



City of Minneapolis

Office of the City Attorney

Jay M. Heffern
City Attorney

333 South 7th Street - Suite 300
Minneapolis MN 55402-2453

Office (612) 673-2010
Civil Division Fax 673-3362
Criminal Division Fax 673-2189
MCDA Fax 673-5112
TTY 673-2157

February 20, 2002

Minneapolis Redistricting Commissioner
c/o City Clerk
302 City Hall
Minneapolis, MN 55415

Re: Redistricting Legislation

Dear Commissioner:

In the document, I have attempted to set out the requirements that will apply to your efforts and duties on behalf of the City. This has been broken down into two sections: The first pertains to the processes and the times within which redistricting takes place; the second pertains to the substantive requirements by which your efforts must be guided.

I. REDISTRICTING PROCESSES AND TIMES

The Minneapolis City Charter provides that a Redistricting Commission should be established in years ending in two to draw ward boundaries. Charter Chapter 1, Sec. 3C. provides that the Commission shall adopt a ward boundary plan "at or within the times prescribed by law." The phrase "times prescribed by law" refers to the provisions of Minnesota Statutes which established the periods in which the boundaries of City Wards must be re-established.

- The wards may not be redistricted before the Legislature redistricts. Wards must be redistricted within 60 days after the Legislature has redistricted (May 17) or at least 19 weeks before the state primary election in 2002 (April 29), whichever is first. M.S. § 204B.135.

- If the adoption of the legislative redistricting plan or the resolution of any court challenge to the redistricting plan occurs less than 19 weeks before the state primary in 2002, the following schedule must be followed:
 - A. Precincts must be reestablished no later than 28 days after the adoption of the legislative plan;
 - B. Wards must be redistricted no later than 28 days after the adoption of the legislative plan.
 - C. Local government election districts (e.g. park districts) must be redistricted no later than 42 days after adoption of the legislative plan.

Minnesota Rules, Sec'y. of State, Redistricting, § 8255.0010.

- The Redistricting Commission must hold 2 public hearings prior to adoption of its redistricting plan. At least one of these hearings shall be for the purpose of reviewing the tentative plan. A copy of the tentative plan must be published as a legal notice for the public at least 7 days prior to the public hearing on the tentative plan. Also, neighborhoods must be solicited for their input. Mpls. Charter Chapter 1, Sec. 3C.
- The redistricting plan must state the boundaries and population of each ward and must be signed by a Majority of the Commission Members and filed with the City Clerk. Therefore, this must be accomplished at least 19 weeks before the State primary election and no more than 60 days after the legislative redistricting. Id. M.S. § 204B.135.
- If the Redistricting Commission fails to adopt a ward boundary within the times prescribed, each of the contending factions on the Commission shall submit a plan and one plan shall be selected by lot under the City Clerk's supervision. Mpls. Charter Chapter 1, Sec. 3D.
- Following the adoption of a ward boundary plan, the Minneapolis City Council must, within 19 weeks before the state primary election (April 29) and within 60 days after the legislative redistricting (May 17), whichever comes first, re-establish precinct boundaries (the dates shift if there is a judicial challenge).
- After the precincts are re-established, then local government districts must be redistricted. This includes the park and recreation districts. M.S. § 204B.135.
- The Redistricting Commission then reconvenes to set the boundaries of the 6 park districts. However, the 2 City Council appointees are replaced by the 2 Park Board appointees. Laws of Minnesota, 1992, Ch. 361.

- Before adopting a Park District boundary plan, the proposed plan must be submitted to the Park Board for its review and recommendations. After considering the Park Board's recommendations it adopts the Park District boundary plan. Mpls. Charter, Chapters 16 § 1.

II. REDISTRICTING REQUIREMENTS

- Population to be used is the official population, as stated by the census tracts and blocks in the official U.S. Census. Mpls., Charter Chapters 1 § 3.
- The Redistricting Commission may compute the population of any part of a census tract by use of other pertinent data or by special enumeration of any block or blocks when necessary to modify census data. Id.
- The Commission must first establish a population quota for each ward by dividing the City's total population by 13. Id.
- No ward, as readjusted, may have a population more than 5% over or under the quota, or what is known as the "ideal." Id.
- The 14th Amendment of the U.S. Constitution, the Equal Protection Clause, has been interpreted as requiring "substantial equality of population." Reynolds v. Sims, 377 U.S. 533 (1964). This has been held to mean an overall range of less than 10%. See Chapman v. Meier, 470 U.S. 1 (1975); Connor v. Finch 431 U.S. 407 (1977); Brown v. Thomson, 462 U.S. 835, 842-43 (1983); Voinovich v. Quilter, 507 U. S. 146 (1993). Therefore, since a 5% deviation from the quota or ideal would yield a maximum overall range of 10%, the Charter's 5% deviation should satisfy Equal Protection Requirements, as long as other ward boundary standards are met.
- Each ward must consist of compact and contiguous territory, not more than twice as long as it is wide. A lake within a ward will not violate the contiguity principle. Mpls. Charter, Chapter 1, § 3.
- The principle of compactness means that the territory of the ward should have a border or perimeter that is short in relation to the area. See Black's Law Dictionary 4th ed. 1968 defining "compact". Thus, a perfect square would be very compact. On the other hand, sprawling or bizarre shapes would not be compact, and could lead a court to conclude that they were the result of gerrymandering. See Bush v. Vera, 517 U.S. 952 (1996).
- The requirement that wards must be contiguous means that the territory of any given ward must not be divided into parts separated by areas outside of the ward. Wards that contain areas that connect at only a single point are not contiguous. Shaw v. Reno, 809 U.S. 630, 646.

- Whenever possible, ward boundaries shall follow the centerline of streets, avenues, alleys and boulevards as nearly as practicable. Mpls. Charter Chapters 1 § 3.
- Wards shall retain the same numerical description as the currently existing ward from which the newly drawn ward receives the largest portion of its population. Mpls. Charter Chapters 1 § 3. The numbering, to the extent possible, shall be consecutively, first on the East side of the Mississippi River and then on the West side and from North to South. Id.
- Avoid a plan which denies or abridges the rights of racial and language minorities. 42 U.S. C.A. § 1973 (1981). With respect to a minority which is sufficiently large and compact to constitute a majority in a ward that is politically cohesive, and whose preferred candidate would usually be defeated in voting by the white majority, a plan probably must be created which gives the minority a fair chance to win. Thornbury v. Gingles, 478 U.S. 30 (1986); Grove v. Emison, 507 U.S. 25 (1993).
- Race may be considered in drawing the ward boundaries so that the political power of a racial minority is preserved and its voting power not diluted. However, there is no requirement in the Constitution or the Voting Rights Act of proportional representation of racial or ethnic minorities. City of Mobile v. Bolden, 466 U.S. 55 (1980).

Very truly yours,

JAY M. HEFFERN
City Attorney

By



MICHAEL T. NORTON
Deputy City Attorney
Attorney Reg. No. 79935
Attorney for Defendant
Suite 300
333 South Seventh Street
Minneapolis, MN 55402-2453
(612) 673-2069