

## Charter Commission Meeting

**December 27, 2016**

Chair Richard Kramer called the meeting to order at 4:36 p.m.

### ROLL CALL

Sign in sheet:

Chair Richard Kramer- Present

Vice-Chair Deborah Montgomery -Absent

Commissioner Brian Alton - Present

Commissioner Kathy Donnelly-Cohen - Present

Commissioner Bridget Faricy - Absent

Commissioner Amy Filice - Present

Commissioner George E. Johnson - Absent

Commissioner John Paul Kirr - Present

Commissioner Joyce Maddox - Absent

Commissioner David Maeda - Present

Commissioner Gladys P. Morton - Absent

Commissioner Charles Repke - Present

Commissioner Virginia Rybin - Absent

Commissioner Rick Varco - Absent

Commissioner Carrie J. Wasley - Present

Other Attendees:

Peter Butler

Chris Smith

Joe Mansky, Ramsey County

Adam Vetvick

William Moore

Fred Melo

### APPROVAL OF THE AGENDA

Approval of the agenda moved by Commissioner Charles Repke, seconded by Commissioner Donnelly-Cohen and adopted by unanimous vote.

### APPROVAL OF THE MINUTES

Commissioner Wasley moved to approve minutes of November 15, 2015, seconded by Commissioner Repke and adopted by unanimous vote.

### CITIZEN COMMENTS

Peter Butler, St. Paul resident

He would like suggest three changes to the city Charter. Two are in section 8 which are about initiative, referendum and recall.

*Sec 8.02.2 (part)*

*Each signer of the petition shall write thereon the petitioner's name and the street number and council ward or legislative district and precinct designation of the petitioner's residence.*

Most people probably don't know their ward or precinct designation. He recommends that if that is unnecessary for verifying that a person is a registered voter, that the language be deleted.

*Sec. 8.2.24 (part)*

*Any name appearing on any petition which does not comply with the foregoing requirements, except as to council ward or legislative district and precinct designation shall be stricken.*

If this information has no purpose, he thinks for simplicity of people collecting signatures, that information should be deleted

Second suggestion: Section 8.04 sets deadlines for the submission of a petition and it says that the last day for doing it is 120 days before the next election. State law requires the City Council to approve any language 74 days before the next election. This section also says that the City Council has up to sixty days to act or not act on it. So if I were to submit a petition on the 120<sup>th</sup> day, and the Council were to wait until the 60<sup>th</sup> day after that that's only 60 days for the election and we have missed the state deadline. So extending the 120 days to 134/35 days or delete the roll of the Council in there would ensure that people can meet the deadlines of the charter and state law.

Final recommendation: Section 7.04- Name on ballot suggests commission review filing fees for mayor \$500.00 and City Council which is \$250.00. I think this is excessive in comparison to the governor, which is \$300.00 to file in that race; U.S. senator is \$400,, State legislators are \$100, and attorney general is \$300. At least for mayor the amount is higher than most state offices or that the number of required signatures is reduced from 500 to make it easier for those that don't have the money to collect signatures. Nothing like that should be a barrier for any one running for office.  
Submitted notes.

Two letters, classified under citizen comments (attached)

## **ELECTION OF CHARTER COMMISSION OFFICERS**

Chair Kramer stated that the Charter Commission has been meeting once per year, and the officers elected today will be the 2017 officers. Chair, vice-chair, and secretary will be filled.

Chair: Commissioner Alton nominates Richard Kramer, Repke moves, Wasley seconds  
Richard Kramer elected by unanimous vote

Vice-chair: Commissioner Repke moves reelecting Deborah Montgomery, Commissioner Donnelly-Cohen seconds; Deborah Montgomery is elected by unanimous vote

Secretary - Alton moves re-electing Virginia Rybin, Wasley seconds, Virginia Rybin is elected by unanimous vote

**STAFF REPORT** – Joe Mansky, Ramsey County Elections Manager.

Mr. Mansky stated that the deadline for amendments to the charter that will be going to the ballot is July 11, per state law. If there are questions that go on the ballot, City Council will authorize the text and the City Attorney will approve by August 25.

If the Charter Commission opts to put a question on the ballot or a citizen effort to initiate, they will need to take action on charter amendments by July 11.

Other information: Two years ago the legislature allowed people to vote prior to Election Day for any reason. This year voters can place ballot directly into counter. These transformative acts increased number of people voting prior to the election by 107%. The number of voters is estimated to increase by 100,000 county-wide by 2020. The Commission might want to consider when and where they want people to vote as they deliberate how elections are being conducted.

Mr. Mansky talked about the new voting system in 2016. The post-election audit showed that for the first time 100% accurate in squaring up the ballots with the ballot counter. Because they don't have approval for electronic reallocation of votes for the election of mayor this year, they will be doing the manual reallocation as for past elections. He noted that there is a video on line showing the process. The ballot will look identical to past, assuming there will be up to six choices listed.

Voters can rank up to six choices. Candidate names are rotated on the ballot from precinct to precinct, as required by law. Rotating the names in nonpartisan races, this eliminates the advantage of being first or disadvantage of being far down on the list for any particular candidate.

Other side of ballot would have authorized ballot questions authorized by City or school district, and other members of school board that were not elected in 2016.

Chair Kramer asked for questions from audience members or commissioners.

Chair Kramer asked if machines will be used in the next election.

Mr. Mansky stated that it will be the same process as 2011. Number of votes will be listed on website. Reallocation will be done manually as in the past. It will be the same method as the Coleman/Franken re-count. Candidates are at the table during the count.

Commissioner Repke stated that he had observed in the past and it is impressive how few mistakes are made in recount, and they do an excellent job.

Mr. Mansky explained how the votes are sorted and reallocated by hand.

Ballots are returned in sealed containers, and remain until reallocation process, first determine count hand count is official. Once ballots are on the table, reallocations are done from bottom up. Smallest pile number is reallocated first, and repeated until someone reaches the threshold to win or there are two candidates left and whoever has the most votes is the winner, whether or not they have the majority.

William Moore, St. Paul – East Side: MN Audience; the numbers are confusing for average voter. Mr. Moore asked for clarification of the reallocation process.

Mr. Mansky reiterated the process of reallocation using a specific example. Explained that it is possible to have twelve candidates file for mayor. If one candidate gets more than 50% of the vote, there is no need for reallocation. Reallocation is only necessary if there is no candidate with over 50% of the votes. Mr. Mansky encouraged people to volunteer as election judges. Ballots are counted one precinct at a time.

Commissioner Repke noted that in the last Ward 2 race, the piles were 2782, 2444, and 582. They never hit 2870, which would be 50%, so 2872 won (see attached letters).

Mr. Mansky explained that there is a basket for all inactive ballots (a no votes remaining for a candidate that is still viable). The greater that pile gets, the greater the chance. The bigger the pile gets, the greater the chance that the winner will not have enough ballots to get to 50%.

Only one vote is ultimately counted, but they get several opportunities to tell us based on who is left, how you want to have your one vote count. He encouraged the audience to watch the on line video, or to watch the reallocation in person.

William Moore stated because of Mr. Mansky's explanation, he trusts the situation, but does not necessarily favor ranked-choice voting.

Mr. Mansky stated that all of this information is on the website: [RCElections.org](http://RCElections.org)

Peter Butler asked if there has been any instance where the first choice votes did not win the election

Mr. Mansky stated that it has not happened here, but has in Oakland.

No guarantee that it could not happen here.

Commissioner Repke pointed out that in 2011 the person who was 2<sup>nd</sup> on election night was not in final two for the final count.

Commissioner Alton asked whether Mr. Mansky anticipates an electronic reallocation to be approved even though the Secretary of State has not approved the electronic reallocation system.

Mr. Mansky stated that it is the Legislation's decision, the Secretary of State has authority to examine and improve the voting systems in Minnesota. He does not have a law that tells him what he is supposed to do to test whether a method of voting meets whatever standard is set.

We are waiting for legislature to allow him to enact a law.

Chair Kramer asked for other questions.

Shawn Towle asked Mr. Mansky to if he could explain *Arrow's Theorem of Improbability* (if there are more than 4 candidates on the ballot, it is improbable that you will get a majority)?

Mr. Mansky was not familiar with that theorem.

Mr. Moore asked how it was determined to have 6 candidates.

Mr. Mansky stated that the City Council made that decision. The City of Minneapolis, which pre-dates ours by a couple of years, only allows 3. We told the council we could accommodate more choices.

City Council wanted more choices and settled on six.

Commissioner Repke pointed out that realistically, this is what would fit on the ballot in columns that would be readable to the average voter. More than 6 would require an extended length ballot.

Mr. Mansky explained that if we get 12 candidates, 6 choices would consume one side of a 17-inch (maximum size) ballot, all would be on one side, other side would be questions and school board.

Commissioner Meda asked if our equipment being used in any other jurisdiction.

Mr. Mansky explained that ours is brand new and currently for this vendor, we are the largest jurisdiction in the country using it. As best he knows there are not very many jurisdictions using this system, we are the only one with ranked choice voting.

Jeanne Massey, Executive Director of Fair Vote Minnesota asked for clarity on the equipment, it is her understanding that it has the capacity to tabulate a ranked choice election. Could you explain the process and the hiccups?

Mr. Mansky explained that the system is capable of doing that but does not currently have the software application in place, because when we bid out the system, there was no reason to do that. When law is enacted we will instruct vendor to add software. If things move quickly enough this year, we would be ready to reallocate in 2017.

Mr. Moore asked if this (2017 election) would be a test (with no incumbent mayor), and if the reason the last election didn't need to use ranked choice was because there was a majority.

Mr. Mansky stated that there should get more like 60,000 votes cast with a Mayor race.

Mr. Towle stated that he has been in conversation with the vendor. The next software allocation is going to have that capacity in it, but they are not going to allow the lease of it unless there has been authority that states it can be used. He wonders if you are pursuing an actual test with results. Would the city be able to implement the use of ranked voting in the City?

Mr. Mansky said they have talked to the City Attorney about doing something on their own. The City Attorney says the Secretary of State has authority when it comes to use of voting system. The secretary of State does have the authority to authorize experimental use, but lacking direction from legislature, that is our stopping point.

Mr. Butler asked if they could design ballot to have accommodated more candidates. He noted that Mr. Mansky said the machines can't tally those, but have to be hand count anyway, could there be a more compact design?

Mr. Mansky responded that they don't know at this time that we aren't going to be able to do that. They want to make sure we are ready to go if it comes to that. They are going to set the ballot up as if it could be electronically reallocated.

Commissioner Repke added that anytime you have to assign numbers, it makes it more confusing. It is less confusing if you ask them to go to column one for first choice, column two for second choice, than if you ask them to go for "Smith" and give Smith a 1 – 5.

Mr. Mansky stated that currently, our voting systems count vertically, not horizontally. Minnesota voting systems count vertically. To do something different is where we need approval from the state

Mr. Moore asked whether these changes will not occur in 2017.

Mr. Mansky said it is a possibility that they want to be prepared for.

Fred Melo, Pioneer Press asked if there is software lined up.

Mr. Mansky said there is not.

Mr. Melo asked if the legislation happens, could it be in place by November.

Mr. Mansky stated that if it looks like it is getting traction, they will have it ready.

Chair Kramer asked for any final questions. Thanked guests for their participation

## **REPORTS OF STANDING COMMITTEE**

No standing committee reports.

Chair Kramer asked commissioners to select what committee they are interested in serving on: The Communications Committee or the Charter Review Committee. Meetings will be called after committee membership is appointed. Rachel (Tierney) is looking into standing rules about appointing. He noted that they need to avoid a majority serving on one committee, so all may not be appointed to every committee they are interested in.

Commissioner Repke stated that he hopes they select chairs soon and have a meeting reasonably soon so there is opportunity for public input before July 11.

Chair Kramer responded that our standing rules require three readings (our rules, not imposed). They can be waived, but we would probably want to follow our standing rules.

The Charter Review Committee could consider if amendment is not substantial, charter review committee could put forward as an amendment (not substantial) without having it go on the ballot, if we can get unanimous approval from the council.

There are different options for amending the charter, but substantial amendments require ballot voting.

Language changes are minor amendment,

Voting method changes has traditionally gone to go to voters for approval.

Pick a date, which can be cancelled, so there is time for committees to meet.

Commissioner Repke stated that the date could be used for the first reading.

Chair Kramer concurred and stated that in general Wednesdays are not preferred, due to City Council meetings.

Commissioner Alton asked if they are being speculative and whether they could set a November meeting and call an additional meeting if there were business.

Chair Kramer stated that he would like to have a date established so it is out there and can meet ballot deadlines if something needs to go to the ballot, or if it is a minor amendment there would be time for it to go to the City Council.

Commissioner Repke suggests Monday February 27.

The next meeting of the Charter Commission was set as February 27, 2017.

If there are recommendations of committees, it will not be canceled. If additional readings are necessary, dates will be set at that meeting.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

Meeting adjourned at 5:30 pm