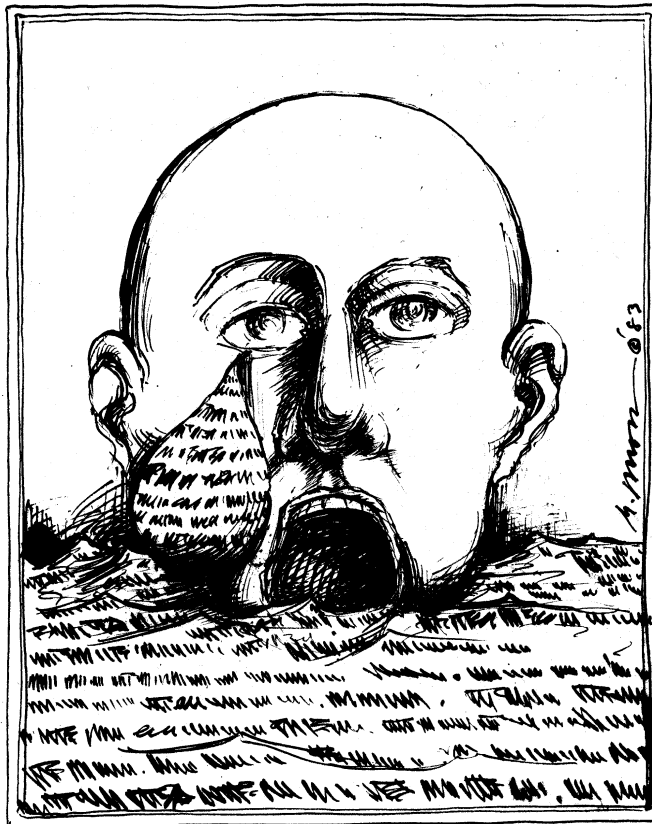


September 20, 2004

## Voter overload?



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### Top Story

*CALIFORNIA Gov. Arnold Schwarzenegger (R) has been successful using direct democracy — or the threat of it — to get his way. But a huge number of confusing measures now facing Golden State voters could change all that.*

## SNCJ Spotlight

### California voters face flood of ballot measures

**T**his November, Californians will face one of the longest and most convoluted election ballots in the state's history. The loaded ballot will test the limits of both Gov. Arnold Schwarzenegger's (R) powers of persuasion and the electorate's patience. Voters will consider no less than 16 ballot propositions this year, the third-highest number of measures since the state instituted the initiative and referendum processes in 1911.



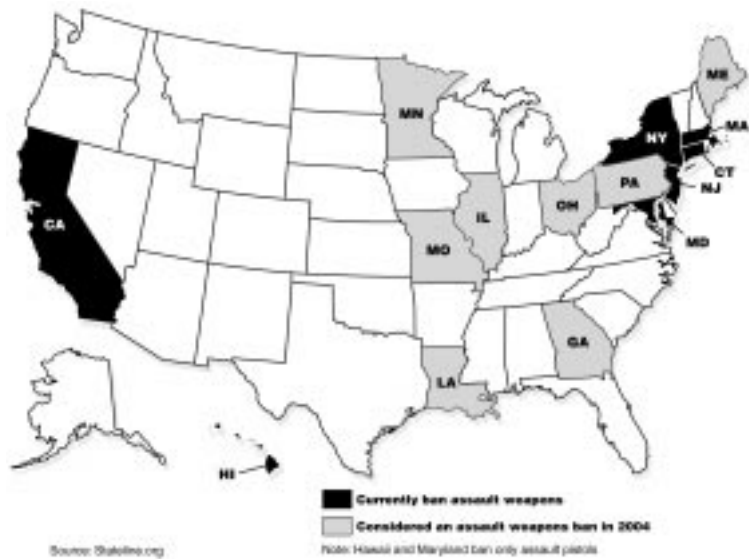
gle-subject requirement, giving rise to Prop. 60A.

Along with the dueling propositions, voters will also weigh such diverse issues as increasing the income tax on millionaires by 1 percent to finance expanded mental health services (Prop.63), limiting lawsuits against businesses for unfair practices (Prop. 64), loosening the state's three strikes law (Prop. 66), requiring DNA samples from felons and individuals arrested for rape or murder (Prop. 69), and establishing a constitutional right to perform stem-cell research, along with authorizing \$3 billion in funding for it (Prop. 71).

So far, Schwarzenegger has only taken a position on nine of the 16 propositions. In addition to supporting the local government compromise (Prop. 1A), he also

favors Prop. 59, which would allow the public better access to government records; Prop. 64, limiting unfair practice lawsuits; and the felon DNA initiative (Prop. 69). Meanwhile, he opposes not only the two gambling initiatives (Props. 68 and 70) and the abandoned local government plan (Prop. 65), but also the proposed changes to the three-strikes law (Prop. 66) and Prop. 72, a referendum on the recently-enacted law requiring employers to provide healthcare insurance for uninsured workers. Schwarzenegger has yet to take a stand on the millionaire's tax for mental health services initiative (Prop. 63), despite having stated repeatedly that he is against raising taxes. Perhaps even more notable, the governor has not taken a position on Proposition 71, the stem-cell initiative, which easily has the

## Bird's eye view



### *Assault weapons are back in most states*

When the 10-year-old federal ban on military-style assault weapons expired last week, it instantly became legal again in 45 states to manufacture and sell semiautomatic assault weapons. Although many states considered legislation in 2004 to enact their own ban on such weapons, only MASSACHUSETTS actually passed such legislation. MARYLAND already bans assault pistols, but rejected a bill that would have enacted broader restrictions. The map below shows the states that currently ban some form of assault weapons as well as the states that considered but ultimately rejected similar restrictions.





highest national profile of all the measures on the November ballot. The issue has become a hot button part of the presidential campaign, with John Kerry criticizing President Bush for placing limits on stem-cell research. Observers suggest that Schwarzenegger is simply aware of the political stakes involved with these measures. Elizabeth Garrett, director of the USC-Caltech Center for the Study of Law and Politics, said, "I think the bottom line on any position he takes on direct democracy is, he has to succeed. Winning will keep him in the game of using direct democracy and initiatives as a threat. The greater his victory, the more significant his threat."

The celebrity governor clearly demonstrated his ability to use direct democracy last March, when he secured overwhelming voter approval for a pair of budget measures that had initially received very little popular support in the polls. But that was early in the governor's term, before his popularity took a hit a couple of months ago over his standoff with the Democratic-controlled Legislature on the state budget. More importantly, this time around, with the more confusing ballot picture, the governor's position on the issues may be much less clear in the minds of the electorate. California voters have faced challenging ballots before, most notably, last October's statewide recall ballot, which featured 135 candidates. But they are notoriously fickle about propositions. And the long ballot is not likely to improve their disposition. "My expectation is that voters are going to vote "no" on these things when they are faced with so much," said Garrett. (LOS ANGELES TIMES)

**NJ LEGISLATURE'S FINAL ACT:** The last few months of NEW JERSEY'S legislative session have all the makings of a Shakespeare play — or at least a movie-of-the-week: a lame-duck governor seeks to establish a legacy other than the sex scandal that has led to his resignation, while his successor, the reigning leader of the Senate, assumes the title of head of state under suspicious circumstances, thereby consolidating his control over two branches of the government; meanwhile, the political party responsible for these machinations fends off the attacks of foes and critics as it prepares for next year's legislative elections.

"Without a question, the next couple of months are going to be quite complicated," said Assembly Majority Leader Joseph Roberts (D).

Among those complications is Gov. James E. McGreevey's (D) ambitious legislative agenda, which includes, among other things, legalizing needle exchanges for drug addicts and granting liability immunity to volunteers following a terrorist attack. The outgoing governor may also try to enact pay-to-play campaign finance reform through executive order. The Democrats who control the Legislature have so far refused to take up that issue, for which they have been criticized relentlessly

by the Republicans. The GOP has also accused Democrats of circumventing a special election to replace the outgoing McGreevey by delaying his resignation two months, and is likely to continue hammering away on both of those issues right up until next November.

But Democrats have not ignored the criticism; their agenda for the remainder of the session encompasses several good-government measures, including an amendment to the constitutional rules of gubernatorial succession. Much of what happens between now and the end of the session in January, however, will depend largely on soon-to-be Governor and Senate President Richard Codey (D), who's dual roles will give him enormous power over the legislative process. Consequently, lawmakers don't expect much to happen before McGreevey departs in mid-November. "Anything too complicated would be time-consuming," said Roberts. "The expectation would be that it would be held over for Senate President Codey." Which suggests the final act of the New Jersey Legislature's production of "Trouble in Trenton" is likely to be a little slow in the beginning. (TIMES [TRENTON], STAR-LEDGER [NEWARK])

## *The Week in Session*

States in Regular Session:  
DC, MI, NJ, US

States in Special Session: UT "b"

States in Recess:  
CA "d", CA "e", DE "c", IL, MA, NY, PA

States in Skeleton Session: OH

Currently Prefiling:

CO(Drafts for 2005)

FL(Drafts for 2005)

IN(Drafts for 2005)

KY(Drafts for 2005)

MT(Drafts for 2005)

NV(Drafts for 2005)

VA(Drafts for 2005)

States Adjourned: AK, AL, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD "2003 session", 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: AK "a", AR "b", CA "a", CA "b", CA "c", CT "a", CT "b", CT "c", CT "d", DE "a", GA "a", IA "b", IL "a-q", LA "a", ME "a", ME "b", MS "a", MS "b", NY "a", OR "a", TX "d", UT "a", UT "c", VA "a", VA "b", WA "a", WA "b", WA "c", WI "d", WI "e", WI "f", WI "g", WV "a", WV "b", WY "a"

States Projected to Adjourn:  
OK "a"

Letters indicate special/extraordinary sessions

Source: State Net, 9/17/04

**AT THE POLLS:** Eight states held primaries last Tuesday, the last big primary day before the November general election. The highest-profile race was the Democratic primary for governor in WASHINGTON, in which the attorney general who helped negotiate the \$206-billion tobacco settlement in the 1990s — Christine Gregoire — soundly defeated the state's leading black politician, King County Executive Ron Sims. Senate primaries in Washington and WISCONSIN, two states considered battlegrounds in the presidential race, also grabbed headlines, with Republican candidates making their support for President Bush and the war on terror the focus of their campaigns. Few of the contests in other states generated much national attention as most involved incumbents facing little opposi-



tion, but there were a few surprises. Wisconsin Rep. Glenn Grothman routed Senate Majority Leader Mary Panzer in the Republican primary by a 4-1 margin, the first time in the state’s history that an Assembly member defeated a Senate leader of the same party. And NEW YORK Assemblyman Stephen B. Kaufman, a Democrat who was seeking to become a Republican senator, lost in both the Democratic and Republican primaries. A couple of first-term Republican governors — VERMONT’s Jim Douglas and NEW HAMPSHIRE’S Craig Benson — also won their party’s nomination. (ASSOCIATED PRESS, KANSAS CITY STAR, WASHINGTON POST, LOS ANGELES TIMES, MILWAUKEE JOURNAL-SENTINEL, NEW YORK TIMES)

**POLITICS IN BRIEF: MARYLAND’s** Court of Appeals refused to order security fixes or paper records for the state’s new electronic voting system. Although opponents of the new voting system say they’ll continue to push for the changes, they concede they’re stuck with the system the way it is this November (BALTIMORE SUN). • A U.S. district court struck down an **OHIO** law restricting judicial candidates from declaring their party affiliation. The law only allowed such candidates to indicate their partisanship after the primary election, and then only in public appearances, not in campaign literature (PLAIN DEALER [CLEVELAND]). • **TEXAS** Gov. Rick Perry (R) announced last week that he will make Wallace B. Jefferson the first African American chief justice of the state Supreme Court. Jefferson will replace former Chief Justice Tom Phillips, who retired earlier this month (EXPRESS-NEWS [AUSTIN]). • Longtime **NEVADA** Senate Majority Leader Bill Raggio (R) could face a challenge to his leadership from Southern Nevada Republicans after two of his Northern Nevada Senate allies suffered primary election defeats. Senate Minority Leader Dina Titus (D) said the dissension among the Republicans could also allow the Democrats to pick up two additional Senate seats (LAS VEGAS REVIEW-JOURNAL).

— *Compiled by KOREY CLARK*

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# Budget & taxes

**S**OUTHERN STATES BRACE FOR BOOMERS: In six years, the aging Baby Boom generation will begin qualifying for Medicaid, Medicare and Social Security. And Southern states that have become havens for retirees — such as FLORIDA and, more recently, GEORGIA, NORTH CAROLINA, SOUTH CAROLINA and TENNESSEE — will likely feel the





Wisconsin banks of avoiding payment of the state's 7.9 percent corporate income tax by moving assets to NEVADA, which does not collect that tax. The department has not revealed the names of the banks that have settled or indicated how much money it has secured. (ASSOCIATED PRESS, CAPITAL TIMES [MADISON])

**BUDGETS IN BRIEF:** Phillip Morris, the country's largest tobacco company, has joined the campaign against **COLO-RADO's** Amendment 35, a ballot measure that seeks to raise the tax on cigarettes by more than 60 cents per pack and increase the tax on other tobacco products by 20 percent. The move sets up a repeat of a bitter 1994 battle that saw tobacco interests pour over \$5 million — the most ever spent on a ballot campaign in the state at that time — to defeat a similar tax hike (ROCKY MOUNTAIN NEWS [DENVER], DENVER POST). • **FLORIDA** lawmakers may grant tax breaks to residents whose homes were severely damaged or destroyed by Hurricanes Charley and Frances. The issue could be considered during a special session in December (MIAMI HERALD). • Thanks to the highest gas prices in the nation, **HAWAII** will spend \$2 million more than it did last year to operate state and local government vehicles. The Aloha State has reduced its use of premium gasoline to try to save money on its 5,000-vehicle fleet, while Honolulu is switching to new hybrid buses (HONOLULU ADVERTISER). • Thirty-four **PENNSYLVANIA** businesses and individuals spent \$575,000 to lobby the state Senate in the three months leading up to the passage of the state's new slot machine law. Horse racetracks were among the biggest beneficiaries of the effort, receiving slots licenses and millions of dollars for capital improvements, along with a share of the gambling proceeds (PITTSBURGH TRIBUNE-REVIEW).

## Upcoming Elections (09/13/2004 - 09/27/2004)

09/18/2004 Hawaii  
Primary Election  
House (All)  
Senate 1, 3, 5, 6, 7, 12, 16, 17, 18, 21,  
22, 23

US House (All)  
US Senate (Inouye)

09/18/2004 Louisiana  
Primary Election  
US House (All)  
US Senate (Breaux)

09/21/2004 Alabama  
Special Primary  
House 47

— Compiled by *KOREY CLARK*



# Governors

**B**LAGOJEVICH FLEXING MUSCLE IN ILLINOIS: ILLINOIS Gov. Rod Blagojevich (D) issued an ultimatum last week to Prairie State hospitals that are burning medical waste: Shut down your incinerators or I will. The governor cited numerous health risks related to burning medical waste, saying that hospital incinerators “burn dioxin in residential neighborhoods. Dioxin is linked to cancer, it’s linked to birth defects and other health risks.” There is, however, one major problem — state and federal laws still allow for medical waste to be burned as long as hospitals meet certain safeguards. But Blagojevich said he wants the 11 hospitals involved to voluntarily stop the burn, and threatened legislation if they do not comply. He added that if legislation fails, he will order the state’s Environmental Protection Agency to impose stricter rules that will force medical facilities to shut down their incinerators. Blagojevich also continued his war of words with the state’s education system, signing legislation that allows him to name seven new people to the Illinois State Board of Education. He wasted no time in naming the new members, all of whom he announced shortly after signing the bill into law. Blagojevich has been fiercely critical of the Board in the past, at one point during his 2004 State of the State address calling it a “Soviet-style bureaucracy” more interested in creating paperwork than in teaching children. The Legislature earlier this year rejected Blagojevich’s plan to create a new education department that answered directly to him. (CHICAGO DAILY HERALD, ASSOCIATED PRESS)

**NV PRISON SOURCE OF BOOBY-TRAPPED LETTERS?** Federal authorities have a “person of interest” they are looking at in a series of booby-trapped letters sent to governors in ALASKA, ARIZONA, CALIFORNIA, COLORADO, HAWAII, IDAHO, MASSACHUSETTS, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NEW YORK, OREGON, TEXAS, UTAH, VERMONT, VIRGINIA, WASHINGTON, WEST VIRGINIA and WYOMING last week. All of the letters were rigged to catch fire when opened, and each came post-marked from Ely State Prison, an all-male maximum security facility in Ely, NEVADA. Although each envelope bore the name of one of two inmates at the prison, authorities are still not yet sure if either is involved, nor did they identify the person they are now focusing on as a possible suspect. At least three of the letters did catch fire, but nobody was hurt. (CAPITAL NEWS SERVICE [ANNAPOLIS], CONTRA COSTA TIMES, BISMARCK TRIBUNE, ASSOCIATED PRESS)



**JUDGE REJECTS NJ SPECIAL ELECTION:** A federal judge refused to order a special election to replace Gov. James E. McGreevey (D), who has said he will step down on November 15. A lawsuit filed by two Princeton voting rights attorneys claimed McGreevey had effectively created a vacancy in the governor's office when he made his public announcement, which they said should entitle the public to vote on his replacement. The judge disagreed, stating that since McGreevey has not left office, there is technically no vacancy and therefore there is no need for a special election. The judge emphasized his point by reading aloud in court several dictionary definitions of the word "vacancy," concluding that under none of them was the governor's office vacant. Plaintiff Bruce Afran fumed, saying he was "shocked that a U.S. District judge decides a dictionary is more important than the United States Constitution." He vowed to appeal the verdict to the state Supreme Court. (ASSOCIATED PRESS, CNN)

**MORE MCGREEVEY:** Still on the McGreevey train, one of the governor's fund-raisers admitted in a plea deal with federal investigators that he extorted \$40,000 in cash and political donations from a **NEW JERSEY** farmer who was battling a government plan to condemn his land. David D'Amiano did not directly implicate McGreevey, but he did say he prompted the governor to say a secret code word during a meeting with the farmer that would let the man know there was a deal in place. (STAR-LEDGER[NEWARK])

**SCHWARZENEGGER SETS FUNDRAISING LIMITS:** Facing increasing criticism on several fronts for his prodigious fundraising habits, **CALIFORNIA** Gov. Arnold Schwarzenegger (R) has imposed new limits on how he goes about collecting campaign cash. Schwarzenegger says he will now reject donations from workers' compensation insurers, energy companies and Indian gaming interests. The governor has already returned one \$25,000 donation that came from a workers' comp company, but he has also aggressively defended his methods, saying "I cannot be bought." Schwarzenegger has raised nearly \$13 million in just over nine months in office. (LOS ANGELES TIMES)

— *Compiled by RICH EHISEN*

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# Hot issues

**B** **USINESS: NEW JERSEY** Gov. James E. McGreevey (D) issues an executive order that discourages state agencies from hiring contractors that outsource work to foreign countries. Governors in six other states — **ALASKA, ARIZONA, MICHIGAN, MINNESOTA, MISSOURI, and NORTH CAROLINA** — have signed similar orders (STAR-LEDGER [NEWARK]).

**CRIME & PUNISHMENT:** An **ARKANSAS** legislative committee approves publicizing the names of sex offenders who have failed to register with law enforcement. The new guidelines will allow the Razorback State's Sex Offender Risk Assessment Committee to place those names on a Web site as well as to provide information on offenders to local media outlets (ARKANSAS DEMOCRAT-GAZETTE). • **ARIZONA** officials reach a deal with the U.S. Dept. of Justice to reform the state's juvenile detention system. The deal, which calls for increased staffing, improved training, expanded mental health services and suicide prevention programs, allows for the dismissal of a lawsuit brought by the USDOJ against the state (ARIZONA REPUBLIC).

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## Quote...

"[This legislation] would send the unintended message that animal research is frowned upon in MASSACHUSETTS."

— **MASSACHUSETTS Gov. Mitt Romney (R) claiming legislation that would allow students to learn about animal anatomy via computer programs rather than dissections would offend the state's extensive biomedical industry.**

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## ... unquote

"The governor suggested...this would send the biotech industry a bad message. But in fact we do have a rather large software industry, and using that would send them a positive message."

— **MASSACHUSETTS Rep. Louis L. Kafka (D) defending the bill. (BOSTON GLOBE)**

### **EDUCATION:** The **MASSACHUSETTS**

Legislature passes a bill that would allow high school biology students who get queasy when dissecting frogs to instead learn about animal anatomy from a computer program. It goes to Gov. Mitt Romney (R), who vetoed similar legislation earlier this year (BOSTON GLOBE). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) vetoes legislation that would have developed a new measure of performance for the Golden State's K-12 schools. Schwarzenegger said the state already has a "solid, comprehensive" assessment program for public school performance (SAN DIEGO UNION TRIBUNE). • Still in **CALI-**



**CALIFORNIA**, Gov. Schwarzenegger (R) signs AB 2785, a bill that bans school bus and public transit drivers from chatting on their cell phone while working behind the wheel. California joins two other states — **ARIZONA** and **MICHIGAN** — in implementing such restrictions. The law does make exceptions for emergencies and work-related purposes (SAN DIEGO UNION TRIBUNE). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) vetoes legislation that would have forced public schools to disclose the annual salaries of their highest paid administrators, teachers and other employees (SAN DIEGO UNION TRIBUNE). • A **NEVADA** Legislative committee approves a plan to hire a state employee who will work with local school districts to devise ways to stop students from cheating on tests. Silver State education officials say cheating on the state’s high school proficiency exam has risen 300 percent over the last three years (LAS VEGAS REVIEW JOURNAL). • A **TEXAS** court rules the Lone Star State’s “Robin Hood” education system — so named because it takes money from wealthy districts to give to poorer ones — to be unconstitutional because it does not provide sufficient and equitable funding for all public schools. Texas Attorney General Greg Abbott said the state will appeal (HOUSTON CHRONICLE).

**ENVIRONMENT:** Wildlife officials in **COLORADO** announce plans to round up and move one of the Centennial State’s five remaining wild horse herds to make room for expanded oil and gas development. The estimated 120 horses will either have to be adopted by private owners or moved into a long-term holding facility (DENVER POST). • **ARIZONA**, **NEVADA**, and **CALIFORNIA** sign an agreement with federal officials that guarantees more than 8,100 acres of riparian, marsh and backwater habitat will be set aside for 31 species of fish, birds mammals and plants. The states believe the \$620 million deal will help protect their future supply of water from the **COLORADO** River by making them less vulnerable to environmental lawsuits. The river supplies water and power to 20 million people in those states (ARIZONA REPUBLIC).

**HEALTH:** The **MARYLAND** insurance commissioner grants approval to the state’s largest medical malpractice insurer to raise premiums by 33 percent next year. The company, Medical Mutual Liability Insurance of Maryland, had requested a 41 percent hike (WASHINGTON POST). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs AB 2088, legislation that requires health insurance benefits for registered domestic partners be the same as those offered to spouses of married workers. Current law requires insurers only to offer policies that cover domestic partners in a manner equivalent to a dependent (ORANGE COUNTY REGISTER).



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# Once around the statehouse lightly

**W**HAT'S IN A NAME? Money, and lots of it if your name happens to be Mark Guthrie and you live in CONNECTICUT. According to The Associated Press, The Tribune Company — publishers of the *Chicago Tribune* and *The Hartford Courant* — dumped \$301,000 into Guthrie's bank account not long ago. That was a nice little paycheck for Guthrie, who delivers papers for the *Courant*. Unfortunately, the money was supposed to go to another Tribune Company employee — former Chicago Cubs relief pitcher Mark Guthrie. The Trib was able to recover \$275,000 before Guthrie, the deliveryman, froze his account. The company has sued to recover the balance.

**THE NAME GAME.** It's been the rage for years in the world of professional sport. Fans in CALIFORNIA attend games at Staples Arena and 3Com Park. In Houston, they go to Minute Maid Park — and so on. Now government, always on the prowl for revenue, wants to get into the act as well. As the *Chicago Sun-Times* notes, the city of NEW YORK recently signed an “official beverage” deal with Snapple (Snapple in the Big Apple), while Houston, TEXAS, struck an agreement with Dr. Pepper. Now comes ILLINOIS, which last week began soliciting bids to become the state's official drink. Among the perks at stake — 1,300 vending machines on state-owned property.

**SMOG IT OR LOSE IT.** For lovers of old cars, CALIFORNIA has long been a kindly place to dote over that 1942 Packard because the state does not require a car to pass a smog check after it passes its 30th birthday. But the state will not be so friendly for owners of more modern classics if Gov. Arnold Schwarzenegger signs legislation this week that would require all cars made after 1975 to pass a smog inspection. Although pre-1975 vehicles would remain exempt for now, the new emissions mandate, grump aficionados, would force many 1976-and-newer autos off the road. Among those angry with the proposed law is “Tonight Show” host Jay Leno, who collects cars old and new. Leno twice called the bill's author, Democratic Assm. Sally Lieber, to complain, and he has apparently lobbied the governor as well. According to the *Los Angeles Times*, the bill would eventually affect as many as 340,000 vehicles now chugging along Golden State highways, a good many of them spewing out excessive pollutants. Like they say, one person's clunker is another person's classic.



