

CHARTER COMMISSION

PROPOSED AGENDA FOR FEBRUARY 22, 2018, SPECIAL MEETING

4:30 P.M. – ROOM 104 OF CITY HALL

- A. Administrative Business
 - a. Call Meeting to Order
 - b. Recording of Attendance
 - c. Approve Minutes of January 9, 2018 meeting
 - d. Set Order of Agenda
 - e. Communications
 - Memo from City Clerk Anissa Hollingshead
 - Haeussenger materials
- B. Unfinished and Deferred Business
 - Ranked Choice Voting Study Session
- C. Other business - as may be brought up by members
- D. Adjourn

CHARTER COMMISSION

MINUTES FOR JANUARY 9, 2018

4:30 P.M. – ROOM 104 CITY HALL

A. Administrative Business

- a. Call Meeting to Order: The meeting of the Commission was held in Room 104 of City Hall and was called to order by Chair Vince Barry at approximately 4:32 p.m.
- b. Recording of Attendance: Present were commission members Vince Barry, Jane Belau, Fred Suhler, Kellie Mueller, Fran Bradley, Leigh Johnson, Robert Haeussinger, Dick Hall, John Eckerman, Stephanie Podulke, Carol Kamper and Ray Schmitz. Absent were commission members Kathy Meyerle, Dave Senjem, and Marcia Marcoux.
- c. Approval of Minutes: Member Leigh Johnson moved to approve the minutes of November 14, 2017. Motion seconded by member Kellie Mueller. Vote: Unanimous with 11 ayes; 0 nays; no abstentions.
- d. Set Order of Agenda: Deputy City Attorney David Goslee asked to modify the agenda slightly to move up the presentation by Jerry Reich from IT Department before the Open Comment period. With no objection to that change, agenda set as amended.

Jerry Reich of the City IT Department spoke about the potential for recording meetings and how the process could work. Reich indicated that only audio recordings are available at this time as there is no video capability for conference room 104. Reich advised that currently only 7 or 8 of 21 boards/committees are recording meetings. Reich advised how the audio recordings could be made available on the City's web-site. Member Bob Haeussinger moved to start audio recording future meetings as soon as it can become available. Member John Eckerman seconded. Chair opened for discussion. Member Fran Bradley clarified the nature of motion was to vote on recording meetings from here on; Dave Goslee answered in the affirmative. Fran felt more extensive discussion should be held so as to understand the consequences and usability of recording meetings. Member Leigh Johnson agreed with Bradley and suggested the Commission record the meetings on a trial basis for one year. After further discussion, Bob Haeussinger amended his original motion to proceed with the audio recording with a stipulation to exercise the opportunity to review in one year. John Eckerman seconded the amendment. Vote: Aye – 10 (Belau, Suhler, Mueller, Johnson, Haeussinger, Schmitz, Podulke, Eckerman, Hall, and Kamper); Nay – 1 (Bradley)

- e. Communications: Chair Vince Barry identified the communication pieces as follows:
 - Memo from City Clerk

- Section 15.05 Subd. 3
- Proposed language to section 2.01 subd. 3

- B. Open Comment Period: Chair Vince Barry opened this portion of meeting and went over procedural guidelines with audience in that there is a 15 minutes time limit and asked that cell phones be turned off and be cognizant of meeting being recorded. With that, open comment period commenced.

Paula Harden – 5805 Melena Court NW. Ms. Harden has multiple sclerosis and recording, live streaming, close captioning and speech to text are part of open government and transparency. Harden wants the Commission to uphold her rights as well as others to be able to view or listen to meetings and for the Commission to be ADA compliant.

Michael Wojcik – 984 Fox Knoll Drive SW. Speaking as a concerned citizen regarding rank choice voting. Wojcik indicated that Rochester is the largest city in the State that does not use rank choice voting when there has been success in the Cities and he strongly encourages discussion to take this matter to the voters.

Deb Brinkman – 4327 Alabama South, St. Louis Park, MN. Ms. Brinkman is with the League of Woman Voters of St. Louis Park who did a two-year study on alternative voting systems. In 2005, the League chose to petition to add a program that supports rank choice voting so that they could advocate for alternative voting systems and improve a more engaging democracy. Brinkman indicated that recently, the St. Louis Park City Council chose to eliminate expensive and not well attended primaries and to promote rank choice voting. It's the hope to have in place for the 2019 election.

Steve Munk – 1030 Glendale Hills Drive. Mr. Munk also wished to speak as an advocate for rank choice voting. Current system works great if only two people are running; however, when considering greater diversity and more choices the current system breaks down and it can also be expensive to have primaries. Munk feels that this is a small step for better democracy.

Jean Massey – Executive Director of FairVote, MN, a state wide non-profit organization that promotes better elections for a stronger, inclusive democracy. Her organization has been around for 20 years and has helped lead other communities with implementing the process. She wished to thank the Commission for taking this matter up for discussion and consideration. Massey wanted the Commission to know that her organization is available to come and answer any questions that may arise.

With no other comments, open comment period closed.

- C. Committee Reports: Member Leigh Johnson thanked all who came in attendance to today's meeting. Nominating Committee wishes to nominate the following for the

2018 year:

Secretary – Kellie Mueller
Vice President – Bob Haeussinger
President – Vince Barry

Leigh Johnson moved to approve Nominating Committee recommendations; Carol Kamper seconded. Chair Vince Barry opened for discussion or asked for other nominations. Vote: Aye – 11; Nay – 0; No abstentions – motion passed.

D. Unfinished and Deferred Business:

a. Review of Section 2.01, Subd. 3: Deputy City Attorney David Goslee advised that one of the communications was the proposed language amending Section 2.01 subd. 3 related to making the charter gender neutral. Leah Folpe with the Youth Action Group who proposed the change addressed the Commission and asked the members to approve the proposed change. Chair Vince Barry opened for discussion. Member Kellie Mueller thanked Leah for all her work and proceeded to read the proposed language out loud to read:

In construing this charter, words and phrases shall be gender-neutral and in no way indicate any bias as to sex. If language used in the charter appears to mistakenly or purposely favor one gender over another, it shall be assumed that the word or phrase in question includes all genders.

Member Ray Schmitz moved to accept proposed language; Kellie Mueller seconded. Open for discussion. Fred Suhler wanted to clarify that this is a recommendation to council who will be asked to unanimously adopt it before the amendment can be final. With no further comments – vote: Aye – 11; Nay – 0; no abstentions. Motion passed.

E. New Business:

a. Rank Choice Voting: Member Bob Haeussinger asked to read a statement to establish a framework for discussion and ask a series of questions. Schmitz made a motion that the Commission place the issue of rank choice voting to a public hearing called in the month of February, if possible, otherwise at the next scheduled meeting in March. Member Fred Suhler seconded with the caveat that should there be a hearing, the hearing be held in a suitable venue large enough to accommodate the number of people who may attend. Schmitz agreed that this meeting should be held in a larger meeting room. Discussion was held on possible options for utilizing the council board chambers and if the Commission wishes to have a special meeting in February or March. Most members were in favor of having special meeting in February. Member Fran Bradley spoke of his concerns and moved to table the motion before the Commission to the next meeting in March. Bradley indicated his motion to table takes precedence over the motion of asking for a public hearing. Member Dick Hall seconded Bradley vote. Chair Barry opened for discussion the motion to table. Schmitz encouraged the members to vote against tabling the motion as he felt his motion simply sets a public hearing. Goslee indicated

that at this point there is no proposed language drafted for consideration and that, and the City Clerk desired to be present before formal action was to be considered. After further discussion, Chair Barry called for a vote on tabling the initial motion of setting a public hearing. Vote: Ayes – 8, Nay – 3. Motion to table passed. Leigh asked the Commission if a meeting date for February could be scheduled. After further discussion, City Attorney staff was directed to poll the Commission and find a suitable date in February. The February meeting will be a work session type meeting, public is welcome to attend; however no public comments will be taken and sole topic will be rank choice voting.

b. Review of Section 15.05 Subd. 3 – RPU rate setting: Member Schmitz wished to withdraw this item from the agenda.

- F. Other business: Kellie Mueller inquired with the Board on whether or not topics of discussion for the year would be considered at the January meeting. Board felt there is plenty of pending topics to keep busy at this time.

Dave asked the board to stay after adjournment so that legal assistant Jody Houghton could present the changes made to the Charter webpage based on the recommendations of the Commission back in November.

- G. Adjourn: Member Leigh Johnson moved to adjourn meeting; seconded by Member John Eckerman. Meeting adjourned at 5:40 p.m.

ROCHESTER

Minnesota

Office of the City Clerk

Anissa N. Hollingshead

507-328-2911

MEMORANDUM

To the Rochester Charter Commission

January 3, 2017

I regret I am unable to join you at your January meeting due to a conflicting commitment. Prior to coming to Rochester, I worked in election administration over multiple election cycles in different jurisdictions, including elections using ranked-choice voting. I welcome the opportunity to provide information and answer questions that may help provide direct information from the perspective of election administration. This memo attempts to provide an initial groundwork for this information, and it is my hope there will be an opportunity to build on this groundwork at a future meeting.

My role is not to advocate for or against a potential change to the voting methodology used by Rochester voters. There are, however, potential impacts to how elections are administered in Rochester that would result from a shift to RCV. It is appropriate and essential for the City Clerk's Office to provide as much information about the election administration process before the Charter Commission and ultimately the voters of Rochester make any decisions about making a shift in the City's current electoral processes.

The number one consideration that must be conveyed is that a shift to ranked-choice voting will likely also require a shift to odd-year municipal elections.¹ State law² provides specifications around how state and federal elections are administered, and requires uniformity in ballot preparation.³ I do not believe it is permissible under current state law to simultaneously conduct both state electoral contests using the current first-past-the-post or plurality voting methodology and municipal races utilizing ranked-choice voting. There are both technical limitations with voting equipment and space limitations that would make it very difficult to place contests with different tabulation methods on the same ballot card, and state law prohibits more than one ballot card.⁴

As a practical matter, it would be less than desirable even if it were to be technically possible to hold state, federal, and municipal elections in a single election event for three major reasons. First and most significant because of the potential direct impact to voters, presenting multiple voting methodologies to

¹ Currently Minneapolis and Saint Paul are the only Minnesota cities using ranked-choice voting, and both hold their municipal elections in odd years. There are several contraindications that appear to make it difficult if not impossible to hold an RCV election with a state general election.

² Minn. Stat. Chapter 204D

³ Minn. Stat. Chapter 204D.09 provides that the Secretary of State shall supply a copy of an example ballot to be used at the state primary and state general election, and requires the official ballot, including any municipal races, to "conform in all respects to the example ballot."

⁴ Minn. Stat. 206.90 Subd. 6

voters on a crowded ballot in a single trip to the polls multiplies the challenges of providing easy to understand voter instructions voter education and messaging. This increases the likelihood of voter confusion and errors in completing the ballot, and has the potential to lead to the inability to properly determine voter intent and ensure every vote is counted. Second, the best current vote tabulation technology available in Minnesota for RCV⁵ – which neither the City nor Olmsted County currently has – to the best of my knowledge and direct experience in working with it would be unable to tabulate multiple voting methodologies in a single election event, likely resulting in the inability to use vote tabulators at all in the tabulation of municipal elections. This would mean all municipal races would have to be entirely hand counted. In addition to ensuring ballot design would be workable with tabulation equipment, it is also a requirement of federal law to have assistive voting devices available in each polling place for voters who may need assistance reading or marking a ballot, and that equipment also must be able to read the ballot design. Finally, a Primary election would still be necessary for some non-municipal offices on the ballot in even years, negating any potential cost-savings from eliminating an election event, which is one potential advantage of ranked-choice voting otherwise.

There are also repercussions to shifting to odd year elections. Most significantly, it would likely require the City to handle the administration of municipal elections in the entirety. Since 1997 Olmsted County had reached an agreement for the County to take over most of election administration from the City Clerk's Office. The City Clerk's Office has remained responsible for securing both polling locations and election judges, and administering any special municipal elections outside of scheduled elections. Just as is the case with any special elections, moving to odd year elections without state or federal contests on the ballot as well would likely result in the need for the City to administer those elections. This would result in significant budgetary impacts to the City, as the City is not currently staffed and resourced to conduct elections and does not have its own equipment any longer.⁶ This is in addition to the additional cost that may be associated with ranked-choice voting generally. Although one advantage of RCV sometimes mentioned by proponents is lower cost elections, largely due to the elimination of a primary, in practice Minneapolis has held three municipal elections using RCV since 2009 and has found in each year the costs have not been lower.

This is a very brief outline of the major issues in terms of election administration I feel it is necessary for the commission to be aware of as it considers the merits of ranked-choice voting. If it is the desire of the commission for a future meeting, I welcome the opportunity to prepare more detailed information about the administration of RCV, as well as to speak directly to my experience working with the City of Minneapolis, including developing and running voter education programs focused on ranked-choice voting.

⁵ Minneapolis uses equipment from ES&S, the same vendor utilized by Olmsted County, but has upgraded to a newer model of ballot tabulator than is used by Olmsted County. Current Olmsted County equipment would necessitate a full hand count of any RCV election, as was done in Minneapolis in 2009.

⁶ Resources required would include some level of dedicated permanent staff, additional temporary staff in election years, equipment owned or leased by the City, additional technology, and significant use of specialized services from other sources. The tremendous increase seen state-wide in absentee voting since the advent of "no-excuse" absentee voting in 2014 adds significantly to the resources that would be required, as currently the county handles all absentee voting, both in-person and by mail, in Rochester elections.

SUMMARY

Election Administration Issues:

- Restriction to a single ballot card
- Challenges in mixing election styles on a ballot card
- Requirement for ballot to be readable by assistive voting technology
- Current voting equipment does not provide enhanced RCV-related capabilities
- Purchase of new equipment now may get to that next threshold, but will make it more difficult to move to more advanced equipment if/when it becomes available
- Likely to require City-administration of municipal elections

Some Potential RCV Advantages:

- Elimination of the need for a primary
- Increased likelihood of winners attaining support from a majority of voters
- Larger potential pool of candidates for voters to choose between
- Potential for more positive campaigning (if I'm not your first choice, would you consider me for second or third?)
- For odd year elections:
 - increased focus on municipal races
 - increased parity in voter pools for different municipal offices

Some Potential Risks Associated with RCV:

- Increased cost
- Required shift to odd year elections
- Increased need for voter education
- Potential for exhausted ballots preventing majority wins
- Potential for voters choosing not to rank votes
- Potential voter confusion or uncertainty

For the commission's reference, I am also providing some recent sample ballots from Minneapolis and Saint Paul, illustrating the different layouts that can be used for elections using ranked-choice voting, and the additional ballot space required to present those contests, and a handout that was used in Minneapolis to explain the counting process to voters. The City of Minneapolis' Elections website (<http://vote.minneapolismn.gov/rcv/index.htm>) includes a section about ranked-choice voting that provides both basic information about how ranked-choice voting works, and historical information about how Minneapolis implemented RCV that may also be of interest.

SAMPLE CITY AND SCHOOL DISTRICT BALLOT

SAINT PAUL, MINNESOTA

NOVEMBER 3, 2015

Follow these Ranked Voting instructions carefully:

- Select only one candidate for each of your choices
- You are not required to choose more than one candidate
- Do not select the same candidate for more than one choice
- To vote, completely fill in the oval next to the candidate of your choice, like this: 

CITY OFFICES

COUNCIL MEMBER

WARD 1

VOTE FOR ONE

1st choice Select one	2nd choice (if any) Select one	3rd choice (if any) Select one
☐ DAI THAO	☐ DAI THAO	☐ DAI THAO
☐ TRAHERN JEEN CREWS	☐ TRAHERN JEEN CREWS	☐ TRAHERN JEEN CREWS
☐ _____ write-in, if any	☐ _____ write-in, if any	☐ _____ write-in, if any

*Election using RCV - only one City Council on the ballot for each voter in the City

St Paul 1-1

Turn over ballot to vote on school board offices

VOTE FRONT AND BACK OF BALLOT

OFFICIAL BALLOT

SAMPLE CITY AND SCHOOL DISTRICT BALLOT
SAINT PAUL PUBLIC SCHOOLS
NOVEMBER 3, 2015

Judge _____

Judge _____

INSTRUCTIONS TO VOTERS

To vote, completely fill in the oval(s) next to your choice(s) like this: 

SCHOOL DISTRICT OFFICES

SCHOOL BOARD MEMBER
VOTE FOR UP TO FOUR

- | | |
|-----------------------|----------------------|
| ☐ | LINDA FREEMAN |
| ☐ | GREG COPELAND |
| ☐ | SCOTT RASKIEWICZ |
| ☐ | ZUKI ELLIS |
| ☐ | KEITH HARDY |
| ☐ | AARON ANTHONY BENNER |
| ☐ | STEVE MARCHESE |
| ☐ | MARY VANDERWERT |
| ☐ | JON SCHUMACHER |
| ☐ | write-in, if any |
| ☐ | write-in, if any |
| ☐ | write-in, if any |
| ☐ | write-in, if any |

*Back side of the ballot included a single non-RCV race for all voters

Turn over ballot to vote on city office

VOTE FRONT AND BACK OF BALLOT

Sample Ballot

State General Election Ballot
Precinct Saint Paul W-1 P-1
Ramsey County, Minnesota
November 8, 2016

Judge _____

Judge _____

Instructions to Voters: To vote, completely fill in the box(es) next to your choice(es) like this: 

Federal Offices

President and Vice-President Vote For One Team

- ☐ Donald J. Trump and Michael R. Pence
Republican
- ☐ Hillary Clinton and Tim Kaine
Democratic-Farmer-Labor
- ☐ Darrell Castle and Scott Bradley
Constitution Party
- ☐ Dan R. Vacek and Mark Elworth, Jr.
Legal Marijuana Now
- ☐ Alyson Kennedy and Osborne Hart
Socialist Workers Party
- ☐ Jill Stein and Howie Hawkins
Green Party
- ☐ "Rocky" Roque De La Fuente and Michael Steinberg
American Delta Party
- ☐ Evan McMullin and Nathan Johnson
Independence
- ☐ Gary Johnson and William Weld
Libertarian Party
- ☐ write-in, if any

United States Representative District 4 Vote For One

- ☐ Greg Ryan
Republican
- ☐ Betty McCollum
Democratic-Farmer-Labor
- ☐ Susan Pendergast Sindt
Legal Marijuana Now
- ☐ write-in, if any

State Offices

State Senator District 64 Vote For One

- ☐ Ian Baird
Republican
- ☐ Dick Cohen
Democratic-Farmer-Labor
- ☐ write-in, if any

State Representative District 64A Vote For One

- ☐ Riley Horan
Republican
- ☐ Erin Murphy
Democratic-Farmer-Labor
- ☐ write-in, if any

Constitutional Amendment

Failure to vote on a constitutional amendment will have the same effect as voting no on the amendment.

To vote for a proposed constitutional amendment, fill in the box next to the word "Yes" on that question. To vote against a proposed constitutional amendment, fill in the box next to the word "No" on that question.

Remove Lawmakers' Power to Set Their Own Pay

Shall the Minnesota Constitution be amended to remove state lawmakers' power to set their own salaries, and instead establish an independent, citizens-only council to prescribe salaries of lawmakers?

- ☐ Yes
- ☐ No

County Offices

Conservation District Supervisor District 4 Vote For One

- ☐ Carrie Wasley
- ☐ Lena Buggs
- ☐ write-in, if any

School District Offices

Special election for school board member to fill vacancy in term expiring January 1, 2018 Saint Paul Public Schools Vote For One

- ☐ Cindy Kerr
- ☐ Greg Copeland
- ☐ Jeanelle Foster
- ☐ Eduardo Barrera
- ☐ Tony Klehr
- ☐ write-in, if any

70751

*2016 General Election (non-RCV) ballot for comparison

Sample Ballot

State General Election Ballot
Precinct Saint Paul W-1 P-1
Ramsey County, Minnesota
November 8, 2016

Instructions to Voters: To vote, completely fill in the box(es) next to your choice(es) like this: 

Judicial Offices Supreme Court	Judicial Offices Court of Appeals	Judicial Offices 2nd District Court
Associate Justice 6 Vote For One ☐ Natalie Hudson Incumbent ☐ Michelle L. MacDonald ☐ write-in, if any -----	Judge 17 Vote For One ☐ Matthew E. Johnson Incumbent ☐ write-in, if any -----	Judge 12 Vote For One ☐ Nicole J. Starr Incumbent ☐ write-in, if any -----
Judicial Offices Court of Appeals Judge 5 Vote For One ☐ Louise Dovre Bjorkman Incumbent ☐ write-in, if any -----	Judge 18 Vote For One ☐ Heidi Schellhas Incumbent ☐ write-in, if any -----	Judge 16 Vote For One ☐ Mark Ireland Incumbent ☐ write-in, if any -----
Judge 8 Vote For One ☐ Denise D. Reilly Incumbent ☐ write-in, if any -----	Judge 19 Vote For One ☐ Francis Connolly Incumbent ☐ write-in, if any -----	Judge 18 Vote For One ☐ David C. Higgs Incumbent ☐ write-in, if any -----
Judge 11 Vote For One ☐ Michelle A. Larkin Incumbent ☐ write-in, if any -----	Judicial Offices 2nd District Court Judge 3 Vote For One ☐ George T. Stephenson Incumbent ☐ write-in, if any -----	Judge 21 Vote For One ☐ Thomas Gilligan Incumbent ☐ write-in, if any -----
Judge 13 Vote For One ☐ Randolph W. Peterson Incumbent ☐ write-in, if any -----	Judge 6 Vote For One ☐ Richard H. Kyle Jr. Incumbent ☐ write-in, if any -----	Judge 25 Vote For One ☐ Judith M. Tilsen Incumbent ☐ write-in, if any -----
Judge 14 Vote For One ☐ Larry Stauber Jr. Incumbent ☐ write-in, if any -----	Judge 9 Vote For One ☐ Sara Grewing Incumbent ☐ write-in, if any -----	Judge 26 Vote For One ☐ John H. Guthmann Incumbent ☐ write-in, if any -----
Judge 16 Vote For One ☐ Peter M. Reyes, Jr. Incumbent ☐ write-in, if any -----	Judge 10 Vote For One ☐ Jennifer Frisch Incumbent ☐ write-in, if any -----	Judge 27 Vote For One ☐ William H. Leary Incumbent ☐ write-in, if any -----

70751

*Backside of 2016 (non-RCV) ballot

Sample Ballot

Judge _____

City and School District Ballot

City of Saint Paul
Precinct Saint Paul W-1 P-1
Ramsey County, Minnesota
November 7, 2017

Judge _____

Follow these Ranked Voting Instructions carefully:

- Select only one candidate for each of your choices
- You are not required to choose more than one candidate
- Do not select the same candidate for more than one choice
- To vote, completely fill in the box next to the candidate of your choice, like this: ☒

City Offices

Mayor	
1st choice	
Select One	
☐	Dai Thao
☐	Tom Goldstein
☐	Barnabas Joshua Yshua
☐	Chris Holbrook
☐	Sharon Anderson
☐	Pat Harris
☐	Holden Holden
☐	Elizabeth A. Dickinson
☐	Trahern Crews
☐	Melvin Carter
☐	Write-in, if any

Mayor	
4th choice (if any)	
Select One	
☐	Dai Thao
☐	Tom Goldstein
☐	Barnabas Joshua Yshua
☐	Chris Holbrook
☐	Sharon Anderson
☐	Pat Harris
☐	Holden Holden
☐	Elizabeth A. Dickinson
☐	Trahern Crews
☐	Melvin Carter
☐	Write-in, if any

City Offices

Mayor	
2nd choice (if any)	
Select One	
☐	Dai Thao
☐	Tom Goldstein
☐	Barnabas Joshua Yshua
☐	Chris Holbrook
☐	Sharon Anderson
☐	Pat Harris
☐	Holden Holden
☐	Elizabeth A. Dickinson
☐	Trahern Crews
☐	Melvin Carter
☐	Write-in, if any

Mayor	
5th choice (if any)	
Select One	
☐	Dai Thao
☐	Tom Goldstein
☐	Barnabas Joshua Yshua
☐	Chris Holbrook
☐	Sharon Anderson
☐	Pat Harris
☐	Holden Holden
☐	Elizabeth A. Dickinson
☐	Trahern Crews
☐	Melvin Carter
☐	Write-in, if any

City Offices

Mayor	
3rd choice (if any)	
Select One	
☐	Dai Thao
☐	Tom Goldstein
☐	Barnabas Joshua Yshua
☐	Chris Holbrook
☐	Sharon Anderson
☐	Pat Harris
☐	Holden Holden
☐	Elizabeth A. Dickinson
☐	Trahern Crews
☐	Melvin Carter
☐	Write-in, if any

Mayor	
6th choice (if any)	
Select One	
☐	Dai Thao
☐	Tom Goldstein
☐	Barnabas Joshua Yshua
☐	Chris Holbrook
☐	Sharon Anderson
☐	Pat Harris
☐	Holden Holden
☐	Elizabeth A. Dickinson
☐	Trahern Crews
☐	Melvin Carter
☐	Write-in, if any

30872

*2017 RCV ballot - one race for all City voters, 6 rankings possible

Turn over ballot to vote on school board offices
Vote front and back of ballot

Sample Ballot

City and School District Ballot
Saint Paul Public Schools
Precinct Saint Paul W-1 P-1
Ramsey County, Minnesota
November 7, 2017

Instructions to Voters: To vote, completely fill in the box(es) next to your choice(s) like this: 

School District Offices

School Board Member

Vote For Up To Three

☐	Greg Copeland
☐	Marny Xiong
☐	Jeannie Foster
☐	John Brodrick
☐	Luke Bellville
☐	Andrea Touhey
☐	Write-in, if any
☐	Write-in, if any
☐	Write-in, if any
☐	Write-in, if any

30872

*Backside of 2017 ballot included a single non-RCV race for all voters

Turn over ballot to vote on city office
Vote front and back of ballot

Official Ballot
City General Election Ballot
City of Minneapolis
November 7, 2017

Judge

Judge

Ranked Choice Voting Instructions to the Voters

Rank up to 3 different candidates for each office.
 Vote from left to right in each office in order of your preference.
 To vote, completely fill in the oval(s) next to your choice(s) like this: ●

City Offices

Mayor

Rank your first, second and third choice candidates in the columns below. One to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ Nekima Levy-Pounds Democratic-Farmer-Labor	☐ Nekima Levy-Pounds Democratic-Farmer-Labor	☐ Nekima Levy-Pounds Democratic-Farmer-Labor
☐ Jacob Frey Democratic-Farmer-Labor	☐ Jacob Frey Democratic-Farmer-Labor	☐ Jacob Frey Democratic-Farmer-Labor
☐ Gregg A. Iverson Democratic-Farmer-Labor	☐ Gregg A. Iverson Democratic-Farmer-Labor	☐ Gregg A. Iverson Democratic-Farmer-Labor
☐ Betsy Hodges Democratic-Farmer-Labor	☐ Betsy Hodges Democratic-Farmer-Labor	☐ Betsy Hodges Democratic-Farmer-Labor
☐ Charlie Gers Libertarian Party	☐ Charlie Gers Libertarian Party	☐ Charlie Gers Libertarian Party
☐ David Rosenfeld Socialist Workers Party	☐ David Rosenfeld Socialist Workers Party	☐ David Rosenfeld Socialist Workers Party
☐ Ian Simpson The Idea Party	☐ Ian Simpson The Idea Party	☐ Ian Simpson The Idea Party
☐ Captain Jack Sparrow Basic Income Guarantee	☐ Captain Jack Sparrow Basic Income Guarantee	☐ Captain Jack Sparrow Basic Income Guarantee
☐ Troy Benjegerdes Farmer Labor	☐ Troy Benjegerdes Farmer Labor	☐ Troy Benjegerdes Farmer Labor
☐ Aswar Rahman Democratic-Farmer-Labor	☐ Aswar Rahman Democratic-Farmer-Labor	☐ Aswar Rahman Democratic-Farmer-Labor
☐ Al Flowers Democratic-Farmer-Labor	☐ Al Flowers Democratic-Farmer-Labor	☐ Al Flowers Democratic-Farmer-Labor
☐ Raymond Dehn Democratic-Farmer-Labor	☐ Raymond Dehn Democratic-Farmer-Labor	☐ Raymond Dehn Democratic-Farmer-Labor
☐ Tom Hoch Democratic-Farmer-Labor	☐ Tom Hoch Democratic-Farmer-Labor	☐ Tom Hoch Democratic-Farmer-Labor
☐ David John Wilson Rainbows Butterflies Unicorns	☐ David John Wilson Rainbows Butterflies Unicorns	☐ David John Wilson Rainbows Butterflies Unicorns
☐ Ronald Lischeid People Over Politics	☐ Ronald Lischeid People Over Politics	☐ Ronald Lischeid People Over Politics
☐ L.A. Nik Independent	☐ L.A. Nik Independent	☐ L.A. Nik Independent
☐	☐	☐
write-in, if any	write-in, if any	write-in, if any

Council Member Ward One

Rank your first, second and third choice candidates in the columns below. One to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ John Hayden Independent	☐ John Hayden Independent	☐ John Hayden Independent
☐ Jillia Pessenda Democratic-Farmer-Labor	☐ Jillia Pessenda Democratic-Farmer-Labor	☐ Jillia Pessenda Democratic-Farmer-Labor
☐ Kevin Reich Democratic-Farmer-Labor	☐ Kevin Reich Democratic-Farmer-Labor	☐ Kevin Reich Democratic-Farmer-Labor
☐	☐	☐
write-in, if any	write-in, if any	write-in, if any

*2017 municipal ballot - all RCV with multiple races,
 allowing up to three rankings per race

MINNEAPOLIS W-1 P-01
 1360

Vote Front and Back of Ballot

Typ:01 Seq:0056 Spl:01

ATTENTION VOTERS: See other side of ballot for voting instructions

City Offices

Board of Estimate and Taxation

Rank your first, second and third choice candidates in the columns below. Two to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ David B. Wheeler	☐ David B. Wheeler	☐ David B. Wheeler
☐ Carol Becker	☐ Carol Becker	☐ Carol Becker
☐	☐	☐
_____ write-in, if any	_____ write-in, if any	_____ write-in, if any

Park and Recreation Commissioner At Large

Rank your first, second and third choice candidates in the columns below. Three to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ Londel French	☐ Londel French	☐ Londel French
☐ Devin Hogan	☐ Devin Hogan	☐ Devin Hogan
☐ Bob Sullentrop	☐ Bob Sullentrop	☐ Bob Sullentrop
☐ Jonathan Honerbrink	☐ Jonathan Honerbrink	☐ Jonathan Honerbrink
☐ Russ Henry	☐ Russ Henry	☐ Russ Henry
☐ Mike Derus	☐ Mike Derus	☐ Mike Derus
☐ Latrisha Vetaw	☐ Latrisha Vetaw	☐ Latrisha Vetaw
☐ Meg Forney	☐ Meg Forney	☐ Meg Forney
☐ Charlie Casserly	☐ Charlie Casserly	☐ Charlie Casserly
☐	☐	☐
_____ write-in, if any	_____ write-in, if any	_____ write-in, if any

Park and Recreation Commissioner District One

Rank your first, second and third choice candidates in the columns below. One to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ Chris Meyer	☐ Chris Meyer	☐ Chris Meyer
☐ Mohamed Issa Barre	☐ Mohamed Issa Barre	☐ Mohamed Issa Barre
☐ Billy Menz	☐ Billy Menz	☐ Billy Menz
☐	☐	☐
_____ write-in, if any	_____ write-in, if any	_____ write-in, if any

*Backside of 2017 RCV ballot, included multi-seat races

MINNEAPOLIS W-1 P-01
1360

Vote Front and Back of Ballot

Typ:01 Seq:0056 Spl:01

OFFICIAL BALLOT
CITY GENERAL ELECTION BALLOT

Judge

Judge

RANKED CHOICE VOTING INSTRUCTIONS TO THE VOTERS

Rank up to 3 different candidates for each office.

Vote from left to right in each office in order of your preference.

Completely fill in the oval next to your choice, like this: ☐ CANDIDATE NAME**CITY OFFICES****MAYOR**

Rank your first, second and third choice candidates in the columns below. One to be elected.

1	2	3
1st Choice Select One	2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ CYD GORMAN Police Reform	☐ CYD GORMAN Police Reform	☐ CYD GORMAN Police Reform
☐ JOSHUA REA End Homelessness Now	☐ JOSHUA REA End Homelessness Now	☐ JOSHUA REA End Homelessness Now
☐ MERRILL ANDERSON Jobs & Justice	☐ MERRILL ANDERSON Jobs & Justice	☐ MERRILL ANDERSON Jobs & Justice
☐ DOUG MANN Green Party	☐ DOUG MANN Green Party	☐ DOUG MANN Green Party
☐ JAMES "JIMMY" L. STROUD, JR. The People's Choice	☐ JAMES "JIMMY" L. STROUD, JR. The People's Choice	☐ JAMES "JIMMY" L. STROUD, JR. The People's Choice
☐ TONY LANE Socialist Workers Party	☐ TONY LANE Socialist Workers Party	☐ TONY LANE Socialist Workers Party
☐ JEFFREY ALAN WAGNER Democratic-Farmer-Labor	☐ JEFFREY ALAN WAGNER Democratic-Farmer-Labor	☐ JEFFREY ALAN WAGNER Democratic-Farmer-Labor
☐ CHRISTOPHER CLARK Libertarian Party	☐ CHRISTOPHER CLARK Libertarian Party	☐ CHRISTOPHER CLARK Libertarian Party
☐ MARK ANDREW Democratic-Farmer-Labor	☐ MARK ANDREW Democratic-Farmer-Labor	☐ MARK ANDREW Democratic-Farmer-Labor
☐ CAM WINTON Independent responsible inclusive	☐ CAM WINTON Independent responsible inclusive	☐ CAM WINTON Independent responsible inclusive
☐ JOHN CHARLES WILSON Laborist Communist	☐ JOHN CHARLES WILSON Laborist Communist	☐ JOHN CHARLES WILSON Laborist Communist
☐ NEAL BAXTER Independent	☐ NEAL BAXTER Independent	☐ NEAL BAXTER Independent
☐ JAYMIE KELLY Stop Foreclosures Now	☐ JAYMIE KELLY Stop Foreclosures Now	☐ JAYMIE KELLY Stop Foreclosures Now
☐ ALICIA K. BENNETT Democratic-Farmer-Labor	☐ ALICIA K. BENNETT Democratic-Farmer-Labor	☐ ALICIA K. BENNETT Democratic-Farmer-Labor
☐ MIKE GOULD Democratic-Farmer-Labor	☐ MIKE GOULD Democratic-Farmer-Labor	☐ MIKE GOULD Democratic-Farmer-Labor
☐ TROY BENJEGERDES Local Energy/Food	☐ TROY BENJEGERDES Local Energy/Food	☐ TROY BENJEGERDES Local Energy/Food
☐ OLE SAVIOR Republican	☐ OLE SAVIOR Republican	☐ OLE SAVIOR Republican
☐ KURTIS W. HANNA Pirate Party	☐ KURTIS W. HANNA Pirate Party	☐ KURTIS W. HANNA Pirate Party
☐ ABDUL M RAHAMAN "THE ROCK" We the people...	☐ ABDUL M RAHAMAN "THE ROCK" We the people...	☐ ABDUL M RAHAMAN "THE ROCK" We the people...
☐ BILL KAHN Last Minneapolis Mayor	☐ BILL KAHN Last Minneapolis Mayor	☐ BILL KAHN Last Minneapolis Mayor
☐ STEPHANIE WOODRUFF Democratic-Farmer-Labor	☐ STEPHANIE WOODRUFF Democratic-Farmer-Labor	☐ STEPHANIE WOODRUFF Democratic-Farmer-Labor
☐ JOHN LESLIE HARTWIG Independent	☐ JOHN LESLIE HARTWIG Independent	☐ JOHN LESLIE HARTWIG Independent
☐ DAN COHEN Jobs Downtown Casino	☐ DAN COHEN Jobs Downtown Casino	☐ DAN COHEN Jobs Downtown Casino
☐ BOB "AGAIN" CARNEY JR Demand Transit Revolution	☐ BOB "AGAIN" CARNEY JR Demand Transit Revolution	☐ BOB "AGAIN" CARNEY JR Demand Transit Revolution
☐ JAMES EVERETT Green Party	☐ JAMES EVERETT Green Party	☐ JAMES EVERETT Green Party
☐ DON SAMUELS Democratic-Farmer-Labor	☐ DON SAMUELS Democratic-Farmer-Labor	☐ DON SAMUELS Democratic-Farmer-Labor
☐ BETSY HODGES Democratic-Farmer-Labor	☐ BETSY HODGES Democratic-Farmer-Labor	☐ BETSY HODGES Democratic-Farmer-Labor
☐ RAHN V. WORKCUFF Independence Party	☐ RAHN V. WORKCUFF Independence Party	☐ RAHN V. WORKCUFF Independence Party
☐ BOB FINE Democratic-Farmer-Labor	☐ BOB FINE Democratic-Farmer-Labor	☐ BOB FINE Democratic-Farmer-Labor
☐ MARK V ANDERSON Simplify Government	☐ MARK V ANDERSON Simplify Government	☐ MARK V ANDERSON Simplify Government
☐ GREGG A. IVERSON Democratic-Farmer-Labor	☐ GREGG A. IVERSON Democratic-Farmer-Labor	☐ GREGG A. IVERSON Democratic-Farmer-Labor
☐ EDMUND BERNARD BRUYERE Legacy-Next Generation	☐ EDMUND BERNARD BRUYERE Legacy-Next Generation	☐ EDMUND BERNARD BRUYERE Legacy-Next Generation
☐ CAPTAIN JACK SPARROW Count All Rankings	☐ CAPTAIN JACK SPARROW Count All Rankings	☐ CAPTAIN JACK SPARROW Count All Rankings
☐ JACKIE CHERRYHOMES Democratic-Farmer-Labor	☐ JACKIE CHERRYHOMES Democratic-Farmer-Labor	☐ JACKIE CHERRYHOMES Democratic-Farmer-Labor
☐ CHRISTOPHER ROBIN ZIMMERMAN Libertarian	☐ CHRISTOPHER ROBIN ZIMMERMAN Libertarian	☐ CHRISTOPHER ROBIN ZIMMERMAN Libertarian
☐	☐	☐
Write-in, if any	Write-in, if any	Write-in, if any

**COUNCIL MEMBER
WARD ONE**

Rank your first, second and third choice candidates in the columns below. One to be elected.

1	2	3
1st Choice Select One	2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ MARK FOX Independent	☐ MARK FOX Independent	☐ MARK FOX Independent
☐ KEVIN REICH Democratic-Farmer-Labor	☐ KEVIN REICH Democratic-Farmer-Labor	☐ KEVIN REICH Democratic-Farmer-Labor
☐ VINCENT COFFEEN Pirate Party	☐ VINCENT COFFEEN Pirate Party	☐ VINCENT COFFEEN Pirate Party
☐	☐	☐
Write-in, if any	Write-in, if any	Write-in, if any

*2013 RCV ballot

VOTE FRONT AND BACK OF BALLOT

MINNEAPOLIS W-1 P-01

ATTENTION VOTERS: See other side of ballot for voting instructions

BOARD OF ESTIMATE AND TAXATION

Rank your first, second and third choice candidates in the columns below. Two to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ CAROL J. BECKER	☐ CAROL J. BECKER	☐ CAROL J. BECKER
☐ DOUGLAS SEMBLA	☐ DOUGLAS SEMBLA	☐ DOUGLAS SEMBLA
☐ DAVID B. WHEELER	☐ DAVID B. WHEELER	☐ DAVID B. WHEELER
☐ DAVID PASCOE	☐ DAVID PASCOE	☐ DAVID PASCOE
☐	☐	☐
Write-in, if any	Write-in, if any	Write-in, if any

PARK AND RECREATION COMMISSIONER AT LARGE

Rank your first, second and third choice candidates in the columns below. Three to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ STEVE BARLAND	☐ STEVE BARLAND	☐ STEVE BARLAND
☐ ISHMAEL ISRAEL	☐ ISHMAEL ISRAEL	☐ ISHMAEL ISRAEL
☐ CASPER HILL	☐ CASPER HILL	☐ CASPER HILL
☐ MEG FORNEY	☐ MEG FORNEY	☐ MEG FORNEY
☐ JOHN ERWIN	☐ JOHN ERWIN	☐ JOHN ERWIN
☐ MARY LYNN MCPHERSON	☐ MARY LYNN MCPHERSON	☐ MARY LYNN MCPHERSON
☐ HASHIM YONIS	☐ HASHIM YONIS	☐ HASHIM YONIS
☐ ANNIE YOUNG	☐ ANNIE YOUNG	☐ ANNIE YOUNG
☐ JASON STONE	☐ JASON STONE	☐ JASON STONE
☐ TOM NORDYKE	☐ TOM NORDYKE	☐ TOM NORDYKE
☐	☐	☐
Write-in, if any	Write-in, if any	Write-in, if any

PARK AND RECREATION COMMISSIONER DISTRICT ONE

Rank your first, second and third choice candidates in the columns below. One to be elected.

1 1st Choice Select One	2 2nd Choice, if any Must be DIFFERENT from your 1st choice. Select One	3 3rd Choice, if any Must be DIFFERENT from your 1st and 2nd choices. Select One
☐ LIZ WIELINSKI	☐ LIZ WIELINSKI	☐ LIZ WIELINSKI
☐	☐	☐
Write-in, if any	Write-in, if any	Write-in, if any

CITY QUESTIONS

To vote for a question, fill in the oval next to the word "YES" on that question. To vote against a question, fill in the oval next to the word "NO" on that question.

PROPOSAL TO AMEND THE MINNEAPOLIS CITY CHARTER

Shall the Minneapolis City Charter be amended in the form of a complete revision which (1) modernizes the Charter; (2) redrafts its provisions for brevity and in plain language; (3) reorganizes the Charter into nine articles, and groups related provisions together; (4) removes from the Charter certain provisions for possible enactment into ordinance; and (5) retains the current role and relationships of City boards and commissions?

☐ YES
☐ NO

To vote for a question, fill in the oval next to the word "YES" on that question. To vote against a question, fill in the oval next to the word "NO" on that question.

PROPOSAL TO AMEND THE MINNEAPOLIS CITY CHARTER LIQUOR-LICENSING PROVISIONS

Shall the Minneapolis City Charter provisions relating to the sale of liquor and wine be amended by reorganizing and rewriting in plain modern language?

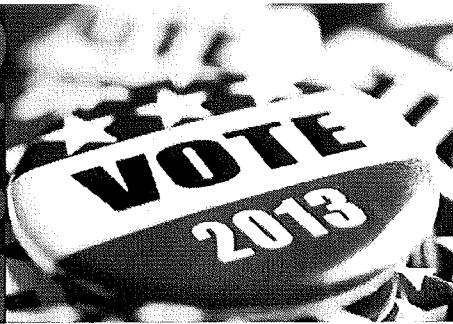
☐ YES
☐ NO

VOTE FRONT AND BACK OF BALLOT

MINNEAPOLIS

YourCity. YourVote.

NOVEMBER 5



Counting a ranked-choice voting election

Ranked-choice voting allows you to rank up to three candidates for each municipal office. Your ballot will count for your 2nd choice only if your 1st choice is eliminated from the race, and it will count for your 3rd choice only if your first two choices are eliminated. That means a special process is needed to count the ballots and calculate the results. Here's how it works.

ROUND 1

Let's say we're electing a city park for mayor. Voters can rank up to three choices on the ballot. In the first round, all 1st choices on the ballots are counted. To win a single-seat race like the mayor's office, a candidate needs to reach a threshold of $50\% + 1$ of the votes. In this case, no one has enough votes to win after round 1. The chart to the right shows our totals after counting all the first choice votes.

Round 1

Chain of Lakes	21.4%
	131 votes
Downtown Riverfront	15.8%
	97 votes
Minnehaha Park	23.0%
	141 votes
North Mississippi	17.8%
	109 votes
Wirth Park	20.8%
	127 votes
Write-ins	1.1%
	7 votes

ROUND 2

Because this is a ranked-choice voting election, we move on to another round of counting. In this round, the candidate with the fewest 1st choice votes is defeated. In this case, it is the group of write-in candidates. The votes cast for these candidates as a first choice are transferred to those voters' 2nd choices. Downtown Riverfront is also defeated because, even if it were to receive all the 2nd choice votes transferred from the defeated write-ins, it would still not have enough votes to surpass the next candidate. In other words, Downtown Riverfront has no mathematical possibility of winning. Note that only the defeated candidates' votes are transferred. Votes cast for all other candidates continue to count for those candidates.

So we eliminate two candidates and add second-choice votes to the other four candidates to come up with round 2 totals:

Round 1	Vote Change	Round 2
Chain of Lakes 21.4% 131 votes	+40 votes	Chain of Lakes 27.9% 171 votes
Downtown Riverfront 15.8% 97 votes	-97 votes	Downtown Riverfront
Minnehaha Park 23.0% 141 votes	+33 votes	Minnehaha Park 28.4% 174 votes
North Mississippi 17.8% 109 votes	+14 votes	North Mississippi 20.1% 123 votes
Wirth Park 20.8% 127 votes	+17 votes	Wirth Park 23.5% 144 votes
Write-ins 1.1% 7 votes	-7 votes	Write-ins

ROUND 3

If a candidate had met the threshold of 50% + 1 of the total votes, we'd have a winner. But in this case, no one did, so we move on to round 3 of counting. Again, the candidate with the fewest votes is eliminated. This time it's North Mississippi. North Mississippi's votes are redistributed to the next ranked choice on those voters' ballots.

So after redistributing those votes, we get round 3 totals:

Round 2		Vote Change	Round 3	
Chain of Lakes	27.9% 171 votes	+43 votes	Chain of Lakes	34.7% 214 votes
Downtown Riverfront			Downtown Riverfront	
Minnehaha Park	28.4% 174 votes	+47 votes	Minnehaha Park	36.1% 221 votes
North Mississippi	20.1% 123 votes	-123 votes	North Mississippi	
Wirth Park	23.5% 144 votes	+33 votes	Wirth Park	28.9% 177 votes
Write-ins			Write-ins	

ROUND 4

If a candidate had reached the threshold after three rounds, that candidate would be the winner. But in this instance, no one has met the threshold of 50% + 1 of the total votes, so we move on to round 4 of counting. Wirth Park has the lowest number of votes after round 3, so it's eliminated and its votes are redistributed to the next ranked choice on those voters' ballots.

After those votes are redistributed, **Chain of Lakes has enough votes to surpass the threshold of 50% + 1 of the total votes, so it's the winning candidate.**

Round 3		Vote Change	Round 4	
Chain of Lakes	34.7% 214 votes	+93 votes	Chain of Lakes	50.2% 307 votes
Downtown Riverfront			Downtown Riverfront	
Minnehaha Park	36.1% 221 votes	+84 votes	Minnehaha Park	49.8% 305 votes
North Mississippi			North Mississippi	
Wirth Park	28.9% 177 votes	-177 votes	Wirth Park	
Write-ins			Write-ins	

February 7, 2018

Dear Charter Commission members:

In two weeks we'll be coming together to debate a potentially contentious subject, i.e. Rank Choice Voting (RCV). In my opinion, to have a meaningful and purposeful discussion on the subject, it must be done in an organized manner. My experience in local government has taught me throwing out opinions willy-nilly accomplishes little and polarizes viewpoints. I suggest we broach the topic by answering a series of questions, starting with the broad then narrowing to the specific. For starters, I pose the following queries:

Is there a problem with the election process in Rochester?

If so, describe the nature of it and how long its been going on.

Assuming there is a problem(s), what do you think caused it?

In your view, what remedies are now available presently to correct the problem(s)?

What might be the political and monetary costs for that solution(s)?

Why, in your view, is RCV being presented to us now? What has changed since 2016?

Is it because Minneapolis and St. Paul are now using it?

If your answer is yes, can we realistically compare Rochester to either of those cities? The demographics of Rochester are much different.

Included, as attachments, to your email are several articles that raise some concerns. I think you will find them insightful.

Maine's highest court rules ranked-choice voting is unconstitutional

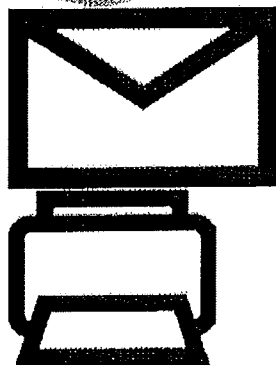
The advisory opinion means lawmakers must start the process of amending the Constitution to allow the voter-approved law or repeal it, which is more likely.

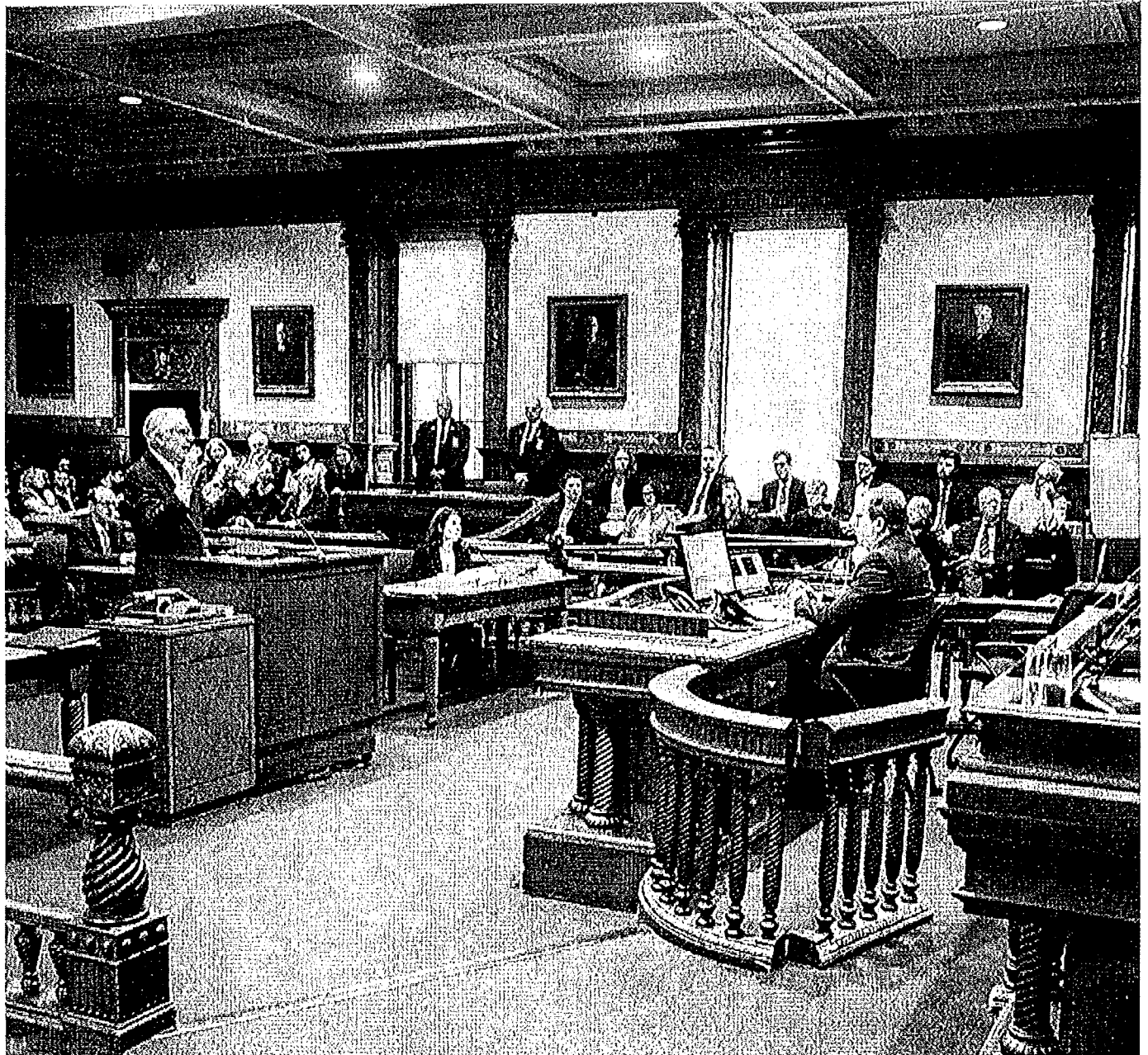


BY SCOTT THISTLESTAFF WRITER

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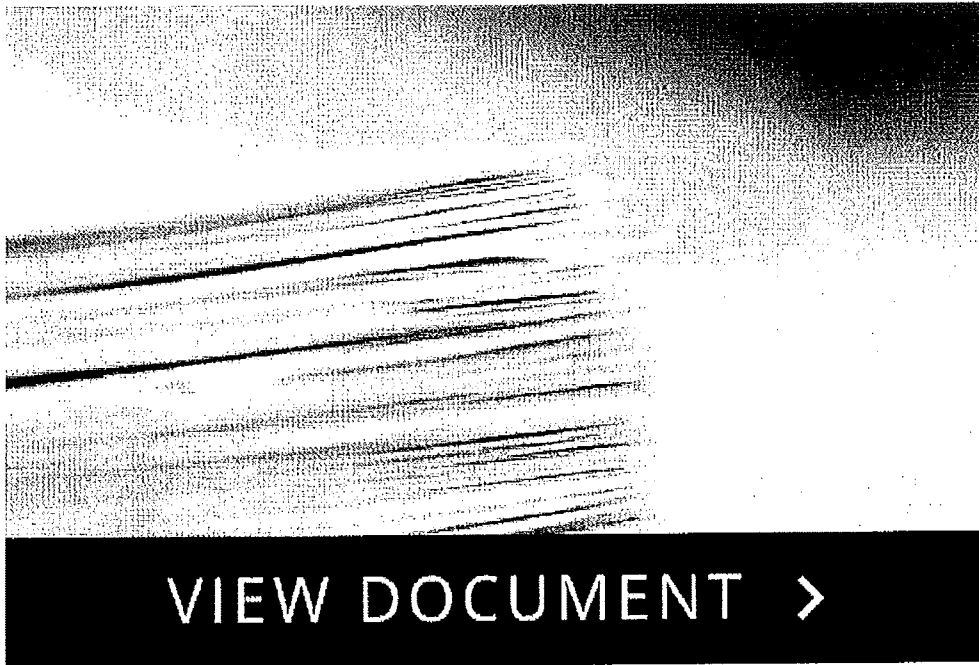


Attorney James Kilbreth of Drummond Woodsum in Portland argues on behalf of the Committee for Ranked Choice Voting on April 13 during a Maine Supreme Judicial Court hearing in the Capital Judicial Center in Augusta. *Staff photo by Joe Phelan*

AUGUSTA — Maine's highest court concluded Tuesday that the nation's first statewide ranked-choice voting system violates the Maine Constitution even though it was approved by the state's voters in a referendum in November.

In a unanimous advisory opinion, the seven justices on the Maine Supreme Judicial Court acknowledged the validity of citizen-initiative ballot questions but noted that even citizen-enacted laws can be unconstitutional.

[READ HIGH COURT'S OPINION](#)



RELATED HEADLINES

- Maine's highest court hears arguments on new ranked-choice voting law
- LePage wants to change the way Maine citizens sponsor ballot questions

"The object must always be to 'ascertain the will of the people,'" the court wrote. "Nonetheless, when a statute – including one enacted by citizen initiative – conflicts with a constitutional provision, the constitution prevails."

The court opinion itself doesn't negate ranked-choice voting, which was supported by 52 percent of Mainers who cast ballots last fall. The justices instead spelled out the Legislature's options, noting that lawmakers can now vote to repeal the measure or to initiate the process that leads to a constitutional amendment to allow for ranked-choice voting.

One Democratic lawmaker, Sen. Cathy Breen of Falmouth, said she would submit a bill to amend the Constitution.

"I'm grateful to the court for so clearly laying out the path we must take if we want ranked-choice voting to become law, as voters intended," Breen said. "Voters in Maine approved ranked-choice voting because they're tired of politics as usual. They want a better way forward, one that's less partisan and more inclusive."

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However, the deadline for introducing legislation has passed, so Breen will need approval from the Legislative Council, which is composed of legislative leaders from both parties. Republicans are generally opposed to the ranked-choice system, and they are likely to withhold approval for Breen to submit a bill.

The council will meet Wednesday to decide what action should be taken by the Legislature, which is set to adjourn in mid-June.

A bill like Breen's that proposes a constitutional amendment would approval by a two-thirds vote in the Legislature. It would then go to voters, who could approve it by a simple majority.

"We will weigh it, we will look at it, but obviously you've heard the same things I've heard – that there isn't a lot of support for that concept," Senate President Mike Thibodeau, R-Winterport, said Tuesday of the constitutional amendment proposal.

REPEAL OF LAW MORE LIKELY

A more likely outcome is that lawmakers will vote to repeal the ranked-choice measure and send the repeal to Gov. Paul LePage for his signature. LePage does not support ranked-choice voting.

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"The governor has said all along that ranked-choice voting is unconstitutional," said LePage spokesman Peter Steele. "The constitution of the state of Maine is not ambiguous; it clearly states candidates win with a plurality."

The ranked-choice system fundamentally changes the way voters would select legislators, the governor and Maine's four congressional delegates. Voters would rank candidates in order of preference. If no candidate had more than 50 percent of votes, the candidate with the fewest votes would be eliminated. Voters who chose the eliminated candidate would have their ballots added to the totals of their second-ranked candidate, and the ballots would be retabulated. The process would continue until one candidate had a clear majority and was declared the winner.

But Maine's Constitution calls for candidates to be selected by plurality, in which the candidate with the most votes wins, even if the vote total is less than a majority.

"The Act (the ranked-choice system), in contrast, would not declare the plurality candidate the winner of the election, but would require continued tabulation until a majority is achieved or all votes are exhausted," the court wrote. "Accordingly, the Act is not simply another method of carrying out the constitution's requirement of a plurality. In essence, the Act is inapplicable if there are only two candidates, and it is in direct conflict with the constitution if there are more than two candidates."

Maine has a long history of three or more candidates in its gubernatorial elections, with the winner frequently receiving less than 50 percent of the total statewide vote. The last first-time candidate for governor to win more than 50 percent of the vote was Democrat Ken Curtis, who had 53 percent in 1966.

The court said there was a degree of urgency to their decision.

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"Both campaigning and voting will be substantially affected by the nature of the voting process," the justices wrote. "The time to plan and organize a fair and impartial election is at hand and the doubt surrounding the constitutionality of the Ranked-Choice Voting Act casts uncertainty on all aspects of voting preparation."

Kyle Bailey, spokesman for the Committee on Ranked Choice Voting, which supported the measure, said the court's opinion indicated to him that the Legislature needs to pursue a constitutional amendment. Bailey said more than 400,000 Maine voters supported the change and expected to see ranked-choice voting in place for 2018.

"Our legislators were elected last November on the same ballot as ranked-choice voting," Bailey said. "They have a duty and a privilege, a responsibility to carry out the will of the people."

CRITICISM OF INITIATIVE PROCESS

Others had a different perspective on the court's opinion.

House Minority Leader Ken Fredette, R-Newport, used the opinion to voice his frustration with the citizen initiative process, which he said was "spinning out of control."

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Assistant Minority Leader Rep. Ellie Espling, R-New Gloucester, said the decision "reinforces the problems that arise when we send unvetted legislation out to referendum."

Dick Woodbury, a former independent state senator from Yarmouth, said the court's opinion did not apply to primary elections or to federal congressional elections, and without any action from the Legislature the law would stand in those elections. He said the Secretary of State's Office should immediately implement ranked-choice voting for federal elections.

But Thibodeau, the Senate president, said he and other lawmakers do not want Maine to have two election systems.

"We can't have folks going to the polls and voting in one regard for state offices and in another regard for federal offices," Thibodeau said. "That would be too confusing to many of the voters and that would not be fair to do to them. So we want to make sure we have consistent voting laws across the spectrum."

Correction: This story was updated at 11:45 a.m. on May 24 to correct an inaccurate description of Dick Woodbury's career. He is a former state senator and is no longer serving in the Legislature.

Scott Thistle can be contacted at 791-6330 or at:

sthistle@pressherald.com

Twitter: [thisdog](#)

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Newsweek 10/30/2016 by Peter White

Critics often cite two California elections in 2010 as examples of what's wrong with RCV.

San Francisco, where elections are officially nonpartisan, adopted ranked-choice voting in 2002. In 2010, the 10th District supervisor's contest drew 21 candidates. None of them got more than 12 percent of the vote in the initial tally, and Malia Cohen, who placed third in the first round, was the eventual winner after 20 rounds of counting. Critics like Sirocki have observed that 70 percent of voters didn't vote for Cohen.

Across the Bay Bridge in Oakland in the same year, Jean Quan was elected as the city's first woman mayor in a 10-candidate race. Quan polled a distant second in the first tally but pulled ahead of the initial leader when she got a lot of votes from the third-place candidate, who was also a progressive.

Quan served only one term, but the election demonstrated that RCV can eliminate the spoiler effect in a three-way race. In fact, a split of votes between two progressives eventually combined to elect one of them in the final tally.

The Bay Area elections were unusual because there were a large number of candidates in nonpartisan races and none of them got anywhere near a plurality in the first tally. Since 2000, more than 100 elections have been held in the United States using ranked-choice voting, and nine times out of 10 the highest vote getter in the initial tally went on to win the election.

Proportional representation, from which ranked-choice voting is derived, was first introduced in the United States during the Progressive Era (1900–1930) and in fits and starts gained and then lost ground.

Around 1900, a Proportional Representation League started campaigning to introduce preferential voting in the United States. Its first success was in Ashtabula, Ohio, in 1915. By 1936, cities from Sacramento to all of New York City's five boroughs except Staten Island had adopted proportional representation.

Yet proportional representation found no friends in Tammany Hall and among machine politicians in other American cities where control of local government was often, but not always, in the hands of the Democratic Party. The backlash was immediate.

Using one of the progressive movement's own reform tools, the local referendum, proportional voting's natural enemies began trying to repeal it wherever it had managed to gain a foothold.

Forty-nine repeal measures were placed on city ballots between 1920 and 1961, some multiple times. Eventually, repeal efforts succeeded in 21 cities. However, beginning around 2000, reform efforts in several cities led them to adopt ranked-choice voting. Today, the ballot initiative, the Progressive Era reform mechanism once used to dispose of proportional-representation voting, is restoring it. Going to the public is critical.

"Asking politicians to change the way they got elected in the first place isn't really where the decision needs to be made. It's by the people and how they want to elect their politicians. And that's why we took it to the people this November," Kyle Bailey said.

Bailey is a 30-something political organizer from Georgia who has spent much of the last two years crisscrossing Maine to educate voters about ranked-choice voting. He's lost count but has probably organized 400 meetings.

"This is not about helping Democrats, Republicans, independents or third parties. It's about making our democracy work better, and that's the kind of conversations I've had with people," he says.

The conversations appear to be working. The "Yes on 5 in Maine" campaign has gathered 450 endorsements and attracted no organized opposition.

Constitutional Obstacles

Sirocki claims that traditional first-past-the-post elections may not be perfect but they are legal. "We are putting a ballot measure before the electorate that is blatantly unconstitutional," she says.

Maine Attorney General Janet Mills, a Democrat, issued an eight-page opinion in March concluding, "It may not be possible to implement ranked choice voting as envisioned by this legislation without amending the Maine Constitution."

Mills points to three conflicts with Maine's constitution. Currently, a candidate can win office in Maine with a plurality, not a majority, of votes. With RCV, a plurality is not enough to win an election.

The second problem relates to "how ballots are counted and by whom [local versus state]." And third, in the event of a tie vote for governor, the state constitution requires the Legislature to determine the winner. A provision in the RCV proposal requires a tie to be broken by the flip of a coin.

While all of these conflicts can be resolved, they may not be. Maine's legislators might not be willing to change the constitution, just as they were not willing to vote on the ballot measure (although they could have).

Maine's voters, even if they pass RCV, might not want to amend the constitution either. If the constitution is not changed, there will be a court challenge at some point, most likely from a candidate who gets a plurality in the first round but ultimately loses the election to a second- or third-place candidate.

RCV and the Berners

Liz Smith, 36, grew up in the Bay Area, worked at NASA for four years making scientific films and then spent eight years at sea doing ocean conservation research. Now she runs the Conservation Media Group, a startup nongovernmental organization in Camden, on Maine's rocky coast.

Smith, who is new to politics, was a Sanders delegate to Maine's Democratic state convention and a national Sanders delegate in Philadelphia.

"I held out hope to the very end," she said. "The first two days of the convention felt like we sort of got steamrolled and not heard."

At that point, Smith said, the Sanders camp divided into three groups. "Third-degree Berners are folks who are like, 'Screw this, I'm going somewhere else.'"

And first-degree Berners are folks who love Bernie but are fine with Hillary Clinton too. Smith felt the Bern to the second degree. With hundreds of other Sanders delegates, she walked out of the building after the roll-call vote on Tuesday morning, returning to Maine dejected but determined.

"It wasn't meant as a walkout like we are leaving the Democratic Party. It was a stand against being railroaded and basically being told that none of our voices or our opinions mattered," she said.

"So that's where I am at," Smith says. "I am fighting for folks on the Bernie end of things to be heard within the party system."

"If you look at how the younger generation voted for Bernie... a lot of that had to do with its anti-establishment vibe and the idea that we really need to shake up the system."

In Maine, Liz Smith, Diane Russell, George Smith and a cadre of reformers are shaking up the system.

By Pioneer Press Editorial Board | Pioneer Press

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There are suggestions that ranked-voting looks like a big winner, too, in the election last week that sends Melvin Carter III to the St. Paul mayor's office. A variety of candidates remained in the campaign until the end, turnout was better than expected, the candidates themselves were civil the whole way.

But as ranked-voting proponents toot their horns — who can blame them? — we'll register a few notes of dissonance.

Not about the result of the election — the decision of St. Paul voters couldn't have been clearer — but about the process.

While it influenced the tenor of the campaign, ranked voting didn't ultimately get its first full citywide test in St. Paul (in Minneapolis, it did get a citywide test, again). In St. Paul, a decisive 51-percent victory on the first count gave Carter the win outright on election night and avoided rounds of counting that could have continued for up to four days.

Any evaluation of St. Paul's process, which allowed voters to rank up to six candidates in order of preference, should include a look at uncertainties and unintended consequences. Among them:

We'll never know if the better-than-expected turnout was driven by the ranked-choice process or was a reaction to a malicious letter from the St. Paul Police Federation and an ill-reasoned mailer tied to the federation and others. Those communications, asserting a nonsensical link between handguns stolen from Mayor-elect Carter's home this summer and an increase in crime throughout the city, were repudiated roundly.

Ramsey County Elections Manager Joe Mansky had projected turnout of 58,000 eligible voters, a figure down a little from comparable past mayoral elections. In the end, several thousand more voters participated, casting 61,600 ballots.

But a statement about the vote in both St. Paul and Minneapolis from FairVote Minnesota, a nonprofit that advocates for ranked voting, touts a "surge" in both cities and describes a St. Paul total that was "double the mayoral turnout in 2013."

Sure, but ...

In 2013, ranked-voting existed in St. Paul and turnout was lousy nonetheless. That's because incumbent Mayor Chris Coleman was running for a third term against nominal opponents, and voters felt there was little reason to go to the polls.

In making comparisons between elections, Mansky's modifier — "comparable" is key. About 59,500 votes were cast each year in competitive mayoral races in 2001 and 2005, and St. Paul's population has grown since then.

The process does away with a primary election, a factor that affected the tone of the campaign — and its visibility.

The mayoral campaign was a quiet one until the police federation's letter surfaced Oct. 25.

St. Paul didn't look like a city that was electing a mayor to an open seat for the first time in 12 years. While the impact of campaign lawn signs is debatable, they remain a useful signal for many of us — one that was missing altogether from large parts of the city.

A primary in St. Paul would have been held Aug. 8, and the city's signage ordinance would have allowed placement of lawn signs beginning in early June. Instead, they didn't begin appearing until early September.

Then there was the big field of contenders — with five considered serious candidates among 10 individuals on the ballot. For a candidate, "when the smallest group you were ever in is a group of five," ranked-voting opponent Chuck Repke told us, that made it hard to differentiate yourself.

The field would have been down to two after a primary, and we'd have preferred the possibility then afforded for pointed debate and added scrutiny of the front-runners' stands.

"You aren't able to compare and contrast," Repke told us, noting that the ranked-choice process "does limit how much anyone's able to debate."

We attribute the quiet during many months of the campaign to the risk-averse appeal of the safer path as candidates generally attempted to avoid offending those they were courting for second- or third-choice votes, keeping their actual disagreement low-key. In other words, does ranked-voting produce "Minnesota Shush?"

Ranked-voting advocate Jeanne Massey of FairVote Minnesota counters by arguing on behalf of the advantages of a campaign not narrowed in a low-turnout primary.

Political insiders want the focus on two candidates, she maintains. "They want to be able to employ old-fashioned attack tactics."

“When you get it down to just two people,” Massey told us, there’s little incentive for candidates to keep their campaigns on the high road. “In fact, it’s to your advantage to go negative, trash your opponent, suppress turnout.”

“We saw in St. Paul that there were forces that wanted to do just that, and they did do that at their great peril,” she said.

Indeed the backlash to the discredited letter and mailer complicates evaluation in St. Paul. So do claims about a “surge in turnout.”

As questions about the process continue — and they should — claims ought to be based on facts and fair comparison.