Although most Americans understand the biennial election cycle that drives U.S. politics, regular state legislative elections actually are held every year somewhere in the country. That is because four states have established the practice of choosing their lawmakers and other state officials in odd-numbered years—Louisiana, Mississippi, New Jersey and Virginia. In any given decade, from one legislative redistricting cycle to the next, a pattern in legislative elections exists because of the varying terms of office from state to state, and 2013 was the year when the fewest seats in legislatures were up for regular election. This low mark will repeat in 2017.

Only 220 of the nation’s 7,383 state legislative seats were up for regularly scheduled elections in 2013. That accounts for slightly less than 3 percent of all seats. Those regular elections are distinct from the constantly occurring special elections to fill legislative vacancies that can take place in any state at almost any time. All 120 seats in the New Jersey Legislature and the 100 seats in the Virginia House of Delegates were up for grabs in 2013. The Virginia Senate did not have regular elections in 2013.

In many ways, the nation’s 50 state legislatures are fundamentally identical. Members are chosen through regular elections and have fixed terms of office. Legislatures share similar constitutional powers, meet for set lengths of time and operate under fairly standard rules utilizing similar committees and leadership roles. But no two states are exactly alike in how they function or in how they hold elections. In addition to many substantial variations, they each have varying session lengths, different numbers of members who are elected in different cycles and for varying term lengths.

A good example of this truism is that all members of the houses and senates in Louisiana and Mississippi—both odd-year election states—are elected for four-year terms and the elections are not staggered. Those two states did not have regular elections in 2013 since all the seats in those legislatures were filled in 2011. As in Louisiana and Mississippi, all the members in Maryland and Alabama only run every four years, but they are elected in even-numbered years. It is worth pointing out that Louisiana and Mississippi also have very different primary systems for choosing legislative candidates. No two states are exactly alike when it comes to how legislatures are designed and operate.

History of the odd-year election states
Louisiana switched to the odd year after adopting a new constitution in 1974. The state held legislative elections in even years from 1870 until 1974. Mississippi began holding odd-year elections in the early 1800s after becoming a state, and they have continued the practice to today. From the time of statehood until 1949, New Jersey held legislative elections every single year in both the even and the odd years. It was common for many states, especially in the Northeast, to hold legislative elections every year in the first century of America’s existence. After adopting a new state constitution in 1947, New Jersey shifted to the odd-numbered years. Like in New Jersey, some seats in the Virginia General Assembly were scheduled for elections in every year for the first several decades of the state’s history. In 1851, Virginia went to legislative elections just in the odd years.

What happened in November 2013 Elections?
The relatively few 2013 elections—on first inspection—looked like they would result in little change, and that’s what happened. Even though elections held in the middle years of a presidential term are almost always bad news for the party holding the
White House, Democrats suffered only a net loss of four seats in 2013 regular elections. Republicans picked up two seats in the New Jersey Assembly and two seats in the Virginia House. Party control did not change in either chamber. Democrats emerged with a comfortable 48 to 32 majority in the New Jersey Assembly, and nothing changed in the New Jersey Senate, where Democrats maintained a 24 to 16 seat advantage.

In Virginia, Republicans padded their numbers in the House of Delegates by adding two seats, resulting in a majority of 63 to 37. The biggest change in 2013 legislative partisan control happened in the Virginia Senate after a winding series of events was triggered when two Senate seats became vacant and the Old Dominion elected a Democrat as the lieutenant governor; that person also serves as the tie-breaking vote in the Senate.

The Virginia Senate and the New Legislative Partisan Control Map

Over the past few years, the Virginia Senate has emerged as one of the most up-for-grabs legislative chambers in America. Since 2008, control of the chamber has gone back and forth, ending in a numeric tie of 20 Democrats to 20 Republicans after the 2011 election and effective GOP control given that the lieutenant governor, and Senate tie-breaking vote, was Republican Bill Bolling. In the statewide 2013 election for lieutenant governor, Democratic Sen. Ralph Northam won the right to preside over the Senate and break ties. But he had to vacate his Senate seat, setting up a chance for Republicans to win an outright majority in a special election called for early January 2014. Another Democratic Senate seat was left open when Sen. Mark Herring won the race for attorney general, so Democrats were left defending two seats in special elections held in January to maintain the tie and thereby take functional control of the chamber, by virtue of having a Democratic lieutenant governor.

In the special elections, Democrat Jennifer Wexton comfortably won a three-way race to fill the seat vacated when Herring resigned to become attorney general. The other special election was one of the closest races in Virginia Senate history and wound up sealing control of the chamber for Democrats. Democrat Lynwood Lewis bested Re-
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Republican Wayne Coleman by only nine votes in the first count of ballots. Coleman asked for a recount. The recount shifted two additional votes to Lewis, for a final tally of 10,203 to 10,192—a victory of five-hundredths of 1 percent, giving Democrats control of the Virginia Senate for the first time since 2009.

Despite the shift in the Virginia Senate, Republicans continue to have a marked advantage in running legislatures. In 26 states, the GOP controls both chambers of the legislature. Democrats control the entire legislature in 19 states, and in just four states, party control is split. That’s very close to the all-time low of divided legislatures. Nebraska’s unicameral legislature is nonpartisan. The map in Figure A shows the control of each state legislature.

Democrats also managed to win back one governor’s mansion in 2013 when Terry McAuliffe won a close race to become the new Virginia governor. Factoring in the Republicans 29 to 21 advantage in governor’s offices, they have complete partisan control in 23 states, compared to the Democrats, who have complete control in 15 states, leaving divided control in 11 states, not including Nebraska.

2014 Elections

Democrats should be nervous headed into 2014 elections because history is not kind to the party in the White House during presidential mid-term elections. In the 28 mid-term elections since 1902, the president’s party netted seats in state legislatures in just two and lost an average of 415 seats in the other 26 mid-term cycles. In the most recent mid-term election, Democrats, with Obama in the White House, got shellacked, losing more than 720 seats in legislatures.

Figure B shows the net change in legislative seats back to 1902 for the president’s party in mid-term elections.

In terms of overall legislative numbers, Republicans and Democrats are fairly even going into 2014 elections. Nearly 53 percent of all partisan seats are filled by Republican legislators and Democrats account for slightly more than 47 percent. Even though Americans have not given Democratic President Barack Obama positive job approval numbers in poll averages since June 2013, the Democrats take solace in the fact that they did not get walloped in the 2013 legislative races, although it was a small sample.
About the Author

Tim Storey is director of leaders services at the Denver, Colo.-based National Conference of State Legislatures. He specializes in elections and redistricting, as well as legislative organization and management. He staffed NCSL's Redistricting and Elections Committee for more than 20 years and has authored numerous articles on the topics of elections and redistricting. Every two years, he leads NCSL's StateVote project to track and analyze legislative election results. He graduated from Mars Hill College in North Carolina and received his master's degree from the University of Colorado’s Graduate School of Public Affairs.