

2010 Legislative Elections

By Tim Storey

The 2010 state legislative elections brought major change to the state partisan landscape with Republicans emerging in the best position they have had in more than 50 years. Voters shifted majority control to the GOP in 20 legislative chambers. By the time the proverbial smoke had cleared in early March of 2011, three more chambers had moved to Republican control due to special elections and party switches by sitting legislators. Republicans emerged with control of 26 state legislatures compared to only 15 held by Democrats, with eight divided between the two parties.

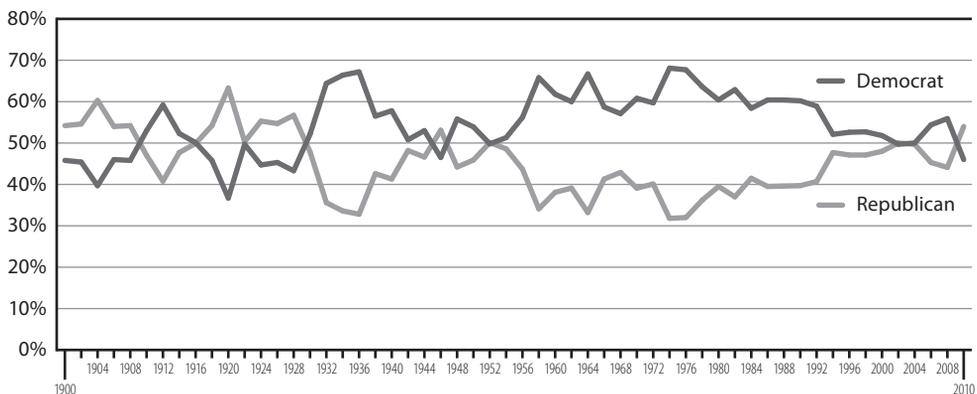
2010 was a banner year for Republicans in state legislative elections. GOP gains far outpaced expectations that focused on whether Republicans could exceed their 1994 success when the party netted more than 500 legislative seats. Their candidates blew past that mark; when the election was over, they had flipped 720 seats from Democratic to Republican.

Historically, state elections held halfway through the term of the president do not go well for the party in the White House, and 2010 was no exception. Since 1900, the president's party has lost ground in legislatures in 26 of the 28 midterm elections. In November 2010, Republican legislative candidates largely ran against President Obama's economic and health care policies, citing dismal state budgets and a national unemployment rate

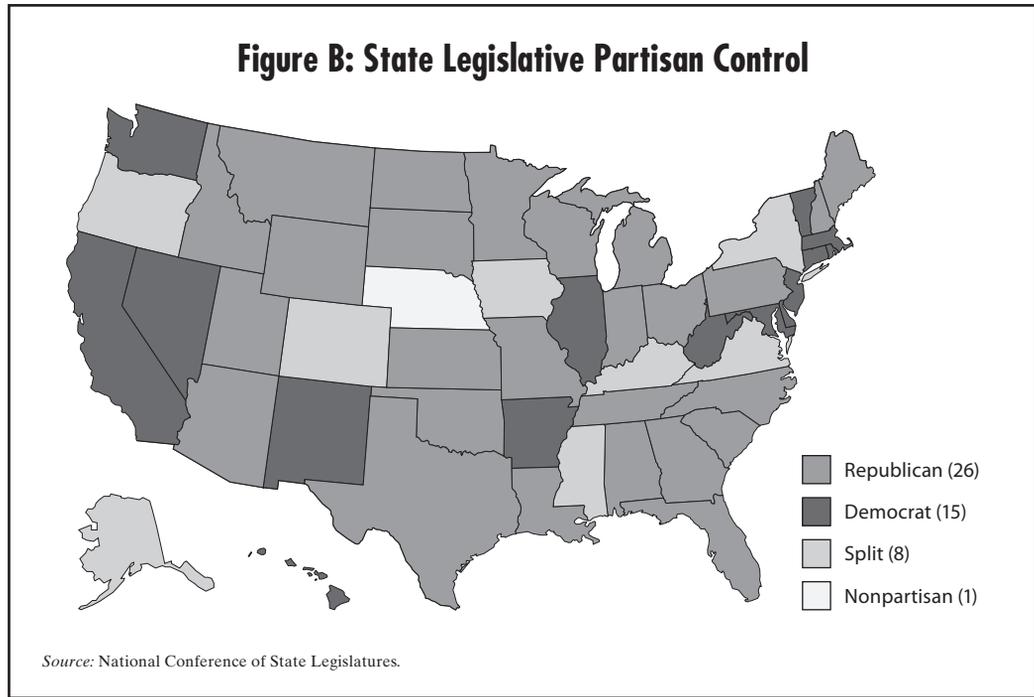
of 9.8 percent, which was hovering near its highest point in more than 25 years. Democrats were poised for a letdown, having netted seats in the three previous election cycles. Before the election, Democrats held slightly more than 55 percent of the nation's 7,382 state legislative seats, their highest margin since before the 1994 election. Since the 1920s, neither major party has added legislative seats in four consecutive elections.

All historic trends pointed to a Republican surge in 2010, but no one could have predicted the extent of GOP gains. It was an absolute landslide for Republicans. In every region and in the country as a whole, the GOP made huge gains regardless of the metric. They made huge strides in terms of seats, chambers and legislatures, ending up in the most dominant position since the 1950s.

Figure A: Percent of Legislative Seats Held by Party 1900–2010



Source: National Conference of State Legislatures.

Figure B: State Legislative Partisan Control

In early 2011, the U.S. Census Bureau delivered detailed census data to states to use in drawing new legislative and congressional districts. The 2010 legislative elections left Republicans in their best position for the decennial task of redistricting since the Supreme Court handed down the historic *Baker vs. Carr* decision in 1962 that marked the beginning of the modern redistricting era.

Final Numbers

In the two-year election cycle from January 2008 to January 2010, Republicans added more than 725 legislative seats to their total. They now control 54 percent of all seats compared to 46 percent in Democratic hands. The shift of 725 seats was the highest since the 1966 election cycle, when Republicans gained 762 seats. Republican legislators occupy 3,948 of the nation's legislative seats, compared to 3,354 held by Democrats. The remaining seats are held by about 25 independent and third-party legislators. The 49 senators in Nebraska's unicameral legislature run in nonpartisan elections and are not included in the tallies. Figure A shows the historic control of all U.S. state legislative seats.

Probably more important than picking up individual districts for Republicans was that they achieved majority status in 20 legislative cham-

bers in 2010, including the Montana House, which was tied prior to the election. And in the Oregon House, Republicans gained enough seats to tie the previously Democrat-held chamber. As if the Nov. 2, 2010, landslide was not bad enough for Democrats, more than two dozen Democratic legislators defected to the Republican party in the months following the election. Those party switches gave Republicans numeric majorities in three additional Southern chambers, the Louisiana House and Senate and the Mississippi Senate.

As 2011 sessions kicked into high gear, Republicans controlled the entire legislature in 26 states. Democrats controlled 15 and eight were divided with neither party having the majority in both chambers. Those top-line partisan control numbers were almost a complete reversal of the Democratic advantage prior to the election. Democrats claimed 27 legislatures compared to only 14 for Republicans before the election. Going into the election, eight states had divided control. Figure B shows the state-by-state partisan control of legislatures.

2011 marked the first time since after the elections of 1952 that the GOP controlled more than half the state legislatures in the U.S. The last time Republicans held as many total seats was in 1928. In terms of chambers, Republicans hold majorities

in 59 of the 99 state legislative bodies. Democrats have a majority in 37. The Alaska Senate and Oregon House are both tied. Ties are historically fairly common. The last time that none of the nation's 99 chambers was tied was in 1984.

The sheer change in majorities—all in the direction of the GOP—was also extraordinary in 2010. On average, 13 chambers switch control every two years, but Republicans added 23 in 2010, including the immediate post-election gains in Louisiana and Mississippi. With the Oregon House becoming tied, 24 chambers saw a change in the majority in the election cycle.

The scope of Republican gains was remarkable. Slightly less than 83 percent of all legislative seats were on the 2010 ballot, and 88 chambers held general legislative elections in 2010. The GOP gained seats in all but five. By far, the biggest surge was in the 400-member New Hampshire House, where Republican ranks swelled by more than 25 percent of the chamber's total membership, adding a whopping 122 seats. This was likely the biggest gain in seats in any legislative chamber by one party in American history.

The post-2010 election numbers were certainly grim for Democrats; however, it was perhaps some pre-election data that really pointed to how bad things would get for President Obama's party. About 11,000 candidates ran for the 6,115 state legislative seats up for election in 2010. About 10,000 were either Democratic or Republican. The number of candidates fielded by each party was about even. What was striking about the candidate numbers in 2010 was 49 fewer Democrats were running than in 2008 compared to 820 more Republican candidates than in 2008. Republicans challenged, and won, more districts knowing they had the wind at their backs.

Chamber Switches

Majority control shifts are common in every election cycle, but it is not common for all the changes to go in one direction. But that is exactly what happened in 2010 with all shifts moving to the GOP. As noted, Republican gains in the New Hampshire House were unprecedented and allowed the party to retake the majority in the historically Republican state for the first time since the Democrats won it in 2006. The New Hampshire Senate also switched over to GOP control, going from a 14-10 Democratic edge to 19-5 Republican majority. Only the Wyoming Senate, with four Senate Democrats, has fewer Democratic members.

In Maine, the story was similar to New Hampshire, with Democrats losing control of both chambers. In the Maine House, Republicans took 21 seats. The Maine Senate saw an almost complete reversal ending with a Republican majority of 20-14 with one Independent. Before the election, the Maine Senate had 20 Democrats. Two other Northeastern chambers, the New York Senate and Pennsylvania House, returned to GOP control after only two years in the Democratic column. The 112-91 advantage in the Pennsylvania House was the largest majority either party had held in the competitive chamber since 1976.

Three legislative chambers in the South went for the GOP for the first time since Reconstruction. Until the 2010 election, Republicans had not had a majority of seats in the North Carolina Senate since 1870. They also won back the North Carolina House, which changed party control in five of the past eight elections. In Alabama, Republicans scored solid majorities in both the House and Senate for the first time since the 1870s.

The other Southern legislative bodies to change control were in states that did not have 2010 elections—Louisiana and Mississippi. Party switches by sitting Louisiana House members and senators moved those two chambers to Republican majority status for the first time since 1870. In the Mississippi Senate, Republicans won a vacant Democratic seat district in a special election in February 2011. That switch, combined with a Democratic senator changing parties, left the Republicans with a 27-25 majority, their first since 1875.

Republicans made the most gains in the Midwest, where they won eight chambers in the Great Lakes states. They took back the Ohio House after losing it in 2008. In Indiana, the House switched again with Republicans emerging with a 60-40 majority. The Indiana House has changed hands 20 times since 1900, making it the most competitive House in the country over the past 110 years. Only the Connecticut Senate has changed hands more times; it has gone back and forth 21 times, mostly in the middle decades of the last century. In Michigan, legislative term limits helped Republicans win back the House by seizing 21 seats. Wisconsin has been another very competitive Midwestern state in recent elections, and both chambers went Republican in 2010. Wisconsin was one of two states, along with Maine, where the entire state government switched. In both states, the governorship, House and Senate changed from Democratic to Republican.

STATE LEGISLATIVE BRANCH

Minnesota voters delivered one of the only split decisions in the 2010 election. Both chambers of Minnesota’s legislature went to the GOP from Democratic control; however, Democrats retook the governor’s office. Gov. Mark Dayton is the first Democrat elected governor in Minnesota since 1986. The switch of one branch of state government to one party and the other branch to the opposite party is very rare. The last time it happened was in 1974, when Democrats won both bodies of the Alaska Legislature but lost the governor’s mansion.

With the addition of the Iowa House in 2010, Republicans controlled all but three legislative chambers in the Midwest. The only chambers in the region remaining in Democratic hands were the Iowa Senate, where they clung to a two-vote lead, and both chambers in Illinois.

Republican gains in the West were not as pronounced as in other parts of the country. Only two chambers west of Minnesota changed to the GOP—the Colorado House and the Montana House. In Colorado, Democrats nearly kept control of the House with Republicans winding up with only a one seat majority, 33-32. The opposite was true in the Montana House, where Republicans gained 18 seats and ended up with a supermajority of 68 to 32. Montana’s House was tied before the election and ranks as one of the most competitive chambers in the country, having switched control 18 times since 1900.

The only state west of the Rockies to see a legislative control shift was Oregon, where Republicans managed to tie the House at 30-30 after being in the minority for four years. Oregon House members agreed to a power-sharing arrangement, with co-speakers and co-chairs for committees.

Regional Overview

Republicans added seats in every region of the country. One of the most noteworthy outcomes of the 2010 election was the shift in the South, where Republicans added more than 177 legislative seats. For the first time in more than 130 years, a majority of Southern legislators are now Republican. The trend of Republican gains in the South has been steady for decades. Just 20 years ago, prior to the 1990 election, 75 percent of all Southern legislators were Democrats. At that time, Democrats controlled every Southern legislative chamber. As 2011 legislative sessions convened, Republicans held 21 of the 28 Southern legislative bodies—a dramatic reversal in a relatively short span of two decades.

Despite the symbolic tipping point in the South, it is not the strongest region for Republicans. That distinction belongs to the Midwest, where Republicans control more than 62 percent of all seats. It is the best position for Midwestern Republicans in more than 50 years.

The West is home to both the most Republican and the most Democratic legislatures. The Wyoming legislature jumped over Idaho to become the most Republican legislature. Eighty-four percent of Wyoming legislators are Republican. On the opposite end of the spectrum is Hawaii, where 87 percent of legislators are Democrats. Only one Republican is left in the Hawaii Senate, making the Hawaii minority caucus the smallest partisan caucus in the country.

Table A shows the number of seats Republicans netted in each region in the 2010 election cycle. Four states—Louisiana, Mississippi, New Jersey and Virginia—conduct regular legislative elections in odd-numbered years. New Jersey and Virginia held elections in 2009, and those results are included in Table A.

Table A: Seat Changes by Region from 2008 to 2010

<i>Region</i>	<i>Seat changes</i>	<i>Percent of seats held by Republicans in 2011</i>
East	+229 Republicans	47.4%
South	+177 Republicans	54.3%
Midwest	+211 Republicans	62.3%
West	+94 Republicans	54.8%

Source: National Conference of State Legislatures.

Turnover and Term Limits

2010 was a remarkable year for turnover. A new legislator was elected in 24 percent of the seats in states with elections in 2010. Turnover of that magnitude is not unprecedented and is in fact common every 10 years in the election immediately following the redistricting of all legislative districts. After redistricting using 2000 census data, legislative turnover was 24 percent in 2002. Turnover in non-redistricting elections is typically closer to 17 or 18 percent. More than 1,760 new legislators were elected in 2010.

The most dramatic turnover was in the Michigan Senate, where term limits led to 76 percent turnover. Term limits prevented 29 of the 38 incumbent Michigan senators from running in 2010. It was perhaps the highest turnover of any legislative body since before World War II. However, the body will not be without legislative experience since a large number of the new Michigan senators were term-limited House members.

Fifteen states impose term limits on state legislators. The number of legislators ineligible to seek re-election in 2010 was 380, which tied a record set in 2000 when term limits first took effect in many states.

Conclusion

Democrats were hard pressed to find a silver lining in the 2010 election. If ever the word “landslide” was applicable, it was in 2010. Pundits predicted a tough year for Democrats, and the reality was even worse than the direst predictions. After three election cycles where Democrats increased their numbers, the pendulum was almost destined to swing back toward the Republicans, who now find themselves in an historic position of influence at the state level.

In 2012, the story could be completely different. Redistricting is the big wild card for 2012, especially in two large states that substantially changed the process for redistricting in advance of this round of mapmaking—California and Florida. The U.S. Constitution requires states to redraw all state legislative districts prior to the next election once new census data is delivered. In the next legislative election—2011 for Louisiana, Mississippi, New Jersey and Virginia, all legislative candidates will be running in unfamiliar districts that have been redrawn using 2010 census data. The 2012 races will almost certainly bring a great deal of upheaval, and they are likely to be unpredictable and full of surprises.

About the Author

Tim Storey is a senior fellow in the Legislative Management Program of the Denver, Colo.-based National Conference of State Legislatures. He specializes in elections and redistricting, as well as legislative organization and management. He has staffed NCSL's Redistricting and Elections Committee since 1990 and 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.