



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Room 220 City Hall

Rachel Tierney
Deputy City Attorney

Minutes - Final

Charter Commission

Chair Richard Kramer
Vice-Chair Deborah Montgomery
Commissioner Brian Alton
Commissioner Kathy Donnelly-Cohen
Commissioner Bridget Faricy
Commissioner Amy Filice
Commissioner George E. Johnson
Commissioner John Paul Kirr
Commissioner Joyce Maddox
Commissioner David Maeda
Commissioner Gladys P. Morton
Commissioner Charles Repke
Commissioner Virginia Rybin
Commissioner Rick Varco
Commissioner Carrie J. Wasley

Monday, February 27, 2017

4:30 PM

Room 220, City Hall

This is a meeting of the Charter Review Committee. A full quorum of the Charter Commission may or may not be present.

Call to Order

Meeting was called to order at 4:30 PM

Members Present:

Chair Brian Alton
Commissioner Kathy Donnelly-Cohen
Commissioner Amy Filice
Commissioner George E Johnson
Commissioner John Paul Kirr
Commissioner Charles Repke
Commissioner Virginia Rybin
Commissioner Rick Varco

- 1 [CCI 17-1](#) Selection of Charter Review Committee chair.

Commissioner Donnelley-Cohen motioned to make Brian Alton chair, second by Commissioner Johnson, elected by unanimous vote.

2 [CCI 17-2](#) Review of the committee role.

Chair Alton explained that the Charter Commission has two standing committees, the Charter Review Committee and the Communication Committee. The role of the committee is to consider any business that has come before the committee today. At the last meeting we heard comments about potential changes to the charter that might be of interest so therefore we called this meeting, which was properly noticed. Members here today were appointed by the chair of the committee to proceed with a committee meeting. This is a public meeting, not a public forum and will not be taking any testimony from the public.

In the event the public has any interest in communicating, No action will be taken today will be a final action of the Charter Commission, but will be the committee's recommendation and referred to the Charter Commission for a meeting at a further date.

3 [CCI 17-3](#)

Charter amendments raised at the December 27, 2016 Charter Commission meeting.

Open for discussion of potential Charter Amendments raised at the last Charter Commission meeting

Commissioner Kirr stated that he is a new member, this is his second meeting related to the Charter Commission, and he is eager to serve St. Paul.

Commissioner Kirr read a resolution that he authored, (attached to this item of the minutes), which motioned to amend agenda to delete discussion of charter amendments.

*Chair Alton asked for seconds to that motion
Repke seconds for purpose of discussion*

Commissioner Repke noted that he has heard from Commissioner Kirr and internet concerns about the process. Would like to explain the process. Has not problem not taking formal action today, but thinks it would be a waste of time to not discuss issues today

Committees are working groups, there is nothing that comes out of this committee meeting that couldn't be proposed at the next charter commission without having committee work done in advance. At the Charter commission meeting, ask to put something to be put out for public hearing.

This is the time where we mock up, play with language, and decide if we will bring it to the Charter Commission. This is a place for discussion

Commissioner Kirr does not object to discussion charter amendments, but is concerned about discussing things that were not assigned to this committee, and things that seem to get into the record that didn't seem to be on the record. He does not know how the letter from the councilmembers, Repke response to the letter and Mr. Butler's proposed amendments did not seem like they were on the record from that meeting to this meeting. If these items should not be discussed, and that is why he asked them to be removed from the agenda.

Commissioner Alton stated that the prerequisites are not prerequisites for us having a consideration of any issues regarding the St. Paul charter at this meeting today. If you wanted to discuss amending some other section of the charter, we would welcome that opportunity to have that discussion.

The fact that a letter may not have been entered on the record doesn't invalidate the ability of the committee to discuss. We are a working group/committee to discuss issues that might be up for consideration.

Commissioner Kirr was uncertain about why there is an attachment of the 12/27/2016 meeting minutes to today's agenda.

Commissioner Alton stated it was a clerical effort to include as much information as possible. The minutes are not approved or official.

Commissioner Kirr moves to the question:

All those in favor of Commissioner Kirr's motion signify by saying aye.

Commissioners Repke, Johnson, Kohen voted nay.

Motion failed.

Chair Alton stated that at the December Charter Commission meeting a few things were discussed as potential amendments to the charter:
Amend filing fees and dates for filing, contained in chapter 8. He asked if any committee members want to discuss.

Chair Alton thinks that the county election office believes that changed in fees or signature requirements are not necessary at this point. Minneapolis recently changed their charter so their fees match St. Paul, and they were recently changed this, does not think there is a strong interest.

Commissioner Varco asked what changes were proposed.

Chair Alton responded that decreasing the fees and decreasing the number to get a candidate on the ballot was proposed. Appears there is interest to discuss at this time, we can always discuss at a later date.

Next item is a potential amendment to our charter regarding ranked choice voting.

Commissioner Repke passed out language of charter before ranked choice voting was passed in 2009. He was fine with not taking any formal action today, due to the concerns Commissioner Kirr had about notification. There will be at least 2 public hearings about ranked choice voting if it is decided to propose something. Charter commission will hold public hearing on these issues.

Old language Section 705 – primary election was held on the First Tuesday after the Second Monday in September. His understanding is that the state has changed those to August. If we were going to look for this type of change of doing a primary, we would need feedback about what the best date would be to do it on. He thinks it would be the first Tuesday after the second Monday in August, when the State holds its primaries. He would be interesting in hearing peoples' discussions about the best time to do a primary election.

Would like commissioners to look over the language to see if there are any other places where we should raise those concerns to make those changes.

Commissioner Repke shared his rationale for concern, including the changes and when it occurred, rational for why he believes the committee should explore it.

Commissioner Repke handed out a document to all members of the committee and read hand out (attached). The attached document includes an order from administrative law judge and highlighted relevant comments on the order.

Chair Alton asked for clarification of the relevance of the order

Commissioner Repke stated that it explains what happened in the 2009 election, how it passed. It was deemed to have been a violation of MN State Statute 211B.02

Commissioner Repke's document includes the reallocation summary of the three races; the Ward 2, 2011 and the Ward 2 turn-out. 2007-2011 are the only two where the races are identical. In 2013, redistricting occurred. The document also includes the 2013 reallocation summary statement for the Ward 1 race, and the Ward 2 2015 reallocation. These are the summary of arguments on why he thinks it's appropriate for the charter commission to look at the issue and why he would like it in front of the Charter Review Committee and a recommendation to Charter Commission at the next meeting.

Commissioner Kirr applauds Commissioner Repke's detail and research, he is wondering what is the ultimate goal of proposing changing back to the old way.

Commissioner Repke stated that he has viewed RCV as a poll test. If you have to explain on election how it works to voters, it is unfair. Some are better informed than others, and they will be more likely to be able to rank their ballot. If explained on Election Day, thousands of people haven't had time to think about how to rank their ballots. Those who know what is going on have an advantage. The reason he provided these numbers is because you will hear that people ranked their ballots, but he and Mr. Varco have observed the counting of ranked choice ballots and have seen that numerous people put the same candidate 7 times, and do not rank their votes. Because it slides into the ballot and works, it counts. He encouraged committee members to go to Ramsey County and look at results. If you look at records, Dan Bostrom was highest for 1st and 2nd vote. Thousands of people don't understand and don't realize that they don't understand.

Chair Alton invited people in the hallway to come in and stand in the room.

Commissioner Kirr would love to look through data, wonders if the issue for Commissioner Repke is that it is an education issue, because the system is so complicated that we need to explain it to people, or something else? Commissioner Repke believes that the problem in the United States has low voter turnout is long, complicated ballots. Most systems ask people allow people to fill out one dot and it pre-ranks their ballot based on the political party they are choosing. We don't have they type of system. We ask people to vote six times to rank councilmembers. This is not the norm. We keep seeing voter turnout get lower. For example if you look at the results from Ward 1, 25% of the people didn't get to choose between Dai Thao and Noel Nix. Something is wrong if 25% of people who show up to vote didn't cast their vote but believe that they did.

Commissioner Varco asked if the run-off voting only applies to Mayor and City Council elections. It is his understanding that there is a primary for school board, except it keeps getting waived because there aren't enough candidates. He wondered what would be the circumstances where we might be forced to have a school board primary.

Commissioner Repke responded that the school district has its own elections. We don't control what the school board does; they have been deciding not to have a primary.

Commissioner Varco's second question in regards to the draft that was handed out: page 11, Sec. 706 which says if the law that prescribes that the election of mayor and councilmember be by party designation; Is that state law or local ordinance? Could the City of St. Paul choose to have a party primary for mayor and city council?

Commissioner Alton and Repke said it is up to the commission

Commissioner Varco If Minneapolis still has primaries. They don't do multiple school board candidates; it's all single-seat running?

Commissioner Repke believes that is true.

Commissioner Filice doesn't understand why we need to do this quickly. She applauds idea of analyzing voter data. She would like to see the voter data on the three previous elections without ranked choice voting. She would like more time to hear from community of why it works or doesn't work. She commented that it would be very confusing at the polls to vote on mayor and at the same time voting on an amendment on why you did or didn't like it. Could this sort of analysis be postponed to another year that isn't an election year, and the commission could spend more

time figuring out what direction they want to go?

Commissioner Repke stated that the reason to do it this year is because we do have a mayor's race so people would use see the ranked choice ballot, use the ranked choice ballot, then would decide if they like it or not. If they like it they would say they don't want to change to a primary. Every time we do this, and since we have have gotten a letter from the majority of city council saying they have no intention of passing the charter amendment. What the Charter Commission would do, is pass a charter amendment, let's say we pass to do a primary. Then the city council decides to accept that it would go to a primary or reject it, and that forces it to a ballot. We have already heard from five councilmembers that they won't approve it. That means that it will be forced to a ballot. In my mind, this makes it easier to decide since people would actually know what they would be doing. The problem with an even number year, few people would know what ranked choice voting is. If done on a year of an even number year, is people wouldn't know what ranked choice voting. It is unfair to do it during a year with council races, some wards would have higher voter turnout, depending on whether or not there is a contested race. The only fair time to do put it in front of voters would be when the mayors up, there is no confusion, I vote for the mayor, rank the ballot, then ask the voters, did they understand, would I prefer to have two people, or 9 or 10 candidates and then rank them?

Commissioner Filice stated that she does not agree, doesn't think there is enough analysis or time to do enough analysis. She thinks it's important to see what happens in a contested mayor race with this form of voting before we decide. It feels rushed. It is an important thing to be on the ballot, but it needs more analysis. She respectfully disagrees.

Commissioner Alton pointed out other comments received pointed out that this will cost money to change. The original change to ranked choice voting was a result of a petition of several thousand people, and now we are being asked to disregard that, change our charter on the vote of the majority of the commissioners. Thinks this is not fair. He agrees with Commissioner Filice that a mayoral race without an incumbent running is a great opportunity to see how it works without jumping to risking changing it.

Commissioner Varco asked if this party has the power to put on an even year ballot?

Commissioner Alton said Yes

Commissioner Repke said that the reason it wasn't brought up since 2010 because it was unfair with an incumbent mayor. Now that they can see what they voted in, use the system and decide that they love the system and decide they can support the system and voters would have the opportunity to use it. If it is not done this year, then the next time it is fair would be the next time you don't have an incumbent mayor in the election, which could be in another 8 years. Which means you have city council races where 25% of the people don't vote for the city council candidate, their votes thrown in the garbage can.

Commissioner Kirr asked isn't it fairest for advocates against ranked choice to collect signatures, then have appeal the amendment to the charter commission and then have the city vote on it?

Commission Repke replied that we are the keeper of the charter, not just a random group of citizens. We are on this body because we believe in the charter of St. Paul and want it to be fair and equitable. He can't think of anything less fair than a voting system that we need to be educated on to be able to participate. And those that

propagated it know that people aren't educated in it and know that some people will do better than others.

Chair Alton asked for any other comments.

Commissioner Rybin thinks billboards in the audience are rude, but if Commissioner Repke didn't then she doesn't object.

Commissioner Repke stated that thinks they are being respectful.

Chair Alton asked if there is any further discussion or data the committee they would like gathered. No official action will be taken today, is there anything else that needs to be done to prepare for another meeting?

Commissioner Kirr stated that he is a data scientist by background and training. He would like to see lots of data, because he is unable to disentangle what the effects are and what the causes are and he doesn't know if the cause of low turnout that we get bad results in ranked choice, or is it some other combination. He is not sure if the data he is looking at here is enough to tell him if there is a relationship as Commissioner Repke is proposing. He thinks three elections is a small sample size to evaluate what the data is telling us. He would like to see raw data and analyze it himself; he recommends getting raw data and have it analyzed by a data scientist to see the cause & effect.

Chair Alton stated that we don't have the resources to hire a data scientist, so they are glad to have Commissioner Kirr's expertise. Asked what the source of the data would be. Noted that Ramsey county election office has records; asked if one month be enough time to work on data.

Commissioner Kirr stated that he was not sure how much time, since he doesn't know the details of the data; a lot of questions come to mind. If he could talk to someone in Ramsey County, he could come back to the committee and say whether or not it is doable.

Chair Alton said they will introduce him to Mr. Mansky before he leaves the meeting today.

Commissioner Repke stated that the committee sends language forward to charter commission. If there was a proposal to change back to a primary system, there would be 2 public hearings, where all resources and data would be presented. Repke can bring information from other cities.

Commissioner Johnson concurs with Commissioner Kirr and Commissioner Filice. He would like to see more data, both pro and con on advantages and disadvantages of the ranked choice system, and focus primarily on a local election and knows there are other examples. He thinks that additional data would help and realizes Commissioner Repke has done a lot of research and trusts his judgement but will still like to see other sources. This is a complex issue has emotional a rational statistical component we need to look at before a proposal is made. There are going to be multiple hearings, and a chance to accumulate and look at the data and allow public testimony would be valuable, many are interested and they may have information that could be of use to this body. Thinks we need to look further and get the facts and figures. To the extent that he has looked at the issue, thinks on the surface it seems obvious, but there are weaknesses and paradoxes built into it that should be carefully considered.

Commissioner Alton thanked the public for coming to this meeting; their presence is helpful, even though no testimony was made. There will be another meeting with an opportunity. He received many emails and suggested that in the future, the public should send emails to City staff as well so they can be entered in the record as testimony.

We will get an email address for comments, and post it on line.

4 [CCI 17-4](#)

Set future meeting date(s).

The next meeting could be one month from today, 3/27 here in 220 at 4:30. It will be a similar format as today's meeting; a public discussion and they will consider any information that has been submitted

Commissioner Kirr confirmed that he will speak to someone about the data, and they will allow the public to contribute data?

Rachel Tierney said they will get staff assigned to check the charter commission email, so that should be done before suggesting people send emails. As soon as a staff is assigned, and email will be posted on Commission's website.

Commissioner Kirr asked if one month is enough time, he will not likely get all of the work done under his action item by then.

Chair Alton said they will move forward with the meeting date and if he hasn't had enough time, can take that into consideration and decide how to act on the 27th.

City Councilmember Jane Prince, audience member, asked if the can the committee meeting include public comment?

Chair Alton mentioned that before any action is taken by the Charter Commission, there would be two meetings and at least one public hearing.

Commissioner Repke suggests two public hearings would be best, one downtown and one somewhere else.

Chair Alton thinks that a third in front of this committee would not be necessary, since they are not taking action on behalf of the Charter Commission. When we send out official notice of the meeting, that will be in that notice.

ADJOURNMENT

Meeting Adjourned at 5:16

For More Information

Rachel Tierney, Deputy City Attorney, rachel.tierney@ci.stpaul.mn.us, 651-266-8710