

**FILED**

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STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL

December 7, 2021

OFFICE OF  
APPELLATE COURTS

A21-0243

A21-0546

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Peter S. Wattson, Joseph Mansky, Nancy  
B. Greenwood, Mary E. Kupper, Douglas  
W. Backstrom and James E. Hougas III,  
individually and on behalf of all citizens  
and voting residents of Minnesota  
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

**AFFIDAVIT OF PETER S.  
WATTSON IN SUPPORT OF THE  
WATTSON PLAINTIFFS'  
CONGRESSIONAL  
AND LEGISLATIVE  
REDISTRICTING PLANS**

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,

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

VS.

Defendant.

Peter S. Wattson, being first duly sworn, deposes and states as follows:

2. Attached as **Exhibit A** to this Affidavit are true and correct copies of the following maps:

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1)

B. An 11-County Metro Map of the Wattson Plaintiffs' Congressional Plan  
(**Exhibit A-2**)

C. A Statewide and Metro-Area map of the Wattson Plaintiffs' Congressional  
Plan (**Exhibit A-3**)

3. Attached as **Exhibit B** to this Affidavit are true and correct copies of the  
following maps:

D. A Statewide Map of the Wattson Plaintiffs' Legislative Plan (**Exhibit B-1**)

E. An 11 County Metro Map of the Wattson Plaintiffs' Legislative Plan  
(**Exhibit B-2**)

F. A map of the cities of Moorhead, Duluth, St. Cloud, Mankato, and Rochester  
for the Wattson Plaintiffs' Legislative Plan (**Exhibit B-3**)

G. An Inner Metro Map of the Wattson Plaintiffs' Legislative Plan (**Exhibit B-4**)

4. I personally prepared the maps attached as **Exhibits A and B** using Maptitude for Redistricting 2021, build 4960, 64-bit ("MTR 2021"). I used data from the 2020 Census and Minnesota's census geography as prepared by the Geographic Information Services Office of the Minnesota Legislative Coordinating Commission ("LCC-GIS"). The data was first posted on the LCC-GIS website as a series of files dated August 17, 2021. The files have been updated at least four times since then, their most recent date being November 3, 2021. That is the date of the downloaded files I used to create the maps attached as **Exhibits A and B**.

5. In preparing the maps attached as **Exhibits A and B**, I made my best efforts to comply with redistricting principles adopted by the Special Redistricting Panel (“Panel”) in its Order Stating Preliminary Conclusions, Redistricting Principles, and Requirements for Plan Submissions.

6. The seven paper maps (9 copies each) delivered to the Panel on December 6, 2021, are exact copies of the seven maps that are attached to this affidavit as **Exhibits A and B**.

7. Attached as **Exhibit C** to this Affidavit are true and correct copies of the following Maptitude Reports for the Wattson Plaintiffs’ Congressional plan.

- A. Population Summary (**Exhibit C-1**)
- B. Minority Representation – Voting Age Population (**Exhibit C-2**)
- C. Contiguity (**Exhibit C-3**)
- D. Political Subdivisions Split Between Districts (**Exhibit C-4**)
- E. American Indian Reservation Splits (**Exhibit C-5**)
- F. Measures of Compactness (**Exhibit C-6**)
- G. Districts and Their Incumbents (**Exhibit C-7**)
- H. Core Constituencies (**Exhibit C-8**)
- I. Partisanship (**Exhibit C-9**)
- J. Plan Components (**Exhibit C-10**)

8. Attached as **Exhibit D** to this Affidavit are true and correct copies of the following Maptitude Reports for the Wattson Plaintiffs’ Senate plan.

- A. Population Summary (**Exhibit D-1**)

- B. Minority Representation – Voting Age Population (**Exhibit D-2**)
  - C. Contiguity (**Exhibit D-3**)
  - D. Political Subdivisions Split Between Districts (**Exhibit D-4**)
  - E. American Indian Reservation Splits (**Exhibit D-5**)
  - F. Measures of Compactness (**Exhibit D-6**)
  - G. Districts and Their Incumbents (**Exhibit D-7**)
  - H. Core Constituencies (**Exhibit D-8**)
  - I. Partisanship (**Exhibit D-9**)
  - J. Plan Components (**Exhibit D-10**)
9. Attached as **Exhibit E** to this Affidavit are true and correct copies of the following Maptitude Reports for the Wattson Plaintiffs’ House plan.
- A. Population Summary (**Exhibit E-1**)
  - B. Minority Representation – Voting Age Population (**Exhibit E-2**)
  - C. Contiguity (**Exhibit E-3**)
  - D. Political Subdivisions Split Between Districts (**Exhibit E-4**)
  - E. American Indian Reservation Splits (**Exhibit E-5**)
  - F. Measure of Compactness (**Exhibit E-6**)
  - G. Districts and Their Incumbents (**Exhibit E-7**)
  - H. Core Constituencies (**Exhibit E-8**)
  - I. Partisanship (**Exhibit E-9**)
  - J. Plan Components (**Exhibit E-10**)
  - K. Minority Incumbents (**Exhibit E-11**)

10. I personally prepared the reports attached as **Exhibits C, D, and E** using MTR 2021 for Redistricting.

11. I have been using and editing Maptitude for Redistricting Reports since 2001. The standard reports in MTR 2021, when downloaded and installed by a user, include five with “(ALT)” in their names. Before 2021, those report names said “(PSW),” in recognition of the fact that they were the product of designs I had suggested over the years to Caliper Corp., vendor of Maptitude for Redistricting. Those reports are titled Population Summary, Political Subdivisions Split Between Districts, Measures of Compactness, Districts and Their Incumbents, and Plan Components. Two additional standard reports incorporate my design suggestions and are the only version in MTR 2021. They are Contiguity and Core Constituencies. The Minority Representation – Voting-Age Population and Partisanship reports, available only to Minnesota users, are also products of my design.

12. For redistricting based on the 2020 Census, I have edited the reports described above to incorporate my current design ideas. These ideas include adding the date and time on each page of every report. In addition, I have edited the MTR 2021 Communities of Interest (Landscape, 11x8.5) report to produce the American Indian Reservation Splits report.

13. Attached as **Exhibit K** to this Affidavit is a true and correct copy of a Swing to Lose Pendulum (“Pendulum”) that I prepared for the Wattson Plaintiffs’ Congressional Plan, Senate Plan and House Plan. To create the Pendulum, I first export both the Partisanship report and the Incumbents report to an Excel workbook. In order to ensure that the districts the Partisanship report counts as Competitive or Safe are listed exactly the

same in the Pendulum, I have edited the Partisanship report to set forth the Dem Plurality to the third decimal place when exported to Excel, even though it shows no decimals when the report is exported to PDF. In both the Partisanship and Incumbents reports, I delete the rows above and below the district list and then work exclusively with the district list. I merge and delete columns in the district list until only the columns with useful data remain. I delete blank rows within each district list and then match the district with its incumbent (or incumbents, in districts where incumbents are paired). This gives me the incumbent, political party, and partisan lean of each district. I then sort the districts in the order of their Dem Plurality, first from highest to lowest to rank the Democratic districts, then from lowest to highest to rank the Republican districts. I add to the lists a column for the Swing to Lose number (roughly half of the Dem Plurality percentage, positive or negative), and enter that number beside the first incumbent at that percentage.

14. If there is no incumbent at the next highest percentage, I add the percentage number and the number at each lower percentage until I come to the next incumbent. Having the two partisan lists in rank order from highest to lowest partisan lean, I then copy the entry for each incumbent into the Swing to Lose grid at the proper level, so that Democrats and Republicans in equally strong districts are opposite each other. I group them as Safe, if their Dem Plurality is a positive or negative 20% or more, Strong, if their Dem Plurality is less than 20% but more than 8%, and Competitive, if their Dem Plurality is 8% or less. The Partisanship report colors each district number, and its Dem Plurality, blue if the number is positive (indicating a Democratic lean), or red if the number is negative (indicating a Republican lean). I color the names of any incumbents in the district in

accordance with their party when they filed for election in 2020: blue for Democrats and red for Republicans. If a district is open, without an incumbent, I enter “Open” in the color of the column it is in, as a Democratic seat or a Republican seat. I count the number of Safe and Competitive seats to verify it agrees with the Partisanship report. I enter the count on the Excel spreadsheet, whose formulas should display totals that agree with the Partisanship report on the number of Democratic and Republican seats and the number that are Competitive or Safe. If not, I troubleshoot until I find the error and fix it. I then save the Excel workbook as a PDF and add the PDF to the packet of maps and reports on the plan.

15. The middle column in the Pendulum shows the “Swing to Lose” number, which is roughly one-half the district’s average historic winning margin, its “Dem Plurality.” If half or more of the winning margin in the district swings from one party to the other, the candidate whose party has lost those votes is likely to lose that seat. If a district’s Dem Plurality is a competitive eight percent, a swing of four percent or more to the other party would flip the district.

16. By showing the names of any incumbents residing in the district, and their political party, the Swing to Lose Pendulum permits the reader to see the partisan lean of the districts in which incumbents have been paired, as well as the extent to which a proposed plan places an incumbent into a district for 2022 where they are significantly more or less likely to win than in the district they won in 2020.

17. On December 6, 2021, my attorney emailed to the Panel block equivalency files for the Wattson Plaintiffs’ Congressional, Senate and House plans. The block



equivalency files emailed to the Panel are the block equivalency files for the MTR 2921 the plans I used to prepare the maps attached as **Exhibit A** and **B** and the reports attached as **Exhibits C, D, and E**.

18. To create the maps attached as **Exhibits A** and **B**, I used the 2020 Census Redistricting Data (Public Law 94-171) Summary File for Minnesota, subject to correction of errors acknowledged by the United States Census Bureau, with population data determined to the census-block level.

19. Attached as **Exhibit F** to this Affidavit is a 2022 Congressional Plan Comparison.

20. Attached as **Exhibit G** to this Affidavit is a 2022 Legislative Plan Comparison.

21. I created the 2022 Congressional Plan Comparison by creating four columns, (1) 2002 Court, (2) 2012 Court, (3) 2020 PW CBase202, and (4) 2022 PW 8C08. I created the 2022 Legislative Plan Comparison by creating four similar columns, with the legislative plans named 2020 PW LBase202 and 2022 PW L10. The data in each row of these **Exhibits F** and **G** is data that is extracted from reports that are generated with Maptitude.

22. I created most of the “2002 Court” column data on March 19, 2002, the day the plan was announced by the *Zachman* Panel. I ran Maptitude for Redistricting 4.5 versions of the same type of reports attached as **Exhibit C** against the plans adopted by the *Zachman* Panel using the 2000 Census population data. The MTR 4.5 reports run in 2002 did not include some of the Compactness and Partisanship measures that are in MTR 2021. To get those numbers for the comparison, I ran MTR 2020 on the 2000 Census database

on January 29, 2021, to get the new Compactness measures and on January 30, 2021, to get the new Partisanship measures. I did not include any of the reports on the 2002 plan as exhibits, in an attempt to limit the volume of documents, but I did run those reports, and the data in the Plan Comparison is the result of the reports that were generated

23. The “2012 Court” column data was created using the same methods as for the 2002 plan. On February 21, 2012, the day the *Hippert* Panel announced its plans, I ran Maptitude for Redistricting 6.0 versions of the reports attached as **Exhibit C** against the plans adopted by the *Hippert* Panel using the 2010 Census population data. As with the reports on the 2002 plan, the contemporaneous reports on the 2012 plans did not include some of the current Compactness and Partisanship measures. I updated the Compactness measures by running MTR 2020 on the 2010 Census database and the *Hippert* plans on January 14, 2021, and the Partisanship measures on January 30, 2021. I did not include those reports as exhibits in an attempt to limit the volume of documents, but I did run those reports and the data in the Plan Comparison is the result of the reports that were generated

24. The columns labeled 2020 PW CBase202 in **Exhibit F** and 2020 PW LBase202 in **Exhibit G** contain data from reports for a “Base Plan” that I created for the *Hippert* Panel’s Congressional, Senate, and House plans.

25. Attached as **Exhibit H** to this Affidavit is a true and correct copy of the Congressional Base Plan.

26. Attached as **Exhibit I** to this Affidavit is a true and correct copy of the Senate Base Plan.

27. Attached as **Exhibit J** to this Affidavit is a true and correct copy of the House

Base Plan.

28. The Base Plan consists of maps, the same Maptitude reports run in **Exhibit C** to this Affidavit, and a Swing to Lose Pendulum. The maps are simply the maps of the districts adopted by the *Hippert* Panel as used in the most recent 2020 elections. The Maptitude reports and the Swing to Lose Pendulum included with the maps were run using the *Hippert* districts and the 2020 Census data. These Base Plans tell the Panel how the *Hippert* districts perform using 2020 Census data.

29. As an example of what is in these Base Plan reports, the Population Summary report attached to each Base Plan shows the deviations in each district drawn by the *Hippert* Panel using the population data from the 2020 Census. As another example, the Minority Representation – Voting Age Population report shows the number of minority opportunity districts and majority-minority districts that exist under the *Hippert* plans using the population data from the 2020 Census.

30. The “Core Constituencies” report attached as **Exhibit C-8** to this Affidavit will aid the Panel in determining how many Minnesotans have been moved to a new district as a result of the plans submitted by the parties. To explain how this report can be used, the entries for Congressional Districts 1 (“CD 1”) in the attached Core Constituencies report will be analyzed.

## Core Constituencies

Monday, November 29, 2021

7:23 PM

Population			[18+ _Pop]		Average Core of Prior District	94%
					Population Moved	325,963
Plan: 2022 PW 8C08, District 1 --			713,312		Total Population	
From Plan: 2020 PW CBase202						
Dist. 1	687,101	96%	528,089	96%		
Dist. 2	26,211	4%	21,175	4%		

The total population in the Wattson Plaintiffs' proposed CD 1 is 713,312. Using the 2020 Census populations, this report shows that to achieve this CD 1 population, the Wattson Plaintiffs used 687,101 persons from the existing CD 1 adopted in *Hippert* and 26,211 persons from the existing CD 2 in *Hippert* ( $687,101 + 26,211 = 713,312$ ). The numbers to the right, 528,089 and 21,175, represent the voting-age populations. Thus, 96% of the people, both total population and voting-age population, in the Wattson Plaintiffs' CD 1 were in CD 1 under the plans adopted by the *Hippert* Panel. In the top right of the report, the "Average Core of Prior District" of 94% means that, across all eight districts, 94% of the voting-age population among all districts was not moved to a new congressional district by the Wattson Plaintiffs' plan. Under the Wattson Plaintiffs' congressional plan, only 325,963 people, or 6% of the total Minnesota population, were moved into new districts.

31. The Core Constituencies report will give the Panel a way to measure whether the parties are using a 'least-change' approach, or whether they are offering a wholesale redrawing of the *Hippert* maps.

32. As the number of districts increases, it becomes more difficult to keep

Minnesotans in their prior district. This is because the greater number of districts causes the percentage deviations within the districts to be higher.

33. Attached as **Exhibit L** to this Affidavit is a true and correct copy of *LaComb v. Growe*, 4-81 Civ. 152, Order (D. Minn. March 25, 1982).

34. In creating the Wattson Plaintiffs' plans, I split political subdivisions only (1) to meet constitutional population equality requirements, (2) to comply with the 14<sup>th</sup> and 15<sup>th</sup> Amendments to the United States Constitution, and (3) to draw districts of convenient and contiguous territory as required by Minnesota's Constitution. The Wattson Plaintiffs also ensured that any divisions did not implicate Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a).

35. The Panel's principle that, "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" may sometimes conflict with its principle of preserving political subdivisions. When there was a conflict, I often chose to preserve American Indian reservations at the cost of dividing a county, city, or township. This choice was based on well-established federal policy.

36. Nine of the 12 counties split by the Wattson Plaintiffs' congressional plan are either in the 11-county metro area (Anoka, Carver, Hennepin, Ramsey, Scott, Washington, Wright) or just outside the 11-County metro area (Benton, Stearns).

37. Northern Becker County contains part of the White Earth American Indian reservation, and its division was, in part, to keep the entire White Earth reservation in CD 8. This split of Becker County also helped to achieve the constitutional requirement of

population equality.

38. Morrison County was split so that a small part of Morrison County containing the city of Motley, 911 people, and a portion of Swanville, 81 of 321 people, could move to CD 7 to help achieve population equality.

39. Wabasha County was split so that a small part of Wabasha County could move into CD 1 to help achieve population equality. This split of Wabasha County placed 127 residents of the Plainview Township in CD 1 and 329 residents of Plainview Township into CD 2.

40. Hennepin County was split due to its population being much larger than the size of a constitutionally permissible district and to help achieve population equality. Western portions of Hennepin County containing Hanover, Minnetrista, Independence and St. Bonifacius were moved into the Third District to achieve population equality.

41. Benton County, which was entirely in CD 6 under the *Hippert* plan, was split to add population to the underpopulated CD 7. These movements are necessary with the rural to urban shift taking place in Minnesota. While not a split, this population shift is also made apparent as the half of Stearns County that was in CD 6 under the *Hippert* plan is now in CD7.

42. The remaining six county splits (Anoka, Carver, Ramsey, Scott, Washington, Wright) were necessary to shift population among the Twin Cities districts and to push population out to CD 1, CD 7, and CD 8 in greater Minnesota.

43. Ten cities were split in the Wattson Plaintiffs' congressional plan, and these splits were necessary to achieve the constitutional requirement of population equality and

convenience.

44. The Wattson Plaintiffs' House and Senate plans divide political subdivisions only to the extent necessary to meet constitutional requirements, and as discussed above, to avoid splitting the reservations of federally recognized American Indian tribes.

45. The substantial shift in population from the rural areas of the state into the Twin Cities suburbs and exurbs requires the rural districts to grow in area and add more people to meet constitutional requirements for equal populations. The 2020 Census shows that the Senate districts in northern Minnesota are significantly underpopulated and need to grow in area to add population to meet constitutional requirements. Rather than keep the same three Senate districts that currently span the state on the northern border, the Wattson Plaintiffs' Senate plan drops one. Additional changes to current district numbers flow from that first decision.

46. Because these three districts are underpopulated by 8.78% (District 1), 4.05% (District 2) and 7.31% (District 3), the size of these districts needs to grow. Continuing to move these districts south will make them longer, narrow and inconvenient. Thus, difficult choices needed to be made to account for these population shifts. In this case, rather than keep the same three Senate districts that currently span the state on the northern border, The Wattson Plaintiffs' plan drops one. It does this by adding to SD 1 all of Lake of the Woods County and the portions of Beltrami County above Red Lake. SD 2 (current SD 3) adds the population it needs by adding cities and towns in St. Louis County in the upper and lower tiers of current SD 6. The second tier of districts, from SD 3 to SD 7, are thus freed from each having to be long and skinny. The new SD 3 is a Moorhead metropolitan

area district. It is little changed from the 2020 plan.

47. SD 4 encompasses all the White Earth Indian Reservation and all but one person in the Red Lake Indian Reservation. To add the necessary population, it moves south, to encompass the two northern tiers of cities and towns in Otter Tail County.

48. SD 5 encompasses all of the Leech Lake Indian Reservation. To add the necessary population, it moves further south in Cass County, and picks up the northern portions of Wadena, Crow Wing, and Aitkin Counties, and some northern portions of Itasca County that were in SD 6. SD 6 makes up for the population lost to SD 2 and SD 5 by moving further into Itasca County. SD 7 expands to take in all but one precinct in Duluth.

49. SD 8 is anchored in Ottertail County, where Fergus Falls is the largest city, but also has a sizeable population in Douglas County, including the city of Alexandria. SD 8 makes up for the population lost to SD 4 by adding Wilkin County, the Barnesville area of Clay County, and the townships in Douglas County that border Alexandria on the west and south.

50. SD 9 encompasses the Brainerd Lakes area and surrounding cities and towns in Crow Wing, Cass, and Wadena Counties. Both senators Ruud in Breezy Point and Gazelka in Fairview Township live in the district.

51. SD 10 encompasses almost all the Mille Lacs Indian Reservation (4,573 people in and 194 out). Its largest city is Little Falls, population 9,150. SD 11 is a district linked by Interstate Highway 35, encompassing most of the highway's length from the Twin Cities to Duluth. It is little changed by this plan. It adds Fine Lake Township in St. Louis County, so that all the Fond du Lac Indian Reservation will be in one district. It



makes up for losing population to SD 5 and SD 10 by adding six cities and towns in Kanabec and Chisago Counties.

52. SD 12 makes up for the loss of population to SD 8 by adding most of Swift County, the northern tier of townships in Kandiyohi County, and the southern two tiers of townships in Todd County. SD 13, eastern Stearns County outside of St. Cloud and Waite Park, trades some cities and towns with SD 12 to balance both their populations. It also gives Waite Park to St. Cloud SD 14 in exchange for picking up St. Augusta. SD 14 remains St. Cloud and Waite Park, plus adjacent cities and towns in Benton and Sherburne Counties.

53. SD 27, having lost much of its former population to new SD 10, as well as to SD 14, moves east to add Zimmerman and part of Elk River in Sherburne County and Cambridge and Isanti in Isanti County, as well as townships in between. SD 15 is linked by U.S. Highway 12. Its main population centers are Willmar and Litchfield. It has lost most of Swift County and the northern part of Kandiyohi County to SD 12. It loses Renville County to new SD 16 and SD 17. To make up those losses, it adds most of Meeker County and three townships in Wright County, plus the city of Cokato.

54. SD 16 is mostly south of the Minnesota River, running from Ortonville on the South Dakota border to just east of New Ulm. The 2020 Census showed it needed to add about 8,000 people, which it could do by adding most of Renville County. But it also loses population to new SD 19, which adds the balance of Lyon County to eliminate a county split as it expands from the southwest corner of the state. That means adding the balance of Redwood County, all of Cottonwood County, and the northeast third of Jackson

County to SD 16.

55. SD 17 is linked by U.S. 212. It needs to add about 6,000 people. But it also loses most of Meeker County, plus Cokato in Wright County, to SD 15. It finds the necessary population in northwest Nicollet County, eastern Renville County, and western Wright and Carver Counties.

56. SD 28 encompasses most of Wright County and is anchored in Buffalo. The 2020 Census showed it needed to add only 151 people. But SD 15 and SD 17 took three of its western townships. To replace them, it adds Clearwater and Clearwater Township in the north. SD 29 includes St. Michael, Albertville, and Otsego in Wright County and most of Big Lake and all of Elk River in Sherburne County. It crosses the Mississippi River at Elk River on MN Highway 101. It needs to lose about 8,000 people. It does that by adding the last precinct in Big Lake and subtracting the two northernmost precincts of Elk River.

57. The 2020 Census showed that Anoka County has enough population for 4.3 Senate districts. Those districts are numbered 30 to 34. Senate districts 30, 32, and 33 are entirely within Anoka County. SD 31 and SD 34 are dominated by Anoka County, but also include portions of other counties. SD 30 consists of Andover, Ramsey, Anoka, and Nowthen, plus Precinct 4 of Oak Grove. SD 31 includes the balance of Oak Grove and such major cities as Ham Lake, East Bethel, and St. Francis in Anoka County, North Branch in Chisago County, and six townships in Isanti County. SD 32 is anchored by Coon Rapids, completing the necessary population with seven precincts in Blaine and one precinct in Fridley. Unlike current SD 36, it does not cross the Mississippi River nor include any territory outside Anoka County.

58. SD 33 includes the balance of Blaine and the cities of Lino Lakes, Circle Pines, Centerville and Lexington. SD 34 is dominated by Anoka County. It consists of 11 precincts of Fridley, plus the cities of Columbia Heights, Hilltop, and Spring Lake Park in Anoka County. It also has all but one precinct of New Brighton in Ramsey County and both the Ramsey and Hennepin County portions of St. Anthony.

59. The 2020 Census showed that Hennepin County has enough population for 15 Senate districts. Those 15 districts are numbered 35-44 and 59-63. All but two are entirely within Hennepin County: SD 35 includes both the Hennepin and Wright County portions of the city of Hanover, and SD 42 includes two precincts in Carver County. These additions to Hennepin County districts are balanced off by the Hennepin County portion of St. Anthony that is in SD 34, which is anchored in Anoka County but includes the Ramsey County portion of St. Anthony. Ten Senate districts, numbered 35 to 44, are in the portion of Hennepin County outside Minneapolis, except for two Minneapolis precincts included in SD 44, which is anchored in Bloomington.

60. SD 35 is in northwest Hennepin County, and its anchor is 11 precincts in Maple Grove. SD 36 is in northeast Hennepin County, including Dayton, Champlin, and Osseo, a dozen precincts in northeast Maple Grove, and five precincts in northern Brooklyn Park. Unlike current district 36, which includes Champlin and portions of Brooklyn Park, it does not cross the Mississippi River to include part of Coon Rapids.

61. SD 37 is anchored by the balance of Brooklyn Park and completed with three precincts in northeast Brooklyn Center. SD 38 consists of Plymouth and one precinct in Maple Grove. Under the current plan, Plymouth is divided into three Senate districts. SD

39 consists of New Hope, Crystal, and Robbinsdale, four precincts in southwest Brooklyn Center, and three precincts in Golden Valley.

62. SD 40, the Minnetonka district, consists of Long Lake, all but one precinct of the city of Minnetonka, and all but two of the cities (Mound and Minnetrista) that have shoreline on Lake Minnetonka. SD 41 is anchored by St. Louis Park and completed with Hopkins, one precinct in Minnetonka, and five precincts in southwest Golden Valley. SD 42 is anchored by Edina and completed with nine precincts in Eden Prairie and two in Chanhassen, all linked by U.S. 212. SD 43 is anchored by west Bloomington and completed by 11 of the 12 precincts in Eden Prairie that are south of MN 5. SD 44 consists of east Bloomington, Richfield, Ft. Snelling, and two precincts in south Minneapolis.

63. The 2020 Census showed that Minneapolis has enough population for five Senate districts. Those districts are numbered 59 to 63 and are entirely within Minneapolis. SD 59 is the North Side and part of Downtown. The 2020 Census showed it needed to shrink by almost 10,000 people. It does that by shedding three precincts in Bryn Mawr and one Downtown, where I-35W turns north to cross the Mississippi River.

64. SD 60 is Northeast Minneapolis, encompassing all of the city east of the Mississippi River, plus precincts in Ward 2 and Ward 6 that are across the river in Downtown. The 2020 Census showed that, like SD 59, it needed to shrink by almost 10,000 people. It does that by shedding the two precincts in Ward 6. SD 61 is Southwest Minneapolis. The 2020 Census showed it needed to shrink by about 3,000 people. But the shrinking of SD 59 to its north caused it to add three precincts in Bryn Mawr, so SD 61 had to drop the precinct between Loring Park and I-94, as well as two precincts bordering

on Powderhorn Park.

65. SD 62 extends south of Downtown along both sides of I-35W, mostly between Lyndale Ave and MN 55. The 2020 Census showed it needed to add 2,400 people. It gained far more than that from the shrinking of the adjacent SDs 59, 60, and 61, so had to drop several precincts in the south.

66. SD 63 is the balance of South Minneapolis not included in SD 62 or SD 44. The 2020 Census showed it needed to add about 1,500 people. After losing Ft. Snelling, four precincts in Richfield, and one in south Minneapolis to SD 44, it equalizes its population by taking in precincts from the southern portions of current SDs 61 and 62.

67. The 2020 Census showed that Ramsey County has enough population for 6.5 Senate districts. Those districts are numbered 45, 46, and 64 to 67, plus part of SD 34, which is anchored in Anoka County, but includes the Ramsey County portion of St. Anthony and all but one precinct of New Brighton. SD 45 and 46 are outside St. Paul.

68. SD 45 is in northern Ramsey County, consisting of Shoreview, Mounds View, Vadnais Heights, Arden Hills, and North Oaks, three precincts from Roseville, one each from New Brighton and White Bear Township, and the Ramsey County portions of Spring Lake Park and Blaine (which are primarily in Anoka County). SD 46 is in northeast Ramsey County, consisting of White Bear Lake, North St. Paul, Little Canada, Gem Lake, eight precincts from Maplewood, three precincts from White Bear Township, and one precinct from Roseville.

69. The 2020 Census showed that St. Paul has enough population for 3.7 Senate districts. Those districts are numbered 64 to 67. Senate Districts 64, 65 and 67 are entirely

within St. Paul. SD 66 is anchored by 16 precincts in northwest St. Paul that contain 55,174 of the 84,873 people in the district. The balance of the population comes from six precincts in Roseville and all of Falcon Heights and Lauderdale.

70. SD 64 is in southwest St. Paul. It is unchanged from current SD 64. SD 65 changes only slightly from current SD 65. The 2020 Census showed it had to shrink by about 2,000 people. It does that by shedding two precincts north of the Pierce Butler Route and adding one south of it, plus two that are east of I-35E and north of University Ave. SD 67, on St. Paul's East Side, changes only slightly from current SD 67. The 2020 Census showed it had to shrink by about 5,000 people. It does that by shedding the two precincts east of I-35E and north of University Ave that were added to SD 65, as well as by shedding the precinct that contains Lake Phalen.

71. The 2020 Census showed that Washington County has enough population for 3.1 Senate districts. Those districts are numbered 47 to 50. Only SD 48 is entirely within Washington County. SD 47 also has territory in Chisago County, SD 49 also has territory in Ramsey County, and SD 50 also has territory in Dakota County.

72. SD 47 is a St. Croix River district, linked by MN 95 and U.S. 61, running from Taylors Falls, Chisago City, and Wyoming in Chisago County on the north to Forest Lake, Marine on St. Croix, Hugo, and Grant in Washington County on the south. More than 60% of the population lives in Washington County. SD 48 is also a St. Croix River district, running from Stillwater Township on the north to Afton in the south, linked by MN 95, MN 36, and MN 5. Its largest cities are Oakdale, Stillwater, and Lake Elmo.

73. SD 49, anchored by Woodbury, is little changed from current SD 53, which

the 2020 Census showed had to shrink by about 8,500 people. It does that by dropping two precincts in Woodbury and one in Oakdale and adding back one in Maplewood. The choice of which precincts to add and subtract was dictated by their populations, and what combination of precincts made it possible to achieve a deviation of no more than two percent. It remains anchored by Woodbury, which has almost 77% of the district's population. It is completed by Landfall, one precinct in Oakdale, and five precincts in Maplewood in Ramsey County.

74. SD 50 has about 60% of its population in Washington County, anchored by Cottage Grove and including Denmark Township and two precincts in Woodbury. Like current SD 54, it crosses the Mississippi River to get the balance of its population, taking in Hastings and Nininger Township in Dakota County. It completes the district by adding two precincts in eastern Rosemount.

75. The 2020 Census showed that Carver County has enough population for 1.3 Senate districts. The portion of Carver County not in SD 17 or SD 42 is numbered SD 51, whose largest cities are Chaska, Victoria, Waconia, and Chanhassen. It also includes the Hennepin County city of St. Bonifacius and the three Minnetrista precincts not in SD 65.

76. The 2020 Census showed that Scott County has enough population for 1.8 Senate districts. Those districts are numbered 52 and 53. SD 52 is dominated by the cities of Shakopee, Prior Lake, and Jordan, but also includes the smaller townships of Jackson, Louisville, Sand Creek, and Spring Lake. It encompasses all the Shakopee Mdewakanton Sioux American Indian Reservation. SD 53 has four precincts and part of a fifth in Savage, but is mostly the rural areas of Scott, Dakota, Rice, and Le Sueur Counties, stretching along

the Minnesota River from St. Lawrence Township north of Belle Plaine to Washington Township near Mankato.

77. The 2020 Census showed that Dakota County has enough population for 5.2 Senate districts. Those districts are numbered 54 to 58. SD 54 is anchored by Burnsville and completed by five precincts and part of a sixth in Savage in Scott County. SD 55, in the northwest tip of the county, is anchored by Eagan and completed by Mendota Heights, Mendota, Lilydale, and one precinct in Inver Grove Heights. SD 56, in the northeast tip of the county, includes the larger cities of South St. Paul, West St. Paul, and Inver Grove Heights (other than the one precinct in SD 55). It also crosses the Mississippi River on I-494 (as does current SD 54) to include the Washington County cities of Newport and St. Paul Park, plus Grey Cloud Island Township. SD 57 is anchored by Apple Valley and completed by the balance of Rosemount not included in SD 50 and four precincts in northern Lakeville. SD 58 is anchored by 13 precincts in Lakeville and completed by Farmington and 11 rural cities and towns in southern Dakota County.

78. SD 18 is in the Mankato metropolitan area. It is little changed from current SD 19, which the 2020 Census showed had to shrink by about 1,300 people. It does that by dropping four cities and towns in the northwest corner of Nicollet County and adding Le Ray Township east of Eagle Lake. It remains anchored by Mankato and completed by North Mankato, St. Peter, Eagle Lake, and 17 other small cities and towns in Blue Earth, Le Sueur, and Nicollet Counties.

79. SD 21 includes the large cities of Northfield and Faribault in Rice County and Owatonna in Steele County and their surrounding small cities and towns, all a short



drive from the Twin Cities on I-35. SD 22 includes all of Goodhue and Wabasha Counties and smaller cities and towns in Dakota, Dodge, and Winona Counties. Its eastern border is the Mississippi River.

80. The 2020 Census showed that Olmsted County has enough population for 1.9 Senate districts. Those districts are numbered 23 and 24. SD 24 consists of the portion of Rochester lying generally north of U.S. 14, the townships adjacent to that portion of the city, Oronoco city and township, and Farmington Township. Almost 90% of its population is in the City of Rochester. SD 24 consists of the remainder of Olmsted County, plus Kasson and Mantorville city and township in Dodge County. More than 50% of its population is in the City of Rochester.

81. SD 19 consists of six counties in the southwest corner of the state (Lincoln, Lyon, Murray, Nobles, Pipestone, and Rock), plus 13 cities and towns in Jackson County. SD 20, in south central Minnesota, runs from the southern border to north of Mankato. It consists of Martin, Waseca, and Watonwan Counties, and portions of Blue Earth, Faribault, Le Sueur, and Rice Counties. Its largest city is Fairmont in Martin County, population 10,487. It is linked by I-90 and U.S. 169.

82. SD 25, also in south central Minnesota, is little changed from current SD 27, which the 2020 Census showed had to add 5,400 people. It does that by adding adjacent townships and their embedded cities, two in Faribault and Dodge Counties and six in Steele County. It is linked by I-90, I-35, and U.S. 218. SD 26, in the southeast corner of the state bordering the Mississippi River, is little changed from current SD 28, which the 2020 Census showed had to add almost 7,900 people. It does that by adding three adjacent

townships and their embedded cities in Winona County.

83. The Wattson Plaintiffs included with their Plan Submissions an American Indian Reservations Split Report that shows which reservations were split under their plans. The report shows all reservation splits, whether the splits involve noncontiguous or contiguous reservations. The report treats off-reservation trust land as if it were part of the reservation, to assist plan drafters who would prefer to keep them all together.

84. In their congressional Plan, the Wattson Plaintiffs do not divide any contiguous reservation lands of federally recognized American Indian tribes. The report does note that there are two American Indian Reservation splits involving noncontiguous reservations, but these splits involve 0 people (Red Lake Reservation) and seven people (Minnesota Chippewa Reservation).

85. In the Wattson Plaintiffs' Senate plan, the contiguous land of a federally recognized American Indian Reservation is divided only once, but this division involves no people. The Upper Sioux Reservation is divided between SD 15 and SD 16. This reservation split is necessary to keep Chippewa County and Granite Falls Township in SD 15 whole. The split places a small, uninhabited island in the Minnesota River in SD 15. There are no known voters on this island. The Upper Sioux Community voters all live in SD 16.

86. The American Indian Reservation Splits report for the Wattson Plaintiffs' Senate plan, attached as **Exhibit D-5**, shows that five reservations were splits ten times, but as noted above, the only split of a contiguous reservation was the Upper Sioux reservation split between SD 15 and 16 with no population being split. The other splits

involve noncontiguous reservation lands and as can be seen on the report, very little population was separated as a result of these splits.

87. The American Indian Reservation Splits report for the Wattson House plan shows that six reservations were split 13 times. Only one of these splits involve contiguous reservation land, and the noncontiguous splits shift very little population.

88. When creating the Wattson Plaintiffs' plans, I made great effort to preserve the reservation lands of a federally recognized American Indian tribes.

89. In creating SD 62, I relied on information in the Affidavit of Nick Harper dated December 3, 2021, and filed in this case.

90. In creating districts for the Wattson Plaintiffs' plan, I used a least change-approach. I tried to keep Minnesotans in the districts they were in under *Hippert* while also complying with the principles adopted by the Special Redistricting Panel.

91. The population deviations in the Wattson Plaintiffs' legislative plans were to accommodate Minnesota's clearly identified, legitimate policy objectives, including to preserve political subdivisions, create districts of convenient and contiguous territory, meet minority representation requirements, preserve the reservation lands of federally recognized American Indian tribes, and create compact districts.

92. When creating the Wattson Plaintiffs' plans, minimizing precinct splits and preserving the cores of prior districts helps to create districts that accommodate Minnesota's clearly identified, legitimate policy objectives mentioned in the previous paragraph.

93. While there is no perfect way to measure partisanship, the only logical way

to do so is empirically, and using past election results and partisanship reports is industry standard and the most reliable way known to measure partisanship. Thus, the Partisanship reports provided by the Wattson Plaintiffs use an index of the historical vote for each of the two largest parties and all other parties and write-in votes (grouped as “third parties”) to generate the reports discussed below.

94. The Partisanship report included with the Wattson Plaintiffs’ plans provides eight measures that allow the Panel to discover any partisan bias in the plans submitted by the parties. These measures include: (1) districts with a plurality, (2) proportional seat gap, (3) competitive districts, (4) safe districts, (5) mean-median gap, (6) lopsided wins gap, (7) declination and (8) efficiency gap.

95. In order to apply any of these measures, an index using past election results must be created, (hereinafter “the Index”). I used 14 of the 16 Minnesota statewide partisan races of the last decade. The 14 races used are:

2012 Presidential Election	2014 United States Senate	2014 Governor
2014 Secretary of State	2014 State Auditor	2014 Attorney General
2014 Presidential Election	2018 United States Senate Special Election	2018 Governor
2018 Secretary of State	2018 State Auditor	2018 Attorney General
2020 Presidential Election	2020 United States Senate	

96. The Wattson Plaintiffs’ Index excludes the U.S. Senate general elections of 2012 (Klobuchar 65% v. Bills 31%) and 2018 (Klobuchar 60% v. Newberger 36%), which were not close and thus outliers in Minnesota.

97. I took the Secretary of State's election results by precinct for the 14 Index races and allocated them to the census blocks within each precinct. This allocation is done using Maptitude for Redistricting software and a process Maptitude calls "disaggregating." The disaggregation is based on the voting-age population in each block as a proportion of the voting-age population in the precinct. Each census block thus shows the same partisanship as the precinct, even though users of the software know that is probably not the reality. The more precincts that are split to create a district, the less reliable will be its partisan lean as shown in the Partisanship report. Nevertheless, disaggregating election results to census blocks is the industry standard when creating redistricting plans at the block level.

98. The Partisanship report sums the Index votes in all the census blocks in a district for each district drawn (congressional, House or Senate). It shows the number of Index votes in each district, the percentage of the votes cast for Democratic, Republican, or other candidates (grouped as "Third Parties"), and the percentage by which the votes cast for Democratic candidates exceeded the percentage of votes cast for Republican candidates. This excess is called the "Dem Plurality," or average winning margin. If the number is positive, it is shown in blue to indicate that the district favors Democrats. If the number is negative, because Republican candidates in the district received more votes than Democratic candidates, the Dem Plurality is shown in red to indicate the district favors Republicans.

99. Statewide, the Index shows a voter preference of 51% DFL, 44% Republican, and 6% for Third Parties (the three numbers do not add because each has been rounded).

100. The 2022 Congressional Plan Comparison and 2022 Legislative Plan Comparisons also use an index for the “2002 Court” and 2012 Court” data. The “2002 Court” partisanship data is based on aggregate election results for all Minnesota statewide partisan races that took place in 1998. The “2012 Court” partisanship data is based on aggregate election results for all Minnesota statewide partisan races that took place in 2006, 2008 and 2010.

101. Applying the Index to the Base Maps shows how the 2020 districts, if they were used again for the 2022 election, would be expected to perform. This data can be a valuable tool because it shows how much the partisanship of each district and the plan as a whole submitted by each party deviates from the districts and plans drawn by the *Hippert* Panel.

102. The “Districts with a Plurality” measure shows the number of districts likely to be won by the DFL and Republican parties under a plan submitted to the Panel.

103. The shifts to the urban areas require most rural districts to grow in area and most urban districts to shrink in order to equalize their populations. This would tend to how a minimal reduction in the number of rural (Republican) districts and a minimal increase in the number of urban (DFL) districts.

104. The “Proportional Seat Gap” subtracts from the Districts with a Plurality measure the number of seats the party would receive if it were proportional to the party’s share of the statewide vote. The difference, if any, is the Gap, which may be positive or negative. The ideal is no Gap.

105. The Districts with a Plurality line predicts that, if the *Hippert* districts were

used for the 2022 election, both Democrats and Republicans would win four seats. The Proportional Seats line calculates that, if the seats were awarded instead based on a party's share of the statewide vote, Democrats would win four seats, but Republicans would win only three seats. The Proportional Seat Gap would plus one for Republicans. (There is no Proportional Seat Gap for Third Parties in a congressional plan, because 6% of the vote is not enough to win even one congressional seat.)

106. The Partisanship report also counts the number of “Competitive” districts and “Safe” districts. A Competitive district is one that has an average historical winning margin of 8% or less. A Safe seat is one that has an average historical winning margin of 20% or more. This is determined by applying the Index votes to each census block in a party's proposed district and measuring how the district performs. A district whose average historical winning margin is above 8% but below 20%, so it is neither Competitive nor Safe, is “Strong.” (The report does not yet count the number of Strong districts. They must be counted by hand when creating the Swing to Lose Pendulum report, attached as **Exhibit K**.)

107. As shown by the 2022 Congressional Plan Comparison, the number of Competitive congressional districts drops from four under the *Hippert* plan used for the 2020 election to three under the plan proposed by the Wattson Plaintiffs to be used for the 2022 election. That drop can partly be explained by the same shift of population from rural to urban areas described above in connection with the Districts with a Plurality measure. The Senate and House plans are counted similarly. The impact of the shift of population from rural to urban areas may be more apparent with the larger number of Senate and

House districts.

108. The mean of a party's Index votes is the average of its statewide votes. For the Index proposed by the Wattson Plaintiffs, the mean vote is 51% for Democrats and 44% for Republicans. The mean vote is the same for all plans (Base Plans and Wattson Plaintiffs' Plans) since it is a statewide total for all the districts in a plan, regardless of how individual districts are drawn.

109. The party's median vote is its share of the vote in the middle of all the districts after they are ranked from the highest vote in a district to the lowest vote in a district. In a Senate plan, with 67 districts, it is the party's vote in its 34<sup>th</sup> best district, with 33 districts above and 33 districts below. The median vote is more likely to vary from plan to plan.

110. If the party's median vote is less than its mean vote, it is winning fewer seats than its share of the statewide vote. The plan is biased against that party. A party's median vote is brought down by packing its voters into districts they can win easily and cracking them into districts they are unlikely ever to win.

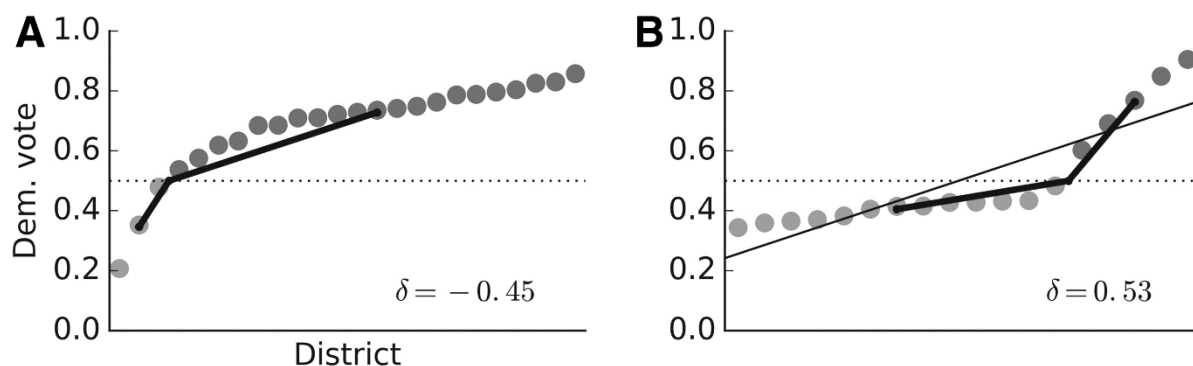
111. The Mean-Median Gap measures the difference between the mean and the median vote for each party and compares the two parties to each other with a single number. The ideal is zero, with a positive number showing a bias in favor of Republicans and a negative number showing a bias in favor of Democrats.

112. The Lopsided Wins Gap measures the difference between the average winning margin in districts won by each party. A party whose average winning margin is higher than the other party may be wasting its votes, making it unable to win as many



districts. The Lopsided Wins Gap is computed by subtracting one party's average winning margin from the other party's margin. A positive number is a partisan bias in favor of Republicans. A negative number is a partisan bias in favor of Democrats. The ideal is zero.

113. Declination is best understood when viewed on a graph, such as the one below.



To calculate Declination, you plot one party's mean vote share in every district on a graph. The other party's vote share is not on the graph. In the graph above, the vote shares of Democrats are plotted. The dots below the 50% threshold represent the percentage of votes received by Democratic candidates in races won by Republicans. The dots above the 50% threshold represent the percentage of votes received by Democratic candidates in races won by the Democrat. If, upon crossing the 50% threshold, the line following that plot takes a significant turn one way or the other, the map favors one particular party.

114. The ideal declination is 0, with a small number resulting in less bias and a larger number showing a more biased plan.

115. The Efficiency Gap is a measure of the number of votes for the candidates of each party that are "wasted." "Wasted" votes are those cast for a losing candidate and those cast for a winning candidate in excess of the number necessary to win. By way of example,

if a party's candidate loses a race 47 votes to 53 votes, that losing party has 47 wasted votes. The winning party has 5 wasted votes, because it needed only 48 votes to win but received 53 votes.

116. Partisan gerrymandering is carried out by some combination of cracking a party's voters among many districts, in which their preferred candidates lose by relatively narrow margins, and packing a party's voters into a few districts, in which their preferred candidates win by enormous margins. Both cracking and packing produce votes that are wasted, in the sense that they do not contribute to a candidate's election. The Efficiency Gap is calculated by taking one party's wasted votes as a percentage of the total votes cast and subtracting it from the other party's wasted votes as a percentage of the total votes cast. The difference between the two percentages is the Efficiency Gap. It captures in a single number the extent to which district lines crack and pack one party's voters more than the other party's voters.

117. In the Partisanship report, the Republican wasted vote percentage is subtracted from the Democratic wasted vote percentage. A positive number shows the plan is biased in favor of Republicans. A negative number shows it is biased in favor of Democrats. The ideal is zero.

118. In addition to the data above, the Partisanship report contains Index votes by party in each district. In the District List, the "Dem Plurality" column subtracts the Republican Index % from the Democratic Index % to show the average winning margin in the district in all the races included in the Index. That winning margin is labeled the "Dem Plurality." If the Democratic Index % is larger than the Republican Index %, the Dem

Plurality will be a positive number, shown in blue to highlight that it is a Democratic district. If the Republican Index % is larger, the Dem Plurality will be a negative number, shown in red to highlight that it is a Republican district. One can quickly see which party is predicted to win each district, and by how much.

119. The State Total of Index votes for the congressional, Senate and House plans, will be the same (17,736,165 DFL and 15,201,653 Republican), regardless of the way any particular plan is drawn. Likewise, the 51% Democrat – 44% Republican breakdown remains the same for the plan as a whole. The differences from plan to plan occur in the number of votes for each party in each district. These Index votes are spread across districts at the block level and are spread differently in each plan depending on how the districts are drawn.

120. The Partisanship report can be used by any party to this action to evaluate whether a plan proposed to the Panel has been drawn “with the purpose of protecting, promoting, or defeating [a] political party.”

121. Democrats tend to live in compact urban areas, while Republicans tend to live in the more rural and exurban areas, with the suburbs being a mix of Democrats and Republicans. With this geographic distribution of the political parties, political proportionality cannot be achieved simply by complying with neutral redistricting principles such as convenient districts, minimizing political subdivision splits, and drawing compact districts. One will want to ensure that this natural packing effect that creates partisan bias is not exacerbated, which would indicate a purpose to promote or defeat a political party.

122. Attached as **Exhibit M** to this Affidavit is a true and correct copy of a map that shows the winning party by precinct in the Minnesota House of Representatives 2020 general election. The map was prepared and published on its website by the staff of LCC-GIS.

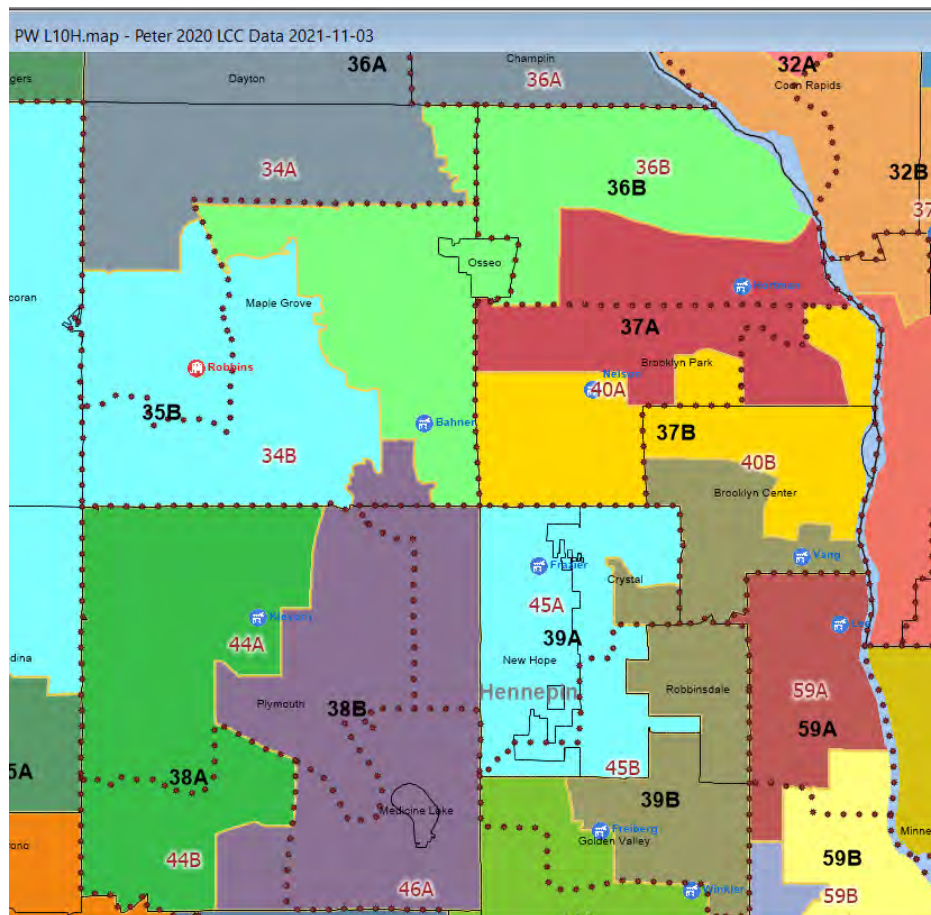
123. Attached as **Exhibit N** to this Affidavit is a true and correct copy of a document I created to assist the redistricting process following the 1990 Census and have updated each decade since. I call it “Senate Seats in Selected Areas, 2022 vs. 2112, 2002, and 1992.” It shows the number of seats in the Minnesota Senate that various areas would be entitled to if the seats were allocated among them strictly on the basis of their populations according to the decennial census. The latest version shows the results for each census from 1990 to 2020 and how the population and number of seats have changed. The areas shown in the document are the 11-county metropolitan area and the largest counties and cities in the state.

124. The report labeled **Exhibit E-11** attached to this affidavit and named “Minority Incumbents, 2022 PW L10H,” is one I created to show how incumbent members of the Minnesota House of Representatives who are members of a racial, ethnic, or language minority group would be impacted by the House plan proposed by the Wattson Plaintiffs. A similar report on the Wattson Plaintiffs’ base plan, 2020 PW LBase202H, is included in the packet of maps and reports on that plan and attached to this affidavit as **Exhibit O**. Comparing the districts and how their incumbents are treated by the Base plan and the proposed plan shows the impact the proposed House plan would have on them.

125. Most house incumbents who are members of a racial or ethnic minority group

would see little change in the racial and ethnic composition of their district and its electoral performance. This portion of my affidavit focuses on the districts that warrant an explanation. The explanation discusses both the Minority Incumbents table for the Base plan used for the 2020 election, 2020 PW LBase202H, and the Minority Incumbents table for the proposed plan, 2022 PW L10H. The reader may want to have those tables at hand when reading this explanation.

126. **Brooklyn Center/Brooklyn Park**

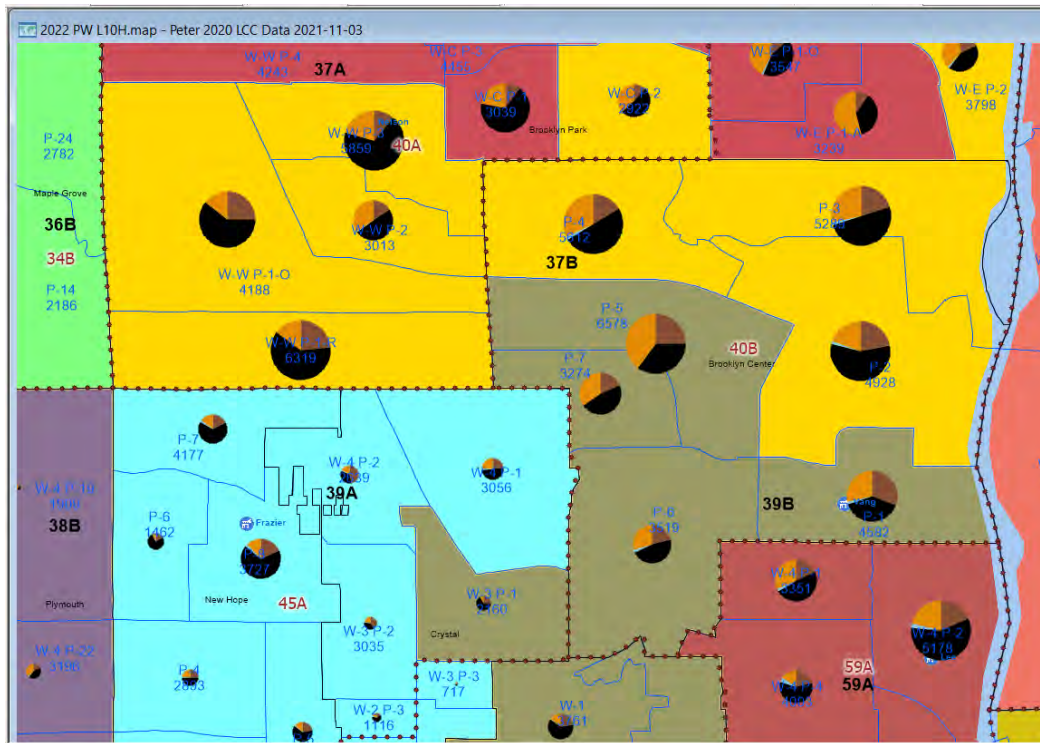


To begin at the top of the 2020 table, the district with the highest Total Minority voting-age population, the one White incumbent in a majority-minority district, Rep. Michael

Nelson in HD 37B, sees his Total Minority voting-age population drop from 66% on the 2020 table to 61% on the 2022 table, where he would reside in 37B. The one White incumbent who would rise into a majority-minority district, Speaker Melissa Hortman in 37A, sees her Total Minority rise from 36% to 58%. She gets that minority population from Rep. Nelson's district, which is what brings him down. Rep. Nelson, in turn, takes minority population from Rep. Samantha Vang, an Asian woman, in HD 39B.

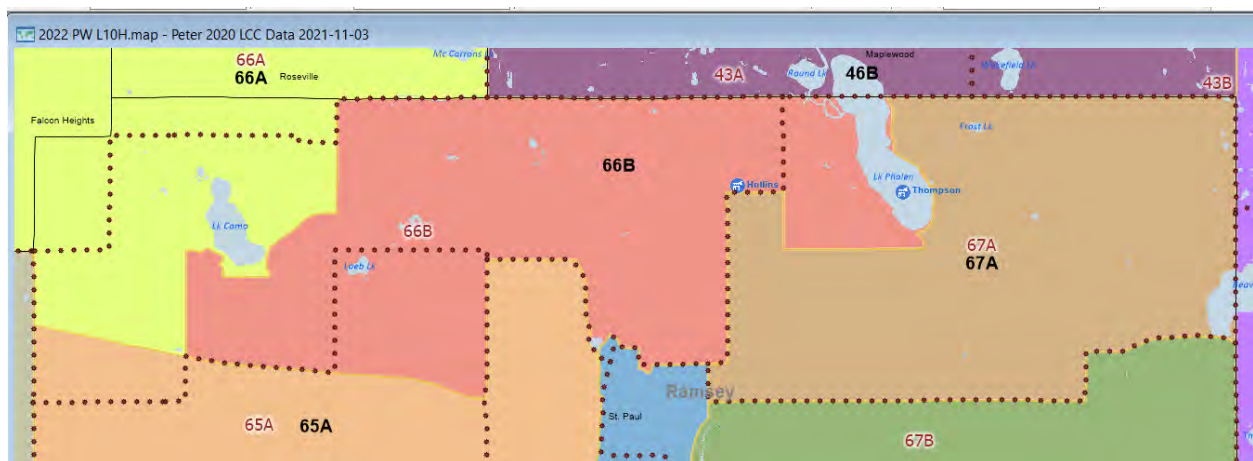
127. Rep. Vang was elected from a 2020 district that had 59% Total Minority, with 24% Black and 18% Asian. So, it was not Asian voters alone who got her elected, but a coalition of minority voters plus White voters.

128. The Wattson Plaintiffs' House Plan (2022 PW L10H) takes her Total Minority down to 38%, with 15% Black and 9% Asian. Her district is 39% DFL. The Wattson Plaintiffs do not assume plan L10H would deprive minority voters of an opportunity to elect a candidate of their choice. Not pairing incumbents is near the bottom of the Wattson Plaintiffs' priorities. The district has the boundaries it does because of the populations of the precincts needed to equalize its population. The reader can see on the map below that splitting Brooklyn Center precincts 2, 5, and 7 to take from her district the northern blocks of P-5 and P-7 and add to her district the southern blocks of P-2, would make both districts more compact, but it might not change the Total Minority population.



Under the Wattson Plaintiffs’ House Plan, minority voters should still have an equal opportunity to elect a candidate of their choice in HD 37A, 37B, and 39B.

## 129. St. Paul – East Side

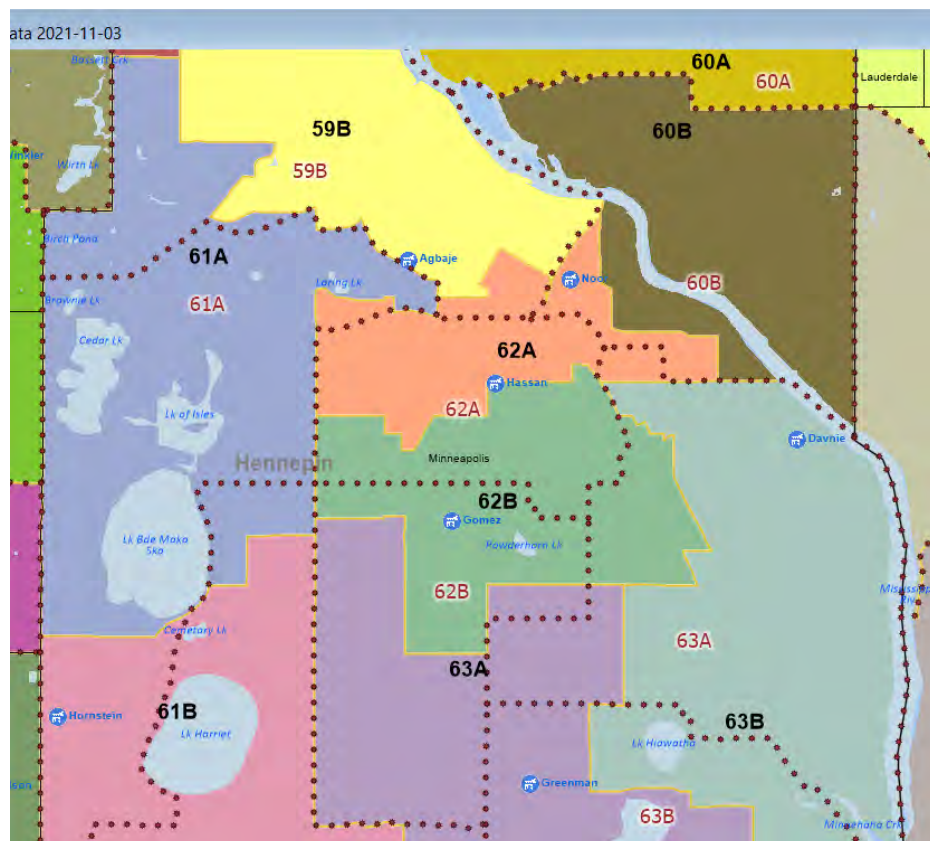


At the top of the 2022 table is an open seat in HD 67A, the northeast corner of St. Paul. It has a Total Minority population of 67%, its largest minority is 35% Asian, and it is 14% Black. It is open because the current incumbent, Rep. John Thompson, may be the only



incumbent not to have made public his residential address when filing for office with the secretary of state in 2020. We don't know where he lives, so I put his incumbent icon in Lake Phalen, HD 66B, to make it obvious that was not his real address. (At that time, I was not aware of the 13 people the 2020 Census recorded as living in the waters of Lake Minnetonka just outside my window. Maybe Differential Privacy actually did put Rep. Thompson's residence in the waters of Lake Phalen.) So, he may or may not actually be paired with Rep. Athena Hollins in HD 66B, with a Total Minority of 64% and a largest minority population of 31% Asian. If he is, and he is willing to move, 67A is an open district on the east shore of Lake Phalen. HD 66B does not prevent minority voters from having an equal opportunity to elect a candidate of their choice.

### 130. Minneapolis – South Side

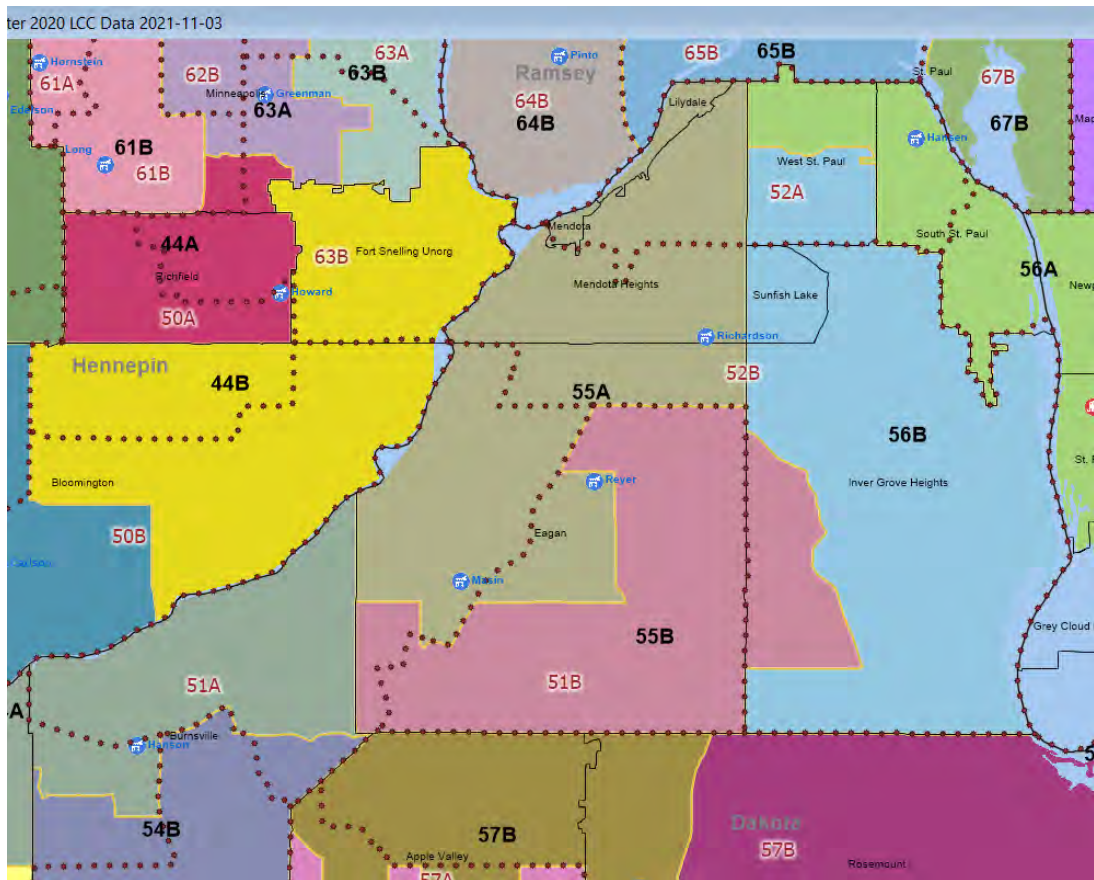




In South Minneapolis, Rep. Aisha Gomez is paired in HD 62B with Rep. Hodan Hassan. Roughly equal numbers of voters came from their previous districts. They were pushed together because the overpopulation of districts along the Mississippi River in Minneapolis caused the districts north of them to shrink, and theirs to move north to fill the void. At the same time, the overpopulation of Rep. Mohamud Noor's HD 60B caused it to shrink toward the northeast, leaving him out of it. Rep. Hassan could move her residence out of Rep. Gomez's HD 62B as simply as finding a residence on the north side of her street, which is the district boundary. But that would pair her with Rep. Noor in his new HD 62A. He could move a few blocks north or east and be back in his old HD 60B. In 2020, that district was 39% Total Minority and 16% Black. In 2022, 62A is 56% Total Minority and 35% Black, the highest Black percentage in the state, while 60B goes from 39% Total Minority, 16% Black and 14% Asian, to 32% Total Minority, 7% Black and 15% Asian. Perhaps he will want to stay in the new 62A and let an Asian candidate run for the open seat in 60B.

131. Whatever these three minority incumbents decide to do under 2022 PW L10H, the minority voters in HD 60B, 62A, and 62B will have an equal opportunity to elect candidates of their choice.

132. **Eagan/Mendota Heights/Inver Grove Heights**



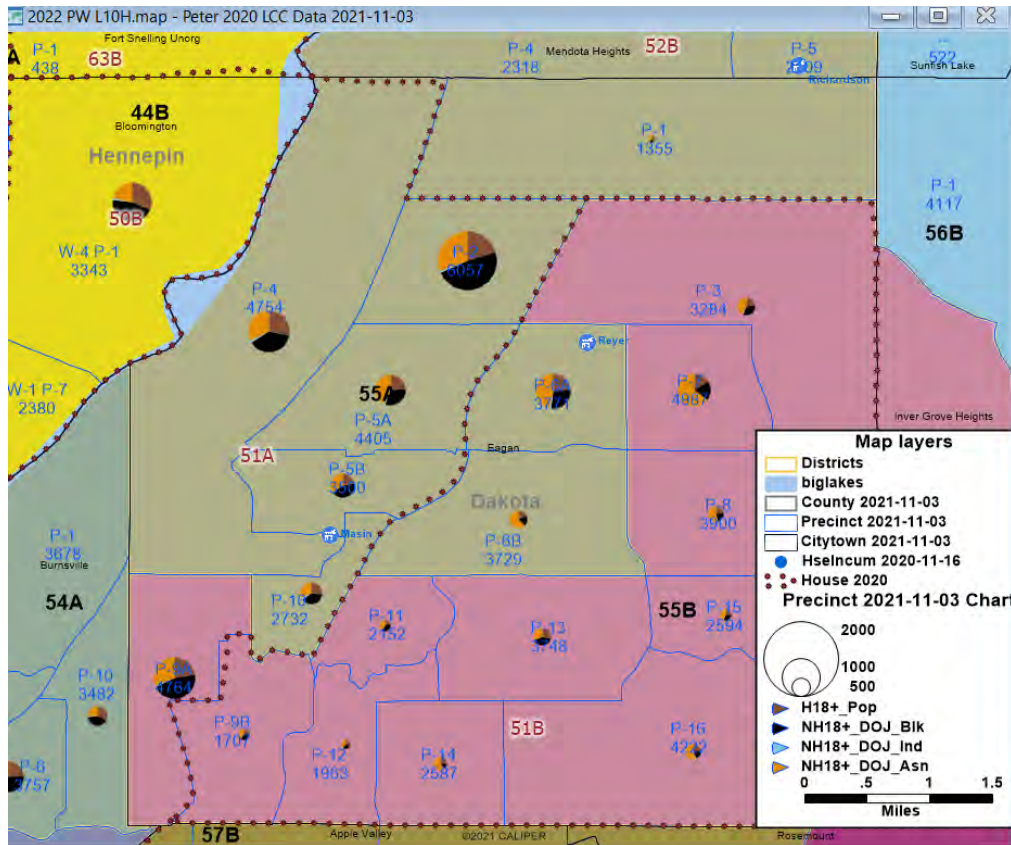
In 2022 PW L10H, HD 55A pairs minority incumbent Rep. Ruth Richardson, a Black woman, with two White women incumbents, Rep. Sandra Masin and Rep. Liz Reyer. The district has a Total Minority voting-age population of 24%, its largest minority is the 8% who are Asian, and the Black minority is 7%. Rep. Richardson’s 2020 district, HD 52B, had a Total Minority of 22%, its largest minority was the 9% who were Hispanic, and 5% were Black. She could not have been elected by Black voters alone, nor even all minority voters alone. She must have received most of her votes from White voters. The racial and ethnic composition of the proposed 2022 district is more favorable for her than her 2020 district.

133. The Core Constituencies report for the Wattson Plaintiffs’ House plan shows

that half the voting-age population of the new district came from 2020 HD 51A in Eagan and Burnsville, where Rep. Masin is the incumbent, 17% came from HD 51B in Eagan and Inver Grove Heights, where Rep. Reyer is the incumbent, and 13% came from HD 52B in Mendota Heights, Eagan, and Inver Grove Heights, where Rep. Richardson is the incumbent. Being paired with two other incumbents who each have more former constituents than she does is not favorable for Rep. Richardson.

134. This is not a minority-opportunity district under either the Voting Rights Act or the Panel's Principle 3 on minority representation. Nevertheless, if the Panel chooses to draw districts in this area that will enhance Rep. Richardson's chances of being re-elected, I offer some possibilities below.

135. The district's shape is driven by the Wattson Plaintiffs' approach of minimizing both the number of cities and the number of precincts split. In the 2020 Base plan for the house, Mendota Heights and Eagan are split. In the Wattson Plaintiffs' House Plan, Mendota Heights is not split, but Inver Grove Heights is, so the number of splits does not increase. No precinct is split to create these districts. Keeping all of Mendota Heights and Eagan together in SD 55 and dividing the senate district along existing precinct lines when equalizing the populations, forces all three incumbents into the same house district and leaves HD 55B open.



136. As shown in the map above, splitting Eagan P-6A at the block level could easily put Rep. Reyer into 2022 HD 55B, which is currently open. Likewise, the Panel could choose to split Eagan P-5B and P-10 to put Rep. Masin into HD 55B. The Panel could even do both, if it wanted to leave Rep. Richardson alone in HD 55A. The Wattson Plaintiffs would not oppose either, or both, of those changes.

Consistent with Minnesota Statutes § 358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.

Date: December 6, 2021

/s/ Peter S. Wattson  
Peter S. Wattson

Hennepin County, Minnesota  
County and state signed