

STATE OF MINNESOTA

December 1, 2021

SPECIAL REDISTRICTING PANEL

**OFFICE OF
APPELLATE COURTS**

A21-0243

A21-0546

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,

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

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

7 Plaintiff-Intervenors,

8 vs.

9 Steve Simon, Secretary of State of
10 Minnesota,

11 Defendant.

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13 On October 15, 2021, at 6:30 p.m., this matter
14 was duly before the Special Redistricting Panel: Judge
15 Louise Dovre Bjorkman, Judge Diane Bratvold, Judge Jay
16 Carlson, Judge Juanita Freeman, and Judge Jodi
17 Williamson, for hearing at the Minnesota Judicial
18 Center, 25 Rev. Dr. Martin Luther King Jr. Blvd.,
19 St. Paul, Minnesota 55155.

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1	<u>APPEARANCES and INDEX</u>	
2	Tiffini Flynn Forslund (No Appearance).....	--
3	Terri Thao.....	9
4	Remy Huerta-Stemper.....	13
5	Lisa Lendway.....	15
6	Jeremy Blerlein.....	19
7	Tony Parrish, Sr. (No Appearance).....	--
8	Rodolfo Gutierrez (No Appearance).....	--
9	Mikki Murray.....	22
10	Kimberly Crockett.....	26
11	Marty Probst.....	30
12	William Mohrman (No Appearance).....	--
13	Napoleon Howell (No Appearance).....	--
14	Max Rymer (No Appearance).....	--
15	Arlene Sheldon (No Appearance).....	--
16	Raj Chaudhary (No Appearance).....	--
17	Ray Wallin.....	34

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1 (The following proceedings were held:)

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3 THE CLERK: Please rise. This special
4 session of the Minnesota Special Redistricting Panel
5 will now come to order. Judge Bjorkman, Judge Bratvold,
6 Judge Carlson, Judge Freeman, and Judge Williamson; the
7 Honorable Louise Dovre Bjorkman presiding.

8 JUDGE BJORKMAN: Good evening. Please be
9 seated.

10 Welcome. Thank you for being here. And a
11 special welcome and thanks to those who are observing
12 this evening's hearing by Zoom. We are glad this
13 technology affords you the opportunity to view this
14 public hearing remotely.

15 We recognize that you have taken time out of
16 your busy lives to attend this hearing, and it is
17 important that you are here. The redistricting process
18 occurs only once every ten years, so we appreciate your
19 participation in that process.

20 My name is Louise Dovre Bjorkman, and I am a
21 judge on the Minnesota Court of Appeals and the
22 presiding judge of the Special Redistricting Panel.

23 I will ask my colleagues, the other judges
24 of the redistricting panel, to introduce themselves.

25 JUDGE BRATVOLD: Good evening. My name is

1 Diane Bratvold. I'm a judge on the Minnesota Court of
2 Appeals, sitting here in St. Paul.

3 JUDGE CARLSON: Jay Carlson, District Court
4 Judge from Becker County, Minnesota.

5 JUDGE WILLIAMSON: Jodi Williamson, Third
6 Judicial District, southeastern Minnesota, chambered in
7 Dodge County.

8 JUDGE FREEMAN: Judge Juanita Freeman,
9 Tenth Judicial District, chambered in Stillwater,
10 Washington County.

11 JUDGE BJORKMAN: The Chief Justice of the
12 Minnesota Supreme Court appointed this panel to adopt
13 congressional and legislative redistricting plans only
14 in the event that the Minnesota Legislature does not do
15 so by the statutory deadline of February 15th, 2022.

16 We recognize that the legislature has been
17 delayed in starting the work of redistricting because of
18 delays in the release of the final 2020 census data, and
19 so we find ourselves in the unusual situation of
20 conducting parallel redistricting processes. We intend
21 to give the legislature every opportunity to complete
22 redistricting, but we also must move forward with our
23 work so that we will be prepared to act, if necessary,
24 by February 15th.

25 The redrawing of Minnesota's congressional

1 and legislative districts involves many considerations,
2 not the least of which is the effects of redistricting
3 on the people who have a stake in this process, and that
4 is all of the people of this state.

5 Public hearings like this one are central to
6 the redistricting process. Our legislature, like
7 legislatures across the country, has conducted hearings
8 to receive information from the public and prior
9 redistricting panels have done the same.

10 These hearings enable members of the public
11 to directly voice their opinions and concerns and to
12 share local perspectives that will enhance our
13 understandings of communities across the state. This
14 participation is truly democracy in action.

15 We are particularly grateful for this
16 participation during this challenging time. We have
17 taken various precautions to create safe opportunities
18 for broad and diverse public engagement. For those
19 attending public hearings in person, masks are required
20 at all times, except when you are up making an oral
21 presentation.

22 I notice there are a couple of people that
23 don't have masks on. So if you need one, we have
24 extras; otherwise, I'd ask you to please put your mask
25 on at this time.

1 This hearing and all other in-person
2 hearings are being streamed live via Zoom so that
3 interested members of the public can watch remotely.
4 And the panel will receive and give full consideration
5 to written statements from the public. Written
6 statements must be submitted by October 29th of this
7 year. For details on how to submit written statements,
8 please see the panel's web page.

9 We welcome the comments of those who have
10 registered to speak at this hearing. We will call
11 speakers one at a time, in the order in which they
12 appear on the list of confirmed speakers. In the event
13 these speakers complete their presentations before 8:30,
14 we may allow others to speak.

15 Our marshal will display a clock -- I don't
16 know if you can see it, but you will be able to from the
17 podium -- that will assist us in staying within the
18 five-minute time limit for each speaker.

19 My fellow judges and I will be listening
20 carefully to each speaker. We may ask questions to
21 clarify or better understand a speaker's comments, but
22 we are mostly here to listen.

23 When speakers describe particular
24 communities, we encourage them to use the maps that are
25 on display up at the front, and there is a laser pointer

1 at the podium for your use. And we encourage speakers
2 to reference geographic markers, such as political
3 subdivisions; landmarks, like bodies of water or rivers
4 or streets, so that we can understand where those
5 communities are relative to the district lines.

6 Our court reporter will take down each
7 speaker's comments and a transcript will be available on
8 our web site at a later time.

9 Please be mindful that this is a court
10 proceeding, and so this is our courtroom for the
11 evening.

12 If you have not done so already, please turn
13 off your cell phone. Cell phones and private recording
14 devices must be turned off during the entire hearing.
15 If you need to leave during the hearing, please try to
16 do so in between speakers. Please be respectful of the
17 speakers and the listeners by not talking, adding
18 commentary, or applauding during or after a
19 presentation. And please respect and protect each other
20 by wearing a mask over your mouth and nose throughout
21 the session.

22 Again, on behalf of the panel, thank you so
23 much for your interest in this important matter.

24 We will begin this evening's public hearing
25 by hearing comments from Tiffini Flynn Forslund. Do we

1 have a Tiffini Flynn Forslund? (No response.)

2 Then we will proceed to the next registered
3 speaker, and that is Terri Thao. Good evening and
4 welcome.

5 TERRI THAO: Thank you. Good evening, Your
6 Honors.

7 My name is Terri Thao. I'm a second
8 generation Hmong-American, a mother, an advocate worker,
9 small business owner, and resident of the East Side of
10 St. Paul, in Ramsey County.

11 I'm a program director for a nonprofit
12 intermediary called Nexus Community Partners, where I
13 run a leadership development program that identifies and
14 trains Indigenous and People of Color to participate on
15 public boards and commissions. Our goal is to train and
16 prepare community members so they can be part of
17 creating more racially equitable public policies.

18 Thank you for taking my testimony tonight.

19 I moved to St. Paul as a young child as part
20 of the secondary migration of Hmong families who were
21 reuniting with family members all across the country
22 here in St. Paul.

23 Hmong families have especially thrived and
24 prospered in the city of St. Paul because of the public
25 investments available, including access to affordable

1 housing, entry-level jobs, affordable commercial store
2 fronts, and a good public education system.

3 And because of these public investments,
4 families like mine were able to prosper and grow,
5 resulting in the demographic changes and population
6 growth that we saw in the census today.

7 Our Hmong community invests in St. Paul
8 because it's our home. We have anchored in areas such
9 as Hmong Town and Hmong Village, our public markets.
10 You might not be able to see them on the map, but they
11 are in St. Paul. We also have sizable, vibrant Hmong
12 communities along University Avenue, Frogtown, East Side
13 of St. Paul, and also branch into Brooklyn Park,
14 Brooklyn Center, and Maplewood.

15 We want fair and equitable maps. Fairness
16 is a great value we embrace here in Minnesota. And to
17 me, fairness means maps that allow for opportunities for
18 our communities to elect a candidate of choice.

19 Equitable maps -- another outcome -- means
20 that the unique policy or representational needs of
21 communities of interest are reflected in the maps. When
22 natural tensions arise amongst principles, such as
23 population standard deviation, preservation of
24 subdivisions, such as cities and counties and
25 compactness, priority in deference should actually be

1 given to communities of interest.

2 Cohesive communities of interest, like the
3 Hmong community and other marginalized groups, should be
4 respected and reflected.

5 The Hmong community is a strong community of
6 interest that should not be split so that we can
7 advocate for more effective representation. Counties
8 and cities don't vote, but people living within these
9 political subdivisions do. A map should serve people.
10 We must recognize real community boundaries where people
11 live, shop, and work wherever possible, such as on
12 Maryland and Phalen, where -- I live on the East Side,
13 by Lake Phalen.

14 We should not follow blind municipal
15 boundaries. A minimalistic status quo approach no
16 longer serves all Minnesotans. Strict adherence to
17 compactness is not enough to guarantee representative
18 maps. For example, a principle of least change adopted
19 by prior courts has led to the division of communities,
20 unintentionally weakening their voices over time.

21 A representative redistricting plan must be
22 drawn so that elected bodies reflect the diversity of
23 Minnesota. And we all know Minnesota has some of the
24 worst racial disparities across every metric we look
25 at -- across home ownership, education, income, health,

1 and over-representation in the present system. And
2 while in 1960 People of Color were only 1.2 percent of
3 the population, today it's about a quarter across the
4 state.

5 The courts have drawn Minnesota maps since
6 the 1960s. And this year the Special Redistricting
7 Panel will determine how our demographic growth is
8 captured and represented over the next ten years. You
9 can and will determine if racial, ethnic, and language
10 minority groups will have an equal and equitable
11 opportunity to participate in the political process to
12 be able to elect candidates of their choice so that
13 their issues are addressed and implement policies to
14 close and address these inequalities.

15 I strongly request that this panel
16 prioritize communities of interest above other
17 principles, such as compactness or standard
18 deviations -- principles not required by the U.S. or
19 Minnesota Constitutions.

20 I respectfully ask that you also allow for
21 additional public input on proposed maps before they're
22 finalized. Communities of color and other
23 disenfranchised Minnesotans must have the opportunity to
24 see if the proposed new districts fairly and equitably
25 represent all the people of Minnesota, regardless of

1 race, ethnicity, ZIP code, or language.

2 Thank you for allowing me to testify
3 tonight. And, again, ask that you create maps that
4 allow for an unabridged participation in our democracy
5 for all Minnesotans. After all, it's the fair thing to
6 do.

7 Thank you.

8 JUDGE BJORKMAN: Thank you. Your comments
9 are submitted.

10 We will next hear from Remy Huerta-Stemper.
11 Good evening and welcome.

12 REMY HUERTA-STEMPER: Good evening. I have
13 to beg forgiveness as my comments are on my cell phone.

14 JUDGE BJORKMAN: That's okay.

15 REMY HUERTA-STEMPER: All right. Thank you
16 so much.

17 JUDGE BJORKMAN: You're not alone.

18 REMY HUERTA-STEMPER: Good evening. My
19 name is Remy Huerta-Stemper, and I am a resident of
20 Falcon Heights, in what is currently Congressional
21 District 4, Senate District 66A.

22 For the last three presidential elections,
23 Minnesota has claimed the highest participation in voter
24 turnout in the nation. We love to participate in
25 democracy and democratic action. Developed to hear the

1 voice of the minority and to respect the choice of the
2 majority, democracy works when no one group has all the
3 power.

4 Recent years have made it clear that the
5 minority voices, especially those of BIPOC communities,
6 are more severely silenced and shut out when those
7 communities are divided. It is imperative that
8 communities which hold shared ideals, goals, and beliefs
9 be able to retain a voice at the table.

10 The 2020 census data came in despite
11 significant obstacles to obtain accurate and current
12 information. That information, for better or worse, is
13 what we have to proceed with. Ultimately, numbers
14 matter. But identity and community also needs to
15 matter.

16 Minnesota farmers have different needs from
17 the suburban family. Suburban parents need different
18 resources than the condo dwellers downtown Minneapolis.
19 Maintaining districts which reflect the needs of the
20 populous without dividing or silencing members of the
21 community is vital in maintaining Minnesota's democratic
22 values.

23 As this body looks to draw maps for
24 redistricting for the next decade, I urge you to keep
25 the needs of the underrepresented at the forefront of

1 your minds. Keep communities together and whole, ensure
2 districts are drawn fairly and equally, and keep
3 politics out of the redistricting process.

4 Thank you.

5 JUDGE BJORKMAN: Thank you. Your comments
6 are submitted.

7 Our next speaker is Lisa Lendway. Good
8 evening and welcome.

9 LISA LENDWAY: Good evening. My name is
10 Lisa Lendway. I'm a St. Paul native, a registered
11 voter, and an assistant professor at Macalester College,
12 where I teach statistics.

13 I want to speak to you this evening about
14 two things: The panel's obligation to consider the
15 partisan fairness of proposed redistricting maps; and a
16 suggestion for how this panel can readily evaluate
17 partisan fairness.

18 In a long series of opinions stretching back
19 over decades, the U.S. Supreme Court has made it clear
20 that state courts must consider partisan fairness when
21 adopting new districting plans. It is not enough for a
22 state court to explain that it lacks any partisan
23 purpose or intent.

24 The state court also must take active steps
25 to ensure that it is not even inadvertently adopting

1 maps that systematically treat voters who prefer one
2 political party better than voters who prefer another
3 political party.

4 Here's the key point to remember: Even a
5 plan with districts that are all equally populated,
6 contiguous, reasonably compact, and respectful of
7 counties and cities and townships can still turn out to
8 be severely biased in favor of one political party and
9 against another. So expressly checking for partisan
10 fairness is indispensable.

11 Almost 40 years ago, in 1973, the Supreme
12 Court, in a case called *Gaffney vs. Cummings*, recognized
13 that trying to ignore proposed redistricting maps
14 political impact is a bad idea. The court explained
15 that this "politically mindless approach may produce,
16 whether intended or not, the most grossly gerrymandered
17 results."

18 And recently, in *Rucho vs. Common Cause*, the
19 court reaffirmed unanimously that partisan gerrymanders
20 are incompatible with democratic principles. But held
21 that the job of preventing unconstitutional
22 gerrymandering belongs not to federal courts but rather
23 to congress or the states, including state courts.

24 As a statistician, I can tell you that there
25 are many competing measures for assessing a

1 redistricting plan's partisan fairness. But the basic
2 concept can be boiled down to something quite simple.
3 Partisan gerrymanders shouldn't systematically award the
4 majority of seats to a party whose candidates haven't
5 earned a majority of votes. The party that earns more
6 votes statewide; that is, the more popular party, should
7 have a full and fair opportunity to control the state's
8 congressional delegation and legislature. Just as the
9 Olympics don't award gold medals to teams that finish
10 second, good districting maps don't routinely award more
11 seats to political parties that finish second. That
12 would be unfair and likely unconstitutional.

13 So here's a simple rule of thumb: In a fair
14 map, about half the districts should be more Democratic
15 than the state as a whole and about half the districts
16 should be more Republican than the state as a whole.
17 That sounds fair, doesn't it? It's even-handed and it's
18 based on the age old principle of symmetry: Do unto
19 others as you would have them do unto you. We could
20 call this the Golden Rule for fair districts.

21 When applying this rule, we use returns from
22 statewide elections. Imagine a statewide election that
23 is so razor close it requires a recount. In that
24 situation, it would seem fair if each candidate carried
25 about half the state's districts. Mathematically, that

1 is the same as saying half the districts should be more
2 Democratic than the state and half should be more
3 Republican.

4 And here's a real-world example: In 2014,
5 the DFL candidate for Minnesota Secretary of State edged
6 out his Republican opponent. The major party vote was
7 50.6 percent Democratic; 40.9 percent Republican. In a
8 fair map, about half the district should be more than
9 50.6 Democratic and about half should be less.

10 Again, statisticians like myself can cite
11 other, more complicated ways to measure partisan
12 fairness. But a map that passes the very simple test
13 I've described this evening, not only for one statewide
14 election but for a large collection of recent statewide
15 elections, is unlikely to be unfair or
16 unconstitutionally partisan.

17 When adopting maps, it is critically
18 important, both as a matter of law and as a matter of
19 fairness and justice, that the Special Redistricting
20 Panel consider this type of simple evidence to ensure
21 that it does not unwittingly tilt the state's political
22 playing field for the next decade.

23 And please remember, fairness will not flow
24 automatically from politics' blind map making that
25 focuses solely on criteria like compactness and

1 adherence to county lines. Fair maps depend on your
2 even-handed consideration of actual election returns.

3 Thank you.

4 JUDGE BJORKMAN: Thank you. Your comments
5 are submitted.

6 Our next speaker is Jeremy Blerlein. Good
7 evening and welcome.

8 JEREMY BLERLEIN: Good evening.

9 Honorable members of the Redistricting
10 Committee, my name is Jeremy Blerlein. I live in Eagan,
11 Minnesota. And thank you for the opportunity to
12 contribute to this important process.

13 I'm here tonight to ask you to put the south
14 metro back together and end the patchwork of legislation
15 of representation that currently exists there.
16 Bloomington, Eagan, Burnsville and other southern
17 suburbs together form community of interest across
18 multiple dimensions and would be best served by being
19 included together in a congressional district.

20 In the nearly 25 years I've been in
21 Minnesota, I've lived in the south metro, first in
22 Bloomington for six years, then Savage, then Shakopee,
23 and now Eagan for the last eight. And where I live in
24 Eagan, if I threw a football, it could land in
25 Burnsville. And as my kids would say, I'm frankly not

1 good at throwing much of anything.

2 The south metro has been a great home for
3 us; my wife and our five kids. My wife grew up in
4 Eagan. Three of our kids graduated from Bloomington
5 Jefferson High School and two more will graduate from
6 Eastview High School in Apple Valley. As you can
7 imagine, we spend a lot of time going north and south on
8 Cedar and 35W.

9 Past and current congressional boundaries
10 have used the Minnesota River, a natural landmark, as an
11 unnatural divider, yet every day of our lives our family
12 and countless others see how Eagan, Bloomington, and
13 Burnsville in the south metro are linked together.

14 The south metro drives together. Eagan,
15 Burnsville, and other south metro communities are the
16 primary source of inbound commuters to Bloomington.
17 Likewise, Amazon, UPS, FedEx all serve Bloomington from
18 across the river, yet federal transportation funding
19 focused on these important connections is often more
20 challenging due to the congressional district split on
21 either side of the river. You only need to drive 169 or
22 Cedar Avenue to see the impact.

23 Likewise, the south metro powers Minnesota's
24 health insurance industry with two of the largest
25 nonprofit insurers -- HealthPartners and Blue Cross and

1 Blue Shield of Minnesota -- within a ten-minute drive of
2 one another. And together they employ nearly 7,000
3 people.

4 The south metro, while not as lofty, shops
5 together. The Eagan Outlet Mall was intentionally
6 located just four minutes from Mall of America. We go
7 to the Mall of America for stores we can't find anywhere
8 else, and on weekends it feels like the entire city of
9 Bloomington heads south for a deal.

10 More importantly, the south metro is safer
11 together. The last several years have seen increases in
12 mutual aid calls, such as the Bloomington Bomb Squad or
13 SWAT, assisting in both Eagan and Burnsville for major
14 public safety incidences.

15 And, of course, the south metro has a
16 complex yet critical relationship with the
17 Minneapolis-St. Paul International Airport. Its 87,000
18 employees, plus those employees of the airlines and
19 vendors, live primarily in the south metro. Likewise,
20 any shift in flight patterns impact somebody, yet
21 municipalities, the Metropolitan Airports Commission,
22 and the FAA are coordinated with no less than four
23 congressional offices anytime they're trying to build
24 consensus.

25 Lastly, I ask you to think of the river,

1 whether mountain biking in the Minnesota Valley Wildlife
2 Refuge or hiking through Ft. Snelling State Park or
3 walking the old Cedar Avenue bridge, this important
4 natural resource brings people and communities together.

5 So as you draw these congressional
6 districts, should it come to the courts, I encourage you
7 to think about bridges, not boundaries; to see the
8 Minnesota River as a thread that connects and joins all
9 of these south metro communities. Bloomington, Eagan,
10 Burnsville and other southern suburbs would be best
11 served by unifying in the current Second Congressional
12 District. Please help bring us back together.

13 Thank you.

14 JUDGE BJORKMAN: Thank you. Your comments
15 are submitted.

16 Our next speaker is Tony Parrish, Sr. Tony
17 Parrish, Sr.? (No response.)

18 We will move to Rodolfo Gutierrez. Rodolfo
19 Gutierrez? (No response.)

20 Next person on our list is Mikki Murray. Do
21 we have Mikki Murray? Welcome.

22 MIKKI MURRAY: Good evening. Our honored
23 panel, thank you for the opportunity to come here this
24 evening. I appreciate your time.

25 My name is Mikki Murray, and I am a resident

1 in St. Paul, where I've lived for about seven years.
2 And I'm here to talk mostly about St. Paul, but a few
3 points also regarding Congressional District 4.

4 Issues within the Twin Cities and especially
5 within our urban core, St. Paul included, are I believe
6 separate and distinct from the issues and interests of
7 suburbs, including first-ring suburbs; our exurbs, those
8 that are further out; and rural areas within Minnesota.

9 St. Paul is poorly positioned to handle the
10 rising violence and crime within our area. We need
11 upgrades to decaying infrastructure to a greater extent
12 than many others; increase in improved housing for our
13 rapidly growing and increasingly diverse population;
14 investment to strengthen our residents, too many of whom
15 have need to overcome poor outcomes from public
16 education; to be strong work forces that can attract
17 business and jobs into our area and into the 21st
18 century.

19 These were not necessarily felt to the same
20 extent in other areas within the suburbs or even the
21 rural areas. Suburbs tend to be better financed; they
22 do not suffer from the same increase in crime, although
23 they do have some; and many are still able to expand
24 very easily and readily for additional housing and
25 business.

1 Rural areas are in desperate need,
2 unfortunately still, of rural broadband and other things
3 to strengthen their areas for business, education, and
4 other areas, including developing markets for their
5 products and services.

6 If we attempt to include these things within
7 single congressional districts, much less within
8 smaller, our legislative districts, people will be left
9 out. Their voices will not be heard.

10 These interests need separate representation
11 to ensure that our communities' voices are heard; that
12 people in St. Paul are not watered down in favor of
13 suburban interests; that rural residents do not need to
14 be lectured or feel lectured by those from the city on
15 issues that really don't pertain to city residents.

16 I offer that principles of redistricting in
17 the past has shown success, including within St. Paul.
18 We have increased representation from communities of
19 color at all levels, within the city councils, within
20 our school districts, at the legislature, in the senate,
21 and even in judicial seats.

22 It is not necessarily the intent of
23 redistricting to design and ensure seats for a
24 particular community or ethnicity, but to guarantee that
25 they have the opportunity for their voices to be heard

1 and to organize well, even to win.

2 I urge this panel to adopt redistricting
3 principles and maps that allow for residents of the
4 state, wherever they are -- rural areas, suburban areas
5 and within our urban core -- to be represented by those
6 who actually live in that area, those who understand the
7 issues that they deal with and can therefore speak to
8 them well.

9 These new districts should create a
10 collection of voices within even our congressional
11 delegation and in the state legislature that continue to
12 open opportunities to represent other people.

13 I had the privilege of listening to
14 testimony on Monday night for Woodbury, and there were a
15 number of people who spoke in favor of moving Woodbury,
16 suggesting a stronger community of interest with
17 Woodbury to Cottage Grove versus to neighbors to their
18 north, which would be, like, Lake Elmo and Oakdale.

19 And I actually speak in favor of retaining
20 and recognizing the strength of the communities of
21 interest that Woodbury has with Lake Elmo and Oakdale as
22 opposed to Cottage Grove. Just the way the development
23 has happened with business and residential areas has
24 been significantly stronger from Woodbury going to the
25 north; growing to the south because there's room for

1 that to happen. But the community of interest is quite
2 strong as it is today.

3 So I actually speak in favor of not shifting
4 Woodbury further to the south, which would probably be
5 Congressional District 2 today, but to let it stay where
6 it is because it is a very strong anchor within
7 Congressional District 4.

8 I thank you for your time, and I do not envy
9 the work that you have to do.

10 Thank you.

11 JUDGE BJORKMAN: Thank you. Your comments
12 are submitted.

13 MIKKI MURRAY: Thank you.

14 JUDGE BJORKMAN: Our next speaker is
15 Kimberly Crockett. Good evening and welcome. You may
16 take that off while you're speaking, if you prefer.

17 KIMBERLY CROCKETT: Thank you so much.

18 Good evening. I too do not envy the job you
19 have before you. Well said.

20 My name is Kim Crockett, and I'm a resident
21 of Shorewood, in the Third Congressional District.

22 I'm a former two-term city councilwoman in
23 Deephaven, SD-33, where I raised two great kids and
24 served as the chair of a five-city Excelsior fire
25 district. I'm an attorney and currently serve as a vice

1 chair in CD-3 for the Republican party. I'm speaking
2 tonight as an active citizen in the suburbs of CD-3, but
3 mostly as an attorney with a keen interest in the
4 political health of Minnesota.

5 The Supreme Court ruled in 2019 that
6 partisan redistricting is a political question, not
7 reviewable by federal courts, and that the federal
8 courts can't judge if partisanship violates the
9 constitution, even when that partisanship draws maps
10 that reasonably seem unjust, according to Justice
11 Roberts. He went on to say, "We conclude that partisan
12 gerrymandering claims present political questions beyond
13 the reach of federal courts."

14 The court was responding to a case in
15 Maryland, where the Democrats had used their power to
16 eliminate two GOP seats in congress; and in North
17 Carolina, where Republicans used their power to advance
18 their own ability to win elections in Democratic
19 strongholds.

20 Well, that sure sounds like American
21 political parties and what they've been doing since at
22 least the time when Massachusetts Governor Elbridge
23 Gerry signed into law new senate districts that gave us
24 the term "gerrymandering" and what political parties can
25 be expected to do as long as we are a democratic

1 republic.

2 I like that 2019 ruling from the U.S.
3 Supreme Court because it places the responsibility for
4 redistricting squarely where it belongs: in state
5 legislatures.

6 But what about Minnesota? Currently the
7 only divided legislature in the country and the land of
8 10,000 close elections.

9 The Minnesota Supreme Court has recently
10 concluded that this legislature will not reach agreement
11 in time for the 2022 primary. So, just as in 2011, the
12 process is already apparently out of the hands of
13 elected officials, which brings us here tonight.

14 Are the courts the ideal forum for deciding
15 these matters? Well, with all due respect to this
16 panel, the courts are not. But the 2011 judicially
17 ordered redistricting has served Minnesota well enough
18 and can do so again by keeping the largely neutral and
19 historical principles of 2011 in place.

20 This approach will not serve the most
21 partisan players, be they on the left or the right, but
22 it will serve the vast majority of Minnesotans, many of
23 whom struggle to be heard in our divided representative
24 system. I do not think that most Minnesotans are as
25 divided politically as the parties, and I do worry a bit

1 that you will not hear from that silent majority, though
2 I'm encouraged this evening.

3 I note that Marc Elias, in the *Democracy*
4 *Docket*, a DNC affiliated and highly partisan law firm,
5 has once again come into our state to team up with local
6 plaintiffs in the *Wattson* case to achieve results
7 through litigation that favor the most radical elements
8 in the Democratic party. They want results that they
9 cannot achieve through the legislative process.

10 I submit to you that should they succeed,
11 that the ideals of neutral redistricting that protect
12 one-person one-vote will be violated.

13 I also note that the Republican position, as
14 best I can ascertain, is to extend the 2011
15 redistricting framework, but make adjustments based on
16 the 2020 census.

17 A steady hand at the wheel, especially when
18 our nation is so dangerously divided, will best reassure
19 Minnesotans that the new redistricting plan respects the
20 ideal of one-person one-vote, and that they have a fair
21 chance to find representatives who will advocate for
22 them at the local, state, and federal level.

23 Thank you so much.

24 JUDGE BJORKMAN: Thank you. Your comments
25 are submitted.

1 KIMBERLY CROCKETT: Thank you.

2 JUDGE BJORKMAN: We will next hear from
3 Marty Probst. Good evening and welcome.

4 MARTY PROBST: Good evening. Thank you for
5 hearing my words.

6 My name is Marty Probst. I'm a resident of
7 Edina, where I was an active dad, volunteer on various
8 boards, yet I served as an election judge in the city of
9 Minneapolis for many years.

10 I've lived in Minnesota my whole life,
11 living on the East Side of St. Paul, Minneapolis, and
12 St. Cloud. The various suburbs, like most cities, are
13 not just extensions of the city of Minneapolis or city
14 of St. Paul. Character of suburban communities, just
15 like rural communities and so forth, indicates a shared
16 priorities on issues such as education, transportation,
17 business regulation, and privacy.

18 Many residents of the suburbs want to live
19 in an area where people choose to be active participants
20 and share public life with their neighbors, but also
21 respect the ability of these same neighbors to make
22 choices in lifestyles and raise their children that
23 don't need their assistance or interferences. This
24 makes suburban communities distinct from urban core and
25 even first-ring suburbs sometimes.

1 Edina's surrounding suburbs are hurting
2 them -- or... I lost my place here. An example is the
3 Senate District 49B has four cities in that small --
4 which is the smallest political unit in the state,
5 there's four cities: Eden Prairie, Minnetonka, Edina,
6 and Bloomington. It's chopped up. That's not a natural
7 barrier, boundary for anything. Obviously, it's very
8 partisan to get to that level. I'd like to see the part
9 of the subdivision of people who share their
10 perspectives. Communities living near them and want to
11 move out there and...

12 I'm here to ask you to adopt a neutral
13 approach to redistricting. Follow natural boundaries.
14 Resist the attempts by radical groups to dominate
15 redistricting and further weaken many suburbs and cities
16 would be helpful. We need to focus on bringing
17 neighbors together with others who share their interests
18 so that they can develop their communities in places
19 where everyone desires to live and imitate in their own
20 community.

21 If too many communities of interest are
22 placed into a congressional district, state senate
23 district or state house district, increased resentment,
24 interest group domination, and the demonization of those
25 who disagree in the new district become ever more

1 likely.

2 I'd love to see the redistricting plan favor
3 these neutral principles and then let the voters in that
4 district, composed of neighbors who share similar-based
5 principles, and their elected officials duke it out in
6 the policy arena.

7 Any action by the redistricting panel that
8 reduces the representation in voice of rural and
9 suburban Minnesota would damage the long-running and
10 unfulfilled attempt to gain high-speed and reliable
11 internet, as an example, in these rural communities.

12 All the talk about OneMinnesota is
13 meaningless if the redistricting panel further reduces
14 the already marginalized voices in greater Minnesota and
15 suburban Minnesota.

16 In closing, I urge the panel to adopt
17 redistricting principles, as I said, and map the
18 increase or at the very least do not decrease the voice
19 of these clear communities of rural and suburban
20 communities in greater Minnesota as well.

21 Thank you for your time.

22 JUDGE BJORKMAN: Thank you. Your comments
23 are submitted.

24 We will next hear from William Mohrman. Is
25 there a William Mohrman? (No response.)

1 Then we'll move down to Napoleon Howell. Is
2 there a Napoleon Howell? (No response.)

3 Our next listed speaker is Max Rymer.

4 UNIDENTIFIED VOICE: I can tell you that he
5 had an emergency tonight with a pregnant wife.

6 JUDGE BJORKMAN: Oh, okay. All right.
7 Well, the good news is, as I indicated at the beginning,
8 we're encouraging people to submit written statements,
9 and if they do so by October 29th, they will receive our
10 full consideration.

11 Arlene Sheldon? (No response.)

12 And the final name on our list of speakers
13 is Raj Chaudhary. Raj Chaudhary? (No response.)

14 Okay. I'm going to just read through the
15 names. I don't know that anyone has joined us.

16 Tiffini Flynn Forslund? (No response.)

17 Tony Parrish, Sr.? (No response.)

18 Rodolfo Gutierrez? (No response.)

19 William Mohrman? (No response.)

20 Napoleon Howell? (No response.)

21 Arlene Sheldon? (No response.)

22 And Raj Chaudhary? (No response.)

23 I guess that concludes the comments of the
24 people who have preregistered.

25 We do have time remaining for comments by

1 others in attendance who have not already had a chance
2 to speak. If they would like to do so, we are here to
3 listen.

4 Please approach and state your name when you
5 get to the podium, please.

6 RAY WALLIN: Can I show you a picture while
7 I'm talking?

8 JUDGE BJORKMAN: Let's see...

9 RAY WALLIN: You'll be able to see it from
10 there.

11 JUDGE BJORKMAN: On your computer?

12 RAY WALLIN: Yeah. If I set it here?

13 JUDGE BJORKMAN: Are we in trouble if we
14 put it in front of the other computer screen?

15 RAY WALLIN: You can put it anywhere.

16 JUDGE BJORKMAN: You could email the photo
17 to us afterwards too.

18 RAY WALLIN: Well, I'm going to talk about
19 it, so...

20 JUDGE BJORKMAN: Okay. All right. We can
21 see that.

22 RAY WALLIN: Is this good? (Indicating.)

23 JUDGE BJORKMAN: Yeah, we can see that.

24 RAY WALLIN: Oops, that's the wrong one.
25 There, that's the right one.

1 JUDGE BJORKMAN: All right.

2 RAY WALLIN: Good evening. My name is Ray
3 Wallin, W-a-l-l-i-n. Tonight, I'd like to introduce you
4 to a gerrymandering measure, the Weighted Districts
5 Method. The WDM's been out for a while. I've been
6 hanging around online with redistrictors and things like
7 that, and I just recently created a Twitter profile so I
8 can exclusively do weighted districts plots and all
9 that.

10 The Weighted Districts Method measures
11 partisan bias in a plan and it also plots the value of
12 each district. So you take each district and you're
13 like, What value does that have to Democrats? What
14 value does it have to Republicans? This is a dot plot
15 from the League of Women Voters. They just put out a
16 plan about two weeks ago, and that's the dot plot of it.

17 What they try to do is create a good plan.
18 This plan is gerrymandered. It measures as
19 gerrymandered. And I want to explain how that comes to
20 be and how it pertains to what you guys are doing.

21 On that dot plot, districts are plotted by
22 Republican vote share. Why Republican? Because then as
23 the district moves to the right, it moves to the right;
24 if it moves to the left, it moves to the left. And then
25 above and below the line, each district is plotted. And

1 the higher the district is, the more it benefits
2 Republicans; the lower it is, the more it benefits
3 Democrats.

4 The Weighted Districts Method mathematically
5 derives this, but I'm going to kinda go through exactly
6 how it works.

7 So a 50/50 district is worth nothing to
8 Democrats or Republicans because you don't know who
9 you're going to elect. To the voter, it means a lot
10 because you get to choose your representative.

11 So in the middle, you've got -- it's got a
12 zero value right there. And as you shift Republicans
13 into the district, the value of the district increases.
14 And if you shift too many in, it gets packed and then it
15 becomes -- it goes below the line and it benefits
16 Democrats.

17 Now, the same thing in the other direction,
18 where if you take a 50/50 district and you put more
19 Democrats in it, it becomes more beneficial to
20 Democrats, so it goes below the line. But if you pack
21 it with too many Democrats, it comes up -- like CD-4 and
22 CD-5 are way up there. They're two packed districts.

23 Now, how did they get packed? And that's
24 the crux of redistricting. What you're going to be
25 doing is you're going to be balancing communities of

1 interest and you're going to be balancing partisan
2 fairness. And you can't have both of them. The more
3 you concentrate on communities of interest, the more you
4 jam Democrats together. When you have Democratic
5 communities of interest, they're more packed in.
6 They're in the cities; there's not that many
7 Republicans. You go outside the cities and out in the
8 rural areas and you have Democrats in there.

9 And so if you create a community of interest
10 that's Republican, then you can hardly get it more than
11 70 percent Republican. In the middle of the city, you
12 can get it to, like, 90 percent Democrat. And that
13 imbalance is something you're going to see that happens.

14 So what happens is, like in CD-5, that
15 dumbbell there, that's the average vote share of
16 Minnesota. And so as you pull CD-5 farther away from
17 that dumbbell, the whole plan shifts to the Republican
18 side and the plan benefits Republicans. And that's the
19 purpose of packing.

20 So the League of Women Voters probably said,
21 we want a community of interest, CD-5. And they made
22 that district, and so now the whole plan is skewed the
23 other direction.

24 There's no right answer to it. You're gonna
25 have districts that are highly packed and not. But I

1 think that the goal of your group is to educate the
2 public, because there is that tradeoff. And the chances
3 are that your plan leans to the right is much greater
4 than to the left because of this imbalance. And it's
5 not just with the larger districts; it happens with the
6 smaller districts too.

7 And so this is the 2011 house plan,
8 Minnesota house plan. And you can just look at that
9 Weighted Districts Method and you can see that most of
10 the dots are above the zero line.

11 And so as you're making your plans, I'll
12 probably be plotting these online on my Twitter account.
13 And what you can do as you're redistricting, you can see
14 where these districts are going and how it's affecting
15 the whole plan. And it's a very valuable tool to use.

16 And so what happens is the more (timer
17 sounded) you squeeze these communities of interest, the
18 more biased the plan is.

19 JUDGE BJORKMAN: I'll let you sum up, but
20 we're trying to stay within the five minutes for every
21 speaker.

22 RAY WALLIN: Yep. I was pretty much done.

23 JUDGE BJORKMAN: All right.

24 RAY WALLIN: It's hard to squeeze in, but I
25 did it. Thanks.

1 JUDGE BJORKMAN: Thank you.

2 JUDGE WILLIAMSON: Thank you.

3 JUDGE BJORKMAN: Your comments are
4 submitted.

5 And I think that is everyone in the room
6 that has had an opportunity to speak.

7 So this will conclude our hearing in
8 St. Paul.

9 On behalf of the panel, I want to thank you
10 all for coming, for participating, for providing
11 information and ideas about your community. Your
12 contributions will aid us in the work we do in this
13 redistricting process.

14 We are heartened by the civic engagement
15 you've demonstrated and what we've observed over the
16 last four evenings. It is a really good testament to
17 how important people are taking this process and the
18 importance of the work.

19 We greatly appreciate, again, you taking the
20 time out of your busy schedules under these unusual
21 circumstances to participate in this.

22 With that, I will wish you a good evening.
23 And we are adjourned.

24 THE CLERK: All rise.

25 - - -

1 (At 7:20 p.m., the Special Redistricting Panel of
2 judges left the courtroom and this special session of
3 the court stood adjourned.)

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1 **STATE OF MINNESOTA**)
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2 **COUNTY OF DODGE**)

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4 **CERTIFICATE**

5

6 I, Lane T. Knutson, Registered Professional Reporter
7 and Official Court Reporter in and for the State of
8 Minnesota, County of Dodge, Third Judicial District, do
9 hereby certify that I reported and transcribed the
10 proceedings herein; and that the transcript contained
11 on the foregoing pages is a true and correct
12 transcription of my shorthand notes as reported by me
13 at the said time and place herein noted.

14

15

16 /s/Lane T. Knutson
17 Lane T. Knutson, RPR
18 Official Court Reporter
19 Dodge County Courthouse
20 Mantorville, Minnesota 55955
21 (507) 624-7007

Dated: November 30, 2021.

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