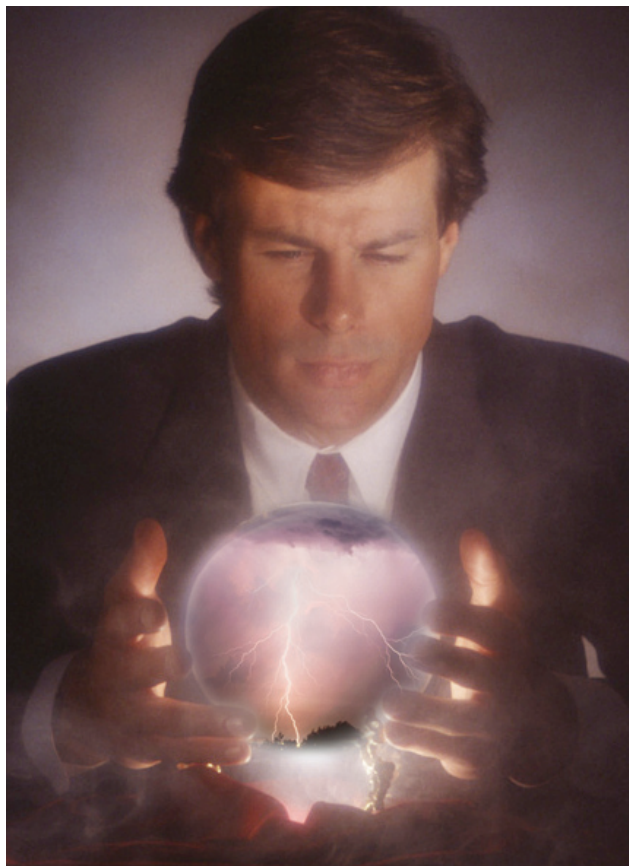


# Election upheaval?



September 18, 2006

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**Top story**  
*Republicans are bracing for a political storm that could wrest away control of Congress and several state legislatures — and sweep away most of the statehouse gains the GOP has made in the past quarter century.*

## SNCJ Spotlight

### THE GATHERING STORM

**R**epublicans are bracing for a November political storm that could cost them control of Congress and several state legislatures. Forecasters say it has the potential to become a hurricane that would sweep away most of the statehouse gains the GOP has made in the past quarter century.

## A Cannon Perspective



With Lou Cannon

The last perfect storm in American politics occurred in 1994 when voters were rebellious against President Bill Clinton. Capitalizing on the discontent, House Republican leader Newt Gingrich of GEORGIA cobbled together a batch of leftover ideas from the Reagan presidency and called them the Contract With America. It was a smart move. Defying the conventional wisdom that “all politics are local,” Gingrich used the Contract to turn the campaign into a national referendum on Clinton. The result was a stunning upset in which Republicans gained 53 seats and took control of the House for the first time in nearly four decades.

This “tidal wave,” as it was often called, produced an undertow in state legislative elections in which Republicans gained more than 500 seats. These gains in turn propelled the GOP into power in a dozen states over the next six years and set the stage for reapportionments after the 2000 census that have kept the Republicans in control ever since. This control, however, is razor-thin. With the nation evenly divided on many social and economic issues, parity has become the watchword of 21st century politics both at the national and state levels. Going into the 2006 elections, Republicans control 20 state legislatures and Democrats 19 with 10 divided between the parties. (Nebraska has a non-partisan unicameral legislature.) Democrats outnumber Republicans among the nation’s 7,382 legislators by a tiny margin of 21.

While the outcome of the congressional elections may determine the extent of President George W. Bush’s misery during the next two years, what happens in the legislative elections could have even more far-reaching consequences. Both parties are pouring money into key states in anticipation of the struggle over the new congressional lines that will be drawn in 2011 on the basis of the 2010 census. “The party guys who are playing three-dimensional chess know they have to establish incumbency in the 2006 election,”

## The week in session

### States in Regular Session:

DC, MI, NJ, PA (Senate), US

### States in Informal Session: MA

### States in Skeleton Session: OH

### States in Recess: NY, PA (Houses)

### States in Special Session in Recess:

DE “a”, PA “a”, VA “a”

### States Adjourned in 2006: AK, AL,

AZ, CA, CT, CO, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

### States in Special Session Adjourned

in 2006: AK “b”, AK “c”, AR “a”, AZ “a”, CA “a”, CA “b”, CO “a”, IA “a”, ID “a”, KY “a”, LA “a”, MD “a”, MS “a”, OK “a”, OK “b”, OR “a”, OK “b”, TN “a”, TX “c”, UT “a”, WV “a”, WI “b”, WI “c”

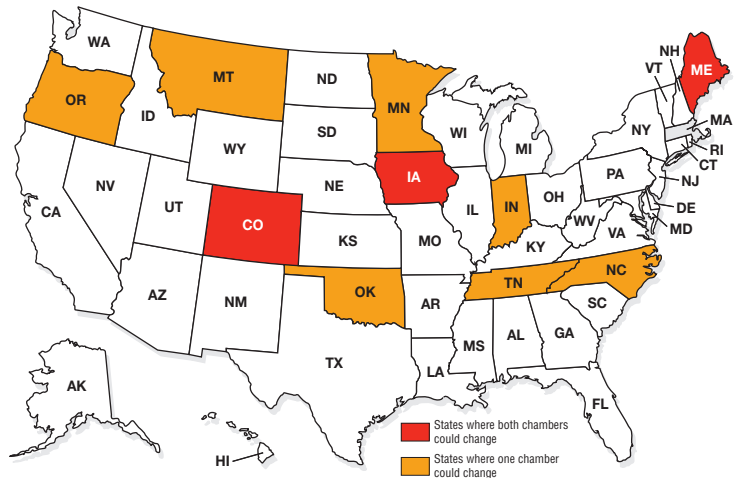
Letters indicate special/extraordinary sessions

Source: State Net, 09/14/06

said Tim Storey, political analyst for the National Conference of State Legislatures. “You don’t want to be playing catch-up in 2008 and 2010.” The stakes became even higher in June when the U.S. Supreme Court upheld most of a 2003 TEXAS redistricting that benefited Republicans. The court’s decision allowed legislatures to conduct redistrictings whenever they please — not just in the year after the census when they are required to do so — as long as they observe constitutional requirements of “one-man, one vote” and the Voting Rights Act.

Will the Democrats be able to replicate the 1994 Republican landslide this November? The portents are certainly there. President George W. Bush is more unpopular now than President Clinton was then. Every poll shows an abiding — and growing — skepticism about the Iraq War. Furthermore, the polls show greater enthusiasm among potential Democratic voters than among their Republican counterparts. Republicans are the minority party but typically have a higher turnout than Democrats. When they don’t, they lose. The extreme example is the mid-term election of 1974, after Richard Nixon resigned the presidency because of the Watergate scandal and was pardoned by President Gerald Ford. Disheartened

## Bird’s eye view



Source: State Net, National Conference of State Legislatures

### Big changes coming?

More than 80 percent of all statehouse seats are up for grabs this fall, and many elections experts are predicting the biggest changes to the status quo in more than a decade. States are now virtually deadlocked between the two major parties: Republicans hold power in 20 statehouses, Democrats control 19 and 10 states have split control (NEBRASKA has a non-partisan unicameral legislature). The parties are also in a virtual tie in the number of lawmakers: out of 7,382 total seats, Dems hold a mere 21-seat advantage over their Republican rivals. That advantage could grow significantly this fall (see *Spotlight* in this issue), as several statehouses could see significant upheaval in at least one chamber, while three states – COLORADO, MAINE and IOWA – could shift in both houses. Our map shows those states the National Conference of State Legislatures has identified as the most volatile in this year’s elections.



Note: OK and TN (Senate), IN, MN, MT, NC, OR (House)

Republican voters stayed home, and Democrats gained 48 House seats and five U.S. Senate seats. The GOP was set back for a generation in statehouses, where Democrats won an astonishing 68 percent of legislative seats.

**“Will the Democrats be able to replicate the 1994 Republican landslide this November? The portents are certainly there.”**

It is a curiosity of American federalism that policies tend to flow upwards from the states to Congress and the presidency while political trends flow downwards, particularly during unpopular presidencies. In 2006, with Congress grid-locked, MASSACHUSETTS has taken the lead in attempting to provide near-universal health care, CALIFORNIA has pioneered in restrictions to reduce global warming, and more than 20 states have limited state and local condemnation authority. At the same time, however, Republicans are imperiled nearly everywhere by the unpopularity of the war and the Bush administration. Most Americans cannot identify their state legislators but have high expectations of their president who is, in the long-ago words of British political scientist Harold Laski, “the representative man of the nation and the leader of his political party.” When American voters give up on their president, they often take it out on his party.

The analogue for President Bush that could indeed produce a perfect storm in November is not Clinton but President Harry S Truman, who looks better in historical eyes than he did to voters in 1946, when he was widely seen as someone who could not fill President Franklin Roosevelt’s big shoes. In the midterm elections of 1946, at a time of national shortages and joblessness, Truman’s low approval ratings dragged down the Democrats, and Republicans took control of both houses of Congress for what would be the only time until 1994. They also won 53 percent of state legislative seats, their high-water mark. Many signs in current polls suggest a repeat of that election: more than a third of Americans say their vote in November will be against President Bush. The favorable rating of the Republican Party has dropped to 40 percent.

Buoyed by these findings, Democrats hope to win at least the U.S. House and possibly the U.S. Senate, admittedly a longshot. At the state level they are looking to gain control of both legislative houses in Iowa and of the House in INDIANA, MINNESOTA,

MONTANA, and OREGON. They expect to win the Senate in Tennessee and have an outside chance in NEW YORK. This would give Democrats a leg up on redistricting in the nation's second most populous state since Democrats already control the House, and Democrat Eliot Spitzer seems assured of winning the governorship. Democrats also believe that an anti-Bush tide will enable them to retain narrow majorities in the COLORADO and MAINE legislatures. (Some politics are still local, however. Democrats are in trouble in NORTH CAROLINA and Republicans on the defensive in OHIO because of ethics controversies.)

**“More than a third of Americans say their vote in November will be against President Bush.”**

Considering the presumed advantages of the Democrats, party strategists on both sides are restrained in their assessments of state legislative races. Alex Johnson, spokesman for the Republican State Leadership Committee, acknowledges that the national mood favors the Democrats but points to Republican opportunities in NORTH CAROLINA, OKLAHOMA, and MAINE, the latter renowned for its ticket-splitting. Michael Davies, executive director of the Democratic Legislative Campaign Committee, talks cautiously of defending his party's 2004 gains and adding further victories.

To some degree, the mutual caution reflects technological change. Reapportionment was more an art than a science until 1991, which in many states was the dawn of the computer age in the drawing of district lines. The technology was highly refined in 2001. As the move for term limits spread across the nation, technology in many states was coupled with an unstated agreement among incumbents to protect each other regardless of party. As a result, most notably CALIFORNIA, relatively few congressional districts and legislative districts are in play. Legislative analyst Storey says that the combination of scientific redistricting and a reduction in competitive districts will lessen the impact of even a political hurricane. “If [district] lines are the levees and are breached as much as they were in 1994, the damage won't be as catastrophic,” Storey told Capitol Journal. True enough, but small margins can have large consequences, as the election and re-election of George W. Bush have demonstrated. What happens in

this year's legislative elections could change the partisan direction in our closely divided country for years to come.

— *By Lou Cannon*

*Lou Cannon is a former White House correspondent for the Washington Post as well as the author of five books on Ronald Reagan. He is the State Net Capitol Journal's senior editorial advisor.*

## Budget & Taxes

### NEVADA HIGH COURT BACKTRACKS ON '03 TAX

**RULING:** Three years ago, in a case stemming from a stalemate in the NEVADA Legislature over an \$833 million tax increase (*Guinn v. the NEVADA State Legislature*), the state Supreme Court came to the controversial 6-1 conclusion that a provision in the state Constitution requiring the Legislature to fund education superceded another provision requiring a super-majority vote to pass a tax increase. Although the tax increase was ultimately approved by the constitutionally-mandated two-thirds vote, the high court's ruling remained on the books, and a group of Republican lawmakers have been fighting it ever since, alleging it was politically motivated.

The group finally got satisfaction a couple of weeks ago. In a Supreme Court ruling on Sept. 8 disqualifying a spending cap proposition — the Tax and Spending Control for Nevada measure, or TASC — from the fall ballot, the justices unanimously rejected the contentious section of *Guinn* prioritizing provisions of the Constitution. “We expressly overrule that portion of the opinion,” the court said. “The NEVADA Constitution should be read as a whole, so as to give effect to and harmonize each provision.”

John Eastman, a professor at Chapman University School of Law in CALIFORNIA, who represented the lawmakers challenging the 2003 ruling, was understandably pleased with the development. “I’m delighted the NEVADA Supreme Court has recognized the erroneous decision in *Guinn* and corrected it,” he said, adding that the justices “were obviously looking for a way to extract themselves from an overly political decision.”

The court did in fact suffer some political fallout from the

ruling. Chief Justice Deborah Agosti, who wrote the majority opinion, chose not to run for re-election in 2004. And there may be more repercussions to come. This November, the first of the remaining members of the court who sided with the majority in 2003, Justice Nancy Becker, will face the state's voters, who overwhelmingly approved the two-thirds vote requirement for taxes in 1996. (ASSOCIATED PRESS, LAS VEGAS SUN, LAS VEGAS REVIEW-JOURNAL)

**BUDGETS IN BRIEF:** Chicago Mayor Richard M. Daley vetoed the “big-box ordinance” passed by the City Council in July, which would have required stores larger than 90,000 square feet to pay their workers \$10 an hour plus \$3 an hour in benefits by 2010. The veto, the first in Daley’s 17 years as mayor of the Windy City, came despite a recent study by the Center for Urban Economic Development at the University of **ILLINOIS** at Chicago that found low-wage jobs cost the Prairie State \$2.2 billion per year in public benefits paid to workers at those jobs. Daley said he believed the ordinance, though “well intentioned,” would “drive jobs and businesses from our city, penalizing neighborhoods that need additional economic activity the most” (NEW YORK TIMES, CHICAGO SUN-TIMES). • A circuit court judge in **MISSOURI** ruled last week that a proposed constitutional amendment to raise the state’s tobacco tax was qualified to appear on the November ballot. MISSOURI Secretary of State Robin Carnahan had declared last month that the measure was 274 signatures short of the 23,527 required needed to qualify. Opponents of the proposal pledged to appeal the judge’s decision (ASSOCIATED PRESS, KANSAS CITY STAR). • The U.S. Senate has approved \$470 million in defense-related funding for **HAWAII**. The sum includes \$3 million to assess the environmental impact of chemical weapons dumped off Aloha State shores in the 1940s (HONOLULU STAR-BULLETIN). • **UTAH** Gov. Jon Huntsman Jr. (R) and Republican legislative leaders are working out the final details on legislation to provide a flat-rate option for income tax filers and allow counties to use sales tax increases to fund transportation projects. They are hoping to obtain full legislative approval for the measures in a one-day special session this week (SALT LAKE TRIBUNE).

— *Compiled by KOREY CLARK*

# Politics & leadership

**BIG DAY AT THE POLLS:** Last Tuesday was a big primary election day, with nine states — ARIZONA, DELAWARE, MARYLAND, MINNESOTA, NEW HAMPSHIRE, NEW YORK, RHODE ISLAND, VERMONT and WISCONSIN — choosing candidates for their general election in November. The day produced a few surprises, but plenty of politics-as-usual too.

Attorney Len Munsil ran away with the Republican nomination for governor of ARIZONA. His margin of victory — nearly nine points as of late last Wednesday — over a crowded field of GOP candidates was somewhat of a surprise, given that party activist Don Goldwater — nephew of former ARIZONA senator and 1964 presidential candidate Barry Goldwater — had been leading in the polls. This fall, Munsil will take on Gov. Janet Napolitano (D), who led all of her Republican challengers by a double-digit margin in an August poll by Rasmussen Reports.

Voters trickled to the polls in DELAWARE, handing victories mostly to incumbents and party-endorsed candidates, including a pair of first-timers: Republican Jan Ting and Democrat Dennis Spivack, vying for congressional seats against state heavyweights U.S. Sen. Tom Carper (D) and U.S. Rep. Mike Castle (R), respectively. There were a couple of races that ran against the general trend, however, such as GOP-backed candidate Brian Moore's loss to Nick Manolacos in the 20th House District.

Several long-serving members of MARYLAND's General Assembly lost their seats by sizeable margins to political newcomers. In unofficial results, Jamie Raskin defeated Sen. Ida G. Ruben (D) by a margin of 66 percent to 44 percent in the Democratic primary in District 20. Ruben had served for 31 years in the General Assembly. In District 19, Michael G. "Mike" Lenett garnered more than double the votes of Dels. Carol S. Petzold (D) and Adrienne A. Mandel (D) in the race for the Senate seat vacated by Leonard H. Teitelbaum. Petzold and Mandel had represented the 19th District in the House of Delegates for a combined 32 years before giving up their seats to pursue the Senate post. Five-term Del. Henry B. "Hank" Heller (D) and newcomer Roger P. Manno look to be the two that will vie for Petzold's and Mandel's seats in November. Commenting on the results, Manno said the voters "understood they

were electing a new generation in District 19 in the Senate and House, with Hank Heller as part of it.” An even longer-serving MARYLAND politician also lost his post last week: former-governor-turned-comptroller William Donald Schaefer. The 84-year-old Democrat, who won his first election, to the Baltimore City Council, in 1955, was defeated by Montgomery County Del. Peter Franchot.

The three major party-endorsed candidates for governor of MINNESOTA - Republican incumbent Tim Pawlenty, DFLer Mike Hatch and the Independence Party’s Peter Hutchinson — sailed through their primaries, dispatching challengers Sue Jeffers (R), Becky Lourey (DFL), Ole’ Savior (DFL) and Pam Ellison (Independence). Two senators in the crosshairs of conservative groups over their opposition to a ban on gay marriage, Senate Majority Leader Dean Johnson (D) and the state’s only openly gay Republican legislator, Sen. Paul Koering, also successfully fended off primary challenges. In another high-profile race, Democratic Rep. Keith Ellison moved a step closer to becoming the first Muslim in the U.S. Congress, defeating three challengers in the state’s 5th Congressional District. One of the few Gopher State nail-biters was the contest for the DFL nomination for attorney general, with Solicitor General Lori Swanson declaring victory shortly after midnight, having opened up a 5-point lead over her closest competitor in unofficial results. She will face Republican Jeff Johnson in November.

Dennis Hogan, did something in NEW HAMPSHIRE last

## Upcoming elections

(09/14/2006 - 10/05/2006)

### **09/14/2006 Ohio Special Election**

US House (OH 18)

### **09/19/2006 Massachusetts Primary Election**

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of the Commonwealth, Treasurer, Attorney General, State Auditor

US House (All)

US Senate (Edward Kennedy)

### **09/19/2006 South Carolina Special Primary**

Senate 005

### **09/19/2006 Washington Primary Election**

House (All)

Senate (All)

US House (All)

US Senate (Cantwell)

### **09/23/2006 Hawaii Primary Election**

House (All)

Senate 2, 4, 8, 9, 10, 11, 13, 14, 15, 19, 20, 24, 25

Constitutional Officers: Governor, Lieutenant Governor

US House (All)

US Senate (Akaka)

Tuesday that may never have been done before. He won a primary race for the state Senate as a write-in candidate — and by a landslide, no less. Hogan, a member of the Nashua school board, garnered 86 percent of the vote in five Nashua wards to claim the Republican nomination in District 13. He will face two-term Democratic Sen. Joe Foster on Nov. 7. In another notable Senate race, in District 9, Republican Sen. Sheila Roberge easily won her first primary challenge in twenty years, out-polling political neophyte Marc Snider in every community — including Snider’s own. Roberge is heavily favored to defeat Democratic candidate Peter Flood, a real estate agent, in November.

It was no surprise that three of the biggest names in NEW YORK politics — Clinton, Cuomo and Spitzer — were victorious in their Democratic primaries. In unofficial results, Sen. Hillary Rodham Clinton (D) had locked in her re-election bid, earning 83 percent of the vote to challenger Jonathan Tasini’s 17. Attorney General Eliot Spitzer had just as little difficulty claiming the Democratic gubernatorial nomination, defeating Nassau County Executive Thomas Suozzi by a margin of 81 percent to 19 percent. He will face off against Republican John Faso in November to determine the replacement for retiring Gov. George Pataki (R). The race for Spitzer’s post was a bit tighter, with Andrew Cuomo, son of former Gov. Mario Cuomo, garnering 53 percent of the vote, while former New York City Public Advocate Mark Green received 33 percent.

One of last week’s most closely-watched contests took place in RHODE ISLAND, where moderate Republican U.S. Sen. Lincoln Chaffee fought off a primary challenge by the more conservative Cranston Mayor Stephen Laffey. Democrats were hoping for a Laffey victory, as he trails their own nominee Sheldon Whitehouse in the polls, and would have all but assured them one of the six seats they need to take control of the U.S. Senate. With Chaffee and Whitehouse polling neck-and-neck, however, the battle for the seat will now continue right up until general election day.

In VERMONT, state Sen. Matt Dunne (D) defeated Rep. John Tracy (D) to earn the Democratic nomination for Lt. Governor. In November, Dunne will take on incumbent Lt. Gov. Brian Dubie (R),

## Upcoming stories

Here are some of the topics you will see covered in upcoming issues of the State Net Capitol Journal:

- **Funding transportation**
- **Fall ballot brawls**
- **Alternative fuels**
- **Animal rescues in disasters**

who is also a colonel in the Air Force reserves currently serving in Iraq. Dunne said he and his wife had Dubie “and his family in their prayers” and were hoping for his safe return.

Finally, WISCONSIN Democrat Kathleen M. Falk became the first candidate in nearly 60 years to defeat the sitting attorney general in a primary, besting Peg Lautenschlager by a margin of 52 percent to 48 percent. Lautenschlager’s 2004 conviction for drunk driving was just one issue in a race that drew national attention for its testy moments, such as when one candidate told another, “You suck,” during a radio debate. Falk will face the winner of the Republican primary, J.B. Van Hollen in the general election. (ARIZONA DAILY STAR [TUCSON], DELAWARE NEWS JOURNAL [NEW CASTLE-WILMINGTON], GAZETTE [GAITHERSBURG], BALTIMORE SUN, MINNESOTA PUBLIC RADIO [ST. PAUL], ASSOCIATED PRESS, BOSTON GLOBE, TELEGRAPH [NASHUA], DEMOCRAT AND CHRONICLE [ROCHESTER], NEW YORK TIMES, WASHINGTON POST, RUTLAND HERALD, WISCONSIN STATE JOURNAL [MADISON], MILWAUKEE JOURNAL SENTINEL, STATELINE.ORG)

**POLITICS IN BRIEF:** Longtime **ALASKA** Rep. Carl Moses (D) fell behind his challenger — and former aide — Bryce Edgmon by one vote (764-765) last week in a single-precinct hand count to settle a tie in last month’s Democratic primary for the 37th House District, which includes the Aleutian Islands and the **ALASKA** peninsula. Moses was expected to request a recount (KTUU.COM [ANCHORAGE]). • Incumbent **NORTH CAROLINA** Rep. Stephen LaRoque (R) lost his bid to retain his seat in a special Republican primary held last Tuesday because of voting irregularities in the primary on May 2. The winner, Willie Ray Starling, will face Democrat Van Braxton, a Kinston city councilman, in the fall (ASSOCIATED PRESS, NEWS & OBSERVER [RALEIGH]). • The Green Party candidate for **COLORADO** Secretary of State, Rick VanWie, has dropped out of the race because he doesn’t want to hurt the chances for the Democratic candidate, Senate Majority Leader Ken Gordon. VanWie said Gordon supports some of the same issues as he does, including instant runoff elections, which could bolster third-party candidates (DENVER POST). • A **MONTANA** group that refuses to reveal its donor list has poured \$856,000 into Initiatives 97, 98 and 154 slated

for the Nov. 7 ballot. The measures would limit the growth of state spending, allow the recall of state judges and permit property owners to seek restitution for government actions that devalue their property, respectively (BILLINGS GAZETTE).

— *Compiled by KOREY CLARK*

# Governors

**HIGH COURT BLOCKS NAPOLITANO VETO:** The ARIZONA Supreme Court rules that Gov. Janet Napolitano (D) overstepped her authority earlier this year when she used a line-item veto to negate a state provision that places new state employees earning more than \$47,758 per year outside of the state’s merit system for public workers. Napolitano argued that workers not covered by the merit system build up vacation and sick leave at a much faster rate than those covered by the merit system, which she claimed costs the state more money. That, she said, made it an expense issue, which she constitutionally has the power to veto. The high court disagreed, noting that since the legislation that created the provision did not appropriate any money, Napolitano did not have the power to strike it down. A Napolitano representative called the decision a “disappointment,” but said the governor would abide by the ruling. (ARIZONA REPUBLIC [PHOENIX])

**RILEY EMBRACES BUSH:** With polls not reflecting well on the Bush administration these days, many GOP candidates across the nation have chosen to diminish or downright shun any connection to the president. Not so for ALABAMA Gov. Bob Riley (R), who has invited President Bush to speak at a fundraiser on September 28 in hopes of bringing in even more money to what is already a very well-funded re-election campaign. The White House has not confirmed the appearance, but the president did show at a similar event two years ago, helping Riley to raise \$4 million. Although Bush’s popularity may be flagging in many areas, he remains popular in the Heart of Dixie, with a 65 percent approval rating. That makes his appearance more of a boon than a risk for Riley, who enjoys a 72 percent approval rating of his own. He also currently holds a 21-point lead over his Democratic

challenger, Lt. Gov. Lucy Baxley. (MONTGOMERY ADVERTISER)

#### **PERRY RUFFLES GOP**

**FEATHERS:** It has been a late summer of discontent for conservative Republicans in TEXAS, many of whom are miffed at Gov. Rick Perry (R). It is new territory for Perry, whose GOP bona fides are rarely in question. The chief culprit for the turmoil is a new business tax Perry signed off on a while back, which is intended to help fund K-12 education while also cutting by about one-third the school taxes Lone Star State property owners pay out over the next few years. Many Republicans, however, see the tax as a kind of state income tax, a major no-no to most TEXANS. At least one of Perry's primary opponents, entertainer Kinky Friedman, has tried to use the issue to attract voters, promising to rescind the tax if elected. But Cal Jillson, a political science professor at Southern Methodist University, doubts the issue will cost Perry too much at the polls. "This is sort of low-level grumblings," Jillson said. "Republicans are going to sweep statewide offices again. This just gives fiscal conservatives something to keep their pulse rate up. Any kind of tax increase is going to activate their radar. They tend to be the truest of the true believers. And if there's not something obvious to be aggravated about, they will search for something." (ASSOCIATED PRESS, SEATTLE POST-INTELLIGENCER)

**"Republicans are going to sweep statewide offices again. This just gives fiscal conservatives something to keep their pulse rate up."**

#### **SCHWARZENEGGER FOE DENIES HACK JOB:**

The Democratic challenger to CALIFORNIA Gov. Arnold Schwarzenegger (R) admitted last week that his campaign gave the press a copy of an embarrassing audiotape of the governor making controversial comments about female lawmakers. But Cathy Calfo, campaign manager for Democratic gubernatorial candidate Phil Angelides, denied anyone from their camp had illegally hacked into the governor's computer as Schwarzenegger's staff claimed. Calfo said the tape — which featured Schwarzenegger referring to Republican Assemblywoman Bonnie Garcia) as having a "hot" temperament, which he attributed to a mix of "black blood" and "Latino blood" — was obtained legally from the governor's own

Web site. Calfo said Schwarzenegger's camp is trying to "distort" the issue. The state Highway Patrol is investigating the matter. Several analysts said the situation hurts the Angelides campaign more than it does Schwarzenegger, regardless of whether the information was obtained legally or not. CALIFORNIA State University, Sonoma political science professor David McCuan said the situation "smacks of desperation," adding that "the Angelides campaign, through its consultants and campaign aides, is acting like the frog spittle spawn of Satan." Tim Hodson of the Center for CALIFORNIA Studies wasn't quite as harsh, but did note that the "more lasting impact is to reinforce the conventional wisdom that the Angelides campaign is inept and has no chance of catching up with Gov. Schwarzenegger." (LOS ANGELES TIMES, OAKLAND TRIBUNE)

— *Compiled by RICH EHISEN*

## Hot issues

**BUSINESS:** Federal officials declare that **WYOMING** cattle are free of brucellosis, a bacterial disease that can cause pregnant bison, cattle and elk to abort their fetuses. The ruling is expected to lead to an easing of restrictions placed on cattle being shipped from **WYOMING** to other states. **IDAHO** and **TEXAS** are the only remaining states without government-sanctioned brucellosis-free status (BILLINGS GAZETTE). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs AB 1835, which will raise the Golden State's minimum wage to \$8-per-hour by 2008 (SACRAMENTO BEE). • A federal court rules that **VIRGINIA's** state-run liquor stores are once again free to limit their wine sales only to those produced in the Old Dominion. The decision eases a court ruling from last year that said it was unconstitutional for **VIRGINIA** wineries to self-distribute their products while also barring liquor outlets from selling only local wines (FREDERICKSBURG FREE LANCE-STAR).

**CRIME & PUNISHMENT:** The **VERMONT** Supreme Court rules that a 2002 law that allows judges to impose "cash-only" bail restrictions on defendants is unconstitutional. The court said the constitution guarantees that defendants in cases where bail is

allowed are permitted to provide a “surety” — a promise to appear in court that is backed by money supplied by a family member, friend or bail bondsman (RUTLAND HERALD). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs legislation that makes it illegal to take more than 25 copies of a free newspaper in order to recycle them or to block people from reading it. Offenders face a \$250 fine for a first offense; subsequent violations could earn a \$500 fine and 10 days in jail (LOS ANGELES TIMES). • A federal judge orders **MISSOURI** officials to develop a new death penalty protocol, but lifts an earlier order that placed a moratorium on executions in the Show Me State. The new order okay’s executions as long as the anesthesiologist involved has been properly trained (KANSAS CITY STAR).

**EDUCATION: ILLINOIS** education officials identify 172 specific things they believe every Prairie State kindergartener should know. The list includes understanding such high-level concepts as the purpose behind actions like recycling and voting (CHICAGO SUN-TIMES). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs AB 172, a measure designed to expand preschool enrollment in the state’s low-income areas. The new law will pump as much as \$50 million into the system in order to fund the hiring of new teachers and provide literacy programs that target parents (LOS ANGELES TIMES).

**ENVIRONMENT:** A court in **HAWAII** rules that a 2003 Aloha State law that says any natural growth of beachfront land automatically becomes state property is unconstitutional. The court said the practice is an “uncompensated taking” of beachfront property owners’ land. All HAWAII beaches are public, but previous to the law in question, property owners with beaches that had naturally expanded could take land on the inland side of their property in quantities equal to the growth in land on the beach side of their lot. State officials say they will appeal the ruling (HONOLULU STAR BULLETIN).

**HEALTH & SCIENCE:** A federal judge upholds a **MISSOURI** regulation that allows health officials to conduct random drug testing on some mental health workers employed at state-run habilitation centers. The ruling exempted some workers who do not work

in those centers (NEWS TRIBUNE [JEFFERSON CITY]). • CALIFORNIA Gov. Arnold Schwarzenegger (R) vetoes SB 840, a measure that would create a single state-run health insurer that would cover all state residents. Schwarzenegger says the program would be too costly and lead to significant tax increases (LOS ANGELES TIMES).

**SOCIAL POLICY: A NORTH CAROLINA** judge rules that a law barring unmarried couples from living together violates both the state and U.S. constitutions. An estimated 144,000 unmarried couples currently reside together in the Tar Heel State (CHARLOTTE OBSERVER).

**POTPOURRI: NEVADA** officials agree to allow the widow of a Silver State soldier killed in Afghanistan to place a Wiccan religious symbol on his memorial at a state-operated veterans cemetery. The U.S. Dept. of Veterans Affairs had originally refused to allow the symbol because the department does not recognize Wicca as a formal religion. The Silver State Attorney General's Office, however, concluded that federal agencies have no authority over state veterans' cemeteries (NEVADA APPEAL [CARSON CITY]).

— *Compiled by RICH EHISEN*

## Once Around the Statehouse Lightly

**THE HUMAN ATM:** That's how lobbyists see themselves these days, especially when it comes to the hearts and outstretched hands of legislators. As columnist Walter Jones of Morris News Service in GEORGIA explains, lobbyists are grumpy because they are

### In the hopper

State Net's database tracks tens of thousands of bills in all 50 states at any given time. Here's a snapshot of what's in the legislative works:

**Number of 2006 prefiles last week:**  
283

**Number of 2006 Intros last week:**  
274

**Number of bills enacted/adopted last week:** 108

**Number of 2006 prefiles to date:**  
22,089

**Number of 2006 Intros to date:**  
98,199

**Number of enacted/adopted overall in 2006:** 30,075

— Compiled By JAMES ROSS  
(Measures current as of 09/13/06)  
Source: State Net

constantly hit up for campaign donations from their clients. Among the more notable examples is the introduction of an inane bill aimed solely at a client who then must kill the legislation with heavy doses of campaign cash. After interviewing a platoon of lobbyists, Jones wrote in the *Augusta Chronicle* that “leadership PACs” also makes the short list of specialty shakedowns. Why do lobbyists put up with it? Because, they complain, everyone does it, so those who don’t operate at a disadvantage. Oh, yeah, almost forgot. The money buys access.

**CADILLAC JUSTICE** was dispensed in FLORIDA last week when a circuit court judge became a vigilante. According to the *St. Petersburg Times*, Judge Stanley Mills arrived at the courthouse to find a 1990 Oldsmobile parked in the space reserved exclusively for his judgeship. Mills took matters into his own hands by using his 2005 Cadillac to blockade the offending vehicle. He then located the owner and made her sit in his courtroom for the rest of the morning. He did not remove his Cadillac until he left for the day. The other driver says she misread the “reserved” sign, interpreting it as available for anyone going to court. She promised to never never do it again. Observers say Mills did not abuse his judicial power.

**LOWER WHAT?** It often happens, reports the *Fort Wayne Journal Gazette*, that INDIANA lawmakers cite the state’s skyrocketing divorce rate as one reason to back legislation that might help lower the rate. But there is a problem: The Hoosier State doesn’t really know its divorce rate. INDIANA is one of five states that do not track that rate (the others, notes the Associated Press, are CALIFORNIA, GEORGIA, HAWAII AND LOUISIANA). So, lawmakers have decided to crawl before they walk. Legislation will be introduced next year to track divorces.

**IT’S THOSE GUYS OVER THERE:** This revelation ought to shock everyone. According to an informal survey by the *Columbus*

### In case you missed it

Legislative term limits have long been a political love/hate match – voters love them; politicians hate them. But while opponents blame term limits for a host of modern political ills, supporters say they’ll do whatever is necessary to keep them. On September 11, the State Net Capitol Journal examined the impact of term limits on both lawmakers and public policy.

In case you missed it, the article can be found on our Web site at

**[http://statenet.com/capj/2006911.html#sncj\\_spotlight](http://statenet.com/capj/2006911.html#sncj_spotlight)**

*Dispatch*, four out of five OHIO legislators think that campaign contributions affect lawmakers' decisions. In the same survey, three out of four lawmakers insist that their decisions are not among those influenced by the cash. Three possible conclusions: 1) 25 percent of Buckeye lawmakers have no scruples; 2) 25 percent of Buckeye lawmakers are so secure in their jobs that they freely admit to being bribed; 3) 75 percent of Buckeye lawmakers are delusional.

**A FREE SPEECH MOVEMENT** is taking hold in MICHIGAN where at least one state representative thinks that sports fans need protection. So, reports the *Detroit Free Press*, Republican Leon Drolet plans to introduce a bill to allow Detroit Lions fans to criticize the team's coaches and players – loudly and publicly, if so inclined. Drolet's efforts grew out of a “sign ban” at Ford Field, the NFL franchise's home turf. He's concerned that the team is censoring fans in a stadium financed in part with tax dollars. By the way, he also plans to amend a state law that bans the sale of alcohol in MICHIGAN until noon on Sunday. Drolet's proposal would allow fans to start buying booze at 7 a.m. It's all an effort to make fans happier.

**STUNTED:** McKenzie Thompson no longer serves as campaign manager for Democratic state Sen. Walter Dalton, who is seeking re-election to the NORTH CAROLINA Legislature. That's because Thompson recently approached Dalton's Republican opponent during a campaign event and identified herself as a reporter for a college newspaper. The stunt, reports the *Shelby Star*, backfired when she identified herself differently at a different event – both times in the presence of a reporter from the *Star*. Thompson characterized the incident as “a miscommunication,” blaming the newspaper for filing a false story.

— *By A.G. Block*

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