

Minneapolis Charter Commission

Casey Joe Carl, City Clerk

Subject: Petition to change composition of City Council, Charter File No. CH2019-00005

Wed., March 6, 2019; 4 p.m.

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Mr. Chair, Members of the Commission—

My name is Casey Carl; I have the privilege of serving as Clerk of the City of Minneapolis. As this body is aware, as City Clerk, I serve as the chief elections official for the City and am responsible, in that capacity, for the administration of all elections within the City, which includes supporting functions such as the decennial census and redistricting processes which establish political boundaries such as wards and districts. Obviously, this work impacts all residents and is a critical aspect of equitable elections that support greater inclusion and opportunity.

To begin, allow me to acknowledge how awkward it is for me to come before you on a proposed amendment to the City's charter. The charter functions as our local constitution, and as chief elections official I have a duty under my professional code of ethics to remain non-partisan and neutral in all matters of policy and politics. Like other clerks and election administrators, I take that duty seriously. However, I also take seriously my duty to serve voters and to protect their interests. In that vein, I am offering this body some information about at-large voting which may impact this proposal.

The concept of at-large elections was introduced by progressive reformers in the 1920s, along with the short ballot and other electoral reforms, as a means of minimizing the impact of partisan politics and powerful political machines which, until that time, had dominated elections and electoral outcomes for years. Today, however, at-large elections—whether intentionally or not—often create barriers and disincentives that can have a disproportionate impact on historically disadvantaged and under-represented populations. This includes, for example: women, particularly single women and women-led households; communities of color; highly-mobile populations, which would include renters, who constitute more than half of the City's population; those from lower socio-economic status and educational attainment; and younger people, those who are just becoming eligible to vote and receive the franchise. Pure at-large elections tend to give advantage to candidates who are white; who have a higher socio-economic status; and who have higher educational attainment. These types of elections also give advantage to men more than women and to those who own property and have stable housing histories over those who do not. At-large elections can also favor candidates who are older and more established in their communities and their careers.

Admittedly, these are generalizations, and these results are not true in every respect in all elections across the nation in every system of government. However, there has been sufficient research and experience with at-large elections to support these claims.

Beyond the challenges of political representation and public policy posed by at-large voting, this method presents some additional, compounding challenges to disadvantaged and under-represented communities and candidates from these communities; for example:

- The significantly higher cost of running an at-large campaign covering an entire jurisdiction, including the need for expanded campaign resources as well as the burden of the demand for significantly greater fundraising;
- The need to contact voters and gain name recognition throughout the entire jurisdiction, which in some cases might be larger and include more eligible voters than even a state or congressional district; and
- The added time away from work and family to campaign and fundraise, identified above, which tends to create a more significant barrier for women and especially single women, communities of color, those from lower socio-economic status and educational attainment, and similar groups, as already mentioned.

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Moreover, at-large seats that cover an entire jurisdiction inevitably require candidates to spend time and resources in neighborhoods which already hold the greatest and most-concentrated voting power, and this only reinforces a form of disenfranchisement for those communities and voters who do not receive an equal or even similar level of attention and interest from candidates for at-large seats. As a consequence, those communities and those voters in those communities and neighborhoods then experience a reduction in political power because of the lower levels of participation and voter turnout; and this, in turn, becomes a vicious circle: lower turnout leads to a reduction in representation because candidates for at-large seats will not spend time engaging with those neighborhoods or parts of the community that cannot, do not, or have not contributed enough to the base.

For these reasons and more, courts have intervened and have overturned actions to transition to at-large election systems and to revert back to a ward/district system, or to a hybrid model. As a result of these legal challenges and judicial decisions, backed by multiple academic studies and evidence of facts, fewer jurisdictions practice pure at-large voting today. One example, in the case *Dillard v. Crenshaw County, Alabama*, a federal district court found that hundreds of Alabama districts intentionally employed at-large election methods to discriminate against Black voters. Because of that litigation, a total of 183 jurisdictions were ordered to revert to some form of district-based voting. In fact, Supreme Court Justice Ruth Bader Ginsberg noted as recently as 2013, in her dissenting opinion in *Shelby County v. Holder*, that despite protections offered by the Voting Rights Act of 1965, a new, more subtle second-generation form of discrimination served as powerful barriers to the ballot box; chief among these, according to Justice Ginsberg, were racial gerrymandering and at-large elections which, when combined, were a primary means of diluting the vote and denying equal opportunities for minority voters and candidates. These “second-generation barriers,” as Justice Ginsberg called them, are efforts to reduce the impact of minority votes and, by extension, the impact of these groups on politics and public policy.

Even when a transition to at-large elections has been made as the result of a ballot question, courts have acted to overturn such decisions and to restore either a pure ward/district system or a hybrid which includes a combination of ward/district and at-large elections. Still, it is critical to point out that in almost every case, a hybrid system has the number of at-large seats small enough to not constitute a clear or significant majority proportion of the body (in this case, the City Council).

In this proposed amendment, the City Council would have four at-large seats, balanced with nine single seats elected from each of nine separate wards. Given the research and experiences of other jurisdictions, this could be too high a percentage of the full Council dedicated to at-large seats. Given the outcomes produced by at-large voting in other jurisdictions, that would mean all candidates for the four at-large seats would be induced to primarily target voters in the City’s high-turnout wards — and we know that those are Wards 7, 11, 12, and 13, reflecting in trends over many years and many difference election cycles. If we study the demographics of the populations in these wards, the facts I mentioned earlier are confirmed; those wards have a higher percent of white, more affluent, higher-educated, homeowners residents. That’s not uniformly true, but it is more so in those wards than in, for example, Wards 1, 4, 5, 6, and 9. The result is that it gives greater political power to those wards in the western and southern parts of the city at the expense of wards and neighborhoods in north, northeast, downtown, and central areas of the city. Moreover, there is a high probability that most or even all of the candidates for the four at-large seats could themselves be residents of Wards 7, 11, 12, and 13. And, it is further highly probable, in that case, that those winning candidates would have a higher-than-average likelihood to be white with higher than average socio-economic status and educational attainment who also happen to own property. Those seats would be supplemented by the ward-based candidates from Wards 7, 11, 12, and 13—where turnout is regularly the highest in all elections across the regular four-year cycle. As a consequence of all of this, it is probable —potentially highly probable— that the City Council could have double representation from these wards.

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Moreover, since seven votes of the City Council is normally the determinative factor for enactment of ordinances, adoption of policies and regulations, and other forms of official actions, this highly probable outcome would mean the determining vote could be fully constituted and made by candidates only from these few wards —giving those wards, neighborhoods, and residents an unfair and disproportionate advantage in terms of local political and policy outcomes. By contrast, it would result in the possible outcome of creating a disproportionate, negative impact for other wards, neighborhoods, residents, and voters.

Again, as City Clerk —the official charged with ensuring the integrity of elections and for providing equal access to the ballot box— I feel compelled to offer these comments at the beginning of this process, and urge due care and consideration of this proposal. If the intended goal of this proposed amendment is to secure a broader perspective that is reflective of the entire community in comparison to wards, to supplement the focus on local ward-based issues with a greater appreciation for citywide policy, I would submit that either a smaller number of at-large seats or even a system which would combine a smaller number of wards combined with a system of larger, overlaying districts would be better options. Either of these scenarios would still permit a fair and effective balancing of various community interests and would, in my opinion, be a better approach to achieving that policy objective.

Thank you for granting me this time to offer these comments.