

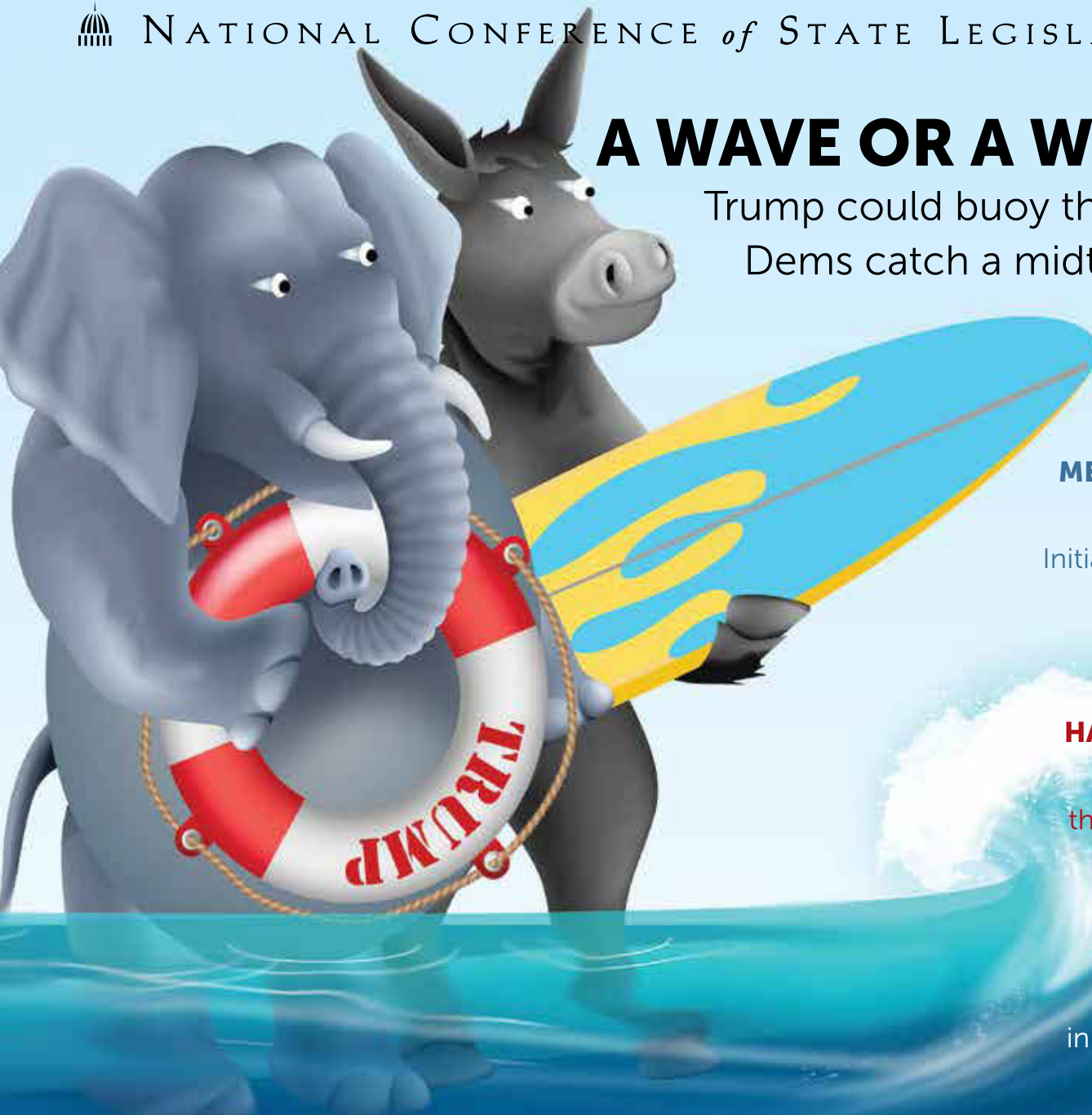
September/October 2018

STATE LEGISLATURES

 NATIONAL CONFERENCE *of* STATE LEGISLATURES

A WAVE OR A WASH?

Trump could buoy the GOP if
Dems catch a midterm ride



MEASURE FOR MEASURE

Initiatives Crowd
Ballots

HALTING HARASSMENT

#MeToo in
the Legislature

ABOVE THE DIN

Engagement
in Angry Times

“The answer we were pursuing

Boris / CAR-T Researcher

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New NCSL Officers

Every year, NCSL welcomes a slate of dedicated new officers. This year, we say hello to our new president, Illinois Senator Toi Hutchinson, and our new staff chair, Jon Heining, with the Texas Legislative Council.

Here's why they value NCSL and what they most look forward to as they start their new roles.

TOI HUTCHINSON



“Through NCSL you can create relationships with people you wouldn't even talk to in the thick of your own home politics.”

“I love visiting and getting to know my colleagues from across the country,” Hutchinson says.

“I look forward to hearing new ideas or finding another legislator from a different state who may be just as frustrated as I am about a particular issue and hearing how they handled it... Sometimes those conversations are quite surprising.”

Hutchinson has earned a reputation as a highly effective and well-regarded public servant with a strong commitment to her south-suburban Chicago district.

Since joining the Senate in 2009, Hutchinson's priorities have been modernizing Illinois' tax structure, protecting women and children from violence and exploitation, supporting construction projects that create

jobs and maintaining the state's position as an international transportation hub.

As chairwoman of the Senate Revenue Committee, Hutchinson has worked hard to ensure the state doesn't balance its budget “on the backs of middle-class families” and to help “working families keep more of their hard-earned money.”

Hutchinson most values NCSL's “top notch” state services. “We have committees that mirror most of our state capitols,” she says. “Whatever you're interested in, you can probably find it on a committee or task force. We will visit legislators in their own capitols and provide testimony and research on state bills. And above everything else, you can create relationships with people you wouldn't even talk to in the thick of your own home politics.”

“My biggest goal is to make sure I leave NCSL stronger and prepared to weather the storms that hyperpartisanship brings. ... I honestly believe that NCSL makes stronger legislators. Strong legislators strengthen the institution of the legislature itself—a coequal branch of government that must work for our democracy to withstand whatever challenges come our way.”

Like so many NCSL members, Hutchinson, a mother of three, says balancing a busy life in the legislature with family commitments is all about teamwork.

“Praise is due to the families who support us when we embark on public service careers,” she says. “There is no such thing as an elected person that could do this without the incredible backup our families provide.”

And when she isn't working? “There is nothing better than good wine, good friends and a great band!”

JON HEINING

Each of us interacts differently with NCSL, but NCSL provides important services to all.”

“I'm looking forward to hearing from state legislative staff from around the country,” Heining says. “This role affords me



the opportunity to influence this vital organization in ways that benefit both NCSL and the legislative staff it serves.”

Heining wants to focus on NCSL's training programs and ethical and legal resources.

“I want to ensure that NCSL remains a healthy, useful and influential organization in the years to come,” he says. “But I don't have all the answers. To the legislative staff reading this: Let me know what NCSL can do for you.”

Heining began working for the Texas Legislature in 2003 as a bill analyst and attorney to the lieutenant governor. In 2006, he joined the Texas Legislative Council, where he drafts legislation and contracts, addresses personnel issues, reviews analyses of legislation, provides advice on ethics and open records law, and assists with parliamentary issues.

He has served on NCSL's Legislative Staff Coordinating Committee for five years and the NCSL Executive Committee since 2014.

What he most values about NCSL, he says, is its “multiplicity of services.”

“While a policy staffer might talk about the excellent research NCSL provides, an information technology staffer would probably talk about how valuable it is to see how other legislatures deal with problems similar to the ones they confront... Each of us interacts differently with NCSL, but NCSL provides important services to all.”

Like Hutchinson, Heining embraces the challenge of balancing his busy professional and personal lives.

“I have to work really hard!” he says. “Thankfully, my wife, my boss and my colleagues are supportive of me and NCSL's mission.”

When he can find spare time, Heining enjoys scuba diving, preparing and eating smoked meats and, as he puts it, “garden- ing poorly.”



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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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Meet Virginia House Speaker KIRK COX

"I really try, with every bill that I'm passionate about, to read everything I can about it. I have my staff come in and ask me every possible question."

SL ONLINE

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

➔ Go to ncsl.org/magazine

To contact any legislator or legislative staffer quoted in a State Legislatures story, please log on to your State Net account.



Snapshots From Summit

THAT'S A WRAP!

NCSL's 44th annual Legislative Summit was produced on location in Los Angeles and nearby Tinseltown this summer. More than 5,000 legislators, staffers and others representing all 50 states, most of the territories and 20 countries attended policy sessions and networking events to share their own experiences and learn from colleagues. All went home with fresh perspectives and more than a few new contacts.

If you couldn't make it to L.A., plan now to join us in Nashville, Tenn., Aug. 5-8, next year. Until then, find recorded sessions and other resources from this year's Summit at nctl.org/summit.



NEW OFFICERS. From left, Vice President Scott Saiki, Hawaii House speaker; President-Elect Robin Vos, Wisconsin Assembly speaker; President Toi Hutchinson, Illinois senator; Immediate Past President Deb Peters, South Dakota senator; Staff Chair Jon Heining, Texas Legislative Council; Staff Vice Chair Martha Wigton, Georgia House Budget and Research Office; Immediate Past Staff Chair Chuck Truesdell, Kentucky Legislative Research Commission.

"Had lots of great conversations with folks from around the country and the world."

—Kristin Neville, American Occupational Therapy Association, on Twitter



RAFFLE TIME. Virginia Senator Emmett Hanger, left, a longtime guitar player, had two reasons to smile during the kickoff breakfast for next year's Summit in Nashville. It was his birthday, and he won the guitar raffled off by the Nashville Area Chamber of Commerce. Fittingly for Hanger, who says he plays "mostly country," the ax was signed by a mostly country lineup of performers: Lady Antebellum, Chris Janson, Shannon Sanders, Kid Politics and Katie Schecter.

SUMMIT

BY THE NUMBERS

5,091
ATTENDEES

393
SPEAKERS

212
EXHIBITING
ORGANIZATIONS

129
POLICY SESSIONS

84°
AVERAGE AUGUST
TEMP IN L.A.

HEALTHY WORKPLACES. Johnny Taylor Jr., president and CEO of the Society for Human Resource Management, spoke about creating harassment-free workplaces. "Cultural change is the most important thing you can do—all of us can do—to make sure all people in the workplace are respected, valued and empowered to succeed," he said.



"Great discussion on healthy workplaces at this morning's general session."

—Arkansas Representative Greg Leding, on Twitter

"Really glad discussions about #MeToo and harassment in legislatures are taking place at #NCSLsummit."

—Andrea Johnson, National Women's Law Center, on Twitter



ALL THAT JAZZ. Illinois Senator Toi Hutchinson, above, joined the Opal Staples Orchestra onstage during the "Jazzin' With Toi" reception on the Terrace at the Grammy Museum.

"I'm proud of our senator, Toi W. Hutchinson, president of the National Conference of State Legislatures."

—Illinois Representative Emanuel "Chris" Welch, on Twitter



NETWORKING. One of NCSL's former presidents, Senator Dan Blue of North Carolina, above left, was among the many taking part in the new State Networking Event, giving attendees a chance to catch up with colleagues, renew acquaintances and make new connections.

THE POLLSTERS. Polling experts Margie Omero, left, and Kristen Soltis Anderson, co-hosts of the podcast "The Pollsters," teamed up for a discussion of the midterm election landscape. Predicting outcomes is tough, they said, given the nationalization of state races. "People on both sides of the aisle feel something is off," Omero said. Young voters could make a big difference—if they show up, Soltis Anderson added.



Bring on the Big Data

State legislatures increasingly are using big data in new ways to develop more effective policy. Nineteen states now have chief data officers whose main job is to create data-driven solutions for a range of issues from criminal justice to natural disaster mitigation and response.

Big data is precisely what it sounds like: huge collections of information. The amount stored worldwide rose from three zettabytes in 2012 to 16 zettabytes in 2016. By 2025, it's expected that we will have collected 163 zettabytes of data. How much is that? A lot. One zettabyte equals 1 billion terabytes or 931,322,574,615.48 gigabytes. Put another way, it's the equivalent of "250 billion DVDs, 36 million years of HD video or the volume of the Great Wall of China, if you allow an 11-ounce cup of coffee to represent a gigabyte of data," according to the tech website engadget.

These data collections are so vast that traditional data analysis no longer works. The valuable patterns and useful information that lie within the collections, however, can be studied by using predictive analytics software.

Five state agencies in Massachusetts, for example, analyzed their combined data to find patterns that might help in the fight against opioid deaths. Analysts found that most opioid-related deaths resulted from illegally obtained drugs, and that people recently released from prison were 56 times more likely to die of an overdose than others. As a result, alerts were added to the prescription monitoring system, and the Department of Public Health now works directly with the Department of Corrections on prison release procedures.

Big data is also big business. To encourage the development of the industry, some states offer tax incentives. In 2013, lawmakers in Arizona and Illinois passed bills exempting data center equipment from sales taxes. Texas lawmakers eliminated most of the sales tax on new data centers larger than 100,000 square feet and in which at least \$200 million is invested.

Federal agencies have offered incentives as well. In 2015, for example, the Bureau of Justice Assistance awarded \$22.5 million to state and local police departments that wanted to use, but couldn't afford, body-worn cameras. The trove of information collected by the devices can be useful when developing state and local policy.

States and policymakers have greater access to big data than ever before. Using big data can save money and lead to innovative solutions, but it also can be misused. Most concerns relate to maintaining data owners' privacy. Other concerns are political. As data analysts get better at precisely identifying voters and their preferences, for example, partisan gerrymandering could worsen.

Many observers, however, believe the analysis of big data will yield more good than bad, offering states an opportunity to save money, streamline bureaucratic processes and tackle a wide range of policy issues.

—Anna Smith and Riley Hutchings, NCSL interns

"All the saved data in the world is estimated to be about 16 zettabytes."

Byte Sized

How big are your bytes?

bit (b)	0 or 1	1/8 of a byte
byte (B)	8 bits	1 byte
kilobyte (KB)	1,000 ¹ bytes	1,000 bytes
megabyte (MB)	1,000 ² bytes	1,000,000 bytes
gigabyte (GB)	1,000 ³ bytes	1,000,000,000 bytes
terabyte (TB)	1,000 ⁴ bytes	1,000,000,000,000 bytes
petabyte (PB)	1,000 ⁵ bytes	1,000,000,000,000,000 bytes
exabyte (EB)	1,000 ⁶ bytes	1,000,000,000,000,000,000 bytes
zettabyte (ZB)	1,000 ⁷ bytes	1,000,000,000,000,000,000,000 bytes
yottabyte (YB)	1,000 ⁸ bytes	1,000,000,000,000,000,000,000,000 bytes



Training, Retaining Principals

Ask anyone over age 35 how they remember their school principals and you're likely to hear words such as "authoritarian," "powerful," "strict," "unapproachable." The role of the school principal has historically been associated with these characteristics.

Today, the principal's role has evolved, and these leaders play an ever greater part in a school's success. For example, in a recent survey, conducted every 10 years by the National Association of Elementary School Principals, today's leaders expressed much more concern over students' mental health, family financial status, degree of adult supervision and physical safety than they did in previous surveys. Principals are now synonymous with leadership, instructional support and student advocacy. They have become change agents for all who enter their buildings.

Yet, despite principals' vital role in student success, job turnover rates continue to rise. Through its "Principal Pipeline Initiative," a recruitment, retention and preparation program for school leaders, The Wallace Foundation is just beginning to understand why: Although preparation is key to building strong leaders, hiring and placing those leaders are just as important to their retention.

Wallace developed the Leader Tracking System, a set of webpages, dashboards and tools that catalogs candidates' experience, performance and competency to improve the likelihood of matching novice principals with appropriate schools. Determining the "perfect fit" when hiring principals may in fact be key in retaining them, according to Wallace research.

The Education Finance and Policy journal published a study in January examining the relationship between principals' effectiveness and turnover rates. It revealed that turnover is higher, on average, among both less effective and highly effective principals than it is among average leaders. The researchers also discovered a link between performance and turnover that suggests hiring and placing effective principals in schools with large numbers of low-income or low-achieving students can decrease turnover rates.

Developing good preparation programs has been on the forefront of educational agendas for several years. Now, with an added focus on hiring, evaluating and supporting school leaders, states no longer adhere to the traditional one-size-fits-all solution for preparing and retaining good principals. Thirty-eight states introduced, and 13 states passed, legislation in 2017 on a variety of school leadership issues.

Job descriptions and standards now



clearly define the principal's role and must be adequately described for current and prospective candidates. This move toward transparency is a marked change, as the principal's role was previously often undefined and left to the new principal, school or district to determine.

Greater effort to ensure compatibility between principals and schools is now an emphasis, as are more consistent and meaningful performance evaluations designed not only to measure what's important, but also to help principals succeed.

The American Institute of Research has warned that inconsistent hiring timelines and inadequate recruitment have limited the pool of prepared principal candidates nationwide. If these practices continue, the institute says, districts will continue to have trouble identifying school leaders and placing them in schools where they, and their students, can thrive.

—Ashley Idrees

Working for Benefits

The Trump administration began approving state requests this year to require adult Medicaid recipients to work, with exceptions for pregnant women and people who are elderly or have a disability. Others may receive a pass if they are engaged in community service or caregiving, school, job training or treatment for substance abuse. According to proponents, the requirement will reduce program costs and improve recipients' health and well-being.

Arkansas, Indiana, Kentucky and New Hampshire, as of Aug. 29, have received approval for the Section 1115 waiver to look at instituting a work requirement as a condition of receiving Medicaid.

The potential impact of these policies to states and enrollees is unknown. But critics say these new rules are unnecessary and will be ineffective because they will affect so few. In 2016, an average of 60 percent of adult Medicaid enrollees were already employed, and 32 percent reported they were unemployed—because of caregiver duties, school, illness or disability—leaving a relatively small 8 percent who may be affected.

State experiences and evaluations will shed light on the effect these approaches have. But that will take time. Until then, the states will continue being the laboratories of democracy they've always been.

—Magazine staff

Medicare Advantage Plans Expand

America's seniors will be able to choose from an expanded list of medical and preventive health services beginning in 2020. The services include transportation to doctor appointments, home delivery of healthy groceries and meals, and in-home upgrades, such as bathtub grab bars, that can help patients with chronic conditions continue living at home.

The services will be available because of recent changes made to the Medicare Advantage program by the Centers for Medicare and Medicaid Services. Medicare Advantage is an optional, flexible program offered through private insurers for Medicare enrollees who can pay for services not offered in regular Medicare plans.

CMS is redefining which health-related extra benefits can be included in the Medicare Advantage program, with the goal of improving the health and quality of life for Medicare patients. The new services must

be classified as primary health services covered by the Advantage plans.

CMS will allow state health insurance assistance programs and insurance departments to develop a longer list of supplemental benefits as long as each one diagnoses, prevents or treats a physical or psychological illness or injury, or reduces a patient's likelihood of being admitted to an emergency room or readmitted to a hospital. Some health experts and providers welcome the added benefits as a much-needed change in the American health care system.

Many countries, especially those running national health programs, already classify some of these services, including transportation, nutrition and home-assistive devices, as preventive and primary care benefits. They have found these services can help lower the overall costs of running a national program, yield better health results in older populations and

reduce hospitalization rates.

Others caution that while the expansion will be good for Advantage enrollees, it won't help regular Medicare participants. About a third of Medicare recipients (20 million of 61 million) opt to pay for an Advantage plan, according to Kaiser Health News. Since Advantage enrollees are paying extra for their plans, opponents argue the changes demonstrate once again that choice in American health care is available only to those who can afford it.

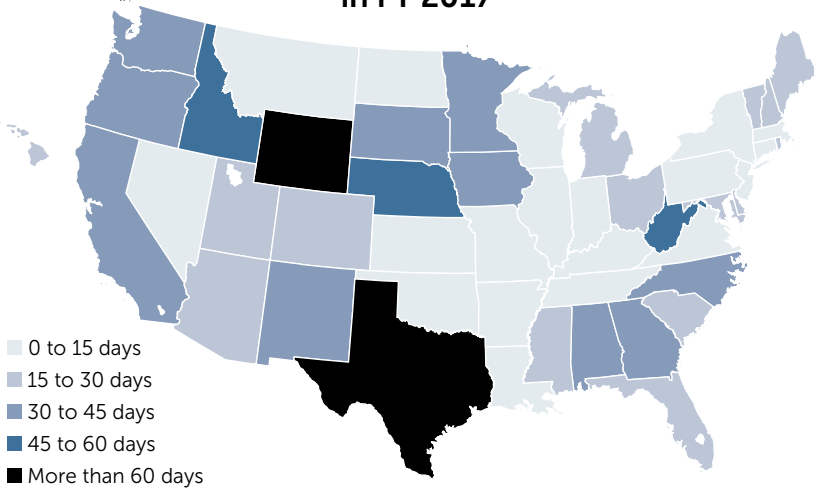
State programs and providers also have expressed concerns that they may not be ready to offer the expanded services in time for the next Medicare open enrollment period, set for Oct. 15 to Dec. 7, 2018.

Expansion of Medicare Advantage services is breaking new ground, and time will tell if the changes and state programs can work together.

—Haley Nicholson

Let It Rain!

Days each state could run on only rainy day funds in FY 2017



Source: The Pew Charitable Trusts, "States Make More Progress Rebuilding Rainy Day Funds," August 2018.

States' rainy day funds increased for a seventh straight year in FY 2017, to a record \$54.7 billion total. That was enough to run state government operations for an average of 20.5 days, also a new high. Early estimates show savings at near-peak levels in FY 2018 as well. Those figures are not yet finalized but will probably rise once missing and final data are counted.

Rainy day funds, sometimes called budget stabilization funds, vary greatly across the country. Alaska and Wyoming had saved enough money to last more than a year, while five states couldn't have lasted more than a day on the savings in their funds. These reserve funds have become the largest component of states' financial cushions, accounting for more than 70 cents of every \$1 in total balances, compared with 44 cents of every \$1 just before the recession. Despite budget pressure from slow tax revenue growth and pent-up spending demands following the recession, most states have used the current economic recovery to steadily replenish and expand their rainy day funds. And it looks like that will be continuing. At least 30 states said they expected to add to their savings in FY 2018, while only seven foresaw a drop, according to the National Association of State Budget Officers.

Even with rainy day funds at peak levels, however, most states' total balances haven't yet caught up to pre-recession levels. And even those levels, experts warned, were inadequate to plug huge budget gaps caused by the last recession.

—Magazine Staff

Getting Kids to School Safely

It's rare for one to occur, but horrific when it does.

Crashes killed 68 children riding in school buses between 2007 and 2016, according to the National Highway Traffic Safety Administration.

Every day, more than 25 million children climb into 485,000 buses around the country. And even though school buses are statistically the safest form of transportation for school children, lawmakers continue to debate what can be done to ensure students arrive to and from schools safely, focusing often on whether to require seat belts and how to improve other drivers' behavior around bus stops.

School buses are designed with structural safety features such as high, energy-absorbing seat backs and closely spaced seats so children are kept snug. But those features don't necessarily protect children the way seat belts would during side-impact crashes or high-speed rollovers. Eight states have passed a seat belt law for school buses, though some laws are contingent on available funding and local buy-in, and most laws are only for new school buses.

Sometimes tragedies bring about changes. After a student and a teacher died in a school bus crash in Paramus, N.J., in May, lawmakers responded by passing legislation requiring lap-shoulder (three-point) seat belts instead of solely lap-belts. The new requirement applies to buses manufactured beginning 180 days after the governor signed the bill.

The National Transportation Safety Board recommends three-point belts for all new buses. Others aren't so sure seat belts are worth the cost. They point to good safety records and question the wisdom of spending an estimated \$7,000 to \$10,000 per vehicle to add belts to new buses. Others question whether children can quickly unbuckle and evacuate buses if there is a fire or they are submerged in water.

Even when buses are stopped, letting students on or off, with lights flashing, there's still a danger. From 2007 to 2016,

98 pedestrians under age 18 were killed in school-transportation-related crashes, according to the NHTSA. Laws in 15 states allow the use of cameras to capture images of motorists who illegally pass stopped school buses, and more states are considering them. Violators are subject to fines, revocation of driver's licenses, even criminal charges.

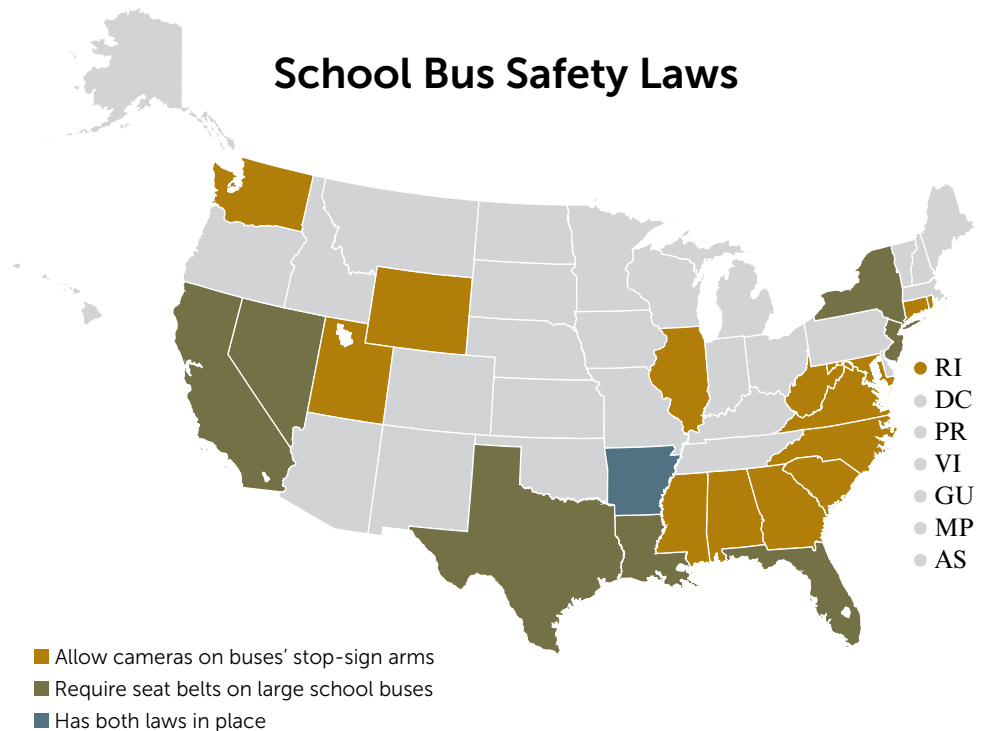
Several states are developing standards for training and licensing bus drivers as well. In Chattanooga, Tenn., six young students were killed in a school bus crash in November 2016. The driver was just 24 years old and many witnesses claimed he was driving over the speed limit and using his phone at the time of the crash. Consequently, the General Assembly enacted legislation requiring drivers to be trained and at least 25 years old.

Even if we have self-driving school buses someday, lawmakers will continue to debate ways to ensure that kids who ride in school buses are as safe as possible.

—Anna Smith, NCSL intern, based on the NCSL report “Traffic Safety Trends: 2017 State Legislative Action”



School Bus Safety Laws



A Wave or a Wash?

Trump could buoy the GOP if Dems catch a midterm ride.

BY TIM STOREY AND WENDY UNDERHILL

Donald Trump will not be on the ballot on Nov. 6. Yet the fate of hundreds of competitive legislative races across the country will come down to whether voters approve of the job this unconventional, norm-busting president is doing. If Trump's approval numbers don't improve soon, 2018 will be a good year for Democrats. How good? Only the voters know.

Every two years, roughly 80 percent of all legislative seats are up for grabs. Sometimes the elections to fill them coincide with presidential elections; other times—like this year—we vote at the midterm. Midterm elections in the states are predominantly a referendum on a president's previous two years in office. This year, that is likely to be truer than ever.

Fewer than 20 percent of Americans can name one of their state legislators. That's sad given the critical issues—immigration, sanctuary cities, health care, gun violence, the opioid crisis, crumbling infrastructure, teacher pay and so many more—that legislatures work on year in and year out.

“State legislative elections rarely are a referendum on what state legislators do themselves but instead are dominated by national politics,” according to Saint Louis University political scientist Steven Rogers. His research indicates that voters' approval of the president matters three times more than their approval of the legislature.

Even the U.S. economy—at its strongest in decades and likely to remain that way for at least the next four quarters, according to most economists—doesn't appear to be a big factor. In a normal election cycle, a robust economy would bode well for the party holding the White House. Voters do not seem to be considering the economy when evaluating Trump.

Trump is the only president since Gallup began presidential approval polling in the days of Harry Truman who has never had an approval rating over 50 percent. In early September, polling by FiveThirtyEight found his approval rating at 40.3 percent, which is where it has stayed, fluctuating only a few points up



or down due in part to his incredibly loyal base of support.

Trump's ratings aren't normal, but neither are these midterms elections. Redistricting looms just over the horizon. Many races for governor are toss-ups, and Democrats are fielding more candidates than at any time in the last 40 years, including record numbers of women.

Whether this year's elections are the most important in a lifetime, as some pundits have posited, is debatable. What's not debatable is that elections are at the heart of a thriving democracy—and that they have consequences.

Where We Are Now

Forty-six states, representing 87 chambers, have regularly scheduled elections for legislative seats this fall. Nearly 10,000 candidates are running to fill the 6,066 open seats. In addi-

Tim Storey is NCSL's director of state services.

Wendy Underhill is NCSL's director for elections and redistricting.



tion, a handful of special elections are taking place to fill vacancies. In Kansas, Minnesota, New Mexico and South Carolina, only the house is up for regular election. Louisiana, Mississippi, New Jersey and Virginia have no legislative elections this year because they hold their regular elections in odd-numbered years.

Going into the election, Republicans rule the legislative roost, with 4,107 of the nation's 7,383 legislators from the GOP. That means 56 percent of legislators and 66 percent of legislative chambers (65 of 98) are Republican. (Nebraska is excluded from the tally because its members are elected to only one chamber on a nonpartisan basis.) Democrats control 31. Two chambers have tied membership, the Connecticut and Minnesota senates.

In terms of total legislative control—

when a single party holds both chambers—Republicans outnumber Democrats 31 to 14, with four states split: Connecticut and Minnesota because of tied senates, and Colorado and Maine, where Republicans control the senates and Democrats have the houses.

Who's Really in Control?

Those tallies, however don't tell the full story of who truly controls legislatures. In reality, the GOP holds 31 states, the Dems 13, and six are divided. Why? Alaska's House has more Republicans, but four of them caucus with the Democrats, giving the Dems control and moving the state from the red camp to the split camp. Similarly, the New York Senate has more Democrats, but one of them caucuses with the Republicans, moving the state from blue to

split. Then there's Nebraska. Cornhusker senators run on a nonpartisan basis, yet it's no secret the unicameral Senate is run by the GOP.

In 20 states, the majority party holds enough seats to override a veto without any assistance from the minority party. Republicans can claim 16 of the 20. Hawaii, Maryland, Massachusetts and Rhode Island are the four with Democratic supermajorities.

The numbers are similar for governors, with 66 percent (33 of 50) being Republican, an all-time high. Sixteen governors are Democrats, and one, Alaska Governor Bill Walker, is an independent. At least 10 of the 36 governors' races this year are considered toss-ups, well above the norm.

If a single party has both chambers and the governorship, they have state control (aka a trifecta). By that measure, and considering true control and not raw numbers, Republicans hold all the cards in 25 states, Democrats in six. Nineteen states have either one chamber or the governor's seat in the hands of a different party.

Battlegrounds

The GOP became the dominant party after a red wave in 2010. It lost a bit of ground in 2012 but bounced back in 2014. That was the year the GOP grew stronger than at any time since the 1920s. Then came 2016. The Republicans kept rolling, amassing more state-level strength than they've had since the party was formed in the mid-1800s. Is this the year the GOP winning streak reverses?

Seems likely, given the midterm effect. This will be the 30th midterm since 1902, and in 27 of the 29 previous ones the president's party suffered an average loss of 412 state legislative seats.

When it comes to enacting policy, what truly matters is winning the majority in chambers or at least preventing supermajorities that can override gubernatorial vetoes. In a normal election year, about a dozen chambers switch party control. Projections are lower this year, however, given the sizable lead Republicans have at the outset. The data predict a Democratic wave coming in November, but how many chambers flip will prove how big it is.

President's Party in Midterm Elections



Democrats see opportunities to flip tied chambers (the Connecticut Senate and even the Minnesota Senate, with its one special election), along with those that are razor close going into the election, such as the Colorado and Maine senates, where Republicans have mere one-seat advantages. Republicans hold the Arizona Senate 17-13, but at least three seats are considered toss-ups. Similarly, Republicans in the Wisconsin Senate have only a three-seat advantage, so a shift of two would put Democrats in charge for the first time since 2010.

In New Hampshire, Republicans hold both chambers, but no state has changed partisan control as frequently as the Granite State in recent years. Both the House

and Senate are battlegrounds again. New York's Senate is always a question, largely because it's not clear what coalition will emerge, regardless of party labels.

Even the Florida Senate and Michigan House could flip to the Democrats—if the blue wave is big enough. The same is true for the Minnesota House, where Republicans have a sound 21-seat majority. That's a big lead, but many Republican incumbents are running in districts carried by Hillary Clinton two years ago, and large swings are not uncommon in Minnesota.

Democrats have fewer chambers to protect. The Alaska House could shift to Republican control. And both chambers in Washington could go Republican, given

that each is held by a two-seat margin. The small 21-seat Nevada Senate is perennially in play, though Democrats are optimistic about maintaining their two-seat majority.

Democratic Wave?

Besides the historically consistent midterm trend that augurs well for Democrats with a Republican in the White House, there are other signs pointing to a Dem wave. Since 2016, special elections—an imperfect harbinger of future elections—have strongly favored Democrats. In the 193 special elections for legislative seats in the past 22 months, Democrats have flipped 24 Republican seats, while Republicans have picked up only four. In nearly all those specials, Democratic candidates substantially outperformed Democrats from the previous election, perhaps indicating stronger enthusiasm among Democratic voters. Several polls point to higher interest in this election among Democratic voters than Republicans.

The advantage for Republicans is that they have built so many strong majorities that many chambers are essentially out of reach to the Democrats. With those strong majorities, Democrats could make gains in terms of legislative seats, but not flip many chambers.

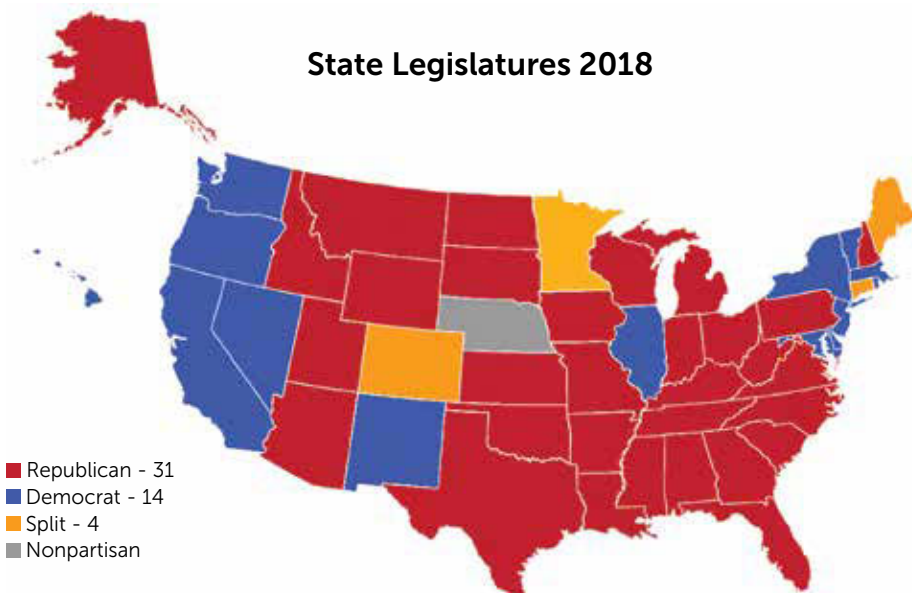
Republicans are banking on President Trump to rally the GOP base, and can point to the ka-ching of economic prosperity. Democrats have the history of midterms, the current president's low approval rating and an energized base of voters on their side.

One of the key reasons that Republicans have had such consistent success in the past three election cycles was that they wiped out the Democrats in President Barack Obama's first midterm election in 2010. That gave them control over much of 2010's redistricting, an advantage that keeps on giving.

Redistricting is around the proverbial corner. More than 800 legislators and 34 governors elected this fall will be directly involved in the post-census line drawing. That ups the stakes dramatically for these midterms.

All elections matter, but some matter more than others. This is one of those.

State Legislatures 2018





Something for Everyone

From funding schools to limiting taxes (forever), voters will weigh in on a wide array of ballot measures this year.

BY PATRICK R.
POTYONDY

Patrick R. Potyondy is a Mellon-ACLS public fellow and a legislative policy specialist with NCSL's Elections and Redistricting Program.

Redistricting reform, Medicaid expansion, tax limits, a range of election and ethics issues, and an uncommon spread of hot-button topics are making this year's statewide ballot measures more than a little interesting. Of course, some of the usual suspects are lined up for voters to pick from. Beyond those, there's something for just about everybody.

As of early September, 102 constitutional amendments, 46 statutory changes and 19 bonds had been certified to appear on November's ballots in 39 states (including the District of Columbia). Citizens worked to get 63 initiatives and five popular referendums on the ballots in 22 states. Legislatures sent 92 referendums back to voters to decide in 31. And we're not done. There's still time, as this issue goes to press, for a few more to jump in or out (via legal challenges). This year is roughly on par with previous non-presidential midterm elections. Although citizen initiatives were down to 35 in 2014, 2016 reversed that trend with a strong showing of 72.

Done and Dusted

Voters in eight states have already decided the fate of 11 measures. Oregonians approved the first measure in January—a Medicaid-funding tax increase. California voters approved four of five on a range of issues. Maine voters used and approved ranked-choice voting—on the same ballot. Oklahoma citizens legalized medical marijuana. Wisconsin voters decided not to eliminate the position of state treasurer. Ohio became the first state to enact redistricting reform. And in the last measure voted on before November, Missouri voters vetoed new right-to-work legislation the legislature had passed earlier in the year through a popular referendum.

If these measures foretell November's results, marijuana will be legalized in more states, redistricting reform will spread, Medicaid will be expanded, infrastructure will be supported, and bond measures will stroll into enactment. Given recent history, however, a citizen initiative has about a 50-50 chance of passage, while legislative referendums hold bet-

Defining the Measures

Legislative Referral or Legislative

Referendum: Measures “referred” to the ballot by legislatures to be approved by the people. Referrals to the people are required in 49 states if the legislature proposes a change to the state constitution. Some states allow referrals to change the code.

Citizen Initiative: Measures placed on the ballot by voters, advocacy groups or businesses who’ve convinced enough registered voters to sign a petition.

Popular Referendum or Popular Veto:

Measures that can overturn or veto a law passed by the legislature. Placed on the ballot by voters, advocacy groups or businesses who’ve convinced enough registered voters to sign a petition.

ter odds, at 3-to-1. Below is a breakdown by topic and theme of most of November’s measures.

Elections and Officeholders

There are a surprising 10 election-related issues this year, including photo voter ID in Arkansas and North Carolina, automatic voter registration in Nevada, election-day registration in Maryland, and an amendment that would re-enfranchise individuals with felony convictions in Florida—amounting to roughly 25 percent of that state’s otherwise eligible black voting population. Nine states are deciding on often-interconnected issues of ethics, lobbying and campaign finance, while Arkansas will once again consider revising term limits, from 16 to 10 years. Colorado might lower the age restrictions to become a legislator.

Redistricting Reforms

Along with Ohio, which passed redistricting reform in May, Colorado, Michigan, Missouri and Utah will also weigh in on changing how their political maps are drawn. Although three of the six measures are legislative referendums, the pressure for change is clearly coming from advocacy groups. Several have bipartisan sup-

port. Colorado’s measure, for example, has won the endorsement from the Republican senate president, the Democratic house speaker and the two state party chairs.

Medicaid and More

After attempts to expand Medicaid through the legislature failed in the 17 states that have not expanded coverage through the Affordable Care Act, some citizens have turned to ballot measures. Nebraska, Idaho and Utah have approved measures to allow for full Medicaid expansion under the federal law. Maine voters did so last year and strongly approved expansion in November 2017.

As America ages, states face the enormous challenge of meeting the needs of the elderly. A 2018 Maine measure proposes a tax on annual incomes above \$128,400 and on nonwage income like stock dividends and interest to fund a universal home care program for people with disabilities and senior citizens. Californians will decide whether to limit revenue for dialysis companies with refunds above a certain level going back to insurers and patients.

Tax Revenues

The list of communities, programs and infrastructure that bonds might support is long. Several states are considering additional ways to increase revenue for numerous projects, often by proposing that the wealthy pay a larger share. Similar to Maine’s health care measure in its overall approach, California’s Proposition 2 would apply a 1 percent tax on incomes over \$1 million to fund homelessness prevention bonds. Coloradans will decide whether to tax incomes above a high threshold; Arizonans almost had the chance before a similar measure was successfully removed due to a challenge in court. Meanwhile, Hawaiians will consider a surcharge on investment properties. All would help fund public education. Other states are looking to fund schools via taxes on tobacco (South Dakota), gambling revenue (Maryland), bonds (Rhode Island, New Mexico and New Jersey), allowing local government to ask for a tax increase (Georgia and Oklahoma), and a nonbind-

ing question about a fuel tax (Utah).

On the other side of the tax coin, the trend continues to limit the ability of legislatures to raise revenue. Proposed measures in Florida and Oregon would require two-thirds and three-fifths votes, respectively, to increase taxes. North Carolina’s would lower the maximum income tax. California might require voter approval to raise the gas tax in the future. And in a similar vein, Indiana will consider a balanced-budget amendment, though the constitution already limits the state from taking on debt.

Housing

As the nation continues to grapple with housing costs, several states have placed notable measures on the ballot. Californians will decide on whether to repeal the Costa-Hawkins Rental Housing Act, which limited the ability of local governments to enact rent control. The Golden State will also vote on the homelessness prevention bonds noted above and an additional bond measure for veterans and affordable housing. Oregon may expand the ability of municipal corporations to fund privately owned affordable housing developments.

Energy and Environmental Protection

On the renewable energy frontier, Arizona and Nevada will vote on whether to require that 50 percent of electricity comes from renewable sources by 2030. Washington may initiate the country’s first fee on carbon emissions. Montana is considering requiring long-term protection plans for new mines. And Alaska ponders the pros and cons of more restrictive permitting on industry to protect salmon waters. Hydraulic fracturing, or fracking, has taken center stage in Colorado. One initiative would limit how close oil and gas mining can be to homes, schools and other designated vulnerable lands like rivers and parks. In reaction to that measure, Colorado voters will also decide whether to approve a far-reaching amendment that would compensate private property owners for any decreased property value due to any government regulations.

**BALLOT MEASURES
By the Numbers****16**

The number of 2018 ballot measures in California, the most of any state.

12

States with no ballot measures.

24

States that allow citizen initiatives.

23

States that allow popular referendums.

18

States that allow citizen initiatives to change the state constitution.

21

States that allow citizen initiatives to change state statutes.

Transportation

Two states have transportation lockbox amendments on the ballot this year. These require certain transportation taxes and fees be used for transportation purposes. California already passed its measure earlier in the year. Connecticut will vote on its in November. California will also consider repealing a 2017 gas tax. Coloradans will vote on two indirectly competing measures to fund transportation. The more ambitious measure raises revenues through taxes and bonds, while the other simply reallocates existing money from the state's general fund toward roads. Maine meanwhile will consider a transportation bond.

Criminal Justice

Marsy's Law, known as a crime victims bill of rights, is on the ballot in six states. South Dakotans amended their version, originally passed in 2016. Coloradans may decide that their constitution should no longer tolerate the use of forced labor, or slav-

ery, as punishment for a crime. Ohioans will decide whether to fund drug treatment and rehabilitation programs from the savings gained by decriminalizing drug possession and by banning courts from sending individuals on probation to prison for noncriminal violations. If Louisiana's Amendment 2 is approved, it would leave Oregon as the only state that does not require unanimous jury approval to convict. And a far-reaching proposal in Washington could make changes to police training and to the potential prosecution of officers who use deadly force.


Other Notables

Several other measures across the states are bound to stir up the electorate. Alabama, Oregon and West Virginia have measures restricting abortion. Alabamans will consider authorizing the display of the Ten Commandments on public property. Massachusetts voters have the chance to overturn a 2016 law that bans discrimination based on an individual's gender. Nevadans will

have the chance to prohibit taxing feminine hygiene products, often called the "pink tax." Colorado may restrict the annual interest rate and fees that payday lenders charge. Oregonians may repeal a 30-year-old statute that limits the ability of local and state law enforcement to enforce federal immigration laws. Washington, after an unsuccessful legal challenge, will consider a gun safety measure after all. And in a popular referendum that also survived a court challenge, Arizona's voters will have the opportunity to veto a school voucher expansion law.

Whether any given measure will pass is far from certain. But this year's crop of initiatives and referendums ensures that plenty of big issues will be in play nationwide.

Dig Into the Details

To see what's on the ballot in states across the country, check out NCSL's Statewide Ballot Measure Database. Go to nctl.org and click on "Research," then "Elections and Campaigns." 

Drones Decipher Crash Causes



Drone use continues to grow, saving time and money but raising privacy concerns.

BY JENNI BERGAL



When police investigators tried to figure out what caused a multivehicle crash that killed an elderly woman in Morton, Ill., last summer, they looked to the sky for help.

Like a growing number of police agencies throughout the country, the sheriff's office in Tazewell County relied on a drone to quickly take photographs of the scene from on high to help investigators reconstruct the crash.

"It's about a hundred times more detailed than what we could do with people taking the measurements," Chief Deputy Jeff Lower says. "And it means that there's much less time for the road to be closed and traffic to be backed up."

For decades, police investigators at crash scenes used chalk marks, tape measures and roller-wheels to record measurements and skid marks to help them assess what happened. More recently, many have used a laser scanning tool to map the scene. But often, those measurements can take hours, during which lanes may need to be shut down or the road closed entirely, putting emergency responders and crash investi-

gators in harm's way near traffic whizzing past.

Now, more police agencies are turning to drones, unmanned aerial vehicles, to do that work. Remote pilots send up the drones, which take high-resolution photos that are fed into a computer and run through software. That creates 3D models that piece everything together for investigators.

And while privacy and civil rights advocates strongly oppose law enforcement using drones for mass surveillance, such as at a protest rally, or for gathering criminal evidence without a warrant, they generally are not as concerned when it comes to car crashes.

"Filming a traffic accident overhead to get a better view, if it's strictly limited to that purpose, is not the sort of thing that we would necessarily object to," says Chad Marlow, a senior counsel at the American Civil Liberties Union in New York.

Jeramie D. Scott, national security counsel for the Electronic Privacy Information Center, a Washington, D.C.-based nonprofit research group, agreed that it is "less likely" his group would be concerned about using drones for crash reconstruction, as long as there wasn't some type of surveillance involved in collecting information about individuals.

"The risk," Scott says, "is that without rules protecting privacy, law enforcement will use drones to conduct surveillance, including general surveillance of groups."

Jenni Bergal is a writer for Stateline, an initiative of The Pew Charitable Trusts. This article was first published on Aug. 6, 2018. NCSL's Ann Kitch contributed to this article.



Drones Deliver

At least 35 of the 44 state transportation departments that responded to a March 2018 survey by the American Association of State Highway and Transportation Officials are using drones for a wide range of purposes.

In 20 states (Alaska, Arizona, Colorado, Delaware, Georgia, Iowa, Maine, Mississippi, Montana, Nebraska, Nevada, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah and West Virginia), they are most frequently used to take photos and videos of highway construction projects.

According to the survey:

- 14 states use drones for surveying.
- 12 for public education and outreach.
- 10 for bridge inspections.
- Eight for emergency response.
- Six for pavement inspections.
- Five for scientific research.
- Two for daily traffic control and monitoring.
- One to inspect high-mast light poles.

Twenty-three states have established comprehensive drone policies that cover the acquisition, operation, airspace restrictions and the training and permitting of drones and drone pilots. Twenty-seven of the states reported that they have added full-time staff to operate and maintain their drone fleets.

All state transportation departments deploying drones must either follow the Federal Aviation Administration's Part 107 Rule or obtain a public certificate of waiver or authorization from the FAA.



—Ann Kitch, NCSL transportation research analyst

Police Drone Use Grows

State and local emergency response agencies use drones in a variety of ways, from tracking wildfires to search and rescue missions.

At least 910 state and local police, fire and emergency services agencies have drones, according to an estimate by the Center for the Study of the Drone at Bard College in New York. And those numbers have skyrocketed—up 82 percent from 2016 to 2017. About two-thirds of the agencies with drones are in law enforcement.

While the study doesn't break out how many police agencies use drones specifically for crash reconstruction, Dan Gettinger, co-director at the center, says the idea is spreading.

Lower, of the Tazewell sheriff's office, says his department started using drones about a year ago for reconstructing accidents, and has deployed them in six crashes. It has spent about \$15,000 for the program, including training.

In the recent crash that killed the elderly woman, Lower said it took only 45 minutes to gather information using a drone, rather than the three hours it would have taken on the ground. The woman's car hit the rear of a semitrailer stopped at a light and the side of another vehicle nearby. She died at the scene.

Last year, North Carolina's transportation department and highway patrol conducted a real-life drone study using a simulated two-car crash. It took the reconstruction team an hour and 51 minutes to collect the data using a laser scanner. It took 25 minutes using drones.

Using drones for crash reconstruction also can reduce staff time, some officials say.

Maine state police bought three drones for reconstruction last year and have used them more than 30 times to investigate crashes. They paid about \$40,000 for the drones, software and training. "We've probably saved twice that in overtime alone," says Lt. Bruce Scott, the traffic safety unit's commander.

Drone Controversy

Drones can be controversial, and many states have passed legislation to regulate or restrict their use.

At least 19 states require law enforcement agencies to get search warrants to use drones for surveillance or conducting a search, but a few of those states have specifically exempted crash reconstruction efforts from requiring a warrant. In Maine,

for example, state police worked with legislators to make sure the exemption was included in drone legislation enacted in 2015, according to Maine State Police Sgt. Darren Foster, who oversees his agency's drone program.

In Virginia, the Stafford County Sheriff's Office wanted to start a drone crash reconstruction program but was hampered by a state law requiring police to get a warrant to use a drone except in certain circumstances, such as Amber Alerts for missing children.

Earlier this year, the sheriff's office contacted Delegate Bob Thomas (R), who introduced a bill allowing drones for crash reconstruction without a warrant.

The legislature unanimously passed the measure, which was signed into law by Governor Ralph Northam (D) in March. It went into effect in July.

While the program has just started, Stafford County Capt. Ben Worcester says he expects it to revolutionize the way investigators capture crash scene evidence and help protect emergency workers and the public.

"The benefits are undeniable," he says. 📍



GOVERNMENT COSTS RISE AS NEWSPAPERS FOLD

That communities and journalists suffer when newspapers are downsized or closed is no surprise. The bigger news is that the decline of newspapers may also be hurting cities' and counties' budgets, say researchers from the University of Illinois at Chicago and University of Notre Dame. The researchers found that municipal borrowing costs increased by as much as a tenth of a percent after a newspaper closed, even when accounting for declining economic conditions. The reason is that a local newspaper closure creates a "local information vacuum" that is unlikely to be filled by other news media. "Potential lenders have greater difficulty evaluating the quality of public projects and the government officials in charge of these projects," the study says.



GIVE US 3 FEET

Lynrd Skynyrd famously pleaded for three steps. Most bicyclists would be happy if drivers just gave them 3 feet. Michigan's recent enactment of a "safe passing" law means 32 states now require motorists to give bicyclists at least 3 feet of space when passing. Michigan lawmakers also enacted a measure, sponsored by Representative Julie Alexander (R), requiring that classroom driver education "shall include not less than one hour of information concerning the laws pertaining to bicycles, motorcycles and other vulnerable roadway users, including pedestrians." Violation of the passing law, which is in line with laws in many other states, is a civil infraction.



COVERING THOSE WHO RISK ALL

As dangerous as running into a burning building is, it isn't what kills most firefighters. That would be cancer. Nationally, cancer—especially leukemia, lymphoma and myeloma—accounts for about 3 in 5 deaths in the line of duty. Recently enacted legislation in Massachusetts designates cancer a work-related injury for firefighters across the state. The new law, sponsored by Representative Daniel Cahill (D), covers all medical treatments for firefighters diagnosed with cancer along with time missed because of the illness. According to the nonprofit First Responder Center for Excellence, 33 states now cover firefighters for one or more cancers under workers' compensation through legislation that requires their employers to prove that a firefighter's working conditions were not a significant contributing factor to developing cancer. In many of the states, the legislation can be interpreted to cover any cancer; in others, only specific cancers are covered.



WHEN THE PROS NEED A HAND

Local sheriffs' departments have long relied on volunteer search and rescue teams to help them locate lost or injured hikers. Now, with climate change bringing more costly and deadly natural disasters, communities are calling in teams of trained civilians to ease the pressure on professional first responders during wildfires, floods and other emergencies, Pew's Stateline reports. The volunteers are part of the CERT program, started 25 years ago by the Federal Emergency Management Agency. CERT, which stands for Community Emergency Response Teams, is now in 2,800 localities nationwide, including Burleigh County, N.D., where a snowmobile team searches for stranded vehicles during snowstorms and helps get doctors and medical professionals to hospitals. CERT programs rely on states' good Samaritan laws, which provide basic legal protections for individuals assisting others.



HELPING HOME BUYERS, SELLERS AVOID TAKING A BATH

Home buyers and sellers alike can wind up in deep water if they don't know a property's flood history. In 21 states, sellers are not required to disclose to buyers whether a home has flooded or whether they will need to buy flood insurance, according to an analysis by the Natural Resources Defense Council and Columbia University's Sabin Center for Climate Change Law. Twenty-nine states and the District of Columbia have a variety of disclosure requirements, but most fail to give buyers a complete picture of a home's history. To protect sellers and encourage buyers to be more risk averse, the analysis says, the National Flood Insurance Program should provide details on a property's history of flood insurance coverage, damage claims paid and whether there is a legal requirement to carry flood insurance because of past owners' receipt of federal disaster aid.



AVERTING ANOTHER DRUG CRISIS

This time, doctors don't mind sounding alarmist. The growing use of anti-anxiety pills Xanax, Valium, Ativan and others reminds them of the beginning of the opioid crisis. The drugs, known as benzodiazepines or "benzos," have been prescribed to millions to calm nerves and promote a good night's rest, Pew's Stateline reports. But their prescription rate has shot up since the 1990s, with many unaware of the crippling withdrawal symptoms associated with long-term use or the consequences of combining them with other substances. Overdose deaths involving benzodiazepines quadrupled from 2002 to 2015 with the increase attributed largely to the pills' use with opioid painkillers or illicit narcotics, which can increase the likelihood of a fatal overdose by tenfold. Hawaii and Pennsylvania recently issued guidelines that limit the duration of prescriptions, and Massachusetts passed an opioid bill that included benzodiazepines as a class of restricted drugs.

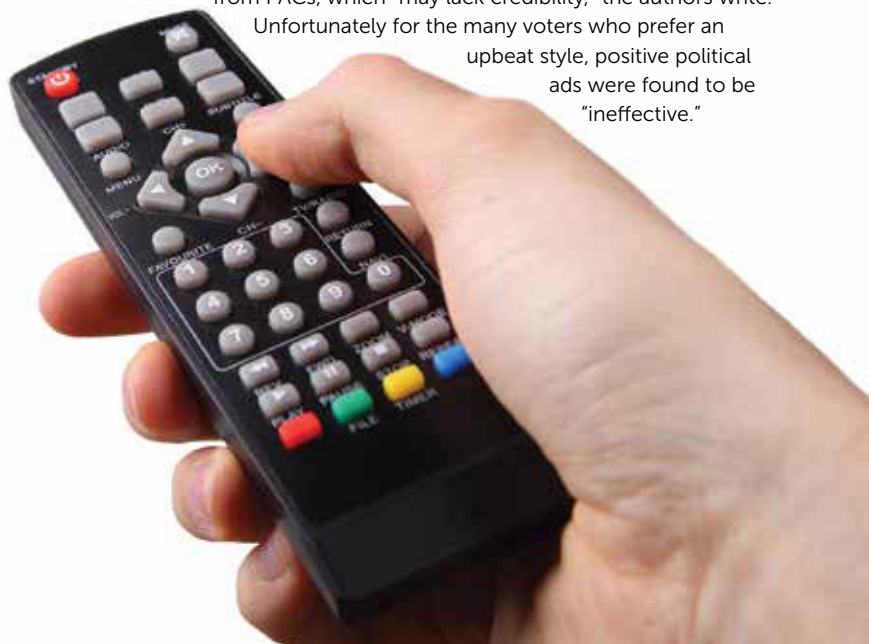
WHO'S WATCHING THE KIDS?

Some lucky legislators, legislative staff and state employees enjoy a perk that, for now, is offered mostly by large, well-known employers: on-site or near-site daycare. Legislatures in at least two states, Alaska and Connecticut, have established on-site child care specifically for legislators, legislative staff, state employees and the public, if space is available. Illinois, New York, Pennsylvania, Texas and West Virginia offer child care for state employees in or near state buildings. Six states have passed measures allowing for the creation of child care facilities, but it isn't clear if the services are in place. And three others provide care as a state employee benefit, including financial assistance through subsidies, vouchers, FSAs and tax credits; and assistance through reimbursements and discounts.



BEING NEGATIVE CAN BE A POSITIVE

Voters might say they don't like it, but they respond to it just the same. Negative political advertising makes many tune out during campaign season. But new research says it works, with a caveat: It depends on the ad's source. A recent study published in the journal Marketing Science finds that negative advertising can influence preferences and voter turnout, "but not across the board," as the authors put it in a news release. Negative ads from the candidates or their campaigns were more effective than those from PACs, which "may lack credibility," the authors write. Unfortunately for the many voters who prefer an upbeat style, positive political ads were found to be "ineffective."



Halting Harassment



The #MeToo movement and recent scandals have lawmakers working to end sexual harassment sine die.

BY JON GRIFFIN

Jon Griffin is a program principal in NCSL's Center for Legislative Strengthening.

Sexual harassment is pervasive. Even in statehouses. Even in the statehouse that, up until last year, many considered a leader in preventing it.

California lawmakers went beyond federal guidelines in 2006 by requiring sexual harassment training in statute. The law requires any employer with 50 or more employees, as well as all public employers and the Legislature, to conduct two hours of sexual harassment training for all employees in a supervisory position. It also requires that all legislative employees receive an informational brochure about harassment and that every workplace have a written policy in place.

The Legislature went even further and required all legislators and legislative employees to attend harassment training. And, finally, the Assembly created a bipartisan Subcommittee on Harassment, Discrimination, and Retaliation Prevention and Response, to hear complaints.

Despite these actions, in October 2017—a week after allegations of sexual assault and harassment against movie producer Harvey Weinstein first surfaced—a letter was published in various newspapers across the state claiming

the Legislature had a “pervasive” culture of sexual harassment that included nonconsensual touching, inappropriate comments and sexual innuendo. It was signed by 140 women who worked in and around the statehouse, including six current and two former legislators.

“The letter shows that sexual harassment is as prevalent in the Capitol as it is anywhere else in society,” Anthony Rendon (D), speaker of the California Assembly, said in response. “The Assembly takes our responsibility to prevent any sexual harassment very seriously, both in terms of training and reporting.”

The Legislature then created a joint Subcommittee on Sexual Harassment Prevention and Response within the Joint Committee on Rules to examine the issues.

The subcommittee met seven times in as many months and surveyed legislative employees on the climate in the statehouse. Subcommittee members wrote a new, joint legislative policy to replace the previous chamber-specific ones and, on June 25, published their final recommendations, which are being implemented now.

One significant recommendation was the creation of an independent Legislative Work-

Policy and Training Recommendations

Until sexual harassment is completely eradicated from the workplace, state legislatures will rely on policies and laws to decrease the chances for it to occur or go unreported.

It's important to tailor policy to fit a legislature's needs and resources, but the great majority handle sexual harassment in one or both of two ways: (1) by developing internal policies that prohibit and punish harassment, and (2) by providing training for employees on harassment prevention. In October 2017, NCSL surveyed the 50 states to learn more about legislative policies and training practices. After compiling the results and consulting with experts in the field, NCSL developed the following recommendations.

A strong sexual harassment policy should:

- Be easy to understand and clearly define "sexual harassment."
- List examples of specific behaviors considered inappropriate.
- Apply equally to legislators and staff, as well as nonemployees, such as lobbyists and outside vendors.
- Offer a diversity of contacts within the legislature to whom sexual harassment can be reported, allowing the complainant to bypass reporting to his or her direct supervisor.
- Clearly prohibit any kind of retaliation for filing a claim.
- Promise confidentiality, to the extent possible, for all parties involved.
- Give specific examples of potential discipline, if warranted.
- State the possibility of involving parties outside the legislature to assist in any investigation, if it is warranted or requested.
- Offer an appeals procedure.
- Contain a statement informing the complainant that she or he can also file a complaint with the Equal Employment Opportunity Commission or the state's human rights commission, or both.

A strong policy is just one part of a comprehensive approach to reducing sexual harassment. Another major aspect is training. Legislatures are unlike traditional workplaces. The amount of public interaction, the unique power dynamics and the diversity of employee backgrounds require training tailored to the legislative workplace.

A strong legislative training program should:

- Be conducted in a classroom setting with a live trainer.
- Be mandatory.
- Include a summary of the national laws on sexual harassment, as well as state- and legislature-specific policies.
- Include the legislative HR director or others who receive sexual harassment complaints.
- Be offered at new member or new employee orientations.
- Be strongly supported by the legislative leaders.
- Incorporate case studies and examples of harassment, specifically highlighting situations unique to the legislature.
- Be dynamic, varied by topics covered and presented in fresh, new ways from year to year.
- Ask attendees to evaluate it, to ensure the training is meeting their needs.
- Be offered to legislative staff and legislators separately.

As with policies, there are practical considerations regarding staff size and budget that can affect who conducts training and when. Dynamic annual training with a focus on the legislative environment should ensure optimal results.

place Conduct Unit to receive, investigate and respond to complaints. The unit staff will have specialized workplace investigation training on sexual harassment and discrimination. A person making a complaint will now have the option of addressing the problem independently or through a formal process and will be updated regularly on the status of the investigation.

The subcommittee also recommended developing a comprehensive training program, strengthening the statement denouncing retaliation and making reporting as straightforward and accessible as possible.

In addition, California lawmakers moved to impose civil and criminal liability on any legislator or legislative employee who interferes with or retaliates against an employee for making a sexual harassment claim.

How to Change a Culture

California is not the only state to review the ways its legislature prevents and responds to sexual harassment complaints. The overwhelmingly positive response to the #MeToo and #TimesUp movements

has demonstrated constituents' commitment to making workplaces, including statehouses, safe for all employees.

Since the beginning of the year, state lawmakers have been busy reworking their internal policies, training programs and investigative processes. They have created an unprecedented amount of legislation—more than 125 bills across the country—to

examine and improve the culture in their statehouses. Thirteen states have set up committees to examine sexual harassment issues.

Even states without current accusations of harassment considered strengthening their prevention efforts. Female lawmakers in Idaho, for example, signed a letter to their legislative leaders asking for mandatory training, even though no complaints



Safety is central to transporting hazardous materials where they are needed so they can be used to provide essential benefits people rely on every day — from safe drinking water to abundant food supply.

That's why chemical manufacturers are committed to working closely with their transportation partners and regulators to help achieve the safe delivery of their products.

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SAFETY MOVES US



have been filed there recently.

“Sexual harassment is inappropriate in any workplace setting. It would be especially disappointing if it were to take place in the Idaho Legislature—where each year we gather to conduct the people’s business,” Representative Caroline Nilsson Troy (R) wrote in the letter, signed by 13 of her female colleagues.



Representative
Caroline Nilsson
Troy
Idaho

Lawmakers have also had to respond to specific cases.

Representatives in Arizona expelled one of their own for “a pattern of sexual harassment toward women.” A month later Colorado legislators did the same. Fourteen legislators have resigned due to sexual harassment allegations.

An area of particular concern has been the actions of lobbyists, contracted employees and other third parties, both as potential victims and as perpetrators of sexual harassment. Georgia passed legislation this year requiring lobbyists to certify that they received the legislature’s sexual harassment policy and agree to abide by it. Maryland changed its training requirements for lobbyists and added interns, pages and members of the media to the list of parties covered by the policy. The Maine Legislature also passed a law requiring all legislators, staff and lobbyists to attend a training at the beginning of every legislative session. Illinois enacted mandatory training for lobbyists as a part of its Lobbyist Registration Act.

The Importance of Responding

The Illinois General Assembly took the unique step of creating a sexual harassment hotline, maintained by the Illinois Department of Human Rights. The hotline’s purpose is to help people who believe they’ve suffered harassment find counseling, assistance in filing complaints and other services. Callers may anonymously report sexual harassment in any place of employment, public or private.

Maryland requires the use of an independent investigator for all complaints against legislators, unless the alleged victim objects. Washington created a state Women’s

Defining Sexual Harassment



Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. It includes requests for sexual favors, sexual advances or other sexual conduct when (1) submission is either explicitly or implicitly a condition affecting academic or employment decisions; (2) the behavior is sufficiently severe or pervasive as to create an intimidating, hostile or repugnant environment; or (3) the behavior is unwanted and persists despite objection by the person to whom the conduct is directed.

Examples include:

- Unwanted sexual statements: Dirty jokes, comments on physical attributes, spreading rumors about someone’s sexual activity or performance, talking about one’s sexual activity in front of others, displaying or distributing sexually explicit drawings, pictures and written material.
- Unwanted personal attention: Texts, phone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction and pressure for dates.
- Unwanted physical or sexual advances: Touching, hugging, kissing, fondling, touching oneself sexually for others to view or other sexual activity.

—Equal Employment Opportunity Commission and Office of Institutional Equity, University of Michigan

en’s Commission to work with the Legislature and state agencies to assess programs that affect women, including sexual harassment policies. Indiana passed legislation that mandates sexual harassment training for legislators and creates a subcommittee of the Legislative Council to review the Legislature’s sexual harassment policy. Virginia passed legislation mandating training

for legislators and legislative employees.

The #MeToo and #TimesUp movements have brought legislatures to a unique moment in time. Many lawmakers are using the opportunity not only to revise and correct their sexual harassment policies, but also to rethink the culture of their workplaces and ensure that they are safe and respectful for everyone.

Town Hall Overhaul



It's a challenge to engage with your constituents when everyone's shouting.

BY LARRY SCHOOLER

Larry Schooler is the director of community engagement and consensus building for the public policy strategy firm Engaged Public and a senior fellow at the National Civic League. He has spoken at several NCSL events. For more, read "Deliberative Practice and Its Impact on Individuals and Society," available at nid.arizona.edu/research_briefs.

What comes to mind when you hear the phrase "town hall meeting"?

If it involves explaining some controversial legislation, I'm guessing you feel some combination of anxiety and dread.

You may have stood before angry constituents in a packed gymnasium, trying to answer questions or respond to their concerns, only to be drowned out by the crowd's reactions. In those situations, some legislators have questioned their physical safety and wondered whether the presence of uniformed or undercover security personnel would help or hurt.

Attendees come in the hope of sharing their views, of getting questions answered or even of influencing policy decisions; often, they leave disappointed on all counts. Some legislators may hesitate to share their perspectives if they fear a crowd will turn on them, and some constituents may feel the same way, resulting in incomplete and even inaccurate information about constituents' views.

If legislators want to serve their constituencies and support legislation that resonates with their own beliefs, the current iteration of the town hall meeting isn't quite doing the trick. Many legislators feel that at these events they hear only from those with enough self-confidence to speak in front of a large, sometimes angry group, those willing to risk the ire of the crowd if they ask a question or voice a concern that isn't popular with those who showed up.

Here are three ways you can hear from more constituents in more productive ways.

1. Know Who You Represent.

Legislators certainly know the boundaries of their districts, but effective public engagement means "mapping" districts in different ways: learning where your constituents assemble, what events they attend, what organizations they support, what sources of information they rely on.

Constituents, for example, benefit when legislators regularly visit a specific media outlet—a weekly radio show, for example—for a conversation driven by voter concerns. A

Technology Is Our Friend

Thoughtful uses of technology can significantly improve both constituents' access to those in office and lawmakers' access to the pulse of their districts.

But there are pitfalls.

A basic Facebook or Twitter account, for example, can reproduce some of the same ugly dynamics as the packed gymnasium—unvarnished vitriol, limited information exchanged, many voices silenced.

Instead, organizing a moderated video chat with several participants who can see one another, or a televised meeting that enables participants to call or send text messages (personalizing the context), can change the dynamics of the conversation significantly.

Of course, in many contexts, elected officials have thousands, even hundreds of thousands, of constituents. Perhaps the time has come for investment in a "conversation corps"—an army of trained facilitators who make civil, civic dialogue possible for people all across the country, in settings that feel comfortable, familiar and inviting.

Perhaps the resources of iconic internet brands can be brought to bear in this regard using the vast reach of their platforms to create small, diverse conversational cross-sections of a community, or a country. Imagine the possibilities if you could talk to someone you passionately disagree with and find a sliver of common ground. That might become a little easier thanks to technology.

trusted and neutral third party (the host) can foster mutual respect by keeping the conversation on track and safe for all points of view to be expressed.

Face-to-face meetings or encounters at popular hotspots, like farmers markets or cultural events, can give legislators a better understanding of what the public is thinking. For one thing, attendance at these events exposes the legislator to a broader array of constituents than those who self-select to show up at a massive

town hall meeting with a single microphone. Small-group discussions often are more appealing to both the speaker and the listener.

2. Know Your Purpose.

We know legislators are supposed to talk to constituents, but an effective public engagement strategy should include a clear agenda and a set of objectives for every event you conduct. Ask yourself: What are we here to accomplish? What

do we want to share? What do we want to learn? How do we want to respond to the information we hear? The answers to these questions can help inform the meeting's agenda and its design—how the discussion happens and how decisions are made.

Consider using social media, your website, flyers and other means to let the public know what to expect at your meetings—the topics for discussion, format, their role, plans for next steps and so on.

10 Ways to Boost Engagement

To engage constituents in meaningful ways, consider these ideas suggested by seasoned legislators:

1. Be genuine. Follow your passion, instincts and core beliefs.
2. Be an active listener. Emphasize listening over speaking.
3. Keep it simple. You don't have to start big. Keep your plans practical and doable. Some of the most successful practices are low-cost, no-frills conversations.
4. Pick a hot topic. Embrace controversy—these hot topics consistently draw the most people.
5. Get help. Concentrate on your role in the meeting. Use available people on your staff or in your community to help.
6. Go where the groups meet. Take the guesswork out of organizing and promoting a meeting. Participate with your neighborhood or civic association or similar organization.
7. Connect to key stakeholders. Hold richer, more productive conversations by occasionally meeting with small-business owners, school superintendents or others with common experiences or professions.
8. Bring in experts. Simplify complex topics by bringing in experts to help frame and clarify the issues.
9. Work as a team. Work with other legislators when meeting constituent groups. As a delegation, you'll hear the same stories, but each of you can emphasize your own expertise and divide up the resulting work.
10. Use social media. Facebook, Twitter and other platforms can reach a vast audience that might never attend in-person meetings. Be sure to respond to constituent comments to make it a meaningful discussion. —Angela Andrews

3. Know What You Need.

Besides finding a suitable meeting space, legislators need to delegate specific roles to staff and professionals, including:

- Greeting guests and finding out what they are interested in to help maintain contact with them after the meeting ends.
- Working with reporters and media outlets to ensure their needs are met.
- Providing subject matter expertise in response to questions beyond a legislator's knowledge.
- Capturing constituent concerns that cannot be fully addressed during the meeting.
- Finding a neutral facilitator who can focus on the process of the meeting and ensure all participants are respected.

Delegating these tasks can allow legislators to focus on sharing their perspectives on the issues of the day and listening to their constituents.

Lawmakers who lack the resources or staff to carry all this out can take baby steps. Start with a town hall the way you've done it before but dis-

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tribute a printed, defined agenda to keep you focused. Add different formats as you gain team members. If the purpose of your gathering is to gain an understanding of constituents' viewpoints and convey information back to them, then the venue must be appropriate. Conversation held around a single table, in a smaller group, with the help of a facilitator who keeps the group focused on its agenda and mindful of its discussion agreements,

could yield far better results than a large, loosely organized gathering.

Research conducted by the National Institute for Civil Discourse at the University of Arizona suggests a strong link between “deliberative democracy,” which emphasizes discussion rather than speeches, and a more “civil discourse,” in which participants feel comfortable sharing their views, even if they are unpopular or not widely held.

Ultimately, your constituents expect a lot from you—and they should. It's your job to respond to their concerns. But, just as constituents have a legitimate need to feel heard, and see their concerns addressed and questions answered, legislators have a legitimate need to feel safe, whether security personnel play a role at public meetings or not. In the end, we'll satisfy constituents' and legislators' needs only if we can change the conversation.

Capturing the College Vote

Students living on college and university campuses rarely make the effort to vote. Only 18 percent voted in the 2014 midterm election, compared with 37 percent of the total population.

How do we engage them?

Although most college students aren't thinking much about property taxes, public pensions, long-term care and the other concerns that drive their elders to the polls, there are plenty of other issues—increasing tuition rates, the minimum wage, clean water—that many students do care about.

Here are a few ways to increase college students' interest in state government and strengthen the connection between you and any campus in your district.

1. Speak their language.

Learn how students engage with one another and how they stay informed. What are their social media habits? Are they on Instagram? Snapchat? Fifty-six percent of millennials get their local news through Facebook, and 88 percent of them get at least some news from social media, according to the American Press Institute.

Simply put, social media is no longer just social. It long ago stopped being just a way to stay in touch with friends. It has become a way of being connected to the world generally: to send messages, follow channels of interest, hear news, share news, talk about it, be entertained, stay in touch.

Encourage students to connect with your website. Talk about the issues they care about. Tell a story about your own college experience and how state politics affected you at the time. Students want to interact

with and follow people who are genuine, people they can relate to.

2. Clarify without talking down to them.

Research shows Americans know and understand little about our system of representative democracy. To engage with students from all levels, spend time with the general student population, not just the political science students. Talk with political science professors about conducting a mock legislature, or some other activity, to show how government works.

Help students see beyond party labels. Counter their skepticism of politicians' motives by demonstrating how getting them involved is more important to you than getting their vote. Talk about some of the universal values lawmakers, regardless of party, stand for. Go to campus events—football game, a musical, a speaker series. Become a familiar face and show you support their interests.

3. Register them to vote.

Before college students can vote, they must register. If they haven't done that in their home state, they can do it in the state where they attend college, as long as they have a temporary or permanent residence there. Some schools have student-organized “voter access” committees to increase turnout by providing information on registration requirements.

Talk to administrators about what they might already be doing to encourage registration and voting, then consider what else could be done. Several organizations offer

resources that can help you do this, among them the American Association of University Women, the Campus Vote Project and the Campus Election Engagement Project.

And if you really want them to vote, not just register, encourage them to sign a pledge. A recent study of college students in Colorado and Pennsylvania found that those who pledged to vote were more likely to actually do so than those who didn't. “Overall, pledging to vote increased voter turnout by 3.7 points among all subjects and 5.6 points for people who had never voted before,” researchers concluded. Also, detailed data on local and absentee student voters are available in the first-of-its-kind “National Study of Learning, Voting and Engagement,” from Tufts University.

4. Learn the tax law.

The vast majority of private and public universities and colleges are 501(c)(3) tax-exempt educational organizations prohibited from directly or indirectly participating in any political campaign on behalf of a candidate for elective office. Violators can lose their tax-exempt status and be hit with certain excise taxes.

The activities and expenditures allowed depend on the circumstances. Activities to encourage participation in the electoral process, such as presenting public forums, publishing voter education guides and conducting get-out-the-vote drives, are not prohibited, if conducted in a nonpartisan way.

—Anna Smith, former NCSL intern



On Track to Office Success



Three tips for ensuring legislative staff offices run smoothly and risks are managed appropriately.

BY WAYNE KIDD

Wayne Kidd is the audit supervisor for Utah's Legislative Auditor General's Office. He is a former at-large staff member of NCSL's Executive Committee and is currently a member of NCSL's Legislative Staff Coordinating Committee.

Legislative staff offices vary greatly by state and can even vary within a state. Each office has its own mission, core functions and staff skill sets.

But, despite their differences, staff offices also have a lot in common. Each strives to provide timely and accurate information and support services to ensure the success of the legislature. The better these offices are managed, the better our legislatures work.

1. Align Practice With Policy.

Organizational success is often linked to an inspiring vision, a clear mission and well-designed objectives. It involves planning strategically, setting goals and adopting effective policies. But when practices don't align with policies, an office won't run smoothly and there will be little staff support. And without staff buy-in, the vision, mission or objectives have little worth.

Take a step back and review your policies. They should be specific to your office's goals and objectives and consistent with statutory provisions. Once policies are set, develop procedures to guide your staff in the everyday decision-making relevant to the office's mission.

Consistency is key. If policy and practice get out of alignment, it can spell trouble. One legislative office, for example, had a discretion-

Know the Code

Most legislative offices have a code of conduct for staff. If your office doesn't, NCSL has a model code you can refer to. Just search "Model Code of Conduct" at www.ncsl.org.

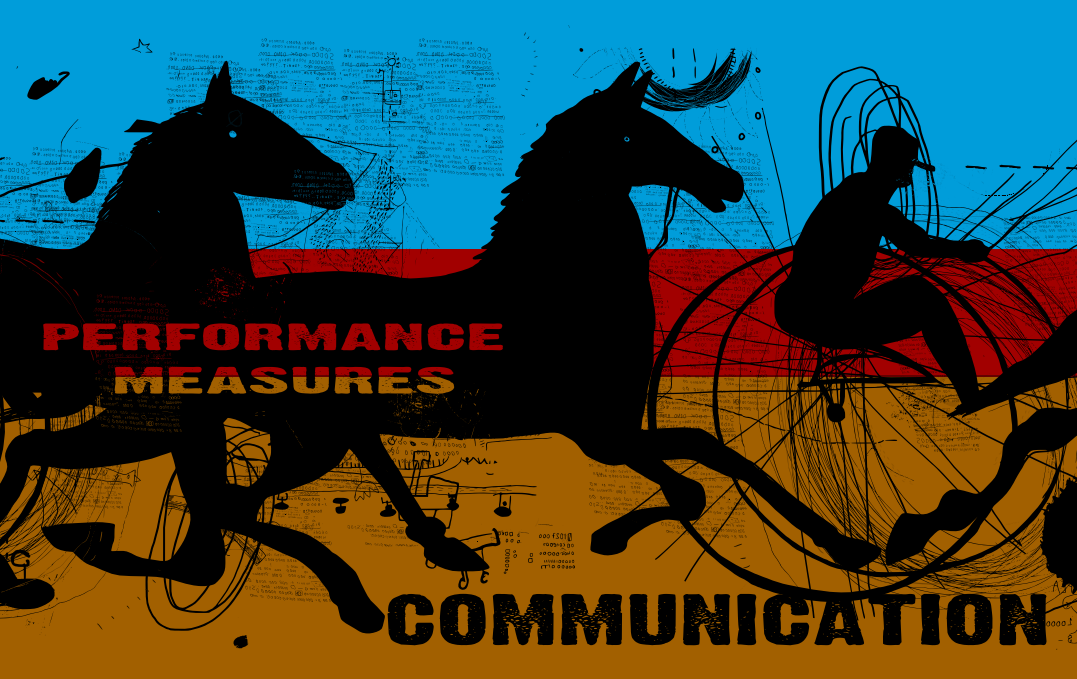
ary salary increase policy, with the objective of paying employees based on performance. Every employee was required to have a performance plan in place. At the end of each year, each was evaluated on his or her performance, and salary increases were based on the evaluation.

But the staff were inconsistent in practice—that is, in developing their performance plans. Some had plans, others did them at the last minute before the evaluation and still others didn't do them at all.

Every employee had an evaluation, though, and a pay increase based on it. The inconsistent completion of the performance plans created turmoil. Why bother doing a plan if it's not used in the evaluation, wondered the employees who followed the policy. Would you want to?

Remember, employee engagement is essential to a well-functioning office.

To avoid confusion, policies should be written clearly, distributed to everyone, and updated regularly. It should be clear that there are consequences—and what they are—for not following required office practices.



2.

Communication Is Critical to Success.

Communications expert Bill Quirke has said that when employees understand their overall role in a business, 91 percent will work toward its success. But when they don't, that figure sinks to just 23 percent. Many studies show that highly effective internal communication yields high productivity. Ineffective communication, in contrast, can manifest itself in many ways, including:

- A lack of staff accountability.
- Unclear staff roles and responsibilities.
- An increase in inaccurate information.
- A lack of transparency.

Communication is more about engaged listening than speaking. It's achieved only when the recipient comprehends the message, then signals his or her understanding back to the sender. It's a feedback loop that's completed with the reporting of the action taken.

On an individual or office level, reporting should always include performance measures as a way to improve accountability. The Utah Legislative Auditor's Office, for example, is required in statute to provide an annual report to the Legislature.

Employee engagement is essential to a well-functioning office.

To boost accountability, the office's report includes not only performance measures, such as the number of audits completed and recommendations made, but also the outcomes, like the number of recommendations implemented and examples of audits that reduced costs.

Effective communication thrives in a culture of openness and is both top-down and bottom-up, between peers and with clients—that is, legislators—and with other offices.

Sometimes there is a tendency in the legislative environment to hoard information, to view it as power. That thinking may be useful in political dealings or negotiations, but at the legislative service level, it can lead to harmful gossip, dissent in the ranks, second-guessing, resentment and misinformation—all culminating in inconsistency in office practices and a lack of good controls.

The bottom line is for staff to follow through on their communications. When staff are reliable and trustworthy, the credibility of their legislative office increases.

Listen and Lead

Listening is one of the skills that can help you most in your role as leader of a staff office. These five tips can make you a better listener and leader.

- **Limit distractions.** Silence phones and move away from distraction so you can pay full attention to the other person. Take note of his or her tone of voice and body language as well.
- **Pay attention to what is being said, not what you want to say.** Set a goal of being able to repeat the last sentence the other person says. This keeps your attention on each statement.
- **Be OK with silence.** You don't always have to reply or have a comment. A break in dialogue can give you a chance to collect your thoughts.
- **Encourage the other person to offer ideas and solutions before you give yours.** Do 80 percent of the listening and 20 percent of the talking.
- **Restate key points and ask whether they are accurate.** "Let me see whether I heard you correctly" is an easy way to clarify any confusion.

Source: Center for Creative Leadership; more at ccl.org.

3.

Independence Is Paramount.

Nonpartisan staff offices support their legislatures by providing information in an objective manner. Maintaining independence increases an office's credibility and strengthens legislators' trust in it. Independence means staff strive to make decisions based on impartial assessments of law, the facts and what they believe will further their office's mission. It means resisting the interference of politics or outside pressures, and avoiding perceptions of favoritism, bias or party preference.

Independence ensures that the interactions nonpartisan staff offices have with legislators are credible and that the information they provide is trustworthy.

That's it. Running a respected legislative staff office is as easy as 1-2-3: Match office policies with actual practices; communicate openly and honestly; and reward independent thought. Who wouldn't want to work in that kind of an environment? 🐾

NCSL stateVote

The upcoming election will be the most closely-watched political moment in years. Join state legislative leaders and NCSL policy analysts for a post-election discussion about what the outcome means for states, and what to expect in the upcoming legislative sessions.



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Who Has the Best 'Cyber Hygiene'?

An estimated 1.6 million data breaches occurred throughout the United States in 2017, jeopardizing the security of more than 178 million records. All states have data breach laws requiring entities that collect personal information to notify individuals if that information has been breached. Yet, the risk of cyberattacks varies significantly by state, as cybercriminals take advantage of residents' risky online behavior.

A new report identifies the states whose residents are the most and the least prepared to prevent and respond to cyberattacks.

The Ponemon Institute, a Michigan-based research group, and the internet security company Webroot asked consumers in

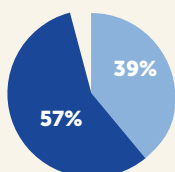
each state about their experience with cyberattacks and certain risky online behaviors, like reusing passwords, clicking phishing links, using unsecured Wi-Fi networks, failing to update operating systems and applications, and failing to use antivirus software. The researchers then created a "cyber hygiene index," which they used to rate state residents' cyber preparedness.

The states lowest on the index—and thus whose residents are most vulnerable to cyberattacks—were Florida, Wyoming, Montana, New Mexico and Illinois. Rating highest were New Hampshire, Massachusetts, Utah, Rhode Island and Minnesota.

— Laura Fodor

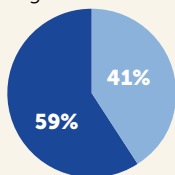
Password Habits of Internet Users

% who vary passwords for different accounts



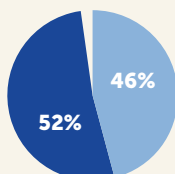
Use same or very similar
Use very different

% who share passwords among friends and family



Have shared
Have not shared

% who use two-factor authentication

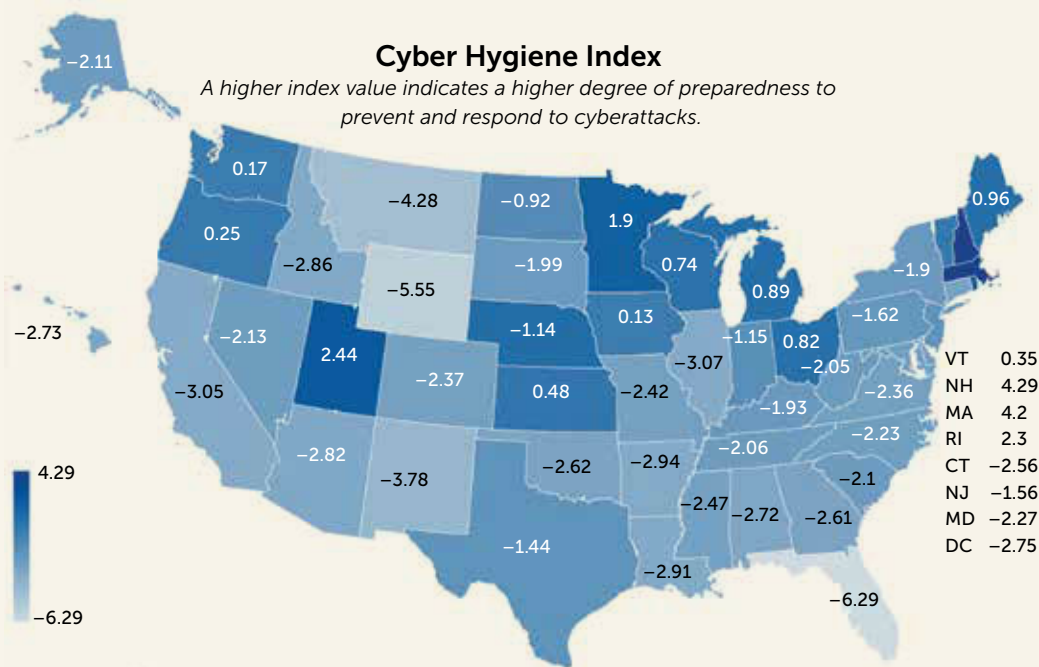


Do not use
Use

Source: Pew Research Center

Cyber Hygiene Index

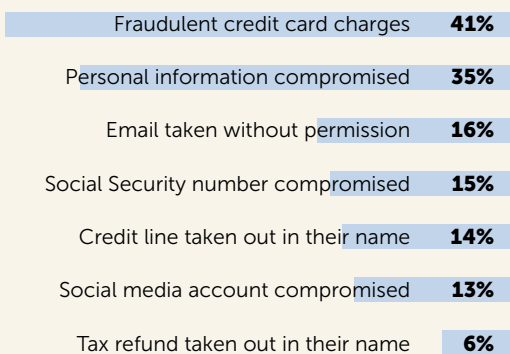
A higher index value indicates a higher degree of preparedness to prevent and respond to cyberattacks.



Source: Ponemon Institute

Under Attack!

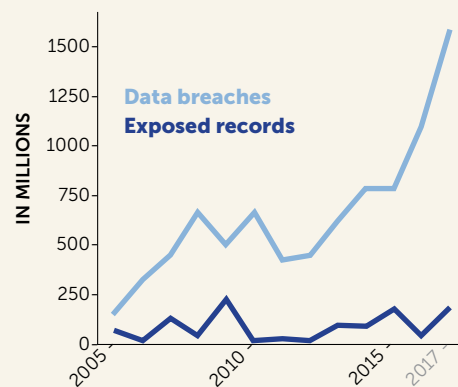
Percentage of U.S. adults who have experienced data theft



Source: Pew Research Center

A Recent Spike in Breaches

Annual number of data breaches and exposed records in the U.S., 2005 to 2017 (in millions)



Source: Statista

NEWSMAKERS

“This very point was brought up, that incarceration is not making us safer.”

Idaho Senator Patti Anne Lodge (R) on a criminal justice session she attended at NCSL’s Legislative Summit in Los Angeles in August, in *The Spokesman Review*.



“What a horrible feeling [to] know nothing about your history, nothing about your past.”

Indiana Senator Michael Young (R) on a new law giving adopted people access to their family medical histories and other vital information, on *Northeast Indiana Public Radio*.



“What we really want to do with these reforms is reserve our prison space for people who are a danger to public safety.”

North Dakota Representative Karla Rose Hanson on a package of “justice reinvestment” reforms lawmakers passed last year, in the *Grand Forks Herald*.



“I’m for folks being good stewards of the environment, but that doesn’t mean the government has to tell you how to do everything... To make that argument to someone in San Bernardino trying to enjoy a chocolate malt—that’s very hard to do without a straw.”

California Assemblyman Matthew Harper (R) on the state’s ban on plastic straws, from *Pew’s Stateline*.



“If the Legislature fails to act, avoidable fires will continue to happen.”

California Senator Bill Dodd (D) on what he says is the Legislature’s slow response to the state’s wildfires, in the *Los Angeles Times*.

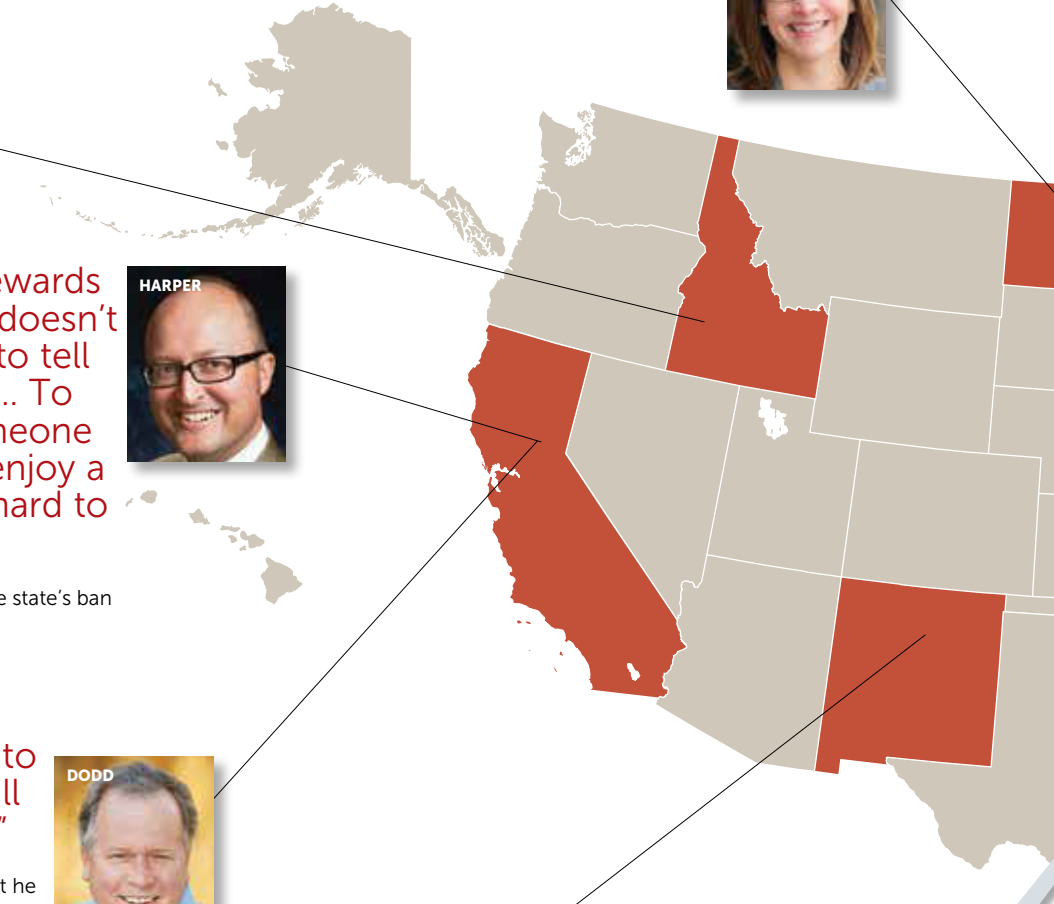


“We can’t even begin to appreciate all the opportunities that it will unfold for our citizens, for economic development and for frontier communities.”

New Mexico Senator Jeff Steinborn on the development of the Rio Grande Trail, in the *El Paso Times*.



MISSOURI GOVERNOR MIKE PARSON (R) APPOINTED SENATE MAJORITY LEADER MIKE KEHOE (R) TO BE HIS LIEUTENANT GOVERNOR. Kehoe was elected to the state Senate in 2010 and selected majority leader in 2015. Parson said he chose Kehoe because he wanted someone who possessed certain attributes: “leadership, humility, meaningful experience, a willingness to listen to your adversaries and the heart of a public servant.”



“For me, the social justice piece of it is much larger than, I think, the taxing and regulating—although that is important.”

New York Assemblywoman Crystal Peoples-Stokes (D) on her bill to legalize marijuana and help communities targeted in the war on drugs, from Pew’s Stateline.



THE MASSACHUSETTS SENATE ELECTED KAREN E. SPILKA TO BE ITS 95th PRESIDENT. She’s the third woman to hold the leadership position. Spilka was elected to the House in 2001, then to the Senate in 2005. She is an attorney specializing in labor and employment law and community and court mediation. Spilka succeeds Harriette L. Chandler, who is now president emerita.

“I think all of us have an interest in decriminalizing and not having someone sit in a jail cell for a crisis they may be going through.”



Maryland Senator Will Smith (D) on a recent NCSL report, “The Legislative Primer Series on Front End Justice: Mental Health,” in the Baltimore Post-Examiner.



ROGER HANSHAW (R) REPLACES TIM ARMSTEAD (R) AS SPEAKER OF THE WEST VIRGINIA HOUSE OF DELEGATES. Armstead was appointed to the state Supreme Court to fill a vacancy until new justices are chosen in a special election Nov. 6. He has filed as a candidate for the court in that election. Armstead was first elected to the House in 1998 and has served as speaker since 2015. Before becoming speaker, he was vice chairman of the Judiciary Committee.



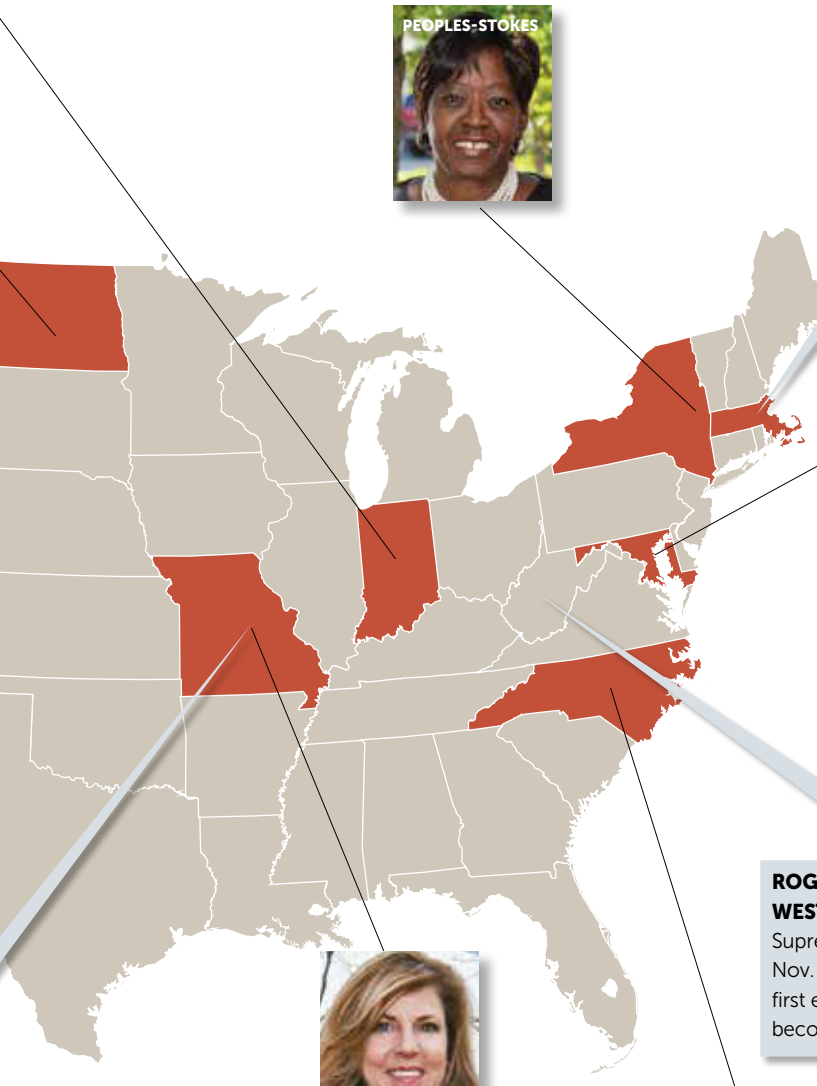
“Most important, we are not going to allow adults to prey on children. Someone 21 is not going to be allowed to marry someone 15. We are not going to allow adults to legalize what is statutory rape.”


Missouri Representative Jean Evans (R) on a new law that raises the state’s marriage age from 15 to 16, in the Chicago Tribune.



“This was never a partisan issue or about politics, but about doing what is right, and I am glad we had bipartisan support in both chambers as we stand up for our farmers.”

North Carolina Senator Brent Jackson (R) on overturning a veto of a bill to limit residents’ ability to sue neighboring hog farms for being nuisances, in The News & Observer.





INNOVATIONS

STRENGTHENING THE LEGISLATIVE INSTITUTION

code and school district information, the GIS office built an interactive “District Information” page that allows users to choose the legislative body and geography of interest by district, then sort and download the data in any way they wish.

In addition to its support for the redistricting process, the office has been asked to provide various bill analyses. One bill, for example, requires the Minnesota Pollution Control Agency to analyze cumulative pollution affects in an area before issuing a permit. The office created a series of maps that displays blood lead, asthma and arsenic levels along with socioeconomic data for a Minneapolis neighborhood.

The office also created a series of maps for the LEAPS Act (Learning for Academic Proficiency and Success), which addresses the language development and academic needs of English language learners. The maps display the primary languages spoken in homes by school district, changes in limited-English-proficiency rates over six years, the percentage of non-English-speaking students by school district and enrollment in limited-English-proficiency courses for students in pre-K through 12th grade.


In 2008, voters passed the Legacy Amendment Act to fund a variety of efforts: protecting and restoring drinking water sources, wetlands, prairies and forests, and fish, game and wildlife habitat, and preserving the arts and cultural heritage. The GIS office created a website that lets users easily see how the funds are being spent. That site’s map, built with free software and showing where the projects are located, is the one the Cartographic and Information Society recognized.

As it’s done since 1989, the office continues to explore new ways to display geospatial data to enhance redistricting and the legislative process. Innovations in software and other technologies keep us on our toes but also help us rise to the challenge of serving the Legislature.

—Lee Meilleur and Chris Cantey

Lee Meilleur handles technology services and Chris Cantey is the lead developer/cartographer for Minnesota’s Legislative Coordinating Commission.

Precinct Finder



Building Better Data-Mapping Tools

With a recent award from the Cartographic and Information Society for best interactive map under its belt, Minnesota’s Legislative Geographic Information System Office is ready for the challenge of redistricting after the 2020 census.

The office, which is part of the nonpartisan Legislative Coordinating Commission, has come a long way since it was created in 1989 to prepare the Legislature for the next round of redistricting. Instead of what was then a bare-bones webpage displaying district maps and reports, it now offers a range of user-friendly interactive maps and reports and bill analysis tools, all built with free, open-source software.

It would be several years before the GIS office created its first primitive interactive

tool, however. It debuted as a map on the state’s “Who Represents Me” page and required users to pan and zoom to a location, then click to find their representatives. Shortly after, a geocoding tool was added so constituents could enter an address to find their legislators. These were the first steps toward user-friendly interactive mapping.

By 2001 it was time to prepare for the next redistricting cycle and the office began publishing election maps. Adding interactive maps to the basic district maps and reports allowed users to explore proposed plans and customize maps by toggling on or off data layers such as cities and towns, counties, school districts, Minneapolis and St. Paul neighborhoods, and satellite imagery. After being overwhelmed by requests for spreadsheets containing county, ZIP

Yes, No, Maybe So



Is humility a vice or a virtue for elected leaders?

Was Socrates right that humility is a prerequisite to good leadership, or was Aristotle correct when he said that an effective leader must be prideful? Were they both right?

Even though these two founders of Western philosophy staked out their competing positions on the value of humility some 2,500 years ago, the question is no less relevant today. Every individual holding or running for public office chooses to express himself or herself either with or without humility. Both choices come with potential advantages and disadvantages.

What does “humble leadership” even look like?

Everyone has some idea about what humility means. It is an attitude toward oneself somewhere between loathing and superiority. A humble person does not view herself as more important than others, but neither does she lack self-worth. Some scholars have defined it as the accurate estimation of one’s own importance, abilities and value.

Although generally considered a virtue, the concept of humility seems at odds with some of the requirements of leadership.

The decision to pursue public office, for instance, requires a certain degree of hubris. It takes supreme confidence to see large, complex social problems and say, “I got this.” A genuinely modest person would struggle to consider himself, versus all other qualified candidates, as the best one to make decisions

that affect entire communities.

A little braggadocio might help when running for office. Self-aggrandizement can promote belief in a candidate’s superior qualifications or abilities, in contrast to one who humbly underplays personal achievements.

Consider, for example, which sounds more appealing for a voter concerned with the economy: the humble, “I will do everything in my power to improve our economy,” or the presumably unrealistic claim, “My election will result in the strongest economy of all time.”

Despite the apparent barriers, there are politicians who are both humble and successful. The story of George Washington as a reluctant president, more interested in supporting a fledgling nation than his own glorification, serves as one of the most notable examples from American history. Abraham Lincoln used his self-deprecating humor to endear himself to his peers and the public.

Humility benefits public officials by increasing openness to different ideas. It encourages individuals to freely reconsider beliefs when presented with new information, which is a requirement for good policymaking.

Research outside the political realm finds that many successful corporate leaders exhibit narcissistic personality traits. Research also shows, however, that the likelihood of sustained high performance is greater with humble leaders.

Humble corporate leaders tend to

share credit and invest genuine effort in serving subordinates. Their companies tend to have higher employee satisfaction and lower turnover rates, greater institutional knowledge, and better overall long-term business health. The inevitable loss of leadership is more likely to hurt a company built around a leader’s personality than one with a strong collective reputation supported by humble leadership.

The lessons from the business world may translate to the political realm, providing some evidence that humble politicians may be better at building more efficient and effective governments and political parties in the long term.

Perhaps the most significant consequence of a lack of humility is an increased likelihood of ethical lapses. An inflated sense of self-importance may make a person likely to put their own needs above others, contrary to the demands of public service. A willful conflict-of-interest violation could more easily result, for example.

Humility may be a vice or a virtue depending on the situation. Those with knowledge of humility’s power and limitations can modulate natural tendencies in a way that best serves themselves and the needs of those they represent.

—Nicholas Birdsong

Nicholas Birdsong is a policy associate with NCSL’s Center for Ethics in Government. Is an ethical dilemma keeping you up at night? Let Nicholas know. Email him at nicholas.birdsong@ncsl.org

Kirk Cox

Speaker, Virginia House of Delegates

First elected to the House in 1989, Kirk Cox served as majority whip and majority leader before unanimously being elected speaker in January. Cox earned a bachelor's degree in political science and general social science from James Madison University. He is a retired government teacher who spent 30 years in the classroom and 14 seasons on the field coaching youth baseball.

What lessons did you learn as a teacher and coach that helped prepare you for your position as speaker?

If you're a classroom teacher, you teach about 120 kids a year, and they all have different personalities. I taught in every type of school—inner-city, rural, suburban—and legislators obviously come from all those different walks of life. I used to say to young teachers, "You really have to set the tone the first week." Students have to think you're fair across the board, but they're also individuals. Coaching is a little bit the same way. I've had teams that weren't quite as talented, but we came in first place because they pulled together as a team. They didn't care who did what—they were unselfish. I've had other teams where I had to really work on that team concept. Learning how to deal with that was really helpful for the legislature.

Are leaders born or made? It's a little bit of both, but if I had to pick one, I would say made. My parents were great role models and I think everyone can probably point to a teacher in their life who really inspired them.

Republicans went from having a large majority in the House to a slim one after the last election. Has that changed how you lead? A little bit. Political parties have different philosophies and that's a good thing—it gives people choices. The big thing you have to focus on with a 51-49 split is governing. As an old government history teacher, I feel like people are really looking for you to govern. People expect you to solve what I call "kitchen-table issues"—issues that affect them. So early on, we had three or four things that we worked on with the governor, a Democrat. One example is regulatory reform. We ended up with a very good bill to reduce regulations by 25 percent over three years, particularly in occupational licensing.

What gives you the most hope? The citizen legislators I've been able to serve with over the last 28 years. They're here for the right reasons. Not everyone, but the majority are. They have

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



other jobs. Our salary is around \$18,000 and that pretty much hasn't changed in my 28 years. We have every group, from prominent lawyers to school teachers like myself. I'm just really impressed with people who will give up their time and are passionate about what they believe. I think you have to have a little bit of a servant's heart. That's encouraging to me and I hope that continues.

How do you stay at the top of your game? I'm probably the most overprepared person in America, which is not always a good thing. I really try, with every bill that I'm passionate about, to read everything I can about it. I have my staff come in and ask me every possible question.

Who inspires you and why? My wife, Julie, because you can imagine having four boys and the challenge that goes with that. She's an incredible wife and mother, but she's also a crisis counselor. When I taught, a lot of the teachers I met who worked with special needs and profoundly disabled kids had such a big heart. Julie has that kind of heart for people going through crises, which I greatly admire.

What do you do for fun? Watch sports and play sports with my four boys. We have a little disc golf course next to our house, so we just go out and play and have a fun time.

What book is on your nightstand? I'm actually rereading one by Philip Yancey entitled "What's So Amazing About Grace?" In a world that can be pretty tough, that doesn't show a whole lot of mercy and at times can be pretty cruel, it's a really good reminder that we are the dispensers of grace. That's the biggest gift God gives us.

What final words would you like to share? Having taught 30 years of U.S. and Virginia government, I still think it's the most amazing system of representative democracy the world has known. To be able to be part of that, especially in Virginia, where you've had Patrick Henry, James Madison and Thomas Jefferson. The start of the arc of our history is that tiny little church in Jamestown 399 years ago. The real challenge for us in the future is to continue that arc in a positive way, and that's not easy. It's a tough political time right now. The thing I would like to leave you with is that these citizen legislatures and the states really create a great model to knock on doors, meet people and, hopefully, affect their lives for the better.

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