

Summary of Meeting with Larry Jacobs

Civic Caucus
8301 Creekside Circle, Bloomington, MN 55447
Friday, December 1, 2006

Guest speaker: Larry Jacobs, Director, Center for the Study of Politics and Governance, Humphrey Institute, University of Minnesota

Present: Verne Johnson, chair; Lee Canning (by phone), Chuck Clay, Bill Frenzel (by phone), Paul Gilje, Jim Hetland, Jim Olson (by phone), and Wayne Popham (by phone)

A. Context of the meeting--The Civic Caucus is reviewing the state's elections process to see if changes in election laws would have an impact on reducing polarization and paralysis in state government. Today we are meeting with a distinguished professor who specializes in elections.

B. Introduction-- Paul introduced Lawrence R. Jacobs, the Walter F. and Joan Mondale Chair for Political Studies and director of the Center for the Study of Politics and Governance at the Hubert H. Humphrey Institute of Public Affairs. He also is a professor in the University of Minnesota's Department of Political Science. His specialties are Presidential and legislative politics; elections and voting behavior; public opinion and polling; American political history; Midwestern swing states; third party politics; Social Security and health care policy.

C. Opening comments and discussion-- During Jacob's comments and in discussion with the Civic Caucus the following points were raised:

1. Election was no tidal wave--The 2006 elections were unusual. In a normal year you might expect see a change of 50-60 seats in the House and Senate. This year there were 35 seats that changed, 29 in the House and six in the Senate. The changes were about one-half of what occurred in such years as 1994 and 1996. This election produced a shift of voters from Republican towards Independent, and from Independent toward Democrats. Polling revealed that Democrats entered the election with a 10 percent advantage.

2. A troubling reality-- Despite the national feeling over the Iraq war and other issues, still about 90 percent of the House was re-elected and about 80 percent of the Senate seats that were up for re-election. We now have a political aristocracy. Some non-political reasons account for the large number of seats that didn't change hands. One non-political reason is that people seem to live near others who think like them, Democrats in urban areas and Republicans on the urban fringe. Incumbents get elected where you have clusters of people who think alike.

But the election demonstrates the capacity of legislators to draw the boundaries of their districts with such precision that they can rig the system. The effect is that

2

legislators can choose their voters rather than voters choosing their legislators. Look at the 6th Congressional District in Minnesota, for example, where the boundaries were drawn to give a clear Republican advantage.

Jacobs said that a fundamental conflict of interest occurs when a legislative body does its own redistricting.

3. A big spread in typical elections-- Since 1970 the average margin of victory in Congressional races nationwide was 29 percentage points. Jacobs has more limited

data for legislative races in Minnesota, but he said the average margin of victory in the Minnesota Senate was 26 percentage points in 2000, and 24 percentage points in 2002. The average in the Minnesota House was above 20 percentage points.

4. Lack of real competition--The big spreads in victories in these races concerns Jacobs. The spreads represent a lack of real competition.

5. Clarification on "reapportionment" and "redistricting"-- Jacobs said the words are not interchangeable. He uses "reapportionment" to refer to the process of dividing up the state so that each district has approximately the same population. He uses "redistricting" to refer to designing the districts in such a way to accomplish certain goals, such as satisfying civil rights requirements. "Redistricting" would also include drawing boundaries to protect incumbents.

6. Inquiry by the Center for Study of Politics and Governance-- Jacobs said that the center he heads at the Humphrey Institute is working on redistricting policy. An advisory committee headed by Walter F. Mondale and Arne Carlson is advising the Institute on redistricting. There's a chance that the advisory committee will come out with recommendations in 2007.

Jacobs said that the courts in Minnesota in recent years have been turned to so frequently that some legislators are not bothering to spend much time on redistricting. The courts should not be placed in the position of having to settle such political issues routinely. That represents a powerful threat to the credibility and legitimacy of the courts.

7. Check examples of Iowa and Arizona-- Both Iowa and Arizona have established non-partisan groups for redistricting. An interesting contrast exists between the two approaches, Jacobs said. In Iowa the Legislative Service Bureau has the primary responsibility for drawing proposed congressional and legislative districts, subject to legislative and gubernatorial approval. The Legislative Service Bureau is prohibited from making competition a criterion. That is, the Bureau is not allowed to look at the political composition of proposed districts. In Arizona an entirely different approach is taken. There, the non-partisan commission is required to make the districts competitive. Arizona is one of six states that place final authority for redistricting in a commission. The other five states are Hawaii, Idaho, Montana, New Jersey and

3

Washington. Indiana employs a "fallback" commission if the legislature is unsuccessful in passing a congressional plan.

8. Reduce, not eliminate, the number of "safe" districts-- It's not possible to create competition in every district because of where people have chosen to live. But you can reduce the number safe districts and in the process reduce some of the polarization, he said.

9. Consider other changes?-- In response to a question, Jacobs said he is open to the possibility that, say, three House members might run at-large in the same legislative district. Jacobs doesn't have a strong feeling about other changes, such as instant runoff voting, but he said he is open to considering them. He has some questions about instant runoff voting, he said, because allocation of the second choices doesn't seem to satisfy voter intent. He said that redistricting is so important that he'd not put any other election change above it.

10. Advancing the date of the state primary-- Advancing the primary date is OK, he said, but the "bone marrow" change remains redistricting.

11. Legislative leadership controlling campaign funds-- Jacobs said he agrees with critics who believe that legislative caucuses have too much authority in controlling campaign funds because the caucuses can direct money to candidates who agree to back the caucus leadership--thereby furthering polarization.

12. Long term problem with drawing boundaries-- A Civic Caucus member observed that gerrymandering has been around since 1812 when Massachusetts governor Elbridge Gerry drew a district that looked like a salamander. Jacobs replied that today's computers give much greater ability to design districts for political purposes.

13. "Competitive" districts don't need to be 50-50-- Jacobs said that a district can be deemed competitive even if one party has a 10 percent advantage, 60-40.

14. How to have a non-partisan commission-- Asked how you could create a commission that is non-partisan, Jacobs replied that one requirement could be that no one could serve on the commission and then become a candidate for elected office within a three year period.

15. Consult with the Center for Democracy and Citizenship-- Jacobs encouraged the Civic Caucus to consult with Harry Boyte, director of the Center for Democracy and Citizenship at the University of Minnesota.

16. Thanks-- On behalf of the Civic Caucus, Verne thanked Jacobs for meeting with us today.