



Summary of Meeting with Joseph Mansky

Civic Caucus, 8301 Creekside Circle, Bloomington, MN 55437

Friday, February 27, 2009

Guest speaker: Joseph Mansky , Ramsey County elections manager

Present: Verne C. Johnson, chair; Paul Gilje, Jim Hetland (by phone), Tim McDonald, Jim Olson (by phone), Wayne Popham (by phone), and Clarence Shallbetter (by phone)

A. Context of the meeting —The Civic Caucus has been looking for some time at a host of election-related issues in Minnesota. Today we're exploring many of the same issues plus learning more about the Franken-Coleman recount.

B. Welcome and introduction —Verne and Paul welcomed and introduced **Joseph Mansky**, Ramsey County elections manager since 2001. Prior to coming to Ramsey County, he was the manager of Governor Jesse Ventura's redistricting commission. He served 15 years on the elections staff of the Minnesota secretary of state's office, the last 11 years as state elections director. Mansky is also a member of the Civic Caucus core group.

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

1. Good revision of election contest law —Mansky recalled that when he worked for Secretary of State Joan Grove the Legislature re-codified election laws including the election contest law. The Coleman-Franken recount is working just as was contemplated in the re-codification process, including the three-judge panel. The process isn't fast, but it is rational, methodical, and transparent, and Mansky believes it will produce a result that will be credible to all concerned. He contends that Minnesota has the best election administration in the nation. Our elections rely on 20,000 volunteers in 4,000 locations, involving some 2.9 million voters, of whom about 10 percent cast their ballots before election day. Sometimes there are complaints about long lines for voting, but in St. Paul, he said, after 8:30 a.m. on election day last November the long lines had disappeared.

2. Seat one candidate conditionally?— One possible addition, Mansky said, is that someone certified as the winner by the State Canvassing Board could be conditionally seated pending a decision by the three-judge panel. Currently, Minnesota is missing one-twelfth of its congressional

contingent. He acknowledged, however, that such a step might be interpreted as giving undue favor to the certified winner. Another possibility is to allow the Governor to make a provisional appointment, he said, of someone other than either candidate.

3. Extremely close contest —The current margin represents .0078 percent of the 2.9 million ballots cast. He said the Minnesota elections system is extremely accurate, but not sufficient to produce a final result on its own when the election is as close as it is. Mansky said it is impossible for him to predict a winner at this time. It all depends upon the results from absentee ballots that were previously rejected but now may be accepted by the court. Fewer than 1,500 ballots will fall in this category.

4. Make the law line up with absentee voters' desires —Currently, a person must select one of four permissible reasons in applying for an absentee ballot. Simply wanting an absentee ballot without giving a reason is prohibited. However, no one checks up on the voter's reason, so a person can pick any one of the four permissible reasons and receive an absentee ballot.

Some 300,000 persons voted absentee in the last election, Mansky said, so with such substantial interest it makes sense to make it easier for voters to vote early or absentee.

In some cities, particularly those with older residents, the percentage of people wanting to vote before election day is much higher than the statewide average of 10 percent, Mansky said. For example, in Roseville the percentage was 17 percent.

A Civic Caucus member suggested that perhaps the concepts of (a) the honor to be able to vote and (b) a sacrifice of time, if necessary, should be given more credence than simply trying to make the voting system line up with a voter's personal convenience.

5. Publicly identify early voters —Mansky said that candidates and pollsters should know who has voted early, so they can campaign or conduct polls accordingly. Some persons oppose early voting, he said, because from a civics standpoint they like the idea of everyone voting in a common place on a single day. But such a limitation fails to recognize people's schedules as well as their desire for convenience.

A Civic Caucus member inquired whether single-issue groups might find it easier to offer rides to the polls for individuals likely to support their candidates if the rides could be spread over many more days than one main election day. Thus, under such assumptions, early voting would favor the private interest over the public interest. Mansky disagreed.

Early voting doesn't need to extend too far before election day, he said. In St. Paul, he said, about 2/3 of the early voters come in within four days of the election. Thus, he thinks early voting could be limited to not more than eight days before the election.

6. Simplify verification of voter applications —Requirements to compare voters' signatures in verifying applications for an absentee ballot are inadequate, Mansky said, because clerks are not handwriting experts and because peoples' signatures vary so much from one time to the next. If we can open on-line bank accounts without ever being seen by the bank, using identification numbers, we should be able to provide better ways of verifying individuals, he said.

7. ID card at polls not favored —Mansky doesn't favor requiring that voters have identification cards in order to vote at the polls. There's not a shred of evidence in the state that identity fraud is a problem. Contact all 87 county attorneys over the last 20 years and you'll find hardly one case.

8. Call a second election? —Mansky is not excited about proposals to call for a runoff election in a very close contest, such as Coleman-Franken. The turnout would likely be reduced by one-third or more voters; the cost would be \$5 million to \$6 million.

9. Change primary elections —If authorized by the Legislature, the two top vote-getters in a primary election, regardless of party, could be certified to run against each other in the general election, thus removing the possibility of more than two candidates per office in the general election, Mansky said. The winner would thus have a majority of the vote.

10. Advance the date of the primary —Given the rules on voting equipment and given the interest in people voting early, a September primary is too late administratively, Mansky said. Some persons would go as early as late June. Mansky would be satisfied if the primary were in August. A Civic Caucus member noted that some legislators don't like the prospect of a June primary, because it might be too close to a legislative session ending in late May. Mansky replied that the solution would be for the Legislature to adjourn earlier.

With large numbers of candidates for Governor in 2010 likely in one major party and possibly more, Mansky said that a June primary would result in a longer campaign for the parties' nominated candidates, instead of a long campaign within each party for the nomination itself.

11. Enact a presidential preference primary —Mansky favors the idea of splitting the precinct caucuses and the presidential preference primary by holding preference primary during the day and the precinct caucus that same evening at the same location. Individuals would need to declare their party affiliation to vote in the presidential preference primary. Thus only those who declare their party affiliation, not independent voters, would be participating. More locations of the preference primaries and precinct caucuses are needed. He recalled problems last year when several precinct caucuses were held in the same building, producing huge traffic jams. For a given precinct different political parties could hold their precinct caucuses and presidential preference primaries in different parts of the same building.

Mansky believes a broad cross-section of the political parties would participate in both the presidential preference primaries and the precinct caucuses, which is what occurred in 1992, the last year Minnesota conducted an official presidential preference primary as distinguished from the current informal straw vote. Minnesota has conducted presidential preference primaries in 1916, 1952, 1956, and 1992. Dissatisfaction by party leaders from the results of presidential preference primaries produced the interruptions.

12. Apply Ranked Choice Voting (Instant Runoff Voting (IRV) in an open primary?— Mansky indicated that IRV in an open primary with many candidates for the same office might make sense, particularly if the major parties make multiple endorsements. He thinks it might be worthwhile to authorize what is known as "fusion", allowing individual candidates to be identified as being endorsed by more than one party. In this connection Mansky also supports the idea that more than one

candidate for the same office could show endorsement by the same party, if, for example, a candidate received a threshold of support, say, 20 percent, at a party endorsement convention.

13. Review the recount process —When the Coleman-Franken recount is completed, Mansky would like to review the experience, perhaps after letting the process lie fallow over the summer. Several issues could be examined, such as absentee voting, early voting, filling a vacancy conditionally, early primary, and presidential preference primary, he said.

14. Create a redistricting commission —Mansky favors that congressional and legislative redistricting in 2011 be carried out by a commission, not the Legislature. The Legislature would be given three opportunities to vote a commission's plan up or down, without changes. After a third rejection the job would be given to the courts.

15. Thanks —On behalf of the Civic Caucus, Verne thanked Mansky for meeting with us today.