A ROCK AND A HARD PLACE

LEGISLATORS NAVIGATE ELECTION 2016
The world has set ambitious clean air goals and American innovators, like Bill Gates, Leslie Dewan at Transatomic Power and Jose Reyes at NuScale Power, are developing advanced nuclear energy technologies to reduce carbon emissions. Nuclear energy produces 63% of America’s carbon-free electricity and they know it has a distinct role to play to meet future energy and clean air goals.

LEARN MORE
nei.org/whynuclear
#whynuclear
Candidates, Campaigns and Coattails Page 8
By DANIEL DIORIO and TIM STOREY
The effect this year’s wild race for the White House will have on state legislative contests is difficult to predict.

What Voters Face Page 13
By WENDY UNDERHILL and PRINCESS UMODU
In November, citizens will determine much more than who the next president will be.

Who’s Watching the Kids? Page 18
By JULIE POPPE AND ROBYN LIPKOWITZ
Low-income parents face the threat of falling off child care assistance with a raise or promotion.

It’s All Relative Page 21
By MEGAN McCLURE
Serving with a family member presents both challenges and opportunities.

SL ONLINE
NEW! Dive deep into transportation and marijuana policy, with everything you need to know all in one place. One dive, lots to catch in the new Deep Dive section at SL Online, where you can also find more information and links to resources on most of the topics covered in this issue.

©2016 BRUCE HOLDEMAN
“If voters don’t know how to vote, they vote no.”
—Wendy Underhill, referring to ballot measures, on WNYC.

“Assessing every child in reading and in math, every year in 3rd through 8th grade.”
—Lee Posey on requirements from the No Child Left Behind law that remain in ESSA, the new education law, on Prairie Public Broadcasting.

“There’s been a fair amount of activity on this front compared to previous election cycles.”
—Jackson Brainerd on raising the minimum wage, in the Washington Examiner.

Legislators and staff from all 50 states gathered in the Windy City in August for NCSL’s 2016 Legislative Summit. The more than 100 sessions on pressing policy topics, expert speakers, robust exhibit hall and plentiful of professional and social networking events make the Summit the largest gathering of state lawmakers in the country. Be sure to visit ncsl.org/magazine to find resources from the sessions and to view the eight sessions that were streamed. And save the date! Next year’s Summit is Aug. 6-9 in Boston.

Below, Idaho Senate President Pro Tem Brent Hill queries “Abe Lincoln,” who answered only in the real Lincoln’s words.

Above, NCSL’s new president, Iowa Senator Mike Gronstal, with our president-elect, South Dakota Senator Deb Peters. New Mexico Senator Michael Sanchez was elected vice president and Raúl E. Burciaga, director of the New Mexico Legislative Council Service, is staff chair.

Below, Colorado Representative Jonathan Singer speaks at the Business Meeting, where members set the agenda for NCSL’s work on behalf of states in Washington, D.C.

Ryan Blair, New York Senate digital director, above left, accepts the Online Democracy Award from immediate past staff chair Karl Aro.

Demographer James Johnson shares what the country’s growing minority and elderly populations could mean for society and public policy.
Smile, the Camera’s on You

Cameras, ubiquitous in today’s world, catch you while you’re shopping, traveling, banking, eating and doing just about everything else. And not only do businesses and government film us, we film ourselves. We take selfies with our friends and family wherever we go. We upload them to social media sites, “tag” the faces of our friends so they can share the photos with their friends, and on and on.

Now, with the refinement of facial recognition technology, we can do even more with these photos. By comparing characteristics, such as the distance between eyes, the length of the nose and the angle of the jaw of a face in a photo to millions of photos in a database, the technology can help thwart identity thieves, identify terrorists, locate missing people, catch underage drinkers and stop problem gamblers. It can help businesses target their marketing and catch shoplifters. And, it can make life a little easier and more enjoyable for photo fanatics and social media followers who just want to share photos with their friends.

The FBI compares images with more than 30 million files in the U.S. Department of State’s database of passport and visa applications, as well as several states’ driver’s license and mugshot databases. In at least 41 states and the District of Columbia, facial recognition is used to prevent driver’s license fraud.

Like with many new technologies, however, there are privacy concerns. In Illinois and Texas, legislators tried to balance the legitimate business and government uses of this technology with consumers’ privacy rights. The laws address how “biometric identifiers” (retina or iris scans, fingerprints, voiceprints, face scans, etc.) should be collected and stored and require obtaining written consent before using an identifier. A spate of lawsuits followed. Consumers claimed companies like Shutterfly, Facebook and Google broke the law by failing to obtain their consent. Some lawmakers have considered amending these laws to exempt facial recognition. In Connecticut, lawmakers amended a bill under consideration this year to require notification rather than consent. It would require businesses to post a sign in a “conspicuous location” that reads: “This establishment uses facial recognition technology to capture and store images of the faces of persons on the premises.” Connecticut Representative Tami Zawistowski, sponsor of the bill, says he technology has such “an invasive quality to it that I just wanted to open up this conversation” about its uses.

Carl Szabo, a senior policy counsel at NetChoice, an association for online companies, says that because “the legislative process cannot move at the speed of technology,” the industry has recently published privacy guidelines for the use facial recognition. They recommend businesses: Be transparent about using the technology; ensure the data are kept secure; and give consumers some control over how that information is used.

—Duranya Freeman and Julie Lays

Help for the Homeless

Each year in the United States, approximately 3 million people, 1.3 million of them children, spend nights without shelter. Mental illness and drug addiction drive much of the homelessness in this country.

Numerous studies, however, point to an additional factor: the lack of safe and affordable housing. Production of low-cost rental units has lagged behind demand since 1980, with 9.9 million low-income renters competing for 4.8 million low-cost rental units in 2010.

Homelessness rates vary regionally, but all states offer some level of public or subsidized housing, paid for with a combination of federal grants and state taxes. Many states also have helped municipalities establish shelters with beds and soup kitchens.

Some states are focusing on preventive measures. Permanent supportive housing, for example, provides shelter and mental health services to those who need them. Rapid rehousing programs offer financial support to at-risk individuals to prevent homelessness or to quickly rehouse families who are homeless. Such strategies have been shown to reduce the number of people sleeping outside and in homeless assistance programs, providing long-term savings for the state.

Over the past few years, states have strengthened these programs. Between 2014 and 2015, 38 states and the District of Columbia increased their capacity in rapid rehousing programs, and 35 states increased permanent supportive housing.

States also have worked to identify particularly vulnerable populations, especially children. Of the 32 bills addressing homelessness passed in legislatures over the last year, six targeted children. Laws ranged from increasing funding for child care for families at risk of homelessness in Arizona, to ensuring that homeless children attend school in California.

Other vulnerable populations include people with mental illness and addiction. The services they receive on the street—often from police and emergency medical providers—can be more costly than preventive measures. Florida lawmakers enacted a new law this year to set up treatment programs and connect people with services before they reach a crisis.

—Nathan Monga and Jonathan Griffin
Legal Smoking Age Up

Hawaii was the first state to increase the legal age to buy tobacco to 21. In June, California became the second. California Senator Ed Hernandez (D) wrote the bill in the Golden State in an effort, he says, “to disrupt the chain of adolescent addiction.”

According to the Campaign for Tobacco-Free Kids, about 95 percent of adult smokers begin smoking before they are 21 years old, and many experimental smokers begin smoking daily between the ages of 18 and 21.

Critics of raising the legal age, nevertheless, argue that there are many other serious activities 18-year-olds are allowed to do, like join the military, buy a gun, get married without their parents’ consent, hunt and be charged as an adult for a crime. Why limit just their tobacco use, they ask.

“Lawmakers mistakenly believe they are protecting youths when they restrict them from (and punish them for) behaviors that are perfectly legal for adults,” writes Mike Males, senior researcher for San Francisco’s Center on Juvenile and Criminal Justice, in the Los Angeles Times. “There is virtually no systematic research showing that increasing the smoking age prevents a teen from picking up the habit.”

Tobacco use costs the U.S. about $170 billion in health care expenditures and more than $150 billion in lost productivity annually, the Campaign for Tobacco-Free Kids reports. It continues to be the leading cause of preventable death in the U.S., killing more than 480,000 people each year. According to a 2015 Institute of Medicine study, increasing the legal age to buy tobacco from 18 to 21 will result in 200,000 fewer premature deaths for those born between 2000 and 2019.

As of Aug. 26, at least 185 cities or towns in 14 states have also raised the legal age to 21, according to the Campaign for Tobacco-Free Kids.

— Julie Lays

Minimum Age to Purchase Tobacco

<table>
<thead>
<tr>
<th>State</th>
<th>Firearms/1,000 people</th>
<th>Total registered firearms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wyoming</td>
<td>195.7</td>
<td>114,052</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>66.4</td>
<td>42,897</td>
</tr>
<tr>
<td>Arkansas</td>
<td>41.6</td>
<td>123,130</td>
</tr>
<tr>
<td>New Mexico</td>
<td>40.5</td>
<td>84,471</td>
</tr>
<tr>
<td>Virginia</td>
<td>30.1</td>
<td>248,939</td>
</tr>
<tr>
<td>Idaho</td>
<td>24.2</td>
<td>39,019</td>
</tr>
<tr>
<td>Alabama</td>
<td>20</td>
<td>96,744</td>
</tr>
<tr>
<td>Nevada</td>
<td>19.5</td>
<td>54,436</td>
</tr>
<tr>
<td>Alaska</td>
<td>15.2</td>
<td>11,167</td>
</tr>
<tr>
<td>Louisiana</td>
<td>15.1</td>
<td>69,668</td>
</tr>
<tr>
<td>Maryland</td>
<td>15</td>
<td>88,732</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>15</td>
<td>191,189</td>
</tr>
<tr>
<td>Georgia</td>
<td>14.6</td>
<td>145,412</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>14.6</td>
<td>19,284</td>
</tr>
<tr>
<td>Indiana</td>
<td>14.1</td>
<td>92,700</td>
</tr>
<tr>
<td>Kentucky</td>
<td>13.5</td>
<td>59,240</td>
</tr>
<tr>
<td>Utah</td>
<td>12.9</td>
<td>37,490</td>
</tr>
<tr>
<td>Texas</td>
<td>12.8</td>
<td>337,309</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>12.3</td>
<td>47,419</td>
</tr>
<tr>
<td>Colorado</td>
<td>12</td>
<td>63,178</td>
</tr>
<tr>
<td>South Carolina</td>
<td>11.6</td>
<td>55,286</td>
</tr>
<tr>
<td>South Dakota</td>
<td>11.5</td>
<td>9,677</td>
</tr>
<tr>
<td>Ohio</td>
<td>11.4</td>
<td>131,990</td>
</tr>
<tr>
<td>Oregon</td>
<td>11.4</td>
<td>44,811</td>
</tr>
<tr>
<td>Connecticut</td>
<td>11.3</td>
<td>40,740</td>
</tr>
<tr>
<td>Montana</td>
<td>11.3</td>
<td>11,461</td>
</tr>
<tr>
<td>Tennessee</td>
<td>11.3</td>
<td>73,320</td>
</tr>
<tr>
<td>North Carolina</td>
<td>11.1</td>
<td>109,388</td>
</tr>
<tr>
<td>Kansas</td>
<td>11</td>
<td>31,926</td>
</tr>
<tr>
<td>Florida</td>
<td>10.2</td>
<td>199,628</td>
</tr>
<tr>
<td>Minnesota</td>
<td>9.5</td>
<td>51,658</td>
</tr>
<tr>
<td>North Dakota</td>
<td>9.5</td>
<td>6,863</td>
</tr>
<tr>
<td>Arizona</td>
<td>9.4</td>
<td>62,527</td>
</tr>
<tr>
<td>West Virginia</td>
<td>9.4</td>
<td>17,429</td>
</tr>
<tr>
<td>Illinois</td>
<td>9.2</td>
<td>118,295</td>
</tr>
<tr>
<td>Maine</td>
<td>8.7</td>
<td>11,509</td>
</tr>
<tr>
<td>Washington</td>
<td>8.6</td>
<td>60,009</td>
</tr>
<tr>
<td>Missouri</td>
<td>8.5</td>
<td>51,550</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>7.8</td>
<td>44,705</td>
</tr>
<tr>
<td>California</td>
<td>7.6</td>
<td>292,877</td>
</tr>
<tr>
<td>Nebraska</td>
<td>7.4</td>
<td>13,864</td>
</tr>
<tr>
<td>Mississippi</td>
<td>6.8</td>
<td>20,389</td>
</tr>
<tr>
<td>Vermont</td>
<td>6.4</td>
<td>4,032</td>
</tr>
<tr>
<td>Iowa</td>
<td>6.1</td>
<td>18,880</td>
</tr>
<tr>
<td>New Jersey</td>
<td>5.8</td>
<td>52,670</td>
</tr>
<tr>
<td>Hawaii</td>
<td>5.1</td>
<td>7,105</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>4.9</td>
<td>32,682</td>
</tr>
<tr>
<td>Michigan</td>
<td>4.3</td>
<td>42,855</td>
</tr>
<tr>
<td>Delaware</td>
<td>4.2</td>
<td>3,907</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>3.8</td>
<td>3,973</td>
</tr>
<tr>
<td>New York</td>
<td>3.3</td>
<td>64,353</td>
</tr>
</tbody>
</table>

Source: Tobacco21.org

TRENDS

To see how the states compare in terms of registered firearms per capita, CBS News looked at data from the National Firearms Registration and Transfer Record, which is maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives, and at 2013 population estimates from the Census Bureau. The report offers only a partial picture, however, because the bureau doesn’t report figures for handguns, which make up a large portion of the guns in the U.S. “The total numbers of guns in each state would actually be much higher,” the report says.
Hope in Not-Yet-Approved Drugs

Under federal “compassionate use” regulations, around 1,000 terminally ill patients annually receive permission to try drugs not yet approved by the U.S. Food and Drug Administration. Many more, however, die from terminal illnesses every year, according to the “Right to Try” advocacy group affiliated with the Goldwater Institute.

State legislators have been active in considering legislation that allows patients who have exhausted available treatments to request drugs that have passed at least the first of three phases of clinical trials. These Right to Try state laws require the consent of the drug manufacturer and a doctor’s diagnosis of a terminal disease.

Lawmakers in Arizona, Colorado, Louisiana, Michigan and Missouri were the first to enact these laws in 2014. Just 18 months later, the total has jumped to 31 states.

The laws are merely an attempt to undermine the FDA’s authority, critics say. They argue that the best way to provide drugs to dying patients would be to expand participation in monitored clinical trials. Some worry that by leaving the decision up to manufacturers, the laws will be ineffectual and will give terminally ill patients a false sense of hope. In fact, a Modern Healthcare survey late last year found no evidence that any patients received an experimental therapy as a result of the new statutes.

Supporters respond that any hope is better than no hope when facing a terminal illness.

—Dick Cauchi and Julie Lays

Policing the Polling Place

Fraud at polling places: Some see it, many don’t.

The issue of fraud has emerged in recent months, along with the suggestion that poll watchers should be on hand to observe activities on Election Day to help prevent illegal voting, fraudulent ballot counting and other election law violations. Poll watchers from political parties will be there, too, mainly to track who has not yet voted, so the campaign can get out the vote.

Who’s qualified to be a poll watcher depends on the state. Poll watchers are usually required to be registered voters, but states differ on whether the observers must be registered in the county or precinct rather than just in the state. States also differ on the number of poll watchers permitted from one party or campaign, and on training requirements. Here are some highlights from NCSL’s research:

• Kansas requires poll watchers to be registered voters unless the poll watcher is a member of the candidate’s family, or if the poll watcher is 14 to 17 years old and meets all other requirements for being a registered voter except for age.

• Louisiana allows candidates to appoint one poll watcher per precinct, but also allows them to appoint one “super watcher” who can serve as a poll watcher in any precinct in which the candidate’s name is on the ballot. North Carolina has a similar system in which county party chairs can appoint a set number of at-large observers who can act as poll watchers in any precinct in the county.

• Statutes in Georgia, North Dakota and South Carolina require poll watchers to wear a badge indicating their name and organization. Other states require such identification through administrative rules.

• Poll watcher laws also apply in Oregon and Washington, which conduct their elections primarily by mail. Observers in these states watch the county clerk process and count the ballots instead of watching voters at the polls.

• West Virginia appears to be the only state that does not allow poll watchers to observe elections.

—Wendy Underhill and Kevin Frazzini
The effect this year’s wild race for the White House will have on state legislative contests is difficult to predict.

BY DANIEL DIORIO AND TIM STOREY

For the more than 10,000 candidates seeking state legislative seats this year, observing the volatile race for the White House may feel a bit like watching an investment rise and fall in the stock market. Investors have relatively little control over how an individual stock performs, yet its performance can have a huge effect on their financial futures.

Likewise, legislators have little control over who becomes their party’s presidential nominee yet the results can have a profound effect on their political futures.

Presidential candidates continue to influence voters’ decisions all the way down the ticket. Since 1900, in 21 of the previous 29 presidential years, the party winning the White House has also gained seats in state legislatures. This “coattail effect” averages a gain of 129 legislative seats.

The campaign taking the White House typically succeeds because of its superior strategy, keen organization and ability to generate the most enthusiasm and commitment from voters. And it most certainly knows how to win the get-out-the-vote effort. But with this year’s election unfolding like no other in modern history, the results are a bit more unpredictable.

“Citizens have the choice between the two most unpopular candidates ever,” veteran journalist Mara Liasson told lawmakers at NCSL’s Legislative Summit in August. How will that affect their voting?

The success of Donald Trump in winning the GOP nomination surprised everyone save his most ardent supporters. His unorthodox campaign has contrasted starkly with that of Democratic standard-bearer Hillary Clinton, who has appeared overly cautious, as if taking her cue straight from a “How to Run a Campaign” textbook.

The voters’ choice of who serves as the next president—whether Republican or Democrat—will play a role in determining the victors of the state races as well, especially given that recent studies show an upswing in straight-ticket voting. But exactly how much influence this year’s presidential nominees will have is a big unknown.
High Stakes for States
Even though the presidential race receives all the attention, the fact is, who wins control of legislatures and governorships will have a greater direct impact on the day-to-day lives of Americans than who occupies the White House and the halls of Congress.

State legislative elections are as important as ever. On Election Day, voters will determine the winners of 5,917 seats in 86 chambers in 44 states. That’s more than 80 percent of the total 7,383 legislative seats nationwide.

Each party is working hard to ensure the presidential election isn’t the only news to report on the morning of Nov. 9.

How High Can the GOP Go?
Republicans’ success in the last three legislative election cycles makes it difficult for them to gain much more. With majorities in so many chambers, they will be playing more defense than offense this year.

The GOP has dominated control of state legislatures since 2010, when Democrats lost control of a whopping 24 legislative chambers. That was extraordinary, given that since 1900, only 12 chambers typically have switched control every two years. Two years later, Democrats retook control of eight chambers, but lost another five. Republicans roared right back in 2014, taking 11 more chambers, including both of them in West Virginia for the first time in 83 years.

Not counting the Nebraska Legislature, which is unicameral and nonpartisan, Republicans currently hold more seats than they have since 1920—over 4,100 of 7,383. The GOP has majorities in 67 of the country’s 98 partisan chambers. That’s more than at any time in the party’s history. And in 30 states, Republicans control both chambers.

Democrats control 31 chambers, hold both chambers in 12 states and split con-
control in seven states. In addition, Republicans could actually claim the New York Senate. It consists of 32 Democrats and 31 Republicans, but a coalition that includes only a couple of Democrats controls the chamber, with Republican John Flanagan serving as president pro tempore and majority leader.

Much of the GOP dominance can be attributed to a slow but steady shift made in Southern states during the last 25 years. For decades in the last century, Democrats held overwhelming majorities in the South, with some legislatures having literally no Republicans. By 2008, Republicans gained 46 percent of the Southern seats; today they hold 63 percent. Republicans control both legislative chambers in every Southern state save one. In the Kentucky House, Democrats hold a slim 53-47 majority and are certain to face a tough challenge once again.

Some chambers with large majorities are simply beyond the reach of the minority party this year. Still, several of this year’s legislative races will be competitive. In addition to the Kentucky House, another 17 legislative chambers—11 senates and six houses—are close enough in numbers to qualify as true battlegrounds.

**On the Senate Side**

Senate races in Colorado, Iowa, Nevada, New York, Washington and West Virginia are being watched closely, as half the seats are up for election and a slim one- or two-seat difference exists in all of them.

In five other states—Arizona, Maine, New Hampshire, New Mexico and Wisconsin—GOP senate majorities are bigger but still vulnerable. In Arizona, Republicans are trying to hold on to a three-seat lead, while in New Mexico the Democrats are trying to do the same thing.

**On the House Side**

Democrats have slim leads to defend in the Colorado, Kentucky and Washington...
Republicans are defending majorities in Minnesota, Nevada, New Hampshire and New Mexico, where polls show Clinton currently leading the race for the White House.

The Minnesota and New Hampshire houses have been the nation’s most competitive chambers over the last 10 years, with party control in both states changing in four of the past five elections.

It All Hinges on Turnout

The biggest question this year is, Who will turn out to vote?

Will Latino voters show up in greater numbers? How will they vote? What about women, or whites without college degrees? Will the younger generation show up at all?

It’s just too early to know the answers, says University of Florida political scientist Michael McDonald, the nation’s leading expert on voter turnout, adding that a perceived blowout in the presidential race as Election Day approaches also could affect turnout, perhaps dramatically.

One trend is irrefutable: African-Americans, Hispanics and Asian-Americans are playing a larger role in deciding the outcome of U.S. elections. In 1972, more than 90 percent of voters were white; this year, it is widely expected that, for the first time, that portion will be less than 70 percent.

Whether it will be a close race or a blowout is anyone’s guess, as almost daily something occurs that reinforces the idea that no one knows how this pair of presidential candidates themselves will shape voter participation.

History in the Making?

With Republicans seeking to defend their control of a record-high number of legislatures and Democrats looking to make gains, the election could be “one for the ages,” says Charlie Cook, editor and publisher of The Cook Political Report and a columnist for the National Journal. Throw in the unusual presidential contest, and it could redefine the parties—and American politics—for a generation, he says.

As the two parties become increasingly ideological, they are losing the moderates who helped keep them fairly “centered,” Cook says. “Add in economic anxiety, wages not keeping up, segments of Americans under real financial stress fearing disappointing futures, then throw in some really raw and emotional issues like immigration and, finally, an insurrection among Republicans,” and what do you get? “Many folks becoming vehemently anti-establishment.”

“I think there are big things going on in American politics that transcend the quirky personalities running for president this year,” Cook says.
The US Surgeon General has concluded that smoking in movies causes kids to smoke. Yet states still subsidize big-budget film productions that serve the tobacco industry’s marketing interests.

From 2010 to 2016, fifteen states subsidized 90 percent of all the top-grossing films with smoking shot in the United States [see table].

In 2016, the CDC projected that exposure to such films will recruit six million kids to smoke in this generation, eventually killing two million of them.

**A DEADLY POLICY CONFLICT**
States already deny public subsidies to other media productions, from pornography to political advertising. So making future film and TV productions with tobacco imagery ineligible for state tax credits and other public subsidy—as the CDC has recommended—can resolve a costly and deadly policy conflict.

While states and localities move to raise tobacco taxes and increase age-to-purchase, which reduce teen smoking, public subsidies for films with smoking push kids to light up.

Together, top film states spend 25 percent more per year on films proven to recruit kids to smoke than they invest in programs proven to keep kids safe.

Tobacco companies have a nine-decade history of paying Hollywood millions of dollars to put smoking on screen. Today’s taxpayers shouldn’t do it for them.

**SMOKING IN MOVIES KILLS IN REAL LIFE.** Smoke Free Movie policies—the R-rating, certification of no payoffs, anti-tobacco spots, and an end to brand display—are endorsed by the World Health Organization, American Medical Association, American Academy of Pediatrics, American Heart Association, American Lung Association, Americans for Nonsmokers’ Rights, American Public Health Association, Breathe California, Campaign for Tobacco-Free Kids, Los Angeles County Dept. of Health Services, New York State Dept. of Health, NY State PTA, Truth Initiative, and many others. Visit SFM online or contact: Smoke Free Movies, UCSF School of Medicine, San Francisco, CA 94143-1390.

*Through Sept. 1, 2016. Smoking-film subsidy are estimated on top-grossing films’ publicly-reported production budgets and the average estimated net film subsidy rates for state programs active as of January 2016 (FL, MI and others have ended theirs). CA estimates adjusted to reflect program eligibility changes. $ totals may not equal sums due to rounding.

**2010-2016**

**15 TOP MOVIE STATES SUBSIDIZE TOBACCO PROMOTION**

<table>
<thead>
<tr>
<th>Top-grossing movies</th>
<th>With smoking</th>
<th>Smoking movie subsidies (annual)</th>
<th>Spent on tobacco prevention (FY 2016)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>167</td>
<td>69 (41%)</td>
<td>$46 million</td>
</tr>
<tr>
<td>New York</td>
<td>74</td>
<td>42 (57%)</td>
<td>$43 million</td>
</tr>
<tr>
<td>Louisiana</td>
<td>66</td>
<td>36 (55%)</td>
<td>$35 million</td>
</tr>
<tr>
<td>Georgia</td>
<td>69</td>
<td>27 (39%)</td>
<td>$22 million</td>
</tr>
<tr>
<td>New Mexico</td>
<td>22</td>
<td>16 (73%)</td>
<td>$16 million</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>25</td>
<td>15 (60%)</td>
<td>$12 million</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>26</td>
<td>14 (54%)</td>
<td>$18 million</td>
</tr>
<tr>
<td>Connecticut</td>
<td>10</td>
<td>4 (40%)</td>
<td>$2 million</td>
</tr>
<tr>
<td>Hawaii</td>
<td>4</td>
<td>3 (75%)</td>
<td>$2 million</td>
</tr>
<tr>
<td>North Carolina</td>
<td>14</td>
<td>3 (21%)</td>
<td>$6 million</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>4</td>
<td>3 (75%)</td>
<td>$3 million</td>
</tr>
<tr>
<td>Texas</td>
<td>6</td>
<td>3 (50%)</td>
<td>$2 million</td>
</tr>
<tr>
<td>Alabama</td>
<td>5</td>
<td>2 (40%)</td>
<td>$1 million</td>
</tr>
<tr>
<td>Mississippi</td>
<td>2</td>
<td>2 (100%)</td>
<td>$1 million</td>
</tr>
<tr>
<td>Nevada</td>
<td>4</td>
<td>2 (50%)</td>
<td>$3 million</td>
</tr>
<tr>
<td><strong>15-state total</strong></td>
<td><strong>498</strong></td>
<td><strong>241 (48%)</strong></td>
<td><strong>$214 million</strong></td>
</tr>
</tbody>
</table>
What Voters Face
In November, citizens will determine much more than who the next president will be.

BY WENDY UNDERHILL AND PRINCESS UMODU

This year’s crop of statewide ballot measures challenges voters to read carefully, listen beyond the sound bites and thoughtfully consider policy questions that directly affect their lives.

Some of the issues lean right, some lean left, though most don’t lean at all. Regardless, they’re being decided even now by citizen lawmakers across the country in places with early voting.

Some of the issues lean right, some lean left, though most don’t lean at all. Regardless, they’re being decided even now by citizen lawmakers across the country in places with early voting.

The Breakdown
As of mid-September, there were 145 measures in 34 states. That’s about the same as in 2014, when voters faced 147 measures in 41 states and the District of Columbia. But it’s nowhere near the 240 that voters were asked to consider in 1996, the peak year.

This year’s total includes 65 legislative referrals, 74 citizen initiatives, four popular referenda and two advisory measures. Notably, there were just 35 citizen initiatives in 2014—a sign, perhaps, that bypassing the legislature via “direct democracy” is an increasingly attractive strategy.

Voters have approved about 45 percent of all citizen initiatives and about 75 percent of legislative referrals and bond issues since 1996.

Hot Topics
Surprisingly, there are no ballot measures this year on lesbian, gay, bisexual and transgender issues, reproductive choices or abortion. Still, there’s no lack of controversy.

The headline grabbers include marijuana (both medical and recreational), campaign finance, the minimum wage and the death penalty. There is a typical assortment of tax measures, bond issues to fund transportation or other infrastructure projects, and a variety of questions that appear before voters simply for legal or housekeeping reasons.

Marijuana: Marijuana has been a ballot staple since 1996, but this year’s a bumper crop. As of mid-September, nine measures had qualified, four permitting medical marijuana (Arkansas, Florida, Montana, North Dakota) and five permitting adult recreational use (Arizona, California, Maine, Massachusetts, Nevada). The last time a...
particular topic was so prominent was in 2004, when defining marriage as between a man and a woman only was on 13 ballots.

**Criminal Justice:** Victims’ rights (Montana, North Dakota, South Dakota), protecting child victims from sexual exploitation and trafficking (Georgia), pretrial release reform (New Mexico), the death penalty (California, Nebraska, Oklahoma) and parole for nonviolent offenders (California) will keep criminal justice issues in the headlines this year.

**Hunting, Fishing, Farming and Ranching:** Do people have a constitutional right to hunt and fish? Nineteen state constitutions say yes. Lawmakers in Indiana and Kansas are letting voters decide whether to enshrine these activities as rights, as well. In Oklahoma, the Legislature is asking voters to decide whether to add the right to farm and ranch to the state’s constitution. Voters in Montana will decide whether to ban the use of traps and snares on public lands, while citizens in Massachusetts will decide whether to prohibit the sale of eggs, veal and pork from animals confined in ways that severely limit their ability to move.

**Gambling:** A two-decade-long trend toward liberalizing laws on gambling continues with New Jersey’s measure to allow gambling in locations other than Atlantic City—and closer to potential New York City gamblers. Rhode Island has a measure to permit a casino near Massachusetts, while Massachusetts is asking voters about opening an additional slot parlor. Most gambling measures pass; apparently it’s easier to raise money through gambling than by general tax increases.

**Guns:** Voters in California, Maine, Nevada and Washington face initiatives on guns and ammunition. In Maine and Nevada, the focus is on background checks. Washingtonians will decide whether to allow the temporary removal of guns from the possession of an at-risk person. The California initiative would: address how people lose their eligibility to have a firearm (due to a felony conviction, domestic violence restraining order or other legal restriction); require a permit verifying the buyer is not barred from owning a firearm before buying ammunition; and require owners to report lost or stolen weapons.

**Minimum Wage:** Increasing the minimum wage was the top-of-the-ticket topic in 2014, with five states doing so by a vote of the people. This year, Arizona, Maine and Washington have measures to increase the minimum wage. In South Dakota, a ballot measure would roll back its minimum wage for teen workers.

**Voting:** Missouri voters will decide whether to amend their constitution to apply a strict photo-ID law at the polls. Mainer will decide whether to use ranked-choice voting instead of winner-take-all elections. (It’s the first time an alternative voting system has ever appeared on a statewide ballot.) Voters in South Dakota will decide whether to give redistricting duties to an independent commission and whether to switch to a single nonpartisan primary, where all candidates are listed on one ballot, with the top two vote-getters moving on to the general election. Colorado voters

---

**Measure for Measure**

The total number of ballot measures has remained fairly constant over the last few elections, but the subcategories tell a different story; the number of legislative referrals is down, while that for citizen initiatives is up.

**Legislative referrals:** Measures “referred” to the ballot by legislators, for example, when a change to the constitution requires a vote of the people, or when an issue is controversial, such as legalizing medical marijuana.

**Citizen initiatives:** Measures placed on the ballot by citizens who’ve convinced enough registered voters to sign a petition.

**Other:** Measures, such as popular referenda, or votes forced by citizens attempting to repeal an existing law, and advisory questions, placed by legislators to get a sense of how the public feels about a certain topic.
face two measures dealing with who can vote in primaries. And in Alaska, citizens would be automatically registered to vote when they sign up for the Permanent Fund if a citizen initiative passes there.

**Campaign Finance:** South Dakotans will decide whether to increase contribution disclosure requirements, decrease limits on contributions and initiate a public finance system. Washingtonians will vote on whether to establish their own brand of public funding for campaigns, based on a recently instituted program in Seattle. Missourians will vote on decreasing contribution limits. Voters in California and Washington will decide whether to tell their congressional delegations to either declare that money is not free speech or seek constitutional ways to undo *Citizens United*, the Supreme Court decision that allows unlimited political donations from corporations. These measures are advisory only.

**Transportation:** In Maine, a state that puts bonds on the ballot regularly, voters will decide whether to approve $100 million for a variety of transportation projects, from major freight movement to bike and pedestrian paths. Illinois voters will decide whether to dedicate all their gas revenues to transportation; 41 states have similar laws that create “lock boxes” that ensure transportation funds aren’t raided for general-fund purposes. New Jersey voters get to decide if a portion of the diesel fuel tax should go to transportation infrastructure projects. And Louisiana voters will choose whether to establish a revenue fund to help pay for transportation projects.

**Education:** In different forms, education issues always appear on the ballot, with charter schools topping the hot-issue list in recent years. This time, the topics are outdoor education and retention rates in Oregon, student loans in Alaska, charter schools in Massachusetts, chronically failing schools in Georgia and English-immersion classes in California. Measures in California, Louisiana, Maine, Missouri, Oklahoma, Oregon and Utah seek funding increases for education.

**Energy:** Florida and Nevada residents will vote on ballot measures addressing solar energy.

**Labor and Pensions:** Voters in Alabama and Virginia will decide on adding the provisions of their right-to-work laws to their constitutions, potentially joining 10 other states that have done so. A citizen initiative in South Dakota, a right-to-work state, would allow “nonprofits and corporate organizations” (including unions) to collect fees from nonmembers.

**Legislatures:** How these institutions function is receiving an unusual amount of attention. A measure in Alabama seeks to update its impeachment laws. One in California would require that all bills be made public at least 72 hours before they are heard. Minnesota voters will decide whether to establish a commission to approve legislative salaries. Idaho voters could give the Legislature the right to review all administrative actions by the executive branch. And North Dakotans will decide whether to explicitly require legislators to live in the districts they represent, a common practice in most states.

**Cigarette Taxes:** Tax increases on tobacco products are on ballots in California, Colorado, Missouri and North Dakota. Missouri, which has the lowest cigarette tax in the nation, has two tax-increase measures on the ballot. If either passes, it will be the state’s first increase since 1993. Voters in California are being asked whether to raise the tax from 87 cents to $2.87 per pack; in Colorado, from 84 cents to $2.59; and in North Dakota, from 44 cents to $2.20.

**Other Taxes:** Taxes are always on the ballot somehow, somewhere. Attention-grabbing measures include a state sales tax increase in Oklahoma, a carbon emissions tax in Washington and increases to corporate taxes in Louisiana and Oregon.

**Health:** Health care reform is coming off the national stage and into the states’ arena. Colorado has an initiative to establish a state-funded, single-payer health care system and another to become the sixth “medical aid in dying” state. The latter would allow a terminally ill adult to take a drug to cause death. California’s health initiative would limit the amount paid by Medi-Cal for prescription drugs to the discounted price paid by the Veterans Administration.

**One-offs:** Oklahomans will decide whether grocery stores can sell alcohol seven days a week. South Dakotans face two measures to rein in payday lenders by capping interest rates. Rhode Islanders could establish a state ethics commission. And Californians will decide whether to require adult film actors to use condoms.

Voters have their work cut out for them. We’ll report on what they decide next issue. Stay tuned.
1. **Hoping for More Happy Returns**

Oregonians who earn money returning cans and bottles to stores to collect the deposits will get a 100 percent pay increase starting next year. It's the first 'raise' since 1971, when the state enacted the first-in-the-nation bottle deposit of 5 cents. For the first 15 years, annual redemption rates were above 90 percent. But as of last year, the rate had fallen to just 64 percent, a drop most likely caused by the popularity of curbside recycling and the declining value of the nickel. Lawmakers hope that by doubling the deposit to 10 cents, and applying the deposit to an expanded list of beverage containers in 2018, return rates will improve. It's an uphill battle, though, as recycling at the curb has become much more convenient than hauling bottles to a retailer or redemption center.

2. **Bye, Bye Benjamins**

Plastic is as good as cash, right? Increasingly, parking garages and toll roads are requiring payment by credit cards only, and retailers, especially restaurants, are adopting no-cash policies. Customers pay by scanning a barcode on a smartphone or tablet. Refusing cash allows these businesses to eliminate their cash registers and reduce the costs associated with bank trips and armored car services. But not everyone is sold on the idea. For starters, in some states it's illegal to refuse cash, a policy the federal government lets states decide for themselves. Critics also warn that customers may end up paying higher prices as retailers pass along credit card fees they must pay every time they swipe a card. Yet another concern is that a no-cash policy may hurt low-income consumers, who tend to use cash more than credit.

3. **Roadmap for Autonomous Cars**

The National Highway and Transportation Safety Administration issued federal policy for automated vehicles on Sept. 20, laying what it called “a path for the safe testing and deployment of new auto technologies that have enormous potential for improving safety and mobility on the road.” The policy is broken down into four parts—vehicle performance, model state policy, current regulatory tools and possible new regulatory actions. What is most important for states is that they retain their traditional responsibilities for vehicle licensing and registration, traffic laws and enforcement, and motor vehicle insurance and liability regimes and that the model state policy included in the federal policy release is in no way binding on states wishing to take action on the use of the vehicles in their state.

4. **Straight Story**

A law banning straight-ticket voting in Michigan won't affect Election Day this year. The U.S. Supreme Court agreed with a lower court's decision to issue a preliminary injunction on enforcing the law. The reasons given were that banning the practice would not only create longer lines, but would disproportionately burden black voters, who are more likely to use the option. Nine other states—Alabama, Indiana, Iowa, Kentucky, Oklahoma, Pennsylvania, South Carolina, Texas and Utah—still allow straight-ticket voting, but the recent trend has been to prohibit it.

5. **Boosters on the Bench**

Partisanship is a fact of life in our politics, but in our courtrooms? A new study, “Partisan Justice,” finds that judges are tapping into party-based fundraising and campaign networks to survive increasingly competitive elections. Researchers at Emory University School of Law collected 50-state data from more than 500 election cases between 2005 and 2014. Among the findings: Judges tend to favor litigants from their own party in cases pitting them against someone from the other party; campaign contributions increase partisan behavior; judges not facing a re-election campaign are less likely to be partisan; and partisanship in judicial decision making is getting worse.
Prodding Public Servants
Illinois' public agencies may have to pay when they delay. The courts can now hit state bodies with a $1,000 fine for every day they dawdle in handing over material in Freedom of Information Act cases. The penalty can be applied in addition to existing fines ranging from $2,500 to $5,000. It's part of “Molly’s Law,” which lawmakers passed in response to a family’s struggle to get documents concerning the investigation of their daughter’s death. The threat of a fine, supporters say, will encourage state agencies to be more responsive to requests for information.

Critics point out the irony of slapping fees on agencies that are funded by taxpayers who have the right to see most public documents anyway.

Weave Us Alone
African-style hair braiders, who can spend hours weaving strands of hair into intricate, overlapping patterns, need patience and excellent fine-motor skills. In 26 states, they also need a license. Some states require braiders to complete hundreds or even thousands of hours of coursework, which can cost more than $10,000. The result is that small-business entrepreneurs are shut out of the market, according to a new report from the Institute for Justice, a libertarian public interest law firm that supports elimination of licensing. Mississippi, for example, which requires no training, had more than 1,200 registered braiders in 2012, compared to just 32 in neighboring Louisiana, which requires 500 hours of training. The trend looks to be twisting in braiders’ favor: This year, five states eliminated their licensing requirements, bringing to 20 the number of states where braiders can freestyle.

Traffic Deaths Up
Five decades of declining traffic fatalities came to a screeching halt last year, when 35,092 people died in crashes, an increase of 7.2 percent from 2014, according to new data from the Transportation Department. Pedestrian and bicyclist deaths were at a 20-year high, and motorcyclist deaths were up by more than 8 percent. Almost 1 in 3 fatalities involved drunken drivers or speeding, and 1 in 10 involved distraction. The department attributes the spike in fatalities to more driving due to job growth and lower fuel prices as well as more driving by young people.

Lending Her Voice
A little star power never hurts, confirmed Delaware lawmakers, when Lilly Ledbetter joined them for the signing of a package of bills addressing women’s issues. The 2009 federal fair-pay act was named for Ledbetter, an advocate for women’s equality. Delaware’s new legislation prohibits pay discrimination and includes safeguards for workers who discuss their pay with colleagues. Employers may no longer take action against workers for their reproductive decisions, including those concerning birth control, or for their family commitments, such as caring for children or aging parents. Sexual assault training and reporting will be bolstered on state college campuses, and doctors must now inform families about the risks of post-partum depression.

Splitting the Difference
Motorcyclists have long argued that lane-splitting—riding in the space between lanes of traffic—is a good thing. It reduces congestion, saves travel time for everyone and is safer for riders, who are less likely to be hit from behind while stopped in traffic. Lane-splitting is common in many European and Asian countries, but it has been illegal in the U.S. That will change come Jan. 1, when California becomes the first state to allow it. The new law requires the California Highway Patrol to establish guidelines for riders, including speed limits when lane-splitting.
Who’s Watching the Kids?

Low-income parents face the threat of falling off child care assistance with a raise or promotion.

BY JULIE POPPE AND ROBYN LIPKOWITZ

Imagine an hourly employee being offered a raise and saying, “No thanks, not now.” Some poor working parents face that tough decision too often. The problem is that even a modest raise can push a family’s income over the top limit to qualify for publicly funded child care assistance.

It’s called the “cliff effect” because the raise is usually not enough to cover the sudden loss of assistance. After paying for child care, parents can actually end up behind, with less money than they had before the raise.

Rich Jones, with the Bell Policy Center in Denver, recently conducted focus groups with Colorado parents who work entry-level, minimum-wage jobs with irregular hours—servers, cooks, hotel maids, etc.—and found that a third of the families had real concerns about going over their income eligibility limit and losing child care benefits.

“I get offers for part-time jobs,” a kitchen cook who works at a rural truck stop told Jones. “Then I calculate how it could affect my benefits… I’ve turned down offers.”

“The cliff effect is real,” says Jones, who thinks families should be eased out of the benefit gradually by paying a little more in fees as income rises. “We want to see families walk down the hill rather than drop off the cliff.”

Softening the Fall

States have tried a couple of strategies to lessen the impact a sudden loss of benefits can have on a financially strapped family. One is to incrementally phase out eligibility as earnings increase; another is to set higher income eligib-
ity thresholds to begin with. At least 14 states have set their income eligibility for child care assistance at or above 200 percent of the federal poverty level, which today in most states would be $48,600 for a family of four.

Nebraska offers transitional child care for 24 months for families whose income is between 135 percent and 185 percent of the federal poverty level. Oregon continues eligibility regardless of change in employment until the parents’ income reaches 85 percent of the state median income, which is the federal eligibility level. Pennsylvania makes a redetermination of child care benefits every 12 months regardless of any temporary change in pay. A couple of states are doing even more.

Try, Try Again

Colorado legislators have been working to eliminate the cliff effect for several years, but tracking the number of families affected has been a challenge. They authorized a pilot program in 2012 for counties to provide families a two-year transition off child care assistance. But the bill contained no additional state funding, and no counties signed up.

In 2013, the legislature tried again and offered some state funding for the program. Ten counties signed on. But because few of them were in the rural and mountain areas, where work is often temporary and seasonal due to the skiing and farming industries, lawmakers expanded the program in 2016. Instead of offering counties more funding, they provided more flexibility, including the option to limit participation to what the state allocations would cover.

The pilot program will continue until the summer of 2019, when evaluators will analyze the data and report to the legislature on its effectiveness. Lawmakers are hopeful the data will provide a better picture not only of who is affected, including many diverse and hard-to-reach families with unique circumstances and financial challenges, but also of the effectiveness of providing a transition period.

“We need good information from counties to see if this is working,” Colorado Senator Beth Martinez Humenik (R) says. Humenik was chair of the Early Childhood and School Readiness Legislative Com-
mission that recommended the 2016 bill, which allowed additional qualifying counties to participate. She’s pleased the bill had bipartisan support, but admits it helped that the 2016 bill required no new funds.

“Working families who might benefit from a little temporary help need to continue to be successful,” Humenik says. “The intent of this program is to help Colorado families by providing support as they gradually move away from needing assistance, rather than experiencing a cliff effect where assistance is immediately cut off due to a wage earner receiving a raise. Families desire to be self-reliant, so it is important to find out if this helps them reach that goal.”

A Different Approach

Louisiana is taking a slightly different approach. Early this year, the state increased child care stipends by 250 percent to help families find high-quality child care they could afford. The state’s Early Childhood Advisory Council recommended the increase, which was approved by the Board of Elementary and Secondary Education.

For years, child care subsidies in the state were less than the average cost of child care and had high family fees. Families now will be eligible to receive a child care subsidy for at least one year regardless of changes in work or school status, as long as their salary does not exceed 85 percent of the state median income. The state also simplified the once-complicated online child care application.

Although some lawmakers believe the state should not, and can’t afford to, regulate child care, others believe Louisiana will benefit from better coordinated services. They are working on a policy and legislative framework to unify the state’s system, so kids are kindergarten-ready.

The effort began in 2012, when the Legislature enacted a bill that moved publicly funded early care programs serving children from birth to age 5, including child care services, to the Louisiana Department of Education. “Act 3 is the driver or impetus for the state’s work,” says Jenna Conway, the
State Rules on Child Care Benefits

There is more to child care than meets the eye. Child care is an important support for working families and an enrichment opportunity for children, especially those most at risk. These days, the cost to parents for child care services can be more than the tuition at a state college.

To offset this cost, all 50 states, the District of Columbia and the territories have child care programs that provide subsidies to low-income parents.

The cost of placing an infant in a child care center ranges from $17,062 (in Massachusetts) to $4,822 (in Mississippi). In Massachusetts, this amounts to 63 percent of state median income; in Mississippi, it’s 23 percent of SMI.

States can require parents to make up the difference between the true cost and the reimbursement amount. A family of three living at the federal poverty level may have to pay as much 16 percent of their income (in Hawaii) or as little as 1 percent (in Iowa, Michigan, New York and Utah). California, South Dakota, Vermont and Wyoming do not require a copayment from families who make up to 100 percent of the federal poverty limit.

Reimbursement rates are based on a percentage of the current market rate. Amounts vary by state or, in some cases, by county, age of the child and type of care. Thirty-one states set their reimbursement rates at least 20 percent below market rate for 4-year-old care, and 27 states have rates below 20 percent of market cost for 1-year-old care.

All but five states allow an eligible family to continue receiving benefits while searching for a job, but the length of time varies by state.

Additional legislation was passed in 2014 concerning licensing, enrollment and funding. Local community networks have provided implementation support. The challenge for the state and the Legislature is to identify a revenue source to support continuing child care benefits.

“Our problem has been sustainable fund-

ing. Louisiana’s work is still in the incipient state, but our vision is to be able to have all early childhood care programs and facilities be viable early learning centers,” says Louisiana Representative Patricia Haynes Smith (D).

To ensure high-quality care for the most at-risk children, Louisiana also has started a one-year pilot program in four communities. A set number of low-income spaces were assigned to each high-quality child care center to help them plan ahead for their expected enrollment and receive more stable funding. Recent work in cost modeling, a tool to help understand the true cost of high-quality care, helped the state identify the gap between the cost of providing services and the state’s reimbursement rate for child care providers.

To qualify for the pilot, child care providers had to agree to meet higher standards, including obtaining teacher credentials and participating in the state quality rating improvement system. Created by the Legislature in 2007, the school readiness tax credit is a tool the state uses to encourage centers to voluntarily participate in the rating system. The higher the rating, the higher the credit. The credits are resulting in improved quality child care, according to the National Women’s Law Center.

Since the tax credits started in 2008, centers participating in the rating system increased from 484 to 924, and the proportion of centers with quality ratings of two to five stars (five being the best) more than tripled from 15 percent to almost 50 percent in 2011. In addition, the number of child care directors and staff with a Pathways career development system credential increased significantly, from 963 in 2008 to 2,620 in 2011.

Who’s looking after the kids? Parents—and lawmakers. All these efforts are designed to support parents, make child care more affordable and, hopefully, eliminate the cliff effect. If things go well, parents will be able to embrace their jobs and take on new challenges—and pay raises—without losing child care assistance.

The kids, after all, are why child care matters.
A willingness to collaborate, keep an open mind, put aside differences and listen to other viewpoints are qualities that come to mind when thinking of what it takes to be a successful legislator, especially in today’s tense partisan environment. When speaking to lawmakers who share family ties, the cultivation of these qualities appears to come naturally.

About 25 sets of cousins, children, spouses, parents, uncles or grandchildren are serving as legislators. This is the first in a series of articles that will profile some of these special duos around the country.

### Aisle-Land Hopping

For many Americans, politics is at the top of their list of topics to avoid at family gatherings. For legislators serving with family members, however, that is the topic of discussion. And, usually, it’s conflict free, as most belong to the same party and share similar political persuasions.

In Hawaii, however, a rare pair of lawmakers with family ties come to issues from different chambers and different sides of the aisle. Representative Cynthia Thielen is a Republican; her daughter Senator Laura Thielen is a Democrat. The fact that a Republican representative mother can get along so well with her Democratic senator daughter has “surprised some,” the representative says. But, she adds with a smile, “Hawaii is different from the mainland, obviously.”

The Thielens credit their success as state legislators to the support and encouragement they have received from their family. Many have urged and encouraged both women on their political journeys. The representative describes the support her late husband—“a solid Eisenhower-type Republican”—gave his daughter, even though she was running as a Democrat. “My husband, Mickey, was a good influence in our lives. And he was extremely proud of his daughter Laura. One of the last things he did … was to pull the nomination papers for Laura to run again for the state Senate.”

Senator Thielen says that choosing to join the Democratic Party wasn’t difficult, even though her parents were Republicans. “My parents are what I call old-school Republicans. My mother is a strong environmentalist and refers to herself as a Teddy Roosevelt Republican. My father was a small-business man, who always put his employees first. So to me it seemed the best party to honor those values at the time I came of voting age was the Democratic Party.”

It was her concern and passion for the environment and Hawaii’s natural resources that spurred Senator Thielen to run for office. “I was angry with the Legislature for passing an extremely reckless land use law,” she says, “and then nearly passing an even more damaging bill. I ran because I felt these decisions did not represent the community I lived in.”

### Bipartisanship Comes Naturally

Bipartisanship is the norm for the Thielens and campaigning is a family affair. “Two of my brothers are Democrats, one is a Republican. But at the end of the day, we all put family first,” the senator says. “Everyone helps in both campaigns, because we all value honest, ethical and hardworking politicians.”

The mother-daughter pair collaborate at work as well. “We work together very well on constituent services and frequently get more than twice as much work done than we would have on our own,” the senator says.

Both Thielens are attorneys experienced in and passionate about land use, renewable energy and environmental law. Those issues are what drove them to run for elective office. Each wanted to have more direct influence over the type of legislation passed, rather than litigating after the fact, and together they make a formidable force in the Hawaii Legislature.

“As an environmental attorney,” Representative Thielen says, “I had successfully sued the state in a number of land use cases and decided a better way to make a difference would be to become a policymaker. So I challenged an incumbent Democrat and won.” That was 25 years ago.

The representative is passionate about renewable energy because the islands have “so many powerful natural resources—wave, sun, wind and geothermal—coupled with the highest electric prices in the nation.” Her experience on the topic has led her to champion innovative technologies. “As I have learned more about...
wave-energy converters, and that Hawaii’s wave climate is one of the best in the world, I ramped up my involvement in and support for this technology, resulting in two converters now operating offshore in the district I represent.”

The representative also has worked on legislation to allow “industrial hemp to replace sugar in lands that now lie fallow, which the governor recently signed into law. It establishes a five-year program where farmers can grow hemp under the umbrella of the State Department of Agriculture.”

“Progress with industrial hemp has taken nearly 20 years,” she says, “but now entrepreneurs will have a locally grown crop to develop into some of the 25,000 known uses and products (none of which will get you high) and sell them under the Hawaii brand.”

**Same but Different**

Beyond land use and the environment, Senator Thielen has focused on agriculture, women’s rights, affordable housing and small businesses.

“In my first year, we repealed the bad law that motivated me to run,” she says. “In my second year, we prevented similar laws from being passed. In my third year, we rejected a developer appointed to head our Department of Land and Natural Resources and secured a balanced resource manager to head that department.

“Last year, we passed legislation mandating testing of backlogged sex-assault kits and strengthened laws against sex trafficking. We also put significant resources toward addressing homelessness and building affordable rental housing.”

And, just like her mother, the senator is helping to lead the Women’s Caucus.

**Keeping Their Own Identities**

Maryland Senator Bryan Simonaire and Delegate Meagan Simonaire are the first father-daughter combo to serve concurrently in the Maryland General Assembly. Their supportive family ties have provided a means for collaboration that has helped the younger Simonaire learn the ins and out of legislative life quickly.

Sharing the same name has also challenged them to create separate identities in the eyes and minds of their constitu-
ents and their peers in the legislature. The Simonaires were concerned not only that each would be confused for the other, but that the delegate might be dismissed as just “the senator’s daughter.”

“In the campaign, there were those who attributed Meagan’s campaign success simply to having the name recognition,” says her father. “Therefore, we both knew she would have to establish her own identity and demonstrate her abilities and commitment to the people.”

The delegate says she was conscious of the challenges and the need during her campaign to “work even harder to demonstrate that I would continue that same drive in the legislature. Some people questioned whether I should even be a delegate, because I was (in their minds) elected simply due to being the daughter of the senator.”

The senator admits their concerns were overblown, however. “Actually, creating our own identities was easier than we initially thought it would be,” he says. “With one of us serving in the House of Delegates and the other in the Senate, it created a natural separation.”

**Getting to Know You**

Although both are Republicans with similar political philosophies, their desire to serve in the legislature is driven by different passions, which can be seen in “our varied and successful legislative initiatives,” Delegate Simonaire says.

“Some people expected me to be exactly like my father, but over time they realized that as much as we have in common, we also have our own priorities,” she says.

One issue the delegate feels passionately about is human trafficking. “While working full time, I was involved in developing human trafficking awareness initiatives, conferences and volunteer opportunities,” she says. “I wanted to do more to make a difference in Maryland, especially since it is a major issue in our state. I wanted to have an effect on legislation dealing with human trafficking. It was one of the main reasons I decided to run for office.”

“I quickly realized the session was very fast-paced, with less interaction between the House of Delegates and the Senate than I initially thought. I would find myself asking my aide to schedule a meeting with my father when I needed to work with him on certain legislation.”

Another unforeseen consequence of having a father serving in the legislature? Not having him at your swearing-in ceremony. “Many delegates had their significant other or their parents on the floor with them, but my dad couldn’t be there because he was getting sworn in across the hall,” she says.

In 2007, the elder Simonaire became the first Republican elected to the Senate from his district. He was a computer systems engineer before that.

His daughter was elected to her seat in 2014. Before serving in the House, she was a cosmetologist and credits her dad for supporting her no matter what she chose to do. “The best part about my journey is that even though some people think I just did what my dad did, I know he has always been proud of me for following my dreams. To my dad, it’s not about the job title, but about the passion in which you pursue it.”

**Related Consequences**

Despite some challenges, these lawmakers who serve with family members have found a way to make it work. They have taken advantage of opportunities to collaborate, cooperate and come to consensus—actions that can be surprisingly effective, even if they’re a little rare these days.

“After all,” says Delegate Simonaire, “at the end of the day, family or not, people will judge you based on your performance, not on your last name.”
Laura Rose is the director of NCSL’s Center for Legislative Research. 

Three tips for smoothing out the sometimes rocky relationships between nonpartisan and partisan staff.

BY LAURA ROSE

Change is a constant among legislative staff, whose professions have evolved greatly over the past 50 years. During the legislative reform movement in the 1960s, the increase in nonpartisan staff—hired to shore up the process and provide independent research, bill drafting and budget analysis—enhanced the stature and power of legislatures vis-à-vis the judicial and executive branches.

The reform-minded Citizens Conference on State Legislatures argued, in its influential 1971 report “The Sometime Governments,” that staff were necessary for a well-functioning legislature. Staff, the report stated, heighten the ability of the legislature to learn, retain, analyze and evaluate large volumes of complicated information.

When staff expansions of the 1980s involved adding more caucus and personal staff (all partisan positions), nonpartisan staff weren’t so enthusiastic. Some felt threatened, others disregarded. But many have found ways to work with, rather than compete against, their partisan colleagues.

Legislative staffs vary greatly by state. At one end of the spectrum are South Dakota and Wyoming, small states that rely on a small number of central, nonpartisan staffers. At the other end are California, New York and Pennsylvania, with large partisan staffs who greatly outnumber their nonpartisan counterparts. The other states are somewhere in between, each with its own partisan-nonpartisan mix, depending on the size of the state, the frequency and duration of its legislative sessions and whether its legislature is full- or part-time.

Despite tension in a few spots across the country, partisan and nonpartisan staff have found ways to complement each other—most of the time, in most places. Knowingly or unknowingly, they have learned to do the following.
Nonpartisan and partisan staff have different roles in the legislative branch; understanding that each play an important role in a functional democracy is key. Nonpartisan staff tend to have a longer policy perspective and more institutional memory. Partisan staff work to advance the policy agenda of a legislator or caucus as well as assist with constituents’ requests.

For nonpartisan staff, confidentiality is vital. Unlike their partisan colleagues, nonpartisan staff don’t divulge their political views or what they’re working on for other legislators. Strong confidentiality practices and a statutory directive of strict nonpartisanship have helped build “a culture of trust” in Wisconsin, say Mary Matthias and Anna Henning, attorneys for the nonpartisan Wisconsin Legislative Council.

“I never know what the personal beliefs are of the nonpartisan staff,” says Jennifer Malcore, aide to Wisconsin Representative John Nygren (R). “They have such great poker faces.”

Veteran nonpartisan staff in Connecticut say one challenge of having more partisan staff in the capitol is that their communication with legislators has become less direct. Often, it must now be filtered through caucus staffers. Overall, though, nonpartisan staff have maintained a strong role in the process and are on generally good terms with legislators and partisan staff alike because of the quality of their work.

“There is trust in the nonpartisan staff,” says Larry Shapiro, recently retired director of the nonpartisan Legislative Commissioner’s Office, “because they don’t play favorites. Legislators see them as the coach of both teams.”

In Wisconsin, the Legislature’s nonpartisan agencies have gained respect among lawmakers and their partisan staff as the experts on complex policy issues. “We need them,” says Kelly Becker, staff to Senator Jon Erpenbach (D). “They play a pivotal role.” Partisan staffer Julie Laundrie agrees. She says nonpartisan staff provide all the details and answer all the questions she needs on the complex issues facing her state. “We’ve built a culture of service” in Wisconsin, Matthias and Henning, the nonpartisan staff attorneys, say. And that includes serving partisan staffers.

Working together can be the best way to advance the interests of the citizens you work for. Throughout the session, Connecticut’s nonpartisan and partisan staff collaborate and share the work. Partisan staff handle legislators’ short-term research requests; nonpartisan staff do the long-term assignments. Bill drafting and budget analysis tend to be the sole domain of the nonpartisan agencies.

In Hawaii, nonpartisan and partisan staff work side by side. Both do bill drafting, with the nonpartisan Legislative Reference Bureau “in the middle,” says Casey Hines, director of the Senate majority research office. The bureau takes drafting requests from both parties, in both chambers.

The arrangement “gives the legislators options,” says Charlotte Carter-Yamauchi, the bureau’s acting director. Nonpartisan staff also are tapped to review bills for technical accuracy and to sit on interim committees and work groups.

Joan Yamaguchi has worked as part of both nonpartisan and partisan staffs and now directs Hawaii’s House Majority Staff Office. “As a partisan staff office, we strive to build and maintain a good working relationship with our nonpartisan colleagues, and we appreciate the good work they do,” she says. “I firmly believe that this kind of approach is beneficial not only for the staff but for getting the work of the House and the Legislature done.”

Don’t rely exclusively on emails, especially if the recipients work in your building. Take a healthy walk to visit face-to-face with your partisan or nonpartisan counterparts—or pick up the phone occasionally.

And get together once in a while after work to get to know each other. Play sports, hit the local happy hours, have a potluck, whatever works to bring staff together.

In Hawaii, partisan and nonpartisan staff regularly get together socially. “We’re friends,” says Carter-Yamauchi, with the Legislative Reference Bureau. She says they make a concerted effort to get together at least annually to do something fun, like bowling or karaoke.

**Respect each other’s roles to build trust.**

**Find ways to work together and share the load.**

**Connect and have some fun.**

---

**Percentage of Partisan Staff**

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>3%</td>
</tr>
<tr>
<td>Alaska</td>
<td>52%</td>
</tr>
<tr>
<td>Arizona</td>
<td>15%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>0%</td>
</tr>
<tr>
<td>California</td>
<td>77%</td>
</tr>
<tr>
<td>Colorado</td>
<td>23%</td>
</tr>
<tr>
<td>Connecticut</td>
<td>60%</td>
</tr>
<tr>
<td>Delaware</td>
<td>74%</td>
</tr>
<tr>
<td>Florida</td>
<td>28%</td>
</tr>
<tr>
<td>Georgia</td>
<td>51%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>67%</td>
</tr>
<tr>
<td>Idaho</td>
<td>24%</td>
</tr>
<tr>
<td>Illinois</td>
<td>62%</td>
</tr>
<tr>
<td>Indiana</td>
<td>53%</td>
</tr>
<tr>
<td>Iowa</td>
<td>30%</td>
</tr>
<tr>
<td>Kansas</td>
<td>5%</td>
</tr>
<tr>
<td>Kentucky</td>
<td>14%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>8%</td>
</tr>
<tr>
<td>Maine</td>
<td>48%</td>
</tr>
<tr>
<td>Maryland</td>
<td>44%</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>56%</td>
</tr>
<tr>
<td>Michigan</td>
<td>65%</td>
</tr>
<tr>
<td>Minnesota</td>
<td>45%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>0%</td>
</tr>
<tr>
<td>Missouri</td>
<td>55%</td>
</tr>
<tr>
<td>Montana</td>
<td>8%</td>
</tr>
<tr>
<td>Nebraska</td>
<td>53%</td>
</tr>
<tr>
<td>Nevada</td>
<td>0%</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>8%</td>
</tr>
<tr>
<td>New Jersey</td>
<td>51%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>24%</td>
</tr>
<tr>
<td>New York</td>
<td>81%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>58%</td>
</tr>
<tr>
<td>North Dakota</td>
<td>69%</td>
</tr>
<tr>
<td>Ohio</td>
<td>53%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>31%</td>
</tr>
<tr>
<td>Oregon</td>
<td>48%</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>83%</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>11%</td>
</tr>
<tr>
<td>South Carolina</td>
<td>0%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>23%</td>
</tr>
<tr>
<td>Tennessee</td>
<td>51%</td>
</tr>
<tr>
<td>Texas</td>
<td>43%</td>
</tr>
<tr>
<td>Utah</td>
<td>7%</td>
</tr>
<tr>
<td>Vermont</td>
<td>3%</td>
</tr>
<tr>
<td>Virginia</td>
<td>25%</td>
</tr>
<tr>
<td>Washington</td>
<td>37%</td>
</tr>
<tr>
<td>West Virginia</td>
<td>4%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>50%</td>
</tr>
<tr>
<td>Wyoming</td>
<td>0%</td>
</tr>
</tbody>
</table>

**National Average 46%**

**Note:** Percentages are rounded up. Source: NCSL, 2016
WYOMING MAJORITY MEMBERS WERE SCRAMBLING AFTER THE PRIMARY ELECTION UNEXPECTEDLY LEFT THE HOUSE WITH A LEADERSHIP VACUUM. "I don’t think you can underestimate the significance of having the top three leadership positions uncertain at this point," Representative Dan Zwonitzer (R) said. "There’s a lot of stress behind the scenes right now about how we’re going to make it work." House Speaker Kermit Brown (R) is retiring and it was widely known that veteran Majority Floor Leader Rosie Berger (R) planned to run for the post. But members were shocked when Berger unexpectedly lost her primary. She had served in the House for 13 years, and was a member of NCSL’s Executive Committee. Speaker Pro Temp Tim Stubson (R) decided on a run—unsuccessful—for Congress. That left Representative Hans Hunt, majority whip, the only member of leadership standing.

KANSAS SENATE MAJORITY LEADER TERRY BRUCE (R) WAS OUSTED IN A BRUTAL PRIMARY ELECTION that saw five other Republican senators and eight Republican House members lose their seats. Many viewed the results as a repudiation of Governor Sam Brownback; all 14 members were defeated by moderates. And eight of 13 open House seats were won by moderate Republicans. “I don’t see any way conservatives can continue with a working majority in the Kansas House starting in 2017,” said retiring Representative John Rubin, himself a conservative. Observers point to the state’s budget instability—the deficit is currently pegged at $74.5 million—as the tipping point. Not helping, they add, were the results of the so-called “Kansas Experiment,” Brownback’s effort to cut income taxes and government programs: a downgrading of the state’s credit rating, a showdown with the state supreme court over education funding and a plunge in revenues.

“Wyoming Majority Members Were Scrambling After the Primary Election Unexpectedly Left the House with a Leadership Vacuum.”

GREG SCHMIDT, SECRETARY OF THE CALIFORNIA SENATE FOR 18 YEARS, DIED AFTER A BRIEF BATTLE WITH CANCER. He was 69, and had retired two years ago. Schmidt began his career under former Senate President Pro Tem Bill Lockyer and served as the Senate’s top administrator for three more Senate presidents. Schmidt had “a wonderful sense of irony,” a talent for drawing caricatures of people at legislative hearings, a passion for Russian history and “a very deep belief in the legislative institution,” Lockyer said.

“I think the prospect is very good in 2017.”

Oregon Representative Chris Edwards (D), on legislation that would regulate ride-hailing companies like Uber and Lyft, in The Oregonian.

KANSAS SENATE MAJORITY LEADER TERRY BRUCE (R) WAS OUSTED IN A BRUTAL PRIMARY ELECTION that saw five other Republican senators and eight Republican House members lose their seats. Many viewed the results as a repudiation of Governor Sam Brownback; all 14 members were defeated by moderates. And eight of 13 open House seats were won by moderate Republicans. “I don’t see any way conservatives can continue with a working majority in the Kansas House starting in 2017,” said retiring Representative John Rubin, himself a conservative. Observers point to the state’s budget instability—the deficit is currently pegged at $74.5 million—as the tipping point. Not helping, they add, were the results of the so-called “Kansas Experiment,” Brownback’s effort to cut income taxes and government programs: a downgrading of the state’s credit rating, a showdown with the state supreme court over education funding and a plunge in revenues.

“Wyoming Majority Members Were Scrambling After the Primary Election Unexpectedly Left the House with a Leadership Vacuum.”

NEWSMAKERS

“This aspect of a sharing economy is really the future, and it benefits everybody except perhaps the owner of a cab company.”

Oregon Representative Chris Edwards (D), on legislation that would regulate ride-hailing companies like Uber and Lyft, in The Oregonian.

“I think the prospect is very good in 2017.”

Oklahoma House Majority Whip Gary Banz (R), on the likelihood of 34 states adopting resolutions calling for a convention on a balanced-budget amendment to the U.S. Constitution, in The New York Times.

KANSAS SENATE MAJORITY LEADER TERRY BRUCE (R) WAS OUSTED IN A BRUTAL PRIMARY ELECTION that saw five other Republican senators and eight Republican House members lose their seats. Many viewed the results as a repudiation of Governor Sam Brownback; all 14 members were defeated by moderates. And eight of 13 open House seats were won by moderate Republicans. “I don’t see any way conservatives can continue with a working majority in the Kansas House starting in 2017,” said retiring Representative John Rubin, himself a conservative. Observers point to the state’s budget instability—the deficit is currently pegged at $74.5 million—as the tipping point. Not helping, they add, were the results of the so-called “Kansas Experiment,” Brownback’s effort to cut income taxes and government programs: a downgrading of the state’s credit rating, a showdown with the state supreme court over education funding and a plunge in revenues.

“Wyoming Majority Members Were Scrambling After the Primary Election Unexpectedly Left the House with a Leadership Vacuum.”
ARKANSAS REPRESENTATIVE DEBORAH FERGUSON (D), on passing a law directing the state’s public colleges and universities to tackle unplanned pregnancy, on NPR.

“Missouri’s state employees are its No. 1 asset, and these employees have grown weary of decades of political-speak about improving their pay.”

Missouri Senate Majority Floor Leader Mike Kehoe (R), on a study that found the base salary for many state employees is the lowest in the nation, in the St. Louis Post-Dispatch.

“Look at the license plates the next time you are on I-70.”

Indiana Representative Alan Morrison (R), defending the idea of tolling part of Interstate 70 on the grounds that the tolls will be paid by drivers passing through, not local residents, in the Brazil Times.

“Illinois Representative Jaime Andrade (D) has a new take on constituent work. Smarting from the state’s budget impasse, which has delayed payments to lawmakers, Andrade is now a legislator by day, Uber driver by night. Lawmakers take home some $3,600 a month, but in August, when he’d gone a month without a check, Andrade turned to the sharing economy. His sideline isn’t as lucrative as legislating, though. His best week driving: $571. He says he’s working hard to raise his Uber rating in his 2001 Chevy mini-van, a gift from his mother, which now boasts five phone chargers, bags of candy and water bottles.”

“The Alabama House elected Mac McCutcheon (R) speaker to fill the post vacated by Mike Hubbard (R), who was convicted on 12 ethics violations, sentenced to four years in prison and fined $240,000. Hubbard has petitioned for a new trial based on juror bias and improper expert testimony. McCutcheon was elected to the House in 2006 and has chaired the House Rules Committee.

“Michigan lost two popular and respected legislators to unexpected deaths.

Representative Peter Pettalia (R), chair of the House Transportation Committee and an avid motorcyclist who was key in repealing the state helmet law, died in a motorcycle crash. The three-term lawmaker was 61 and was wearing a helmet at the time of the accident. First-term Representative Julie Plawecki (D), 54, died of an apparent heart attack while hiking in Oregon with her two daughters.

“Illinois Representative Jaime Andrade (D) has a new take on constituent work. Smarting from the state’s budget impasse, which has delayed payments to lawmakers, Andrade is now a legislator by day, Uber driver by night. Lawmakers take home some $3,600 a month, but in August, when he’d gone a month without a check, Andrade turned to the sharing economy. His sideline isn’t as lucrative as legislating, though. His best week driving: $571. He says he’s working hard to raise his Uber rating in his 2001 Chevy mini-van, a gift from his mother, which now boasts five phone chargers, bags of candy and water bottles.”

“Look at the license plates the next time you are on I-70.”

Indiana Representative Alan Morrison (R), defending the idea of tolling part of Interstate 70 on the grounds that the tolls will be paid by drivers passing through, not local residents, in the Brazil Times.

“Illinois Representative Jaime Andrade (D) has a new take on constituent work. Smarting from the state’s budget impasse, which has delayed payments to lawmakers, Andrade is now a legislator by day, Uber driver by night. Lawmakers take home some $3,600 a month, but in August, when he’d gone a month without a check, Andrade turned to the sharing economy. His sideline isn’t as lucrative as legislating, though. His best week driving: $571. He says he’s working hard to raise his Uber rating in his 2001 Chevy mini-van, a gift from his mother, which now boasts five phone chargers, bags of candy and water bottles.”

“The Alabama House elected Mac McCutcheon (R) speaker to fill the post vacated by Mike Hubbard (R), who was convicted on 12 ethics violations, sentenced to four years in prison and fined $240,000. Hubbard has petitioned for a new trial based on juror bias and improper expert testimony. McCutcheon was elected to the House in 2006 and has chaired the House Rules Committee.

“It was surprisingly easy; it shocked me.”

Arkansas Representative Deborah Ferguson (D), on passing a law directing the state’s public colleges and universities to tackle unplanned pregnancy, on NPR.
STATES AND THE ELECTION:
ANALYSIS OF THE NEW POLITICAL LANDSCAPE

NOVEMBER 14, 2016
NATIONAL PRESS CLUB
WASHINGTON, D.C., 1-5:30 P.M.

PLAN TO BE THERE!
www.ncsl.org/statevote
A Snapshot of Rural America

The continuing struggles of rural America—population loss along with higher poverty rates and lower educational attainment than urban areas—are very real, but there are bright spots, according to recent data from the Agriculture Department.

The rural unemployment rate fell by at least a full percentage point in each of the last two years, paralleling the decline in the urban rate. Rural employment, though still below its prerecession levels, grew by 1 percent in the year ending in mid-2015. And, although overall rural population has declined by 116,000 people in the last four years, some rural counties have grown—about 700 of them together added more than 400,000 residents between 2010 and 2014. Many of the counties experiencing growth are blessed with scenic beauty (in the Rocky Mountains and the southern Appalachians) or abundant energy resources (in the northern Great Plains).

In educational attainment, the share of rural adults with a four-year college degree increased by 4 percent between 2010 and 2014. Overall, more adults in urban areas have four-year degrees, but the share of adults who have completed some college or who have an associate degree is now greater in rural than in urban areas.

—Kevin Frazzini

Recovery Road
Rural employment continues to grow, though it has yet to return to its 2007 prerecession peak. In contrast, urban employment has climbed to well above its 2007 mark.

Mergers and Acquisitions
Since 1900, the size of the average American farm has more than tripled while the total number of farms has decreased by two-thirds.

The Education Gap
Educational attainment rates have risen in both rural and urban areas, though more urban young adults (ages 25 to 34) continue to have four-year college degrees.

Poverty Hits Kids Hardest
The poverty rate for children living in rural areas—determined by the income, size and makeup of their families—jumped from 21.9 percent in 2007 to 25.2 percent in 2014.
Yes, No, Maybe So

Several years ago I accompanied a locally elected official on a business trip. I was young and relatively inexperienced as a public employee. I considered this official a friend, having known him for several years and interacted with him on many occasions, both personally and professionally.

When we arrived at our destination, we worked out, had dinner and then proceeded to a reception attended by several other higher ranking statewide elected officials. As my friend worked the crowd, engaging in conversations with the other officials, he became a different person. Never once did he acknowledge my presence, let alone introduce me to anyone. It was as if he didn’t even know me. I was quite taken aback and was very surprised and embarrassed by his behavior.

I thought about that evening for a long time; in fact, I still do. When I consider what being ethical means, I know it is more than just following the rules; it’s behaving authentically, treating others with respect and being true to who you really are. I vowed then and there to never let the circumstances dictate my behavior as a friend and a colleague. Lawmakers can do the same.

Life, circumstances, status and other factors may change in your life, but you don’t. You remain the same person and should strive to be true to yourself and those around you in every circumstance. Constituents deserve to know the real you, and colleagues need to be able to trust the real you. A change in your status, or wealth or authority, should never dictate a change in the real you.

It has been said that people will often forget what you told them, but they will never forget how you made them feel. I will never forget the embarrassment, disappointment and hurt I felt that night. But I learned a hard lesson, and I will never forget it.

The news is replete with stories of political leaders who forgot who they were. They let their status, power and authority go to their heads and along the way compromised their personal values or ethical standards. And when they fall, those who knew them before they became powerful say, “That’s not the person I knew.”

Life holds many temptations, and one of the most seductive is to let your status, wealth or authority change the way you treat others. A good test is whether your mother would approve of the way you behave in any given circumstance. Someone knows the real you and want the very best for you.

Perhaps this is all best summarized by a saying I saw once on a grave marker in the Boot Hill Cemetery in Tombstone, Ariz.: “Be who you is—if you is who you ain’t, you ain’t who you is.”

—Mark Quiner

Mark Quiner is the director of the Center for Ethics in Government at NCSL. We’d love to hear your comments or questions on ethics. Email Ethan Wilson at ethan.wilson@ncsl.org.
After 15 years administering federal health care programs and serving as a Medicare consultant, Raúl Burciaga earned his law degree at the University of New Mexico School of Law. Upon graduation, he joined the New Mexico Legislative Council Service as a staff attorney in 2000, becoming its director in 2010. In addition to overseeing the Legislature’s nonpartisan drafting, legal and research agency, he is in charge of maintaining the Capitol and its grounds. The diversity of responsibilities that come with this position is “my favorite part of my job,” he says.

What are your priorities for NCSL? To recruit and retain staff for NCSL participation. Indirectly I’d like to help states with their own recruitment and retention of legislative staff, by making sure we continue to have good professional development seminars as well as networking opportunities, online services and the like. Lastly is to focus on effective goals for the Legislative Staff Coordinating Committee, even if that means fewer goals. It’s better to do a few things well than many things poorly.

What is a top goal? To make better use of social media and electronic communication in general. Everybody is so wired these days with tablets and handheld devices that we need to make information pertinent and available quickly and concisely—basically what the younger generation is used to.

How have legislative staff services evolved over the years? We have had to adjust to 24/7 news cycles and transparency demands. Don’t get me wrong—I’m not against transparency. But the deliberative nature of a legislature demands discussion. One minor, innocent comment taken out of context can undo not only good legislation, but a legislator’s reputation as well. Legislative staff have to help legislators deal with constantly being “on.”

What frustrates you the most? The public’s perception of legislators and legislatures. It’s difficult to explain why the legislature works the way it does, why it works slowly, why it’s not reactive.

What advice do you give to new staff? Two things: No. 1 is to be responsible, and No. 2 is to be responsive. If it’s a nonpartisan staffer, probably the most important thing is to check your political philosophy at the door. If you’re a partisan staffer, it’s to listen to the other side.

Do you have advice for newly elected legislators? The most important thing is that legislative staff care about protecting the legislative institution. It’s a co–equal branch of government, yet in terms of numbers, both bodies and dollars, it’s a relatively small amount of most state budgets. And yet it does a tremendous amount of work. The staff is usually in the best position to help new legislators understand the importance of not giving away legislative power, that sometimes the institution has to come before partisan preferences, and that while we respect the executive and judiciary, we need to protect the legislature itself.

How would your staff describe you? Hopefully as somebody who listens well. I’m more inclined to sit back and listen rather than dominate the conversation. It gives me a better perspective on other people.

What inspires you? Reading biographies, usually because some of the greatest minds are housed in some of the most flawed individuals. I also find inspiration in science and technology, especially the space program. We went from Kitty Hawk to the moon in less than 70 years, so we can only imagine if other disciplines had progressed as much.

What would surprise people most to learn about you? That I grew up in a Jewish community center. My father was a janitor there, and we had an apartment inside the building. We were all born and raised Catholic and attended Catholic schools, not because we were well off but because, to my parents, a good, solid religious education was important. It really taught us to understand other faiths, and our own. We were exposed to very strong, longstanding religious traditions, so it was very enriching and inspiring.

What do you do to unwind? Drive. It doesn’t matter where. Driving through open spaces is a great stress reliever for me.

Are there any final words you would like to share? Yes. Dick Folmar, a former longtime deputy director here, would say: “There should be the gentle reminder that the first step on the road to totalitarianism has always been the destruction of the representative branch.”
BIG ELECTION  BIG IMPACT

CAPITOL FORUM | 2016

FIND OUT WHAT THE ELECTIONS MEAN FOR THE STATES

DEC. 6-9 | WASHINGTON D.C. | NCSL.ORG/FORUM