

STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL

A21-0243  
A21-0546

**FILED**

September 3, 2021

OFFICE OF  
APPELLATE COURTS

Karen Saxe, Paul Zorn, Deanna  
Haunsperger, Stephen Kennedy, Stephen  
Polasky, Victor Reiner, Brianna Heggeseth,  
Lisa Lendway, Shilad Sen, David Van  
Riper, Jonathan Schroeder, and Tracy  
Kugler,

Plaintiff-Intervenors,

**[PROPOSED] COMPLAINT  
IN INTERVENTION BY  
DATA SCIENCE INTERVENORS**

v.

Steve Simon, Secretary of State of  
Minnesota,

Defendant.

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Plaintiff-Intervenors Karen Saxe, Paul Zorn, Deanna Haunsperger, Stephen Kennedy, Stephen Polasky, Victor Reiner, Brianna Heggeseth, Shilad Sen, Lisa Lendway, David Van Riper, Jonathan Schroeder, and Tracy Kugler in support of their Complaint in Intervention, state and allege as follows:

**INTRODUCTION**

1. On August 12, 2021, pursuant to Public Law No. 94-171, the U.S. Census Bureau released the redistricting data from the 2020 Census (the “2020 Census Redistricting Data Release”). The 2020 Census Redistricting Data Release revealed significant changes in the distribution of the population in the State of Minnesota over the last decade, which has rendered

Minnesota's current congressional and legislative districts malapportioned in violation of the United States Constitution and the Minnesota Constitution.

2. Plaintiff-Intervenors are United States citizens and qualified voters in the State of Minnesota who reside in congressional and legislative districts that were established in 2012 by the Special Redistricting Panel in *Hippert v. Ritchie* using population data from the 2010 Census. The 2020 Census Redistricting Data Release now shows that each Plaintiff-Intervenor lives in a congressional and/or legislative district that is overpopulated, which would dilute the strength of their votes in future congressional and/or legislative elections.

3. Plaintiff-Intervenors are not only citizens and qualified voters in the State of Minnesota, but also professors and research scientists in mathematics, statistics, computer science, geography, and allied fields who believe that high-speed computers and cutting-edge algorithmic techniques can and should be used to thwart gerrymandering, improve the redistricting process, and promote fair and effective representation for all Minnesotans. They therefore will refer to themselves in this Complaint in Intervention as the "Data Science Intervenors."

4. As registered voters in the State of Minnesota, the Data Science Intervenors have exercised, and wish to continue exercising, their undiluted right to vote for their preferred candidates in primary and general elections. The 2020 Census Redistricting Data Release confirms that population shifts during the last decade have diluted the Data Science Intervenors' voting strength and have rendered Minnesota's congressional and legislative districting plans unconstitutional under both the United States Constitution and the Minnesota Constitution. Specifically, the current congressional districts violate Article I, Section 2 of the United States Constitution, as well as Article I, Section 2 and Article IV, Section 3 of the Minnesota Constitution. The current legislative districts violate the Fourteenth Amendment of the United States

Constitution, as well as Article I, Section 2 and Article IV, Sections 2 and 3 of the Minnesota Constitution.

5. The Data Science Intervenors therefore intervene in this action to enforce their voting rights guaranteed by the United States Constitution and the Minnesota Constitution and to do so by applying advanced computational science to the redistricting process.

### **PARTIES**

6. The Data Science Intervenors are professors and academics at leading Minnesota colleges and universities who teach and conduct research in subfields of mathematics and science that are directly relevant to redistricting. They also are United States citizens and qualified voters residing in overpopulated congressional and legislative districts in the State of Minnesota.

7. The Data Science Intervenors include two Past Presidents of the Mathematical Association of America, an Associate Executive Director of the American Mathematical Society, a Member of the National Academy of Sciences, and three research scientists from the Minnesota Population Center, which is the University of Minnesota's institute for demographic research, including spatial demography.

8. Data Science Intervenor Karen Saxe is a registered voter who resides in Northfield, Minnesota, in Rice County, and in Congressional District 2, which the 2020 Census Redistricting Data Release demonstrates is overpopulated. Dr. Saxe is a Professor Emerita of Mathematics at Macalester College, where she taught courses on electoral system design and voting theory. Dr. Saxe serves as an Associate Executive Director of the American Mathematical Society (AMS) and the Director of AMS's Office of Government Relations. Dr. Saxe has published multiple articles on redistricting in *Math Horizons* and *Notices of the American Mathematical Society*, and has co-authored a leading study of "Redistricting and District Compactness," published in volume 624 of

the peer-reviewed *Contemporary Mathematics*. Dr. Saxe also was one of the principal drafters of the Policy Statement on Drawing Voting Districts, issued jointly by AMS and the American Statistical Association, which is the world's largest organization of statisticians and the oldest professional science society in the United States. Dr. Saxe is a Past Vice President of the Mathematical Association of America. She has a Ph.D. in Mathematics from the University of Oregon.

9. Data Science Intervenor Paul Zorn is a registered voter who resides in Northfield, Minnesota, in Rice County, and in Congressional District 2, which the 2020 Census Redistricting Data Release demonstrates is overpopulated. Dr. Zorn is an Emeritus Professor of Mathematics at St. Olaf College, a Past President of the Mathematical Association of America (MAA), and the current chair of the MAA's Science Policy Committee. His professional research interests include complex analysis, mathematical exposition, computer graphics, and computer algebra systems. Dr. Zorn has a Ph.D. in Mathematics from the University of Washington.

10. Data Science Intervenor Deanna Haunsperger is a registered voter who resides in Northfield, Minnesota, in Dakota County, and in Congressional District 2, Senate District 58, and House District 58B, which the 2020 Census Redistricting Data Release demonstrates are overpopulated. She is a Professor of Mathematics at Carleton College and a Past President of the Mathematical Association of America. Dr. Haunsperger has taught a course titled "Mathematics and Democracy" and, this fall, will supervise a half-dozen students at Carleton who will analyze mathematical ways to ensure fair redistricting in Minnesota. Dr. Haunsperger has a Ph.D. in Mathematics from Northwestern University, where her thesis was on voting theory, the mathematics behind tallying elections.

11. Data Science Intervenor Stephen Kennedy is a registered voter who resides in Northfield, Minnesota, in Dakota County, and in Congressional District 2, Senate District 58, and House District 58B, which the 2020 Census Redistricting Data Release demonstrates are overpopulated. Dr. Kennedy is an Emeritus Professor of Mathematics at Carleton College, where he has taught a course covering the mathematics behind voting theory and apportionment. Earlier this year, Dr. Kennedy taught a version of this course as a visiting faculty member at the University of Richmond, including a month-long unit addressing the mathematics of redistricting and gerrymandering. Dr. Kennedy has a Ph.D. in Mathematics from Northwestern University.

12. Data Science Intervenor Stephen Polasky is a registered voter who resides in Arden Hills, Minnesota, in Ramsey County, and in Congressional District 4 and Senate District 42, both of which the 2020 Census Redistricting Data Release demonstrates are overpopulated. Dr. Polasky is a Regents Professor and a Professor of Applied Economics at the University of Minnesota, Twin Cities. Because Dr. Polasky's research focuses on issues involving land use, land management, and common property resources, he has extensive experience with Geographic Information Systems (GIS), which are computer systems that analyze and display geographically referenced information. Dr. Polasky is a Member of the National Academy of Sciences and a Fellow of the American Association for the Advancement of Science. He has a Ph.D. in Economics from the University of Michigan.

13. Data Science Intervenor Victor Reiner is a registered voter who resides in Minneapolis, Minnesota, in Hennepin County, and in Congressional District 5 and Senate District 61, both of which the 2020 Census Redistricting Data Release demonstrates are overpopulated. Dr. Reiner is a Professor of Mathematics at the University of Minnesota. His professional research interests include algebraic, geometric, and topological combinatorics, as well as discrete geometry.

Dr. Reiner is the co-moderator for the math arXiv preprint server's category "math.CO" (Combinatorics), which is the category under which many math papers on redistricting and gerrymandering are submitted. Dr. Reiner also is a Fellow of the American Mathematical Society. He has a Ph.D. in Mathematics from the Massachusetts Institute of Technology (MIT).

14. Data Science Intervenor Brianna Heggeseth is a registered voter who resides in Saint Paul, Minnesota, in Ramsey County, and in Congressional District 4 and House District 64A, both of which the 2020 Census Redistricting Data Release demonstrates are overpopulated. Dr. Heggeseth is an Associate Professor of Statistics at Macalester College. Dr. Heggeseth's research interests include the study of statistical methods and their application in social and hard sciences. Her methodology work has focused on uncovering group structure in longitudinal data through clustering-analysis techniques and probability models, as well as data-mining approaches. Dr. Heggeseth has a Ph.D. in Statistics from the University of California, Berkeley.

15. Data Science Intervenor Lisa Lendway is a registered voter who resides in Saint Paul, Minnesota, in Ramsey County, and in Congressional District 4, Senate District 65, and House District 65A, all of which the 2020 Census Redistricting Data Release demonstrates are overpopulated. Dr. Lendway is an Assistant Professor of Statistics and Data Science at Macalester College. Dr. Lendway has a Ph.D. in Statistics from the University of Minnesota, where her research focused on using mixed-effects methods to model longitudinal growth using cross-sectional data. Dr. Lendway also has over eight years of experience working as a data scientist in a variety of industries, including marketing, healthcare, and insurance.

16. Data Science Intervenor Shilad Sen is a registered voter who resides in Minneapolis, Minnesota, in Hennepin County, and in Congressional District 5, which the 2020 Census Redistricting Data Release demonstrates is overpopulated. Dr. Sen is a Professor of

Computer Science at Macalester College. His research interests include online communities, human-computer interaction, and machine learning. Dr. Sen's research draws upon the fields of data-mining, psychology, and computer systems design. Dr. Sen also currently serves as a Principal Applied Scientist in the Office of Applied Research at Microsoft. He is a former research fellow for Target Corporation, where he worked to develop and scale algorithms and systems for personalization. Dr. Sen has worked for Sourcelight Technologies, Google, IBM Research, and Thomson Reuters R&D. Dr. Sen has a Ph.D. in Computer Science from the University of Minnesota.

17. Data Science Intervenor David Van Riper is a registered voter who resides in Saint Paul, Minnesota, in Ramsey County, and in Congressional District 4, which the 2020 Census Redistricting Data Release demonstrates is overpopulated. Mr. Van Riper is the Director of Spatial Analysis at the Minnesota Population Center, which is part of the Institute for Social Research and Data Innovation at the University of Minnesota. He is an expert in small-area census data and leads the Minnesota Population Center's team in researching the impact of differential privacy on the 2020 decennial Census. He is co-Principal Investigator on two grants funded by the National Institutes of Health: IPUMS NHGIS (National Historical Geographic Information System), which provides access to historical and contemporary small-area data, including GIS mapping files, for the United States, and IPUMS GeoMarker, which allows users to securely geocode data and attach neighborhood characteristics to the geocoded output. Mr. Van Riper has an M.A. in Geography from the University of Minnesota.

18. Data Science Intervenor Jonathan Schroeder is a registered voter who resides in Saint Paul, Minnesota, in Ramsey County, and in Congressional District 4, which the 2020 Census Redistricting Data Release demonstrates is overpopulated. Dr. Schroeder is a Research Scientist

at the Minnesota Population Center, which is part of the Institute for Social Research and Data Innovation at the University of Minnesota. Dr. Schroeder is an expert in census geography with extensive experience modeling population distributions. His research interests include the relationship between the design of zones and their correspondence with population characteristics, and developing and applying methods of spatio-temporal analysis and visualization of census data. One focus of Dr. Schroeder's research has been areal interpolation models to produce geographically standardized time series where the boundaries of Census reporting units have changed. Dr. Schroeder has a Ph.D. in Geography from the University of Minnesota, where his research focused on patterns in long-term population trends throughout major U.S. cities by applying a novel multivariate mapping technique to time series of Census tract data.

19. Data Science Intervenor Tracy Kugler is a registered voter who resides in Saint Paul, Minnesota, in Ramsey County, and in Congressional District 4, which the 2020 Census Redistricting Data Release demonstrates is overpopulated. Dr. Kugler is a Research Scientist at the Minnesota Population Center, which is part of the Institute for Social Research and Data Innovation at the University of Minnesota. She has over a decade of experience working intensively with census data, beginning with her dissertation research conducting quantitative analyses of spatial patterns of metropolitan development covering all U.S. metropolitan areas, and continuing in her current work as Research Project Manager for IPUMS Terra and IPUMS IHGIS (IPUMS stands for data integrated across time, space, and scientific domains, and IHGIS is the International Historical Geographic Information System). IPUMS Terra and IHGIS process, document, and integrate census data for dissemination to social-science researchers and policy analysts. Dr. Kugler has developed workflows for documenting and manipulating highly heterogeneous published census tables to conform to a standard data and metadata structure. Dr.



Kugler also has a background in multi-criteria optimization through her Master's degree, which is central to understanding the U.S. Census Bureau's implementation of differential privacy. Dr. Kugler has a Ph.D. in Geography from Oregon State University and an M.S. in Systems Engineering from Case Western Reserve University.

20. Defendant Steve Simon is the Secretary of State of the State of Minnesota and is sued in his official capacity. Simon is responsible for implementing Minnesota's elections laws and administering its elections.

### **JURISDICTION**

21. Pursuant to Minn. Stat. §§ 2.724, 480.16, this Panel has authority to redress the claims of the Data Science Intervenors of violations of the United States and Minnesota Constitutions. This Panel also has authority to grant declaratory relief pursuant to Minn. Stat. §§ 555.01 *et seq.*

22. On June 30, 2021, the Chief Justice of the Minnesota Supreme Court appointed this Special Redistricting Panel to hear and decide all matters in connection with the claims asserted in complaints filed by other Plaintiffs alleging malapportionment of congressional and legislative districts based on the 2020 Census data. The Panel also was charged with jurisdiction over any additional congressional or legislative redistricting challenges that may be filed in Minnesota state courts based on the 2020 Census.

### **CLAIM OF ENTITLEMENT TO INTERVENTION**

23. The Data Science Intervenors claim an interest regarding the validity of the congressional and legislative districts that are the subject of the Special Redistricting Panel's jurisdiction, and are so situated that this action's disposition may, as a practical matter, impair or impede their ability to protect that interest.

24. In prior decades, one of the greatest challenges that Special Redistricting Panels have confronted is that good redistricting requires adherence to multiple criteria—for example, population equality, contiguity, compactness, respect for county boundaries, and compliance with the Voting Rights Act—and every one of these criteria at some point conflicts with the others. Satisfying all these principles simultaneously is the core challenge for anyone seeking to redistrict in the public interest.

25. The Data Science Intervenors bring a unique and important perspective to this problem. With experts, they can offer cutting-edge computational methods and resources to develop maps that approach being “Pareto optimal,” which means that they are so strong on each redistricting criterion that improving the map on one criterion necessarily worsens it on another. These ideal, or nearly ideal, maps cannot be devised by hand, even with the best commercial redistricting software and weeks or months to draw them. But these maps can be discovered through “computational redistricting,” which is the use of algorithms designed to optimize maps across multiple criteria simultaneously by generating “chains” of thousands or millions of maps, each one better than its predecessor.

26. The Data Science Intervenors and their experts can assist this Panel by applying these computational methods to Minnesota’s congressional and legislative maps, deploying whatever redistricting principles and criteria this Panel ultimately chooses to articulate and prioritize. The Data Science Intervenors and their experts also can assist the Panel in translating qualitative principles into quantitative metrics, and in assessing the inevitable tradeoffs between competing criteria. And the Data Science Intervenors and their experts will perform this work not in service of a political party or a set of incumbent officeholders or a particular demographic group,

but rather in service of the common interest that all Minnesotans share in having fair and effective representation in Congress and in the Legislature.

27. The Data Science Intervenors' claims in this Complaint in Intervention share common questions of law and fact with the claims in the original action—namely, the constitutionality of the current congressional and legislative districts established by the *Hippert* panel.

28. The Data Science Intervenors have sought intervention early in this action, as soon as they evaluated the 2020 Census Redistricting Data Release with counsel to confirm whether they lived in overpopulated districts and therefore had standing to bring claims of vote dilution due to malapportionment. Population estimates, such as the 2019 data estimates from the Minnesota State Demographic Center, were insufficient to confirm standing. The 2020 Census Redistricting Data Release shows that the estimates were inaccurate and unreliable for purposes of redistricting. For example, the 2019 Minnesota State Demographic Center data estimates, on which existing parties to this proceeding relied, incorrectly labeled as overpopulated the legislative districts where nine of the Data Science Intervenors (Heggeseth, Kugler, Polasky, Reiner, Saxe, Schroeder, Sen, Van Riper, and Zorn) reside and vote.<sup>1</sup>

#### **ADDITIONAL FACTS PERTINENT TO ALL CLAIMS**

29. Minnesota's current congressional and legislative districts were established by the Special Redistricting Panel in *Hippert*, following the 2010 Census, and were designed to ensure

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<sup>1</sup> These are Senate Districts 20, 64, 62, and 66, and House Districts 42A and 61B. *See* 2019 Minn. House Dist. Population, Minn. Legis. Coordinating Comm'n Geographic Info. Servs. (Jan. 2021), *available at* <https://www.gis.leg.mn/pdf/pop/2019HousePopEst.pdf> (last visited Sept. 2, 2021); 2019 Minn. Senate Dist. Population, Minn. Legis. Coordinating Comm'n Geographic Info. Servs. (Feb. 2021), *available at* <https://www.gis.leg.mn/pdf/pop/2019SenatePopEst.pdf> (last visited Sept. 2, 2021).

population equality. According to 2010 Census data, Minnesota's eight congressional districts were literally as close as possible to being perfectly equal in population, with each districting containing either 662,990 or 662,991 residents (a mere one-person total deviation). *Hippert v. Ritchie*, 813 N.W.2d 391, 394 n.2 (Minn. 2012). Likewise, according to 2010 Census data, Minnesota's 67 senate districts and 134 house districts were also close to being equal in population, with not a single district deviating even one percentage point from the ideal population (which was 79,163 for each senate district and 39,582 for each house district, again according to 2010 Census data). *Hippert v. Ritchie*, 813 N.W.2d 374, 377 (Minn. 2012).

30. Over the last decade, however, births, deaths, and in-migration and out-migration have rendered these same Minnesota congressional and legislative districts significantly unequal in population. According to 2020 Census data, Minnesota's eight congressional-district populations now range from 673,514 to 737,898 residents, a total deviation of more than 9%; Minnesota's senate-district populations now range from 77,110 to 94,929 residents, a total deviation of more than 20%; and Minnesota's house-district populations now range from 37,245 to 52,579 residents, a total deviation of more than 36%.

31. As the 2020 Census Redistricting Data Release demonstrates, Congressional Districts 2, 3, 4, 5 and 6 are overpopulated, while Congressional Districts 1, 7, and 8 are underpopulated. As a result, residents of Congressional Districts 2, 3, 4, 5 and 6 have diminished electoral power compared to residents of Congressional Districts 1, 7, and 8. Similarly, the senate and house districts ordered in *Hippert* are now either overpopulated or underpopulated as compared with their ideal numbers. Accordingly, residents of overpopulated senate and house districts have diminished electoral power compared to residents of underpopulated districts.

32. Every one of the Data Science Intervenors resides and votes in a congressional district that the 2020 Census Redistricting Data Release identifies as overpopulated. For example, Data Science Intervenors Reiner and Sen reside and vote in Congressional District 5, which, according to the 2020 Census Redistricting Data Release, has a population of 736,036—substantially more than the one-eighth of Minnesota’s total population that each of the eight congressional districts is to contain.

33. Several of the Data Science Intervenors reside and vote in legislative districts that the 2020 Census Redistricting Data Release identifies as disproportionately overpopulated. For example, Data Science Intervenors Haunsperger and Kennedy reside and vote in both overpopulated House District 58B and Senate District 58. According to the 2020 Census Redistricting Data Release, Senate District 58 has a population of 91,605—substantially more than the one-sixty-seventh of Minnesota’s total population that each of the 67 Senate districts is to contain.

34. The existing malapportionment of congressional and legislative districts in Minnesota dilutes the voting strength of the Data Science Intervenors in overpopulated districts, as the weight or value of each Data Science Intervenor’s vote is less than that of any voter residing in an underpopulated congressional or legislative district, in violation of the United States and Minnesota Constitutions.

35. Article IV, Section 3 of the Minnesota Constitution tasks the Legislature with redrawing Minnesota’s congressional and legislative districts following the release of redistricting data from each federal decennial census. By statute, the Legislature’s deadline to fulfill this duty falls “25 weeks before the state primary election in the year ending in two.” Minn. Stat. § 204B.14. For the current redistricting cycle, this deadline will be February 15, 2022.

36. In every legislative redistricting cycle since the 1970s, and in every congressional redistricting cycle since the 1980s, the Legislature and Governor have failed to agree upon a redistricting plan, and the courts have had to step in to redraw the map to ensure that elections comply with the United States and Minnesota Constitutions.

37. On June 30, 2021, the Chief Justice of the Minnesota Supreme Court appointed this five-judge Special Redistricting Panel to redraw the congressional and legislative districts in the event the Legislature and Governor fail to meet the February 15, 2022 deadline.

38. On information and belief, the Minnesota Legislature and Governor will fail to meet this deadline. If that occurs, and absent intervention by this Panel, Defendant will therefore conduct the primary and general elections in 2022 and thereafter for Minnesota's Representatives in Congress and members of the Minnesota Legislature based on the congressional and legislative districts ordered in *Hippert*, which the 2020 Census Redistricting Data Release now confirms are unconstitutional based on the current distribution of Minnesota's population.

39. The Data Science Intervenors intend to exercise their right to vote in the primary and general elections in 2022 and thereafter for Minnesota's Representatives in Congress and for members of the Minnesota Legislature. Conducting those elections under the maps established by the *Hippert* panel will deprive the Data Science Intervenors of their rights under the United States and Minnesota Constitutions.

40. The relief sought against Defendant in his official capacity relates to his duty to lawfully conduct the election of Minnesota's Representatives in Congress and members of the Minnesota Legislature.

## COUNT I

### CONGRESSIONAL REDISTRICTING

41. The Data Science Intervenors incorporate by reference Paragraphs 1 through 40.

42. Article I, Section 2 of the United States Constitution, as amended by Section 2 of the Fourteenth Amendment, provides that “[t]he House of Representatives shall be composed of Members chosen every second Year by the People of the several States” and that “Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.” These provisions create a constitutional guarantee of “one person, one vote,” requiring a State’s congressional districts to achieve population equality as nearly as is practicable.

43. Article I, Section 2 of the Minnesota Constitution provides that “[n]o member of this state shall be disenfranchised or deprived of any of the rights or privileges secured to any citizen thereof.”

44. Article IV, Section 3 of the Minnesota Constitution provides: “At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional . . . districts.”

45. Collectively, these provisions require the Legislature to redraw Minnesota’s congressional districts on the basis of Minnesota’s population following the release of redistricting data from the federal decennial census.

46. Absent new congressional districts as required by the United States and Minnesota Constitutions, any action of Defendant in administering an election for Minnesota’s Representatives in Congress using the decade-old districts from *Hippert* will deprive the Data Science Intervenors of their constitutional rights under Article I, Section 2 of the United States

Constitution; Article I, Section 2 of the Minnesota Constitution; and Article IV, Section 3 of the Minnesota Constitution.

## **COUNT II**

### **LEGISLATIVE REDISTRICTING**

47. The Data Science Intervenors incorporate by reference Paragraphs 1 through 40.

48. The Equal Protection Clause of Section 1 of the Fourteenth Amendment to the United States Constitution prohibits any State from “deny[ing] to any person within its jurisdiction the equal protection of the laws.”

49. Article I, Section 2 of the Minnesota Constitution provides that “[n]o member of this state shall be disenfranchised or deprived of any of the rights or privileges secured to any citizen thereof.”

50. Article IV, Section 2 of the Minnesota Constitution provides: “The number of members who compose the senate and house of representatives shall be prescribed by law. The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.”

51. Article IV, Section 3 of the Minnesota Constitution provides: “At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of . . . legislative districts.”

52. Collectively, these provisions require the Legislature to redraw Minnesota’s legislative districts on the basis of Minnesota’s population following the release of redistricting data from the federal decennial census.

53. Absent new legislative districts as required by the United States and Minnesota Constitutions, any action of Defendant in administering an election for members of the Minnesota



Legislature using the decade-old districts from *Hippert* will deprive the Data Science Intervenors of their constitutional rights under the Fourteenth Amendment to the United States Constitution; Article I, Section 2 of the Minnesota Constitution; and Article IV, Sections 2 and 3 of the Minnesota Constitution.

WHEREFORE, the Data Science Intervenors respectfully pray that this Panel:

- a. Grant the Data Science Intervenors' motion and application to intervene;
- b. Enter a declaratory judgment pursuant to Minn. Stat. § 555.01 *et seq.* that Minnesota's current congressional and legislative districting plans violate the Data Science Intervenors' rights under Article I of, and the Fourteenth Amendment to, the United States Constitution and Articles I and IV of the Minnesota Constitution;
- c. Permanently enjoin Defendant, his officers, agents, employees, attorneys, successors in office, and all persons in active concert or participation with them, from conducting a primary or general election after February 15, 2022, using the congressional or legislative districting plan established in *Hippert* or any other congressional or legislative districting plan that violates the United States Constitution or the Minnesota Constitution;
- d. If state authorities fail to enact a new, legally valid congressional redistricting plan by February 15, 2022, order into effect a new congressional redistricting plan that meets all requirements of federal and state law;
- e. If state authorities fail to enact a new, legally valid legislative redistricting plan by February 15, 2022, order into effect a new legislative redistricting plan that meets all requirements of federal and state law; and

f. Grant the Data Science Intervenors any other relief that the Panel finds just and equitable.

Dated: September 3, 2021

Respectfully submitted,

BASSFORD REMELE, P.A.

By: /s/ Lewis A. Remele

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**ACKNOWLEDGMENT REQUIRED UNDER MINN. STAT. § 549.211, SUBD. 1**

The undersigned hereby acknowledges that sanctions may be imposed under Minn. Stat. § 549.211, if factual contentions and legal arguments contained in this pleading are unwarranted or presented for an improper purpose or are lacking in evidentiary support.

Dated: September 3, 2021

By: /s/ Lewis A. Remele  
Lewis A. Remele (#90724)