



412 First St. SE
Suite 100
Washington, DC 20003
Voice: 202.484.4884
Fax: 202-484-0609
www.dutkofocus.com

Overview

Democrats fared well in several off year elections last week winning the governor's race in **Kentucky** and controversial ballot measures in **Maine**, **Mississippi** and **Ohio**. The GOP had its share of wins, taking the governor's race in Mississippi and claiming control of the **Virginia** Senate. **Arizona** Senate President Russell Pearce, R-Mesa, the architect of the state's tough, anti-immigration law, was ousted in a recall election by GOP newcomer Jerry Lewis.

Kentucky Democratic Gov. Steve Beshear easily won reelection with a double-digit victory over Republican Senate President David Williams, 56 percent to 35 percent, with 99 percent of precincts reporting, according to the State Board of Election's website. A third candidate, Gatewood Galbraith, a Lexington attorney, had 9.3 percent. Galbraith is a perennial candidate in Kentucky, having run five times.

Republican Lt. Gov. Phil Bryant will succeed Republican Gov. Haley Barbour as the next governor of **Mississippi**. Bryant easily defeated Hattiesburg Mayor Johnny DuPree, a Democrat and the first black candidate since reconstruction to win a major party nomination for the state's highest office. Bryant won 62 percent to DuPree's 38 percent.

In a victory for unions, Democrats and President Obama, **Ohio** has voted to restore collective bargaining rights for public employees. Issue 2, a measure to sustain Republican Gov. John Kasich's move to curb the power of organized labor, was rejected by a vote of 61 percent to 38 percent.

Mississippi voters defeated the "personhood" ballot item, a broad anti-abortion initiative on the state's ballot. The initiative would have amended the state constitution to give fetuses the full rights of "persons" from the moment of fertilization. The measure failed 58 percent to 42 percent.

Maine voters in all 16 counties overwhelmingly supported the restoration of same-day voter registration overturning a Republican-backed law passed earlier this year. The vote was 60 percent to 40 percent in favor of overturning the law. The GOP is expected to revisit the issue in another format in the legislature next year when lawmakers are planning to take up a bill to require voters to produce photo identification; a move Republicans argue will make Maine's elections more secure.

Virginia Republicans now hold the majority in the state Senate and made it clear they do not intend to share power. Democrats, meanwhile, will not ask for a recount in the 17th Senate

District, where Republican Bryce Reeves held a 224-vote edge over Sen. R. Edward Houck, D-Spotsylvania. Senator Houck conceded Friday. The Reeves win gives Republicans a 20-20 split, which enables Lt. Gov. Bill Bolling, a Republican, to break tie votes. The Senate had been the Democrats' last bastion of power at the Capitol. They held a 22-18 majority but Republicans ousted incumbent Sen. W. Roscoe Reynolds, D-Henry, by just over 600 votes in the 20th District, and removed Houck from the Fredericksburg-area seat he has held for 27 years.

Sen. Russell Pearce, R-Mesa, will be the first sitting Senate President in the nation and the first **Arizona** legislator ever to lose a recall election. Early results showed Lewis leading Senator Pearce 52-45 percent. Senator Pearce conceded once the results were official. Pearce's defeat represents a blow to the more conservative wing of the Republican Party, which portrayed the recall as a liberal effort to take down the author of the illegal immigration statute.

Colorado voters overwhelmingly rejected a sales and income tax increase for schools. Supporters conceded defeat of the country's only statewide tax increase election this fall an hour after the polls closed. The measure was losing 35 percent to 65 percent. Proposition 103 sought a five-year increase of sales and income taxes to the rates established at the end of the 1990s. Lawmakers subsequently lowered the taxes during surplus years. The individual and corporate income taxes would have risen from their current 4.63 percent to five percent. Sales taxes would have risen 0.1 percentage point to three percent.

Massachusetts, Ohio Senate and **Pennsylvania** are currently in session. The **U.S.** Senate and the **District of Columbia** Council are also in session.

California is currently in an interim study recess.

Illinois is expected to finish its veto session on November 29. The extra day was added to the three-day veto session that convened on November 8. The legislature approved a bill that will allow the use of red light cameras to catch speeders in Chicago, but still needs to vote on a tax break for financial exchanges and pension and gaming legislation.

The **North Dakota** special session to consider disaster relief, redistricting, healthcare and the University of North Dakota's Fighting Sioux nickname, adjourned on November 11. The legislature voted to provide millions of dollars for disaster relief and to keep the University of North Dakota Fighting Sioux nickname.

On Wednesday, locked-out union workers from American Crystal Sugar's North Dakota plant rallied at the statehouse. According to [Grand Forks Herald](#), the workers have been excluded from the state's unemployment compensation system. A bill proposed by Sen. Phil Murphy, D-Portland, would have made workers eligible for unemployment. The bill was rejected by the Senate Delayed Bills Committee Monday. Democrats tried but were unable to add the unemployment eligibility to the disaster relief bill.

The **U.S.** State Department announced last week that it is postponing a decision on the siting of the Keystone XL oil pipeline in **Nebraska** until early 2013, according to [Politico](#). President Obama and Republican Gov. Dave Heineman have said they support the decision. The

legislature will continue their special session on November 14 to debate legislation that would give the governor authority to approve or reject oil pipeline routes in the state. Other bills considered in the session include legislation that would require that pipeline developers obtain a permit before taking land through eminent domain, hold developers financially responsible for any damages, and would grant the Public Service Commission oversight. The pipeline will carry crude oil from Canada through six U.S. states to the gulf coast.

TransCanada, the pipeline company, will need final approval from the Obama administration before construction can begin. According to [NPR](#), on Sunday thousands concerned about the environmental impacts of the pipeline gathered outside the White House in protests. In addition to the public outcry, dozens of members of Congress have requested an inquiry into reports of “improper pressure on policy makers” and “possible conflicts of interest” related to the pipeline decision.

Rhode Island’s special session on pension reform is in session. Lawmakers have held 30 hours of hearings, taking input from hundreds of Rhode Islanders including city and town leaders and public workers unions. [CBS](#) reports that while Treasurer Gina Raimondo is expected to propose small changes to the legislation, she is strongly opposed to the removal of the suspension of automatic pension increases. House and Senate Finance Committees voted to pass the legislation on November 10. The General Assembly is expected to vote this week, according to [The Huffington Post](#). Meanwhile, thousands of public workers continue to rally against the proposal and public workers unions have vowed to sue if the plan passes.

Massachusetts Democratic Gov. Deval Patrick signed House and Senate redistricting bills on November 3. The legislative maps for both houses passed overwhelmingly. The redistricting panel is now considering congressional district maps.

North Carolina convened a one-day special session on November 7 to correct mistakes made in redistricting maps approved in July. The mistakes were due to computer code errors that left out more than 200 small portions of the state from maps. Many Democrats are critical of the plans. The House and Senate voted along party lines last Monday night to correct the problem and adjourned the session shortly thereafter.

Washington Democratic Gov. Christine Gregoire is expected to call a 30-day special session on November 28 to address the state’s \$1.3 billion budget shortfall.

Connecticut House Minority Leader Lawrence Cafero, R-Norwalk, has called for a special session in December to pass legislation that would make the state more equipped to handle power outages. Democratic Gov. Daniel Malloy is expected to support a session once the legislature comes up with specific proposals, reports the [Hartford Courant](#).

Wisconsin Republican Gov. Scott Walker may request a second special session in December to address unfinished business following October’s jobs session, including an expansion of state-sponsored venture capital investments.

Alabama Republican Gov. Robert Bentley issued a [statement](#) last week in support of a special session regarding Jefferson County’s financial situation. No specific date was mentioned.

In response to **California** Democratic Gov. Jerry Brown's pension reform proposal introduced last month, GOP lawmakers are calling for a special session focused on pensions. According to [*The Sacramento Bee*](#), Governor Brown and Democrats are committed to addressing the issue once the legislature reconvenes in 2012.

The **West Virginia** legislature was called into session on November 13 to swear Democratic Gov. Earl Ray Tomblin in as the state's 35th governor.

The following states are expected to reconvene on the dates provided: **New Hampshire** (call of the chair); **Ohio** House (November 16) and **U.S.** House (November 17).