



Summary of Meeting with State Rep. Steve Simon

Civic Caucus, 8301 Creekside Circle, Bloomington, MN 55437

Friday, June 27, 2008

Guest speaker: State Rep. Steve Simon, St. Louis Park

Present : Verne Johnson, chair; Chuck Clay (by phone), Paul Gilje, Jim Hetland (by phone), and Jim Olson (by phone)

A. Context of the meeting —The Civic Caucus is exploring several possible changes in the state's elections system. Today the Civic Caucus is meeting with a legislator who has introduced several bills for change.

B. Welcome and introduction —Verne and Paul welcomed and introduced **State Rep. Steve Simon**. Simon represents MN House District 44A, St Louis Park and Hopkins. Simon earned his Bachelors Degree in Political Science from Tufts University, where he was selected as the Harry S. Truman Scholar from Minnesota his senior year. From there, he went on to the University of Minnesota Law School. After law school, Simon worked as an assistant attorney general under Skip Humphrey and Mike Hatch. Simon was first elected to the MN House in 2004. In addition to his work as a State Representative, Simon also works as an attorney at Robins, Kaplan, Miller & Ciresi in Minneapolis.

C. Comments and discussion —During Simon's comments and in discussion with the Civic Caucus the following points were raised:

1. Transportation transparency law enacted —Beginning in his first House term, in 2005, Simon said he repeatedly encountered difficulty in learning the priority status of reconstruction of Hwy. 100 through his district. The Minnesota Department of Transportation (MnDOT) kept giving evasive answers as to when the project would be scheduled. It wasn't a question of wanting to meddle in MnDOT affairs; it was simply a desire to know where a project ranked relative to other projects.

In light of those difficulties, Simon proposed a transportation transparency law in 2005 to require MnDOT to publish a report annually on where major projects—\$25 million in the metro area and \$10 million in the rest of the state—stand at a given time. MnDOT would be free to change priorities from time to time; the Legislature wouldn't remove priority-setting from MnDOT. It was simply a desire to know, once each year, where all projects ranked at that time.

The law was enacted in 2008, and the first report will be due on January 15, 2009, Simon said.

2. Maintain an impartial judiciary —Simon said he is carrying a bill to implement the recommendations of the Quie commission to avoid wide-open political campaigns for judges in Minnesota. The commission recommends a merit-based appointments process.

Simon regards this issue as critical to the future of the state—despite largely disinterest on the part of the electorate. No one ever brings up the issue when he door-knocks, he said.

He is concerned because the public trusts the judiciary to be fair and impartial. Yet in light of recent court decisions on freedom of speech, candidates for judge now are free to indicate how they would rule on certain issues, to seek political endorsement, and to seek and accept campaign contributions from anyone, including people appearing before the court.

Judges aren't in the game; they're officiating the game, he said. No one would stand for allowing Major League baseball teams make gifts to the umpires or for umpires to declare in advance how they would rule, Simon said.

The proposed change is opposed by the district judges association. Their opposition is centered on a provision that judges would be subject to periodic retention elections, in which the electorate would decide whether they would be allowed to remain in office. There'd be no opponent. Some judges fear that they'd be subject to last-minute "vote no" campaigns, which judges would be unable to answer.

Simon said that as soon as the first round of retention elections is held, judges will see that their concerns are unfounded.

Virtually all judges will be retained in retention elections, he contended. (Simon's bill does not contain a Quie recommendation that judges

be identified on the ballot as "qualified" or "not qualified", as determined by an evaluation commission. Legislators thought the proposal too

heavy-handed, and smacked of telling voters how to vote, he said.)

Some persons also oppose moving to merit-based selection because they believe the current election system offers the best opportunity for judges with strong views on certain issues to reach the bench, Simon said.

3. Possible role for the Minnesota Supreme Court —Simon was asked to comment on a recommendation in the recent Civic Caucus statement on judicial selection that the Minnesota Supreme Court might be able to make changes in its rules of judicial procedure. The Civic Caucus statement specifically mentioned the possibility that lawyers and others appearing before a judge could be required to disclose to appropriate clerks of court political contributions they have made on behalf of the judge. Simon suggested that another area to be explored is whether judges who had spoken out in campaigns on certain issues could be disallowed from hearing cases involving those issues.

4. No current limits on contributions to judicial campaigns —Currently, state law limits the amounts that anyone can contribute to a candidate for Governor (\$2,000) or to a candidate for the Legislature (\$500). But no such limit exists for judges, Simon said. When the law was written no one

contemplated the need for such limits, because political campaigns for judges weren't allowed anyway. Over the last two legislative sessions, Simon said he has tried unsuccessfully to get limits imposed. He said he wasn't concerned what number would be selected as a limit. He just felt there should be one. Some district judges were opposed; others said they weren't opposed but wanted the limits to be part of a larger package. In any event, no limit has been set.

5. Improving grass-roots influence in the party endorsement-nominating process —Simon supports steps that would broaden citizen influence—and reduce that of narrow special interests—in the process of selecting a party's nominee. He said he likes Instant Runoff Voting (IRV), because it gives people a chance to rank candidates in order of preference and, thereby, reveal the intensity of voter support for various candidates. He prefers the term "ranked choice voting", because "instant runoff voting" is misleading. No runoff election occurs.

6. Advance the date of the state primary —Minnesota's September primary election is one of the latest among the 50 states. Only New York and Washington have later primaries, he said. A major problem with the later primary is that it disenfranchises

people, including military personnel, who are overseas. There's not enough time between the primary and general elections to get the ballots distributed and returned, he said.

Simon has sponsored a bill to advance the primary date to June. However, some legislators oppose the change. The Legislature is in session until late May, and some legislators fear that they'd be confined to the Capitol and unable to campaign against challengers back in their home districts. Simon said that incumbents would have an advantage because they'd be in the news from the Capitol all the time.

7. Support for a presidential preference primary —Simon recalled the unprecedented turnout at Minnesota's precinct caucuses last February. Lots of first-time caucus attendees were present, but many of them might also be identified as "last-time attendees", he said, because of the virtual impossibility of accommodating so many people.

The precinct caucuses might serve a good purpose in letting people discuss issues, but they can't work as a vehicle for expressing a preference for President, he said. Thus, Simon supports a presidential preference primary. In response to a question, he said he'd support letting voters rank candidates for President in order of preference, along the lines of IRV.

8. Reluctant support for outdoors constitutional amendment —A Civic Caucus member noted that the 2008 Legislature placed a constitutional amendment on the ballot for November 2008 that will dedicate a portion of state taxes for years to come to certain functions. The member also noted that a legislatively-created citizens group will make an official recommendation on how some of the funds are to be distributed. Another member expressed concern that other state functions such as education would be expected to seek revenue protection in the constitution. Simon was asked why, as a Civic Caucus statement indicated earlier this year, the Legislature is abdicating its responsibility.

Simon replied that he doesn't want Minnesota to become like California, which refers many issues to voters annually. He said he started with skepticism toward the proposed Minnesota constitutional amendment on outdoors, water, and the arts. But he concludes that the amendment offers a practical

solution to legitimate funding needs for these functions. A proposed citizens group, although officially created, will have only the power to recommend how money will be distributed, he said. The Legislature will retain final authority.

9. Importance of building trust with voters on use of funds —Commenting on a Civic Caucus member's observation about opposition to state government spending, Simon said he believes that government must pay more attention to accountability and transparency. He cited a case where state agencies unwittingly were purchasing more computers than needed, simply because they none of the agencies knew what the others were doing.

10. Undecided on change in legislative redistricting —Simon is undecided on a proposal to place redistricting in the hands of a commission, with the Legislature retaining authority to accept or reject a commission-prepared plan. He said he needs to study the question more closely.

11. Minnesota's partial public financing plan still a model for the nation —Simon said he won a national scholarship award in 1990 while as a college student he wrote a paper on the Minnesota system of partial public financing of campaigns. Aside from the serious matter of independent contributions, he said that races for Minnesota legislative seats are much less costly than for comparable races across the nation. He said he supports immediate and complete online disclosure of campaign receipts and expenditures.

12. Financing via legislative caucuses —It was noted that one of the big independent-expenditure groups involved in campaign finance are the Democratic and Republican Caucuses of the Minnesota House and Senate—a total of four such groups. These groups aren't governed by the rules affecting direct contributions to a candidate's campaign, so they can accept unlimited contributions. These groups will provide financing on behalf of a candidate but without connection to the candidate. Thus, Simon said, their efforts might not always be in line with—or welcomed by—a candidate's campaign. He recalled a campaign in which the caucus distributed literature that strongly attacked his opponent, in ways that Simon himself would never participate.

While the caucuses get intimately involved in campaigns, they have only one objective in mind—to get the candidate elected or another candidate defeated. They don't have strings attached to their funding that would obligate a candidate to adhere to caucus positions, he said.

13. Less polarization in the 2008 Legislature? —Interests were more aligned in favor of a successful conclusion in the 2008 Legislature than in many previous sessions, Simon said. A successful conclusion was in the best interests of the Governor and the majority party in both Houses. Also, he suspects that Margaret Anderson Kelliher, the House Speaker, had the ability to be a moderating force between Republican Gov. Tim Pawlenty and Senate Majority Leader Larry Pogemiller.

The public, Simon believes, is ahead of the Legislature in wanting to get beyond petty partisanship. The people want public officials who can disagree without being disagreeable, he said. Distrust among elected officials is more of a problem than disagreement, he said.

14. Thanks —On behalf of the Civic Caucus, Verne thanked Simon for meeting with the Civic Caucus.

