MINUTES OF THE

MINNETONKA CHARTER COMMISSION

Jan. 28, 2020

1.   CALL TO ORDER

Chair Northrup called the meeting to order at 7:00 p.m.

Members present: John Cheleen, David Larson, John Northrup, Terry Schneider, Linnea Sodergren, LuAnn Tolliver, Brad Wiersum. Commissioner Karen Anderson participated remotely from Naples, Florida, pursuant to the interactive television exception to the Minnesota Open Meeting Law.

Members absent: Dick Allendorf.

2.   PRESENTATIONS ON VOTING METHODS AND RANKED CHOICE VOTING

Chair Northrup stated that the meeting would be a listening session, designed to provide information to the commission regarding voting methods and ranked choice voting. He introduced the first speakers: David Haeg, a Minnetonka resident who is coordinating the local community education effort for the use of ranked choice voting in municipal elections; Jeanne Massey, the executive director of FairVote Minnesota, a nonprofit organization that advocates for the use of FairVote Minnesota and an election judge in Minneapolis.

David Haeg stated that he has observed ranked choice voting being adopted in other cities and had seen positive results. About a year ago, he began meeting with council members to discuss the possible use of ranked choice voting in Minnetonka. He indicated that there were already several hundred people in Minnetonka who were interested in ranked choice voting.

Haeg said that the benefits of ranked choice voting are that it guarantees more complete voter participation, saves money and time, results in winners that are supported by a majority, and encourages more competitive elections and dialog with residents.

The problems that ranked choice voting is trying to address are low turnout and primaries, uncompetitive elections and single day elections without a majority winner. The city has approximately four percent turnout for primaries. Ranked choice voting

would eliminate primaries. The city has uncompetitive elections. In the past November, two races were competitive and three were not. Ranked choice voting would address some of the things that keep people from running for city offices. Single day special elections are also problematic.

Haeg explained what a ranked choice voting ballot looks like. He has shown the ballot to over 1,000 people in Minnetonka, and everyone understands how voting works. Ranked choice voting requires a majority winner. The candidate with the least number of votes is eliminated, and the votes of people who voted for the eliminated candidate are re-allocated to the remaining candidates. The same process continues until there is a majority winner. Haeg provided a demonstration using choices for different types of food.

Haeg pointed out that under the current system, the city could have a special election with multiple candidates, where one candidate could win with a small percentage of the overall vote. The city council opted instead to appoint a temporary replacement rather than hold a special election.

Minnetonka also has a history of low turnout for primaries. Historically, it has a four percent turnout, and that is not representative of Minnetonka. Primaries are also expensive – a city-wide primary costs $50,000 or more that could be used for other primaries. St. Louis Park went to ranked choice voting because of the cost of primaries. Primaries also make it more challenging for candidates and could discourage them from running.

He indicated that St. Louis Park candidates reported that it changed how they ran. The conversations were more positive than negative and more issues-based.

Who likes ranked choice voting? People who don't want to go to polls twice – seniors, disabled persons, people who are busy. People who prioritize low taxes and efficiency. People who want Minnetonka to think ahead and who value engagement and inclusivity.

Northrup opened the floor to questions. Schneider asked what percentage of voters actually vote for only one versus ranking their votes. Haeg indicated that it would depend upon the city.

Northrup stated that Hennepin County takes the position that ranked choice voting cannot be used in conjunction with a state election. He asked what problems would be raised by the ability to use ranked choice voting for some elections but not others, and what are possible solutions. Jeanne Massey stated that administrators have a huge preference not to use a second ballot, but it is an option available under state law. It is

rare occurrence, but it did happen in a St. Paul election, and the ranked choice ballot was put on the reverse side of the ballot. In addition, there is legislation pending that would address the issue, and she was hopeful it would be enacted within the next year or two.

In response to Schneider's question, Massey said that competitive races, like a mayoral race, there is a slightly higher number of exhausted ballots. In smaller elections, maybe only 10 percent choose to vote for only one voter. Massey reported that voter confidence regarding ranked choice voting is high. Over 90 percent of voters say it is simple to use.

Wiersum asked about the time lag that occurs before the results of a ranked choice election are known. David Schultz answered that he would address that issue in his presentation.

Cheleen asked if, where ranked choice voting is in use, have unique new ways been used for candidates to meet the public. Massey responded that the increase in number of candidates created more interest, and people sponsored more candidate forums. It also caused candidates to work harder and knock on more doors.

Schneider stated that Minnetonka prides itself on nonpartisan elections. What happens when there are seven or eight running and someone decides they want to get party endorsements to help. Massey responded that candidates who tend to go negative tend to get fewer votes. Ranked choice voting provides an incentive to stay nonpartisan and focus on the issues. It is not to any candidate's advantage to play to their base, because they need to appeal to the majority of voters.

Northrup introduced David Schultz, a professor of political science and legal studies at Hamline University and a visiting professor at the University of Minnesota. Schultz indicated that he was asked to perform the initial evaluation of how ranked choice voting rolled out when it was first used in Minneapolis. He is also working on a book about ranked choice voting as an election system.

Schultz explained that election systems are about values and goals. For example, nonpartisanship is a value and goal. Election systems create incentives for voters and candidates. Ultimately, each community has to think about its values and goals in order to determine what its voting system should be.

There are lots of things to think about for voting. For example, the mechanics of voting – paper, optical scan, etc. Another question is the districting system – do candidates run

at large or in districts. Most common voting system in the United States is called "first past the post."

In terms of goals, goals can include: maximize voter choice; maximize turnout; be simple to use for voters; be simple to administrate; easy to figure out voter preferences; makes sure that everybody's vote counts; ensure majority rule and minority rights; and minimize voter confusion.

In a first past the post system, it has the virtues of being simple and familiar. There are criticisms, too. It generally produces limited set of choices and creates incentive for only two parties. It is an all or nothing perspective, especially if there is a block of people that only support one candidate. That is especially true on a national level and in partisan areas. Minorities feel left out, and there is the potential for someone winning with less than a majority.

With respect to ranked choice voting, there are many variations used across the world. It was used commonly in the late 19th and early 20th centuries. For example, the city of Hopkins used it. It gradually went away because the two parties kind of pushed it out, and there were some concerns at the time that it was a corrupt practice.

Schultz explained how ranked choice voting works, using an example of ordering food at a restaurant. Voters intuitively know how to rank choices. There is some evidence that it creates incentives for people to run and addresses the spoiler effect. Ranked choice voting tends to incentivize candidates to appeal to other voters and not trash their opponents. Generally it produces a majority winner, although there can be quirks

The criticisms of ranked choice voting are that it is too complex, but it actually is not. There is a time lag in election results, but even now elections are not over until the votes are canvassed. In a close election, it can take time to work out the results. There is no evidence that it hurts people of color in the core. There is some evidence it increases turnout and some that it stays the same. There is mixed evidence of whether it encourages third party development. There is little evidence of voter confusion. The study he did after the Minneapolis election indicated that there is a need for better voter education and there is a learning curve for administrators.

Home rule charter cities can implement ranked choice voting. The Minnesota Supreme Court determined that ranked choice voting does not violate the "one person, one vote" principle.

Sodergren asked how the costs for voter education costs compare to the cost savings from eliminating a primary. Schultz responded that he had not found that the costs of

voter education costs exceeded the cost of a primary. He didn't see that the transitional costs of moving to ranked choice voting would outweigh the costs of eliminating a primary. He said that there was a concern about possible voter confusion because voters have to flip back and forth between a ranked choice vote election and the first past the post system for other elections. However, he had not found voter confusion.

Schneider stated that he couldn't recall any candidate for city office attacking another candidate. Right now, the city has four wards and eight candidates. People don't have a lot of candidates to research. But if you get a lot of candidates running in a ranked choice voting system, are voters intimidated by having to research more candidates? Isn't that intimidating? Schultz responded that the city could address ballot access and qualification for the ballot; for example, Minneapolis had 38 people on the ballot the first time and then increased its filing fee. Schultz felt that voters were able to filter out the candidates to determine which candidates were viable and which were not. Schultz is not completely convinced that ranked choice voting increases the number of candidates significantly.

Anderson asked if Schultz had examples of elections where someone who would have been a third party candidate actually won. Schultz said it was hard to speculate. He deferred to Massey. Massey said it is not uncommon to see elections where the initial second place finisher ends up winning the majority vote. Where ranked choice voting has really mattered is that candidates find that a primary is a deterrent to running. Voter turnout is trending upward across the country and locally. In addition, ranked choice voting doesn't change the nature of nonpartisan elections; with the exception of Maine, it has only been implemented for nonpartisan elections.

Wiersum said that a reason that the city is having this conversation is that the state hasn't taken action on ranked choice voting. He asked what the likelihood of that happening might be. Schultz said that the DFL seemed to be embracing ranked choice voting but has cooled on it. The legislature has other priorities, and ranked choice voting has no champions at legislature. He believed there was a low likelihood of state action.

Wiersum queried whether this was a solution looking for a problem. He said that a former council member had pointed out that even-year elections would improve voter turnout. Wiersum asked for Schultz's perspective on those two alternatives. Schultz indicated that there is better evidence that ranked choice voting encourages new faces to run. There there is only some evidence that ranked choice voting increases voter turnout, but not as much as we think. Election in even years will result in more voter turnout, but cities have to balance voter turnout with keeping a focus on local issues. City has to decide how that balance comes out. If the city's sole goal is to get larger voter turnout, the answer would be to go to even year elections. Wiersum indicated that

voter turnout in Minnetonka is not a problem, but it is important to keep a focus on what the problem is that needs to be solved.

Sodergren asked whether there was information about a specific type of education that really worked with younger voters. Schultz said that Minneapolis used a combination of approaches -- newspaper, door to door, neighborhood outreach, and social media. Different audiences get information from different sources.

Massey indicated that each city that has adopted ranked choice voting has done more than the last. St. Louis Park did a whole range of things – mobile voting, website, mailing sample ballots, voter outreach at community events. Outreach and education is an essential component. With respect to the counting process, when Minneapolis first used ranked choice voting, they were using old voting equipment that has since been replaced. It took a few days the first time. In 2013 Minneapolis reduced the delay by half, and in 2017 had it done by the next day. Software exists to make the process automated. If that software is certified, the process could be fully automated.

Larson asked whether there is some critical mass for implementing ranked choice voting. Schultz said that if the single most important value was increasing voter turnout, there could be a variety of different mechanisms to accomplish that result. For example, go to even year elections. But there is no real indication is that there is a cost curve that creates a cut-off for implementing ranked choice voting. But if the city wants to keep odd-year elections, then there is some indication that ranked choice voting might create an increase in voters and might bring a more diverse mix of voters.

Northrup called a close to the discussion. Schultz offered to provide the commission with a copy of the report that he prepared for the City of Minneapolis.

3.   SCHEDULE NEXT MEETING

City Attorney Corrine Heine reported that March 17 was available for the next meeting of the commission. Representatives from Hennepin County, St. Louis Park and Minnetonka elections staff are available to provide information about election administration. Northrup indicated he was interested in the tabulation process. Larson moved, Tolliver seconded, to set the meeting for 7 p.m. on March 17, 2020. All voted

"aye."

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4.   ADJOURNMENT

<u>Wiersum moved, Schneider seconded, to adjourn the meeting.</u> All voted "aye." The chair declared the meeting adjourned at 8:36 p.m.

Respectfully submitted,

LuAnn Tolliver
Secretary