

November 12, 2012

## Election Wrap



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The next issue of Capitol Journal will be available on November 19th.

### Top Story

*This year's elections followed the broader trends of previous election cycles.*

## SNCJ Spotlight

### Legislative elections follow historical trends

In the 2010 elections a Republican wave swept the GOP into control of 11 state governments. In 2012 there was only a backwash from that GOP wave which gave Democrats back some of the ground they lost. And in general this year's elections followed the broader trends of previous election cycles.



By Korey Clark

## BY THE NUMBERS

Prior to the election, Republicans controlled 59 state legislative chambers, including both houses in 26 states, and Democrats controlled 36 chambers, including both houses in 15 states, with Alaska's Senate, Oregon's House and Virginia's Senate all tied. (Nebraska's unicameral Legislature is non-partisan).

But last week the Democrats — pending final tallies and recounts — took control of both chambers in Maine and Minnesota, which had all swung to GOP control two years ago, along with Oregon's House, New York's Senate, Colorado's House and New Hampshire's House, where Republicans had held a 288-102 margin going into the election. Republicans, meanwhile, took control of both chambers in Arkansas for the first time since Reconstruction, shifting the last of the 11 once solidly Democratic states of the Old South to GOP leadership, as well as Alaska's and Wisconsin's senates, the latter of which had briefly switched to Democratic control after a recall election in June. (For a district-by-district breakdown of the state legislative races go to [http://www.statenet.com/resources/election2012\\_details.php](http://www.statenet.com/resources/election2012_details.php))

All told, eight chambers shifted to the Democrats and four swung to the Republicans, which Tim Storey of the National Conference of State Legislatures said was one less than the average number of chambers that change party hands in even-numbered years, when most states hold their legislative elections. This year's changes leave the Republicans with control of 56 chambers, the Democrats with control of 41 and only Virginia's Senate split between the two parties.

## PRESIDENTIAL COATTAILS

In 20 of the past 28 presidential election cycles, the party winning the White House has gained seats in the state legislatures, according to NCSL's Storey. This year's election brings that statistic to 21 out of 29, thanks mainly to the Democrats' big gains in New Hampshire, which some attributed largely to Republican efforts this session to pass right-to-work legislation, repeal gay marriage and restrict abortion rights. But others chalked the result up to the Democrats' effectiveness at getting voters to the polls in the state, where turnout reportedly topped 70 percent, and the success of the candidate at the top of the ticket.

"Once [voters] get those check marks going [on the ballot], they just keep going down," said veteran New Hampshire Rep. Gene Chandler, one of the state's Republican lawmakers who managed to win re-election.

President Obama actually won in all six states where the Democrats took control of legislative chambers and lost in two of the three states where Republicans took control of chambers; Wisconsin was the exception.

## GROWING POLARIZATION

Last week's election results also seem to reflect an increasing polarization of state government. Before the election, there were eight divided legislatures where

Democrats held one chamber and Republicans the other. Now there are only three such legislatures: Iowa's, Kentucky's and Virginia's. And Virginia's is only nominally divided, as the state's Republican lieutenant governor can cast tie-breaking votes in the Senate, split 20-20 between the two parties, effectively placing that chamber, like the House, in GOP hands. At any rate, it's the fewest number of divided legislatures since 1928, when there were two.

The trend holds when governors are thrown into the mix. In 2010 there were 20 divided governments where the governor's office was held by one party and at least one chamber of the legislature was controlled by another party, while 18 state governments were unified Republican and 11 were unified Democratic. As a result of last week's elections, the number of

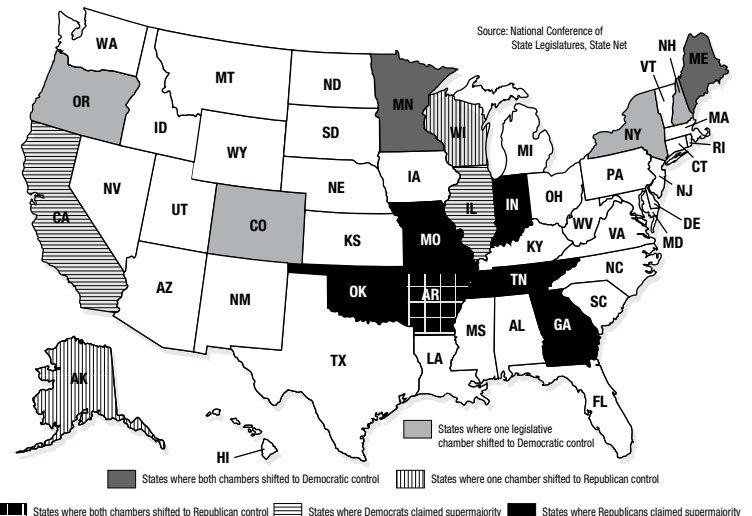
divided governments will drop to 12, the lowest number since 1952, when there were eight. Twenty-three will be unified Republican and 14 will be unified Democratic.

The election also ratcheted up the number of legislative supermajorities, freeing up the majority party from having to obtain minority party support to pass measures including tax increases. The Democrats seized that power in both chambers of California's Legislature, along with the Illinois Senate, while the Republicans did the same in both chambers in Tennessee, as well as Georgia's Senate and the lower chamber in Indiana, Missouri and Oklahoma.

## IMPACT OF REDISTRICTING

Last week's elections were the first since legislative district lines were redrawn in accordance with the 2010 Census. And how those lines were drawn had a major bearing on party control of legislative chambers. Democrats claimed chambers in states where the lines were drawn by courts, as in Minnesota, and independent commissions, as in Colorado. But they generally failed to do so in states where

## Bird's eye view



### Both parties pick up legislative chambers this year

On Election Day 2012, Republicans claimed the majority — pending recounts — in four legislative chambers, including both chambers in Arkansas, which had been the last Democratic bastion in the Old South. But Democrats took control of eight legislative chambers, including both chambers in Maine and Minnesota, as well as the New Hampshire House, where Republicans held a 186-seat advantage going into the election. The Democrats also claimed supermajorities in both chambers in California and the Illinois Senate, while the Republicans picked up supermajorities in both chambers in Tennessee and Georgia's Senate, Indiana's House, Missouri's House and Oklahoma's House.



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But the impact of redistricting did have limits.

District maps drawn by the Democrats in Arkansas, for instance, didn't stop the GOP's steady march through the Old South. And a favorable map didn't allow the Republicans to hold on to New York's Senate, although some were claiming last week that absentee ballots would still enable them to do so. A poll by Siena College in late October had shown that 55 percent of New Yorkers wanted Democrats to control the chamber while only 36 percent wanted it to remain under GOP control. But even if the Democrats' majority holds, there is some question about whether they'll have the votes to choose a majority leader to control the chamber. Last year, four Senate Democrats who were dissatisfied with the chamber's Democratic leadership declared themselves members of a new Independent Democratic Conference and have since been working closely with Republicans. (NATIONAL CONFERENCE OF STATE LEGISLATURES, STATE NET, STATELINE.ORG, CONCORD MONITOR, NEW YORK TIMES, SAN JOSE MERCURY NEWS)

— *Compiled by KOREY CLARK*

## Upcoming stories

Here are some of the topics you may see covered in upcoming issues of the *State Net Capitol Journal*:

- **Health care**
- **Fracking**
- **2013 previews**

# Budget & taxes

**FISCAL CLIFF LOOMS LARGE AFTER ELECTION:** President Obama and congressional leaders postponed negotiations on how to avoid the “fiscal cliff” — the more than \$600 billion in tax increases and spending cuts set to go into effect next year, potentially sending the U.S. economy back into recession — until after the election, presumably at least in part in the hope of returning to the negotiating table with more leverage. But the split decision voters rendered last Tuesday, keeping Republicans in control of the U.S. House and Democrats in control of the White House and U.S. Senate, appears unlikely to bring about a speedy resolution to the problem (See ‘Fiscal cliff’ only one of challenges facing states’ in Nov. 5 *SNCJ*).

Speaking at the Republican National Committee's party last Tuesday night, U.S. House Speaker John Boehner (R-Ohio) said the takeaway from Election Day was clear.

“The American people want solutions — and tonight, they’ve responded by renewing our majority,” he said. “With this vote, the American people have also made clear that there is no mandate for raising tax rates.”

But raising taxes on the nation's top earners was central to Obama's re-election campaign, and his victory is only going to embolden many congressional Democrats to pursue that objective.

U.S. Sen. Chuck Schumer (D-New York), however, sees the election results a little differently.

“The public stood for two things,” he said. “They stood for a bargain, and that’s why the House is still Republican. But they also stood for the Democratic position that we need revenues, particularly on the higher income people. And it’s witnessed by the fact in all the debates, Romney ran away from the hardline Republican position.”

Schumer said Obama will have to ratchet up public pressure on the Republicans by signaling that Democrats are willing to compromise and that Republicans have to be flexible too.

“The question is will the leadership of the Republican Party...realize the path they’ve taken doesn’t work. They cannot keep obstructing even though that is the wish of the more extreme folks. And that’s the \$64,000 question.” (POLITICO, WALL STREET JOURNAL)

**BUDGETS IN BRIEF:** Governors and state insurance regulators in **CONNECTICUT, MARYLAND, NEW JERSEY, NEW YORK** and **PENNSYLVANIA**, have instructed insurers not to charge homeowners hurricane deductibles, which typically range from 1 percent to 5 percent of a home's value, for damage caused by super storm Sandy. Officials in most of the states say those deductibles don't apply because the storm was no longer a hurricane when it made landfall in the states. Homeowners in **NORTH CAROLINA**, however, will be subject to the hurricane deductibles, because the storm was still considered a hurricane when it made landfall there (STATELINE.ORG, REUTERS). • Only a fraction of the homeowners in some parts of the Northeast who suffered property damage from Sandy have insurance covering losses from floods. In New York City, for instance, only 1 percent of housing units had such coverage (WALL STREET JOURNAL).

—Compiled by KOREY CLARK

# Politics & leadership

**BREAKTHROUGH VOTES ON BALLOT MEASURES:** A total of 174 ballot measures went before voters in 38 states on November 6, the highest number of measures since 2006, when there were 204. Of the 42 of those measures placed on the ballot by citizens, voters approved 17 and rejected 23, with two still too close to call at press time. The 42.5 percent approval rate for the 40

citizen initiatives that have been decided is slightly below the 45 percent average for the last decade, according to Jennie Drage Bowser of the National Conference of State Legislatures. Of the 115 measures referred by state legislatures, voters approved 87 and rejected 25, with three yet to be decided. That approval rate — 77.7 percent — is also below the 85 percent average for legislative referenda between 2000 and 2010, Bowser reported.

“With a few notable exceptions, voters had a more negative view of ballot measures than usual this year,” she said.

One of those notable exceptions was the issue of same-sex marriage. For over a decade, voters have consistently chosen to prohibit gay marriage when given the choice, approving 30 of the 31 constitutional bans placed on the ballot since 1998. (Arizona voters narrowly rejected a ban on both gay marriage and civil unions in 2006 but approved a ban on gay marriage alone in 2008.) But last week Maine voters approved a citizen initiative (Question 1) legalizing same-sex marriage rather than banning it. Positive affirmations of gay marriage also came in Maryland and Washington, where voters passed referendums approving legislative measures legalizing gay marriage, Question 6 and R-74, respectively. Voters in Minnesota, meanwhile, rejected a constitutional amendment (Amendment 1) defining marriage as a union between one man and one woman. Although those results signify a seismic shift on the issue, NCSL’s Bowser said the change had been coming, with voters having been moving in that direction since 2005 when “yes” votes banning gay marriage peaked.

But despite their breakthrough at the ballot box, gay-marriage advocates said their strategy going forward will be to rely more on state legislatures and the courts than state-by-state votes.

“Rights should not be put to a vote,” said Evan Wolfson, founder of the national gay-rights group Freedom to Marry, which supported last week’s initiatives. “While we have now shown we can do it, it doesn’t mean that we should have to do it, and it doesn’t mean that it is easy to do.”

Wolfson added that “very few” states would likely be appropriate battlegrounds for future ballot fights, given their expense and organizational demands.

One of the other issues voters didn’t have a negative view of this year was the legalization of marijuana. While Massachusetts voters approved a measure (Question 3) making the state the 17th in the nation to legalize marijuana for medical use, voters in Colorado and Washington approved measures (Amendment 64 and I-502, respectively) making their states the first to legalize marijuana for recreational use. Arkansas voters rejected a medical marijuana measure (Issue 3), however, and voters in Oregon rejected a measure (Measure 80) similar to those in Colorado and Washington.

The votes to legalize the drug place Massachusetts, Colorado and Washington at odds with federal law, a point that wasn’t lost on Colorado Gov. John Hickenlooper (D). He told NBC news that although he didn’t support the measure himself, “the voters

have spoken and we have to respect their will,” adding, “That said, federal law still says marijuana is an illegal drug, so don’t break out the Cheetos or gold fish too quickly.”

Four states — Alabama, Missouri, Montana and Wyoming — also approved measures blocking implementation of the Affordable Care Act, while Florida voters went in the opposite direction, rejecting Amendment 1, which would have exempted individuals and businesses in the state from being required to participate in a health care system.

Other notable results include Maryland voters’ approval of Question 4, the so-called DREAM Act Referendum, which would have repealed SB 167, allowing illegal immigrants who graduate from high schools within the state to pay in-state college tuition rates; Massachusetts voters’ apparent approval of Question 2, the “Death with Dignity” Act, allowing terminally ill individuals to be given lethal injections; and Oklahoma voters’ approval of State Question 759, prohibiting discrimination or preferential treatment on the basis of race, sex, ethnicity, and national origin, potentially undercutting some affirmative action programs in the state.

Voters in California decided a slew of high-profile measures, including Proposition 30, the measure backed by Gov. Jerry Brown (D) seeking to temporarily raise both the state sales tax and income taxes for high-income earners to help fund education and balance the state budget, which passed 54-46, and a competing tax measure Prop. 38, which failed 28-72; Prop. 32, aimed at barring the use of union dues for political purposes, which failed 44-56; Prop. 34, seeking to abolish the death penalty, which failed 47-53; Prop. 36, aiming to modify the state’s Three Strikes Law to allow life sentences only for third strikes which are serious crimes, which passed 69-31; and Prop. 37, seeking to require the labeling of genetically altered food products, which failed 47-53.

In addition, voters passed virtually all 16 of the bond proposals on the ballot in seven states, which totaled \$3.2 billion. The only exception was Maine’s Question 2, which would have provided \$11.3 million for education. (NATIONAL CONFERENCE OF STATE LEGISLATURES, INITIATIVE AND REFERENDUM INSTITUTE, STATE NET, WASHINGTON POST, STATELINE.ORG, WALL STREET JOURNAL, CALIFORNIA SECRETARY OF STATE)

**NJ, NY INVOKE EXTRAORDINARY ELECTION MEASURES IN WAKE OF SUPER STORM:** Two of the states devastated most by Hurricane Sandy took some extraordinary, last-minute measures to accommodate voters on Election Day, when thousands still had no electricity.

On Nov. 3, New Jersey announced that voters displaced by the storm could cast their ballots by fax or email.

“Despite the widespread damage Hurricane Sandy has caused, New Jersey is committed to working through the enormous obstacles before us to hold an open and transparent election befitting our state and the resiliency of its citizens,” Lieutenant

Governor Kim Guadagno, the state's top election official, said in issuing the directive.

The news was met with incredulity by some cybersecurity experts, however.

"The security implications of voting by email are, under normal conditions, more than sufficient to make any computer security specialist recoil in horror," Matt Blaze, a computer scientist at the University of Pennsylvania, wrote on his blog. "Email, of course, is not at all authenticated, reliable, or confidential, and that by itself opens the door to new forms of election mischief that would be far more difficult in a traditional in-person polling station or with paper absentee ballots. If we worry that touchscreen 'DRE' electronic voting machines might be problematic, email voting seems downright insane by comparison."

The state had previously allowed voting by email, but only to some overseas and military voters, and never on the scale or timeline necessitated by the storm.

New Jersey's lieutenant governor, in a separate directive, and New York's Gov. Andrew Cuomo (D) also offered displaced voters another option: casting a provisional ballot at any polling place in the state.

"Just because you're displaced doesn't mean you should be disenfranchised," Cuomo said.

Long lines and confusion were reported at many polling places in both states on Election Day. (STATELINE.ORG, WALL STREET JOURNAL, ASSOCIATED PRESS, NEW YORK POST, REUTERS)

**POLITICS IN BRIEF: IOWA** Supreme Court Justice David Wiggins survived a retention vote, despite an aggressive removal effort by social conservatives angered by his role in the 2009 decision legalizing same-sex marriage in the state, something three other like-minded justices failed to do two years ago. Three **FLORIDA** justices — R. Fred Lewis, Barbara Pariente and Peggy Quince — also survived tough retention battles stemming from several controversial rulings, including a decision removing a ballot measure challenging President Obama's health care law in 2010 (STATELINE.ORG). • On Election Day, **NEW HAMPSHIRE** became the first state in the nation to have a female governor and congressional delegation. Voters selected Maggie Hassan, a Democratic state senator, to replace Gov. John Lynch (D), who opted not to seek a fifth term, and chose Democrats Carol Shea-Porter and Ann

## In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here's a snapshot of what's in the legislative works:

**Number of Prefiles last week: 85**

**Number of Intros last week: 75**

**Number of Enacted/Adopted last week: 66**

**Number of 2012 Prefiles to date: 14,511**

**Number of 2012 Intros to date: 84,516**

**Number of 2012 Session Enacted/Adopted overall to date: 28,407**

**Number of bills currently in State Net Database: 180,824**

— Compiled By FELICIA CARRILLO  
(measures current as of 11/8/2012)  
Source: State Net database





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“I don’t want to buy a pig in a poke for the taxpayers of Virginia,” he told reporters at a post-election news conference. “At this point, without further information, the only logical decision for us is to use the federal option.”

Given the technical, structural and regulatory complexities of setting up an exchange, it might already be too late for many states to do anything else.

California, for instance, began work on its exchange within months of President Obama signing the ACA into law in March, 2010. While the Golden State is by far the most advanced of any state in its development, it is still only 75 percent along in the process. Alan Weil, executive director of the National Academy for State Health Policy, told *Stateline.org* last week he doubts states that haven’t already started creating an exchange will be able to meet the January 1, 2013 deadline for showing they are on track to begin enrolling consumers by next October.

“They have not taken enough steps even if they change their minds,” he said.

Exchanges are not the only issue: states must also decide whether to go along with the ACA’s Medicaid expansion. The law originally required states to open up their Medicaid rolls to anyone with incomes at or below 133 percent of the federal poverty level, providing coverage to around 16 million U.S. residents currently without health care insurance. But the Supreme Court’s June ruling that upheld the bulk of the law also struck down that requirement, instead making it optional. States that opt to go along will be reimbursed at 100 percent by the federal government for the first three years, after which they will be responsible for 10 percent of those increased costs.

To date, at least six governors have said they will not expand their Medicaid rolls. But whether GOP stalwarts like Florida Gov. Rick Scott, Texas Gov. Rick Perry, Wisconsin Gov. Scott Walker, Georgia Gov. Nathan Deal and Kansas Gov. Sam Brownback will hold fast to that line remains to be seen. Some are already being lobbied to change their position.

Linda Sheppard, health division director for the Kansas Insurance Department, says her department will soon be making an effort to convince Brownback to at least consider a partnership model. She says they have a partnership application ready to submit in case they can convince him to go along.

“We will be reaching out to the governor to talk about, what does he want to do now,” Sheppard told the *Washington Post* last week. “We need to know whether he wants to have the commissioner go ahead and submit our letter by November 16.”

Similar efforts are likely to follow in other states. Kansas Insurance Commissioner Sandy Praeger recently told *Kaiser Health News* that she believes Brownback will opt for the partnership. She also believes several states will at least

## In case you missed it

The US is facing a “fiscal cliff” come January, but action to stop us from going over the edge has been slowed by election-year politics.

In case you missed it, the article can be found on our website at

[http://www.statenet.com/capitol\\_journal/11-05-2012/html#sncj\\_spotlight](http://www.statenet.com/capitol_journal/11-05-2012/html#sncj_spotlight)

try to negotiate smaller Medicaid expansions than what the ACA currently calls for. Either way, she expects states to act very soon.

“I expect to see a lot of activity between now and Nov. 16,” she said. “States will look at this more pragmatically to keep their options open.” (KAISER HEALTH NEWS, WASHINGTON POST, ATLANTA JOURNAL-CONSTITUTION, STATELINE.ORG, RICHMOND TIMES-DISPATCH, TOPEKA CAPITAL-JOURNAL, THE HILL, POLITICO, TAMPA BAY TIMES)

**GOP PUSHES GOV TOTAL TO 30:** With the election of former Charlotte mayor Pat McCrory, the GOP claimed its 30th governor’s office, the highest total since the late 1990s. McCrory becomes the first Republican governor for the Tar Heel State since 1988 and only the third since 1901. He will replace outgoing Gov. Bev Perdue (D), who chose not to seek a second term.

It was the lone governor’s office to change parties last week, as Democrats otherwise successfully held on to seven of the eight governorships that were up for grabs. Incumbent governors Jay Nixon of Missouri, Earl Ray Tomblin of West Virginia, Jack Markell of Delaware and Pete Shumlin of Vermont all were victorious, as were newcomers Maggie Hassan in New Hampshire and Steve Bullock in Montana. As of this writing, Democrat Jay Inslee held a slight lead over Republican challenger Rob McKenna in Washington, and appeared all but certain to eke out a narrow win.

Two Republicans that stepped into office when previous governors stepped down to take other jobs — Utah Gov. Gary Herbert and North Dakota Gov. Jack Dalrymple — also won their own full terms, and Republican Congressman Mike Pence (R-Indiana) was elected to replace termed-out Indiana Gov. Mitch Daniels. (NEW YORK TIMES, SEATTLE POST-INTELLIGENCER, KANSAS CITY STAR, CHARLESTON DAILY MAIL, STATE NET)

**BROWN VOWS SPENDING RESTRAINT:** Fresh off voters endorsing Proposition 30, his ballot measure to raise taxes to help solve a structural budget shortfall, California Gov. Jerry Brown (D) vowed to use the new revenue stream “prudently and judiciously.” Proposition 30, which raises the statewide sales tax for four years and hikes income taxes for seven years on the people with incomes over \$250,000, is projected to raise \$6 billion.

## The week in session

**States in Regular Session:** DC, MA, OH, US

**States in Recess:** MI, NJ, NY, PA

**States in Perfunctory Session:** IL

**States Currently Prefiling or Drafting for 2013:** AL, FL, KY, MT, ND, NH, NV, TN, VA, WY

**States Adjourned in 2012:** AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, OR, PR, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

**State Special Sessions Adjourned in 2012:** AK “c”, AL “a”, CO “a”, CT “a”, CT “b”, DE “b”, DE “c”, FL “b”, HI “b”, KY “a”, MD “a”, MD “b”, MN “b”, NJ “a”, NY “a”, PR “c”, UT “a”, VA “a”, WA “c”, WA “d”, WV “a”

Letters indicate special/extraordinary sessions

— Compiled By DENA BLODGETT  
(session information current as of 11/8/2012)  
Source: State Net database

Brown also acknowledged the new funds will likely lead to an attempt to increase spending, particularly with Democrats now holding a supermajority in both legislative chambers.

“I think the real lesson here is that voters have trusted the elected representatives, maybe even trusted me to some extent, and now we’ve got to meet that trust,” he told reporters. “But we’ve got to make sure over the next few years that we pay our bills, we invest in the right programs, but we don’t go on any spending binges like we did in the days when we had the dot-com boom.” (LOS ANGELES TIMES, ASSOCIATED PRESS)

**SNYDER TO PRESS FORWARD WITH DETROIT RESCUE:** Michigan Gov. Rick Snyder (R) said he plans to push forward with a financial stability plan for Detroit in spite of voters’ rejection of a 2011 law (Public Act 4) that afforded state appointees with broad and controversial powers to resolve fiscal crises in municipalities and school districts

“We have a consent agreement going there and I’m not walking away from that,” Snyder said. “That was an interlocal agreement that was done under Public Act 4, but it was also done under other statutes. So that should be in place. My perspective on it and the advice I’ve gotten is the consent agreement is solid and we should continue to operate under it.”

Snyder also said that lawmakers need to begin work on replacing the law as soon as possible, adding that he would like any legislation to lay out an exit strategy to address how and when an emergency manager will leave as well as a process for early intervention to keep school districts and communities from bankruptcy. (DETROIT NEWS, DETROIT FREE PRESS)

**BENTLEY WANTS RACIST LANGUAGE OUT OF AL CONSTITUTION:** Alabama Gov. Robert Bentley (R) said he will continue to work to remove racist language from the Heart of Dixie constitution in spite of the failure of a ballot measure that would have stricken such language from the document. Voters rejected the measure (Amendment 4) amidst a strong campaign to kill it waged by the Alabama Education Association, which decried the proposal because it would have allowed the state to keep a tenet that declared Alabama children do not have a right to a public education. Bentley wanted to preserve the 1956 amendment, saying he feared that striking would cause residents to worry that lawmakers would approve a tax hike to pay for it. (BIRMINGHAM NEWS)

**GOVERNORS IN BRIEF: NEW YORK** Gov. Andrew Cuomo (D) fired state Office of Emergency Management director Steve Kuhr last week after he learned Kuhr had deployed government workers to clear a tree at his own Long Island home during Hurricane Sandy (NEW YORK TIMES).

— Compiled by RICH EHISEN

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# Hot issues

*A full edition of Hot Issues will return next week.*

**C**RIME & PUNISHMENT: U.S. District Judge Thelton Henderson issues a temporary order blocking a portion of a voter-endorsed measure in **CALIFORNIA** that imposes harsher penalties on those convicted of human trafficking. The order temporarily halts a provision of Proposition 35, approved last week with 81 percent support, which requires registered sex offenders to give authorities a list of their Internet providers and screen names. Henderson has scheduled a hearing on the matter for Nov. 20 (SAN JOSE MERCURY NEWS).

**ENVIRONMENT:** The **MONTANA** Fish, Wildlife and Parks Commission gives initial approval to a plan to protect against animal disease around Yellowstone National Park reducing the size of some elk herds, hazing the animals away from livestock and erecting elk-proof fencing (CBSNEWS.COM).

— Compiled by *RICH EHISEN*

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## Once around the statehouse lightly

**C**A'S TOP DOG: Christmas came early this year for California Gov. Jerry Brown. In spite of polls showing it losing popularity in the days before the election, Proposition 30, the gov's ballot measure to raise taxes to help right the state's perpetually unbalanced budget was endorsed by Golden State voters. So how did Brown get voters to go for his, uh, pet project? He showed them his warm and fuzzy side, or more accurately that of "First Dog" Sutter, the gov's Welsh Corgi. As the *Los Angeles Times* reports, Brown sent Sutter, a real celebrity around the Capitol, on a statewide tour of 30 Democratic campaign offices. His mission: use his roguish charm to attract volunteers to make calls urging voters to support the measure. In exchange, said volunteers got to hang out and even get a picture with the acclaimed canine. It was hard work at times, but his handler on the trip noted that "he travels well; he likes the attention."



**A REAL BROMANCE:** Much has been made of how well New Jersey Gov. Chris Christie and President Obama worked together during the aftermath of Hurricane Sandy, with various wags accusing the polar opposites of having a budding “bromance.” But as the *Bergen Record* reports, the gov still only has eyes for famed Garden State rocker Bruce Springsteen. Christie’s fanboy worship of The Boss is well chronicled, but it has long been a one-way affair. A devout liberal, Springsteen has never warmed to the conservative Christie. The hurricane, however, changed all that. Springsteen lauded the gov’s efforts on behalf of Sandy’s victims, even giving Christie a hug at one point and declaring them friends, a change of heart that left some people in tears. What people? Christie’s overjoyed wife and family, right? Uh, no. “To be honest,” Christie said, “I was the one weeping, everyone else was fine.”

## Corrections

In our Nov. 5 issue, we incorrectly noted that New Jersey AB 2878 was headed to the governor. It has actually returned to the Assembly for concurrence. We also noted that AB 2879 was headed back to the Assembly when it is in fact with Gov. Chris Christie for review. We regret the errors.

**AND NO OREOS EITHER:** Last Tuesday, voters in Washington and Colorado endorsed measures to legalize limited recreational marijuana use. While some folks were clearly high on the measures’ passage, Colorado Gov. John Hickenlooper was not among them. As the *Denver Business Journal* reports, Hickenlooper was quick to point out that federal law still criminalizes pot use, so joyous sparkers suffering post-buzz munchies shouldn’t “break out the Cheetos or gold fish too quickly.” That irritated some folks, who felt the gov’s comments were dismissive of the will of the people. Hickenlooper later acknowledged that he had made some people mad at him, all right — other junk food makers. “I got into a lot of trouble with all the people making pretzels and Doritos,” he said.

**TOTAL BUZZKILL:** Hickenlooper wasn’t the only one taking a lighter look at the impact of the legalized pot vote in Washington and Colorado. Social media sites like Twitter and Facebook soon lit up with speculation that San Francisco Giants pitcher Tim Lincecum, who suffered an embarrassing 2009 pot-possession arrest in the Evergreen State, would soon be demanding a trade to the Seattle Mariners or Colorado Rockies. Others — clearly presuming that all athletes surely must smoke weed — speculated that the new laws would become a handy recruiting tool for college athletic departments and professional sports franchises in the two states. Alas, the powers that be immediately blunted such silly talk. As *Yahoo Sports* reports, Major League Baseball, the National Football League, the National Basketball Association and the NCAA all declared that marijuana use will be banned under their own respective anti-drug rules.

**SPEAKING OF HIGH,** viewers watching ABC’s election night coverage had to be wondering if anchor Diane Sawyer was enjoying some recreational drug

● use of her own. Throughout the evening, the normally studious Sawyer slurred her  
● words, strayed off-topic, seemed to be leaning on her desk for support and generally  
● acted just plain goofy. That created a social media firestorm, with scores of folks  
● speculating that Sawyer was drunk or in a chemically-altered state of mind. Sawyer  
hasn't responded to the innuendo, but the *Newark Star-Ledger* reports that ABC  
officials denied she had been drinking or using drugs, insisting that she was just  
exhausted from days of Hurricane Sandy coverage and election preparation.

— By *RICH EHISEN*

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