

Chair Masin and members of the Local Government Division,

In 2009, I represented intervenor–defendant FairVote Minnesota in a case before the Minnesota Supreme Court entitled *Minnesota Voters Alliance v. City of Minneapolis*.

In that case, the plaintiff had challenged the constitutionality of Minneapolis’ system of ranked choice voting (RCV), which Minneapolis voters had approved in a 2006 referendum by a 65-35 percent margin.

Upon cross-motions for summary judgment, the Hennepin County District Court ruled that the system was constitutional. The case then went on direct appeal to the Minnesota Supreme Court.

Following briefing and oral argument, the Supreme Court issued a unanimous, 7-0 decision, in which it found that the Minneapolis’ RCV system is, on its face, constitutional.

In his 30-page opinion for the court, then-Chief Justice Eric Magnuson (who had been appointed by Republican Governor Tim Pawlenty) first described in great detail how RCV works both in single-seat elections and in multiple-seat elections (the latter of which is frankly, fairly complicated).

He then set out plaintiff’s claims that RCV allegedly violates the constitutional principles of the right to vote, the right of political association, and one person one vote. In turn, the Chief Justice enumerated and examined each of the ways in which the plaintiff claimed that RCV impinges on those principles (e.g., by giving some votes more weight than others; by diluting some votes for the benefit of another; by allowing the second choice of one voter to harm the first-choice vote of another voter; etc.). In every instance, he concluded that, on its face, RCV complies with constitutional requirements.

The Chief Justice then cited all the benefits of RCV: (1) in municipal elections, it saves time and expense by doing away with primary elections; (2) RCV increases voter turnout; (3) RCV encourages less divisive campaigns; (4) RCV promotes the election of candidates with majority mandates; (5) RCV eliminates the spoiler effect of third-party candidates; and (6) RCV helps ensure more diverse representation in multi-seat races.

Finally, the Chief Justice addressed the plaintiff’s claim that RCV somehow violates a voter’s right to equal protection. In refuting that claim, he concluded that RCV creates no inequality because “every ballot and every vote is counted by the same rules and standards.”

From beginning to end, Chief Justice Magnuson’s opinion reflected both his career-long mastery of the appellate process and his deep understanding of the role of the judicial branch when applying the standard of constitutional review.

In closing, let me note that Lee Drutman, a scholar at the conservative-leaning Hoover Institute, has identified RCV as the single most powerful Archimedean lever with which to reduce our currently dysfunctional partisan divide. Therefore, I urge you to pass H.F. 89 out of your committee.

Please let me know if you have any questions about the matters addressed above. Thank you for your consideration.

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I wish to express my very strong support for RCV and HF 89

RCV provides voters greater freedom at the ballot box, not less.

RCV does NOT contradict the one person one vote concept. In fact, it strengthens the premise, by allowing all voters more voice in who represents them.

Polls show the vast majority of Americans agree that the current system is not working.

All voters should have the right to vote for their preferred candidate with the knowledge that their choice is not inadvertently helping elect their least preferred candidate. No voter should feel that they are "throwing away" their vote, by casting a ballot for their preferred candidate. Forcing voters to choose between the least objectionable of two viable candidates is not true democracy.

The current system relegates voters to the two major parties, alienating and disenfranchising independent voters, who now make up the largest proportion of current voters.

The benefits of RCV are most evident in the primary system. RCV integrates the best aspect of the caucus process, by allowing voters to choose a second or third candidate should their preferred candidate not garner enough support to stay in the race. But unlike a caucus, RCV does not require committing several hours to a confusing and cumbersome process, resulting in only a tiny percentage of the only the most dedicated to participate.

Furthermore, RCV takes the guesswork, and political "strategizing", out of the voting equation. This is especially essential at the primary level, where any number for candidates may be competing for a plurality of votes and results in only a small percentage of the total voters electing the winner.

Changing election law should never be taken lightly. A compelling and cogent rationale should be the minimum requirement for altering our election process. This strong and compelling case can absolutely be made for making RCV the default election process. RCV is perhaps the simplest and best means of improving our democracy today.

Thank you for your time and attention.

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Kim Nelson Testimony for hearing on RCV

3/15/21

- My name is Kim Nelson and I am a 30 year veteran of the business community, joining with other Twin Cities business leaders who have signed a letter urging you to support Ranked Choice Voting.
- Business relies on effective governance to create stability and certainty in our operating environment. We need this to make long term investment decisions and to attract talent to our home state. Currently, we see ongoing political dysfunction and gridlock.
- Ranked choice voting attacks this problem by disincentivizing negative campaigning and incentivizing candidates on both sides of the aisle to cooperate and build coalitions to win elections. This, in turn, drives the kind of bipartisan legislation that can stand the test of time and create the stability our business community needs to thrive.
- Ranked Choice Voting (RCV) is a simple but powerful election reform that allows voters to rank candidates in order of preference. When candidates must appeal to voters for whom they may be the second or even third choice, there is no benefit to attacking the opposition. Instead, they focus on articulating their own platform and building legislative coalitions.
- Once elected, candidates are incentivized to tackle the issues that are most important to the majority, reach across the aisle and come up with genuine solutions to the problems we face.
- I would note that both Democrats and Republicans would benefit from more civil campaigns and less extremism (not to mention the MN citizens they serve).
- RCV is not a new, confusing or radical practice. It is used in large cities like New York and San Francisco and smaller cities like Vineyard, Utah and Eastpointe, Michigan. Bright red Alaska and bright blue Maine both have adopted RCV for elections at the state and federal level. Alabama, Arkansas, Louisiana, Mississippi, and South Carolina use RCV for military and overseas voting. This is not a partisan idea.
- And, of course, closer to home, RCV elections in Minneapolis, St Paul and St. Louis have been successful, efficient and effective. Studies show that voters find RCV simple to use and they prefer it over the current system. Elections are more competitive, voter turnout is higher, campaigns are more civil and winning candidates take office with a majority of voter support.
- RCV is a tangible way we can strengthen our democracy and reduce the combative politics currently producing gridlock. We need to find a way to reach consensus solutions to the many challenges facing our state. I respectfully urge you to support RCV as an essential first step on that journey.
- Thank you.