



TO: Charter Commission
FROM: Kori Land, City Attorney
DATE: October 6, 2022
RE: Ward Redistricting

At the last meeting, it was suggested that the Charter Commission discuss redistricting well in advance so that it was not such a rush to decide where to draw the ward boundary lines. Attached is a memo I prepared in September 2021 when we first started discussing the ward redistricting process. Page 3 of the memo addresses the timeline for how it unfolds. The City cannot redistrict until the state legislative redistricting is completed. Once the state finishes, the City must adopt its new boundaries within the time period that is established pursuant to Minn. Stat. 204B.135, which states as follows:

The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first.

While the Charter Commission might prefer to start the redistricting process sooner, so as not to be under such a tight timeline, as you can see, we are hamstrung by the timeline created in the law.

Attachment:
Ward Redistricting Memo 9-13-21

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MEMO

TO: West St. Paul Charter Commission
FROM: Kori Land, City Attorney
DATE: September 13, 2021
RE: Ward Redistricting Information and Process

General Ward Background

In a ward system, a city is divided geographically into “wards.” Each ward is represented by specific elected official(s) on the city council. These council members are elected by the voters who live within that ward. In other cities, voters in the entire city vote for all councilmembers, which is known as “at-large.” Cities with wards are always organized as charter cities.

Cities with wards must redistrict their wards after the federal census and must make the wards’ populations as equal as practicable. This process has an impact on a city’s precincts and thus is often done in conjunction with precinct reestablishment.

Wards must be drawn to satisfy statutory requirements for boundaries as well as population. City charters may also specify additional requirements beyond what is required by statute.

Creation of Ward Boundaries

Ward boundaries must meet the following statutory requirements:

1. Bounded by precinct lines,
2. Compact in area, and
3. Composed of contiguous territory.

Minn. Stat. §§ 204B.14, subd. 1 & 205.84.

While it is no longer required that precinct boundaries follow Census block boundaries or physical features, it may be helpful administratively. Using Census block boundaries allows a city to get

definite populations for each precinct or ward. Using physical features for boundaries also helps the public understand where a precinct or ward begins and ends.

Ward population

Wards must be as equal in population as practicable. Minn. Stat. § 205.84 subd. 1. It may not be possible to draw wards that are exactly equal in population. Situations where wards may have unequal population are: (1) if the total population of the city is not divisible by the number of wards, or (2) the population totals within census blocks do not provide refined enough numbers to draw equal population wards. MN SOS 2021 Redistricting Guide, p.15.

For the purpose of redistricting wards, the city must use the population counts that are certified by the U.S. Census Bureau and reflect the city's population as of April 1, 2020.

Ward redistricting process

Steps of the ward redistricting process:

1. **Review city charter or policies.** The city charter or official policies should be reviewed to determine if the city has established any specific redistricting related procedures, policies, or requirements in addition to those specified in state law.
2. **Acquire census block population data.** Population is a major consideration when evaluating and redistricting city wards. Although it is no longer required to draw precincts on census block boundaries, doing so simplifies the calculation of ward population totals. To use census block population data, it is necessary to have a map indicating block boundaries and the unique number for each census block.
3. **Public involvement.** The city should solicit public involvement in the redistricting process. Public involvement may include meetings during which the council considers a variety of redistricting plans, including those submitted by members of the public.
4. **Describe ward boundaries.** There are many ways to describe ward boundaries. If a single feature (road, river, etc.) is the division between wards, it may be sufficient to define the wards in relation to that feature, for example “those portions of the city east of Main Street,” or “north of Clearwater Creek.” However, when ward boundaries follow multiple features, a metes and bounds description may be the best way to make the boundary clear. A metes and bounds description is one that describes the boundaries of the wards in such a way that a person could walk the described boundary.
5. **Publish and post ward plan.** While it is not specifically required to publish or post ward redistricting plans it is a good practice to publish and post plans to make them as widely available to the public as possible. Note, that if precincts are changed in the course of redistricting ward boundaries, the City needs to follow precinct notification guidelines.

6. **Notification of county and state.** In most cases, a change in ward boundaries will also require a change in precinct boundaries (which requires notification of the county auditor and secretary of state). Cities that incorporate ward designations into their precinct names (e.g. “Ward 1 Precinct 1”) do not need to do any additional notification of their ward boundaries. In situations where precinct names do not reference the ward to which they belong, the city clerk should provide the county auditor with information about which precincts are in which wards. Minn. Stat. § 204B.14, subd. 5.

MN SOS 2021 Redistricting Guide, p.16.

Timeline for Ward Redistricting

A city may not redistrict its wards before the state legislative redistricting plan has been adopted. Once the state legislative districting has occurred, the city must redistrict its wards, along with its precincts, within 60 days of legislative redistricting or by March 29, 2022, whichever comes first. Minn. Stat. § 204B.135, subd. 1.

An ordinance establishing new ward boundaries becomes effective on August 9, 2022, the date of the state primary election. Minn. Stat. § 205.84, subd. 2.¹

Ward Redistricting and the City Council

When elected, a member of the city council must be, and remain, a resident of the ward they represent. If redistricting causes a council member’s residence to be shifted into another ward, the council member is allowed to continue to serve for the remainder of their term. However, if the council member runs for re-election, they will need to become a resident of the ward they represent. Minn. Stat. § 205.84, subd. 2.

¹ Note that if the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary (after March 29 in 2022), there are alternate dates and procedures for redistricting or reestablishing local government elective districts.