

November 14, 2005

## Ballot measures fall flat



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### Top Story

*Voters just said no to numerous ballot measures in several states last week, including a stunning rebuke to redistricting proposals from CALIFORNIA Gov. Arnold Schwarzenegger (R) and OHIO Democrats.*

## SNCJ Spotlight

### *Voters not too agreeable in most state ballot races*

**T**he initiative process provides a means of bypassing standard legislative procedure and taking issues directly to “the people.” But last week’s ballot races in six states demonstrated that “the people” can be just as difficult to sway as lawmakers.

No one learned that lesson better than CALIFORNIA Gov. Arnold Schwarzenegger (R), who saw voters emphatically reject all four of his “year of reform” initiatives. Just last year, the celebrity-governor scored a

decisive victory at the ballot box, helping to secure the overwhelming passage of a pair of budget-reform measures that had trailed substantially in early polling. And when he announced his reform agenda in January after budget talks with legislative leaders had broken down, his approval rating was soaring at around 60 percent.

Going into last Tuesday's election, however, Schwarzenegger's approval rating was languishing in the high thirties, and his proposals to lengthen the time it takes for teachers to earn tenure (Prop. 74), require public employee unions to get written consent from members before using dues for political purposes (Prop. 75), limit state spending (Prop. 76) and strip lawmakers of their authority to draw political districts (Prop. 77), were trailing in the polls. The dramatic change of fortune was largely the result of an aggressive TV ad campaign from the state's public employee unions and Democratic party. Those opponents spent about \$100 million attacking those initiatives, effectively turning the election into a public referendum on Schwarzenegger's credibility. (See Governors section in this issue)

Schwarzenegger and his allies spent about \$50 million (the governor himself chipped in over \$7 million) trying without success to reverse public opinion and save at least some of the reform agenda. But a Field Poll released shortly before the election indicated that not only did Schwarzenegger's presence not help those measures, his association with them actually hurt their chances.

Democratic political consultant Garry South attributed the failure of Schwarzenegger's initiatives to a number of "cardinal sins" committed by his reform team, including taking on several groups that are popular with voters — teachers, nurses, firefighters and police officers — simultaneously, and then failing to raise enough resources to fight them all. Others, including some Republicans, said the problem was that Schwarzenegger's team pushed him to the right of his customary centrist position. Republican strategist Dan Schnur, for instance, said, "He's governed from the center for two years now. But the

## *The Week in Session*

States in Regular Session: DC, MA, MI, NJ, NY, OH, PA, US, WI

States in Special Session: DE "b", LA "a", PA "a", WV "e"

States in Recess: CA, NH

Special Sessions in Recess: CA "a", DE "a", OK "a"

States in Special Session Projected to Adjourn: CT "a", CT "b"

States Adjourned in 2005: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

States in Special Session Adjourned in 2005: AK "a", AL "a", CT "a", CT "b", GA "a", KS "a", ME "a", ME "b", MN "a", MO "a", MS "a", MS "b", MS "c", MS "d", MS "e", NM "a", NV "a", SD "a", TX "a", TX "b", UT "a", UT "b", VT "a", WI "a", WV "a", WV "b", WV "c", WV "d"

Letters indicate special/extraordinary sessions

Source: State Net, 11/11/05

special election only emphasized one half of his political persona,” adding that his team “tried to run a red-state agenda in one of the bluest states in America.”

On top of that, some voters were irked that the election had incurred the state \$50 million in unnecessary expense when it was already struggling with budget problems. “There was nothing on the ballot that couldn’t have waited,” griped one Republican voter. And a Democrat said, “A governor should be able to negotiate with the Legislature on these matters, and not take it to the people. It shouldn’t be up to the voters.”

California voters also rejected a pair of dueling propositions concerning discount prescription drugs for uninsured residents. The sponsors of one of those measures, however, was likely perfectly satisfied with that outcome, even though they spent \$80 million on their campaign. Pharmaceutical companies placed Prop. 78 on the ballot as an alternative to Prop. 79, a measure sponsored by consumer groups. The latter would have required drug companies to offer price breaks for the uninsured, while the former would have allowed the companies to do so on a voluntary basis. Pre-election polls showed that the competing proposals confused voters, which observers say worked to the pharmaceutical industry’s advantage. “Defeating Proposition 79 was the top priority for the drug companies,” said Claremont McKenna College political science professor Jack Pitney. “If voters got confused, that probably suited the pharmaceutical industry.” Field Poll Director Mark DiCamillo summed up the impact of the drug companies’ campaign a little more succinctly and imaginatively, calling it a “murder-suicide.”

## Bird’s eye view



### *Not all states equal in campaign finance disclosure*

State campaign finance disclosure laws are intended to shine a light on the role of money in political races. But according to a new report from the Campaign Disclosure Project at the University of CALIFORNIA Los Angeles Law School, those laws vary, often significantly, from state to state. The report gives each state a cumulative grade based on how it fared in an evaluation of each of four specific criteria: overall comprehensiveness of state laws, whether the state has mandatory electronic filing requirements, public availability of disclosed information, and the degree that state disclosure Web sites are “user-friendly.” Based on that, only WASHINGTON earned an “A” grade, while 10 states earned a “B.” Overall, 34 states received passing grades (D or better) while 16 states garnered an “F” for their disclosure laws. The accompanying map shows each state’s cumulative grade. The full report can be viewed at <http://www.campaigndisclosure.org/>.



California voters also said no to a measure seeking to regulate the energy industry (Prop. 80). Observers said the measure was hurt both by its complexity and proponents' lack of spending on the campaign, less than \$300,000. Rounding out the states negative clean sweep, voters defeated a measure (Prop. 73) that would have required doctors to notify the parents of minors seeking an abortion, but by a margin that was narrower than some might have expected in one of the first states to legalize abortion (53 percent to 47 percent).

The record-low approval ratings of OHIO Gov. Bob Taft (R) and a series of scandals within the states' Republican-controlled government — including a rare coin fund investment scheme dubbed “Coingate” — weren't enough to persuade Buckeye State voters to approve a single one of the four political reform measures backed by a coalition of Democratic-leaning groups. Spurred in part by last year's wrangling over the 2004 presidential election, the measures included proposals that would have stripped legislators of their redistricting power (Issue 4) and taken the job of overseeing elections away from the secretary of state (Issue 5). But even a relatively noncontroversial measure that would have made absentee balloting available to all of the state's voters garnered only 36 percent support. With Issues 4 and 5 both failing on 70 percent to 30 percent votes, the sentiments of one voter from suburban Columbus might be fairly representative. “The Democrats can't win by playing by the rules, so they want to change the rules,” he said.

Some analysts said the resounding election result doesn't bode well for Democrats in next year's statehouse races. And the failure of Issue 4 — along with California's Prop. 77 — was a major blow to supporters of redistricting reform, who were hoping that successes in a Midwestern swing state and a key Western one might start a nationwide wave.

In NEW YORK, voters soundly rejected Proposal One, a measure that supporters had touted as a cure for the state's chronic problem of late budgets. Voters evidently balked at a provision that would have effectively shifted control over the budget-crafting process from the governor to legislators; “I wouldn't give it to them,” said one. “It would be too many people to try to keep an eye on. I think they'll spend money. Not to say that Pataki won't, but we can hold him accountable.” One of the measure's key supporters, Blair Horner of the New York Public Interest Research Group, said that ultimately, the vote “turned out to be a referendum on the Legislature,” adding, “It wasn't like there was a compelling argument for keeping the status quo.” Empire State lawmakers didn't go away completely empty handed, however. Voters did approve the other measure placed on last Tuesday's ballot by the Legislature — Proposal Two — which will allow the state to borrow \$2.9 billion for transportation projects.

There were also mixed results at the polls in WASHINGTON, where voters approved a tough new ban on public smoking (Initiative 901) — little surprise in a state where 80 percent of the population doesn't smoke — and rejected two competing medical-malpractice initiatives, I-330 and I-336, backed by the state's feuding medical and legal communities, respectively. The campaigns for the latter two measures were expensive and nasty, with TV ads depicting lawyers puffing on cigars and stuffing money into their pockets, and patients suffering from botched medical procedures. Their mutual failure will send the issue back to the Legislature, which hasn't managed to work out a compromise between the warring sides in three previous attempts.

Results were mostly positive in MAINE, where voters approved four of five bond measures and rejected a proposal (Question One) to repeal a law passed earlier this year prohibiting discrimination on the basis of sexual orientation. Matt Foreman, executive director of the National Gay and Lesbian Task Force, said the result on Question One was “a much-needed victory in our national movement” following the string of losses in other states on gay marriage. “We needed to show we can win.” Closer to home, Gov. John Baldacci (D) said the voters' approval of the referendum “reaffirms the basic values that are intrinsic in Maine. Mainers don't like discrimination...if it happens to one person, it happens to all of us.”

TEXAS voters also liked much of what they saw on the ballot last week, particularly a measure granting constitutional protection to a 2003 state law prohibiting same-sex marriage — Proposition 2 — which passed by a 3 to 1 margin. “Texas is a huge conservative state and they've spoken on this issue,” said the measure's author, Rep. Warren Chisum (R). “They're very family-oriented, and given the opportunity, they'll vote conservative. They still have a lot of moral values.” Cal Jillson, a political scientist at Southern Methodist University, said the result was no surprise. “The shock of it would be if it were even close,” he said. (SACRAMENTO BEE, LOS ANGELES TIMES, ASSOCIATED PRESS, SAN DIEGO UNION-TRIBUNE, MERCURY NEWS [SAN JOSE], STATELINE.ORG, PLAIN DEALER [CLEVELAND], TOLEDO BLADE, CINCINNATI ENQUIRER, SYRACUSE POST-STANDARD, DEMOCRAT AND CHRONICLE [ROCHESTER], TIMES UNION [ALBANY], OLYMPIAN, SEATTLE TIMES, BOSTON GLOBE, SAN ANTONIO EXPRESS-NEWS, HOUSTON CHRONICLE, DALLAS MORNING NEWS)

— *Compiled by KOREY CLARK*

# Budget & taxes

**B LACK CAUCUS SUES BLANCO:** The Louisiana Legislative Black Caucus filed suit against LOUISIANA Gov. Kathleen Blanco (D) in district court last week, alleging that her executive order for \$431 million in budget cuts was unconstitutional without first consulting the Legislature. The Black Caucus accused Blanco of ignoring their priorities, refusing to consider legislation that would bring displaced people back to New Orleans and aiming her budget cuts at health care, education and other programs that help the poor. The division came amidst a 17-day special legislative session Blanco called to address recovery efforts after Hurricane Katrina. Blanco fired back at the Caucus, saying black lawmakers had the same opportunity as everyone else to suggest topics for the session and claiming their bitterness is a reaction to her decision to eliminate financing for the Governor's Office of Urban Affairs and Development, often called a "slush fund" by its critics. "I'm sorry that they're feeling the pain of a \$6 million cut to the urban fund," Blanco said. "That's a small amount of money in relation to the whole (budget) problem. But everybody needs to make these sacrifices right now." (TIMES-PICAYUNE [NEW ORLEANS])

**GRANHOLM LIKELY TO VETO MI TAX PLAN:** MICHIGAN Gov. Jennifer Granholm (D) said she will veto a series of bills approved by the Senate last week that would cut business taxes and set up a \$1 billion investment fund aimed at diversifying the state's economy. Granholm and Republican legislative leaders announced a deal on the economic recovery plan last week, but the final package of bills approved by the House did not continue the state's main business tax beyond 2009 when it is scheduled to end, something Granholm said was a requirement to earn her signature. She said the bills in their current form do not reflect the agreement she previously made with GOP leaders. "They have not given the people of Michigan the agreement that we reached," Granholm said after lawmakers completed their business. "They are clearly choosing politics over Michigan jobs, over Michigan's people, over Michigan's economic growth." Republicans countered that Granholm is focusing on only a small part of the overall plan and denied that keeping the tax was ever part of their agreement with her. (LANSING STATE JOURNAL)

— *Compiled by RICH EHISEN*





PILOT [NORFOLK], STATELINE.ORG, NEW JERSEY STAR-LEDGER [NEWARK], TIMES [TRENTON], PHILADELPHIA INQUIRER, PITTSBURGH POST-GAZETTE, NEW YORK TIMES)

— Compiled by KOREY CLARK

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# Governors

## **W** AS WARNER THE REAL WINNER IN VA GOV RACE?

That is the question many are asking in the wake of last Tuesday’s victory by Democrat Tim Kaine in the VIRGINIA governor’s race. Several observers echoed the sentiment of George Mason University professor Mark J. Rozell, who chalked Kaine’s win up to the lasting appeal of the Old Dominion’s outgoing governor, Mark Warner (D), who is considering a run at the White House in 2008. Kaine, the state’s lieutenant governor under Warner, consistently took advantage of the governor’s popularity, often referring to the previous four years as the “Warner-Kaine administration” even though they were elected separately. “I think to a large extent [the story] is the Warner influence,” said Rozell. “He created the circumstances for a Democrat to win in a Republican-leaning state in the South.” A Democrat who opposes capital punishment, no less. Kaine becomes the first person since the reinstatement of the death penalty in 1977 to win the governorship of a Southern state despite personally opposing capital punishment. On that front, Republican Jerry Kilgore — the heavy favorite early in the race — tried hard to paint Kaine as being far too liberal for a red state like Virginia, running ads that claimed Kaine would not have executed Adolph Hitler. That tactic failed to gain traction and, according to polls, actually turned voters against Kilgore. Not even an 11th hour campaign visit from President Bush could save Kilgore after that, something University of Virginia political scientist Larry J. Sabato said is also a major victory for Warner. Kaine’s victory, Sabato said, showed that “people were willing to accept Mark Warner’s recommendation and not willing to accept George Bush’s recommendation.” Jennifer Duffy of the Cook Political Report, which tracks politics across the nation, said “this is definitely a boost to Mark Warner’s national ambitions. He is going to be taken very seriously by Democratic activists in key presidential primary states like IOWA and NEW HAMPSHIRE...This is not a bad launching pad.” Emory University professor Merle Black, who studies Southern politics, agreed that Kaine’s win helped lift Warner’s already-rising star a lot higher, which he also





ing to work closely with Democratic leaders in the future and even offering to let them help him to craft his 2006 State of the State speech. He also extended an olive branch to the unions he so vocally warred with over the last year, saying he would “contact all the union leaders and let them know I want to work with them and I’m not anti-union. I’m open and my office is open. I cannot deliver everything they want. That’s very clear. But we can work together and accomplish some things.” Whether that strategy is successful remains to be seen. Some legislative Democrats warily welcomed Schwarzenegger’s comments, with Senate Pro Tem Don Perata calling it “a five-star performance, and I don’t mean performance in a pejorative way.” But Perata also voiced what many observers were thinking when he added that “the next thing will be: Was it rhetoric or was it real?” (LOS ANGELES TIMES, ASSOCIATED PRESS, SACRAMENTO BEE, STATE-LINE.ORG, SAN FRANCISCO CHRONICLE)

**CORZINE SAYS PROPERTY TAXES ARE JOB ONE:** Newly-elected Gov. Jon Corzine (D) says lowering NEW JERSEY’s highest-in-the-nation property taxes would be a top priority upon taking office. “There is no question we have a serious, serious problem in New Jersey with regard to property taxes. I intend to tackle that,” he said after his victory last Tuesday. Corzine vowed during his campaign that he would increase property tax rebates 10 percent per year and call the Garden State Legislature into special session to work on changing the system. He also wants lawmakers to approve asking voters to convene a constitutional convention on property tax reform. That was welcome news to Senate Minority Leader Leonard Lance (R), who said ethics reform and property tax relief are major GOP priorities as well. Lance said his party would be willing to listen to any proposal Corzine makes, noting that “We’re not going to oppose him merely for the sake of opposition.” Corzine’s first action, however, will have to come much sooner than any of that — choosing his replacement in the U.S. Senate. The popular choice among both state and Congressional Democratic party leaders appears to be the man whom Corzine will replace in January, acting Gov.-Richard Codey (D), easily the most popular officeholder in the state. Codey has said he isn’t interested in the job, but there is speculation that Corzine will offer it to him anyway because he would prefer not to have to share the limelight with Codey in Trenton. Officially, Corzine says he has not given “any serious thought” as to who he will select. (TRENTON TIMES, STAR-LEDGER [NEWARK], NEW YORK TIMES, WASHINGTON POST).

— *Compiled by RICH EHISEN*





sued for rejecting that candidate. The measure now goes to Gov. Rod Blagojevich (D) for review (QUAD CITY TIMES [DAVENPORT]).

**SOCIAL POLICY:** The **WISCONSIN** Assembly endorses SB 138, which would require doctors to tell women who are at least 20 weeks pregnant when seeking an abortion that the fetus might feel pain. The bill moves to Gov. Jim Doyle (D), who has said he will veto it (CAPITAL TIMES [MADISON]).

**POTPOURRI: A LOUISIANA** House committee endorses a proposal to allow state transportation officials the power to award highway design and construction contracts in one package. Supporters say the bill could significantly speed up the building of new roads and bridges in the wake of Hurricane Katrina.

Under current law, the design and building processes are handled separately. The measure must now build itself in the full House (TIMES-PICAYUNE [NEW ORLEANS]). • Reacting to the ongoing clergy sexual abuse scandal in the Catholic church, the **MASSACHUSETTS** Senate overwhelmingly endorses legislation that would require churches and other religious organizations to fully disclose their finances in the same way as do other nonprofit groups. The church is accused of making clandestine payments to alleged abuse victims while simultaneously shuffling their assailants to other parishes. The measure moves to the House for review (BOSTON GLOBE). • A **UTAH** Legislative committee approves legislation that would allow any Beehive State resident who is legally able to own a weapon to conceal it in their vehicle, even if it is loaded. It fires off to the full Legislature next session (SALT LAKE TRIBUNE).

## *In the Hopper*

State Net's database tracks tens of thousands of bills in all 50 states at any given time. Here's a snapshot of what's in the legislative works:

Number of 2005 prefiles last week: 195

Number of 2005 Intros last week: 708

Number of bills enacted/adopted last week: 153

Number of 2005 prefiles to date: 36,697

Number of 2005 Intros to date: 161,950

Number of enacted/adopted overall in 2005: 39,764

— Compiled By JAMES ROSS  
(Measures current as of 11/10/05)  
Source: State Net

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**I F AT FIRST...** That clearly is the motto for Michael Sessions, an 18-year-old MICHIGAN high school student who earlier this year lost a race for student council. But as the *Detroit News* reports, the loss didn't dampen his enthusiasm for politics. Just last week, Sessions was elected mayor of his hometown — Hillsdale, a small college town located some 70 miles southwest of Ann Arbor. Sessions, who was too young to register to vote when the campaign began, used a write-in effort to oust a 51-year-old incumbent. Next year, Sessions would like to attend Hillsdale College where he plans to study — what else? — political science. Could make an interesting dynamic if college officials need any new services from the city, such as police patrols or street maintenance. The college prez would have to negotiate with one of the school's freshmen.

**SAY AGAIN?** A candidate for the Closter, NEW JERSEY City Council needs some basic coaching in campaign management and press relations. Last week, according to *NorthJersey.com*, Glen Teitell was charged with one count of making terrorist threats against a reporter. A caller identifying himself as Teitell left the reporter a recorded message, saying he wouldn't be responsible for any physical harm that came her way if she ever mentioned him in a story. A subsequent call said that Teitell himself wouldn't hurt the reporter but "his friends might." If convicted, Tietell faces five years in the hoosegow and a \$15,000 fine. No word on how he fared in the election.

**DON'T SAY AT ALL:** Before it ended last Tuesday, the race for governor of NEW JERSEY got downright bizarre. As the *Washington Post* reports, Republican Douglas Forrester enlisted an odd ally in his quest to defeat Democratic U.S. Senator John Corzine: Corzine's ex-wife. Joanne Corzine was quoted in the *New York Times* not long ago, questioning her ex-husband's sense of commitment; he had left her in 2000 after 33 years of marriage. That quote showed up in Forrester TV ads. Corzine won anyway.



**THEY WANT OUT:** And they are not alone. “They” in this case is a group of citizens from VERMONT who recently held a meeting in the Green Mountain state Capitol to promote secession from the United States. The group wants to establish the Second Vermont Republic, notes the *Christian Science Monitor*, a reference to the fact that Vermont was a republic before it became the 14th state back in 1791. At issue is state sovereignty, and the motive is that SVR champions consider the U.S. to be “ungovernable and unfixable.” Similar efforts are apparently underway in HAWAII and SOUTH CAROLINA. Most constitutional experts agree, however, that the issue of secession was settled by the Civil War.

### In case you missed it: Intelligent Design

In recent years, many opponents of evolution have been pressuring school boards across the country to require teaching the theory of intelligent design — the concept that life is too complex to have developed without the help of an intelligent creator — alongside Darwin’s theory in science class. Supporters say ID is based on legitimate science; many teachers and scientists complain it is a back-door way to force religion into the classroom.

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In case you missed it, the full story can be viewed on our Web site at [www.statenet.com](http://www.statenet.com). (See the Sept. 26 issue in the archives under the Resources tab)

**KEEP ’EM IN:** David Valentine is devoted to his pets. The OHIO schoolboy dotes on “D.J.” and “Blessing,” watching TV with them and bouncing with them on the backyard trampoline. And, of course, tending to their needs. But the *Cincinnati Enquirer* reports that David’s neighbors aren’t all that happy with his choice of pets, and local officials in Miami Township are poised to ban them as violations of town zoning ordinances. Boa constrictors or pit bulls, you ask? No, goats; the pets are David’s 4-H project as well as his companions. Moreover, they are the only successful “therapy” for David’s ADHD. That’s shorthand for “attention deficit hyperactivity disorder.” Ohio legal services has taken up David’s cause, arguing that the township’s ban will discriminate against a handicapped person by denying him a place to live. The two sides are trying to find some middle ground where goats, boy and neighbors can dwell in peace. Meanwhile, an informal poll, conducted on the *Enquirer* Web site, showed that 80 percent of respondents thought David should keep his pets.

— *By A.G. BLOCK*



**Editor:** Rich Ehsen — [capj@statenet.com](mailto:capj@statenet.com)  
**Associate Editor:** Korey Clark — [capj@statenet.com](mailto:capj@statenet.com)  
**Contributing Editor:** A.G. Block — [capj@statenet.com](mailto:capj@statenet.com)  
**Editorial Advisor:** Lou Cannon  
**Correspondents:** Richard Cox (CA), Steve Karas (CA),  
Bruce McKeeman (CA), Linda Mendenhall (IL),  
Lauren King (MA) and Ben Livingood (PA)  
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