

Summary of Meeting with Guy-Uriel Charles

Civic Caucus

8301 Creekside Circle, Bloomington, MN 55437

Thursday, July 7, 2007

Guest speaker: Guy-Uriel Charles, interim co-dean of the University of Minnesota Law School and co-director of the Law School's Institute for Law and Politics

Present: Verne Johnson, chair; Chuck Clay, Paul Gilje (by phone), John Mooty, Jim Olson (by phone), David Schultz (by phone)

A. Context of the meeting --As part of the Civic Caucus' review of election-related issues, today the Caucus meets with a recognized authority on redistricting.

B. Introduction and welcome --Verne introduced Guy-Uriel Charles, interim co-dean of the University of Minnesota Law School and co-director of the Law School's Institute for Law and Politics. Charles was a member of the National Research Commission on Elections and Voting and the Century Foundation Working Group on Election Reform. Charles teaches and writes in the areas of constitutional law, civil procedure, election law, law and politics, and race. He joined the Law School in the fall of 2000. He has a law degree from the University of Michigan.

C. Comments and discussion --In Charles' comments and in discussion with the Civic Caucus the following points were made:

1. Objectives for Institute for Law and Politics --The newly-established Institute for Law and Politics, of which Charles serves as co-director along with Aaron Street, is designed to bring people together to think about issues in elections and government structure that aren't being given adequate attention. Currently, redistricting is receiving top priority. Other areas will be identified, including the presidential primary process. Charles would like to bring Minnesota innovations to the national stage as well, for example, same day registration.

The Institute for Law and Politics was established this year with \$50,000 in seed money from the Law School. He acknowledged some similarities with the Center for the Study of Politics and Governance at the University's Humphrey Institute. Perhaps the closest parallel is the Brennan Center for Justice at the New York University School of Law, Charles said.

Charles expects that the Institute will be looking at campaign finance, a strong interest of his and of David Schultz', a senior fellow at the Institute, who also is a professor, Graduate School of Management, Hamline University. Another topic of inquiry might relate to the roles of federal U.S. attorneys.

Charles expects that the Institute will conduct many conferences on issues. The Institute will speak out with recommendations from time to time.

Charles, Schultz and Verne Johnson visited briefly about the potential use of interns for the Civic Caucus. Charles said the Institute will be very interested in working with other organizations.

2. Interest of the Institute in redistricting --The issue for Charles is one of integrity--how a State Legislature can legitimately draw its own districting boundaries. The current system is really a way for legislators to select their voters, when the democratic process should be the other way around. Charles believes that limitations on the freedom of state legislatures to draw boundaries--in addition to existing requirements for racial balance--should be imposed constitutionally or otherwise.

Redistricting is an issue that preoccupies the Legislature, he said. When redistricting bills are under consideration, everything else stops because redistricting is the lifeblood of the Legislature's business. Some people argue that politics in redistricting is inevitable, but Charles believes that the fundamental rules of the game shouldn't allow legislators to decide what their own districts will look like.

In some states gerrymandering is so bad that some citizens wonder why they should bother to vote because the outcome is a foregone conclusion. Fore-ordained elections are inconsistent with the democratic process. Voters should be able to choose, not simply ratify a decision that already has been made.

Charles noted that in recent decades the courts in Minnesota have ended up making the final decision because the Governor and Legislature have been deadlocked. He said he's asking whether there's a better way.

3. Other approaches to redistricting --Charles cited the Iowa approach which places some distance between the Legislature and redistricting, without totally removing the Legislature's potential involvement. Some states have redistricting commissions that function independently of the Legislature. Another approach would be to place redistricting guidelines in the state constitution.

Charles said he agrees that competitiveness should be a guideline. Even better, he said, is to provide that deliberately making a district uncompetitive would be prohibited. That's a better way to express the competitiveness guideline, he said, because it is impossible to make all districts equally competitive. Jim Olson noted that the Iowa legislation prohibits a deliberate effort to make districts competitive.

4. Changes in presidential primaries --Charles said it isn't good for various states to compete with one another to hold the earliest presidential primary. He favors having states get together via interstate compacts and schedule regional primaries. Regional primaries, he said, would make it possible to have a more deliberate process and give candidates a better opportunity to get all views on the table.

5. Selection of judges --Charles said he agrees with the Quie commission to replace partisan election of judges with a merit appointment system. He thinks it is likely that the Institute will take a position on the issue. David Schultz noted that last Friday the Minnesota Bar Association voted 33-31 to support a merit appointment process, without retention elections. The majority report of the Quie commission recommended periodic retention elections after appointment.

6. Potential of instant run-off voting (IRV) --Charles said he likes IRV because it maximizes the use of voters in utilizing their feelings about the candidates.

D. Thanks --On behalf of the Civic Caucus, Verne Johnson thanked Charles for meeting with us today.