

MINUTES
CHARTER COMMISSION
City Council Chambers
October 10, 2018
5:00 p.m.

I. ROLL CALL

Present: Commissioners Seim, Nys, Anderson, S. Johnson, Gardner, Kimber, Britton, D. Johnson, Matheson, Stauber, Mangan, Greene, Little, President Poole, Vice President Ness - 15

Absent: None - 0

II. ACCEPTANCE OF REQUESTED EXCUSED ABSENCES: None

III. APPROVAL OF MINUTES:

A. October 11, 2017 – unanimously approved.

IV. COMMUNICATIONS: None

V. UNFINISHED BUSINESS: None

VI. NEW BUSINESS:

A. ELECTION OF PRESIDENT AND VICE PRESIDENT

Motion was made, seconded and unanimously carried to elect Commissioner Poole as President.

Motion was made, seconded and unanimously carried to elect Commissioner Ness as Vice Present.

B. DISCUSSION ITEM: APPROVAL VOTING SYSTEMS

Poole: We can move on to Item B, I understand that this is a discussion item that is being submitted by Commissioner Ness. With that said, I will defer to Commissioner Ness.

Ness: Thank you very much. This is an item I am bringing forward because we have not had any agenda items during my term on the commission. It is something that I have given some thought to and especially as it relates to some of the challenges given our unique election cycle with the at-large council races. So the dynamic that is at play is four city councilors make it through the primary and then voters are given the option of voting for

two of the four. The scenario that often times occurs is that, to use non-political terms, let's say there are three purple candidates and one yellow candidate. If you are a voter that is inclined to vote for purple then you are going to choose one of the three candidates to cast your votes. Meanwhile for those candidates that are supporting yellow candidates they will only vote for the one person. What often happens in these at-large races is that the three purples will split those votes even though the majority of voters support purple candidates. Meanwhile the yellows are bullet voting for their one candidate and often times the yellow candidate makes it through. With approval voting it is essentially a yes or no vote for everyone on the ballot. So you have candidate A, B, C and if you like all three or three of the four or three of the ten in the primary election then you can vote for those three candidates. If you only like one you can vote for that one person. It gives the voters more options. It is essentially an up or down vote for each candidate on the ballot. I think the other scenario that it can be effective is in an at-large primary. When I first ran for Mayor there were 12 candidates. In a traditional primary what matters is how the votes get split out and who else is running in that race. And so if you have four or five candidates that have similar ideology they are going to split up all those voters. Meanwhile someone that has a different ideology and is a single person has a huge advantage in that primary situation. What then happens is that you often times have pressure on candidates to not run. You cannot run in this race because you will take votes from this other person therefore stay out of the race. We are limiting giving the voters that other option. In that scenario if you have 12 people running you might take a look at this list and say boy there are four of those people that I would be comfortable with being in this role, versus being forced to choose the single one.

The other scenario that I think would change the nature of our elections, instead of running a campaign to be the top choice of the individual you can run with the goal in mind of I need to get (instead of 20%) of core support, I may need to get 40 or 50% to make it through the primary because there are that many more votes. So, I am intrigued by an approval voting system. It has not been used extensively. In fact it has not been used in electoral politics in our country. It has been some used in some large organizations, but because of the unique challenges of our system, in place, I think it would be worth exploring the possibility. My suggestion to the Commission would be that we, if there is interest, to have a study group of interested Commissioners to kind of look at this broadly, consider the pros and cons and report back.

Gardner: Commissioner Ness, if you have the purple and yellow original analogy that you used, and so people would be able to vote for all three you said of the purple if they were so inclined to vote purple. My question then is there would be no ranking of them. Correct? It would be yes or no. What would be the win number in a race like that, just the most votes for yes's.

Ness: Exactly yes, it is pure number of votes. So it takes away the complexity of rank choice voting. It accomplishes of the goals of that system by giving more choice.

Gardner: Okay thank you.

Greene: [inaudible]

S. Johnson: Commissioner Ness, so you would need to put yes or no by each candidate?

Ness: Essentially it is the yes votes that matter, so if the vote is left blank, then it is a no. They are not getting the approval.

Greene: [inaudible]

S. Johnson: It would be interested to see how it turns out.

Gardner: I would be interested in looking into it because I have heard a lot of discontent in the at-large races. I would be interested to see what other cities are doing, and what their results are and how they are finding it. I like the fact that it isn't ranked. That has always caused those mathematical problems but I still always have seen issues with the at-large races. So if we are going to be forming a commission. I would be interested in serving on it. Or do we need a motion? Or Don, did you already make a motion? If that is the case I would second it.

Ness: I would make a motion that the Commission form a working group or study group to look at this, this approach to voting and how it might interact with Duluth municipal.

Motion was made, seconded and unanimously carried.

Poole - City Clerk Helmer, are you able to take down the names of the participants and send an email to get everyone together and coordinate?

Helmer – We can certainly do that, yes.

G. Johnson – this is not a legal addition here, you do have a couple more election issues that you are going to discuss. I do not mean to predetermine what you are going to do, but you might want to study a couple more issues. So maybe you want to decide what you are going to be studying and then determine who is going to study it. You may want to wait on putting your committee together until you determine how far you want to go and then what you need to study and who you need to help study

Poole: This is reference in reference to Item C on the agenda. So perhaps we will wait to get volunteers for the study group and we can move on to Item C. This was submitted by Commissioner Anderson

C. DISCUSSION ITEM: MUNICIPAL ELECTION CYCLES

Anderson: Thank you President Poole. On the same lines of the fact that we haven't had a lot of business here in front of the Charter Commission and sometimes I like to pick up the Charter and see what is wrong with it. It has always struck me and I am sure there is good

reason for it. In the city of Duluth we have our elections for presidential, congressional, county board elections and then we have on the off year our city elections, for Mayor. I had asked the Clerk's Office if there was cost savings with moving elections so they all happen on the even years. That cost savings would \$80,000 a year...or Election cycle as I understand it. I thought that in it of itself is a matter (saving money for taxpayers) worthy of discussion. Would also like to recommend that a working group study that and make a recommendation back to the commission on that also and their findings. I am also interested in hearing the pros and cons of someone who would advocate keeping on odd years.

Greene: I would point out that again the School Board elections.....inaudible.....are on the same cycle and that could be an issue...

Gardner: I just make a point on that, because I know that last election cycle the School Board was talking about moving their elections to the even years as well. So I don't think that wouldn't be an issues. I think the School Board would like if we did that. They would go with us.

Greene: [Inaudible]

Helmer: Thank you President Poole – in line with that question. Our office has been contacted by the School District. They did pass a resolution in 2015 to transition to even year elections. That did not occur because when they reviewed their authorizing legislation they are actually tied to the city of Duluth due to a law that was adopted in 1973. They have indicated they are very interested in continuing that process. They did seek a legislative change, but they did not get a legislative change. I don't know if they are continuing to pursue that They have indicated to us that they would transition occur.

Poole: So if I understand this correctly Commissioner Anderson, you propose the same study group considering approval voting systems also.

Anderson: Unless there is an objection from Commissioner Ness.

Ness: The only question would be the scope of what we are asking this study group to do. Perhaps there could be room for two study groups. One for each issue and having five or six on each. Rather than one group of eight.

Anderson: I would make a motion for separate study groups and volunteers from this body to serve on them.

Gardner: Could I make a suggestion before there is a second. Perhaps this study group should include someone from the school board. A representative from the school board or administration to work

Anderson: As part of the formation of the study group, a representative serves on the study group from the school district and representative from Clerks Office or Administration

Motion was made, seconded and unanimously carried.

Poole: At this I think we can determine who is on each study group. Let's start with the study group for approval voting systems.

G. Johnson: Let me just throw in one more. I believe we have one more election issue. The issue is special elections and the conflict with State Law

Helmer: We have identified that there is potential special election conflict in the city charter related to when a special election can be held. This last legislative session, the legislature adopted uniform special election dates that are quarterly. So if a municipality, township or school district or county, I believe, is to call for a special it has to occur on one of those uniform special election date. There is language in our Charter related to petition process that gives a certain amount of time in which you have to hold the election. From our initial review with the Attorney's Office, it does appear that that would conflict with the changes in the State law. That is something that we can, if the Commission sees fit, that we can review further with the City Attorney's Office and present back to this Commission.

Britton: Which would see to preclude the need of a study group. That seems pretty cut and dry. If you are going to recommend language. Correct?

Helmer: We certainly could do that

Britton: That would make more sense to me.

Helmer: The City Clerks' Office will work with the City Attorney's Office to present something to the charter commission at its next meeting.

Poole: You don't need to do that by motion.

G. Johnson: The charter commission is asking the administration to pursue something it would make sense to do it by motion. Then we at least have a nice record to proceed on.

Motion was made, seconded and unanimously carried.

Poole: Beginning with the approval voting system – looking for volunteers to serve in that study group and perhaps keep your hand up until City Clerk Helmer can identify you

Helmer: Commissioner D. Johnson, Ness, Britton, Gardner, Greene, Matheson. I believe that is all. Commissioner D. Johnson, Ness, Britton, Gardner, and Matheson. Commissioner Greene, thank you.

Poole: We will move on the formation of a study group for municipal election cycles. Any volunteers for that study group?

Helmer: Commissioner Mangan, Poole, Gardner, Anderson, Kimber, Stauber and S. Johnson. So again, I have Commissioner Mangan, President Poole, Commissioner Gardner, Commissioner Anderson, Commissioner Kimber, Commissioner Stauber and Commissioner S. Johnson.

Helmer: Our office can coordinate with both study groups to set up times and meeting rooms for their next potential meeting.

Poole: That concludes all the items of new business.

VII. ADJOURNMENT

Motion was made, seconded and unanimously carried to adjourn.