Redrawing the political map in the 21st century

By: David Schultz  o February 23, 2021

Editor’s Note: This is the second of a two-part examination of redistricting in Minnesota. Part one examined the history of redistricting from the Minnesota’s original constitution in 1858 through the 1960s, in the wake of the United States Supreme Court’s 1964 Reynolds v. Sims decision, and throughout the 1990s.

2000: Reapportioning in a tripartisan state

If partisan disputes between two parties complicate redistricting, the disputes in 2001 after the 2000 Census faced an additional hurdle — tripartisanship. Jesse Ventura was elected governor as the Reform Party candidate in 1998. In that election the DFL held control of the Senate but the Republicans took control of the House. This meant that for any plan to become law three political parties had to reach agreement. That did not happen.

Initially the governor created an 11-person Citizen Advisory Commission on Redistricting composed of legislative leaders and groups such as Common Cause and the League of Women Voters. However, well-meaning, the Commission was unable to get the Legislature to agree on a single plan, with the Republican House and DFL Senate putting forth their own ideas. Among the differences, the Republicans proposed combining the two congressional seats that separately represented Minneapolis and St. Paul into one district. Ventura also expressed concern that the plans offered by both houses discriminated against third parties.

State law requires that the district lines for congressional and legislative races be completed 25 weeks before the primary in years ending with a two. In 2001 this meant that a plan had to be adopted by March 19, 2002. However back on July 12, 2001, anticipating that the governor and the Legislature would not reach agreement in time, Minnesota Supreme Court Justice Kathleen Blatz, in response to a lawsuit, appointed a special judicial panel to draw
upon new districts in the event that the March 19, deadline was missed. It was, and in Zachman v. Kiffmeyer the court’s plan was adopted for the 2002 elections.

The lines drawn for the 2002 elections pitted a near record number of legislative incumbents against one another. It preserved Minneapolis and St. Paul as distinct congressional districts, and it also produced an oddly shaped Sixth Congressional district winding from Stillwater, Anoka County, to Sterns County, and then to Wright County and Delano. The district was strongly Republican. In 2004 Republican Mark Kennedy won the seat and held it until he lost the U.S. Senate race to Amy Klobuchar in 2006. In 2006 Michelle Bachmann won the seat.

The 2002 court plan reflected a further deterioration of rural seats in Minnesota. It created more legislative seats in the Twin Cities suburbs, favoring Republicans. Moreover, because of the decline in rural Minnesota’s population, the Iron Range and Duluth, traditionally a DFL stronghold, lost seats. More importantly, the Eighth District, held by DFL Congressman Jim Oberstar, was extended from Duluth and St. Louis County to include Chisago Country — the outer boundary of the Twin Cities’ suburbs. This proved critical in the 2010 elections when Republican Chip Cravaack of Lindstrom narrowly defeated Oberstar by 4,400 votes. The changing demographics of the state significantly contributed to his victory.

2010: Divided government, changing state

The 2010 elections produced the first DFL governor in Mark Dayton to win since Rudy Perpich’s victory in 1986. It also produced the first House and Senate controlled by the Republicans since 1978. Mixed government was the recipe for an inability to reach agreement on a redistricting plan.

Going into the 2010 Census there were fears that Minnesota would lose a congressional seat. But when the final results were tabulated the state held on to all eight of its seats. It received that news in March 2011. But before that on January 4, 2011 the Minnesota Legislature came into session where redistricting was one of its tasks. The following week a case was filed in US District Court, Britton v. Ritchie, Secretary of State, contending that the current lines in effect since 2002 were invalid and that the Legislature would not be successful in drawing new lines in a timely fashion. The suit was eventually withdrawn. Another suit, Hippert v. Ritchie, Secretary of State, was filed on Jan. 21, 2011, contending that the congressional and legislative seats were unconstitutional based on the 2010 Census.

As a result of that suit, on June 1, 2011, Chief Justice Lorie Gildea appointed a special judicial panel to begin work on a plan in event that the governor and Legislature fail to adopt one by February 21. 2012, 25 weeks before the August 14, 2012, primary.

The House and Senate Republicans put forward during the 2011 session plans for redistricting. Among the proposed changes, a plan to move 7th District DFLer Colin Peterson into a new 8th District that would cover the northern part of the state, shift Republican Chip Cravaack into a new 7th District that includes the northern suburbs and western Minnesota to the Dakotas. Effectively, the plan switched Cravaack and Peterson’s districts. Additionally, the 1st District represented by DFLer Tim Waltz would encompass the
southern part of the state. Michelle Bachmann’s 6th Congressional District would face changes to, but remain strongly intact. All of these propose changes clearly would have favored Republicans. This plan was vetoed by Dayton, almost ensuring the courts would draw the maps again.

On October 6, 2011 the special panel directed parties to submit plans, with a Jan. 4, 2012, hearing scheduled. In leading up to the hearing the DFL and Republicans have proposed their own criteria that should be included when redistricting. They agree on the traditional redistricting criteria — population, compact and contiguous districts, respect for communities of interest, local political boundaries, and minority interests. But how they interpret those criteria in light of changing demographics that are continuing to shrink the population of rural Minnesota and the urban cores of the Twin Cities, and expand the suburbs, especially the outer-ring ones, is different.

Republicans successfully argued that the metro region around the Twin Cities needed to be expanded to include 11 counties to incorporate the growth in the exurbs. This was significant since it would then bring the traditional DFL areas of Minneapolis, St. Paul, and their inner ring suburbs into a potential community of interest with second and more distant ring ones. This would have allowed for a drawing of lines that would mix these populating losing DFL areas with the more rapidly growing Republican suburbs. Demographic shifts in 2011 meant that the challenge in redistricting was how to address the continued shrinkage of rural Minnesota with changes in the metro region that are shifting more people into the suburbs, while at the same time representing the growing minority interests in the state.

On April 25, 2011, Dayton sent a letter to Republican state Rep. Sarah Anderson, who was the author of the congressional and legislative district plans informing her that he would veto any plan drawn for partisan purposes, or which had the purpose of “protecting or defeating incumbents.” Despite that warning, the Republican Legislature sent to Dayton their plans. Dayton on May 19, 2011, vetoed them, and in a letter to House Speaker Kurt Zellers he identified several problems with the plans. Among them that all DFL amendments to them were defeated on the floor, that it paired five DFL Senators and 14 DFL House members but only one Republican Senate and six Republican House members respectively. Dayton described the congressional plans as also defective in targeting the 1st District while creating six safe incumbent seats. He also described both plans as failing to provide opportunity for public analysis and reaction.

Eventually the special judicial panel had to draws the districts for both the Legislature and Congress. It employed standards adopted by an order from the court issued on Nov. 4, 2011. These standards included the traditional ones of one person, one vote, compactness, and contiguity. But the court also effectively applied another criteria in 2012—respect for settled expectations. While not constitutionally required, one saw in the lines an effort to make as incremental change in lines as possible in order to avoid voter confusion. In effect, unless absolutely necessary, avoid changing who district voters are in or who their representative is. Comparing the 2002 and 2012 congressional maps, this is exactly what the court did — it drew lines with minimal changes.

What it produced is a map that did not increase the competitiveness of races, but one in many ways that favored most incumbents. The maps also achieved numerical equality in amazing ways. In 2012, the target population for a congressional seat was 662,991 persons. In five of the eight Minnesota congressional seats, the court hit that number exactly and in three it was one person off. The court did its job perfectly in terms of the one person, one vote standard. But the court also did a good job in drawing the lines when the other traditional criteria are considered.

The 6th Congressional District then held by Republican Michelle Bachmann and now Tom Emmer became even more strongly Republican than before. The 2nd Congressional District
then held by Republican John Kline became maybe slightly more competitive, eventually resulting in a Democratic Angie Craig taking it in 2018 and then again in 2020. In the 8th District the loser at the time appeared to be Republican Chip Cravaack who had hoped to shed Duluth and the Iron Range from his district and move farther south in the northern Twin Cities suburbs. He did not get that and instead faced a difficult race against DFLer Rick Nolan and he eventually lost. However, by the end of the decade the shifts in party politics and loyalty put the 8th District firmly in control of the Republicans when Pete Stauber won it in 2018 and 2020.

Now turn to the legislative districts. The target population for Senate districts is 79,163, and for the House it is 39,582. For the 67 Senate and 134 House seats, the deviance from the least to most populous was about 1.5%. This deviance was necessary to respect local government subdivisions along with the other districting criteria described above. Again, judged by these standards, the court did a commendable job in line drawing.

Incumbents were mad because 46 of them — nearly one-fifth of the Legislature — were placed in the same district, creating 23 open seats. The fact that so many incumbents were potentially squaring off again suggests the courts did a good job in drawing the lines since they did not do what legislators do — look at where they live — when drawing lines.

**Conclusion and preview**

What can we learn from the history of redistricting in Minnesota? First, battles over redistricting are about power — power for the rural, urban, or suburban areas, or for particular parties, or specific interests. Second, because it is about power, the process is highly partisan and contentious as parties seek to use the process to favor their interests. Third, at least since the 1960s, the political process has generally proved unable to produce agreement upon how to draw new lines, necessitating that the courts have and again will have to perform that task again in 2021-22 with Minnesota facing again a divided government.

Fourth, Minnesota will be facing something it has not faced since 1960 — a potential loss of a congressional seat. After the 1960 census Minnesota lost one of its nine congressional seats and it has been at eight since then. Since Reynolds v. Sims was decided and the reapportionment revolution kicked it, the state Legislature has not had to face elimination of a seat. If this happens, the intensity of the political battles in the state Legislature will be enormous. Likely the population losses in greater Minnesota and growth in the Twin Cities and surrounding suburbs will force a realignment of seats that will impact state politics for a decade. With divided government, expect to see the courts eventually drawing the districts both for the congressional and state legislative seats.

Finally, Minnesota, and especially the Twin Cities and other urban areas are more heavily populated by persons of color. Anticipate that there will be significant pressure to draw legislative and perhaps congressional districts to accommodate these demographic changes.

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