

October 20, 2008

History in the Making



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The next issue of Capitol Journal will be available on November 3rd.

Top Story

The coming election will mark a huge social change in America, with the election of either the first black president or the first woman vice president. But Election Day could also be a watershed for millions of gay and lesbian Americans who seek marriage equality.

SNCJ Spotlight

Beyond Race and Gender: The Election Of 2008

Economics trumps social issues and all else during times of financial turmoil. Even the consequential U.S. presidential campaign has been overshadowed by the worldwide October economic meltdown that has devoured retirement savings and left the credit markets gasping for breath.

A Cannon Perspective



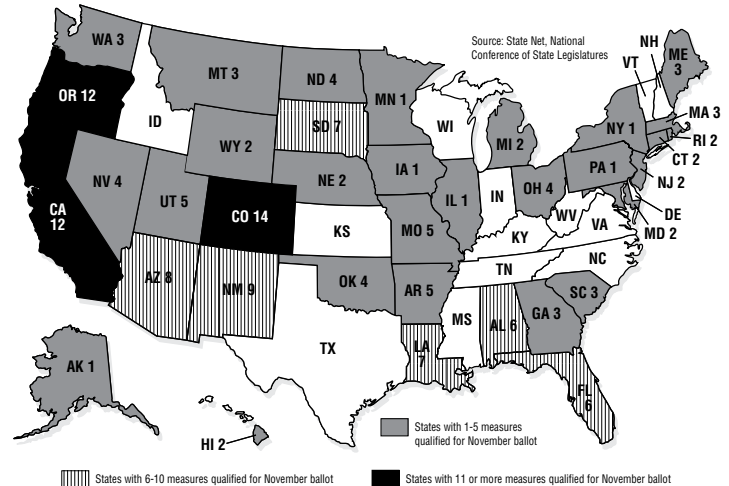
With Lou Cannon

Nonetheless, this election will mark a huge social change in America, with the election of either the first black president or the first woman vice president. Election Day in 2008 could also be a watershed for millions of gay and lesbian Americans who seek marriage equality. Initiatives are on the ballot to ban same-sex marriage in ARIZONA, FLORIDA, and CALIFORNIA, the latter home to nearly one in nine Americans. In CALIFORNIA, the key battleground, religious conservatives and other traditionalists seek to overturn a May ruling by the State Supreme Court that legalized same-sex marriage. (Same-sex matrimony was first made legal in MASSACHUSETTS in 2004. This month, the CONNECTICUT Supreme Court brought the number of states that recognize such marriages to three.)

The advocates of a same-sex marriage ban in CALIFORNIA had wanted their initiative — Proposition 8 — described as a state constitutional amendment that would allow marriage only “between a man and a woman.” But State Atty. Gen. Jerry Brown (D) rejected this wording and decided that Proposition 8 should be described as seeking to “eliminate the right of same-sex couples to marry.” Legally, this may be a distinction without a difference, but in a close election the wording of the measure could prove decisive.

Is the election close? A respected political survey, the Field Poll, this month found Proposition 8 losing by 17 points, but same-sex marriage tends to do somewhat better in public opinion surveys than at the ballot box. In 2000, when CALIFORNIA voters approved an initiative banning same-sex marriage, the Field Poll showed that the measure would win with 53 percent of the vote. It received 61 percent. This was the initiative struck down by the CALIFORNIA Supreme Court’s ruling; Proposition 8 would overturn the court and write the same-sex marriage ban into the

Bird's eye view



November ballots filling up with propositions

A total of 152 measures have officially qualified for the November ballots in 36 states so far, according to State Net and the National Conference of State Legislatures. COLORADO's ballot is set to be the most voter-taxing with 14 measures slated to appear, still far short of the 32 measures Coloradans considered in 1912. Voters in ALABAMA, ARIZONA, CALIFORNIA, FLORIDA, LOUISIANA, OREGON, NEW MEXICO and SOUTH DAKOTA will also have a fair amount of homework to do before heading to the polls, with between 6 and 12 measures to sort out in each of those states. Five or fewer ballot questions have qualified in the other 27 states.





state constitution. Another reason to be skeptical of polls showing Proposition 8 trailing is that supporters of the initiative have more financial resources than their opponents and hence more television advertising.

Still, even supporters of Proposition 8 concede that public attitudes on same-sex marriage are shifting. Although a *Los Angeles Times* poll after the State Supreme Court decision showed voters opposing same-sex marriage by a 52-41 percent margin, they split evenly on Gov. Arnold Schwarzenegger’s (R) decision not to support Proposition 8. Unsurprisingly, the poll showed that voters under 45 are more tolerant of same-sex marriage than older voters. Opponents of Proposition 8 hope that a surge of younger voters to the polls on behalf of Sen. Barack Obama will give them an advantage even though both Obama and Sen. John McCain oppose same-sex marriage.

Organized campaigns for equality tend to prevail in the United States — but hardly overnight. Women started campaigning for the right to vote in the 1840s; it took more than 70 years to pass and ratify the 19th Amendment. In 1896, a notorious decision of the U.S. Supreme Court upheld school segregation under the doctrine of “separate but equal;” it took nearly six decades before the high court under Earl Warren reversed itself and ruled that segregated schools were inherently discriminatory. Nearly every state once banned inter-racial marriage; 16 states still did so in 1967 when the U.S. Supreme Court struck down such statutes. Legal protections for gays and lesbians are of even more recent vintage. Not until 1996 did the Supreme Court overturn a COLORADO initiative that had barred municipalities from enacting laws to prevent discrimination against “homosexual citizens.” Not until 2003 did the high court, in overturning a TEXAS statute, decide that “intimate adult consensual conduct” between people of the same sex was constitutionally protected. Both decisions, incidentally, were written by Justice Anthony Kennedy, an appointee of President Ronald Reagan.

This columnist does not do predictions: I’ll wait for the verdict of the voters on the presidential election and all ballot measures. But the decisions favoring same-sex marriage by the CALIFORNIA high court in May and by the CONNECTICUT high court this month, both by a single vote, suggest that the legal system is moving, albeit slowly, toward recognizing that gays and lesbians are fully equal under the Constitution. This means they can marry whomever they please.

Full equality in a political sense also means that someone in any racial, religious or ethnic group — or any woman — should have a chance to win the highest office in the land. The conventional political wisdom in the mid 20th century held that the United States wasn’t ready to elect a Roman Catholic as president. It was widely believed that the only Catholic nominee for president — Alfred E. Smith in 1928 — had lost because of his religion. In truth, Herbert Hoover probably would have beaten any

Upcoming stories

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

- **Nuclear power**
- **No Child Left Behind**
- **Elections**

Budget & taxes

US HOUSE DEMS THINKING BIG ABOUT ECONOMIC RECOVERY: Democrats in the U.S. House have been contemplating a second economic stimulus package — similar to the one signed by President Bush in February — for months. The Senate’s rejection of the \$61 billion plan they passed a few weeks ago hasn’t diminished their desire. And recent economic events only have them thinking much bigger.

House Speaker Nancy Pelosi (D) hosted an “economic summit” last week at which several influential economists told lawmakers that a massive spending package was needed to keep the country from slipping into a deep recession. The Democrats seemed inclined to agree. Pelosi said the second stimulus package “may have to be larger...in light of the events that have transpired since we had our legislative action on the floor.” She wouldn’t say exactly how much larger, but Democratic aides confirmed it could be as much as \$300 billion, a sum large enough to offset the 2 percent decline in the GDP some are predicting for much of next year. The package would likely include many of the provisions that were included in the Democrats’ earlier proposal, including money for transportation infrastructure and cash-strapped state governments.

But a spending package of that size would be nearly twice as big as the one signed by President Bush, and the White House had already threatened to veto the Democrats’ \$61 billion proposal. The administration’s rhetoric has softened along with the economy, however, and recently White House officials have declined to comment on specifics, pointing out that a package can’t be approved until lawmakers return to Washington after the November election.

Republicans in the House appear a little more unyielding. One GOP aide dismissed the idea of a \$300 billion stimulus package as “even more irresponsible and ridiculous” than the Democrats’ earlier proposals. And in a letter last week to Pelosi, House Minority Leader John A. Boehner (R) wrote, “Nothing currently being discussed by the Majority as ‘stimulus’ will stabilize the economy long-term,” adding, “Our constituents are not looking at the mess in Washington or Wall Street and asking the federal government to take care of other governments. They are not asking for...pork-barrel spending masquerading as ‘stimulus.’”

Even some key Democrats are only lukewarm to a general tax rebate, which the Democratic aides said would have to be included in a \$300 billion package. Some economists, however, don’t believe it would have to be that big.

“If the magnitude of the problem is in the 2 percent of GDP range, that doesn’t mean you have to spend 2 percent,” said Jared Bernstein, a senior economist at the Economic Policy Institute. “But it does focus the mind.” (WASHINGTON POST)



BUDGETS IN BRIEF: MASSACHUSETTS Gov. Deval Patrick (D) said last week he plans to eliminate up to 1,000 jobs and make more than \$1 billion in cuts to state agencies to help close a \$1.4 billion hole in the state budget. The governor said he will also ask lawmakers to cash in another \$200 million of the state’s rainy day fund (BOSTON GLOBE). • The dozen measures on **CALIFORNIA**’s Nov. 4 ballot would cost the state’s taxpayers \$78.9 billion over the next three decades, according to an analysis by the *Sacramento Bee*. That total includes \$33.2 billion for four bond measures, \$30 billion for drug rehabilitation programs and \$15.5 billion for jails and other law enforcement programs (SACRAMENTO BEE). • The state of **LOUISIANA** is financing \$27,117,737 of Brad Pitt’s next movie, “The Curious Case of Benjamin Button,” in the form of tax credits to the producers of the film, Paramount Pictures and Warner Brothers. The studios secured that sizeable chunk of the picture’s nearly \$167 million budget — **LOUISIANA**’s largest movie payout to date — when they qualified it under a state incentive program that has since been tightened (NEW YORK TIMES). • **MAINE** Gov. John Baldacci (D) ordered immediate 10 percent cuts in his office’s budget on Oct. 10, in anticipation of 10 percent cuts statewide in FY 2010-11, which begins July 1, 2009. The governor directed all state agencies and departments to make contingency plans for such cuts in September (ASSOCIATED PRESS, PORTLAND PRESS HERALD). • **GEORGIA**’s Board of Regents approved plans last Tuesday to cut 6 percent from the current budgets of each of the University System’s 35 colleges and universities (ATLANTA JOURNAL-CONSTITUTION). • **CALIFORNIA** sold \$1.8 billion in short-term bonds to retail investors last Tuesday, before opening its \$4 billion offering up to large institutional investors. State Treasurer Bill Lockyer (D) said the retail demand was greater than that for the \$1.6 billion in bonds the state sold last year (SACRAMENTO BEE). • **NEW HAMPSHIRE**’s cigarette tax rose 25 cents to \$1.33 a pack last week, after revenue from the tax over the last three months fell about \$2 million short of the \$50 million threshold that would have held off the increase (ASSOCIATED PRESS, CONCORD MONITOR).

— *Compiled by KOREY CLARK*

Politics & leadership

BALLOT ISSUES NOT CROSSING MANY STATE BORDERS THIS YEAR: In the 2004 general election, one issue featured most prominently on state ballots: same sex marriage. Voters in 11 states considered constitutional gay marriage bans that year. The issue remained hot in 2006 — when it appeared on the ballot in eight more states — but it was actually eclipsed by the more pressing issue of property rights, which, following a controversial U.S. Supreme



Court ruling, made its way onto the ballot in 12 states. But things are a little different this year.

“Unlike 2004 and 2006, there really is no theme that is dominating this year’s crop of ballot measures,” said Jennie Drage Bowser, an elections analyst at the National Conference of State Legislatures.

This time around, the higher-profile ballot issues are confined to just a few states. Measures banning gay marriage will be on the ballot only in ARIZONA (Proposition 102), CALIFORNIA (Proposition 8) and FLORIDA (Ballot Measure 2). Measures restricting abortion will be on the ballot in CALIFORNIA (Proposition 4), COLORADO (Amendment 48) and SOUTH DAKOTA (Initiated Measure 11). Immigration-related measures will appear on the ballot in ARIZONA (Proposition 202), MISSOURI (Constitutional Amendment 1) and OREGON (Ballot Measure 58). And measures ending affirmative action will be on the ballot in COLORADO (Amendment 46) and NEBRASKA (Initiative Measure 424).

Along with the social initiatives on the state ballots, there are a couple of major political ones. SOUTH DAKOTA voters will weigh whether to do away with term limits (Constitutional Amendment J), and CALIFORNIA voters will decide whether to strip lawmakers of the power to redraw legislative districts and turn that job over to

“Unlike 2004 and 2006, there really is no theme that is dominating this year’s crop of ballot measures.”

a commission (Proposition 11). Voters in CALIFORNIA will also consider whether to require government-owned utilities to generate 20 percent of their power from renewable sources by 2010 (Proposition 7). And Golden State voters will consider another environmentally-friendly measure that would provide funding for a high-speed rail network connecting San Francisco and Los Angeles (Proposition 1A).

MASSACHUSETTS voters, meanwhile, will consider whether to abolish their state’s income tax (Question 1), a measure virtually identical to one they rejected in 2002, fearing what losing over a third of the state’s revenue might bring. But with the current state of the economy, officials across the state are worried.

“The knee-jerk reaction would be, ‘That’s a great idea because it means more money for me,’” said Brook Padgett, chairman of the Board of Selectmen in Grafton, a town of

In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here’s a snapshot of what’s in the legislative works:

Number of 2008 prefiles last week: 111

Number of 2009 prefiles last week: 97

Number of Intros last week: 262

Number of bills enacted/adopted last week: 165

Number of 2008 prefiles to date: 21,360

Number of 2009 prefiles to date: 1,656

Number of Intros to date: 91,379

Number of bills enacted/adopted overall to date: 27,780

— Compiled By JAMES ROSS
(measures current as of 10/16/2008)
Source: State Net database

about 17,000 in Central MASSACHUSETTS, which could lose 25 percent of its budget if Question 1 passes.

“It would affect everybody — schools, police, municipal services, snow plowing. I couldn’t begin to tell you what we would do.”

But the chances of Question 1 and the other 151 measures on state ballots in November passing may not be that good.

“If historical trends hold true this year, fewer than half the measures on the ballot will pass on November 4,” said NCSL’s Drage Bowser. She’s also said, “The further [voters], get down a particularly long ballot, the more likely [they] are to vote ‘no’ or not vote at all,” and that “Considering the current economic crisis, we could see voters feeling pessimistic and even more likely than usual to vote ‘no’ this year, particularly on tax increases and spending proposals.”

One of the other measures that could ironically end up a casualty of that heightened level of pessimism is COLORADO’s Referendum O. Referred to the ballot by the legislature, the measure would raise the signature requirement to qualify constitutional amendments for the ballot, something that might have been particularly useful this year. The major ballot issues may have come in smaller numbers than usual, but COLORADO’s ballot will have more measures on it than any other state’s (see Bird’s eye view in this issue), and all but two of them would amend the state’s constitution. (NATIONAL CONFERENCE OF STATE LEGISLATURES, NEW YORK TIMES, STATELINE.ORG, LOS ANGELES TIMES, STATE NET)

STATEHOUSE RACES CONTINUING

LEFTWARD SHIFT: With just days to go until Election Day, the Democrats now appear likely to extend their lead over Republicans in statehouse control, which currently stands at 57 chambers to 39, with two state Senates tied.

The latest handicapping of the state legislatures in last week’s “Out There” column in *Congress Now*, an online publication affiliated with *Roll Call*, showed 13

Upcoming elections

10/15/2008 - 11/05/2008

11/04/2008

Alabama General Election

US House (All)

US Senate (Jeff Sessions)

Alaska General Election

House (All)

Senate A, C, E, G, I, K, M, O, Q, T

US House (All)

US Senate (Theodore F. Stevens)

Arizona General Election

House (All)

Senate (All)

US House (All)

Arkansas General Election

House (All)

Senate 1, 2, 3, 4, 7, 8, 9, 12, 17, 20, 23, 24, 25, 26, 30, 31, 32, 33

US House (All)

US Senate (Pryor)

California General Election

Assembly (All)

Senate (Odd)

US House (All)

Colorado General Election

House (All)

Senate 4,8,10,12,14,16,17,18,19,21,23,25, 26,27,28,29,31,33,35

US House (All)

US Senate (A. Wayne Allard)

Connecticut General Election

House (All)

Senate (All)

US House (All)

Delaware General Election

House (All)

Senate Districts 2, 3, 4, 6, 10, 11, 16, 17, 21

Constitutional Officers:

Governor, Lieutenant Governor,

Insurance Commissioner

US House (All)

US Senate (Joseph R. Biden, Jr.)

District of Columbia General Election

Council Ward 2, Ward 4, Ward 7, Ward 8;

Member at Large

US House (Territory Delegate)

states having shifted since the last ratings in March, 10 in the direction of the Democrats. The ratings are based on interviews with dozens of state and national experts, with each legislative chamber receiving a designation of “Safe Democratic,” “Likely Democratic,” “Lean Democratic,” “Toss-Up,” “Lean Republican,” “Likely Republican” or “Safe Republican.”

The Democratic shifts came in the GOP-held NEW YORK Senate and DELAWARE House, which had both been rated Toss-Up seven months ago but now appear more likely to shift to Democratic control; the ARIZONA House, NEVADA Senate, NORTH DAKOTA Senate, OHIO House and WISCONSIN Assembly, which have all shifted from Lean Republican to Toss-Up; and the SOUTH DAKOTA Senate, which has gone from Likely Republican to Lean Republican.

The experts attribute the shifts to the nation’s faltering economy and Barack Obama’s growing lead in the presidential race.

“The hill is definitely getting steeper for McCain and the GOP, and that’s trickling down to the legislative level,” said Tim Storey, elections analyst at the National Conference of State Legislatures. “I thought [Republican vice-presidential nominee] Sarah Palin might be the X factor for the Republicans, but I don’t see a big impact on the legislative races.”

There’s good reason to tie the Democratic legislators’ prospects for success to Obama’s: The winning party in 11 of the past 17 presidential races also picked up legislative seats, according to NCSL.

The three chambers that moved the Republicans’ way in the “Out There” ratings appear to be exceptions to the trickle-down-from-the-top-of-the-ticket perspective. In the NEW HAMPSHIRE House, the Democratic majority is struggling to get a large number of first-term legislators re-elected. In the NORTH CAROLINA Senate, it’s believed that the surprise Republican gubernatorial frontrunner Pat McCrory may carry a few Senate candidates on his coattails. And in the tied TENNESSEE Senate, GOP

Upcoming elections (cont.)

10/15/2008 - 11/05/2008

Florida General Election

House (All)
Senate Odd Seats
US House (All)

Georgia General Election

House (All)
Senate (All)
US House (All)

Georgia Primary Election

US Senate (Saxby Chambliss)

Hawaii General Election

House (All)
Senate 1, 3, 5, 6, 7, 12, 16, 18, 22, 23
US House (All)

Idaho General Election

House (All)
Senate (All)
US House (All)
US Senate (Craig)

Illinois General Election

House (All)
Senate (All)
US House (All)
US Senate (Durbin)

Indiana General Election

House (All)
Senate 2, 3, 5, 7, 8, 9, 10, 12, 13, 16, 18, 20, 24, 28, 30, 32, 33, 34, 35, 36, 37, 40, 42, 44, 50
Constitutional Officers:
Governor, Lieutenant Governor, Attorney General, Superintendent of Public Instruction
US House (All)

Iowa General Election

House (All)
Senate (Even)
US House (All)
US Senate (Harkin)

Kansas General Election

House (All)
Senate (All)
US House (All)
US Senate (Pat Roberts)

gains are being forecasted in rural areas where Obama is not expected to have much of an impact.

The GOP is also expected to take control of the nation's other tied Senate, in OKLAHOMA, as well as the Democrat-held MONTANA Senate. Other chambers also appear likely to remain firmly in Republican hands, despite being presidential battlegrounds. They include both the House and Senate in FLORIDA, GEORGIA and MISSOURI, and the Senate in INDIANA and PENNSYLVANIA. (STATELINE.ORG)

POLITICS IN BRIEF: IOWA scored the highest and **NEW HAMPSHIRE** the lowest in a new 50-state analysis of state election Web sites by Make Voting Work, a nonpartisan project of the Pew Center on the States. The study found that most sites fail to provide easily accessible information voters need, such as where and when to vote or what will be on the ballot (STATELINE.ORG). • The **OHIO** Secretary of State's office announced last week that it had turned up at least 200,000 newly registered voters who'd reported driver's license numbers or Social Security numbers that didn't match records in government databases. The screening was conducted to comply with an order by the 6th U.S. Circuit Court of Appeals in Cincinnati last week directing the Secretary of State to set up a system to help county elections boards verify the eligibility of voters (ASSOCIATED PRESS, CINCINNATI INQUIRER). • Over 30,000 **FLORIDA** felons who should have been stripped of their right to vote remain registered in the presidential battleground state, according to an investigation by the *Sun Sentinel*. More than 5,000 of them are unlikely to cast ballots, however, because they're currently in prison (SUN SENTINEL [SOUTH FLORIDA]). • Error-prone voting machines, questionable voting lists, high volumes of absentee voters and other challenges could cause voting meltdowns on Election Day, election experts warned last week. Of particular concern are the states of **FLORIDA, OHIO** and **COLORADO** (PIONEER PRESS [ST. PAUL]).

— Compiled by KOREY CLARK

Upcoming elections (cont.)

10/15/2008 - 11/05/2008

Kentucky General Election

House (All)
Senate (Odd)
US House (All)
US Senate (McConnell)

Louisiana 2nd Party Primary/General

US House (All)
US Senate (Mary L. Landrieu)

Louisiana Special Election

House District 18
Senate District 9

Maine General Election

House (All)
Senate (All)
US House (All)
US Senate (Collins)

Maryland General Election

US House (All)

Massachusetts General Election

House (All)
Senate (All)
US House (All)
US Senate (John F. Kerry)

Michigan General Election

House (All)
US House (All)
US Senate (Carl Levin)

Minnesota General Election

House (All)
US House (All)
US Senate (Norm Coleman)

Minnesota Special Election

Senate District 16, Betsy L. Wergin;
District 63, Dan Larson

Mississippi General Election

US House (All)
US Senate (Class 2)

Mississippi Special Election

US Senate (Senate Class 1 (Roger F. Wicker))

Governors

COURT ORDERS PALIN E-MAILS PRESERVED: An ALASKA judge reaffirmed last week that government-related e-mails Gov. Sarah Palin (R) and her staff sent from private accounts must be preserved. But Anchorage Superior Court Judge Craig Stowers stopped short of telling Palin, who is also the Republican vice-presidential nominee, to stop using private accounts to conduct state business. He instead ordered attorneys in the case to present written arguments on the propriety of the practice and on which e-mails were public records. The decision came in regard to a lawsuit brought by an Anchorage resident who contends that public records could be lost if the e-mails are not archived in the state system.

Palin's use of private e-mail for handling official state business became a national issue after a hacker broke into her personal Yahoo account and posted some of the messages on the Internet. Assistant Attorney General Mike Mitchell said Palin no longer uses private e-mail to conduct state business, but he does not know if others in her office are still using private accounts. Judge Stowers ordered Mitchell to learn if that was the case, and then to contact Yahoo and other private carriers to preserve any e-mails sent and received on employee accounts. If the e-mails were destroyed when the accounts were deactivated, Stowers directed Mitchell to have the companies attempt to resurrect them.

The court's actions came on the same day that a report commissioned by a state Legislative committee determined that Palin had abused her gubernatorial powers by pressuring subordinates to try to get her former brother-in-law, Michael Wooten, a state trooper, fired. Although the 263-page report found that Palin was within her rights as governor to dismiss the trooper's boss, public safety commissioner Walt Monegan, it ultimately concluded that she had improperly exerted pressure to get Wooten dismissed and allowed her husband and others to continually press for his firing. Palin, who insists that Monegan was fired only after he continued to pursue programs the governor opposed, contends the report actually exonerates her from any wrongdoing.

Palin originally promised to cooperate with the legislative committee's investigation, but later declined to do so after becoming the vice presidential nominee. The governor has since asked the state Personnel Board to conduct its own investigation into Monegan's firing, declaring the agency the proper legal venue for any investigation. Palin's attorney said the governor and her husband Todd, one of the key figures in the legislative inquiry, are scheduled to give statements to the Personnel Board's investigator later this month.

The firing investigation — known as "Troopergate" — quickly moved from a relatively obscure matter to one of extreme national and even international interest



after Palin was added to the GOP ticket. Even though the investigation was already well underway then, the McCain campaign and Palin's in-state supporters quickly denounced it as politically-motivated. But several ALASKA lawmakers contend that it was Palin and McCain that politicized the situation, and at least one legislative leader, Senate President Lyda Green, a Republican from Palin's hometown of Wasilla, says the investigation shows the governor committed a serious ethical breach.

"I understand that when you have a personal interest in something, it's very tempting to do everything you can," Green said. "But there's still that very, very

"I understand that when you have a personal interest in something, it's very tempting to do everything you can. But there's still that very, very fragile balance of power that has to be observed. This is probably a really good reminder of ways not to do business."

In case you missed it

A new president and Congress will soon to come to office, and as we reported in the October 13 issue of SNCJ, states are still waiting to see if Washington D.C. will ever reform an immigration system that virtually everyone believes is archaic.

http://www.statenet.com/capitol_journal/09-22-2008/html

fragile balance of power that has to be observed. This is probably a really good reminder of ways not to do business."

Because the Last Frontier Legislature is out of session, Green says lawmakers are not likely to take any

action against Palin, though they might consider future proposals to strengthen state ethics laws that apply to the governor's office. (NEW YORK TIMES, CNN.COM, ANCHORAGE DAILY NEWS, CHRISTIAN SCIENCE MONITOR)

BLUNT GIVES IN ON E-MAILS: After a months-long standoff, MISSOURI Gov. Matt Blunt (R) agreed to hand over thousands of e-mails requested last year by various media outlets. The requests came last year after several newspapers requested e-mail correspondence from Gov. Matt Blunt and several high-ranking officials under the state's Sunshine Law. But the governor's office either rebuffed the requests outright or told the papers they would have to pay thousands of dollars to obtain the e-mails. That prompted suspicions that Blunt administration officials were trying to cover up having performed political work on state time by ordering e-mails that documented the work deleted. The agreement reached last week will make available, for free, potentially thousands of e-mails sent to and from Blunt, his chief of staff, general counsel, communications director, the acting commissioner of administration and a staff lawyer during the period between Aug. 17 and Oct 31, 2007. (KANSAS CITY STAR)

RITTER DODGES RECORD RELEASE: A COLORADO court ruled last week that Gov. Bill Ritter (D) does not have to release records from calls he made from a personal cell phone, even if some of them involved state business. The *Denver Post* was seeking the records in order to obtain the phone numbers of people Ritter has discussed state business with since he took office in 2007, but District Judge Morris B. Hoffman denied the request, saying the phone documents aren't public records under state law. The newspaper is considering an appeal. Ritter had no comment about the court's decision. (DENVER POST)

GOVERNORS IN BRIEF: A Las Vegas cocktail waitress who accused NEVADA Gov. Jim Gibbons (R) of assaulting her during his gubernatorial campaign two years ago has filed a federal lawsuit against the governor. The suit, which claims that her constitutional rights to due process and equal protection were violated in the incident and subsequent police investigation, seeks \$10,000 in damages. Gibbons spokesperson Ben Kieckhefer said the governor was in Washington D.C. on official business and would comment on the suit "when the time was right" (LAS VEGAS REVIEW JOURNAL).

- **FLORIDA** Gov. Charlie Crist (R) said last week he does not think voter fraud and the voter-registration group ACORN are a major problem in the Sunshine State. "I think that there's probably less [fraud] than is being discussed. As we're coming into the closing days of any campaign, there are some who enjoy chaos," Crist said (MIAMI HERALD).
- **ARIZONA** Gov. Janet Napolitano (D) announced the debut of a state-run Web site where the public can offer suggestions for how the Grand Canyon State can save money. The site will also document efficiency strategies already in use by government and serve as a forum for state agencies to share ideas (ARIZONA REPUBLIC [PHOENIX]).
- **WYOMING** Gov. Dave Freudenthal (D) called on federal lawmakers

Upcoming elections (cont.)

10/15/2008 - 11/05/2008

Missouri General Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor,

Secretary

of State, Treasurer, Attorney General

US House (All)

Montana General Election

House (All)

Senate 2, 3, 6, 7, 9, 10, 16, 18, 19, 21, 22,

24, 26, 27, 33, 34, 36, 37, 38, 41, 43, 45,

46, 47, 50

Constitutional Officers:

Governor, Lieutenant Governor,

Secretary of State,

Attorney General, Auditor,

Superintendent of Public Instruction

US House (Rehberg)

US Senate (Baucus)

Nebraska General Election

Legislature (Odd)

US Senate (Hagel)

Nevada General Election

Assembly (All)

Senate Central Nevada, Clark 1, 3, 4, 6, 11,

Northern Nevada, Washoe 3

US House (All)

New Hampshire General Election

House (All)

Senate (All)

Constitutional Officers: Governor

US House (All)

US Senate (John E. Sununu)

New Jersey General Election

US House (All)

US Senate (Lautenberg)

New Mexico General Election

House (All)

Senate (All)

US House (All)

US Senate (Domenici)

New York General Election

US House (All)

to revisit a rule that allows federal agencies to bypass detailed environmental studies in order to fast-track oil and gas drilling in western states. A Freudenthal spokesperson said the governor doesn't want the current rules eliminated, just revised (CASPER STAR-TRIBUNE). • **ILLINOIS** Gov. Rod Blagojevich (D) announced a plan to allow Prairie State residents who carpool or drive hybrids to use specially designated express lanes on state tollways. State regulators would have to approve the plan before it could go into effect (CHICAGO TRIBUNE). • **CONNECTICUT** Gov. M. Jodi Rell (R) said last week that she will ask Constitution State lawmakers to allocate \$10 million to help schools and social services providers pay their heating bills this winter (NEWSDAY [NEW YORK]). • **WISCONSIN** Gov. Jim Doyle (D) announced a public-private partnership to create the Wisconsin Medical Research Triangle. Doyle said the effort is designed to make the state a worldwide leader in personalized medicine, which treats patients based on their DNA. The program consists of research collaboration between the four major Badger State research institutions, the Marshfield Clinic, the Medical College of Wisconsin (MCW), the University of Wisconsin School of Medicine and Public Health (UWSMPH) and UW-Milwaukee (UWM). The group's first project will be the Wisconsin Genomics Initiative, an effort to learn more about how human DNA relates to diseases (FORBES, WI OFFICE OF THE GOVERNOR). • Saying it wanted to concentrate on issues on the Nov. 4 ballot, the union that represents **CALIFORNIA** prison guards dropped its recall effort against Gov. Arnold Schwarzenegger (R) last week. The Sec. of State rejected the union's first recall petition on technical grounds. The union had until last Friday to try again but chose to call off the campaign instead. Polls showed that 69 percent of **CALIFORNIA** voters were against the recall (SACRAMENTO BEE).

— *Compiled by RICH EHISEN*

Upcoming elections (cont.)

10/15/2008 - 11/05/2008

North Carolina General Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General, Auditor,
Insurance Commissioner, Labor
Commissioner,
Superintendent of Public Instruction
US House (All)
US Senate (Dole)

North Dakota General Election

House (Even)
Senate (Even)
Constitutional Officers: Governor,
Lieutenant Governor,
Treasurer, Auditor, Commissioner of
Insurance,
Superintendent of Public Instruction,
Public Service Commissioner 3
US House (All)

North Dakota Primary Election

US Senate

Ohio General Election

House (All)
Senate (Even)
US House (All)

Ohio Special Election

Constitutional Officers:
Attorney General

Oklahoma General Election

House (All)
Senate (Odd)
US House (All)
US Senate (James M. Inhofe)

Oregon General Election

House (All)
Senate 1, 2, 5, 9, 12, 14, 18, 21, 22, 23,
25, 27, 28, 29, 30
Constitutional Officers:
Secretary of State, Treasurer, Attorney
General
US House (All)
US Senate (Smith)

Hot issues

BUSINESS: **PENNSYLVANIA** Gov. Ed Rendell (D) signs HB 2200, a measure that requires Keystone State utilities to cut annual electricity usage by at least 1 percent by May 31, 2011. The figure will be based on usage estimates made by state regulators. Utilities that fail to meet the benchmarks could face up to \$20 million in penalties. The law allows regulators to take into account major anomalies, such as extreme weather conditions or a substantial surge in demand from a new user, such as a factory. The new statute also requires every home and business in the state to be equipped with “smart meters” — which give consumers the information they need to better control their energy consumption — within 15 years (ASSOCIATED PRESS, PA OFFICE OF THE GOVERNOR).

CRIME & PUNISHMENT: The **UTAH** Supreme Court rules that someone can’t be charged with public intoxication unless they pose a threat to themselves or others. The court’s ruling further states that authorities cannot speculate that a person would pose a threat by simply showing signs of intoxication, and that bartenders and servers can’t be punished for serving someone too much alcohol unless the danger threshold is met (DAILY HERALD [PROVO]). • **NEW YORK** Gov. David Paterson (D) signs SB 8201, the “Piracy Protection Act,” a measure that establishes the crime of unlawful operation of a recording device in a motion picture or live theater. The statute creates misdemeanor and felony violations (STATE NET). • The **IOWA** Court of Appeals rules that Hawkeye State police officers are not required to inform suspects of their right to make a telephone call to a lawyer or relative. The decision is expected to be appealed to the state Supreme Court (QUAD-CITY TIMES [DAVENPORT]).

ENVIRONMENT: Environmental officials in **CALIFORNIA** issue a final draft of their plan to reduce the Golden State’s greenhouse gas emissions to 1990-levels by 2020. The plan calls for, among many things, enacting a cap-and-trade program that covers 85 percent of the state’s emissions and requiring 33 percent of the state’s energy to come from renewable resources (LOS ANGELES TIMES, CA AIR RESOURCES BOARD). • A federal judge restores Endangered Species Act protection to gray wolves in the Northern Rockies. The decision came just seven months after federal officials removed the wolves from the endangered list and turned over responsibility for managing their numbers to state officials in **WYOMING**, **MONTANA** and **IDAHO**. The officials plan to seek de-listing again next spring (CASPER STAR-TRIBUNE).

EDUCATION: Prompted by a 2006 school bus crash that killed four **ALABAMA** students, federal transportation officials announce all school buses

weighing less than 10,000 pounds must be equipped with three-point safety belts. The regulations also mandate that new school buses be equipped with 24-inch high seat backs, up from the current 20-inch requirement. The new standards take effect in 2011 (BIRMINGHAM NEWS). • **NEW YORK** Gov. David Paterson (D) signs SB 8699/ AB 11743, legislation that prohibits outside lawyers who advise government entities, primarily school districts, from being listed as employees in the state pension system. The law also bars lawyers from serving school districts as both an employee and an independent contractor (ALBANY TIMES-UNION).

HOMELAND SECURITY: MICHIGAN officials announce the Wolverine State will become the fifth to offer its citizens an enhanced driver's license that allows them to cross the U.S.-Canada border without a passport. The new license, which contains an electronic chip that can be read by border guards, will be available by next spring (DETROIT NEWS).

IMMIGRATION: A CALIFORNIA court rules that a plan by San Francisco officials to issue municipal identification cards to city residents regardless of immigration status does not violate state and federal law. The court rejected a lawsuit that argued the program would amount to aiding and abetting illegal immigration (SAN FRANCISCO CHRONICLE).

— *Compiled by RICH EHISEN*

Upcoming elections (cont.)

10/15/2008 - 11/05/2008

Pennsylvania General Election

House (All)
Senate (Odd)
Constitutional Officers:
Treasurer, Attorney General, Auditor
General
US House (All)

Rhode Island General Election

House (All)
Senate (All)
US House (All)
US Senate (John F. Reed)

South Carolina General Election

House (All)
Senate (All)
US House (All)
US Senate (Graham)

South Dakota General Election

House (All)
Senate (All)
US House (Sandlin)
US Senate (Johnson)

Tennessee General Election

House (All)
Senate (Even)
US House (All)
US Senate (Lamar Alexander)

Texas General Election

House (All)
Senate 4, 6, 9, 10, 11, 16, 20, 21, 23, 24,
26, 27, 28, 30, 31
US House (All)
US Senate (Cornyn)

Texas Special Election

House Dist 81 (George E. "Buddy" West);
Dist 55
Senate District 17 (Kyle Janek)

Utah General Election

House (All)
Senate 1, 5, 6, 8, 10, 13, 14, 16, 19, 20,
23, 24, 25, 27, 29
Constitutional Officers:
Governor, Lieutenant Governor,
Treasurer,
Attorney General, Auditor
US House (All)

Once around the statehouse lightly

SERVING GOD, ERNIE STYLE: When most people speak of serving God, they generally mean acting in a way they see as a positive reflection of their spiritual beliefs. Not so for NEBRASKA Sen. Ernie Chambers, who filed suit last September against the Almighty himself. Chambers' stated purpose at the time was to obtain a permanent injunction to stop God from allowing earthquakes, tornadoes and other such disasters. But as the *Omaha World-Herald* reports, Chambers' real intent was to make a point about the court system, notably "that anyone can sue anyone else, even God." Douglas County District Court Marlon Polk, however, tossed the case out last week, saying there was no evidence that the defendant had been served — or ever could be served — with court papers. Chambers countered that if God is truly omnipotent, he already knows about the lawsuit. Polk said no dice. Chambers is considering an appeal.

NOW THAT'S SCARY: Haunted houses are a staple of Halloween celebrations nationwide. But as the *Chicago Tribune* reports, this year's Springfield Jaycees' Haunted House was clearly too scary for the powers that be. It wasn't the ghouls or other terrifying creatures that caused the howling, however, but rather a room full of political caricatures, including a mural of ILLINOIS' famously feuding Gov. Rod "Chicago-Vich" Blagojevich and House Speaker Michael "Mad Again" Madigan strangling each other. Republican Veep candidate and ALASKA Gov. Sarah Palin also took one on the chin, with an image of her shooting the cartoon moose Bullwinkle. State officials griped "rather strongly" that the display, which was located on the state fairgrounds, was inappropriate. That prompted the Jaycees to remove the offending pictures, though not without some snuffling from the designer, who accused the officials of having "a complete and total lack of any sense of humor."

WHALE OF A DEBATE: Which is exactly what MASSACHUSETTS Rep. Chris Speranzo caused by trying to dub *Moby Dick*, Herman Melville's classic tome about a sea captain's destructive obsession with killing a white whale, as the Bay State's official book. Speranzo introduced his measure, HB 3964, at the behest of fifth graders in Pittsfield, a town in his district and the place where Melville penned the work. But as the *Boston Globe* reports, other lawmakers took the suggestion like a harpoon to the gut. Representative Cory Atkins said she "was appalled", contending that her district in Concord has had "more authors per square mile than any other," including literary giants like Louisa May Alcott and Nathaniel Hawthorne. Thus chastened, Sperzano changed the bill to honor *Moby Dick* only as the state's official

“epic novel,” leaving plenty of room to bestow similar kudos on presumably less “epic” works. The measure has moved to the Senate.

INSTANT KARMA: Speaking of silly political hubbub, a South Sudan official’s attempt to keep young women from wearing tight pants has cost him his job. As Reuters reports, the brouhaha started when Juba county commissioner Albert Pitia Redentore banned any public display he felt threatened traditional values. This included the wearing of snug pants, which Redentore viewed as a sign of belonging to youth gangs. But the wheels came off the new policy almost immediately after 35 young women in form-fitting trousers, most on their way home from church, were arrested for disturbing the peace. The arrests sparked Gender Minister Mary Kinden Kimbo to claim officials had exceeded their authority and violated the women’s human rights. Within days, President Salva Kiir had cancelled the policy and given Redentore his walking papers. Nobody ever said it was easy to police fashion...or morality.

— By *RICH EHISEN*

Upcoming elections (cont.)

10/15/2008 - 11/05/2008

Vermont General Election

House (All)
Senate (All)
Constitutional Officers: Governor,
Lieutenant Governor,
Secretary of State, Treasurer, Attorney
General,
Auditor of Accounts
US House (All)

Virginia General Election

US House (All)
US Senate (Warner)

Washington General Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General, Auditor,
Commissioner of Public Lands,
Insurance Commissioner,
Superintendent of Public Schools
US House (All)

West Virginia General Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Secretary of State, Treasurer,
Attorney
General, Auditor, Commissioner of
Agriculture
US House (All)
US Senate (Rockefeller)

Wisconsin General Election

Assembly (All)
Senate (Even)
US House (All)

Wyoming General Election

House (Odd)
Senate (Even)
US House (All)
US Senate



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