STATE OF MINNESOTA

SPECIAL REDISTRICTING PANEL

A11-152

OFFICE OF
APPELLATE COURTS

NOV - 4 2011

FILED

Sara Hippert, Dave Greer, Linda Markowitz, Dee Dee Larson, Ben Maas, Gregg Peppin, Randy Penrod and Charles Roulet, individually and on behalf of all citizens and voting residents of Minnesota similarly situated,

Plaintiffs,

and

Kenneth Martin, Lynn Wilson, Timothy O'Brien, Irene Peralez, Josie Johnson, Jane Krentz, Mark Altenburg, and Debra Hasskamp, individually and on behalf of all citizens of Minnesota similarly situated,

Plaintiffs-Intervenors,

and

Audrey Britton, David Bly, Cary Coop, and John McIntosh, individually and on behalf of all citizens of Minnesota similarly situated,

Plaintiffs-Intervenors,

vs.

Mark Ritchie, Secretary of State of Minnesota; and Robert Hiivala, Wright County Auditor, individually and on behalf of all Minnesota county chief election officers,

Defendants.

ORDER STATING
REDISTRICTING PRINCIPLES
AND REQUIREMENTS FOR
PLAN SUBMISSIONS

ORDER

PRELIMINARY CONCLUSIONS

By its order of July 18, 2011, the Special Redistricting Panel (the panel) directed the parties to this action to work toward a stipulation on preliminary matters and to submit separate statements of unresolved issues. Based on those submissions and subsequent oral argument, the panel concludes as follows:

1. *Jurisdiction.* The panel has subject-matter jurisdiction over this action. *See Growe v. Emison*, 507 U.S. 25, 32–37, 113 S. Ct. 1075, 1080–83 (1993) (concluding that Minnesota Special Redistricting Panel had jurisdiction over redistricting action and that federal court was required to defer to its proceedings); *Scott v. Germano*, 381 U.S. 407, 409, 85 S. Ct. 1525, 1527 (1965) (per curiam) ("The power of the judiciary of a State to require valid reapportionment or to formulate a valid redistricting plan has not only been recognized by this Court but appropriate action by the States in such cases has been specifically encouraged."); *see also Zachman v. Kiffmeyer*, No. C0-01-160 (Minn. Special Redistricting Panel Oct. 29, 2001) (Scheduling Order No. 2); *Cotlow v. Growe*, No. MX-91-001562 (Minn. Special Redistricting Panel July 29, 1991) (Pretrial Order No. 1). In addition, the panel was properly appointed pursuant to the power of the Chief Justice to assign judges to hear particular cases. *See* Minn. Stat. §§ 2.724, 480.16 (2010).

2. *Constitutionality of Current Districts.* Plaintiffs–intervenors Audrey Britton et al. move the panel to declare the current districts unconstitutional for use in any future elections. All parties agree that the current election districts are "unequally

apportioned" in light of the 2010 census, but they disagree as to whether a declaration of unconstitutionality is warranted at this time.

The panel has the authority to hear and decide all matters in connection with the disposition of this action. *Hippert v. Ritchie*, No. A11-152 (Minn. June 1, 2011) (Order of Chief Justice). However, we will order the adoption of redistricting plans formulated through this litigation only if the Legislature and the Governor do not reach an agreement on redistricting legislation by February 21, 2012. *See* Minn. Stat. § 204B.14, subd. 1a (2010) (setting the deadline for redistricting); *see also Hippert*, No. A11-152 (Minn. Special Redistricting Panel Sept. 12, 2011) (Timothy D. Utz Amicus Curiae Order) (explaining the constitutional roles of the legislative, executive, and judicial branches in the redistricting process); *Zachman*, No. C0-01-160 (Minn. Special Redistricting Panel Oct. 29, 2001) (Scheduling Order No. 2) (following section 204B.14, subdivision 1a, in setting a release date for final redistricting order).

The argument of the Britton plaintiffs–intervenors assumes that the Legislature and the Governor will not reach an agreement on redistricting legislation by February 21, 2012, and that, absent the panel's intervention, the current districts will be used to conduct the 2012 regular elections. This scenario, however, is purely hypothetical at this point because time remains for the Legislature and the Governor to reach an agreement on redistricting legislation. Until February 21, 2012, the issue of the constitutionality of the current districts is not ripe for our decision. *See Camreta v. Greene*, 131 S. Ct. 2020, 2031 (2011) (stating that a "'longstanding principle of judicial restraint requires that courts avoid reaching constitutional questions in advance of the necessity of deciding

them'" (quoting *Lyng v. Nw. Indian Cemetery Protective Ass'n*, 485 U.S. 439, 445, 108 S. Ct. 1319, 1323 (1988))); *Thomas v. Union Carbide Agric. Prods. Co.*, 473 U.S. 568, 580–81, 105 S. Ct. 3325, 3333 (1985) (stating that a claim is not ripe if it involves "contingent future events that may not occur as anticipated, or indeed may not occur at all" (quotation omitted)); *Kahn v. Griffin*, 701 N.W.2d 815, 821 (Minn. 2005) (stating that a controversy is not justiciable if it involves "[m]erely possible or hypothetical injury"). The motion of the Britton plaintiffs–intervenors therefore is DENIED.

3. *Population Data.* The 2010 Census Redistricting Data [P.L. 94-171] Summary File for Minnesota, with population data determined to the census-block level, shall be used in this redistricting process. The appropriate data is available on the website of the United States Census Bureau's Redistricting Data Office. The panel will use Maptitude for Redistricting software (Maptitude) to review and analyze all proposed redistricting plans.[1]

4. *Ideal Populations.* The total population of the State of Minnesota after the 2010 census is 5,303,925. Minnesota has 8 congressional districts, 67 state senate districts, and 134 state house districts. We calculate the ideal population for each type of election district by dividing the state's total population by the number of districts for the

[1] At oral argument, counsel for the Britton plaintiffs–intervenors requested that the panel issue an order addressing the parties' access to redistricting data and software. Counsel has since clarified by letter that his request "did not include Maptitude." Rather, his request "pertained to databases that are shown on the State of Minnesota's GIS pages that could be made available to the Court and to all parties at no significant additional cost to the State (*e.g.*, minority voting age population, transportation corridors, neighborhoods, etc.)." The panel is aware of no such data that is not already available to the public without cost.

particular legislative body. Therefore, the ideal population of a Minnesota congressional district after the 2010 census is 662,991; the ideal population of a Minnesota state senate district is 79,163; and the ideal population of a Minnesota state house district is 39,582.

REDISTRICTING PRINCIPLES

Based on the parties' written and oral arguments, the panel hereby adopts the following principles:

Congressional Districts

1. There shall be eight congressional districts with a single representative for each district. The district numbers shall begin with Congressional District 1 in the southeast corner of the state and end with Congressional District 8 in the northeast corner of the state.

2. The congressional districts shall be as nearly equal in population as is practicable. *Wesberry v. Sanders*, 376 U.S. 1, 7–8, 84 S. Ct. 526, 530 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a redistricting plan created by a legislature, absolute population equality shall be the goal. *Abrams v. Johnson*, 521 U.S. 74, 98, 117 S. Ct. 1925, 1939 (1997). Because Minnesota's total population is not divisible into eight congressional districts of equal population, the ideal result is five districts of 662,991 persons and three districts of 662,990 persons.

3. Congressional districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group and must otherwise comply with

the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973–1973aa-6 (2006).

4. Congressional districts shall consist of convenient, contiguous territory structured into compact units. Minn. Stat. § 2.91, subd. 2 (2010); *Shaw v. Reno*, 509 U.S. 630, 646, 113 S. Ct. 2816, 2826 (1993) (stating that district lines may be drawn "to provide for compact districts of contiguous territory"). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Congressional districts with areas that connect only at a single point shall not be considered contiguous.

5. Political subdivisions shall not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; *Karcher v. Daggett*, 462 U.S. 725, 733 n.5, 740–41, 103 S. Ct. 2653, 2660 n.5, 2663–64 (1983).

6. Where possible in compliance with the preceding principles, communities of interest shall be preserved. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433, 126 S. Ct. 2594, 2618 (2006) (*LULAC*) (stating that "maintaining communities of interest" is a traditional redistricting principle); *Miller v. Johnson*, 515 U.S. 900, 916, 115 S. Ct. 2475, 2488 (1995) (including respect for "communities defined by actual shared interests" in list of "traditional race-neutral districting principles"). For purposes of this principle, "communities of interest" include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be

considered if persuasively established and if consideration thereof would not violate applicable law.

7. Congressional districts shall not be drawn for the purpose of protecting or defeating incumbents. But the impact of redistricting on incumbent officeholders is a factor subordinate to all redistricting criteria that the panel may consider to determine whether proposed plans result in either undue incumbent protection or excessive incumbent conflicts.

Legislative Districts

1. There shall be 67 state senate districts with one senator for each district. Minn. Stat. §§ 2.021, 2.031, subd. 1 (2010). There shall be 134 state house districts with one representative for each district. Minn. Stat. §§ 2.021, 2.031, subd. 1.

2. No state house district shall be divided in the formation of a state senate district. Minn. Const. art. IV, § 3.

3. The legislative districts shall be numbered in a regular series, beginning with House District 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the 11-county metropolitan area until the southeast corner has been reached; then to the 11-county metropolitan area outside the cities of Minneapolis and Saint Paul; then to Minneapolis and Saint Paul. *See* Minn. Const. art. IV, § 3 (requiring senate districts to be numbered in a regular series); Minn. Stat. § 200.02, subd. 24 (2010) (defining "[m]etropolitan area" for purposes of the Minnesota Election Law as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright).

4. Redistricting plans for state legislatures shall faithfully adhere to the concept of population-based representation. *Roman v. Sincock*, 377 U.S. 695, 710, 84 S. Ct. 1449, 1458 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a plan created by a legislature, de minimis deviation from the ideal district population shall be the goal. *Connor v. Finch*, 431 U.S. 407, 414, 97 S. Ct. 1828, 1833 (1977); *Chapman v. Meier*, 420 U.S. 1, 26–27, 95 S. Ct. 751, 766 (1975). The population of a legislative district shall not deviate by more than two percent from the population of the ideal district. *See Zachman*, No. C0-01-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions); *Cotlow*, No. MX-91-1562 (Minn. Special Redistricting Panel Aug. 16, 1991) (Pretrial Order No. 2).

5. Legislative districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group and must otherwise comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973–1973aa-6.

6. Legislative districts shall consist of convenient, contiguous territory structured into compact units. Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2; *Reynolds v. Sims*, 377 U.S. 533, 578–79, 84 S. Ct. 1362, 1390 (1964) (stating that a legitimate redistricting principle is to provide for compact districts of contiguous territory). Contiguity by water is sufficient if the body of water does not pose a serious

obstacle to travel within the district. Legislative districts with areas that connect only at a single point shall not be considered contiguous.

7. Political subdivisions shall not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; *Reynolds*, 377 U.S. at 580–81, 84 S. Ct. at 1391–92.

8. Where possible in compliance with the preceding principles, communities of interest shall be preserved. *See LULAC*, 548 U.S. at 433, 126 S. Ct. at 2618; *Miller*, 515 U.S. at 916, 115 S. Ct. at 2488. For purposes of this principle, "communities of interest" include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be considered if persuasively established and if consideration thereof would not violate applicable law.

9. Legislative districts shall not be drawn for the purpose of protecting or defeating an incumbent. But the impact of redistricting on incumbent officeholders is a factor subordinate to all redistricting criteria that the panel may consider to determine whether proposed plans result in either undue incumbent protection or excessive incumbent conflicts.

PLAN SUBMISSION REQUIREMENTS

By its scheduling order of October 6, 2011, the panel ordered that all motions to adopt proposed redistricting plans and supporting memoranda shall be submitted by November 18, 2011. The panel now establishes the requirements for submission of proposed redistricting plans.

General Requirements

1. Each party may submit no more than one proposed redistricting plan for the United States House of Representatives, one plan for the Minnesota Senate, and one plan for the Minnesota House of Representatives.

2. Submissions shall be filed with the Clerk of Appellate Courts.

3. Submissions shall include electronic files, paper maps, and Maptitude-generated reports.

Electronic Redistricting Plans

1. Each electronic redistricting plan must be in the form of a separate block-equivalency file. Each file must be in comma-delimited format (.csv) and include, at a minimum, one field that identifies all census blocks in the state and another field for the district to which each census block has been assigned.

2. Each block-equivalency file must assign district numbers using the following conventions:

   a. Congressional district numbers shall contain one character and be labeled 1 through 8;

   b. Senate district numbers shall contain two characters and be labeled 01 through 67; and

   c. House district numbers shall contain three characters and be labeled 01A through 67B.

3. Each party's block-equivalency files must be submitted on one or more CD-ROMs or DVD-ROMs. If possible to do so without the use of file-compression applications, each party is encouraged to submit all three proposed plans on a single CD-ROM or DVD-ROM.

4. One original and three copies of each CD-ROM or DVD-ROM shall be filed with the Clerk of Appellate Courts.

Paper Maps

1. The parties also shall submit one paper original and nine paper copies of each congressional and state legislative map. Senate and house plans must be combined on a single map. Maps shall be plotted on 17" by 22" paper.

2. Each map must clearly state whether it shows congressional or state legislative districts and identify the party submitting the map.

3. For its proposed congressional plan, each party shall include paper maps of (1) the entire state and (2) the 11-county metropolitan area. Each district shall be labeled with its district number and population.

4. For its proposed state legislative plan, each party shall include paper maps of (1) the entire state; (2) the 11-county metropolitan area; and (3) the cities of Duluth, Mankato, Moorhead, Rochester, and Saint Cloud. Senate-district areas must be shown as a color-themed area on the bottom layer with house-district boundaries shown as overlying lines. Each house district shall be labeled with its district number (01A through 67B). A separate senate-district label need not be used.

5. All paper maps shall include county names and boundaries and the names and boundaries of the reservations of federally recognized Indian tribes. The parties are encouraged to include major bodies of water, interstate highways, and U.S. highways.

6. Additionally, maps of the 11-county metropolitan area and of individual cities shall show the names and boundaries of counties, cities, and townships.

7. The paper maps may include such other details as the parties wish to add, so long as the above boundaries, areas, lines, and labels are discernible.

Reports

For each proposed congressional, senate, and house redistricting plan, each party shall submit one original and three copies of the following Maptitude reports containing the components listed below as well as its standard summary data:

> 1. *Population Summary Report* showing district populations as the total number of persons, and deviations from the ideal as both a number of persons and as a percentage of the population;
>
> 2. *Plan Components Report* (short format) listing the names and populations of counties within each district and, where a county is split between or among districts, the names and populations of the portion of the split county and each of the split county's whole or partial minor civil divisions (cities and townships) within each district;
>
> 3. *Contiguity Report* listing all districts and the number of distinct polygons within each district;
>
> 4. *Measures of Compactness Reports* stating the results of the Reock, Schwartzberg, Perimeter, Polsby-Popper, Length-Width, Population Polygon, Population Circle, and Ehrenburg measures of compactness for each district; and

5. *Political Subdivisions Splits Report* listing the split counties, minor civil divisions, and voting districts (precincts), and the district to which each portion of a split political subdivision or voting district is assigned.

Each party shall label every page of a report with the report's name, the corresponding proposed plan, and the party submitting the plan.

Additional Requirements

These requirements are the minimum submissions required of the parties that submit proposed redistricting plans. The parties may submit additional maps, reports, or justification for their proposed redistricting plans.

Any party may waive its right to receive paper copies of the above reports or maps, or may arrange with another party to receive proposed plans, paper maps, and reports by e-mail or on CD-ROM or DVD-ROM.

Finally, the panel is mindful of its role in redistricting and particularly of the primacy of the legislative process. The parties' proposed redistricting plans will be submitted to the panel more than one month before the start of the 2012 legislative session. To give the Legislature and the Governor an opportunity to review and consider the proposed redistricting plans submitted to the panel, each party shall provide the Legislature and the Governor with a block-equivalency file for each proposed plan. The panel strongly encourages the parties to submit any additional information that Legislators, the Governor, or their staffs may request.

ORAL ARGUMENT

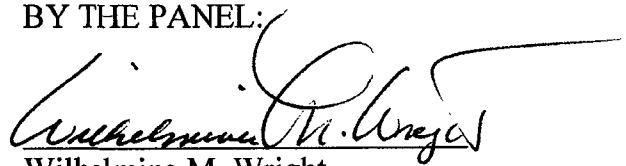
Oral argument on the proposed redistricting plans has been set for Wednesday, January 4, 2012. Arguments shall begin at 9:30 a.m. in Courtroom 300 of the Minnesota Judicial Center. The parties shall be heard in the order in which they are listed in the caption of this case.

The parties will each have 30 minutes to present their proposed redistricting plans and are encouraged to prepare visual presentations to supplement their oral arguments. The panel will recess at the close of the morning's presentations and resume at 1:30 p.m. At that time, each party will have 15 minutes to present oral arguments in favor of its proposed redistricting plans or in opposition to other proposed plans. Each party also may utilize an additional five minutes for rebuttal.

Any party that declines to submit proposed redistricting plans will be permitted to argue in favor of or against a particular proposed plan. The parties shall notify the panel in writing by December 30, 2011, whether they intend to participate in either session of the January 4, 2012 oral argument and whether they require particular technical equipment to present their proposed redistricting plans. At the close of oral argument, the parties shall provide the panel with copies of their electronic, overhead, or slide presentations via CD-ROM, DVD-ROM, or paper.

Dated: November 4, 2011

BY THE PANEL:



Wilhelmina M. Wright
Presiding Judge

MEMORANDUM

Because the adoption of redistricting criteria involves a number of competing considerations, we take this opportunity to address how we have resolved them.

First, we address our decision to adopt a compactness criterion. The United States Supreme Court has consistently recognized compactness as a legitimate redistricting criterion. *See, e.g.*, *Miller v. Johnson*, 515 U.S. 900, 916, 115 S. Ct. 2475, 2488 (1995) (stating that compactness is one of many "traditional race-neutral districting principles"); *Karcher v. Daggett*, 462 U.S. 725, 740, 103 S. Ct. 2653, 2663 (1983) (including "making districts compact" in a list of legitimate redistricting objectives). Requiring compact districts also is a way for the panel to ensure compliance with the United States Constitution and the Voting Rights Act. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 402, 126 S. Ct. 2594, 2600 (2006) (stating that a successful attack against a redistricting plan under section 2 of the Voting Rights Act requires a showing that it is possible to create more than the existing number of "reasonably compact districts" with a sufficiently large minority population to elect candidates of its choice (quotation omitted)); *id.* at 433, 126 S. Ct. at 2618 (noting that compactness is used to determine whether districts violate the Equal Protection Clause); *Bush v. Vera*, 517 U.S. 952, 977, 116 S. Ct. 1941, 1960 (1996) (using compactness of districts in determining whether a plan violated Section 2 of the Voting Rights Act); *Karcher*, 462 U.S. at 755–58, 103 S. Ct. at 2673–74 (Stevens, J., concurring) (concluding that "drastic departures from compactness" may indicate illegitimate gerrymandering). In addition, Minnesota redistricting panels have long used compactness as a redistricting criterion. *See Zachman*

v. Kiffmeyer, No. C0-01-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions) (acknowledging that Minnesota redistricting panels after the 1970, 1980, and 1990 censuses included compactness in their criteria and adopting it for use after the 2000 census). Moreover, compactness has been recognized by 37 other states as a redistricting criterion. *See* Nat'l Conference of State Legislatures, *Redistricting Law 2010*, App'x E (Nov. 2009) (listing states that used compactness as a constitutional, legislative, or judicial criterion after the 2000 census). For these reasons, we adopt the principle that districts shall be compact.

Second, we address the extent to which a state legislative district's population may deviate from the ideal population for that district. We emphasize that the goal is de minimis deviation. *See Connor v. Finch*, 431 U.S. 407, 414, 97 S. Ct. 1828, 1833 (1977); *Chapman v. Meier*, 420 U.S. 1, 26–27, 95 S. Ct. 751, 766 (1975). By prohibiting any deviation of more than two percent from a Minnesota legislative district's ideal population, our intent is to establish a maximum deviation—not to set a level under which all population deviations will be presumed acceptable. *See Zachman*, No. C0-01-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions).

Third, we address our decision to adopt the principle that permits us to consider, as a factor subordinate to all redistricting criteria, whether a proposed plan results in either undue incumbent protection or excessive incumbent conflicts. This principle is necessary to prevent an unfair result for either incumbents or potential challengers and to preserve the public's confidence and perception of fairness in the redistricting process. *See*

Connor, 431 U.S. at 415, 97 S. Ct. at 1834 (stating that courts lack the "political authoritativeness" that legislatures bring to redistricting and that a court's task "is inevitably an exposed and sensitive one that must be accomplished circumspectly, and in a manner free from any taint of arbitrariness or discrimination" (quotation omitted)); *Gaffney v. Cummings*, 412 U.S. 735, 753, 93 S. Ct. 2321, 2331–32 (1973) ("It may be suggested that those who redistrict and reapportion should work with census, not political, data and achieve population equality without regard for political impact. But this politically mindless approach may produce, whether intended or not, the most grossly gerrymandered results . . . ."). Our adoption of this principle is consistent with the approach utilized by past redistricting panels. *See Zachman*, No. C0-01-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions); *Cotlow v. Growe*, No. C8-91-985 (Minn. Special Redistricting Panel Sept. 13, 1991) (Pretrial Order No. 3).

Fourth, we address the numbering of legislative districts with respect to the metropolitan area. It has been the convention during the past four redistricting cycles to number a seven-county metropolitan area (the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) after numbering the rest of the state. But since the last redistricting cycle, the Legislature has added an 11-county definition of "metropolitan area" to the Minnesota Election Law. 2005 Minn. Laws ch. 156, art. 6, § 13, at 1713 (defining "[m]etropolitan area" as "the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright"), *codified at* Minn. Stat. § 200.02, subd. 24 (2010). Because the Minnesota Election Law applies to

all elections held in this state unless otherwise specifically provided by law, Minn. Stat. § 200.015 (2010), we have adapted the numbering convention for legislative districts to reflect an 11-county metropolitan area.

Finally, we address the issue of the timing of the 2012 precinct caucuses, which will take place on February 7—two weeks before the statutory deadline for redistricting. At the public hearings, several speakers expressed concern that the electoral process will be adversely affected if the precinct caucuses are held before redistricting is accomplished.

Minnesota law provides that the chairs of the two largest major political parties shall, by March 1 of each odd-numbered year, submit an agreed-upon precinct-caucus date for the next even-numbered year to the Secretary of State. Minn. Stat. § 202A.14, subd. 1(b)(1) (2010). If a joint statement is not submitted, the precinct-caucus date shall be the first Tuesday in February. *Id.*, subd. 1(b)(3) (2010). In either case, the Secretary of State announces the official date on March 1 of each odd-numbered year. *Id.*, subd. 1(b)(2) (2010). On March 1, 2011, the Secretary of State announced that the next precinct caucuses will be held on February 7, 2012.

Action to address the timing of the precinct caucuses is beyond the limited scope of the panel's mandate. We must defer to the statute setting the redistricting deadline as February 21, 2012, and to the need to provide the other branches of government with a full and fair opportunity to complete redistricting by the statutory deadline. *See Zachman*, No. C0-01-160 (Minn. Special Redistricting Panel Oct. 29, 2001) (Scheduling Order No. 2).