

## SPECIAL ISSUE

### STATE ELECTION SUMMARY<sup>1</sup>

Below is a summary of the state election results for 2008. It is arranged in the following order:

1. Overview of state election results;
2. Report on major shifts in political control of state chambers; and
3. Report on referenda of interest to dental educators and researchers.

#### Governors

An “off-year” election for Governors’ races, only 11 seats were up in 2008. Likewise, only one seat changed hands, in Missouri when Democratic candidate former State Attorney General **Jay Nixon** (D) defeated Representative **Kenny Hulshof** (R). The total number of Democratic governorships nationwide is 29, with Republicans holding 21 seats.

#### State Legislatures

Of the 7,382 state legislative seats across the nation, 80 percent were up in 2008. A sizable share of these, about 40 percent, were uncontested. Despite President-Elect **Barack Obama’s** popularity, his coattails only had an impact in a small number of state races. Democratic gains in state legislatures were modest in 2008 compared to 2006. In 2006, Democrats picked up close to 300 state legislative seats. After all the recounts are finalized, Democratic gains in state legislatures nationwide in 2008 are expected to be around 100. In several southern states, President-Elect Obama’s presence created a reverse coattail effect. States that voted more Republican this year included Kentucky, Louisiana, Missouri, Oklahoma, and West Virginia, along with the northeastern section of Texas.

Preliminary results show the overall chamber count of state legislatures nationwide is 60 Democratic, 36 Republican, and two tied. Democrats control both legislative chambers in 27 states, and Republicans are in control of both chambers in 14 states. In seven states, control of the legislature is split. Interestingly, six state legislatures have been under Democratic control for more than 100 years. The states are Alabama, Arkansas, Louisiana, Maryland, Mississippi, and West Virginia.

Women’s gains in the New Hampshire Senate now make that chamber the first female majority state chamber in the nation. Despite this landmark achievement, in state legislatures overall the number of women remained flat (about 24 percent). The South Carolina Senate will have no women legislators when new legislators take office. Colorado is now the first state where the two legislative leaders in the House and the Senate are African-Americans. Overall, the number of African-Americans in state legislatures continues to grow.

<sup>1</sup> The summary was compiled with information provided by the National Conference of State Legislatures (NCSL) and *Roll Call* at a post-election briefing on Friday, November 7, and from the NCSL and other ballot information websites.

## Shifts in State Chambers

**ALASKA** - The Senate is tied 10/10 after the election. It had been controlled by Republicans. The Senate President, however, will remain Republican.

**NEW YORK** - Democrats will have control of both legislative chambers for the first time since 1935. Republicans have controlled the Senate since 1966, and Democrats have controlled the assembly since 1974. Despite the gain on paper by Democrats (likely to result in a 32/30 Senate split), four maverick Democrats and one Independent will make it necessary to operate under in a bipartisan, coalition government.

**DELAWARE** - In a strong win for Democrats, the Assembly switched hands this year. Formerly a Republican majority of 22/19, it is now Democratic with a majority of 26/15.

**MONTANA** - Voters in Montana helped Republicans take control of the Montana Senate with a 27/23 Republican majority. The House is tied 50/50. Under state law, in a tie, Democratic Governor **Brian Schweitzer** would organize the Senate leadership.

**NEVADA** - Democrats were successful in reversing party leadership in the Senate. The slim Republican majority of 11/10 was replaced with a Democratic majority of 12/9.

**OHIO** - Republicans in the House, who were at a strong disadvantage going into the election, saw major losses due to term limits. Of the 21 seats up, 17 were Republican, compared to only four that were Democratic. As a result, Democrats reversed control of the House from a 53/46 Republican majority to a 53/46 Democratic majority.

**OKLAHOMA** - Republicans gained a slim two-seat majority in the Senate, which had previously been tied 24/24. For the first time ever, Republicans will be in control of both chambers of the state legislature.

**TENNESSEE** - Pending recounts, both chambers in Tennessee for the first time ever will not be controlled by Democrats. Republicans in the Senate have a four-seat majority; they had been tied 16-16. In the House, which was controlled by Democrats, Republicans are poised to end up with a one-seat advantage (50-49).

**TEXAS** - The House where Republicans had held a six-vote margin is now only 76/74 in favor of Republicans.

**WISCONSIN** - Democrats took control of the legislature, reversing the Republican majority there from 51-47 in favor of Republicans to a 52-46 Democratic majority.

## Ballot Measures

### AFFIRMATIVE ACTION

In six states, opponents of affirmative action waged efforts to defeat affirmative action initiatives. In all but two states, these efforts were defeated early by disqualifying the measures prior to election day. Below are the results of these two measures.

**COLORADO - Colorado Civil Rights Initiative:** Voters narrowly rejected this measure that would have reversed affirmative action in the state by prohibiting “discriminating against or

granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 1,047,477    | 49%            |                            |
| <b>No</b>  | 1,024,468    | 51%            | 100%                       |

**NEBRASKA - Nebraska Civil Rights Initiative (NCRI):** Voters approved this measure, which reverses affirmative action programs in the state by prohibiting “discrimination against or preferential treatment to any individual or group on the basis of race, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting by the state or any of its agencies, institutions, or political subdivisions.”

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 384,844      | 58%            |                            |
| <b>No</b>  | 283,458      | 42%            | 99%                        |

### HEALTH

**ARIZONA - Freedom of Choice in Health Care:** This measure would have pre-empted the development of a play-or-pay style state health plan by prohibiting laws that: 1) restrict a person's choice of private health care, 2) affect a person's or organization's right to pay for medical services directly, and 3) impose a penalty or fine when choosing to obtain or decline health care coverage.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 962,277      | 49.7           |                            |
| <b>No</b>  | 973,388      | 50.3           | 100%                       |

**CALIFORNIA - Children's Hospital Bond Act:** Voters approved this measure authorizing the sale of \$980 million in bonds for capital improvements at children's hospitals. Bond money can be used for the construction, expansion, remodeling, renovation, furnishing, equipping, financing, or refinancing of children's hospitals. Eighty percent of the bond money will go to nonprofit children's hospitals. The remaining 20 percent would be available to five University of California children's hospitals.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 5,629,078    | 54.8%          |                            |
| <b>No</b>  | 4,654,809    | 45.2%          | 100%                       |

**COLORADO - Sales Tax (Services for Developmental Disabilities):** Voters rejected adding a two-cent sales tax on every \$10 purchase to provide services to help developmentally disabled persons.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 809,184      | 38%            |                            |
| <b>No</b>  | 1,343,687    | 62%            | 100%                       |

**MAINE - Veto Dirigo Health Tax:** Voters voted to repeal a new financing mechanism approved by the legislature and the governor for the states' Dirigo Health Program. The legislative proposal would have raised \$100 million for the Dirigo Health Choices program by taxing malt beverages, wine, and doctor's fees. The program is currently funded with a 4% fee on claims paid by private health insurance carriers and other third-party carriers and administrators.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 449,753 | 64%     |                     |
| No  | 249,511 | 36%     | 99%                 |

**MICHIGAN - Stem Cell Research:** Voters approved stem cell research in the state, overturning a previous ban. Now doctors and researchers can acquire embryos that would otherwise be discarded by fertility clinics and use them to seek cures for diseases and other scientific advances.

|     | Votes     | Percent | Precincts Reporting |
|-----|-----------|---------|---------------------|
| Yes | 2,520,240 | 53%     |                     |
| No  | 2,271,071 | 47%     | 100%                |

**MONTANA - Healthy Montana Kids:** Voters approved the establishment of the Healthy Montana Kids plan that expands and coordinates health coverage for uninsured children under the Children's Health Insurance Program (CHIP), the Montana Medicaid Program, and employer-sponsored health insurance. The plan provides comprehensive health coverage to 30,000 uninsured Montana children in families earning up to \$50,000 per year. The program will be financed by an insurance premium tax and federal matching funds.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 326,565 | 70%     |                     |
| No  | 141,470 | 30%     | 100%                |

**NEW MEXICO - Bond Question #3: Health Facility Improvement:** This initiative authorizes the state to issue general bonds up to almost \$58 million to fund capital expenditures for cancer research and treatment facilities, statewide and regional health facilities, **educational facilities for statewide dental services**, and public health and behavioral health facilities. The initiative creates a general property tax and levy to pay for the costs of issuing the bonds and for collection of the new taxes.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 428,637 | 65%     |                     |
| No  | 230,273 | 35%     | 99%                 |

**NORTH DAKOTA - Tobacco Prevention and Control:** This initiative establishes an advisory committee on tobacco prevention and control, develops and funds a statewide tobacco prevention and control plan, and creates a tobacco prevention and control trust fund to receive tobacco settlement money.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 162,477 | 54%     |                     |
| No  | 138,778 | 46%     | 100%                |

## HIGHER EDUCATION

**ALABAMA - Education Trust Fund:** This amendment to the Constitution transfers savings from the Alabama Trust Fund to an Education Trust Fund Rainy Day Account. The Education Rainy Day Account will help the state avoid education cuts during difficult economic times. The Education Trust Fund is the source of tax dollars for public schools, two-year colleges, and universities. It is funded by state income and sales taxes that often rise and fall with the state's economy. In 2007, tax collections to the Education Trust Fund fell by 45 percent compared to 2005.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 954,325      | 57%            |                            |
| <b>No</b>  | 729,931      | 43%            | 99%                        |

**ARKANSAS - State Lottery for Educational Scholarships:** This initiative amends the Arkansas Constitution, authorizing state lotteries. Proceeds from the lotteries will be used to fund scholarships and grant programs for Arkansas citizens enrolled in public and private non-profit, two-year and four-year colleges and universities in the state.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 640,557      | 63%            |                            |
| <b>No</b>  | 379,823      | 37%            | 100%                       |

**COLORADO - Gaming Funds for Community Colleges:** This measure allows voters to extend gaming hours and operations and increase the maximum bet from \$5 up to \$100. Eighty percent of the revenue goes to casinos; however, three-quarters of the remainder will provide financial aid and classroom instruction at Colorado community, junior, and district colleges.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 1,261,562    | 59%            |                            |
| <b>No</b>  | 890,920      | 41%            | 100%                       |

**COLORADO - Limitation on Public Payroll Deductions:** This measure would have prohibited public employers in Colorado from using payroll deductions to benefit private organizations. State and local governments could make payroll deductions for charitable causes. The measure would have primarily affected labor unions.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 838,177      | 39%            |                            |
| <b>No</b>  | 1,297,450    | 61%            | 100%                       |

**COLORADO - Scholarship Fund Initiative:** This amendment would have increased taxes on oil and natural gas companies to raise revenues estimated at \$321 million by 2010. Ten percent of these funds would have been held in reserve and, of the remaining 90 percent, two thirds would have funded a college scholarship program for low- to middle-income students.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 901,600      | 42%            |                            |
| <b>No</b>  | 1,240,518    | 58%            | 100%                       |

**FLORIDA - Community College Funding:** This measure would have required the legislature to allow counties to levy a sales tax to supplement community college funding.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 3,038,837    | 43.5%          |                            |
| <b>No</b>  | 3,940,626    | 56.5%          | 98%                        |

**LOUISIANA - Term Limits for Boards and Commissions:** This measure imposes term limits on board and commission members of no more than three consecutive terms. It exempts persons elected or appointed prior to the term limits. This measure would apply to the Board of Regents, Board of Supervisors for the University of Louisiana System, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Supervisors of Southern University and Agricultural and Mechanical College, and Board of Supervisors of Community and Technical Colleges.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 1,129,711    | 69%            |                            |
| <b>No</b>  | 497,205      | 31%            | 100%                       |

**MARYLAND - Video Lottery (Revenue for Education):** The measure authorizes the state to issue video lottery licenses. Forty-eight percent (48.5%) of the revenue will be allocated to the Education Trust fund for education through grade 12 in public schools and for construction of capital projects at community colleges and higher education institutions.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 1,344,064    | 59%            |                            |
| <b>No</b>  | 948,076      | 41%            | 100%                       |

**MAINE - Casino in Oxford County (Revenue for education):** This measure would have allowed the operation of a casino in Oxford County. A stipulation of approval was earmarking 39% of the gaming income for the state. Five percent would have been used to repay student loans of state residents, 2% to prepay costs for college tuition and other college expenses, 2% to expand facilities and course selection in the community colleges, and 1% to finance a state program that would assist citizens in saving for college tuition.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 326,232      | 46.22%         |                            |
| <b>No</b>  | 379,523      | 53.78%         | 99%                        |

**MISSOURI - Casinos/Gambling Tax Increase (Revenue for Education):** Voters approved this measure to increase casino gambling taxes by 1% for the creation of a new education fund. Under the plan, state government will receive an estimated \$105.1 to \$130.0 million annually for elementary and secondary education and \$5.0 to \$7.0 million annually for higher education, early childhood development, veterans, and other programs.

|            | <b>Votes</b> | <b>Percent</b> | <b>Precincts Reporting</b> |
|------------|--------------|----------------|----------------------------|
| <b>Yes</b> | 1,576,278    | 56.2%          |                            |
| <b>No</b>  | 1,230,554    | 43.8%          | 100%                       |

**MONTANA - \$6 Million Levy for Montana University System:** This measure continues the \$6 million levy that supports the university system that was scheduled to expire in January 2009. According to 2009 revenue estimates, the projected annual revenue from the levy is \$12.5 million in 2007, growing at an average rate of 3.36% per year through 2018.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 262,376 | 57%     |                     |
| No  | 200,507 | 43%     | 100%                |

**NEW MEXICO - Higher Education Bonds:** This measure allows the state to issue general bonds of \$140 million for capital expenditures for higher education and special schools capital improvements and acquisitions.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 380,158 | 58%     |                     |
| No  | 278,270 | 42%     | 99%                 |

### STATE BUDGETS/TAXES

**ARIZONA - Majority Rules Initiative:** This measure would have amended the Arizona Constitution to prevent any tax increase, fee, revenue, or other mandate initiated through citizen ballot measures on a private person, labor organization, or other private entity from becoming law without the approval of a majority of *all* registered voters—not just a majority of voters casting ballots.

|     | Votes     | Percent | Precincts Reporting |
|-----|-----------|---------|---------------------|
| Yes | 643,273   | 34%     |                     |
| No  | 1,264,782 | 66%     | 100%                |

**MASSACHUSETTS - Income Tax Ban:** This measure would have reduced the personal income tax rate to 2.65% for all categories of taxable income in 2009. It would have eliminated personal income taxes after January 1, 2010. If this measure had passed, it would have resulted in an \$11 billion cut to state government, or about 40 percent of its income. The measure would have jeopardized education, health care, public safety, and infrastructure funding.

|     | Votes     | Percent | Precincts Reporting |
|-----|-----------|---------|---------------------|
| Yes | 901,802   | 30%     |                     |
| No  | 2,063,891 | 70%     | 100%                |

**NEW JERSEY - State Bonds from State Appropriations:** This measure requires voter approval before the state can borrow money by issuing bonds through a state agency or independent authority if the bonds are to be paid off with state taxes. Before the measure, state bonds could be issued without voter approval with a promise of the legislature and the governor to enact appropriations.

|     | Votes     | Percent | Precincts Reporting |
|-----|-----------|---------|---------------------|
| Yes | 1,175,273 | 57%     |                     |
| No  | 853,204   | 43%     | 99%                 |

**NORTH DAKOTA - Income Tax Cut:** This measure would have lowered state corporate income tax rates by 15% and personal state income tax rates by 50% after December 31, 2008, for most income brackets. Despite proponents' arguments that the state was facing a \$1 billion surplus and the measure would have saved taxpayers more than \$415 million annually, the measure failed.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 91,182  | 30%     |                     |
| No  | 210,253 | 70%     | 100%                |

**UTAH - Permanent State Trust Fund:** This measure expands the sources of money and other assets that may be deposited to the permanent state trust fund, allowing the legislature to appropriate money to the fund. Approval of the governor and three-fourths of the legislature are required to remove money from the fund. Interest and income earned must be deposited into the state general fund. Under current law, the trust fund may receive income from only two sources: (1) tobacco settlement funds; and (2) funds and assets by bequest, will, or private donation.

|     | Votes   | Percent | Precincts Reporting |
|-----|---------|---------|---------------------|
| Yes | 527,873 | 66%     |                     |
| No  | 271,504 | 34%     | 100%                |

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