



League of Women Voters of Minnesota Records

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TIME FOR ACTION

To: All Local Leagues

Re: County Commissioner Redistricting Bill

Almost 1 year ago, under our voting rights position, the League of Women Voters of Minnesota brought about the introduction of two companion bills in the Minnesota legislature, one in the House and one in the Senate. These bills were designed to correct an inequity contained in Minnesota Statute §375.02, governing the redistricting of County Boards. The statute states, in relevant part, that "When a county is redistricted, there shall be a new election of commissioners in all the districts of the county at the next general election . . . provided that where no change is made in the boundaries of a district, or in districts having only one resident commissioner after such redistricting, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected . . ." Once redistricting is done, according to Minnesota Attorney General opinions, a county commissioner election must be held in a district if: (1) there is no resident county commissioner in the district, (2) there is more than one resident county commissioner in the district, or (3) the term of office of the incumbent expires. This means that if redistricting can be accomplished so that one resident commissioner remains in each new district, regardless of the extremity of the boundary changes, no commissioner is required to run for election in his new district, unless his term is expiring. *Therefore, a voter who finds himself in a new district, also finds himself with a commissioner upon whom he did not have an opportunity to vote. ^{may have}* Furthermore, the redistricting does not accomplish the equal distribution of voting power, which is the basis of the one-man-one-vote rule. If the term of his former commissioner is expiring and the term of his new commissioner has just begun, the voter's opportunity to vote is postponed until the new commissioner's term expires.

Our bills would have deleted all exceptions to the requirement for new election except where the boundaries of a district are not changed. The Senate bill came up for committee hearing first, and it was substantially amended in a beneficial way. The statute was updated, provision was made for more citizen input in the redistricting process, and definite standards and procedures were set forth. Our original objective (requiring a new election whenever boundaries were changed) was unimpaired in the Senate. However, the Senate version of the bill was heard in the House Local Government committee on March 7th, and an amendment was made which requires no new election if a boundary change involves less than 10% of the average population of all districts in the county. In other words, if only a few people lose their vote, it is permissible under the amendment.

This bill, S.F. 2136, as amended, will go to the floor of the House for consideration very soon. Please write to your representatives and urge them to support the deletion of that amendment. Ask them to vote to have the only exception to a new election requirement be when the boundaries of a district are not changed.

Louisa

BACKGROUND:

- 1 Oct 72
- 2 Aug 73
- 3 Capitol letter

School Financing- Shirley Iverson- The committee has decided to focus on Foundation aids . It was suggested that Carol Hague be contacted. The School Financing subject is to be covered at the February 25-26 unit meetings. Membership - Bonnie Wagner- there was a discussion concerning the format and purpose of the new member tea. It was agreed that the tea was more a meeting to answer the questions of new members than one to attract new members. Anne Dickerson suggested that the tea be an informational meeting at which the various program chairpersons gave information on each program. A motion was made and seconded that the Membership Tea be held in the Fall and the the Program Chairpersons be the basis of an information meeting for new members and interested old members. No further discussion. The motion was carried. The membership booklet will be completed by the first of the year and will be distributed shortly after.

Unit Organization- Diane Meyer- December new members were Carol Hague and Glenn Mc Cashlund. It was suggested that a phone number be included in the Forum notices. The observer corps sign-up has not been very successful this year and a different approach next year will be necessary. The Crookston League uses one sign-up sheet for all the various things members sign-up. It was suggested this format be used and the list could be placed in the Bulletin before-hand. Banner- the banner can be obtained for the cost of materials since it is for a non-profit organization.

Environmental Quality- Anne Dickerson- It was reported that the present land-fill situation in Fargo may force a decision by both Fargo and Moorhead if Fargo chooses to set up a plant for solid waste reduction. Five years ago League made a statement to the City Council and as yet no action has been taken. The League supports any over-all reduction plan. C.O.G. is taking action but will need the backing of both cities. The residents in the area of the Clay County Land Fill believe there is ground seepage which is polluting their wells. Anne would like some help with the E.Q. portfolio-it was suggested that she contact either Karen Kivi or Jo Curtis.

Local Education- Anna Orser will be out of town until February. All of the committee information is at Mary Davies' home and Nancy Jacobs will chair the committee until Anna returns.

County Health- Bea Arett- the Minn-Dak Health people are working on a new grant. The committee will be ready for the March 24-25 unit meetings.

Voter Service- Jodene Harrison- there was a discussion concerning a mock caucus at the high school- it was suggested that Jodene contact Em Laskey, Shannon Griffin, Joan Nelson, Joyce, Eidbo, Phyllis Onsgaard and Ruth Herring as possible leaders for the caucus. The Republican Women have an excellent slide presentation explaining the caucus which might also be used.

Voter Registration- there was a discussion concerning the need for voter registration and it was felt that it is important to get the information to the voters. Rather than post things in the shopping centers we might have better luck going through the churches. It was also suggested that we could use sandwich boards.

Publications- Nancy Jacobs- nothing new.

OLD BUSINESS

Finance Drive- It was agreed that those who made promises to contribute should be approached.

County Reapportionment- Bea Arett read the prepared statement to the County Commissioners - League will have to be prepared with legal counsel. Attorney William Dosland was contacted and said he would be unable to handle the case and due to the politics involved League would have a difficult time finding representation. The figure quoted for representation was \$2500-5000. It was decided that the secretary send a letter to the Attorney General inquiring how matters of this nature are handled-is the expense necessarily so great?

The League stand is based on one person- one vote.

Humanities Forum- Eugene McCarthy is still on the program. The first lecture was attended by about 200 people. Our in-kind contribution does not include any financial outlay.

CITIES AND COUNTIES, Chapter 96, H.F. 2425: Authorizes the investment of city and county funds in securities issued by the United States government or the state of Minnesota, or any political subdivision therein, when such securities are accompanied by simultaneous repurchase agreements assuring repurchase on a specified date at a predetermined price.

FILING OF BONDS OF COUNTY OFFICIALS, Chapter 138, S.F. 2886: Amends M.S. 574.21 to provide that bonds of all county officers and other bonds given to the county be filed with the register of deeds. Effective 4/12/74.

COUNTY COMBINATION LICENSES, Chapter 200, H.F. 3322: Amends Laws 1973, chap. 566. Reduces the minimum distance which establishments holding combination on and off-sale licenses in St. Louis, Koochiching and Itasca counties must maintain from municipalities having a licensed off-sale store from five to three miles.

COUNTY BOARD REDISTRICTING, Chapter 240, S.F. 2136: Amends M.S. 1971 chap. 375, by adding a subdivision; repeals sec. 375.02. Provides standards for the redistricting of county boards. Requires counties to redistrict within 180 days after each federal or state census if population distribution is uneven. Commission districts shall not vary more than 10% from the average for all districts in the county, unless the result forces a voting precinct to be split. Authorizes any qualified voter to apply to the district court for county redistricting if the county is in violation of the standards established by the act. Sets standards for the redistricting commission, to include not less than five nor more than nine members, and requires that the redistricting plan be filed in the office of the county auditor. Except in certain instances, new election of commissioners is required after each redistricting. Effective 1/1/75.

COUNTY IMPREST CASH FUNDS, Chapter 254, H.F. 2554: Authorizes the county board to establish one or more imprest funds for cash payments of claims against the county. Monies for the fund will be secured from general revenue. County boards are empowered to authorize an imprest fund to advance money to officers or employees to pay their expenses as they attend meetings outside the county.

COUNTY ATTORNEYS, Chapter 262, H.F. 3321: Amends M.S. 1971, chap. 388 by adding sections to authorize county boards to provide that the office of county attorney be a full-time position. Provides for payment of salary and appeal.

JOINT EXERCISE OF POWERS ACT, Chapter 328, S.F. 2715: Amends the Joint Exercise of Powers Act (M.S. 393.01) to provide that in the event two or more counties resolve to combine the functions of their separate welfare agencies, each county board shall, on an annual basis, select two rather than one of its members to serve on the joint welfare board. One person who is not a county commissioner shall be chosen from each county to serve as a welfare board member and not less than 1/3 of the members of the joint welfare board must be persons who are not commissioners.

April 19, 1972

MEMORANDUM

TO: Local Leagues of Women Voters in Minnesota

FROM: League of Women Voters of Golden Valley

RE: Request for State League action on county commissioner redistricting law.

In October of 1971 the Hennepin County Board adopted a redistricting plan. Residents Golden Valley living north of State Highway 55 were moved from district 5 to district 4. The Commissioner in district 5 is up for election in 1972. (their normal voting date) The commissioner left incumbent in district 4 is not up for election until 1975. Under current interpretation of the law he is not required to stand for election until that time. He now represents a substantial number of citizens who did not have the opportunity to vote for him.

The League of Women Voters of Golden Valley wrote to the county commissioners asking if they had considered the fact that many voters would be denied the opportunity to vote for their commissioner in the normal four year interval. One of the commissioners responded saying in essence that they had followed the law and were not at fault.

After looking into the situation the Golden Valley League has become concerned about the purport of the Minnesota Statute 375.02, because it has effectively denied the right of Golden Valley and other citizens to elect their county commissioner. The statute says: "When a county is redistricted there shall be a new election of commissioners in all districts of the county at the next general election." Shortly thereafter, the same statute says: "...in districts having only one resident commissioner after such redistricting, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected..." This obvious contradiction has been considered by various Minnesota State Attorney Generals and resolved in favor of the latter clause. One such opinion states: "...When only one resident commissioner remains in a district whose term of office does not immediately expire even though the district is enlarged or decreased in size...the fact that the population of the new district greatly exceeds that of the district when the incumbent commissioner was elected is immaterial. (emphasis supplied) We feel very strongly that the fact that we are assigned a commissioner whom we did not elect and that we are precluded from electing one at the regular interval is not "immaterial." Our right to elect our commissioner has been postponed. Theoretically after another census and redistricting this situation could be repeated.

Golden Valley voters are not the first to have difficulty with the ambiguities of the statute. There are dozens of Attorney General opinions issued on this section alone. Each one is the result of a request by one or more public officials with a substantial and urgent problem in proceeding in conformity with the statute.

We think that the statute should require a new election of a commissioner whenever the boundaries of a district are changed and the sections of the statute which qualify or modify this should be deleted.

The League of Women Voters of Golden Valley feels this action can be taken under the by-law provision for "action to protect the right to vote of every citizen". We are urging that this be given priority for action by the State League in the 1973 legislative session. We request the support of other Local Leagues in this matter.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102
September, 1972
Pm - P

TO: State Board and Local Leagues *
FROM: Louisa Holmberg, member of the State Voting Rights Committee
RE: Progress Report on County Commissioner Redistricting

The results of the questionnaire sent to and received from all 87 of Minnesota's counties show that 26 county boards have redistricted since the 1970 census. In none of them do all commissioners run for office after redistricting. Redistricting is required by the state and federal constitutions whenever the distribution of population among commissioner districts becomes substantially out of balance. The Minnesota Supreme Court has applied the "one man, one vote" rule to the election of county commissioners. (The ideal of the "one man, one vote" rule is to divide the territory to be governed so that votes are evenly distributed among voter representative districts; then each vote carries the same weight as any other vote in the territory.)

§375.02 of the Minnesota Statutes deals specifically with redistricting of county boards. It states, in relevant part, that "When a county is redistricted, there shall be a new election of commissioners in all the districts of the county at the next general election. . . provided that where no change is made in the boundaries of a district, or in districts having only one resident commissioner after such redistricting, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected. . ."

Once redistricting is done, according to the Minnesota Attorney General opinions, a county commissioner election must be held in a district if: (1) there is no resident county commissioner in the district, (2) there is more than one resident county commissioner in the district, or (3) the term of office of the incumbent expires. This means that if redistricting can be accomplished so that one resident commissioner remains in each new district, regardless of the extremity of the boundary changes, no commissioner is required to run for election in his new district unless his term is expiring. Therefore, a voter who finds himself in a new district, also finds himself with a commissioner upon whom he did not have an opportunity to vote. This is an obvious injustice. Furthermore, the redistricting does not accomplish the equal distribution of voting power. If the term of his former commissioner is expiring and the term of his new commissioner has just begun, the voter's opportunity to vote is postponed until the new commissioner's term expires. In this situation, he does not have a vote of equal weight to those in his former district; in fact, he has no vote at all. This is not an isolated hypothetical example; it is now the situation in one district in Hennepin County, and it is likely to be so in some of the other 25 counties which have recently redistricted.

The statutory provision which permits this situation was added in 1941. Prior to that, the no-boundary-change clause was the only exception to the new election requirement. It seems equitable that a commissioner whose district boundaries are not changed should not have to run for reelection unless his term expires. However, the added exception in favor of districts having only one resident commissioner after redistricting creates an obvious and predictable denial of voting rights.

* Leagues may reproduce this page for local bulletins to inform members in preparation for anticipated legislative action during the 1973 session. Copies of this page may be ordered from the state office - 2¢ each.

Memo to Louisa Holmberg, Coordinator for County
Redistricting Legislation

From Mary Ann McCoy

(copy to Shirley Beyer and Liz Ebbott)

Re: Action on County Commissioner Redistricting during
1973 Legislative Session

Date: January 30, 1973

We concur in your advice to locate additional support among legislators and to plan a background information piece to go to legislators on the issue--certainly to members of the committees likely to hear testimony on such a bill. Your authors (when you locate them) will be able to advise you on timing and content as well as breadth of distribution of such information.

It appears you have located House Majority support for our proposed bill in the assistance offered by Representative Parish. Senate Majority support might be sought from Senator Alec Olson, Chairman of the Local Government Committee or Senator Laufenberger, Chairman of the Transportation and General Legislation Committee. Representative Parish may be able to suggest additional House authors and to suggest the committee to which such a bill would be assigned; we hazard the guess it may be to the Local Government Committee (Harry Peterson, Chairman) or the General Legislation and Veterans Affairs Committee (Stanley Fudro, Chairman).

Minority members of these committees who might be interested and could be approached following your contacts with the majority members included:

Senate - Local Government Committee -

Mel Frederick--he is also on the Senate Transportation and General Legislation Committee

Lew Larson

Transportation and General Legislation Committee -

Otto Bang
Mel Hansen

When you have ideas from Representative Parish on the likely

Louisa Holmberg - page 2

committee in the House, you can look over the minority membership for a similar scanning of possible representatives who could be approached.

As we discussed at our Summer of '72 meeting, observing and information-gathering action in this measure will fall upon your League and the local Leagues you enlist to assist. The State Board has delegated this to you as coordinator to continue in the work, keeping us informed along the way--as you are doing so ably--so we can pass news along to our members.

Shirley Beyer's continuing serious illness this fall and winter has rendered impossible her participation; we are assigning the Board liaison responsibility to Liz Ebbott as Chairman of our Representative Government item in which legislative and congressional apportionment fall and in which this could also be contained. She will look forward to hearing from you as you progress with the important groundwork in carrying on this action.

The second issue of CAPITOL LETTER may be a timely vehicle to report to members on our progress - Please call Laurel Mueller, CAPITOL LETTER Editor, 890-2141 - before February 26 to tell her whether you plan to meet the March 5 deadline (see enclosed scoop sheet) for that issue.

Thank you for all your help--and good luck!

W. C. B. m. t.
L. M. d. Mueller
Memo to Louisa Holmberg, Coordinator for County Redistricting Legislation
From Mary Ann McCoy (copy to Shirley Beyer and Liz Abbott)
Re: Action on County Commissioner Redistricting during 1973 Legislative Session
Date: January 29, 1973

We concur in your advice to locate additional support ^{among legislators} and to plan a background information piece to go to legislators on the issue--certainly to members of the committees likely to hear testimony on such a bill. Your authors (when you locate them) will be able to advise you on timing and content as well as breadth of distribution of such information.

It appears you have located House Majority support for our proposed bill in the assistance offered by Representative Parrish. Senate Majority support might be sought from Senator Alec Olson, chairman of the Local Government Committee or Senator Laufenberger, Chairman of the Transportation and General Legislation Committee. Representative Parrish may be able to suggest additional House authors and to suggest the committee(s) to which such a bill would be assigned; we hazzard the guess it may be to the Local Government Committee (_____ Peterson, chairman) or the General Legislation and Veterans Affairs Committee (_____ Fudro, chairman).

Minority members of these committees who might be interested and could be ~~contacted~~ approached following your contacts with the majority members included:

Senate - Local Gov't Com - Mel Frederick (check first name!)--he is also on the Sen. Transp. and Gen. Legis Com.

Lew Larson

TSP and Gen'l Legis - Otto Bang

Mel Hanson

When you have ideas from Rep. Parrish on the likely committee in House, you can look over the minority membership for a similar scanning of possible representatives who could be approached.

As we discussed at our Summer of '72 meeting, observing and information-gathering action in this measure will fall upon your League and the local Leagues you enlist to assist. The State Board has delegated this to you as coordinator to continue in the work, keeping us informed along the way--as you are doing so ably--so we can pass news along to our members.

Shirley Beyer's continuing serious illness this fall and winter has rendered impossible her participation; we are assigning the Board liaison responsibility to Liz Abbott as chairman of our Representative Government item in which legislative and congressional apportionment fall and in which this could also be contained. She will look forward to hearing from you as you progress with the important groundwork in carrying on this action.

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Thankyou for all your help--and good luck!

Copy 4
1-29-73
January 10, 1973

Memo to: Shirley Beyer, Mary Ann McCoy and the State Board

From: Louisa Holmberg, Coordinator for County Redistricting Legislation

Re: County Commissioner Redistricting.

Following directions and suggestions made at our meeting last summer, Mary Anderson, President of the Golden Valley League, and I have been pursuing the problem of denial of voting rights in the redistricting of County Boards of Commissioners. I have already reported on the survey of County Auditors which showed the extent of the problem. Mary wrote to two legislators, then Senator (now Representative) Richard Parish, DFL, of Golden Valley, and Senator Robert Brown, Conservative, of Stillwater, asking for reaction and practical suggestions concerning the promotion of a change in the present statute and requesting an appointment. Mr. Parish responded by telephone and offered to be a medium for submitting our ideas to the Reviser of Statutes to be translated into bill form. Mr. Parish's own feeling was that a minimum percentage of population shift should be tolerable and that that should be included in a change of the law. Mr. Brown did not respond, even to a second letter.

At this point, because the legislature is not yet overburdened, we think it might be advantageous for the State Board to consult another legislator, preferably a Conservative, as to his feelings on the subject of changing the statute. It might be wise to distribute among legislators the background information which was prepared last August and communicate the League's desire to have legislation introduced which would require a County Commissioner to run for reelection if the boundaries of his district are changed following redistricting.

APR 10 1972
McCay

*League of Women Voters
of Golden Valley*

April 8, 1972

MEMO

To: League of Women Voters of Minnesota
From: League of Women Voters of Golden Valley
Re: Request for State League action during 1973 legislative session to change the law in regard to county commissioner redistricting.

In October of 1971 the Hennepin County Board adopted a redistricting plan which established new lines for county commissioner districts. It was a very equitable plan in regard to population distribution with only slight deviations between districts. However, because of an interpretation of the law under which redistricting is done there will be a substantial number of people denied their right to vote for a county commissioner in the normal interval for elections. Residents of Golden Valley north of highway 55 are representative of this group. They were shifted from district five to district four. The commissioner in district five is up for election in 1972. (their normal voting date) The commissioner left incumbent in district four is not up for election until 1975. Under the current interpretation of the law he is not required to stand for election until that time. He now represents a substantial number of citizens who did not have the opportunity to vote for him.

The League of Women Voters of Golden Valley wrote to the county commissioners asking if they had considered the fact that many voters would be denied the opportunity to vote for their commissioner in the normal four year interval. One of the commissioners responded saying in essence that they had followed the law and were not at fault.

After looking into the situation outlined above, the Golden Valley League has become concerned about the purport of the Minnesota Statute 375.02, because it has effectively denied the right of Golden Valley citizens to elect their county commissioner. The statute says: "When a county is redistricted there shall be a new election of commissioners in all the districts of the county at the next general election." Shortly thereafter, the same statute says: "... in districts having only one resident commissioner after such redistricting, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected..." This obvious contradiction has been considered by various Minnesota State Attorney Generals and resolved in favor of the latter clause. One such opinion states: "...When only one resident commissioner remains in a district whose term of office does not immediately expire even though the district is enlarged or decreased in size ... the fact that the population of the new district greatly exceeds that of the district when the incumbent commissioner was elected is immaterial. (emphasis supplied) We feel very strongly that the fact that we are assigned a commissioner whom we did not elect and that we are precluded from electing one at the regular interval is not "immaterial."
(cont.)

League of Women Voters of Golden Valley

MEMO (cont.)

Re: County redistricting

As it stands now, our right to elect our commissioner has been postponed for almost the full four year term of the present commissioner. Theoretically after another census and redistricting this situation could be repeated.

Golden Valley voters are not the first to have difficulty with the ambiguities of the statute. There are dozens of Attorney General opinions issued on this section alone. Each one is the result of a request by one or more public officials with a substantial and urgent problem in proceeding in conformity with the statute. For each opinion issued, there may have been several requests, and for each request there will have been a great many problems which did not reach the point of requesting an opinion of the Attorney General.

We think the statute should require a new election of a commissioner whenever the boundaries of a district are changed and the sections of the statute which qualify or modify this should be deleted.

The League of Women Voters of Golden Valley feels this action can be taken under the by-law provision for "action to protect the right to vote of every citizen." We are urging that this be given priority for action by the State League before and during the 1973 legislative session.

Enc: (copy of statute)

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102

Testimony given to the Committee on Local Government, Minnesota Senate,
by Louisa Holmberg, Coordinator, League of Women Voters of Minnesota,
re: S.F. 2136, on Tuesday, October 9, 1973,
Room 112, 8:00 a.m., State Capitol

The League of Women Voters of Minnesota has been involved in promoting this legislation, S.F. 2136, because of our concern over the denial of voting rights of many citizens as a result of redistricting in certain situations. In practical terms, the problem with which we are concerned is that when redistricting of a County Board is accomplished so that only one commissioner remains in a district, a new commissioner election is not required, even when the boundaries of the district are drastically altered and a substantial number of his constituents are changed. An incumbent is protected against being required to run for reelection at the expense of the voting rights of his new constituents. They are represented by someone whom they did not elect and are not allowed to vote on their new commissioner until his term expires.

The League welcomes and supports the amendment to S.F. 2136 proposed by the Association of Minnesota Counties, with the deletion of one phrase which we cannot accept, because of the above-described denial of voting rights. That phrase is contained on page four, lines 18 and 19, "or in districts having only one resident commissioner after a redistricting." The remainder of the amendment has the effect of making redistricting more predictable and regular. The procedures improve opportunities for citizen input, making the system more responsive.

While we would consider the amendment to be a great improvement over the statute as it now stands, it fails to remedy our original objection to the statute. It would continue an inequity the League of Women Voters of Minnesota cannot condone. If, however, the aforementioned language is deleted, the League can support this amendment.

FILE COPY

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102

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re: S.F. 2136, on Tuesday, October 9, 1973,
Room 112, 8:00 a.m., State Capitol

The League of Women Voters of Minnesota has been involved in promoting this legislation, S.F. 2136, because of our concern over the denial of voting rights of many citizens as a result of re-districting in certain situations. In practical terms, the problem with which we are concerned is that when redistricting of a County Board is accomplished so that only one commissioner remains in a district, a new commissioner election is not required, even when the boundaries of the district are drastically altered and a substantial number of his constituents are changed. An incumbent is protected against being required to run for reelection at the expense of the voting rights of his new constituents. They are represented by someone whom they did not elect and are not allowed to vote on their new commissioner until his term expires.

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FILE COPY

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

Memo to: Members of the House of Representatives
From: Mary Ann McCoy, President, League of Women
Voters of Minnesota
Re: S.F. 2136 - County Commissioner Redistricting;
- deletion of the amendment which requires no
new election if a boundary change involves less
than 10% of the average population of all
districts in the county.

March 13, 1974

The League of Women Voters of Minnesota has been concerned with the inequity contained in Minnesota Statute 375.02, governing the redistricting of county boards. Under current interpretation, if redistricting can be accomplished so that an incumbent remains in each new district, regardless of the extremity of the boundary changes, no commissioner is required to run for election in his new district.

S.F. 2136 provides the needed legislation to guarantee all citizens within each county the right to vote for those who will govern them. The provision in Section 1, subd. 4, i.e. 10% of the average population within a district, would still leave some citizens without their right to vote. Furthermore, it does not accomplish the equal distribution of voting power which is the basis of the one-person, one-vote principle.

We ask for your support of S.F. 2136 with the deletion of the amendment.



FILE COPY

TELEPHONE TIME FOR ACTION ON S.F. 2136 (COUN TY REDISTRICTING)
IN 1974 SESSION

Selected metro local Leagues were called early March to urge legislators to support the bill with deletion of an amendment to eliminate requirement for elections in certain redistricting cases. Coverage of this bill was in March 6 Capitol Letter.

Katherine Merriam
Action Clerk
March 26, 1974

LOUISA Y. HOLMBERG
ATTORNEY AT LAW
2415 CAVELL AVENUE NORTH
MINNEAPOLIS, MINNESOTA 55427
AREA 612 546-2048

June 26, 1974

Dear Ann,

In response to your question about whether League should attempt to remove the 10% provision in the county redistricting bill, it is my feeling that the members of the House Local Government Committee fully understood what they were doing and presumably would not change their minds from one year to the next. If there is a substantial turnover and someone is willing to make the effort, I would love to see it changed.

I believe your interpretation of the statute is correct, i.e., no new election will be required if the growth or loss in population is little. That is not exactly back to the same as before, however, since no new election was required even with substantial growth or loss in population.

I do not see any expansion of present positions as a result of this project. As far as new areas of study are concerned, the Hennepin County Leagues' local study item proposal is something which is long overdue and other Leagues in the state could follow suit. County government is a neglected area and the Commissioners wield a lot of power and spend an enormous amount of money.

I sincerely wish I could do some more lobbying next session, but I would have a very difficult scheduling problem with one child in nursery school and the other with naps and such, besides the extra duties of managing a one-year-old. Looking ahead from here, I don't think I should attempt it. However, I am willing to advise and give legal interpretations if needed. Please keep me in mind for lobbying in the future.

Sincerely,

Louisa

June 18, 1974

To: Louisa Holmberg

From: Ann Knutson

Re: Legislative Action

In looking over past and future legislation: Do you have any concern over the legislation you worked on? Should League attempt to remove that 10% to cover all citizens?

The law states "no new election if a boundary change involves less than 10% of the average population of all districts in the county.

How will the law be interpreted? Could this mean that with little population growth or loss, that the average of all districts would result in no election contest, thus back to the same as before?

Should a follow-up questionnaire be sent to the same Leagues in each county that ~~was~~ surveyed in 1972, to determine any immediate action by counties prior to January 1, 1975, etc?

Do you see any possible new areas of study for League or an expansion of present positions? We are preparing a Lively Issue VOTER for mailing in late August and are looking for ideas.

Would you be interested in lobbying this next session? Any special interests? Would you be interested in serving as an advisor on legal interpretation should it be needed?

I would appreciate a reply by July 1.

I want to thank you for your efforts with the County Redistricting bill, especially at a time that was not the most convenient for you. Helene Borg, State Action Coordinator, in her speech at State Council mentioned your plight, without identity, of being eight months pregnant and being asked if you were Miss or Mrs. In an otherwise serious speech about the last legislative session, it brought down the house.

It was great having you work with me and I hope to see you again soon.

Sincerely,

Ann Knutson
10716 James Rd
Bloomington, MN 55431

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

Memo to: Members of the House of Representatives
From: Mary Ann McCoy, President, League of Women
Voters of Minnesota
Re: S.F. 2136 - County Commissioner Redistricting;
- deletion of the amendment which requires no
new election if a boundary change involves less
than 10% of the average population of all
districts in the county.

March 13, 1974

The League of Women Voters of Minnesota has been concerned with the inequity contained in Minnesota Statute 375.02, governing the redistricting of county boards. Under current interpretation, if redistricting can be accomplished so that an incumbent remains in each new district, regardless of the extremity of the boundary changes, no commissioner is required to run for election in his new district.

S.F. 2136 provides the needed legislation to guarantee all citizens within each county the right to vote for those who will govern them. The provision in Section 1, subd. 4, i.e. 10% of the average population within a district, would still leave some citizens without their right to vote. Furthermore, it does not accomplish the equal distribution of voting power which is the basis of the one-person, one-vote principle.

We ask for your support of S.F. 2136 with the deletion of the amendment.



SENATE
STATE OF MINNESOTA
SIXTY-EIGHTH LEGISLATURE

998

S. F. NO. 2136

Introduced by Milton, Stokowski and Bernhagen.
Read First Time Apr. 18, 1973, and Referred to
the Committee on Local Government.
Committee Recommendation. To Pass as Amended.
Committee Report Adopted Jan. 23, 1974.
Read Second Time Jan. 23, 1974.

1 A bill for an act

2 relating to counties; providing
3 standards for redistricting of county
4 boards, and the appointment of
5 redistricting commissions; amending
6 Minnesota Statutes 1971, Chapter 375, by
7 adding a section; repealing Minnesota
8 Statutes 1971, Section 375.02.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

10 Section 1. Minnesota Statutes 1971, Chapter 375, is
11 amended by adding a section to read:

12 [375.025] [COMMISSIONER DISTRICTS.] Subdivision 1.

13 [STANDARDS.] The redistricting plan in use in a county shall
14 be effective and continue to be used until a redistricting
15 plan is adopted in accordance with the provisions of this
16 act. Each county shall be divided into as many districts
17 numbered consecutively as it has members of the county
18 board. Unless necessary to meet the standards set forth in
19 this section, commissioner districts shall be bounded by
20 town, municipal, ward, or precinct lines. Each district
21 shall be composed of contiguous territory as regular and
22 compact in form as practicable, depending upon the geography
23 of the county involved and shall be as nearly equal in
24 population as possible, provided that no district shall vary
25 in population more than 10 percent from the average for all
26 districts in the county, unless the result forces a voting
27 precinct to be split. In addition, a majority of the least
28 populous districts shall contain not less than a majority of
29 the population of the county. A county may be redistricted
30 by the county board after each state or federal census.
31 When it appears after a federal census that the districts of

1 the county are not in accord with the standards set forth in
2 this subdivision, the county shall be redistricted by the
3 county board within 180 days of the date on which certified
4 copies of the latest federal census are filed with the
5 secretary of state in accordance with Minnesota Statutes,
6 Section 600.18. Before acting to redistrict a county, the
7 county board or a redistricting commission, if one be
8 appointed, shall cause at least three weeks published notice
9 of its purpose to do so, stating the time and place of the
10 meeting where the matter will be considered, to be published
11 in the newspaper having the contract for publishing the
12 commissioners' proceedings for the county for the current
13 year.

14 Subd. 2. [VOTERS RIGHTS.] Any qualified voter may
15 apply to the district court of the county for a writ of
16 mandamus (a) requiring the county to be redistricted if the
17 county board has not redistricted the county within the time
18 specified in subdivision 1, or (b) to revise any arbitrary
19 action or abuse of discretion by the county board in
20 redistricting the county; provided, any application for
21 revision of a redistricting plan shall be filed with the
22 district court within 30 days after the filing of the
23 redistricting plan with the county auditor. The district
24 court may direct the county board to show cause why it has
25 not redistricted the county or why the redistricting plan
26 prepared by it should not be revised, and on a hearing
27 thereon may allow the county board additional time in which
28 to redistrict the county or to correct errors in the

1 redistricting plan. If it shall appear to the district
2 court that the county board has not been sufficiently
3 diligent in performing its redistricting duties, the court
4 may appoint a redistricting commission to redistrict the
5 county in accordance with the standards set forth in
6 subdivision 1 and any other conditions the court shall deem
7 advisable and appropriate. If a redistricting commission is
8 appointed, the county board shall be without authority to
9 redistrict the county.

10 Subd. 3. [REDISTRICTING COMMISSION.] The redistricting
11 commission shall be composed of not less than five nor more
12 than nine residents of the county. No officer or employee
13 of county or local government except notaries public shall
14 be eligible for membership on the commission. Members of
15 the commission shall not be eligible for election to the
16 county board until two years after the redistricting in
17 which they participated becomes effective. Members of the
18 commission shall serve without pay but may be reimbursed
19 their necessary expenses in the conduct of the business of
20 the commission. The county board shall provide for the
21 necessary expenses of the commission.

22 Subd. 4. [REDISTRICTING PLAN; ELECTION FOLLOWING
23 REDISTRICTING.] A redistricting plan whether prepared by the
24 county board or the redistricting commission shall be filed
25 in the office of the county auditor. Notice that the plan
26 is on file shall be published in the newspaper having the
27 contract for publishing the commissioners' proceedings for
28 the current year. A redistricting plan shall be effective

1 on the 31st day after publication of the notice unless a
2 later effective date is specified; provided, no
3 redistricting plan shall be effective as to the next
4 election of county commissioners unless the plan shall have
5 been filed with the county auditor not less than 30 days
6 before the first date candidates may file for the office of
7 county commissioner. One commissioner shall be elected in
8 each district who, at the time of the election, shall be a
9 resident thereof and the person so elected shall be entitled
10 to hold the office only while he remains a resident of the
11 commissioner district. The county board or the
12 redistricting commission as appropriate shall determine the
13 number of members of the county board who shall be elected
14 for two year terms and for four year terms in order to
15 provide for staggered terms on the county board.
16 Thereafter, all commissioners shall be elected for four
17 years. When a county is redistricted, there shall be a new
18 election of commissioners in all the districts of the county
19 at the next general election except that where no change is
20 made in the boundaries of a district, the commissioner in
21 office at the time of the redistricting shall serve for the
22 full period for which he was elected.

23 Sec. 2. Minnesota Statutes 1971, Section 375.02, is
24 repealed.

25 Sec. 3. Section 1, subdivisions 1, 3 and 4 are
26 effective the day after final enactment and subdivision 2 is
27 effective January 1, 1975.

*Check
Senate Journals -
Jun 27 -
Deb*

*4 for complete
amending*

TIME FOR ACTION

To: Local Leagues

From: Louisa Holmberg, ~~of me?~~

Re: S.F. 2136 (H.F. 2131) County Commissioner Redistricting.

*never sent -
due to action
in the house*

Status of the Bill: S.F. 2136 is currently on General Orders in the House.

On March 7, the House Local Government Committee passed an amendment which requires no new election if a boundary change involves less than 10% of the average population of all districts in the county. The Senate passed the bill early in February without impairing ^{the} ~~the~~ original objective of requiring a new election whenever boundaries are changed.

Background: Under the Voting Rights Bylaw, the League began lobbying in the 1973 session to allow citizens the right to vote for county commissioner following redistricting. S.F. 2136 was intended to correct the inequity of Minnesota Statute 375.02. Under current interpretation ^{of MN statute} if districts are drawn so that each incumbent is given his own new district, he is not required to stand for election. This ignores the fact that the citizen may be denied the right to select a commissioner for several years beyond a normal term.

The provision of 10% of the average population within a district, would still leave some citizens without the right to vote. Furthermore, it does not accomplish the equal distribution of voting power which is the basis of the one-man, one-vote principle.

*SF. 2136
with*

WRITE YOUR REPRESENTATIVE NOW! Request the support ^{of} the deletion of the amendment. The only exception [?] ~~(to a new election)~~ is when the boundaries of a district are not changed.

(Additional ^{background} information: Check your files for Progress Report on County Commissioner Redistricting-- September, 1972; Testimony, October 8, 1973 and Capitol Letter- 1973 and 1974.)
(Senate Committee on Local Gov't)



M. Watson

LEAGUE OF WOMEN VOTERS OF MOORHEAD

Moorhead, Minnesota

DEC 5 1975

December 4, 1975

To Whoever can help

Our county government needs to be redistricted and the present Commission has been ignoring it. At there regular meeting last Tues. we stated that they were outside of the law and that if there were no changes we would bring it to court. It looks as though that will be necessary.

Have any other local Leagues been forced to go this route? Could you give us any advice as to funding, resource people, or reading matter on this topic?

Is the "Friend of the Court" route which you are using in the rotation of the ballot appropriate in this situation?

At this point the (Our) Board has ^{only} voted to go ahead with the statement which was made. I have contacted a local lawyer, Bill Dosland, who has been a state rep from this district but he is out of town this week. He is a conservative with a pretty good reputation in this area. We have approximately \$200 put away for national convention sometime. That is the money I will propose to use, but have no idea how much more we would need. That is one of the questions I will ask Dosland before I ask for approval from the Board to go ahead and seek a lawyer.

The matter must begin very soon ~~soon~~ since the new districts will have to be approved by July. Do you have anything to help us draw up a plan? What information do we need to keep in mind?

HELPHELPHELP

Thanks in advance,

Alice

Alice Johanson
524 4th Street South
Moorhead, Minnesota
56560

218) 233-7760 after 4 o'clock

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

December 9, 1975

LWV M OUCHHEAD

Dear Alice:

In response to your S.O.S, re: county redistricting, I will attempt to answer some of your questions.

Reading materials: LWVUS (3): Action #161; Going to Court in the public Interest, #244; and The Verdict is in: A Look at Public Interest Legislation #536. These are all slim pamphlets.

November State Board Memo, p.5 for an explanation of party or amicus.

Minnesota Statue-Chapter 375 as amended in 1974. You should be able to get a copy from the county of city.

In the National Board Report, September, the Ford Foundation has extended its grant in litigation. The litigation office of LWVUS can give you advice on action and possibly funding procedures.

I know of no League in Minnesota that has gone to court on this issue. St. Paul was involved in quasi-judicial court on an environmental issue and it was expensive and time consuming. Refer to The Verdict Is In, the LWV of Wausau, WI made a successful challenge on the issue of reapportionment.

You are probably aware that the only challenge that a citizen can take in redistricting is one-person, one vote. Chapter 375 has a provision for a citizens commission to draw up plans.

The state Board is learning much about litigation through our efforts on ballot rotation. Even though we are an amicus and our attorney is free, we are absorbing costs for printing, etc.

You are wise to contact former Senator Dosland. He can advise you on how to pursue your issue and recommend how to go about it. Money is your main problem and he may charge you for his advice. There is nothing wrong with asking first.

These are the steps that are important.

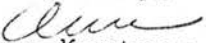
- 1) Be certain you have a good case. Pursue all other avenues for change before you decide litigation is the only answer.
- 2). Are there other groups that support you position? Keep in mind LWV image, it is important to be the initiator if we are to be considered an action organization.
- 3). Last, but most important--MONEY. Check with LWVUS litigation. Do you have local support? donations, etc. Do you have any legal friends-a leaguer, husband who will donate all or some of time. It is very important that you have a good understnading of what the costs will be before you commit your League.



It is a shame to take money from National Convention accural. If your board and members consider this a priority issue, take a good look at the current budget to see where you might make adjustments. The state Board has considered setting up a litigation fund, but it was one of the first items to be removed to keep the budget down.

If I can be of further help to you, please write or call. There is a great deal of information on reapportionment, but I was uncertain just what would be the most help to you. At no time does the state LWV wish to discourage any litigation action, if you decide that this is the course of action that is necessary we will give you all the support we can.

Sincerely,


Ann Knutson, Organization of State Government

against property held by the board of water commissioners of the city of St. Paul, which owned considerable land in Vadnais Heights. Subdivision 3 of that section allows a city of the first class to pay the amount determined by the assessing governmental unit or a lesser amount if the city (or instrumentality of the city) determines that the measure of benefit received by the land, and thus the assessment, was in error. Using this section the St. Paul board determined that, based on its estimate of the benefit received, the assessment should have been \$10,000, rather than the \$178,000 assessed by Vadnais Heights.

Subsequently, Vadnais Heights commenced action, requesting the Court to determine either that the \$10,000 figure was subject to judicial review or that the applicable statutes are unconstitutional.

The Minnesota Supreme Court, in affirming the trial court, found that the action of the water board's determination of benefit is subject to judicial review. M.S. 435.19, subd. 3, which permits a first class city to make its own determination of benefit, implies that the determination of benefit must be made on a reasonable basis and upon the same standards as required under the assessment code, M.S. 429. Therefore, the scope of judicial review is a determination as to whether the benefits from the improvement are in excess of the amount determined by the first class city and if so, a determination of the amount of the benefit received by such land. Due to the incompleteness of the record, the Court was unable to determine whether the benefit received by land held for a public purpose in this case would be the same as that received by land owned by a private party. Therefore, no final determination as to the actual amount of benefit,

opinions of the attorney general

The following is a summary of selected opinions given by the Attorney General during the past month in the field of municipal law. A few opinions written about political subdivisions other than cities and villages are included because of their apparent applicability to municipalities.

A copy of any opinion listed below may be obtained by writing League headquarters. Please include both the numbers when requesting an opinion.

AMBULANCES

A city operating an ambulance service may reasonably redefine its service area. Opinion to Robert O. O'Neill, New Prague City Attorney, November 18, 1975. (LMM 20)

COUNTIES — REDISTRICTING

When a county is redistricted, all commissioners are then up for election at the next general election, except in any district where the redistricting changes the population less than 10 percent of the average population within all districts of the county. Opinion to Julius E. Gernes, Winona County Attorney, January 13, 1976. (798-d) (LMM 180N)

HOUSING AND REDEVELOPMENT — DEVELOPMENT DISTRICTS

Approval at a general election is not necessary to the issuance of general obligation bonds for the financing of a development district. Opinion to Patrick J.

and corresponding assessment, was determined by the Court. **Village of Vadnais Heights v. Board of Water Commissioners of the City of St. Paul** (Minn. Sup. Ct., Nov. 25, 1975).

ZONING — USE PERMITS

Ordinance not unconstitutionally vague if plaintiff understood its requirements and no clear showing

Costello, Red Wing City Attorney, December 29, 1975. (LMM 286)

INSURANCE — BIDDING

Solicitation of bids, when required before entry into a contract for employee group insurance, includes that portion which is paid by the employee through wage deductions. Opinion to Peter S. Popovich, Forest Lake School District Attorney, October 29, 1975. (LMM 300c)

SNOWMOBILES — TRAILS

Counties have authority to obtain licenses or easements for public snowmobile trails on private lands. They may also agree to indemnify landowners for tort claims arising from such uses. Opinion to Keith M. Brownell, St. Louis County Attorney, December 30, 1975. (125-a-17) (LMM 385A)

PLANNING — SUBDIVISION REGULATIONS

City subdivision regulations which forbid recording of metes and bounds conveyances creating parcels larger than 5 acres are ineffective, at least so far as they purport to direct the register of deeds or titles. Opinion to Earl T. Anderson, Maple Grove City Attorney, December 31, 1975. (LMM 430cl)

REFUSE — LANDFILLS

Counties are not required to provide a landfill for refuse disposal. Opinion to Patrick J. Costello, Red Wing City Attorney, December 9, 1975. (LMM 485c2)

of vagueness had been established. Mobile home permit issued for five-year period is in the nature of a contract which automatically terminates at end of period.

The statutory city (former village) of Wells regulated the placement of mobile homes by the issuance of permits which would expire after five years. The plaintiff applied for and received such a