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Top Story

The people have spoken. This week, the State Net Capitol Journal takes a look at how some of the state legislative contests, governors' races and ballot measures fared on election day.

SNCJ Spotlight

Statehouse races provide Democrats only sliver of solace

Democrats can't be too pleased with their performance in last Tuesday's race for the White House; the electoral vote map that was omnipresent in election coverage had the blue-state party literally seeing red. But Dems actually fared pretty well in one of last week's other major political battles: the race for America's statehouses — if only by comparison.

onic stem cell research. Voters approved the measure with 59 percent of the vote, making the Golden State the first in the nation to publicly-fund the controversial form of research via the ballot box. (The NEW JERSEY Legislature approved funding for embryonic stem cell research last June as part of Gov. James E. McGreevey's (D) state budget.)

The decision places the state squarely at odds with President Bush and religious leaders, who oppose embryonic stem cell research because it involves the destruction of living embryos. Beyond the moral issue, many had criticized the measure because it will impose another \$6 billion in debt on the already-debt-ridden state. In a written statement issued last Wednesday, Judie Brown of the American Life League

said, "The moral bankruptcy exhibited by those who voted for this measure, which endorses the destruction of innocent human beings, could be followed by a matching fiscal bankruptcy." But resistance to the measure was overcome by persuasive endorsements from such notables as actor Brad Pitt, actor and activist Michael J. Fox, the late Christopher Reeve and California's own celebrity governor, Arnold Schwarzenegger (R), who broke ranks with his party to support the measure.

Prop. 71 was only one of several significant initiatives on California's crowded ballot. Voters also approved Prop. 60, which means the state will keep its current primary system, allowing each party to send its top vote-getter to the general election. A competing measure, Prop. 62, which would have changed the state's primary election system to a "top-two" primary, sending the two top vote-getters to the general election regardless of their party affiliation, was defeated by a narrow margin. Voters also passed Prop. 63, which will impose a tax on millionaires to fund health care for the mentally ill, and Prop. 69, which will require anyone arrested for a felony offense to submit a DNA sample starting in 2009. But voters rejected two other closely-watched measures: Prop. 66, which would have scaled back the state's "three-strikes" sentencing law by requiring a serious or violent felony to trigger a life sentence, and Prop. 72, a referendum on a bill passed last year requiring businesses with 50 employees or more to provide health insurance.

Some political observers had suggested that faced with such a long list of complicated ballot issues, California voters would just vote no on everything. But voters approved 9 (or 56 percent) of the 16 measures on the ballot, which is pretty much in line with the Initiative and Referendum Institute's calculation of California's overall approval rate for ballot measures since 1912 (55 percent).

*State Recaps
available this
week on the
State Net Web site*

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

2003-04 State Session
Recaps showcase legislative
statistics for each state.



those statutes were generated by the Legislature. The Michigan measure affects only the city of Ann Arbor, and is mostly symbolic. Wolverine State law still bars marijuana use in any form.

Montana touched on another sticky wicket — legislative term limits. Voters there rejected a proposal to extend the number of years lawmakers can serve, while also beating back an effort to repeal the state’s ban on open pit and cyanide leach mining. To the east, SOUTH DAKOTA voters overwhelmingly rejected a plan to repeal the state’s sales tax on food. And in NEBRASKA, voters took some of the steam from lawmakers’ sails as they passed Initiative 418, which requires a two-thirds vote of the Legislature to reverse laws written by citizen initiative.

In WASHINGTON, voters overwhelmingly rejected a major sales tax increase to fund education. Initiative 884 would have provided \$1 billion a year in additional funding for the state’s ailing public education system by raising the state sales tax from 6.5 percent to 7.5 percent, making it the highest rate in the country. Proponents had pitched the measure as salvation for low-income and minority families, who stood to gain the most from the multi-billion infusion. But voters obviously weren’t sold on the idea. Washington — like California — also took up the issue of changing its primary election to a top-two system. But unlike the Golden State, Washingtonians approved their measure, Initiative 872. Political observers had suggested that I-872 had a better chance of passing than California’s Prop. 62 because Washington had a much longer history with open primaries, having used a “blanket” primary system for 70 years before it was declared unconstitutional by a federal court in 2002.

Washington also faced another divisive education proposal, as Evergreen State voters again rejected an effort to allow charter schools in the state. It was the third time in eight years that such a measure was rebuffed. The latest attempt was Referendum 55, which outgoing Gov. Gary Locke (D) signed into law last spring. Had voters agreed, the law would have allowed as many as 45 charter schools to begin operation over the next six years. Voters previously rejected the schools — which are run by non-profit groups rather than school districts — in 1996 and 2000.

Some of the most hotly-debated issues in statehouses this year were taken up by voters in multiple states. For example, voters in 11 states — ARKANSAS, GEORGIA, KENTUCKY, MICHIGAN, MISSISSIPPI, MONTANA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON and UTAH — considered a constitutional ban on gay marriage. And their judgement on that issue was decisive; all eleven approved their proposed amendment, some by a huge margin. (For further analysis of the issue, see *Hot issues* on page 7.)

Six states also considered measures related to gambling. California voters even-handedly rejected measures expanding tribal gaming (Prop. 70) and non-tribal gaming (Prop. 68). Voters were a little more agreeable in OKLAHOMA, approving both a state lottery (Question 705) and Indian gaming (Question 712). MICHIGAN passed a measure requiring voter approval for any new gaming (Proposal 04-1). Washingtonians, meanwhile, so opposed the idea of allowing slot machines at non-tribal gaming facilities that they actually passed up a property tax cut, rejecting Initiative 892 61 percent to 39 percent. FLORIDA voters also struggled with allowing slot machines in Miami-Dade and Broward counties (Amend. 4), with the measure still not decided days after the election and likely headed to a recount. And NEBRASKA voters vetoed a proposal to allow two casinos in the Cornhusker State (Amend. 3).

Four states took up the issue of medical malpractice reform. FLORIDA voters passed three measures (Amends. 3, 7 and 8); NEVADA voters approved a measure limiting non-economic damages in malpractice suits (Ballot Question 3), but rejected another that would have punished attorneys for bringing frivolous lawsuits (Ballot Question 5); OREGON voters rejected limiting pain and suffering awards (Measure 35); and WYOMING voters passed a measure requiring mediation before a malpractice suit is filed (Amend. C), while failing to approve a measure limiting non-economic damages (Amend. D)

Florida voters also endorsed boosting the Sunshine State's minimum wage by \$1 per hour while repealing another measure that would have forced the state to spend up to \$25 billion on a high-speed train system. Voters there also gave the nod to amendments requiring parents to be notified if a minor child seeks an abortion and doctors to be held accountable for medical mistakes.

Finally, hunting enthusiasts and opponents battled it out in another four states. Hunters came out ahead in all of them, defeating measures to restrict the hunting of bears with bait in ALASKA (Measure 3) and MAINE (Question 2), and securing passage of initiatives guaranteeing the right to hunt and fish in LOUISIANA (Amend. No. 1) and MONTANA (C-41). (IANDRINSTITUTE.ORG, STATE-LINE.ORG, LOS ANGELES TIMES, USA TODAY, 9NEWS.COM, COLORADO DAILY [BOULDER], DENVER POST, ANCHORAGE DAILY NEWS, ARIZONA REPUBLIC, SEATTLE POST-INTELLIGENCER, NCSL.ORG, OMAHA WORLD-HERALD, ARGUS LEADER [FARGO], THE MISSOULIAN, BILLINGS GAZETTE, MIAMI HERALD, DETROIT FREE PRESS, FAIRBANKS DAILY NEWS MINER

— *Compiled by KOREY CLARK & RICH EHISEN*



Hot issues

Voters just say no to gay marriage

While voters tended to stick to their partisan roots in casting their votes for elected officials, no such division afflicted those casting ballots on the subject of gay marriage last week. Exit polls across the country showed a wide swatch of voters — black, white, young, old, Republican and even a large number of Democrats — in ARKANSAS, GEORGIA, KENTUCKY, MISSISSIPPI, MONTANA, NORTH DAKOTA, OKLAHOMA, OHIO, UTAH, OREGON and MICHIGAN overwhelmingly voted to add amendments to their state constitutions that would ban same-sex marriage. Most were approved by double-digit margins, with Mississippi passing its measure with a whopping 86 percent approval rate.

Perhaps not surprisingly, nine of the 11 states also voted for President Bush, who has proposed an amendment to the United States Constitution that would define marriage as only being between one man and one woman. The issue had become one of many points of contention on the presidential campaign trail, with Democrat John Kerry opposing Bush's call for the new constitutional amendment. Many analysts said the measures acted like a magnet to draw thousands of socially conservative voters to the polls, especially those in rural and suburban counties who might not have otherwise voted. It is highly likely that the vast majority of those voters also cast their vote for the president, with most exit polls showing that 22 percent of voters named "moral values" as their top issue, surpassing even the economy (20 percent), terrorism (19 percent) and Iraq (15 percent). Only Oregon and Michigan chose to ban same-sex unions while also endorsing Kerry's bid for the White House. The amendment measure even passed with 62 percent approval in Ohio — in spite of Gov. Bob Taft's (R) strong opposition.

Experts on both sides of the issue also agreed that the landslide against same-sex marriage was a direct response to fear that "activist judges" would interpret their states' current laws to allow gays to legally marry in the way the Supreme Judicial Court did in MASSACHUSETTS. Should all of last Tuesday's votes stand up, it would bring to 16 the number of states that have adopted such constitutional restrictions, with an earlier vote to adopt a same-sex marriage ban in LOUISIANA currently being bandied about in the courts.



Governors

Parties gain some, lose some in 2004 gov races

The 2004 governors' races were a game of political hopscotch as Republicans and Democrats flip-flopped a total of four governorships, with the race in WASHINGTON still too close to call as of this writing. As expected, Democrats held on to the top job in DELAWARE, NORTH CAROLINA, and WEST VIRGINIA, while Republicans stayed in control of the corner office in VERMONT, NORTH DAKOTA and UTAH.

The biggest GOP win of the night came in INDIANA, where former Bush administration official Mitch Daniels — dubbed “My man Mitch” by the president, a nickname Daniels made use of often during the campaign — easily defeated Democratic incumbent Gov. Joe Kernan, who held the job for only 16 months after the sudden death of Gov. Frank O’Bannon. Daniels, who became the Hoosier State’s first Republican governor since 1988, campaigned hard on a pledge to restore the state’s withering economy through a collection of business tax incentives and aggressive regulatory reforms. He might have an easier time of that than did his predecessor, as voters also swept Republicans into control of the Indiana House for the first time since 1996. Kernan also earned the dubious distinction of being the state’s first incumbent governor to lose an election since Indiana changed its constitution to allow chief executives to seek a second term in 1972.

Daniels didn’t take much time to bask in the win, holding transition meetings the day after the election. He also immediately began setting up a Web site aimed at recruiting new faces into his administration. Daniels spokesperson Bill Oesterle said the new governor’s immediate hiring priorities are a budget director, legislative liaison and a personnel director.

In what was easily one of the nastiest campaigns of the year, national ties also helped Republicans to a big win in MISSOURI, where 33-year-old Sect. Of State Matt Blunt — known derisively as “Baby Blunt” in reference to his father Roy, a four-term Congressman and the current GOP House Whip — overcame state auditor Claire McCaskill to give Republicans full control over the Show Me State government for the first time since 1922. Blunt ran on a platform advocating tort reform and conservative values, specifically his opposition to abortion and his support for concealed guns and the ban on gay marriage that voters added to the state constitution in August.

Democrats were certainly not left out in the cold, particularly in NEW HAMP-

SHIRE, where voters made Gov. Craig Benson (R) the first incumbent in 78 years not to earn a second two-year term. Although the race was tight, Benson announced almost immediately that he would not seek a recount and that he was planning to retire from politics as soon as he leaves office in January. Lynch said during the campaign that his priorities if elected would include affordable health care and a long-term solution to the state's education funding crisis. But along those lines, he also advocates repealing the Granite State's education property tax. Lynch was hesitant to offer any further specifics after the election, saying he just wanted to enjoy the win for a day before thinking about the work ahead.

Democrats also took back the governor's office in MONTANA, where incumbent Gov. Judy Martz (R) chose not to run for re-election. Her replacement will be Democrat Brian Schweitzer, who has never before held public office. His victory ends a 16-year GOP reign in the Treasure State, and was accompanied by Democratic wins in every other major state office up for grabs. Schweitzer, who ran a strong grass roots campaign that featured Republican John Bohlinger as his running mate for lieutenant governor, had already named his transition team that was working on the shift of power in anticipation of a positive outcome in the election. He can also lay claim to being the only governor-elect who has to return home to move cattle and wean and castrate calves before being able to attend training sessions put on by the National Governors Association.

There were few other surprises, with Democrat Joe Manchin easily outrunning his GOP challenger in WEST VIRGINIA and Republican John Huntsman Jr. winning in UTAH. Manchin has promised to conduct an audit of state government

intended to bring a more business-like approach to Mountain State government.

Incumbents prevailed everywhere else, as DELAWARE Gov. Ruth Ann Minner (D) won a hard fought battle over Republican Bill Lee, while NORTH CAROLINA Gov. Mike Easley (D) and VERMONT Gov. Jim Douglas (R) easily retained their jobs. NORTH DAKOTA Gov. John Hoeven (R) scored the most lopsided win of the night, lambasting Democratic challenger Joe Satrom 71 to 28 percent. Hoeven's win

Quote...

"I have to be honest, I didn't expect to win that many. I expected to win a lot but not that many."

— **CALIFORNIA Gov. Arnold Schwarzenegger (R) after voters sided with him on 11 of 15 ballot measures.**

... unquote

"His B.S. is infectious. He just gets up there and there's nothing better than a guy who believes his own baloney."

— **CALIFORNIA Senate President Pro Tem John Burton (D) reacting to Schwarzenegger's comments. (LOS ANGELES DAILY NEWS)**

