

November 2, 2009

# Election Day



©iStockphoto.com/Wendell Franks

<b>Budget &amp; taxes</b> States making mid-year budget cuts	<b>3</b>
<b>Politics &amp; leadership</b> High court election key to PA redistricting	<b>4</b>
<b>Governors</b> Baldacci urges "no" vote on gay marriage ban	<b>5</b>
<b>Bird's eye view</b>	<b>2</b>
<b>Hot issues</b>	<b>8</b>
<b>Once around the statehouse lightly</b>	<b>9</b>

● The next issue of  
 ● Capitol Journal will be  
 ● available on November 9th.  
 ●

## Top Story

*Voters in a half dozen states will go to the polls this week to weigh in on hot button issues like same-sex marriage, government spending and medical marijuana.*

## SNCJ Spotlight

### Typical but not trivial Election Day for ballot measures

Voters in six states will consider a total of 26 propositions this week. TEXAS' ballot, with 11 measures, will be the most crowded, followed by MAINE's, with seven. The other four states with initiatives on the ballot are OHIO (three measures), NEW YORK (two measures), WASHINGTON (two measures) and NEW JERSEY (one measure).

While the total number of propositions is far below the 153 on state ballots last November, it's fairly typical for an off-year election. In the last three such

contests, in 2007, 2005 and 2003, there were 34, 39 and 22 ballot measures, respectively.

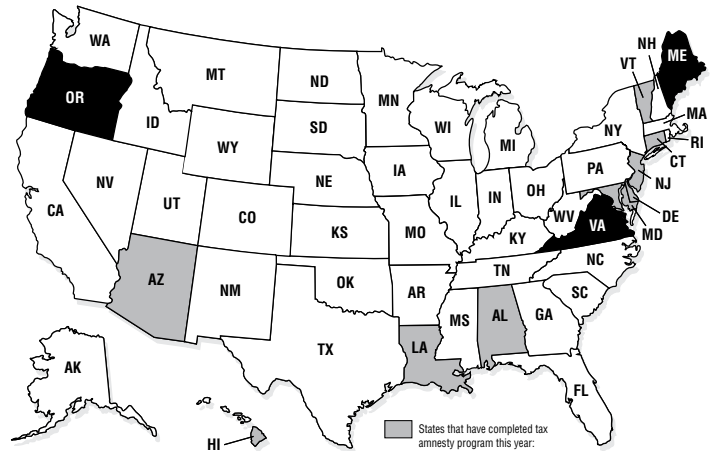
This week's measures may be diminutive in number, but they're not entirely lacking in weight. MAINE and WASHINGTON will host the latest skirmishes in the battle over same-sex marriage, which has been raging since 2004 when the MASSACHUSETTS Supreme Judicial Court deemed it unconstitutional to allow only heterosexuals to marry. Since then, the nationwide conflict has been pretty one-sided the other way, with 32 of 33 proposed gay marriage bans obtaining voter approval.

In MAINE, same-sex marriage opponents have qualified a referendum to repeal the state's new marriage equality law, passed in May. Opponents of the ballot measure, Question 1, have reportedly raised more than twice as much as its backers (\$2.7 million compared to \$1.1 million), but opinion polls have been mixed on the proposition's prospects.

Voters in WASHINGTON, likewise, will decide whether to uphold a state law granting same-sex domestic partners many of the same rights as married couples. Campaign fundraising in the Evergreen State has been even more lopsided. As of mid-October, groups seeking the repeal of the domestic partnership law had raised about \$60,000. Supporters of the law, meanwhile, had raised about \$1 million. But while various polls have shown a majority favor Referendum 71 — that is, support upholding the domestic partnership law — in some surveys the majority is narrow.

Ballots in MAINE and WASHINGTON will also provide a temperature reading of Americans' attitude about government spending in the wake of a major recession and a massive expansion of federal spending. MAINE's Question 4, dubbed TABOR II, after COLORADO's Taxpayer Bill of Rights measure approved in 1992, and WASHINGTON's Initiative 1033 would both restrict state spending and require voter approval for future tax increases. COLORADO's voters rejected a similar

## Bird's eye view



Source: Stateline, Federation of Tax Administrators, Tax Foundation, Center of Budget and Policy Priorities, State Departments of Revenue

### Cash-strapped states forgiving tax scofflaws

With budget troubles showing no signs of abating in most states, lawmakers are considering every option for generating cash, including waiving interest and penalties on individuals and businesses that agree to pay their overdue taxes.

Twelve states are offering tax amnesty programs this year, including two states that have never done so before: HAWAII and OREGON. The nine programs that have already been completed ranged widely in success, from VERMONT's, which netted \$1.1 million — less than half the state's \$2.5 million goal — to NEW JERSEY's, which took in \$725 million, nearly four times the amount that had been projected.







AMERICAN-STATESMAN). • The Bill and Melinda Gates Foundation has opened up its offer of financial assistance to states vying for a Race to the Top grant from the Department of Education. Back in July the foundation had offered just 15 states up to \$250,000 to help them secure a portion of the department’s \$4 billion in funding (NEW YORK TIMES). • Boeing announced last week that its North Charleston, **SOUTH CAROLINA** facility will be the location of a second final assembly site for its 787 Dreamliner program. The state reportedly offered the aeronautics company \$450 million in incentives (POST AND COURIER [CHARLESTON]).

## Upcoming stories

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

- **2010 Preview**
- **Election results**
- **Budget updates**

— *Compiled by KOREY CLARK*

---

# Politics & leadership

**HIGH COURT ELECTION KEY TO PA REDISTRICTING:** This week’s Supreme Court race in PENNSYLVANIA between Republican Joan Orié Melvin and Democrat Jack Panella has received little public attention. Voter turnout for the election may be the lowest the state has seen in years. But the contest is of more than passing interest to state lawmakers. In fact, their future could depend on it.

“Control of the Supreme Court is on the ballot this year,” Lt. Gov. Joe Scarnati wrote in a letter to fellow Republicans in March, “and you know the courts play a key role in finalizing redistricting maps that will set the political landscape for the next decade.”

The court’s role is likely to be even more crucial than usual this year. Under PENNSYLVANIA’s constitution, the Democrats and Republicans will each get two seats at the negotiating table when congressional and legislative districts are redrawn after the 2010 Census. The court will probably be called upon to appoint an arbiter. And with the six other justices who will be on the court next year split 3-3 on the basis of party affiliation, the winner of Tuesday’s election will basically determine the majority that gets to pick the arbiter.

**POLITICS IN BRIEF: KENTUCKY** Gov. Steve Beshear (D) gave his party a chance to pick up another state Senate seat by appointing Republican Dan Kelly to a vacant judgeship last week and calling a special election for Dec. 8 to select Kelly’s replacement in the 14th Senate District. If Democrats win that election, the Republicans’ majority in the chamber would slip to 19-18, with one independent



who caucuses with the GOP (COURIER-JOURNAL [LOUISVILLE]). • A provision tucked into a massive military spending bill signed by President Obama last week will require states to provide overseas voters at least 45 days to receive and mail back their general election ballots next year. That stipulation may force **MINNESOTA** to shift its primary, currently held in September, to August (MINNEAPOLIS STAR TRIBUNE).

– *Compiled by KOREY CLARK*

---

# Governors

**B**ALDACCI URGES ‘NO’ VOTE ON GAY MARRIAGE BAN: MAINE Gov. John Baldacci (D) urged voters to reject Question 1, a ballot measure that would overturn the Pine Tree State law that legalized same-sex marriages. Baldacci signed the legislatively-approved bill into law in May.

Baldacci noted that he initially supported civil unions and opposed marriage for same-sex couples, but said he changed his mind after examining the legal issues and listening to testimony during the public hearings surrounding the legislation.

“I think MAINE people have recognized...that we are all unique people, we are all different,” Baldacci said. “But we are all under the same Constitution and we all want to make sure there is equal protection for all citizens.”

MAINE will be the first state to decide whether to overturn a law approving same-sex marriage after it was passed by a state legislature and signed by a governor. The statute is currently suspended pending the outcome of the vote. Recent polls show Question 1 opponents with a slight lead, but both sides say they expect the vote, which is being followed across the country, to be close. The vote is expected to draw as many as 500,000 people to the polls. (BANGOR DAILY NEWS,

**DANIELS KILLS WELFARE CONTRACT:** Calling it a plan “that just did not work out,” INDIANA Gov. Mitch Daniels (R) has cancelled a \$1.34 billion state contract with IBM to manage the Hoosier State’s welfare services. Daniels ended the contract on October 15<sup>th</sup>, less than three years into what was to be a 10-year agreement, after ongoing complaints that the system was fraught with errors forcing eligible applicants to wait far too long to obtain services had spurred the threat of sanctions from federal officials. It was a bitter pill for Daniels, who had vigorously championed the effort to privatize the system. He said the state will now turn to a hybrid structure that keeps some elements of the new computerized system while also returning to old policies that require applicants to meet face-to-face with county welfare case workers.

State officials say the new system will speed up decisions for applicants. Federal law requires states to approve or reject applications for services like food stamps within 30 days, a timeline which the state was only meeting about 60 percent of the time. A federal judge last week ordered the state to pick up the pace, saying it needs to decide 80 percent of new cases on time within 12 months and 90 percent within 18 months. (INDIANAPOLIS STAR, ASSOCIATED PRESS)

#### **SANFORD IMPEACHMENT EFFORT**

**BLOCKED: SOUTH CAROLINA** House Speaker Bobby Harrell (R) blocked an attempt to introduce a resolution calling for Gov. Mark Sanford's (R) impeachment. Harrell said the proposal was outside the limited terms and agenda of the current special session, which is dealing with economic issues. He also wants lawmakers to wait for the results of a state ethics investigation into Sanford's travel records and campaign reimbursements before deciding whether to pursue impeachment. Rep. Greg Dellene, also a Republican, said he would seek to re-introduce the resolution when the regular session convenes later this month. (POST & COURIER [CHARLESTON])

#### **STRICKLAND SAYS NO OH OPT-OUT:**

The government-run health care plan currently under consideration in Congress is a long way from becoming reality, but OHIO Gov. Ted Strickland (D) is already pretty sure that the Buckeye State is on board. The plan now moving through the U.S. Senate contains a public option that would allow the government to compete with private insurers, but would also allow individual states to opt out of the plan. Strickland spokesperson Amanda Wurst said the governor supports the public option and sees no reason why the state should opt out. But Wurst said Strickland also believes that while the plan should offer Ohioans an affordable option, federal officials need to do so "without risking running health

## Upcoming elections

10/29/2009 - 11/19/2009

11/03/2009

### **Alabama Special Election**

House District 65

### **California Special Election**

US House (CA 10th Congressional District)

### **Georgia Special Election**

House Districts: 58, 75, 129, 141 and 159  
Senate Districts: 1 and 35

### **Michigan Special Election**

Senate District 19

### **Missouri Special Election**

House District 73

Senate District 4

### **New Hampshire Special Election**

House Merrimack County District 11  
(Concord Wards 4, 8, 9, 10)

### **New Jersey General Election**

Assembly (All)

Constitutional Officers: Governor,  
Lieutenant Governor

### **New Jersey Special Election**

Senate Districts 6 and 23

### **New York Special Election**

US House (NY 23rd Congressional District)

### **South Carolina Special Election**

House District 48

### **Virginia General Election**

House (All)

Constitutional Officers: Governor,  
Lieutenant Governor, Attorney General

### **Washington General Election**

House District 9, Position 1; District 15,  
Position 2; District 16, Position 2

11/10/2009

### **Alabama Runoff**

House District 56

11/10/2009

### **Rhode Island Special Election**

House District 10

11/17/2009

### **California Special Primary**

Assembly District 72

11/17/2009

### **Mississippi Special Election**

House District 117

insurance companies out of business.” (CLEVELAND PLAIN DEALER)

**PATRICK PITCHES MICRO-LOANS:**

MASSACHUSETTS Gov. Deval Patrick (D) said the Bay State will consider creating a “growth capital fund” that would make micro-loans to small businesses unable to get loans from traditional sources during the ongoing economic slump. The proposal was one of several ideas that came out of a summit of business, education and political leaders put together by Patrick to divine ways for the state to better position itself for economic recovery. Patrick said the funds could possibly come from banks, the Small Business Administration or from federal Troubled Asset Relief Program (TARP) funds. (BOSTON HERALD)

**RILEY LOOKES TO CUT PORK: ALABAMA**

Gov. Bob Riley (R) asked college and university presidents last week to inform him if Heart of Dixie legislators or other elected officials attempt to hide money for special projects in their districts by transferring money through their schools. Riley condemned the process, known as “pass-through pork,” in which the Legislature allocates extra money to a school or agency in the state budget without naming a specific use for the funding. Rather, in an agreement Riley called “corrupt” and “an abuse of the taxpayers,” lawmakers have a behind-the-scenes agreement with the school or agency about how the money will be used. “No government official should be able to take taxpayer money that is appropriated for one use and secretly spend it for something else,” Riley said. State Sen. Phil Poole (D) accused Riley of overstepping his authority, saying, “He wants us to come beg him for every dollar.” (MONTGOMERY ADVERTISER)

**GOVERNORS IN BRIEF:** • **WEST VIRGINIA** Gov. Joe Manchin (D) said his state will not be pursuing a “fat tax” on overweight public employees after all. The governor had recently asked the state Public Employees Insurance Agency Finance Board to consider adopting a plan similar to that of **NORTH CAROLINA**, which imposes higher health insurance premiums on overweight employees. He rescinded the request last week after public employee unions balked at the suggestion (CHARLESTON GAZETTE). • **LOUISIANA** Gov. Bobby Jindal (R) has called for

## The week in session

**States in Regular Session:** CA, DC, MA, MI, OH, PR, US, WI

**States in Recess:** NJ, NY, PA

**States in Special Session:** CA “e”, CA “f”, CA “g”, NE “a”

**Special Sessions in Recess:** DE “a”

**Upcoming Special Sessions:** TBA: FL “b”, MS “d”, NY “v”, OK “a”

**States in Veto Session:** IL

**States Currently Prefiling or Drafting for 2010:** AL, FL, IA, KS, KY, ME, ND, NH, OK

**States Adjourned in 2009:** AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

**State Special Sessions Adjourned in 2009:** AK “a”, AL “a”, AZ “a”, AZ “b”, AZ “c”, CA “a”, CA “b”, CA “c”, CA “d”, CT “a”, CT “b”, CT “c”, CT “d”, FL “a”, HI “a”, HI “b”, IL “a”, IL “b”, IN “a”, KY “a”, MS “a”, MS “b”, MS “c”, NM “a”, NV “a”, NY “a-o”, TX “a”, UT “a”, VA “c”, VT “a”, WI “a”, WV “a”, WV “b”, WV “c”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 10/30/2009)  
Source: State Net database



the firing of a Pelican State justice of the peace who refused to marry an interracial couple. “Disciplinary action should be taken immediately — including the revoking of his license,” Jindal said of the decision by Keith Bardwell, a white justice of the peace in Tangipahoa Parish in the southeastern part of the state, to refuse to issue a marriage license to a black man and white woman on the grounds that he is concerned for the children of such unions (NEW ORLEANS TIMES PICAYUNE).

— *Compiled by RICH EHISEN*

---

## Hot issues

**B** **USINESS:** The **WISCONSIN** Assembly unanimously endorses AB 250, which would require Badger State dog breeders to be licensed by the state. It is now in the Senate (MILWAUKEE JOURNAL SENTINEL). • The **MICHIGAN** Senate kills SB 166, legislation that would have barred auto insurers from using a driver’s area of residence in setting policy rates (LANSING STATE JOURNAL).

**CRIME & PUNISHMENT:** The **PENNSYLVANIA** Supreme Court tosses out more than five years’ worth of cases heard by a former county judge charged with accepting millions of dollars in kickbacks to send youths to private detention centers. The court said the convictions — more than 6,000 in all — are permanently tainted and may not be re-tried (ASSOCIATED PRESS). • The Obama administration orders federal prosecutors to stop arresting medical marijuana users and suppliers as long as they strictly conform to state laws regulating the drug’s use and sale. Fourteen states currently allow marijuana use when it is prescribed by a licensed physician (LOS ANGELES TIMES).

**EDUCATION:** The **WISCONSIN** Senate endorses AB 172, legislation that would require the state’s academic standards to include instruction on labor history and the collective bargaining process. It moves to Gov. Jim Doyle (D) for review (MILWAUKEE JOURNAL SENTINEL). • Still in **WISCONSIN**, the Assembly endorses AB 459, which would establish academic standards for teaching students about the various types of mortgages available to home buyers and the risks and causes of foreclosure. It moves to the Senate (MILWAUKEE JOURNAL SENTINEL). • Responding to criticism that it was trying to determine the winner of the Obama administration’s “Race to the Top” education grant competition, the Bill and Melinda Gates Foundation says it will broaden its efforts to help more states compete for the awards. The foundation originally offered to work with only 15 states — **ARKANSAS, ARIZONA, FLORIDA, GEORGIA,**





incensed at the Governor’s appearance, shouting that Schwarzenegger should smooch the San Francisco Democrat’s posterior. Well, the gov has had the last laugh. As the *Sacramento Bee* reports, Schwarzenegger last week vetoed AB 1176, an Ammiano-sponsored public works finance measure, in spite of the fact that it received unanimous legislative support. That wasn’t all, however. In his carefully worded and arranged veto message, Schwarzenegger used the first letter of consecutive lines to send Ammiano a personal message, one that begins with an “f” and ends with “you.” Schwarzenegger spokesperson Aaron McLearn claimed innocence on the gov’s behalf, calling the acrostic message merely “a strange coincidence.” Ammiano also downplayed the event, lauding Schwarzenegger for his “creative way of exercising veto power.”

**Corrections**

The HTML and text versions of the October 19th issue of SNCJ were incorrectly identified as No. 33 rather than No. 32. The PDF version was correct. We regret the error.

**NO PLAYING FAVORITES:** Every parent knows you can’t praise one of your kids without also praising the others. Based on the stir recently caused by IOWA Gov. Chet Culver, that rule applies to governors as well. As the *Quad-City Times* reports, Culver drew heat for lavishing kudos on the University of IOWA for a big win against MICHIGAN State, which made the Hawkeyes 8-0 for the first time in their 120-year history. Alas, IOWA *State* fans became miffed at Culver for singling out their cross-state rivals without so much as a word about their triumph over perennial power NEBRASKA. Culver quickly heaped praise on the Cyclone players, coaches and staff, and vowed to attend the bowl games of both teams as well as the state’s “other” school, the University of Northern IOWA. Culver did note, however, that he has previously issued formal congrats to the Cyclones without anyone from U of I making such a fuss.

**THE GOOD OLD BOY WIFE:** Nobody needs to tell CALIFORNIA gubernatorial candidate Tom Campbell that he is in the political fight of his life. Campbell, a former Congressman, is currently waging a low-bucks campaign for the GOP nomination against two billionaires capable of outspending him at will. But if Campbell is concerned about his situation, he surely isn’t showing it. As the *Riverside Press Tribune* reports, Campbell recently told a gathering of Republican women that his wife, Susanne, speaks fluent Russian and even has a degree from Leningrad State University, a school named for the former head of the old Soviet Union. Campbell jokingly asked the audience to note his “political courage” for the revelation, something “you generally don’t admit in Republican circles.” But Campbell also hedged his bet, adding that “You just say that my wife went to LSU. And then people might think that she is a good old boy from LOUISIANA.”

**WORKING HARD OR HARDLY WORKING?** Being governor is undoubtedly a full time proposition. So, it might be a good time for two of the candidates looking to



replace FLORIDA Gov. Charlie Crist — Attorney General Bill McCollum and Chief Financial Officer Alex Sink — to take a moment to be sure they really want the job. As the *Miami Herald* reports, neither has shown a propensity for working the long hours associated with the top job. According to a Herald report, Sink, a Democrat, has scheduled the equivalent of more than 26 weeks of half-days, personal and vacation days, or days with no listed events over the last three years. McCollum, a Republican, has scheduled almost a year's worth, including 86 personal days. Both say the schedules give a false impression of their efforts, arguing that much of their work isn't included on the official schedule. One might bet it will be from now on.

— By RICH EHISEN

**Editor:** Rich Ehsen — capj@statenet.com

**Associate Editor:** Korey Clark — capj@statenet.com

**Contributing Editors:** Virginia Nelson, Art Zimmerman

**Editorial Advisor:** Lou Cannon

**Correspondents:** Richard Cox (CA), Steve Karas (CA), Bruce McKeeman (CA), James Ross (CA), Linda Mendenhall (IL), Lauren King (MA) and Ben Livingood (PA)

**Graphic Design:** Vanessa Perez

©2008 State Net ISSN: 1521-8449



You've just read **State Net Capitol Journal**, the insider's source for political and legislative news in the 50 states.

**State Net Capitol Journal** is published 40 times annually and delivered over the Web or e-mail.

**For a FREE subscription, visit our Website at [www.statenet.com](http://www.statenet.com) and click on the "Register Now" icon. Or call us at 916.444.0840**

**A publication of State Net** — *the leader in legislative and regulatory intelligence.*

**Who relies on State Net?**

- Five of the nation's ten largest companies
- Major information services including Lexis-Nexis and WestLaw
- Companies representing every major industry in the U.S.

**State Net: the service you can trust when you need to be right.**

Learn more about our issue-based reporting solutions today: [info@statenet.com](mailto:info@statenet.com) or [www.statenet.com](http://www.statenet.com) • (800) 726-4566