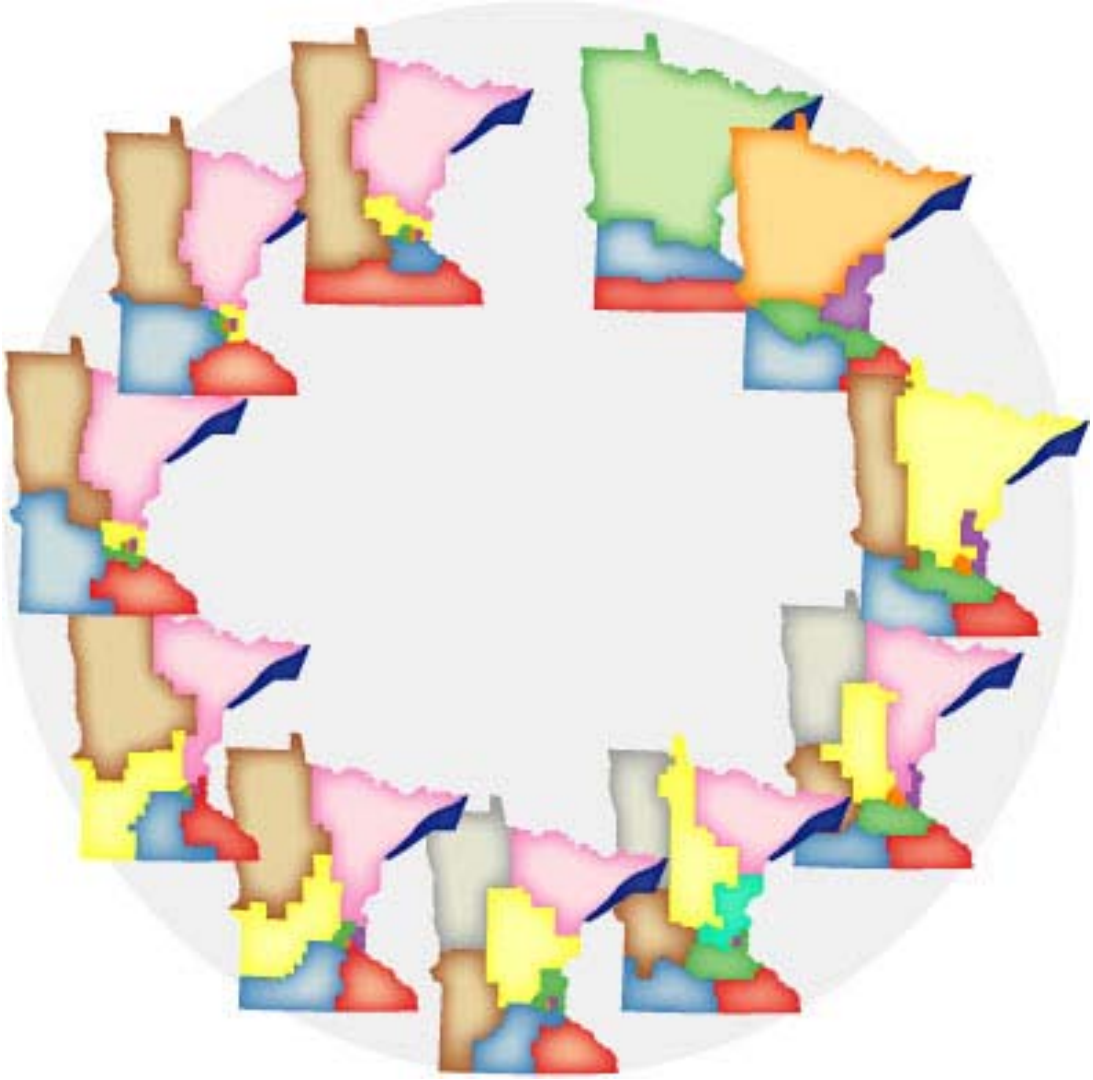
2011 REDISTRICTING GUIDE



Office of the Minnesota Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Phone: (651) 215-1440
Toll Free: 1-877-600-8683
Minnesota Relay Service: 1-800-627-3529

Email: elections.dept@state.mn.us
Website: www.sos.state.mn.us

TABLE OF CONTENTS

1.0 OVERVIEW 6
1.1 ABOUT THIS GUIDE 6
1.1.1 Organization 6
1.1.2 Usage 6
1.2 WHAT IS REDISTRICTING? 6
1.3 PREPARING FOR REDISTRICTING 7
1.3.1 Local governments and redistricting responsibilities 7
1.3.2 Level of effort 8
1.3.3 Skills and tools 9
1.3.4 Timelines 9
1.4 CENSUS DATA 10
1.4.1 Background 10
1.4.2 Population summaries 11
1.4.3 Census blocks and block boundaries 11
1.4.4 Sources of redistricting data 11
2.0 STATE AND FEDERAL REDISTRICTING 13
2.1 CONGRESSIONAL DISTRICTS 13
2.2 LEGISLATIVE DISTRICTS 13
2.3 DISTRICT REQUIREMENTS 13
2.4 LEGISLATIVE PROCESS 14
2.5 ROLE OF THE OFFICE OF SECRETARY OF STATE 14
2.6 ROLE OF THE COURTS 15
3.0 CITY WARDS 16
3.1 DEFINITION 16
3.2 WARD REQUIREMENTS 16
3.2.1 Ward boundaries 16
3.2.2 Population and city wards 16
3.3 WARD REDISTRICTING PROCESS 17
3.3.1 Review city charter or policies 17
3.3.2 Acquire census block population data 17
3.3.3 Describing ward boundaries 18
3.3.4 Public involvement 18
3.3.5 Dates for establishing wards 18
3.3.6 Publish and post ward plan 19
3.3.7 Notification of county and state 19
3.4 WARD REDISTRICTING AND THE CITY COUNCIL 19
3.4.1 Residence in ward 19
3.4.2 First class cities without staggered council terms 19
3.4.3 Failure to redistrict 19
3.5 VOTER'S RIGHT TO CONTEST 20
4.0 PRECINCTS 21
4.1 PRECINCTS AND REDISTRICTING 21
4.1.1 Overview 21
4.1.2 Precinct freeze 21
4.2 PRECINCT REQUIREMENTS 21
4.2.1 Definition 21
4.2.2 Precinct boundary requirements 21

4.2.3 Describing precinct boundaries....23
4.2.4 Consideration of available polling places....23
4.3 ESTABLISHING PRECINCTS....24
4.3.1 Preparation....24
4.3.2 Municipalities with only one precinct....26
4.3.3 Municipalities with multiple precincts....26
4.3.4 Precincts in unorganized territories....27
4.3.5 Changes to precinct boundaries....28
4.3.6 Notification....29
4.4 PREPARING FOR THE NEXT ELECTION....30
5.0 POLLING PLACES....31
5.1 DEFINITION....31
5.2 POLLING PLACE REQUIREMENTS....31
5.2.1 Accessibility....31
5.3 ESTABLISHING POLLING PLACES....32
5.3.1 Designating polling places....32
5.3.2 Combined polling places....32
5.3.3 School district combined polling places....33
5.3.4 Polling places and mail balloting....33
5.3.5 Polling place equipment....33
5.4 NOTIFICATION....33
5.4.1 Notify county auditor....33
5.4.2 Notify affected households....33
6.0 COUNTY REDISTRICTING....35
6.1 OVERVIEW....35
6.1.1 Redistricting levy....35
6.1.2 Preparation....35
6.2 INFORMATION FLOWS....36
6.2.1 Census data....36
6.2.2 State redistricting plans....37
6.2.3 Precinct changes....38
6.3 COUNTY COMMISSIONER DISTRICTS....39
6.3.1 Definition....39
6.3.2 County commissioner district requirements....39
6.3.3 Is redistricting of county commissioner districts required?....40
6.3.4 Commissioner redistricting process....44
6.3.5 Notification....46
6.3.6 District changes and serving commissioners....46
6.3.7 Voter's right to contest....49
6.4 POST REDISTRICTING DUTIES....50
6.4.1 Corrections after redistricting....50
6.4.2 Boundary adjustment due to municipal annexations....50
6.4.3 Update voter registration records....51
7.0 SCHOOL DISTRICT REDISTRICTING....52
7.1 OVERVIEW....52
7.1.1 School district elections organization....52
7.1.2 Preparation....52
7.2 SCHOOL DISTRICTS WITH AT-LARGE BOARDS....53
7.2.1 School district boundary information....53
7.2.2 Updated precinct information....53
7.2.3 Review polling places....53

7.3 SCHOOL DISTRICTS WITH ELECTION DISTRICTS 53
7.3.1 Definition 53
7.3.2 School board member district requirements 54
7.3.3 Is redistricting of board member districts required? 55
7.3.4 School board redistricting process 55
7.3.5 How district changes affect serving board members 57
7.3.6 Voter's right to contest 57
7.4 POLLING PLACES 57
7.4.1 Designation 57
7.4.2 Notification of voters 58
7.4.3 Combined polling places 58
7.4.4 Accessibility 59
8.0 SPECIAL DISTRICTS 60
8.1 COUNTY PARK DISTRICTS 60
8.1.1 Hennepin County Park Districts 60
8.2 SOIL AND WATER CONSERVATION DISTRICTS 60
8.2.1 District requirements 60
8.2.2 Redistricting process 60
8.2.3 Elections following redistricting 60
8.3 HOSPITAL DISTRICTS 61
8.4 METROPOLITAN COUNCIL DISTRICTS 61
8.5 OTHER LOCAL DISTRICTS 61
APPENDICES 62
A TIMELINES 62
B CHECKLISTS 66
C SAMPLE DOCUMENTS 75
D ATTORNEY GENERAL OPINIONS 78
E SUBMITTING REDISTRICTING DATA 80

1.0 OVERVIEW

1.1 ABOUT THIS GUIDE

1.1.1 Organization

This guide follows the general flow of the redistricting process, as indicated below.

	Main tasks
Chapter 1	Census taken and compiled
Chapter 2	Legislative and Congressional redistricting
Chapter 3	City Ward redistricting
Chapter 4	Precincts established
Chapter 5	Polling places established
Chapter 6	County Commissioner redistricting
Chapter 7	School Board redistricting
Chapter 8	Special Districts

Information about notifications and contest of redistricting plans is included in each relevant chapter. Though changes will have to be made in the Statewide Voter Registration System following redistricting, that topic is not addressed in detail in this guide. The appendices (incomplete for this draft) may include reference materials such as timelines, flowcharts, sample resolutions, information about redistricting software and data, and relevant statutes, rules and opinions.

1.1.2 Usage

All information in this guide should be used along with other Election Guides produced by the OSS and the Minnesota Election Laws. The content of this document is subject to change as directed in subsequent legislation. **In all matters, the law and rule are the final authority**. Consult with your attorney if you have additional legal questions. Throughout this guide, the abbreviations M.S. and M.R. will be used to refer to Minnesota Statutes and Minnesota Rules, respectively.

1.2 WHAT IS REDISTRICTING?

Redistricting is the process of redrawing the boundaries of election districts, done in the United States after the completion of the decennial Census. The voters who live in each district then elect individuals to represent the people of the district in a legislature or other governing body. The purpose of redistricting is to ensure that the people of each district are equally represented.

When the Framers of our Constitution in 1787 decided to have the people proportionally represented in the U.S. House of Representatives, they were concerned with the effect of population change on this representation. So the Constitution requires that, following the national census conducted every ten years, the number of U.S. House members from each state should be adjusted to reflect the number of persons who live in each state. Each state then redraws its congressional district lines so that approximately the same number of persons are contained within each congressional district in the state in order to give all persons within the state equal representation.

This principle of "One Person, One Vote", which is achieved through the redistricting process, has been expanded over the years to include both chambers of state legislatures, county commissioner districts, municipal districts, and districts in other jurisdictions.

What happens when we don't redistrict? The best example comes from England, which was in the minds of the Framers when they drafted our own Constitution. The British Parliament had not been "redistricted" to take into account population changes for more than 600 years! As a result, representation in Parliament was way out of balance. The Town of Manchester had 60,000 inhabitants, but no representation in the national legislature, while the Town of Sarum with "not three houses" sent *two* representatives to Parliament! Observing this British method of representing people in a legislature, the American Revolutionary writer Thomas Paine asked in *The Rights of Man*, "Is there any principle in these things?"

The Framers of our own Constitution began the process of answering Thomas Paine's question more than 200 years ago. Your own work with redistricting ensures that the Constitutional principles of "One Person, One Vote" and equal representation will continue in the 21st Century.

1.3 PREPARING FOR REDISTRICTING

Each local unit of government needs to determine its redistricting responsibilities and how it will accomplish them. To understand how a local unit of government will complete its redistricting tasks and responsibilities, local government officials need to determine (1) if they *have* redistricting responsibilities (or if they will be primarily affected by decisions made by others), (2) if so, what those responsibilities are, (3) what level of effort will be required, and (4) what skills and tools they will need. It is also advisable to plan how to work with other local units of government that have redistricting responsibilities.

1.3.1 Local governments and redistricting responsibilities

Aside from the legislature, four main jurisdictions have some degree of responsibility for redistricting: counties, cities, townships, and school districts. In addition, some other kinds of districts may have some limited responsibilities—see Chapter 8 for more information on these.

1.3.1.1 County

County governments must redistrict county commissioner districts after every federal census to meet the requirements in M.S. 204B.135. This redistricting may take the form of:

1. reestablishing existing county commissioner districts, if they currently meet all statutory requirements, or
2. drawing new county commissioner districts, to make them conform to the statutes.

County commissioner district redistricting must occur no later than 80 days after state legislative and congressional redistricting and after precincts are redistricted or reestablished by cities and townships. Counties responsible for unorganized territories must also redistrict or reestablish precinct boundaries in those areas.

A voter may apply to a district court for a court order to require county redistricting or to revise the county's redistricting plan. One option for the court is to appoint a redistricting commission, removing redistricting authority from the county board. (M.S. 375.025)

1.3.1.2 City

City governments must redistrict or reestablish all precincts after state redistricting. Reestablishing precincts is a routine process of verifying that existing precinct boundaries meet legal requirements and then reconfirming those boundaries. Redistricting precincts is required when it is determined that existing precincts do not meet the requirements in law, particularly if new legislative or congressional districts have split existing precincts. Cities may also find this to be a good time to realign precincts to eliminate precincts split by school districts, adjust or add additional precincts to accommodate growth, or to change polling places.

Cities with wards must redistrict ward boundaries to ensure compliance with ward population equality and other legal requirements. This may involve reestablishing existing wards or drawing new ward boundaries. If cities with wards fail to redistrict their wards within 60 days after the state legislature has been redistricted, the mayor and city council members will not get paid until redistricting is completed. Note that there were law changes in 2010 that apply to cities with wards and 2011 municipal elections. (M.S. 204B.14 subd. 3; M.S. 205.84)

1.3.1.3 Township

Township boards must redistrict or reestablish precinct(s) following legislative redistricting. This may involve reestablishing an existing precinct or establishing new precinct boundaries, particularly if legislative or congressional districts have split the township. Townships that are split by school districts may also choose to establish multiple precincts to simplify elections. (M.S. 204B.14 subd. 3)

1.3.1.4 School District

If all school board members are elected "at-large," the school district does not have any election districts to redistrict. However, precinct boundary changes made by cities and townships may cause a voter's combined polling place location to change. School districts need to assess how precinct boundary changes affect polling place combinations in a school district election and implement new combinations if necessary. School districts that normally have even year elections should review their combinations that are in place for use in special elections.

If any school board members within a school district are elected from election districts (where voters in a specific area vote for a particular board member seat) then the school district must follow the redistricting guidelines. (M.S. 204B.135 subd. 2; M.S. 205A.12)

1.3.2 Level of Effort

The level of effort required of any given jurisdiction (county, municipality, school district) depends on many criteria. The questions below will help determine what the level of effort may be.

<u>Election Districts</u>

- How many precincts under the jurisdiction's responsibility need to be redistricted or reestablished?
- How many election districts (city wards, county commissioners, school election districts) under the jurisdiction's responsibility need to be redistricted or reestablished?
- What laws apply to these types of election districts?
- What redistricting tasks are required?
- Where do the redistricting tasks fit into redistricting timeline requirements?

- What changes may be needed for polling places?

Population

- What is the jurisdiction's population?
- What are the important demographic characteristics of the population? (i.e.--racial and ethnic communities)
- How is the population distributed within the districts?
- How has the population moved or changed since districts were last drawn?

1.3.3 Skills and tools

The skills and tools a local government needs for redistricting depends on the tasks to be completed and the level of effort required. The following questions will help determine what skills and tools you have and what additional skills and tools your office may need to acquire.

Experience

- How many staff with redistricting experience do you have?
- Who are those staff and what is their redistricting-related experience?

Staff Training

- What additional training do your decision makers need?
- Who are your technical staff? What additional training do they need?
- Who are your legal staff? What additional training do they need?
- Who are your administrative staff? What additional training do they need?

Plans

- How will you include the public in the process?
- Who will be drawing draft plans for you?
- How will you share your plans?

Geographic Information Systems

- Will using a geographic information system (GIS) save time, money and effort, or will obtaining and using a GIS be more work and expense beyond what is required for your level of effort?
- Do you have a GIS? If so, does your GIS meet the needs of your redistricting tasks?
- Do you have technical staff that understands GIS, GIS software, and the development and maintenance of geographic databases? If not, is this assistance available through other government entities or associations?

Resources

- What additional resources do you have to draw from?

1.3.4 Timelines

Redistricting involves many deadlines and important dates that are defined in statutes or rules. Many dates are relative to a fixed date, like the primary election (i.e.--"15 weeks before the state primary"). Other dates are

relative to the date when the legislative redistricting plan is adopted, which is a less predictable date. Because of this, some specific dates are included throughout this guide, while other dates are given in a more general way. See Appendix A for three timelines that compile relevant dates:

1. Intended Deadline Timeline, which includes all relevant dates, is based on the legislative plan being adopted around the statutory "intended deadline." It covers the adoption period of February 3, 2012 to April 3, 2012.
2. Early Timeline includes dates that are relative to the adoption of the legislative plan, if the adoption date is before February 3, 2012.
3. Late Timeline includes dates that are relative to the adoption of the legislative plan, if the adoption date is after April 3, 2012.

Also note that although deadlines and dates may be staggered, this office recommends that all levels of government keep in contact about redistricting plans that may affect each other throughout the redistricting process.

1.3.4.1 Special Elections

Municipal and school district special elections are prohibited after April 3, 2012 until August 14, 2012. (M.S. 204B.135, subd. 4)

1.4 CENSUS DATA

The U.S. Census Bureau releases two general types of data in conjunction with the federal decennial census. These data types are (1) population counts and (2) geographic data.

1.4.1 Background

Article 1, Section 2 of the U.S. Constitution provides for a census of the population of the United States: “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.” The first census of the population of the United States was conducted in 1790, and 2010 marked the 23rd national census.

The primary purpose of the census is to apportion the members of the U.S. House of Representatives among the states. However, the federal census is also used for state and local redistricting, and for the dispersal of money for federal programs. The need for census data to redistrict state and local election districts became very important in the 1960s as the result of U.S. Supreme Court decisions clarifying the “One Person, One Vote” principle.

In 1974 the U.S. Congress passed Public Law 94-171, which established that the Census Bureau must provide population data to all the states within 1 year of the day the census is conducted (by March 31, 2011 this redistricting cycle).

The Governor’s office will file a certified copy of official census population counts with the Office of the Secretary of State. Those certified census results are the official counts that are used to determine the population of every political subdivision in the state. (M.S. 600.18)

1.4.2 Population summaries

The first census data delivered to the state are “block” population counts. This is the data that will be used by the Minnesota Legislature and local governments to redistrict election districts.

The Census Bureau collects population information by geographic areas called “census blocks.” The bureau then reports population counts for each block and also reports population summaries for larger geographic areas such as states, counties, cities, and townships. Census blocks are the smallest geographic area for which population numbers are released. They are geographic areas bounded by physical features or political subdivisions.

Other geographic areas defined by the Census Bureau are “Census Tracts.” A census tract is a collection of census blocks. Tracts from the 2000 Census typically had between 1,500 and 8,000 people, with an average of approximately 4,000 people. Census tract boundaries are relatively stable over time, unlike census blocks, whose boundaries change whenever a new road is constructed or a municipal annexation occurs. The Census Bureau reports population information by census tracts to simplify the comparison of statistics among different areas of the country and among the same area over time.

The Census Bureau also releases population summaries for counties, cities, townships, and other political subdivisions. These population summaries are released periodically over several years after the census is conducted. Population information can be accessed on the Internet from the State Demographic Center at http://www.demography.state.mn.us.

1.4.3 Census blocks and block boundaries

Census blocks are geographic areas bounded by physical features or political subdivisions. The Census Bureau maps nearly all the roads, railroads, rivers, lakes, and other geographic features in the United States. It also maps political subdivisions such as state, county, municipal, and school district boundaries, Indian reservations, and other geographic areas defined by law. These are compiled into a digital database the Census calls its TIGER/Line files.

For the 1990 redistricting cycle, the Census Bureau developed the TIGER (for Topologically Integrated Geographic Encoding and Referencing) system to reference population data to its geographic area. TIGER data is not a digital map, but can be used to create maps. Until 2007, TIGER data was released in an ASCII format, but since then it has been released in shapefile format which is compatible with all modern geographic information system (GIS) software. Additionally, the Census Bureau does produce map products, which can be acquired for use in redistricting.

The features that comprise the boundaries of a census block define its geographic area. These features may collectively be referred to as “Census Lines,” “Block Lines,” “TIGER/Lines” or “Census Block Boundaries.”

Minnesota Statutes requires local units of government to draw precinct boundaries on census block boundaries for the first two years after the census. While it may not be necessary to all units of government to acquire census block data, it is necessary that they be able to verify that their precinct boundaries meet this statutory requirement. (M.S. 204B.14, subd. 6)

1.4.4 Sources of redistricting data and information

Whether a local unit of government uses map products or a geographic information system in redistricting it is important that they acquire their data from a reputable source.

The U.S. Census Bureau will make available redistricting data and maps:

- Minnesota PL 94-171 Population data: http://www2.census.gov/census_2010/01-Redistricting_File--PL_94-171/Minnesota/
- American FactFinder: http://factfinder2.census.gov/
- TIGER/Line shapefiles: http://www.census.gov/cgi-bin/geo/shapefiles2010/main
- PDF Maps: http://www.census.gov/rdo/data/2010_census_redistricting_map_suite.html

The Minnesota Secretary of State's Office produces a variety of paper maps including maps of counties, cities, townships, precincts, and legislative and congressional districts:

- Maps: http://www.sos.state.mn.us/index.aspx?page=462
- Redistricting: http://www.sos.state.mn.us/index.aspx?page=1668

The Legislative Coordinating Commission's Geographic Information Services (LCC-GIS) provides a variety of digital data in GIS file formats on their web site.

- Data Downloads: http://www.gis.leg.mn/html/download.html
- Redistricting Resources: http://www.gis.leg.mn/html/redistricting.html
- Redistricting Plans: http://www.gis.leg.mn/redist2010/plans.html

The Minnesota Geospatial Information Office (MnGeo, formerly known as the Land Management Information Center or LMIC) produces maps and provides contract services to local units of government. Information can be found on their web site.

- MnGeo Data Clearinghouse: http://www.mngeo.state.mn.us/chouse/metalong.html
- School District Maps: http://www.gda.state.mn.us/maps/SchoolDistricts/

The State Demographic Center's web site has population information.

- Redistricting: http://www.demography.state.mn.us/redistricting2010.htm

Additional sources of maps and digital data may include:

- County and municipal planning, GIS, public works, public safety, and tax departments;
- Soil and water conservation districts;
- School district bus department or companies;
- Software vendors;
- Map vendors;
- Private consulting companies (particularly engineering and environmental consultants); and
- Public and private organizations.

2.0 STATE AND FEDERAL REDISTRICTING

2.1 CONGRESSIONAL DISTRICTS

The members of Congress do not draw their own congressional district lines. The role of Congress is very limited: after each federal census, the Congress apportions a number of the 435 seats in the House of Representatives to each state, based since 1940 on the Method of Equal Proportions. This complicated mathematical formula makes certain that after each state receives at least one U.S. Representative, the remaining seats are allocated one at a time in a way that minimizes the percentage differences in the population of congressional districts. Each state then draws the boundaries for its congressional districts, following its own procedures and statutes. In most cases the responsibility is given to the state legislature and governor, but some states use other methods, such as redistricting commission.

Since 1963, Minnesota has had eight congressional districts. On December 22. 2010, the congressional apportionments were announced, and Minnesota maintained its eight congressional seats, barely. Minnesota got the 435th and final seat apportioned, ahead of North Carolina and Missouri.

2.2 LEGISLATIVE DISTRICTS

The state senate is composed of 67 members, and the state house of representatives is composed of 134 members, with two house districts being fully contained in each senate district. Following redistricting in 2012, all seats of the senate and house will be up for election, even though the usual term for senators is four years. (Minnesota Constitution Article IV, M.S. 2.021)

2.3 DISTRICT REQUIREMENTS

Constitutional requirements for legislative and congressional districts include:

- Equal population
- Convenient, contiguous territory
- Single member senate districts
- House districts nested within senate districts
- Numbered in a regular series
  (Minnesota Constitution, Article IV)

Statutory requirements for redistricting plans include:

- A redistricting plan must cover the entire territory of the state.
- All districts must consist of “convenient, contiguous territory substantially equal in population.”
- Districts also must not subdivide political subdivisions more than necessary.
  (M.S. 2.91, subd. 2)

Non-statutory redistricting principles used in the past include:

- Congressional district populations must be as close as possible, while the population of legislative districts must fall within 2% of the average.

- "Communities of interest" should be preserved, including citizens with similar social, geographic, political, cultural, ethnic, economic or other interests.
- Minority voting strength should not be diluted
- Incumbents should be neither unduly protected nor defeated.
  (Order of the Special Redistricting Panel, C0-01-160)

2.4 LEGISLATIVE PROCESS

To adopt a redistricting plan for congressional or for state legislative districts, the Minnesota legislature passes a bill to make the redistricting plan a part of state law. In most ways, the redistricting plan is like any other bill: the bill is filed by a member of the House and a member of the Senate; hearings are conducted, and amendments made to the bill; any disagreements between the House and Senate are settled in conference committee; and the final version of the bill is sent to the Governor. The Governor may then approve the bill, veto the bill, or allow the bill to become law without his signature. A redistricting bill might include both the congressional and state legislative plans, or these plans could be enacted as part of separate bills.

However, in some ways, redistricting bills are different. These bills reference a redistricting plan on file and available on the legislature's web site, and do not set forth the legal descriptions of each district as part of the bill. Likewise, redistricting bills are sometimes considered at the same time as other bills setting forth the "redistricting principles" that the legislature is considering as the "ground rules" that would apply to any specific redistricting plan. The political importance of these bills also means that they seldom move through the legislative process without controversy and extensive debate.

It is the intention of the legislature to complete congressional and legislative redistricting no later than February 21, 2012, which is 25 weeks before the state primary on August 14, 2012. (M.S. 204B.14, subd. 1a)

The state legislature also has the responsibility for adopting a redistricting plan for the members of the Metropolitan Council following each decennial census. This plan is adopted as a state law through the same legislative process discussed above. (M.S. 473.123, subd. 3a)

2.5 ROLE OF THE OFFICE OF THE SECRETARY OF STATE

The authority of the Office of the Secretary of State in redistricting election districts and reestablishing precincts is derived from *M.S.* 204B.14, 204B.145, 204B.146, and 2.91.

The Office of the Secretary of State is instructed by law to:

- As an ongoing task, prepare maps illustrating precinct and district boundaries in either electronic or paper format for the public at cost of production. (M.S. 204B.146 sub. 2)

- As an ongoing task, maintain a computer database of precinct and election district boundaries. The database shall be updated whenever a boundary changes. In some cases, when a municipal boundary that is coterminous with one or more election district boundaries changes, the Office of the Secretary of State may order corrections to move election district boundaries to keep them coterminous with the municipal boundary. (M.S. 204B.146 sub. 2 and 3)

- During 2011, conduct conferences to instruct county auditors and municipal and school clerks in the procedures for redistricting. (M.S. 204B.146 sub. 1)

- Upon enactment of a redistricting plan for the legislature or Congress, provide copies of the relevant portions of the plan to each county auditor, who then shall provide relevant portions to each municipal clerk in that county. (M.S. 2.91 sub. 1)

- After a state redistricting plan is adopted, make copies of the district plan files, maps, and tables available to the public at cost of production. (M.S. 2.91 sub. 1)

- After a state redistricting plan is adopted, order corrections to "clean up" the plan. These corrections include adding territories that were omitted from the plan, removing duplicate occurrences of the same territory, and resolving ambiguous boundary descriptions. A copy of each correction shall be provided to the affected county auditor, municipal clerk, and any candidate. The Office of the Secretary of State shall recommend to the legislature any technical corrections to the redistricting plan. (M.S. 2.91 sub. 2, 3, and 4)

- Notify the county auditor or municipal clerk when precinct boundaries do not comply with statutes to follow census block boundaries or visible, clearly recognizable physical features, or the provisions of M.R. 8255. If, after 60 days no action has been taken to correct the boundary, the Office of the Secretary of State shall correct the precinct boundary and notify the county auditor or municipal clerk. (M.S. 204B.14 sub. 6, M.R. 8255.0020 and 8255.0025)

- During the decade following redistricting, provide periodic updates of precinct and election district boundaries to the Legislative Coordinating Commission (LCC), the state demographer, and the Minnesota Geospatial Information Office (MnGeo). (M.S. 204B.146 subd. 2)

2.6 ROLE OF THE COURTS

If someone believes that a state legislative or congressional redistricting plan violates the law, that person can file a lawsuit asking the court to modify a redistricting plan, or to throw the plan out completely. A lawsuit might be brought in federal court or, in some cases, in state court to resolve the legal issues raised concerning a redistricting plan.

There are a number of legal arguments that can be made against any redistricting plan: (1) that the plan violates the United States Constitution (the requirement that districts provide for One Person, One Vote, for example); (2) that the plan violates federal laws (the protections against racial discrimination in the federal Voting Rights Act, for example); or (3) that the plan violates the Minnesota Constitution, or Minnesota state law (the requirements for districts to be contiguous, for example).

The court in which the lawsuit is filed will hear evidence from all the persons involved in the lawsuit, and then will issue a written ruling regarding the redistricting plan. The losing side (and even the winning side, if that side is unhappy with some part of the court's ruling) can then appeal this court's ruling to a higher court. This appeals process can continue until the highest court (the United States Supreme Court) makes its ruling, or declines to hear an appeal, which means that a lower court's ruling becomes the final decision regarding that plan.

As part of the process for the courts to make their final decision regarding the plan, a court may order a plan to be revised by the legislature. Courts in other states have even drawn district lines themselves when the legislature was unable to do so after a court order. In some unusual cases, the courts have continued to be involved in redistricting plans for the entire ten-year period between one federal census and the new redistricting plan drawn after the next federal census.

3.0 CITY WARDS

3.1 DEFINITION

Wards are elective districts in a city from which members of the city council are elected. Of the over 800 cities in Minnesota, approximately 80 use wards for electing council members, including 9 of the 10 largest cities in the state. The others elect their councils "at-large." In cities that elect their council members at-large, all citizens are able to vote for any council member and thus they meet the "One Person, One Vote" requirement of the U.S. Constitution. Cities with wards must redistrict their wards after the federal census, and must make the wards equal in population in order to meet the equal representation requirement. This process has an impact on a city's precincts and thus is often done in conjunction with precinct reestablishment. See Chapter 4 PRECINCTS for details about precincts and their reestablishment.

3.2 WARD REQUIREMENTS

3.2.1 Ward boundaries

Wards must be drawn to meet statutory requirements in addition to population equality. These requirements influence the geography of the ward districts. The geographic requirements include:

- Wards are bounded by precinct lines,
- Wards are compact in area,
- Wards are composed of contiguous territory.
  (M.S. 205.84)

The requirement of precincts to be drawn on census block lines also effectively forces ward boundaries to be drawn on census block boundaries, as precincts cannot cross ward boundaries. (M.S. 204B.14 subd. 6)

Census block boundaries do not reflect any municipal annexation after January 1, 2010. If a city has annexed territory since that date, the precinct and ward plans should be written to include any annexed areas. However, the population of the recently annexed area may be difficult to accurately determine (see below for more information).

Remember to check your city charter to determine if it specifies additional requirements for the wards within your city beyond what is presented here.

3.2.2 Population and city wards

3.2.2.1 Population equality

Wards must be as equal in population as practicable. (M.S. 205.84 subd. 1)

It may not be possible to draw wards that are exactly equal in population. Situations where wards may have unequal population are:

- The total population of the city is not divisible by the number of wards, or
- The population totals within census blocks do not provide refined enough numbers to draw equal population wards.

3.2.2.2 Population in areas annexed after April 1, 2010

For the purpose of redistricting wards, the city must use the population counts that are certified by the U.S. Census Bureau and reflect the city's population as of April 1, 2010. Therefore, the city does not necessarily need to consider any annexation of population after the completion of the decennial census. However, case law has established that in some situations a city may consider post-census population changes or imminent development when redistricting wards.

The obvious problem in considering the population in territory annexed after the date of the census is the difficulty of precisely determining the size of that population. If an annexation includes an entire census block, population for that block is easy to determine. However, if a partial census block is annexed, the city may need to use another method to determine the population of the annexed area or the entire ward.

Since it is not possible to get an official population count for a portion of a census block, the city may form an estimate of the actual resident population annexed. However, if an estimate is used the city will need to be able to document how that estimate was developed in order to withstand a possible court challenge to the city's redistricting plan.

The population for the entire census block is available, and in most cases the actual number annexed is less than the total. If the total population of the census block would not cause the population of the ward to exceed Constitutional requirements, it may be sufficient to simply proceed as though the entire population of the census block were annexed for the purpose of calculating ward population.

3.3 WARD REDISTRICTING PROCESS

In addition to the information here, cities with wards should take into consideration the information in Chapter 4 PRECINCTS, especially section 4.3.3 Municipalities with multiple precincts. The ward redistricting process generally happens concurrently with the precinct establishment process.

3.3.1 Review city charter or policies

The city charter or official policies should be reviewed to determine if the city has established any specific redistricting related tasks. This is particularly true for cities with wards, whose charter may have ward requirements in addition to those specified in law. If there are any conflicts between the city's charter or policies and Minnesota law, cities should work with the city attorney to determine how best to reconcile the conflicts.

3.3.2 Acquire census block population data

Population is a major consideration when evaluating and redistricting city wards. The legal requirement to draw precincts on census block boundaries simplifies the calculation of ward population totals. To use census block population data it is necessary to have a map indicating block boundaries and the unique number for each census block.

Sources of maps of census blocks, tables of population totals, and other digital data are available from the sources listed in section 1.4.4 Sources of redistricting data.

3.3.3 Describing ward boundaries

There are many ways to describe ward boundaries. If a single feature (road, river, etc.) is the division between wards, it may be sufficient to define the wards in relation to that feature, for example "those portions of the city east of Main Street," or "north of Clearwater Creek." However, when ward boundaries follow multiple features, a metes and bounds description may be the best description.

A metes and bounds description is one that describes the boundaries of the wards in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 6th District is included in M.S. 473.123 subd. 3c (6):

> *"The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W…"*

A metes and bounds description may be preferable because it:

- is more easily understood by people unfamiliar with the city, and
- refers to relatively permanent features, not precincts, which tend to change over time.

When a ward redistricting plan is approved, any reference to a municipal or precinct boundary refers to that boundary on the day the plan is approved. It is not uncommon for municipal boundaries to change. A metes and bounds description may help to reinforce that when an annexation has occurred, a change in precincts and wards also has occurred.

3.3.4 Public involvement

It is recommended that cities solicit public involvement in the redistricting process. Public involvement may include multiple meetings during which the council considers a variety of redistricting plans, including those submitted by members of the public.

3.3.5 Dates for establishing wards

3.3.5.1 Cities with council members elected by ward

A city may not redistrict its wards before the state legislative redistricting plan has been adopted, except for first class cities electing council members by ward in 2011 (see 3.3.5.2 below). The city then must redistrict its wards, along with its precincts, within 60 days of legislative redistricting or by April 3, 2012, whichever comes first. (M.S. 204B.135 subd. 1)

An ordinance establishing new ward boundaries becomes effective on August 14, 2012, the date of the state primary election. (M.S. 205.84 subd. 2)

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 3 in 2012), there are alternate dates and procedures for redistricting or reestablishing local government elective districts. For more information on the alternate dates and procedures refer to Appendix A or contact the Elections Division of the Secretary of State's Office.

3.3.5.2 First class cities with council members elected by ward in 2011

First class cities that will elect their council members by ward in 2011 may reestablish their ward boundaries no later than 14 days before the start of candidate filing. The filing period opens May 17, 2011, so the deadline is May 3, 2011. The new ward boundaries take effect on the date of the municipal primary, August 9, 2011. In this circumstance, precinct boundaries may be reestablished within four weeks of the adoption of ward boundaries. The ward boundaries may be modified after the legislature has been redistricted for the purpose of establishing precinct boundaries. (M.S. 204B.135, subd. 1; 204B.14, subd. 3(c); 205.84)

3.3.6 Publish and post ward plan

While it is not specifically required to publish or post ward redistricting plans it is a good practice to publish and post plans to make them as widely available to the public as possible. If precincts are changed in the course of redistricting ward boundaries, follow notification guidelines in 4.3.6 Notification.

3.3.7 Notification of county and state

In most cases, a change in ward boundaries will also necessitate a change in precinct boundaries, which requires notification of the county auditor and secretary of state. Cities that incorporate ward designations into their precinct names do not need to do any additional notification of their ward boundaries. In situations where precinct names do not reference the ward to which they belong, the city clerk should provide the county auditor with information about which precincts are in which wards. (M.S. 204B.14, subd. 5)

3.4 WARD REDISTRICTING AND THE CITY COUNCIL

3.4.1 Residence in ward

When elected, a member of the city council must be, and remain, a resident of the ward they represent.

If redistricting causes a ward boundary to move, and that boundary change causes a council member to be shifted into another ward, the council member is allowed to continue to serve for the remainder of their term. However, if the council member runs for re-election, they will need to become a resident of the ward they represent. (M.S. 205.84, subd. 2)

3.4.2 First class cities without staggered council terms

Notwithstanding any home rule charter provision to the contrary, in a city of the first class where council members are elected by ward to serve for four years to terms that are not staggered, if the population of any ward changes by five percent or more, all council members must be elected to new terms at the first municipal general election after ward boundaries are redefined. However, if no municipal general election would otherwise occur in 2012 or 2013, a municipal general election must be held in one of those years. (M.S. 205.84, subd. 1(b))

3.4.3 Failure to redistrict

Minnesota statutes provides a penalty if the city council fails to either confirm that existing wards meet statutory requirements, or redistrict wards to meet statutory requirements. The city council must take an action to either formally reconfirm or change ward boundaries within the time frames provided in law. In the event that the council fails to act in time, no further compensation shall be paid to the mayor or council members until such time as they act. (M.S. 205.84 subd. 2)

3.5 VOTER'S RIGHT TO CONTEST

Minnesota law provides guidance to citizens of their right to contest local government election district plans. A voter wishing to contest a city ward redistricting plan or compel redistricting must file with the district court in the county by the appropriate date:

- If the redistricting plan is approved before April 3, 2012, the voter must file within three weeks, but no later than April 10, 2012;
- If the redistricting plan is approved after April 3, 2012, the voter must file within one week.

Consult with the city attorney for additional information regarding the procedures for ward redistricting contests. (M.S. 204B.135 subds. 1 and 3 (a) and (b))

4.0 PRECINCTS

4.1 PRECINCTS AND REDISTRICTING

4.1.1 Overview

All precincts in the state—whether in a city, township or unorganized territory—must be established (or reestablished) within 60 days of the adoption of the state redistricting plan, or by April 3, 2012, whichever comes first. These established precinct boundaries become effective on the date of the 2012 primary. (M.S. 204B.14, subd. 3)

4.1.2 Precinct freeze

State election law freezes all precinct boundary lines between January 1, 2010 until after legislative and congressional redistricting is completed. Normally, the city council may make changes to precinct boundaries at any time before May 1 of state election (even) years or 90 days before the next election. The statutes establishing the precinct freeze allow two exceptions to the freeze period: to accommodate an annexation or to divide an existing precinct. (M.S. 204B.14)

1. In the first exception, if a city annexes an area located in the same county as the city and the annexed area is adjacent to the city boundary the annexed area may be included in a precinct immediately adjacent to it. However, to include the recently annexed area into the city precinct all other statutory requirements such as not crossing legislative, congressional, or county commissioner districts still apply. The statutes do not provide an exception for including a non-adjacent annexation into a city precinct. (M.S. 204B.14 subd. 3 (a))

2. The second exception provides that a municipality or county may split an existing precinct. To do this the newly established precincts must not extend beyond the boundaries of the original precinct. Additionally, the names of the new precincts must include the name of the former precinct. (M.S. 204B.14 subd. 3 (b))

4.2 PRECINCT REQUIREMENTS

4.2.1 Definition

“Precincts” are the basic geographical units for organizing and administering elections. Precinct boundaries are partially designed by the governing jurisdiction (cities, townships, or counties in the case of unorganized territories) and partially the result of various requirements in state statutes.

4.2.2 Precinct boundary requirements

4.2.2.1 Precincts cannot cross municipal or election district boundaries

At a minimum, each city, township or county’s unorganized territory must be at least one precinct. At least one additional precinct is necessary for each additional county in which a municipality has territory. Also, a precinct cannot be split between congressional districts, legislative districts or city wards. A jurisdiction split by legislative or congressional districts during redistricting will need to adjust its precinct boundaries to follow the legislative and congressional district boundaries as defined in the state redistricting legislation. (M.S. 204B.14)

For the decade following the redistricting of county commissioner districts, precincts must not cross county commissioner district boundaries. (M.S. 375.025 subd. 1)

4.2.2.2 Use of physical features for precinct boundaries

Precinct boundaries are limited by statute in the following ways:

- From April 1, 2010 to April 1, 2012, all precinct boundaries must follow a census block line. The only exceptions are precincts that are made up entirely of unorganized territory and where more than one precinct is contained entirely within one census block,
- Starting April 1, 2010 precincts entirely in unorganized territories and multiple precincts entirely within one census block must follow visible, clearly recognizable physical features or be consistent with the provisions in *M.R.* 8255.0020,
- After April 1, 2012, boundaries of all election precincts must follow visible, clearly recognizable physical features or be consistent with the provisions in *M.R.* 8255.0020, and
- If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, the Secretary of State may authorize an alternate boundary used by the U.S. Census Bureau.
  (M.S. 204B.14 subd. 6 (a) (b) (e))

Statutes define "visible, clearly recognizable physical features" as a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line that is clearly visible from the ground. A street or roadway that has been platted, but not graded, does not qualify as a visible, clearly recognizable physical feature. (M.S. 204B.14 subd. 6 (c))

4.2.2.3 Use of school district boundaries as precinct boundaries

The establishment of precinct boundaries lacking visible, clearly recognizable physical features is covered in *M.R.* 8255.0020. Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. In this case, a city may establish a precinct boundary that is not on a recognizable physical feature. However, there are further limitations on the two precincts which share the non-visible boundary:

- The other boundaries of the two precincts must be entirely located on recognizable physical features or jurisdictional (city, township, unorganized territory, county) boundaries.
- The two precincts must be named to reflect a relationship for the purpose of reporting election results (i.e. Precinct 1A and Precinct 1B).
  (M.R. 8255.0020)

4.2.2.4 Additional precinct boundary information

Although precincts may be made up of non-contiguous portions of the city, it is not a recommended practice. One reason is to make the redistricting of county commissioner districts easier, following the establishment of precincts. Whenever a precinct exists which is made up of multiple parts, all parts of that precinct must be contained within a single county commissioner district, which may significantly limit where the county can draw commissioner districts. (M.S. 375.025 subd. 1)

Within these requirements, governing bodies may create as many or as few precincts as necessary for the community. Unlike elective districts, voting precincts are based on administrative convenience and may

contain a large or small population. However, precincts containing more than 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

There are benefits to drawing precinct lines to follow census block boundaries. Municipal wards and county commissioner districts must be approximately equal in population. The only way to ensure that the districts are balanced by population is to know the census count for the precincts making up the districts, and the only way to know with any certainty the population count of the precincts is to use census blocks as the basis for setting precinct boundaries. Additionally, the legislative and congressional plans will use census blocks exclusively to draw district boundaries. Precincts abutting legislative or congressional districts must use at least some census block geography in order to match the district boundaries.

4.2.3 Describing precinct boundaries

There are many ways to describe precinct boundaries. In a municipality with only one precinct, the precinct boundaries may be defined as following the municipal boundaries. However, when a municipality has two or more precincts, another method is needed for describing the precinct boundaries that split the municipality.

If a municipality uses a single road, or other feature, as the boundary between precincts, it may be sufficient to define the precincts in relation to that feature, as in "those portions of the city east of Main Street," or "north of Clearwater Creek." However, when precinct boundaries follow multiple features, or there are numerous precincts in the municipality, a metes and bounds description may be the best description.

A metes and bounds description is one that describes the boundaries of a precinct in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 15th District is included in M.S. 473.123 subd. 3c (15):

> "*The fifteenth council district consists of that portion of Dakota county consisting of the cities of Burnsville, Inver Grove Heights, and South St. Paul, and that portion of the city of Eagan lying north of a line described as follows: commencing at the intersection of Cliff Road with the western boundary of the city of Eagan, easterly along Cliff Road to its intersection with Robert Trail South and 110th Street West, then easterly along 110th Street West to the eastern boundary of the city of Eagan.*"

When a precinct plan is approved, any reference to a municipal boundary refers to that boundary on the day the plan is approved. As municipal annexations occur, county commissioner districts and state legislative and congressional district boundaries do not automatically change. Refer to 4.3.5.2 Annexations below for details on election district boundary corrections.

In summary, the advantages of a metes and bounds description are that it is:

- More identifiable to people unfamiliar with the municipality,
- Better than using corporate limits for descriptions – as corporate limits tend to change over time,
- A reminder that when municipal annexations occur, a precinct boundary change needs to occur or a new precinct needs to be created.

4.2.4 Consideration of available polling places

Some municipalities may prefer to identify polling places before establishing precincts. It may be less difficult to draw precincts around polling places than to find polling places for established precincts. Polling places must

meet strict state and federal accessibility and other requirements—see Chapter 5 POLLING PLACES for more information.

Regardless of what order polling places and precincts are identified and drawn, precincts are officially established first and polling places second.

4.3 ESTABLISHING PRECINCTS

All local governments which establish the boundaries of election precincts—whether in cities, townships, or unorganized territories—must follow similar steps in preparing for the establishment of precincts in the redistricting process, as well as notifying voters and other governmental entities when the process is completed. Differences that arise in establishing precincts in three situations—municipalities with one precinct, those with multiple precincts, and unorganized territories—are also noted in the respective sections below.

4.3.1 Preparation

4.3.1.1 Review city charter or policies

Before redistricting, the city charter or official policies should be reviewed to determine if the municipality has established any specific redistricting related tasks. This is particularly true for cities with wards, whose charter may have ward requirements in addition to those specified in law. If there are any conflicts between the city charter or policies and Minnesota law, municipalities should work with their attorney to determine how best to reconcile the conflicts.

4.3.1.2 Clarify roles, responsibilities, duties, and expectations

It is a good practice within your municipality to clarify and define the roles, responsibilities, duties, and redistricting-related expectations of the municipal clerk, staff, council/board, and/or other groups before redistricting begins. An agreement on who will do what tasks and when may safeguard everyone involved from unintentionally overstepping the tasks others are intending to do.

4.3.1.3 Provide information to local officials and media

It is a good idea for those with redistricting responsibilities to learn as much as they can about the redistricting process. Reviewing this guide is just one step in the learning process. There are many sources for additional information. Some of those sources are available on the OSS Redistricting webpage: http://www.sos.state.mn.us/index.aspx?page=1668

It is important that information relevant to local government redistricting be shared among all those involved with redistricting. This includes providing information to local media about the redistricting process and outcomes. Redistricting elective districts is an important component in the American political system and should be an open and visible process.

4.3.1.4 Acquire maps of census block lines (Required)

Among the requirements for precinct boundaries is the need to draw precinct boundaries on census block boundaries. Although there are a limited number of other boundaries allowed for precincts, census block lines are by far the most preferable. (M.S. 204B.14, subd. 6)

There are several sources for maps of census block boundaries. See section 1.4.4 Sources of redistricting data for a list of some of the sources of maps and digital data.

4.3.1.5 Acquire maps of school districts (Required)

All municipalities are required to acquire maps of any school district with territory within their municipal boundaries. Sources for school district maps include the school district itself, county offices, and the state Department of Education. Municipalities should verify the source(s) of school district maps before redistricting begins.

Once redistricting begins, municipalities are required to acquire the map(s) within 21 days of the completion of state legislative redistricting, and before reestablishing city precincts. To simplify election day activities, cities may want to consider their ability to draw precinct boundaries to follow school district boundaries to whatever extent possible. (M.R. 8255.0015)

4.3.1.6 Identify and evaluate existing and potential polling places

Before redistricting, it is a good practice to identify and evaluate existing and potential polling places. If the new legislative plans forces new precincts within a city, it is advisable to know ahead of time where potential polling places exist that meet all state and federal requirements.

Many cities may find it easier to first identify their potential polling places and then draw precincts around where they have a polling place. It may be harder to first draw precincts then try to find polling places for each one. Be aware that formal city council action is necessary to establish precinct boundaries before establishing polling places. For more information, see Chapter 5 POLLING PLACES.

4.3.1.7 Receive state redistricting plans from county auditor

The county auditor is required to send a copy of relevant portions of state legislative and congressional redistricting plans to each municipal clerk within their county.

The Secretary of State's office will be providing information about the official legislative and congressional plans to each county auditor. Those plans will be provided to the county auditor in the form of a map. The statutes do not explicitly define how, or in what format, the county auditor must provide relevant portions of state redistricting plans to municipal clerks. Cities should work with their county auditor to identify the best format for the city to receive state redistricting plans. (M.S. 2.91 subd. 1)

After adoption of the state redistricting plan, the Secretary of State is the official depository of that information. While copies of plans may be available from many other sources, it is strongly recommended that cities use only information that has been provided to their county auditor from the Secretary of State, or information that has been sent directly to the city from the Secretary of State. Any changes in legislative plans as a result of court action or changes ordered by the Secretary of State may not be reflected in information available from other sources. (M.S. 2.91 subd. 1)

4.3.1.8 Receive corrections, if any, of state plans

After adoption of the state redistricting plan, the Secretary of State's office reviews the plan for errors. If errors are discovered, the Secretary of State has the responsibility to notify the municipal clerk and candidates for office in the affected area. If an error is discovered, the Secretary of State's Office will work directly with any affected city clerk at that time. (M.S. 2.91 subd. 3)

If municipalities discover errors in the state legislative or congressional district plans they should immediately notify the Secretary of State's Office by sending a description of the error along with a map of the affected area.

4.3.1.9 Post state redistricting plans

While not specifically required, it is recommended that municipal clerks post copies of the relevant portions of county, state legislative, and congressional redistricting plans. After the county auditor forwards the relevant portions to the municipal clerk, the clerk may decide to post the plans in an effort to provide information about the new state plans to the public. This may be particularly important in areas where district boundaries have changed and where voters may have questions about the new plans.

4.3.2 Municipalities with only one precinct

Cities who elect their city council "at-large," and who are not split by legislative or congressional districts may not necessarily need more than one precinct. This is the situation for a majority of Minnesota cities, as well as almost all of Minnesota's townships.

In the event that a municipality determines that it does not need more than one precinct and it chooses to have only one precinct, redistricting work is substantially reduced. However, if a municipality chooses to have only one precinct they still need to complete the required preparatory tasks described in the preceding section 4.3.1. In addition they must:

- Verify that their precinct meets all statutory requirements (see section 4.4.2),
- Pass a resolution or ordinance reestablishing the precinct (see Appendix C for an example),
- Verify that their polling place meets all federal and statutory requirements (see section 5.2),
- If necessary, reestablish or withdraw from a combined polling place (see section 5.3), and
- Notify the auditor of their precinct and polling place (see section 4.3.5).

The resolution or ordinance reestablishing the precinct must be passed within 60 days of the completion of legislative redistricting, or by April 3, 2012, whichever comes first. (M.S. 204B.14, subds. 3 and 4.)

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 3 in 2012), there are alternate dates and procedures for redistricting or reestablishing precincts. For more information on the alternate dates and procedures refer to Appendix A or contact the Elections Division of the Secretary of State's Office. (M.R. 8255.0010)

Unlike elective districts, voting precincts are based on administrative convenience and may be large or small in population. However, precincts containing much more than 2,000 to 3,000 registered voters can become unwieldy for election administration purposes.

4.3.3 Municipalities with multiple precincts

Over two hundred cities and townships in Minnesota use more than one precinct for their elections. These municipalities may have additional complications in redistricting. Precinct boundary changes may be required due to changes to legislative or congressional district boundaries, ward boundaries, or as the result of the municipality's own initiative. The changing of precinct boundaries is known as "redistricting" precincts.

Some municipalities will not need to make any changes to their precincts' boundaries. These cities will simply need to reconfirm or "reestablish" their precinct boundaries. Although statute recognizes a difference exists, the statutes do not regularly differentiate between "redistricting" and "reestablishing" precinct boundaries. Every city must, by council action, carry out either a precinct redistricting or reestablishment after legislative redistricting.

In addition to the preparatory tasks described in section 4.3.1, municipalities with more than one precinct must:

- Verify that their precincts meet all statutory requirements (see section 4.4.2),
- Pass a resolution or ordinance establishing or reestablishing the precincts (see Appendix C for an example, and also section 4.2.3 Describing precinct boundaries),
- Verify that their polling places meet all federal and statutory requirements (see section 5.2),
- If necessary, reestablish or withdraw from a combined polling place (see section 5.3), and
- Notify the auditor of their precincts and polling places (see section 4.3.5).

The resolution or ordinance reestablishing the precincts must be passed within 60 days of the completion of legislative redistricting, or by April 3, 2012, whichever comes first. (M.S. 204B.14, subds. 3 and 4.)

The city council or town board must adopt the reestablished or changed precinct boundaries for the municipality at least 90 days before the next election. However, post-redistricting precinct changes and reestablished precincts go into effect on the date of the state primary election on August 14, 2012. (M.S. 204B.14 subd. 3 (c))

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 3 in 2012), there are alternate dates and procedures for redistricting or reestablishing precincts. For more information on the alternate dates and procedures refer to Appendix A or contact the Elections Division of the Secretary of State's Office. (M.R. 8255.0010)

4.3.3.1 Coordination with school district boundaries

Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. A difficulty in administering split precincts is ensuring each voter gets the correct ballots. For example, a voter may be disenfranchised if their school district is voting on a bond issue and they are incorrectly given the ballot for the other school district, and thereby are not given the opportunity to cast their vote on the bond question. Likewise, a voter could end up voting on issues in a school district in which they do not live. To avoid these types of problems, municipalities may want to investigate their ability to draw precinct boundaries on school district boundaries. (See 4.2.2.3 Use of school districts as precinct boundaries)

4.3.4 Precincts in unorganized territories

The county board establishes precincts in unorganized territories. At minimum, the unorganized territories in the county must be at least one precinct, and additional precincts are necessary if a congressional or legislative boundary divides the unorganized territory. Beyond this, counties are free to create as many or as few precincts as is appropriate for the community and election administration.

In addition to the preparatory tasks described in section 4.3.1, counties with unorganized territory must:

- Verify that their precincts meet all statutory requirements (see section 4.4.2),
- Pass a resolution reestablishing the precincts (see Appendix C for an example, and section 4.2.3 Describing precinct boundaries),
- Verify that their polling places meet all federal and statutory requirements (see section 5.2), and

- Perform the relevant notifications in section 4.3.5.

The resolution reestablishing the precincts must be passed within 60 days of the completion of legislative redistricting, or by April 3, 2012, whichever comes first. (M.S. 204B.14, subds. 3 and 4.)

The county board must adopt the reestablished or changed precinct boundaries for its unorganized territory at least 90 days before the next election. However, post-redistricting precinct changes and reestablished precincts go into effect on the date of the state primary election on August 14, 2012. (M.S. 204B.14 subd. 3 (c))

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 30 in 2012), there are alternate dates and procedures for redistricting or reestablishing precincts. For more information on the alternate dates and procedures refer to Appendix A or contact the Elections Division of the Secretary of State's Office. (M.R. 8255.0010)

4.3.4.1 Precinct boundaries in unorganized territories

If a precinct is composed entirely of unorganized territory it is not a requirement for its boundaries to be drawn on census block boundaries, though boundaries that are not on census block boundaries do need to be drawn on an identifiable physical feature. (M.S. 204B.14 subd. 6 (a))

Although there are a limited number of other boundaries allowed for precincts in unorganized territories, census block lines may be most preferable, because precinct boundaries in unorganized territories that are not drawn on census block boundaries may make it more difficult to determine the population of county commissioner districts.

4.3.4.2 Coordination with school district boundaries

Administering precincts that are split by school districts is often difficult and may lead to confusion on election day. A difficulty in administering split precincts is ensuring each voter gets the correct ballot. For example, a voter may be disenfranchised if their school district is voting on a bond issue and they are incorrectly given the ballot for the other school district, and thereby are not given the opportunity to cast their vote on the bond question. Likewise, a voter could end up voting on issues in a school district in which they do not live. To avoid these types of problems, counties may want to investigate their ability to draw precinct boundaries on school district boundaries. (See 4.2.2.3 Use of school districts as precinct boundaries)

4.3.5 Changes to precinct boundaries

4.3.5.1 Corrections

If the Secretary of State determines that a precinct boundary does not comply with *M.S.* 204B.14 subd. 6, the Secretary of State shall send a notice to the municipal clerk or county auditor specifying the action needed to correct the precinct boundary. The notice of incorrect precinct boundary sent to the municipal clerk or county auditor will contain a map showing a suggested boundary that meets all statutory requirements. The city council, town board or county board then has 60 days to adopt the suggested boundary, or create another boundary that meets all statutory requirements. If the city council, town board or county board fails to act within 60 days to correct the precinct boundary, the precinct boundary is, by default, the boundary suggested by the Secretary of State. (M.S. 204B.14 subd. 6; M.R. 8255.0025)

After precinct boundaries have been drawn if there are changes in the boundaries, notices must be provided by the municipal clerk or county auditor before the changes can take effect as detailed in 4.3.6 Notification. (M.S. 204B.14)

4.3.5.2 Annexations

For redistricting, cities will need to assess any annexations that have occurred since the completion of the Census's TIGER/Line database on January 1, 2010. Cities which need to make precinct boundary changes as the result of an annexation since the beginning of the precinct freeze refer to 4.1.2 Precinct freeze

If any annexations occurred in an area where the municipal boundary is coterminous with a congressional, legislative or county commissioner district boundary, the Office of the Secretary of State is authorized to adjust the election district boundary if the affected territory contains 50 or fewer registered voters. Annexations in another election district that are not coterminous or contain more than 50 voters will require a new precinct to be created. Contact Brad Neuhauser, GIS Specialist, for more information at brad.neuhauser@state.mn.us or 651-556-0648. (M.S. 204B.146, subd. 3)

Whenever an annexation or detachment occurs, at least one precinct boundary in a city has changed and/or a new precinct must be created, so the notifications listed in 4.3.6 must be made.

4.3.6 Notification

After completion of the redistricting process, or after any corrections, the following notifications must be made.

4.3.6.1 Notify the county auditor

County commissioner district redistricting cannot occur until all municipalities have completed reestablishing their precincts. Additionally, the county auditor is required to update the statewide voter registration system whenever there have been changes in precinct boundaries. Municipalities should coordinate with their county auditor's office to determine the specific process that will be used in their county. Cities with territory in more than one county should make sure to coordinate with all relevant counties.

4.3.6.2 Notify the Secretary of State's Office

M.S. 204B.14 subd. 5 specifies that the municipal clerk or county auditor must immediately notify the Secretary of State of any change in a precinct boundary. To fulfill this notification the clerk or auditor should mail, fax or email a copy of the ordinance or resolution establishing the change to the Elections Division.
(M.S. 204B.14 subd. 5)

4.3.6.3 Send map of precinct boundaries to Secretary of State's Office

The clerk then must file a correct map of precinct boundaries within 30 days of the boundary change. If a base map is needed, one can be requested from the Secretary of State (contact Brad Neuhauser in the Elections Division at Brad.Neuhauser@state.mn.us or by phone at (651) 556-0648 for more help with a map).

The Secretary of State's Office will then prepare a corrected precinct map and provide a copy to the clerk and auditor who shall make them available for public inspection. (M.S. 204B.14 subd. 5)

Cities interested in submitting precinct boundary information in the form of a geographic information system (GIS) datafile should refer to Appendix F before sending any digital data.

4.3.6.4 Post precinct boundaries

When precinct boundaries have been changed, the change does not take effect until a notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days. (M.S. 204B.14 subd. 4)

4.3.6.5 Notify affected households of changes

Notifying affected households of changes in precinct boundaries is covered by the notification required for changes in polling place. (See 5.3.4 Notify affected households)

It is strongly recommended that all voters in the county be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. The benefits of this are to inform voters if any of their election districts have changed, and reaffirm their correct polling place. Cost sharing among the county, cities, townships, and school districts may keep the mailing costs affordable for any group. A special redistricting postal verification card will be available.

4.3.6.6 Publish precinct boundaries

Though not specifically required, it is recommended that municipalities publish precinct boundaries in an effort to provide redistricting information to the public. This may be especially important in municipalities that have had significant precinct boundary changes.

4.4 PREPARING FOR THE NEXT ELECTION

If redistricting precincts results in more precincts than the municipality or organized territory previously held, additional work may be needed to prepare for the upcoming state primary and general election. Among those items that may need to be done are:

- Acquire additional voting equipment;
- Additional polling place posters and supplies;
- Recruit additional election judges; and
- Confirm contracts for new or existing polling places, if necessary.

The redistricting process may be a good opportunity for counties, cities, and townships to encourage people to participate in the election process by serving as an election judge.

At every general election, it is required that a map of the precinct be posted in each polling place. If precinct boundaries have changed, a new map is especially important.

For more information about preparing polling places for upcoming elections, contact the Secretary of State's Office Elections Division.

5.0 POLLING PLACES

5.1 DEFINITION

The polling place is the location to which voters come to cast their ballots on election day. Every precinct must have a designated polling place. No changes may be made to polling place designations less than 90 days before the next election, except in case of emergency.

5.2 POLLING PLACE REQUIREMENTS

All polling places whether new or reestablished must be:

- fully accessible (see following subsection);
- large enough to accommodate the election activities;
- free of other, non-election activities;
- smoking free;
- liquor free and not adjacent to a liquor service area;
- located within the precinct except:
    - metropolitan area cities and towns may locate a polling place outside the precinct if it is within one mile of the precinct boundary or it is part of a combined polling place (see 5.3.2 Combined polling places);
    - non-metropolitan cities and towns may locate polling places up to five miles outside the precinct boundary.

  (M.S. 144.414; 200.02, subd. 24; 204B.16; 473.121)

5.2.1 Accessibility

Federal and state laws require that all polling places be fully accessible and usable by elderly or disabled persons. (M.S. 204B.16, subd. 4)

Minimum requirements include:

- paved parking with wide spaces reserved for disabled persons,
- curb cuts or temporary ramps,
- paved main routes free of stairs or with ramp or elevator bypasses,
- entrances/doorways a minimum of 32 inches wide,
- walkways and hallways at least 36 inches wide,
- hallways free of protrusions overhanging the floor,
- handrails on all stairs,
- signs directing voters around obstructed entrances or stairs to accessible routes,
- signs outlining the assistance available to voters, and
- one or more wheelchair accessible voting booth(s) or station(s) with writing surface 34 inches high. (M.S. 204B.16, subd. 5)

Minnesota election law offers some additional accommodations if the voter needs assistance with the voting materials:

- voting by absentee ballot;
- curbside voting;
- a bipartisan team of election judges to provide assistance in the polling place; or

- the voter bringing someone of their choosing to assist in the polling place.
  (M.S. 203B.02, subd. 1; 204C.15, subd. 1; 204C.15, subd. 2)

Municipalities should visit polling locations periodically to verify that polling locations are still accessible. The Office of the Secretary of State Polling Place Accessibility Diagnostic Tool provides instructions on how polling places inspections should be performed.

For more specific details on accessibility, we recommend consulting the Americans with Disabilities Act Accessibility Guidelines.

5.3 ESTABLISHING POLLING PLACES

5.3.1 Designating polling places

In the redistricting process, the county or municipal governing body must designate, by ordinance or resolution, a polling place for every newly established precinct. When there is no change in precinct boundaries or polling place location, a resolution reestablishing the polling place is not required because the existing polling place designation remains in effect until the governing body makes a new designation. However, it is common for the polling place to be reestablished by resolution anyway while acting to reestablish the precinct. An example resolution for reestablishing unchanged precincts and polling places is provided in Appendix C.

Public entities shall make their facilities available for the holding of city, county, school district, state, and federal elections, subject to the approval of the local election official. Governing bodies using school district buildings as polling places should contact the school district annually to verify that their security requirements have not changed. (M.S. 204B.16, subd. 6)

5.3.2 Combined polling places

Under certain circumstances, governing bodies may combine polling places into a single, accessible location with a single team of election judges. A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body or, in the case of multiple municipalities or jurisdictions, all governing bodies. Separate ballot boxes and separate returns are kept for each precinct involved. (See also M.R. 8230.4365)

The following circumstances allow for the establishment of a single, accessible, combined polling place no later than May 1 of any year:

- 3rd or 4th class cities,
- cities located in more than one county,
- contiguous precincts in the same municipality,
- up to four contiguous cities and/or townships located outside the metro area that are in the same county,
- noncontiguous precincts located in one or more counties, subject to approval of both the governing body of each municipality and the secretary of state, or
- mail election precincts, in which case the designation by the municipality or the auditor of only one centrally-located polling place is required.
  (M.S. 204B.14, subd. 2; M.S. 204B.45, subd. 1)

Note: the metropolitan area is defined as Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright counties. (M.S. 200.002, subd. 24)

A municipality withdrawing from participation in a combined polling place must file a resolution of withdrawal with the county auditor no later than April 1st of any year. (M.S. 204B.14 subd. 2 (b)(3))

5.3.3 School district combined polling places

If a school district is holding an election on a day when no other governmental unit in its area is holding an election, a school board may designate one or more combined polling places at which the voters in two or more precincts may vote in the school district election. A single team of election judges, using a single ballot box and keeping a single set of returns, may serve the polling place. In school districts that have been organized into separate board member districts, a combined polling place for a school general election cannot include more than one board member election district. (M.S. 205A.11, subd. 2; 205A.11, subd. 3)

If the school district election coincides with another election in a precinct, the city or township is responsible for operating that precinct's polling place. (M.S. 205A.11, subd. 1)

Note that PVCs cannot be sent to meet the voter notification requirements for school district combined polling places.

5.3.4 Polling places and mail balloting

Precincts designated as mail ballot precincts must still designate a polling place, usually the office of the county auditor or municipal clerk. Voters residing in a mail ballot precinct who are not registered may go to the designated location to vote absentee in person. (M.S. 204B.45)

5.3.5 Polling place equipment

The cost and availability of voting equipment is another factor in making decisions about the number and location of polling places. Some counties and municipalities have cost-sharing arrangements for voting equipment.

It is common for each precinct to have its own ballot counter and memory unit, but one counter may be used to count ballots for up to four precincts that 1) are in the same county and 2) have a combined total of fewer than 2500 registered voters as of June 1 of that election year. (M.R. 8230.4365)

Note that Combined Polling Places under 204B.14, subd. 2 (b) usually are able to share equipment as well as election judges, but may not in some cases (for example, a city with territory in more than one county could share judges but not equipment).

5.4 NOTIFICATION

5.4.1 Notify county auditor

Whenever there has been a change in polling place location, the municipal clerk must notify the county auditor of the new location. The auditor needs the information for entry into the statewide voter registration system in order to facilitate the notification of affected households, and for notifying newly registered voters as they occur throughout the year.

School boards must notify the county auditor(s) within 30 days of the establishment of a combined polling place. (M.S. 205A.11, subd. 3)

5.4.2 Notify affected households

When redistricting causes a voter's polling place to change, the municipal clerk or county auditor must notify all affected households with at least one registered voter by a first class, non-forwardable mailing at least 25 days before the next election. (M.S. 204B.16, subd. 1a)

There are multiple ways to provide notice using the required voter notification:

- the clerk may request the county auditor mail a special redistricting Postal Verification Card (PVC) to all households with at least one registered voter in the affected precincts (after auditors have entered new polling place information into SVRS), or
- the clerk may request the county auditor mail a special redistricting Postal Verification Card (PVC) to all voters in the affected precincts (after auditors have entered new polling place information into SVRS), or
- the clerk may purchase a CD of household address labels from the OSS to send their own notification to all affected households with at least one registered voter. Order forms are available at www.sos.state.mn.us.
- the clerk may purchase a CD of voter labels from the OSS to send their own notification to all affected voters. Order forms are available at www.sos.state.mn.us.
  (M.S. 204B.16)

It is strongly recommended that all voters in the county be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. The benefits of this are to inform voters if any of their election districts have changed, and reaffirm their correct polling place. Cost sharing among the county, cities, townships, and school districts may keep the mailing costs affordable for any group. A special redistricting postal verification card will be available.

6.0 COUNTY REDISTRICTING

6.1 OVERVIEW

Counties play many important roles throughout the redistricting process. The county board may redistrict the county commissioner districts, or be responsible for redistricting precincts in unorganized territory. County auditors serve as a hub of redistricting information by receiving and distributing election district boundaries, precinct boundaries and other information, as well as updating information in the statewide voter registration system. Counties should become familiar with this and other sections of the redistricting guide, to ensure the redistricting process goes smoothly.

6.1.1 Redistricting levy

Counties have the opportunity to levy a special redistricting tax to cover expenses related to redistricting. County boards are permitted to levy a tax not to exceed $1 per capita in levy year 2010 to pay for costs incurred in 2011 or 2012 that are related to redistricting. The county board retains 75% of the levy and distributes 25% of the total on a per capita basis to all municipalities. (M.S. 204B.135 subd. 5)

6.1.2 Preparation

6.1.2.1 Review county policies and procedures

Many counties may have existing policies and procedures related to redistricting tasks. A review of county policies should be conducted to determine if there are specific guidelines for redistricting.

6.1.2.2 Clarify roles, responsibilities, duties, and expectations

It is a good practice within your county to clarify and define the roles, responsibilities, duties, and expectations related to redistricting of the county auditor, county board, other county staff, and/or groups before redistricting begins. An agreement on who will do what tasks, and when, may safeguard everyone involved from unintentionally overstepping the tasks others are intending to do.

6.1.2.3 Provide information to county board and media

It is a good idea for those with redistricting responsibilities to learn as much as they can about the redistricting process. Reviewing this guide is just one step in the learning process. There are many sources for additional information. Some of those sources are available on the OSS Redistricting webpage: http://www.sos.state.mn.us/index.aspx?page=1668

It is important that information relevant to local government redistricting be shared among all those involved with redistricting. This includes providing information to local media about the redistricting process and outcomes. Redistricting elective districts is an important component in the American political system and should be an open and visible process.

6.1.2.4 Acquire maps of school districts

Counties, unlike municipalities, are not required to acquire maps of school districts. However, the county should know the school district boundaries in unorganized territories. Property parcel records are a source for

this information. To simplify conducting elections, counties may want to consider their ability to draw precinct boundaries to follow school district boundaries to whatever extent possible.

Counties should verify the source(s) of school district maps for cities and townships. When these municipalities begin redistricting they may ask the county auditor for information as to where and how they can acquire school district maps. (M.R. 8255.0015)

6.1.2.5 Coordination with cities, townships, and school districts

Cities, townships, and school districts may look to the county for assistance and guidance throughout the redistricting process. Counties may want to host periodic meetings with municipal and school district clerks to discuss redistricting. Topics the county may want to cover include the process for the transfer of information, redistricting responsibilities and tasks, coordination of mailing notices to voters, and contingency plans if state redistricting is delayed.

6.2 INFORMATION FLOWS

Much information in the redistricting process flows to, from, and through county auditors. The table below summarizes some of these flows.

Information	Guide Section	Receive from:	Distribute to:
Census Data	6.2.1	Legislature, Census	
Redistricted Legislative & Congressional Boundaries	6.2.2	OSS	Cities, Townships, Public (publish, post)
Redistricted City Wards	3.3.7	Cities	OSS (SVRS)
Redistricted Precinct Boundaries, Polling Places	6.2.3	Cities, Townships, County Board	OSS, School Districts, Public (publish)
Redistricted Commissioner Districts	6.3.5	County Board	OSS, School Districts, Public (publish)
Redistricted School Member Districts, Polling Places	7.3.4	School Districts	OSS (SVRS)

6.2.1 Census data

6.2.1.1 Acquire maps of census block lines

The county board establishes precincts in unorganized territories. If a precinct is composed entirely of unorganized territory it is not a requirement for its boundaries to be drawn on census block boundaries, though it does need to be drawn on an identifiable physical feature. However, cities and townships must draw precinct boundaries on census block boundaries between April 1, 2010 and April 1, 2012. Although there are a limited number of other boundaries allowed for precincts in unorganized territories, census block lines may be most preferable. (M.S. 204B.14 subd. 6 (a))

If precinct boundaries in unorganized territories are <u>not</u> drawn on census block boundaries, it may be much more difficult to determine the population of county commissioner districts.

There are several sources for maps of census block boundaries. See section 1.4.4 (Sources of redistricting data) for a list of some of the sources of maps and digital data.

6.2.1.2 Acquire census block population

Population is a consideration when evaluating and redistricting county commissioner districts. If all commissioner districts are made entirely of complete cities and townships, it may be possible for the county to just acquire the official census population counts for municipalities. However, if a commissioner district splits a city or township, it would be a good practice to acquire complete census block population counts. To use census block population data it is necessary to have a map indicating block boundaries and the unique number for each census block. Maps of census blocks and population totals are available from the sources listed in section 1.4.4 Sources of redistricting data.

6.2.2 State redistricting plans

6.2.2.1 Receive state redistricting plans from the Secretary of State's Office

The Secretary of State's Office will provide information about the official state legislative and congressional plans to each county auditor. Those plans will be provided in the form of a map of the county clearly showing legislative and congressional district boundaries.

Counties interested in receiving legislative and congressional district plans in the form of a geographic information system (GIS) database should contact the Secretary of State's Office for more information. Inquiries should be directed to Brad Neuhauser by email at Brad.Neuhauser@state.mn.us, by phone at (651) 556-0648, or by mail at 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr Blvd., St. Paul, Minnesota 55155-1299.

A variety of additional maps are available for purchase from the Secretary of State's Office including maps of counties, cities, townships, individual legislative and congressional districts, and statewide and metropolitan area maps. Map order request forms are available on the web at http://www.sos.state.mn.us/index.aspx?page=462. For more information contact the Elections Division by email at elections.dept@state.mn.us or by phone at (651) 215-1440 or (877) 600-VOTE.

After passage of state redistricting legislation, the Secretary of State's Office is the official depository of that information. While copies of legislative and congressional district plans may be available from many other sources, it is strongly recommend that counties DO NOT use information from any other source. Any changes in legislative plans as a result of court action or changes ordered by the Secretary of State may not be reflected in information available from other sources. (M.S. 2.91 subd. 1)

6.2.2.2 Send each city and township clerk copies of state redistricting plans

As soon as the county auditor receives copies of legislative and congressional district plans from the Secretary of State the auditor must forward copies of the relevant portion of those plans to each city and township clerk within the county. (M.S. 2.91 subd. 1)

It is imperative that the cities and townships receive the legislative redistricting information so that they can complete their process as soon as possible. The earlier cities and townships have completed their redistricting tasks, the more time that will be available for counties to redistrict county commissioner districts.

It is a good idea for counties and municipalities to work cooperatively in the redistricting process. To help facilitate this, counties may want to coordinate and facilitate the transfer of redistricting information to city and township clerks. The more prepared cities and townships are for redistricting the more expeditiously and efficiently they may be able to conduct their redistricting responsibilities.

6.2.2.3 Publish legislative and congressional district boundaries

County auditors are required to publish a notice illustrating or describing congressional, legislative, and county commissioner district boundaries. That notice is to be published in one or more qualified newspapers in the county by May 8, 2012. Counties may choose to publish congressional and legislative district boundaries as soon as they receive them. If a county chooses to publish state plans early they will not need to republish the state plans again when publishing county commissioner district boundaries. (See: 6.3.5.2 Publish commissioner district plan) (M.S. 204B.14 subd. 4)

6.2.2.4 Receive corrections of state plans

After passage of redistricting legislation, the Secretary of State's Office reviews the plan for errors. If errors are discovered, the Secretary of State has the responsibility to notify the affected county auditor, municipal clerk and candidates for office in the affected area. (M.S. 2.91 subd. 3)

The types of errors that can be corrected by the Secretary of State include:

- Assigning territory in state, not named in district plan, to a district,
- Assigning territory to one district if it is accidentally assigned to two or more districts,
- Assigning discontinuous portions of districts to contiguous districts, and
- Correcting errors in the language of the metes and bounds description.

If cities, townships or counties discover errors in the state legislative or congressional district plans they should immediately notify the Secretary of State's Office by sending a description of the error along with a map of the affected area. The notice should be mailed to the Secretary of State's Office, Elections Division, 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155-1299, submitted via a Customer Portal, sent via email to elections.dept@state.mn.us, or faxed to (651) 296-9073.

If the Secretary of State orders corrections before the beginning of the filing period (May 22, 2012), the Secretary of State will send a copy of the correction order to the affected county auditor and municipal clerk. The Secretary of State will additionally provide copies of the correction order to affected candidates filing with the Secretary of State's office. County auditors should provide copies of the correction order to candidates filing with the county auditor's office. If the Secretary of State orders corrections after the start of the filing period, the Secretary of State will also send a copy of the correction order to any officially filed candidate(s) for an office affected by the correction. (M.S. 2.91 subds. 2 and 3)

6.2.3 Precinct changes

6.2.3.1 Receiving notice from Municipalities

The county auditor is required to be notified of any precinct boundary or polling place changes. For the redistricting process, it may be advisable for the county auditor to work with its municipalities to also get confirmation of the reestablishment of precinct boundaries and polling places. (M.S. 204B.14, subd. 5)

6.2.3.2 Giving notice to school districts

The county auditor is required to notify each school district with territory affected by a precinct boundary change at least 30 days before the effective date of the change. In the case of redistricting, this deadline is July 13, 2012 (30 days before the state primary election; transferred from Sunday July 15, 2012). However, school districts with board member districts need to complete their redistricting within 80 days of the completion of legislative redistricting or by May 1, 2012, whichever comes first, so it may be best to plan to send precinct boundary changes to school districts as soon as they are available. (M.S. 204B.135, subd. 2; 204B.14, subd. 5)

6.3 COUNTY COMMISSIONER DISTRICTS

6.3.1 Definition

County commissioner districts are the geographic area within which a county commissioner must reside 30 days before the general election in order to be nominated and elected for office, and in which they must reside while serving on the board of commissioners. (M.S. 375A.09 subd. 3)

6.3.2 County commissioner district requirements

In addition to population, county commissioner districts must be drawn to meet additional statutory requirements. These requirements influence the geography of the area the county commissioner districts cover. The geographic requirements include:

1. Each county is divided into as many districts as there are members of the board of commissioners,
2. Commissioner districts are bounded by precinct lines (which may also correspond with town, municipal, and ward boundaries),
3. Commissioner districts are composed of contiguous territory,
4. Commissioner districts are to be as regular and compact in form as practicable, and
5. District populations cannot vary more than ten percent from the average.
   (M.S. 375.025, subd. 1)

6.3.2.1 Number of districts

Counties are to be divided into as many commissioner districts as there are members of the county board of commissioners. Each district is numbered consecutively starting with one (1) and continuing until each district is assigned a number. (M.S. 370.13; M.S. 375.025 subd. 1)

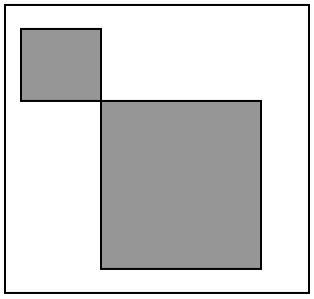
With some exceptions counties may have between 3, 5, 7, or 9 members on the county board. It is recommended that counties periodically review the size of the county board in relation to the size of the population of the county. Because a change in the size of the county board requires a redistricting of county commissioner districts, the decennial redistricting period is an opportune time to evaluate the size of the county government.

Counties deciding to increase or reduce the size of the county board will need to comply with the requirements and processes outlined in law. Contact your county attorney for more information on changing the size of the county board. (M.S. 375A.09)

6.3.2.2 Relationship with precinct lines

Commissioner district boundaries must be drawn on town, municipal, ward, or precinct lines. However, since all town, municipal, and ward boundaries must also correspond with precinct lines, it may be simpler to view commissioner district boundaries as being drawn on precinct lines. (M.S. 375.025 subd. 1; 204B.14 subd. 2)

6.3.2.3 Contiguous territory



County commissioner districts must be composed of a contiguous area. (M.S. 375.025 subd. 1)

Districts that are composed of areas that join each other at a single point are not considered contiguous. If a district is drawn which resembles the hypothetical district illustrated to the right, it would not be considered contiguous. (A.G. Opinion 798d, Nov. 8, 1965)

A district that is split by a large lake or other impassable geographic feature may also not meet the contiguity requirement.

6.3.2.4 Regular and compact in form

Districts must be as regular and compact in form as possible, to the extent that is possible considering the geography of the county. (M.S. 375.025, subd. 1)

Considering the geography in most counties in Minnesota, the most regular and compact districts would be those that are rectangles with similarly sized sides. While it may not be possible to draw all commissioner districts as squares or rectangles, most districts in a county should be regular and compact. Counties should avoid drawing districts that are irregular in shape. (M.S. 375.025, subd. 1)

6.3.2.5 Population requirements

No districts shall vary in population more than 10 percent from the average for all districts in the county, unless the result forces a voting precinct to be split. In addition, a majority of the least populous districts shall not contain less than a majority of the population of the county. (M.S. 375.025, subd. 1)

See 6.3.3.2, 6.3.3.3, and 6.3.3.4 below for additional discussion of these population requirements

6.3.3 Is redistricting of county commissioner districts required?

After the certification of the decennial census, M.S. 375.025, subd.1 specifies that each county *must* redistrict county commissioner districts if:

1. Any county commissioner district boundaries are no longer on precinct or ward boundaries; or
2. Any county commissioner district is no longer contiguous; or
3. Any county commissioner district varies in population more than ten percent (10%) from the average of all districts in the county, unless the result *forces* a voting precinct to be split, or
4. A majority of the least populous districts contain less than a majority of the population of the county; or
5. Commissioner districts are not as equal in population as possible (considering that they must be compact and as regular in form as practicable while bounded by town, municipal, ward, or precinct boundaries).

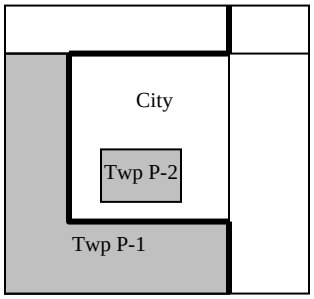
While these criteria specify the need to redistrict, the county may still decide to redistrict county commissioner districts, even though not required to do so, if the new districts could better meet the above criteria. Case law has ruled that the county board has discretion on the practicality of drawing commissioner districts of mathematically equal population. (State ex rel. South S. Paul, v. Hetherington, 1954, 240 Minn. 298, 61 N.W. 2d 737)

6.3.3.1 Accommodate municipal precinct boundary changes

Because city, township, and unorganized territory precinct boundaries are established before counties redistrict county commissioner districts, a precinct boundary that was previously coterminous with a commissioner district line may be shifted. This would force the county to adjust the county commissioner district boundary to reflect the new precinct boundary.

Counties wishing to draw a commissioner district boundary in a particular location should work with their municipalities to ensure a precinct boundary exists in that location. Counties may want to work cooperatively with their cities and townships throughout the redistricting process rather than waiting to see what the municipalities establish as precinct boundaries.

After the redistricting of commissioner districts, precincts must not be split by commissioner boundaries and the county board may not move county commissioner district boundaries until the next redistricting period.



Additionally, municipal annexations sometimes cause “islands” of township territory to be created within city territory (or vice-versa), as seen in the figure at right. If the county desires to use the city boundary as part of the county commissioner boundary (dark line), then the county must work with townships so that any township “islands” within the city are in a different precinct, as shown. Counties should also consider future annexations when drawing commissioner district boundaries, as annexations across commissioner district lines sometimes cause the creation of additional smaller precincts.

6.3.3.2 Ten percent population variance

No district shall vary in population more than ten percent from the average for all districts in the county, unless the result forces a voting precinct to be split. To calculate the numbers, first the total population for the county should be divided by the number of county commissioner districts, and that number divided by ten to find the threshold value. Then the difference between the average population and the population of each district should be calculated to find the variance. If the variance is higher than the threshold, it may be necessary to redistrict.

Ex:	20,000 County Population	÷	5 # Districts	=	4,000 Average Population per District	×	.10 10%	= 400 Threshold

4,500 District 1 Population	-	4,000 Average Population	=	500 Variance

In the example above, the variance exceeds the threshold value, so the county should consider whether the result forces a voting precinct to split in order to create districts that are as nearly equal as possible in population. (M.S. 375.025, subd. 1)

6.3.3.3 Majority of districts and majority of population

Another requirement of districts is that a majority of the least populous districts shall not contain less than a majority of the population of the county.

Ex:	District	Population	
	1	4,500	Total of Districts 1 and 2 = 10,100
	2	5,600	
	3	3,900	Total of Districts 3, 4, and 5 = 9,900
	4	3,000	
	5	3,000	

In the example above, the three least populous districts do not have a majority of the population, so redistricting would be required. (M.S. 375.025, subd. 1)

6.3.3.4 Equality of population

A county with commissioner districts that do not require redistricting according to criteria 1 – 3 above, but could better meet the population equality criteria if commissioner districts were redistricted, may risk a challenge if it plans to leave districts unchanged and should consult their county attorney. If a county board decides not to redistrict, it is strongly recommended that they establish reasons for their decision to maintain existing commissioner district lines. Those reasons should be officially stated in the record of a meeting of the board of commissioners.

6.3.3.5 Effect of annexations

In cases where the city and the area it is annexing are entirely within one county commissioner district before redistricting, and they will remain in one district after redistricting, there is no additional consideration caused by the annexation itself.

Annexed areas that cross county commissioner district boundaries require specific steps by the county to ensure that voters in areas annexed from neighboring county commissioner districts still have a precinct to vote in. Either a new precinct should be created, or the precinct and county commissioner district boundary should be adjusted, if allowable under M.S. 204B.146, subd. 3.

Occasionally, a city will neglect to establish a new precinct or to have the county commissioner line moved when an annexation crosses a county commissioner district boundary. This could result in constituents being moved in non-compliance with statute into a new county commissioner district. Left uncorrected, this oversight can result in an Errors and Omissions suit during an election, or a contest after an election. It can also cause confusion over the correct assignment of populations to county commissioner districts.

Rather than allowing either situation to occur, the city should create a new precinct or, if possible, request the Secretary of State's Office adjust the county commissioner district line.

During the redistricting of county commissioner districts, the county must consider not only the balance of population among the county commissioner districts, but must also consider changes to county commissioner district boundary lines to reflect moved precinct boundaries (done earlier by cities, townships, and unorganized territories). Cities are required to draw precincts that follow the entire legal boundary of the municipality. County commissioner districts are then drawn using precinct boundaries.

The relative percentage of a county's population in each county commissioner district can change as the result of altered precinct lines that had been commissioner district boundaries, or by actual population shifts among the districts.

If county commissioner lines need to be moved as a result of altered precinct boundaries (from earlier steps in the current redistricting process or from changes related to municipal annexations), the populations in those affected areas must be considered. Calculating the effect of municipal annexations on district populations can be challenging particularly if a census block has been split by an annexation.

6.3.3.6 Determining population in split census blocks

Annexations that take place following the January 1, 2010 precinct boundary freeze may not follow census block boundaries, so counties may need to deal with split census blocks. Before trying to divide the population in some manner, it is helpful to assess the impact of assigning all, and none, of the population in each split census block to each commissioner district having a split census block. The result will be 2 scenarios that give a maximum and minimum population.

To determine the impacts:

- Calculate the population of the district containing the unincorporated territory, including the entire population from each split census block. Similarly, calculate the population of the district containing the city, including no population from any of the split blocks. Review both of the populations in this scenario to determine if the commissioner districts meet all the relevant criteria.

- Then, calculate the reverse scenario, including all the population in the commissioner district containing the city and none in the district with the unincorporated territory. Review both the populations in this scenario to determine if the commissioner districts meet all the relevant criteria.

If either of the resulting calculations indicates that the districts do not meet the requirements listed above, prudence may compel further consideration of the commissioner plan.

6.3.3.7 Preparing for contests

The county board has discretion in drawing commissioner district boundaries. Within the requirements in Minnesota statutes, the county has some room for discretion in meeting strict population equality and the determination of whether districts are compact and regular in form.

However, the degree to which counties apply their discretion may increase the probability of a challenge to their plan. Counties adopting commissioner district plans when an alternative plan could be drawn to meet a stricter compliance with equal population or district compactness, should establish reasons for their decisions. It is also recommended that the county officially state their reasons in the record of the commissioner meeting.

A county may also choose to adopt redistricting principles prior to redistricting commissioner districts. Principles are occasionally used by state legislatures when redistricting state legislative and congressional districts. (See 2.3 DISTRICT REQUIREMENTS)

Consult with the county attorney for additional information regarding the procedures for county redistricting contests.

6.3.4 County commissioner redistricting process

6.3.4.1 Notice of intent to redistrict

Before acting to redistrict county commissioner districts, the county board, or redistricting commission, must publish three weeks' prior notice. That notice must:

- Be published in the newspaper contracted to publish county commissioner meeting proceedings,
- State the time of the meeting where redistricting will be considered,
- State the place of the meeting where redistricting will be considered, and
- State that the purpose of the meeting is to consider redistricting.
  (M.S. 375.025 subd. 1)

Appendix C contains an example of one of the notices published by Hennepin County in 1992. Note that Hennepin County planned on meeting several times to consider redistricting and incorporated multiple notices in this single publication. Also notice that citizens are informed where they can acquire copies of preliminary county commissioner district plans and the deadline for submitting alternate plans.

6.3.4.2 Public involvement

It is recommended that counties solicit public involvement in the redistricting process. Public involvement may include the formation of an advisory redistricting commission or holding public hearings to formulate and establish redistricting principles (see 6.3.4.3 below).

The county board may also decide to hold multiple meetings during which they consider a variety of redistricting plans, including those submitted by members of the public. Each meeting would require a notice of intent to redistrict (see 6.3.4.1 above).

6.3.4.3 Redistricting principles

The legislature uses a set of guiding principles to help provide a framework for fair and accurate state legislative and congressional redistricting. Some of the principles are based on Constitutional requirements, others on state and federal law, while still others are voluntary requirements the legislature places on itself. (see 2.3 District Requirements)

Although there is no requirement to do so, some counties may decide to adopt principles to help guide their work. If a county decides to adopt redistricting principles, they should do so carefully as it is possible that the principles may limit what they can do later.

6.3.4.4 Verify precinct boundaries

Before counties draw county commissioner districts, it is essential that counties verify that precinct boundaries meet all statutory requirements. In addition to precinct boundaries in unorganized territories, counties should verify precinct boundaries established by cities and townships as well. It is particularly important to verify that precinct boundaries used as commissioner district boundaries meet all legal requirements. The Secretary of State's Office has the responsibility to identify and correct if necessary, precinct boundaries that do not meet the requirements provided in law.

If a county would like to draw a commissioner district boundary that would follow what the county determines is a non-compliant precinct boundary, that precinct boundary must first be corrected by the appropriate local government before the county commissioner district boundary is drawn.

There is no provision for "editing" a county commissioner district plan after approval by the county board. To revise or otherwise change a commissioner district plan, the county must begin the redistricting process again and comply with all the processes and procedures defined in law for the redistricting of the county. (A. G. Opinion, 104, November 12, 1942)

6.3.4.5 Writing the commissioner plan

A metes and bounds description for a county commissioner plan is usually preferable to a plan that uses precinct or municipal boundaries for the description.

A metes and bounds description is one that describes the boundaries of the districts in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 6th District is included in M.S. 473.123 subd. 3c (6):

> *"The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W…"*

When a county commissioner redistricting plan is approved, any reference to a municipal or precinct boundary refers to that boundary on the day the plan is approved. As changes to precincts or municipalities occur, county commissioner districts do not automatically change with those boundaries. Thus a plan that uses precinct and/or municipal boundaries may cause confusion as these changes occur.

In summary, the advantages of a metes and bounds description are that it is:

- More identifiable to people unfamiliar with the county,
- Better than using corporate limits for descriptions – as corporate limits tend to change over time.
- A reminder to the county that when municipal annexations occur, a precinct boundary change needs to occur or a new precinct needs to be created.

6.3.4.6 Dates for establishing commissioner districts

Counties must redistrict or reconfirm commissioner district boundaries within 80 days of the completion of legislative redistricting or by May 1, 2012, whichever comes first. However, the county may not redistrict commissioner districts until all cities and townships have completed redistricting or reestablishing precinct boundaries. Furthermore, the county may not redistrict until after three weeks' published notice of the meeting at which redistricting will be discussed.
(M.S. 204B.14, subd. 2; M.S. 375.025 subd. 1)

A redistricting plan is effective on the 31st day after filing [in the office of the county auditor] unless a later effective date is specified, but no plan is effective for the next election unless the plan is filed with the county auditor on or before May 8, 2012 (14 days before candidate filing). (M.S. 375.025 subd. 4; M.S. 645.15)

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 3 in 2012), there are alternate dates and procedures for redistricting or reestablishing local government elective districts. For more information on the alternate dates and procedures refer to Appendix A or contact the Elections Division of the Secretary of State's Office.

6.3.5 Notification

6.3.5.1 Send commissioner district map to Secretary of State

After county commissioner districts are redistricted, the Elections Division of the Secretary of State's Office requests that each county auditor send a map of the county commissioner districts in their county, along with a copy of the ordinance or resolution establishing the districts. This information will need to be updated in the precinct database and SVRS.

Counties may submit commissioner district boundary information in the form of a geographic information system (GIS) database. Counties interested in sending a geographic information system (GIS) database should refer to Appendix F before sending any digital data.

6.3.5.2 Publish commissioner district plans

County auditors are required to publish a notice illustrating or describing congressional, legislative, and county commissioner district boundaries. That notice is to be published in one or more qualified newspapers in the county by May 8, 2012. If a county chooses to publish congressional and legislative district boundaries as soon as they are received, the county will not need to publish them again when publishing county commissioner district boundaries. (M.S. 204B.14 subd. 4)

While counties are not specifically required to post county commissioner district plans it may be a good practice to post plans on the county web site to make them available for public inspection.

6.3.5.3 Notify cities and townships of changes in commissioner districts

When the redistricting of county commissioner districts causes a change in the commissioner who represents a particular city or township (or municipal precinct) a county should notify the municipal clerk of the change.

6.3.6 District changes and serving county commissioners

6.3.6.1 Do commissioners need to run for election as a result of redistricting?

There are two reasons serving county commissioners might need to run for election in the 2012 general election:

- The seat's normal four year term is up, or
- The commissioner's district has had a change greater than the "five percent rule"

Commissioners shifted out of their district by redistricting will not necessarily be up for election, as discussed below.

6.3.6.2 Normal four year terms

Each county has an existing schedule for when commissioner seats are up for reelection, which provides for staggered terms of commissioners. Approximately half of all county commissioners will be running for office in 2012 as a result of the existing plan. The County Board will need to determine which districts will have two

or four year terms elected in 2012 to provide for staggered terms. It does not necessarily have to be the same as the current staggered terms.. (M.S. 375.025, subd. 4)

6.3.6.3 Commissioner shifted out of district

A person may hold the office of county commissioner so long as they remain a resident of the commissioner district. If the redistricting of county commissioner districts causes an incumbent commissioner's residence to be shifted into another commissioner district, they may continue to serve in office between June 5, 2012 (the last day to file for office) and the end of their term as long as they remain a resident of the county. For commissioners elected in 2010, this could include their full four year term if the change was less than the "five percent rule" (see below). (M.S. 375.025 subd. 4)

6.3.6.4 The five percent (5%) rule

One of the most important aspects to determining if a commissioner will need to run for office in 2012 is the interpretation of *M.S.* 375.025 subd. 4, which reads:

> *"When a county is redistricted, there shall be a new election of commissioners in all the districts at the next general election except that if the change made in the boundaries of a district is less than five percent of the average of all districts of the county, the commissioner in office at the time of the redistricting shall serve for the full period for which elected."*

If the shift in a county commissioner district boundary affects a population larger than 5% of the average district size in the county, there should be an election in that county commissioner district in the first general election following redistricting regardless of whether or not that commissioner was elected in 2010. Districts elected in 2010 where the population shift is smaller than 5% are exempted from running for office in 2012.

In application, the size of the constituency shift that constitutes a "significant alteration" varies with the size of the population in the county and the number of commissioner districts. The determination of the size of the threshold population is five percent of the average population in all commissioner districts. The total shift in constituency is calculated by adding the number of individuals shifted into and out of the district as a result of moving district lines during redistricting.

The <u>total shift</u> in constituency is calculated as follows:

(# of individuals shifted *into* district + # of individuals shifted *out of* district) = total shift

The <u>threshold</u> population is calculated as follows:

(county population ÷ number of districts) * 0.05 = threshold

If the <u>total shift</u> is *greater* than the <u>threshold</u> population, then a county commissioner who was elected for a four-year term at the 2010 general election *will* need to run for that office again in 2012.

Consider the hypothetical example of County Commissioner District 1 shown in Table 6.1. The county has a population of 20,000 and five commissioners. District 1 had a pre-redistricting population of 4,600 and, as a result of redrawing district lines, has a post-redistricting population of 4,500. While the net change in population size was only 100 people, the new district lines shifted 170 former constituents *out of* the district, and 70 new constituents *into* the district. In this example, the total shift (240) is *greater* than the threshold (200); therefore, the county commissioner *will* need to run for office again in 2012.

Table 6.1
Calculation of Population Shift
Under the Five Percent Rule

County Information:

2010 county population	20,000
Number of county commissioners	5
District 1 pre-redistricting population	4,600
District 1 post-redistricting population	4,500
Shifted from district 1 to district 2	170
Shifted from district 3 to district 1	70

Calculations:

The threshold population is:
(20,000 ÷ 5) * 0.05 = 200

The total shift in constituency is:
(170 + 70) = 240

6.3.6.5 Attorney General opinions on the five percent (5%) rule

There have been two Attorney General Opinions addressing the application of M.S. 375.025, subd. 4. The first addresses the question of whether "change made in the boundaries of a district" refers to change in population or geographic area, and the second the question of whether elections should be held in all county commissioner districts following redistricting.

In the first Opinion, Attorney General Warren Spannaus interprets the wording of the statute "change made in the boundaries of a district" as specifically referring to change in population *not* geography. His line of reasoning is based on "the fact that county commissioners are elected by, and represent, people and not land areas." Spannaus quotes the US Supreme Court, saying, "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." (A.G. Opinion 798-d, Jan. 13, 1976)

In his second Opinion, Spannaus draws the conclusion that the legislature intended that elections should be held in *all* county commissioner districts following redistricting due to a change in the district constituency. To support this, he points to the language in the statute, which reads, "there shall be a new election of commissioners in all districts at the next general election."

The application of the exception with regards to a change of "less than five percent of the average of all districts of the county" recognizes that there may be instances where redistricting does not significantly change the constituency of the district. By interpreting the statute as being specifically connected with the *constituency* that composes the district, the five percent change must consider the *individuals* who are shifted into, and out of, the district as a result of redistricting. That is to say, it is not simply the net change in the size of the population of the district before and after redistricting, but the total number of individuals affected by redistricting that needs to be considered.

Spannaus argues the logic of this interpretation by considering a "theoretical situation in which the location of the district boundaries were so radically altered that the incumbent commissioner's constituency in the new district is virtually entirely different from the one that elected him and which he previously represented." He further asserts that the legislature could not have intended for this to happen and thus when the total, or aggregate, population shift has significantly altered the composition of the district constituency a new election should be held. (A.G. Opinion, 798d, July 22, 1966)

Note: Although this subdivision contained a 10% threshold when Spannaus wrote his opinions, the later amendment to a 5% threshold would have no effect on the legal analysis developed by Spannaus.

6.3.6.6 Number assigned to commissioner district

Each county commissioner district needs to be assigned a number by the county board as a part of the redistricting plan. (M.S. 375.025 subd. 4)

6.3.6.7 Use of the term "re-elect"

When an incumbent county commissioner is running for reelection after redistricting, statutes provide a limitation of the use of the term "re-elect." For a candidate to use the term "re-elect" in their campaign the following conditions must apply:

- The candidate is the incumbent for the office they are campaigning for, and
- The district in which they are running contains part of the district they currently represent. (M.S. 211B.03)

6.3.6.8 Vacancies in office

In the event that a vacancy occurs on the county board of commissioners, that vacancy is to be filled from the district from which the commissioner was elected. If the vacancy occurs after the redistricting of county commissioner districts, but the seat was elected under the pre-redistricting districts, the vacancy is to be filled from the old, pre-redistricting county commissioner district. (M.S. 351.01, A.G. Opinion 129-F, July 30, 1956)

6.3.7 Voter's right to contest

The accessibility of geographic information systems (GIS) and the availability of data and information on the Internet may enable many more people to participate in local government redistricting than ever before. Minnesota law provides guidance to citizens of their right to contest local government election district plans. A voter's right to contest county commissioner district plans is covered in two places in statute; 204B.135 subds. 2 and 3 (a)(c), and 375.025 subd. 2, but as the latter was changed in 2011 by the legislature, this guide will focus on it.

A contest may be filed to (1) require the county to redistrict if it has not done so, and (2) require a revision to the redistricting plan passed by the county.

A voter wishing to contest a county redistricting plan or to compel county redistricting, must file with the district court of the county no later than May 15, 2012 (one week before the first day to file for office in 2012).

In their application to the court, the voter may ask that the county:

- Be redistricted if the county board of commissioners has not done so within time specified by law (see 6.3.4.6 Dates for establishing county commissioner districts and Appendix A)
- Revise the redistricting plan

After receiving the application, the district court may direct the county board of commissioners to:

- Show cause why it has not redistricted the county
- Show why the redistricting plan should not be revised

On hearing the matter the district court may:

- Allow the county additional time in which to redistrict
- Allow the county additional time to correct errors in the plan
- Appoint a redistricting commission to redistrict the county if it appears to the court the county has not been diligent in performing its redistricting duties. The court may also add any other conditions the court deems advisable and appropriate.

If the redistricting commission is appointed, the board shall be without authority to redistrict the county. (M.S. 204B.135 subds. 2 and 3 (a)(c), and 375.025 subd. 2)

6.3.7.1 Redistricting commission

If the county board fails to redistrict, or improperly redistricts, and a citizen applies for a writ of mandamus to redistrict or revise a proposed redistricting plan, the district court may appoint a redistricting commission to prepare the county's redistricting plan. If a redistricting commission performs the redistricting duties for the county, they shall prepare and file the county redistricting plan with the county auditor in place of the county board of commissioners.

The members of the county redistricting commission shall be five to nine residents of the county who are:

- Not an officer or employee of the county or local government (except notaries public), and
- Not eligible for election to the county board until two (2) years after redistricting plan becomes effective.

Members of the redistricting commission serve without pay, but may be reimbursed for necessary expenses in the conduct of the business of the commission. The county board shall provide for the necessary expenses of the commission. (M.S. 375.025 subd. 3)

6.4 POST REDISTRICTING DUTIES

6.4.1 Corrections after redistricting

If, after county commissioner district redistricting is completed, a precinct boundary is found to be illegal, that precinct boundary will be required to be corrected. If that precinct boundary is coterminous with a county commissioner district, a problem could result.

Even if an illegal precinct boundary is coterminous with a county commissioner district boundary, the precinct boundary will be required to be corrected. However, the county commissioner district boundary is not automatically moved with the precinct boundary when the precinct boundary is corrected. The correction of the precinct boundary in this situation would result in a commissioner district boundary splitting a precinct, another violation of statute.

A county may not revise or otherwise change a county commissioner district plan outside the redistricting period. (A.G. Opinion 798-D, Dec. 17, 1954)

6.4.2 Boundary adjustment due to municipal annexations

A county may not adjust county commissioner district boundaries except during the redistricting period between legislative redistricting and the statutorily defined deadline. When a municipal annexation crosses a

commissioner district line, the city and the county may decide it would be easier to conduct elections if the new portion of the city is incorporated into the same commissioner district as the rest of the municipality. (AG Opinion 798-D, Dec. 17, 1954)

When a municipal boundary that is coterminous with a congressional, legislative, or county commissioner district boundary changes and the affected territory contains 50 or fewer registered voters, the Secretary of State may order corrections to move the affected election district boundaries so the election district boundaries again will be coterminous with the municipal boundary. The election district change is effective 28 days after the date that the order is issued. The Secretary of State shall immediately notify the municipal clerk and county auditor affected by the boundary changes and the legislative coordinating commission. (M.S. 204B.146 subd. 3)

Commissioner, legislative, and congressional district adjustment is not done automatically; the municipal clerk or county auditor may request such a change in writing. For more information contact Brad Neuhauser in the Elections Division of the Secretary of State's Office. Mr. Neuhauser may be contacted by email at Brad.Neuhauser@state.mn.us or by phone at (651) 556-0648 or may be mailed at 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, Minnesota 55155-1299.

6.4.3 Update voter registration records

The statewide voter registration system will be used to update individual voter registrations after state and local redistricting. Due to the short period between the completion of redistricting and the filing period, there will be a large demand from candidates for updated voter information for use in campaigning. The Secretary of State's Office will assist counties with the process of updating individual voter records. However, it is likely that counties will need to do some clean-up work.

For more information on the voter registration system contact the Secretary of State's Office Information System Help Desk at (651) 297-4848 or sos.helpdesk@state.mn.us
(M.R. 8200.9315)

7.0 SCHOOL DISTRICT REDISTRICTING

7.1 OVERVIEW

This chapter has specific information for school district clerks, school boards, and others working on school board member election redistricting. Please use this chapter along with the Minnesota School Clerk Election Guide and the Minnesota Election Laws, as well as other sections of this Redistricting Guide. Specific contents in this document are subject to changes in legislation. In all matters, the law and rule are the final authority.

7.1.1 School District Elections Organization

School districts may be categorized by how their board members are elected and what polling places they use for elections.

Fourteen school districts in the state elect at least some of their board members from election districts, meaning they must live in an area in order to represent it. The remainder—most of the school districts in the state—elect their board members at large, so that all board members may live anywhere in the school district. Clerks should refer to the section below that is relevant for their school district.

Regarding polling places, some school districts use municipal polling places for their stand-alone elections, while others use combined polling places. Of those that combine their polling places, some districts combine them all to one polling place, while others use multiple polling places. This information is covered in 7.4.3 Combined polling places.

7.1.2 Preparation

7.1.2.1 Review school district policies and procedures

School districts may have existing policies and procedures related to redistricting tasks. A review of school district policies should be conducted to determine if there are specific guidelines for redistricting.

7.1.2.2 Clarify roles, responsibilities, duties, and expectations

It is a good practice within your school district to clarify and define the roles, responsibilities, duties, and expectations related to redistricting of the school district clerk, school board, other school district staff, and/or groups before redistricting begins. An agreement on who will do what tasks and when may safeguard everyone involved from unintentionally overstepping the tasks others are intending to do.

7.1.2.3 Provide information to school board and media

It is a good idea for those with redistricting responsibilities to learn as much as they can about the redistricting process. Reviewing this guide is just one step in the learning process. There are many sources for additional information. Some of those sources are available on the OSS Redistricting webpage: http://www.sos.state.mn.us/index.aspx?page=1668

It is important that information relevant to local government redistricting be shared among all those involved with redistricting.

7.2 SCHOOL DISTRICTS WITH AT-LARGE BOARDS

7.2.1 School district boundary information

7.2.1.1 Work with county to update school district boundary information

To conduct fair and accurate elections, it is necessary for the county to have accurate information about the boundaries of school districts. This is particularly important in cities and townships split by two or more school districts. It is essential that voters receive correct ballots in polling places on election day. This is difficult if the county does not have accurate information about the location of school district boundaries.

The school district should work with the county auditor to verify that all voter registration records and the county's precinct finder have the proper school district indicated. The school district should also work with the county to verify that the county's parcel records include the proper school district designation for taxation purposes.

7.2.1.2 Identify sources of school district maps

City and township clerks are required to acquire maps of school districts in their jurisdiction in a short window of time between legislative redistricting and the establishment of their precinct boundaries. School districts are not specifically required to provide these maps. However, many cities and townships will likely call their school district inquiring about a map. (M.R. 8255.0015)

To assist the city and township clerks, the school district may want to identify sources of school district maps. Potential sources include the school district busing office or contractor, county auditor or planning or zoning departments, and others.

7.2.2 Updated precinct information

School boards must use the precincts created by cities and townships (and counties, for unorganized territories). Precinct boundaries may be changed through the redistricting process. County auditors will be notified of any changes, but are not required to send changed precinct boundary information to school districts until July 13, 2012 (30 days before the state primary election; transferred from Sunday July 15, 2012). The school district may want to coordinate with the county auditor to receive precinct boundary change information as soon as it is available. The school district may also want to acquire municipal precinct boundary changes directly from the municipal clerk to increase the amount of time the school district has the precinct information.
(M.S. 204B.14 subd. 5; M.S. 645.15)

7.2.3 Polling places

School boards should take this opportunity to review their combined polling places in light of precinct or other changes. See 7.4 POLLING PLACES for more details.

7.3 SCHOOL DISTRICTS WITH BOARD MEMBER DISTRICTS

7.3.1 Definition

Any independent school district may establish separate election districts for the purpose of electing board members. School districts with board member election districts must establish and redistrict those districts using the procedures in *Minnesota Statutes* 205A.12. (M.S. 205A.12 subd. 1)

7.3.2 School board member district requirements

7.3.2.1 District representation

School districts, unlike other local governments, have a variety of options for the structure of districts for the purpose of electing members of the school board. With most election districts, only a single member may represent a city ward, county commissioner district, state legislative or congressional districts. However, school board members may be elected from:

- At large,
- Single-member districts,
- Multimember districts (with two or three members per district),
- A combination of single-member and multimember districts,
- A combination of single-member or multimember districts and one or more members elected at large, or
- Both a combination or single-member or multimember districts and one or more members elected at large.
  (M.S. 205A.12 subd. 2)

At present, Minnesota school districts use the at large, single-member, single-member with at large, and multimember with at large structures for their school boards.

7.3.2.2 District geography

Each school board member election district must be compact in shape and composed of contiguous territory. However, the actual boundaries of school districts in Minnesota may make this challenging. (M.S. 205A.12, subd. 4)

The most compact elective districts will be those which are roughly circular or square in shape. Considering the shape of most school districts in Minnesota, it is not possible for each elective district to be a circle or square. However, the elective districts within a particular school district should be as compact as feasible.

A contiguous elective district is one that has one unbroken boundary containing it, with no “islands” of territory inside or outside it. School districts with noncontiguous pieces (school district territory not directly connected with the rest of the district) will recognize that it is not always possible to draw an elective district that is contiguous. Considering this, the noncontiguous pieces of the school district should be assigned to the most elective district within the main core of the school district that best meets all statutory guidelines. (M.S. 205A.12 subd. 4)

A 2008 law change requires combined polling places be arranged so that each does not include more than one board member election district. Since combinations consist of precincts, this effectively means that precincts cannot be in more than one board member district. It would make for simpler elections anyway to coordinate school board member districts with municipal precincts. (M.S. 205A.11, subd. 2)

7.3.2.3 District population census

The school district may use the 2010 federal census numbers for the calculation of population totals in board member election districts. The school district may also conduct a special census and use the population counts for redistricting. (M.S. 205A.12 subd. 4)

The availability and convenience of the federal census block population counts may make it simpler for the school district to use those numbers rather than conduct a census of their own. To use the federal census counts it will be necessary to have a map of census blocks and the corresponding block population number for each census block.

There are several sources for maps of census block boundaries. See section 1.4.4 Sources of redistricting data for a list of some of the sources of maps and digital data.

7.3.2.4 District population equality

Within a school district with single-member districts, each single-member district must be as equal in population as practicable.

In school districts which elect members from multimember districts or combinations of single- and multimember districts, the size of each district must be in proportion to the number of members who represent that district. In other words, each constituent must have the same level of representation on the school board to comply with the Constitutional requirement of equal representation. (M.S. 205A.12 subd. 4)

7.3.3 Is redistricting of board member districts required?

After the certification of the 2010 census the school district must either:

- Confirm that board member election districts conform to law, or
- Redistrict board member election districts to meet the provisions in law.

Specifically, the school district must verify that its board member election districts comply with district population equality and that districts are compact and contiguous. (See 7.3.2.2 District geography) If the school board fails to take either action within the time required, no further compensation may be paid to the school board members. (M.S. 205A.12 subd. 6)

7.3.4 School board redistricting process

7.3.4.1 Acquire population counts (census)

Population is a consideration when evaluating and redistricting school board member election districts. If election districts are made up of entire cities, townships, or precincts, it may be possible to acquire official census population summaries for those subdivisions.

If school board member election districts split municipalities or precincts, the school district will need to acquire a complete population census of the school district. The school district can either use the official federal census population counts or the school district can conduct a census of their own. See 7.3.2.3 District population census. (M.S. 205A.12 subd. 4)

7.3.4.2 Notice of intent to redistrict

The school board must publish one weeks' notice before holding a public hearing on a proposed resolution for the redistricting of member elective districts. (M.S. 205A.12 subd. 6)

7.3.4.3 Updated precinct information

School boards must use the precincts created by cities and townships (and counties, for unorganized territories). Precinct boundaries may be changed through the redistricting process. County auditors will be notified of any changes, but are not required to send changed precinct boundary information to school districts until August 11, 2012 (30 days before the state primary election; transferred from Sunday August 12, 2012). The school district may want to coordinate with the county auditor to receive precinct boundary change information as soon as it is available. The school district may also want to acquire municipal precinct boundary changes directly from the municipal clerk to increase the amount of time the school district has the precinct information.
(M.S. 204B.14 subd. 5; M.S. 645.15)

7.3.4.4 Writing the redistricting plan

It may be preferable to write a metes and bounds description for a school board member district plan.

A metes and bounds description is one that describes the boundaries of the districts in such a way that a person could walk the described boundary. An example that describes a portion of the Metropolitan Council's 6th District is included in Minnesota Statutes 473.123 subdivision 3c (6):

> *"The sixth council district consists of that portion of Hennepin county consisting of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W…"*

The advantages of a metes and bounds description are:

- More identifiable to people unfamiliar with the school district,
- Better than using corporate limits or precincts for descriptions – as they both tend to change over time,

When a school board member district-redistricting plan is approved, any reference to a municipal or precinct boundary refers to that boundary on the day the plan is approved. It is not uncommon for these boundaries to change, and school board member districts do not necessarily change with those boundaries.

Metes and bounds descriptions may be more understandable to people unfamiliar with the school district than a description which references particular townships and ranges, for example. They may also be better than using corporate limits or precincts for descriptions – as corporate limits may change over time.

7.3.4.5 Dates for establishing member districts

School districts with board member election districts must redistrict or reconfirm existing board member election districts within 80 days of the completion of legislative redistricting or by May 1, 2012, whichever comes first. However, the school district may not redistrict until after publishing one weeks' notice in advance of the meeting at which redistricting will be discussed. (M.S. 204B.14, subd. 2; M.S. 205A.12 subd. 6)

A redistricting plan for school board member election districts is effective on August 12, 2012, the date of the 2012 state primary. (M.S. 205A.12 subd. 6)

If the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary in a year ending in two (after April 3 in 2012), there are alternate dates and procedures for redistricting or reestablishing local government elective districts. For more information on the alternate dates and procedures refer to Appendix A or contact the Elections Division of the Secretary of State's Office.

7.3.4.6 Notification

After acting to redistrict school board member election districts, the school district needs to notify the county auditor(s) of the board member election district boundaries for entry into the statewide voter registration system.

The Secretary of State's Office Elections Division also requests school districts which elect board members from election districts to send a copy of the election district plan.

7.3.5 How district changes affect serving board members

Board members shifted out of the election district they represent as a result of redrawing election district boundaries during redistricting, are not disqualified from serving for the remainder of the term for which they were elected.

When running for office on the school board, a candidate must reside in the district for which they file for office. Except for shifts in election districts as the result of redistricting, each board member must be a resident of the election district that they represent. (M.S. 205A.12 subd. 5)

7.3.6 Voter's right to contest

Minnesota law provides guidance to citizens of their right to contest local government election district plans. A voter wishing to contest a school election district redistricting plan or to compel redistricting must file with the district court by the appropriate date:

- If the redistricting plan is approved before May 1, 2012, the voter must file within three weeks, but no later than May 8, 2012;
- If the redistricting plan is approved after May 1, 2012; the voter must file within one week.

(M.S. 204B.135 subd. 3)

7.4 POLLING PLACES

School boards should take this opportunity to review their combined polling places in light of precinct or other changes. See Chapter 5 POLLING PLACES for more details, or the School District Clerk Election Guide, distributed by OSS.

7.4.1 Designation

If the school district election coincides with another election in a precinct, as they will for the general election in 2012, the city or township is responsible for operating that precinct's polling place. (M.S. 205 A.11, subd. 1.)

If the school district is holding a standalone election, it will use the municipal or unorganized territory polling places unless the board acts to establish one or more combined polling places. In all cases polling places must be:

- fully accessible;

- large enough to accommodate the election activities;
- free of other non-election activities;
- smoking free;
- liquor free and not adjacent to a liquor service area; and
- located within the precinct except:
    - metropolitan area schools may locate a polling place outside the precinct if within one mile of the precinct boundary or it is part of a combined polling place;
    - non-metropolitan schools may locate polling places up to five miles outside the precinct boundary.

  (M.S. 144.414; 204B.16; 205A.11)

The polling place designation remains in effect until the school board makes a new designation. Changes cannot be made less than 90 days before the next election, nor anytime between the primary and general election. Be sure to immediately notify the county auditor of a polling place change. (M.S. 204B.16)

7.4.2 Notification of voters

Every time a polling place is changed, all affected households with at least one registered voter affected by the change must receive notice of the changed location by non-forwardable mail at least 25 days before the election. To accomplish this, the school district clerk may purchase a CD of address labels (either household or registered voters) from OSS to send their own notification. Order forms are available on the Elections Forms and Handouts page at www.sos.state.mn.us. Note: labels should be ordered by precinct when sending a mailing to multiple polling place combinations or to a specific polling place combination that is not school district-wide. Postal Verification Cards (PVCs) may not be sent to meet any of the above notification requirements because they do not list combined school district polling places.

7.4.3 Combined polling place

By passing a resolution, a school board may combine the polling places serving precincts in which only the district's election is taking place that day. The designation criteria above apply. In giving notice, the clerk should be clear that the combination applies only to school district elections.

In school districts that have been organized into separate board member election districts, a combined polling place for a school general election cannot include more than one board member election district.

When using a combined polling place for a levy or bond referendum, the clerk must notify the county auditor (or auditors) within 30 days of establishing a combined polling place and send a special notice to households of registered voters in the affected precincts. The notice should specify the reason for the election, the date, the voting hours, and the voting location. It must be sent by non-forwardable mail at least 14 days before the election. The district must mail the notice for every referendum that uses a combined polling place except when the referendum is held by mail, or is held on a uniform Election Day and uses a previously established polling place. (M.S. 205A.11)

One precinct count voting system and one memory unit may be used to count ballots for up to four precincts that are in the county and that have a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct. (M.R. 8230.4365)

7.4.4 Accessibility

Federal and state laws require that all polling places be fully accessible and usable by elderly or disabled persons. Minimum requirements include:

- paved parking with extra wide spaces reserved for disabled persons;
- curb cuts or temporary ramps;
- paved main routes free of stairs or with ramp or elevator bypasses;
- entrances/doorways a minimum of 32 inches wide;
- walkways and hallways at least 36 inches wide;
- hallways free of protrusions overhanging the floor;
- handrails on all stairs;
- signs directing voters around obstructed entrances or stairs to accessible routes;
- signs outlining the assistance available to voters; and
- one or more wheelchair accessible voting booth or station with writing surface 34 inches high. (M.S. 204B.16)

Minnesota election law offers some additional accommodations if a polling place is not fully accessible or if the voter needs assistance with the voting materials:

- voting by absentee ballot;
- curbside voting;
- a bipartisan team of election judges to provide assistance in the polling place; or
- voters bringing someone of their choosing to assist in the polling place. (M.S. 204C.15)

8.0 SPECIAL DISTRICTS

8.1 COUNTY PARK DISTRICTS

8.1.1 Hennepin County Park District

The redistricting of Hennepin County Park Reserve Districts is covered in *Minnesota Statutes* 383B.68. The redistricting of Hennepin County park districts roughly, though not exactly, matches the redistricting of county commissioner districts. The Board of Park District Commissioners may find it useful to review the County chapter of this guide, though the redistricting must be done according to the provisions provided in law.

8.2 SOIL AND WATER CONSERVATION SUPERVISOR DISTRICTS

Before 2003, there was no requirement to redistrict Soil and Water Conservation Districts (SWCD) after each census. This is because all voters in the SWCD voted for all candidates, even though SWCD candidates were required to reside in a *nomination* district, to provide board representation from throughout the SWCD.

However, there was a law change made in 2003 to allow election of SWCD supervisors by district. This statute specifies the redistricting process and requirements. To this Office's knowledge, only one SWCD (Washington Conservation District) currently elects its supervisors by district.
(M.S. 103C.311)

8.2.1 District requirements

Districts must be:

- Composed of precincts established by county and municipal governing bodies
- Compact and contiguous
- Substantially equal in population
- Numbered in a regular series

(M.S. 103C.311, subd. 2(b))

8.2.2 Redistricting process

Districts must be drawn by the county board of the county containing the largest area of the SWCD, in consultation with the SWCD board and with the approval of the state board (MASWCD)

A certified copy of the resolution establishing supervisor district must be filed by , at least 30 days before the first day of candidate filing, by the chair of the district board with the:

- County auditor of the counties where the SWCD is located
- State board
- Secretary of State

(M.S. 103C.311, subd. 2(b))

8.2.3 Elections following redistricting

Similar to county commissioners, all supervisors are required to be up for election following redistricting, except if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office shall serve for the full term. See a more detailed discussion of this in

6.3.6.4 The five percent rule. If all supervisors are up for election, the district board shall determine by lot the seats to be filled for different term lengths. (M.S. 103C.311, subd. 2(d))

8.3 HOSPITAL DISTRICTS

Hospital districts are organized and defined by the cities and townships included. Hospital district boards are composed of one member elected from each city and township in the hospital district, and one member elected at-large. This organizational structure is defined in *Minnesota Statutes* 447.32, subdivision 2 and is not subject to redistricting at this time.

8.4 METROPOLITAN COUNCIL DISTRICTS

The state legislature has the responsibility for adopting a redistricting plan for Metropolitan Council districts, in the same manner as described in Chapter 2 STATE AND FEDERAL REDISTRICTING. (M.S. 473.123, subd. 3a)

8.5 OTHER LOCAL DISTRICTS

There may be additional local election districts that require redistricting. The redistricting of local election districts should be conducted according to the policies and procedures established by the governing body that created the election districts. All local government election districts should be drawn in such a manner as to meet the Constitutional requirement of equal representation.

APPENDIX A – Redistricting Timelines

Statutory Redistricting Timeline (Intended Deadline)

*in effect if state redistricting plan adopted between 2/3/2012 and 4/3/2012. Otherwise, see "early" or "late."

	Date	Action	Citation
	1/1/2010	Precinct boundary freeze begins. No changes except 1) adjacent annexations in same county, 2) subdivision of existing precinct.	M.S. 204B.14, subd. 3
	4/1/2010	Official date of US Census	
	11/2/2010	State General Election	
	4/1/2011	Data required to be reported to Governor, filed with OSS	P.L. 94-171, M.S.600.18
	7/14/2011	OSS conducts redistricting training for local gov't officials	M.S. 204B.146, subd. 1
	2/7/2012	Precinct Caucuses	M.S. 202A.14
*****	**2/21/2012**	**Intended deadline for legislative redistricting (25 weeks before primary)**	**M.S. 204B.14, subd. 1a**
*	3/13/2012	Deadline for municipalities to acquire maps of school districts located within the municipality (within 21 days of completion of legislative redistricting)	M.R. 8255.0015
*****	**4/3/2012**	**Deadline for municipal redistricting (19 weeks before primary)**	**M.S. 204B.14, subd. 3(c), M.S. 204B.135. subd. 1**
	4/3/2012	Last day for municipal/school district special election (not during the 19 weeks before the state primary)	M.S. 204B.135, subd. 4
*****	4/10/2012	Last day to publish notice of intent to redistrict county commissioner districts (three weeks prior to scheduled meeting)	M.S. 375.025, subd. 1
*****	4/10/2012	Voters have at least one week and up to three weeks to apply for revisions to ward redistricting plan (18 weeks before primary)	M.S. 204B.135, subd. 3(b)
	4/20/2012	Last day for SWCD redistricting plan to be filed (at least 30 days before candidate filing begins)	M.S. 103C.311, subd. 2(b)
*****	4/24/2012	Deadline for publishing notice of hearing for redistricting school board member districts (one week prior to scheduled meeting)	M.S. 205A.12, subd. 6
*****	**5/1/2012**	**Deadline for all other redistricting (county, school district, SWCD, park) (15 weeks before primary, or 80 days after legislative redistricting)**	**M.S. 204B.135, subd. 2**
*****	5/3/2012	Deadline for notification to secretary of state and county auditor of precinct boundary changes (within 30 days after change is made)	M.S. 204B.14, subd. 5

*	5/8/2012	Voters have at least one week and up to three weeks to file to compel redistricting or to apply for revisions to school district, SWCD, park district redistricting plans (14 weeks before primary)	M.S. 204B.135, subd. 3(c)
	5/8/2012	Last day to publish notice of new election district lines (14 days prior to filing)	M.S. 204B.14, subd. 4
	5/8/2012	Last day for county redistricting plan to be filed in order for plan to be effective for 2012 county commissioner elections (two weeks before start of candidate filing)	M.S. 375.025, subd. 4
	5/15/2012	Deadline for voters to file to compel county commissioner redistricting or to apply for revisions to county commissioner redistricting plans (one week before start of candidate filing)	M.S. 375.025, subd. 2
	5/16/2012	Last day to approve new polling places (90 days before election, none between state primary and state general)	M.S. 204B.16, subd. 3
	5/22/2012	**Candidate filing opens (84 days before primary)**	**M.S. 204B.09, subd. 1**
	6/1/2012	Combined polling place deadline	M.S. 204B.14, subd. 2
	6/15/2012	Last day to post notice of new precinct boundaries (60 days to take effect)	M.S. 204B.14, subd. 4
	6/19/2012	Deadline for posting notice of new precinct boundaries in municipal clerk or county auditor's office (56 days before primary election)	M.S. 204B.14, subd. 4
	7/1/2012	Deadline to file combined polling place action with county auditor (30 days after combined polling place established)	M.S. 204B.14, subd. 2
	7/13/2012	Last day for hospital district special election (not within 30 days of state primary)	M.S. 447.32, subd. 2
	7/13/2012	Deadline for county auditor to notify school districts in their county that have territory affected by a precinct boundary change (30 days before effective date of change)	M.S. 204B.14, subd. 5
	7/20/2012	Last day to notify voters of new precinct boundary changes (25 days before primary)	M.S. 204B.16, subd. 1a
	8/14/2012	**Primary Election (new precincts and districts take effect)**	**M.S. 204B.14, subd. 3(d); 204D.03; 205.84, subd. 2**
	11/6/2012	**General Election**	**M.S. 204D.03**

Statutory Redistricting Timeline (Early)

These dates only in effect if state redistricting plan adopted before 2/3/2012

# Days from Plan Approval	Sample Dates	Action	Citation
0	**1/3/2012**	**Approval of state redistricting plan**	**M.S. 204B.14, subd. 1a**
21	1/24/2012	Deadline for municipalities to acquire maps of school districts located within the municipality (within 21 days of completion of legislative redistricting)	M.R. 8255.0015
(80) - 21	3/2/2012	Last day to publish notice of intent to redistrict county commissioner districts (three weeks prior to scheduled meeting)	M.S. 375.025, subd. 1
60	**3/3/2012**	**Deadline for municipal redistricting (within 60 days after legislative redistricting)**	**M.S. 204B.14, subd. 3(c), M.S. 204B.135. subd. 1**
60	**3/3/2012**	**Deadline for cities that redistricted wards in 2011 to finish any modifications to conform with new legislative and congressional districts**	**M.S. 204B.135, subd. 1**
60	3/3/2012	Immediately notify secretary of state and county auditor of any precinct boundary changes.	M.S. 204B.14, subd. 5
(80) - 7	3/16/2012	Deadline for publishing notice of hearing for redistricting school board member districts (one week prior to scheduled meeting)	M.S. 205A.12, subd. 6
80	**3/23/2012**	**Deadline for all other redistricting (county, school district, SWCD, park) (within 80 days after legislative redistricting)**	**M.S. 204B.135, subd. 2**
(60) + 21	3/24/2012	Voters have at least three weeks to apply for revisions to ward redistricting plan (within 3 weeks of adoption of ward redistricting plan)	M.S. 204B.135, subd. 3(b)
(60) + 30	4/2/2012	Deadline for filing base map with secretary of state and county auditor after precinct boundary changes (within 30 days after change is made).	M.S. 204B.14, subd. 5
(80) + 21	4/13/2012	Voters have at least one week and up to three weeks to file to compel redistricting or to apply for revisions to school district, SWCD, park district redistricting plans (14 weeks before primary)	M.S. 204B.135, subd. 3(c)
	5/15/2012	Deadline for voters to file to compel county commissioner redistricting or to apply for revisions to county commissioner redistricting plans (one week before first day of candidate filing)	M.S. 375.025, subd. 2

Statutory Redistricting Timeline (Late)

These dates only in effect if state redistricting plan adopted after 4/3/2012

# Days from Plan Approval	Sample Dates	Action	Citation
0	**4/9/2012**	**Approval of state redistricting plan**	
21	4/30/2012	Deadline for municipalities to acquire maps of school districts located within the municipality (within 21 days of completion of legislative redistricting)	M.R. 8255.0015
(42) - 21	4/30/2012	Last day to publish notice of intent to redistrict county commissioner districts (three weeks prior to scheduled meeting)	M.S. 375.025, subd. 1
28	**5/7/2012**	**Deadline for municipal redistricting (no later than 28 days after legislative redistricting)**	**M.R. 8255.0010**
28	**5/7/2012**	**Deadline for cities that redistricted wards in 2011 to finish any modifications to conform with new legislative and congressional districts**	**M.R. 8255.0010**
28	5/7/2012	Deadline for notification to secretary of state and county auditor of precinct boundary changes (immediately when change is made)	M.R. 8255.0010
(28) + 7	5/14/2012	Voters have one week to apply for revisions to ward redistricting plan (within 1 week of adoption of ward redistricting plan)	M.S. 204B.135, subd. 3(b)
(42) - 7	5/14/2012	Deadline for publishing notice of hearing for redistricting school board member districts (one week prior to scheduled meeting)	M.S. 205A.12, subd. 6
42	**5/21/2012**	**Deadline for all other redistricting (county, school district, SWCD, park) (within 80 days after legislative redistricting)**	**M.R. 8255.0010**
	5/22/2012	**Candidate filing opens (84 days before primary)**	**M.S. 204B.09, subd. 1**
(42) + 7	5/28/2012	Voters have one week to file to compel redistricting or to apply for revisions to "other" redistricting plans (1 week after adoption of local redistricting plan)	M.S. 204B.135, subd. 3(c); 375.025, subd. 2

APPENDIX B – Redistricting Checklists

County Auditor

* Items apply only to counties that have unorganized territory, thus county has to set precincts and polling places

Before Redistricting

	Role or Responsibility	Cite	Item
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the county auditor, county board, other staff, and/or groups	Recommended	6.1.2.2
	Review official county policies to determine if there are any additional redistricting related responsibilities or tasks	Recommended	6.1.2.1
	Act as an information resource to, and assist the work of, the county board and, if one is established, county redistricting commission	Administrative	6.1.2.3
	Provide information to local media about redistricting	Administrative	6.1.2.3
	Verify that all voter registration records and precinct finder data are correct and accurately reflect the conditions prior to redistricting	M.S. 201.002, M.R. 8200.9315	
*	Determine that existing polling places for unorganized territories meet ADA and all statutory requirements	Administrative, M.S. 204B.16	4.3.1.6
*	Identify potential new polling places for unorganized territories	Administrative, Recommended	4.3.1.6
	Acquire population counts and census block lines	Administrative	6.2.1

During Redistricting

	Role or Responsibility	Cite	Item
	Receive legislative and congressional plans from Secretary of State's Office	M.S. 2.91 s. 1	6.2.2.1
	Provide relevant portions of legislative and congressional plans to city and township clerks	M.S. 2.91 s. 1	6.2.2.2
	Receive corrections of legislative and congressional plans from Secretary of State, if necessary	M.S. 2.91 s. 3	6.2.2.3
	Coordinate and provide redistricting information to municipal and school district clerks	Administrative	6.1.2.5
*	Prepare precinct plan for unorganized territories in county for board to approve, if requested by board	Administrative	4.3.4
*	Determine that unorganized territory precinct plan passed by board meets statutory requirements	Administrative	4.3.4
*	Notify Secretary of State of changed and reestablished precinct boundaries in unorganized territories	M.S. 204B.14 s. 5	4.3.6.2
*	Send maps of precinct boundaries to Secretary of State for changed precincts in unorganized territories	M.S. 204B.14 s. 5	4.3.6.3
	Receive precinct (and ward) boundary information from city and township clerks	Administrative	6.2.3.1
	Assist cities with verifying that precinct (and ward) plans meet statutory requirements	Administrative, Recommended.	6.3.4.5

	Notify school districts of changed precinct boundaries	M.S. 204B.14 s. 5	6.2.3.2
	Publish 3 weeks' prior notice of county board or redistricting commission meeting during which redistricting plan will be considered	Administrative, M.S. 375.025 s. 1	6.3.4.1
	Assist county commissioners with writing description of county commissioner district plan if requested	Administrative	6.3.4.6
	If requested, assist county commissioners to determine which commissioners need to run for office in 2012	Administrative	6.3.6
	Verify that final county commissioner plan meets statutory requirements	Administrative, M.S. 375.025 s. 1	6.3.2

After Redistricting

	Role or Responsibility	**Cite**	**Item**
	Publish legislative, congressional, county commissioner districts	M.S. 204B.14 s. 4	6.2.2.3 6.3.5.2
	Post legislative, congressional, county commissioner districts	Recommended	6.3.5.2
	Post precinct boundaries	M.S. 204B.14 s. 4	2.5.6.3
	Provide copies of notice of commissioner districts to each municipal clerk	Recommended	6.3.5.3
	Receive school district precinct and polling place location changes from school clerks	Administrative	7.3.4.6
	Update street addresses, precinct finder, and voter registration records in the statewide voter registration system following redistricting	Administrative	6.4.3
*	Notify affected households in unorganized territories of any change of their polling place. *It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards, even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special model redistricting postal verification card will be available.*	M.S. 204B.16 s. 1a	5.4.2
*	Confirm contracts or arrangements for new and existing polling places in unorganized territories	Administrative	5.3.1
*	Acquire additional voting equipment for new precincts in unorganized territories if necessary	Administrative	5.3.5
	Prepare for possibility of legal challenge of commissioner plan	Administrative, M.S. 375.025 s. 2	6.3.7

County Board of Commissioners

	Role or Responsibility	Cite	Item
	Determine whether or not to assess a redistricting levy	M.S. 204B.135 s. 5, M.S. 275.70 s. 5	6.1.1
	Publish 3 weeks prior notice of county board or redistricting commission meeting during which redistricting plan will be considered	M.S. 375.025 s. 1	6.3.4.1
	Create and approve county commissioner district plan by resolution, including district number assignment and determination of providing staggered terms.	M.S. 375.025 s. 1	6.3.4.7 6.3.6.2
*	Approve new, or reestablish existing precinct(s) in unorganized territories	M.S. 204B.15, M.S. 204B.14 s. 1	4.3.4
*	Establish new polling places for new precincts in unorganized territories	M.S. 204B.15, M.S. 204B.14 s. 1	5.3.1
*	Reestablish existing polling places for unchanged, existing precincts in unorganized territories	Recommended M.S. 204B.15, M.S. 204B.14 s. 1	5.3.1

County Redistricting Commission

	Role or Responsibility	Cite	Item
	Write descriptions of county commissioner districts	M.S. 375.025 s. 3	6.3.4.2

City Clerk

* Items apply only to cities that elect their city council members from wards (versus “at-large”)

Before Redistricting

	Role or Responsibility	Cite	Item
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the city clerk, city council, other staff, and/or groups	Recommended	4.3.1.2
	Review city charter or official city policies to determine if there are specific responsibilities and tasks identified	Administrative	4.3.1.1, 3.3.1*
	Act as an information resource to, and assist the work of, the city council or other city commissions	Administrative	4.3.1.3
	Provide information to local media about redistricting	Administrative	4.3.1.3
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	4.3.1.6
	Identify potential new polling places	Administrative, recommended	4.3.1.6
	Acquire census block lines	Administrative, M.S. 204B.14	4.3.1.4
	Assess any annexations that have been approved since January 1, 2010 (not reflected by census block lines)	Administrative	4.3.5.2, 3.2.2.2*
*	Acquire census block population counts	Administrative,	3.3.2

		M.S. 205.84	
	Identify source of school district map(s)	Recommended	4.3.1.5
	Receive legislative and congressional redistricting plan from county auditor	M.S. 2.91 s. 1	4.3.1.7

During Redistricting

	Role or Responsibility	**Cite**	**Item**
	Post legislative, and congressional district plans	Recommended	4.3.1.9
	Acquire school district map(s) to facilitate coordination of school district and precinct boundaries	M.R. 8255.0015	4.3.1.5
	Receive corrections of legislative and congressional redistricting plan from Secretary of State, if necessary	M.S. 2.91 s. 3	4.3.1.8
	Prepare precinct plan for city council to approve, if requested	Administrative, M.S. 204B.14	4.3.2 4.3.3
*	Assist city council with writing description of ward plan if requested	Administrative, M.S. 205.84	3.3.3
	Verify final precinct plan meets statutory requirements	Administrative, M.S. 204B.14	4.3.3
*	Verify final ward plan meets statutory requirements	Administrative, M.S. 205.84	3.2.1 3.2.2
	Identify precinct polling place(s) for city council to approve	Administrative, M.S. 204B.16	4.3.1

After Redistricting

	Role or Responsibility	**Cite**	**Item**
	Post approved precinct boundary changes	M.S. 204B.14 s. 4	4.3.6.4
*	Publish or post ward redistricting plan	Recommended	3.3.6
	Send precinct information to auditor for posting and entering into statewide voter registration system	M.S. 204B.14 s. 4, M.S. 201.022	4.3.6.4
	Send polling place information to auditor for entering into statewide voter registration system	M.S. 204B.16, M.S. 201.022	5.4.1
*	Send ward information to auditor for entering into statewide voter registration system	M.S. 201.021, M.S. 201.022	3.3.7
	Send map of changed precinct boundaries to Secretary of State	M.S. 204B.14 s. 5	4.3.6.2
	Publish precincts, wards, etc. in local media	Recommended	4.3.6.6 3.3.6*
	Receive and post new county commissioner plan from auditor	Recommended	6.3.5.3
	Send combined polling place information to auditor	M.S. 204B.14 s. 2 (b)(3)	5.3.2
	Send notice of withdrawal from combined polling place to auditor	M.S. 204B.14 s. 2 (b)(3)	5.3.2
	Notify affected households of any change of their polling place. *It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special*	M.S. 204B.16 s. 1a	5.4.2

	redistricting postal verification card will be available.		
	Confirm contracts or arrangements for new and existing polling places	Administrative	5.3.1
	Acquire additional voting equipment for new precincts if necessary	Administrative	5.3.5
*	Prepare for possibility of legal challenge to ward plan	Administrative, M.S. 204B.135 s.3	3.5

City Council

* Items apply only to cities that elect their city council members from wards (versus "at-large")

	Role or Responsibility	**Cite**	**Item**
	Specific duties may be determined by city charter or official policies	Administrative	4.3.1.1
*	Approve ward plan by resolution or ordinance	M.S. 204B.135 s. 1	3.3.5
	Approve new, or reestablish existing, precinct plan by resolution or ordinance	M.S. 204B.14 s. 3 (c)	4.3.2 4.3.3
	Establish new polling places by resolution or ordinance for new precincts	M.S. 204B.16	5.3.1
	Reestablish existing polling places for unchanged precincts	Recommended	5.3.1

City Charter Commission

* Items apply only to cities that elect their city council members from wards (versus "at-large")

	Role or Responsibility	**Cite**	**Item**
	Specific duties may be determined by city charter	Administrative	4.3.1.1
*	Write descriptions of wards	Administrative	3.3.3

Township Clerk

Before Redistricting

	Role or Responsibility	**Cite**	**Item**
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the township clerk, township board, other staff, and/or groups	Recommended	4.3.1.2
	Review official township policies to determine if there are additional redistricting related tasks that have been identified	Administrative	4.3.1.1
	Act as an information resource to, and assist the work of, the township board	Administrative	4.3.1.3
	Provide information to local media about redistricting	Administrative	4.3.1.3
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	4.3.1.6
	Identify potential new polling places	Administrative, Recommended	4.3.1.6
	Acquire census block lines	Administrative, M.S. 204B.14	4.3.1.4
	Assess any annexations that have been approved since	Administrative	4.3.5.2

	January 1, 2010 (not reflected by census block lines)		
	Identify source of school district map(s)	Recommended	4.3.1.5
	Receive legislative and congressional redistricting plan from county auditor	M.S. 2.91 s. 1	4.3.1.7

During Redistricting

	Role or Responsibility	**Cite**	**Item**
	Post legislative, and congressional district plans	Recommended	4.3.1.9
	Acquire school district map(s) to facilitate coordination of school district and precinct boundaries	M.R. 8255.0015	4.3.1.5
	Receive corrections of legislative and congressional redistricting plan from Secretary of State's Office if necessary	M.S. 2.91 s. 3	4.3.1.8
	Prepare precinct plan for township board to approve, if requested	Administrative, M.S. 204B.14	4.3.2 4.3.3
	Verify final precinct plan meets statutory requirements	Administrative, M.S. 204B.14	4.3.3
	Identify precinct polling place(s) for township board to approve	Administrative, M.S. 204B.16	4.3.1

After Redistricting

	Role or Responsibility	**Cite**	**Item**
	Post approved precinct boundary changes	M.S. 204B.14 s. 4	4.3.6.4
	Send precinct information to auditor for posting and entering into statewide voter registration system	M.S. 204B.14 s. 4, M.S. 201.022	4.3.6.1
	Send polling place information to auditor for entering into statewide voter registration system	M.S. 204B.16	5.4.1
	Send map of changed precinct boundaries to Secretary of State's Office	M.S. 204B.14 s. 5	4.3.6.2
	Publish precincts in local media	Recommended	4.3.6.6
	Receive and post new county commissioner plan from auditor	Recommended	6.3.5.3
	Send combined polling place information to auditor	M.S. 204B.14 s. 2 (b)(3)	5.3.2
	Send notice of withdrawal from combined polling place to auditor	M.S. 204B.14 s. 2 (b)(3)	5.3.2
	Notify affected households of any change of their polling place *It is strongly recommended that all voters be notified of their polling place, precinct, and other election districts using postal verification cards even if no changes have occurred. Consider sharing mailing and costs (e.g. among county, cities, townships, and school districts). A special redistricting postal verification card will be available.*	M.S. 204B.16 s. 1a	5.4.2
	Confirm contracts or arrangements for new and existing polling places	Administrative	5.3.1
	Acquire additional voting equipment for new precincts if necessary	Administrative	5.3.5

Township Board

	Role or Responsibility	Cite	Item
	Approve new, or reestablish existing, precinct plan by resolution or ordinance	M.S. 204B.14 s. 3 (c)	4.3.2 4.3.3
	Establish new polling places by resolution or ordinance for new precincts	M.S. 204B.16	5.3.1
	Reestablish existing polling places for unchanged precincts	Recommended	5.3.1

School District Clerk

* Items apply only to school districts that elect their board members from election districts (versus "at-large")

Before Redistricting

	Role or Responsibility	Cite	Item
	Review school board policy to determine if there are specific responsibilities and tasks identified	Administrative	7.1.2.1
	Within your organization, clarify and define the roles, responsibilities, and expectations related to redistricting of the county auditor, county board, other staff, and/or groups	Recommended	7.1.2.2
	Act as an information resource to, and assist the work of, the school board	Administrative	7.1.2.3
	Provide information to local media about redistricting	Administrative	7.1.2.3
	Determine that existing polling places meet ADA and all statutory requirements	Administrative, M.S. 204B.16	7.4.1
	Identify potential new polling places	Recommended	7.4.1
	Verify county parcel information contains correct school district information to determine county has correct district boundaries	Administrative	7.2.1.1
	Notify auditor(s) of school district boundary errors or changes	Administrative	7.2.1.1
*	Acquire census population counts	M.S. 205A.12 s. 4	7.3.4.1

During Redistricting

	Role or Responsibility	Cite	Item
	Receive precinct information from auditor	M.S. 204B.14 s. 5	7.2.2 7.3.4.3
	Coordinate or reconfirm precinct boundaries to match precincts established by other government entities	Recommended	7.3.4.3
*	Assist school board with writing description of election district plan for approval, if requested	Administrative	7.3.4.4
*	Verify final election district plan meets statutory requirements	Administrative, M.S. 205A.12	7.3.2
*	Notify auditor(s) of new or reestablished school district election districts for posting and entering into statewide voter registration system	Administrative	7.3.4.6
*	Notify Secretary of State's Office of new or reestablished	Administrative	7.3.4.

	school district election district boundaries		6
	Identify polling places for school board to approve, if requested	Administrative	7.4.1
	Prepare plan for combined polling places for school board to approve, if requested	Administrative	7.4.3

After Redistricting

	Role or Responsibility	**Cite**	**Item**
	Notify auditor(s) of change in school polling place for entering into statewide voter registration system	M.S. 205A.11 s. 3	7.4.1
	Notify affected voters of any change in combined polling place locations for school district special elections	M.S. 205A.11	7.4.2
*	Prepare for possibility of legal challenge of election district plan	Administrative, M.S. 204B.135 s 3	7.3.6

School Board

* Items apply only to school districts that elect their board members from election districts (versus “at-large”)

	Role or Responsibility	**Cite**	**Item**
*	Approve new boundaries of election districts if board members are elected by election districts (versus “at-large”)	M.S. 205A.12 s 6	7.3.4.5
	Approve new polling place(s) if necessary	M.S. 204B.16 s. 1	7.4.1
	Approve new combined precincts	M.S. 205A.11 s. 2	7.4.3

APPENDIX C – Sample Documents

Resolution Establishing Precincts and Polling Places

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute section 204B.14, subd. 3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of [Name], County of [Name], State of Minnesota hereby establishes the boundaries of the voting precincts and polling places as follows:

Precinct 1 (City Hall, 123 Main St)
That part of the city lying east of the river and north of Highway 1
Precinct 2 (Elementary School, 234 1st Avenue)
That part of the city lying east of the river and south of Highway 1
Precinct 3 (Community Center, 456 3rd Street)
That part of the city lying west of the river

Attached to this resolution, for illustrative purposes, is a map showing said precincts and the location of each polling place.
Adopted by the City Council this [xxth] day of April, 2012.

Resolution Reestablishing Precincts and Polling Places

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute section 204B.14, subd. 3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of [Name], County of [Name], State of Minnesota hereby reestablishes the boundaries of the voting precincts and polling places as follows:

Precinct 1 (City Hall, 123 Main St)
That part of the city lying east of the river and north of Highway 1
Precinct 2 (Elementary School, 234 1st Avenue)
That part of the city lying east of the river and south of Highway 1
Precinct 3 (Community Center, 456 3rd Street)
That part of the city lying west of the river

Attached to this resolution, for illustrative purposes, is a map showing said precincts and the location of each polling place.
Adopted by the City Council this [xxth] day of April, 2012.

Resolution for Adoption of County Commissioner Districts

WHEREAS, Minnesota Statutes Chapter 375 establishes the procedure and requires a process for redistricting County Commissioner districts based on population figures from the Federal Census; and,

WHEREAS, Minnesota Statute section 204B.135, subd. 2 requires that County Commissioner Districts be redistricted within 80 days of when the legislature has been redistricted or at least 15 weeks before the state primary election, whichever comes first; and,

WHEREAS, pursuant to these statutes the 2010 Federal Census population figures shall be used to redistrict the [Name] County Commissioner Districts by [May 1, 2012], and that Commissioner Districts shall be bounded by town, municipal, ward, city district, or precinct lines; and,

WHEREAS, the [Name] County Board of Commissioners has considered the possibility or potential for maximizing minority representation on the board of commissioners; and,

WHEREAS, [Name] County published a three week notice in the newspaper having the contract for publishing the commissioner's proceedings for the county for 2012; and,

WHEREAS, [Name} County conducted a public meeting on redistricting on [month & date], 2012:

NOW, THEREFORE BE IT RESOLVED that the [Name] County Board of Commissioners hereby redistricts the County of [Name], following town, municipal, ward, city district, or precinct lines as reestablished in [April], 2012, and reestablishes the length of terms as follows:

District 1 - City of Washington, Washington Township, City of Adams Precinct 1 and Precinct 3, Jefferson Township (4-year term, 2012 Election)

District 2 - City of Madison Precinct 2, Precinct 4 and Precinct 5, Monroe Township (continuation of current term, 2014 Election)

District 3 - City of Jackson, City of Tyler, Harrison Township, Polk Township (4-year term , 2012 Election)

District 4 - City of Adams Precinct 2 and Precinct 4, Adams Township (2-year term, 2012 Election)

District 5 - City of Madison Precinct 1 and Precinct 3 (4-year term, 2012 Election)

BE IT RESOLVED that the County Administrator is directed to file the redistricting plan with the County Auditor by May [1-8], 2012, to be effective on June [31st day after filing], 2012, for the 2012 primary and general election and publish in the [newspaper].

BE IT FINALLY RESOLVED that the districts are, for illustrative purposes, identified in a map of the county attached hereto and marked Exhibit A which by reference is hereby made a part hereof.

Publication Notice

Official Publication

County of [Name]

Notice of public hearing and intent to consider plans for redistricting of county commissioner districts in accordance with Minnesota Statutes, Section 375.01 to 375.025

(Published in
[Newspaper]
[Month & Date], 2012)

Notice is hereby given that on the [Date]th day of [Month], 2012, at 7:00 p.m., the [Name] County Board of Commissioners will hold a public hearing at the [Name] County Government Center, [Address], in the City of [Name], for the purpose of considering preliminary plans for the redistricting of [Name] County Commissioner Districts. A copy of the preliminary plans with all attachments and supporting documentation shall be available for public inspection in the office of the Clerk of the County Board during regular office hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. Any citizen intending to submit a plan for consideration in the redistricting of [Name] County Commissioner Districts must do so no later than [Month & Date], 2012, at 4:30 p.m.

Notice is also given that the [Name] County Board of County Commissioners will meet in the [Name] County Government Center, [Address], in the City of [Name] on [Month & Date], 2012, for the purpose of redistricting [Name] County Commissioner Districts.

Dated: [Month & Date], 2012

Redistricting PVC text

Redistricting Notice to Voters

Minnesota law requires that congressional, legislative, county, and local election district boundaries be redrawn every ten years after the census. This "redistricting" process may have changed the location of your polling place and the election districts in which you reside.

The location of your precinct polling place and your election districts are provided on the other side of this card. Your polling place is where you will vote for state, county, and municipal elections beginning with the August 14, 2012 Primary Election. If your school district has an independent election, you may vote at a different location.

If you have any questions about the information on this card, or if there is a mistake, please contact your voter registration office at the phone number listed on the other side of this card.

Visit www.mnvotes.org for more voting information.

Rev. 04-12

APPENDIX D – Attorney General's Opinions

This index of Attorney General's Opinions includes all of those opinions identified as relating to local government redistricting. Some opinions are clarifications of language that no longer exists.

1922 No. 121, p. 132 Changing boundaries-necessity of the following lines in redistricting

1926 No. 64, p. 74 Redistricting districts

1934 No. 241, p. 431 Status of commissioners under redistricting

1942 No. 104, p. 170 Publishing Notice-City ward boundaries changed

798-G, July 19, 1954 Consolidation of two villages into one, each of the villages before consolidation begin separate commissioner districts, does not effect the boundaries of the commissioner districts.

798-D, Dec. 17, 1954 May redistricting only following state and federal census

126-F, July 30, 1956 Vacancy- filling of, after redistricting

798d, March 26, 1959 County board must use the latest state or federal census rather than more recent estimates. New Districts established by action of majority of whole board. In districts having only one resident commissioner, as redistricted under 375.02, such commissioner shall serve for full period for which he was elected.

798b, March 17, 1960 Annexations by a city do not in and of themselves cause a change in the boundaries of commissioner districts. Redistricting can only be done by the county board pursuant to M.S. 375.02.

798d, June 17, 1960 Annexations by a city do not cause a change in the boundaries of commissioner districts. When a county has been redistricted it may not redistrict itself until after the next state or federal census is taken.

798d, March 26, 1962 Effect of election of redistricting: State institutional inmates as to census.

798D, May 7, 1962 Redistricting after decennial census; over 30% of population in one district: next general election certain commissioners need not run for office until expiration of their term.

798D, May 9, 1962 Necessity of submitting redistricting to voters; effect of redistricting on offices of commissioners, and terms of the offices discussed.

185a-2, Jan. 7, 1964 The county board possesses authority to establish election precincts in unorganized territory and may designate such precincts by reference to organized towns as they existed prior to dissolution.

798-d, Jan. 17, 1964 In factual situation presented, proposed redistricting does not conform to requirements of M.S. 375.02 that commissioner districts be composed of contiguous territory.

798d, Nov. 8, 1965 Territories which connect at one corner are not legally contiguous and may not be joined in one district under M.S. 375.02.

126F, April 22, 1966 Prior opinions of office upheld. A vacancy in county board is filled by a board of appointment comprised of representatives from the "old" district as outlined in M.S. 375.10, 375.02.

798c, June 7, 1966 County boards have an obligation to determine whether the appointment of commissioner districts in their respective counties compiles with the requirements 375.02 and the standards are applicable thereto by the decision in Hanlon *v*. Towey, ___ Minn. ___. A finding by a county board that its districts do not so conform, and that the gross inequalities can be avoided, gives rise to a duty to redistrict.

The fact that in a given county each districts as now constituted contains less than 30 percent of the population does not necessarily eliminate the need for further redistricting to comply with constitutional redistricting.

798d, July 22, 1966 When it becomes necessary to have a new election of commissioners pursuant to M.S. 375.02, the "next general election" referred to in the statute is the next general election at which the names of candidates for such office can be redistricted until after another such census.

Op. Atty. Gen. 798d, June 17, 1966, must be regarded as modifying and forming an exception to prior opinions of the Attorney General, which held that when a county is redistricted after a state or federal census it may not again be redistricted until after another such census.

The result of any special census taken pursuant to M.S. 297.13 or M.S. 340.60 may not be taken into consideration in determining the population of the county for purposes of redistricting under M.S. 375.02.

798d, Aug. 1, 1966 County board should estimate the separate population of two unorganized townships for redistricting purposes where, under facts herein, state or federal census does not give separate populations of each such township, but combines the total population of both in its official report.

798-d, Jan. 13, 1976 Basis for application of election exception in Minn. Stat. 375.025 subd. 4 (1974) Is change made in boundaries of commissioner district, which alters its population and not one, which simply alters its land area.

798-d, Oct. 27, 1981 County Commissioner districts required to be as nearly equal as possible in population. Computation of change in boundaries for exception to election requirement (Minn. Stat. 375.025, subd, 4 (1980)) requires aggregation of persons added to and those subtracted from a district.

APPENDIX E – Submitting Redistricting Data

Authorization

M.S. 204B.146, subd. 2 allows the Secretary of State's Office to authorize counties, cities, and townships to provide precinct and election district boundary updates in electronic formats. Those counties and municipalities using a geographic information system (GIS) may provide precinct and election district boundaries as a GIS compatible database or file in lieu of a paper map by complying with the guidelines and procedures defined by the Secretary of State's Office Elections Division. Data submitted by these procedures fulfills the requirement of providing a map of precinct boundary changes in Minnesota Statutes 204B.14, subdivision 5.

Procedure

1. Immediately notify the Secretary of State's Office of boundary changes.
2. Submit a digital database or file that meets the technical guidelines below via email to brad.neuhauser@state.mn.us For questions, contact Brad Neuhauser, GIS Specialist, at 651-556-0648.
3. The Elections Division will notify the auditor or clerk that:
    a. If the file is acceptable, that the file was received and has been filed, or
    b. If the file is unusable in its current form, that the county/municipality must submit a paper map or digital file that meets the technical guidelines.

Technical Guidelines

Local units of government sending geographic information system (GIS) data to the Secretary of State's Office to fulfill notification requirements must submit files which meet one of the technical guidelines below. Contact the Elections Division to discuss alternative formats.

Block Equivalency Files

- A block equivalency file must be in comma-delimited (.csv), or dbase (.dbf) file format,
- A file must be derived from the 2010 Redistricting Data
- The file must contain a record for every census block within the legal boundaries of the jurisdiction, and
- For every census block, there must be a populated field containing the number of the precinct, or election district, to which that block is assigned.

ESRI Shapefile

- File geography must be based on the 2010 Redistricting Data,
- File coordinate system must be:
    - Universal Transverse Mercator (UTM), Zone 15,
    - North American Datum of 1983 (NAD83),
    - GRS 1980 Spheroid, and
    - Measured in meters.
- Shapefile components may be zipped into a single file for convenience in transferring. Zipped files must compatible with WinZip or a similar product.