

# Reistricting Matters



**Protect Your Vote**

Common Cause Minnesota (CCMN) is a nonpartisan, grassroots organization dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government capable of solving today's challenges to the public interest, and empowering ordinary people to make their voices heard in a government that belongs to them.

This redistricting overview is meant to serve as a useful starting point toward a more in-depth consideration of various reform bills or ideas you may hear during the 2017-2018 legislative session.

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“Redistricting is one of the most important electoral processes we have as a Republic whose government is based on democracy; of, for and by all its people. The strength of our community’s voice depends on district lines that equitably and authentically reflect its character.” Annastacia Belladonna-Carrera, Common Cause Minnesota (CCMN) Executive Director

## Redistricting Matters

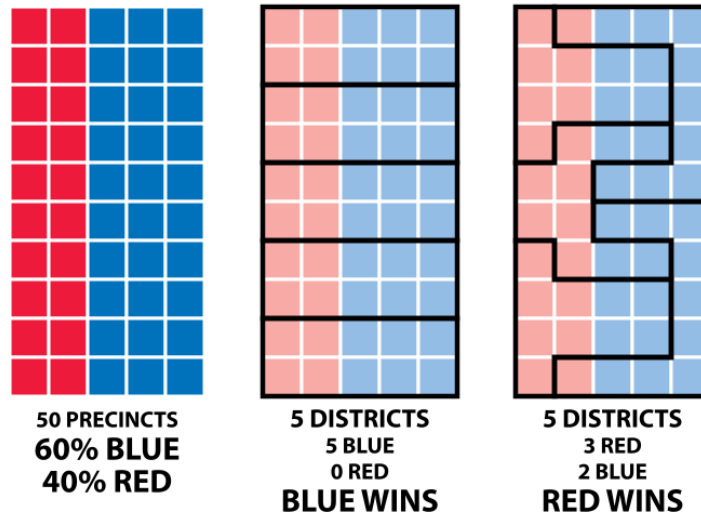
Many state legislatures, Minnesota included, are charged with the painstaking task of redrawing state legislative and congressional districts to meet equal population requirements using new census data. The fact that redistricting is governed by a voluminous body of state and federal laws makes it a complex exercise. Although every state is constitutionally required to undergo redistricting, not every state completes the process the same way.

The way these district or ward lines are drawn can keep a community together or split it apart essentially changing whether that given community has representatives who feel responsible for their concerns. The federal government stipulates that districts must have nearly equal populations and must not discriminate based on race or ethnicity.

Each of Minnesota's eight United States Representatives and 201 state legislators are elected from political divisions called districts.

Here is a very basic pictograph depicting two outcomes using the same 50 precincts and political demographics. Even though the same population breakdown is being used, as represented by the red and blue blocks, by drawing different district/ward lines, one or the other group is easily able to carve desired political outcomes thus minimizing the opposing group's likelihood of a representative of their liking.

### HOW TO INFLUENCE THE OUTCOME OF AN ELECTION



As you can see, the way these lines are drawn can impact who wins an election. Ultimately, the way the lines are drawn can also change who controls the governing body, and can change which policies get passed into law.

## State of Minnesota Redistricting Overview

- Minnesota has 67 state Senate districts and 134 state House districts; each Senate district contains two house districts.

### House

Party		As of February 2017
	Democratic Party	57
	Republican Party	77
<b>Total</b>		<b>134</b>

- Minnesota is one of 37 states whose state legislature has the power to draw the lines of state legislative districts. The legislature also draws congressional district lines.

### Senate

Party		As of February 2017
	Democratic Party	33
	Republican Party	34
<b>Total</b>		<b>67</b>

- In Minnesota district lines are set by the legislature are passed like other laws, which means that the governor has the chance to veto a redistricting map.

- In Minnesota, there is no supermajority (2/3rd majority) requirement to pass redistricting maps and override the

Governor's veto.

- Minnesota has a deadline for drawing district lines, set by the state constitution. If the legislature can't agree on a map before the deadline, the state Supreme Court may step in to make sure that the district lines are set before the next election. Courts also sometimes draw maps of their own to remedy legal violations in maps passed by the legislature. In both the 2010 and 2000 redistricting cycles, the Minnesota Supreme Court was forced to appoint a panel to draw the final congressional district lines after the Governor voted proposed maps.
- In 2015 there were an estimated 300,000 households in MN headed by a Person of Color and 1,847,000 households headed by a White non-Hispanic resident. In addition to households, there were about 34,000 People of Color and 100,000 White residents living in Group Quarters. A group quarters is a place where people live or stay, in a group living arrangement, which is owned or managed by an entity or organization providing housing and/or services for the residents.
- These numbers will continue to grow between now and 2020. (2015 ACS Survey)

Q: Why Redistrict: Reason #1

A: Reapportionment of Congressional and state house of representative seats.

Q: Why Redistrict: Reason #2

A: Account for population shifts within a state. To ensure that one geographic area doesn't overpower others maintaining fair and equitable balance.

Q: What is the process of redistricting?

A: Redistricting is one of the most important electoral processes we have as a country; the strength of a community's voice depends on district lines that fairly and honestly reflect its character. is one of the most important electoral processes we have as a country; the strength of a community's voice depends on district lines that fairly and honestly reflect its character. Some line-drawing can protect incumbents. Some line-drawing can guarantee they will face a potent challenger, either from their own party or the opposite party. Consequently, redistricting has a direct bearing on what matters a legislature chooses to tackle, and which to ignore.

In Minnesota, the legislature meets and comes up with proposed congressional and legislative district maps based on the data they obtain from the census. If their proposed maps encounter legislative gridlock or are constitutionally challenged, the State's Supreme Court steps in. If the proposed district maps are vetoed by the governor, the State's Supreme Court steps in.

“A good redistricting process should help a community secure meaningful representation. It must meet the constitutional requirement that all votes count equally. How this is achieved varies. Many states consider “communities of interest” when drawing their districts. That’s just a term for groups of people who share common social, cultural, racial, economic, geographic, or other concerns. These groups are likely to have similar legislative interests as well, and that means they can benefit from common representation in the government. However, this goes much deeper than simply lumping folks under preconceived notions of who is Republican or Democrat. For ex., a district of farmers in greater Minnesota and a Twin Cities 7 metro county area district will probably elect representatives that reflect differing histories, priorities, and aspirations. Other redistricting goals — like keeping a district compact or within county borders — are usually proxies for keeping communities intact.

A good redistricting process will be open and transparent, allowing communities to ask questions and give input. This participation is important, since communities are the basic units of well-designed districts.

As previously stated, federal law stipulates that districts must have nearly equal populations and must not discriminate based on race or ethnicity.

In addition to the criteria noted above, individual states may impose additional requirements on redistricting. Common state-level redistricting criteria are listed below; these requirements can be quite flexible.

Q: What are costs associated with defending challenges of constitutionality to district maps to taxpayers?

A: In 2011 it cost Minnesota tax payers \$345,000 when the State defended proposed redistricting maps. Note: this does not include costs assumed by the State outside of payment of plaintiff's legal fees/costs. It also doesn't include the cost of legislators lost time in drawing maps that ultimately were not used.

In 2002, it cost Minnesota tax payers \$368,000. Note: this does not include costs assumed by the state outside of payment of plaintiff's legal fees and costs. It also doesn't include the cost of legislator's time in drawing maps that ultimately were not used.

The State of Wisconsin just paid \$2M to defend legislative maps that a panel of federal court judges ruled was unconstitutional. They face mounting legal costs/fees in taking it to the Supreme Court. Legal fees/costs in the \$2M range for Minnesota tax payers may not be out of the realm of possibility.

In Minnesota, in the last two redistricting cycles the Court unilaterally capped legal fees/costs. It is not guaranteed that a new Court would act similarly.

Q: What are some principles of redistricting?

A: Four core principles are:

1. **Contiguity** > holds that all areas within a district should be "physically adjacent." A total of 49 states require that districts of at least one state legislative chamber be contiguous and 23 states require that congressional districts meet contiguity requirements. MN currently requires this.
2. **Compactness** > holds that "the distance between all parts of a district" ought to be minimized. The United States Supreme Court has held that residents should have some sort of cultural cohesion in common. A total of 37 states require their legislative districts to be reasonably compact and 18 states impose similar requirements for congressional districts.
3. A **community of interest** is a group of people in a geographical area, such as a specific region or neighborhood, who have common political, social or economic interests; 24 states require that the maintenance of communities of interest be considered in the drawing of state legislative districts and 13 states impose similar requirements for congressional districts.

4. A total of 42 states require that state legislative district lines be drawn to account for **political boundaries** (e.g., the limits of counties, cities and towns); 19 states require similar considerations in the drawing congressional districts.

Currently the MN legislature adopts district lines by a simple majority vote in each chamber. The Governor may veto the legislature's redistricting plan and it moves to the State Supreme Court to intervene if there is an impasse.

The Minnesota Constitution requires that "...state Senate districts be contiguous, and that Representative districts be nested within Senate districts." State statutes apply contiguity requirements to all congressional and state legislative districts. Furthermore, state statutes stipulate that political subdivisions should not be divided "more than necessary..."

Where an approach relies on criteria describing districting priorities, the most common criteria used include:

- Contiguity
- Consistency with natural and political boundaries (county lines, for example)
- Compactness (low perimeter to area ratio or a similar measure)

Sometimes competitiveness is included as criteria with the hope of creating districts that will be as evenly split in two-party partisanship as possible. However, using competitiveness as a criterion is controversial; both because it can undermine the representation of people of color and because it requires those drawing the lines to actively consider the impact of the districts on electoral outcomes.

Oftentimes those drawing the lines are expressly forbidden from considering partisanship data, such as voter registration levels or voting histories, or incumbents' places of residence.

Q: Is the current redistricting process working for Minnesotans?

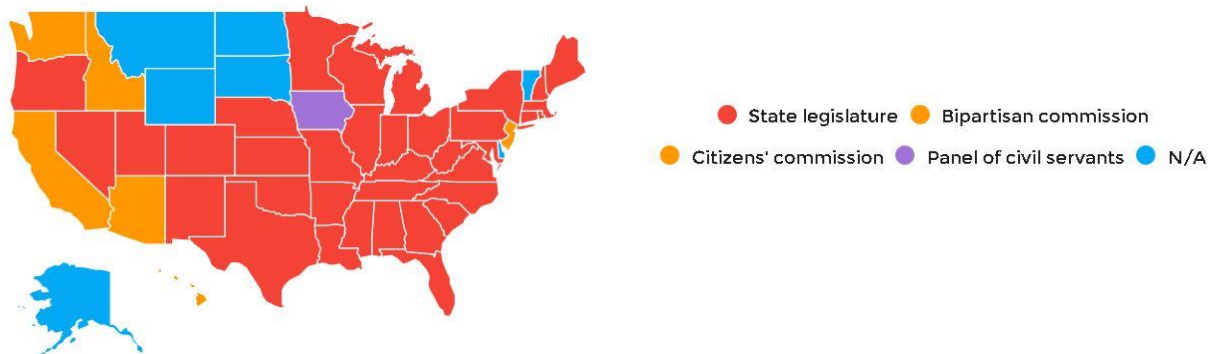
A: The last two redistricting cycles have gone to the Minnesota Supreme Court after legislative impasse and a veto by the Governor. The Minnesota Supreme Court appointed a panel to draw the final congressional district lines after the Governor voted proposed maps challenging to the fairness of the proposed maps. After 2000 census redistricting ensued. Minnesota State Legislature was divided between Democrats and Republicans. The legislature failed to approve congressional and state legislative redistricting plans. The Minnesota Supreme Court intervened and appointed a judicial panel to draw the maps. New congressional and state legislative maps were released by the panel on March 19, 2002.

On May 19, 2011, Governor Mark Dayton (D) vetoed the state legislative district map approved by the state legislature, which at the time was dominated by Republicans. Consequently, the Minnesota Supreme Court appointed a judicial panel to draw the lines. The panel issued its map on February 21, 2012.

Some groups argue that partisan legislators have a vested interest in the political outcome of the apportionment and district lines and as such, they are incapable of establishing objective and fair district lines. They advocate the use of a different redistricting processes; an independent commission. Those who oppose these reforms argue that alternative processes are less accountable to “voters”. As the gridlock, has symbolized the growing polarization between political camps, this begs the question of which “voters”. The matter of redistricting is one that all sides can agree is crucial to the health of an inclusive democracy for Minnesota’s citizens.

Q: What are other models used for redistricting?

A: Bipartisan Commissions, Citizen’s Commissions and Panel of Civil Servants.





## What is gerrymandering?

A: Gerrymandering is the manipulation of political district boundaries to give a party a numeric advantage over an opposing party. Gerrymandering should not be confused with malapportionment. Malapportionment is the creation of electoral districts with “divergent ratios of voters per representative” varying widely without relation to how the boundaries are drawn. (Source: Brennen Center)

Q: Why do parties draw district lines with political interests in mind?

Some gerrymandering tactics may include the following:

- "Cracking" - this is when voters of a particular type are spread among many districts in order to prevent them from gaining a sufficiently large “voting bloc” in any particular district. A common example is when voters in an urban area are split among several districts where the majority of voters are suburban. This is done because it is presumed that the two groups would vote differently, and that the suburban voters would be far more likely to get their way in the elections now that the urban voters are spread out among various districts.
- "Packing" - this is when many voters of one type that are perceived as voting in a particular way, are concentrated into a single electoral district to reduce their political influence in other districts. This is done at times to obtain representation for a community of common interest (for ex. creating a majority-minority district), rather than to dilute that interest over several districts to a point of ineffectiveness; and, when minority groups are involved, to avoid possible racial discrimination.

Keep in mind that when the party controlling the districting process has a statewide majority, packing is usually not necessary to achieve a partisan advantage; the minority party can generally be "cracked" everywhere.

Packing is typically used to gain a partisan advantage when the party controlling the districting process has a statewide minority, because by forfeiting a few districts packed with the opposition, cracking can be used in forming the remaining districts.

- "Hijacking" – this is when two districts are redrawn in a way that forces two incumbents of the same political party to run against each other within one district, essentially ensuring that one of them will be eliminated, while usually leaving the other district to be won by someone from a different political party.

- "Kidnapping" – this is when areas where a certain elected official has significant support, are moved to another district, making it more difficult for that elected official to win future elections with a new electorate.

This is often seen happening when the majority party targets politicians who represent multiple urban areas in larger cities in order to make the district more rural.

Q: What is the problem with political gerrymandering?

A: Unresponsive representation. Also, sitting legislators from the party controlling the legislature are oftentimes in control of drawing new lines, leaving them free to target challengers, or legislators from an opposing party. As you can see, this practice seriously challenges a fundamental pillar of democracy and the constitution; a government of, for and by its people – all its people.

Gerrymandering tactics are typically combined in some fashion as part of a greater politically driven strategy to create a few "forfeit" seats for packed voters of one type to secure more seats and greater representation for voters of another type. This results in candidates of one party (those responsible for the gerrymandering) winning by very small majorities in most of the districts, and another party winning by a large majority in only a few of the districts.

These types of gerrymandering tactics do not reflect good government and serves little purpose except to further polarize policymakers and generate legislative stalemates. It is a game of tit-for-tat that does not serve Minnesota's citizens.

Q: What can I do as a citizen that believes good government should be responsive to its constituency?

A: Be vigilant. Be a guardian of democracy.

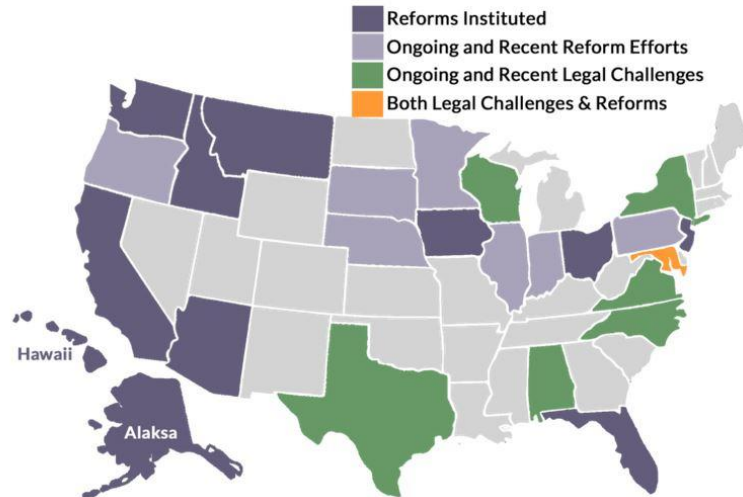
Minnesota's current process for redistricting is not working for Minnesota's citizens. The last 2 redistricting cycles have gone to the Supreme Court because of either political impasse or other legal challenge. Gains made as a state in the last 20yrs to avoid blatant tactics of political gerrymandering is mostly due to the objective role of the Minnesota Supreme Court in pulling together an independent commission to draw the maps. There is no role for party partisanship in redistricting.

- Reach out to bill authors and ask about how they went about in deciding on the specific model, or language, being proposed in their bill. Work through their legislative assistants to get that information if they don't respond to you directly.

- Familiarize yourself with the Minnesota Legislature website at <https://www.leg.state.mn.us/> especially the “How Do I...” section located at the center of the webpage. That provides you with step by step instructions on how to get involved at the Capitol.
- Collaborate with organizations that are working on redistricting, census or voting rights and get on their emailing lists so you stay informed on developments, workshops or forums that are held to talk about redistricting, the census or are seek community input.
- Be an informed decision maker on redistricting. Ask the tough questions of both political camps regarding proposed changes to the redistricting process in local district lines and congressional districts.
- Ask your representatives to host a town hall on the topic of redistricting and the census. Engage as many of your neighbors in making “the ask”. Written a collective letter signed by as many as possible. Ask your legislator to put forth their position on the matter and more importantly, to gather direct input from the community outside of the very limited time afforded at the Capitol.

## Proposed Redistricting Reforms

Reform coalitions that reach across the political spectrum are on the move in nine states – Colorado, Illinois, Indiana, Maryland, Minnesota, Nebraska, Oregon, Pennsylvania and South Dakota.



Redistricting reforms attempt to address the legislative tendency to undermine electoral accountability through districting. Possible redistricting reforms include:

- **Criteria-Driven Civil Servant Approach:** Based on the approach taken in Iowa, this reform would have district maps drawn by a nonpartisan body of civil servants according to criteria set by statute. In Iowa, the legislature must then vote to adopt the maps without amendment (which they routinely do), with the same body redrawing the maps if the legislature votes the first ones down.
- **Criteria-Driven Independent Commission Approach:** Based on the approach taken in California, this reform would have district maps drawn by a commission selected in a manner to maximize citizen participation and independence from legislative pressure. That body would then draw those maps based on criteria set by statute.
- **Criteria-Driven Legislative Redistricting with Judicial Approval:** Based on the approach taken in Florida, this reform would continue to allow the state legislature to adopt district maps, but it would require it to do so according to criteria set by statute. At the end of the process, the maps would have to be approved by the state Supreme Court as complying with the criteria.
- **Bipartisan Commission:** Based on the approach taken in New Jersey, this reform would have district maps drawn by a bipartisan commission with a public interest tiebreaker. That commission would then draw districts according to criteria set by statute. The general goal is to have both parties reach a compromise in generating a plan, which has earned this approach support from the Bipartisan Policy Center.

- **Legislative Redistricting with Public Input and Transparency:** This reform would allow the state legislature to adopt district maps. However, it would include two changes modeled on parts of Idaho's independent commission process: first, it would allow the public to submit plans and make those plans available to the public; and second, it would require that all meetings, hearings, and so on concerning redistricting be open to the public. (source: **Brennen Center and FairVote**)

## **The Role of the United Census/American Community Survey (ACS) in Redistricting**

The work that goes into the census ensuring that the collection of data, and the compiling of information are comprehensive and complete, is enormous. Similarly, the more detailed data and information gathered through the ACS together paint the best picture of not just numerical shifts in the country's population size, but the demographic profiles that creates our nation's unique fabric.

Q: What is reapportionment?

A: The census has a profound impact on the way that our nation chooses its leaders.

The U.S. Constitution calls for two houses in Congress - one, the Senate, consists of two representatives from each state; the other, the House of Representatives, consists of 435 representatives, distributed among the states based on their respective populations. The size of the House is set by federal statute. After each decennial census, the new population counts are used to reallocate the number of districts per state, per a mathematical formula set by law, based on the population of that state. Each state is guaranteed at least one congressional district regardless of population. This process is called "reapportionment." (Source: Leadership Conference)

Reapportionment also influences the number of electors for the Electoral College that each state receives for presidential general elections. The census is used to determine the number of districts of each state, which in turn determines the number of electors in each state. The number of electors in each state is equal to the congressional delegation, which is the number of representatives in the House and Senate combined.

Q: What is the function of the census as it relates to redistricting? National? State?

A: At a national level, census results are used to determine the number of congressional seats apportioned to each state.

Apportionment representation among states as mandated by Article 1, Section 2 of the United States Constitution:

"...Representatives and direct Taxes shall be apportioned among the several States which may be included within this union, according to their respective Numbers ... The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten years, in such Manner as they shall by Law direct."

At a state level, the Minnesota Constitution requires the Minnesota Legislature to redistrict both houses (the House of Representatives and State Senate) at its first regular session after publication of the federal decennial census.

Q: How do the census and the redistricting process interact?

A: After there is a determination of the number of districts allowed for Minnesota, it is the responsibility of the legislature every decade to draw the boundaries of those districts within Minnesota. This process is called redistricting. In other states, the legislature is not responsible for redistricting; this is done by independent commissions. Both reapportionment and redistricting directly impact the local, state, and national leaders voted to serve in office because of the politics involved in redistricting. For ex., in many states, the majority party has drawn districts in such a way leaving opponents to the majority party sequestered in just a few districts, resulting in manipulated district maps skewed towards one party.

In effect this has lowered, eliminated or seriously impacted the competition for seats in either the US House of Representatives or at a local level. This process is called “gerrymandering”.

	Degree of Competitiveness in House of Representatives		2010	2012
	MN House Competitive Seats	24	17	
MN House Mildly Competitive Seats	14	21		

Net Gain: zero competitive elections

Q: What are primary uses of the Census?

A: Key uses of the census in redistricting are:

- Draw congressional and state legislative districts, school districts and voting precincts
- Enforce voting rights and civil rights legislation
- Distribute federal dollars to states
- Inform federal, tribal, state, and local government planning decisions
- Inform business and nonprofit organization decisions (e.g., where to locate, size of the market)
- Provide population benchmark for nearly every other United States survey