

FACT SHEET: Minnesota Redistricting Bills and the costs and risks of putting a Constitutional Amendment question on the 2020 ballot

Bills proposing a constitutional amendment (CA) question to establish a redistricting commission onto the 2020 ballot put future voting maps at risk.

HF 1605/SF 2575 is a bipartisan bill to establish both a redistricting advisory commission and rigorous redistricting principles to draw fair voting maps for MN. The bill was drafted by Common Cause MN (a non-partisan group) with extensive community input. It is supported by the Democracy Partners Convening Table and allies, which is a multi-partisan statewide coalition formed by Common Cause MN. HF 1605/SF 2575 protects the 2021 redistricting cycle against partisan gerrymandering and puts MN voters first.

Conversely, HF 1855/Schultz, SF 582/Rest, and SF 2255/Kiffmeyer would put a CA question for a redistricting commission on the 2020 ballot. These bills collectively: put incumbents/parties before voters; lack a back-up plan that truly puts voters first, should the CA fail to pass; have no community support; and put the 2021 redistricting cycle at unacceptable risk.

What we've been hearing: Legislators who support a CA question on the 2020 ballot have assured us:

- Other states have passed similar CA's for redistricting commissions easily, by wide margins.
- A CA question on the ballot will pass easily if it's worded right. It was to pass the 2016 CA for a citizen panel to set MN legislators pay - We'll word it like that and it will pass.
- One of the national organizations will help step in and help with \$\$\$ and volunteers.

Assumptions don't move reforms. We are concerned because we've done the research and it doesn't back up these claims. Hanging redistricting reform on passage of a CA without a strong back-up plan that puts MN voters first will put the 2021 redistricting cycle and future voting maps at unacceptable risk.

Here's why:

1. Past attempts to pass a CA for a redistricting commission failed in MN and other states

- **MN rules make approval of a CA ballot question harder to pass than in other states.**

In MN, a CA must pass with the majority of ALL votes cast in the election, so a **Non-vote = a No vote**. In other states, a CA passes with a simple majority of Yes/No votes.

- **Past MN failure:** In 1980, a CA ballot question for a redistricting commission failed, 64%-36%.
- **Past failures and near-failures in other states, despite \$\$\$\$ spent:**
 - California: 4 propositions failed by margins of up to 28% (1982/1984/1990/2005)
 - The 5th try, Proposition 11 (**\$16 million**) in 2008 passed by only 0.4%.
 - By MN rules (Non-vote=No), Prop 11 would have failed by 8%.
 - Utah: In 2011, the Fair Boundaries coalition petition drive failed.
 - The 2nd try, Proposition 4 (**\$2.8 million**) in 2018 passed by only 0.6%
 - By MN rules (Non-vote=No), Prop 4 would have failed by 4%

Keep reading for 6 more reasons why assuming a CA would pass is unacceptably risky....

2. Citizen coalitions mobilized thousands of volunteers to educate voters about CA ballot questions in other states. There is no such citizen coalition in support of a CA in MN.

- **Michigan coalition:** Voters Not Politicians, \$16.3 million, started in 2017, 5000+ volunteers collected >425,000 signatures in 110 days to get a CA question on the ballot.
- **California coalition:** California First, \$16 million, CA passed by only 0.4%
- **Missouri coalition:** Clean Missouri, \$5.3 million > 1600 volunteers
- **Utah coalition:** Better Boundaries, collected > 190,000 signatures, CA passed by only 0.6%
- **Arizona coalition:** Fair Districts, Fair Boundaries, collected > 200,000 signatures
- **Colorado coalition:** Fair Maps Colorado, \$5.9 million spent
- **Minnesota coalition: ????????**
 - To date, no individual citizens, group, or coalition have supported HF 1855, SF 2255, or SF 582.
 - Common Cause MN and its Democracy Partners Convening Table coalition and allies are opposed to putting a CA question for a redistricting committee on the 2020 ballot without a back-up plan that truly puts MN voters first by including voter-focused redistricting principles.

3. Ballot initiatives and signature drives in other states launched coalitions and started the voter education in other states. MN does not have ballot initiatives.

- **Michigan, Missouri, Utah, and Arizona:** CA's were passed through ballot initiatives. Signature drives by thousands of volunteers laid critical groundwork to build the coalition and educate voters.
 - Michigan: 5000+ volunteers gathered > 425,000 signatures by December 2017. Even so, polls in late Sept 2018, showed support underwater by 4%, 52% No – 48% Yes.
- **Minnesota has no ballot initiative:** Voter education to pass a CA would have to start from scratch.

4. CA campaigns for redistricting commissions have cost up to \$16.3 million in other states.

- **Michigan coalition:** Voters Not Politicians, \$16.3 million. Note: Had signature collection not been done by 5000+ volunteers, up to **\$2 million** more would have been needed.
- **California coalition:** California First, \$16 million. The CA passed by only 0.4% and would have failed by 8% under MN rules (Non-vote=No)
- **Missouri coalition:** Clean Missouri, \$5.3 million
- **Colorado coalition:** Fair Maps Colorado, \$5.9 million
- **Utah coalition:** Better Boundaries, \$2.8 million (Note: the population of Utah is about half that of Minnesota). The CA passed by only 0.6% and would have failed by 4% under MN rules (Non-vote=No).
- **Minnesota: \$\$\$\$\$??????**

5. Campaigns for past CA questions on the MN ballot cost \$\$ millions.

- **2012 Amendment to ban gay marriage: \$14.4 million, defeated, 53% No/Non-votes – 47% Yes**
 - **Supporters: \$6.9 million** (MN Catholic Conference Marriage Defense Fund; MN Family Council Marriage Protection Fund; MN for Marriage; National Organization for Marriage; MN Marriage Fund)
 - **Opposition: \$7.5 million** (Coalition: **Minnesotans United for All Families**. Individual Groups: Catholics for Marriage Equality MN; Freedom to Marry MN; Human Rights Campaign (HRC) MN Family Freedom; HRC National Marriage Fund; JCA Vote No on Marriage Amendment; MN Conference United Church of Christ; Minnesotans First; Minnesotans for Equality; Minnesotans United for All Families; OutFront MN Marriage Equality; Planned Parenthood

Stands with All Families; Republicans Against the MN Marriage Amendment; ACLU; Vote No 2012; VoteNOvember 6)

- **2012 Amendment requiring photo ID to Vote: \$5 million, defeated, 54% No/Non-votes – 46% Yes**
 - **Supporters: \$1.5 million** (Protect My Vote.com; Voter ID for MN)
 - **Opposition: \$3.5 million** (Coalition: **Our Vote, Our Future**; Individual groups: Citizens for Election Integrity; JCA Vote No on Voter ID; AARP; Planned Parenthood Supports Civic Engagement and a Strong Democracy; Voices for Voting Rights; Vote No on Voter ID; ACLU, Vote No 2012; VoteNOvember 6)
- **2016 Amendment to remove lawmakers’ power to set their own pay, passed 76% Yes – 24% No/Non-votes**
 - No organized campaign for or against, no funds reported.
 - DFL legislators have cited this 2016 amendment as evidence that, if worded correctly, a CA for a redistricting commission would pass easily. However, the 2016 CA about legislators not being allowed to set their own pay was a simple, un-complicated question, one that everyday citizens, many of whom were/are dissatisfied with politics and politicians, understood immediately and intuitively and could vote on with very little explanation or information.
 - Redistricting is a complex topic about which many people know quite little. Voters frequently skip ballot questions on subjects with which they are unfamiliar, and under MN rules, all Non-votes count as No-votes. In 1980 this question on the ballot failed by 28%.
 - Data above show that numerous previous CA’s in other states (and one previous CA here), worded in various ways by smart people who very much wanted them to pass, have failed or had near misses which, if based on MN rules, would have failed. We agree that the wording of the CA is critical – but to assume easy passage without significant input of \$\$\$ and volunteer effort is reckless.

Risking the 2021 redistricting cycle and the next decade of voting maps on a CA is an unacceptable gamble, especially when a viable alternative exists for an advisory redistricting commission in HF 1605/SF 2575.

6. No national or state organization has stepped up to fund a MN CA education campaign or fuel it with volunteers.

- **Democracy groups:** Democracy groups such as Common Cause and the League of Women Voters have strongly supported redistricting CA’s in other states.
 - They have not stated support for a CA in MN. Common Cause MN and its coalition of Democracy Convening Table members, allies and activists oppose this plan.
- **National Democratic Redistricting Commission (NDRC):** One legislator, when asked who would organize/support a redistricting CA campaign, responded, “the NDRC.” This directly contradicts information posted on the NDRC website and what local volunteers have been told. The NDRC website only lists planned support of key state legislature races in 2020, including the MN Senate. Has the NDRC indicated that they will dedicate special funds for a MN CA? How much? Is this assured?
- **Other organizations???** Has any national or state organization indicated that it will provide \$\$ and volunteers to pass a CA to establish a redistricting commission? We are aware of none.

7. The 2020 General Election will be crazy like never before. MN voters have limited political bandwidth, limited time, and limited patience with ads and door knockers.

- The 2020 General Election will be a frenzied and highly polarized partisan struggle to:
 - Defeat Donald Trump or keep Donald Trump as president
 - Flip the US House or keep the US House
 - Flip the MN Senate blue or keep the MN Senate red
 - Flip the MN House red or keep the MN House blue
- Campaigning for the 2020 presidential race has already begun. Voters will be swamped with mailers, TV and social media ads, calls from phone bankers, and door knockers, like never before.
- My experience from knocking on thousands of doors tells me that people are increasingly disillusioned with and/or disengaged from politics. Many people refuse to open their doors to volunteers, especially as Election Day nears. Yet, polling in other states showed that support for CA's was underwater right up to the months prior to the Election. If late-phase voter education is critical and voters stop opening their doors, stop watching ads, and throw away the mailers, how will they learn about the CA?
- Legislators have said, "we'll just add a question about the CA to the end of the script" Really? How many door knockers find voters willing to open their doors and talk with them long enough to make it down to the very last script question about a CA? In my experience, only strong party supporters give door knockers this much time, attention, and indulgence. Independents, un-affiliated voters and voters of the opposite party don't tend to keep their doors open one minute or one question longer than they have to, so door knockers have to focus on their key candidates and campaigns. How many voters will listen to a door knocker long enough to be educated about a CA?
- Many Minnesotans vote only in general elections and only for statewide offices. Many do NOT vote for down-ballot offices. Many (maybe most) don't know the names of their state rep or senator. The MN House and Senate races are going to be intense. Is leadership really willing to divert \$\$ and door knockers and valuable on-the-door time from critical state races to voter education on a CA question?
- How many CA questions will be on the 2020 ballot? As of April 2019, there are 15-20 proposed bills to put a CA on the 2020 ballot. If there are multiple CA's, what will be the order on the ballot? How might this affect the chances of a redistricting CA getting passed on an already very full ballot?

Given the limited political bandwidth among MN voters and limited resources, who will be willing to divert \$\$, time, and door knockers from critical races to voter education on a CA question??? Legislators to whom we have posed this question have responded, "not me!"

8. No viable plan to pass complete legislation in time to protect the 2021 redistricting cycle is evident and the legislative process has been opaque. Redistricting and fair voting maps affect every single Minnesotan, yet the public has not been brought into the discussion.

- As currently written, HF 1855 (Schultz) does not protect the 2021 redistricting cycle from partisan gerrymandering. It requires additional legislation to establish the nature and process of the commission. Its redistricting principles and process put incumbents and parties before voters. It has not had a committee hearing in the Senate.
- As currently written, SF 2255 (Kiffmeyer) does not protect the 2021 cycle from partisan gerrymandering. It would establish a redistricting commission composed of 4 people appointed by party leadership of the MN House and Senate. Commissioners could be lobbyists or former legislators or other party insiders, which would continue decades of partisan gerrymandering to protect incumbents. The bill has not had a committee hearing in the MN House.

- As currently written, SF 582 (Rest) does not protect the 2021 cycle from partisan gerrymandering. It leaves the commission’s public membership and process un-defined and contains redistricting principles and process that favor and protect incumbents.
- **None of the CA bills listed above has had an open process or involved the public.**
 - Bills have been moved with delete-all amendments. Amendments have been offered at the last minute, sometimes beyond the 24-hour “deadline,” and “debate” has been forced without copies of enabling legislation in hand. Bill engrossments have not been posted online.
 - None of the CA bills have involved members of the public or elicited input from communities.
 - No members of the public have testified in favor of any of the CA bills, whereas numerous citizens have testified and submitted written testimony against them.
 - Copies of written public testimony submitted against CA bills and public testimony from nearly 60 citizens in support of HF 1605 have not been made public.

The Common Cause MN and the Democracy Partners Convening Table coalition and allies are working for redistricting reform. Will legislators listen to us and work with us?

- **Common Cause**, a non-partisan group, has played a critical role in redistricting reform across the country, gathering public input, supporting citizen coalitions, drafting bill language to put voters first and withstand legal challenge, and litigating partisan gerrymandering cases.
 - **Common Cause Colorado:** 2013, led the fight against the “midnight gerrymander” when lawmakers tried to rush partisan maps through; 2014, CC drafted ballot language and collected signatures.
 - **Common Cause California:** 2008, was the main sponsor of the ballot initiative, key supporter of the California First Coalition, and worked/organized to pass Prop 11.
 - **Common Cause Arizona:** 2000, joined other civic groups to form Fair Districts, Fair Elections, which collected > 200,000 signatures to put CA on the 2000 ballot.
 - **Common Cause has played a key role in Supreme Court Cases against partisan gerrymandering**
 - *Arizona State Legislature v. Arizona Independent Redistricting Commission*, CC organized amicus briefs in a successful effort to defend the constitutionality of independent redistricting commissions, won 5-4
 - *Rucho v. Common Cause*, CC litigated partisan gerrymandering by Republicans in NC. Oral arguments in March 2019, decision yet to come.
 - *Lamone v Benisek*, CC litigated partisan gerrymandering by Democrats in MD, case originally brought by a CC MD member. Oral arguments in March 2019, decision yet to come

Common Cause MN formed the Democracy Partners Convening Table coalition, allies, and activists to work for true redistricting reform for Minnesotans. Community members have worked with Common Cause MN on redistricting reform since 2017. HF 1605/SF 2575 was developed after extensive consultation with individuals and community groups around the state and enjoys extensive public support.

We care about this issue. We’ve been working hard on it for almost 3 years. Will you work with us?

Note: This Fact Sheet was compiled by a citizen volunteer.

Questions or corrections? Contact: abelladonna@commoncause.org