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A hand is shown in silhouette, placing a dark puzzle piece into a slot on top of a ballot box. The background is a light blue map of the United States, composed of puzzle pieces. The ballot box is dark blue with a white slot on top.

State & Local  
**POLITICS**  
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State	Abbreviation	State Capital	Governor (party) <sup>a</sup>	Legislative Majority (Senate/House) <sup>b</sup>
Alabama	AL	Montgomery	Robert Bentley (R)	R/R
Alaska	AK	Juneau	Sean Parnell (R)	R/R
Arizona	AZ	Phoenix	Jan Brewer (R)	R/R
Arkansas	AR	Little Rock	Mike Beebe (D)	R/R
California	CA	Sacramento	Jerry Brown (D)	D/D
Colorado	CO	Denver	John Hickenlooper (D)	D/D
Connecticut	CT	Hartford	Dan Malloy (D)	D/D
Delaware	DE	Dover	Jack Markell (D)	D/D
Florida	FL	Tallahassee	Rick Scott (R)	R/R
Georgia	GA	Atlanta	Nathan Deal (R)	R/R
Hawaii	HI	Honolulu	Neil Abercrombie (D)	D/D
Idaho	ID	Boise	C.L. "Butch" Otter (R)	R/R
Illinois	IL	Springfield	Pat Quinn (D)	D/D
Indiana	IN	Indianapolis	Mike Pence (R)	R/R
Iowa	IA	Des Moines	Terry Branstad (R)	D/R
Kansas	KS	Topeka	Sam Brownback (R)	R/R
Kentucky	KY	Frankfort	Steven L. Beshear (D)	R/D
Louisiana	LA	Baton Rouge	Bobby Jindal (R)	R/R
Maine	ME	Augusta	Paul LePage (R)	D/D
Maryland	MD	Annapolis	Martin O'Malley (D)	D/D
Massachusetts	MA	Boston	Deval Patrick (D)	D/D
Michigan	MI	Lansing	Rick Snyder (R)	R/R
Minnesota	MN	St. Paul	Mark Dayton (D)	D/D
Mississippi	MS	Jackson	Phil Bryant (R)	R/R
Missouri	MO	Jefferson City	Jay Nixon (D)	R/R
Montana	MT	Helena	Steve Bullock (D)	R/R
Nebraska	NE	Lincoln	Dave Heineman (R)	Nonpartisan
Nevada	NV	Carson City	Brian Sandoval (R)	D/D
New Hampshire	NH	Concord	Maggie Hassan (D)	D/D
New Jersey	NJ	Trenton	Chris Christie (R)	D/D
New Mexico	NM	Santa Fe	Susana Martinez (R)	D/D
New York	NY	Albany	Andrew Cuomo (D)	R/D
North Carolina	NC	Raleigh	Pat McCrory (R)	R/R
North Dakota	ND	Bismarck	Jack Dalrymple (R)	R/R
Ohio	OH	Columbus	John Kasich (R)	R/R
Oklahoma	OK	Oklahoma City	Mary Fallin (R)	R/R
Oregon	OR	Salem	John Kitzhaber (D)	D/D
Pennsylvania	PA	Harrisburg	Tom Corbett (R)	R/R
Rhode Island	RI	Providence	Lincoln Chafee (D)	D/D
South Carolina	SC	Columbia	Nikki R. Haley (R)	R/R
South Dakota	SD	Pierre	Dennis Daugaard (R)	R/R
Tennessee	TN	Nashville	Bill Haslam (R)	R/R
Texas	TX	Austin	Rick Perry (R)	R/R
Utah	UT	Salt Lake City	Gary R. Herbert (R)	R/R
Vermont	VT	Montpelier	Peter Shumlin (D)	D/D
Virginia	VA	Richmond	Bob McDonnell (R)	Tied/R
Washington	WA	Olympia	Jay Inslee (D)	D/D
West Virginia	WV	Charleston	Earl Ray Tomblin (D)	D/D
Wisconsin	WI	Madison	Scott Walker (R)	R/R
Wyoming	WY	Cheyenne	Matthew Mead (R)	R/R

**Sources:**

<sup>a</sup> National Governors Association website (<http://www.nga.org>)—as of September 17, 2013.

<sup>b</sup> National Conference of State Legislatures website (<http://www.ncsl.org/legislatures-elections/elections/statevote-charts.aspx>)—as of September 17, 2013.

<sup>c</sup> U.S. Census Bureau, "Table 1. APPORTIONMENT POPULATION AND NUMBER OF REPRESENTATIVES, BY STATE: 2010 CENSUS" (<http://www.census.gov/population/apportionment/data/files/Apportionment%20Population%202010.pdf>).

State	Population (1000's in 2010) <sup>c</sup>	Per Capita Personal Income (2008) <sup>d</sup>	Obama/Romney Vote 2012 (%) <sup>e</sup>	Conservatism (rank) <sup>f</sup>
Alabama	4,803	\$33,768	38/61	8
Alaska	722	\$44,039	41/55	22
Arizona	6,413	\$34,335	44/54	28
Arkansas	2,926	\$32,397	37/61	6
California	37,342	\$43,641	59/38	43
Colorado	5,045	\$42,985	51/47	36
Connecticut	3,582	\$56,272	58/40	47
Delaware	901	\$40,519	59/40	42
Florida	18,901	\$39,267	50/49	31
Georgia	9,728	\$34,893	45/53	18
Hawaii	1,367	\$42,055	71/28	48
Idaho	1,573	\$33,074	33/65	12
Illinois	12,864	\$42,347	57/41	40
Indiana	6,502	\$34,605	44/54	16
Iowa	3,054	\$37,402	52/47	23
Kansas	2,864	\$38,820	38/60	10
Kentucky	4,351	\$32,076	38/61	19
Louisiana	4,554	\$36,424	41/58	7
Maine	1,333	\$36,457	56/41	37
Maryland	5,790	\$48,378	62/37	41
Massachusetts	6,560	\$51,254	61/38	49
Michigan	9,912	\$34,949	54/45	32
Minnesota	5,315	\$43,037	53/45	38
Mississippi	2,978	\$30,399	44/56	1
Missouri	6,011	\$36,631	44/54	20
Montana	994	\$34,644	42/55	17
Nebraska	1,832	\$39,150	38/61	14
Nevada	2,709	\$41,182	52/46	21
New Hampshire	1,321	\$43,623	52/47	39
New Jersey	8,808	\$51,358	58/41	45
New Mexico	2,067	\$33,430	53/43	35
New York	19,421	\$48,753	63/36	46
North Carolina	9,566	\$35,344	48/51	15
North Dakota	676	\$39,870	39/59	2
Ohio	11,568	\$36,021	50/48	26
Oklahoma	3,765	\$35,985	33/67	3
Oregon	3,849	\$36,297	55/43	33
Pennsylvania	12,735	\$40,140	52/47	30
Rhode Island	1,055	\$41,368	63/36	43
South Carolina	4,646	\$32,666	44/55	9
South Dakota	820	\$38,661	40/58	4
Tennessee	6,375	\$34,976	39/60	13
Texas	25,268	\$37,774	41/57	10
Utah	2,771	\$31,944	25/73	5
Vermont	630	\$38,686	67/31	50
Virginia	8,038	\$44,224	50/48	24
Washington	6,753	\$42,857	56/42	34
West Virginia	1,860	\$31,641	36/62	27
Wisconsin	5,698	\$37,767	53/46	25
Wyoming	568	\$48,608	28/69	29

**Sources:**

<sup>d</sup> U.S. Census Bureau, *Statistical Abstract of the United States—State Rankings*, “PERSONAL INCOME PER CAPITA1 IN CURRENT DOLLARS, 2008” (<http://www.census.gov/compendia/statab/2011/ranks/rank29.html>).

<sup>e</sup> Washington Post 2012 Presidential Election Results website (<http://www.washingtonpost.com/wp-srv/special/politics/election-map-2012/president/>)—as of September 17, 2013.

<sup>f</sup> Adapted from: Erikson, Robert S., Gerald C. Wright, and John P. McIver. 2006. “Public Opinion in the States: A Quarter Century of Change and Stability.” In *Public Opinion in State Politics*, ed. Jeffrey E. Cohen. Stanford, CA: Stanford University Press.

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State and Local  
**POLITICS**



**FOURTH** EDITION

# State and Local **POLITICS** Institutions and Reform

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# Dedication

To our families, with love:  
Deborah, Fiona, and Ian—Todd Donovan  
Brenda, Eliot, and Safi—Daniel A. Smith  
Mom, Dad, Michael, Kelly, Adnan, Hanniyah, and  
Rayyan—Tracy Osborn  
Laura, Allison, and Charlie—Christopher Z. Mooney

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# Preface

## Studying State and Local Government

How can we best teach the politics, government, and policy of state and local government to undergraduates? As anyone teaching this course knows, American state and local governments arguably provide the single best opportunity to study political phenomena in the world. They are a manageable number of cases similar enough in social structure, economics, politics, and government to allow meaningful comparisons of them that are not overwhelmed by extraneous variation. But they are also different enough from one another in theoretically and substantively important ways to allow the exploration of a wide range of questions about political behavior and policy making that are central to our understanding of politics. What is the best way to choose our leaders? How should we make public policy? What are the impacts of our political institutions and public policies on public problems, people, businesses, the economy, or anything else? These and other fundamental political questions can not only be addressed very productively by studying the American states and communities, they can often be addressed *best* there.

The study of state and local government can be just as productive and interesting for undergraduate students as it is for working political scientists. But as we all know, an undergraduate course in state and local government is not necessarily the highlight of a student's college career. It is often taught as a large service course and required by a variety of majors—everything from education to journalism to social work—or as a social science general education course. Ironically, however, in addition to the great leverage state and local governments can provide in exploring broad political questions, these

governments have a far greater practical impact on the lives of most students than almost anything else they study in a political science class. For example, most teachers and social workers will work for these governments throughout their careers, and many journalists will at least begin their careers by covering them. As we point out throughout this book, every American is affected deeply and daily by the politics and government of the states and local communities in a wide range of ways. Most college students are already affected every day by state and local laws, ordinances, and regulations having to do with their driver's licenses and cars, the clubs and restaurants where they work and play, their relationships with their landlords, and so forth. And, of course, most of them attend large public universities that are entirely entities of these governments.

Another reason why studying state and local government can be both important for and interesting to college students is that they tend to move around more often than the average American. As they go from place to place for college, a new job, or just spring break, they are frequently exposed to the diversity of state and local laws around the country—the differing speed limits, voter registration requirements, tax structures, gambling laws, alcohol sales regulations, legality of gay marriage, and so forth. For the untrained person, these variations are just confusing annoyances, but for those students taking a good state and local government class—and especially for those students who are reading this book—these are teachable moments. *As the professor of this course, you can use these students' experiences to motivate discussion of the various topics in this book and as ways to exemplify points and train students in comparative political analysis.* In the long run, these skills that you

impart to students in this way will help them to both notice and understand these differences, making them more enlightened and better citizens for the rest of their lives.

## Approach of This Book

We wrote this book with these teachable moments in mind, packing each chapter with lively and wide-ranging examples pulled from headlines across the nation to illuminate our points. From the outset, we have made every effort to engage, excite, and inform students about American state and local government and politics and to help them develop their critical thinking skills. Our intention was to write a book that will help you to teach an interesting and exciting course, one that both you and your students will enjoy and learn a lot from.

## Themes

To accomplish this task, we have integrated the following themes throughout the book.

**Institutions Matter** The central theoretical theme of this book is that institutions matter. The states and communities are especially well suited for testing and demonstrating this proposition. Furthermore, the institutions of state and local government matter a great deal, so this proposition is clearly evident to students. We want to help students understand why and how institutions affect politics, policy, and people's lives. Throughout the book, we show countless ways in which state and local government affects the lives of students, and the lives of others living in the country, every day.

**Reform Can Happen** Reform is important. If institutions have consequences, then how and when they are changed is well worth considering, too. By focusing on reform, we excite students about the possibility of change and motivate their civic engagement. If reform can happen, then political science can be a dynamic and compelling pursuit.

**Comparisons Help Us Understand the Political World** This is our central methodological theme. We continually return to the question of how politics and government differ among the

states and communities and the causes and effects of this variation. To demonstrate this point and to get students accustomed to thinking comparatively, we provide dozens of maps and tables showing variation across the nation of various political, policy, and socioeconomic factors.

## What Makes This Book Unique

**Up-to-Date Scholarship** Since the late 1990s, there has been a renaissance in political science scholarship using the states and communities to understand political processes and behavior. We have integrated the insights of this literature throughout the book to give students and instructors access to the most current research available on the subject. *No other state and local government college textbook is as up-to-date or as thorough in its discussion of the cutting-edge literature as is this book, nor does any other textbook integrate that literature as smoothly and coherently as this one does.* We have meticulously documented our sources to assist students working on class assignments, as well as to help instructors wanting to keep abreast of this important, extensive, and fast-moving literature. Footnotes at the bottom of each page provide students and faculty with ready access to these scholarly and data sources, and our “Suggested Readings” and “Websites” at the end of each chapter can help direct those interested in learning more about a particular subject.

**Political Science** This is a political science textbook, not just a government textbook. We very self-consciously show students how to use the variations among the states and communities to develop and test hypotheses about political behavior and policy making. Unlike other texts that simply describe how things are, we expose students to a multitude of differences among the states and communities and ask them to think critically about their causes and effects. In doing so, students will not only learn much about American states and communities, but *they will also learn how to think like political scientists.* This skill will help them in any college course they take thereafter, as well as throughout their lifetime.

### **Three Unique Chapters: Direct Democracy, Land Use Policy, and Morality Policy**

These three subjects have been at the center of some of the most significant political battles in the country in recent years. They have recently generated a great deal of high-quality scholarship, and they are sure to engage student interest. Direct democracy—which represents one of the major institutional differences among states—has been used by citizens to pass laws cutting taxes, increasing funding for public education, banning smoking in public places, prohibiting same-sex marriage, providing funding for stem cell research, and raising the minimum wage. Land use policy, including zoning regulations and eminent domain, is central to our understanding of the historical development, and current political landscape, of many American local governments. Morality policy—from teaching sex education and evolution in the public schools, to the regulation of alcohol, gambling, and pornography, to the permissibility of abortions and same-sex marriage—has long inspired extraordinary political acts and generated heated debate over the basic values that define our personal identities in the American states and communities.

### **Plan of the Book and What's New to This Edition**

State and local politics have important consequences for students. The book begins with an introduction to some of the major questions asked when we study state and local politics and a discussion of some of the methods we use to answer such questions. Chapter 1 also includes a completely new opening vignette discussing the challenges that the DREAM Act to allow children of illegal immigrants to qualify for in-state college tuition brought to the 2012 election in Maryland. Also new to Chapter 1 are completely updated information from the 2010 census and elections, several new comparative policy and institutions maps and new discussions of state and local government, policy, and politics, and extended coverage of state constitutions. Chapter 2 opens with a new vignette on the controversy over immigration policy, pitting states' right advocates—including Arizona Governor

Jan Brewer—against President Obama and his executive order halting the deportation of young undocumented immigrants. It also introduces students to how states and localities function in the American federal system, and how other models of federalism compare with “progressive federalism” under the Obama administration.

The next seven chapters introduce students to various state and local political institutions, with a particular emphasis on how different institutions, in different places, may produce different outcomes. Chapter 3 contains a new vignette about how coal and global climate issues affect local politics, includes new references to the occupy movement, the Citizens United decision, discussions of new primary election rules, a new discussion of lowering the voting age, and is completely updated to reflect the most recent census measures, election results, opinion polls, and discussions of redistricting and rules that affect elections and participation. Chapter 4 covers the unique institutions of direct democracy. It begins with a new vignette about how state initiatives on the regulation of marijuana have changed the national discussion about drug policy, includes updates on initiative use and spending in the 2012 and 2013 elections, introduces the concept of “billionaire pluralism,” and includes an updated discussion of same sex marriage measures. Updates to Chapter 5 include new discussions about the lack of interparty competition, the implementation of new blanket primary systems in California and Washington, party fusion voting in New York, and continued barriers to third-party access stemming from legal challenges. It also contains revised 50-state party contribution data from 2012 and updated party competition strength scores through 2011. Chapter 6 begins with a profile of the shooting of Trayvon Martin and Florida's Stand Your Ground law, which was backed by the American Legislative Exchange Council. It also includes new information on state lobbying restrictions, 2012 interest group contributions to state party committees, interest group legislative scorecards, and bans on gifts to lawmakers. Chapters 7, 8, and 9 examine the core institutions of American state politics: legislatures, governors and the state bureaucracy, and courts, respectively.

Each of these three chapters has a new opening vignette and new boxed features. Chapters 7 and 8 have new data and discussion of the 2010 and 2012 elections and the 2010 U.S. Census. In particular, the causes and consequences of the huge Republican gains in the 2010 state elections and the consequences of the 2012 state legislative elections are discussed. Chapter 8 adds a significant section on “Managing Crises” as a new job of governors, along with four new figures. Chapter 9 has three new figures and updates from recent elections and the Census.

Chapter 10 is devoted to state and local fiscal politics and serves as a segue to a series of chapters exploring how politics affect public policy. This updated chapter includes the most current government census data on state and local finances and highlights states halting recovery from the Great Recession when writing budgets for 2013–2014. It also includes a revised opening vignette and a new “You Decide” feature about what should be done when a city declares bankruptcy. Chapter 10 also includes a new discussion of taxing Internet sales, a new comparative assessment of state credit ratings, and a new discussion of the crisis in state and local public pension systems. Although all of the first 10 chapters include treatments of state and local issues, Chapter 11 (municipal governments) and Chapter 12 (local land use) give particular attention to local politics and policy. Chapter 11 includes an updated opening, a new “Consider This” feature on contemporary corruption in local politics, a newly expanded discussion about county government, a new feature on district versus at-large representation, as well as a new “Comparisons Help Us Understand” feature that challenges us to think about why there are more local governments in some states. Chapters 11 and 12 have also been updated to reflect the most current estimates from the U.S. Census Bureau, and Chapter 12, on land use, includes a new discussion of the pros and cons of charging impact fees to fund the costs of new development in rapidly growing areas.

The final three chapters are devoted to specific policy areas where states and local governments are particularly influential: morality policy (Chapter 13),

social welfare and health (Chapter 14), and education (Chapter 15). All three chapters are thoroughly updated to reflect the most up-to-date scholarship and major current events, including the diffusion of gay marriage laws across the states, implementation of ObamaCare, deep cuts in social welfare spending, and controversy over federal common core standards for K–12 education. Chapter 13 also includes up-to-date information about gay marriage in the states following the June 2013 Supreme Court decisions. The chapters provide students with vivid examples of recent policy innovations and are chock-full of up-to-date statistics, allowing them to think comparatively across the states.

For this new edition, every chapter has been completely updated, integrating the most recent scholarship on each topic, offering new extended current examples from the politics and governments of states and communities around the country, and providing entirely new material in the boxed features. In addition, we continue some of our most popular features, including a “Consider This” box, which enhances the book’s efforts to develop critical thinking skills in readers by raising questions at the end of each chapter that tie into the themes raised in the opening vignette. We also have expanded our “Media Resources” section at the end of several chapters, giving instructors and readers ideas for movies, databases, online games, and other resources to enhance readers’ learning on various topics.

## Special Features and Pedagogy

**Boxed Features** The book includes five boxed features in each chapter highlighting the effects of institutions, the comparative method, political reforms, normative questions raised by the thematic issues, concluding with students reflecting on what they’ve learned. These boxes provide thought-provoking, concrete examples of the kinds of problems and issues faced at the state and local level, encouraging students to understand better how institutions and political systems affect people and businesses in real-life situations.



- *Institutions Matter.* These boxes examine the way institutions influence politics, government, and policy. Examples of topics covered in these boxes include the impact that the threat of ballot initiatives has in spurring legislative action on issues; alternative views of federalism, home rule, and morality policy on decency standards in Utah and Nevada; and Alaska's use of the mixed primary system.
- *Comparisons Help Us Understand.* These boxes use comparative data from the states to test different hypotheses about the political process. For example, in Chapter 4, this feature examines the question of whether direct democracy or representative democracy results in better outcomes for minority groups; in Chapter 5, it details patterns of partisan identification across the states; and in Chapter 13, it lays out variations in policies on same-sex marriage in a number of different states.
- *Reform Can Happen.* These boxes look at the different ways reforms may be implemented. In Chapter 4, for example, the feature looks at the impact of direct democracy in implementing medical marijuana legislation. Other chapters examine efforts to de-professionalize state legislatures by imposing term limits, the types of future reforms likely to inspire morality politics, the passage of legislative ethics laws, and the role played by billionaires to shape public education.
- *You Decide!* The study of politics and policy at the state and local levels is infused with normative questions, questions about what individuals or governments *ought* to do for ethical or moral reasons. Although the approach of this book in general is a descriptive and analytical one, in these *You Decide!* boxes, we raise such normative questions explicitly. For example, in Chapter 2, we ask students to think critically about the federal government's role in mandating health care insurance; in Chapter 15, we push students to consider efforts to achieve long-term educational attainment, such as the pros and cons of merit pay for teachers; and in Chapter 6, we urge students to grapple with

the fundamental question that motivated James Madison two centuries ago: are interest groups evil?

- *Consider This . . .* Near the end of each chapter, we use this breakout box to remind readers of the chapter's opening vignette, and then ask them to apply some of the main lessons of the chapter to that story. The opening vignettes are concrete examples drawn from the headlines of how state and local governments work. This box shows readers just how relevant the lessons of the chapter are, while giving them an extended example that helps them bring those lessons to life.

**Full-Color Design** Dozens of vivid tables, maps, graphs, and photographs throughout the book provide the visual tools students need to process detailed comparative data on the states.

**Endpapers** For convenient reference, the inside front cover of the book provides basic comparative reference information on state and local governments. On the back inside cover are four maps showing examples of major differences in state government institutions, a taste of the sort of variation we highlight throughout the book.

**Other Pedagogical Features** Each chapter has a full set of study aids including learning objectives, chapter opening vignette, chapter summary, key terms, suggested readings, and an annotated list of websites. The new learning objectives correlate to the major sections of the material presented so students can get a general sense of the topics to be covered and focus in on key concepts. The opening vignettes introduce the chapter with a current example of an issue directly related to the material, giving students a sense of how the principles and concepts presented in the chapter play out in real-life situations. The summary provides a recap of the most important ideas of the chapter. The key terms and definitions provide an opportunity for students to check their mastery of the terminology, while the suggested readings and a list of annotated Web sites give students a starting point for further exploration and study.

## Instructor and Student Resources

### Online PowerLecture with Cognero® for State and Local Politics, 4e

ISBN: 9781285775425

This PowerLecture is an all-in-one multimedia online resource for class preparation, presentation, and testing. Accessible through [Cengage.com/login](http://Cengage.com/login) with your faculty account, you will find available for download: book-specific Microsoft® PowerPoint® presentations; a Test Bank in both Microsoft® Word® and Cognero® formats; an Instructor Manual; Microsoft® PowerPoint® Image Slides; and a JPEG Image Library.

The Test Bank, created by the book's author Daniel Smith with the assistance of University of Florida student Micole Kaye and offered in Microsoft® Word® and Cognero® formats, contains Learning Objective-specific multiple-choice and essay questions for each chapter. Cognero® is a flexible, online system that allows you to author, edit, and manage test bank content for State and Local Politics, 4e. Create multiple test versions instantly and deliver through your LMS from your classroom, or wherever you may be, with no special installs or downloads required.

The Instructor's Manual contains chapter-specific learning objectives, an outline, key terms with definitions, and a chapter summary. Additionally, the Instructor's Manual features a critical thinking question, lecture launching suggestion, and an in-class activity for each learning objective. The fourth edition's Instructor's Manual is authored by Robert Preuhs of Metropolitan State University of Denver.

The Microsoft® PowerPoint® presentations are ready-to-use, visual outlines of each chapter. These presentations are easily customized for your lectures and offered along with chapter-specific Microsoft® PowerPoint® Image Slides and JPEG Image Libraries. Access your Online PowerLecture at [www.cengage.com/login](http://www.cengage.com/login).

### Free Companion Website for State and Local Politics, 4e

ISBN-13: 9781285441610

This free companion website for State and Local Politics is accessible through [cengagebrain.com](http://cengagebrain.com) and allows access to chapter specific interactive learning tools including flashcards, quizzes, glossaries, and more.

Visit [www.cengagebrain.com](http://www.cengagebrain.com), search for this book by author, title, or ISBN, and click on "Access Now" under the "Free Materials" tab.

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# CHAPTER 1

## Introduction to State and Local Politics



### LEARNING OBJECTIVES

1. Explain the scope of state and local government.
2. Define and distinguish among the terms government, politics, and public policy.
3. Illustrate the variation in government, politics, and policy in the U.S. states using two examples.
4. Describe the diversity across states and communities in the United States.
5. Discuss the meaning of political institutions.
6. Compare the political institutions found in state constitutions.
7. Define and use the comparative method.

## DREAMing of College in Maryland

Maryland voters allow children of illegal immigrants to “DREAM” of a university education.

Over the years, millions of Americans have achieved the dream of a college education through state-funded public colleges and universities. What makes these public universities so attractive—along with their sports teams and sometimes picturesque locations—is their affordability. Though rates differ across states, each state in the United States has a network of four-year and two-year colleges and universities that charge substantially lower tuition and fees than private colleges. These lower tuition and fee costs are available because states subsidize public education; that is, they use state money to pay for the cost of college beyond what the student pays in tuition. Because states devote millions of tax dollars to these subsidies, they make rules about who qualifies for the discount, or “in-state,” tuition rate. Who qualifies for a quality college education at the discounted in-state tuition rate—for instance, whether a person owns property in a state and pays taxes there, and how long he or she has done so—can make a huge difference in the overall cost of a college education, and eventually, a huge difference in an individual's earning potential over a lifetime and the quality of the state's workforce.

For the children of illegal immigrants to the United States, qualification for in-state tuition rates is a high stakes political question. Although their parents entered the United States illegally, these children, who had little say in their parents' decision to immigrate, grew up in the American educational system. In many cases, they made good grades that would otherwise qualify them for admission and even scholarships to the state university. However, because their legal status as citizens of a U.S. state is undefined, they lack proof that they qualify for in-state tuition. These students are part of the “1.5 generation”—though they are immigrants, they often came to the



MICHAEL REYNOLDS/EPA/Newscom

While his children watch, a Maryland father casts his ballot in the November 2012 election. The Maryland DREAM Act was the first in the U.S. to be subject to direct voter approval.

United States at a young age and were raised as Americans in the American educational system. They identify as American, but they cannot qualify for many American benefits, such as a college education, because of their parents' illegal status.<sup>1</sup>

Eleven U.S. states, including California, Illinois, Texas, and Wisconsin, have dealt with this problem by passing a version of the DREAM (Development, Relief and Education for Alien Minors) Act. In the November 2012 election, Maryland became the latest state to adopt the act, with a twist: Maryland is the first state where 58 percent of voters directly approved the act after it passed through the legislature. Under Maryland's new DREAM Act, children of illegal immigrants can qualify for in-state tuition if they can prove two things: that they attended (for at least three years) and graduated from a Maryland high school and that their parents filed their income taxes for the last three years. These students can then attend a community college in the state, and provided they finish 60 hours in the community college and meet admission requirements, they can transfer to a state four-year school at the in-state tuition rate. Even though Maryland's DREAM Act has strict criteria,

proponents of Maryland's DREAM act argue that the cost to the state to pay for community college for these students is offset by the taxes these students will eventually pay as workers in the state and the economic potential of a more highly educated population. Opponents counter that the cost of the DREAM Act, an estimated \$3.5 million, is too high in tough economic times, and that the state may draw more illegal immigrants by creating such a

policy. The opponents of the DREAM Act used the state's referendum law to allow voters to decide whether to keep the DREAM Act or not, but voters in Maryland approved the policy by nearly a 2:1 ratio.<sup>2</sup> The DREAM Act proponents hope Maryland's voter approval will bolster versions of the act in other states; however, with state budgets under constraint, the funding for such educational aspirations may not exist.

#### Notes

<sup>1</sup> "The DREAM Act," Immigration Policy Center. <http://www.immigrationpolicy.org/just-facts/dream-act>

<sup>2</sup> Brown, Matthew Hay. "Students Celebrate Approval of Maryland Dream Act." *Baltimore Sun* November 6, 2012. See also Nick Anderson and Luz Lazo, "Md. Voters Approve Dream Act Law." *Washington Post* November 6, 2012.

## Introduction

Welcome to the study of one of the most important things you have never thought much about before—American state and local government. We kick off our opening chapter with this discussion of Maryland's Dream Act because it demonstrates *four key themes* that we will return to again and again throughout the book. These major points will not only help you come to understand and appreciate state and local government more fully but also help you learn much about politics and policy generally.

- *Theme 1: State and local governments are vitally important to your life.* Every day, state and local governments have major effects on the life of each American, and not just involving "politics" and "the economy," concepts that may seem rather vague and general to you. Obviously, if you are a college student in Maryland, changes in who qualifies as an "in-state" student affect the amount of tuition you might pay, where you might be able to attend college, and the diversity of the student body with whom you interact. But regardless of where you live, state and local governments have significant impacts on you, personally, in dozens of practical ways every day. Twenty-four hours a day, seven days a

week, 52 weeks a year, at every stage of your life, these governments affect the quality of your life and the choices you can make. State and local governments have a far greater impact on your daily life than does the federal government—unless you are serving in the U.S. armed forces. On virtually every page of this book, you will see just how state and local governments affect you and everyone you know in a multitude of ways every day.

- *Theme 2: Political institutions matter.* **Political institutions** are the rules, laws, and organizations through which government functions. These are enduring mechanisms designed to translate the principles and values of public policy into reality. They often define consequences for policy makers' and citizens' choices, encouraging some and discouraging others. Maryland's legislature and governor approved the eligibility for in-state tuition to children of illegal immigrants, just as the same institutions did in California, Texas, Illinois, New Mexico, and several other states. The Dream Act in Maryland is unusual, in that citizens upheld the act by voting for the measure in another institution, a statewide referendum vote. This is just one of the scores of examples that we will discuss in some detail of how the institutions

with which we organize government can have important, complex, and not always intended or obvious consequences.

- *Theme 3: Political reform can happen.* Among all the forces affecting people's lives, the people and their political leaders can change—or **reform**—its political institutions and policies most readily. General social forces influence our lives dramatically every day, many of them to a much greater extent than do politics and government. But while a state's or community's history, political values, demography, and economy can have major impacts on people and businesses, the government can do little about these forces in the short term. But virtually any political institution or policy can be reformed if the people want to do so badly enough. For example, although some states discourage benefits for and services to illegal immigrants, others have chosen to extend state resources to help them—such as Maryland does by allowing children of illegal immigrants a lower-cost state university education. States and communities are constantly tinkering with their institutions and changing their policies. Throughout this book, we will discuss both the causes and effects of many such reforms.
- *Theme 4: Comparisons can help us understand.* States and communities and their governments differ from one another in countless ways, and understanding the causes and effects of these differences can help us understand much about the general principles and patterns of politics and government. Despite the homogenizing effects of television, the Internet, big box stores, and chain restaurants, the United States is still a very big and diverse country. States and communities differ in their history, economy, people, and geography. They differ in their politics, the policies they pursue, and the institutions they establish. States like Texas and California, because of their long-standing, sizable immigrant populations, confronted the challenge of illegal immigration earlier

than states with newer, but growing, illegal immigrant populations—states such as Illinois, Georgia, and Maryland.<sup>1</sup> Because the states and communities are different from one another, it matters where you live, whether you are a student, parent, consumer, businessperson, retiree, or are filling any other role throughout your life.

This final theme deserves a bit more discussion here, as diversity among the states and communities is one of the most prominent characteristics of American life. This diversity can be baffling and, at times, frustrating to the average person, especially for governmental and political differences, because they can seem so arbitrary. For example, you may know someone who goes to college in another state where the tuition is much higher or lower than yours—why is that the case? Other differences can be equally confusing and troubling to other people. Why are cigarette taxes so much higher in Illinois than across the Ohio River in Kentucky? Why do people in Vancouver, Washington, pay no state income tax, whereas those just across the Columbia River in Portland, Oregon, pay no sales tax? Why does the public high school in one town have a beautiful swimming pool and a large auditorium, while the school in a nearby town can't even afford to offer its students music or art classes? Why are the rivers cleaner in some states than in others, and why are the parks nicer in some towns than others? On and on the questions can go.

The innumerable differences among states and communities are especially relevant for this book and the course for which you are reading it. Although these differences sometimes cause some people to pull out their hair or pound the table, political scientists see this diversity as a wonderful opportunity to expand our understanding of how people work together to survive and thrive; that is, to expand our understanding of government, politics, and policy. As we have mentioned, the impact that state and local governments have on

<sup>1</sup> Slate, "How Many Illegal Immigrants Live in Your State?" 1 February 2013. [http://www.slate.com/articles/news\\_and\\_politics/map\\_of\\_the\\_week/2013/02/map\\_illegal\\_immigrant\\_population\\_by\\_state.html](http://www.slate.com/articles/news_and_politics/map_of_the_week/2013/02/map_illegal_immigrant_population_by_state.html)

our lives makes their study important for its own sake. But because of their diversity, they also offer an extraordinary way to study politics generally—the *comparative method*. That is, we use the variation among the states and communities to explore and understand the broader forces at work in politics and government in the United States today. For example, if we want to understand government support for higher education, we can identify states that charge different tuition rates at their colleges and universities and compare those states on other characteristics to find clues to explain this difference. Perhaps states that charge less tuition are wealthier, have more diverse economies, or hold more liberal political values than do other states. Often, these factors have subtle and complex relationships that are not obvious. But with more than 87,000 state and local governments in the United States, political scientists working in this field have a vast and rich laboratory.<sup>2</sup> The comparative method allows us to describe and understand what often are quite multifaceted and not always apparent relationships.

In this chapter, we explain the importance of studying American state and local government, and we lay out our comparative approach to doing so. By the time you have finished this book, we hope that you won't be able to read or hear a news story about politics or government—any government, not just state or local government—without asking yourself:

- Why has that government dealt with that public problem in that way?
- How have other governments dealt with that problem?
- Why have these governments adopted these different approaches to solving that problem?
- Which approach to that problem is better?

In other words, you will become an amateur political scientist. But more important, you will become a better and more intellectually active citizen with the tools to understand politics and government at all levels much more deeply.

## Serving All Day, Every Day: American State and Local Government

You probably never thought about it before, but your state and local governments are intimately connected to your life every day and in more ways than you can count. Just walk through your day and see how they affect you. Even before you are out of bed, trash collectors bang cans in the street and the bus or mass transit train rumbles by—each of these is a local government function. You turn on the light and unplug your phone from the charger—an extraordinarily complicated set of state and local regulations keep electricity generation safe, affordable, and not unduly damaging to the environment. You may even live in one of those many communities—like Memphis, Tennessee, and Austin, Texas—where the local government actually generates and sells its own electricity. Perhaps you live in one of the communities—like Los Angeles, California—that are installing “smart electric meters” in homes, devices designed to promote energy efficiency by charging more or less for electricity depending on the time of day it is used.<sup>3</sup> You head to the breakfast table—the organic milk on your cereal is regulated and inspected by state officials. You turn on the shower—the water is probably provided by your local public utility. You ride your bike to school—the roads and bike paths are built and maintained by state, county, and local employees, and police officers from these same governments ensure your safety on them. You get to class—the vast majority of American college students attend a school run by a state or local government, and if you do, your entire educational experience is controlled by employees of these governments. Your college's admissions requirements, the level of tuition and fees, degree requirements, course catalogue and schedule, the topics that are covered in class each day, and even the fact that you have been assigned to read this book are all determined by state or local government

<sup>2</sup> U.S. Census Bureau, *Census of Governments*, GC02-1(P) (Washington, DC: U.S. Government Printing Office, 2002).

<sup>3</sup> Elizabeth Daigneau, “The Hidden Cost of Going Green,” *Governing*, February 2010, p. 17.

officials. Private colleges are also affected heavily by the governments of the states and communities in which they are located through various regulations, budgetary considerations, and so forth.

Even beyond your day as a college student, state and local governments affect your life and the lives of your family and friends in innumerable other ways. They regulate restaurants, doctors, and nurses—and even hair, fingernail, and tanning salons—to watch out for your health and safety. They regulate the insurance and banking industry to watch out for your financial well-being. They determine how old you have to be to quit high school, to drive a car, to rent a hotel room, and to have sex with someone legally.<sup>4</sup> Do you want to smoke a cigarette? State and local governments tell you where and when you can do it, and then they tax you heavily for the privilege. Do you want to go to a dance club? State and local laws regulate how loud the music can be, how much tax you pay on your food and beverage, who can serve you, how late the club can stay open, and how many people can enter. Do you want to build a house or start a business? Do you need to use medical marijuana? Do you want to own and use a gun? These governments tell you where and when and under what conditions you can do so. Do you want to get married? These governments tell you how old you have to be to do so, and even the type of person you can marry (see Chapter 13 on same-sex marriage). State and local governments also determine how and when you can terminate that relationship, should the need arise. All these and many more of life's regular activities are regulated, encouraged, discouraged, modified, or monitored by your state and local government. They even regulate funeral homes and cemeteries heavily—your final interaction with your state and local government.

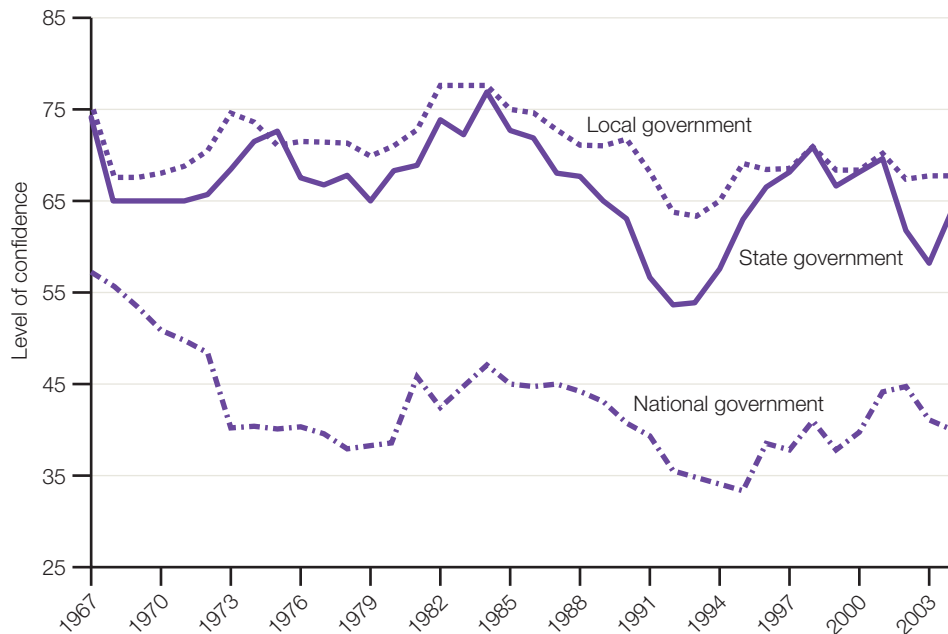
This may sound like some insidious plot straight out of George Orwell's *1984*, but understand that virtually every one of these state and local government interventions into your life was demanded by some group of citizens or businesses

who thought that your life (or more to the point, their lives) would be improved or protected by them. Government officials are not typically looking for more ways to get involved in your life. Rather, in today's climate of economic distress and political retrenchment, state and local governments are actually looking for ways to *reduce* the services and regulations that they provide. But as residents of states and communities, we want and demand that government do many things for us—to educate us well, to build good roads, to keep us safe from crime, to ensure that the various industries and professions we rely on are safe, reliable, and honest. In our modern, complex society, we want and need government both to encourage the things we want and to discourage those things that are unsafe or undesirable. And throughout American history, we have turned to state and local governments first for this sort of help. We trust state and local government far more than we do the national government.<sup>5</sup> Washington, DC, is far away from most of us, both physically and psychologically. State and local governments are literally as close as the sidewalk in front of our house, the cop driving by, and the school down the block. In fact, aside from foreign policy and national defense (no small things, of course), the national government has very little to do with the public services you receive every day.

Today, state and local governments control or have a strong hand in virtually all domestic government policy in the country, as they have throughout most of U.S. history. As a result, service in these governments is extremely attractive today to high-powered individuals who are smart and want to make a difference in the world. Consider, for example, Mayor Michael Bloomberg of New York City. He made billions of dollars on Wall Street and in the communications industry before searching for—and finding—an even greater challenge running the Big Apple. Susana Martinez, governor of New Mexico, worked her way up in state government as a district attorney in southern New Mexico before becoming governor in 2010. Bloomberg and

<sup>4</sup> Alan Greenblatt, "What Is the Age of Responsibility?" *Governing*, October 2009, pp. 25–31.

<sup>5</sup> Jennifer Wolak and Christine Kelleher Palus, "The Dynamics of Public Confidence in U.S. State and Local Government," *State Politics and Policy Quarterly* 10(4):421–445.

**Figure 1.1** Confidence in State, Local, and Federal Governments

**Note:** Although confidence in all levels of government fluctuate somewhat over the years, this graph shows that especially since 1973, Americans trust their state and local governments far more than the federal government.

**Source:** Jennifer Wolak and Christine Kelleher Palus, “The Dynamics of Public Confidence in U.S. State and Local Government,” *State Politics and Policy Quarterly* 10(4):421–445.

Martinez are just two examples of a new generation of highly talented men and women, successful in a variety of endeavors of life, who were looking for a challenge and an opportunity to give back to their communities and found them in state and local government service. People like Deval Patrick, governor of Massachusetts, Cory Booker, mayor of Newark, New Jersey, and John Kitzhaber, governor of Oregon, have all taken on these great challenges with hard work, intelligence, and new ideas, and they have made a significant difference.

When Barack Obama—who served in the Illinois State Senate longer than he served in the U.S. Senate—looked around the country to staff his first cabinet, he found almost half of them serving (or having recently served) in state and local government—four governors (Tom Vilsack, Iowa; Gary Locke, Washington; Kathleen Sebelius, Kansas; and Janet Napolitano, Arizona), two local

government officials (Arne Duncan, CEO of the Chicago Public Schools; and Shaun Donovan, director of the New York City Department of Housing Preservation and Development), and a state agency director (Lisa Jackson, New Jersey Commissioner of Environmental Protection).

Thus, not only do your state and local governments have big impacts on your life every day, but they are also where the action is for public service. And they are the place that you can get involved yourself. Not long ago, many of the top public officials now running the states and nation were coming out of college and looking for opportunities for public service. State legislatures and city councils are full of people who were elected to office before the age of 30. Just ask Iowa State Rep. Anesa Kajtazovic—when she was elected to her seat in Waterloo in 2010, she was just 23 years old.<sup>6</sup> On the other hand, state and local government also offers

<sup>6</sup> See Rep. Kajtazovic’s Ballotpedia page at: [http://ballotpedia.org/wiki/index.php/Anesa\\_Kajtazovic](http://ballotpedia.org/wiki/index.php/Anesa_Kajtazovic).

a lifetime of opportunities to serve. Newly elected North Carolina State Representative Jim Fulghum reached retirement age as a neurosurgeon before he was elected to his first term in 2013 at the age of 68.<sup>7</sup>

## The Basics: Defining Government, Politics, and Public Policy

We begin this book by describing three basic concepts that will be at the center of our discussion: government, politics, and public policy. Of course, you have a pretty good understanding of these, but we present an explicit definition of them so that we all start on a common footing.

### Government

Government can be thought of as the set of authoritative institutions by which a geographically defined group of people organizes itself to achieve their common goals. As individual human beings, our abilities and capacities are very limited; but working together, we can do much more than we can do alone. Our species—and its predecessors—learned this basic principle in the distant evolutionary past. Alone, no person could hunt a mastodon or even survive in a hostile environment for very long, much less build a jet airplane, develop a computer game, or build a dam. People can be motivated to work toward some of these common goals voluntarily through the use of selective economic incentives. Boeing was organized to manufacture airplanes, and Electronic Arts was established to write and sell computer game software. The people working together to accomplish these goals do so because they either are paid or earn a return on their investment for doing so. But it is very difficult to organize building a dam in such a way that an immediate profit can be made from it. Sure, towns are protected from floods, and this has huge economic, as well as social, benefits. But ironically,

when *everyone* benefits from the actions of a group, and when there is no way to stop those who don't help from gaining this benefit, *no one* has an economic incentive to contribute individually.<sup>8</sup> In fact, quite the opposite is the case. If someone else will pay for and do the work on a project and I can still get the benefit from it, what economic incentive do I have for helping on it? And if you extrapolate this line of thinking out to everyone in a given group, if no individual person has an incentive to undertake a project that provides these common goods, those common goods won't ever be provided, at least not voluntarily.

The problem of coordinating a group of people to achieve a common goal is what economists and political scientists call a **collective action problem**. That is, how do you organize and manage a group of people to execute a project that requires various types of activities and inputs? A common way to do this, and the model of coordination most prevalent in the private sector, is with a command-and-control set up, with a chain of command of bosses telling workers how to do it. When the goods that such a group produces can be easily restricted to those who are willing to pay for them, as in jet airplane or computer game manufacturing, the group incentivizes workers and investors by charging consumers for their products and then paying members of the producing group for their labor and capital.

But what about those activities where access to the group's product can't be easily restricted or where personal economic advantage can't easily be allocated? Think about group projects you have done in school. It is hard to force people to do something that they don't want to do, even if everyone in the group would benefit from producing a high-quality product. Some people—so-called free riders—prefer to do little or nothing in the hope that other group members will get the job done. But, of course, if everyone acts this way, the group project will not get done at all. Even if only some people in the group are free riders, the quality of the project will be suboptimal. The same principle lies

<sup>7</sup> Greenblatt, Alan. January 2013. "Newbies Infiltrate State Legislative Chambers." *Governing*, <http://www.governing.com/topics/politics/gov-newbies-infiltrate-state-legislative-chambers.html#previous>

<sup>8</sup> Mancur Olson, *The Logic of Collective Action*, rev. ed. (Cambridge, MA: Harvard University Press, 1971).



for the large “group projects” in society that we can’t easily exclude people from benefiting from—like a dam. We can’t build it only for some houses in a city; it’s either all or nothing. In general, no person or company will take the initiative to complete this type of public good project alone, no matter how meritorious, when the benefits are widely dispersed, noneconomic, and/or received over a very long period of time—the Red Cross and Doctors Without Borders notwithstanding.

To deal with this issue and to enhance the lot of our species over the past 10,000 or more years, human beings have developed various systems of government as a way to deal with the collective action problem for tasks that have widely dispersed, long-term benefits but where the potential for short-term, private profit is limited. By forcing people to pay taxes and follow laws, governments help generate these **public goods** that benefit all residents of a geographical area, or **jurisdiction**, but that none of the residents would or could accomplish alone. Government, then, consists of the people who are hired and the institutions that are established to accomplish these common tasks that help us all.

## Politics

Politics is the process that people use to determine what their government will do. We use politics to decide which public goods our government will provide, how it will do so, who will benefit, and how we are going to pay for them. Politics consists of elections, campaigns, lobbying, lawmaking, and many activities that we hear about daily in the news, and each of these affects important government decisions. This is most obvious in election campaigns. For example, one gubernatorial candidate wants to encourage economic growth in her state, while another one focuses on cutting government spending or limiting abortion. In their campaigns, candidates tell voters what they

want to do and why, and in the election, people vote for the candidate with the plan and ideas that most closely agrees with their values and beliefs. But politics is also at work, if less directly, when groups of citizens and businesses contact that winning governor and present their arguments about what state government ought to do. The governor then considers the ideas and information she hears during this lobbying, weighs it against her own knowledge and judgment, and then makes policy decisions. This aspect of politics is different than what you see in campaign commercials and debates on television, but it is an important part of the process by which government decisions are made.

## Public Policy

Public policy consists of a government’s decisions and actions that are designed to achieve the common goals identified by the political process for that jurisdiction. Any official or regular action of a government or its officials is a policy, including its institutions, laws, and regulations. The norms and traditions that help determine its officials’ actions are also policy, if less formal and less explicitly stated. At root, every policy is intended to provide some public good. For example, San Francisco city fire inspectors check out automatic fire-extinguishing systems, like sprinklers, in public buildings every six months so that they are safe for people to use.<sup>9</sup> And the Michigan Department of Natural Resources lets fishermen catch only one muskie per day, and it must be at least 42 inches long, in order to sustain the state’s fisheries.<sup>10</sup>

Sometimes a government worker’s action may not seem like a public policy, and sometimes the public good behind a policy is hard to see. For example, professors at the University of Wisconsin-La Crosse are required to give a final exam in every undergraduate class.<sup>11</sup> This is a public policy because it is a regulation established by a government official—the university’s provost (who works for the state

<sup>9</sup> San Francisco, California, Municipal Fire Code, section 904, paragraph 11.6.2, “Alternative Automatic Fire-Extinguishing Systems,” 2001. <http://library.municode.com/index.aspx?clientId=14135&stateId=5&stateName=California>

<sup>10</sup> State of Michigan Department of Natural Resources, “FO-215.08, Statewide Coolwater Regulations: Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, and Yellow Perch,” 2008. [https://mi.gov/documents/dnr/FO-215-06\\_182408\\_7.pdf](https://mi.gov/documents/dnr/FO-215-06_182408_7.pdf)

<sup>11</sup> University of Wisconsin-La Crosse, Office of the Provost, 2009–2011 *Undergraduate Catalog*. La Crosse: University of Wisconsin System Board of Regents.