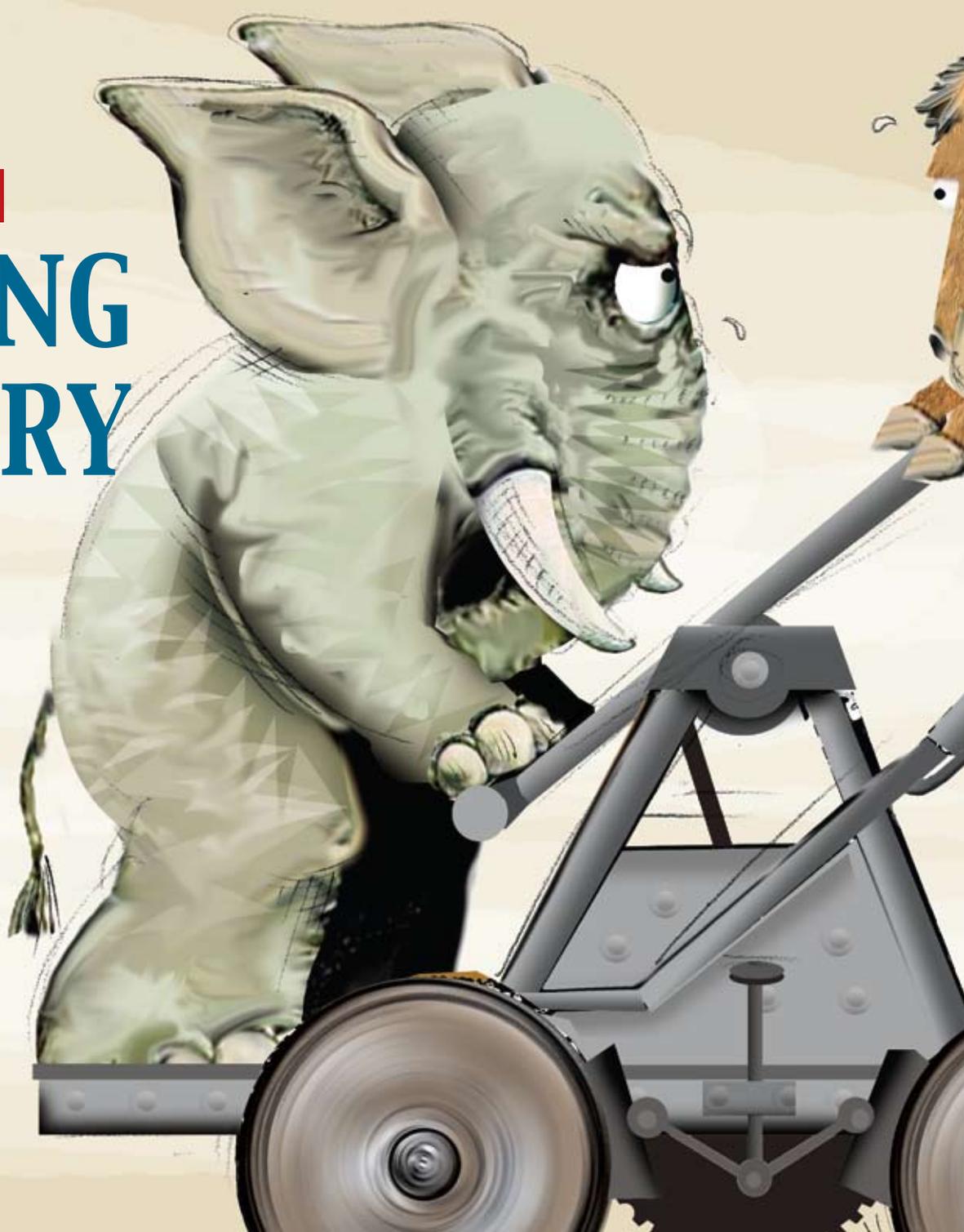


ELECTION 2008

MAKING HISTORY

Democrats pump up their control of state legislatures, but Republicans also make gains.



BY TIM STOREY AND EDWARD SMITH

The electoral tsunami that swept Senator Barack Obama into the White House and delivered Democrats to Congress also helped the party make historic strides at the state legislative level.

Voters reversed a trend in recent elections and left states with the fewest num-

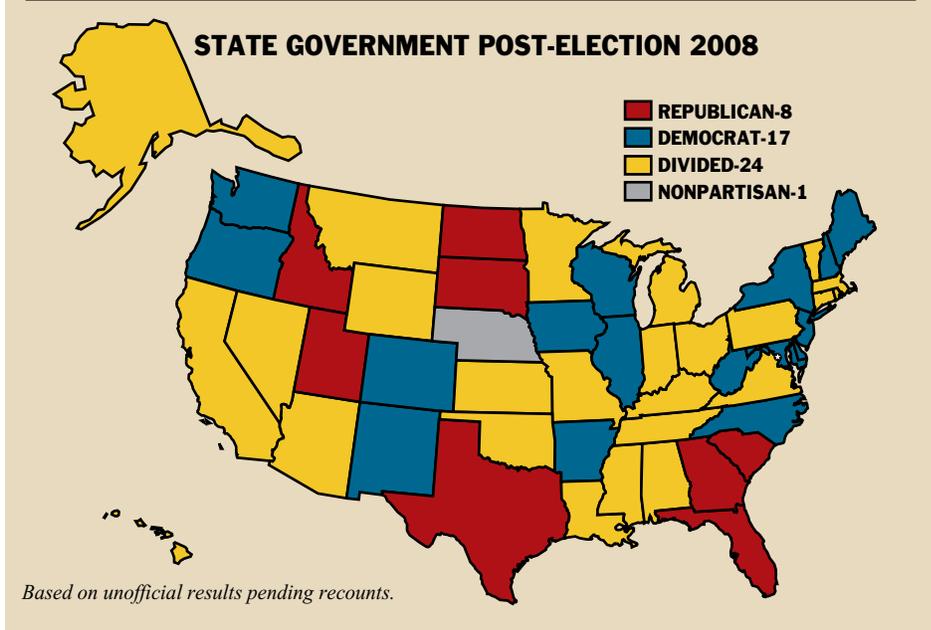
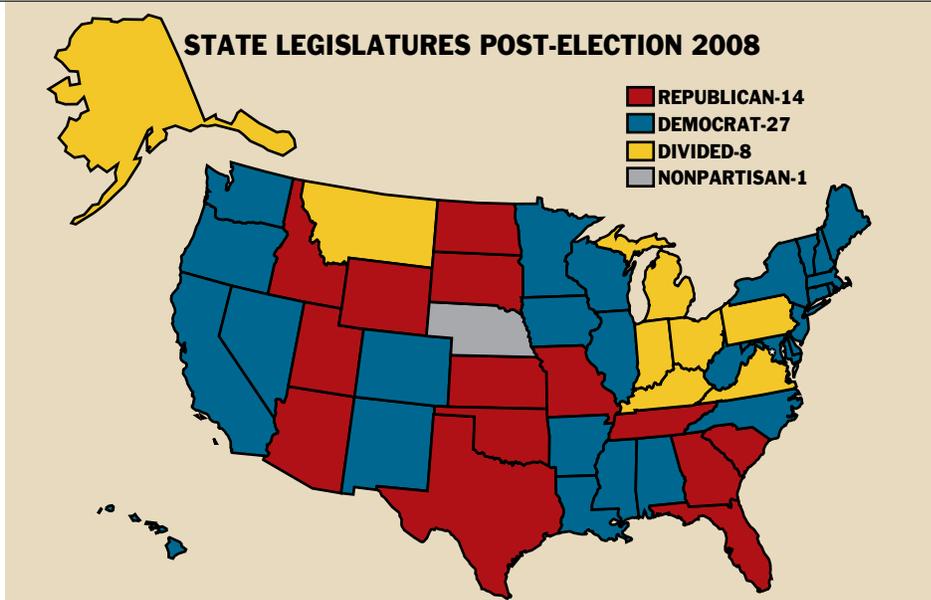
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ber of politically divided legislatures since 1982. Only eight states had split legislative control—Alaska, Indiana, Kentucky, Ohio, Michigan, Montana, Pennsylvania and Virginia. Partisan control of legislatures shifted in a dozen states.

Democrats won some big prizes, but Republicans held their own, scoring historic victories in the South. In large measure, the results signaled a solidifying of regional power and a decline in partisan parity across the nation.

Democrats took control of four legislatures—Delaware, Nevada, New York and Wisconsin. Those gains helped the Northeast take on a deeper shade of blue, with every chamber north of Virginia in Democratic hands except for the lone splash of Republican red—the Pennsylvania Senate. Based on preliminary, unofficial results, Democrats now control both chambers in 27 states.

“Democrats were successful all up and down the ticket,” says Matt Compton, communications director of the Democratic Leg-



islative Campaign Committee. “There’s been a fairly close division between the parties at the state level, but the Democrats have been steadily picking up numbers since 2003.”

For Republicans, it was a sweet song in the South. The GOP took over legislatures in Tennessee and Oklahoma for the first time. And the party gained seats in the region despite a net loss nationwide of approximately 100 seats. Republicans now control both chambers in 14 states, reflecting no net loss. Eight states are divided, with the Mon-

tana House tied 50-50. Nebraska has a unicameral, nonpartisan Legislature.

Carrie Cantrell, spokeswoman for the Republican State Leadership Committee, called the outcome “strong victories” for the GOP.

“The Democrats made huge plays in the Dakotas for Republican seats and were unsuccessful there, just like they were in Tennessee,” she says.

The winners face opportunities and sobering reality. On the up side, parties that have taken control of both chambers will have the upper hand heading into the critical redistricting cycle following the 2010 census. On the down side, nearly every state is facing deep fiscal problems that will persist through FY 2009 and, many economists think, dog states into 2010.

From the perspective of state lawmakers, though, the Obama victory does offer something they have not seen since Jimmy Carter was in the White House.

“You will have a president who has spent time in a state legislature and knows and understands the views of legislatures,” says Charlie Cook, publisher of the *Cook Political Report* and a longtime political analyst.

WINS AND LOSSES

Democrats took over five chambers: the New York Senate, Delaware House, Wisconsin Assembly, Ohio House and Nevada Senate. All of those were in GOP hands for well over a decade.

Obama’s coattails appeared significant in the victories. Although the total number of legislative seats gained by Democrats was not huge, he helped the party take control of chambers long held by Republicans in some big population states. Obama’s vaunted field operation surely helped Democrats win legislative chambers in two states Bush won in 2004: Ohio, where he took 52 percent of the vote, and in Nevada, where Obama took 55 percent of the vote. And it’s not surprising. The party that won the White House has picked up legislative seats in 20 of the past 28 elections since 1900, including this year.

“Obama’s money for a ground game in places where you might not otherwise go offered a lot of inadvertent help” to down-ticket candidates, says Norman Ornstein, a political scientist and resident scholar at the American Enterprise Institute. “One of the things that characterized the Obama cam-

paign is it did not just focus on get-out-the-vote efforts in Democratic areas. The campaign really put an effort into going to the Republican areas. Obama looked everywhere for votes.”

In New York, Delaware and Wisconsin, all of which went for Senator John Kerry in 2004, the Obama coattails helped down-ticket races. Delaware voters went 61 percent for Obama—and favorite son Joe Biden—and Wisconsin voters gave the Illinois senator 56 percent. New York’s 62-37 percent split for Obama likely helped Democrats in their successful bid for control of the Senate.

Compton sees the situation somewhat reversed, believing Obama was successful in part because Democratic state lawmakers helped pave the way. “His campaign certainly helped with enthusiasm, but voters are becoming more aware of what happens at the legislative level and they like what they see from Democratic leadership.”

Democrats gained a seat in the Alaska Senate, leaving that chamber tied 10-10. The party also held onto the Indiana House, maintaining a 52-48 margin, and the Pennsylvania House where some observers thought Democrats were endangered.

The Senate win in New York is a historic change. Democrats now have control of both legislative chambers and the governor’s mansion for the first time since 1935, when Herbert H. Lehman was governor of the Empire State. He was, ironically, one of the founders of the now bankrupt Lehman Brothers investment bank.

“It’s very historic. It’s the longest example of a divided partisan legislature in the country,” says Gerald Benjamin, a political science professor at the State University of New York, New Paltz, and an avid student of the New York Legislature. The change came largely because “the demographic wave is overwhelming and it’s been held back by artful gerrymandering for decades.”

As it did at the national level, the tanking of Wall Street probably played a role in GOP losses in New York. But he added that the state’s deep fiscal problems—including a more than \$12 billion shortfall this fiscal year—means that will be the dominant issue. “The first thing is to manage the financial crisis,” Benjamin says. “The social issues that might find great support in a Democratic Senate will not be the focus.”



Overall, the trend in the Northeast is not surprising, Ornstein says.

“New England is basically completing its march to the blue,” he says, and with that comes a purging of even the most moderate of Republicans. He pointed particularly to the loss by U.S. Representative Christopher Shays in Connecticut’s fourth district. It will be the first time since the GOP was founded in 1854 that New England will be without a Republican in the U.S. House of Representatives.

New England also scored one other historic first on Election Night: New Hampshire voters gave women the majority in the Senate. It is the first time a legislative chamber has had more women than men.

REPUBLICAN GAINS

The GOP’s gains in the South were similarly historic. The flip of the Tennessee House from Democratic to Republican control was the biggest surprise of the election



at the state level. By breaking a tie in the Senate, Republicans gained control of both chambers for the first time ever.

“Certainly there were some McCain coattails, but we really believe that the win in Tennessee is because we had strong candidates who concentrated on local issues,” says Cantrell.

Democrat Representative Mark Maddox, the majority whip in the Tennessee House, said the outcome was not what Democrats expected.

“There are surprises in every election but we didn’t expect this big of a surprise,” he says. “Our tracking polls and even the GOP’s polls didn’t show this kind of change. Senator McCain’s coattails were stronger and longer than we anticipated.”

Similarly, by breaking a tie to take over the Oklahoma Senate 26-22, the GOP gained control of both chambers there for the first time since the Sooner State joined the Union.

THE WESTERN VIEW

The parties both enjoyed success in the West. Democrats took over the Nevada Senate by gaining two seats in the Las Vegas area. They also gained one seat in the House, giving them a two-thirds super-majority.

The state is facing a nearly \$1 billion budget shortfall and is “ground zero for foreclosures,” according to Erik Herzik, chair of the political science department at the University of Nevada, Reno.

It leaves the state in a very tough fiscal spot, but Governor Jim Gibbons “has said absolutely no new taxes and will not change from that position. It would be political suicide to even modify his stance,” Herzik says.

For the GOP, Montana was a bright spot in the Rockies. Republicans wrested back control of the Senate, which they lost in 2004. The Montana Legislature is historically the most competitive in the country, having changed hands repeatedly over the past 75 years.

A three-seat gain in the Senate shifted control to the Republicans. Scott Ward, president of the Republican State Leadership Committee, said the victories in the South and Montana represented success in a tough environment for Republicans.

“The RSLC continues to demonstrate success in promoting strong, common-sense leaders to down-ticket offices even in difficult political environments,” Ward says. “While we would like to have had even more victories, there is a silver lining in the results and we will continue to build on these efforts in the coming year.”

The Texas House remains in the GOP column with a 76-74 margin, but a tight race there is headed for a recount that could leave the chamber tied.

WHAT'S NEXT

Although overall turnout was expected to be one of the key storylines of the 2008 election, indications are voters did not set a record. Preliminary estimates range from 126.5 million to 133.3 million people.

“Turnout will be in the range of just about or a little under 2004 to one percentage point over,” says Curtis Gans, director of the Committee for the Study of the American Electorate. That would mean 126.5 million to 128.5 million people voted.

“The primary culprit was GOP dropoff—conservatives not liking McCain, moderates

not liking either Palin or the recklessness of McCain, and all seeing a landslide and their vote not making a difference,” Gans says.

However, turnout expert Michael McDonald at George Mason University expects the number could go to 133.3 million, large but still smaller in percentage terms than the turnout in 1960 and 1964.

But predictions of a strong youth vote did pan out and that was good news for Democrats. Preliminary estimates from the Center for Information & Research on Civic Learning and Engagement at Tufts University are that 22 million to 24 million Americans aged 18 to 29 voted, up more than 2 million from 2004. And they favored Obama over Senator John McCain 66 percent to 32 percent.

Charlie Cook thinks the modest gains for Democrats at the state and congressional level were a little surprising. “You didn’t see the impressive, big Democratic gains as expected. Maybe voters pulled the Obama lever and then didn’t bother with the rest of the ballot.”

Democrats emerged with gains at the state level that were perhaps limited because of a historic shift that occurred in the 2006 election after a 12-year run of control by the Republicans. And those gains, combined with this year’s, may set them up for a fall in the mid-term elections of 2010 when the party in power usually gets its comeuppance at both the state and national level. Since 1940, the party controlling the White House has lost seats in legislatures in every mid-term election except for the post 9/11 election in 2002, when Republicans picked up seats.

This time around, however, Ornstein says history may not repeat itself.

“It’s a tricky path for Republicans over the next two years,” he says.

“They could use the approach of ‘92-’93 in Bill Clinton’s first two years in office when they said, in effect, ‘You’ve got the reins, you’re on your own, screw up and we’ll pick up the pieces.’ But I’m not sure that works as well now.

“Mainly because I think Democrats won’t be as arrogant as they’ve been in the past and I don’t think the country will be as receptive. I think they’ll have to cooperate some in the governance of the country.”

CHECK OUT our interactive map for all the changes in legislative chambers across the country following the Nov. 4 election at www.ncsl.org/magazine.

OBAMA LEADS STATE LAWMAKERS HEADED TO WASHINGTON



Half of the nation's presidents have arrived at the White House with biographies that included service in a state or colonial legislature. With his Nov. 4 election victory, U.S. Senator Barack Obama joins this exclusive club.

His experience in the Illinois General Assembly is a point of pride for the nation's 7,382 state legislators, some of whom may harbor dreams of one day following in his footsteps. President-elect Obama becomes the first former state legislator to serve in America's highest office since Jimmy Carter, joining him as the only two since World War II. Also of note is the fact that the onetime Illinois state senator will be the first former member of the National Conference of State Legislatures to become president. Carter's legislative career occurred before NCSL was founded.

But Obama was not the only one with state legislative experience elected to national office this year. More than six dozen sitting or former

state legislators took a stab at winning a U.S. House or Senate seat in the general election. At press time, 28 were successful, and another five awaited the results of tight races.

Depending on those results, former state legislators will constitute roughly half of the freshmen class of House and Senate members. One of these, state Senator Kay Hagan of North Carolina, has this distinction: She follows Obama and senators such as Patty Murray (Washington) and Jon Tester (Montana), all of whom went directly from their state legislature to the U.S. Senate, bypassing the typical stepping stone of U.S. House membership.

Based on recent history, this year's numbers are not unprecedented. They are on a par with the 2006 election, when 30 former and sitting state legislators were elected to national office. The numbers are just slightly above the 2004 class, which included Obama.

—Michael Bird and Paul Snow, NCSL

ON THEIR WAY TO WASHINGTON

SENATE (4 NEW, 1 CARRY-OVER)

- Colorado – U.S. Representative Mark Udall (D)
- Idaho – ex-State Senator James Risch (R)
- New Hampshire – ex-State Senator Jeanne Shaheen (D)
- North Carolina – State Senator Kay R. Hagan (D)
- Oregon – State Representative Jeff Merkley (D)

HOUSE (25)

- Alabama 5th – State Senator Parker Griffith (D)
- Arizona 1st – ex-State Representative Ann Kirkpatrick (D)
- Colorado 6th – ex-State Senator Michael Coffman (R)
- Florida 15th – State Senator William “Bill” Posey (R)
- Florida 24th – ex-State Representative Suzanne M. Kosmas (D)
- Illinois 11th – State Senator Deborah Halvorson (D)
- Illinois 18th – State Representative Aaron Schock (R)
- Kansas 2nd – ex-State Senator Lynn Jenkins (R)
- Kentucky 2nd – State Senator Brett Guthrie (R)
- Louisiana 6th – State Senator Bill Cassidy (R)
- Maine 1st – ex-State Senator Chellie Pingree (D)
- Michigan 7th – State Senator Mark Schauer (D)
- Michigan 9th – ex-State Senator Gary C. Peters (D)
- Minnesota 3rd – State Representative Erik Paulsen (R)
- Missouri 9th – ex-State Representative Blaine Luetkemeyer (R)
- Nevada 3rd – State Senator Dina Titus (D)
- New Jersey 3rd – State Senator John H. Adler (D)
- New Jersey 7th – State Senator Leonard Lance (R)
- New York 23rd – ex-State Assemblyman Paul D. Tonko (D)
- Ohio 1st – State Representative Steven Driehaus (D)
- Ohio 7th – State Senator Steven Austria (R)
- Ohio 15th – State Senator Steve Stivers (R)
- Ohio 16th – State Senator John Boccieri (D)
- Oregon 5th – State Senator Kurt Schrader (D)
- Wyoming At-large – ex-State Senator Cynthia M. Lummis (R)

PENDING

SENATE

- Georgia - ex-State Representative Jim Martin (D) (runoff expected Dec. 2)

HOUSE

- Alaska At-large - State Representative Ethan Berkowitz (D)
- California 4th - State Senator Tom McClintock (R)
- Maryland 1st - State Senator Andrew Harris (R)

CHECK OUT a list of presidents who served at the colonial and state level and information about state legislators who went to Congress at www.ncsl.org/magazine.