



Legislative Redistricting Position Report

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Civic Caucus Statement to the Governor and Legislature on Redistricting

A. Summary

Looking toward the 2010 Census, the Minnesota Governor and Legislature should reassign the responsibility for drawing boundaries of legislative and congressional districts.

To enhance the integrity of elections and to help restore public confidence in government, lawmakers should protect themselves from the temptation to manipulate redistricting for personal and partisan gain.

The Legislature in 2008 should enact a redistricting plan along the lines of recommendations by a broadly-based bipartisan group of respected former office holders, chaired by former Vice President Walter Mondale, Democrat, and former Governor Arne Carlson, Republican. In the group are those most intimately involved in redistricting over the last 30-40 years, including a retired Republican Speaker of the House, a retired DFL Senate Majority Leader, and a retired Chief Justice.

B. Introduction

Minnesota legislators soon will try to redraw boundaries of congressional and legislative districts. Redistricting is mandated every 10 years by the U.S. Constitution and the U.S.

Supreme Court. After official 2010 population totals are certified by the U.S. Census, states must redraw the boundaries of their congressional and legislative districts, consistent with one-person-one-vote.

Legislatures in 12 states are uninformed because their states' constitutions assign someone else. In at least one other case a Legislature has farmed out the job but retains the right to jump back in.

In Minnesota the Legislature (with the Governor having the power to approve or veto) will divide the state's 3,000 precincts into 134 districts of essentially equal population (for state representatives), 67 districts (for state senators), and seven or eight congressional districts—depending on whether the state gives up a seat because of population changes.

C. Problems with redistricting today

1. It's a conflict of interest for legislators—The Legislature has an inherent conflict of interest in drawing its own district boundaries. The process has the effect of allowing legislators to select their voters, while the intent of a representative democracy is to allow the voters to select their legislators.

2. It takes way too much time—Legislators will spend endless hours on the issue. What seem to be trivial details to some will be major concerns to others. The issue will take precedence over everything else—over balancing the budget, over transportation, over education, over health care, and so forth. Legislators will haggle over issues such as:

- which incumbents will be placed in the same district,
- how the party in power will solidify its position,
- whether legislators who voted the "right" way on certain other issues will be favored with safe districts,
- whether those who voted the "wrong" way will find themselves in districts they can't win,
- whether majority and minority leaders will enact a sweetheart deal that preserves the status quo.

3. It can reduce influence of some voters—When districts heavily favor one party or the other, some voters are, in effect, disenfranchised, whatever their political persuasion. If voters find themselves in the majority in a safe district, they risk being taken for granted, or ignored. And, of course, voters of the minority party in a safe district know they have hardly any influence and are even likely to forego voting.

4. It can favor candidates and voters on the more extreme ends of the political spectrum—

Safe districts tend to favor candidates and their supporters on the far left or far right, producing polarization and diminishing the impact of the vast middle.

5. Lawmakers aren't likely to have last word anyway—There's a good chance that legislators' investment of time and effort might be all for naught. Based on experience over the last 40-50 years the Minnesota Supreme Court is likely to end up imposing a decision, either because lawmakers can't reach agreement or because lawmakers will have failed to satisfy constitutional mandates for civil rights or one-person-one-vote.

6. The current process impedes efforts to bolster public confidence in government —The public's confidence in government—certainly not at its highest level today—isn't helped by the current process.

D. Conclusion

The all-consuming, gut-wrenching drama of the Legislature trying to redistrict itself should be extensively modified.

E. Opportunity

1. The time is right—The 2008 Session of the Legislature is a particularly opportune time to re-do the process of redistricting. Incumbent lawmakers are still two election cycles (2008 and 2010) removed from implementation of any new plan. The earliest a plan would take effect would be 2012. It might be harder to modify redistricting next year or the following years, as 2012 approaches.

2. A plan is ready—A credible plan is in front of them—prepared by some of the most experienced political figures in the state, on both sides of the aisle. An Advisory Commission on Redistricting at Humphrey Institute's Center for the Study of Politics and Governance at the University of Minnesota has produced the plan. The Advisory Commission is headed by Democrat Walter F. Mondale, former Vice President, and Republican Arne Carlson, former Governor. Its members include Kathleen Blatz, former Minnesota Chief Justice; Steve Sviggum, former Republican Speaker of the House, and Roger Moe, former Democrat Senate Majority Leader.

3. The plan is rooted in realism—The plan is no idealistic approach that tries to wrestle redistricting out of the hands of the Legislature and hand it over to some "non-partisan" body. The Advisory Commission knows full well that whoever decides, political considerations will be present. The Advisory Commission also is fully aware that no plan can be enacted without the Legislature's approval.

Thus, the Advisory Commission is recommending that the Legislature distance itself, not

remove itself, from redistricting. Lawmakers still could over-politicize the process, but first they'd have to jump through a few hoops.

4. Only a law need be passed, not a constitutional amendment—Legislation enacted by the Legislature and signed by the governor is all that is required. If the Advisory Commission were recommending that the Legislature be entirely removed from the process, the state constitution would need to be amended, a step that is much more problematical, involving both legislative and voter approval.

F. The Advisory Commission plan

Here is how the Advisory Commission plan would work:

1. New redistricting panel is established—A five-person decision-making panel would be created. The Majority and Minority Leaders of the House and Senate would each name a non-legislator. The four appointees in turn would name a fifth member, also a non-legislator. The Mondale-Carlson commission recommends the members be retired judges.

2. New panel prepares a redistricting proposal—The five-member panel would prepare a redistricting proposal and submit it to the Legislature. The Legislature would vote the proposal up or down, but could make no changes. If approved, and if signed by the Governor, the proposal becomes law (always subject, of course, to a Court challenge.)

3. Back-up proposals envisioned—if the first proposal doesn't become law, the five-member panel would prepare a second proposal. If the second proposal were rejected, the panel would prepare a third. If the third were rejected, the Legislature itself could draw new boundaries itself.

G. The Civic Caucus recommendation

We recommend that the Legislature establish a redistricting panel along lines of the proposal by the Advisory Commission at the Humphrey Institute.

The redistricting panel should draw boundaries for Minnesota's congressional seats as well as for the Legislature. Congressional redistricting doesn't receive as much attention, but that could change in the next round because Minnesota might lose one seat in the U.S. House of Representatives because of greater population growth elsewhere in the nation.

Many possibilities are present for who would serve on a redistricting panel. Some critics feel that the Advisory Commission approach—retired judges selected by legislative leaders—makes the panel resemble a conference committee of the Legislature, and, therefore, would

be too subject to partisan politics. Another possibility would be to follow the Iowa approach, and utilize non-partisan legislative staff as a panel.

Before drawing new boundaries the redistricting panel should conduct hearings to receive public input and then adopt guidelines to be followed. Among possible guidelines:

- Equality of population within reasonable limits
- Compactness, that is, making districts of similar shape
- Conformity to natural communities of interest.
- Competitiveness

H. The Civic Caucus process

Over the last two years the Civic Caucus has received input on the redistricting issue from more than 30 thought leaders in Minnesota and elsewhere. Their comments on redistricting, along with responses from our electronic participants, may be found at www.civiccaucus.org. Background on the Civic Caucus also is available at the website.

The Civic Caucus core group shared a preliminary draft of the statement with 800 electronic participants, inviting them to respond to specific questions and offer additional comment. After reviewing responses, the report was approved.

Following is a summary of responses:

1. On a scale of (0), least urgent, to (5), neutral, to (10), most urgent, how important is it for the Legislature to assign responsibility for redistricting to someone else? Respondents' average score: 9.5.
2. On a scale of (0), strongly opposed, to (5) neutral, to (10), strongly favor, how do you feel about the redistricting proposal of the Mondale-Carlson commission? Respondents' average score: 8.6.
3. On a scale of (0), strongly opposed, to (5), neutral, to (10), strongly favor, should the Legislature retain final approval over a redistricting plan prepared by an outside panel? Respondents' average score: 6.0.
4. On a scale of (0), strongly opposed, to (5), neutral, to (10), strongly favor, should majority and minority legislative leaders appoint an outside panel? Respondents' average score: 7.0.
5. Among suggestions for others who might make the panel appointments:

Minnesota Supreme Court; Legislative Auditor, and the Governor.

6. About two-thirds of the respondents felt a panel assigned to draw boundaries should be composed of retired judges. Another one-fourth recommended members of the general public.

7. About 10 percent of respondents felt a panel should be prohibited from trying to make some districts more competitive. About 45 percent felt a panel should be required to try to make some districts more competitive. About 45 percent felt the panel should be left free to do what it wants.

Support from Civic Caucus participants— The following Civic Caucus participants agreed to lend their names in support of this statement:

David Asp
Ray Ayotte
Jim Barton
Ann Berget
David Broden
Bob Brown, former state legislator
Charles Clay
Sheldon Clay
Gary Clements
Phil Cohen
Marianne Curry
Blake S. Davis
Bright Dornblaser
Thomas G. Dosch
Kent E. Eklund
Ina R. Erickson
Carole M. Faricy
John R. Finnegan Sr.
Gene Franchett
Don Fraser, former member of Congress
Robert Freeman
Bill Frenzel, former member of Congress
Paul Gilje
Cam Gordon
Scott W. Halstead
Paul Hauge
Ruth Hauge

Jeff Heegaard
Peter Heegaard
Jim Hetland
Janet M. Hively
John Hottinger
Ruby M. Hunt
Dave Hutcheson
Wayne B. Jennings
Curt Johnson
Verne Johnson
Matt Kane
Dan Loritz
Charles P. Lutz
Malcolm W. McDonald
Tim R. McDonald
Malcolm McLean
Alan Miller
Roger Moe, former state legislator
John Mooty
Connie Morrison, former state legislator
Leonard J. Nadasdy
John C. Nowicki, LTC, USA, RET.
Sally Olsen, former state legislator
Jim Olson
Shawn Lawrence Otto
Vici Oshiro
George Pillsbury, former state legislator
Al Quie, former Governor
Carolyn Ring
John Rollwagen
Royce Sanner
Ann Schluter & Larry W. Schluter
Ray Schmitz
Clint and Carolyn Schroeder—Edina, MN
Eric Schubert
David Schultz, professor, Hamline University
Lyall A. Schwarzkopf, former state legislator
Clarence Shallbetter
James Shoop
Chuck Slocum
Tom H. Swain

Jim Weaver

Bob White (Robert J. White)