

# **Redistricting Group Training**

## **October 12, 2011**

Presented by  
Office of the Minneapolis City Attorney

# Open Meeting Law Overview

- Minnesota Statutes, Chapter 13D
- Public gets advance notice of public meetings
- Public meetings open to public

# Open Meeting Law Purpose

- To prohibit secret meetings
- To assure the public's right to be informed
- To afford public an opportunity to be heard

# Open Meeting Law Covers

- Charter Commission
- Committees of the Charter Commission
  - Operations Committee
  - Communications Committee
- Advisory Group
- Redistricting Group

# Open Meeting Law

## Public Meeting

A Public Meeting (open to public with prior notice) occurs when two criteria are met:

1. There is a quorum of the public body
2. The quorum discusses or receives information on official business or makes decisions on official business

# Open Meeting Law

## Quorum of Redistricting Group

- The Redistricting Group is made up of the 15 Minneapolis Charter Commissioners and 9 Advisory Group members, for a total of 24 members
- A quorum of the redistricting Group is a majority of the Redistricting Group, or 13
- A quorum is not needed for public hearings, during which no action of the Redistricting Group will take place

(Procedural Rules for Redistricting Group, Rule #5)

# Open Meeting Law

## Quorum of Charter Commission and its Committees

A quorum of the Charter Commission and its Committees is the majority of the body's appointed members

- Charter Commission Quorum: Majority of the 15 members or 8
- Operation Committee Quorum: Majority of the 3 members or 2
- Communications Committee Quorum: Majority of the 6 members or 4

(Amended Rules of the Minneapolis Charter Commission, Rules 1.6 and 4.2 (10/6/10 rev.))

# Open Meeting Law

## Closing Meetings to Public

- A meeting of a public body may be closed to the public for various reasons
- It is likely that all meetings of the Redistricting Group will be open to the public
- Redistricting Group meetings could be closed for attorney client privileged communications

# Open Meeting Law Violation - Serial Meetings

- It is not a violation of the Open Meeting Law for less than a quorum to discuss official business
- However, if there are multiple small meetings of less than a quorum that collectively amount to a quorum, and official business is discussed, there is a violation of the Open Meeting Law
- Example: Chair calls 12 members of the Redistricting Group individually to get their verbal approval of the proposed map draft. This was a private meeting of 13 members that should have been open to the public.

# Open Meeting Law Violation - Serial Meetings

Tips on avoiding serial meetings:

- Discuss official business at Redistricting Group, Commission or Committee meetings
- Do not send mass e-mails to members of the Redistricting Group, Commission or Committees
- Do not forward e-mails from Redistricting Group members to other Redistricting Group members because the string of e-mails could constitute a quorum (same for Commission and Committees)

# Open Meeting Law

## Penalties for Violations

- Civil Penalties
  - Personal liability for intentional violation of up to \$300 per occurrence, which may not be paid by government body
- Civil Lawsuit
  - Damages, costs, reasonable attorneys' fees up to \$13,000
  - Member of the public body not personally liable if no specific intent by member to violate law
- Forfeiture of membership if member intentionally violates Open Meeting Law 3 or more times

# Data Practices Act Overview

- Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13
- Allows public access to certain government data
- Government data: “all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.” M.S. 13.02, subd. 7
- Presumes government data is public unless there is a federal statute, state statute or temporary legal classification of data that says otherwise

# Data Practices Act

## Public Access to Data

- When requested, the Public may view and get copies of public data as soon as reasonably possible
- If the data exists when it is requested
  - Do not destroy requested data
  - It must be provided if it is public

# Data Practices Act

## Penalties

- Civil Lawsuit Damages Against Entity (M.S. 13.08):
  - Damages
  - Exemplary damages of between \$1,000 and \$15,000 for each willful violation
  - Possible civil penalty of up to \$1,000 against government
  - Costs and reasonable attorneys' fees
- Complaint with Office of Administrative Hearings (M.S. 13.085)
  - Civil Penalty against government entity up to \$300
  - Costs
  - Reasonable attorneys' fees up to \$5,000
- Willful violation of member is a misdemeanor and cause to dismiss member from duties (M.S. 13.09)

# Public Records

## Creation and Preservation

- Members of a public body must make and preserve all records necessary to a full and accurate knowledge of their official duties. (M.S. 15.17)
- Government records must be retained for a period of time (i.e., a retention period). (M.S. 138.17)
- Documents that are not government records do not need to be kept. (M.S. 138.17)
- A person who intentionally destroys government records before the retention period has lapsed is guilty of a misdemeanor. (M.S. 138.225)

# Public Records

## Government Records Defined

- All written or recorded data
- Made or received
- By the City of Minneapolis, the Minneapolis Charter Commission and its committees, the Redistricting Group, or any members of these public bodies
- Regardless of the type of physical form
- That becomes part of an official transaction (or has administrative, monetary/budgetary, legal or historical value) (M.S. 138.17)



# Public Records Government Records - Redistricting

Examples of Government Records used for Redistricting:

- Official documents, such as agendas, minutes, resolutions, reports, training materials
- Final maps or maps widely disseminated to the Redistricting Group for review
- Documentation necessary to support the first map drafts, proposed maps and final map

# Public Records Government Records - Redistricting

More examples of Government Records used for Redistricting:

- Notes, calculations, drafts, computer reports, that are used in preparation of the maps or to show the decision making process in creating the maps
- Communications related to redistricting with public, City staff, elected officials and Redistricting Group members

# Public Records

## Nongovernment Records – Redistricting (Examples)

- Extra copies of documents (Keep 1 copy of official data.)
- Materials used solely for reference materials (e.g., entire dictionary)
- Personal materials that have no relation to official duties (e.g., text to friend during meeting)
- Preliminary drafts, computations or notes that are not important to the drafting of the map (Example: computer-generated maps that are created where the analyst did not make all requested changes or made an error; or reports that are modified to get rid of minor typos)



# Public Records

## Tips for Complying with Government Records Laws

- Use a notebook to take all notes so they are in one location and can be collected at the end of each Redistricting Group meeting
- Do not put any personal information into notebook (friend's address or phone number or doodles).
- Understand that your notes can be obtained by the public (under the DPA) even if they do not need to be retained as a part of an official transaction
- If there is a DPA request for your notes, do not destroy your notes. Those notes must be provided to the requester if they are public.

# Public Records

## Tips for Complying with Government Records Laws

- Takes notes in the notebook provided.
- Avoid using electronic devices to keep notes (laptop, notebook, tablet, smart phone, etc.)
  - If you use such a device, there could be a request for the electronic version of your notes. If there is litigation, the Court could order that your device be turned over for review.
  - If you use electronic devices for notes, ensure you have a way to provide them to the Redistricting Group in electronic format at the next possible Redistricting Group meeting



# Redistricting Overview

- What is it?
  - Process of redrawing the boundaries of election districts, done in the U.S. after the completion of the decennial Census. The 2010 U.S. Census was completed 4/2010
- What is its purpose?
  - To ensure that the people of each district are equally represented. “One person, one vote.”

# Redistricting

## Elections Districts (Examples)

- Congressional Districts:
  - 8 U.S. House of Representative Districts
  - Currently Minneapolis is entirely within the 5th Congressional District
- Legislative Districts:
  - 67 Minnesota Senate Districts (numbered 1 through 67)
  - 134 Minnesota House Districts (two House districts are fully contained in each Senate district) (numbered 1A, 1B . . . 67A, 67B)

# Redistricting Elections Districts (Examples)

- 13 Minneapolis Wards
  - 13 City Council Members
  
- 6 Park and Recreation Board Districts
  - 9 Commissioners (6 by district and 3 at-large)
  
- 6 School Board Districts
  - 8 Board Members (6 by district and 2 at-large)
  
- 7 County Commissioner Districts

# Redistricting Charter Commission Role

- Work with Redistricting Advisory Group as members of Redistricting Group
- Redistrict 13 City Wards
- Redistrict 6 Park Board Districts (after considering suggestions from Park Board)
- Formally adopt the boundaries of the Wards and Park Board Districts
- Follow Minnesota Statutes, Minnesota Rules, Minneapolis Charter provisions, Procedural Rules for the Redistricting Group, and Recommended Procedures for Redistricting Minneapolis Wards and Park Districts after the 2010 Census

# Redistricting Advisory Group Role

- Work with Charter Commission as members of Redistricting Group
- Assist in redistricting 13 City Wards
- Assist in redistricting 6 Park Board Districts (with suggestions from Park Board)
- Follow Minnesota Statutes, Minnesota Rules, Minneapolis Charter provisions, Procedural Rules for the Redistricting Group, and Recommended Procedures for Redistricting Minneapolis Wards and Park Districts after the 2010 Census

# Redistricting

## Minneapolis City Council Role

- Obtain City Ward map drafts from Redistricting Group
- Work with Elections Staff to establish Minneapolis precincts (same deadline as for City Wards)
- Formally adopt Minneapolis precincts by resolution or ordinance (M.S. 204B.14)
- Designate a polling place for each precinct by resolution or ordinance (M.S. 204B.16)

# Redistricting Minneapolis Park Board Role

- Reviews plans created by Redistricting Group
- Provides suggestions to the Redistricting Group regarding the proposed plan
- Implements the district boundaries after the Charter Commission adopts the boundaries

# Redistricting School Board Role

- Redistricts 6 School Board Districts
- Charter Commission does not have jurisdiction over school board
- School board follows state law in redistricting
- 1st time school board is performing redistricting – until recently all school board members were elected at large

# Redistricting Hennepin County Role

- Redistrict 7 County Commissioner Districts
- Commissioner districts are drawn on precinct lines
- Commissioner districts are contiguous and as regular and compact in form as practicable
- Commissioner district populations cannot vary more than ten percent from the average district population

# Redistricting Census Data

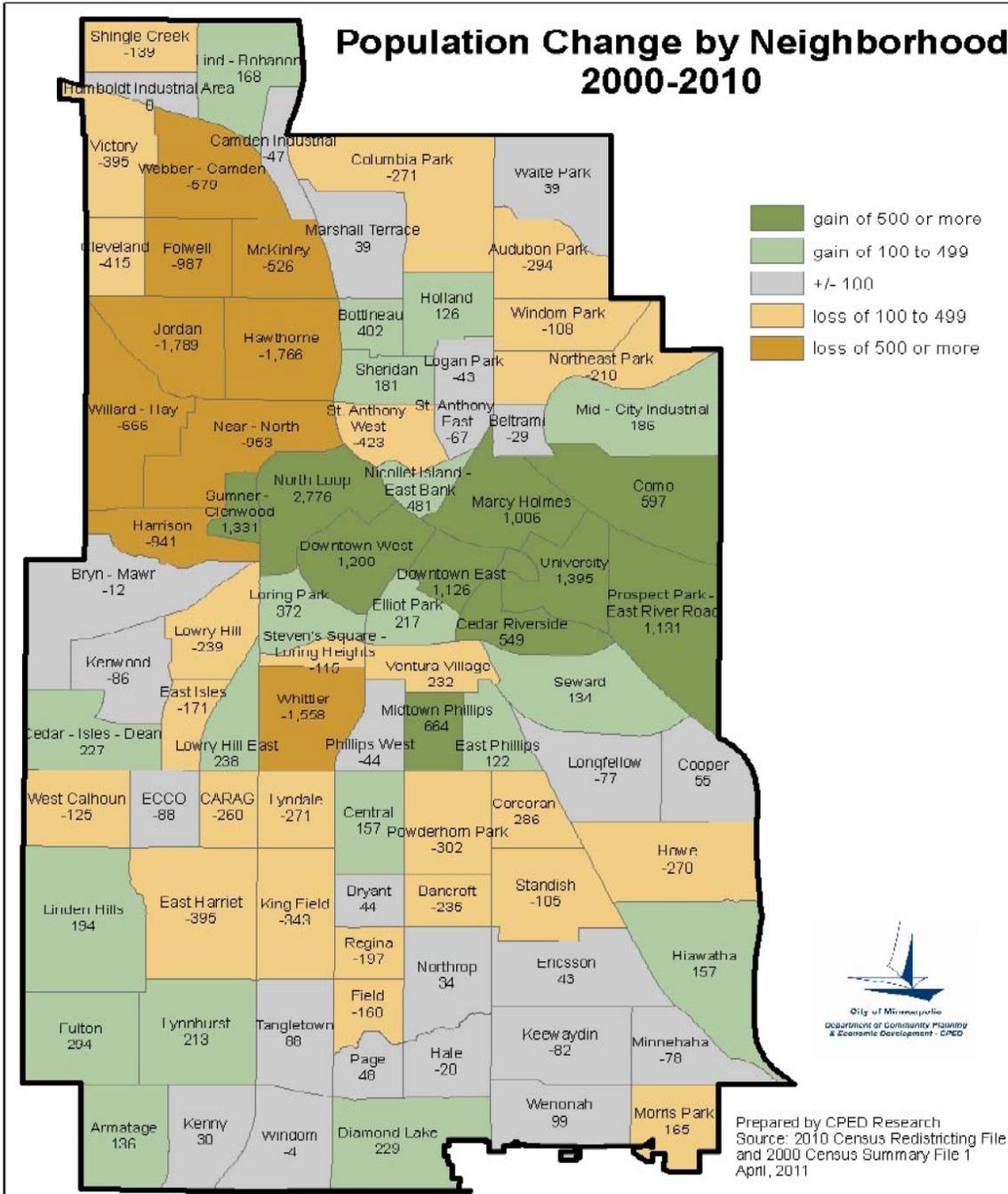
There are 3 main forms of Census data:

- Census Blocks – 5,914 in Minneapolis
  - Smallest geographic area for which population summaries are released
  - Bounded by City streets, City blocks, and physical features (such as river or railroad)
  - Boundaries of Census blocks are called: census lines, block lines, TIGER/Lines or census block boundaries
- Block Group (2-7 blocks) - 378 in Minneapolis
- Tract (2-9 block groups) - 116 in Minneapolis (average of 4,000 people per tract)

# Redistricting Census Data by Block

- Block Census data can be compiled by neighborhood.
- Following is a map of the neighborhoods in Minneapolis.

# Population Change by Neighborhood 2000-2010



Prepared by CPED Research  
Source: 2010 Census Redistricting File  
and 2000 Census Summary File 1  
April, 2011

# Redistricting Census Data by Block

- Following is an example of some of the Census data that can be obtained by blocks of a neighborhood (housing data is also available, but not shown)
- The neighborhood being shown is Camden Industrial, which is located in the Northwest corner of Minneapolis. This data was compiled by CPED.

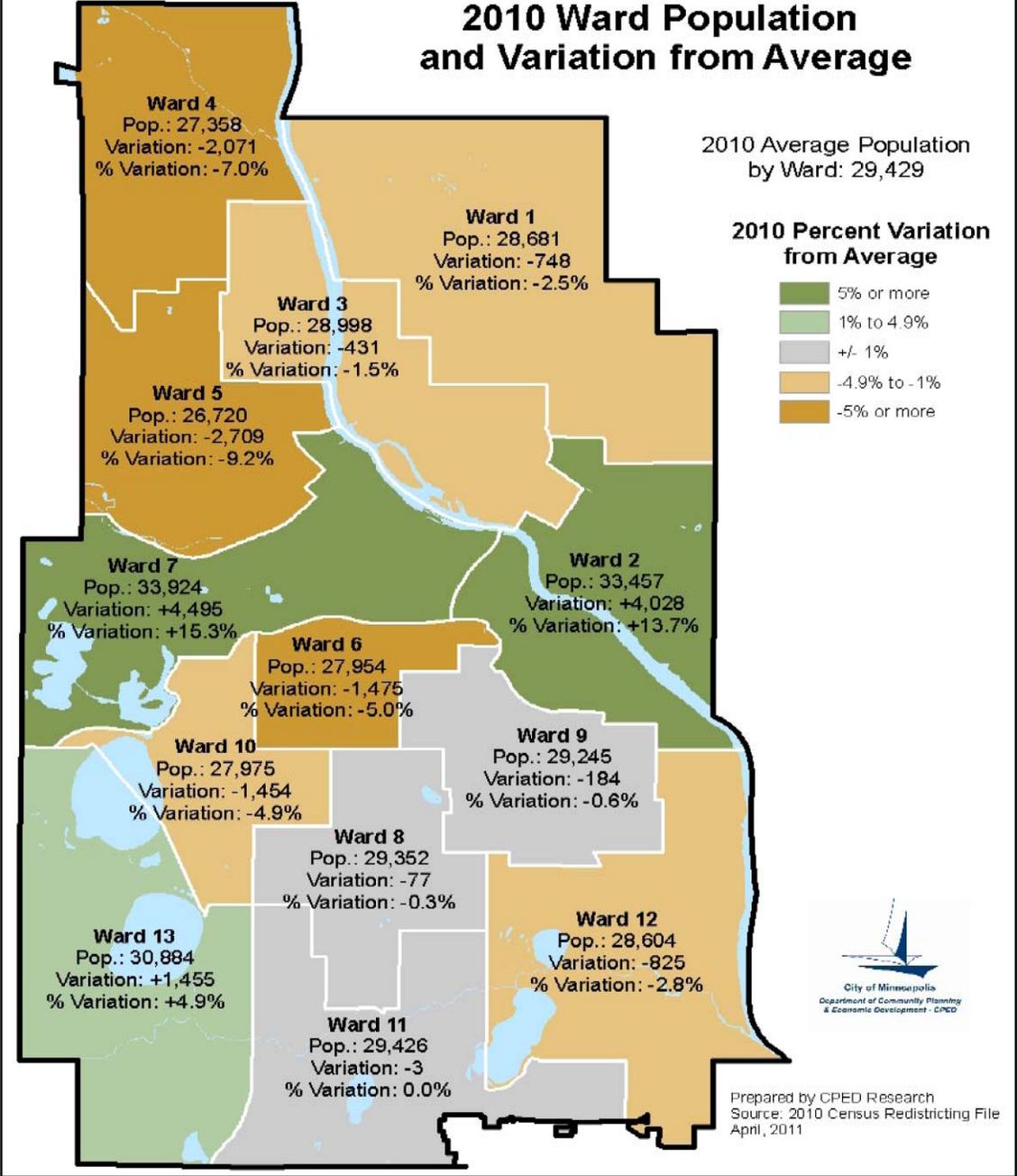
# Redistricting Census Data by Block Camden Industrial Neighborhood

Census Block Number	Count	Population	White	Hispanic or Latino	Black or African American	American Indian and Alaska Native	Asian and Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races
270531004001013	1	0	0	0	0	0	0	0	0
270530001021019	1	0	0	0	0	0	0	0	0
270531004001002	1	0	0	0	0	0	0	0	0
270530001021015	1	0	0	0	0	0	0	0	0
270530001021021	1	0	0	0	0	0	0	0	0
270530001021020	1	0	0	0	0	0	0	0	0
270530001021016	1	0	0	0	0	0	0	0	0
270530001021018	1	0	0	0	0	0	0	0	0
270531004001011	1	0	0	0	0	0	0	0	0
270531004001001	1	0	0	0	0	0	0	0	0
270531004001014	1	0	0	0	0	0	0	0	0
270531004001000	1	0	0	0	0	0	0	0	0
	12	0	0	0	0	0	0	0	0

# Redistricting Data as Maps/Plans

- Redistricting requires adoption of a map or plan
- A map refers to an actual map showing boundaries
- Following are maps of the current Minneapolis Wards and Park Board Districts

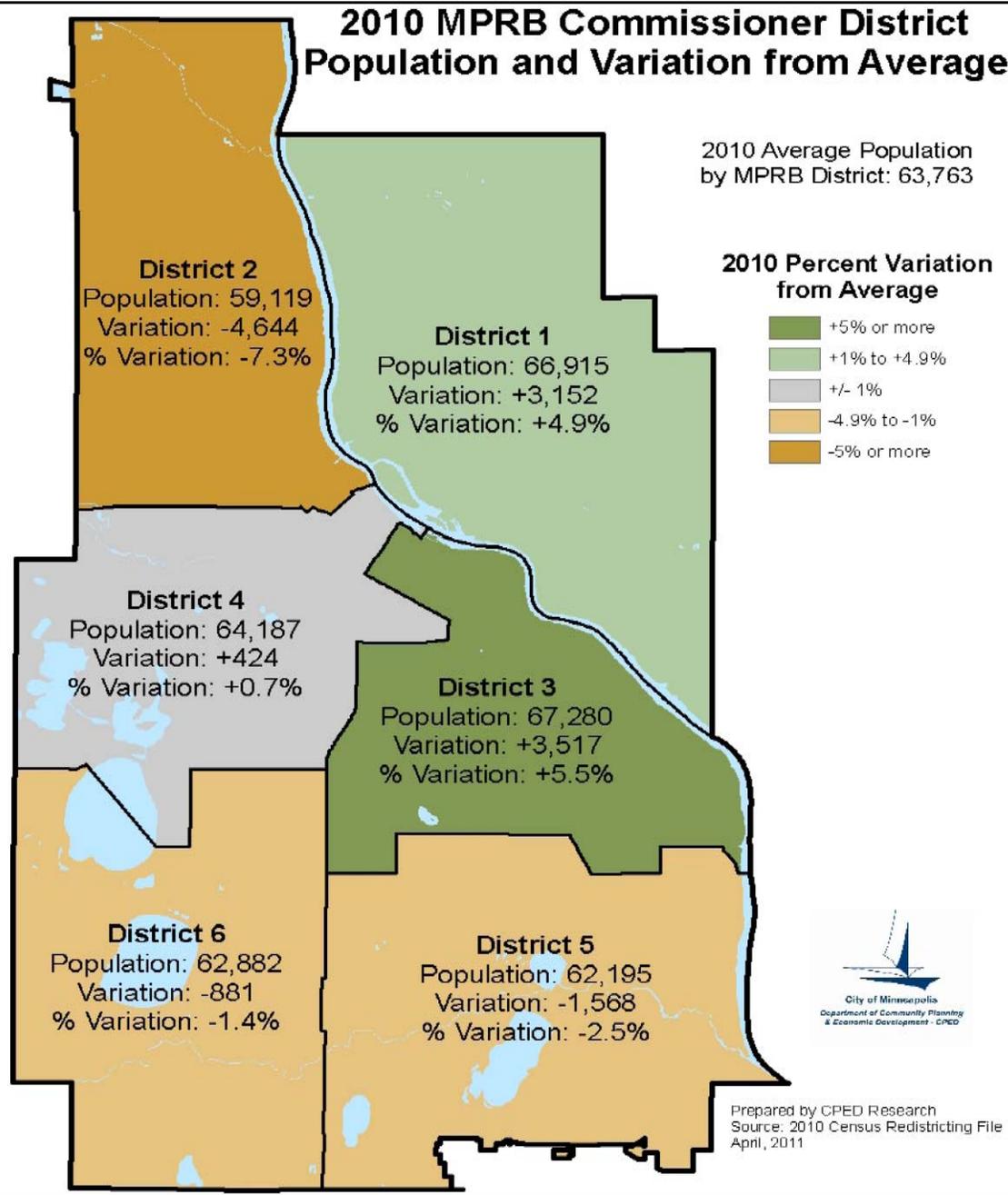
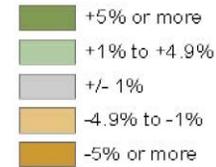
# 2010 Ward Population and Variation from Average



# 2010 MPRB Commissioner District Population and Variation from Average

2010 Average Population  
by MPRB District: 63,763

## 2010 Percent Variation from Average



Prepared by CPED Research  
Source: 2010 Census Redistricting File  
April, 2011

# Redistricting

## Data as Maps/Plans

- A Plan can include a map or a combination of a map plus metes and bounds descriptions for some or all of the boundaries
- You may have seen a metes and bounds description on land titles
- Metropolitan Council's 15<sup>th</sup> District metes and bounds description:

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.

# Redistricting

## Minnesota Legislature Role

- Congressional Redistricting
  - Redistrict 8 U.S. Congressional districts
- Legislative Redistricting:
  - Redistrict 67 Minnesota State Senate districts
  - Redistrict 134 Minnesota State House of Representative districts
- Legislative and congressional plans use census blocks exclusively to draw district boundaries

# Redistricting

## Minnesota Legislature Role

- Intent to complete congressional and legislative redistricting by February 21, 2012
- Provide bill to Governor for congressional and legislative redistricting (see bills that were vetoed in training binder)
- State legislature must complete its redistricting before the Minneapolis Wards, Minneapolis Precincts and Park Board districts can be redistricted

# Redistricting State Legislation

Special Redistricting Panel, appointed by state court:

- Will redistrict state congressional and legislative districts if Minnesota State Legislature cannot
- Issued Amended Scheduling Order #1 and Scheduling Order #2
  - Public hearings October 4 through 14, 2011 on communities of interest
  - Other deadlines
- Ordered case documents be placed online at <http://mncourts.gov/?page=4469>

# Redistricting Federal Litigation

- 3-Judge Panel appointed for redistricting matters
- Panel will only take action if both the State Legislature and the State Court cannot complete congressional and legislative redistricting

# Redistricting

## Ward Redistricting Process

- The Redistricting Group must create two Ward boundary maps
  - First Draft map
  - Proposed map
- Other draft maps can be created, but are not required to be created

# Redistricting

## Ward Redistricting Process

### First Draft Map:

- Redistricting Group prepares first draft of a redistricting map
- Redistricting Group holds at least 2 public meetings for citizens' input
- Redistricting Group reviews testimony of citizens and considers changes to the first draft map

# Redistricting

## Ward Redistricting Process

Proposed Map:

- Redistricting Group publishes the proposed map for at least 7 days, then holds at least two public meetings for citizens' input
- After the public hearings on the proposed map, the redistricting group will review the testimony and consider any changes to the map
- The Redistricting group will submit the proposed map, which includes any revisions made, to the Charter Commission

# Redistricting

## Ward Redistricting Process

### Map Approval Process:

- The Charter Commission votes on the map at a duly called Charter Commission meeting
- If the Charter Commission approves the map by a majority of Commissioners voting at the meeting, the map will be filed with the Minneapolis City Clerk
- If the District Court determines the map is improper, the Redistricting Group will reconvene to redraw the map, and the Charter Commission will approve a revised map and file that map with the Minneapolis City Clerk

# Redistricting

## Park Board Redistricting Process

- The Redistricting Group must create two Park Board boundary maps
  - First Draft map
  - Proposed map
- Other draft maps can be created, but are not required to be created

# Redistricting

## Park Board Redistricting Process

First Draft Map:

- Redistricting Group prepares first draft of a redistricting map
- Redistricting Group holds at least 2 public meetings for citizens' input
- Redistricting Group reviews testimony of citizens and considers changes to the first draft map

# Redistricting

## Park Board Redistricting Process

### Proposed Map:

- Redistricting Group provides the proposed map to the Park Board for an opportunity to make recommendations to the Charter Commission on the map
- Redistricting Group publishes the proposed map for at least 7 days, then holds at least two public meetings for citizens' input
- After the public hearings on the proposed map, the redistricting group will review the testimony and consider any changes to the map
- After the Park Board has provided recommendations to the proposed map, the Redistricting Group will consider such recommendations
- The Redistricting group will submit the proposed map, which includes any revisions made, to the Charter Commission

# Redistricting

## Park Board Redistricting Process

### Map Approval Process:

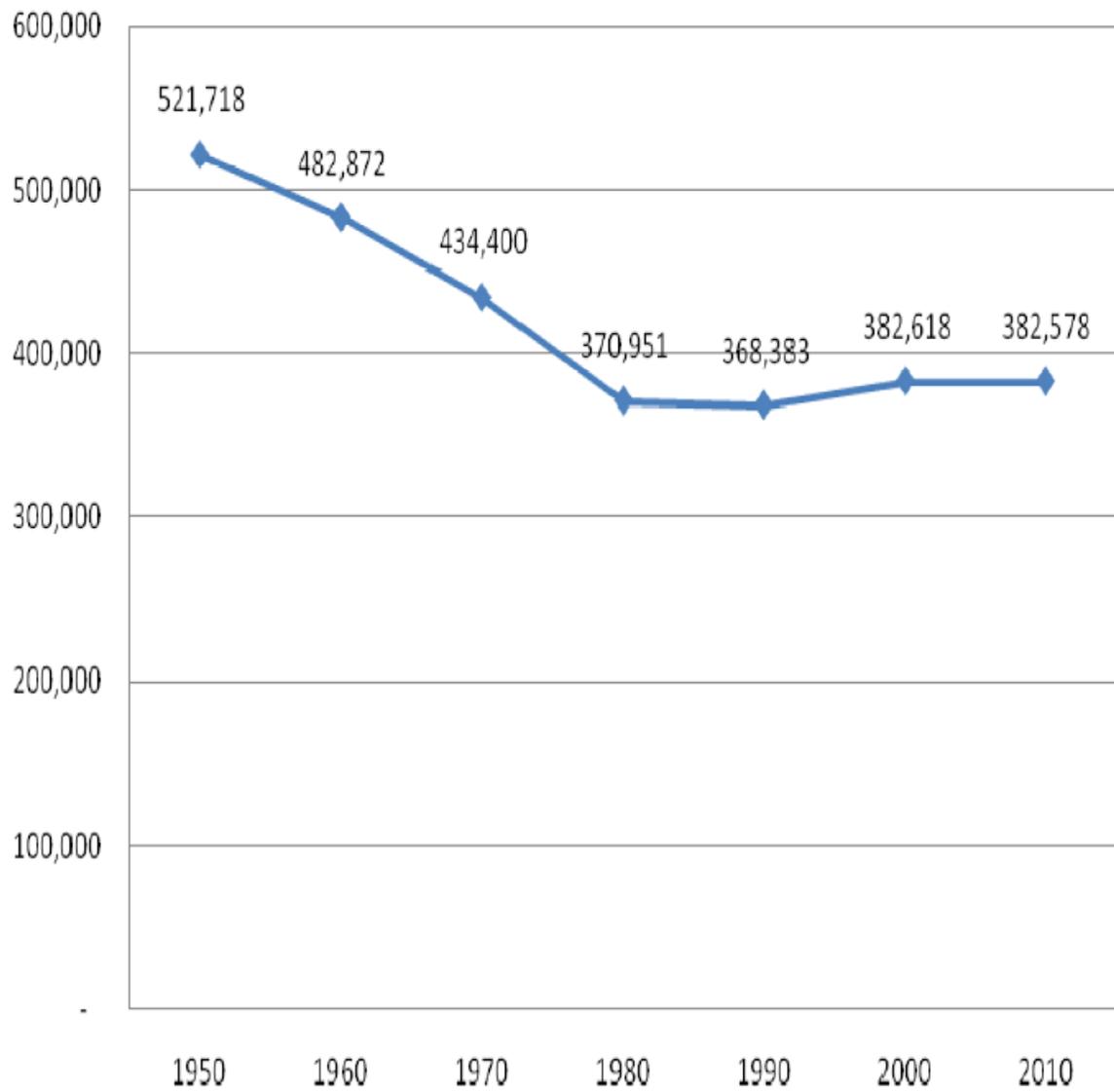
- The Charter Commission votes on the map at a duly called Charter Commission meeting
- If the Charter Commission approves the map by a majority of Commissioners voting at the meeting, the map will be filed with the Minneapolis Park Board
- If the District Court determines the map is improper, the Redistricting Group will reconvene to redraw the map, and the Charter Commission will approve a revised map and file that map with the Minneapolis Park Board

# Redistricting

## Ward Redistricting Requirements

- Wards are bound by precinct lines (M.S. 204B.14)
- Wards can cross congressional and legislative district lines. In Minneapolis, there are currently 11 state house districts and 13 wards
- The 13 wards must be as nearly equal in population as practicable (Charter, ch. 1, sec. 3; M.S. 205.84)
- Population average per ward is the 2010 Minneapolis Population (382,578) divided by 13, or approximately 29,429
- See following slides of Minneapolis population and average population per ward

## Minneapolis Population: 1950 - 2010



Source: US Census of Population and Housing

## Census 2010 Redistricting File Summary Data

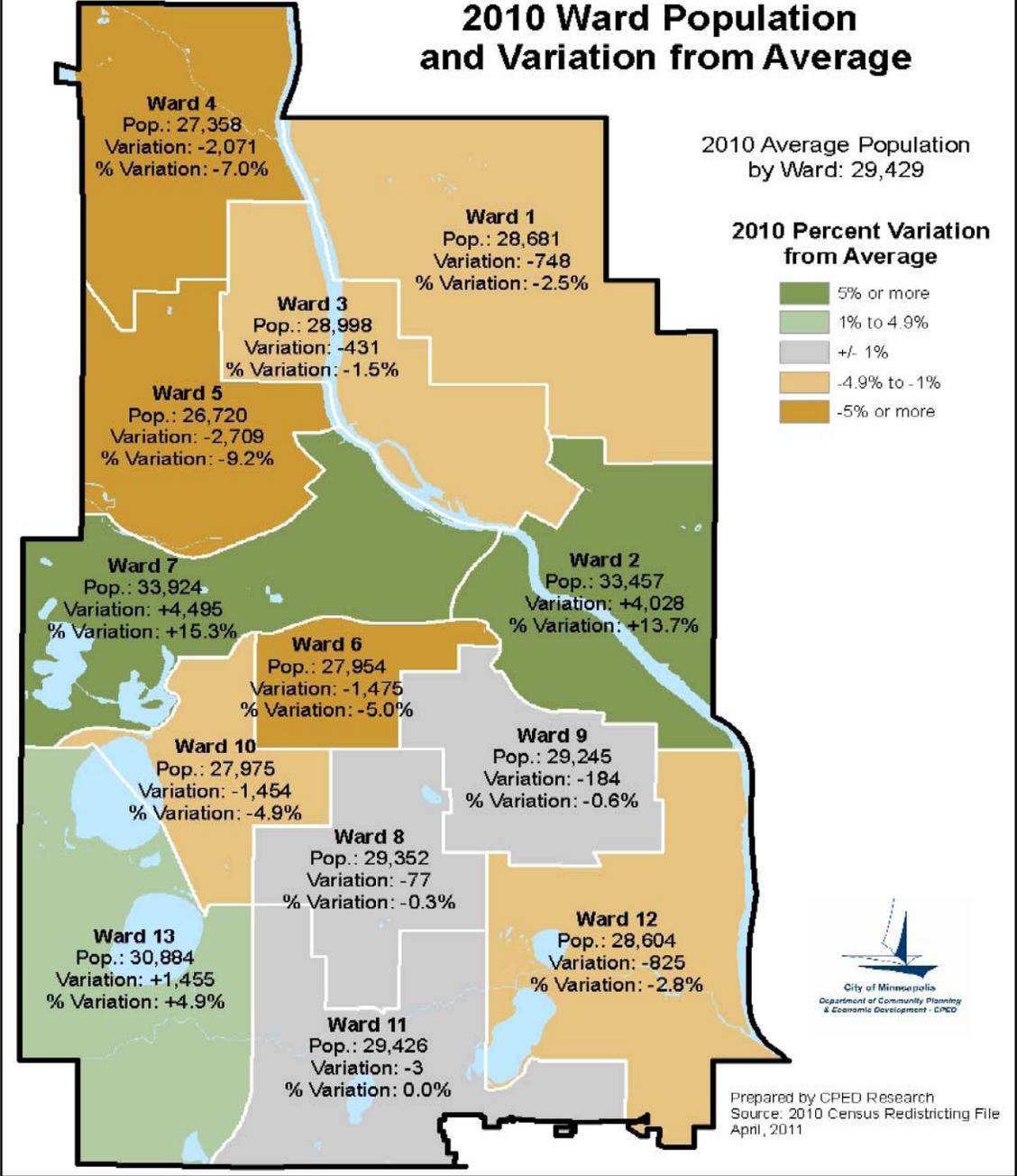
### Minneapolis City Council Wards

Source: Census Bureau, 2010 Census Population and Housing redistricting data, PL 94-171, released 3/16/2011

CPED Research, March 2011

Ward	2010 Population				2010 Race and Ethnicity							2010 Housing		
	Population	Population Average	Number Difference	Percent Difference	White	Hispanic or Latino	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian or Some Other Race	Two or More Races	Total housing units	Occupied housing units	Vacant housing units
<i>Ward 1</i>	28,681	29,429	(748)	-2.5%	20,064	3,097	2,725	481	1,177	95	1,042	13,565	12,520	1,045
<i>Ward 2</i>	33,457	29,429	4,028	13.7%	20,585	1,020	7,472	283	3,154	79	864	12,161	11,584	577
<i>Ward 3</i>	28,998	29,429	(431)	-1.5%	16,442	2,272	5,705	381	3,056	96	1,046	13,663	12,341	1,322
<i>Ward 4</i>	27,358	29,429	(2,071)	-7.0%	11,769	1,950	8,981	388	2,803	89	1,378	11,229	10,060	1,169
<i>Ward 5</i>	26,720	29,429	(2,709)	-9.2%	5,269	2,251	13,829	388	3,588	83	1,312	9,989	8,707	1,282
<i>Ward 6</i>	27,954	29,429	(1,475)	-5.0%	12,017	5,317	7,892	799	905	80	944	14,609	13,082	1,527
<i>Ward 7</i>	33,924	29,429	4,495	15.3%	24,663	1,249	4,855	328	1,924	77	828	22,187	19,500	2,687
<i>Ward 8</i>	29,352	29,429	(77)	-0.3%	13,713	7,063	5,953	488	882	115	1,138	11,721	10,777	944
<i>Ward 9</i>	29,245	29,429	(184)	-0.6%	12,303	8,306	4,827	1,831	760	109	1,109	11,592	10,695	897
<i>Ward 10</i>	27,975	29,429	(1,454)	-4.9%	20,890	2,599	2,397	214	949	106	820	16,640	15,337	1,303
<i>Ward 11</i>	29,426	29,429	(3)	0.0%	22,515	2,156	2,813	248	681	80	933	12,677	12,194	483
<i>Ward 12</i>	28,604	29,429	(825)	-2.8%	23,200	1,903	1,502	442	632	61	864	13,824	13,084	740
<i>Ward 13</i>	30,884	29,429	1,455	4.9%	27,220	890	1,020	80	888	60	726	14,430	13,659	771
<b>Total</b>	382,578				230,650	40,073	69,971	6,351	21,399	1,130	13,004	178,287	163,540	14,747

# 2010 Ward Population and Variation from Average



# Redistricting

## Ward Redistricting Requirements

- Population in ward must not be more than five percent over or under the average population (Charter, ch. 1, sec. 3)
  - $29,429 \times .05 = 1,471$
  - $29,429 - 1,471 = 27,958$
  - $29,429 + 1,471 = 30,900$
  - Acceptable range is 27,958 to 30,900 per ward
- Population within the range alone does not safeguard the City from redistricting challenges

# Redistricting

## Ward Redistricting Requirements

Each Ward must be contiguous, compact territory not more than twice as long as it is wide, provided the existence of any lake within any Ward shall not be contrary to this provision

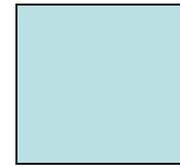
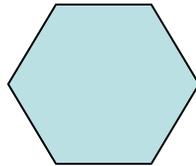
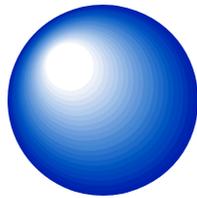
(Charter, ch. 1, sec. 3; M.S. 205.84)

# Redistricting

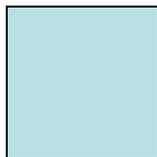
## Ward Redistricting Requirements

Compactness:

- The most compact shapes are circles, hexagons and squares



- A Roeck Test can be used to gauge
  - Ratio of minimum circle to area
  - Assume the square and rectangle have the same area
  - Imagine drawing a circle around both
  - The object with the smallest surrounding circle is more compact



# Redistricting

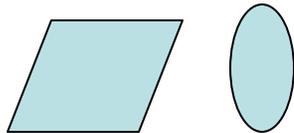
## Ward Redistricting Requirements

Contiguous:

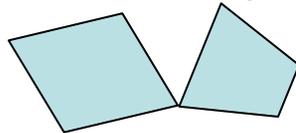
- An unbroken boundary
  - Example of Contiguous:



- Example of Noncontiguous



- Areas that touch at only one point are not contiguous

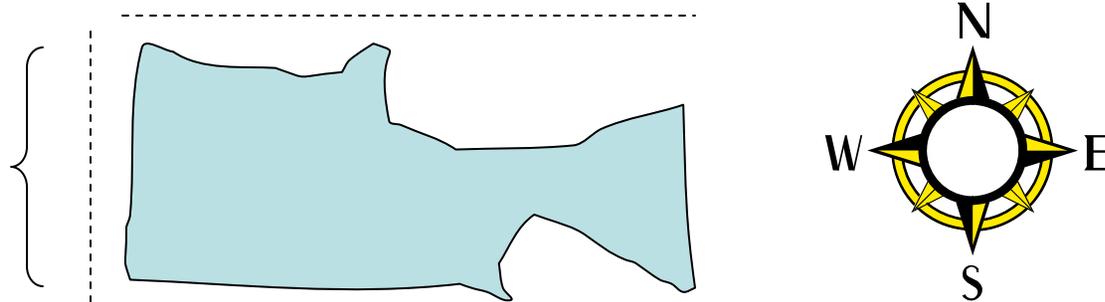


- Pieces of land can be divided by water as long as the water is not a serious obstacle to travel

# Redistricting

## Ward Redistricting Requirements

- As nearly as practicable, Wards shall run due East and West or North and South (Charter, ch. 1, sec. 3; M.S. 205.84)
- The Ward cannot be more than Twice as Long as it is Wide
- Measure East and West or North and South from longest points



# Redistricting

## Ward Redistricting Requirements

### Other Requirements:

- Whenever possible, boundaries lines shall follow the centerline of streets, avenues, alleys and boulevards  
(Charter, ch. 1, sec. 3)
- 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 (Charter, ch. 1, sec. 3)
- Use census tracts and census blocks of the 2010 U.S. Census or may compute part of such tracts or blocks using standards of the United States Census (Charter, ch. 1, sec. 3)

# Redistricting

## Ward Redistricting Requirements

Communities of Interest:

- Traditional factor in redistricting
- “The Redistricting Group will keep communities of interest in one Ward whenever possible.” (Recommended Principles I.M.)
- Attempt to preserve communities of interest where that can be done in compliance with other Ward and legal requirements
- Try to keep citizens with similar social, geographic, political, cultural, ethnic, economic or other interests together

# Redistricting

## Ward Redistricting Requirements

### Charter Limitations:

- 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 (5/22/2012) (Charter, ch. 1, sec. 3)
- All Council Members shall complete their term for which they are elected or appointed, even if their ward boundary changes (Charter, ch. 1, sec. 3; M.S. 205.84)
- If a ward redistricting is litigated and there is insufficient time to determine the issue, 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 issue with respect to subsequent elections  
(Charter, ch. 1, sec. 3)

# Redistricting Park Board Deadlines

- The Charter Commission shall propose a plan to the Park Board at least 21 days prior to the opening of filing for City Office (May 1, 2012) (Charter, ch. 16, sec. 1)
- The Charter Commission shall adopt the Park and Recreation District boundaries no later than 14 days prior to the opening of filings for City Offices (May 8, 2012) (Charter, ch. 16, sec. 1)

State statutory deadlines may override these dates

# **Redistricting Park Board Redistricting Requirements**

- Park Board districts cannot be redistricted until precinct boundaries are reestablished (M.S. 204B.135)
- The 6 Park Districts boundaries will not divide precincts (Charter, ch. 16, sec. 1)

# Redistricting Park Board

## Redistricting Requirements

Park District boundaries shall be set, as nearly as practicable, as follows (Charter, ch. 16, sec. 1):

- 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

# Redistricting Park Board Redistricting Requirements

- 6 districts with an ideal population of equal population between the districts (1992 Laws of Minn. Ch. 362) ( $382,5788 / 6 = 63,763$ )
- Population in district must not be more than five percent over or under the average population (1992 Laws of Minn. Ch. 362))
  - $63,763 \times .05 = 3,188$
  - $63,763 - 3,188 = 60,575$
  - $63,763 + 3,188 = 66,951$
  - Acceptable range is 60,575 to 66,951 per district
- Population within the range alone does not safeguard the City from redistricting challenges

## Census 2010 Redistricting File Summary Data

### Minneapolis Park and Recreation Board Commissioner Districts

Source: Census Bureau, 2010 Census of Population and Housing Redistricting Data, PL 94-171, released 3/16/2011

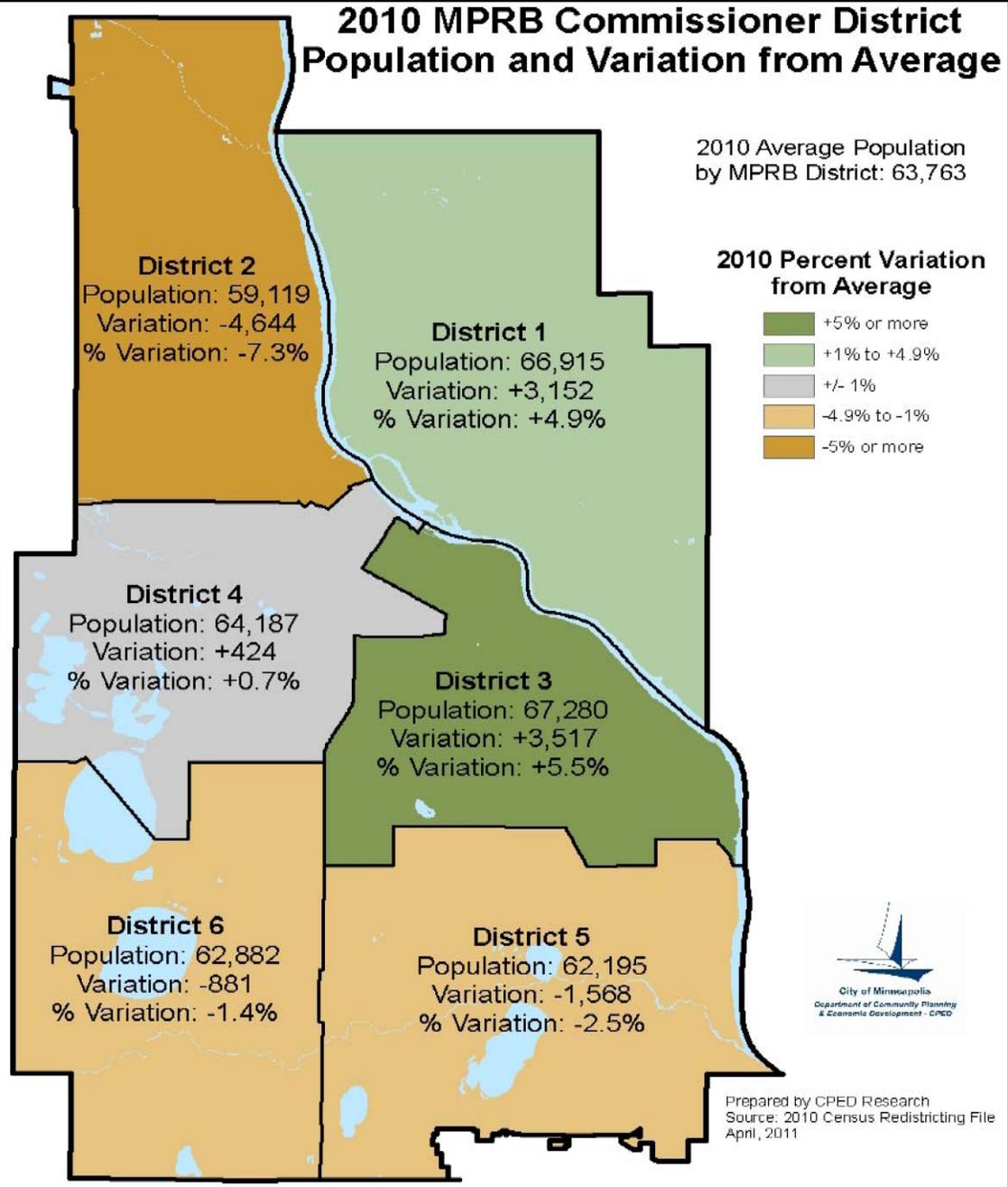
CPED Research, March 2011

Park Board Commissioner District	Population				2010 Race and Ethnicity							2010 Housing		
	2010 Population	2010 Population Average	Number Difference	Percent Difference	White	Hispanic or Latino	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian or Some Other Race	Two or More Races	Total housing units	Occupied housing units	Vacant housing units
<i>District 1</i>	66,915	63,763	3,152	4.9%	47,533	5,101	6,324	841	4,846	197	2,073	29,096	26,970	2,126
<i>District 2</i>	59,119	63,763	(4,644)	-7.3%	19,279	4,486	24,191	805	7,165	197	2,996	23,768	20,820	2,948
<i>District 3</i>	67,280	63,763	3,517	5.5%	26,699	14,901	17,948	2,639	2,617	190	2,286	27,380	25,122	2,258
<i>District 4</i>	64,187	63,763	424	0.7%	42,863	4,963	10,132	707	3,578	148	1,796	39,929	35,689	4,240
<i>District 5</i>	62,195	63,763	(1,568)	-2.5%	44,691	6,267	6,497	983	1,512	193	2,052	27,884	26,377	1,507
<i>District 6</i>	62,882	63,763	(881)	-1.4%	49,585	4,355	4,879	376	1,681	205	1,801	30,230	28,562	1,668
<i>Total</i>	382,578				230,650	40,073	69,971	6,351	21,399	1,130	13,004	178,287	163,540	14,747

## 2010 MPRB Commissioner District Population and Variation from Average

2010 Average Population  
by MPRB District: 63,763

### 2010 Percent Variation from Average



Prepared by CPED Research  
Source: 2010 Census Redistricting File  
April, 2011

# **Redistricting Park Board Redistricting Requirements**

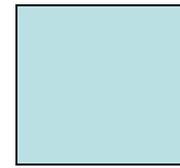
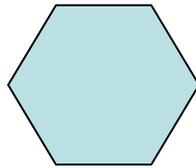
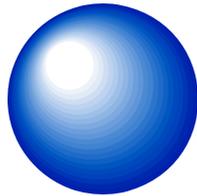
Each PB district must be contiguous, compact territory not more than twice as long as it is wide, provided the existence of any lake within any PB district shall not be contrary to this provision

(1992 Laws of Minn. Ch. 362)

# Redistricting Park Board Redistricting Requirements

Compactness:

- The most compact shapes are circles, hexagons and squares



- A Roeck Test can be used to gauge
  - Ratio of minimum circle to area
  - Assume the square and rectangle have the same area
  - Imagine drawing a circle around both
  - The object with the smallest surrounding circle is more compact



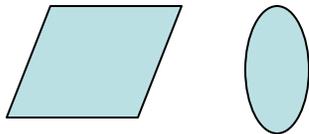
# Redistricting Park Board Redistricting Requirements

Contiguous:

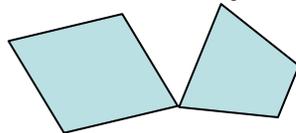
- An unbroken boundary
  - Example of Contiguous:



- Example of Noncontiguous



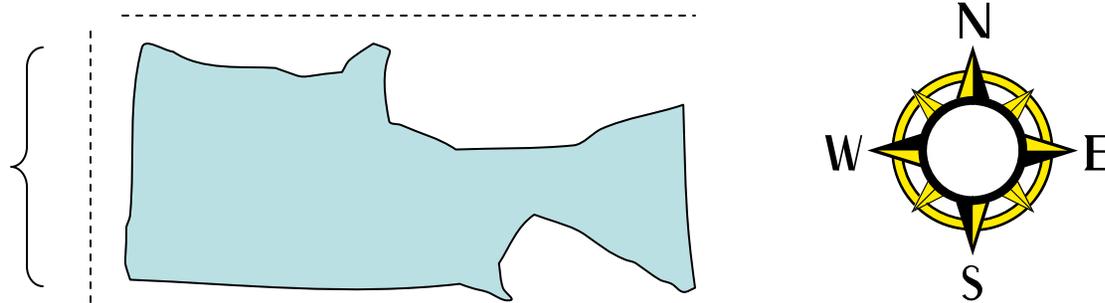
- Areas that touch at only one point are not contiguous



- Pieces of land can be divided by water as long as the water is not a serious obstacle to travel

# Redistricting Park Board Redistricting Requirements

- As nearly as practicable, PB districts shall run due East and West or North and South (1992 Laws of Minn. Ch. 362)
- The PB district cannot be more than Twice as Long as it is Wide
- Measure East and West or North and South from longest points



# Redistricting Park Board Redistricting Requirements

## Other Requirements:

- Whenever possible, boundaries lines shall follow the centerline of streets, avenues, alleys and boulevards (1992 Laws of Minn. Ch. 362)
- All newly drawn PB districts shall to the extent possible, retain the same numerical designation as the then currently existing PB district from which the newly drawn PB district received the largest portion of its population (1992 Laws of Minn. Ch. 362)
- Use census tracts and census blocks of the 2010 U.S. Census or may compute part of such tracts or blocks using standards of the United States Census (1992 Laws of Minn. Ch. 362)

# Redistricting Park Board Redistricting Requirements

## Other Requirements:

- “The [Park Board] 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.” (1992 Laws of Minn. Ch. 362)
- This provision relates to dilution of voting power, which is covered in the Voting Rights Act section.
- Instead of following this Park Board provisions exactly, follow the federal Voting Rights Act. The Voting Rights Act only requires keeping minority populations together if the minority group is large, compact, politically cohesive, and has traditionally failed to elect its preferred candidates. A minority group is “large” if the voting-age minority population is a majority of the district.

# Redistricting Park Board Redistricting Requirements

Communities of Interest:

- Traditional factor in redistricting
- The districts should attempt to preserve communities of interest where that can be done in compliance with the other standards in 1992 Laws of Minn. Ch. 362.  
(1992 Laws of Minn. Ch. 362)
- Try to keep citizens with similar social, geographic, political, cultural, ethnic, economic or other interests together

# Redistricting Precinct Requirements

- Precincts are basic geographical units for organizing and administering elections.
- Precincts do not need to be of equal population
  - Based on number of registered voters anticipated
  - Precinct boundaries chosen so number of anticipated voters is manageable
- Precincts cannot cross legislative, congressional or ward boundaries (M.S. 204B.14, subd. 3)

# Redistricting Precinct Requirements

- Until April 1, 2012, precinct boundaries must follow a census block line
- After April 1, 2012, boundaries of precincts must follow visible, clearly recognizable physical features (e.g., street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line that is visible from the ground)
- If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, an alternate boundary used by the U.S. Bureau of the Census may be authorized by the secretary of state. (M.S. 204B.14, subd. 6)

# Redistricting

## Voting Rights Act Generally

- “No voting qualification or prerequisite to voting or standard, practices, 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. sec. 1973(a); 42 U.S.C. sec. 1973b(f)(2))
- Prohibits denial or abridgment of a citizens’ right to vote based on race, color or membership in a language minority group.

# Redistricting

## Voting Rights Act Generally

“Language Minority Group” is defined as persons who are:

- American Indian
- Asian American
- Alaskan Natives
- Of Spanish Heritage

42 U.S.C. sec. 1973l(c)(3)

# Redistricting

## Voting Rights Act Generally

- The VRA is violated if, based on totality of circumstances, citizens who are members of a class of a race, color, or minority language group have less opportunity to participate in the political process and to elect representatives of their choice than others. (This is known as a dilution of voting power.)
- The VRA does not establish a right to have members of a protected class elected in numbers equal to their proportion in the population.

# Redistricting

## Voting Rights Act Generally

- The U.S. Attorney General or a person who believes their rights under the VRA have been violated (“the Plaintiff”) can bring a lawsuit under the VRA
- To succeed on a claim under the VRA, the Plaintiff must demonstrate three conditions:
  - The minority group is sufficiently large and geographically compact to constitute an effective majority in a single-member district
  - The minority group is politically cohesive (It would vote largely as a bloc for a candidate)
  - The majority votes sufficiently as a bloc to enable it usually to defeat the minority’s preferred candidate (racial polarization)

# Redistricting

## Voting Rights Act Generally

- A finding that voting is racially polarized (i.e., majority votes as a bloc to defeat minority-preferred candidate) weighs heavily in proving a VRA violation
- Court may consider whether there is crossover voting, such that the majority votes for candidates of the minority's race or color

# Redistricting

## Voting Rights Act Generally

- Plaintiff must identify the minority preferred candidates and show that, due to majority bloc voting, the minority preferred candidates usually are not elected
- Plaintiff must prove, on an election-by-election basis, which candidates are minority-preferred. Inferences solely based on race are insufficient to establish which candidate is minority-preferred. Plaintiff may need expert evidence, such as statistical and historical evidence.
- If the Plaintiff succeeds on the Voting Rights Act claim, the court might redraw districts

Thornburg v. Gingles, 478 U.S. 30, 49-51 (1986).

# Redistricting

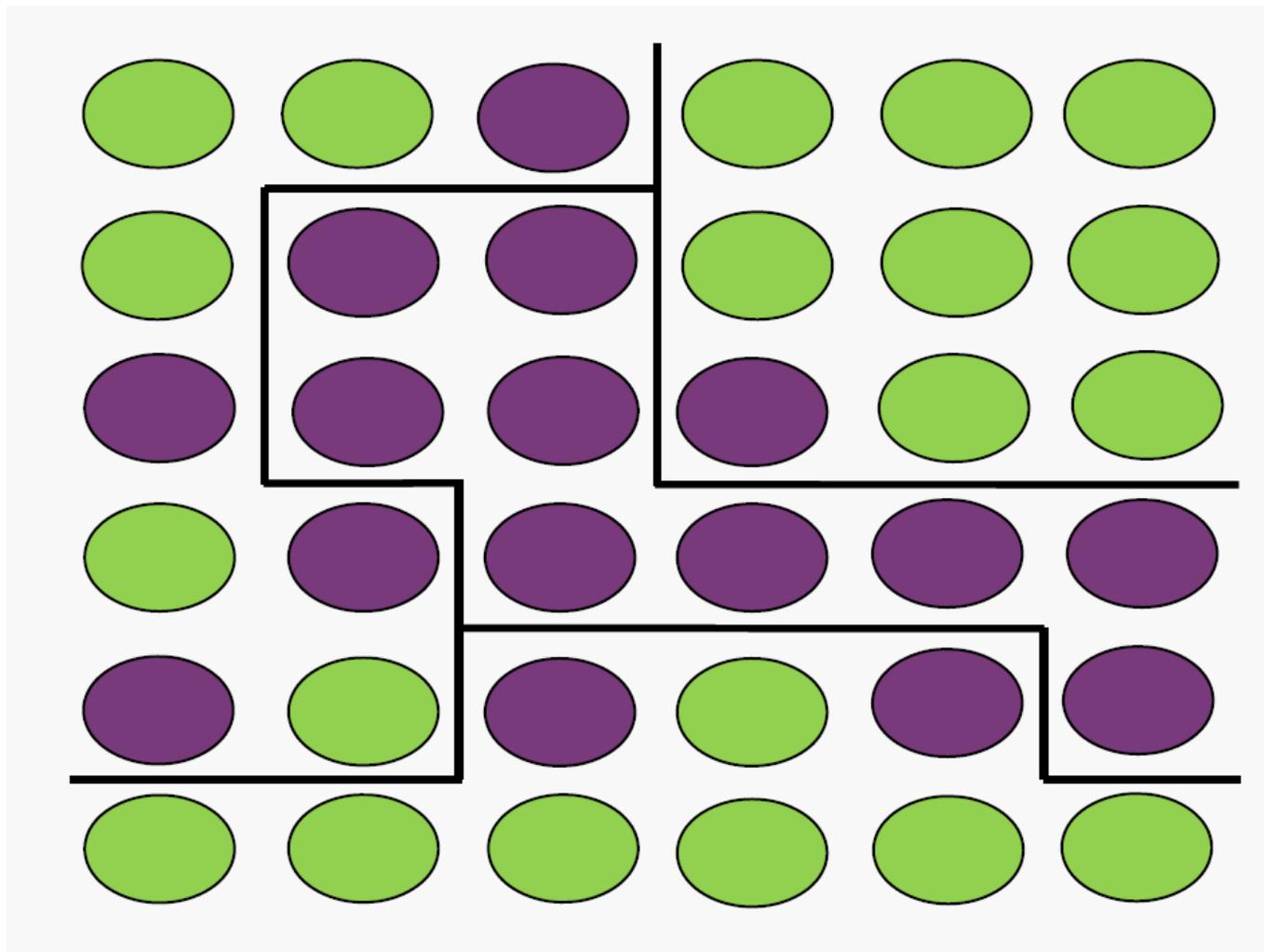
## Voting Rights Act Dilution

Voter dilution claims are usually based on districts that are “packed” or “cracked” / “fractured”

Packing is concentrating minority groups in one district so they have more voting power than needed to elect a preferred candidate but have little voting power in other districts

# Redistricting

## Voting Rights Act Dilution - Packing

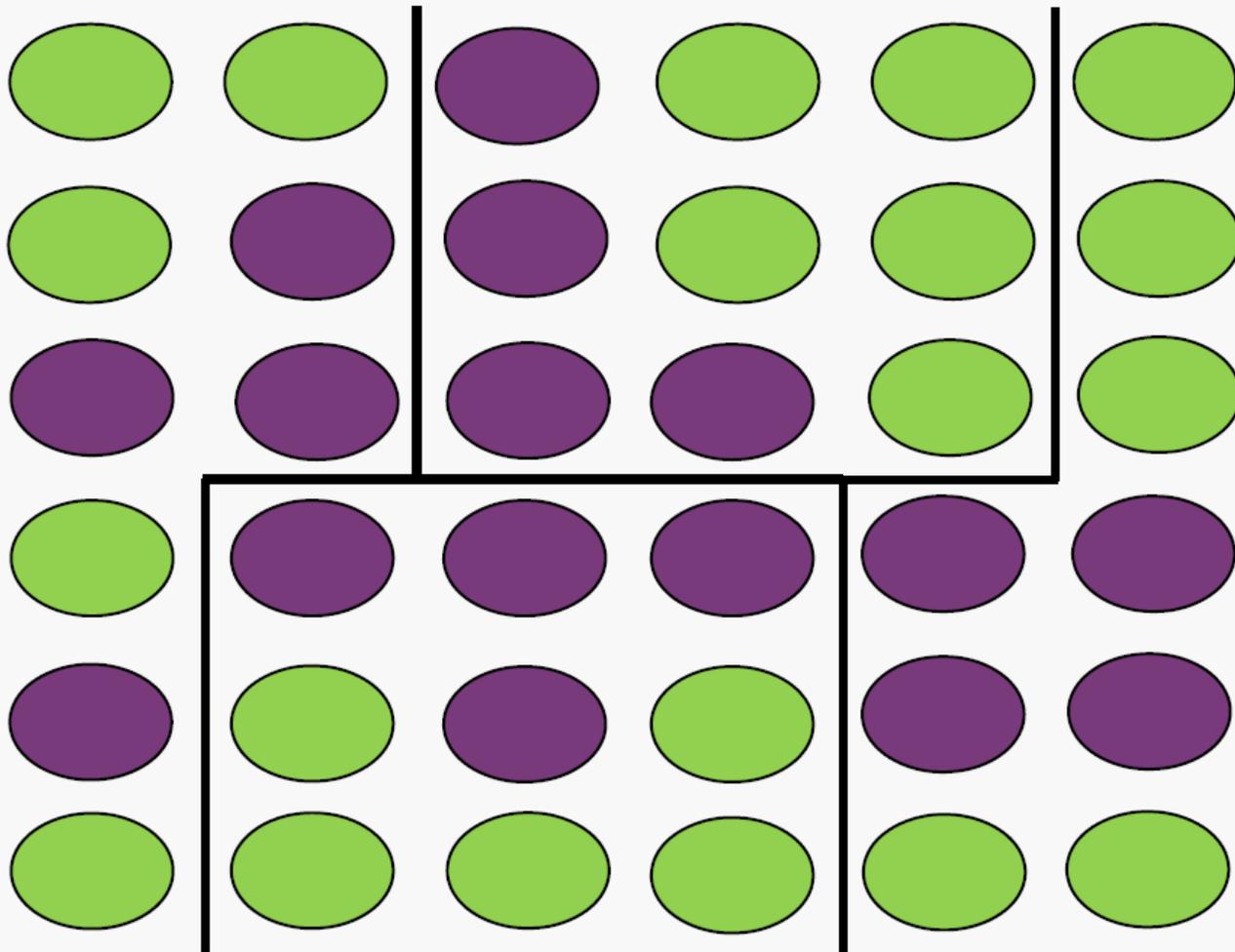


# **Redistricting Voting Rights Act Dilution**

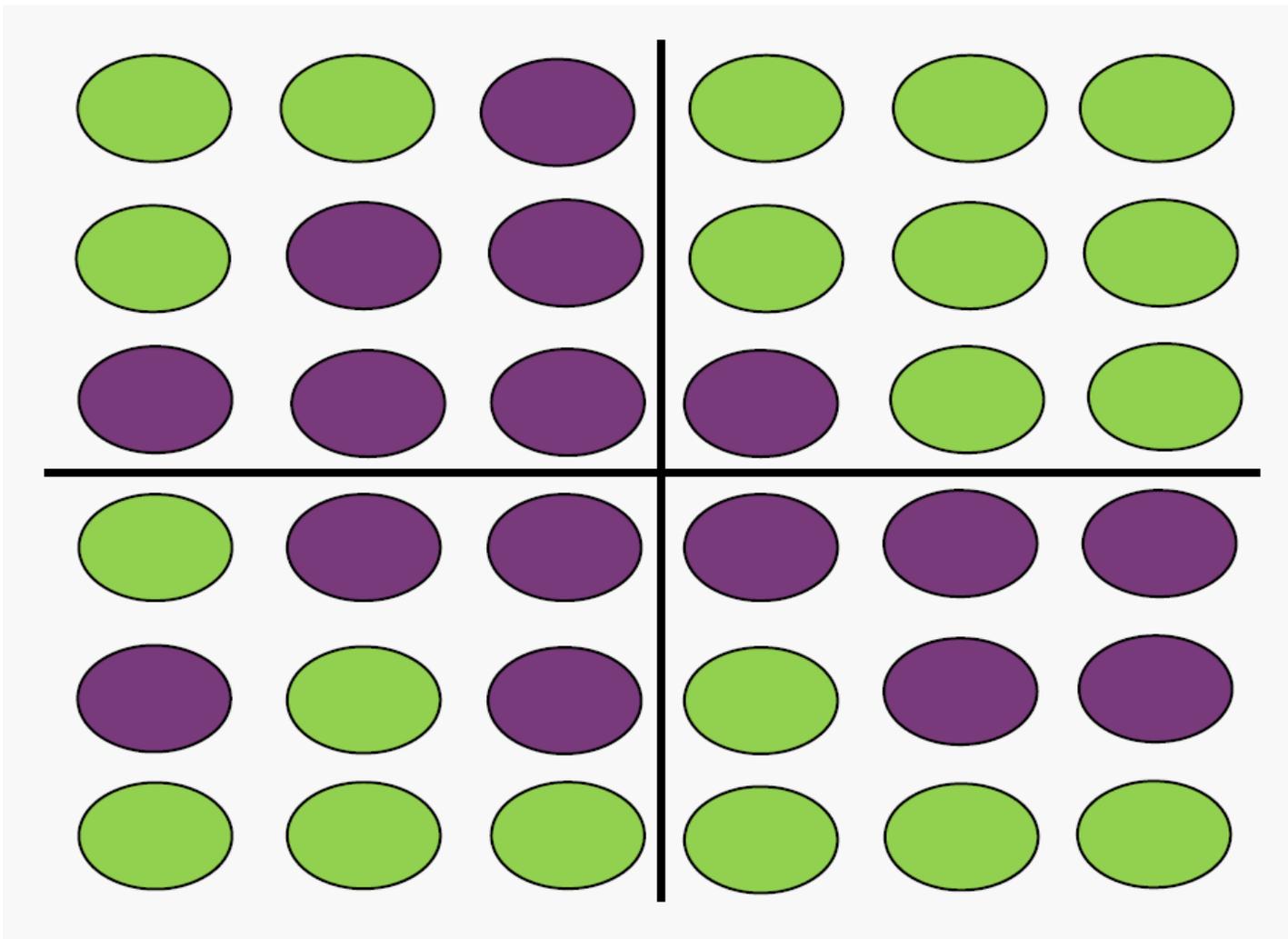
Cracking or fracturing is dividing minority groups into more than one district to lessen the voting power

# Redistricting

## Voting Rights Act Dilution - Cracking



# Redistricting Voting Rights Act Dilution - Avoidance



# Redistricting Gerrymandering Generally

- Gerrymandering is typically a violation of the 14th Amendment to the U.S. Constitution (Equal Protection)
- There are two forms of gerrymandering – political and racial

# Redistricting

## Political Gerrymandering

- City of Minneapolis must show that the redistricting decision was reasonably related to a legitimate government interest
- Court may look at how the plan satisfies statutory requirements, such as near equal populations and compactness, and traditional goals, such as respecting neighborhoods and other communities of interest

# Redistricting Racial Gerrymandering

- Plaintiff must show that race was the predominant factor motivating the redistricting decision
- Race can be a motivating factor of the Redistricting Group, but cannot be accorded undue weight

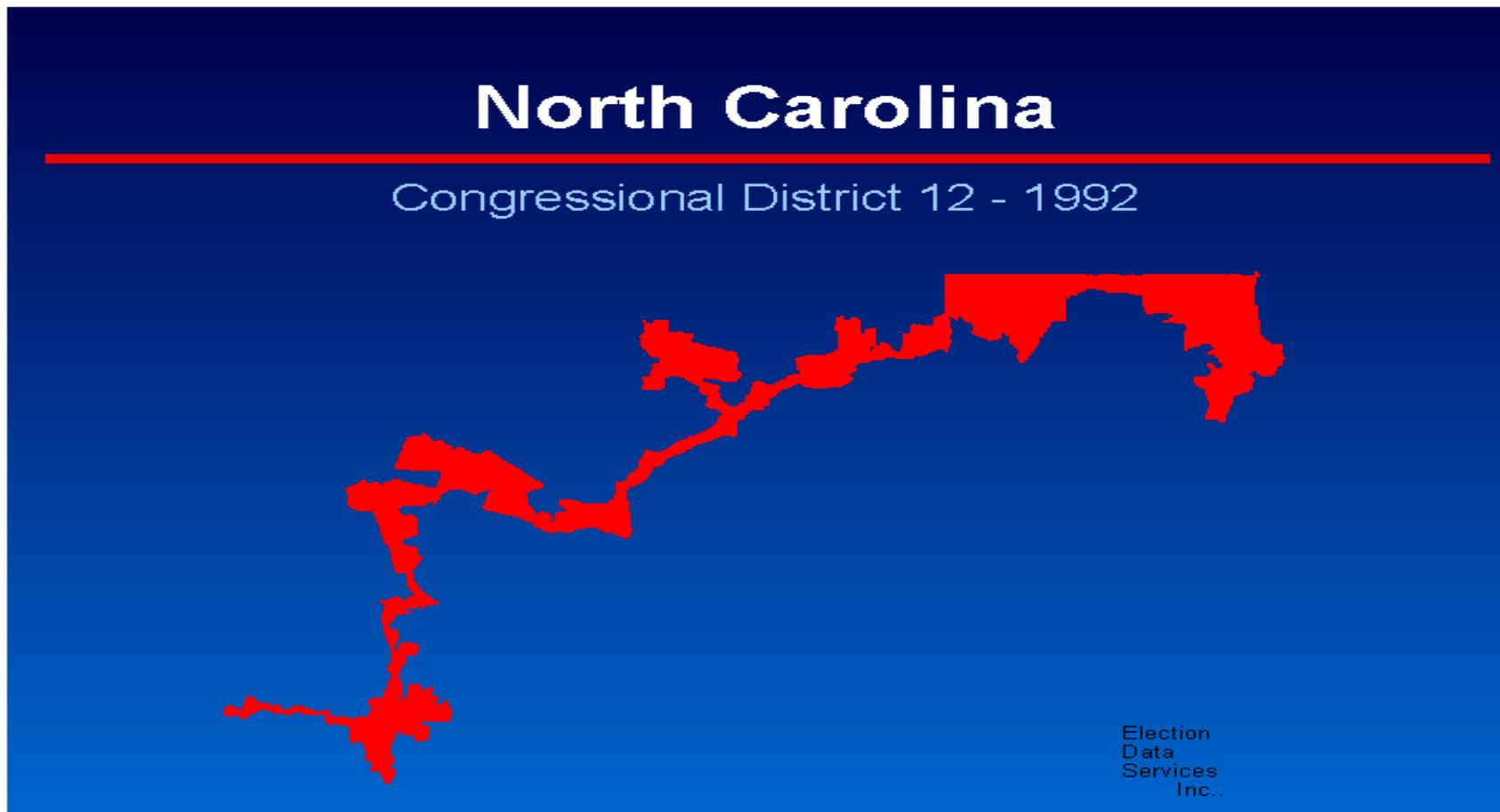
# Redistricting Racial Gerrymandering

In determining whether race was a predominant factor, the Court will look at:

- The shape of a district
- Statements of Redistricting Group members and City staff
- Public testimony
- The use by the Redistricting Group of racial data when redistricting

# Redistricting Racial Gerrymandering (Example)

- Shaw v. Reno, 509 U.S. 630 (1993) (District spanning 160 miles)



# Redistricting Racial Gerrymandering

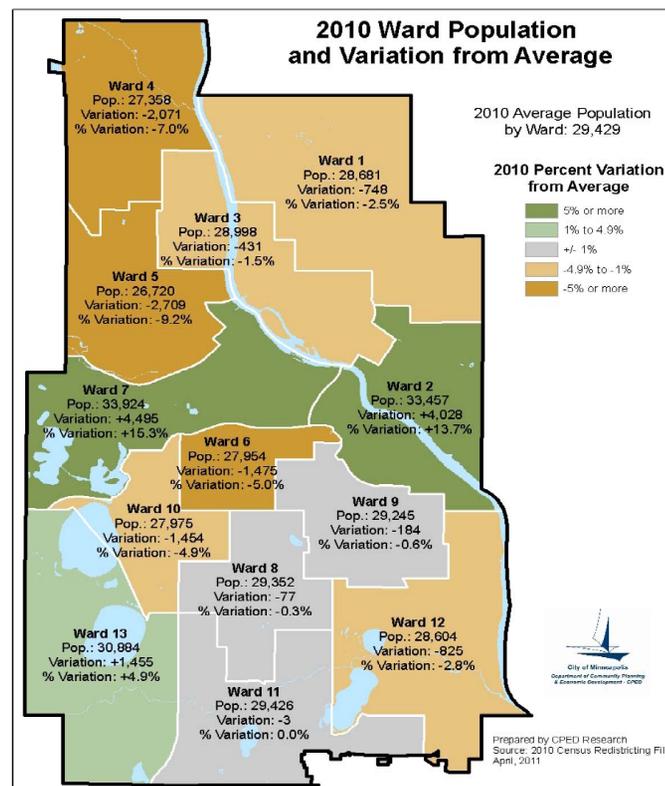
- If Plaintiff proves race was a predominant factor motivating the redistricting decisions, the public body will be subject to “strict scrutiny” by the Court
- Strict scrutiny requires the public body to prove its redistricting decision was narrowly tailored to achieve a government interest
- This “strict scrutiny” standard is a high standard

# Redistricting Tips for Avoiding Gerrymandering

- Redistricting Group should consider various factors in determining boundaries, such as wards/districts being of equal population, being compact and contiguous, length and width, neighborhoods, communities of interest, redistricting principles
- Redistricting Group should consider Census data, public testimony and other available data
- Charter Commission can explain on the record why certain boundaries were drawn the way they were

# Redistricting Tips for Avoiding Gerrymandering

- Avoid bizarre shapes (was not an issue with the current wards in Minneapolis) (Johnson-Lee v. City of Minneapolis, No. 02-1139, 2004 WL 2212044 (D. Minn. Sept. 30, 2004))



# Sources

Source for Open Meeting Law and Data Practices Act Topics:  
Jim Moore, Assistant Minneapolis City Attorney

Source for Public Records Topic:  
Craig Steiner, Responsible Authority for City of Minneapolis

Source for Voting Rights Act Circle Diagrams:  
Voting Rights Act Overview (March 21, 2011)  
Matt Gehring, House Research Department  
Committee on Redistricting, Minnesota House of Representatives  
<http://www.house.leg.state.mn.us/hrd/issinfo/VRA%20Presentation.pdf>

Source for Maps and Census Tables:  
2010 Census Redistricting Summary (April 6, 2011)  
Presentation to Minneapolis Charter Commission  
Community Planning and Economic Development  
<http://www.ci.minneapolis.mn.us/census/presentations.asp>

Source for North Carolina Congressional District 12 – 1992 Map:  
[www.senate.leg.state.mn.us/departments/scr/presentations](http://www.senate.leg.state.mn.us/departments/scr/presentations)