

Legal Guide for Redistricting Group
Redistricting

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by

Office of the Minneapolis City Attorney

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I. INTRODUCTION

This document is a guide regarding legal requirements and constraints in redistricting Minneapolis Wards (“Wards”) and Park and Recreation Board (“Park Board”) districts. Section 2 of this document discusses timelines, processes and requirements for the redistricting of Wards and Park Board districts. Section 3 discusses the Equal Protection Clause of the 14th Amendment to the United States Constitution. Section 4 discusses Section 2 of the Voting Rights Act. Section 5 discusses the holding of a case rejecting a challenge against existing Minneapolis Wards.

II. TIMELINES, PROCESSES AND REQUIREMENTS FOR THE REDISTRICTING OF WARDS AND PARK BOARD DISTRICTS

A. REDISTRICTING TIMELINES AND PROCESSES

The Minneapolis City Charter provides that the Minneapolis Charter Commission, with the assistance of an Advisory Group of not more than 9 members, shall redistrict the Wards and Park Board districts within the timeline required for redistricting after a U.S. Census. See generally Mpls. Charter, Chapter 1, Section 3 and Mpls. Charter, Chapter 16, Section 1. Specific timelines and processes are provided below:

- The Wards may not be redistricted before the Legislature redistricts. Wards must be redistricted within 60 days after the Legislature has redistricted or at least 19 weeks before the state primary in 2012 (April 3, 2012), whichever is first. See M.S. § 204B.135.
- The Park Board districts may not be redistricted before the Legislature redistricts. The Park Board districts must be redistricted within 80 days after the Legislature has redistricted or at least 15 weeks before the state primary in 2012 (May 1, 2012), whichever is first. See M.S. § 204B.135.
- Following the adoption of a Ward boundary plan, the Minneapolis City Council must reestablish precinct boundaries in the City within 60 days after the Legislature has redistricted or at least 19 weeks before the state primary in 2012 (April 3, 2012), whichever is first. See M.S. § 204B.14.
- If the adoption of the legislative redistricting plan or the resolution of any court challenge to the redistricting plan occurs less than 19 weeks before the state primary in 2012 (i.e., after April 3, 2012), the following schedule must be followed:
 1. Precincts must be reestablished no later than 28 days after the adoption of the legislative plan;
 2. Wards must be redistricted no later than 28 days after the adoption of the legislative plan;

3. Local government election districts (e.g., Park Board districts) must be redistricted no later than 42 days after adoption of the legislative plan.

See Minnesota Rules, Rule 8255.0010.

- The Redistricting Group is comprised of the Minneapolis Charter Commissioners and the Advisory Group members. See Section 1 of the Procedural Rules for the Redistricting Group (hereinafter, “Procedural Rules”).
- The Redistricting group shall redistrict the Ward and Park Board districts at the same time. Once the first draft of all the redistricting plans for the Wards and Park Board districts have been completed, the Charter Commission will hold at least 2 citywide hearings for public input. The Redistricting group will consider the public comments while drafting the proposed redistricting maps. Upon completion of the proposed redistricting maps approved by the Redistricting Group, the Redistricting Group shall publish the maps for at least 7 days and then hold at least two public meetings for citizens’ input. Neighborhoods delineated by the City’s Planning Department shall be solicited for input too. The Redistricting Group will consider the public comments while drafting redistricting maps. The Redistricting Group will recommend and forward proposed final maps to the Minneapolis Charter Commission for its consideration. Before adoption of Park Board districts, the Charter Commission shall notify the Park Board of the proposed plan and consider any recommendations of the Park Board. See Procedural Rules, Sections 13 and 14; Sections Q, R and T of Recommended Principles for Redistricting Minneapolis Wards and Park Districts after the 2010 Census (May 2011) (hereinafter, “Recommended Principles”); Mpls. Charter, Chapter 16, Section 1.
- Upon approval of the final Minneapolis Ward redistricting map by a majority of the Charter Commissioners voting at a duly called meeting of the Charter Commission, the Charter Commission will file the map with the Minneapolis City Clerk. See Recommended Principles, Sections I.S.
- Upon approval of the final Park Board redistricting map by a majority of the Charter Commissioners voting at a duly called meeting of the Charter Commission, the Charter Commission will file the map with the Park Board. See Recommended Principles, Section I.T.
- If the District Court finds a map to be improper and returns it to the Charter Commission, the Redistricting Group will be reconvened to redraft the map. See Recommended Principles, Sections I.S. and I.T.

B. REDISTRICTING REQUIREMENTS

- The population to be used is the official population, as stated by the census tracts and blocks in the official U.S. Census. See Mpls. Charter, Chapter 1, Section 3.
- The Redistricting Group may compute the population of any part of a census tract by use of other pertinent data or by special enumeration of any block or blocks when necessary to modify census data. See Mpls. Charter, Chapter 1, Section 3.
- The Redistricting Group must first establish a “population quota” for each Ward by dividing the City’s total population by 13. In no case shall any Ward, when readjusted, have a population more than 5% over or under such “population quota.” See Mpls. Charter, Chapter 1, Section 3.
- The Redistricting Group must first establish an “ideal population” for each Park Board district by dividing the City’s total population by 6. In no case shall any Park Board district, when readjusted, have a population more than 5% over or under the “ideal population.” See 1992 Laws of Minn., Chapter 362.
- The 14th Amendment of the U. S. Constitution, the Equal Protection Clause, has been interpreted as requiring Wards or districts to be “as nearly of equal population as is practicable.” See Reynolds v. Sims, 377 U.S. 533, 577-81 (1964). A population deviation of under 10% is considered a minor deviation from equal population. A plan with a deviation larger than 10% may lead a court to presume there is discrimination. Such a large deviation must be legally explained away by those performing the redistricting. See Voinovich v. Quilter, 507 U.S. 146, 160-61 (1993). Because a 5% deviation from the “population quota” or “ideal population” would yield a maximum overall range of 10%, the 5% deviation should satisfy Equal Protection requirements, as long as other boundary standards are met. It is not necessary to choose the redistricting plan with the lowest population from the “population quota” or “ideal population,” as long as all legal factors are addressed and those performing the redistricting can justify the choice. See Fay v. St. Louis County Board of Commissioners, 674 N.W.2d 433, 438-39 (Minn. Ct. App. 2004).
- Subject to applicable law and the overriding principles of fairness and equity and in the interest of continuity, the Redistricting Group will change the boundaries of the Wards or Park Districts as little as possible. See Recommended Principles, Section I.N.
- Each Ward and Park Board district must consist of compact and contiguous territory, not more than twice as long as it is wide. A lake within a Ward or Park Board district will not violate the contiguity or compactness principles. See Mpls. Charter, Chapter 1, Section 3 and 1992 Laws of Minn., Chapter 362. The length and the width should be measured from the northernmost to the southernmost point and from the easternmost to the westernmost point on the proposed Ward or Park Board district. See Johnson-Lee v. City of Minneapolis, No. 02-1139, 2004 WL 2212044 (D. Minn. Sept. 30, 2004).

- The principle of compactness means that the Ward or Park Board district should have a border or perimeter that is short in relation to the area. See BLACK'S LAW DICTIONARY 351 (4th ed. 1968) (defining "compact"). Thus, a perfect square would be very compact. On the other hand, sprawling or bizarre shapes would not be compact, and could lead a court to conclude that race or political persuasion, and not other districting principles, was the legislature's dominant and controlling rationale in drawing the boundaries. See Bush v. Vera, 517 U.S. 952, 976-82 (1996).
- The requirement that Wards and Park Board districts must be contiguous means that the territory of any given Ward or Park Board district must not be divided into parts separated by areas outside of the Ward or Park Board district. Wards or Park Board districts that contain areas that connect at only a single point are not contiguous. See Shaw v. Reno, 509 U.S. 630, 646 (1993); Larios v. Cox, 300 F.Supp.2d 1320 (2004), aff'd, 542 U.S. 947 (2004).
- Whenever possible, Ward and Park Board district boundaries shall follow the centerline of streets, avenues, alleys and boulevards. See Mpls. Charter, Chapters 1, Section 3 and 1992 Laws of Minn., Chapter 362.
- As nearly as practicable, Ward and Park Board district boundaries shall run due East and West or North and South. See Mpls. Charter, Chapters 1, Section 3 and 1992 Laws of Minn., Chapter 362.
- Wards shall retain the same numerical designation as the currently existing Ward from which the newly drawn Ward receives the largest portion of its population. See Mpls. Charter Chapters 1, Section 3.
- Park Board districts shall retain, to the extent possible, the same numerical designation as the currently existing Park Board district from which the newly drawn Park Board district receives the largest portion of its population. See 1992 Laws of Minn., Chapter 362.
- The Redistricting Group will keep communities of interest in one Ward whenever possible. See Recommended Principles, Section I.M.
- The Redistricting Group should attempt to preserve communities of interest when redistricting Park Board districts where that can be done in compliance with other redistricting standards of 1992 Laws of Minnesota, Chapter 362. See 1992 Laws of Minn., Chapter 362.
- Communities of interest include citizens with similar social, geographic, political, cultural, economic or other interests.

- To comply with the Voting Rights Act, avoid a plan which denies or abridges the rights of racial and language minorities. See 42 U.S.C. § 1973. With respect to a minority which is sufficiently large and compact to constitute a majority of voting age population in a Ward or district, that is politically cohesive, and whose preferred candidate would usually be defeated in voting by the majority, a plan probably must be created which gives the minority a fair chance to win. Thornburg v. Gingles, 478 U.S. 30 (1986); Grove v. Emison, 507 U.S. 25 (1993). Be aware that there is special language related to Park Board redistricting which is similar to the Voting Rights Act. While this special language states that Park Board districts must increase the probability that members of the minority will be elected, please follow the requirements of the Voting Rights Act and also consider factors other than race when redistricting. See 1992 Laws of Minn., Chapter 362.
- Race may be considered in drawing the Ward and Park Board district boundaries so that the political power of a racial or language minority is preserved and its voting power is not diluted. However, there is no requirement in the Constitution or the Voting Rights Act of proportional representation of racial or ethnic minorities. See Thornburg v. Gingles, 478 U.S. 30, 37 (1986); 42 U.S.C. § 1973(b); City of Mobile v. Bolden, 466 U.S. 55 (1980).
- No readjustment of a Ward shall apply to any City election if the adopted plan goes into effect after the first date for filing for such elections. The first date for filing is May 22, 2012. See Mpls. Charter, Chapter 3, Section 1.
- All Minneapolis Council Members may complete their term for which they are elected or appointed, even if their Ward boundary changes. See Mpls. Charter, Chapter 3, Section 1 and M.S. § 205.84.
- If a Ward redistricting plan is litigated and there is insufficient time to determine the issues, the Court may either postpone the effective date of the plan or order that the proposed redistricting plan be effective for the next election without prejudice to the issues with respect to subsequent elections. See Mpls. Charter, Chapter 3, Section 1.
- The Charter Commission shall propose a plan to the Park Board at least 21 days prior to the opening of filings for City office (i.e., by May 1, 2012). See Mpls. Charter, Chapter 3, Section 1. State law may override this provision if there is a conflict.
- The Charter Commission shall adopt the Park Board district boundaries no later than 14 days prior to the opening of filings for City Offices (i.e., by May 8, 2012). See Mpls. Charter, Chapter 3, Section 1. State law may override this provision if there is a conflict.
- Park Board districts cannot be redistricted until precinct boundaries are reestablished See M.S. § 204B.135.
- The 6 Park Board district boundaries will not divide precincts. See Charter, Chapter 16, Section 1.

- Park Board district boundaries shall be set, as nearly as practicable, as follows:

District 1: Ward 1, Precincts 1 to 11; Ward 2, Precincts 1 to 9; Ward 3, Precincts 1 to 5

District 2: Ward 3, Precincts 6 to 12; Ward 4, Precincts 1 to 13; Ward 5, Precincts 1 to 9

District 3: Ward 2, Precincts 10 to 14; Ward 3, Precincts 13 and 14; Ward 6, Precincts 1 to 20; Ward 9, Precincts 1, 2, and 4 to 10; Ward 12, Precinct 2

District 4: Ward 5, Precincts 10 to 12; Ward 7, Precincts 1 to 16; Ward 8, Precincts 1 to 5; Ward 9, Precinct 3; Ward 10, Precincts 1 to 8

District 5: Ward 8, Precincts 14 to 16; Ward 9, Precincts 11 to 14; Ward 11, Precincts 4 to 16; Ward 12, Precincts 1 and 3 to 16

District 6: Ward 8, Precincts 6 to 13; Ward 10, Precincts 9 to 15; Ward 11, Precincts 1 to 3; Ward 13, Precincts 1 to 18

See Charter, Chapter 16, Section 1.

III. EQUAL PROTECTION CLAUSE OF THE 14th AMENDMENT

A districting plan must not violate the Equal Protection Clause of the 14th Amendment of the United States Constitution. When drawing a district, the Redistricting Group must avoid creating a political or racial gerrymander (i.e., division of the Wards or districts to give one political party or one racial group an unfair advantage).

You may consider race in drawing districts. As the U.S. Supreme Court recognized in Shaw v. Reno, 509 U.S. 630 (1993):

[R]edistricting differs from other kinds of state decision making in that the legislature always is *aware* of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness does not lead inevitably to impermissible race discrimination. . . . [W]hen members of a racial group live together in one community, a reapportionment plan that concentrates members of the group in one district and excludes them from others may reflect wholly legitimate purposes. The district lines may be drawn, for example, to provide for compact districts of contiguous territory, or to maintain the integrity of political subdivisions.

Shaw, 509 U.S. at 646.

While the Redistricting Group can consider race, race cannot be the predominant factor used in redistricting decisions. Shaw v. Reno, 509 U.S. 630, 646 (1993); Miller v. Johnson, 515 U.S. 900, 915-17 (1995). To determine if race is a predominant factor in redistricting boundary lines, the court will look at whether the Redistricting Group subordinates traditional, non-racial districting principles, including but not limited to compactness, contiguity, and respect for communities defined by actual shared interests, to racial considerations. Miller v. Johnson, 515 U.S. 900, 915-17 (1995)

A “bizarre shape” could be used as evidence that race was the predominant motive in drawing district lines. Miller v. Johnson, 515 U.S. 900, 913-14 (1995). To avoid districts with bizarre shapes, the Redistricting Group should draw districts that are compact and contiguous and should consider other redistricting factors required by law and the Redistricting Principles.

If a Plaintiff can prove that race was a predominant factor in a redistricting decision, the district will be subject to strict scrutiny and the Court could determine that the district boundaries are improper. Shaw v. Reno, 509 U.S. 630 (1993); Miller v. Johnson, 515 U.S. 900 (1995); Bush v. Vera, 517 U.S. 952, 977 (1996). To survive strict scrutiny, a racial classification must be narrowly tailored to serve a compelling governmental interest. Shaw v. Reno, 509 U.S. 630, 657 (1993). Racially polarized voting (i.e., a race voting as a bloc for one candidate) is not a justification in itself to allow the Redistricting Group to use race as a predominant factor in redistricting.

The Redistricting Group can consider race, but other factors should be considered, such as Charter and legal requirements, Redistricting Principles, and communities of interest.

IV. SECTION 2 OF THE VOTING RIGHTS ACT

The Voting Rights Act, 42 U.S.C. §§ 1973 – 1973aa-5 (2011), prohibits the denial or abridgement of the right to vote based on race, color or membership in a language minority. The Voting Rights Act provides, in part, as follows:

No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or [because he is a member of a language minority group].

42 U.S.C. § 1973(a); 42 U.S.C. § 1973b(f)(2).

A language minority group is defined as persons who are American Indian, Asian American, Alaskan Natives, or of Spanish Heritage. See 42 U.S.C. § 1973l(c)(3). Nothing in the Voting Rights Act establishes a right to have members of a protected class elected in numbers equal to their proportion in the population. See 42 U.S.C. § 1973(b).

The Voting Rights Act is violated if, based on the totality of circumstances, it is shown that the political processes leading to the nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected in the Voting Rights Act. See 42 U.S.C. § 1973(b).

A three-part test was set out by the U.S. Supreme Court for Voting Rights Act claims in Thornburg v. Gingles, 478 U.S. 30 (1986). This test requires a minority group to prove that:

1. It is sufficiently large and geographically compact to constitute a majority in a single member district (i.e., a Ward or Park Board district).
2. It is politically cohesive.
3. In the absence of special circumstances, such as the minority candidate running unopposed, the majority votes sufficiently as a bloc to enable it to defeat the minority's preferred candidate.

See Gingles, 478 U.S. at 50-51.

The first part of the test is satisfied if the minority group could be drawn into a district so that the district has a minority population that is more than 50 percent of the voting age population in the district. Bartlett v. Strickland, 129 S.Ct. 1231, 1249 (2009).

Once this three-part test is met by the minority group, a court must apply the "totality of the circumstances" test to determine if the political processes leading to the nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected in the Voting Rights Act. The following factors will be considered by the court when performing this "totality of circumstances" test:

1. The extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;
2. The extent to which voting in the elections of the state or political subdivision is racially polarized (i.e., each race votes as a bloc for a candidate);
3. The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;
4. If there is a candidate slating process where the members of the minority group have been denied access to that process;

5. The extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;
6. Whether political campaigns have been characterized by overt or subtle racial appeals;
7. The extent to which members of the minority group have been elected to public office in the jurisdiction;
8. Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and
9. Whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous.

See Thornburg v. Gingles, 478 U.S. 30, 36-37 (1986).

Often, a claim under the Voting Rights Act is based on a dilution of voting power. A minority group's voting power can be diluted if the minority group is packed or cracked/fractured. Packing occurs when: (1) a minority group is concentrated into a district so that the minority group constitutes an overwhelming majority, thereby wasting some of the minority votes; and (2) if by dividing that large racial group among two or more districts, a minority group could constitute a majority of voting age population in more than one district.

Cracking or Fracturing occurs when: (1) a block of minority voters are divided between districts; and (2) as a result of that division, the number of districts containing minority voters that make up a majority of voting age population is reduced.

To avoid Packing and Cracking/Fracturing, the Redistricting Group should consider various options for determining how minority groups will be kept together or divided, taking into consideration other requirements, such as compactness and contiguity, equal population, and communities of interest.

When drawing boundaries, the Redistricting Group should: (1) consider the Gingles three-part test; (2) consider the Gingles totality of circumstances test; (3) avoid packing or cracking minority groups; and (4) follow the Charter and legal requirements, including considering communities of interest.

V. CHALLENGE TO EXISTING MINNEAPOLIS WARDS

The City of Minneapolis Wards created after the 2000 U.S. Census were challenged in court. Two Minneapolis City Council members and 14 citizens (“Plaintiffs”) brought a lawsuit claiming generally that the redistricting plans were racist and unfair. Johnson-Lee v. City of Minneapolis, No. 02-1139, 2004 WL 2212044 (D. Minnesota Sept. 30, 2004). One claim was that the redistricting plan packed African American voters into Ward 5, operating to dilute African American voting power in other Wards. Another claim was that the redistricting plan cracked Native American influence in Ward 6 by splitting Native Americans between Wards 6 and 9. The Court used the Gingles analysis, which required the Plaintiffs to demonstrate three conditions: (1) the minority group is sufficiently large and geographically compact to constitute an effective majority in a single-member district; (2) the minority group is politically cohesive; and (3) the majority votes sufficiently as a bloc to enable it usually to defeat the minority’s preferred candidate. See Thornburg v. Gingles, 478 U.S. 30, 49-51 (1986). A single-member district is one where only one person is elected to an election district.

Assuming that African American and Native American voting is politically cohesive, the Court found that the Plaintiffs did not demonstrate the other two Gingle conditions. With respect to the Native Americans, the Court found that there was no way to create a district where Native Americans were the majority of voting age population. Therefore, the Plaintiffs did not demonstrate the first Gingles condition with respect to the Native American claim.

With respect to the African Americans, the Court found that the Plaintiffs did not identify any minority-preferred candidates, beyond pointing out that white candidates have been elected over minority candidates in Wards with significant minority populations. Plaintiff must prove, on an election-by-election basis, which candidates are minority-preferred; inferences based solely on race are insufficient to establish which candidate is minority-preferred. See Clay v. Board of Educ. of City of St. Louis, 930 F.3d 1357, 1361 (8th Cir. 1996). Plaintiff failed to prove which candidates were minority-preferred and therefore failed to demonstrate the third Gingles condition.

The Johnson-Lee Court also determined how to measure the length and width of a Ward. Mpls. Charter, Chapter 1, Section 3, provides as follows: “Each Ward shall consist of contiguous compact territory not more than twice as long as it is wide, provided that the existence of any lake within any Ward shall not be contrary to this provision.” The Court determined that the length and width of the Wards should be measured from the northernmost to the southernmost point and from the easternmost to westernmost point on the proposed Ward. Because the Park Board districts are subject to the same requirement, Park Board districts should also use the same measurement of length and width. The Court determined that none of the Wards violated the requirement to be not more than twice as long as wide.

The Johnson-Lee Court also placed importance on the concept of communities of interest. The Plaintiffs complained that the new Wards drew two Council Members out of their Wards. A tentative plan had split the Little Earth Housing Project between two Wards. During a public hearing, the split of Little Earth was brought up as a concern. After the hearing, the Redistricting

Commission decided to keep the Little Earth community intact. The Court found, with approval, that the protection of incumbents was not as important to the Redistricting Commission as keeping communities of interest, like Little Earth and other neighborhoods, intact.

The Plaintiffs in the Johnson-Lee Court complained that all of the Ward boundaries were bizarre shapes. The Court found that none of the Wards had bizarre shapes.

The Johnson-Lee Court ultimately found in favor of the City of Minneapolis on all challenges to the Ward redistricting plan.

VI. SOURCES

How to Draw Redistricting Plans That Will Stand Up in Court (October 21, 2010)
Peter S. Wattson, Senate Counsel, State of Minnesota

Legislative Guide to Redistricting (February 2011)
House Redistricting Office
Oklahoma House of Representatives

VII. APPENDIX

Minnesota Statutes Relating to Redistricting

204B.09 Time and Place of Filing Affidavits and Petitions
204B.135 Redistricting of Election Districts
204B.14 Election Precincts
204B.16 Polling Places; Designation
204D.03 Timing of State Elections
205.84 Redistricting; Cities with Wards

Minnesota Rules

8255.0010 Alternate Dates for Completion of Local Redistricting
8255.0020 Establishment of Precinct Boundaries Lacking Recognizable Physical Features

1992 Laws of Minnesota, Chapter 362

Park and Recreation Board Districts

Minneapolis City Charter

Chapter 1, Section 3 – City and Ward Boundaries
Chapter 16, Section 1 – Parks and Parkways

204B.09 TIME AND PLACE OF FILING AFFIDAVITS AND PETITIONS.

Subdivision 1. **Candidates in state and county general elections.** (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 84 days nor less than 70 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions at least 77 days before the general election day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for county offices must be filed with the county auditor of that county. Affidavits and petitions for federal offices must be filed with the secretary of state. Affidavits and petitions for state offices must be filed with the secretary of state or with the county auditor of the county in which the candidate resides.

(e) Affidavits other than those filed pursuant to subdivision 1a must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and must be received by 5:00 p.m. on the last day for filing.

Subd. 1a. **Absent candidates.** (a) A candidate for special district, county, state, or federal office who will be absent from the state during the filing period may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any necessary petitions in person to the filing officer. The candidate shall state in writing the reason for being unable to submit the affidavit during the filing period. The affidavit, filing fee, if any, and petitions must be submitted to the filing officer during the seven days immediately preceding the candidate's absence from the state. Nominating petitions may be signed during the 14 days immediately preceding the date when the affidavit of candidacy is filed.

(b) A candidate for special district, county, state, or federal office who will be absent from the state during the entire filing period or who must leave the state for the remainder of the filing period and who certifies to the secretary of state that the circumstances constitute an emergency and were unforeseen, may submit a properly executed affidavit of candidacy by facsimile device or by transmitting electronically a scanned image of the affidavit to the secretary of state during the filing period. The candidate shall state in writing the specific reason for being unable to submit the affidavit by mail or by hand during the filing period or in person prior to the start of the filing period. The affidavit of candidacy, filing fee, if any, and any necessary petitions must be received by the secretary of state by 5:00 p.m. on the last day for filing. If the candidate is filing for a special district or county office, the secretary of state shall forward the affidavit of candidacy, filing fee, if any, and any necessary petitions to the appropriate filing officer.

Subd. 2. **Other elections.** Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in chapter 205 or other applicable law or charter, except as provided for a special district candidate under

subdivision 1a. Affidavits of candidacy and applications filed on behalf of eligible voters for school board office shall be filed during the time and with the official specified in chapter 205A or other applicable law. Affidavits of candidacy and nominating petitions filed under this subdivision must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary, and must be received by the appropriate official within the specified time for the filing of affidavits and petitions for the office.

Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

History: 1981 c 29 art 4 s 9; 1986 c 475 s 11; 1987 c 266 art 1 s 24; 1989 c 291 art 1 s 8; 1990 c 585 s 24; 1990 c 608 art 7 s 2; 1991 c 227 s 11; 2000 c 467 s 9-11; 1Sp2001 c 10 art 18 s 18,19; 2004 c 293 art 2 s 16,17; 2008 c 244 art 1 s 10; 2010 c 184 s 12

204B.135 REDISTRICTING OF ELECTION DISTRICTS.

Subdivision 1. **Cities with wards.** Except as provided in this subdivision, a city that elects its council members by wards may not redistrict those wards before the legislature has been redistricted in a year ending in one or two. The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first.

In a city electing council members by wards in a year ending in one, the ward boundaries must be reestablished no later than 14 days before the first day to file affidavits of candidacy for city council members. The ward boundaries may be modified after the legislature has been redistricted for the purpose of establishing precinct boundaries as provided in section 204B.14, subdivision 3, but no modification in ward boundaries may result in a change of the population of any ward of more than five percent, plus or minus.

Subd. 2. **Other election districts.** For purposes of this subdivision, "local government election district" means a county district, park and recreation district, school district, or soil and water conservation district. Local government election districts, other than city wards covered by subdivision 1, may not be redistricted until precinct boundaries are reestablished under section 204B.14, subdivision 3, paragraph (c). Election districts covered by this subdivision must be redistricted within 80 days of the time when the legislature has been redistricted or at least 15 weeks before the state primary election in the year ending in two, whichever comes first.

Subd. 3. **Voters rights.** (a) An eligible voter may apply to the district court for either a writ of mandamus requiring the redistricting of wards or local government election districts or to revise any plan adopted by the governing body responsible for redistricting of wards or local government election districts.

(b) If a city adopts a ward redistricting plan at least 19 weeks before the primary in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court within three weeks but no later than 18 weeks before the state primary election in the year ending in two, notwithstanding any charter provision. If a city adopts a ward redistricting plan less than 19 weeks before either the municipal primary in a year ending in one or before the state primary in a year ending in two, an application for revision of the plan that seeks to affect elections held in that year must be filed with the district court no later than one week after the plan has been adopted, notwithstanding any charter provision.

(c) If a plan for redistricting of a local government election district is adopted at least 15 weeks before the state primary election in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court within three weeks but no later than 14 weeks before the state primary election in the year ending in two. If a plan for redistricting of a local government election district is adopted less than 15 weeks before the state primary election in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court no later than one week after the plan has been adopted.

Subd. 4. **Special elections; limitations.** No municipality or school district may conduct a special election during the 19 weeks before the state primary election in the year ending in two. A school district special election required by any other law may be deferred until the date of the next school district general election, the state primary election, or the state general election.

Subd. 5. **Redistricting expenses.** The county board may levy a tax not to exceed \$1 per capita in the year ending in "0" to pay costs incurred in the year ending in "1" or "2" that are reasonably related to the redistricting of election districts, establishment of precinct boundaries, designation of polling places, and the updating of voter records in the statewide registration system. The county auditor shall distribute to each municipality in the county on a per capita basis 25 percent of the amount levied as provided in this subdivision, based on the population of the municipality in the most recent census. This levy is not subject to statutory levy limits.

History: 1987 c 297 s 1; 1991 c 349 s 30; 1999 c 243 art 6 s 1; 2010 c 201 s 23; 2010 c 313 s 1,2

204B.14 ELECTION PRECINCTS.

Subdivision 1. **Boundaries.** The governing body of each municipality shall establish the boundaries of the election precincts in the municipality. The governing body of a county shall establish the boundaries of precincts in unorganized territory in the county. Except as provided in subdivision 3, a governing body may change the boundaries of any election precinct which it has established.

Subd. 1a. **Legislative policy.** It is the intention of the legislature to complete congressional and legislative redistricting activities in time to permit counties and municipalities to begin the process of reestablishing precinct boundaries as soon as possible after the adoption of the congressional and legislative redistricting plans but in no case later than 25 weeks before the state primary election in the year ending in two.

Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute at least one election precinct:

- (1) each city ward; and
- (2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than May 1 of any year:

- (1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;
- (2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters;
- (3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or
- (4) for noncontiguous precincts located in one or more counties.

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. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than April 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Subd. 3. **Boundary changes; prohibitions; exception.** Notwithstanding other law or charter provisions to the contrary, during the period from January 1 in any year ending in zero to the time when the legislature has been redistricted in a year ending in one or two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision.

(a) If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

(c) Precinct boundaries in a city electing council members by wards may be reestablished within four weeks of the adoption of ward boundaries in a year ending in one, as provided in section 204B.135, subdivision 1.

(d) Precinct boundaries must be reestablished within 60 days of the time when the legislature has been redistricted, or at least 19 weeks before the state primary election in a year ending in two, whichever comes first. The adoption of reestablished precinct boundaries becomes effective on the date of the state primary election in the year ending in two.

Precincts must be arranged so that no precinct lies in more than one legislative or congressional district.

Subd. 4. **Boundary change procedure.** Any change in the boundary of an election precinct must be adopted at least ten weeks before the date of the next election and, for the state primary and general election, no later than June 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 56 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days before the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Subd. 4a. **Municipal boundary adjustment procedure.** A change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made under chapter 414 that is effective more than 21 days before a regularly scheduled election takes effect at the scheduled election.

A change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made under chapter 414 that is effective less than 21 days before a regularly scheduled election takes effect the day after the scheduled election.

Subd. 5. **Precinct boundaries; description; maps.** If a precinct boundary has been changed or an annexation has occurred affecting a precinct boundary, the municipal clerk shall immediately

notify the county auditor and secretary of state. The municipal clerk shall file a corrected base map with the secretary of state and county auditor within 30 days after the boundary change was made or, in the case of an annexation, the later of: (1) 30 days after the approval of the annexation order; or (2) the effective date of the annexation order. Upon request, the county auditor shall provide a base map and precinct finder to the municipal clerk. The municipal clerk shall prepare a corrected precinct map and provide the corrected map to the county auditor, who shall correct the precinct finder in the statewide voter registration system and make the corrected map and precinct finder available for public inspection, and to the secretary of state, who shall update the precinct boundary database. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in section 201.061, subdivision 6. If a municipality changes the boundary of an election precinct, or if an annexation affecting a precinct boundary occurs, the county auditor shall notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change.

Subd. 6. Precinct boundaries to follow physical features. (a) Unless a precinct consists entirely of unorganized territory or more than one precinct is entirely included within one census block, for the first two years following a decennial census an election precinct boundary must follow a census block line.

(b) The boundaries of election precincts must follow visible, clearly recognizable physical features. If it is not possible to establish the boundary between any two adjacent precincts along such features, the boundary around the two precincts combined shall be established in the manner provided in the rules of the secretary of state to comply with the provisions of this subdivision. The maps required by subdivision 5 shall clearly indicate which boundaries do not follow visible, clearly recognizable physical features.

(c) For the purposes of this subdivision, "visible, clearly recognizable physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a visible, clearly recognizable physical feature for the purposes of this subdivision.

(d) If the secretary of state determines that a precinct boundary does not comply with this subdivision, the secretary of state shall send a notice to the county auditor or municipal clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the county or municipal governing body has not taken action to correct the precinct boundary, the secretary of state shall correct the precinct boundary and notify the county auditor or municipal clerk of the action taken.

(e) If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, an alternate boundary used by the United States Bureau of the Census may be authorized by the secretary of state.

Subd. 7. Application to municipalities. Notwithstanding the provisions of section 410.21, or any other law, ordinance or charter to the contrary, the provisions of subdivisions 1, 3 and 6 apply to all municipalities.

Subd. 8. [Repealed, 1994 c 607 s 7]

History: 1981 c 29 art 4 s 14; 1Sp1981 c 4 art 4 s 43; 2Sp1981 c 2 s 2; 1983 c 289 s 115 subd 1; 1985 c 248 s 36; 1986 c 444; 1987 c 186 s 15; 1987 c 212 s 1-4; 1987 c 297 s 2; 1990 c 453 s 4; 1991 c 349 s 31-34; 1993 c 208 s 1,2; 1993 c 223 s 9; 1994 c 607 s 1-4; 1999 c 237 s 1; 2000 c 467 s 13-15; 2005 c 156 art 6 s 34; 2005 c 162 s 2; 2006 c 270 art 1 s 1; 2010 c 184 s 13,14; 2010 c 201 s 24; 2010 c 313 s 3,4

204B.16 POLLING PLACES; DESIGNATION.

Subdivision 1. **Authority; location.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24, shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Subd. 1a. **Notice to voters.** If the location of a polling place has been changed, the governing body establishing the polling place shall send to every affected household with at least one registered voter in the precinct a nonforwardable mailed notice stating the location of the new polling place at least 25 days before the next election. The secretary of state shall prepare a sample of this notice. A notice that is returned as undeliverable must be forwarded immediately to the county auditor. This subdivision does not apply to a polling place location that is changed on election day under section 204B.17.

Subd. 2. [Repealed, 1994 c 607 s 7]

Subd. 3. **Designation effective until changed.** The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 90 days prior to an election, including school district elections or referenda, and no polling place changes may occur during the period between the state primary and the state general election, except that a new polling place may be designated to replace a polling place that has become unavailable for use.

Subd. 4. **Prohibited locations.** No polling place shall be designated in any place where intoxicating liquors or nonintoxicating malt beverages are served or in any adjoining room. No polling place shall be designated in any place in which substantial compliance with the requirements of this chapter cannot be attained.

Subd. 5. **Access by elderly and persons with disabilities.** Each polling place shall be accessible to and usable by elderly individuals and individuals with disabilities. A polling place is deemed to be accessible and usable if it complies with the standards in paragraphs (a) to (f).

(a) At least one set of doors must have a minimum width of 32 inches if the doors must be used to enter or leave the polling place.

(b) Any curb adjacent to the main entrance to a polling place must have curb cuts or temporary ramps. Where the main entrance is not the accessible entrance, any curb adjacent to the accessible entrance must also have curb cuts or temporary ramps.

(c) Where the main entrance is not the accessible entrance, a sign shall be posted at the main entrance giving directions to the accessible entrance.

(d) At least one set of stairs must have a temporary handrail and ramp if stairs must be used to enter or leave the polling place.

(e) No barrier in the polling place may impede the path of persons with disabilities to the voting booth.

(f) At least one parking space for persons with disabilities, which may be temporarily so designated by the municipality for the day of the election, must be available near the accessible entrance.

The doorway, handrails, ramps, and disabled parking provided pursuant to this subdivision must conform to the standards specified in the State Building Code for accessibility by persons with disabilities.

A governing body shall designate as polling places only those places which meet the standards prescribed in this subdivision unless no available place within a precinct is accessible or can be made accessible.

Subd. 6. Public facilities. Every statutory city, home rule charter city, county, town, school district, and other public agency, including the University of Minnesota and other public colleges and universities, shall make their facilities, including parking, available for the holding of city, county, school district, state, and federal elections, subject to the approval of the local election official. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group.

Subd. 7. Appropriate facilities. The facilities provided in accordance with subdivision 6 shall be sufficient in size to accommodate all election activities and the requirements of subdivision 5. The space must be separated from other activities within the building. The local election official may approve space in two connecting rooms for registration and balloting activities. Except in the event of an emergency making the approved space unusable, the public facility may not move the election from the space approved by the local election official without prior approval. In addition to the requirements of subdivision 5, the public facility must make remaining parking spaces not in use for regularly scheduled activities available for voters.

History: 1981 c 29 art 4 s 16; 1983 c 124 s 4; 1984 c 471 s 5; 1985 c 307 s 1; 1987 c 266 art 1 s 25; 1991 c 227 s 12,13; 1991 c 349 s 36,37; 1992 c 474 s 1; 1993 c 223 s 10; 1997 c 147 s 29,30; 2000 c 467 s 16; 2004 c 293 art 2 s 18; 2005 c 56 s 1; 2005 c 156 art 6 s 35,36; 2008 c 244 art 1 s 11

204D.03 TIME OF STATE ELECTIONS.

Subdivision 1. **State primary.** The state primary shall be held on the second Tuesday in August in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Subd. 2. **State general election.** The state general election shall be held on the first Tuesday after the first Monday in November in each even-numbered year.

Subd. 3. **Exception; certain partisan candidates.** (a) If no more than one candidate files for nomination by a major political party for a partisan office, the candidate who filed must be declared the nominee upon the close of filing. If every candidate for a partisan office has been declared the nominee upon the close of filing, the office must be omitted from the state primary ballot. If all offices, both partisan and nonpartisan, have been omitted from the state primary ballot in a municipality or county, the governing body of the municipality or county may decide that the state primary will not be conducted in that municipality or county.

(b) Within 15 days after the close of filing, each municipal clerk or county auditor whose governing body has decided not to conduct the state primary shall post notice that the offices have been so omitted and the state primary canceled and shall send a copy of the notice to the secretary of state.

History: 1981 c 29 art 6 s 3; 2005 c 156 art 6 s 51; 2010 c 184 s 20

205.84 REDISTRICTING; CITIES WITH WARDS.

Subdivision 1. **General provisions.** (a) In a city electing council members by wards, wards shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory. Each council member shall be a resident of the ward for which elected, but, except as otherwise provided by paragraph (b), a change in ward boundaries does not disqualify a council member from serving for the remainder of a term.

(b) 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 under subdivision 2; provided, however, that if no municipal general election would otherwise occur in the year ending in "2" or the year ending in "3," a municipal general election must be held in one of those years.

Subd. 2. **Effective date.** After the official certification of the federal decennial or special census, the governing body of the city shall either confirm the existing ward boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries to conform to those standards as provided in section 204B.135, subdivision 1. If the governing body of the city fails to take either action within the time required, no further compensation shall be paid to the mayor or council member until the wards of the city are either reconfirmed or redefined as required by this section. An ordinance establishing new ward boundaries pursuant to section 204B.135, subdivision 1, becomes effective on the date of the state primary election in the year ending in two, except that new ward boundaries established by a municipality in a year ending in one are effective on the date of the municipal primary election in the year ending in one.

Subd. 3. **Transition schedule.** The governing body of a city electing more than one council member in each ward may adopt an orderly transition schedule to biennial November elections in which only one council member in each ward is elected in any municipal general election.

History: 1974 c 337 s 17; 1981 c 29 art 7 s 38; 1983 c 62 s 11; 1986 c 444; 1991 c 349 s 38; 1995 c 8 s 6; 1999 c 237 s 3; 2010 c 313 s 5,6

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

A. Precincts must be reestablished no later than 28 days after the adoption of the legislative plan.

B. Wards must be redistricted no later than 28 days after the adoption of the legislative plan.

C. Local government election districts must be redistricted no later than 42 days after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

Statutory Authority: *MS s 204B.14*

History: *16 SR 2026; 25 SR 616*

Posted: *February 1, 2005*

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B." Two precincts that are divided by a congressional district boundary may be named in the same manner and may use a single polling place as provided in Minnesota Statutes, section 204B.16, subdivision 2.

Statutory Authority: *MS s 204B.14*

History: *16 SR 2026; 17 SR 351*

Posted: *February 1, 2005*

CHAPTER 361—S.F.No. 1612

VETOED

CHAPTER 362—S.F.No. 1622

An act relating to the Minneapolis park and recreation board; providing for two members appointed by the Minneapolis park and recreation board on the Minneapolis reapportionment commission; establishing standards for park board redistricting.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **PARK AND RECREATION BOARD DISTRICTS.**

Notwithstanding chapter 1, section 3, of the home rule charter of the city of Minneapolis, the Minneapolis park and recreation board may appoint two members to serve on the Minneapolis reapportionment commission to replace the two members of the commission appointed by the majority and minority caucuses of the city council for the purpose of determining the reapportionment of Minneapolis park and recreation districts.

The two members appointed by the park and recreation board shall participate with the other appointed members of the reapportionment commission to determine the reapportionment of park board districts. Park board commission appointees shall not sit in considering the reapportionment of city council ward boundaries. City council appointees shall not sit in considering the reapportionment of park district boundaries. The reapportionment commission may adopt necessary procedures to ensure full participation by park and recreation board appointees in its process.

Sec. 2. **STANDARDS.**

Within the time specified in chapter 1, section 3, and chapter 16, section 1, of the home rule charter of the city of Minneapolis, the reapportionment commission shall set the boundaries of the park districts in accordance with the following standards:

(1) The ideal population for each district shall be determined by dividing the total population of the city by six. In no case shall any district, when readjusted, have a population more than five percent over or under the ideal population.

(2) Each district shall consist of contiguous compact territory not more than twice as long as it is wide. The existence of a lake within a district shall not be contrary to this provision. Whenever possible, district boundary lines shall follow the center line of streets, avenues, alleys and boulevards and as nearly as practicable, shall run due east and west or north and south.

New language is indicated by underline, deletions by ~~strikeout~~.

(3) To the extent possible, each newly drawn district shall retain the same numerical designation as the previously existing district from which the newly drawn district received the largest portion of its population.

(4) The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible, the districts must increase the probability that members of the minority will be elected.

(5) The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding standards.

(6) Population shall be determined by use of the official population, as stated by census tracts and blocks in the official United States Census. Whenever it is necessary to modify census data in fixing a district boundary, the reapportionment commission may compute the population of any part by use of other pertinent data or may have a special enumeration made of any block or blocks using the standards of the United States Census. If the population of any block or blocks is so determined, the reapportionment commission may assume that the remainder of the census tract has the remaining population shown by the census. In every such case, the determination of the reapportionment commission as to population shall be conclusive, unless clearly contrary to the census.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by a majority of the Minneapolis park and recreation board.

Presented to the governor January 16, 1992

Signed by the governor January 17, 1992, 2:38 p.m.

CHAPTER 363—S.F.No. 1562

An act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1990, sections 92.46, subdivision 1; 290.191, subdivision 4; and 490.123, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 82B.05, subdivision 1; 82B.11, subdivision 1; 82B.17; 82B.19, subdivision 3; 122.895, subdivision 5; 124.2615, subdivision 1; 126.22, subdivision 8; 2561.05, subdivision 1b; 273.13, subdivision 25; 297A.25, subdivision 12; 302A.461, subdivision 2; 469.101, subdivision 23; and Laws 1989, chapter 341, article 1, section 26; Laws 1991, chapter 97, section 15; chapter 265, article 4, section 34; article 6, section 67, subdivision 1; chapter 292, article 1, section 6, subdivision 2; chapter 298, article 7, section 9; chapter 333, section 38; chapter 345, article 1, section 17, subdivision 3; article 1, by adding a section; repealing Minnesota Statutes 1991 Supplement, section 136D.90, subdivision 2.

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EXCERPTS FROM MINNEAPOLIS CITY CHARTER

CHAPTER 1. CITY AND WARD BOUNDARIES

Section 3. Thirteen Wards. A. The City shall consist of thirteen Wards with as nearly equal population as practicable. Within the time specified in paragraph C hereof the Charter Commission shall readjust the boundaries of the Wards in accordance with the following standards:

1. A population quota for each Ward shall be determined by dividing the total population of the City by 13. In no case shall any Ward, when readjusted, have a population more than five percent over or under such population quota.
 2. Each Ward shall consist of contiguous compact territory not more than twice as long as it is wide, provided that the existence of any lake within any Ward shall not be contrary to this provision. Wherever possible, Ward boundary lines shall follow the centerline of streets, avenues, alleys and boulevards and as nearly as practicable, shall run due East and West or North and South.
 3. To the extent possible, the Wards shall be numbered consecutively, first on the East side of the Mississippi river and then on the West side and from North to South. However, notwithstanding the foregoing, effective the date of this amendment and thereafter, all newly drawn Wards shall retain the same numerical designation as the then currently existing Ward from which the newly drawn ward received the largest portion of its population.
 4. Population shall be determined by use of the official population, as stated by census tracts and blocks in the official United States Census. Whenever it is necessary to modify census data in fixing a Ward boundary, the Charter Commission may compute the population of any part by use of other pertinent data or may have a special enumeration made of any block or blocks using the standards of the United States Census. If the population of any block or blocks is so determined, the Charter Commission may assume that the remainder of the census tract has the remaining population shown by the census. In every such case, the determination of the Charter Commission as to population shall be conclusive, unless manifestly contrary to the census.
- B. In each year ending in the number two, or whenever the number of Wards is changed, or when required by court order, the Charter Commission will draw Ward boundaries.

The Commission will appoint an Advisory Group of not more than nine members who are eligible voters of the City of Minneapolis. The Advisory Group will be advisory only and will operate in accordance with rules and procedures established by the Commission. Applications for the Advisory Group will be accepted for at least 45 days prior to the appointment of its members by the Commission. The City Clerk will receive all applications to serve on the Advisory Group. The application will include such information as may be specified by the Charter Commission. Applicants shall not

currently be, or within two years previous to appointment have been, an elected official of municipal, county, state or federal government, nor an employee of a political party, nor a candidate in a primary or general election for a public office for which the ballot indicates a political party designation of candidates, nor an employee of City government. In appointing members to the Advisory Group, the Charter Commission will consider the diversity of its membership.

The City Council, upon request of the Charter Commission, shall promptly provide funding for such staff and other assistance as the Commission deems necessary to complete its work in a timely manner.

- C. At or within the times prescribed by law, the Charter Commission shall adopt a Ward boundary plan in accordance with the standards of paragraph A hereof. The Commission, with appropriate notice, shall hold at least four public hearings prior to adoption of the plan. At least two of the public hearings shall be for the purpose of reviewing the proposed plan. A copy of the proposed plan shall be published as a legal notice for the public at least seven (7) days prior to the public hearing on the proposed plan. Neighborhoods, as delineated by the Planning Department, shall be solicited for their input. The plan shall state the boundaries and population of each Ward and shall be deemed completed when approved by a majority of Commissioners voting at a duly called meeting of the Charter Commission and filed with the City Clerk. If the District Court finds the plan improper and returns it, the Commission shall reconvene for the purpose of revising and readopting the redistricting plan. Whenever Wards have been so readjusted, no further Ward adjustment shall be made until the announcement of the next decennial United States Census. In the event any territory shall be annexed to the City, it shall become part of the adjoining Ward.
- D. The District Court shall exercise original jurisdiction in any matter relating to redistricting in the manner provided by law, and upon application by a person having legal standing after notice and hearing may compel the execution of any action required hereunder by order of the Court.
 - 1. If a redistricting plan is questioned in a proceeding before the Court, and insufficient time remains to determine the issue, the Court may either (a) postpone the effective date of the plan, or (b) if the proposed plan appears to more closely reflect the distribution of population than the existing Ward boundaries, order that the proposed redistricting be effective for the next election without prejudice to the issue with respect to subsequent elections.
 - 2. If a redistricting plan is challenged in a proceeding before the Court, and the Court finds the plan is improper, the Court shall return the plan to the Charter Commission for revision and re adoption.
- E. No readjustment of Ward boundaries shall apply to any City election if the adopted plan goes into effect after the first date for filing for such elections. All Council Members, including those who take office as provided in Chapter 2, Section 16 or 16A of this Charter, may complete the term for which they are elected, or appointed notwithstanding changes in Ward boundaries.
- F. This amendment shall take effect immediately upon certification of its adoption by the voters of the City of Minneapolis.

- G. The method herein provided shall be the sole method for readjusting Ward boundaries, and the City Council shall have no power to readjust Ward boundaries except as in this section provided.
- H. Special School District No. 1, Minneapolis. Within the time specified in Charter Chapter 1, section 3, and Chapter 16, section, 1, the Charter Commission shall set the boundaries of the school board districts in accordance with the redistricting principles it uses to set the boundaries of the City Wards and the Park Board districts, and in accordance with Minnesota law. (As amended 11-5-46; 11-5-74; 11-11-80; 83-Or-234, § 1, 9-30-83; 11-8-83; 88-Or-018, §§ 1, 2, 2-12-88; 88-Or-220, § 1, 12-16-88; 91-Or-262, § 1, 12-27-91; 11-2-99; Amend No. 171, §§ 1, 2, 11-5-10)

Amendment note--The amendment of November 5, 1946, related to ward boundaries. The amendment of November 11, 1980, amended § 3 in its entirety, to provide for a reapportionment commission and reapportionment plan procedures. Prior to amendment, the section concerned the wards and ward boundary commission. The amendment of November 8, 1983, changed "Alderman" to "Council Member." 88-Or-018 added language relative to ward boundaries. 88-Or-220 amended paragraphs B--D to make changes relative to time of reapportionment of ward boundaries.

CHAPTER 16. PARKS AND PARKWAYS

Section 1. Park and Recreation Board--Election--Terms of Office. The Park and Recreation Board of the City of Minneapolis and its successors, shall be a department of the government of said City and shall be the successor to and a continuation of the Board of Park Commissioners of the City of Minneapolis, and shall consist of nine commissioners. All funds, property, or other assets, all obligations and liabilities of any nature, and all ordinances, regulations and actions of all kinds and all powers, duties and privileges heretofore provided by statute or by this Charter for the Board of Park Commissioners of the City of Minneapolis shall in all respects be those of the Park and Recreation Board of the City of Minneapolis.

At the general City election in 1975, the electors of the entire City shall elect three (3) Commissioners-at-large, one (1) for a term of two (2) years and two (2) for a term of four (4) years each. The term of the Commissioner elected by the least number of votes at said election shall be two (2) years and the terms of the other two (2) commissioners elected shall be four (4) years. At the general City election in 1977 and every four (4) years thereafter, the electors of the entire City shall elect one Commissioner-at-large for a term of four (4) years and the electors residing in each even-numbered Park and Recreation District shall elect from their respective districts one (1) Commissioner for a term of four (4) years. At the general City election in 1979 and every four (4) years thereafter, the electors of the entire City shall elect two (2) Commissioners-at-large for a term of four (4) years each and the electors residing in each odd-numbered Park and Recreation District shall elect from their respective districts one (1) Commissioner for a term of four (4) years. Commissioners serving at the time this amendment [adopted November 4, 1975] takes effect shall continue in office for the balance of their respective terms.*

*Special law reference--The user may wish to note that § 3 of Laws 1986, Ch. 433, changed the time of election and extended certain terms of commissioners of the park and recreation board.

There are hereby created six Park and Recreation Districts within the city, each of which shall be composed of the area presently contained within the election precincts listed opposite the respective Park and Recreation District as follows:

DISTRICT I

Precincts 1 through 11 of Ward 1

Precincts 1 through 9 of Ward 2

Precincts 1 through 5 of Ward 3

DISTRICT II

Precincts 1 through 13 of Ward 4

Precincts 6 through 12 of Ward 3

Precincts 1 through 9 of Ward 5

DISTRICT III

Precincts 1 through 20 of Ward 6

Precincts 10 through 14 of Ward 2

Precincts 1, 2, and 4 through 10 of Ward 9

Precincts 13 and 14 of Ward 3

Precinct 2 of Ward 12

DISTRICT IV

Precincts 1 through 16 of Ward 7

Precincts 1 through 8 of Ward 10

Precincts 1 through 5 of Ward 8

Precincts 10 through 12 of Ward 5

Precinct 3 of Ward 9

DISTRICT V

Precincts 1 and 3 through 16 of Ward 12

Precincts 4 through 16 of Ward 11

Precincts 14 through 16 of Ward 8

Precincts 11 through 14 of Ward 9

DISTRICT VI

Precincts 1 through 18 of Ward 13

Precincts 9 through 15 of Ward 10

Precincts 6 through 13 of Ward 8

Precincts 1 through 3 of Ward 11

Whenever Ward boundaries within the City are officially changed, but not later than twenty-one (21) days prior to the opening of filings for city office, the Charter Commission shall propose a plan for changing the boundaries of the six (6) Park and Recreation Districts and notify the Park and Recreation Board of the proposed plan. The Park and Recreation Board shall then review the proposed plan and make recommendations to the Charter Commission. The Charter Commission shall consider any recommendations made by the Park and Recreation Board and shall adopt the Park and Recreation District boundaries no later than fourteen (14) days prior to the opening of filings for city offices. Without dividing any election precincts, the boundary lines prescribed by this section shall be retained as nearly as practicable in readjusting the boundaries of any park and recreation district.

Said Park and Recreation Board shall have a common seal, and shall be capable of entering into, making, performing and enforcing contracts in the name of, and in behalf of the City of Minneapolis, to carry out the purposes expressed in this Chapter. And all contracts so made and entered into shall be signed and executed by the President and Secretary under the direction of the Board.

All persons elected to the office of Park and Recreation Commissioner shall before entering upon the discharge of their duties severally file a written acceptance and oath of office in the office of the City Clerk of the City of Minneapolis.

The said Park and Recreation Board shall elect annually from their own number a President and a Vice President, and shall appoint annually a Secretary who shall not be a member of said Board. And said officers shall hold their respective offices until their successors are elected and qualified.

The said election shall be held on the first business day in January of each year, and whenever vacancies shall occur in said offices, they shall be at once filled in like manner for the unexpired term.

Whenever a vacancy may occur in the office of an elected Commissioner, it shall be filled by the Board.

The person elected as Secretary, before entering upon the duties of office, shall file with the Comptroller-Treasurer [Finance Officer] of said City a corporate surety bond in such form and in the amount of at least \$35,000.00 or in such higher amount as may be fixed by the Park and Recreation Board as security for the faithful performance of the official duties of office and the safekeeping of public funds. The premium of such bonds shall be paid from the Park and Recreation Fund. Said Secretary shall have power and is hereby authorized to administer oaths in all proceedings under this chapter and incident thereto.

It shall be the duty of the said Secretary to submit to the said Board at the first meeting in January, a report showing the transactions of the Secretary's office, and other information necessary for the conduct of business.

The said Park and Recreation Board shall make rules to govern its proceedings,

and may meet from time to time, as it may by rule or vote determine, and adjourn its said meetings. It shall make and publish from time to time, rules, ordinances and regulations for the government of its officers, agents, servants, and employees, and for the government and regulation of the parks and parkways, which may be required under and pursuant to the provisions of this Chapter. A majority of the members of said Board shall constitute a quorum; but no action of said Board, designating or purchasing or leasing lands, creating a bonded debt, or filling vacancies in the Park and Recreation Board, shall be valid unless voted for by six (6) members of said Board; and a record of its proceedings shall be kept, and the said Board shall make and publish an annual report setting forth their general proceedings, and containing a statement of the receipts and expenditures of said Board; which statement of receipts and expenditures shall be submitted to the City Comptroller-Treasurer [Finance Officer] to be audited in the same manner as accounts of city officers. The said Commissioners shall receive no compensation for their services, but may receive such sums for actual and necessary expenses incurred in performing their official duties as may be audited and allowed by the said Board. The Park and Recreation Board shall be authorized to employ and dismiss, subject to the provisions of the Civil Service Chapter of this Charter, such attorneys, surveyors, agents and employees as may be necessary, and to fix the compensation of all its appointees and employees, which shall be payable from the fund hereinafter established for the purpose of this Chapter, upon the order of said Board, countersigned by the City Comptroller-Treasurer [Finance Officer].

Special law reference--Chapter 181, Laws 1974, provides that each member of the board of park commissioners (park and recreation board) may, upon request therefor, be paid \$35.00 for each board meeting, notwithstanding any provision of the Charter to the contrary. Such compensation is to be paid as an operating expense of the board.

Special law reference--For a special act relating to the appointment of assistant superintendents of the board of park commissioners (park and recreation board), see Laws 1969, Ch. 1024.

No Commissioner shall be interested in any contract made under the authority of said Board, or in any lands to be acquired by said Board, except that any Commissioner who shall be owner of, or interested in, any lands which may be designated or appropriated for the uses of this Chapter shall be entitled to receive compensation therefor as provided herein, but shall not act officially in respect to any matter in which such person may be pecuniarily interested.

Any Commissioner may be removed from office by the District Court of Hennepin County, after trial and conviction, upon the petition with sworn charges presented by not less than ten (10) reputable freeholders of said city, if it shall appear at the trial that such Commissioner has been guilty of misdemeanor, or malfeasance in office.

Upon the presentation of such petition to one of the Judges of said Court the Judge shall issue an order returnable before such Judge, or the Court, requiring such Commissioner to appear and show cause why the removal from office should not take place and upon the return of such order the Court or Judge shall direct the method of hearing and procedure.

The office of any Commissioner under this Chapter who shall not attend meetings of the Board for three (3) successive months after having been duly notified of said meetings, without reasons satisfactory to the Board, or without leave of absence, from said Board, may by said Board be declared and thereupon shall become vacant.

(As amended 5-12-67; 6-28-68; 1-2-74; 11-5 -74; 11-4-75; 83-Or-180, § 1, 7-29-83; 83-Or-234, § 15, 9-30-83; Amend No. 171, § 3, 11-5-10)

Amendment note--The amendment of May 12, 1967, amended the first 4 paragraphs above by reorganizing the park board, changing its title from board of park commissioners to park and recreation board, and changing the title "park commissioners" to "park and recreation commissioners." The amendment of June 28, 1968, changed the date for organization and updated type, method of provision and amount of the bond for secretary of park board. The amendment of January 2, 1974, changed the date of annual meetings of the park board to the first business day in January of each year and whenever vacancies occur. The amendment of November 4, 1975, decreased the term of office for park and recreation board members from six years to four years. 83-Or-180 changed the responsibility for reapportionment of park and recreation districts to the reapportionment commission.