



Joe Mansky, Ramsey County Elections Manager

An Interview with The Civic Caucus

8301 Creekside Circle #920, Bloomington, MN 55437

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Notes of the Discussion

Present : Verne Johnson, chair; David Broden, Pat Davies, Paul Gilje, Dwight Johnson, Lucas Johnson, Sallie Kemper, Dan Loritz (phone), Joe Mansky, Tim McDonald, Wayne Popham (phone), and Clarence Shallbetter

A. Introduction of interviewee : Verne and Paul welcomed and introduced **Joe Mansky**, Ramsey County elections manager. Mansky, a former member of the Civic Caucus interview team, has been the Ramsey County elections manager since 2002. Prior to coming to Ramsey County, he was the manager of Governor Jesse Ventura's redistricting commission. He also was a staff member for the Minnesota secretary of state from 1984 to 1999, serving the last 11 years as state election director.

Mansky currently serves on the Governor's Task Force on Election Integrity and is a member of the Pew Foundation Committee on Election Performance Measurement. He served on the Federal Election Commission election advisory panel from 1998 to 2002. He has been a faculty member for election law seminars conducted by the Minnesota Institute for Legal Education, the Minnesota State Bar Association, the Ramsey County Bar Association and the University of Minnesota since 1990.

B. Summary: State primary elections, not general elections, are the decisive elections in determining the make-up of the Minnesota Legislature, despite very low voter turnout in primaries, says **Joe Mansky**.

In legislative districts where the primary outcome is tantamount to election, legislators have little incentive to respond other than to their more narrow constituencies, he said.

To improve the competitiveness of legislative elections, Mansky recommends allowing only the top two primary vote recipients, regardless of party, to advance to the general election, or using Ranked Choice Voting (RCV) to select party nominees in the primary. To make voting more accessible, Mansky suggests opening the polls for more days, establishing more centralized voting centers, letting people vote at locations other than their own precinct, and making it easier to vote from home.

C. Background and discussion

Background —Mansky was invited to meet with the Civic Caucus in advance of Minnesota's upcoming primary election on Tuesday, August 14, and in light of a largely downward trends in voter turnout in Minnesota primary elections over the last 50-plus years. Since 1950, the highest turnout in a primary was 39.2 percent of eligible voters, in 1966. The lowest, 7.7 percent, was in 2004. In 2010, the turnout was 16.0 percent. Ironically, Minnesota consistently has been among the top states in the nation in voter turnout at general elections.

In Minnesota primary elections voters are not required to identify their allegiance, or lack thereof, to any political party. To that extent the primary election is an open election. However, voters can't split their primary ballot by voting for some candidates in one party and some in another. They must choose one partisan ballot from among the parties' ballots and vote only for those candidates on the ballot so selected.

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

Despite low voter turnout, in most races the outcome of Minnesota primary is more important than the general election —Because of non-competitive districts the primary result is tantamount to final election for approximately two-thirds of Minnesota's 201 legislators, or about 134 races, Mansky said. It's difficult to create competitive districts in large parts of the state, Mansky said. Redistricting plans tend to respect community boundaries, and often voters with similar political leanings live in the same community.

Primary elections tend to attract mainly the party faithful —Members of the wider general public—embracing neither the left or the right— have largely abandoned the primary election, Mansky said, leaving the decisions to voters supporting more extreme political or special interest viewpoints.

Intra-party primary contests in non-competitive districts usually favor candidates closer to either end of the political spectrum —In primaries, where candidates from the same party run against one another to become the nominee for the general election, Mansky said the more liberal (in DFL contests) or more conservative (Republican contests) candidates invariably prevail. Mansky said he could recall very few seriously contested primary legislative races in Minnesota in the last 20 years in either major party where a more moderate candidate won a primary battle. In this year's primary Mansky said it is possible that some moderate incumbents will be unseated.

Legislators from districts where the primary is decisive have little incentive to respond other than to more narrow constituencies— In situations where the primary, not the general election, determines the outcome, the general election no longer has value, Mansky said. Consequently, legislators from such districts have no necessary allegiance to any broad group but the political or special interest constituency that brought them through the primary. It's sometimes difficult to work with legislators in that situation, Mansky said, because of the absence of a feeling of accountability to a broader spectrum of voters. Legislators from such districts can make it difficult for majority and minority leaders in the House and Senate to get support for consensus on contentious issues, he said.

Gaining attention for change in the primary process is extremely difficult —Political leaders fear change in the status quo, Mansky said. Political parties don't welcome an increase in the number of competitive districts, because of the threat of losing more elections and because campaign contributions would need to be spread more broadly.

Several possibilities for change are apparent:

* **Enable only the two top vote-getters in the primary, regardless of party, to advance to the general election** —Such an approach was implemented in California this year, Mansky said. The current Minnesota primary election—possibly more appropriately named a party nominee election—would become a true primary election, with one ballot for all candidates for an office, not separate party ballots, as at present. The two candidates with the most votes, regardless of party identification, would square off in the general election. State law would accomplish such a change, he said. A constitutional amendment would not be required.

The immediate effect would be to increase the significance of the general election, where vastly more voters participate, and diminish the significance of the primary. In a district with substantial numbers of voters from both major parties, a Democrat and a Republican would likely meet in the general election. Or perhaps a third-party candidate would survive. Where one party is dominant, two persons from the same party would likely face off in the general election.

Candidates would have incentive to seek support from broader constituencies, thereby reducing the influence of a narrow political or special interest base.

* **Use Ranked Choice Voting (RCV)** —Mansky said RCV, in which voters rank candidates in order of preference, is much more appealing to him for a primary election than in the general election. With RCV the separate party primary ballots would continue. But RCV would be used to arrive at the party nominee. It is much more appropriate to rank candidates of the same party in order of preference because such candidates are likely to be much closer in political philosophy, Mansky said. By contrast in the general election differences in political philosophy are likely to be much sharper, making it more difficult for voters to rank the candidates, he said.

* **Move to multiple candidate endorsements by political parties** —Now political parties endorse one candidate for each office. When many candidates with similar qualifications seek the same office, party conventions could endorse multiple candidates and let the primary process make the final selection. No change in state law is required.

* **Allow write-in votes in the primary election** —Under current law, voters are allowed write-in votes in Minnesota general elections but not in primaries. Responding to a question, Mansky said that allowing write-in votes in the primary seems reasonable.

* **Change the date of the primary election** —Before 2010, the primary election in Minnesota occurred after Labor Day. The Governor and Legislature shifted the date to early August to make it easier to receive absentee ballots from members of the armed forces stationed in foreign countries.

Mansky believes the September date could be reinstated. He believes problems with receiving absentee ballots on time can be solved without having an August primary, a time when many people's minds are more on vacation plans than on politics.

* **Open polls for several days and evenings**— Mansky said polls should be open both days and evenings from Saturday through Tuesday, not just on Tuesday, the traditional election day in Minnesota. Such a process would accommodate people whose work and family schedules make it difficult to vote only on Tuesday and enable voters to cast their ballot at a time and place of their choosing.

* **Create accessible "voting centers"; don't require everyone to vote at their home precincts** — Voters, regardless of residence, should be allowed to vote at any approved voting location, Mansky said. Technology today makes it possible for ballots appropriate to the voter's residence to be made available almost instantly throughout the state. Thus work sites, major shopping centers, entertainment locations, and other sites attracting thousands of individuals, could serve as voting centers, he said.

* **Broaden the "legality" for voters in requesting absentee ballots**— Voters in Minnesota now are allowed to vote early, via absentee ballot, provided they specify a reason why they can't vote on election day. Applicants for absentee ballots technically are in violation of the law—a felony—if they falsely state, for example, they'll be out of town on election day, Mansky said.

* **Allow voting by mail or online**—In discussion Mansky said that the existence of a verifiable paper ballot is essential. A participant questioned whether it is really possible to guard against fraud with online voting, with the potential presence of hackers who could destroy the legitimacy of the online ballot. Others noted that the integrity of voting can be protected to the same extent that other functions which require security, such as online banking, can be protected.

* **Don't require people to vote** —Responding to a question, Mansky said he strongly believes systems such as are used in Australia, where people are required to vote or pay a penalty, should not be considered here. Whether or not to vote is a basic right that individuals should retain.

Changes in the primary election would affect other state offices— If changes as discussed above were made in the primary election, other state offices, including electing U. S. Senators, U. S. House members, the Governor, lieutenant governor, attorney general, and secretary of state, would be affected.

Is the voting problem even more fundamental? —A participant suggested that even the best data on voter turnout usually leaves out about one-half the population. The participant wondered whether large segments of the population, perhaps even younger persons, are choosing simply to drop out of the political process, lacking confidence in the political system, or feeling that special interests have too much power and, as private citizens they have no ability to have an impact.

In response Mansky replied that the U. S. Supreme Court decision in Roe v. Wade (abortion) had the effect of changing the composition of the two larger major political parties. Prior to the date of that

decision, 1973, it wasn't uncommon to have a broad spectrum of conservatives and liberals in both major parties. In years since then conservatives no longer have felt welcome in the Democratic Party and liberals no longer have felt welcome in the Republican Party, Mansky said.

Mansky said other data show that the Democratic Party has become more a party of higher-income professionals and well-educated individuals and the Republican Party has now embraced more blue collar voters, almost a 180-degree turn from the past.

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