

# Group that backed instant runoff voting in St. Paul is fined \$5,000

*Group is fined \$5,000, but the ruling won't affect referendum approval of IRV.*

By CHRIS HAVENS, Star Tribune

A group that pushed for the adoption of instant runoff voting in St. Paul violated state campaign law by making false endorsement claims, and has been ordered to pay a \$5,000 fine, according to a judicial panel ruling.

But the ruling against the St. Paul Better Ballot Campaign, a project of FairVote Minnesota, won't affect the outcome of the referendum in which IRV was approved by 52 percent of St. Paul voters in November. It still will be implemented in 2011.

That dismayed one of the complainants in the case, Chuck Repke, who said he had hoped for criminal prosecution of the violators.

"So we lose, and people will have to put up with this silly system," he said.

The judges ruled that the Better Ballot campaign deliberately made the false claims on about 40,000 pre-election mailings that urged people to vote for the ranked-choice voting system. Administrative law judges Kathleen Sheehy, Cheryl LeClair-Sommer and Barbara Neilson heard the case.

Jay Benanav, an attorney representing the Better Ballot group, said he was disappointed by the ruling. "It's an unfortunate technical violation," he said.

IRV opponents brought the complaints a few days before the election.

The first complaint alleged that the Better Ballot group wrongly claimed that the Minnesota DFL as well as the state and St. Paul chapters of the League of Women Voters had endorsed the ballot question in St. Paul. The second complaint alleged that the IRV supporters had claimed in campaign material that President Obama, Republican U.S. Sen. John McCain and Green Party members Ralph Nader and Cynthia McKinney had endorsed the ballot question in St. Paul. All of those claims were made without getting written permission.

State law says campaign materials may not claim that someone supports or endorses a candidate or cause without first getting written permission from the person.

Although at one time or another the groups and people listed might have supported IRV campaigns, they hadn't given direct support for the St. Paul IRV question.

"The timing of these mailings made it difficult for opponents to respond before the election and created an unfair advantage," the judges said in their ruling.

"These false claims of support or endorsement likely influenced some voters, but the impact on the election cannot be quantified on this record." So the vote will stand.

In a memorandum, the panel said it didn't find credible the IRV supporters' testimony that they were not aware of the signature requirement, because the group had obtained written permission from one DFL official and had provided a place on its website for people to allow their names to be used in endorsements.

The violations were "multiple and deliberate," the panel said, noting that the Better Ballot group "remains completely unapologetic."

Ellen Brown, Better Ballot Campaign coordinator, said she was "a little shocked" by the statement. "We certainly are apologetic for any wrongdoing, but we really didn't think we were wrong," she said. "We didn't intend to mislead."

A decision on whether to appeal will likely be made by the end of the week, she said.

As for paying the fine, Brown said, "We don't have the money."