

October 18, 2010

Ballot Battles



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● The next issue of
 ● Capitol Journal will be
 ● available on November 2nd.
 ●

Top Story

Voters will soon weigh in on over 150 ballot measures. While many of those deal with fiscal issues, there are plenty of other hot topics to choose from.

SNCJ Spotlight

Voters face array of issues on November ballots

When voters in 37 states head to the polls in just a few weeks, they will weigh ballots dominated by fiscal issues, particularly those dealing with taxes and state budgets (See *SNCJ Spotlight* in the October 11th issue). But while the usual hot button social issues like abortion are in short supply, voters will still encounter a plethora of non-fiscal matters as well.

Government administration remains a popular topic this year, with 14 states considering 25 different measures. Four states, Iowa, Maryland, Michigan and Montana, will ask voters to confirm or reject proposed constitutional

conventions. While that would seem in keeping with what has become a national mood of skepticism toward government, this quartet is among 14 states that regularly ask their voters — at intervals of between 10 and 20 years — to decide on calling a convention.

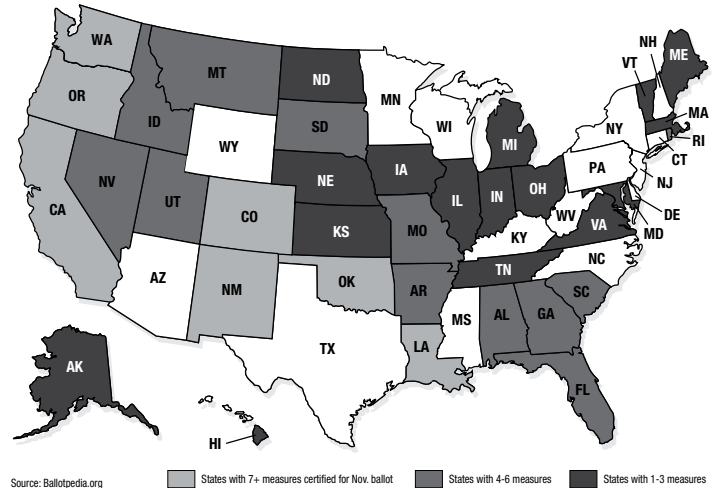
Illinois voters will truly test the anti-government mood by weighing in on House Joint Constitutional Amendment 31, or the Illinois Governor Recall Amendment. As indicated by the name, it would institute a complex process to allow voters to recall the governor — and only the governor. That point has been a point of contention with the measure’s critics, who accuse lawmakers of intentionally shielding themselves from potentially being removed from office.

Critics also contend the bar for getting a recall to the ballot is almost impossibly high, requiring the support of 10 Prairie State Senators and 20 Representatives, proportioned out between the parties. After that, recall petitioners would need to acquire signatures equal to 15 percent of the voter turnout from the last gubernatorial election. And although four of the state’s previous governors have been convicted of felonies committed while in office, the ballot measure doesn’t include specifics for what entails an offense worthy of a recall.

Rep. Bill Black (R) was particularly harsh on the proposal, calling it, among other things, “the most convoluted recall provision any state has ever put before voters.”

Who actually gets to vote is also an issue in some states. In Oklahoma, State Question 746 would make the Sooner State the 22nd that requires people to show identification in order to vote, while Vermont Proposal 5 would allow 17-year-olds to vote in state primary elections if they will turn 18 before the general election. New Mexico residents, meanwhile, will evaluate an amendment that would remove language from election law that bars the mentally disabled and convicted felons from voting. Kansas Constitutional Amendment Question 2 would also eliminate mental illness as a voting prohibition. In all, 10 states will evaluate a dozen election-related measures.

Bird’s eye view



Ten or more measures slated for ballot in three states

So far, 160 ballot measures have been certified in 37 states for the Nov. 2nd election. Oklahoma’s ballot currently looks to be the most crowded, with 11 measures up for voters’ consideration. Voters in Arizona and Louisiana won’t have it much easier, with 10 measures on the ballot in each state. The majority of the measures — like those in most states where they will be considered next month — were placed on the ballot by lawmakers and pertain largely to issues that will dominate ballots nationwide, including taxes, administration of government, elections and state budgets.



Health care also remains a hot topic, with three states — Oklahoma, Colorado and Arizona, deciding measures to bar the state from participating in federal health care reform (AZ Prop 106) or allowing their citizens to opt out of the system (OK Question 756, CO Amendment 63). Georgia voters, meanwhile, will consider Amendment 2, which would impose a \$10 fee on car registrations, with revenue going toward funding the state's rickety trauma centers. Supporters claim the measure could raise \$80 million annually.

Medical marijuana is also on lots of minds, as voters in South Dakota (Initiated Measure 13) and Arizona (Proposition 203) consider proposals to legalize pot for medicinal use, while Oregon residents will decide whether to license farmers to grow cannabis for direct sale to medical marijuana dispensaries (Measure 74).

Pot is also the issue in California, where Prop 19 would legalize and tax small amounts of marijuana. Under the proposal, which has drawn national attention, local governments would be able to regulate and tax commercial cultivation and retail sales of marijuana, with all Californians at least 21 able to legally grow and possess their own weed for personal use. Supporters claim the measure will generate billions of dollars in new tax revenue, reduce the Golden State prison population and help ease some of the violence associated with pot's production in neighboring Mexico. Opponents counter that pot is still banned by the feds, thus practically daring the Obama administration — which has so far chosen not to pursue the arrests and prosecutions of medical pot growers common under the Bush administration — to come down on the state with lawsuits and a loss of federal funding for anti-drug education.

With unions on the defensive across the nation, at least four states, Arizona (Prop 113), Utah (Amendment A), South Carolina (Amendment 2) and South Dakota (Amendment K), will also consider measures that would allow workers to use secret ballots in union elections.

Animal-related measures will also make regular appearances in November. Four states — Arizona (Prop 109), Arkansas (Issue 1), South Carolina (Amendment 1) and Tennessee (Hunting Rights Amendment) — will consider constitutional amendments

The week in session

States in Regular Session: DC, MI, NJ, NY, PR

States in Recess: CA, PA, US

States in Special Session: MN "b", NY "w"

Special Sessions in Recess: CT "a", CT "b", DE "b", PA "a"

Upcoming Special Sessions:

MN "b" Regarding Flood Relief to convene 10/18/2010.

VA "a" Regarding ABC Privatization: TBA - November.

States in Informal Session: MA

States in Skeleton Session: OH

In Pro Forma Session: US Senate

States in Veto Session: NH (Held 10/13/2010)

States Currently Prefiling or Drafting for 2011: FL, KY, MT, ND, NH, NV, VA

States Adjourned in 2010: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

State Special Sessions Adjourned in 2010: AZ "a", AZ "b", AZ "c", AZ "d", CA "e", CA "f", CA "h", FL "a", HI "d", HI "e", KY "a", MN "a", MO "a", MS "a", MS "b", NH "a", NJ "a", NM "a", NV "b", NY "w", OR "a", TN "a", WA "a", WI "b", WV "a", WV "b"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 10/15/2010)
Source: State Net database



that codify residents’ right to hunt and fish. On the other end of that spectrum, North Dakota voters will decide whether to ban “canned” big game hunts in fenced-in areas (Measure 2) while Missouri considers Proposition B, which would impose new restrictions on dog breeders.

Perhaps fittingly, the most contradictory measures on the November ballots appear in California, where partisan gridlock has become a way of life. On Nov. 2nd, Golden State voters will determine the fate of Proposition 20, which would broaden the state law allowing a citizens commission created by an earlier ballot measure to determine state Legislative districts to include drawing Congressional districts. At the same time, voters will consider Proposition 27, which would eliminate the citizens commission altogether, thus making the Congressional district issue moot. In theory, voters could endorse each measure. If so, the one that receives the most votes would win.

Ironically, California voters will also give a thumbs up or down to Prop 25, which would allow lawmakers to pass a budget on a simple majority vote. The Golden State is currently one of only three — Arkansas and Rhode Island being the others — to require a two-thirds vote to approve a budget. (LOS ANGELES TIMES, BALLOTPEDIA.ORG, STATELINE.ORG, CHICAGO TRIBUNE, [POLITICS AND SOCIETY [UNIVERSITY OF SOUTHERN CALIFORNIA])

— *Compiled by RICH EHISEN*

Budget & taxes

U.S. ECONOMY REELING FROM ONE-TWO JOBS PUNCH:

American businesses added just 64,000 jobs last month, a significant drop from the 93,000 jobs added in August and the 117,000 added in July, the Labor Department reported last week.

Particularly disconcerting to economists is the fact that the length of the workweek has hardly budged in six months. If businesses aren’t giving more work to their existing employees, economists say, it may be a while before they’ll be able to justify additional hiring.

“We’re looking for companies to get more confident in the pace of recovery and start to hire around 150,000 jobs a month, which is what we need just to keep the unemployment rate flat,” said John Ryding, chief economist at RDQ Economics. “But I just don’t see that happening between now and the end of the year.”

At the same time that private-sector hiring is slowing, public-sector jobs are disappearing at a record pace. The government shed 159,000 jobs at all levels in September. Seventy-seven thousand of those job losses were the result of the census



winding down. But local governments cut workers at the fastest rate in nearly 30 years, shedding 76,000 jobs, mostly in education.

“We need to wake up to the fact that the end of the stimulus has really hit hard on local governments,” said Andrew Stettner, deputy director of the National Employment Law Project. “There is much more of a slide in the job market than what we really need to clearly turn around.”

With the waning of federal stimulus funding, getting new economic recovery measures through Congress has proven difficult. President Obama’s repeated calls for infrastructure projects and tax incentives have been met with opposition from Republicans over deficit concerns. Even the word “stimulus” seems to have become politically toxic in the run-up to the midterm elections. When asked what policies Congress should consider to bolster job creation, U.S. Rep. Carolyn B. Maloney (D-New York), who leads Congress’s Joint Economic Committee, responded, “What’s important now is to get Democrats re-elected.”

With Congress likely to remain in partisan stalemate until at least November, Federal Reserve officials may take more unconventional monetary policy measures to try to spur hiring and discourage deflation. Since interest rates are already near zero, the expectation is that the Fed will buy long-term bonds, driving down rates and potentially making consumers and businesses more willing to spend. Confidence about the likelihood of Fed action among analysts and investors drove up the major stock market indexes last week, sending the Dow over 11,000 for the first time since May (NEW YORK TIMES).

BUDGETS IN BRIEF: Many of the nation’s largest municipalities are understating the actual size of their pension obligations by using inappropriate accounting methods, according to a study released last week by Northwestern University’s Kellogg School of Management. Those unreported pension benefits add \$574 billion to the \$3 trillion in unfunded liabilities already reported by states, the report said (WALL STREET JOURNAL). • The cities, counties and authorities of **NEW YORK** have promised more than \$200 billion in health benefits to public retirees while setting aside almost nothing to pay for them, according to a report issued last week by the Empire Center for New York State Policy (NEW YORK TIMES). • Between 2003 and 2008, states appropriated almost \$6.2 billion for colleges and universities to help pay for the education of students who didn’t return

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 Prefiles last week: 45

Number of Intros last week: 185

Number of Enacted/Adopted last week: 49

Number of 2010 Session Prefiles to date: 22,095

Number of 2010 Intros to date: 91,355

Number of 2010 Session Enacted/Adopted overall to date: 29,785

Number of 2009-10 bills currently in State Net Database: 190,709

— Compiled By JAMES ROSS
(measures current as of 10/13/2010)
Source: State Net database



for their second year, according to a report by the nonprofit American Institutes for Research. The report, “Finishing the First Lap: The Cost of First-Year Student Attrition in America’s Four-Year Colleges and Universities,” also indicated that the federal government spent \$1.5 billion and states spent \$1.4 billion on grants for students who didn’t start their sophomore years (WALL STREET JOURNAL).

- **LOUISIANA’s** Department of Corrections is considering selling prisons and closing an inmate isolation unit to cut costs. The department estimates that the sale of prisons in Allen and Winn parishes could net the state \$70 million (ADVOCATE [BATON ROUGE]).
- With Atlantic City facing a \$9.5 million operating deficit, **NEW JERSEY** officials agreed on a new oversight plan last week that gives the state authority over the city’s finances. The state will now be able to do everything from appointing a fiscal monitor to ridding the city’s payroll of patronage jobs to approving and rejecting expenditures and financial contracts the city wants to make (ASBURY PARK PRESS).
- Recession-battered **CALIFORNIA** has announced that it will sell 11 office properties to a group of private investors for \$2.3 billion. But the state’s plan to lease the buildings back for at least 20 years has raised some questions about the long-term costs of renting (SACRAMENTO BEE).

– *Compiled by KOREY CLARK*

Politics & leadership

MT BUCKING TREND ON CORPORATE POLITICAL AD SPENDING: Since the U.S. Supreme Court lifted the federal ban on political advertising by corporations and unions, nine states have suspended or repealed their own restrictions on so-called “electioneering.”

Montana isn’t one of them. Having been sued by three corporations seeking to influence the November election, Montana Attorney General Steve Bullock is arguing that his state’s Corrupt Practices Act of 1912 remains constitutional, despite the Supreme Court’s January ruling striking down similar provisions of the 2002 federal Bipartisan Campaign Reform Act, better known as McCain-Feingold.

Writing for the majority in that decision, Justice Anthony Kennedy stated that “independent expenditures” for candidate ads, “including those made by corporations, do not give rise to corruption or the appearance of corruption.”

Montana’s AG sees things a little differently.

“Montana has a record, a history and a present that’s different from what the Supreme Court had in front of it,” said Bullock, a Democrat elected in 2008. “In Montana, we have a record that shows those expenditures did corrupt and do corrupt.”



Montana has restricted corporate political spending since 1904, when the state’s Supreme Court ruled that mining executives had misappropriated corporate funds by spending them “for strictly political purposes.” Eight years later, the state’s voters, fed up with out-of-state corporate barons controlling the state’s natural resources by spending millions to elect pliant state legislators, passed the state’s first-ever ballot initiative, the Corrupt Practices Act, by a 3-1 margin.

While the Montana law, like the now-invalid McCain-Feingold provisions, doesn’t allow corporations to use general funds for electioneering, it does permit them to establish political action committees that can collect donations for campaign ads.

“In Montana,” Bullock said, “it takes two minutes to register as a political committee and our commissioner of political practices will help you fill out the form.”

But Donald Ferguson, Executive Director of Western Tradition Partnership, a pro-business group that is leading the suit to overturn Montana’s Corrupt Practices Act, argues that the state’s position is like saying poll taxes — declared unconstitutional by the Supreme Court in 1966 — aren’t a burden because “you just have to pay a tax and then you can vote.”

“Free speech is free speech,” he says.

Another plaintiff in the suit against the state is Champion Painting Inc. in Bozeman. Its owner, Kenneth Champion, who heads a local Tea-Party group, said he wants to be able to spend his company’s money to oust city officials who joined an international organization of local governments pursuing sustainability goals promoted by the United Nations.

“You get a lot of people out of California who retire here,” and “try to implement the same agenda they had back where they came from,” Champion said.

Although his personal political spending isn’t restricted by Montana law, Champion believes political ads sponsored by small businesses like his would have more credibility with voters.

A third plaintiff in the challenge to the Corrupt Practices Act is the nonprofit Montana Shooting Sports Association. Its president, Gary Marbut, said he incorporated the group in 1990 mainly “to get the right candidates elected,” but the group is currently restricted from using its regular dues for electioneering and must collect donations through its political action committee.

Although Marbut wants more freedom for his group to spend on elections, however, he doesn’t share Western Tradition’s — or the Supreme Court’s — view that all corporations are entitled to the same First Amendment rights as individuals.

“There’s a difference between groups like us and the Exxons of the world,” he said. “We don’t want to recreate the Copper Kings era, when they owned Montana and we were their servants.” (WALL STREET JOURNAL)

At Issue in the States

Want to learn more about State Net, our legislative experts or the Capitol Journal staff? Visit our blog, <http://statenet.typepad.com/at-issue-in-the-states/>. It’s a great way to find out in a flash what’s going on in statehouses across the country...like yours!

DISCONTENTED VOTERS TO CONSIDER CONSTITUTIONAL CONVENTION IN FOUR STATES: Fourteen states ask voters every 10 to 20 years if they'd like to write a new constitution. In the past, those voters have tended to say no; the last time the automatic convention call appeared on Montana's ballot in 2000, it was rejected by 86 percent of the state's voters, and a convention hasn't actually been triggered through that mechanism since 1986, in Rhode Island.

But in a year when economic angst and distrust of government have many voters waving "Don't Tread on Me" flags and dressing in colonial garb, anything is possible. And that has officials concerned in Iowa, Maryland, Michigan and Montana, the four states with automatic convention calls on the ballot in November.

"I'm really scared by what might happen if there were a convention," said Michigan Rep. Jim Slezak (D). "You don't want bad decisions made based on something that happened a month ago or a year ago instead of focusing on what's happened over the course of the last 30 years."

Dorothy Eck, one of the 100 delegates who produced Montana's constitution in 1972,

worries that a new constitutional convention might discard some of the provisions that she and the other delegates worked so hard to put into place, particularly those pertaining to government transparency and the environment.

"A convention is a hard thing to do, and it was difficult here," she said. "It's a threat to everyone's interests."

Political scientists tend to agree, however, that conventions are more likely to occur when there is a single, tangible issue for voters to rally around, such as in the 1960s, when states were figuring out how to respond to a U.S. Supreme Court decision mandating reapportionment of state legislative districts. On that basis, Iowa may be the most likely state to call a constitutional convention. Opponents of gay marriage there are rallying around the idea as a way of addressing a state Supreme Court decision legalizing gay marriage in the state.

"The provision for a convention was put into place for just such a situation," said Tom Chapman, executive director of the Iowa Catholic Conference.

But even if voters approve any of the four constitutional convention ballot measures next month, and delegates go on to produce a new constitution, there's no guarantee voters will like what the delegates come up with. As Dan Friedman, counsel to Maryland's General Assembly and an expert on the state's constitution, pointed out, delegates to the constitutional convention in his state in 1967 and 1968 "wrote a beautiful constitution that was soundly defeated by the voters." (STATELINE.ORG)

"There's a difference between groups like us and the Exxons of the world. We don't want to recreate the Copper Kings era, when they owned Montana and we were their servants."



“Unfortunately, the content of the bulletins rendered them of marginal value, inflammatory, and hurtful, if not harmful,” Crawford said, adding that his boss had no plans to hire a new OHS director in the three months he has left in his term. (PHILADELPHIA INQUIRER)

PARNELL CALLS FOR ARCTIC DRILLING: Alaska Gov. Sean Parnell (R) called on federal officials to follow their removal of a ban on deep water oil drilling in the Gulf of Mexico with a similar end to prohibitions on shallow-water drilling in the Arctic. Interior Secretary Ken Salazar lifted the Gulf ban last Tuesday, but left in place a similar ban on drilling in the Beaufort and Chukchi seas.

“If Secretary Salazar can lift the moratorium for wells in 5,000 feet of water, he should be able to do so for a shallow-water well in the Beaufort Sea,” Parnell said.

The April decision to halt drilling forced Shell Oil to postpone plans to build exploratory wells in both seas. The company says it needs to know by December if

the ban will be lifted if it is to include drilling those wells in its 2011 plans.

Salazar was noncommittal last week. Interior Department spokeswoman Kendra Barkoff said only that “Secretary Salazar believes we need to continue to take a cautious approach in the Arctic that is guided by science and the voices of North Slope communities.”

Parnell’s call is the latest round in what has become an ongoing battle of wills with the Obama

administration over the drilling prohibition. Noting the short drilling season, Parnell and Alaska Attorney General Dan Sullivan filed suit last month to overturn the ban, and officials last Tuesday asked the court for an expedited review of the case. (ANCHORAGE DAILY NEWS)

“If Secretary Salazar can lift the moratorium for wells in 5,000 feet of water, he should be able to do so for a shallow-water well in the Beaufort Sea.”

GOVERNORS IN BRIEF: Russian President Dmitry Medvedev hosted CALIFORNIA Gov. Arnold Schwarzenegger (R) last week in an effort to promote American investment in a proposed Silicon Valley-style technology hub. Schwarzenegger was joined by 23 potential investors from the U.S., including representatives from Google and Intel. The governor also drew chuckles when he inadvertently referred to his Russian hosts as “our Soviet counterparts” (LOS ANGELES TIMES). • ARIZONA Gov. Jan Brewer (R) issued a statement last week refuting blog reports that she was in poor health and would possibly not be able to finish a full four year term if elected in November. Brewer called the reports “outlandish and completely unsubstantiated” (ASSOCIATED PRESS). • NEVADA Gov. Jim Gibbons (R) returned to his duties last week, albeit from the hospital bed where his is still recuperating from serious injuries suffered when he was tossed from



his horse on September 21st. The governor, who had surgery to insert several metal rods and plates to hold his shattered pelvis together, presided over two state meetings via telephone (LAS VEGAS REVIEW-JOURNAL).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** Attorneys general and mortgage regulators for all 50 states announce a joint investigation of the mortgage-servicing industry amidst allegations that lenders regularly used false affidavits and other questionable documents to support thousands of foreclosures nationwide. The probe will initially focus on seven of the nation’s largest home lenders, including Bank of America and JP Morgan Chase (WASHINGTON POST). • **MICHIGAN** Gov. Jennifer Granholm (D) vetoes HB 6007, legislation that would have allowed the sale of liquor on Sunday mornings and Christmas Day. Granholm said she supports the bill’s main thrust, but opposes additional elements, including provisions that allow restaurants to supply their own alcohol at events they cater, stores that sell alcohol to allow wine and beer tasting, and community colleges to provide alcohol for culinary arts programs (DETROIT FREE PRESS).

CRIME & PUNISHMENT: The **PENNSYLVANIA** Senate approves HB 1926, which would allow residents to use deadly force to defend themselves beyond their homes, including in their vehicles and “anywhere they have the right to be.” Lawmakers subsequently rejected an amendment to the bill that would have closed the so-called “**FLORIDA** loophole” that allows Keystone State residents who have been rejected for a gun permit to obtain one in another state. The bill returns to the House (STATE NET). • The **NEW HAMPSHIRE** Legislature rejects an attempt to amend SB 500, an already-approved bill that requires all inmates to be released into supervised parole nine months before the end of their maximum sentence, to exclude sex offenders and others convicted of violent crimes (NASHUA TELEGRAPH).

EDUCATION: **MICHIGAN** Jennifer Granholm (D) vetoes a line in HB 5872, a bill that would have detailed how \$316 million in federal education dollars would be spent. Granholm cited a letter from federal education officials that said lawmakers’ plans could cause the state to forfeit the money. She urged lawmakers to revise the measure (TIMES-HERALD [PORT HURON]).



ENVIRONMENT: The Obama administration lifts its six-month ban on deep water oil drilling in U.S. waters in the Gulf of Mexico, six weeks earlier than originally planned. U.S. Interior Secretary Ken Salazar said new safety standards and required inspections imposed by his department will alleviate safety concerns over the drilling operations (ADVOCATE [BATON ROUGE]).

- Federal officials begin rounding up wild horses in **WYOMING**. The monthlong roundup is intended to remove 2,000 wild horses from the Equality State’s open lands. Federal authorities estimated the wild horse population this spring at approximately 2,438, or more than 1,500 horses above the low management range for the two herd units (BILLINGS GAZETTE).
- The U.S. Environmental Protection Agency announces it will allow the sale of automotive fuel with ethanol levels as high as 15 percent, up from 10 percent currently. The EPA recommends the new blend only for vehicles made since 2007. Gas stations that sell the new fuel will be required to use special pumps and to post signs noting the change so consumers do not put the wrong fuel into their cars, which could cause engine damage (WASHINGTON POST).

In case you missed it

In just a few weeks voters in 36 states will determine the fate of 155 ballot measures. Unlike in past years, fiscal issues dominate the agenda.

In case you missed it, the article can be found on our Web site at http://www.statenet.com/capitol_journal/10-11-2010/html

HEALTH & SCIENCE: A U.S. District Court in **MICHIGAN** rules that the federal health reform law’s mandate that individuals purchase health insurance beginning in 2014 is not unconstitutional. Judge George Steeh found that Congress acted consistent with its power under the commerce clause, which allows it to regulate interstate commerce. The plaintiffs are expected to appeal (WASHINGTON POST).

- In contrast, a federal judge in **FLORIDA** refuses to dismiss a similar challenge from 20 states that also contends Congress exceeded its authority by invoking the individual mandate. The case moves now to pre-trial arguments, with most observers believing the case will ultimately be decided by the U.S. Supreme Court (WALL STREET JOURNAL).
- Also in **MICHIGAN**, lawmakers restart a program that provides free or nearly free health care to low income adults. Lawmakers approved restarting the program, which has been on hold for a year, in order to help qualify the Wolverine State for \$350 in matching federal Medicaid funds. The program is expected to reach as many as 58,000 people (DETROIT FREE PRESS).

IMMIGRATION: A federal judge rejects **ARIZONA** Gov. Jan Brewer’s (R) request to dismiss a lawsuit seeking to overturn SB 1070, the Grand Canyon State’s tough new immigration law. Although U.S. District Court Judge Susan Bolton granted some of Brewer’s motions, she also ruled the plaintiffs’ arguments had enough merit to move forward. The case is one of at least seven lawsuits that have been filed against SB 1070 since July (ARIZONA REPUBLIC [PHOENIX]).



SOCIAL POLICY: The **OREGON** Supreme Court agrees to decide whether child social workers should have to get warrants to interview potential victims of sex abuse at school when the alleged abuser lives at home. The decision will come in the case of a police officer and social worker who interviewed a suspected abuse victim at school. Federal courts have previously ruled that officers and social workers need the warrants (**OREGONIAN** [PORTLAND]). • **WISCONSIN** Gov. Jim Doyle (D) announces the state has filed a motion to join a case challenging a recent court ruling that blocks federal funding for stem cell research. In August, U.S. District Judge Royce C. Lamberth stopped stem cell research funding, saying federal law bars the use of taxpayer money for experiments that destroy human embryos (**WISCONSIN STATE JOURNAL** [MADISON]). • A federal judge in **CALIFORNIA** rules that the U.S. military’s “don’t ask, don’t tell” policy, which bans gays and lesbians from serving openly in the services, is unconstitutional. Two days later, the Obama administration asked a federal judge to allow the policy to continue while they pursue an appeal. Federal officials said the case raises serious legal questions and that the government will be irreparably harmed unless the current policy is allowed to remain in place temporarily. The administration has asked for a ruling by this week (**LOS ANGELES TIMES**).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

SHAME, SHAME, SHAME: Tax scofflaws in New Jersey, beware. That’s because, after a two-year hiatus, Garden State officials are dusting off the time honored practice of publicly shaming the state’s most egregiously delinquent taxpayers. As the *Star Ledger* of Newark reports, the state recently posted the names of about 100 individuals and 90 businesses who owe big bucks in back payments, including one person who owes \$1.43 million and a company in hock for over \$4 million. While almost 200 tax evaders might seem high, it pales in comparison to the number in neighboring Pennsylvania. As the *Philadelphia Inquirer* notes, the Keystone State’s list of scofflaws was posted in August...with 39,000 listed offenders.

SNICKER, SNICKER, SNICKER: Whatever you do, don’t mess with Oregon state workers’ Snickers bars. So goes the lesson in the Beaver State, where Gov. Ted Kulongoski recently said he wants vending machines and cafeterias in state buildings to carry more healthy snacks and less junk food. The idea, of course,



being to help workers drop a few pounds, be healthier and, most important, reduce the cost of their taxpayer-funded health care. But as the *Portland Oregonian* reports, the gov got immediate pushback from both state workers and the snack vendors who ply them with their sugary treats. It seems Snickers bars are the vendors' number one seller, leaving them loathe to give them up. Faced with such heat, Kulongoski melted. The order has been called off, pending further study.

Correction

In our HTML version of last week's SNCJ, we noted that Iowa had ended their fiscal year with a \$755 budget surplus. This was supposed to say \$755 million. We regret the error.

SPLASH, SPLASH, SPLASH: You would be hard pressed to find someone more dignified than Bill Gates Sr., the father of Microsoft founder Bill Jr. But the elder Gates recently put his regal bearing aside in order to promote Proposition 1098, a Washington ballot initiative that would impose a state income tax on incomes above \$200,000. As the *Seattle Post-Intelligencer* reports, Gates Sr. recently starred in a commercial for the measure that had him taking a turn in a dunk tank, ostensibly to debunk claims that Prop 1098 was all about "soaking the rich." The highlight? A fully-clothed Gates taking a plunge and then emerging from the drink to urge people to "vote for 1098." Ironically, while Gates' Jr. and Sr. both support the measure, current Microsoft CEO Steve Ballmer has contributed \$10,000 to its opponents.

BANG, BANG, BANG: As noted in this space last week, Pennsylvania Gov. Ed Rendell has a somewhat strained relationship with President Obama. Rendell, however, is clearly not the only Dem governor who doesn't see eye to eye with the president. As the *Los Angeles Times* reports, West Virginia Gov. Joe Manchin, who is seeking to replace the late Robert Byrd in the U.S. Senate, has just released a campaign commercial that shows the gov shooting a copy of a proposed federal cap-and-trade bill. Manchin also vows to help repeal "the bad parts of Obamacare," the federal health care reform bill that the president championed. And why would a Dem like Manchin turn so nastily on the Party's own leader? It could be that Obama's approval rating in the Mountain State sits at 29 percent. Ouch.

— By RICH EHISEN

Upcoming elections 10/13/2010 - 11/3/2010

11/02/2010

Alabama General Election

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

Alaska General Election

House (All)
Senate B, D, F, H, J, L, N, P, R, S
Constitutional Officers:
Governor, Lieutenant Governor
US House (All)
US Senate

Arizona General Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Secretary of State,
Treasurer, Attorney
General, Mine Inspector,
Superintendent of Public Instruction
US House (All)
US Senate

Arkansas General Election

House (All)
Senate 5, 6, 10, 11, 13, 14, 15, 16,
18, 19, 21, 22, 27, 28, 29, 34, 35
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer,
Attorney General, Auditor,
Commissioner of State Lands
US House (All)
US Senate

California General Election

Assembly (All)
Senate (Even)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer,
Attorney General, Controller,
Insurance Commissioner,
Superintendent of Public Instruction
US House (All)
US Senate

California Special Primary

Senate District 1

Colorado General Election

House (All)
Senate 1, 2, 3, 5, 6, 7, 9, 11, 13, 15,
16, 20, 22, 24, 30, 31, 32, 34
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer,
Attorney General
US House (All)
US Senate

Connecticut General Election

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

Delaware General Election

House (All)
Senate 1, 5, 7, 8, 9, 12, 13, 14, 15,
19, 20
Constitutional Officers:
Treasurer, Attorney General, Auditor
US House (All)
US Senate

District of Columbia General Election

Council Ward 1, Ward 3, Ward 5,
Ward 6;
Member at Large
US House (All)

Florida General Election

House (All)
Senate (Even)
Constitutional Officers:
Governor, Lieutenant Governor,
Attorney General,
Chief Financial Officer,
Commissioner of Agriculture
US House (All)
US Senate

Georgia General Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Attorney General, Comptroller
General/Commissioner of
Insurance, Commissioner
of Agriculture, Commissioner of
Labor
US House (All)
US Senate

Hawaii General Election

House (All)
Senate 2, 4, 8, 9, 10, 11, 13, 14, 15,
19, 20, 24, 25
Constitutional Officers:
Governor, Lieutenant Governor
US House (All)
US Senate

Idaho General Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General,
Controller, Superintendent of
Public Instruction
US House (All)
US Senate

Illinois General Election

House (All)
Senate 1, 4, 7, 10, 13, 16, 19, 22, 25,
28, 31, 34, 37, 40, 43, 46, 49, 51, 52,
55, 58
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer,
Attorney General, Comptroller
US House (All)
US Senate

Illinois Special Election

US Senate

Indiana General Election

House (All)
Senate 1, 4, 6, 11, 14, 15, 17, 19, 21,
22, 23, 25, 26, 27, 29, 31, 38, 39,
41, 43, 45, 46, 47, 48, 49
Constitutional Officers:
Secretary of State, Treasurer,
Auditor
US House (All)
US Senate

Indiana Special Election

US House (IN Congressional District 3)

Iowa General Election

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

Upcoming elections (cont.) 10/13/2010 - 11/3/2010

Kansas General Election

House (All)
Senate District 7
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General,
Commissioner of Insurance
US House (All)
US Senate

Kentucky General Election

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

Louisiana General Election

US House (All)
US Senate

Louisiana Special Runoff(if needed)

House District 5
Senate District 2

Maine General Election

House (All)
Senate (All)
Constitutional Officers:
Governor
US House (All)

Maryland General Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Attorney General,
Comptroller
US House (All)
US Senate

Massachusetts General Election

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

Michigan General Election

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

Michigan Special Election

House Districts 65 and 95

Minnesota General Election

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

Mississippi General Election

US House (All)

Missouri General Election

House (All)
Senate (Even)
Constitutional Officers:
Auditor
US House (All)
US Senate

Montana General Election

House (All)
Senate 1, 4, 5, 8, 11, 12, 13, 14, 15,
17, 20, 23, 25, 28, 29, 30, 31, 32, 35,
39, 40, 42, 43, 44, 48, 49
US House (All)

Nebraska General Election

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

Nevada General Election

Assembly (All)
Senate Clark Co Dist: 2, 5, 7, 8, 9,
10, 12,
Capital Senatorial Dist, Washoe Co
Dist: 1, 2, 4
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer,
Attorney General, Controller
US House (All)
US Senate

New Hampshire General Election

House (All)
Senate (All)
Constitutional Officers:
Governor
US House (All)
US Senate

New Jersey General Election

US House (All)

New Jersey Special Election

Assembly District 5
Senate Districts 5 and 14

New Mexico General Election

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

New York General Election

Assembly (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Attorney General,
Comptroller
US House (All)
US Senate

New York Special Election

US House (NY Congressional
District 29)
US Senate

North Carolina General Election

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

North Dakota General Election

House (Odd)
Senate (Odd)
Constitutional Officers:
Secretary of State, Attorney
General, Agriculture
Commissioner, Tax Commissioner,
Public Service Commissioner
US House (All)
US Senate

Ohio General Election

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

Oklahoma General Election

House (All)
Senate (Even)
Constitutional Officers:
Governor, Lieutenant Governor,
Treasurer, Attorney
General, Auditor and Inspector,
Commissioner of Labor,
Insurance Commissioner
US House (All)
US Senate

Upcoming elections (cont.) 10/13/2010 - 11/3/2010

Oregon General Election

House (All)
Senate 3, 4, 6, 7, 8, 10, 11, 13, 15,
16, 17, 19, 20, 24, 26 &
Dist 22 - unexpired term
Constitutional Officers:
Governor, Superintendent of Public
Instruction,
Commissioner of Labor and
Industries
US House (All)
US Senate

Pennsylvania General Election

House (All)
Senate (Even)
Constitutional Officers:
Governor, Lieutenant Governor
US House (All)
US Senate

Rhode Island General Election

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

South Carolina General Election

House (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General,
Comptroller General,
Adjutant General, Commissioner of
Agriculture,
Superintendent of Education
US House (All)
US Senate

South Dakota General Election

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

Tennessee General Election

House (All)
Senate (Odd)
Constitutional Officers:
Governor
US House (All)

Texas General Election

House (All)
Senate Districts 1, 2, 3, 5, 7, 8, 12,
13, 14, 15, 17, 18, 19, 22, 25, 29
Constitutional Officers:
Governor, Lieutenant Governor,
Attorney General,
Comptroller of Public Accounts
US House (All)

Texas Special Election

House District 84

Utah General Election

House (All)
Senate 2, 3, 4, 5, 7, 9, 11, 12, 15,
17, 18, 21, 22, 26, 28
US House (All)
US Senate

Vermont General Election

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

Virginia General Election

US House (All)

Washington General Election

House (All)
Senate 6, 7, 8, 13, 15, 21, 26, 29, 30,
31, 32, 33, 34, 35, 36, 37, 38, 41,
42, 43, 44, 45, 46, 47, 48
US House (All)
US Senate

West Virginia General Election

House (All)
Senate One in each district, except
in
district 10 where both seats are up.
US House (All)

West Virginia Special Election

US Senate

Wisconsin General Election

Assembly (All)
Senate (Odd)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General,
Superintendent of Public Instruction
US House (All)
US Senate

Wyoming General Election

House (All)
Senate (Odd)
Constitutional Officers:
Governor, Secretary of State,
Treasurer, Auditor,
Superintendent of Public Instruction
US House (All)

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