

September 20, 2021

Dear Governor Tim Walz, Minnesota State Legislature, Secretary of State Steve Simon, Ramsey County District Court,

I am writing to ask that the court declare Minnesota's current state legislative and congressional district plans unconstitutional; enjoin Secretary of State Steve Simon from using the current plans in any future elections; and implement new state legislative and congressional district plans that adhere to the constitutional principle of one-person, one-vote should the Legislature and Governor fail to do so.

The apportionment counts released by the U.S. Census Bureau on April 26, 2021, confirm the inevitable reality that the population shifts that occurred during the last decade have rendered Minnesota's state legislative and congressional plans unconstitutionally malapportioned. There is no reasonable prospect that Minnesota's political branches will reach consensus to enact a lawful state legislative and congressional district plan in time to be used in the upcoming 2022 elections. There are bipartisan differences between the Governor, a Democrat; the Minnesota House of Representatives, in which a majority are Democrats; and the Minnesota State Senate, in which Republicans are in the majority.

Article 1, Section 2 of the United States Constitution stipulates that congressional representatives be apportioned to the states on the basis of population. There are 435 seats in the United States House of Representatives. Each state is allotted a portion of these seats based on the size of its population relative to the other states. Consequently, a state may gain seats in the House if its population grows or lose seats if its population decreases, relative to populations in other states. In 1964, the United States Supreme Court ruled in *Wesberry v. Sanders* that the populations of House districts must be equal "as nearly as practicable."

The equal population requirement for congressional districts is strict. According to All About Redistricting, "Any district with more or fewer people than the average (also known as the 'ideal' population), must be specifically justified by a consistent state policy. And even consistent policies that cause a 1 percent spread from largest to smallest district will likely be unconstitutional.

I SUPPORT ADHERING TO ONE-PERSON, ONE VOTE.

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