

26 State Street, Suite 8  
Montpelier, VT 05602-2943  
TEL 802 229 4900  
FAX 802 229 5110  
E-MAIL [kse@ksefocus.com](mailto:kse@ksefocus.com)  
WEB [www.ksefocus.com](http://www.ksefocus.com)

1800 Diagonal Road, Suite 600  
Alexandria, VA 22314  
MAIN 202 580 6534  
DIRECT 202 580 6544  
CELL 703 597 4276  
E-MAIL [leif@ksefocus.com](mailto:leif@ksefocus.com)  
WEB [www.ksefocus.com](http://www.ksefocus.com)

## Election Overview

All politics are local.

It is an old saying. Last Tuesday's general election confirmed it is still true.

President-elect Barack Obama did not have deep coattails as "down-the-ticket" Democrats were not swept into office and many conservative ballot initiatives including three constitutional bans on same-sex marriage were passed in the states.

Consider these two results:

- Obama won **California** with almost 62 percent of the ballots cast, and the same voters passed the same-sex marriage ban by a 53-47 percent margin.
- **Vermont**, considered the bluest of blue states, gave Obama 61 percent of the vote and then gave Jim Douglas, the sitting Republican governor, 55 percent and a fourth term.

Democrats gained only incremental ground in the states in both governors' and legislative races. However, the northeast is awash in a sea of blue. There is not one legislative chamber north from **Maryland** to **Maine** that is controlled by Republicans.

There were 11 governors' races decided last Tuesday. Eight incumbents were reelected, split evenly between the parties. Democrats won the other three races where there were no incumbents running and flipped **Missouri** from the GOP for a net gain of one. Democrat governors will have a 29-21 edge over Republicans next year.

Democrats made major gains in legislatures two years ago and some analysts warned before the election that the "low hanging fruit" had all been plucked. The results confirm this:

- Before the election Republicans controlled both chambers in 14 states, Democrats controlled 23 and 12 states were split.
- Post election Republicans controlled both chambers in 14 states, Democrats controlled 27 and eight were split.
- Nebraska has a non-partisan unicameral legislature.

An examination of the before and after raw numbers in all 50 states further confirms this analysis.

**Pre-Election Legislative Breakdown:**

<b>Senate</b>		<b>House</b>	
Democrats	1014	Democrats	2694
Republicans	898	Republicans	2399
Independents	52	Independents	20
Vacancies	7	Vacancies	28

**Post-Election Legislative Breakdown:**

<b>Senate</b>		<b>House</b>	
Democrats	1024	Democrats	3058
Republicans	888	Republicans	2331
Independents	52	Independents	17
Undecided	4	Undecided	3
Vacancies	3	Vacancies	2

Democrats’ greatest gain seemed to come in **New York** where voters gave them control of the Senate for the first time in 40 years. In January, Democrats will control the governor’s office and both branches of the legislature simultaneously for the first time since 1935. This should be good news for the progressive agenda which has been blocked in the nation’s third largest market by the conservative GOP Senate for years.

But Democrats will control the New York Senate only if they control the leadership. Even before the votes were tallied last Tuesday, four dissident Democrats began a rebellion. They have refused to commit to backing a member of their own party for majority leader, throwing Democratic control on the Senate into question.

Last Tuesday’s election was undoubtedly a day of firsts. The most significant first was the election of Obama, an African-American born in Hawaii, to be the 44<sup>th</sup> President. A few others include:

- **North Carolina** Lt. Gov. Bev Perdue, a Democrat, was elected governor and will be the first woman ever to run the Tarheel state.
- **Vermont** House Speaker Gaye Symington became the first Democrat ever to come in third in the race for governor. She lost to Douglas and Independent Anthony Pollina.
- **New Hampshire** will become the first state with a majority of women in a legislative chamber. When they are sworn in early next year, 13 of 24 members of the Senate will be women.
- Democrats will control the **Nevada** Senate and Sen. Steven Horsford, D-Clark, will become the first African-American majority leader in the state’s history.

- Republicans won control of the **Tennessee** House and Senate for the first time since post-Civil War Reconstruction.

**The information contained in this report will change slightly as election recounts and tallies are finalized. We will update our data as information becomes available.**

## Governors' Races

Democratic gubernatorial candidates picked up an additional governor's seat in **Missouri**, and retained control of the states they held prior to elections. Governors' races were held in **Delaware, Indiana, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Utah, Vermont, Washington** and **West Virginia**. Democrats won this year's tightest contests, in North Carolina and Washington, only after intense opposition.

State	Winner	Winning margin	Incumbent
<b>Delaware</b>	Jack Markell (D)	36%	No
<b>Indiana</b>	Mitch Daniels (R)	18%	Yes
<b>Missouri</b>	Jay Nixon (D)	18%	No
<b>Montana</b>	Brian Schweitzer (D)	22%	Yes
<b>New Hampshire</b>	John Lynch (D)	42%	Yes
<b>North Carolina</b>	Beverly Perdue (D)	3%	No
<b>North Dakota</b>	John Hoeven (R)	50%	Yes
<b>Utah</b>	Jon Huntsman (R)	58%	Yes
<b>Vermont</b>	Jim Douglas (R)	34%	Yes
<b>Washington</b>	Christine Gregoire (D)	6%	Yes
<b>West Virginia</b>	Joe Manchin (D)	44%	Yes

**North Carolina** Governor-elect Perdue narrowly beat out the 14-year Republican mayor of Charlotte Pat McCrory, who tried to portray her as part of the “culture of corruption” in Raleigh. The surge in Democratic voter registration this year was seen as working in Perdue’s favor, although the governor’s office has been held by Democrats for 16 straight years, and for all but a dozen of the past 100 years. Perdue will replace Democratic Gov. Mike Easley, who was forced to step down because of term limits.

After a bitterly fought race, **Washington** voters reelected Democratic Gov. Christine Gregoire. She defeated state Sen. Dino Rossi, R-Sammamish, ending a grueling rematch that not only

smashed state spending records, but also challenged most voters' tolerance for character exaggeration, hostility and negative campaign ads. Four years after their first race ended in three recounts and multiple court challenges, state election director Nick Handy announced Tuesday night the 2008 race remained too close to declare a winner. However, by Wednesday morning Rossi conceded and there will not be a recount this year.

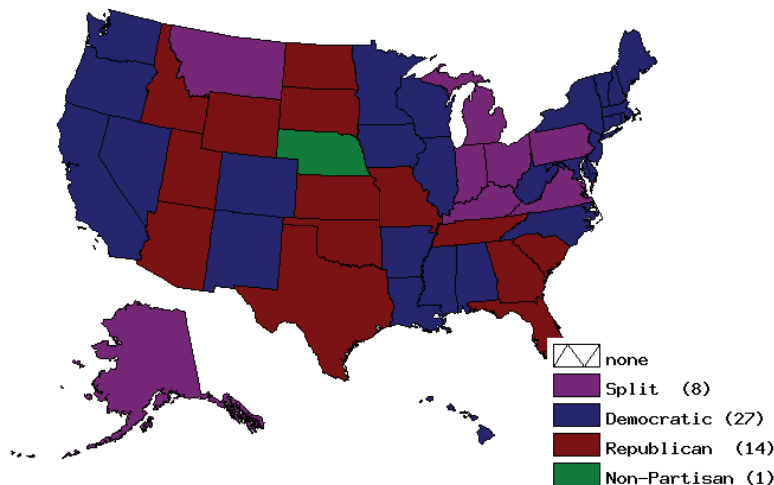
The election results in **Missouri** were not a surprise, as the state's Democratic Attorney General Jay Nixon led by double-digits in the polls. Nixon defeated Republican Kenny Hulshof, a six-term congressman from Columbia. He will replace Republican Gov. Matt Blunt, who won a close victory in 2004, but did not run for re-election.

The three-way **Vermont** race remained up in the air until late Tuesday night, because under state law the election would have gone to the Democratic-controlled legislature if no candidate won 50 percent of the vote. Douglas ended up with more than 50 percent, eliminating fears about a bruising election in the legislature.

**Virginia** and **New Jersey** voters will elect a governor in 2009 and 36 additional states will follow suit in 2010. At stake is some measure of control over the redrawing of legislative and congressional maps as states reapportion districts based on new census numbers.

## Legislative Races

### Post-Election State Legislative Party-Control



The eyes of **Texas** are on Irving where the balance of power in the House could hinge on a race that may not be decided anytime soon. The post-election Texas House is currently at 76 Republicans and 74 Democrats, but Dallas County election officials are in the process of reviewing provisional ballots that could change Rep. Linda Harper-Brown's, R-Dallas, slim 25-vote victory into a defeat.

If that happens, there is a potential for a 75-75 tie between the parties at the statehouse. How long it takes to declare a winner in District 105 depends on how the votes play out. Regardless of the outcome, Democrats are already claiming that the current gain in seats could play in their favor as they attempt to oust current Republican House Speaker Tom Craddick.

Tentative results in **California** show Democrats were not able capture the six Assembly and two Senate seats needed to gain a two-thirds majority in each house. Democrats gained two seats in the Assembly and potentially one in the Senate, the 19<sup>th</sup> District in Southern California, where a virtual tie allowed Democrat Hannah-Beth Jackson to edge out Tony Strickland by just 108 votes.

Democrats have taken over the **Ohio** House for the first time in 14 years. House Democrats could gain anywhere from five to seven seats once the counting is finished in a handful of very tight races. Races still being counted include the 19<sup>th</sup> District in Franklin County and the 92<sup>nd</sup> District in southeast Ohio. A six-seat gain is expected and would give Democrats a 53-46 lead over Republicans.

Democrats also won several seats to take power in the **Delaware** House and fought a tight battle to retain control of the **Indiana** House.

Republicans defended their turf in key **Kentucky** Senate races to maintain a comfortable majority and greatly reduce the Democrats' chances of reclaiming the chamber any time soon. In a tight race in Western Kentucky, Sen. Ken Winters, the Senate Education Committee chair, beat Democrat and former U.S. Rep. Carroll Hubbard, who served time in prison for federal campaign finance violations.

Two Republican incumbents were turned out of office by voters in **Nevada** and a bare 11-10 GOP advantage flipped to a 12-9 Democratic margin. The already solid 27-15 Democratic control of the Assembly going into the election increased to a veto-proof 28-14 edge.

**Pennsylvania** House Democrats increased their majority to 104 seats, a gain of three in the 203-seat chamber while Senate Republicans expanded their majority to 29 seats in the 50-seat chamber, a gain of one.

One of **Rhode Island**'s longest-serving and most powerful politicians, Senate President Joseph Montalbano, a Democrat, has been ousted from office by political newcomer Edward O'Neill. Aside from Montalbano's loss, Rhode Island's election mainly served to strengthen the dominance of the Democrats in the legislature.

Overall, Rhode Island voters cut the Republican Party's already tiny State House minority nearly in half. When lawmakers convene in January, Republicans will occupy just 10 of 113 General Assembly seats - six in the House and four in the Senate - believed to be their lowest number in Rhode Island history.

Republicans gained ground in **Tennessee** and **Oklahoma**.

The GOP now has majorities in both chambers in Nashville, taking control of what was a split Senate and wresting control of the House from Democrats for the first time since 1971. It also means that Republicans will have enough votes, 69, to capture the three constitutional offices of secretary of state, comptroller and treasurer.

**Oklahoma** Senate Republican Leader Glenn Coffee said the public placed enormous trust in the GOP Tuesday when voters gave it control of the upper chamber for the first time in history. Senate Republicans picked off two Democratic seats to give them a 26-22 majority, breaking the tie from the last two years. Coffee said Republicans will put forth many of their issues that have been unsuccessful in previous years, such as lawsuit reform.

## 50 State Post-Election Results

This chart contains the latest post-election results according to the National Conference of State Legislatures (NCSL). **Alabama, Louisiana, Maryland, Mississippi, New Jersey and Virginia** did not have legislative elections in 2008.

State	Senate						House					
	Total Seats	Dem	Rep	Indep Other	Vacant	Un-Decided	Total Seats	Dem	Rep	Indep Other	Vacant	Un-decided
Alabama	35	21	13	0	1	0	105	62	43	0	0	0
Alaska	20	10	10	0	0	0	40	18	22	0	0	0
Arizona	30	12	18	0	0	0	60	25	35	0	0	0
Arkansas	35	27	8	0	0	0	100	71	28	1	0	0
California	40	26	14	0	0	0	80	50	30	0	0	0
Colorado	35	20	14	0	0	1	65	38	27	0	0	0
Connecticut	36	24	12	0	0	0	151	114	37	0	0	0
Delaware	21	16	5	0	0	0	41	25	16	0	0	0
Florida	40	14	26	0	0	0	120	44	76	0	0	0
Georgia	56	22	34	0	0	0	180	74	105	0	0	1
Hawaii	25	23	2	0	0	0	51	45	6	0	0	0
Idaho	35	7	28	0	0	0	70	18	52	0	0	0
Illinois	59	37	22	0	0	0	118	70	48	0	0	0
Indiana	50	17	33	0	0	0	100	52	47	0	0	1
Iowa	50	31	19	0	0	0	100	56	44	0	0	0
Kansas	40	9	31	0	0	0	125	48	77	0	0	0
Kentucky	38	15	22	1	0	0	100	65	35	0	0	0
Louisiana	39	22	15	0	2	0	105	52	50	3	0	0
Maine	35	20	15	0	0	0	151	96	54	1	0	0
Maryland	47	33	14	0	0	0	141	104	36	1	0	0

State	Senate						House					
	Total Seats	Dem	Rep	Indep Other	Vacant	Un-Decided	Total Seats	Dem	Rep	Indep Other	Vacant	Un-decided
Massachusetts	40	35	5	0	0	0	160	143	16	1	0	0
Michigan	38	17	21	0	0	0	110	67	43	0	0	0
Minnesota	67	46	21	0	0	0	134	87	47	0	0	0
Mississippi	52	27	25	0	0	0	122	74	48	0	0	0
Missouri	34	11	23	0	0	0	163	74	89	0	0	0
Montana	50	23	27	0	0	0	100	50	50	0	0	0
Nebraska	49	*	*	49	*	*	*	*	*	*	*	*
Nevada	21	12	9	0	0	0	42	28	14	0	0	0
New Hampshire	23	14	10	0	0	0	400	225	175	0	0	0
New Jersey	40	23	17	0	0	0	80	48	32	0	0	0
New Mexico	42	27	15	0	0	0	70	45	25	0	0	0
New York	62	32	29	0	0	1	150	109	41	0	0	0
North Carolina	50	30	20	0	0	0	120	68	52	0	0	0
North Dakota	47	21	26	0	0	0	94	36	58	0	0	0
Ohio	33	12	21	0	0	0	99	53	46	0	0	0
Oklahoma	48	22	26	0	0	0	101	40	61	0	0	0
Oregon	30	18	12	0	0	0	60	36	23	0	0	1
Pennsylvania	50	20	29	0	0	1	203	104	99	0	0	0
Rhode Island	38	33	4	1	0	0	75	69	6	0	0	0
South Carolina	46	19	27	0	0	0	124	53	71	0	0	0
South Dakota	35	14	20	1	0	0	70	24	46	0	0	0
Tennessee	33	14	19	0	0	0	99	49	50	0	0	0
Texas	31	12	18	0	0	1	150	74	76	0	0	0
Utah	29	8	21	0	0	0	75	22	53	0	0	0
Vermont	30	23	7	0	0	0	150	95	48	7	0	0
Virginia	40	21	19	0	0	0	100	44	52	2	2	0
Washington	49	31	18	0	0	0	98	64	34	0	0	0
West Virginia	34	28	6	0	0	0	100	79	21	0	0	0
Wisconsin	33	18	15	0	0	0	99	52	46	1	0	0
Wyoming	30	7	23	0	0	0	60	19	41	0	0	0
TOTALS:	1971	1024	888	52	3	4	5411	3060	2329	17	2	3

## Ballot Initiatives

Conservatives were given a boon when ballot measures banning same-sex marriage were passed in **Arizona, California** and **Florida**. The nation's highest profile measure, California's [Proposition 8](#) was approved by Wednesday, with 53 percent voting in favor. The state's push to end gay marriage comes more than four years after San Francisco ignited an uproar by becoming the first municipality in the country to allow homosexuals to wed. The legal fight that then ensued was resolved in May, when the state Supreme Court found a same-sex wedding ban would violate California's constitution.

California will still allow same-sex civil unions, but that is not an option in Arizona and Florida, where opponents of same-sex marriage won by even larger margins. Thirty states have now passed bans on same-sex marriage. **Massachusetts** and **Connecticut** are the only states where same-sex marriages are legal, although **Rhode Island** and **New York** recognize these ceremonies if performed elsewhere.

Voters in 36 states weighed in on 153 ballot measures, including 59 initiated by citizens. The 2008 election's ballot measures brought some of the most divisive social issues in state politics to light, as well as asked voters for opinions on eliminating their state income tax, agreeing to gambling proposals in order to fund education and giving voting rights to the mentally handicapped. Again the national election did not seem to affect the state initiatives. Conservatives and progressives won some and lost some.

Overall, 93 statewide measures were approved, 60 were rejected, and one is still to be decided. The overall passage rate of 61 percent is modestly below the 67 percent rate in 2004 and 2006. Twenty-eight of the 54 initiatives, the citizen-sponsored measures that, some say, are the most potent form of direct democracy, were approved, with one yet to be decided. The 52 percent passage rate for initiatives is slightly above the recent average of 49.4 percent.

Ballot initiatives to restrict abortion in **South Dakota, California** and **Colorado**, were soundly rejected.

**Montana** approved [I-155](#), which establishes the Healthy Montana Kids plan to expand and coordinate health coverage for uninsured children under the Children's Health Insurance Program (CHIP), the Montana Medicaid Program, and employer-sponsored health insurance. The measure is expected to provide coverage for 30,000 uninsured children.

One of the more controversial initiatives was **Washington Initiative 1000**, which was approved by 59 percent of voters. The measure permits terminally-ill Washington residents, who are medically predicted to have six months or less to live, to request and self-administer lethal medication prescribed by a physician. The passage of I-1000 makes Washington the second state after **Oregon** to allow a terminally ill person to make this decision. Forty-nine people died in Oregon last year under their assisted suicide law, and since it went into effect, more than 340 Oregon patients have used the law to end their lives.

Tax measures dominated ballots nationwide, and voters did not always support initiatives that would put money in their pocket. Massachusetts' voters decisively rejected the proposed elimination of the state income tax, which supporters said would have saved the average state

taxpayer about \$3,600 a year. Montana voters authorized higher property taxes to support state universities, while Florida voters rejected a proposal for local option sales taxes for community colleges, and Florida, **Louisiana** and **Oklahoma** approved various property tax exemptions. A sales tax increase was approved in **Minnesota** but turned down in Colorado and **Nevada**. Colorado voters also said no to a measure that would have increased severance taxes on oil and gas.

**Maine Question 1** was approved by voters. This measure repeals additional taxes on beer (\$0.16 per six-pack), wine (\$0.07 per bottle), and soda (\$0.04) that were put in place to help pay for Dirigo Health. The taxes were approved by lawmakers and Democratic Gov. John Baldacci in April. The law that was signed, and is now repealed, also contained health insurance reform measures.

Sixty-five percent of Massachusetts' voters cast their ballots in favor of decriminalizing possession of less than 1 oz. of marijuana. Possession of small quantities of pot will now be punishable by a \$100 civil fine. Likewise, in **Michigan**, 63 percent of voters supported a measure to legalize medical marijuana for patients who suffer from "debilitating medical conditions." Patients will be permitted to grow 12 marijuana plants and possess 2.5 ounces at a time to relieve their symptoms.

For a complete list of all 2008 ballot measure results, please [click here](#).