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Appointment to Duluth City Council called into question

Joel Sipress

After just two days in office, Joel Sipress' appointment to the Duluth City Council was thrust into question Wednesday.

A letter from Jeanne Massey, the executive director of FairVote Minnesota, an organization that has advocated for ranked-choice voting in general elections, cast doubt on the process used to select him.

She wrote: "FairVote Minnesota is not attached to the outcome of this week's vote by the Duluth City Council, but it is important to set the record straight and clarify that the vote, which resulted in the appointment of Joel Sipress to fill the vacant seat, was not a ranked-choice voting election."

Sipress, a history professor at the University of Wisconsin-Superior, was appointed to the 2nd District council seat on Monday night, replacing Patrick Boyle, who stepped down after voters elected him to serve on the St. Louis County Board.

After six rounds of voting, Duluth's sitting council members appeared to have selected Sipress from a pool of three finalists, including Kathy Heltzer and Angie Miller.

The council was evenly divided, with four members picking Sipress as their first choice and four preferring Heltzer.

After four rounds of conventional voting failed to produce a winner, the City Council engaged in two rounds of ranked-choice voting in an effort to break the deadlock. In the ensuing confusion, councilors took a brief recess.

City Clerk Jeff Cox and City Attorney Gunnar Johnson consulted with staff from FairVote during the break, though Massey was unavailable.

Shortly after the council had reconvened, members were informed that Sipress had been deemed the winner after a more thorough review of the sixth and final ballot cast Monday. Sipress was subsequently appointed and proceeded to cast votes in Monday night's council meeting.

With ranked choice, voters are asked to rank candidates on their ballots in order of preference. Voters cast their vote for their favorite candidate knowing that if he or she doesn't gather enough votes to win, their votes will count toward their second choice. In a single-winner election, votes cast for the least popular candidate are not "wasted," but rather are redistributed to more popular candidates, based on the voters' second choices, until one candidate emerges with a majority of votes, according to FairVote.

Unfortunately, the City Council deviated from the prescribed process," Massey concluded in a letter posted on the blog of 4th District City Councilor Howie Hanson.

"Had this been a correctly-run ranked-choice voting election, the resulting first-choice votes for Kathy Heltzer (4) and Joel Sipress (4) would have ended in a tie, just as it had in the early rounds of the traditional voting," she wrote.

"Beyond tallying first-choice votes, RCV requires transferring ballots cast only for defeated candidates. Since no first-choice votes were cast for the third-place candidate, Angie Miller, there were no ballots to actually transfer. Instead, third-choice rankings for remaining candidates, Joel Sipress and Kathy Heltzer, who were still in contention, were considered and added to the first-place rankings of these same candidates to determine the winner," Massey said.

As for the process that the City Council employed Monday, Massey said it "seems to have simulated a traditional at-large vote-counting process in which all votes for a candidate are totaled to determine the winner. While this may be an acceptable way for the Duluth City Council to break the tie, it was not a ranked choice voting counting procedure."

Whether or not it was proper to select Sipress, City Council President Linda Krug said she plans to schedule a special meeting to possibly reconsider his appointment.

"We are having that discussion of what we should do right now. I think we all were confused about what was going on at the time," she said.

A memo that Johnson and Cox sent to the council Wednesday evening acknowledged an error had been made. "After further review and discussion with FairVote, it is clear that using ranked choice voting as called for … would have resulted in a tie," it said. "We apologize for this situation but feel it is important that the process be as transparent as possible."

Krug noted that the council had voted unanimously in favor of appointing Sipress, and any member could move to reconsider the vote. It would take a simple majority to revisit the matter.

Krug said her personal opinion is that the council should take a second run at the selection process. She said it would be a disservice to everyone, including Sipress, if a shadow of illegitimacy lingered over his appointment.

"It's a quasi-election process, and it needs to have integrity," she said of the selection method.

Krug was quick to say she felt Sipress would be an able councilor, but she also stressed the importance of following proper protocol.

"This is not at all about Joel," Krug said.

While Sipress called the confusion over his appointment "an unfortunate situation," he said he felt he ought to stand aside and let the council chart its own course.

"I think it's important for me to defer to the wisdom of the other eight councilors. I trust they will exercise their best judgment," he said.

Monday's confused selection process only solidified 1st District Councilor Jennifer Julsrud's misgivings about ranked-choice voting.

"We as a body have a responsibility to protect election integrity. The public expects a clear and transparent process for the replacement of a city councilor, and this did not meet that standard," she said.

Like Krug, Julsrud contends the only appropriate solution given the situation is to rewind the process and vote anew on all three finalists who were considered Monday.

"If we were to allow this error in a confused voting process to go uncorrected, it would appear that we were engineering the council, and that is not our intent," Julsrud said. "This error must be corrected."