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November 3, 2011

TO: Rep Al Carlson, Chairman, and Members of the Legislative Management Committee

FR: Al Jaeger, Secretary of State

RE: Bill Draft – required number of precincts per legislative district

According to the minutes of the Legislative Redistricting Committee from October 11 – 12, 2011, the committee requested an election related bill draft to be forwarded to the Legislative Management Committee for its consideration. See attached excerpt from the minutes. It would require that each legislative district must contain at least six precincts.

As the state's chief election official, I have many concerns about this bill. Therefore, I respectfully request that the committee does not move it forward for introduction during the upcoming special legislative session.

It is not as simple as it was represented in the minutes and it warrants more time, thought, and discussion than it received at the end of the final meeting of the committee. It is a "one size fits all" bill. Each one of the newly created legislative districts will be somewhat different from the other beyond the approximate equality they will have population wise. As often is the case with a bill of this type, it has the potential of many adverse ramifications and unintended consequences. Accordingly, it should have the full hearing, discussion, and careful consideration by the appropriate legislative committees in the House and Senate during a regular legislative session.

Thank you for considering my request.

It was moved by Representative Kasper and seconded by Representative Bellew that the Legislative Council staff prepare a bill draft that would require that each legislative district contain at least six precincts and that the bill draft be approved and recommended to the Legislative Management.

Representative Kasper said Cass County is considering having as few as two precincts per district. He said this is especially problematic for political parties to identify where the support for the party is located.

Chairman Holmberg said there may be argument that this issue is not an issue for this committee but rather would more appropriately be handled by a Government and Veterans' Affairs Committee.

Senator Taylor said he would like to receive more information on the current number of precincts per district and the extent to which this is a problem.

Representative Kasper said authority to establish precincts has been delegated to county auditors. He said he was not aware this was happening in Cass County until after the fact.

In response to a question from Representative Kelsh, Representative Kasper said his proposal would apply to a district as a whole and would not apply to the number of precincts within a county.

Representative Holman said the auditor in his county indicated that requiring six precincts per district would cause many problems.

Representative Devlin said this requirement may result in unintended consequences. He said this may be a Cass County issue and not a statewide issue.

Representative Monson said Representative Kasper may want to consider limiting the population per precinct rather than the number of precincts per district.

Chairman Holmberg called on Mr. Glatt for testimony regarding Representative Kasper's proposal. Mr. Glatt said the committee should request input from auditors and the public. He said the public wants convenience in voting. He said the public wants to vote early, by mail, in a central convenient location, and on their way to work. He said Cass County has been quite progressive in the way that county handles elections.

Representative Kasper said his proposal would not affect any convenience options. He said it would only require that there are six precincts within a district. He said it would not affect where or the number of polling places. He said his proposal would help identify the political makeup of a district.

In response to a question from Chairman Holmberg, Representative Kelsh said he would be more comfortable with the idea if the committee had held a public hearing on the issue before proceeding on the issue.

The motion carried on a roll call vote. Senators Christmann, Cook, Grindberg, Klein, Lyson, and Taylor and Representatives Bellew, Holman, Johnson, Kasper, Kelsh, Monson, and Nathe voted "aye." Senator Holmberg and Representative Devlin voted "nay."

It was moved by Representative Johnson, seconded by Representative Monson, and carried on a roll call vote that the chairman and the staff of the Legislative Council be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Management. Senators Holmberg, Christmann, Cook, Grindberg, Klein, Lyson, and Taylor and Representatives Bellew, Devlin, Holman, Johnson, Kasper, Kelsh, Monson, and Nathe voted "aye." No negative votes were cast.

Representative Kasper commended Chairman Holmberg for his work as chairman of the committee.

Representative Kelsh commended Representative Holman, Senator Taylor, and Senator Warner for their work on his party's plan.

Chairman Holmberg thanked the committee members for their hard work and attentiveness. He thanked the Legislative Council staff for its assistance. He also thanked the Legislative Council information technology staff for its assistance in dealing with the committee's computer issues.

It was moved by Senator Klein, seconded by Representative Johnson, and carried on a voice vote that the committee be adjourned.

No further business appearing, Chairman Holmberg adjourned the meeting at 10:15 a.m.

John Bjornson
Committee Counsel

Vonette J. Richter
Committee Counsel

ATTACH:3