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individually and on behalf of all citizens
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similarly situated, and League of Women
Voters Minnesota,

Plaintiffs,

and

Paul Anderson, Ida Lano, Chuck Brusven,
Karen Lane, Joel Hineman, Carol
Wegner, and Daniel Schonhardt,

Plaintiff-Intervenors

vs.

Steve Simon, Secretary of State of
Minnesota; and Kendra Olson, Carver
County Elections and Licensing Manager,
individually and on behalf of all
Minnesota county chief election officers,

Defendants,

and

Frank Sachs, Dagny Heimisdottir,
Michael Arulfo, Tanwi Prigge, Jennifer
Guertin, Garrison O'Keith McMurtrey,
Mara Lee Glubka, Jeffrey Strand, Danielle
Main, and Wayne Grimmer,

Plaintiffs,

and

Dr. Bruce Corrie, Shelly Diaz, Alberder
Gillespie, Xiongpaoo Lee, Abdirazak
Mahboub, Aida Simon, Beatriz Winters,
Common Cause, OneMinnesota.org, and
Voices for Racial Justice,

Plaintiff-Intervenors,

vs.

Steve Simon, Secretary of State of
Minnesota,

Defendant.

**SACHS PLAINTIFFS’ MEMORANDUM IN SUPPORT OF MOTION TO
ADOPT PROPOSED CONGRESSIONAL REDISTRICTING PLAN**

Pursuant to the scheduling order issued by the Special Redistricting Panel (the “Panel”) on October 26, 2021, Plaintiffs Frank Sachs, Dagny Heimisdottir, Michael Arulfo, Tanwi Prigge, Jennifer Guertin, Garrison O’Keith McMurtrey, Mara Lee Glubka, Jeffrey Strand, Danielle Main, and Wayne Grimmer (the “Sachs Plaintiffs”) hereby submit this memorandum in support of their motion to adopt their proposed congressional redistricting plan (the “Sachs congressional plan”).

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INTRODUCTION

Ten years ago, the special redistricting panel tasked with drawing Minnesota’s congressional map following the 2010 Census (the “*Hippert* panel”) adopted a plan that reflected the physical and political geography of the state. Using that successful map as a starting point, the Sachs Plaintiffs have drawn new districts that reflect both the *Hippert* panel’s analysis and resulting plan and the population and demographic shifts that have occurred in the state over the past decade. The result is a new congressional map that satisfies traditional redistricting principles and, the Sachs Plaintiffs submit, will ensure fair, effective representation for all Minnesotans.

Below, the Sachs Plaintiffs first provide a brief overview of their congressional plan and the considerations underlying it before describing how the Sachs congressional plan satisfies the Panel’s redistricting principles. *See generally* Order Stating Preliminary Conclusions, Redistricting Principles, & Requirements for Plan Submissions (“Order”) (Nov. 18, 2021).

DESCRIPTION OF PLAN

The Sachs congressional plan satisfies the standard prerequisites of redistricting: the districts are of nearly equal population; consist of contiguous, convenient territory; and preserve political subdivisions where possible. At the same time, their plan recognizes that drawing districts is not a cold, mathematical exercise. Instead, the redistricting process should ensure that communities of Minnesotans, whatever their political bent, reside in districts that reflect their common concerns and interests and are thereby given an equal voice and receive fair representation in Congress. The *Hippert* panel recognized this

imperative and drew districts that at once reflected longstanding, well-established communities *and* recognized the growing populations and influence of the state's suburban and exurban communities. The *Hippert* panel successfully undertook a difficult task, and the map that it produced ten years ago provides an effective starting point for the Sachs congressional plan.

At the same time, the Sachs congressional plan reflects significant and meaningful changes in Minnesota's population. During the 2020 reapportionment, Minnesota retained its eight congressional seats, but its demographics have not remained static over the past decade. Sustained growth in the Twin Cities metropolitan area—driven largely by the expansion of Minnesota's minority communities in suburban and exurban areas—and concurrent population loss in Greater Minnesota have continued to reshape the state's human geography. This suburban and exurban growth has created new collections of similarly situated communities that share common interests and possess similar characteristics. Similarly, the southeastern and south-central parts of the state have experienced novel economic development, continuing and accelerating a transformation of what was once a primarily agricultural area into a hotspot of technological innovation and investment and linking these communities in new and different ways.

The Sachs congressional plan addresses and reflects these changing dynamics. In so doing so, it is guided by three overarching propositions.

First, there continues to be pronounced distinctions between the Twin Cities metropolitan area and Greater Minnesota. The state's congressional maps have always reflected these differences. The Sachs plaintiffs propose three districts anchored in Greater

Minnesota to ensure that the distinctive voice of rural Minnesota is not subsumed by the disparate interests of the Twin Cities metropolitan area.

Second, different regions in Greater Minnesota are unique in their own rights and should be organized into districts that reflect their defining characteristics. For example, northeastern and northwestern Minnesota constitute distinct regions; as oral and written testimony from the public confirmed, the Iron Range in the east and the Red River Valley in the west have different industries and constitute distinct communities of interest, and the new congressional map should continue to reflect this reality.

Third, communities within the Twin Cities metropolitan area should be drawn with an eye towards their general population densities and, relatedly, their relative urban/suburban or exurban character. Drawing districts with reference to the major transportation corridors of the metropolitan area assists in creating districts that track the communities of the region. And drawing districts that recognize the characters of these communities—for example, by distinguishing suburban communities that are closely linked to the urban cores of the Twin Cities from exurban areas that continue to reflect their own rural pasts and share relatively more in common with outlying rural areas—will ensure that Minnesotans who share common interests are appropriately grouped together.

The Sachs congressional plan redraws existing districts as necessary to vindicate these guiding principles, account for demographic trends, and comply with the Panel's redistricting principles.

Notably, Minnesota currently has a “5-3” map, with five districts in the urban, suburban, and exurban Twin Cities region and three districts in Greater Minnesota. At

present, approximately 60 percent of the state's residents live in the 11-county metropolitan area. The Sachs congressional plan therefore preserves the present 5-3 divide, which fairly mirrors the demographics of the state and best ensures that the interests of voters in Greater Minnesota are not overshadowed by metropolitan interests. But their plan also adjusts the boundaries of the three Greater Minnesota districts—the First, Seventh, and Eighth Congressional Districts—based on demographic changes and the public testimony heard by the Panel.

For example, the Sachs Plaintiffs' proposed Seventh Congressional District unites the agricultural interests in the western part of the state, stretching along the border from Canada in the north to Iowa in the south. In so doing, the proposed plan divides the southwest from the southeast, recognizing that the urbanizing southeast increasingly has less in common with the agricultural communities of southwestern Minnesota. This in turn allows for the creation of a new, more compact First Congressional District in the southeastern part of the state centered around the economic hubs of Rochester and Mankato, one that also unites the counties along the Mississippi River into a single district. In the north, the Sachs Plaintiffs' proposed Eighth Congressional District preserves its traditional Iron Range character while adjusting its southern boundary to both achieve population equality and recognize the growing connections between the district's southern residents and the northern reaches of the Twin Cities metropolitan area.

With respect to the Twin Cities, the Sachs congressional plan maintains the longstanding practice of placing Minneapolis and Saint Paul in separate districts. It achieves population equality and best serves communities of interest by connecting

Minneapolis to the expanding suburban community along its northern transportation corridor. Saint Paul, in turn, is connected to Washington County to its east, ensuring that that county is no longer split between three districts. The Second Congressional District in the southeast metro area is modified to reflect its increasingly suburban character; Wabasha and Goodhue Counties join the other Mississippi River counties in the First Congressional District, while suburban Dakota County remains the anchor of the Second Congressional District and is connected with similar suburban communities in southern Washington and Hennepin Counties. The Third Congressional District remains rooted in Hennepin County and the western Minneapolis suburbs, while the Sixth Congressional District takes on a more compact shape that connects communities to the west and southwest of the Twin Cities.

The Sachs congressional plan accomplishes these objectives while creating convenient, contiguous districts that keep intact nearly all of Minnesota’s counties, cities, and towns. The Sachs Plaintiffs respectfully submit that their congressional plan complies with the principles adopted by the Panel to guide redistricting during this cycle and will ensure fair and effective representation for all Minnesotans.

APPLICATION OF REDISTRICTING PRINCIPLES

The Sachs congressional plan complies with each of the eight congressional-focused principles adopted by the Panel. *See* Order 5–8.¹

¹ The Sachs congressional plan also reflects the Panel’s preliminary requirements: it was prepared using the 2020 Census Redistricting Data (Public Law 94-171) Summary File for Minnesota and Maptitude for Redistricting, contains “a single representative for each

I. Equal Population

To afford each person equal representation, the congressional districts must be as nearly equal in population as is practicable. *Wesberry v. Sanders*, 376 U.S. 1, 7–8 (1964); *see* U.S. Const. art. I, § 2. Because a court-ordered redistricting plan must conform to a higher standard of population equality than a legislative redistricting plan, the goal is absolute population equality. *See Abrams v. Johnson*, 521 U.S. 74, 98 (1997). Minnesota’s total population is not divisible into eight congressional districts of equal population, making the ideal result six districts of 713,312 people and two districts of 713,311 people.

The Sachs congressional plan satisfies this principle. *See* Population Summary Report. “The total resident population of the State of Minnesota after the 2020 Census is 5,706,494 people,” and thus the ideal population for each of its eight congressional districts is 713,312. Order 4. The populations of the eight districts in the Sachs congressional plan conforms to this ideal as closely as is practicable:

District	Ideal Size	Actual Size	Deviation
1	713,312	713,312	0
2	713,312	713,311	–1
3	713,312	713,311	–1
4	713,312	713,313	+1
5	713,312	713,311	–1
6	713,312	713,311	–1
7	713,312	713,312	0
8	713,312	713,313	+1

congressional district,” and is numbered “begin[ning] with District 1 in the southeast corner of the state and end[ing] with District 8 in the northeast corner of the state.” Order 2–5.

The total deviation of only two persons is de minimis and readily satisfies constitutional requirements.

II. Minority Voting Rights

Districts must 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. U.S. Const. amends. XIV, XV; Voting Rights Act of 1965, 52 U.S.C. § 10301(a) (2018). Districts shall be drawn to protect the equal opportunity of racial, ethnic, and language minorities to participate in the political process and elect candidates of their choice, whether alone or in alliance with others. 52 U.S.C. § 10301(b) (2018).

The Sachs congressional plan satisfies this principle. *See* Minority Voting-Age Population Report; District Statistics Report. It was not drawn with either the purpose or effect of denying or abridging minority voting rights and otherwise complies with the Fourteenth and Fifteenth Amendments to the U.S. Constitution and the Voting Rights Act of 1965.

Moreover, the Sachs congressional plan ensures that Minnesota’s growing minority communities will be able to make their voices heard and effectively engage in the political process over the coming decade. As was noted in written testimony, Minnesota’s white population *decreased* over the past ten years, while the state’s minority populations have increased. *See* Written Public Comments in A21-0243 (“Written Comments”) 234–38 (testimony of S. Sen);² *see also* *Hispanic or Latino, and Not Hispanic or Latino by Race*,

² For citations to the written comments submitted to the Panel, the Sachs Plaintiffs employ the page numbering of the 247-page PDF file, rather than individual comments’ internal paginations.

U.S. Census Bureau, https://data.census.gov/cedsci/table?g=0400000US27_0USfalse&tid=DECENNIALPL2020.P2 (last visited Dec. 7, 2021).³

Race	2020 Population	Percentage of Population	Change from 2010 to 2020 (Persons)	Change from 2010 to 2020 (Percentage)
Total	5,706,494	100%	+402,569	+7.6%
White Alone	4,353,880	76.3%	-51,262	-1.2%
Black or African American Alone	392,850	6.9%	+123,709	+46.0%
American Indian and Alaska Native Alone	57,046	1.0%	+1,625	+2.9%
Asian Alone	297,460	5.2%	+84,464	+39.7%
Native Hawaiian and Other Pacific Islander Alone	2,621	0.0%	+761	+40.9%
Some Other Race Alone	20,963	0.4%	+15,016	+252.5%
Two or More Races	236,034	4.1%	+132,874	+128.8%
Hispanic or Latino (Any Race)	345,640	6.1%	+95,382	+38.1%

These increases in the state’s minority communities constitute the principal reason that Minnesota was able to retain its eight congressional districts.

There is no reason to believe that these trends will cease or decelerate in the next ten years. But because Minnesota remains a heavily white state, carelessly drawn districts

³ This data was generated by searching for the table “Hispanic or Latino, and Not Hispanic or Latino by Race,” and filtering for Minnesota. The table includes demographic information from both the 2020 and 2010 Public Law 94-171 data.

could easily dilute the influence of minority communities, particularly in the Twin Cities and their first- and second-tier suburbs, where minority populations continue to grow. *See, e.g.,* Saint Paul Public Hearing Tr. (“Saint Paul Tr.”) 9:5–13:7 (testimony of T. Thao) (describing Twin Cities metropolitan area’s Asian community); Written Comments 90 (testimony of K. Doan) (same); *see also* Dave Orrick, *Minorities Are Now the Majority in St. Paul, Census Shows*, St. Paul Pioneer Press (Aug. 12, 2021), <https://www.twincities.com/2021/08/12/minorities-are-now-the-majority-in-st-paul-census-shows> (reporting that “[f]or the first time since before European settlers arrived, Minnesota’s capital city is once again majority non-white”). To avoid the unwanted result of minority vote dilution, and to vindicate the redistricting principle adopted by the Panel, the Sachs congressional plan contains several minority influence districts “in which a minority group can influence the outcome of an election even if its preferred candidate cannot be elected.” *Bartlett v. Strickland*, 556 U.S. 1, 13 (2009) (plurality op.).

- The Sachs Plaintiffs’ proposed Second Congressional District, which covers Dakota County and the southeast metro areas in Hennepin and Washington Counties, has a total minority population of approximately 28 percent and a minority voting-age population of approximately 24 percent.
- Their proposed Third Congressional District, which includes the western Minneapolis suburbs, has a total minority population of approximately 26 percent and a minority voting-age population of approximately 22 percent.
- Their proposed Fourth Congressional District, which contains Saint Paul and connected communities in Anoka and Washington Counties, has a total minority population of approximately 36 percent and a minority voting-age population of approximately 31 percent.
- Their proposed Fifth Congressional District, which includes the core of Minneapolis and some of its northern suburbs, has a total minority population

of approximately 41 percent and a minority voting-age population of approximately 35 percent.

These proposed districts recognize that rapidly growing minority communities should be afforded the opportunity to influence their respective districts and ensure that their voices are heard—and their interests are served—in Congress.

III. American Indian Reservations

The reservation lands of a federally recognized American Indian tribe will be preserved and must not be divided more than necessary to meet constitutional requirements. *See Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 788 (2014) (discussing sovereignty of recognized American Indian tribes). Placing discontinuous portions of reservation lands in separate districts does not constitute a division.

The Sachs congressional plan satisfies this principle. *See* Indian Reservation by County and by District Report. No contiguous portions of reservation lands are divided between districts. The only reported split occurs for the Minnesota Chippewa Tribe, which is the result of discontinuity of reservation borders and affects only a single person.

IV. Convenience and Contiguity

Districts must consist of convenient, contiguous territory. Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2 (2020). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Districts with areas that connect only at a single point will not be considered contiguous.

The Sachs congressional plan satisfies this principle. *See* Contiguity Report. Each of the eight districts is contiguous and conveniently structured. And as evidenced by the infrequency of subdivision splits, *see* Part V *infra*, the proposed district boundaries follow existing political boundaries as well as practical natural boundaries.

V. Political Subdivisions

Political subdivisions must not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; *see also Karcher v. Daggett*, 462 U.S. 725, 740–41 (1983); *Reynolds [v. Sims]*, 377 U.S. 533, 580–81 (1964)].

The Sachs congressional plan satisfies this principle. *See* Political Subdivision Splits Between Districts Report; Plan Components (Short) Report. It preserves intact 76 of Minnesota’s 87 counties, dividing only Anoka, Beltrami, Carver, Cass, Hennepin, Hubbard, Ramsey, Rice, Stearns, Washington, and Watonwan Counties. It further preserves intact 2,728 of 2,741 cities and towns, dividing only Anoka, Circle Pines, Victoria, Walden Township, Brooklyn Park, Farden Township, Hart Lake Township, Lakeport Township, Steamboat River Township, Northfield, Northfield Township, Munson Township, and Nelson Township. This is similar to the *Hippert* panel’s congressional map, which divided nine counties and seven county subdivisions. *See Hippert v. Ritchie*, No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Plan, Appendix E).

As a general matter, the Sachs congressional plan breaks districts at county boundaries wherever feasible. But it is not always possible to meet the constitutional mandates of drawing convenient, contiguous districts that are equal in population without splitting at least a few political subdivisions at both the county and local levels.

Keeping political subdivisions intact is relatively practicable in Greater Minnesota, where county governments serve as one of the primary organizers of communities and deliverers of services. The Sachs Plaintiffs therefore attempt to limit the subdivision splits

in this region. Their plan splits Beltrami, Cass, and Hubbard Counties to achieve population equality between the Seventh and Eighth Congressional Districts and to preserve an American Indian reservation; splits Rice County to achieve population equality between the First and Second Congressional Districts; splits Stearns County to achieve population equality between the Sixth and Seventh Congressional Districts;⁴ and splits Watonwan County to achieve population equality between the First and Seventh Congressional Districts. The cities and towns divided in these counties are similarly necessary to ensure population equality.

In the more densely populated metropolitan areas of the state, by contrast, districts of equal population cannot be drawn unless some counties and cities are split. But consistent with the redistricting principles adopted by the Panel, the Sachs congressional plan improves upon the *Hippert* panel’s subdivision splits in these metro areas, reflecting population growth, regional trends, and the sentiments expressed during the public hearings. Of particular note, the Sachs Plaintiffs strove to ensure that Washington County is divided among only two districts, not three. *See* Woodbury Public Hearing Tr. (“Woodbury Tr.”) 17:24–18:5 (testimony of J. Recla) (“Washington County is currently split between three congressional districts—the second, fourth, and sixth—and reducing

⁴ This particular split, incidentally, is consistent with the plans adopted by previous panels. *See Hippert*, No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Redistricting Plan at 14) (“The panel also alters the preexisting split of Stearns County to achieve population equality, but the split continues to respect the differences between the rural, western part of the county (which the panel places within the seventh congressional district) and the eastern part of the county, which includes Saint Cloud and its surrounding communities of interest.”).

that to two would further enhance the voice of the county residents.”); *id.* at 22:12–19 (testimony of C. Beere) (similar). The Sachs Plaintiffs were also able to avoid splitting Edina, which in their proposed plan is contained entirely in the Third Congressional District. *See* Shakopee Public Hearing Tr. (“Shakopee Tr.”) 40:9–14 (testimony of D. Shonagon) (“I believe the redistricting rule of a district being contiguous should apply to CD-3 in that Edina should be pulled as a whole city into CD-3 instead of being split across two congressional districts as it is now.”); Zoom Public Hearing Tr. (“Zoom Tr.”) 67:15–20 (testimony of D. Clynes) (“I would suggest that it’s better if [my fellow Edina residents and I] were all in one CD, hopefully all in CD-3.”). And to the degree that city and county splits are unavoidable, the Sachs Plaintiffs attempted to make divisions where otherwise desirable. For example, although Carver County is split between the Third and Sixth Congressional Districts for population purposes, the line ensures that western Carver County is united with Scott County, as requested during the public hearings. *See* Shakopee Tr. 33:3–39:3 (testimony of C. Thom) (describing “the interconnectedness of central and western Carver County and Scott County”).

The remaining city and county splits in the Twin Cities metropolitan area are necessary to achieve population equality.

VI. Communities of Interest

Communities of people with shared interests will be preserved whenever possible to do so in compliance with the preceding principles. *See Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 272 (2015) (describing respect for “communities defined by actual shared interests” as a traditional redistricting principle (quotation omitted)); *see also Hippert*, No. A11-0152 (Minn. Special Redistricting Panel Nov. 4, 2011) (Order

Stating Redistricting Principles and Requirements for Plan Submissions); *Zachman*[v. *Kiffmeyer*], No. C0-01-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions). For purposes of this principle, “communities of interest” include, but are not limited to, groups of Minnesotans with clearly recognizable similarities of social, geographic, cultural, ethnic, economic, occupational, trade, transportation, or other interests. Additional communities of interest will be considered if persuasively established and if consideration thereof would not violate the preceding principles or applicable law.

The Sachs congressional plan satisfies this principle. Given the continued evolution of mapping tools and redistricting software, it is now possible to create any number of different configurations of congressional districts that meet the principles of achieving population equality; creating districts of convenient, contiguous territory; and minimizing splits of political subdivisions. The defining question is not *whether* these goals can be met, but *how* they will be met. And this question is best answered, as the Panel’s principle recognizes, by drawing a congressional map that creates eight districts that will effectively serve the communities that fall within them.

In applying the Panel’s other redistricting principles, the Sachs congressional plan creates districts that represent natural and well-defined communities of interest that share common social, geographic, political, cultural, ethnic, and economic interests.⁵ Given

⁵ The Panel’s plan submission requirements specified that

[a]ny party asserting that its plan preserves a community of interest must also include [a] Maptitude report . . . identifying any community of interest included as a layer in the plan, the census blocks within the community of

Minnesota’s unique topographic features—its lakes, rivers, forests, prairies, and distinctive regions—the state’s transportation corridors often serve as an important means of creating and unifying communities of interest. The Sachs Plaintiffs therefore took care to create districts that are readily traversable and naturally formed.

The Sachs congressional plan uses the existing congressional map as a starting point. As described above, the current districts were crafted by the *Hippert* panel after an exhaustive process that featured considerable public testimony. It therefore makes sense to begin the redistricting process with the enacted map. The Sachs congressional plan then modifies the existing districts as necessary to achieve population equality, respond to public testimony, and address features of the existing districts that have not worked or no longer make sense in light of demographic, economic, or other developments.

interest, and the district or districts to which the community of interest has been assigned.

Order 11. The Sachs Plaintiffs have not made any specific line-drawing decisions for the purpose of preserving communities of interest at the expense of the Panel’s other enumerated redistricting criteria. Nor did they draw the specific contours of particular districts to unite communities of interest that would otherwise be split by district boundaries. Moreover, many of the communities that are nonetheless preserved in their proposed congressional districts—for example, the community of faculty, students, and workers linked to Carleton College and St. Olaf College in the Second Congressional District, or the Minnesotans who rely on the Seventh Congressional District’s Highway 71—do not lend themselves to straightforward quantitative definition or assessment. Accordingly, the Sachs Plaintiffs have relied on narrative descriptions of the communities of interests preserved in their congressional map. But they are prepared to provide any additional information required by the Panel as part of its analysis of such communities.

A. First Congressional District

The Sachs Plaintiffs' proposed First Congressional District creates a more compact district centered on the regional hubs of Rochester and Mankato, distinguishing these areas from the more agricultural southwest corner of the state. This reconfiguration will prevent the rural southwest from being overshadowed in a district whose population center of gravity is increasingly moving to the east.

Since early statehood, the southern part of Minnesota was separated into southwestern and southeastern districts. *See, e.g.,* Rochester Public Hearing Tr. (“Rochester Tr.”) 35:16–22 (testimony of M. Jones) (“[O]nly since 2002 . . . has the first district spanned the entire southern border of Minnesota. It’s always otherwise only been in the southeastern portion of Minnesota, and it has not represented the counties of Goodhue and Wabasha Counties along the Mississippi River, except in the past, since 2002.”). Twenty years ago, the 2001 special redistricting panel (the “*Zachman* panel”)—after acknowledging that “[u]nder any five-three plan, having one district that crossed Minnesota from border to border was inevitable”—chose to depart from this historic configuration in large part because a “community of interest [] naturally arises along a highway such as Interstate 90.” No. C0-01-160 (Minn. Special Redistricting Panel Mar. 19, 2002) (Final Order Adopting a Congressional Redistricting Plan at 5–6). The *Hippert* panel followed suit, “[c]onsistent with [its] least-change approach.” No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Redistricting Plan at 18).

For reasons of population equality and shared interests in western Minnesota, *see* Part VI.G *infra*, and given the growing and palpable dissimilarities of the southwest and southeast, as addressed below, the Sachs Plaintiffs submit that it is necessary to restore southern Minnesota to its traditional district structure. Public testimony confirmed the growing distinctions between southwestern and southeastern Minnesota: the southwestern corner of the state is agricultural and losing population, while the southeast is growing and increasingly centered around health care, research, and manufacturing.⁶

Moreover, public testimony demonstrates that the Sachs Plaintiffs’ proposal for a more compact, southeast-anchored First Congressional District will unite similar communities in the region. *See* Rochester Tr. 13:16–14:17 (testimony of T. O’Donnell-Ebner) (encouraging Panel to “look for areas of density that would enable CD-1 population to be increased without greatly increasing the footprint” and noting that “drawing boundaries that would include more communities along the southeast Minnesota, along the Mississippi River,” would “better represent that unique community of interest”). In particular, the new district would unify counties along the Mississippi River in the

⁶ The distinctions between southwestern and southeastern Minnesota are further confirmed by the structures of government services. *See* Woodbury Tr. 14:7–11 (testimony of J. Willette) (urging that Panel “keep[] those communities of interest together where they have a common shared experience with their relationship to government and government services”). The Minnesota Department of Transportation, for example, is divided into eight regional areas; District 6 serves southeast Minnesota while District 7 covers the southwest. *See MnDOT Districts*, Minn. Dep’t of Transp., <http://www.dot.state.mn.us/information/districts.html> (last visited Dec. 7, 2021). The Minnesota Pollution Control Agency is similarly organized into a Southeast Region (headquartered in Mankato and Rochester) and a Southwest Region (headquartered in Marshall). *See Contact Us*, Minn. Pollution Control Agency, <https://www.pca.state.mn.us/about-mpca/contact-us> (last visited Dec. 7, 2021).

southeast, thus vindicating a repeated refrain from the public hearings. *See, e.g.*, Rochester Tr. 29:19–32:4 (testimony of G. Julius) (describing “cultural and economic reasons to consider Wabasha, Goodhue, and Olmsted County as communities of interest”); *id.* at 32:11–34:17 (testimony of C. Everett) (explaining why “the first district is a much better fit for Goodhue County than the current district of the second” and noting in particular “stark contrast” between populations of Goodhue and Dakota Counties); *id.* at 35:23–36:2 (testimony of M. Jones) (“We who live in Olmsted County have more in common . . . with the residents of Goodhue and Wabasha Counties than residents of the southwestern counties in the current CD-1.”); Written Comments 94 (testimony of B. Roberson) (“Wabasha County is a predominantly rural county that really belongs in the 1st Congressional district rather than the 2nd.”); *id.* at 205 (testimony of K. Alkire) (“[R]euniting Lake City (and by extension Wabasha and Goodhue Counties) with the rest of a Southern-MN centered 1st Congressional district would be the best outcome for Lake City.”); *id.* at 209 (testimony of J. & N. Davidson) (urging that First Congressional District add Goodhue and Wabasha Counties to remedy population decrease rather than counties in southwest corner of state).

The district would also unite Rochester with neighboring counties and communities that rely on the city for employment. *See* Rochester Tr. 17:7–20 (testimony of C. DeVries) (“Rochester and Olmsted County are employment centers for Fillmore and all surrounding counties.”); Written Comments 205 (testimony of K. Alkire) (“The past twenty years have deepened the strong economic connections between Lake City and Rochester. Many Lake City residents commute to work in Rochester.”).

B. Second Congressional District

The Sachs Plaintiffs' proposed Second Congressional District is anchored in the southern suburbs of the Twin Cities, which have seen considerable growth and have continued to distinguish themselves from the more exurban and rural areas of southeastern Minnesota. *See* Rochester Tr. 32:11–34:17 (testimony of C. Everett) (describing growing distinctions between suburban Dakota County and exurban Goodhue County).

The *Hippert* panel found it necessary to split Washington County into three different districts. The Sachs Plaintiffs avoid that and ensure that Woodbury, St. Paul Park, and Cottage Grove are preserved in a district that shares similar interests, separate from the Saint Paul-anchored Fourth Congressional District. *See* Woodbury Tr. 16:25–19:3 (testimony of J. Recla) (“[I]t would make much more sense for Woodbury and all of south Washington County to be in the second district along with our towns rather than the neighboring districts of the fourth and sixth district.”); *id.* at 19:10–22:3 (testimony of K. Carlson) (“[W]e believe that south Washington County and Dakota County should be [in] the Second Congressional District. . . . I also hope that south Washington County is not paired with the St. Paul-based districts as the distance and the culture between St. Paul and its outer suburbs do not constitute a community of interest, in my mind.”); *id.* at 22:7–24:5 (testimony of C. Beere) (“A large portion of Woodbury already shares public education with the second district; in turn, families are spending time in the community together, sharing common values.”); Written Comments 230 (testimony of P. O’Gorman) (“I feel strongly that my part of Washington County should remain in the 2nd Congressional district and that more of Washington County be added to the district if possible.”).

Similarly, suburban communities in the southeast metro area—including Bloomington, Richfield, Eagan, and Burnsville—are united in the proposed district, as many Minnesotans advocated during the public hearings. *See* Woodbury Tr. 15:11–16:21 (testimony of J. Johnson) (“Eagan, Burnsville, and Bloomington are really a single community for many Twin Cities commuters with many of the same day-to-day concerns.”); *id.* at 45:2–46:22 (testimony of J. Hanks) (“[I]t will be a natural fit for our community if Richfield were part of the Second Congressional District rather than the third or the fifth.”); Minneapolis Public Hearing Tr. (“Minneapolis Tr.”) 20:9–21:19 (testimony of M. Collins) (noting that Bloomington is linked to Second Congressional District by transportation routes and shared issues with Eagan, Burnsville, and Mendota Heights); Saint Paul Tr. 19:8–22:13 (testimony of J. Blerlein) (explaining that “Bloomington, Eagan, Burnsville and other southern suburbs together form community of interest across multiple dimensions and would be best served by being included together in a congressional district” and that Mississippi River is “a thread that connects and joins all of these south metro communities” and should not serve as “an unnatural divider”); Written Comments 87 (testimony of J. Nicolai) (“Much of our lives take place in the south metro area regardless of whether it is Eagan or Bloomington.”). And although Northfield is divided in the proposed district for population reasons, Carleton College and St. Olaf College remain united with interconnected communities in the south metro area. *See* Written Comments 14 (testimony of M. Fitzgerald) (“Many of my colleagues and fellow faculty members are based in the greater metro area and travel on highway 35 from the south metro every day to teach and provide essential services.”).

Ultimately, in complying with the Panel’s other redistricting criteria, the Sachs congressional plan accomplishes what many Minnesotans urged: a map that unites, rather than splits, the southeast metro area. *See, e.g.,* Zoom Tr. 48:11–50:17 (testimony of L. Noah) (“As an Eagan resident, I would like to see the new Second Congressional District be a south suburban district. . . . I hope this panel will draw Bloomington into the new Second Congressional District. The south suburbs are a community of mutual interests and deserve fair representation.”); Written Comments 169 (testimony of L. Oi) (“[I]t would also simplify things if more of the south metro area were also in the 2nd, especially cities and towns right across the bridge.”); *id.* at 229 (testimony of K Meyer) (“Keeping as much of the south metro area in a single Congressional district should be an important goal.”).

C. Third Congressional District

The Sachs Plaintiffs’ proposed Third Congressional District is largely consistent with the enacted district, consisting primarily of greater Hennepin County. *See Hippert*, No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Redistricting Plan at 17). As before, the district includes municipalities in eastern Carver County, a division justified by local government structure and “the public input that the residents of northeastern Carver County share common issues and interests with the residents of other west metropolitan suburbs.” *Id.* Consistent with the wishes expressed by Edina’s residents during the public hearings, the district also keeps that city whole and avoids the split in the enacted map. *See Shakopee* Tr. 40:9–14 (testimony of D. Shonagon) (“I believe the redistricting rule of a district being contiguous should apply to CD-3 in that Edina should be pulled as a whole city into CD-3 instead of being split across

two congressional districts as it is now.”); Zoom Tr. 67:15–20 (testimony of D. Clynes) (“I would suggest that it’s better if [my fellow Edina residents and I] were all in one CD, hopefully all in CD-3.”). Further, the Latinx population in Osseo is kept intact. See Waite Park Public Hearing Tr. (“Waite Park Tr.”) 10:3–11:24 (testimony of B. Sanchez) (describing needs of Osseo’s Latinx community).

D. Fourth Congressional District

The Sachs Plaintiffs’ proposed Fourth Congressional District—like their Fifth Congressional District—maintains the historic divide between the distinct communities of Saint Paul and Minneapolis. See *Hippert*, No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Redistricting Plan at 15–16) (noting that “Minneapolis and Saint Paul have been in separate congressional districts since 1891”).

Among other features, the proposed district ensures that the eccentrically shaped city of Maplewood remains preserved in a single district. See Woodbury Tr. 51:10–52:13 (testimony of B. Cardinal) (noting Maplewood’s unusual shape and urging that Panel “try to keep the communities in one district and not cut it up into several different districts”). Woodbury and Cottage Grove are also united in a single district, which is consistent with both public comments, see Written Comments 103 (testimony of Y. Wolfson) (describing “strong social connections” between Woodbury and Cottage Grove), and the *Hippert* panel’s decision to expand the Fourth Congressional District east into Washington County, see No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting

a Congressional Redistricting Plan at 16). Expanding the district in this manner also helps avoid another split of Washington County, as occurs in the enacted plan.

E. Fifth Congressional District

The Sachs Plaintiffs’ proposed Fifth Congressional District is anchored in Minneapolis, thus ensuring that the needs of the city’s urban voters will not be diluted by more exurban and rural concerns—and vice versa. *See* Minneapolis Tr. 15:1–7 (testimony of B.R. Lee) (noting differing needs and priorities of urban and rural communities). Keeping Minneapolis as intact as possible preserves the city’s minority communities—for example, the Cedar-Riverside neighborhood, which “is a home to over 8,000 Muslim community members and is one of the most densely populated neighborhoods in all of Minnesota” but “has been traditionally left out of many aspects of the political process.” *Id.* at 22:1–24:17 (testimony of W. Dirie); *see also* Written Comments 77 (testimony of S. Brown) (describing Cedar-Riverside’s minority communities).

F. Sixth Congressional District

The existing Sixth Congressional District lies at the interstice of six of the other seven districts, stretching from St. Cloud to the Wisconsin border. The Sachs Plaintiffs’ proposed Sixth Congressional District takes on a more compact shape that unites Scott County with western Carver County, forming an exurban community of interest. *See* Shakopee Tr. 33:3–39:3 (testimony of C. Thom) (describing “the interconnectedness of central and western Carver County and Scott County” and recommending that these areas be placed in exurban Sixth Congressional District); Zoom Tr. 31:8–33:24 (testimony of L.

Hacklander) (“I believe western Carver County and Scott County should be drawn together in the Sixth Congressional District.”).

St. Cloud—including its minority communities—are preserved in a single district and kept separated from the distinct communities of northeastern Minnesota and the Iron Range. *See* Waite Park Tr. 24:10–26:25 (testimony of L. Kotschubar) (describing diversity of St. Cloud Area School District 742); Written Comments 68 (testimony of D. Bublitz) (urging that St. Cloud be placed in Sixth Congressional District due to its urban character); *id.* at 78–79 (testimony of R. Carr) (same); *id.* at 16 (testimony of D. Taylor) (noting that “Duluth and St. Cloud are the center cities for very different parts of the State”). The Sachs Plaintiffs’ reconfiguration also removes Washington County from the Sixth Congressional District, as urged during the public hearings. *See* Woodbury Tr. 30:12–31:23 (testimony of C. Johnson) (describing distinctions between Washington County and Sixth Congressional District communities like Sherburne County and St. Cloud).

G. Seventh Congressional District

The Sachs Plaintiffs’ proposed Seventh and Eighth Congressional Districts preserve the well-established divide between northwestern and northeastern Minnesota.

The northwestern and northeastern regions of Minnesota have each elected their own congressional representative for more than a century. The two regions are distinct, separated by, among other things, different economic drivers, different community interests, different government services, and poor transportation links. As the *Zachman* panel noted, “there are some natural divisions within the state; for example, northwestern Minnesota and the Red River Valley have interests separate from northeastern Minnesota’s

interests in its forests, the Iron Range, and Lake Superior.” No. C0-01-160 (Minn. Special Redistricting Panel Mar. 19, 2002) (Final Order Adopting a Congressional Redistricting Plan at 9).

As the Panel heard at the public hearings, the interests of northwestern and northeastern Minnesota remain as distinct today as they were 20 years ago. *See, e.g.*, Duluth Tr. 8:25–13:14 (testimony of M. Bond) (describing distinctions between agricultural areas to west of Koochiching County and Iron Range region to south and southeast); Duluth Tr. 22:4–18 (testimony of D. Taylor) (describing differing economies of northwestern and northeastern Minnesota). The Iron Range and northeastern Minnesota work together and share one set of economic interests in forestry, mining, shipping, health care and tourism, whereas the Red River Valley and northwestern Minnesota center on agricultural interests and related concerns. In addition, the two regions have different centers of gravity: Moorhead in the northwest and Duluth in the northeast.⁷

The Sachs Plaintiffs’ proposed Seventh Congressional District reflects this historic divide between northwestern and northeastern Minnesota, stretching south to the state’s additional key agricultural regions. *See Hippert*, No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Redistricting Plan at 12–13) (extending Seventh Congressional District southward in part because this area “share[s]

⁷ The distinctions between northwestern and northeastern Minnesota are also confirmed by the structures of government services. For the Minnesota Department of Transportation, District 1 serves northeastern Minnesota while District 2 covers the northwest. *See MnDOT Districts*, *supra* note 6. The Minnesota Pollution Control Agency is similarly organized into a Northeast Region (headquartered in Duluth) and a Northwest Region (headquartered in Detroit Lakes). *See Contact Us*, *supra* note 6.

the agricultural interests that largely define the balance of the seventh congressional district”). Notably, as public testimony demonstrated, the agricultural and rural areas in southwestern Minnesota are distinct in terms of tourism and industry from—and thus have different interests than—the other areas in the southern part of the state that are situated in the Sachs Plaintiffs’ proposed First Congressional District. *See* Worthington Public Hearing Tr. (“Worthington Tr.”) 30:5–24 (describing unique concerns of Rushmore and other rural communities, including infrastructure issues and lack of reliable broadband service); Rochester Tr. 19:8–22:20 (testimony of J. Fryer) (“We do not feel that the western counties in our district; specifically, Rock, Nobles, Martin, Jackson, Watonwan, and Cottonwood, are similar enough to us in tourism interest to make them part of our alignment.”); *id.* at 27:17–29:14 (testimony of J. Dean) (describing diverse industries and interests in southeastern Minnesota). And the district also avoids the current split of Cottonwood County, which shares common interests with towns along the border and should be fully included in the Seventh Congressional District. *See, e.g.,* Worthington Tr. 23:7–25:13 (testimony of D. Cassel) (“[R]ight now [Cottonwood C]ounty is divided between the two districts. . . . I would like to see my county be in the Seventh District because I believe that we have common interests with all of these towns, small towns, up and down our border here.”).

Lastly, because Hubbard and Wadena Counties are now included in the Sachs Plaintiffs’ proposed Seventh Congressional District, Highway 71 would run uninterrupted through central and northern Minnesota. *See* Written Comments 186 (testimony of D. Sturrock) (observing that enacted congressional plan “assigns portions of U.S. 71 in

northern and central Minnesota to the 7th District while placing two intervening corridor counties in the 8th District, thereby creating a separation of 75 miles”).⁸

H. Eighth Congressional District

Like the Seventh Congressional District, the Sachs Plaintiffs’ proposed Eighth Congressional District reflects the historic divide between northwestern and northeastern Minnesota. *See, e.g.*, Duluth Tr. 8:25–13:14 (testimony of M. Bond) (describing distinctions between agricultural areas to west of Koochiching County and Iron Range region to south and southeast); Duluth Tr. 22:4–18 (testimony of D. Taylor) (opposing “a congressional district across the whole northern part of the state” because it would not “recognize how different the economies are in those areas”); *see also Hippert*, No. A11-152 (Minn. Special Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Redistricting Plan at 11) (describing “the communities of interest that have developed around the mining, timber, and tourism industries of northeastern Minnesota”).

The enacted district is currently underpopulated; it must move either somewhat west (thereby disturbing the longstanding northeastern/northwestern divide) or—as the *Hippert* panel did—pick up more population in the northern Twin Cities metropolitan area. The

⁸ Highway 71 is just one example of a major roadway that connects communities in the Sachs Plaintiffs’ proposed Seventh Congressional District. Although the *Zachman* panel expressed concerns about the traversability of a district that stretches from Canada to Iowa along Minnesota’s western border, *see* No. C0-01-160 (Minn. Special Redistricting Panel Mar. 19, 2002) (Final Order Adopting a Congressional Redistricting Plan at 6), the Sachs Plaintiffs observe that the length of their proposed district is served by highways: Highway 75 runs the entire way from Iowa to Canada, as does Highway 59; Highway 23 runs from the southwest corner of the state to Willmar, where it connects with Highway 71 and Highway 12 heading west; at Sauk Center, Highway 71 connects with I-94; and, at Wadena, it connects with Highway 10 running to Moorhead.

Sachs Plaintiffs follow the *Hippert* panel’s lead, extending the district into Anoka County. This new configuration reflects the connections and transportation patterns between northeastern Minnesota and the Twin Cities metropolitan area—including in particular I-35, which links Duluth to the Twin Cities.

VII. Compactness

As a factor subordinate to all other redistricting principles, districts should be reasonably compact. *See Miller v. Johnson*, 515 U.S. 900, 916 (1995); *Brown v. Thomson*, 462 U.S. 835, 842 (1983).

The Sachs congressional plan satisfies this principle. *See* Measures of Compactness Report. As requested by the Panel, the Sachs Plaintiffs have reported the results of the Polsby-Popper, Area/Convex Hull, Reock, Population Polygon, and Population Circle measures of compactness for each district. *See* Order 11.⁹ These results demonstrate that, along these metrics, the Sachs congressional plan is more compact than the congressional plan adopted by the *Hippert* panel ten years ago. *See* No. A11-152 (Minn. Special

⁹ The Polsby-Popper test compares the ratio of a district’s area with the area of a circle sharing the same perimeter. The Area/Convex Hull test measures the ratio of a district’s area to the area of the minimum convex shape that completely contains the district. The Reock test also compares each district to an ideal circle and computes the ratio of the area of the district to the minimum area of a circle sufficiently large to encompass the district. The Population Polygon test computes the ratio of a district’s population to the population of the minimum convex polygon that completely contains the district. And the Population Circle test computes the ratio of the district population to the approximate population of the minimum enclosing circle of the district. The numerical result of each test falls between zero and one, with one being the most compact.

Redistricting Panel Feb. 21, 2012) (Final Order Adopting a Congressional Plan, Appendix D).¹⁰

- The Sachs congressional plan has a mean Polsby-Popper rating of 0.35, more compact than the *Hippert* congressional plan's mean rating of 0.33.
- The Sachs congressional plan's mean Reock rating of 0.44 improves on the *Hippert* congressional plan's mean rating of 0.41.
- The Sachs congressional plan's mean Population Polygon rating of 0.77 is more compact than the *Hippert* congressional plan's mean rating of 0.71.
- The Sachs congressional plan has a mean Population Circle rating of 0.38, an improvement on the *Hippert* congressional plan's mean rating of 0.36.

These comparisons indicate that the Sachs congressional plan satisfies the compactness principle.

VIII. Effects on Incumbents, Candidates, and Political Parties

Districts must not be drawn with the purpose of protecting, promoting, or defeating any incumbent, candidate, or political party. The panel will not draw districts based on the residence of incumbent officeholders and will not consider past election results when drawing districts.

The Sachs congressional plan satisfies this principle. It was drawn to comply with the neutral redistricting principles adopted by the Panel: population equality; protection of minority voting rights; preservation of American Indian reservations and political subdivisions; creation of convenient, contiguous districts; preservation of communities of interest; and compactness. That the Sachs congressional plan satisfies each of the Panel's

¹⁰ The *Hippert* panel did not report the Area/Convex Hull rating for its congressional plan.

other principles demonstrates that it was not drawn with the purpose of protecting, promoting, or defeating any incumbent, candidate, or political party.

CONCLUSION

For the foregoing reasons, the Sachs Plaintiffs respectfully request that the Panel adopt their proposed congressional redistricting plan.

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