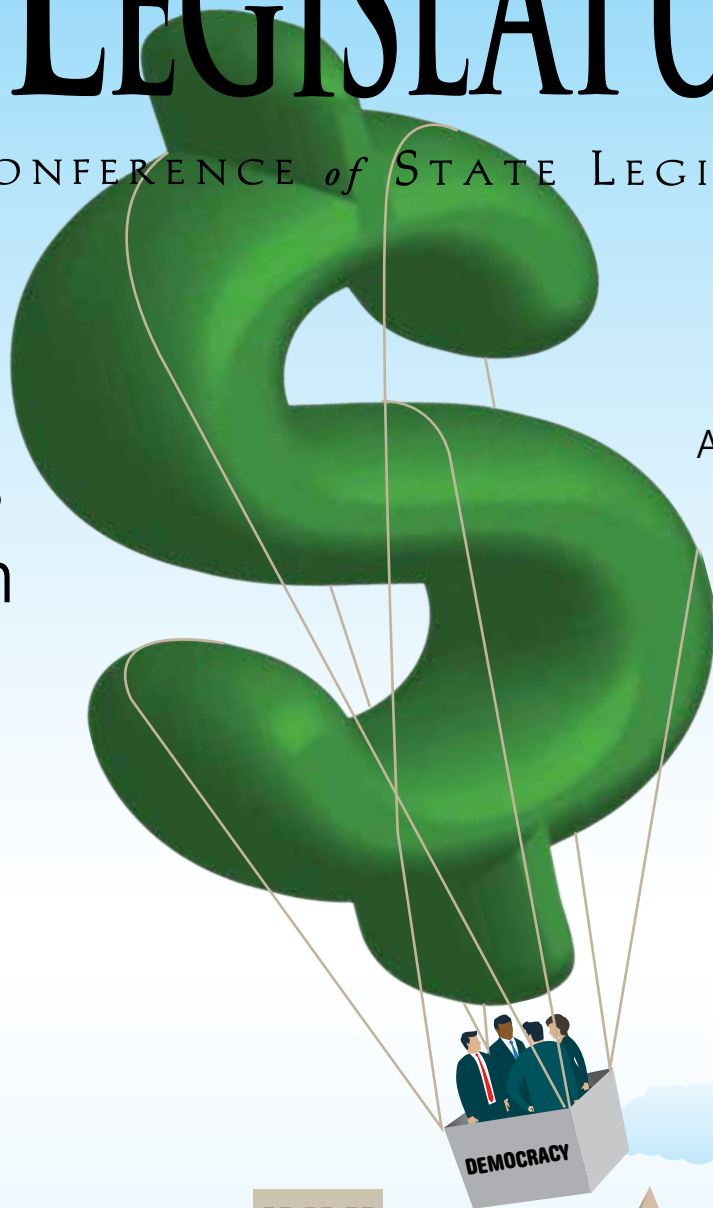


May 2018

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STATE LEGISLATURES

The magazine of state policy and politics from the National Conference of State Legislatures, the bipartisan organization that serves all lawmakers and staff.

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There's no right answer to what role money should play in campaigns—but there are lots of opinions.



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When it comes to running an election, one thing is certain: money matters.

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BY GLEN ANDERSEN

The question isn't can we afford to upgrade the electric grid, but can we can afford not to.

SL Online

Find more information and links to resources on topics covered in these pages at SL Online.

➔ Go to ncsl.org/magazine

State Legislatures magazine is printed on recycled paper.

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States are re-evaluating the support they provide to older adults and people with disabilities or chronic diseases.

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Why do legislative ethics matter?

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Meet Pennsylvania Senate President Pro Tempore JOE SCARNATI

"I'm a real defender of the separation of powers and our individual, unique responsibilities."



If It Ain't Broke, Don't Fix It

The February issue took a close look at the tipped wage in "The Tipping Point." But there are a few things policymakers should understand before making changes to a policy that is vital to both the livelihood of servers and the financial health of restaurants.



Making a policy change that requires restaurants to pay servers minimum wage is unnecessary; state and federal law already require that. And, more than 25 states, including Maine, require a cash wage higher than the federal cash wage of \$2.13 per hour.

During the legislative debate in Maine to restore the tipped credit after it was repealed in a referendum, many failed to understand this central point: Servers and other tipped-wage employees by law must receive the minimum wage via cash wages and tips. State policymakers can supplement this protection further. For example, Maine calculates the minimum wage based on a seven-day workweek—protecting workers from extended seasonal lows and highs.

The article points to two reasons these protections are somehow insufficient: 1. the federal tipped wage has not been raised in conjunction with the minimum wage at-large; and 2. it is a law that is difficult to

enforce. The first ignores that the law ties total compensation to the larger federal minimum wage of \$7.25/hour. And if the second reason is true, why should the inability of a government agency to carry out its duties result in a new burden on businesses?

The Maine example is an important lesson in how "fixing" a system that isn't broken can go awry. The article does a fair job laying out what happened in Maine, with one exception: Servers didn't demand a change in the law because "a higher wage would cause customers to tip less and would actually reduce their take-home pay." They did so because customers were already tipping less and thus reducing their take-home pay.

The current tipped wage system works for servers, who are guaranteed the minimum wage and often take home more than that; for business owners, who can continue to operate under the same system that enticed them to enter the restaurant industry in the first place; and for the public, who enjoy a system where the quality of service is reflected in what they decide to pay for it.

—Maine Representative Louis J. Luchini, chair of the Joint Standing Committee on Veterans and Legal Affairs

Photos Matter

As a longtime Ohio staffer and a member of the NCSL Budgets and Revenue Committee, I read State Legislatures magazine every month—it's very helpful and informative.



However, I think the graphic chosen for your March 2018 story "Campaign Finance Laws Get Tweaked" was a poor choice for the overwhelming number of elected officials of both parties who follow the laws of their respective states.

In Ohio, cash contributions are limited to \$100 and go into a reportable campaign committee—not their pocket.

—Ray DiRossi, director of Finance and Budget Ohio Senate Majority Caucus

Comments from our readers are welcome. They may be edited for length and style. Send them to magazine@ncsl.org.



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Leadership Staff Section (LSS)	Los Angeles, Calif.	July 29-30
National Legislative Services and Security Association (NLSSA)	Richmond, Va.	Aug. 27-31,
National Legislative Program Evaluation Society (NLPES)	New Orleans, La.	Sept. 9-12
National Association of Legislative Information Technology (NALIT)	Nashville, Tenn.	Sept. 11-14
American Society of Legislative Clerks and Secretaries	Madison, Wis.	Sept. 23-28
Research, Editorial, Legal and Committee Staff (RELACS)	Harrisburg, Pa.	Oct. 3-6
Legislative Research Librarians (LRL)	Harrisburg, Pa.	Oct. 3-6
National Association of Legislative Fiscal Offices (NALFO)	Portland, Ore.	Oct. 10-12
Legislative Information and Communications Staff (LINCS)	Lexington, Ky.	Oct. 10-12

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SHORT TAKES

NEWS FROM NCSL

NCSL EXPERTISE



"It is just the latest signal that the Supreme Court will rule in South Dakota's favor."

Max Behlke on the U.S. solicitor general urging the U.S. Supreme Court, in *Wayfair v. South Dakota*, to overturn its 1992 ruling that prohibits states from requiring online retailers to collect state sales taxes, on bna.com.



"Massachusetts was the first and, technically, the only state to do this strictly through state law."

Richard Cauchi on a New Jersey proposal to require residents to obtain health insurance, on njspotlight.com.



"Every single shooting, it brings them back to the fact that they have a profound responsibility to keep kids safe in schools."

Michelle Exstrom on state legislators' efforts to improve school safety, in Education Week.



"While multiple states have passed legislation to legalize sports betting, most will look for the high court's green light before moving forward."

Ethan Wilson on a pending U.S. Supreme Court decision in *Murphy v. NCAA*, on bna.com.

STRONG VOICE

Talking Trade in Québec



From left, Wisconsin House Speaker Robin Vos, NCSL vice president; Illinois Senator Toi Hutchinson, NCSL president-elect; South Dakota Senator Deb Peters, NCSL president; Jacques Chagnon, president of the National Assembly of Québec; Francois Ouimet, vice president of the National Assembly of Québec; North Carolina Senator Dan Blue, immediate past president of NCSL; Bill Graham, former minister of foreign affairs for Canada; and New Mexico Legislative Council Service Director Raul Burciaga, immediate past staff chair of NCSL.

Nearly 50 state legislators attended the first International Trade Legislative Conference in Québec City, Canada, in March. The conference—organized by NCSL and the National Assembly of Québec—brought together lawmakers from the United States, Mexico and Canada. "As representatives of the U.S., Mexico and Canada governments look to update and possibly renegotiate the North American Free Trade Agreement, it is vital for state and provincial legislators to provide insight for how NAFTA has impacted our constituencies," said South Dakota Senator and NCSL President Deb Peters. "State officials have the responsibility to our citizens and businesses to voice our concerns and perspectives for how changes to NAFTA will affect jobs and the economies in our states. We hope that a continued dialogue with our colleagues from Mexico and Canada will add an important, and all-too-often overlooked, perspective that will prove to be impactful during the ongoing deliberations."

CONNECTIONS

How NCSL Serves States

In addition to conducting research, answering questions, testifying before committees, and organizing meetings, webinars and training on public policy issues, many NCSL staff also are assigned to be liaisons to specific states or territories. They serve as "one-stop shops" for any questions or needs lawmakers and staff may have. State liaisons keep up with what's happening and what's hot in their assigned states. They get to know legislators and staff and share which NCSL programs and services might be helpful to them. And, they usually get in a trip to the capitol as well. Do you know who your NCSL liaison is? To find out, visit ncsl.org.



From left, Amber Widgery, Montana's NCSL liaison; Montana staffers Susan Fox and Sonia Gavin; and NCSL's Luke Martel who was there to testify about pensions. Fox and Gavin are involved in NCSL's professional staff associations, and Gavin is a member of NCSL's Executive Committee.

The 2020 Census: It's a BIG Deal

April 1, 2020, is Census Day. Mandated by the U.S. Constitution, the census is the single largest undertaking of the civilian government. And, like previous ones, the upcoming decennial survey faces several hurdles. The latest was a last-minute request by the U.S. Justice Department to add a question on the citizenship status of respondents to “allow the department to protect the right to vote and ensure free and fair elections,” the department said in a statement.

When the Census Bureau decided to include the question on March 26, it created a hurricane of controversy and uncertainty. Why all the uproar? Opponents worried that immigrants and their family members, documented or otherwise, would be afraid to complete and return the questionnaire, leading to an undercount.

Hours after the decision to include the question, California’s attorney general filed a lawsuit to block it. The next day, officials from New York and New Jersey announced plans to lead or participate in a multistate suit against it as well, and by April 3, the number of states had grown to 17. At press time, the future of the question was unknown since Congress has the final say.

The stakes are high, both politically and economically, for states to get an accurate count of their residents. Census data are used in congressional reapportionment (determining how many U.S. representatives each state will get) and in redistricting (how political districts will be drawn) at all levels of government. Funding of more than \$600 billion from the 16 largest federal agencies is distributed to states based on census figures.

In addition, businesses and nonprofits rely heavily on census data to plan and conduct their work. Business interests such as the National Association of Realtors and think tanks as politically divergent as the American Enterprise Institute and the Center on Budget and Policy Priorities also have stressed the importance of the census.

Compounding the situation, federal census funding has been well below that of previous years, a situation NCSL called “woefully inadequate” in a September 2017 letter to Congress. The latest package, which passed in late March, increased federal funding levels through September 2018. But that was too late to make up for lost planning and preparation efforts and to prevent the cancellation of two of the bureau’s three full-scale tests.

Other hurdles remain. The bureau has been without a director since last summer. Projects to integrate new technology into the process have been coming in late and overbudget. And the plan to save billions of dollars by allowing people to respond via the web is now uncertain because of concerns about cybersecurity and a lack of reliable internet service for many.

With Americans’ trust in government at historic lows, time is running out to garner support for the task of gathering data on what many people feel is private information—even when confidentiality is required by federal law.

State lawmakers who want to ensure their states receive appropriate federal funding and get fair congressional representation can create complete count committees and vote to fund outreach efforts to previously undercounted populations. For examples of legislation, answers to common questions and more on the census, go to the online magazine at www.ncsl.org/magazine.

—Patrick R. Potyondy



Limiting Gay, Trans ‘Panic’ Defenses

At least five states are considering bans on using so-called gay and transgender “panic” defenses in murder cases.

In jurisdictions that allow these defenses, a criminal defendant can argue that his violence was justified or excused by the shock of learning the victim was gay or transgender. Defendants’ claims that their panic negated the malice element, required for a murder conviction, have in some cases succeeded in reducing charges to manslaughter.

The only states with legislative bans on gay and trans panic defenses are California, which enacted its law in 2014, and Illinois, which did so last year. Similar measures have gained attention this year in the Minnesota, New Jersey, New York, Rhode Island and Washington legislatures, among others. The Florida Supreme Court barred the defenses in *Patrick v. State* in 2012.

Gay and trans panic defenses have been allowed in about half the states since the 1950s, including in the Matthew Shepard and “Jenny Jones Show” cases. Those who oppose eliminating the defenses are

concerned that a murder defendant could be denied the right to a complete, fair defense under the Constitution’s 14th Amendment.

No courts in the states that prohibit the defenses, however, have ruled that their elimination deprives defendants of their due process rights. Those who support the bans argue that a defendant doesn’t have a right to present any and all kinds of evidence. States typically have broad discretion in determining what evidence they will allow in criminal cases.

Opponents of the defenses say they reinforce harmful, antiquated stereotypes about the LGBT community, excuse hate crimes, promote the concealment of LGBT identity and sexuality, and devalue the lives of LGBT homicide victims.

The American Bar Association and other organizations have condemned the use of panic defenses. Lawmakers’ awareness of the concerns appears to be growing, making it likely that we will see more legislative efforts to ban these legal strategies.

—*Whitney J. House*

Shelter for Victims of Human Trafficking

Recognizing that human trafficking survivors often lack safe, affordable housing, at least 22 legislatures are using some of the funding they’ve set aside to fight trafficking to pay for housing and other services for victims.

Arkansas, which had a fund to pay for anti-trafficking training for law enforcement, created a new victim-support fund last year. The fund distributes grants to nonprofit, religious and other third-party organizations that secure housing and health and social services for trafficking victims.

Instead of creating a special fund, some states pay for specific services in line items of budget bills. In 2017, for example, Florida appropriated \$1.2 million for the Bridging Freedom Program to provide individualized, holistic, therapeutic safe homes for children who are sex-trafficking victims.

Nearly 75 percent of underage sex-trafficking survivors identified housing—whether emergency, transitional or long-term—as an area of need, according to a report prepared for the National Institute of Justice, part of the U.S. Department of Justice.

Domestic violence or youth shelters, faith-based homes, single apartments and group homes often serve as emergency or transitional housing, but there can be challenges with these arrangements. Not all domestic violence shelters, for example, are appropriate for men and older boys. And, some shelters may be unwilling to extend their services to trafficking victims due to safety



concerns, or because their programs don’t address specific needs. A shelter for domestic violence survivors may be hesitant to serve a labor-trafficking survivor, and youth shelters with age restrictions may have to turn away older survivors even if they have open beds.

Despite the challenges, innovative housing strategies are emerging. In Chicago, for example, a first-of-its-kind pilot program, approved by the Housing Authority in 2016, provides 60 so-called tenant-based vouchers over a three-year period. The vouchers let survivors of labor and sex trafficking choose and lease safe, affordable, privately owned rental housing.

—*Anne Teigen*

➔ Go to ncsl.org/magazine for more information on human trafficking legislation.

NEWSMAKERS



IOWA SENATOR JACK WHITVER (R) WAS ELECTED THE CHAMBER'S NEW MAJORITY LEADER. Senator Charles Schneider (R) will replace Whitver as president.

"They eat a lot of oats, they do a lot of business with veterinarians, but they can't find a masseuse in the state of Nebraska. This is serious. It's affecting our ag economy."

Nebraska Senator Mike Groene (R) on reducing licensing requirements for a range of professions, including horse masseuses, from The Associated Press.

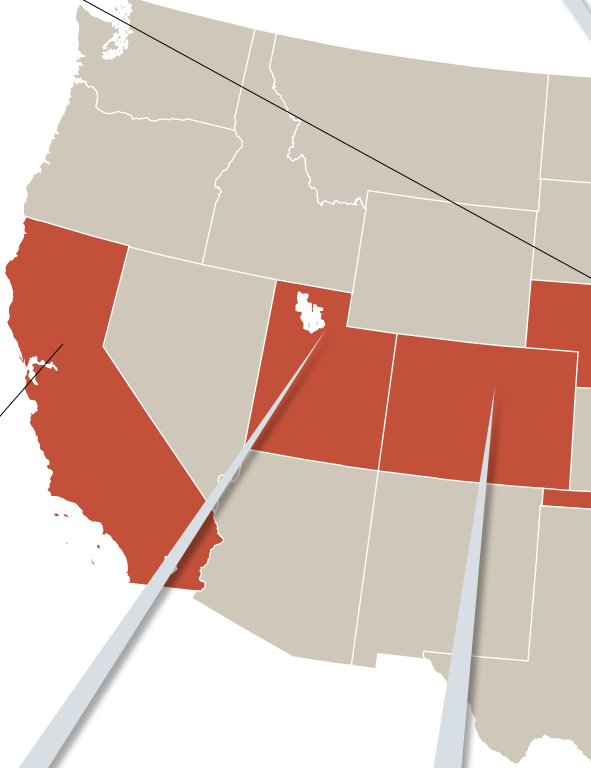


WITH 19 FEMALE MEMBERS, THE ALASKA LEGISLATURE HAS ACHIEVED A NEW HIGH. Women now make up roughly one-third of the Legislature's 60 members, the highest percentage since statehood. As of January, the national average for women serving in legislatures was 25 percent.

"Criminals do not pay business taxes, ensure consumers are 21 and over, obtain licenses or follow product safety regulations. We need to give legal businesses some temporary tax relief so they do not continue to be undercut by the black market."



California Assemblyman Tom Lackey (R) on legislation to cut the state excise tax and suspend a marijuana cultivation tax, in the Los Angeles Times.



UTAH SENATE PRESIDENT WAYNE NIEDERHAUSER (R) WILL NOT SEEK RE-ELECTION this year when his term ends. In his announcement, Niederhauser expressed gratitude to his constituents, to his Senate colleagues and to his wife. "I will forever cherish the relationships, the policy, the process and being so intimately involved in shaping our great state for the future," he said. "I may even miss the politics."



COLORADO SENATOR LEROY GARCIA (D) IS HIS CHAMBER'S NEW MINORITY LEADER.



“Animal abuse is a bridge crime.”

New York Senator Jim Tedisco (R) on his bill to create a registry of people convicted of felony animal cruelty, from The Associated Press.



“These agreements are protecting sexual predators while isolating the victims.”

Massachusetts Representative Diana DiZoglio (D) on banning nondisclosure agreements if they involve claims of discrimination, harassment or retaliation, in the Salem News.



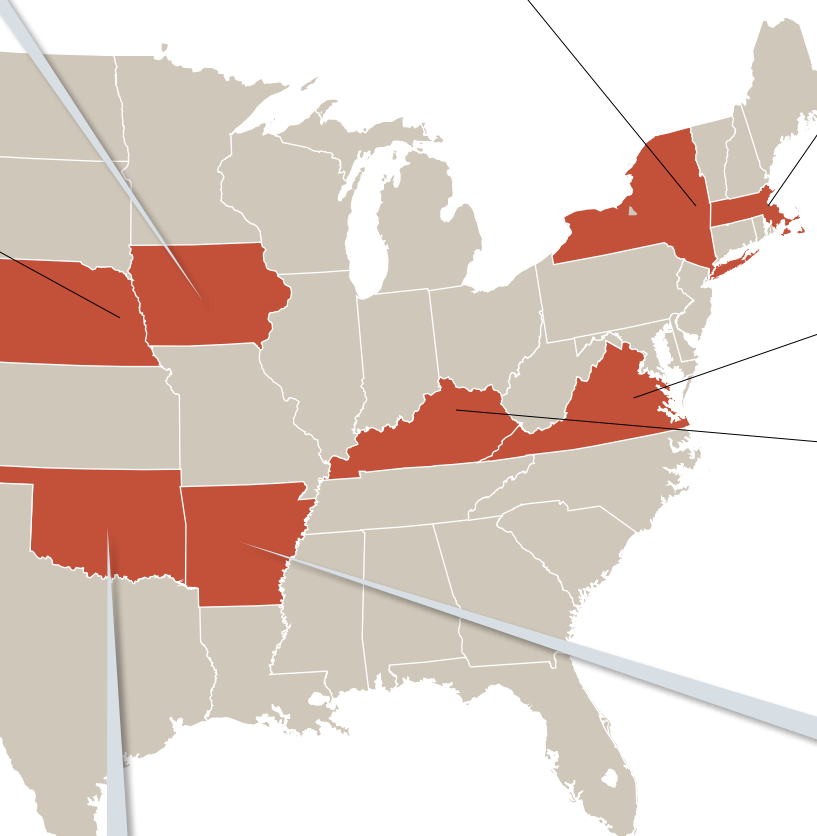
“I had a baby that was hungry and I needed to feed her.”

Virginia Delegate Kathy Tran (D), believed to be the first delegate to breastfeed on the House floor, on NPR.



“They are using the highway for free.”

Kentucky Representative John Sims (D) on imposing fees on electric and hybrid car owners, from The Associated Press.



OKLAHOMA REPRESENTATIVE CHARLES MCCALL (R) WILL SERVE A THIRD TERM AS SPEAKER.

ARKANSAS HOUSE MEMBERS CHOSE REPRESENTATIVE MATTHEW SHEPHERD (R) AS THEIR NEW SPEAKER. Shepherd succeeds Speaker Jeremy Gillam (R) and will serve as speaker-designate until being formally elected when the 2019 regular session begins. Representative Marcus Richmond (R) was elected majority leader, effective immediately.



Up, Up and Away



There's no right answer to what role money should play in campaigns—but there are lots of opinions.

BY WENDY UNDERHILL

Campaign spending reached about \$2.4 billion during the 2016 presidential primaries and election. Congressional races accounted for another \$4 billion. That's a far cry from the \$195 George Washington is believed to have spent for food and drinks to help him win a seat in the Virginia House of Burgesses in 1757.

With the cost of campaigns rising with every election, candidates have come to rely on contributions from a variety of sources: individuals, PACs, unions, parties and corporations. Some see this influx of money as having a potentially corruptive influence on candidates. But others view giving a donation to a political candidate as another expression of their right to free speech.

State legislators have had to balance these opposing views, while also adhering to a couple of U.S. Supreme Court decisions on the role of money in elections. All 50 states regulate the way money may be raised to cover campaign expenses, with the three most common methods being disclosure and reporting requirements, contribution limits and public financing. Because the federal government leaves elections largely up to the states, the methods used vary dramatically across the country.

All states require candidates for elective office to report the contributions they receive while conducting a campaign. Thirty-nine states restrict the amount of money that any one individual can contribute to a state campaign, and 31 restrict funds from political parties. Twenty-two states completely prohibit corporate contributions, another 22 impose the same restrictions on corporations as they do on individuals and four set separate limits on corporations.

Public financing of campaigns remains the least-used method of regulating money in elections. Only five states offer some form of public financing for legislative candidates. Some states require candidates who accept public money to demonstrate wide public support by collecting small donations from many different individuals. Others use a matching-funds model, with an upper limit.

How large a role should money be allowed to play in politics? Opinions vary. We asked two organizations, each fighting for fair, free elections, for their answers to these questions: Does the cost of campaigning concern you? What effect does this trend have on the candidate pool or, more broadly, our representative democracy? Here's what they had to say.

Wendy Underhill directs the elections team at NCSL.

Point-Counterpoint

**GET RID OF
NEEDLESS CAMPAIGN
REGULATIONS**

BY BRADLEY A. SMITH

**MAKE CAMPAIGN
FINANCING MORE
INCLUSIVE**

BY MEREDITH MCGEHEE AND
CATIE HINCKLEY KELLEY

Higher campaign costs are neither inherently good nor bad. They result, mainly, from tradeoffs we have chosen, wittingly or not, to make.

For example, nominating candidates through primaries, rather than caucuses or conventions, substantially raises the cost of seeking office. Would we give up primaries? Probably not. But how about reducing early voting? Just 20 years ago there was no such thing. Early voting raises the cost of campaigning, especially for state and local offices, as candidates must begin communication and turnout efforts earlier.

Here's another possibility: create more districts. The United States has 40 percent more people than it did in 1980. But the size of most state legislatures is unchanged, so more money must be spent in any given race to reach and turn out voters. More populated districts also make traditional low-cost campaign tactics, including door-to-door campaigning, picnics and rallies, less effective, given their limited reach. Adding five or six seats to a state senate—few currently have more than 40 members—could reduce the electorate in each district by 20 percent or more. Surely a 35-member senate could function as effectively as a 30-member senate.

Remember that campaign spending has benefits. Studies by University of Minnesota's John Coleman have shown that higher campaign spending boosts voter knowledge, especially for those least informed about politics and government. Higher spending also correlates with competitive races, which many consider a good thing. Given the benefits of higher spending, perhaps we should consider a "supply side" approach, aimed at reducing the effort needed to raise funds.

One idea is for government to pay for campaigns. Whether cash-strapped states should do this is a difficult question. Unfortunately, there is little evidence that government financing works. An Institute for Free Speech study in Connecticut found no change in legislative behavior after that state implemented public funding. More relevant to the effect of campaign financing on democracy, we studied Arizona and Maine and found that government funding did not increase the number of nontraditional candidates. Indeed, government funding was associated with a decline in the number of women legislators. Nor have studies found a link between government funding and higher

Like it or not, money—or the lack of it—plays a big role in our elections. It takes money to start a campaign, to run a campaign and to win a campaign. Speculating on what is "the right" amount of money is a rabbit hole we're not going to go down. Who's to say, for example, too much is being spent in Arizona but Vermont has it about right? Each state is different, each race brings new challenges and each campaign is unique. Our concerns are about how the ever-increasing, high cost of campaigns—at every level of government—relates to who the money is coming from, the amount of time spent fundraising and who is excluded from running.

So, where does the money come from? Analyses of 2016 election spending show that a decreasing number of wealthy individuals make up an increasing percentage of the money raised by candidates. According to the National Institute on Money in State Politics, "contributions by donors that gave \$1 million or more to candidates in the election cycle represented a quarter of all money raised by 2016 office-seekers." This is consistent with what we're seeing on the federal level.

Candidate fundraising is an important means of engaging with the electorate and getting citizens involved in the democratic process. But when candidates prioritize fundraising from contributors who can make large contributions—unlimited amounts, in some states—there is less time for connecting with constituents and raising small-dollar contributions.

Another important factor is that it takes time to fundraise. It's a chore that pulls officeholders away from the jobs they were elected to do. At the federal level, the amount of time officeholders spend dialing for dollars has been well-documented—both parties have told freshmen lawmakers they should be spending roughly 30 hours per week on call time. There is less evidence about the time state candidates spend fundraising, but with only 10 full-time state legislatures, most state lawmakers are already stretched between their duties as an officeholder and other work commitments.

Indeed, the role of the parties in all of this should not be overlooked. In the aftermath of the U.S. Supreme Court's *Citizens United* ruling in 2010, the parties have been hollowed out. Rather than serving their traditional function of providing a venue for like-

(continued on page 13)

(continued on page 13)



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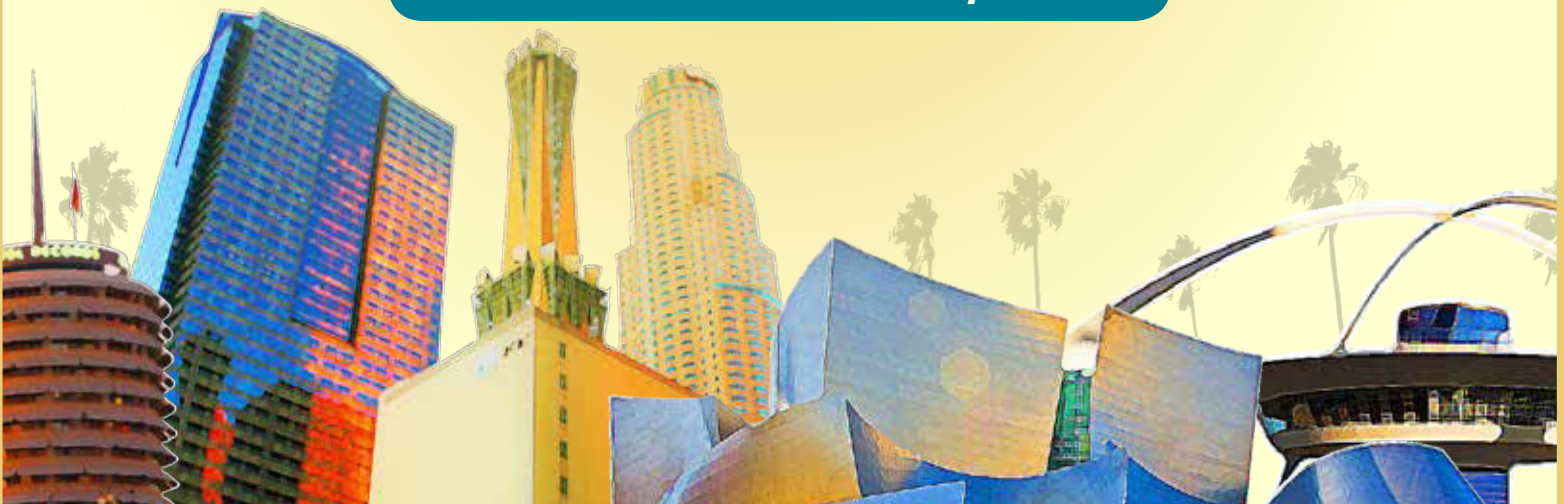
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confidence in or satisfaction with government.

If not government funding, what is the answer?

In the past decade, 18 states have raised contribution limits. But that means more have not. And almost no states have raised their limits to fully account for inflation since the limits were first imposed. Higher limits can reduce time spent fundraising.

Additionally, many states increase compliance costs (a campaign cost) and smother true grassroots campaigns with needless, and needlessly complex, regulations. People should not be discouraged from participating in politics by spools of red tape, but too many states have intricate, confusing campaign laws that desperately need simplification.

Meanwhile, provisions of the federal government's 2002 Bipartisan Campaign Reform Act, aka the McCain-Feingold Act, have severely hampered fundraising by state and local party committees. State officials should insist that Congress amend the law to free up local parties, easing the burdens of candidate fundraising and enhancing grassroots participation.

Efforts to lower spending through limits and regulation have been unsuccessful—after all, we have far more regulation than 40 years ago. Lower spending also comes at the expense of voter knowledge. Doing away with needless regulations, and thinking about things such as early voting or restructuring legislative chambers, will make it easier and less costly to run for office, without limiting political speech.

Bradley Smith is the chairman of the Institute for Free Speech and former chairman of the Federal Election Commission. The institute is the nation's largest organization dedicated solely to protecting and defending the First Amendment rights to freely speak, assemble, publish and petition the government.

minded citizens to come together to support candidates of their choice, the parties have become yet another avenue for wealthy individuals and special interests to dominate our political discourse.

In addition, the increasing cost of campaigns and the increasing reliance on wealthy donors affect who can run a viable campaign. Candidates who are unable to self-finance, or who are without a built-in network to bankroll their campaign, have a much more difficult time running. Our nation is better served by having candidates and officeholders from a range of socioeconomic backgrounds who reflect the diversity of our experiences.

Poll after poll shows supermajorities of Americans believe our political system is broken. This dissatisfaction indicates we have drifted away from our ideals of a representative and accessible democracy. There are, however, some encouraging examples of reforms from around the country that can bring more people into the system and make a candidate's campaign contributors more representative of the people they are elected to represent.

Seattle completed its first election under its new democracy voucher program in 2017. City residents giving to candidates via vouchers were more numerous, more diverse and younger than ever. There are ways to make our campaign finance system more inclusive and more representative. In our current political climate, it's up to the states—our laboratories of democracy—to show us how.

Meredith McGehee is executive director of Issue One. Catie Hinckley Kelley is director of Policy and State Programs at the Campaign Legal Center. Issue One seeks to return government to the American people and eliminate the money connection between private interests and elected government. The Campaign Legal Center works to protect and strengthen the U.S. democratic process across all levels of government and seeks to ensure the political process is accessible to all citizens.

Money Raised

Average amount of contributions received by legislative candidates, 2015-16

State Senate		State House/Assembly	
IL	\$772,882	IL	\$597,320
CA	\$737,627	CA	\$451,027
PA	\$598,095	TX	\$209,809
TX	\$581,717	VA	\$166,420
VA	\$490,123	OR	\$140,743
MO	\$356,744	OH	\$115,158
OH	\$355,134	PA	\$105,010
FL	\$310,893	FL	\$104,921
NY	\$275,049	NJ	\$103,656
NV	\$224,005	NC	\$90,969
OR	\$212,325	LA	\$88,043
LA	\$209,695	NV	\$79,833
IA	\$209,471	WA	\$72,851
TN	\$186,510	NY	\$68,842
WI	\$173,318	IA	\$65,480
WA	\$171,818	KY	\$59,409
NC	\$153,747	NM	\$59,290
IN	\$128,353	MA	\$53,047
MA	\$102,943	MO	\$52,605
NJ	\$102,819	IN	\$52,372
SC	\$93,185	GA	\$52,275
GA	\$91,290	TN	\$48,592
KY	\$86,898	AZ	\$48,187
AR	\$86,439	AL	\$48,176
NE	\$85,652	MI	\$44,540
NM	\$81,968	WI	\$43,881
CT	\$81,633	OK	\$40,974
CO	\$74,223	CO	\$37,699
AK	\$70,865	MS	\$35,124
AZ	\$68,365	AK	\$34,841
KS	\$64,134	AR	\$30,867
OK	\$63,176	MN	\$30,218
WV	\$62,282	HI	\$29,628
HI	\$58,407	UT	\$25,960
UT	\$55,552	SC	\$24,746
DE	\$53,377	RI	\$24,180
MS	\$51,737	CT	\$23,290
NH	\$47,256	DE	\$22,510
MN	\$46,711	KS	\$21,859
ME	\$26,500	ID	\$18,720
RI	\$24,779	WV	\$17,777
ID	\$21,144	SD	\$10,163
SD	\$14,198	ND	\$8,090
WY	\$13,221	WY	\$7,153
ND	\$12,728	MT	\$6,568
VT	\$12,238	ME	\$5,833
MI	\$11,647	VT	\$3,613
MT	\$10,474	NH	\$820

Source: National Institute on Money in State Politics, 2015-16



When it comes to running an election, one thing is certain: money matters.

BY WENDY UNDERHILL

Wendy Underhill directs the elections team at NCSL.

Count the Costs

The security of our elections has grabbed everyone's attention—whether it's Russians meddling in voter registration databases or electronic voting equipment not recording votes as they were cast. Americans want to know that our elections are secure, accurate and fair, and that each ballot is counted, once.

But security is challenging and expensive, and just one of the costs that go into conducting elections. The U.S. Constitution gives states the authority to run elections, but doesn't specify which branch of government should pay for them.

Along with security costs are those associated with hiring and paying people to identify polling locations, produce ballots, maintain voter registration databases, procure and maintain equipment and technology, educate voters, staff polling places, count ballots and maintain the back-end offices, software and equipment.

That can add up to a lot, but exactly how much is unknown. The complexity of elections and the involvement of all levels of government make calculating total costs difficult.

Money isn't the only factor to consider, of course. There's also turnout, reliability, accessibility and accuracy to name just a few. Still, money is the big one. Reflecting the feeling of many lawmakers, Wyoming Representative Dan Zwonitzer (R) says, "The overarching concern on all of the election issues is finances. But there's no one solution which works best for every county and is currently cost realistic." That's why states conduct and pay for elections in a variety of ways.



Representative
Dan Zwonitzer
Wyoming

The Big 10

So, what do we know about the costs of running an election? How do policy choices affect costs? What funding mechanisms are states using? Can money buy security? A new NCSL report, "The Price of Democracy: Splitting the Bill for Elections," is the result of a two-year study to answer those very questions.

The report contains 10 takeaways for legislators and other policymakers to ponder.

1. Good decisions come from good data.

We know it's not free to administer an election, but does the United States spend \$10 million a year? \$1 billion? No one knows. States know how much they spend on roads, health care, education and other big-ticket items, but not on elections, the backbone of democracy.

Although the role state offices play in election administration has expanded, along with the state's share of the costs in some cases, state budgets typically do not include a line item for election expenses. Instead, those costs often are folded into the budget of the chief election official or other state agencies.

Systematically collecting good cost information could help localities identify the priciest aspects of elections and ways to reduce expenses. But good research on election costs is slim; data-collection is just beginning. To encourage greater efforts, states may choose to require local jurisdictions to uniformly collect and report cost information.

2. States are in charge of elections.

The U.S. Constitution authorizes states to regulate elections, and, often, "state and local election officials collaborate together to create the magic of elections," says New Mexico Senator Daniel Ivey-Soto (D). A series of federal laws in the last 50 years, however, has put more of the responsibility on states.



Senator
Daniel Ivey-Soto
New Mexico

This transition began with the civil rights legislation of the 1960s but accelerated in the 1990s and 2000s, with more and more responsibility going to state election offices. Even so, the structure of election administration in the states today is still largely decentralized and varies greatly, though far less than a century ago.

3. Funding can come from all levels of government.

Traditionally, elections were administered and paid for at the local level. That is still common practice, but all three levels of government—local, state and federal—now contribute funding. With the enactment of the Help America Vote Act in 2002, the federal government offered about \$3 billion to the states for upgrades to registration and voting systems. That money is largely gone now, and state and local governments are figuring out a new plan.

Each state has a somewhat different approach. Some states pay for all or part of elections. Others pay only for primaries, special elections or elections that have only statewide candidates or issues.

4. Tech (and security) needs are driving election costs.

Most states are looking to replace their voting equipment before the 2020 presidential election. State legislators have some choices to make on how to go about doing that. They will have to decide whether to:

- Move to a statewide uniform voting system.
- Provide funds for statewide acquisition of voting equipment.
- Split the costs of new voting equipment between the state and localities.
- Create a grant program to help localities buy new equipment.
- Centralize voting equipment maintenance and support.
- Provide partial funding attached to a new policy initiative.

5. Security requires good protocols, well-trained staff and adequate funding.

Election officials are always mindful of security—both physical and cyber. Election systems require protection equal to or better than that for any other government or business process or service. Hiring cybersecurity consultants or more IT staff, or sending staff out for training, may be useful. Investing in training for state and local officials may pay off, too. “We want the public to have confidence in the integrity of the results,” says West Virginia Delegate John Shott (R),

“and we try to minimize the opportunities for fraud and abuse.”

Legislators can use the power of their office to make sure security is always a priority. If a bill comes up addressing early voting, e-poll books, vote centers or any other topic, lawmakers should always ask, “What will this bill mean for elections security?”

The bottom line is this, says Nebraska Senator John Murante (NP): “The integrity of elections is a state responsibility. Part of that responsibility is ensuring that all voters have modernized election technology. Secure and accurate elections should be a priority to all policymakers, and states should lead the way.”



Delegate
John Shott
West Virginia



Senator
John Murante
Nebraska

6. States maintain voter registration databases.

Before the Help America Vote Act, voter registration information mostly was kept at the local level, in a database or on paper forms. Now, all states are required to have a centralized database at the state level that contains all valid voter registrations. Most states work closely with local jurisdictions to maintain them. The security of this information is increasingly important, with much of the cost again falling to states.

7. States provide resources or assistance in other ways, too.

Election costs can be broken down into many categories, some obvious, some less so. On top of sharing costs among jurisdictions and paying for technology and voter registration databases, at least some states also pay for:

- Statewide voter information
- Training for local election officials
- Compensation for local election officials
- Ballots or other supplies
- Polling places

8. Policy choices can affect costs.

“The choices legislators make can affect

the bottom line, even if it is often hard to make apples-to-apples comparisons,” says Minnesota Senator Mary Kiffmeyer (R). Legislators can choose whether to maintain traditional Election Day, keep precinct-based elections or move toward alternatives, such as pre-Election Day voting (vote by mail, early in-person voting) or vote centers. All come with costs.



Senator
Mary Kiffmeyer
Minnesota

9. States have choices.

States can fund elections through direct appropriations, statewide bond measures or dedicated revenue streams. Election administration is not often thought of as a revenue generator, but states have created new ways to pay for election expenses by selling election-related products (precinct maps, election jurisdictions), charging for certain election-related services or applying filing fees.

Legislators may also want to create a grant program or revolving fund to help localities update their technology.

10. Task forces can study election needs and options.

Because elections are a shared responsibility, legislatures are forming task forces that include legislators, executive branch administrators and local officials to work on funding election technology, improving security and considering new ways to run elections.

It's Up to States

Concerns about the expense of elections are nothing new. In 1934, in his landmark book, “Election Administration in the United States,” political scientist Joseph P. Harris wrote, “The cost is one of the most important aspects of the problem of election administration. It is, of course, secondary to honesty, accuracy and the convenience of the electors, but nevertheless is of great importance.”

His words are as valid today as they were 84 years ago.

➔ Look for “The Price of Democracy: Splitting the Bill for Elections” at ncsl.org/magazine.



BATTLE FOR NEUTRALITY

Washington lawmakers were the nation’s first to enact a bill restoring the net neutrality rules rescinded by the Federal Communications Commission. The measure, sponsored by Representative Drew Hansen (D), applies to all internet service providers operating in the state and outlaws blocking or slowing content or charging more for faster delivery of certain sites. The FCC argues that net neutrality regulations stifle business and has stated that it would pre-empt state or local attempts to reinstate the rules. Oregon recently enacted a net neutrality bill of its own. Five governors have issued executive orders requiring internet service providers to adhere to various net neutrality principles. Lawmakers in at least 30 states have introduced similar measures.

FREE-RANGE PARENTING

In Utah, free-range applies to more than chickens. The state is the first to enact a law stating that so-called free-range parenting—letting kids walk to school, play at a playground or do other things without adult supervision to help build self-sufficiency—isn’t neglectful. To allay concerns that the law could be used as a defense in child-abuse cases, lawmakers specified that children must be mature enough to handle an activity alone but did not detail age limits, so police and prosecutors can work on a case-by-case basis, Senator Lincoln Fillmore (R) told the Deseret News. Arkansas lawmakers considered but did not pass a similar bill last year.



NED DID IT. MAYBE YOU CAN, TOO

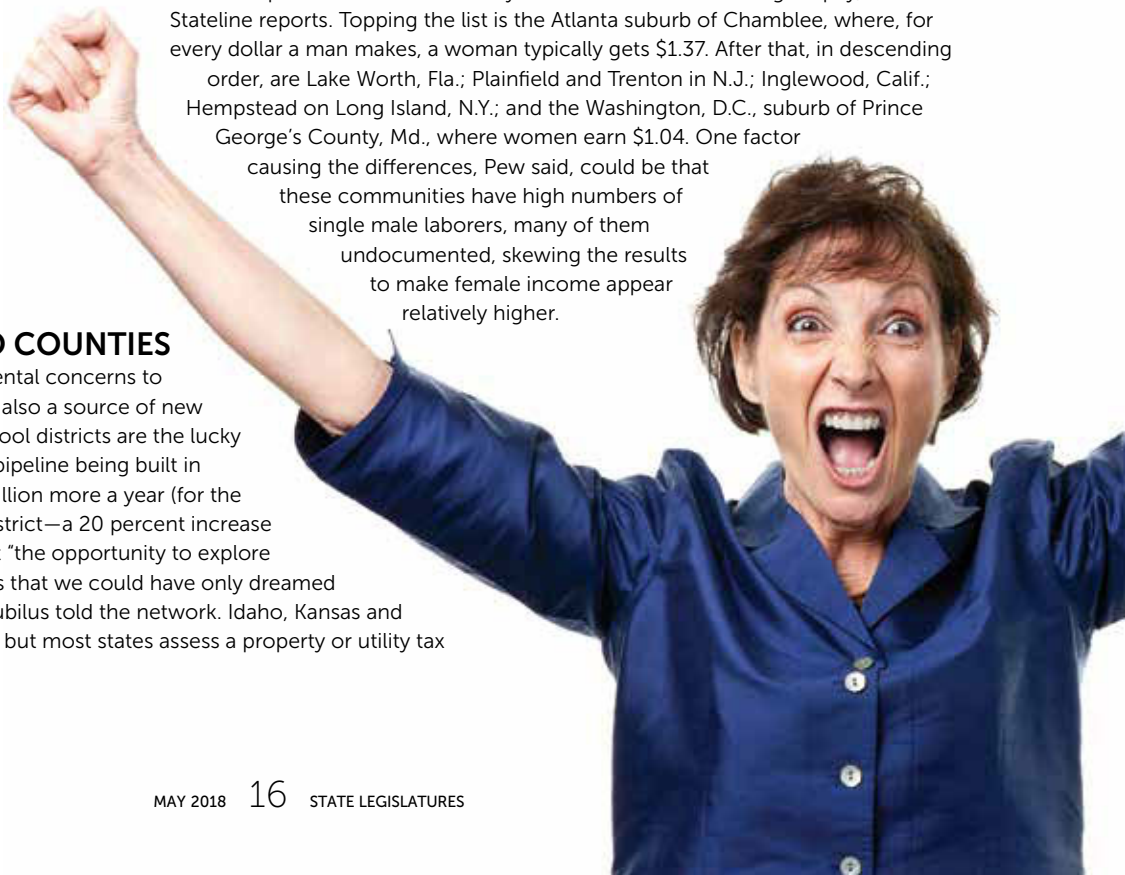
Thinking of a run for the governor’s office? If you’re a legislative leader, you might want to think again. Making the leap from leader to governor is rare, Governing magazine reports. For starters, few are likely to know your name outside your district. Second, “In a lot of states you can’t fundraise during session,” NCSL’s Tim Storey says. “Your caucus wants you to fundraise for them and you’re off fundraising for yourself—that causes problems.” And third, all those votes you’ve cast, some on sensitive topics, have created a record that your opponent could use against you. Still like your odds? Let the late Ned McWherter of Tennessee be your inspiration. He went from House speaker to governor in 1986, one of the few who has successfully made the transition.

WHERE WAGE TABLES ARE TURNED

Nationally, women earn less than 80 cents for every dollar men earn. But there are seven places across the country where women earn the higher pay, Pew’s Stateline reports. Topping the list is the Atlanta suburb of Chamblee, where, for every dollar a man makes, a woman typically gets \$1.37. After that, in descending order, are Lake Worth, Fla.; Plainfield and Trenton in N.J.; Inglewood, Calif.; Hempstead on Long Island, N.Y.; and the Washington, D.C., suburb of Prince George’s County, Md., where women earn \$1.04. One factor causing the differences, Pew said, could be that these communities have high numbers of single male laborers, many of them undocumented, skewing the results to make female income appear relatively higher.

NEW REVENUES PIPED INTO COUNTIES

New natural gas pipelines bring environmental concerns to many rural, often poor, counties. They are also a source of new revenue, however. And in some cases, school districts are the lucky recipients. NPR describes how taxes on a pipeline being built in Medina County, Ohio, could bring in \$5 million more a year (for the first five years) to the Cloverleaf School District—a 20 percent increase in its current budget. It will give the district “the opportunity to explore programming and options for our students that we could have only dreamed about in the past,” superintendent Daryl Kubilus told the network. Idaho, Kansas and Pennsylvania exempt pipelines from taxes, but most states assess a property or utility tax on them.





INTO THE CIRCLE

A new permanent monument on Virginia’s Capitol Square honors the achievements and legacy of the state’s Indian tribes. “Mantle,” designed by Mohawk artist Alan Michelson, consists of a coiling landscaped path that leads visitors to a central meditation area with an infinity pool. His hope is that visitors will move, even if briefly, “off the everyday grid and into the American Indian circle,” he says. The title refers to Powhatan’s Mantle, a cloak said to have been worn by the chief of the people living in Virginia’s Tidewater region at the time English settlers landed at Jamestown in 1607.

NEW GREEN MOUNTAIN GUN LAWS

Vermont is likely to be the second state after Florida to enact tough new gun restrictions after a teenage shooter killed 17 people at a Parkland, Fla., high school in February. The bill, which Governor Phil Scott (R) has said he would sign, would raise the minimum age to buy a gun to 21; prohibit bump stocks, which let semiautomatic rifles fire more rapidly; expand background checks; and limit rifle magazines to 10 rounds, though residents may keep larger-capacity magazines they already own. Scott, who had long resisted tighter gun controls, reportedly had a change of heart after a Vermont teen was arrested and accused of plotting a school shooting shortly after the Parkland incident.

TAXING PRESCRIPTION OPIOIDS

Lawmakers continue to wrestle with proposed taxes on prescription opioids. Separate measures in Kentucky would have taxed drug distributors based on the number of doses they sent to the state—one levying 25 cents per dose, the other \$1. Neither effort advanced. Minnesota lawmakers removed a bipartisan “penny-a-pill” fee from House legislation over concerns that drugmakers would pass the added cost on to patients. A Senate version was pending at press time. More than a dozen states have considered similar taxes in recent years to fund addiction treatment and prevention, though none have passed, based on NCSL research. The Pharmaceutical Research and Manufacturers of America, a trade association, has said the proposals could divert funds from the development of new non-opioid painkillers and treatments.



ALTERNATIVE TEXTS

Tuition isn’t the only rising cost college students and their families face. Textbook prices increased by 88 percent between 2006 and 2016, according to the Bureau of Labor Statistics. Washington state is the latest to enact a bill meant to save students money by offering grants to public four-year institutions to develop open educational resources as alternatives to textbooks. Such resources—syllabi, lecture notes, assignments, tests, projects, etc.—can be legally and freely copied, used, adapted and shared. The grants also can be used to hire on-campus advocates to help create open resources. California, Colorado, Connecticut, Florida, Maryland, Massachusetts, Oregon and Texas have enacted similar measures.



CHEAP LAND FOR SALE!

Rhode Island is plowing new ground. The state is starting a program to buy farmland and sell it cheap to beginning farmers, The Associated Press reports. The goal is to keep them from moving to other states, where land is cheaper. Under the program, the state will buy land at its full appraised value (its worth if developed), then resell it at the agricultural appraised value (its worth as a farm). That can be a savings of up to 80 percent off the full value. The condition is that it must remain a farm. Other states offer new farmers tax credits and loans, but no state has a program like this one, according to the National Farmers Union.

LEGISLATIVE STAFF WEEK

MAY 14-18

NCSL shines the spotlight on legislative staff and their many contributions. Enjoy their stories on the following pages and look for more on NCSL's website, blog and social media sites, or listen to Our American States podcast.

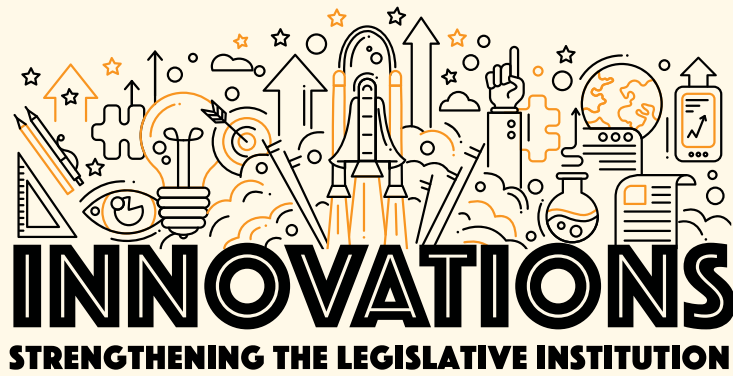
Many roads lead to NCSL. No matter which path you choose, NCSL is your organization!

IF YOU WANT

- 1 To connect with colleagues across the country**
 - Join a professional staff association
 - Attend a staff professional development seminar
- 2 To know what's happening in Washington, D.C.**
 - Participate in an NCSL standing committee and help guide NCSL's state-federal advocacy efforts.
 - Attend the Capitol Forum, Dec. 5-8 in Washington, D.C.
- 3 Professional development training you can do from your desk.**
 - Attend free NCSL webinars.
- 4 Research on the issues you cover**
 - Visit the NCSL website for policy reports, databases, state-by-state comparisons, State Legislatures magazine, staff contacts and more.
- 5 To share my ideas**
 - Give NCSL's Executive Committee and its Legislative Staff Coordinating Committee your input. We want to hear from you!
- 6 To share your ideas**
 - Attend the NCSL Legislative Summit, July 30-Aug. 2 in Los Angeles.

Learn more at nctl.org/legislativestaff or contact Angela.Andrews@nctl.org.





ARE YOU INNOVATING?

State Legislatures are constantly exploring ways to be more effective and to strengthen the legislative institution. Do you have a success story to share? Chances are good your idea can be applied in other states. Email Brian. Weberg@ncsl.org.

Miles of Virtual Service

A live chat feature on the Legislature’s website helps shrink Alaska’s vast distances.

BY TIM POWERS

The Alaska Legislature is always looking for new ways to remove physical distance as a barrier to legislative participation and reach constituents who may live as far away from Juneau, the state capital, as Sioux Falls, S.D. is from Washington, D.C.

For the 2017 session, the Legislature added a live-chat customer service feature to its website. Most of you are familiar with the idea. It’s like calling a store about a product or calling your phone carrier about your bill, except you type or text back and forth rather than talk.

In the Legislative Information Office, we wondered, “Can we offer legislative information through a chat service?” The answer has been a resounding “Yes.” Alaskans chatted 2,290 times with us in the first year, and use continues to grow. This year through mid-March, we’ve counted more than 700 incoming chats.

When constituents visit the akleg.gov website, the chat box appears in the lower right-hand corner asking, “Questions? Chat with LIO staff.” Clicking on the link opens a window where visitors can type in questions, which ring through to our legislative information staff computers, alerting us to an incoming request.

Staff can chat with several information seekers at once and, when unsure of



an answer, consult with colleagues through private communication channels. For questions that require in-depth research, the chat tool lets us create tickets so we can follow up after the initial inquiry.

The chat feature has increased the Legislature’s accessibility to constituents, and it took only a few hours to set up. It involved creating an account with a free messaging app (there are several; we used tawk.to) and placing a few lines of code onto the website. The look and feel of the chat window is customizable, and you can choose the hours when it will be available. We decided on 8:30 a.m. to 4 p.m. Monday through Friday.

In Alaska, there are enough nonpartisan staff to handle the incoming chat requests as part of their daily



Tim Powers
Alaska

workload. The Legislative Library staff help with requests that require looking at offline historical materials.

In the rare cases when users post inappropriate comments, we can ban their IP addresses. After more than a year, we have found site visitors’ reactions to be overwhelmingly positive. They value the near-instant feedback they receive to their questions.

Alaska’s use of technology to engage with constituents is nothing new. One of the Legislature’s great challenges is that the state spans more than 660,000 square miles, constituting approximately 20 percent of the U.S. land mass. Travel to Juneau—which is inaccessible by road—can be expensive and time consuming for many of the state’s 750,000 residents. Barrow, on the northern coast, for example, is 1,098 miles from Juneau in the south.

The Legislature addressed this challenge in the 1970s by launching the Legislative Information Office network, which now comprises 23 statewide offices offering nonpartisan support to remote constituents. The network’s staff oversee a teleconferencing service that allows constituents to testify during committee meetings via a home telephone or from one of the regional network offices. Nearly 20,000 callers presented more than a million minutes of testimony in 2017.

We look forward to expanding our use of teleconferencing and emerging communication tools like live chat to help shorten the distance between Alaskans and their Legislature.

Tim Powers manages information and teleconferencing for the Alaska Legislature.

WHY I LOVE THE LEGISLATURE

Legislative staffers tell us what drew them to the statehouse.

BY MEGAN MCCLURE AND HOLLY SOUTH

PORTIA PALMER

Clerk, Florida House



"I love that every week I find out a new responsibility of the office of clerk."

Public service runs in Portia Palmer's blood. The daughter of a physician who volunteered his services around the globe, she spent a year of high school in Tanzania while her father and uncle taught surgical techniques at the University of Dar es Salaam. Life overseas and dinners at the U.S. Embassy exposed her to State Department employees and diplomats, and the possibilities of government work.

After a few years in Florida working for the city of Miami and the state Republican Party, she took a job with the State Department and USAID as press director, followed by several years as an administrator at USAID for legislative and public affairs, working in development and humanitarian aid. She admires how everybody had the same mission and were pulling in the same direction. "A more passionate group of people I have not met," she says.

She frequently traveled overseas, often to conflict areas. This "adds a layer and challenge to the work—you don't always have connectivity, so you have to be creative," she says. "You're doing your work and surviving. I'm not a rugged type of person, but you get acclimated. ... It trains you in a certain type of way."

A new challenge—serving as clerk of the Florida House of Representatives—drew her back to the Sunshine State, however. "I love that every week I find out a new responsibility of the office of clerk. I love that it is consequential work and mostly behind the scenes. And then—my favorite responsibility—I'm the keeper of the reputation of the seal of the Florida House. That's very important. My second favorite thing is being the custodian of the bills. I personally sign every bill. I don't use an autopen because that helps me understand what's important to my clients [the representatives] and their constituents.

"My third favorite thing: maintaining the official record of the actions of the Florida House. That's a little piece of history. We have to make sure that there is a record and that it is accurate. So it's OK to be picky about where a comma goes, etc. I can get granular there! It has to be right, for the record."

Even with her impressive portfolio with the State Department and USAID, Palmer is awed by the significance of the Legislature's work. She has great appreciation for the work of "Team Clerk," as she refers to her office, and its dedication to the legislative process. As for working with a diverse, multigenerational staff? "It's a joy to experience," she says.

"I'm so grateful for the opportunity to serve the people of Florida."



Megan McClure is a senior staff assistant and Holly South is a policy specialist in NCSL's Legislative Staff Services Program.

TONY AITKEN

Public Space Manager
Washington Capitol Visitor Services



“Having fun is the only way to survive.”

Tony Aitken began his career as a seasonal tour guide at the Washington state Capitol and has risen through the ranks to become the public space manager, which he says is like being the campus “host.” Anyone wanting to conduct a function or gathering on Capitol property goes through him. His role includes helping with security, interpreting and enforcing rules, ensuring First Amendment rights and managing the facility.

Aitken’s professional mantra is “no surprises.” When planning an event, he coordinates with all those involved and determines, first, whether the activity is allowed. If not, he helps people find a satisfactory alternative. That ensures there are no surprises, he says. The job requires diplomacy and, often, strong negotiation and mediation skills.

Being able to laugh with his team goes a long way when dealing with angry people and the stressful situations they face. “Having fun is the only way to survive,” he says.

When things go well, you can be sure Aitken’s team is working hard behind the scenes, he says, so nothing disrupts the operation of government.

The quality he admires most in others is humility. “At the Capitol, we all play important roles and make important decisions that have serious implications,” he says. “Being a decision-maker who believes there is no work beneath them is admirable.

I also believe that we need to treat each other with respect and dignity, and that is even more important working at the Capitol.”

Aitken’s advice for legislative staff is, first, take care of yourself so the angry dialogue of opposing groups and disgruntled individuals doesn’t overwhelm you.

Second, communicate with other staff groups in the building about decisions you make and why. Clear and frequent dialogue is key. Remember, no surprises.

Third, be a role model. Help people succeed. Treat people in a way that shows them how to successfully engage with state government, he says, and they will pay you back with kindness and adherence to the rules. All in a day’s work for a no-surprises kind of guy.

KIERNAN MCGORTY

Principal Program Evaluator
North Carolina General Assembly



“The relationships I’ve cultivated with my colleagues inside and outside of my office bring me the greatest joy.”

No wonder Kiernan McGorty has a fondness for capital cities and legislative work. She grew up in Tallahassee, Fla., went to graduate school in Lincoln, Neb., and has spent her adult life in Raleigh, N.C.

When the North Carolina General Assembly began its Program Evaluation Division in 2007, it seemed to McGorty like a great opportunity to use her law degree and her Ph.D. in cognitive psychology. Both help her in doing research for the state’s lawmaking body. It’s exciting to be part of a newly created office, she says, with oppor-



tunities to help develop better ways to do business and deliver work products.

McGorty enjoys her job because every day in the legislature is different, she says, and the work is always challenging. She works in a small office, which requires everyone to be a generalist. Often, she knows little to nothing about an aspect of North Carolina government before beginning an evaluation of it, but within six months she and her team have become experts on the topic. She enjoys the challenge of succinctly communicating her newfound knowledge to policymakers so they have the information they need to make good decisions.

McGorty recently finished “operationalizing”—that is, transforming—a two-page 2017 law into a new assessment program. The law requires her team to do brief evaluations of new and existing state programs to determine whether they were well designed and are working as intended.

McGorty is proud of the results that come from the in-depth work she and her team do. During one evaluation, for example, she discovered \$8 million that the program directors didn’t realize they had. Their failure to compare actual receipts with projected receipts had resulted in the program being awarded less in grant money each year than they were entitled to.

She enjoys working in a small office where they often know more about each other’s day-to-day lives than do their family and friends. “In our division, we spend a lot of time perfecting our data analysis and report messaging,” she says, “but the relationships I’ve cultivated with my colleagues inside and outside of my office bring me the greatest joy.”

What Civics Educators Want You to Know



Fourth-graders visit the Colorado Capitol to get a peek into the world of state government.

PHOTO: THERESA HOLST, COLORADO LEGISLATIVE COUNCIL STAFF

BY ANGELA ANDREWS
AND MEGAN MCCLURE

If ever there were a time to renew our interest in civics education, it's now.

Recent surveys show we have a problem. Only a quarter of Americans can name the three branches of government; a third can't name even one, according to the Annenberg Public Policy Center. Fewer than 30 percent of fourth-, eighth- and 12th-graders were proficient in civics, according to the 2010 National Assessment of Educational Progress civics report. And not even half of Americans (45 percent) regard America's governors and state governments favorably, based on focus groups conducted last year by pollster Frank Luntz. (The federal government does worse, with just 27 percent having a favorable view.)

Dismal results like these have been making headlines for several years. In

Angela Andrews is a program director and Megan McClure is a senior staff assistant in NCSL's Legislative Staff Services Program.

response, state legislators have reconsidered their civics education requirements for students, hoping to strengthen democracy and increase citizens' participation in it.

Beyond the classroom, legislatures can play a crucial role in educating all residents about the people's branch of government, American democracy and the rights and responsibilities of citizens. Some legislatures have a designated staff member whose role is to conduct civics education programs through the legislature.

Often, these coordinators create, organize and distribute educational resources for capitol tours or for legislators to take into classrooms. Some welcome hundreds of visitors to their capitol each year. Many oversee internship and page programs for middle school, high school and college students. Others organize training programs for teachers and the public about the legislative process.

But, regardless of their roles and duties, their mission is the same: educating the public about the legislature and combatting the pervasive cynical assumptions made about lawmakers and government. For many, the goal is to "demystify" what happens at the capitol and let constituents know that "we are here for them," as

Tammy Wehrle, with the legislative education and research office of the Wisconsin Senate, puts it.

Here is what these educators want you to know.

Civics Are Crucial

Civics education is essential if people are to know how government works and legislation is made. Well-educated citizens have a higher level of civic engagement. Young people who recalled taking a high-quality civics course in school, for example, were more likely to vote, to form political opinions, to know of campaign issues and to know general facts about the U.S. political system, than those who didn't, according to a 2013 survey by The Center for Information and Research on Civic Learning and Engagement.

"An engaged and informed constituent translates into an involved citizen," says Theresa Holst, manager of visitor services for the Colorado Legislative Council. "The civic education received by visitors, including the thousands of fourth-graders who come to the Capitol on class field trips, promotes lifelong engagement."

As Kristin Alexander, civic education and intern coordinator for the Washington

Senate, puts it, “The better people are informed in how our government operates the better equipped they are to be participants in our democracy. Educated voters and citizens play an important role in making decisions that affect their communities and their own lives.”

Getting a range of people with varying experiences and opinions involved in civil discourse and participating in the legislative process can result in better, more thoughtful bills, say the educators.

“It’s like being a teacher—you’re always helping different people,” says Anne Ziaja, executive director of the Senate Office of Education and Civic Engagement in Massachusetts. She’s thrilled, she says, when someone she’s helped tells her they now understand the process or feel like they can do something about a concern. What’s even better, she says, is when someone decides to run for office after participating in one of her team’s educational events. “Knowing that when people leave, they have a positive understanding of their government, and that they can have an impact, and that lawmakers and staff are human beings and that 99 percent of us are trying to do the right thing”—it makes all the difference, she says.

Sheila Mason compiles the legislative record and coordinates outreach and the internship program for the Kentucky General Assembly. Connecting with constituents is crucial, she says, in helping them realize that the decisions being made in their state legislature affect them and that citizens have a role to play. “Civic education helps to make people aware that government exists and goes beyond what they may think.”

NCSL and Civics Education

The America’s Legislators Back to School Program gives elected officials an opportunity to meet personally with their young constituents and answer questions, share ideas, listen to concerns and talk about the legislative process.

NCSL offers publications and videos, free of charge, for students from elementary school to high school and hosts an online game, “The American Democracy,” that puts students in the shoes of a lawmaker to learn what it’s like to deal with public policy issues—the pressures, debate, negotiation and compromise.

Learn more at www.ncsl.org/backtoschool.

Knowing more empowers people to participate in government—and even appreciate that the vast majority of lawmakers and legislative staff really do have their constituents’ best interests in mind.

Everyone Is an Ambassador

Anyone who serves in or works for the Legislature is “an ambassador for the institution,” says Paula Rehwaldt, civic education and intern coordinator for the Washington House of Representatives. Legislators and staff are the face of the Legislature. They should consider it part of the job to be accessible, friendly and helpful—“to show constituents that they are there to listen to questions and refer them to good resources where they can get their answers,” she says.

Making good first impressions is important. Often, legislators and staff hear from constituents only when something is wrong or they are upset. By offering a sympathetic ear and a willingness to explain the process, legislators and staff can improve a constituent’s opinion of the institution and shine a positive light on the legislative process.

“When constituents know there are people in the institution who are calm, patient and willing to listen, they feel comfortable working with government,” says Holst, from the Colorado Legislative Council. That can help constituents understand that legislators are on their side and working hard on their behalf, she says. “Our goal is to make sure we are making the best possible impression.”

Sometimes, meeting a legislator or staffer may be the first time a constituent has ever interacted with state government. Take that opportunity to build a foundation of trust in the institution, Holst says. She uses the limited time she has with students during their Capitol visits “to teach them how important it is to be aware of civic responsibility, and that civil civic conversation can be practiced anywhere at any age.”

Supporting and participating in the programs available in your state are the biggest things you can do to further the mission of civics education. Whether you visit classrooms, make time to meet constituents at the capitol or recruit a page or intern, you can make a difference and strengthen your legislature—the people’s branch of government.

Legislative Civics Programs

Here are several examples of civics education programs offered by state legislatures.

Washington Legislative Scholars Program—An annual summertime opportunity for social studies, history, government and civics teachers to learn about the legislative process and the three branches of government. The program helps teachers develop lesson plans that integrate civics and citizenship into classroom instruction.

Massachusetts Citizens Legislative Seminar—A two-day seminar, held every fall and spring, to educate the public on the functions of the legislature. Established in 1976, it’s now run by the Senate Office of Education and Civic Engagement. Participants learn about the history of the General Court, the legislative and budget process, and engage in a mock committee hearing and floor session.

Wisconsin Senate Scholars Program—An intensive weeklong opportunity for 33 junior and senior high school students (matching the number of seats in the state Senate) to learn about the legislature, policy development and constituent relations.

Virginia’s Page Program—A chance for 13- and 14-year-old Virginians to assist with the day-to-day operations of the General Assembly. Students must apply to participate and commit to living in Richmond for the length of the legislative session.

That’s Not All

Many legislatures offer civics education, including resources on their webpages, internships and youth legislature programs, mock floor sessions and annual student government days, and partnerships with civics education programs and organizations—We The People, YMCA Youth in Government, Boys State/Girls State, to name just a few.



Powering Into the Future

The question isn't can we afford to upgrade the electric grid, but can we afford not to.

BY GLEN ANDERSEN

The century-old energy supply model, where utilities produce electricity in large, faraway power plants and deliver it over long distances, is being transformed. New industry players, new technologies and an increasing number of customers who want to produce their own electricity are driving the change.

The explosion of new technologies—from smart water heaters and thermostats to electric vehicles, rooftop solar panels, and energy storage—promise a cleaner, more efficient, and more reliable energy future. But they will require a modernized power grid, and a new regulatory approach, in order to function.

State legislators are finding that energy infrastructure—designed for a centralized grid with one-way energy flow—needs to be upgraded to accommodate two-way energy flows and the growth of an increasingly modular energy system. Massive infrastructure investments will be needed to create a 21st century grid, and finding the money won't be easy. But that's just part of the challenge.

State policies that currently govern the grid and the ways utilities do business with

Glen Andersen directs NCSL's energy program.

customers are being outpaced by technological advancements. Lawmakers will need to shoulder the task of updating policies and regulations that are ineffective or problematic in this rapidly changing energy market.

"The question is—what will the cost be to have a centralized 19th century electric grid in a decentralized 21 century artificial intelligence world?" says Washington Representative Jeff Morris (D).



Representative
Jeff Morris
Washington

The Cost of Inaction

The cost of modernizing the grid will be high, but the economic consequences of not doing so may be higher. According to a report by the American Society for Civil Engineers, if we continue to invest in our electricity distribution infrastructure at our current level, we will face funding gaps of up to \$94 billion by 2025. And, the economic costs of failing to meet infrastructure needs are even higher, according to the report. Given the growing reliance on electricity in nearly every facet of the economy, and the rise of data-driven commerce and industry, failing to upgrade will reduce the country's GDP by an estimated \$819 billion by 2025, according to the ASCE.

As more people generate their own energy and utilities downsize their generation sources, a fundamental shift is occur-

ring. Large, distant generation sources are being replaced by smaller, local sources located near energy consumers. Achieving a two-way energy system—in which customers are also producers, managers and market participants—requires building a more flexible, sophisticated grid and enacting supportive regulations that equitably compensate market players.

The challenge for lawmakers is crafting policies that promote investment in energy infrastructure while allowing innovative industries and new energy management approaches to flourish and compete where once only regulated monopolies could operate.

"A one-size-fits-all solution is politically and practically impossible. Understanding the different paths different utilities need to take to grid modernization is the biggest challenge," says Morris.

As energy stakeholders and policymakers across the country try to determine what approach is best for their state, they'll want to be knowledgeable about the many new transformational trends that are affecting electricity consumers and the energy industry. "Many state legislative members are part-time and not familiar with how the rapid pace of innovation and technology influence the growing energy market," says Nevada Senator Pat Spearman (D).



Senator
Pat Spearman
Nevada

A Smart New Energy Paradigm

Using smart meters and sensors, combined with communications technology and analytic software, utilities can monitor energy flows, identify failing components before they cause outages, and quickly locate and respond to power failures.

The existing energy grid is overbuilt to meet a few hours of peak energy demand annually, with the extra capacity going unused for most of the time. Smart-grid systems can smooth out fluctuations in energy demand, reducing the need to overbuild the grid and saving consumers money. Components of a smart system—thermostats, water heaters and air conditioners—can be programmed to use less electricity during peak energy times. And, when they are integrated with distributed energy and energy storage, they create a dynamic, resilient system.

Smart devices can also help utilities—and third-party energy suppliers—establish demand-response programs, which compensate industrial, commercial and residential participants who allow the utility to

adjust their water heaters or air conditioners during peak times. Shaping electricity demand in this way can delay or eliminate the need to build costly new power plants and delay the need to upgrade transmission and distribution infrastructure.

These new devices also reduce the potential for stranded costs, which tend to be higher with big infrastructure projects like transmission lines or power plants. Stranded costs are the revenues a utility loses when an investment becomes unprofitable due to escalating costs, shifts in the market, or fluctuations in policy. If investments don't pan out, a utility will often seek to recover those costs from customers.

An Interest in Distributed Energy

State policies that promote or allow distributed energy generation, along with newer technologies, such as natural gas microturbines, hydrogen fuel cells, photovoltaic solar panels, and energy storage systems, are fueling grid modernization efforts.

Utilities are rapidly installing many of

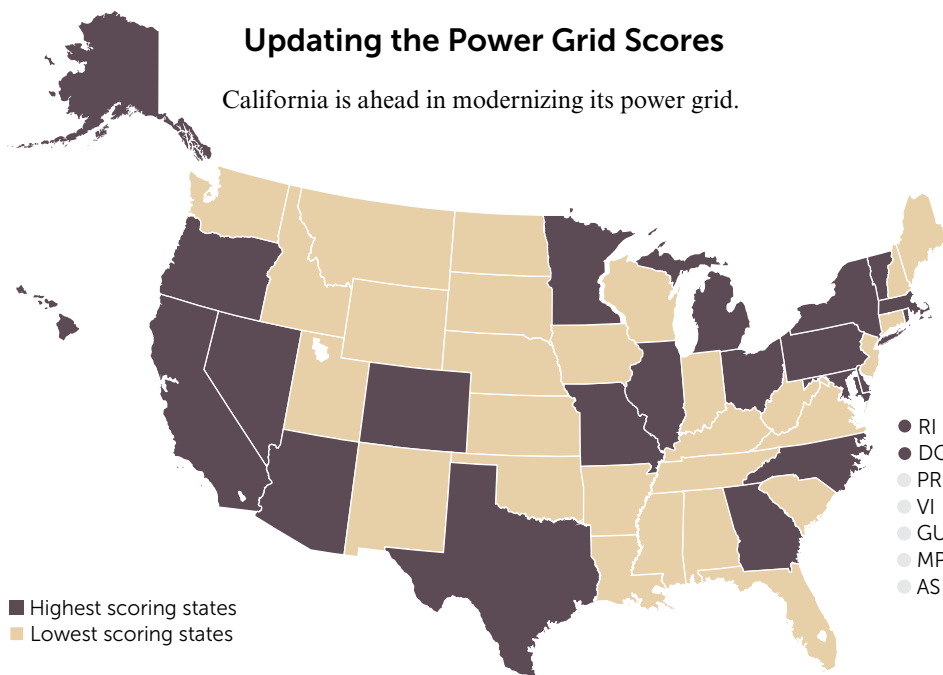
When All Else Fails

Grid advancements have already proved useful when disaster strikes. As wildfires ravaged the California countryside last fall, the microgrid at Stone Edge Farm in Sonoma operated independently for 10 days after flames knocked out power from the main grid. The microgrid includes 300 Kw of rooftop solar, a natural gas microturbine, hydrogen fuel cells, battery storage and a control system. Even after being evacuated, the owners could operate the microgrid remotely.

Microgrids also were vital in Houston during Hurricane Harvey last summer, when several grocery stores that had installed natural gas lines and microturbines could remain open during power outages, keeping food refrigerated and available to the public. Residential customers are also interested in resilient energy—some companies are now selling battery and solar packages to help homeowners keep their lights on during outages.

Updating the Power Grid Scores

California is ahead in modernizing its power grid.



Note: States and D.C. are scored on how far they have moved toward a modernized electric grid based on these three areas.

State Support: plans and policies that support grid modernization

Customer Engagement: rate structures, customer outreach, and data collection practices

Grid Operations: the deployment of grid modernization technologies such as smart meters, sensors, controls and analytics

Source: *The GridWise Alliance, in collaboration with Clean Edge, March 2018.*

these technologies, and consumer demand continues to grow. Large commercial and industrial electricity consumers—General Motors, Kellogg's, Google, Walmart and Citibank, among many others—have pledged to power their operations completely with renewable power, either by generating the electricity themselves or buying it on the market.

Aside from pledges and policy, the motivation is economic. Solar is already competitive with fossil fuels in Arizona, Nevada, Texas and other sunny markets. And the International Renewable Energy Agency forecasts that solar will cost the same as or less than fossil fuel nationwide by 2020.

Nearly 95 percent of net new electricity capacity added to the U.S. grid in 2017 was renewable, according to the U.S. Energy Information Administration. That figure accounts for the retirement of older fossil fuel plants. The trend indicates that utilities are finding renewable energy resources to be easier to site, finance and build than many traditional sources.

Distributed energy is also getting a boost from low natural gas prices, which are speeding the growth of small scale natural



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gas electric generation, allowing customers to produce their own electricity and heat. Cheap natural gas has been instrumental to the growth of renewables, since natural gas generation is flexible and can be adjusted quickly in response to renewable generation's fluctuations throughout the day.

States Catch Up

Lawmakers in 39 states proposed or enacted 288 grid-modernization policies in 2017, according to the North Carolina Clean Energy Technology Center. Although many focused on deployment of smart meters and energy storage, some addressed more challenging questions, like how to regulate utilities in a way that aligns their interests with those of their customers and opens competition to more players.

Nevada—which produces the most per capita solar power of any state and has many large corporate consumers that own solar generation—has been at the forefront of updating its grid through legislation.

“It was vital to identify ways for continuous improvement in the current energy statutes and to provide a legislative structure that was both concrete and responsive to ever-changing scenarios,” Spearman says. She sponsored three related bills in 2017: one to encourage energy storage; another to require electric utilities to create distributed resources plans; and a third to create annual energy efficiency goals with rewards to utilities for meeting them. All three were enacted in 2017.

In Minnesota, recently enacted legislation requires utilities to consider lower cost alternatives to meeting energy demands when proposing new high-voltage transmission lines or large power plants. Among the alternatives are increased efficiency, demand response, distributed generation and battery storage.

Statutes also require the state's largest utility, Xcel Energy, to file biennial reports identifying investment needs that will enhance both communication with customers and the reliability of the distribution system. Such needs might include two-way meters, control technologies, energy storage and microgrids, and technologies to enable demand response.

These efforts help Minnesota's PUC

determine what to fund through rate increases. The legislation also requires Xcel to identify where in its system small-scale distributed generation is appropriate and the upgrades needed to incorporate that technology.

Illinois, which passed grid-modernization bills in 2011 and 2016, ranked second in Gridwise Alliance's Grid Modernization Index. The Future Energy Jobs Act, passed in 2016, created incentives for utility efficiency and demand-response investment and builds on previous smart-grid efforts with modern regulatory and pricing approaches. It also removes market barriers to real-time power pricing options.

“Illinois is now a leader with New York in helping its grid move forward and evolve in the 21st Century,” says Illinois Senator Sue Rezin (R). “Illinois chose to keep its highly reliable nuclear fleet operating at full speed for the next 10 years while phasing in the energy efficiency programs.”

Along with grid updates, the new law requires the Chicago area grid to hit 21.5 percent energy efficiency reductions by 2030, while the rest of the state must meet a goal of 16 percent by 2030. “All of these goals protect energy consumers with hard price caps to prevent price spikes,” Rezin says.

One of the biggest challenges states face is revising the utility regulatory and business model, so that customers who generate their own power and a growing number of private-sector energy providers can participate. Since utilities are regulated monopolies, for which reliability is a primary goal, they can be slow and circumspect when it comes to change.

New York has taken bold steps to better align utility and customer goals. The state's approach is to move away from traditional utility compensation schemes toward those that reward innovation, efficiency and customer service.

Characteristic of this approach is Consolidated Edison's Brooklyn-Queens Neighborhood Program. Instead of building a new \$1.2 billion substation to meet a growing electricity demand, ConEd asked outsiders for alternative proposals. It

New Player: Energy Storage

As states modernize their energy systems, many are investing in batteries, which allow energy to be stored for use during peak times while providing cost-saving, reliability and efficiency benefits. Energy storage can eliminate the need to build a new power plant, enable solar or wind energy to be stored and used when needed, and deliver power during natural disasters or when the grid fails.

Although storage is a new player in the electricity sector, its prices have declined rapidly, increasing its competitiveness, even against natural gas in some cases. In February, Arizona's biggest utility selected a 65-megawatt solar farm combined with a 50-megawatt battery system to supply electricity between 3 and 8 p.m., when demand peaks. Remarkably, the solar-plus-storage bid beat out even the proposals from power plants burning inexpensive natural gas.

Four states—California, Massachusetts, New York and Oregon—have now set legislative mandates for energy storage, and several others have enacted bills to study, fund or consider storage targets.



Senator
Sue Rezin
Illinois

selected one that met the increased demand with distributed energy resources at a cost of \$200 million. The utility was rewarded by earning as much profit as it would have received had it installed the substation.

Benefits on the Horizon

Energy storage, distributed generation, demand response, energy efficiency, grid controls—these new technologies are the components of a responsive, modern electric grid. They're being used individually or in tandem to delay or eliminate the need for expensive new power plants, transmission and distribution lines, transformers and other equipment.

Although these solutions can be more complex and require more creative approaches, the benefits to customers, the economy and the environment can be significant. “As the internet of things moves forward,” Washington's Morris says, “the choice of who and how intellectual property gets to compete for market share will be determined by the customer, not government or utilities.”



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A Short Look at Long-Term Services

As the population ages and new technologies allow more independence for those with disabilities, states are re-evaluating their long-term services and supports systems. And, because Medicaid remains the largest single payer of these services, state policymakers have a keen interest in improving them in ways that also control costs. Medicaid accounted for 19.7 percent of spending from state general funds in FY 2015.

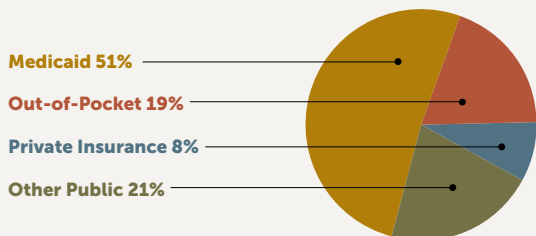
AARP’s Public Policy Institute, The Commonwealth Fund and The SCAN Foundation created a “State Scorecard” to quicken the pace of enhancements to long-term services and supports. By providing comparable state data, the scorecard tracks each state’s performance and progress and identifies areas for improvement. In its third year, the scorecard measures several indicators in five categories considered essential to high-performing long-term services and support systems:

1. Affordability of and access to services
2. Choice of service setting and provider
3. Quality of life and quality of care
4. Support for family caregivers
5. Effective transitions between care settings and medical facilities

—Samantha Scotti

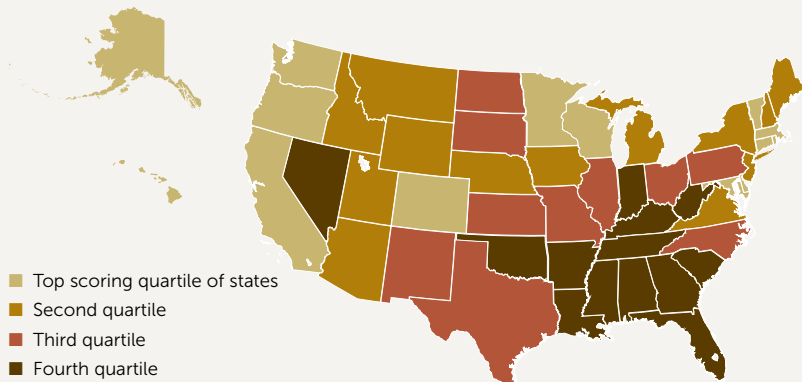
Who Pays for Long-Term Services and Supports?

The country spent \$310 billion on a wide array of long-term services in 2013.



Where States Line Up

Each state’s overall performance was measured across the scorecard’s five categories.



Sources for pie chart: Kaiser Commission on Medicaid and the Uninsured estimates based on 2013 data from the Centers for Medicaid and Medicare Services’ National Health Expenditure Accounts; for other charts: State Long-Term Services and Supports Scorecard, 2017

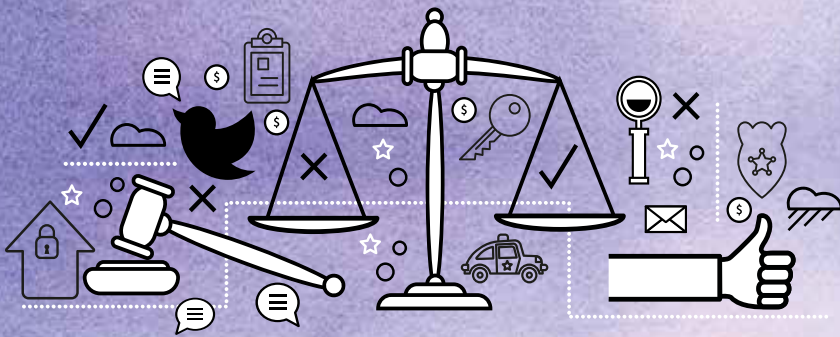
What Are These Services?

Long-term services and supports help older adults and people with disabilities or chronic diseases accomplish everyday tasks, like bathing, dressing, driving to the doctor, going grocery shopping, preparing meals, taking their medicines and managing a home—activities many of us take for granted. These services can last for several weeks, months or years and are offered through nursing homes, home health aides, personal care providers, transportation drivers, adult day care programs, as well as family members.

Areas of Improvement

The scorecard shows 23 areas in which at least one state has improved since 2015. The most active areas have been in reducing the use of antipsychotic drugs in nursing homes (48 states) and offering more person- and family-centered care (42 states).

Indicator	Improvement Performance	Decline	No Significant Change	Missing Data
Affordability and Access				
Nursing Home Cost	5	4	42	0
Home Care Cost	5	0	46	0
Long-Term Care Insurance	0	3	47	1
Low-Income People with Disabilities with Medicaid	15	4	32	0
People with Disabilities with Medicaid LTSS	4	5	39	3
Choice of Setting and Provider				
Medicaid LTSS Balance: Spending	17	7	27	0
Medicaid LTSS Balance: New Users	29	10	11	1
Home Health Aide Supply	24	6	21	0
Assisted Living Supply	7	7	32	5
Subsidized Housing Opportunities	28	0	23	0
Quality of Life and Quality of Care				
People with Disabilities Rate of Employment	5	21	25	0
Nursing Home Pressure Sores	14	2	35	0
Nursing Home Antipsychotic Use	48	1	2	0
Support for Family Caregivers				
Supporting Working Caregivers	9	1	41	0
Person- and Family-Centered Care	42	2	7	0
Nurse Delegation and Scope of Practice	24	1	26	0
Transportation Policies	3	10	38	0
Effective Transitions				
Nursing Home Low Care Needs	9	6	34	2
Home Health Hospital Admissions	10	1	40	0
Nursing Home Hospital Admissions	20	2	26	3
Burdensome Transitions	29	4	18	0
Long Nursing Home Stays	35	1	15	0
Transitions Back to Community	5	21	25	0



YES, NO, MAYBE SO

ETHICS IN THE WORLD OF LEGISLATURES



Why do legislative ethics matter?

Years ago as an intern at a campus law office, part of my job was working a table during orientation for new students.

I explained to incoming freshmen and their parents that our office could help them decipher employment contracts, get security deposits back from landlords, file taxes, and just about everything in between. All of it was free. Despite that, roughly a third of parents made the same joke: “My kid better not have to see you!”

Legal services and ethics share this tendency to be viewed too narrowly. Lawyers come in handy for more than getting people out of trouble, just as ethics is more than an abstract study of hypothetical moral dilemmas.

Ethical values form the basis for practically every decision. For example, a legislator may support a bill based on the belief that its enactment would result in a stronger economy. The view of a strong economy as “good” is a type of ethical determination. Value judgments, such as crime is bad or public health is good, underlie practically all policymaking.

Examining the consequences of an act is one of two major branches of ethical analysis. The other branch considers the act itself. To understand this distinction, imagine that a legislator accepts a bribe to vote for a bill that strengthens the economy. The legislator may be ethical from a purely consequence-focused perspective because the corrupt vote results in a good law. Legislative ethics rules look at public officials’ motivations and behaviors, however, and in this case, when those are considered, the legislator’s act would universally be considered unethical.

Getting back to the question of why ethics in government matters, the answer depends partially upon who is asking. Members of the public, legislators and the legislature as an entity all benefit from ethics rules in different ways.

Average citizens tend to suffer the most in the absence of ethical governance. Consider again the hypothetical of a corrupt lawmaker paid to support good legislation. Policies contrary to the public interest would be more likely to require inducement, not good legislation.

Research correlates rampant corruption with increased costs for goods and services, infrastructure deterioration, severe pollution, poor public health, unequal economic opportunity, famine, conflict and other social problems. Strong ethics rules benefit the public by helping to ensure fair democratic processes and effective representation.

Ethics oversight benefits public officials by providing a sort of instruction manual on proper conduct. Rules help prevent mistakes stemming from the subjectivity about what might seem right or wrong in a particular situation. Legislators who follow effective moral guidelines will avoid engaging in acts that may appear inappropriate, illegal or embarrassing, even if they aren’t.

Legislatures maintain a collective reputation. The misdeeds of a few members can tarnish the perception of an entire body. Ethics rules and oversight mechanisms attempt to discourage bad acts and punish bad actors with the aim of enhancing public confidence in government. A well-regarded legislature benefits from a higher degree of credibility and public support. Scandal-ridden governments, on the other hand, tend to face substantial difficulty in shaping public policy.

Moral action may hold inherent value based on certain views. Theological arguments may promote the performance of good deeds regardless of self-interest or any greater social benefit. Kantian philosophy considers moral action as an end in itself. Natural law emphasizes the importance of righteous action as determined by rules derived from nature.

It’s surprising how important a role ethics plays in our lives, yet it is so often taken for granted. It seems to come up only when something goes wrong, sort of like lawyers. But, also like lawyers, you would certainly notice if ethical principles weren’t around anymore.

—Nicholas Birdsong

Nicholas Birdsong is a policy associate with NCSL’s Center for Ethics in Government. Care to share how ethics is important to you? Contact Nicholas at nicholas.birdsong@ncsl.org.

Joe Scarnati

President Pro Tempore, Pennsylvania Senate

A native and champion of rural Pennsylvania, Joe Scarnati is serving his fifth term in the state Senate. After graduating from Penn State DuBois, Scarnati became a third-generation business owner and served on the Brockway Borough Council and the Jefferson County Development Council. He has been president pro tempore since 2006, including the three years he served out the term of Lt. Governor Catherine Baker Knoll, who died in 2008.

What are the characteristics of a good leader? You need courage, you need wisdom and you need the ability to know when you don't know what to do. You have to surround yourself with people that are smarter than you. I feel like that's the success I've had in this position. My coworkers—and I always refrain from saying staff because they're not staff, they're my coworkers—care deeply about getting things done right. They challenge me, and I appreciate that.

What are your legislative priorities? Clearly, our top legislative priorities sometimes get moved by current events, and nothing has struck every legislator more than the issue of school safety. We are taking a much closer look not only at the funding levels, but also at what types of school safety projects we can use that money for. In addition, my fight for rural areas getting their share of whatever the program is, whether it's highway dollars or education dollars, has probably been my highest mission since I've been here.

How has being a small-business owner shaped your perspective as a legislator? I grew up in a family that had been in the restaurant business for 70 years. I was a third-generation owner for 20 years. Just in the last three years my wife and I bought a candy company that was founded back in the '50s. I've spent a lifetime signing the front of a paycheck, not just the back. And when you sign the front, you're responsible for the workers' compensation policy for your employees. You're responsible for the unemployment compensation, payroll and benefit package. You're dealing with bureaucracy. From that perspective, when somebody is introducing a bill or has an idea, I put my hand up as that businessman. I like to tell everybody that I've got skin in the game.

How do you feel about efforts in Pennsylvania and elsewhere to reduce the size of the legislature or make it part time? My biggest fear with not having a

Jane Carroll Andrade, a contributing editor to the magazine, conducted this interview, which has been edited for length.

full-time legislature is that you cede a lot of operations to the executive branch. I'm a real defender of the separation of powers and our individual, unique responsibilities. Over the years, we've been able to balance that with our presence here in Harrisburg. So can we reduce the size? Absolutely. Would it impact anything? I don't believe it will.

The U.S. Supreme Court recently let stand a congressional map that was redrawn by the state Supreme Court. Your thoughts?

We were being sued because we had gerrymandered seats for Congress. The maps were drawn under the rules and parameters that were set when we drew them, but I never disputed whether the maps could have been more compact or drawn differently. But what I dispute—and I still vigorously dispute—is that neither the Pennsylvania Supreme Court nor any court across the country has the constitutional power to draw these maps. This was a separation-of-powers issue. I believe the Pennsylvania Supreme Court has trampled over the Constitution, and I believe that the federal Supreme Court has failed to uphold the Constitution.

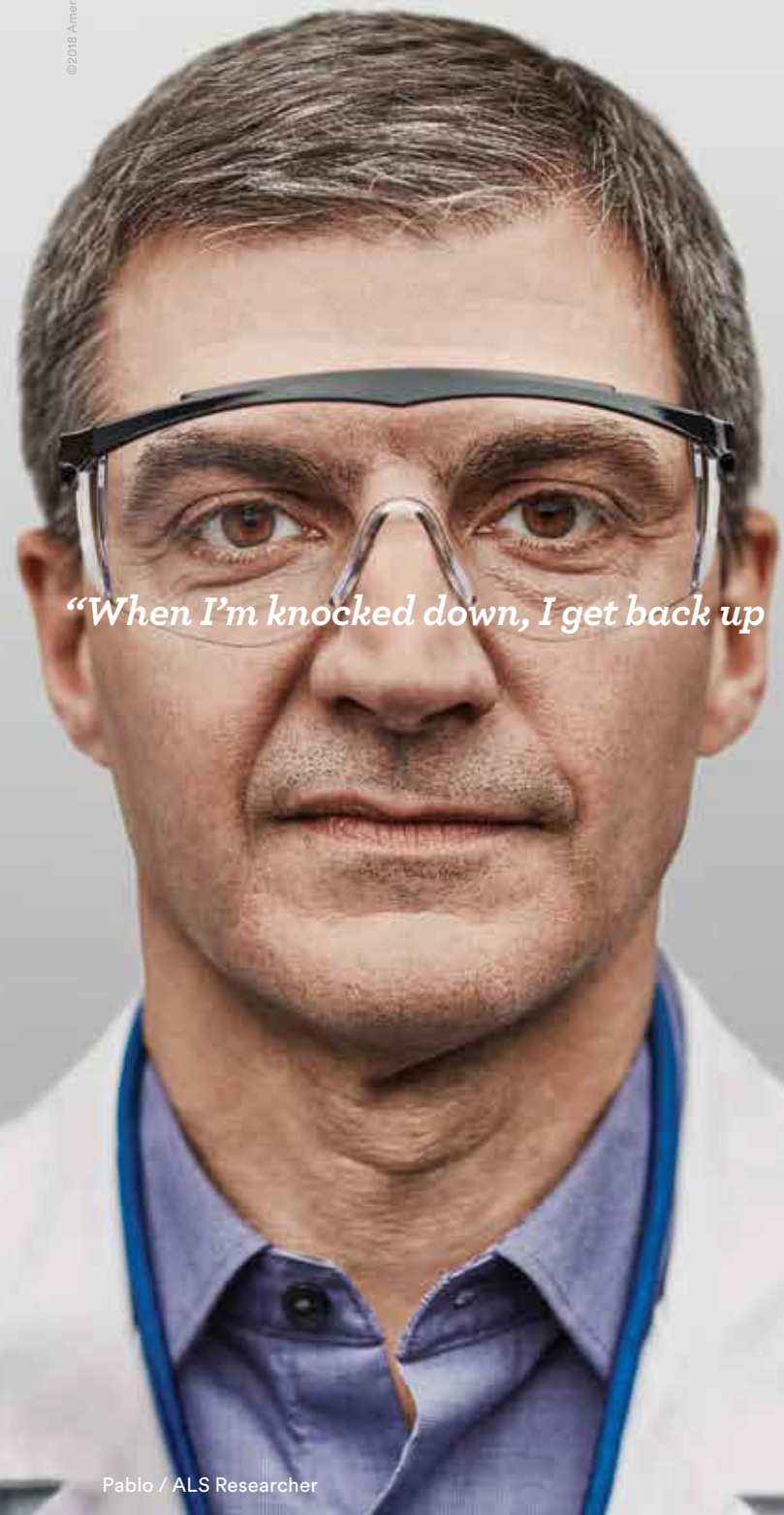
What led you to seek public office? I ask that question all the time of myself. I was a county chairman and, at the time, the sitting state senator was convicted of a federal offense. He resigned from office, was put in prison, released with an ankle bracelet, then got on the ballot to run for re-election. I said to myself: I cannot support this guy. This guy has no business running. And, quite frankly, I want to do something about it. So I reregistered as an independent and ended up running in a three-way race. I won by 197 votes.

How do you stay at the top of your game? At 56 years old, I've never felt better. My wife and I do a lot of bicycling and we try to live a healthy lifestyle. I'm not afraid to make decisions either. My constituents and the people I work with, they just want a decision. They want somebody to call the balls and strikes here, and I do that.

What are you reading? The book on my nightstand is because of NCSL. I went to the leadership conference in Normandy, France, and I'm reading [Cornelius Ryan's] "A Bridge Too Far," about the post-Normandy battle for the bridges into Germany. It's a great lesson in maybe reaching too far.

What final words would you like to share? It's real simple. Go out on top. Don't wait to be pushed out the door. Don't wait for the ballot box to push you out or a subpoena or a coffin. Go out on top.





“When I’m knocked down, I get back up



because I choose to fight.”

Pablo / ALS Researcher

Pat / ALS Patient

Researchers battling ALS are also battling time — so progress in the methodology of trials is accelerating, with innovations designed to yield more insight from each test in a shorter time and, ultimately, effective treatments. **Welcome to the future of medicine. For all of us.**

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