A 
fter a tumultuous and bitter presidential campaign, with two of the most disliked candidates in recent history, voters sent a powerful message to politicians: Major change must come to Washington. And, they were willing to give Donald Trump, who often declared it was time to “drain the swamp,” the chance to do just that. Their message to state legislatures, however, was more like: Stay the course!

Clearly, many voters were fed up with politics, mad at politicians and disgusted with the campaign, which one focus group described as “garbage,” says Amy Walter, national editor for The Cook Political Report and frequent panelist for Fox, PBS and NBC.

But how wide and how deep that anger goes is unclear. Voters left the overall partisan landscape in state legislatures relatively unchanged. Only eight chambers shifted party control—well below the average flip of 12 per election cycle. And the turnover rate of legislative seats was just about average, at 25 percent. Furthermore, party control of states, legislatures, chambers and seats hardly moved.

In sum, it was a low-change, almost average election in the states. That was undoubtedly a relief for GOP legislative leaders who only weeks before Election Day feared major losses. States have been under historically high GOP dominance for the past two years and, despite playing mostly defense throughout the long campaign season, the party will remain in the driver’s seat of state policymaking for at least two more years. Republicans even nudged up the tally of legislatures under their complete control from 30 to 32—the most in party history. And now they have a completely Republican government in Washington to work with as well.

The Numbers, Please

Even though Trump claimed a solid win in the Electoral College, Hillary Clinton appears to have narrowly edged him in the popular vote tally. It was a very, very close election at the top of the ticket. Reflecting that, Trump had meager coattails in legislative races. Republicans netted about 40 seats nationwide, marking the second smallest gain in legislatures by a winning president’s party since 1900. It should be noted that on eight occasions, presidential candidates had no proverbial coattails and lost legislative seats despite winning the White House.

At press time, the partisan control of the New York Senate was undetermined, because the race between John Brooks (D) and incumbent Michael Venditto (R) was too close to call and a recount looked inevitable. Excluding that district, Democrats and Republicans each won 31 seats in the chamber. The partisan tallies below do not reflect the Empire State Senate, though most observers of Albany politics expect that the chamber will continue to be led by a coalition of Republicans and a splinter group of Democrats known as the Independent Democratic Conference.

When sessions open in 2017, Republicans will control both legislative chambers in 32 states, and Democrats will control both chambers in 13 states. The number of divided legislatures fell to three, marking the lowest number of split legislatures since 1944.

All told, that’s 48 states because of New York’s undecided race and Nebraska’s nonpartisan, single-chamber legislature. Republicans now have the majority in 66 chambers, Democrats in 30 and the Connecticut Senate is tied at 18-18. Legislative seat totals tell the same story. When sessions gavel in, more than 4,160 Republican legislators will take the oath of office, holding 57.1 percent of all seats. That’s the most the party has held since the 1920 election.

Michael Steele, former head of the Republican National Committee, believes it’s important for his party to keep winning in the states. “You can only sustain national success from the bottom,” he says. “Until 2010, the emphasis was always the other way around.”

Tim Storey is the director of State Services at NCSL. Daniel Diorio, a policy specialist at NCSL, contributed to this article.
Before the election, Republicans controlled both legislative chambers in 30 states, Democrats controlled both chambers in 12 states and control was split in seven states.

Source: NCSL

After the election, Republicans now control both legislative chambers in 32 states, while Democrats control both in 13 states. Control is split between chambers in only three states, the lowest number in almost 70 years. New York election results were still undecided as of Nov. 14, 2016.

Source: NCSL

Under New Management

Despite GOP gains, Democrats had a few bright spots in the elections this year, especially in southwestern states where strong Latino turnout helped them capture three chambers. In Nevada, both chambers moved to the Democrats’ column. Silver State Democrats picked up one seat in the Senate to take the majority back, 11-10. In the Assembly, Democrats gained a 27-15 majority.

For the first time in Nevada’s history, both bodies of the Legislature will be led by African-Americans. Senator Aaron Ford was chosen by his peers to be the new majority leader, and the Assembly selected Jason Frierson as the new speaker.

In neighboring New Mexico, Democrats won back the House, which they lost in 2014, and will now control the body 38-32.

It had been far longer than two years since Republicans had controlled the Kentucky House. Democrats have run the Bluegrass State House for the past 94 years. But not anymore. Trump did extremely well in Kentucky, helping Republicans gain a sizable majority in the House—64 of 100 seats.

The new House speaker will be Jeff Hoover.

Matt Walter, president of the Republican State Leadership Committee, described the GOP gains in Kentucky as a big prize for the party, calling it “the culmination of what we’ve seen growing in the states...
since at least 2010.” It was clear to him that voters wanted “change and solutions from their state capitols, where they supported conservative leadership.”

With their victory in the Kentucky House, Republicans finalized a 26-year takeover of Southern legislatures. All 30 legislative chambers in the South are now in GOP hands, a complete reversal from 1992, when every chamber in the South was under Democratic control. Nearly two-thirds of all state legislators in the South belong to the Republican party.

Republicans also took over the Iowa Senate for the first time in a decade, making it one of the 24 states where the party now controls all of state government. Iowa was another state where Trump performed well, and is the state with the highest percentage of working-class white voters who were key to the president-elect’s success.

Among the bigger surprises in the election was the flip of the Minnesota Senate. Republicans will have a narrow 34-33 advantage when the chamber convenes. The Minnesota Senate has become one of the most competitive chambers in the nation in recent years, changing hands in three of the last four elections.

Another stunner occurred in Connecticut, where Republicans garnered an 18-18 tie in the Senate, which has been controlled by Democrats since 1996. Democrats look to have the advantage in the chamber because tie votes are broken by the lieutenant governor, a Democrat.

The Delaware Senate will also be tied, but not until a vacancy occurs in early January when Senator Bethany Hall-Long (D) must resign to become the First State’s new lieutenant governor. At that point, the chamber will be tied 10-10 until a special election is held within 45 days.

In Washington, Democrats look like they have control of the Senate 25-24. But Senator Tim Sheldon (D) plans to side once again with Republicans in a coalition to run the body. NCSL counts the state as Democratic because there is a numeric majority of Democrats, but in actuality it is divided because of the coalition.

In Alaska, Democrats will benefit from a coalition to lead the House despite having only 17 seats in the 40-member chamber. Two Republicans and two independents joined forces with the minority party to elect Representative Bryce Edgmon (D) as the new speaker.

Although it was a disappointing year for the Democratic Party, Jessica Post, executive director of the Democratic Legislative Campaign Committee, was pleased with the developments in Alaska and with other party gains in Arizona, Florida, Idaho, Kansas, Maine, New Hampshire, Texas and Wyoming. “These down-ballot victo-
ries were a bright spot for Democrats in the 2016 elections,” she says.

The brightest spot for the party may be Hawaii. Democrats now hold every seat in the Senate. It has been decades since either party was completely absent from a legislative chamber in the U.S.

**Governors, Too**

The election did not offer much excitement in gubernatorial races. Only 12 seats were at stake nationwide and at least half of them were safe for incumbents or their parties. Still, it was a good night for Republicans.

Incumbent Gary Herbert (R) cruised to a second term in Utah, and former Microsoft executive Doug Burgum (R) won his first term in North Dakota. Lt. Governor Eric Holcomb (R) won the race to succeed Vice President-elect Mike Pence as governor of Indiana.

In three competitive states, Republicans ultimately prevailed. Eric Greitens and Chris Sununu flipped Missouri and New Hampshire, respectively, for the GOP, even though pre-election polls showed their Democratic opponents leading. And Phil Scott (R) won the deep blue state of Vermont—no surprise to those who know the Green Mountain State has a history of electing Republican governors.

The only hiccup may turn out to be in North Carolina, where incumbent Pat McCrory (R) trailed Attorney General Roy Cooper (D) by less than 5,000 votes at press time. Absentee and overseas ballots had yet to be tallied.

The bright spots for the Democrats were wins by incumbents in Oregon and Washington and by John Carney in Delaware, which kept the state solidly in the D column. Tighter-than-expected races emerged in Montana and West Virginia, but Democrats prevailed in both states, keeping them in the blue column as well.

In the end, Republicans will wind up with either 33 or 34 governors. Thirty-four would match their 1922 peak, but either number would be the highest total since 1998.

**Total Control**

Overall control of states, combining the legislature and governor, did not change dramatically as a result of the 2016 election. Before the election, there were 22 Republican states, eight Democratic and 19 where the power was shared. With New York and North Carolina still to be decided, Republicans now claim full control in 24 states. Democrats are down to only six states, and one of those, Washington, is actually divided because of the coalition that runs the Senate. In 17 states, power is divided.

American voters have mostly opted to put Republicans in charge of state capitol as well as Washington. One big question remains: Will Republicans and Democrats be able to work together after such a bruising campaign? Aaron Ford, Nevada’s new Senate majority leader, is optimistic. “Notwithstanding the cantankerous and tough tone of the campaign,” he says, “we are ready to focus on opportunities to work with the other side to help expand the middle class.” That is a goal Ford says he shares with the state’s Republican governor, whom Ford calls a friend. The governor has a vision for what he calls a “new Nevada,” and Ford says that his party and the Legislature are ready with a blueprint to work with the governor to make it a reality.

And, that is sure to be the case in other states as well. Good-bye 2016, lawmakers are moving ahead.

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**Women Stalled Below 25 Percent**

Election Day did not turn out to be the historic event for women many may have expected. Even at the state level, women’s representation will be virtually unchanged. A preliminary count shows that there will be around 1,824 women serving in the 50 states in 2017. That number is subject to change somewhat, as there are some contests still uncalled and recounts pending.

The overall share of female legislators will be 24.7 percent. Though a record number of women ran for state legislative seats this year, and it will be the highest number of women ever, it is a very small increase from the 2016 numbers of 1,805 women and 24.4 percent.

The national share of women legislators reached 24 percent following the 2008 election, and 20 percent in 1992. For women to reach 25 percent—one-quarter of all legislators—is a symbolic milestone that will have to wait for another election. The states with the highest percentages of women legislators are Arizona, Colorado, Nevada and Vermont. At the lower end are Mississippi, Oklahoma, West Virginia and Wyoming.

—Katie Ziegler

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**No Party for Presidents**

The number of state legislative seats gained or lost by the president’s party during his time in office.

<table>
<thead>
<tr>
<th>President</th>
<th>Party</th>
<th>Elections</th>
<th>Seats Won or Lost</th>
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<tbody>
<tr>
<td>John Kennedy</td>
<td>Democrat</td>
<td>1960, 1962</td>
<td>-414</td>
</tr>
<tr>
<td>Lyndon Johnson</td>
<td>Democrat</td>
<td>1964, 1966</td>
<td>-234</td>
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<tr>
<td>Gerald Ford</td>
<td>Republican</td>
<td>1974</td>
<td>-628</td>
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<tr>
<td>George H. W. Bush</td>
<td>Republican</td>
<td>1988, 1990</td>
<td>-21</td>
</tr>
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Ballot Bonanza

Voters took on the role of policymakers for a slew of issues, from capital punishment to taxes.

BY WENDY UNDERHILL

No crystal ball can reveal with certainty what issues legislatures will take up in the future; prognosticators would do better looking at the most recent crop of ballot measures. This year, marijuana and firearms got the lion’s share of the press coverage, but issues around taxes, labor, economic development, infrastructure, education and health care funding were all on the ballot, too. It’s no stretch to say those topics will also be on lawmakers’ agendas in coming sessions.

Of note in Election 2016 was how the measures made it onto ballots: 72 were citizens’ initiatives—more than twice as many as in 2014, and the most since 2006. Legislatures, however, referred fewer than average issues to the voters to decide.

How did they fare? Voters said yes to a significantly greater number of ballot measures this year than on average. For those sent to the ballot by citizens, 73 percent passed, whereas the average over the last dozen years has been 45 percent. Legislatively referred measures do better than citizen initiatives, and that was true this year as well: 83 percent were approved, higher than the average of 75 percent.

From a legislative perspective, though, citizen initiatives are second best. “By the time a bill comes to fruition [in the Legislature], it has gone through a very thorough examination, both policy-wise and fiscally,” says California Senate President Kevin de León (D). “Democracy by the people sounds good, but oftentimes there are very severe unintended consequences that do more harm than good. That’s why you have a legislative branch of government.”

Here’s what voters decided this year.

Money Matters, a Lot

Bonds did well. In fact, all 12 state bond measures passed. That means transportation infrastructure will be upgraded in Maine and Rhode Island. California and New Mexico will improve schools and libraries.

Tax increases did not fare as well, with only a handful getting approval. Voters said no to measures that would have increased the annual minimum tax on corporations with sales of more than $25 million in Oregon; eliminated the deductibility of federal income taxes when calculating corporate taxes in Louisiana; and upped the sales tax by 1 percent in Oklahoma.

Washington’s proposed carbon emissions tax also failed, as did Colorado’s stab at funding a state-based single-payer health plan.

Voters in Maine and California, however, said yes to increasing taxes on the wealthy. Maine added a 3 percent tax surcharge on annual incomes over $200,000, and California extended for 12 years a temporary tax increase passed in 2012 for earners in the $250K-or-more crowd.

Voters in Florida, Louisiana and Virginia approved measures to exempt disabled first responders, some seniors, surviving spouses of military personnel or others from property taxes.

Minimum Wage Popular

Citizens in Arizona, Colorado, Maine and Washington put minimum-wage increases before the voters, and all were successful. In Arizona, Colorado and Maine, the wage goes to $12 per hour, phased in over several years, while Washington’s tops out at $13.25. Colorado and Maine will index their minimum wages in the next decade.

The Arizona and Washington minimum-wage measures also require paid sick leave, which makes them the sixth and seventh states to adopt such policies.

In 2014, five states set minimum wages higher than the federal minimum of $7.25 per hour. South Dakota was one of them. The South Dakota Legislature tweaked it by lowering the minimum wage for workers under the age of 18 to allow teens to get a foothold in the job market. South Dakota voters rejected that change, so the state will return to a single minimum wage of $8.55 per hour. Twenty-nine states now have higher minimums than the federal government.

Right-to-work measures went both ways. Alabama voters decided to include the right to work in their constitution, whereas Virginia voters turned down a similar measure.

Wendy Underhill directs the elections and redistricting team at NCSL.
South Dakota voters turned down a plan that would have allowed unions in this right-to-work state to collect fees from nonmembers.

**Pot Is Hot; Tobacco Taxes Not**

Four states approved the medical use of marijuana: Arkansas, Florida, Montana and North Dakota. Over half of the states have now approved medicinal use.

Voters in California, Maine, Massachusetts and Nevada, where medical marijuana is already legal, said yes to regulated recreational use of marijuana for adults as well. Arizona was the lone state to turn down a similar initiative. With these newcomers, eight states plus D.C. now allow adult use of cannabis. Worth noting: All eight did so by citizen initiatives.

Marijuana remains on the federal Schedule I drug list, making it illegal. Whether President-elect Trump will continue the current Department of Justice decision is not known. If not, a state-federal debate is likely to follow.

As for tobacco taxes, four states had increases on the ballot; however, only one was successful. California voters agreed to increase the tax on cigarettes from 87 cents to $2.87 as well as increase the tax on e-cigarettes. Similar measures, fell short in Colorado, North Dakota and Missouri.

**Gun Control and Capital Punishment**

Firearms regulation has typically been handled via the legislative process, but in recent years—this one included—voters have played the determining role.

Measures to regulate firearms passed in three of the four states with them on the ballot. California’s successful proposition requires a background check when buying ammunition. Washington’s measure is an “extreme risk protection order,” which allows police or family to temporarily restrict a person’s access to firearms when immediate harm is likely. Nevada’s measure requires a background check before any firearm transfer, which is what Maine’s would have done, but it failed.

Proponents of capital punishment had a good year. California voters rejected abolishing it, and approved a measure to speed up the execution process. Oklahoma citizens amended their state constitution to specify that capital punishment is neither cruel nor unusual. And in Nebraska, the voters overturned a new statute that banned capital punishment, making it once again an option in the Cornhusker State.

**By and for the People**

Proponents of more campaign finance regulation were happy after the election, with four of five measures going their way. South Dakota’s measure included disclosure requirements, contribution limits and public financing of campaigns. Missouri passed contribution limits as well. California and Washington each approved measures to undo the Supreme Court’s *Citizens United* ruling, which prevents governments from limiting political spending by corporations and unions. These *Citizens United* measures have no teeth, but do take the temperature of the polity on campaign finance issues.

The countervailing vote came from Washington, which rejected a proposal to allow state money to be used by individuals via vouchers to support the candidates of their choice.

In other democracy news, South Dakotans rejected a proposal to create a redistricting commission made up of an equal number of Democrats, Republicans and independents. They also said no to adopting a nonpartisan election system, in which all candidates run on the same ballot in the primary (without party affiliation listed), with the top two vote-getters advancing to the general election.

California voters said yes to requiring bills be made available on the internet at least 72 hours before lawmakers can pass them. Coloradans opted to create a presidential primary (to replace the caucuses and conventions the state has used in recent times), and to allow unaffiliated voters to participate in the party primary of their choice. And Maine became the first state to adopt ranked-choice voting. In the future, Mainer will list their choices for a position in ranked order. The lowest vote-getters will be eliminated until someone wins with a majority. No more plurality victories for candidates in the Pine Tree State.

**Stand Alones**

Oregon voters agreed to make it harder to buy and sell the body parts of endangered species, to direct lottery funds for outdoor education, and to require the legislature to fund dropout prevention programs.

Colorado citizens approved an aid-in-dying proposal. South Dakotans agreed to cap interest charges by payday lenders. Californians agreed to give bilingual education another chance and to allow parole for nonviolent felons; but they weren’t willing to require adult film performers to use condoms when filming.

And with that, the voters have spoken.