

2011 Legislative Elections

By Tim Storey

In the relatively few state legislative and gubernatorial elections in 2011, Republicans continued their winning streak in Southern states, coming closer to complete control of states in the region by taking over the Mississippi House for the first time since Reconstruction and by taking back functional control of the Virginia Senate. The four odd-year election states of Louisiana, Mississippi, New Jersey and Virginia staged regular elections for 578 legislative seats in 2011. In the end, Republicans picked up 25 seats in the off-year elections, adding to their dramatic gains from the year before and putting the party in its strongest position in state legislatures since 1928.

Republicans Extend Winning Streak in Legislative Races

Louisiana, Mississippi, New Jersey and Virginia held regular elections in 2011 for all of the seats in the state legislature. Some 578 seats were up for grabs in those four states, representing 7.8 percent of the 7,382 legislative seats in the 50 states. The outcome of the elections was good for the GOP, continuing a trend of Republican success in legislative elections going back to 2009. That's when the pendulum began to swing back in the direction of Republicans after several consecutive election cycles favoring Democrats. Republicans added 25 legislative seats in November 2011, bringing their tally to just shy of 4,000 Republican legislators in the 50 states as 2012 legislative sessions convened. With the 2011 gains, Republicans earned control of 54.4 percent of all legislative seats.

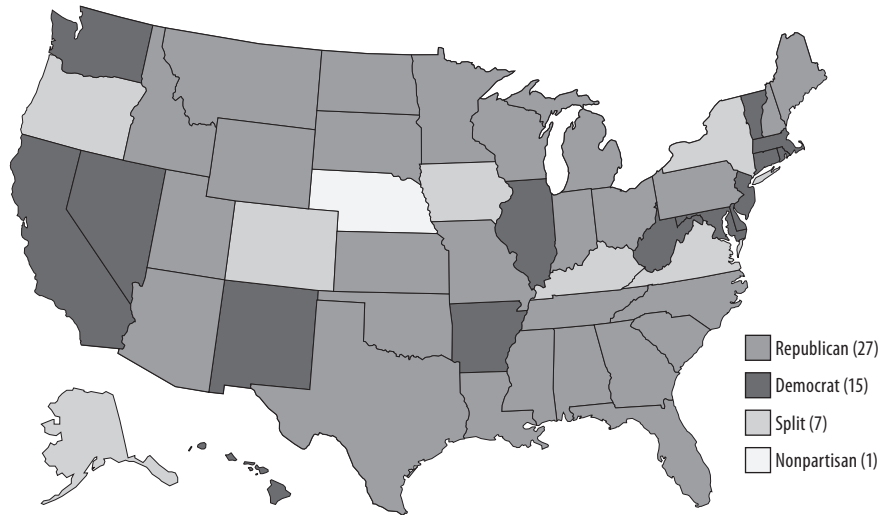
In addition to padding their overall seats total, Republicans notched key wins by taking control of the Mississippi House outright and by picking up two seats in the Virginia Senate to tie the chamber at 20 Democrats to 20 Republicans. That left the GOP with functional control of the Old Dominion's Senate. The battle for control of the Virginia Senate was hard fought before, during and after the election. On election night, control came down to the race between incumbent Democratic Sen. Edd Houck and his Republican challenger, Bryce Reeves. Reeves eked out a victory of only 226 votes out of more than 44,000 votes cast. Reeves win meant that Republicans picked up the two Senate seats they needed to tie the chamber which triggered a lawsuit, ultimately dismissed, by Democratic loyalists about which party would organize the Senate. When the Senate convened in January 2012, Republican Lt. Gov. Bill Bolling acted as the tiebreaking vote under the state's constitution, allowing Republicans to

organize as the "majority" party even though the chamber was technically tied.

The victory for Republicans in the Mississippi House was easier. Including a few post-election party switchers, Republicans gained 10 seats to take control of the chamber by a relatively comfortable six-seat margin—64 Republicans and 58 Democrats. It was the first Republican majority in the chamber since the elections of 1875. That led to the eventual election of Rep. Philip Gunn as the Magnolia State's first Republican house speaker in nearly 140 years. In Mississippi Senate elections, Republicans gained three seats to gain a 10-seat edge in the chamber, 31 Republicans to 21 Democrats. Republican Phil Bryant won the race to succeed Haley Barbour as Mississippi's governor to give Republicans complete control in Jackson.

Louisiana voters also handed small gains to the GOP in both the House and Senate, helping the party pad a majority that was gained through party changes and special elections since the last general elections in the Bayou State. Republicans picked up two seats in the Louisiana Senate, giving them a 24-15 majority. The Republican-controlled Senate selected former Democrat and former House Speaker John Alario as the Senate president. Alario joined a short list of only a half dozen people to serve in the top spot in both the House and Senate. He is the only person to accomplish that feat as a member of two different parties. In Louisiana's House, Republicans netted one seat to gain a majority of 58 to 45 with two Independents.

Legislative elections in New Jersey were a bright spot for Democrats in the off-year. They added one seat in the Garden State's Assembly and maintained their 24-16 advantage in the Senate.

Figure A: State Legislative Partisan Control (As of January 2012)

Source: National Conference of State Legislatures.

Overall Partisan Breakdown

Factoring in the shift of the Mississippi House to the GOP column, Republicans entered 2012 controlling both chambers of the legislature in 27 states. The last time they controlled that many states was before the elections of 1930. Democrats, on the other hand, saw the states where they held both bodies fall to 15, a fairly dramatic reversal from just two years before when they controlled the entire legislature in 27 states. In seven states, the legislative branch is divided. That reflects the fewest number of states with split control since 1982. That tallies up to 49 states because in addition to being unicameral, Nebraska's legislature is also nonpartisan, so it is not included in those totals.

At the beginning of legislative sessions in 2012, Republicans held the majority in 59 legislative chambers. Democrats had the majority in 36 chambers. Three chambers were tied. The Alaskan Senate remained tied at 10 Democrats and 10 Republicans; Republican Sen. Gary Stevens, who was elected by a bipartisan coalition, leads the Alaska Senate. In Oregon, the House was tied at 30 Democrats and 30 Republicans after the 2010 election and remained tied headed into 2012. The House has a power-sharing arrangement that includes co-speakers and co-chairs for all of the committees.

Solidified GOP Control in the South

With Republicans winning the Mississippi House and functional control of the Virginia Senate—even though the chamber is still considered tied—in 2011, Southern state legislatures are now almost entirely run by Republicans. It marks an incredible shift of party dominance in the region during the past two decades. In 1992, Republicans did not hold the majority in a single legislative chamber in the South. They now control 22 of the region's 28 chambers outright; 23 if the tally includes the Virginia Senate. The map in Figure A shows the extent of Republican control in the South. With the switch in the Mississippi House combined with legislative wins in 2010 by the GOP in Alabama and North Carolina, Arkansas is now the only state where one party has had uninterrupted party control for more than a century. Democrats have been in command of both chambers of the Arkansas legislature since the elections of 1874.

The party breakdown for governors did not change in 2011 elections, with Democrats holding on to the top job in Kentucky and Republicans in Louisiana and Mississippi. That left the overall partisan control of state government only slightly different from before the election. In 22 states, Republicans held the governor's mansion and both chambers of

the legislature, while Democrats have the trifecta of political control in 11 states. Power remained divided in the other 17 states.

Running in New Districts and Turnover

With the delivery of new 2010 census data to states in early 2011, states were required to draw new legislative districts for use in the 2011 fall elections. Louisiana, New Jersey and Virginia accomplished the task. Mississippi legislators, however, were unable to agree on new district plans, so a court ruled that 2011 legislative elections would be run under the maps from the previous decade.

Somewhat surprisingly, in the three states where incumbents and challengers were running in new districts, turnover did not increase substantially, which often happens in the first election following redistricting. The overall turnover in the 2002 elections in states with legislative elections following the 2002 redistricting cycle was slightly more than 26 percent, compared to an average election turnover in legislatures of about 18 percent. In the four states holding 2011 elections, overall turnover was 21.7 percent.

For several reasons, Louisiana experienced the highest turnover of the four states holding elections in 2011. Both Louisiana representatives and senators serve four-year terms, so the last general elections there were in 2007. Fifteen states have term limits for state legislators, but Louisiana was the only state holding elections in 2011 where legislators were subject to term limits. Nine Louisiana House incumbents and six senators were prohibited from running for re-election in 2011 because of term limits. In addition to term limits and the four-year lag since the most recent election, redistricting undoubtedly contributed to high turnover in the Pelican State. Louisiana's redistricting was heavily influenced by the considerable population displacement in the wake of Hurricane Katrina in 2005, which led to considerable changes to districts throughout the state. After the election, 31 percent of Louisiana House members and 26 percent of Louisiana Senate members were new.

As in Louisiana, Mississippi House and Senate members serve four-year terms. The terms are not staggered, so the last legislative elections there were also in 2007. Although they were not subject to redistricting, a number of incumbents in the Magnolia State still opted to retire. Retirements combined with a handful of primary and general election losses led to 27 percent turnover in the Mississippi Senate and 25 percent turnover in the House.

The other two odd-year election states experienced notably lower turnover, in part due to redistricting plans that were friendlier to incumbents. In New Jersey, turnover in the Senate was only 5 percent, while turnover in the Assembly was 19 percent. A bipartisan commission that was chaired in 2011 by Rutgers professor and pre-eminent legislative scholar Alan Rosenthal completed legislative redistricting in New Jersey. Virginia's new legislative maps were drawn by the legislature and led to 13 percent turnover in the Senate and 16 percent in the House.

High Profile Special Elections

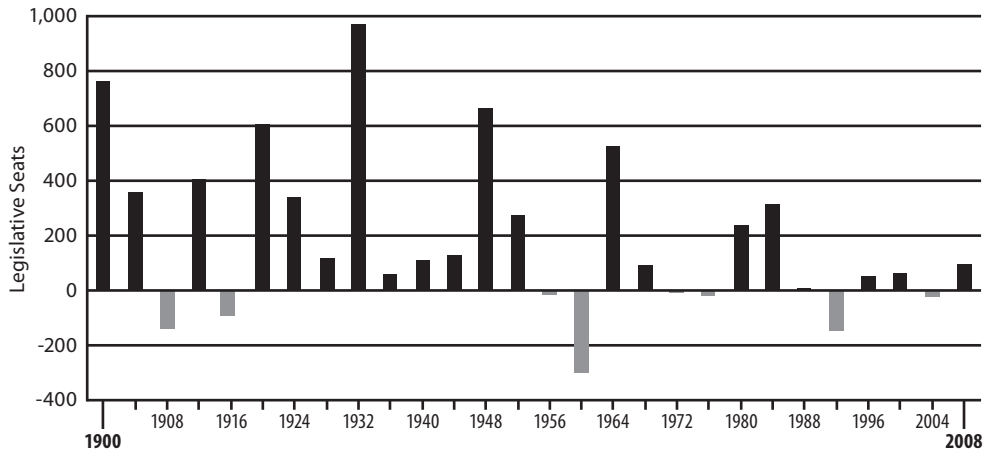
In addition to the regularly scheduled general election in the odd-year election states, a couple of notable special elections were held in November 2011. In Iowa, a senate seat vacated when Republican Gov. Terry Branstad appointed a Democratic senator to the state utilities board set up a special election that could have shifted control of the chamber from 25 Democrats to 24 Republicans, with one vacancy, to tied. Democrat Liz Mathis won the special election to fill the vacant seat by defeating Republican Cindy Golding, 56 percent to 44 percent, after outspending her 2-to-1 in what the *Des Moines Register* dubbed the most expensive legislative race in Iowa history. With independent spending added in, the race easily topped \$1 million.

In Arizona, Senate President Russell Pierce lost a recall election to fellow Republican Jerry Lewis. Lewis got 53 percent of the vote to defeat Pierce, who had been the primary sponsor of controversial immigration legislation passed by the Arizona legislature in the previous session. While it was highly unusual for a leader to be recalled, the election did not change the party composition in the Arizona Senate, which stayed at 21 Republicans and nine Democrats. Pierce was only the 16th state legislator to be successfully recalled in U.S. history.

2012 Elections

The 2011 legislative elections were good for Republicans and built on their massive wave of success in 2010, when they picked up 720 seats and Democrats lost control of a stunning 23 legislative chambers. In November 2012, almost 6,000 of the nation's legislative seats will be up for grabs. It also will be the first major election following redistricting using 2010 census data, which will add a high degree of uncertainty to many races as well as lead to higher than normal turnover of legislative seats. The biggest political factor is likely to be what happens at the top

**Figure B: Presidential Coattails and Legislative Seats
(Seats Gained or Lost by Party Winning the White House)**



Source: National Conference of State Legislatures.

of the ticket. In presidential election years, the party winning the White House has a good track record in legislative elections. The party winning the White House has netted legislative seats in 20 of the 28 elections since 1900. See Figure B.

With a close race for the White House expected, 2012 may be less of a wave election than the past three major election cycles, all of which led to huge shifts in legislative seats. A switch of only three seats in 13 state senates, would be sufficient to change the majority, and a shift of five or fewer seats would alter control in nine state houses. In every two-year election cycle, the average number of chambers that switch party control is 13. Two, the Mississippi House and Virginia Senate, already have changed hands in this cycle.

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.