

# States Hold Steady

It was a quiet election for state legislative seats with no surprises and only a couple of ballot measures worth noting.

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Off-year elections tend to be quiet affairs, and this year was no exception. Only New Jersey and Virginia conducted scheduled legislative elections on Nov. 5, the fewest number to be held this decade. That's because Louisiana and Mississippi—the other two off-year states—elect lawmakers in both houses to four-year terms. Their next elections won't be until 2015.

In New Jersey, all 120 House and Senate seats were up for grabs along with the governor's office but no big political surprises upset the balance of power in The Garden State. Democrats held on to their safe majorities in both chambers. Although Republican Governor Chris Christie's popularity led him to a crushing victory over Democratic Senator Barbara Buono, his bipartisan appeal did little to help his fellow Republicans down ticket. After the last ballots were counted, Democrats continued to maintain a 24-16 majority in the Senate and lost only two seats in the Assembly, still maintaining a comfortable 12-seat majority.

In Virginia, only the 100 seats in the House of Delegates were up for election, and the results did nothing to upset the balance of power. Republicans added two seats to their already comfortable majority and now maintain a 34-seat advantage in the chamber.

There were no seats in the Virginia Senate up for election, but the current 20-20 tie could still change. The Senate has been under Republican control since the state's Republican lieutenant governor casts the tie-breaking vote. Now that Democratic Senator Ralph Northam defeated Republican E.W. Jackson to become Virginia's new lieutenant governor, that could change. Northam will have to vacate his current Senate seat prior to assuming his new office in January. In order to fill the seat, Governor-Elect Terry McAuliff will have to hold a special election sometime next year.

Republican Senator Mark Obenshain and Democratic Senator Mark Herring faced off in another hotly contested race for the job of Virginia's attorney general. The race was a virtual tie at press time, with a recount looking likely. The winner has to vacate his Senate seat before taking office, which offers both parties an opportunity to win a clear majority in the chamber.

There were also 16 special elections in eight other states to fill vacated seats. The one that received the most attention was

Washington's 26th Senate district where Senator Nathan Schlicher (D) ran against three-term Representative Jan Angel (R). The special election was the most expensive state Senate race ever. Washington is one of only three states that conducts elections entirely by mail so the final results were slow to come in.

The race was so close, in fact, that it took several days to declare Angel the winner. She captured about 1,500 more votes than did Schlicher and her victory will strengthen the Republican's control of the chamber, controlled before the election by a majority coalition made up of 23 Republicans and two Democrats.

## Bingo on the Ballot—and More

Voters in Colorado, Maine, New Jersey, New York, Texas and Washington had 31 statewide ballot measures to consider this year. That number is on par with other odd-year general elections. And voters approved 25 of them, which is also on par with other years.

Only three of the measures this year were initiated by citizens, a process allowed in 24 states. In the odd-year elections between 2001 to 2011, the number of these has varied from two to 17. This year, all three were voted down: Colorado's tax increase to fund schools and Washington's initiatives on labeling products and signature gathering for citizen initiatives.

## 51st State Must Wait

Voters in 11 rural Colorado counties were asked whether they should secede from the state. A majority in five counties favored forming a separate North Colorado, while the voters in the other six said "no thanks."

The movement ramped up in the Centennial state over the summer after the state legislature passed firearm restrictions, oil and gas regulations, and renewable energy mandates. All are issues that many citizens in rural areas of the state don't support.

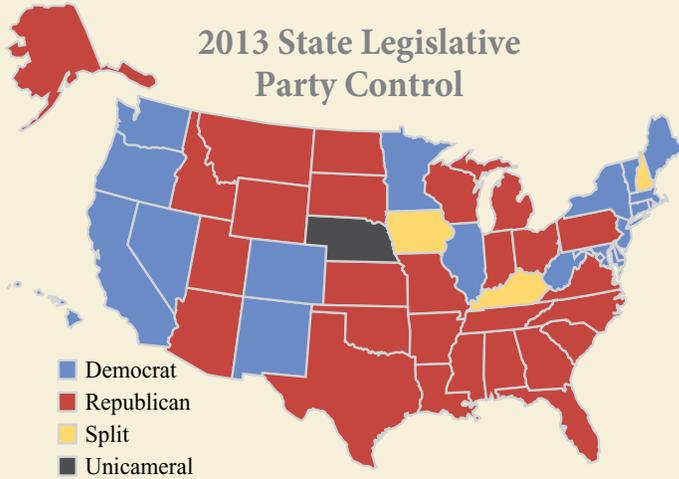
This, however, is not the first time the idea of secession has come up. Other movements to partition a state have arisen recently in disaffected areas like eastern Washington, western Illinois, western Maryland, and Long Island, New York. Michael J. Trinklein, author of the book, "Lost States," catalogues a history of proposals for separate states that includes Texlahoma (northern Texas and the Oklahoma Panhandle), Sylvania (Thomas Jefferson's name for an area encompassing Michigan's Upper Peninsula and parts of northern Wisconsin and Minnesota), Transylvania (Daniel Boone's name for most of what is today Kentucky), Acadia (northern Maine), and Forgotonia (six counties in the western bulge of Illinois that feel politically ignored).

—Karl Kurtz

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## 2013 State Legislative Party Control



Note: Both the New York Senate and the Washington Senate are led by majority coalitions, with Republicans in leadership positions although a majority of seats are held by Democrats.

Source: NCSL, Nov. 11, 2013

Of the other 28 statewide ballot measures, most were referred to voters by state legislatures. Citizens said “yes” to 25 of them, approving bonds, water projects, higher minimum wages, reverse mortgages, casinos and even bingo.

In Maine, voters gave the thumbs-up to five bond measures. The largest will provide \$100 million for transportation projects. The others will fund building projects at the state’s universities, community colleges, Army National Guard facilities, and Maritime Academy. These measures were all referred to the ballot by the Maine Legislature, a common practice in the Pine Tree State.

Texans supported all nine ballot measures they faced. Proposition 6, which passed with 73 percent of the votes, will create a fund from the state’s existing “rainy day” account to finance water projects. Voters also approved two measures directed at veterans. One will give tax breaks to disabled veterans and the other to widows and widowers of servicemen and women. Texans also said “yes” to allowing seniors to use reverse mortgages to buy new homes, joining the other 49 states that allow the practice.

New Jerseyites also liked what they saw on their ballot. Eighty-one percent voted to let veterans organizations use money from bingo and similar games to support their organizations. Sixty-one percent approved increasing the state’s minimum wage from \$7.25 to \$8.25. New Jersey will join 10 other states in indexing future increases to the the minimum wage to the cost of living.

New Yorkers faced six measures, five passed. The highest profile one, Proposal 1, was approved by 57 percent of the voters, and will permit the state to authorize up to seven casinos. Supporters hope to lure more tourists into the state, creating jobs and generating tax revenues.

The closest any ballot measures came to being “hot-button issues” were Colorado’s tax on recreational marijuana and Washington’s product labeling proposal. Colorado’s pot tax plan passed with 65 percent of the votes. It was a follow-up to the measure approved last year by voters to allow recreational or

## Odd-Year Oddities

Only Louisiana, Mississippi, New Jersey and Virginia conduct state elections in odd-numbered years. Why? The reasons are more coincidental than calculated and have more to do with state constitutions than presidential politics.

When the Virginia General Assembly adopted a new constitution in 1851, the people—for the first time—got to elect the governor. And the state has been holding elections in the odd-numbered years ever since.

Mississippi, the Magnolia State, appears to have held odd-year elections since the 1830s, but little is known about why.

When Louisiana adopted its constitution in 1879, it conducted odd-year elections, but somewhere along the way that changed. According to Alfred “Butch” Speer, clerk of the Louisiana House, “Once we scrapped the partisan primary system [in 1975] we set the entire system up to run in the fall of the odd-numbered year, our traditional election season.” Why partisan primaries were dropped is another story.

Likewise, New Jersey adopted a new constitution in 1947, but only in the Garden State does there appear to be a political reason behind the decision to be “odd.” Then-Governor Alfred E. Driscoll testified before the constitutional convention that “the problems confronting the state are frequently distinct from those confronting the nation” and should not coincide with or be overshadowed by a national contest for the presidency.

—Karl Kurtz

“adult-use” marijuana, which required the state to ask voters this year to approve a 15 percent excise (or wholesale) tax to fund school construction projects. Voters did, along with an additional 10 percent sales tax to go toward marijuana enforcement activities.

Washington’s proposal to label foods containing genetically modified organisms (GMOs) was rejected by 54 percent of the voters even though it attracted lots of attention—and money. Although Californians turned down a similar measure in 2012, this issue is by no means dead. The introduction of bills on the topic have increased dramatically in the last couple of years.

Washington voters also turned down, by a 63-38 margin, an initiative to make it easier to get a citizen initiative on the ballot by allowing more time to gather signatures and setting penalties for interfering with signature gatherers.

In Colorado, a constitutional amendment to increase taxes by \$950 million to fund prekindergarten through 12th grade was voted down by a 2-1 margin. It was by far the largest tax-related ballot measure in the nation. Opposition centered on the tax increase itself, and the proposed creation of a two-tiered income tax to replace the current flat tax.

And in New York, voters nixed increasing the retirement age for judges on the state’s Supreme Court and Court of Appeals from 70 to 80. Apparently, 80 isn’t the new 70 after all.

Even-year elections average more than 150 ballot measures. Stay-tuned, we’ll be ready in 2014.

### SL ONLINE

For more on 2013 statewide ballot measures and elections, go to [www.ncsl.org/magazine](http://www.ncsl.org/magazine).