



March 26, 2018

Written Testimony
of
Ruth Greenwood and Jacob Kenswil
Campaign Legal Center
before
The Senate State Government Finance & Policy & Elections Committee
of the
Minnesota Senate

We write today regarding S.F. 3325. We ask that you do not overturn the will of the voters of Minneapolis and St. Paul. In 2006, 65% of Minneapolis voters approved implementing Ranked Choice Voting (RCV) for city council elections. In 2009, the voters of St. Paul followed suit. The legislature of the state should not overturn the decision of a municipality's people of how they want to govern themselves, without an exceedingly good reason.

There is no such reason here. Not only is RCV the will of the people of Minneapolis and St. Paul, it is also good public policy. RCV is a simple, cost effective measure that promotes civic participation and representation.

This bill has been presented as an "election uniformity" bill. Simplicity and uniformity in elections is an important consideration in designing election systems. Certainly, jurisdictions should not create unnecessary dis-uniformity that does not serve other important interests. As discussed below, RCV indeed serves many of these interests. Conversely, this bill in fact undermines the value it seeks to promote. Minneapolis and St. Paul have each had RCV for around a decade. Rather than promoting simplicity in elections, this so-called "election uniformity" bill in fact creates confusion by stripping away the system of governance that the voters of

Minneapolis and St. Paul chose after they have become accustomed to it for several cycles.

Further, RCV is simple. Once in the booth, voters rank candidates for office in order of preference. That is all that is asked of the voter. As long as clear instructions are provided, there is little chance of voter confusion. One study of voters in California found that in elections with ranked choice voting, less than 1% of voters improperly marked a ballot.¹ On the other hand, in the same areas, about 4.5% of ballots in a non-RCV race were improperly marked and therefore invalid.² In other words, the same voters made far more mistakes in a traditional election than the RCV election. In Minneapolis the results are even better. According to a study by Edison Research, only 0.05% of ballots, or one in two-thousand, were mismarked.³

The process is not difficult for election officials, either. Once voting is done, election officials first count all the first-choice votes. If a candidate gets a majority of first place votes, they win. If no candidate gets a majority, the candidate with the least first-place votes is eliminated, and the second-choice votes on those ballots gets counted. This process continues until someone has a majority of votes. That person is the winner.

Rather than being more burdensome to voters, RCV is easier than the current two-election (primary and general) system. Voters only have to find the time to research candidates, get to the polling place, and vote once rather than twice. The burden of having two elections per cycle means that a very large portion of the population who votes in the general election does not vote in the primary. Where one party is dominant, this further discourages turnout as people understandably feel that the general election is inconsequential. RCV is helping to turn this around.

¹ FAIR VOTE, KEY FACTS ABOUT THE USE OF RANKED CHOICE VOTING IN 2014 IN CALIFORNIA'S BAY AREA 2 (2015), <https://d3n8a8pro7vhmx.cloudfront.net/faRCVote/pages/426/attachments/original/1449182016/Key-Facts-About-2014-Ranked-Choice-Voting-Elections-in-Bay-Area-April2015.pdf?1449182016>.

² *Id.*

³ Jeff Hayden, Peggy Flanagan & Javier Morillo, *Counterpoint: Ranked-voting promotes issue-based, inclusive campaigns*, STAR TRIBUNE (Dec. 22, 2016), www.startribune.com/ranked-voting-promotes-issue-based-inclusive-campaigns/407977806/.

Minneapolis's most recent election saw "off the charts" turnout in its most recent election.⁴

RCV can solve many representational issues where used with multi-member districts such as the Minneapolis Park Board. Rather than worrying about compliance with the Voting Rights Act at each round of redistricting, jurisdictions can switch to RCV with multi-member districts, which allows for representation of minority communities automatically through the normal balloting process. Further, unlike minority representation through districts, RCV does not rely on residential segregation. This means that minorities that are spread across jurisdictions can have the opportunity to elect the representative of their choice. The process can also eliminate the burden of decennial redistricting,⁵ meaning jurisdictions can be saved from the inevitably contentious fight over district boundaries and focus on other priorities. Even where there are not multi-member districts, RCV can promote minority representation. For instance, in San Francisco, after the implementation of IRV, 15 of the 18 offices elected by IRV were held by people of color.⁶ Both Oakland and San Francisco elected their first Asian American mayors after the method was implemented in their cities.⁷

Moreover, RCV promotes civic comity. Because second and third place votes are also important, candidates are encouraged not to tear each other down but rather to find common ground. This promotes conversations and comity between candidates and between voters. In a time of hyper-polarization, this helps to promote a culture that is less divided.

⁴ Elizabeth Glidden, Mpls. Declares Ranked Choice Voting A Success, CBS MINNESOTA (Nov. 9, 2017), minnesota.cbslocal.com/2017/11/09/mps-ranked-choice-moratorium/.

⁵ Note though that if more than one multi-member district is used, then a jurisdiction will still need to be redraw those districts each decade to comply with the "one person, one vote" requirement of the federal constitution.

⁶ Richard DeLeon & Arend Lijphart, In Defense of Ranked Choice Voting, SAN FRANCISCO CHRONICLE (Jan. 22, 2013), <http://www.sfgate.com/opinion/openforum/article/In-defense-of-ranked-choice-voting-4215299.php>.

⁷ RUTH GREENWOOD, ANNABELLE HARLESS, AND DEVIN RACE, CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, THE COLOR OF REPRESENTATION 33 (2015), http://static1.squarespace.com/static/53e11e1be4b0d63b5fc97ee3/t/55de53dde4b0e78736571d1b/1440633821328/CLC_TheColorOfRep_FINAL_41315-2.pdf.

Finally, and most importantly, the Constitution of the State of Minnesota specifically grants “home rule” powers to any municipality that may choose to adopt them. RCV is a simple, cost saving system that promotes civic participation by low income people and racial minorities. Minneapolis and St. Paul have made a choice about its system of governance. It is a vital part of our system that localities be able to be laboratories of democracy. The state should not interfere in this essential process. We ask that you do not overturn the choice of the people of Minneapolis and St. Paul or other voters in the state who may wish to implement RCV.

We would be happy to speak with about any of the issues identified in our testimony at your convenience.

Ruth Greenwood

Senior Legal Counsel
Campaign Legal Center
73 W. Monroe St., Suite 322
Chicago, IL 60603
rgreenwood@campaignlegalcenter.org
(312) 561-5508

Jacob Kenswil

Voting Rights Fellow*
Campaign Legal Center
1411 K Street NW, Suite 1400
Washington, DC 20005
jkenswil@campaignlegalcenter.org
(202) 868-4799

*Admitted only in New York;
supervision by Danielle Lang, a
member of the D.C. Bar.