

**Subject** Redistricting Advisory Commission

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## Overview

This bill establishes a Redistricting Advisory Commission to submit recommended legislative and congressional redistricting plans for approval by the legislature following each decennial census. The work of the commission is advisory only.

The commission consists of 12 members of the public and five retired judges.

The bill also establishes a series of principles that must be used in drawing district boundaries.

The Minnesota Constitution requires that the legislature adopt new congressional and legislative districts following each decennial census. The next decennial census will occur in 2020; redistricting plans are expected to be adopted by the legislature no later than February 2022.

## Summary

Section	Description
1	<p><b>Redistricting commission.</b> Establishes a Redistricting Advisory Commission, consisting of 12 members of the public and five retired judges.</p> <p><b>Subd. 1. Commission membership; duties.</b> Establishes a Redistricting Advisory Commission in each year ending in one, for the purpose of recommending legislative and congressional districts in the state. The commission consists of 12 members of the public and five retired state judges who have not served in a party-designated or party-endorsed position.</p> <p><b>Subd. 2. Public members; appointment.</b> Establishes a procedure for appointing public members of the commission, and establishes qualifications for the role.</p> <p>A person who is not eligible to vote, and certain types of people with close personal or professional connections to politics or high-ranking public officials are not eligible for appointment to the commission.</p>

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	<p>Appointment to the commission requires a special application process outlined for this purpose in the bill. The secretary of state is the official primarily responsible for administering the appointment process, but the four legislative leaders have a role in narrowing the list of applicant finalists. Appointees are ultimately selected by lot; four will be affiliated with the majority political party caucus in the house of representatives; four will be affiliated with the minority political party caucus in the house; and four will be affiliated with neither of those parties. Additional details are provided in the bill.</p>
	<p><b>Subd. 3. Retired judges; appointment.</b> Establishes a procedure for appointing five retired judges to the commission. One retired judge each is appointed by the four legislative caucus leaders. If an appointing authority fails to make an appointment, the chief justice of the supreme court must appoint a person to fill that position. A fifth judge must be chosen by the four legislatively-appointed members. Additional details are provided in the bill.</p>
	<p><b>Subd. 4. Code of conduct.</b> Establishes a code of conduct for commission members. Retired judges are subject to the Code of Judicial Conduct. Public members “exercise the function of a public officer.”</p>
	<p><b>Subd. 5. Removal; filling vacancies.</b> A member of the advisory commission may only be removed for reasons that would justify a recall of a state elected official (serious malfeasance or nonfeasance in the performance of duties, or conviction for a serious crime). A vote of two-thirds of the commission is required to remove a member.</p> <p>A member who violates the prohibition on communications contained later in this bill must be removed from the commission.</p> <p>Vacancies must be filled by the original appointing authority within 30 days after the vacancy occurs.</p>
	<p><b>Subd. 6. Open records.</b> Provides for access to commission records under the Government Data Practices Act, but restricts access to a plan until it has been submitted to the commission for consideration.</p>
	<p><b>Subd. 7. Open meetings.</b> Subjects the commission to the state open meetings law.</p>
	<p><b>Subd. 8. Open communications.</b> Restricts certain types of communications related to the work of the commission. These restrictions impact both the staff and members of the commission.</p>
	<p><b>Subd. 9. Lobbyist registration.</b> Provides that the commission’s work qualifies as “administrative action” for purposes of Minnesota’s lobbyist registration law. This designation means that individuals appearing before the commission must</p>

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	<p>register as a lobbyist with the Campaign Finance and Public Disclosure Board if they meet certain income or expenditure thresholds related to their work.</p> <p><b>Subd. 10. Compensation and expenses.</b> The commission may approve a \$55 per day per diem rate, plus expense reimbursements, for members on the same terms as other similar state boards and commissions.</p> <p><b>Subd. 11. Plans submitted to commission.</b> Requires the commission to adopt a schedule for interested persons to submit proposed redistricting plans and to respond to plans proposed by others. The commission must also adopt standards governing the format of plans. The schedule and standards are not subject to the administrative rulemaking requirements of state law.</p> <p><b>Subd. 12. Public hearings.</b> Requires the commission to conduct at least one public hearing in each congressional district before adopting its first plan. The commission must ask for input on identifying community of interest for consideration. A preliminary draft of a plan, including required statistical reports, must be posted online at least one week before a hearing and allow at least 30 days for public comment.</p> <p><b>Subd. 13. Deadlines.</b> Establishes detailed deadlines and requirements for the commission to complete its work. Recommended plans must be submitted to the legislature by April 30 of each year ending in one. A series of additional steps are required if the legislature fails to approve an initial plan recommended by the commission.</p> <p><b>Subd. 14. Data used.</b> Requires the commission to use census data to draw districts, but the population data for individuals who are incarcerated must reflect their last known residential address before incarceration.</p> <p><b>Subd. 15. Expiration.</b> Provides that the commission expires upon enactment of plans—by law, or by court order—and resolution of any legal challenges to those plans. A court may order the creation of a new commission if subsequent legal challenges arise.</p>
2	<p><b>Districing principles.</b></p> <p>Establishes statutory principles for use by the Redistricting Advisory Commission and others in proposing new boundaries for legislative and congressional districts. In general, the principles are listed in priority order for implementation.</p> <p><b>Subd. 1. Application.</b> Provides that the principles apply to both legislative and congressional districts.</p> <p><b>Subd. 2. Prohibited information.</b> Prohibits plans from being drawn to purposely favor or disfavor a political party or candidate. This section also prohibits certain types of data (registered voters, political affiliation, voting history, and demographics) from being used by the commission in its “initial phase” but</p>

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	<p>allows for that data to be used to test a plan’s compliance with the principles required by this section and in the plan’s mandated reports.</p> <p><b>Subd. 3. Priority of principles.</b> Specifies that restricting principles established in this section apply to members of the redistricting commission and must be given priority based on the order that they are listed.</p> <p><b>Subd. 4. Population equality.</b> Establishes equal population standards for districts.</p> <p><b>Subd. 5. Contiguity.</b> Provides standards to ensure all the territory in a district is contiguous (the boundaries establish a single, whole shape for each district that can be traveled easily).</p> <p><b>Subd. 6. Minority representation.</b> Provides standards for how a redistricting plan may impact minority communities.</p> <p><b>Subd. 7. Communities of interest.</b> Provides standards related to the preservation of identifiable communities of interest, when possible. Examples of common similarities that might establish a community of interest are provided.</p> <p><b>Subd. 8. Political subdivisions.</b> Provides standards related to the division of political subdivisions in creating districts.</p> <p><b>Subd. 9. Incumbents.</b> Prohibits the consideration of incumbent residences in developing or approving a plan.</p> <p><b>Subd. 10. Compactness.</b> Requires statistical measures of compactness to be used to test whether the districts in a plan are compact.</p> <p><b>Subd. 11. Partisan symmetry and bias.</b> Prohibits a district from being drawn in a manner that unduly favors or disfavors a political party. Standards and methods for assessing a plan are required.</p> <p><b>Subd. 12. Numbering.</b> Establishes a scheme for identifying each district’s district number.</p>
3	<p><b>Legislative Coordinating Commission; redistricting.</b></p> <p>Establishes duties for the Legislative Coordinating Commission (LCC) in the redistricting process.</p> <p><b>Subd. 1. Administrative support.</b> Requires the LCC to provide administrative support to the Redistricting Advisory Commission.</p> <p><b>Subd. 2. Database.</b> Requires the datasets used in redistricting to correspond to those used by the LCC, including population counts provided by the United States Census Bureau.</p>

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**Subd. 3. Publication; consideration of plans.** Requires certain technical information to be submitted to the GIS office of the LCC before a redistricting plan can be considered for adoption by the house of representatives or the senate.

**Subd. 4. Reports.** Provides the detailed data that must be provided in a number of summary reports that are prepared in conjunction with maps showing district boundaries. These reports generally summarize data that may be used to determine whether a redistricting plan complies with the principles required to be used in creating a plan. The specific principles required are established earlier in this bill.

4 **Redistricting of local election districts.**

Establishes requirements related to redistricting of certain local election districts.

**Subd. 1. Redistricting plan standards; Redistricting Commission.** Requires districts in counties with a population over 100,000, and wards in cities with a population over 75,000 to comply with the principles established earlier in this bill.

**Subd. 2. Population variance.** Provides a “minimum population variance” of 1.5 percent of the mean population for local districts and wards subject to this section.

**Subd. 3. Procedure.** Requires local redistricting plans subject to this section to be prepared and adopted by a charter commission, or by a specially-appointed redistricting commission if a charter commission does not exist.



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