Minnesota State and Federal Redistricting Litigation Summary
Redistricting Group
December 1, 2011 Update

Overview of Basis of Existing Redistricting Litigation:

The Minnesota Legislature must pass redistricting plans by intended date of February 21, 2012 for the following:

- 8 Minnesota Congressional Districts (Numbered 1 through 8)
- 67 Minnesota Legislature - Senate Districts (Numbered 1 through 67)
- 134 Minnesota Legislature - House Districts (Numbered 1A, 1B . . . 67A, 67B)

Claims of the various Plaintiffs are generally based on the existing districts being used for the 2012 election, which would give persons living in the more populated districts less voting power than persons living in less populated districts. Specifically, the Plaintiffs claim that lack of redistricting before the 2012 election would violate the following laws:

14th Amendment of the U.S. Constitution, Sec. 1:

. . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within is jurisdiction the equal protection of the laws.

14th Amendment of the U.S. Constitution, Sec. 2:

Representatives shall be apportioned among the several States according to their respective numbers . . .

5th Amendment of the U.S. Constitution:

No person shall be . . . deprived of life, liberty or property without due process of law . . .

Minnesota Constitution, Art. I, Sec. 2:

No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.

Minnesota Constitution, Art. IV, Sec. 2:

The number of members who compose the senate and house of representative shall be prescribed by law. The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.

Minnesota Constitution, Art. IV, Sec. 3:

At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series.

State Court File No. 11-433
Brought in Wright County, Minnesota

Original Title of Case:

Sara Hippert, Dave Greer, Linda Markowitz, Dee Dee Larson, Ben Maas, Gregg Peppin, Randy Penrod and Charles Roulet, individually and on behalf of all citizens and voting residents of Minnesota similarly situated, Plaintiffs,

vs.

Mark Ritchie, Secretary of State of Minnesota; and Robert Hiivala, Wright County Auditor, individually and on behalf of all Minnesota county chief election officers, Respondents.

Timeline of State Court File No. 11-433:

January 21, 2011:	Complaint by Hippert, et al. Requests the court to: (1) declare that the present legislative and congressional apportionment of the State of Minnesota violates various rights of Plaintiffs; (2) enjoin the holding of the 2012 election until new legislative and congressional districts are determined; (3) determine and order valid plans in the event that the Minnesota Legislature and the Governor fail to enact legislation establishing districts; and (4) award attorney fees, expenses and other costs to Plaintiffs.
February 17, 2011:	Answer of Ritchie
May 23, 2011:	Notice of intervention of Kenneth Martin, et al.
May 23, 2011:	Complaint in Intervention of Kenneth Martin, et al.
May 23, 2011:	Plaintiffs In Intervention Motion for Admissions Pro Hac Vice of Marc E. Elias and Kevin J. Hamilton and Affidavits of Kevin Hamilton and Marc E. Elias
June 7, 2011:	Answer of Defendant Robert Hiivala

State Court File No. 11-152
Filed with Minnesota Supreme Court

Original Title of Case:

Sara Hippert, Dave Greer, Linda Markowitz, Dee Dee Larson, Ben Maas, Gregg Peppin, Randy Penrod and Charles Roulet, individually and on behalf of all citizens and voting residents of Minnesota similarly situated, Plaintiffs,

vs.

Mark Ritchie, Secretary of State of Minnesota; and Rober Hiivala, Wright County Auditor, individually and on behalf of all Minnesota county chief election officers, Respondents.

Timeline of Minnesota Supreme Court File No. 11-152:

January 25, 2011:	Petition for Appointment of Special Redistricting Panel
January 26, 2011:	Ritchie's Response to the Petition for Appointment of Special Redistricting Panel
January 27, 2011:	Petitioner's Reply to Ritchie's Response
January 31, 2011:	Hiivala's Response to the Petition for Appointment of Special Redistricting Panel
February 14, 2011:	Minnesota Supreme Court Chief Justice Lori S. Gildea granted petition for appointment of a special redistricting panel to hear and decide challenges to the validity of state legislative and congressional districts based on the 2010 census, but stayed both appointment of the special redistricting panel and further proceedings. (The premise for the petition is that the elections in 2012 will be held using the districts determined in 2002, in violation of due process and equal protection rights of the voters.)
May 18, 2011:	Petitioners' Motion to Lift Stay and Appoint Panel
May 27, 2011:	Ritchie's Response to Motion to Lift Stay and Appoint Panel
June 1, 2011:	Minnesota Supreme Court Chief Justice Lori S. Gildea appointed a Special Redistricting Panel of judges to hear and decide all matters, including all pretrial and trial motions, in connection with the disposition of File No. 11-152 and any additional challenges filed in state court to the validity of state legislative and congressional districts based on the 2010 Census, as provided below: Wihelmina M. Wright, presiding Judge Ivy S. Berhardson James B. Florey Edward L. Lynch John R. Rodenberg

July 18, 2011: Special Redistricting Panel issued Scheduling Order # 1, which provides deadlines as follows:

Motions to Intervene: 7/29/11 (already completed)
The original parties (Hippert, et. al) are Republicans. A group representing democratic interests (Martin, et. al) and another group (Britton, et. al) were allowed to intervene.

Stipulations and Statement of Unresolved Issues: 9/28/11 (already completed)
Stipulations and Statement should include:

(1) Whether current districts are unconstitutionally flawed in light of the 2010 Census
(2) Ideal populations for congressional, senate and house districts.
(3) Maximum tolerable percentage deviation from the ideal for legislative districts.

Proposed Redistricting Criteria:

10/5/11 Proposed criteria of each party (already completed)
10/19/11 Responses to each proposed party's criteria
10/26/11 Oral argument if requested

Electronic Access on the Court Web Site: Discussed. (Ordered by Special Redistricting Panel on August 9, 2011 – the web page can be accessed at www.mncourts.gov/?page=4469)

Series of Public Hearings: October 6, 2011 to October 14, 2011

July 28, 2011: Notice of Motion for Application for Intervention of Britton, et al.

July 29, 2011: Motion to Confirm Intervention of Martin, et al. (members of DFL) and for Admission Pro Hac Vice of two of their attorneys

August 1, 2011: Order of Special Redistricting Panel admitting Marc Elias and Kevin Hamilton pro hac vice for purposes of representing intervenor Kenneth Martin, et al.

August 3, 2011: Request for Leave to Participate of Timothy D. Utz (through amicus brief)

August 9, 2011: Order of Special Redistricting Panel requiring Clerk of Appellate Courts to provide remote electronic access to the submissions of parties and movants at http://www.mncourts.gov/?page=4469

August 10, 2011: Response to Amicus request by Special Redistricting Panel denying leave for Timothy D. Utz to participate in the litigation

August 18, 2011: Order of Special Redistricting Panel granting the motions to intervene of Martin, et al. and Britton, et al.

September 6, 2011:	Answer of Defendant Mark Ritchie, Secretary of State of Minnesota to Britton Intervenors' Complaint
September 7, 2011:	Answer of Defendant Mark Ritchie, Secretary of State of Minnesota, to Martin Intervenors' Complaint
September 9, 2011:	Order Setting Public Hearing Schedule
September 12, 2011:	Timothy D. Utz Amicus Curiae Order
September 13, 2011:	Amended Order Setting Public Hearing Schedule
September 19, 2011:	Answer of Defendant Hiivala to Britton Complaint in Intervention
September 19, 2011:	Answer of Defendant Hiivala to Martin Complaint in Intervention
September 27, 2011:	Statement of Secretary of State of Minnesota Mark Ritchie regarding Unresolved Issue of Constitutionality of Current Districts
September 28, 2011:	Stipulation of Joint Statement of Unresolved Issues
September 28, 2011:	Hippert Plaintiffs' Statement of Unresolved Issues
September 28, 2011:	Martin Intervenors' Statement of Unresolved Issues
September 28, 2011:	Statement of Unresolved Issues of Plaintiff-Intervenors Britton, et. al
October 3, 2011:	Statement of Unresolved Issues of Hiivala, et. al
October 5, 2011:	Motion of Mark Ritchie, Secretary of State of Minnesota, to Adopt Redistricting Criteria
October 5, 2011:	Britton Intervenors' Motion to Adopt Redistricting Criteria
October 5, 2011:	Martin Intervenors' Motion to Adopt Proposed Redistricting Criteria
October 5, 2011:	Hippert Plaintiffs' Motion to Adopt Proposed Redistricting Criteria
October 6, 2011:	Statement of Wright County Auditor Robert Hiivala Regarding Congressional and Legislative Redistricting Principles

October 6, 2011: Scheduling Order No. 2, which provides deadlines as follows:

10/19/11	Responses to motions to adopt proposed redistricting criteria
10/26/11	Oral argument on redistricting criteria and unresolved issues
11/18/11	Motions to adopt proposed redistricting plans and supporting memoranda
12/9/11	Responses to motions to adopt redistricting plans and supporting memoranda
1/4/12	Oral argument on redistricting plans (9:30 a.m., Courtroom 300, Minnesota Judicial Center, St. Paul)

October 10, 2011: Second Statement of Wright County Auditor Robert Hiivala Regarding Unresolved Issues

October 19, 2011: Hippert Plaintiffs' Response Memorandum in Support of Motion to Adopt Redistricting Criteria

October 19, 2011: Martin Intervenors' Response to Motions to Adopt Proposed Redistricting Criteria

October 19, 2011: Britton Intervenors' Response to Motions to Adopt Redistricting Criteria

October 21, 2011: Order Stating Time Limits of October 26, 2011 Oral Arguments

October 26, 2011: Letter from E. Magnuson

October 26, 2011: Letter from K. Anderson

October 27, 2011: Letter from M. Elias and D. Lillehaug

October 27, 2011: Letter from A. Weinblatt

October 28, 2011: Letter from K. Anderson

October 28, 2011: Letter from A. Weinblatt

October 31, 2011: Letter from K. Anderson

November 4, 2011: Order Stating Redistricting Principles and Requirements for Plan Submissions

November 8, 2011: Request for Leave to Participate as Amicus by Common Cause

November 9, 2011: Hippert Plaintiffs' Objection to Common Cause Amicus Request

November 14, 2011: Letter from M. Carlson

November 16, 2011: Letter from K. Anderson

November 18, 2011: Letter from G. Kryzer

November 18, 2011: Various filings by Britton, Hippert and Martin parties of Congressional and Legislative Plan Reports, Plans, Maps and other related documents

November 29, 2011: Order Denying Request to Participate as Amicus (Common Cause)

United States District Court File No. 11-cv-93 PJS-MJD-DM Filed with Federal District of Minnesota

Original Title of Case:

Audrey Britton, David Bly, Cary Coop, and John McIntosh, individually and on behalf of all citizens of Minnesota similarly situated, Plaintiffs,

vs.

Mark Ritchie, Secretary of State of Minnesota, Rachel Smith, Hennepin County Elections Manager, Fran Windschitl, Rice County Auditor, Cindy Geis, Scott County Auditor, Robert Hiivala, Wright County Auditor, individually and on behalf of all Minnesota county chief election officers, Defendants.

Timeline of United States District Court File No. 11-cv-93 PJS-MJD-DM:

January 12, 2011: Complaint filed by Britton, et al.

January 18, 2011: Letter Order of Judge Patrick Shiltz stating he reviewed plaintiffs' request for appointment of a 3-judge panel and found the request to be proper

January 19, 2011: Order of Designation of Chief Judge William Jay Riley, who designated a 3-judge panel by random drawing, as follows:

Diana E. Murphy, U.S. Circuit Judge for the Eighth Circuit
Michael J. Davis, Chief Judge, U.S. District Court, District of Minnesota
Patrick J. Schiltz, U.S. District Court Judge, District of Minnesota.

February 7, 2011: Order granting Hippert, et al. to intervene and stating that all further proceedings in the action shall be stayed, and that any party can move to lift the stay

July 21, 2011: Order of Arthur Boylan, U.S. Chief Magistrate Judge, which denied a motion for a lift of a stay of redistricting proceedings. Actions by the panel were indefinitely stayed pending lack of action by the Minnesota Legislature and the Special Redistricting Panel assigned by Judge Gildea.

Combined Timeline of Important Dates and Case Actions:

2002:	State congressional and legislative districts determined based on 2000 U.S. Census
April 2010:	U.S. Census completed
January 19, 2011:	Order of Designation of Chief Judge William Jay Riley, who designated a 3-judge panel by random drawing, as follows: Diana E. Murphy, U.S. Circuit Judge for the Eighth Circuit Michael J. Davis, Chief Judge, U.S. District Court, District of Minnesota Patrick J. Schiltz, U.S. District Court Judge, District of Minnesota.
February 14, 2011:	Minnesota Supreme Court Chief Justice Lori S. Gildea granted petition for appointment of a special redistricting panel, but stayed both appointment of the special redistricting panel and further proceedings. (The premise for the petition is that the elections in 2012 will be held using the districts determined in 2002, in violation of due process and equal protection rights of the voters.)
May 19, 2011:	Governor Mark Dayton vetoed legislative redistricting plans (Chapter 35, H.F. 1425) and congressional redistricting plans (Chapter 36, H.F. 1426) adopted by the Minnesota Legislature
June 1, 2011:	Minnesota Supreme Court Chief Justice Lori S. Gildea appointed a Special Redistricting Panel of judges, as provided below: Wihelmina M. Wright, presiding Judge Ivy S. Berhardson James B. Florey Edward L. Lynch John R. Rodenberg
July 18, 2011:	Special Redistricting Panel issued Scheduling Order # 1, which provides deadlines as follows: **Motions to Intervene:** 7/29/11 (already completed) The original parties (Hippert, et. al) are Republicans. A group representing democratic interests (Martin, et. al) and another group (Britton, et. al) were allowed to intervene.

Stipulations and Statement of Unresolved Issues: 9/28/11 (already completed)
Stipulations and Statement should include:
(1) Whether current districts are unconstitutionally flawed in light of the 2010 Census
(2) Ideal populations for congressional, senate and house districts.
(3) Maximum tolerable percentage deviation from the ideal for legislative districts.

Proposed Redistricting Criteria: (already completed)

10/5/11	Proposed criteria of each party
10/19/11	Responses to each proposed party's criteria
10/26/11	Oral argument if requested

Electronic Access on the Court Web Site: Discussed. (Ordered by Special Redistricting Panel on August 9, 2011 – the web page can be accessed at www.mncourts.gov/?page=4469)

Series of Public Hearings: October 6, 2011 to October 14, 2011 (already completed)

July 21, 2011: Order of Arthur Boylan, U.S. Chief Magistrate Judge, which denied a motion for a lift of a stay of redistricting proceedings. Actions by the panel were indefinitely stayed pending lack of action by the Minnesota Legislature and the Special Redistricting Panel assigned by Judge Gildea.

September 9 & 13, 2011: Orders of Special Redistricting Panel Setting Public Hearings Schedule

October 6, 2011 Scheduling Order No. 2, which provides deadlines as follows: (already completed through 11/18/11 deadline)

10/19/11	Responses to motions to adopt proposed redistricting criteria
10/26/11	Oral argument on redistricting criteria and unresolved issues
11/18/11	Motions to adopt proposed redistricting plans and supporting memoranda
12/9/11	Responses to motions to adopt redistricting plans and supporting memoranda
1/4/12	Oral argument on redistricting plans (9:30 a.m., Courtroom 300, Minnesota Judicial Center, St. Paul)

November 4, 2011: Order Stating Redistricting Principles and Requirements for Plan Submissions

November 18, 2011: Parties' Proposed Redistricting Plans filed

January 4, 2012: Oral Arguments on Redistricting Plans

January 24, 2012:	Minnesota Legislature meets for regular legislative session.
February 21, 2012:	Minn. Stat. § 204B.14 – Intended date for Minnesota legislature to complete congressional and legislative redistricting (no later than 25 weeks before the state primary election in 2012).
April 3, 2012 or 60 days after completion of legislative districts, whichever comes first:	Generally, the deadline for the Charter Commission to establish Minneapolis wards and the Minneapolis City Council to establish Minneapolis precinct boundaries.
May 1, 2012 or 80 days after completion of legislative districts, whichever comes first:	Generally, the deadline for the Charter Commission to establish Park Board districts.
August 14, 2012:	State Primary Election
November 6, 2012:	State General Election