

Minneapolis Charter Commission Minutes

April 2, 2014 - 4:00 p.m.

Room 317 City Hall, Minneapolis, Minnesota

Members Present: Commissioners Clegg (Chair), Heinle, Lickness, Metge, Peltola, Rice, Sandberg, Schwarzkopf

Members Excused: Commissioners Cohen, Connell, Ferrara, Johnson, Kozak, Rubenstein

Also Present: Burt Osborne, Assistant City Attorney

1. Roll Call

Chair Clegg called the meeting to order at 4:02 p.m. Roll call was taken.

2. Adopt Agenda

On a motion by Sandberg, seconded, the agenda was adopted.

Absent - Cohen, Connell, Ferrara, Johnson, Kozak, Rubenstein.

3. Approve minutes of regular meeting of March 5, 2014

On a motion by Heinle, seconded, the minutes of the meeting of March 5, 2014 were approved.

Absent - Cohen, Connell, Ferrara, Johnson, Kozak, Rubenstein.

4. Chair's Report

- Applications have been forwarded to the Judge to fill the current vacancy on the Charter Commission.
- The group proposing an amendment to the 70/30 requirement relating to neighborhood restaurants with beer and wine licenses are still considering their options and are aware of the deadlines.
- At this time, there is not a consensus among the council members regarding amending municipal filing fees by ordinance that would allow for passage by a 13-0 vote. The Charter Commission is on a dual track and willing to consider proposals that are acceptable to the council for adoption by ordinance; however, if adoption by ordinance does not look likely, the Charter Commission will place the question on the ballot.

Public Hearing - Time Certain 4:30 p.m.

5. Filing Fees for Municipal Office:

Receive public comment on proposed amendment to raise filing fees for municipal office (said amendment to be effective January 2, 2015), as follows:

§ 3.4 Candidacy

- (a) **Affidavit of candidacy.** A candidate's name appears on the ballot if the candidate files an affidavit of candidacy with the city clerk and either—
 - (1) pays to the clerk the filing fee for which section 3.4(b) provides, or
 - (2) presents to the clerk a petition in place of the filing fee with the number of signatures for which the Minnesota election law provides.
- (b) **Filing fee.** The filing fee is—
 - (1) for Mayor, \$500;
 - (2) for Council member, \$250;
 - (3) for Board of Estimate & Taxation member, \$100; and
 - (4) for Park & Recreation commissioner, \$100.

At 4:30 p.m. Chair Clegg opened the public hearing. He explained that the Charter Commissioners were present to listen to public comments and would not engage in debate.

a) Mike Griffin, Director of Campaigns, FairVote Minnesota, spoke in support of the proposal:

- Having 35 mayoral candidates in the last election, some of whom seemed to be running recreationally, was unnecessary and confusing to some voters.
- Rather than reverting to the high cost, unrepresentative primary to narrow the field, FairVote Minnesota supports the Commission's recommendation of a \$500 filing fee to insure voters can select from candidates who take running for office seriously.
- FairVote Minnesota believes that a \$250 filing fee is too small to weed out candidates who do not intend to run serious campaigns.
- San Francisco, another major city using Ranked Choice Voting (RCV) since 2004, requires a filing fee that is 2% of the mayor's salary, or \$5,048 in 2011, with discounts to candidates who collect signatures. The San Francisco mayor's race attracted 12 candidates in 2007 and 16 in 2011.

b) Professor David Schultz, Hamline University, spoke in support of the proposal, with qualifications:

- In election law there are three competing objectives in ballot access: (1) To assure individuals have a reasonable opportunity to appear on the ballot such that their First Amendment rights are not violated; (2) To assure that candidates have a reasonable demonstration of support from the public; and (3) To assure that voter confusion is avoided.
- He could support the \$500 fee coupled with a bypass alternative such as submitting a petition with signatures.

Chair Clegg stated that there is already a petition process built into State Statute, which the Charter Commission does not have the authority to modify, which would require approximately 500 signatures in lieu of a filing fee for candidates for mayor and a significantly lower number of signatures for candidates for ward office.

c) John Hartwig, 3228 Humboldt Avenue South, spoke in opposition to the proposal:

- He was one of the 35 candidates for mayor last November and received 97 votes.
- A candidate does not have to be a serious or viable candidate; a candidate just needs to be a citizen of the city of Minneapolis.
- A \$500 filing fee would be a 25% increase.
- Approximately only 1% of the population of Minneapolis ran for mayor. He did not want a government such as Libya or Syria where only one candidate runs for an office.

d) Captain Jack Sparrow, 419 Cedar Avenue, spoke in opposition to the proposal:

- As an Occupy activist and a former candidate for mayor, he would like to see money separated from politics. Money is corrosive to democratic government and turns it into more of a government by and for those who have money. Raising the filing fees only exacerbates that problem and raises barriers to poor people.
- A candidate should demonstrate both commitment and seriousness, but not with money. One way to demonstrate commitment would be to have candidates perform community service, or have a jury where a small number of people talk to a candidate to determine whether that candidate is serious and has a serious platform.

- Keep the filing fee at \$20 and give the candidates with no external motives other than the motive to represent all the people of Minneapolis a chance to at least get a foot in the door and hope the press covers all the candidates fairly and all the candidates are allowed to debate.

e) Bob “Again” Carney, Jr, 4232 Colfax Avenue South, spoke in opposition to the proposal:

- The ballot is free speech; it is the people saying who they want their public servants to be among people willing to put their name forward to volunteer to be a public servant.
- Currently, candidates must place their political principles on the ballot if they don't file affiliated with a party. A mayoral candidate last year filed under the “stop foreclosures now” principle. She would not have been able to pay \$500, but she was able to advance the foreclosure issue in the media.
- He was opposed to the ideas of trying to filter people out, to preemptively declare candidates as not serious, to filter out ideas that can be represented by political principles on the ballot, and to limit the choices to three.

f) Dave Bicking, 4200 Cedar Avenue South, spoke in opposition to the proposal:

- The intent of the increase is to have fewer candidates on the ballot.
- The 35 candidates for mayor last year did not create a problem and enabled him to vote for candidates that wouldn't have been on the ballot otherwise.
- In 2009, with RCV, there were 11 candidates for mayor. In 2001, prior to RCV, there were 22 candidates for mayor on the primary ballot.
- There were less than the usual number of city council candidates on the 2013 ballot so there is no need to raise filing fees for city council.
- Increasing the filing fees will eliminate candidates who add to the debate.
- If the council increases the fees by ordinance, they will be voting on the fees for the independent Park Board and Board of Estimate and Taxation which seems inappropriate.
- If fees are raised at all, it should be placed on the ballot and not changed by ordinance.

g) Council Member Cam Gordon, Ward 2, reported the following:

- The Council did not approve the filing fee increase proposals last year because of concern that it was too close to the election and that they would be amending the wrong charter.
- He favors an open ballot that is accessible to people and \$500 would discourage some people from running; however, he understands that a lot of people think that the 1967 amount of \$20 isn't appropriate.
- There is currently no consensus on the council on any specific dollar amount for the filing fees.
- The council will consider and debate any proposal the Charter Commission refers.

There being no one else present wishing to address the Charter Commission, the public hearing was closed and the meeting was adjourned at 5:04 p.m.

Submitted by: Peggy Menshek, Charter Commission Coordinator