

# State government

CQ's Guide  
to Current Issues  
and Activities  
1998–99

THAD L. BEYLE

# STATE GOVERNMENT

## ***CQ's GUIDE TO CURRENT ISSUES AND ACTIVITIES 1998–99***

*edited by Thad L. Beyle*

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# Preface

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The states have acquired considerable importance over the past three decades. Their growth—as measured by the reach of policies and programs, the size of budgets and bureaucracies, as well as states’ overall responsibility to their citizens—is unprecedented. Their problems, too, are unprecedented, and the changes in the federal system now occurring in federal programs and budgets pose new and important challenges for the states to address.

This increased visibility and influence are tied to a major shift in how our federal system of government operates. In the late 1970s, the national government began cutting back in ever-increasing proportions its commitment to handle the domestic issues facing the country. State governments were asked to shoulder more of the domestic policy burden while the federal government tried to cope with the national debt and issues of national defense.

The states’ response to the fiscal challenges of the 1980s became an issue of national as well as local importance. It fell mainly to state governments to take up the slack created by a federal government pulling back on support for domestic programs. The states were

able to meet this challenge in an expanding economy where revenue estimates were always too low and extra funds were usually available.

Toward the end of the 1980s there were signs that this buildup of budgets and programs based on ever-increasing revenues was coming to an end. And end it did. The early 1990s brought a tough twist for state leaders as the economy went into recession. Adding to the melee, the 1992 elections saw the national government refocus its attention on deficit reduction and large-scale cutbacks in the armed forces. Then came the major changes brought on by the 1994 elections, which gave control of Congress to the Republicans. State leaders became fearful that the federal budget would be balanced on the backs of the states, causing even more problems for the states. Then, as the 1996 elections grew closer, Congress passed, and the president signed into law, a major welfare reform bill that would have a significant impact on the states. Now, in the late 1990s, the economic situation in most states is healthy. State revenues are outrunning state expenditures, and governors and legislatures are deciding what to do with budget surpluses.

Despite this shifting between bad news and good news, many seeking political careers see the states as where the action is and where those seeking to have an impact on government and policy making turn. The states are also important rungs on our national political career ladder, as three of the past four presidents have been governors.

According to Carl Van Horn of the Eagleton Institute of Politics at Rutgers University, over the past few decades state governments have undergone a quiet revolution. This revolution, in which “states reformed and strengthened their political and economic houses,” now finds the states occupying “a more important role in American life” as they pioneer “solutions to some of the country’s most difficult problems and demonstrate effective leadership.”<sup>1</sup> But in the 1990s, “the stakes will be higher than ever before.... How well state political leaders handle these difficult challenges will determine how the nation is to be governed and how its citizens are to be served in the coming decades.”<sup>2</sup>

State governments are no longer sleepy backwater operations located in far-off capitals where few people know or care what they are doing. In many ways, it might be better to look at state governments as big-time organizations comparable to some of the world’s largest nations or our country’s largest corporations. From this perspective, the roles of state leaders in governing the states could be compared with those who govern large nations or run large corporations. They are big, complex organizations with a range of

operations and goals—and they warrant the attention of both national and international policymakers.

The 1998–1999 edition of *State Government: CQ’s Guide to Current Issues and Activities* includes recent articles that define and analyze these state issues and agendas. Short background essays introduce the articles and highlight developments.

The organization of this book parallels that of most state government texts. First is politics: the most recent election results and the roles of direct democracy, interest groups, political parties, and the media. Next are institutions: legislatures, governors, bureaucracies, and state courts. The final two sections focus on local governments and some issues of primary concern to both state and local governments.

There are many to thank for assistance in developing this book. Among them are David R. Tarr, executive editor of the Book Department at Congressional Quarterly, for his support, and Talia Greenberg for her fine editorial hand. This is our fourteenth compilation of the *Guide*, and we are still learning. Any errors you find are mine. I hope you will send your comments and suggestions so that we might be able to improve the 1999–2000 edition.

## Notes

1. Carl Van Horn, “The Quiet Revolution,” in *The State of the States*, 3d ed., ed. Carl Van Horn (Washington, D.C.: CQ Press, 1996), 1.
2. *Ibid.*, 11.

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State officials continue to debate the timing of U.S. elections. Some argue that national, state, and local elections should be held at different times to keep separate the issues, candidates, and political concerns of each level. Following this argument, national elections for president, vice president, U.S. senators, and U.S. representatives would be held in even years, as they are now; exactly which year would depend on the length of the term—that is, representatives every two years, presidents every four years, and senators every six years. State-level elections for governor and other executive officials, state legislators, and state constitutional amendments and referendums would be held in “off-years” (nonpresidential election years) or possibly in odd-numbered years. And local elections would be at another time, preferably not in conjunction with either state or national elections.

Others advocate holding all elections at the same time to maximize voter interest and turnout and, not inconsequentially, to increase the importance of the political party as the main determinant of voters’ decisions from the top of the ballot to the bottom. But there is not a single Republican party or a single Democratic party to influence voters’ choices. At least fifty different Republican and Democratic state parties reflect the unique political culture, heritage, and positions of the fifty states. Add to that the increasing numbers of independents and split-ticket voters, and it is clear that the political party rationale does not hold up in the practical world of politics.

Neither side of the timing argument has predominated. During the 1996 presidential election year, forty-six states elected their legislatures and eleven elected their governors. Of these eleven states, New Hampshire and Vermont elect their governors to two-year terms, which means that their gubernatorial elections alternate between presidential and nonpresidential election years. Indeed, most

states hold their gubernatorial elections in even, nonpresidential years, as in 1998, when thirty-six governors will be elected, along with most legislatures; or in odd years, as in 1995, when Kentucky, Louisiana, and Mississippi held theirs, and in 1997, when New Jersey and Virginia held theirs.

A major reason why some states have shifted their elections to nonpresidential years is because the personalities, issues, and concerns evident in presidential elections often spill over into state-level contests. While presidential elections are stirring events that bring the excitement of politics to the American populace and lead to higher turnout among voters, some state officials fear that the “coat-tail effect” of the national elections will change the results of their elections and, most importantly, obscure the state issues that voters should consider on election day. But there are other politics involved. For example, the Kentucky legislature recently drew up a proposed amendment to that state’s constitution that would permit the governor to seek a second term and allow the governor and lieutenant governor to run as a team. It passed narrowly in 1992. However, legislative leaders killed a proposed provision that would have shifted the election timetable for governors to match that of legislators. The reason: “Because they feared that it would somehow weaken the power of the legislators if members ran the same time the governor did.”<sup>1</sup>

## Trends in Recent State Elections

**Gender.** In the past two decades, women have been increasingly successful as candidates for top-level state offices. These women can attribute their success to better fund raising, aid from other office holders who are women, more active financial support and counseling from female corporate executives, and more active support for top female candidates from men.<sup>2</sup>

To some observers, this set of victories by women represents the third wave of recruitment of women into state politics. The first wave, up to the early 1970s, consisted of women winning as widows, wives, or daughters of established male politicians. The second wave, through the 1970s, consisted of women active in civic affairs shifting their volunteer work and contacts into political affairs. The third wave now evident is of women who have moved up the political ladder by defeating other candidates while keeping their eyes on a higher political goal such as becoming a legislative leader, much as men have. In other words, the third wave consists of upwardly mobile politicians who happen to be women.<sup>3</sup>

**Abortion.** In July 1989, midway through the New Jersey and Virginia gubernatorial races, the U.S. Supreme Court announced a major decision on abortion.<sup>4</sup> In effect, the Court began the process of reversing the standard set in an earlier decision, *Roe v. Wade* (1973), which had provided women the right under the U.S. Constitution to choose an abortion within a certain time period. This earlier decision also had the effect of giving governors and “state legislators the opportunity not to choose sides in a wrenching political debate.”<sup>5</sup>

The impact of the 1989 decision was almost immediate as candidates for office in the states were asked their positions on the issue: were they prolife or prochoice? In both New Jersey and Virginia the abortion issue hurt the Republican candidates for governor because they held prolife views—in contrast to the more prochoice views of the Democratic candidates. But as the Republicans began to feel the heat of the rapidly growing ranks of the prochoice activists—even from within their own party—and as they saw the numbers in their polls rising against them, they waffled on the issue, moving away from their previous prolife stand. That strategy seemed to hurt them even more.

Abortion politics continues to be a difficult problem for politicians. In the 1994 elections, exit polls found that between 8 and 18 percent of the voters indicated abortion was one of the two issues of greatest concern to them in voting.<sup>6</sup> Following the 1994 elections, twenty of the nation’s governors were pro-choice, and ten had a mixed record on the issue. In the 1995 state legislative sessions, at least thirteen states considered legislation calling for parental consent and notification and at least sixteen others considered mandating a waiting period.<sup>7</sup>

**Independence.** Voters in the states are becoming more independent in their voting choices. Increasingly, they are splitting their votes between party candidates. From the party politician’s point of view, though, they are not becoming more independent, but rather more unreliable. Whether caused by splitting or unreliable voting, the impact of this type of voting can be significant. Some examples make the point.

A look at the way voters chose their candidates in the 1992 races points out how common ticket splitting is in the states. The fact that independent presidential candidate Ross Perot received 19 percent of the vote nationwide indicates that nearly one-fifth of the voters had to have split their ballots if they voted for anyone else in the election. In Indiana, incumbent governor Evan Bayh (D) won with 63 percent of the vote while incumbent U.S. senator Dan Coats (R) won with 58 percent of the vote—a swing of twenty-one points. In 1994, Vermont governor Howard Dean (D) won with 70 percent of the vote, U.S. senator Jim Jeffords (R) won with 50 percent, and at-large congressman Bernard Sanders (I) won with 50 percent. In the 1996 elections in West Virginia, President Clinton won with 51 percent of the vote, Democratic incumbent U.S. senator Jay Rockefeller won with 77 percent, while new Republican governor Cecil Under-

wood won with 52 percent—a swing of twenty-six points.

The results of such split-ticket voting are evident in the winners of statewide elections. There are few states in which all statewide elected officials are members of just a single party: in Hawaii and Maryland all statewide elected officials are Democrats, including the U.S. senators, and in Wyoming all statewide elected officials are Republicans.<sup>8</sup> As of May 1998, Democrats control both houses of twenty-one state legislatures while Republicans control both houses of nineteen. Nine other states have split partisan control, including two states that have a tie in one of the legislative chambers.<sup>9</sup> Add to these nine split partisan control states the thirteen Republican governors facing Democratic-controlled legislatures, the six Democratic governors facing Republican-controlled legislatures, and the one independent governor facing a Democratic-controlled legislature, and you have twenty-nine states with a “power-split” in state leadership. This power-split is defined by having the governor a member of one party and one or both houses of the legislature controlled by the other party.

In the 1990 gubernatorial elections, two states elected independent candidates: Walter Hickel in Alaska and Lowell Weicker Jr. in Connecticut. Both were former Republican office holders, but this time they ran as independents, defeating not only Democratic candidates but Republican candidates as well. Like the 1992 Perot voters, enough voters in these two states turned aside the two major party candidates for a leader free of normal party ties. In 1994 Maine voters also rejected both major party candidates and elected independent Angus King as governor.

**Race.** Virginia’s 1989 gubernatorial race was significant for more than how abortion affected that state’s politics. The Commonwealth’s voters elected the nation’s first elect-

ed black governor, Lt. Governor L. Douglas Wilder (D). Even though Wilder won, public opinion polls—even polls taken as voters exited the voting booths—showed him winning by a much wider margin than was ultimately the case. This phenomenon of inflated public opinion strength skewing projections has occurred elsewhere when a minority candidate was running for a major office. This indicates that a new and subtle form of racism exists in which voters are reticent to admit that they will vote or just have voted against a minority candidate; hence the difference between how they say they voted and the actual vote totals.

## Issues in State Politics

Issues in state campaigns vary considerably, not only from state to state but also among offices being contested. For example, campaigns for state legislative seats tend to focus on the individual candidate as he or she seeks to achieve name recognition among voters. Some candidates shy away from taking a position on specific issues, preferring instead to endorse economic development, reduction of crime, better education, and other broad issues. Others use specific issues such as anti-abortion, tax repeal, or growth limits to achieve the name recognition they need to win. On the whole, however, candidates prefer to take a position on broad issues rather than commit themselves to something specific that could alienate potential supporters. As *State Policy Reports* has pointed out,

Campaigns rarely reveal candidate positions on the difficult questions of state policy. The easy question is whether candidates are for lower state and local taxes, better educational quality, higher teacher pay, and protecting the environment while stimulating economic growth. The candidates generally share these objectives. The hard question is what to do when these objectives collide as they often do.<sup>10</sup>

As a result, the average voter has a hard time discerning where the candidates stand on



specific issues, and attempts to survey state legislative candidates on specific issues usually are not successful. But some issues are just too controversial and intrude into everyone's radar scope at election time. Abortion, as has already been noted, is one of these issues.

Another set of issues revolves around the question of representation: more precisely, the staying power of incumbents and the need to redraw many state legislative and congressional district lines following a U.S. census. The incumbency question has become an important issue in many states—a sort of “throw all the rascals out” perspective stemming from scandals and a realization that incumbents usually win. This drive has seen the successful passage of term limit referenda limiting selective service in some of the states. Thus, constitutional provisions in these states now restrict an incumbent's stay in office if the voters won't. More efforts are planned in other states, even though the constitutionality of such added provisions is usually contested in the courts.

No issue is as intensely and personally political to state legislators as what many must do following each census—they must redraw district boundaries for themselves, as state legislators, and for U.S. representatives to achieve equal representation. The definition of equality is flexible and changing, however. And the issue is intensely personal because it has much to do with the legislators' chances of winning another election to the legislature, and intensely political because each party is trying to maximize its gains and minimize the gains of the opposition party. Add lawsuits and court decisions to the mix and this issue can have a long and unsettling life.

This section provides articles that focus on several of the issues of political concern in the states. Richard J. Semiatin of *Comparative State Politics* takes a critical view of taxes as the driving issue in elections. Alan Rosenthal of *State Government News* explores why it is so hard to fix campaign finances. Finally, Michael W. Link and Robert W. Oldendick of the *National Network of State Polls Newsletter* provide us with some tips on how to evaluate public opinion polls.

## Notes

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5. Wendy Kaminer, “From *Roe* to *Webster*: Court Hands Abortion to States,” *State Government News* 32:11 (November 1989): 12.
6. “More Election Vignettes: Abortion,” *The American Enterprise* 6:1 (January/February 1995): 110–111.
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8. “Statewide Elected Officials: Dems Hold 53% of All Offices,” *The Hotline* 8:84 (January 24, 1995): 10–15. Updated.
9. Web site, National Conference of State Legislatures, February 5, 1998.
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