Above Ideal Population) (21)
- 42,103 - 43,993 (Within +/- 5% of Ideal Population) (16)
- 40,507 - 42,137 (6% to 5% Below Ideal Population) (35)
- 38,405 - 40,425 (5% to 10% Below Ideal Population) (33)
- 37,340 - 39,952 (More Than 10% Below Ideal Population) (3)

Ideal 2020 Population - 42,586

Statewide 2020 Population - 5,706,494

Federal Law states that no two legislative districts in the exactly equal in area to within 1% of each other. Districts that do not meet this standard are adjusted or reorganized to meet this requirement.
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?

Turn the Process Upside Down and Backwards

- 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?

Turn the Process Upside Down and Backwards

- 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
<table>
<thead>
<tr>
<th>District Segment</th>
<th>Safe</th>
<th>25</th>
<th>10</th>
<th>5</th>
<th>1</th>
<th>10</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Seats</td>
<td>38</td>
<td>32</td>
<td>27</td>
<td>30</td>
<td>22</td>
<td>27</td>
<td>22</td>
</tr>
<tr>
<td>29</td>
<td>38</td>
<td>32</td>
<td>27</td>
<td>30</td>
<td>22</td>
<td>27</td>
<td>22</td>
</tr>
<tr>
<td>30</td>
<td>29</td>
<td>25</td>
<td>19</td>
<td>22</td>
<td>15</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>31</td>
<td>24</td>
<td>19</td>
<td>13</td>
<td>16</td>
<td>9</td>
<td>12</td>
<td>9</td>
</tr>
<tr>
<td>32</td>
<td>23</td>
<td>18</td>
<td>12</td>
<td>15</td>
<td>8</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>33</td>
<td>22</td>
<td>17</td>
<td>11</td>
<td>14</td>
<td>7</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>34</td>
<td>21</td>
<td>16</td>
<td>10</td>
<td>13</td>
<td>6</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>35</td>
<td>20</td>
<td>15</td>
<td>9</td>
<td>12</td>
<td>5</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>36</td>
<td>19</td>
<td>14</td>
<td>8</td>
<td>11</td>
<td>4</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>37</td>
<td>18</td>
<td>13</td>
<td>7</td>
<td>10</td>
<td>3</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>38</td>
<td>17</td>
<td>12</td>
<td>6</td>
<td>9</td>
<td>2</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>39</td>
<td>16</td>
<td>11</td>
<td>5</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>40</td>
<td>15</td>
<td>10</td>
<td>4</td>
<td>7</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>41</td>
<td>14</td>
<td>9</td>
<td>3</td>
<td>6</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>42</td>
<td>13</td>
<td>8</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>43</td>
<td>12</td>
<td>7</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>44</td>
<td>11</td>
<td>6</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>45</td>
<td>10</td>
<td>5</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>46</td>
<td>9</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>47</td>
<td>8</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>48</td>
<td>7</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>49</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>50</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Republican Seats</th>
<th>42</th>
<th>36</th>
<th>31</th>
<th>24</th>
<th>17</th>
<th>20</th>
<th>17</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>42</td>
<td>36</td>
<td>31</td>
<td>24</td>
<td>17</td>
<td>20</td>
<td>17</td>
</tr>
<tr>
<td>30</td>
<td>39</td>
<td>33</td>
<td>27</td>
<td>20</td>
<td>13</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td>31</td>
<td>34</td>
<td>28</td>
<td>22</td>
<td>15</td>
<td>8</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>32</td>
<td>30</td>
<td>24</td>
<td>18</td>
<td>11</td>
<td>5</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>33</td>
<td>26</td>
<td>20</td>
<td>14</td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>34</td>
<td>22</td>
<td>16</td>
<td>10</td>
<td>4</td>
<td>2</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>35</td>
<td>18</td>
<td>12</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>36</td>
<td>14</td>
<td>8</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>37</td>
<td>10</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>38</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Names in bold are DFL.
Names in red are Republican.

Democratic Index:
2012: Obena
2014: Fawkes + Dayton + Simon + Otto + Swenson
2016: Clason
2018: Smith + Vang + Simon + Bank + Elsen
2020: Bixby + Smith

Republican Index:
2012: Romney
2014: McFadden + Johnson + Severson + Gilbert + Newman
2016: Trump
2018: Leavitt + Johnson + Howell + Myhre + Window
2020: Trump + Lewis

Third Index:
2012: Johnson + Hagen + Geza + Smith + Rook + Carlsen + Lindberg + Anderson + Weir-In
2014: Carlson + Johnson + Wide-In + Food + Holmberg + Wright + Wide-In + Heiland + Olden + Wide-In
2016: Cain + Hagen + Swenson + Cello + Breggs + Cello + O’Connor + Vogel + Wide-In
2018: Crisp + Vogel + Kennedy + Eth + De La Fuente + Moe + Johnson + Wide-In
2020: De La Fuente + Tofte + Vang + Wide-In + VAng + Wide-In + Olafson + Wide-In + Food + Dack + Wide-In

Names in red are DFL.
Names in red are Republican.
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?

Courts Must Draw “Least Change” Maps
Legislatures Need Not

- 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.
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)
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
Minnesota Redistricting Timetable

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
Who Will Draw the Maps?

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

Timetable

- 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:
Democrats won the popular vote for all statewide races and the Assembly. But they are denied proportional representation in the Assembly.

- **State Assembly popular vote**
  - 54% DEM, 46% REP
  - 1.31 million
  - 1.10 million

- **State Assembly seats won**
  - 36

- **Governor**
  - 1.33 million

- **U.S. Senate**
  - 1.47 million

- **Attorney General**
  - 1.31 million

- **State Treasurer**
  - 1.32 million

- **Secretary of State**
  - 1.38 million
It All Depends on How You Draw the Lines

Steven Nass (Facebook, Feb. 21, 2015)

HOW TO STEAL AN ELECTION

50 PRECINCTS
60% BLUE
40% RED

5 DISTRICTS
5 BLUE
0 RED
BLUE WINS

5 DISTRICTS
3 RED
2 BLUE
RED WINS
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