

STATE AND LOCAL UPDATESeptember 6, 2019

Policy and Politics**I. Trending Topics****Issue in Focus**

ELECTION SECURITY IN 2020 COMES DOWN TO MONEY, AND STATES AREN'T READY: The front line to [protect](#) the integrity of the U.S. presidential election is in a Springfield strip mall, next to a Chuck E. Cheese's restaurant. There, inside the Illinois Board of Elections headquarters, a couple dozen bureaucrats, programmers, and security experts are furiously working to prevent a replay of 2016, when Russian hackers breached the state's voter registration rolls. For 2020, Illinois is deploying new U.S. government software to detect malicious intrusions and dispatching technology experts to help local election officials. Even the National Guard, which started its own cyber unit several years ago, is on speed dial for election night if technicians needed to be rushed to a faraway county. Still, Illinois officials are nervous. The cash-strapped state remains far short of the resources needed to combat an increasing number of nations committing geopolitical breaches. "We're in an unusual time, and yes, there is concern about whether we have enough to go into 2020 totally prepared for what the Chinese, Russians, or North Koreans or any enemy of the United States may do to influence our elections," says Governor J.B. Pritzker, a Democrat. "We're securing our elections with state resources, but there is a federal need. This is a national crisis." State election authorities are more prepared than they were four years ago, when they weren't focused on the threat of voting system hacks. But Illinois's struggles illustrate how outmatched most states are and how money—and the cyberskills of local authorities—will determine whether election infrastructure from Illinois to Florida will be secure in November 2020. While those two were the only states named in special counsel Robert Mueller's report as targets of election meddling by Russian hackers, the Senate Intelligence Committee in July concluded there were "extensive" efforts to hack all 50 states.

A. BUDGETS, TAXES, & REVENUE

DESPITE YEAR-END DIP, STATE TAX REVENUE IS STILL HIGH: State tax revenue [fell](#) slightly in the fourth quarter of 2018, trimming the number of states in which collections had fully recovered from the Great Recession to 40, one less than the record high a quarter before, after accounting for inflation. The dip interrupted one of the strongest stretches of growth since the downturn, though fresh gains were projected for the first half of 2019. While state tax revenue fell slightly in late 2018—the first quarterly decline in two years—collections were near historic highs: 12.6 percent above their 2008 peak, after adjusting for inflation, just below a record 13.4 percent in the previous quarter. The results mean that states collectively had the equivalent of 12.6 cents more in purchasing power for every \$1 they collected at their recession-era peak more than a decade earlier, after adjusting for inflation and averaging across four quarters to smooth seasonal fluctuations.

SMALL TOWNS ARE ADDICTED TO FINES: Throughout the country, smaller cities and towns [generate](#) major dollars from different types of fines, sometimes accounting for more than half of their revenues. Some places are known for being speed traps. Others prop up their budgets using traffic cameras, parking citations or code enforcement violations. To get a picture of just how much cities, towns and counties rely on fines and fees, Governing conducted the largest national analysis to date of fine revenues and the extent to which they fund budgets, compiling data from thousands of annual financial audits and reports filed to state agencies. What Governing found is that in hundreds of jurisdictions throughout the country, fines are used to fund a significant portion of the budget. They account for more than 10 percent of general fund revenues in nearly 600 U.S. jurisdictions. In at least 284 of those governments, it's more than 20 percent.

Some other governments allocate the revenues outside the general fund. When fine and forfeiture revenues in all funds are considered, more than 720 localities reported annual revenues exceeding \$100 for every adult resident. And those numbers would be even higher if they included communities reporting less than \$100,000 in fines; those jurisdictions were excluded from our analysis. In some places, traffic fine revenue actually exceeds limits outlined in state laws.

FORECASTS HAZY FOR STATE MARIJUANA REVENUE: Revenue from “sin taxes” is notoriously [volatile](#) and difficult to predict, even when the taxes—such as those on cigarettes, liquor, or gambling—have been around for decades. Although consumption of or participation in these “sins” can change dramatically, analysts at least have historical data from across the nation to guide forecasts. But now that 10 states and the District of Columbia have legalized recreational marijuana, officials are grappling with projecting collections from a new sin tax. Forecasting revenue from a product that was illegal just a few years ago, and remains so under federal law and in most states, presents a unique challenge for state budget planning. For example, in Nevada’s first six months of collecting marijuana taxes, revenue came in 40 percent higher than budget officials expected, but in neighboring California revenue was 45 percent below projections in the first six months of collecting marijuana taxes. And with more states considering legalizing marijuana, forecasting and budgeting difficulties for revenue from recreational marijuana taxes are likely to become widespread. These challenges have consequences: If tax collections come in below forecasted amounts, for example, programs that are funded by these dollars could suffer.

B. HEALTHCARE & INSURANCE

STATE AGs FOCUS ON CONSUMER PROTECTION IN HEALTHCARE: The relatively high [expense](#) of the U.S. healthcare system compared to other nations is well known and documented. Spending on pharmaceuticals in the U.S. is almost twice that of the next closest nation, and costs for a hospital stay are nearly four times higher than in the country coming in second. While it is similarly well known that American families have high spend levels, a new milestone was recently passed. The average American family now spends more on healthcare than on taxes. A statistic like this will inevitably attract the attention of elected officials. While a cynic might attribute such interest to a bit of jealousy on the part of our officials that someone is taking more money than the government, the burden of high healthcare costs is something that their constituents are going to put front and center on their agendas. Healthcare is once again assuming its quadrennial significance in the presidential campaign, but it bears noting that healthcare also has received considerable attention in recent months from state attorneys general. In a sign of both the importance of this issue to attorneys general and its bipartisan nature, there was a conference this past June in Omaha, Nebraska, hosted by Republican Attorney General Doug Peterson and attended by his fellow Republican Derek Schmidt of Kansas, as well as Democrats from states such as Iowa, Illinois and Minnesota. The entire focus of the conference was on the role of attorneys general in the healthcare industry. The refrain from every speaker, including attorneys general, was that this issue is too important for any elected official to ignore. Accordingly, if past is prelude, there is every reason to believe that attorneys general will only increase their use of UDAP statutes in the healthcare industry.

MICHIGAN BECOMES FIRST STATE TO BAN FLAVORED E-CIGARETTES: Michigan on Wednesday [became](#) the first state in the nation to ban flavored e-cigarettes, a step the governor said was needed to protect young people from the potentially harmful effects of vaping. Gov. Gretchen Whitmer (D) said in an interview Tuesday that she ordered the ban after the state health department found youth vaping constituted a public health emergency. The action was officially announced Wednesday. Whitmer complained that e-cigarette companies are using sweet flavors, such as bubble gum and “fruit loops,” to hook young people on nicotine, with potentially adverse consequences. Besides sweet flavors, the prohibition will also apply to vaping products that use mint and menthol flavors. It does not cover tobacco-flavored e-cigarettes, the governor’s aides said.

CALIF. 'MENTAL HEALTH CZAR' SEEKS NEW BLUEPRINT FOR CARE: In a career full of twists, turns and high-powered assignments, Thomas Insel [may](#) now be embarking on one of his most daunting tasks yet — helping California find its way out of a worrisome mental health care crisis. This year, he assumed a new role to help Gov. Gavin Newsom revamp mental health care in the state. Newsom called Insel his “mental health czar,” though his position is unpaid and Insel says it grants him “no authority.” Even so, he is zigzagging across California this summer, visiting mental health facilities to try to understand what works and what doesn’t. Insel’s meandering career path began early. A precocious student, he enrolled in a joint B.A.-M.D. program at Boston University at age 15 and then took a one-year hiatus to volunteer in clinics across Asia. He returned to finish his medical degree and later completed a three-year psychiatry residency at the University of California-San Francisco. As a young scientist at the National Institute of Mental Health in the 1980s, Insel researched the effects of antidepressants, then shifted gears to study the neurobiology of emotional attachment in the prairie vole, a rodent known for monogamous behavior.

WILL NEWSOM'S PLAN LOWER PRESCRIPTION DRUG COSTS IN CALIF.? Eight months ago, Gov. Gavin Newsom [released](#) a plan to lower the state’s prescription drug costs. The central idea: By consolidating the market power of state agencies into one statewide pool, California could gain greater leverage to negotiate with drugmakers. In late August, the administration took a first step toward making the proposal a reality. Under the plan, which was outlined in an executive order announced shortly after Newsom took office, the state — rather than individual managed care insurance plans — will take on the role of negotiating drug costs on behalf of all 13 million Californians on Medi-Cal, the state’s Medicaid insurance plan for low-income residents. The Department of Health Care Services, which administers Medi-Cal, began soliciting proposals Aug. 22 from companies to help the state manage pharmacy benefits. This transition is to be completed by January 2021. The administration estimates the transition will save the state \$393 million by 2023. The nonpartisan Legislative Analyst’s Office in April said the move could potentially save the state hundreds of millions of dollars each year, but that it lacks details about how it will be implemented and how it will affect Medi-Cal enrollees, pharmacies, health care providers and managed care plans. Community hospitals that benefit from a federal drug discount program might also take a financial hit under the proposal because they would receive less money from the state than they would under the current system for drugs. Experts say the downside of such a proposal is that it could limit the types of drugs available for patients, or make some drugs more expensive. This is because purchasing pools can get a discount on a drug only if they guarantee the drugmaker that a lot of people will use it — essentially leveraging market power to obtain a discount. If a certain drug is less commonly used, the drugmaker is less likely to offer a discount on it, potentially making the medicine more expensive.

C. ECONOMY, TRADE & INFRASTRUCTURE

GOVERNORS FOCUS ON TRANSPORTATION BOTTLENECKS: Governors Larry Hogan and Charlie Baker [write](#) that governors from both parties recognize that until we can secure greater cooperation in Washington, D.C., states must bridge the gap — and we are. For example, Maryland has advanced two of the world’s largest public-private partnerships to connect suburban Metro stations and get traffic moving again along the Capital Beltway. The state’s transit investment is historic at \$14 billion during the Hogan administration, including \$150 million in innovative traffic congestion solutions, smart technology, and cutting-edge smart signalization networks. For local residents, who suffer the nation’s second-worst traffic congestion and the second-longest commute times, these projects will provide long-overdue transportation relief. In Massachusetts, the Baker-Polito administration has proposed an \$18 billion transportation bond bill to further investments in public transit, cut red tape around project delivery, and reduce congestion on the Commonwealth’s roads. At the direction of the administration, the T is in the midst of implementing an \$8 billion infrastructure investment plan and MassDOT is leading a \$7 billion plan to invest in roads and bridges. Bipartisan teamwork among America’s governors

is essential to ensuring progress doesn't stop at our state borders, because citizens' and businesses' needs certainly don't. Massachusetts is partnering with Rhode Island Governor Gina Raimondo to enhance Boston-Providence rail service. And both Maryland and Massachusetts are party to the Transportation and Climate Initiative, which unites the Northeast and Mid-Atlantic in bolstering the clean transportation economy and creating jobs.

NEWSOM ANNOUNCES MEMBERS OF FUTURE OF WORK COMMISSION: Governor Gavin Newsom [announced](#) members of his Future of Work Commission, which include prominent leaders from technology, labor, business, education and other sectors across the state. The Commission will be co-chaired by James Manyika, chairman and director of the McKinsey Global Institute, and Mary Kay Henry, president of the Service Employees International Union, and will be guided by senior members of the Governor's team, including Secretary of the Labor and Workforce Development Agency Julie Su, Chief Economic and Business Advisor Lenny Mendonca, and Senior Policy Advisor Lande Ajose. The Commission will be tasked with making recommendations to help California leaders think through how to create inclusive, long-term economic growth and ensure workers and their families share in that success.

NEW JERSEY SET TO OVERTAKE VEGAS AS SPORTS BETTING CAPITAL OF U.S.: Watch out, Vegas: Here comes New Jersey. It's been little more than a year since the Garden State [legalized](#) sports betting, but the home of the Sopranos and Bruce Springsteen is already poised to overtake Nevada as the sports betting capital of the US, experts say. New York's neighbor west of the Hudson River is slated to take the crown from Nevada as soon as this year — thanks to the NFL, according to Alex Kostin, founder of AmericanGambler.com, a sports betting community and website devoted to legalized gambling data. That's because the NFL's new season, which kicks off Thursday, will open the floodgates of sports bettors flocking from New York City and Philadelphia to close what has been a fast-narrowing gap in total wagers, Kostin told The Post. NJ's total sports gambling handle during last year's season from September through January was \$1.5 billion — despite the fact that sports betting had only become legal in the state last June. Nevada's, meanwhile, was \$2.7 billion — a total that doesn't look so impressive by comparison, considering that on-site sports betting has been legal in Nevada since 1949 — and online since 2010.

TEXAS CITIES GAINED MOST JOBS IN NATION IN JULY: Among the 12 largest metro areas in the country, Houston [ranked](#) second in the nation for its rate of annual job growth of 3 percent in July, only beat out by Dallas, which had an annual growth rate of 3.5 percent. That was double the growth rate of the nation, which had 1.5 percent growth in jobs during July.

D. EDUCATION & THE ENVIRONMENT

SEE THE COMPLICATED LANDSCAPE OF PLASTIC BANS IN THE U.S.: California, New York, and hundreds of municipalities in the U.S. [ban](#) or fine the use of plastic in some way. Seventeen other states, however, say it's illegal to ban plastic items, effectively placing a ban on a ban. This kind of legal maneuvering is booming. Four states created preemptions this year alone with two only narrowly failing in South Carolina and Alabama. Often, efforts to preempt plastic bans are aided by the plastics industry, which wants to ensure its products remain widely used.

What We Are Reading

THESE TEN COUNTIES WILL DECIDE THE 2020 ELECTION: Three years after a presidential election that came down to 77,000 votes in three Midwestern battlegrounds, Democrats and Republicans are eyeing a much larger battlefield ahead of the 2020 contests, one that stretches from the picturesque coastline of rural Maine to the high desert of Arizona. Both President Trump's campaign and the Democrats vying to replace him are scrutinizing a political map in

flux, one in which attitudes and alignments are shifting and new regions are coming into play. As many as a dozen states could be up for grabs next year as economic and international uncertainty pairs with a cauldron of domestic discontent in government. Interviews with two dozen strategists, political scientists and observers show the 10 counties across the country that will determine the outcome of the 2020 presidential election. The critical tipping points are as diverse as the American electorate. Some are suburban neighborhoods where both Trump and former President Obama won. Others are longtime Republican strongholds that show signs of slipping. Still others have voted Democratic since the New Deal, only to be broken by Trump's historic campaign. [Here](#) are the 10 counties that will determine whether Trump gets a second term.

A GROWING DIVIDE IN BLUE CITIES: The political ground may be starting to [shift](#) in America's bluest cities. While San Francisco, Seattle, and Denver remain reliable Democratic strongholds, a divide is opening between the cities' activist political elite and a liberal, but more pragmatic, majority of voters. In Denver, voters recently rejected Initiative 300, the "right-to-survive" ballot measure that would have legalized homeless encampments in public spaces. The city's activist class—progressive politicians, social-justice organizations, and nonprofit service providers—claimed that the city's camping ban, in place since 2012, is unconstitutional and inhumane. They argued that, since society forces the homeless onto the streets, it must afford them the "right to exist," which would include living on public property, without interference from law enforcement. Citizens, businesses, and neighborhood groups—led by the Downtown Denver Partnership, National Association of Realtors, and Colorado Concern—rose up in opposition to the initiative, raising more than \$2.3 million to fight it. Voters rejected Initiative 300 by an 81 percent to 19 percent margin. The public sentiment behind the Denver vote has been growing in cities up and down the West Coast, where rampant homelessness has led to deterioration in the quality of life for many residents. In Washington State, progressive lawmakers and activists tried to pass a similar "survival crimes" bill through the state legislature, but it died in committee after a barrage of public opposition. Even in hyper-progressive Seattle, 68 percent of voters don't trust the mayor and city council to make progress on homelessness, and 53 percent support a "zero-tolerance" policy on encampments. In San Diego, Mayor Kevin Faulconer—a Republican in a city with a Democratic majority—plans to reinstate a ban on sleeping in cars and RVs in residential neighborhoods and parking lots. He argued that the city must balance compassion with the enforcement of public-safety laws. "If you are living out of your vehicle because you have nowhere else to go, we want to help you," Faulconer told reporters. "At the same time, residents and businesses have a right to clean and safe neighborhoods. We will not allow conduct that takes advantage of San Diego's generosity and destroys the quality of life in our communities." The rift between progressive elites and the broader electorate might signal the beginning of a political realignment focused on quality-of-life issues. It's not a traditional left-right division but more of a top-bottom cleavage, between an elite activist class and a popular majority with wide-ranging political views that has run out of patience with social-justice policymaking. Citizens in these left-leaning enclaves understand that homelessness deserves greater public attention, but they oppose decriminalization of public camping, open-air drug consumption, and low-level property crimes, which has led to a breakdown in public order. Whether they can build the political infrastructure to shape a new governing reality is the question.

CUOMO'S AISLE-CROSSING HIRES: On Tuesday, Gov. Andrew Cuomo [announced](#) a series of new hires in his office. Among them was Beth Garvey, a former top aide and counsel to the state Senate Republicans. Cuomo brought her on as special counsel. Despite the governor's leftward shift over the course of his time in office, including his declaration "I am the left" earlier this summer, Garvey is just the latest in a string of former Republican staffers who have worked in the Cuomo administration. Cuomo's penchant for hiring Republicans might reinforce suspicions about him among some progressive activists, but the governor's office argues that he can pursue a progressive agenda with Republicans on his staff. Rich Azzopardi, senior adviser told City & State that the governor hires "the best and brightest" to get his agenda

done. "If anyone is arguing that our agenda has gotten less progressive over the years," Azzopardi wrote in an email, "I'd be more than happy to refer them to any number of fine mental health professionals." Bill O'Reilly, a veteran New York Republican political consultant, also told City & State that Cuomo's willingness to hire staff with a "diversity of opinion" is laudable in an era of staunch partisanship. "It's increasingly rare for elected officials to recruit from the other team," O'Reilly said in an email. "That's a feather in his cap, even if it rubs some people the wrong way."

DUTY, DEMOCRACY, THREAT OF TRIBALISM: Former Secretary of Defense Jim Mattis [writes](#) in the Wall Street Journal: "Unlike in the past, where we were unified and drew in allies, currently our own commons seems to be breaking apart. What concerns me most as a military man is not our external adversaries; it is our internal divisiveness. We are dividing into hostile tribes cheering against each other, fueled by emotion and a mutual disdain that jeopardizes our future, instead of rediscovering our common ground and finding solutions. All Americans need to recognize that our democracy is an experiment—and one that can be reversed. We all know that we're better than our current politics. Tribalism must not be allowed to destroy our experiment."

E. TECHNOLOGY & PROCUREMENT

MICROSOFT, DISTRICT ATTORNEYS WORKING TO COMBAT HUMAN TRAFFICKING: Microsoft Corp. and the National District Attorneys Association (NDAA) recently [launched](#) a campaign against human trafficking that focuses on data collection and creating a new victims database. Nearly 11,000 human trafficking cases were reported in the U.S. last year, according to the National Human Trafficking Hotline. Of those, 490 were through online contact or an unknown venue, though illicit massage and spa businesses are the most common venues. The vast majority of the cases — more than 7,000 — involved women as victims. The new collaboration between the NDAA and Microsoft will involve the tech giant providing digital support and best practices, in addition to creating a database of victims.

GOOGLE EMERGES AS ANTITRUST TARGET BY STATE AGs: More than half of the nation's state attorneys general are [readying](#) an investigation into Google for potential antitrust violations, scheduled to be announced next week, marking a major escalation in U.S. regulators' efforts to probe Silicon Valley's largest companies. A smaller group of these state officials, representing the broader coalition, is expected to unveil the investigation at a Monday news conference in Washington, according to three people familiar with the matter who spoke on the condition of anonymity because they were not authorized to discuss a law enforcement proceeding on the record, cautioning the plans could change. It is unclear whether some or all of the attorneys general also plan to open or announce additional probes into other tech giants, including Amazon and Facebook, which have faced similar U.S. antitrust scrutiny. The states' effort is expected to be bipartisan and could include more than 30 attorneys general, one of the people said. Over the past year, regulators around the country have grown increasingly wary of the power wielded by Silicon Valley, questioning whether the industry's access to vast amounts of proprietary data — and deep pockets — allow companies to gobble up rivals and maintain their dominance to the detriment of consumers. Two federal antitrust agencies have opened probes targeting the industry broadly, while lawmakers in Congress have grilled executives from Amazon, Apple, Facebook and Google about the business practices.

CITIES ARE SAYING NO TO 5G: Billed as the key to the future—of telecommunications, of global competition, of innovation and even of municipal infrastructure—5G has instead become a bone of [contention](#). In addition to upgrading existing towers, it will require an estimated half-million new towers and small-cell sites on utility poles, lampposts and buildings. Experts also anticipate a long rollout period, potentially of a decade or more. Most cities want 5G, but they don't want to be told how, when and at what cost. Rules the FCC has already passed, meant to expedite 5G's rollout,

might well be creating acrimony that serves to do the exact opposite. FCC chairman Ajit Pai and President Trump have both said that widespread deployment of next-generation 5G wireless networks is critical to winning the race with China. A spokesman for the FCC referred to previous statements by the agency: "To enable broadband providers to enter new markets and deploy high-speed networks, access to poles must be swift, predictable, safe and affordable." City leaders say their power to zone and regulate infrastructure is being abridged. More than 90 cities and counties have joined together in a lawsuit, currently before the Ninth Circuit Court of Appeals, arguing that the FCC has overstepped its authority. A decision could happen as early as in the spring, but it could also take much longer.

DEAL REACHED TO COMBAT ROBOCALLS: AT&T, Sprint and Verizon and nine other telecommunications companies teamed up with attorneys general of all 50 states plus the District of Columbia to [announce](#) a new pact to eradicate a common scourge in America: illegal robocalls. The agreement, which amounts to a set of anti-robocall principles, is aimed at combating and preventing the phone-ringing annoyance. Included in the deal is call-blocking technology that will be integrated into a dozen phone networks' existing infrastructure, at no additional charge to customers. The tech giants will also provide other call blocking and call labeling for those customers who want more screening tools.

Update from BGR's Austin Office

INSIGHT FROM BGR VICE PRESIDENT, TEXAS DIRECTOR JERRY STRICKLAND: In a state where firearms are synonymous with freedom and hunting, two mass shootings have spurred a Texas conversation about what can be done to curb gun violence. Just hours after Texas Governor Greg Abbott held the first Domestic Terrorism Task Force meeting in Texas, a gunman in West Texas opened fire and killed seven others, thus intensifying the focus on mass violence. The recent shootings in Odessa and El Paso, Texas have put the debate over guns and mass violence squarely on the agenda for legislative leaders.

In the wake of the El Paso shooting, Governor Abbott formed the Texas Safety Commission and the Domestic Terrorism Task Force to look at the threat of terrorism and extremism in Texas and to develop strategies to prevent these acts of violence. Following the Odessa shooting, Lt. Governor Dan Patrick and Speaker Dennis Bonnen announced Texas House and Senate Select Subcommittees to address violence and community safety. The formation of these new executive and legislative committees will put legislative leaders squarely in the middle of an issue that, for decades, has been one of the more predictable fights in Texas – Republicans dug in on one side, Democrats on the other.

The intrigue over what could happen next only intensified late this week by a tweet from Governor Abbott saying, "The Texas House & Senate are getting to work on laws to keep communities safe from gun violence. I will announce legislative considerations next week & executive action this week. Legislators can be part of the process or part of the problem." Those Executive Orders were announced just moments ago. In the eight Executive Orders, the Governor is calling for enhanced reporting requirements and more training, tools, and resources for law enforcement and the public to respond to Suspicious Activity Reports. Governor Abbott also indicated he will be releasing a report of findings and recommendations from the Texas Safety Commission meetings next week.

Quick action from a Governor who has been Consoler in Chief for four Texas mass shootings, including the Odessa, El Paso, Santa Fe High School and Sutherland Springs church shootings. Meanwhile, Democrats are calling for a Legislative Special Session in Texas that would bring lawmakers back to Austin. If the special session is not called, lawmakers won't be back to the State Capitol and in session until January 2021.

In other Texas news of interest to clients, two former colleagues were named to top Executive posts. Ruth Rugerero Hughs was appointed Texas Secretary of State recently. Secretary Hughs most recently was Chair of the Texas Workforce

Commission. Another former Abbott alum, Bryan Daniel was named Texas Workforce Commission Chair and Aaron Demerson – a career public servant – was named employer representative for the Commission.

Before joining BGR Group, Jerry Strickland served as Governor Greg Abbott's appointee to lead the Texas Office of State-Federal Relations, where he was the Governor's lead advisor on federal affairs. In this role, he provided advocacy, counsel and direction to the Governor, members of the Texas Congressional delegation, relevant Congressional committees and the White House. He can be reached directly at jstrickland@bgrdc.com. For more information on BGR's Austin office, click [here](#).

AI, ROBOTIC PROCESS AUTOMATION GAIN STEAM IN STATE GOVERNMENTS: Artificial intelligence and robotic process automation are [emerging](#) as the most promising technologies for state IT offices, according to new data revealed at a government technology and leadership conference in Indianapolis this week. Doug Robinson, the executive director for the National Association of State Chief Information Officers, recently offered a preview of his organization's 2019 survey data, which shows that 65 percent of state CIOs believe AI and robotic process automation will be the "most impactful" emerging technologies for state government within the next three to five years. Robinson said it is an increase from 57 percent in 2018, with AI and robotics stealing interest away from other technologies such as the "internet of things," connected and autonomous vehicles and blockchain. State technology leaders see growing potential in the ability to automate many of their business processes, Robinson told the audience at the annual conference of the National Association of State Technology Directors. Indiana CIO Dewand Neely, who joined Robinson on stage, said he sees robotic process automation — software tools that can automatically carry out tedious processes that could once only be done by humans, such as data entry — as especially pertinent for the Indiana Office of Technology. While the technologies themselves are promising, Neely said he senses challenges for Indiana, both in finding the workers who can manage these new technologies and convincing his fellow agency heads that AI and RPA are worth pursuing.

RANSOMWARE THREAT RAISES NATIONAL GUARD'S ROLE IN STATE CYBERSECURITY: National Guard units already [play](#) a large role in state governments' cybersecurity activities, such as protecting election systems, but the threat of ransomware to cripple a state or city organization is a growing concern for uniformed personnel, the top military official overseeing the National Guard across the United States said. While Americans are long used to seeing guardsmen and women roll into to disaster-stricken areas after a hurricane or wildfire, deployments following cyberattacks are increasingly common, Air Force Gen. Joseph Lengyel said Friday on a conference call with reporters, likening the recent ransomware incidents in Texas and Louisiana to a "cyber storm," though not quite a "cyber hurricane."

THE RISE OF MUNICIPAL RANSOMWARE: Last month's [coordinated](#) ransomware attacks against 23 cities in Texas reflect a troubling trend for America's cities: bad actors are addicted to the payoff. In the 30 years since the first ransomware attack, the digital environment has changed beyond recognition, and it will only continue to mutate—by next year, approximately 30 billion devices will be connected to the Internet, and by 2025, almost 5 billion people will have access to the web. This presents an ever-growing opportunity for cybercriminals to wreak havoc—with local governments frequently in their crosshairs. In the simplest terms, ransomware is malware that locks up data until the victim pays money to regain access. Established ransomware tactics involve holding a user's data hostage for a few hundred dollars in Bitcoin. But attackers also make use of new ransomware strains like "Ryuk" and "SamSam" that target and infect entire organizations, and the demands for money increase exponentially. For instance, SamSam's ransomware extortions average about \$50,000 per attack. In August, a "single threat actor" likely compromised a managed-service provider—a company that manages numerous IT systems or services—to conduct attacks

against Texas municipalities, demanding a collective 2.5 million dollars. But even after cities pay up, attackers may continue to target them and their insurers.

ANY AGENCY CAN OWN 'IT' ACQUISITION, JUST DON'T CALL IT 'PROCUREMENT': Procurement has a [branding](#) problem. It's also too rigid, its participants don't communicate optimally, and it's often constrained by legal contracts that don't serve anyone particularly well. But there's hope that state governments are finally identifying and attempting to solve these problems, representatives of two state IT and procurement associations said this week at the National Association of State Technology Directors' annual conference in Indianapolis. Governments ought to stop using the term "procurement" altogether, and call it "IT acquisition" instead, said Meredith Ward, the director of policy and research for the National Association of State Chief Information Officers. That, she suggested, will make procurement officials less defensive when IT people complain that the "procurement process" is broken, because everyone knows the process could be improved, but the blame should be distributed. "It's all about understanding each other and understanding where they're coming from," Ward said. She outlined the last several years of a partnership between NASCIO and the National Association of State Procurement Officials, or NASPO. Since 2016, the two groups have traveled around the country, bringing together state IT and procurement officials to figure out why the IT acquisition process is so frequently slow and stodgy. Surveys by the two groups shows that state procurement needs to be improved, at least in the eyes of the technology companies selling to government. While 68 percent of IT or procurement officials said they believed states' procurement processes were "effective" or "very effective" at achieving cost savings, just 31 percent of vendors agreed. Similar differences in opinion were found between the groups when asked whether the processes were conducive to innovation or "getting the best value." But many in government recognize the shortcomings in procurement processes. One government worker reported having two children during a single sales cycle, NASCIO and NASPO reported.

BGR In The News

WHITE HOUSE AIDE MOVES TO BGR GROUP: Joseph Lai, special assistant to the president for legislative affairs, will [join](#) BGR Government Affairs as a vice president. Lai will focus on trade and defense issues, effective later this month. He left the White House in early August and there has been no announcement yet of his replacement. He has worked for President Trump since Jan. 2017 when he led outreach to the Senate on economic issues. Recently, he has been focused on passage of the U.S.-Mexico-Canada Agreement (USMCA) and tariffs. Prior to the White House, Lai worked as legislative director and military legislative assistant to Sen. Roger Wicker (R-Miss.) and worked for ex-Sens. George Voinovich (R-Ohio) and Chuck Hagel (R-Neb.).

F. FEDERAL/STATE RELATIONS

WASHINGTON STATE QUILTS FEDERAL FAMILY PLANNING PROGRAM OVER TRUMP ABORTION RULES: Washington state [exited](#) a federal family planning program over the Trump administration's new abortion restrictions. Washington's Department of Health notified the Department of Health and Human Services (HHS) that it would withdraw from the Title X family planning grant program rather than follow new rules banning grantees from referring women for abortions. The State of Washington is gravely disappointed in HHS's deliberate decision to force us and many other longstanding grantees out of the Title X program," wrote two state officials in a letter to HHS, first reported by Politico. HHS set a deadline for grantees to provide evidence that they were complying with the new rules, which also requires all grantees stop providing abortions. The Title X program funds states, organizations and clinics providing low-income women and men with birth control, STD testing and other reproductive services. But the administration argues these

funds shouldn't go to groups that provide or refer women for abortions, although federal funding already wasn't allowed to go toward the procedure.

LAWSUIT CHALLENGES 'PUBLIC CHARGE' FOR IMMIGRANTS: Attorney General Letitia James's office recently [announced](#) a lawsuit attempting to overturn President Donald Trump's so-called public charge regulation. Under this regulation change, immigrants would be denied green cards and visas when seeking forms of public assistance, including Medicaid, food stamps and housing vouchers. Administration officials say it's meant to encourage self-sufficiency. James in the lawsuit argues the move circumvents the intent of Congress and will hurt immigrant children. The suit was filed by Connecticut, Vermont and New York City.

THIRTEEN STATES SUE OVER RULE TO LIMIT LEGAL IMMIGRATION: A coalition of 13 U.S. states [sued](#) President Donald Trump's administration, seeking to block a new rule that would drastically reduce legal immigration by denying visas to poor migrants. Some experts say the rule could cut legal immigration in half by denying visas and permanent residency to hundreds of thousands of people if they fail to meet high enough income standards or if they receive public assistance such as welfare, food stamps, public housing or Medicaid. The 13 states said in their lawsuit, filed in U.S. District Court for the Eastern District of Washington, that the new rule "effects a radical overhaul of federal immigration law transforming a system that promotes economic mobility among immigrants into one that advantages immigrants with wealth." The other states joining Washington in the lawsuit against the Department of Homeland Security are: Colorado, Delaware, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Rhode Island and Virginia.

BGR Client Highlight

OLE MISS HOSTS FOURTH ANNUAL TECH SUMMIT: Mississippi's best and brightest [welcomed](#) modern leaders in technology to the fourth annual UM Tech Summit at the University of Mississippi last week. The half-day-long event took place at the Gertrude Castellow Ford Center for the Performing Arts and was free and open to the public. Keynote speaker David L. Cohen, the senior executive vice president and chief diversity officer of Comcast Corp., summed up the message of the day by saying that with each passing decade, the pace of change is increasing. U.S. Federal Communications Commission Chairman Ajit Pai was the guest government speaker and said that the FCC was doing what it could to help close the digital divide. He said it was important to make sure new technology is accessible to rural places like New Albany and Pontotoc, and praised the late U.S. Sen. Thad Cochran (R-Miss.) for his efforts in pushing bills that helped fund telehealth centers and encourage broadband. Interim Chancellor Larry D. Sparks welcomed U.S. Sen. Roger F. Wicker (R-Miss.) as the honored guest and recognized his effort in establishing the tech summit. Wicker addressed the room by saying some of the brightest minds were in attendance. The day also featured panels on broadband, technology and society, and technology and the workforce, student speakers discussing the possibilities of virtual reality, role internships play in development and research studying the physiological responses of Esports, and ended with a fireside chat with Jim Barksdale of Barksdale Management Corp. and Andy Lack of NBC News and MSNBC. Panelists and presenters included Jamey Assey of the NCTA-The Internet & Television Association, Robert Fisher of Verizon, Mayo Flynt of AT&T Mississippi, Hu Meena of C Spire, Bill Cook of Infrastructure Consulting, John Godfrey of Samsung, Kevin Martin of Facebook, Milo Medin of Google Wireless, Brian Xu of LinkedIn, Kagan Coughlin of Base Camp Coding Academy, Jordan Noone of Relativity Space, Dick Scruggs of 2nd Chance MS Inc., Senior Policy Advisor to Gov. Phil Bryant Laurie Smith and Alan Sudduth of Chevron.

GOV. BAKER ADVOCATES FOR VINEYARD WIND: Gov. Charlie Baker [pressed](#) the Trump administration last week to wrap up its environmental review of Vineyard Wind by March 2020, and indicated he is seeking accommodations for the wind farm in regard to federal tax credits and project timetables. Baker appears to be taking his push for Vineyard Wind one step at a time. Along with the governors of Connecticut, New Hampshire, Maine, and Virginia, Baker recently sent a letter to Interior Secretary David Bernhardt and Commerce Secretary Wilbur Ross, asking them to move quickly on the project review.

II. Politics

A. GOVERNORS & STATEWIDE OFFICES

INSLEE SEEKS REELECTION AFTER DROPPING PRESIDENTIAL BID: Jay Inslee [announced](#) he will seek a third term as Washington's governor, hours after ending his longshot bid for the Democratic presidential nomination. Inslee made the announcement in an email blast to supporters, saying he wants to "continue to stand with you in opposing Donald Trump and rejecting his hurtful and divisive agenda." He'll be the first Washington governor in nearly 50 years to seek a third term. Inslee, who's been mentioned as a possible Cabinet secretary should Democrats retake the White House in 2020, pledged to turn down such an offer if he's reelected. Inslee's choice to run again led to immediate announcements from three Democrats who had all hinted at gubernatorial campaigns, but only if Inslee opted out. Attorney General Bob Ferguson and Public Lands Commissioner Hilary Franz both said Thursday that they would run for reelection rather than challenge Inslee. King County Executive Dow Constantine said he wasn't planning on challenging Inslee and would "continue preparing for a reelection bid."

MANCHIN PASSES ON RUN FOR GOVERNOR IN WV: Sen. Joe Manchin (D-W.Va.) has [decided](#) against running for governor in 2020, a job he won easily twice, opting instead to stay in the Senate despite his very public frustration with Washington. Manchin said in a statement Tuesday that he could best serve his state in the Senate. Manchin, who has held statewide office since 2001, is one of the only Democrats who has proven capable of winning West Virginia as it turns increasingly red. He won reelection in 2018 by a slim 3-point margin over Attorney General Patrick Morrisey (R). Manchin, 72, would have started the race with a leg up against Gov. Jim Justice (R). A MetroNews Dominion Post West Virginia poll released last week showed Manchin leading Justice by a wide 49 to 39 percent margin.

MARYLAND COMPTROLLER CONSIDERS RUN FOR GOVERNOR: A self-styled "independent Democrat," Peter Franchot is an [amalgam](#) of populist, fiscal conservative and social liberal. He likes standing up for "the little guy" just as much as he relishes making the establishment wince — a combination he thinks will help the state's majority party win back the governor's mansion in 2022, despite a growing push among Democratic activists for a younger, more left-leaning generation of leaders. Like Hogan, Franchot has cultivated high name recognition and a statewide network of rank-and-file admirers. He has \$1 million in campaign funds in the bank and job approval ratings above 70 percent from fellow Democrats, according to a Gonzales Research poll that his campaign commissioned in May and publicly distributed. His ambition for the state's top job comes as Maryland Democrats are trying to recover from the blame games and divisions spawned partly by Hogan's victories, in a state where they outnumber GOP voters 2 to 1. The party has split into liberal and establishment wings, and party insiders say there is no heir apparent in either camp to lead the 2022 ticket.

FOREST LAUNCHES RUN FOR GOVERNOR IN NORTH CAROLINA: Decrying identity politics and a loss of traditional values, Lt. Gov. Dan Forest officially [launched](#) his campaign in mid-August to unseat Roy Cooper as governor of North

Carolina. The Republican, in his second term as lieutenant governor, has long made it known that the governorship is in his sights, but he officially announced his intentions at a rally at the Winston-Salem Fairgrounds. He joins state Rep. Holly Grange of Wilmington in the Republican primary for the governor's office. In a speech to supporters, Forest said he wanted to create a new vision for North Carolina, one that includes a stronger anti-abortion stance and a rejection of socialism, an ideology he said young people in the state have grown more favorable of.

B. STATE LEGISLATURES & MAYORS

DEMS SPENDING MILLIONS TO TAKE BACK STATEHOUSES: Democrats still shaken by the 2010 tea party wave that netted Republicans six governors' offices, flipped 21 statehouse chambers and drove nearly 700 Democratic state legislators from office are mounting a comeback, [pouring](#) millions of dollars into state level races. In a longtime Republican district covering a wealthy enclave of Dallas, Democratic challenger Shawn Terry has raised \$235,000, an eye-popping amount for a statehouse race that's more than a year away. In Virginia, where the GOP holds a slim majority, Democrats have outraised Republicans for the first time in years. Democrats are even putting some money in deeply Republican Louisiana. The cash deluge shows how the consequences of next year's elections run far deeper than President Donald Trump's political fate. The party that controls state legislatures will take a leading role in the once-in-a-decade redistricting process that redraws congressional maps. Newly empowered Republicans used that process to their favor following the tea party victories, and Democrats want to use the same playbook. The stakes are particularly high following a recent Supreme Court ruling that decided federal courts have no business policing political boundary disputes in many cases. The ruling doesn't apply to districts gerrymandered along racial lines but otherwise gives states wide latitude to draw maps with little concern for an eventual judicial rebuke. Organizations like EMILY's List, the Democratic Governors Association and the Democratic Legislative Campaign Committee have seen a sharp increase in donations, nearing parity with Republicans who almost always outraise and outspend them, according to an analysis of IRS data by The Associated Press. And Democratic donors who gave little to nothing to down-ballot races in the past are cutting large checks to groups focused on state races, the AP's analysis shows. Among them are billionaire George Soros (at least \$5.4 million), hedge fund billionaire Donald Sussman (at least \$4.8 million) and billionaire investor and entrepreneur Fred Eychaner (at least \$4.2 million). The numbers don't take into account the activities of nonprofit "dark money" groups that both Republicans and Democrats operate. They won't have to disclose their finances until next year at the earliest. But already the money is filtering out to the states.

DEMS BET BIG ON OBAMACARE TO WIN VA STATEHOUSE: Virginia Democrats are [betting](#) health care will help them take control of the state legislature in November, following their rout of Republicans two years ago that nearly eliminated the GOP's hold on the Virginia statehouse. Democrats are already pouring tens of thousands of dollars into ads targeting the health care records of GOP incumbents in newly competitive races, hoping to capitalize on recently redrawn legislative districts seen as more favorable to Democrats. And new polling data says health care ranks high for potential voters. State lawmakers will face voters for the first time since Virginia adopted Obamacare's Medicaid expansion in an election that will test whether some of the same pro-Obamacare messaging can work again. The off-year election will be watched closely as a harbinger for 2020, after Virginia's last statewide elections forecast the mid-term blue wave, although Democratic presidential hopefuls are in a bitter and sometimes muddled fight over the future of the landmark health law. Another health care-fueled Democratic victory in Virginia this fall could be a worrying sign for President Donald Trump, who has sought to seize an advantage on health care since failing to replace Obamacare.

GUN DEBATE RAISES STAKES IN BATTLE OVER VA LEGISLATURE: A high-stakes state election in Virginia this year is [set](#) to get even more heated as both sides of the gun control debate pour money and resources to reshape an almost evenly split legislature in the wake of recent mass shootings across the country. At

the center of the upcoming battle is a set of comprehensive gun control bills, including universal background checks and a ban on assault weapons, that failed to pass the legislature last month after Gov. Ralph Northam (D) called for a special session following a Virginia Beach shooting that killed 12 people in May. Democrats blame Republican leadership for abruptly ending the session, saying the National Rifle Association (NRA) and gun rights groups swayed GOP legislators. But Republicans say they wanted more time to examine the policy proposals and accuse Democrats of using the Virginia Beach shooting as a political prop ahead of the election. The proposed gun control reform is set to be considered in mid-November, just days after a Nov. 5 election that will determine who controls Virginia's legislature next year.

NC STATE LEGISLATIVE DISTRICTS RULED UNCONSTITUTIONAL: A North Carolina court [ruled](#) Tuesday that the state's legislative districts are unconstitutional, in a unanimous decision that won praise from voting-rights advocates and opens a new front in the national battle over partisan gerrymanders. The three superior court judges in Wake County set a deadline of Sept. 17 by which North Carolina's Republican-led General Assembly must submit redrawn state House and Senate district maps to be reviewed by a court-appointed referee. In their ruling, the judges stated that the plaintiffs had proved the effect of the "partisan" maps drawn by the state legislature was that, "in all but the most unusual election scenarios, the Republican party will control a majority of both chambers of the General Assembly."

C. BALLOT INITIATIVES & POLITICS

OBAMA LAUNCHES INITIATIVE TO FIGHT GERRYMANDERING: Former President Barack Obama is back in the political arena, [announcing](#) a new initiative to combat partisan gerrymandering — though Republicans say the efforts are really about helping Democrats. The "Redistricting U" program, which is part of the "All on the Line" campaign, aims to recruit and train individuals to take up the fight against drawing congressional districts based on partisan interests. Republicans, though, have accused Democrats of making it sound like they want fairness — when in reality they are hoping to place their party in a better position.

REPUBLICANS FEAR DRUBBING IN NEXT ROUND OF REDISTRICTING: Democrats were caught napping in the 2010 election ahead of the last round of [redistricting](#) — and it cost them control of Congress for nearly a decade. Now Republicans are warning the same thing could happen to them. Senior Republicans concede they're at risk of losing dozens of state-level elections that will determine who wields power over the post-2020 congressional map — and potentially which party controls the chamber for the following 10 years. While Republicans are establishing a massive national infrastructure devoted to reelecting President Donald Trump and winning congressional majorities, party officials say the state legislative races are being overlooked. The trepidation comes as an array of well-funded Democratic groups — including one with the backing of former President Barack Obama and ex-Attorney General Eric Holder — are flooding cash into Virginia, a key redistricting battleground that's holding state legislative elections this fall. Democrats are expected to plow tens of millions into races next year.

UBER, LYFT, DOORDASH PUT \$90 MILLION TO POSSIBLE BALLOT WAR: Uber Technologies Inc., Lyft Inc., and DoorDash Inc. are [putting](#) \$90 million behind a ballot measure strategy to ensure they don't have to reclassify their California workers as employees. Ride-hailing and food-delivery companies that rely on contractors who aren't guaranteed employment protections like overtime and unionization have been scrambling to address the threat posed by a state legislative proposal that would make it much harder to claim their workers aren't employees. Assembly Bill 5 passed the state Assembly in May and is poised to go to Governor Gavin Newsom in September if it clears the Senate. The legislation would codify a 2018 state supreme court ruling that designates workers as employees if they are doing

work that isn't outside the usual course of a company's business, and would apply that standard to a wide swathe of state laws. Firms including Uber and Lyft, which have waged court battles with drivers over their status for years, have sought for months to secure a deal with labor leaders and lawmakers that would give drivers new perks but avert reclassifying them as employees. Those deal-making efforts have suffered some recent setbacks. One of the unions that the companies have been meeting with this year, the International Brotherhood of Teamsters, last month signed onto a letter expressing opposition to "any legislative proposal allowing technology platform companies to exploit workers by treating them as independent contractors with substandard protections.

CHALLENGE OF NATIONAL POPULAR VOTE MAKES COLORADO BALLOT: Voters are [going](#) to get the final say on whether Colorado should give all nine of the state's Electoral College votes to the winner of the national popular vote for president. The Colorado Secretary of State's Office certified that opponents of the state joining the national popular vote compact collected enough valid signatures to put the issue on the ballot in November 2020.

FIVE GOVERNORS ARE BEING TARGETED FOR RECALLS: Recall elections were once a [rarely](#) used, "break glass in case of emergency" tool to remove politicians from office. But now, several factors have conspired to make this the most active decade for recall elections in U.S. history — and there may be more to come in the next several months. Out of 19 states (plus the District of Columbia) that allow for the recall of state officials, efforts are currently underway to recall governors in at least five. In New Jersey, Colorado and Oregon, elections officials have given organizers the OK to collect signatures to get a recall on the ballot. In Alaska, a group to recall Gov. Mike Dunleavy has formally registered with the state and is currently circulating a petition to receive official approval. There's also a fifth effort underway in California, but multiple observers of California politics told FiveThirtyEight they don't consider it to be serious; after all, recall attempts are more like a fact of life in the Golden State, as there have been 49 attempts to recall a California governor in the last 106 years. And a sixth state may soon join the ranks, as opponents of Nevada Gov. Steve Sisolak say they'll kick off a formal recall effort in the fall. However, it would be a historically rare occurrence if any of these recalls qualify for the ballot. Only four gubernatorial recall efforts have ever done so: in 1921 in North Dakota, in 1988 in Arizona (though the election was canceled after the governor was impeached), in 2003 in California and in 2012 in Wisconsin. And it's rarer still for governors to then go on and lose their recall election: It's only happened twice in all of American history. Given this, five gubernatorial recall attempts is a notably high number. But recalls have gotten more common in recent years — especially at the beginning of this decade. According to Joshua Spivak, a senior fellow at Wagner College's Hugh L. Carey Institute for Government Reform who runs a blog on recall elections, 20 of the 45 state-level recall elections in U.S. history have taken place in just the last 10 years.

ELECTION OFFICIALS SPAR OVER SPEED, SCOPE OF VOTER REGISTRATION UPGRADES: States are instituting a [series](#) of reforms and upgrades to secure voting systems ahead of the 2020 presidential election. But questions over how quickly reforms should be implemented have ignited tensions between one county auditor and the Iowa Secretary of State. Iowa has long planned to replace its 14-year-old voter registration database, I-Voters, but the Secretary of State has said the system will remain in place through the 2020 elections. The state is on track to replace the outdated system and has made additional security upgrades since the 2016 presidential elections, said Kevin Hall, a spokesman for Secretary of State Paul Pate. But Linn County Auditor Joel Miller has argued those upgrades aren't enough. One of the state's 99 auditors tasked with oversight of elections at the county level, Miller said the state is leaving in place outdated technology that could be exploited by hackers or foreign adversaries. To force the state to explain how it is allocating money to fix the voter database, he filed a complaint alleging the state has failed to comply with the Helping America Votes Act. "Voter registration is our biggest vulnerability," Miller said. When an Iowa voter moves to a new precinct, it only takes the approval of an election official from the new precinct to switch the person's registration, said Miller, highlighting one of his primary security concerns. That could be a vulnerability if hackers to infiltrate the I-Voters database and switch

information for a large number of voters, he said. "There are no checks and balances on the process," Miller said. "We need to institute a two-man rule when voters are being moved. Someone else should be looking over someone's shoulder to make sure that was an appropriate action to take." In Illinois, where Russian hackers infiltrated the state's voter database in 2016, officials are spending millions upgrading election systems and helping local election officials pinpoint vulnerabilities. In other states, recent upgrades have included transitioning to paper ballots or machines that leave a voter-verifiable paper trail or risk-based auditing of election results.

Campaign News

NOTE: Only three states will hold gubernatorial elections in 2019: Kentucky, Louisiana, and Mississippi. BGR's 2019 *Campaign News* section will primarily include stories from those states. Please let us know if there are specific states or races you are interested in monitoring as well.

KEY ELECTIONS FROM ACROSS THE COUNTRY: The left-leaning *Daily Kos* is out with a [calendar](#) of this year's top races. A version of this calendar with more details about specific election procedures for each race as well as the population for each jurisdiction, can be found [here](#).

KEEPING TRACK:

Days until the Louisiana gubernatorial primary election: 37

Days until the Kentucky, Mississippi, New Jersey and Virginia general elections: 62

MISSISSIPPI

MISSISSIPPI'S SURPRISINGLY COMPETITIVE GUBERNATORIAL RACE: Public polling has [found](#) Reeves ahead of Hood by single digits, while Democratic polling has put the race at a tie, with Hood slightly favored. Either set of numbers represents the first real race for governor in years; last time, the Democrats were so weak that a truck driver who barely campaigned won their nomination. Hood, who has been out-fundraised by Reeves, reintroduced himself to voters with ads about stopping "child pornographers" and going to "church on Sunday." Reeves spent the summer fending off Bill Waller, the state's former chief justice, and Robert Foster, a conservative state senator. Both of them endorsed the expansion of Medicaid — anathema for Republicans just a few years ago — and Waller endorsed a higher gas tax. Hood sat back and watched. Republicans see a clear path to victory for Reeves: Be a Republican. Since 2003, the party has never given up a statewide office once winning it. (It has not won the attorney general's office since Reconstruction but is favored to in November.) The two high-water marks of Democratic strength this century were special elections for the Senate, in 2008 and 2018, when they lost by 10 and seven points. Even Democrats assume that the president will eventually endorse and rally for Reeves, and expect that to solve most of the nominee's base issues. It happened in 2018; it would make sense if it happened again.

REEVES, HOOD FRAME ISSUES DIFFERENTLY: Mississippi's 2019 gubernatorial [ballot](#) is now solidified and while the issues remain basically unchanged since the primaries, the framing for the Nov. 5 will be different. That election will pit Republican nominee Tate Reeves of Rankin County against Democratic nominee Jim Hood of Chickasaw County. They

will face the Constitution Party's Bob Hickingbottom and independent David Singletary, but those candidates have not by any realistic measure mounted credible campaigns. Reeves, the incumbent Republican lieutenant governor, and Hood, the incumbent Democratic attorney general, have each been elected in the past four consecutive elections with substantial majorities of the vote. Reeves as a Republican and Hood as a Democrat each won solid majorities in four consecutive elections in 2003, 2007, 2011, and 2015 that had both in contested races for different offices on the same ballot. To put a finer point on it, the same votes who chose twice chose Republicans Haley Barbour and Phil Bryant as governor also chose Democrat Hood as their attorney general. And Hood is campaigning on some of the same themes that made former Chief Justice Bill Waller a thorn in the side of Reeves in the GOP primaries – Medicaid expansion as a means to save Mississippi's rural hospitals, a pay-as-you-go program of infrastructure improvements (although Reeves has accused Hood of a "flip-flop" on raising the state's gas tax,), and more money for public education at multiple levels.

HOOD SAYS TO CUT GROCERY TAX: The Democratic nominee for Mississippi governor [said](#) that he wants to reduce the state's 7% grocery sales tax to give working people a break. Attorney General Jim Hood told The Associated Press that he wants to at least cut it in half and possibly eliminate it altogether. Appearing at a locally owned grocery store in the Delta town of Indianola, Hood said the Republican-led Legislature has given millions in corporate tax breaks. Hood said to keep cities from losing money with a grocery tax reduction, he wants to send revenue from an online sales tax to cities and counties. That is about \$134 million a year, which Hood told AP was "money that fell from the sky" when he and other attorneys general won a taxation case at the U.S. Supreme Court.

LYNN FITCH WINS GOP NOMINATION FOR AG: [Headed](#) to the ballot to face off against Democrat Jennifer Riley Collins for Attorney General is Republican Lynn Fitch. The race for the seat in the runoff was a close one, potentially closer than anticipated from Fitch's lead in the Primary. The two candidates stayed neck and neck through the evening as votes rolled in. In the Primary, Lynn left with 44% of the vote and Taggart beat out Baker with 28% over Baker's 27%. Leaving the Primary, Baker was quick to put his support behind the longtime attorney and political advisor. Both Fitch and Taggart see a need for the state's Attorney General to be the primary defender of those that are most vulnerable. Taggart takes a strong stance on the fight against substance abuse. He is also the only candidate who has spoken out directly about his desire to see the state flag changed.

KENTUCKY

GUBERNATORIAL RACE COULD DETERMINE EXPANDED GAMING'S FUTURE: Expanded gaming, [including](#) legalizing casinos and sports wagering, is likely to come up again during the 2020 General Assembly, but how hard it will be pushed depends on who wins the Governor's race this November. Sen. Julian Carroll, D-Frankfort, sponsored a bill during this year's session to legalize sports wagering, but it did not receive a committee hearing in the Senate. He is proposing similar legislation for 2020. Rep. Adam Koenig, R-Erlanger, was joined by 20 co-sponsors in a bill during the 2019 session that would allow betting on sports contests, internet poker and fantasy sports contests. It won unanimous approval from the House Licensing, Occupations and Administrative Regulations Committee, but was never brought up for a vote on the House floor. Thus far, he has not yet proposed similar legislation for 2020. Rep. Al Gentry, D-Louisville, introduced a proposed Constitutional Amendment providing for casino gambling, which was never heard in a House committee. That was the same story for casino legislation sponsored by Rep. Dennis Keene, D-Wilder. Keene is proposing similar legislation for the 2020 session. Most of the bills would earmark at least a portion of proceeds to address the unfunded liability of Kentucky's public pension systems. As expected, Kentucky's Republican and Democratic gubernatorial candidates find themselves lining up on opposite sides of the issue. Democratic Attorney General Andy Beshear has

often said he supports expanded gaming. Beshear also says he would support a Constitutional Amendment legalizing medical marijuana. Republican incumbent Matt Bevin said during a recent radio interview that he opposes both expanded gaming and legalizing marijuana.

BEVIN'S REMARK STIRS SPAT WITH EX-GOP CHALLENGER: Kentucky Gov. Matt Bevin recently [insulted](#) the challenger he defeated in the May Republican primary, an unorthodox move that runs the risk of alienating a swath of voters he needs to win a second term. While attending the Kentucky Farm Bureau's country ham breakfast on Thursday, Bevin was asked by a WHAS-TV reporter about his ex-rival, Republican state Rep. Robert Goforth. Bevin was told that Goforth had expressed his support for the GOP but did not specifically commit to voting for him. Bevin replied: "I'm sorry, it's a name so easily forgotten." Now, Goforth says his supporters may not forget the governor's jab come November. Goforth received nearly 40% of the Republican vote in the primary, carrying large sections of eastern and southeastern Kentucky. Bevin barely surpassed 50% of the vote, and the rest went to two other candidates. Bevin's general election opponent, Democratic Attorney General Andy Beshear, has campaigned with his two primary rivals in a show of unity since winning the nomination. On the GOP side, the snub against Goforth threatens to further complicate intraparty issues for a governor who already has been sued by his Republican lieutenant governor over a staffing dispute in her office. But it is not out of character for someone who has made a take-no-prisoners style his signature both as a candidate and as governor.

BESHEAR PROPOSES PAY RAISE FOR KY TEACHERS: Democratic gubernatorial nominee Andy Beshear [proposed](#) a \$2,000 across-the-board pay raise for Kentucky's public school teachers Wednesday, an incentive that he said is needed to help address a statewide teacher shortage. Beshear pledged to include the pay raise in the first budget plan he submits to lawmakers in early 2020 if he unseats Republican Gov. Matt Bevin in the November election. Pushing for better pay and student loan forgiveness for educators who stay in Kentucky to teach, Beshear is looking to capitalize on Bevin's feuds with education groups, who drew the governor's ire when they took part in boisterous demonstrations at the state Capitol the past two years. Those groups objected to Bevin's efforts to overhaul struggling public pension systems and his support for charter schools to give parents more choices in where to send their children. Teachers' groups argue that harms the schools the children leave behind.

WHAT CAMERON'S CANDIDACY FOR AG SAYS ABOUT KY, THE GOP: The [candidacy](#) of Daniel Cameron, the one-time Mitch McConnell aide who is the GOP's nominee for Kentucky Attorney General, has turned into a national story. President Trump tweeted an enthusiastic endorsement of Cameron last month. The timing of Trump's backing of Cameron, who is black, was probably related to the fact that the president was being criticized then for making comments that many felt were racist about the city of Baltimore and that area's congressman, Elijah Cummings. Cameron proudly accepted the endorsement. That led to a black liberal lawyer in Louisville attacking Cameron with a derogatory term that won't repeat here and suggesting that the candidate was "slapping all the black ancestors in the face." In response, Cameron went on Fox News to declare that he is a "proud Republican," and "the Democratic Party needs to stop telling black Americans how to think."

LOUISIANA

LOUISIANA'S EXPENSIVE GUBERNATORIAL RACE BEGINS: Louisiana Governor John Bel Edwards will [face](#) eight challengers at the polling booths in October in what is expected to be the state's most expensive governor's race ever. Two days of open qualifying in which candidates signed up for the race ended Thursday without surprises: Incumbent Edwards, the lone Democratic governor in the Deep South, will face two major Republican challengers, both Trump

supporters, U.S. Rep. Ralph Abraham of Alto, La., and millionaire contractor Eddie Rispone, of Baton Rouge, along with a handful of others. Edwards is running on the platform that he has been financially good for the state, which went into deep debt during the tenure of his predecessor, Republican Bobby Jindal, whose popularity plummeted before he left office. Edwards' campaign points to Abraham and Rispone as Jindal backers. Both candidates' campaigns are clear about their support of Trump. Rispone, who loaned his own campaign \$10 million, is handing out "I stand with Trump" stickers and took out a newspaper ad saying "Donald Trump is right" on immigration. Abraham has drawn endorsements from Republican officials around the state but lacks the campaign financing of Edwards and Rispone. Louisiana is set to become a major focus for both parties during the election. The Republican Governors Association, based in Washington, D.C., has called Louisiana a "top pick-up opportunity for Republicans" and already has spent more than \$1 million on the Louisiana race. It is expected to spend several million more before the race is over.

POLL SIGNALS GOOD, BAD NEWS FOR BEL EDWARDS: Gov. John Bel Edwards lost a bit of ground in an independent poll [taken](#) last month compared to one in April, but the latest survey showed he remained an even bet to win the primary election outright. He would have defeated either businessman Eddie Rispone or U.S. Rep. Ralph Abraham in a head-to-head runoff held in mid-August, the poll found. Pollster Verne Kennedy also found that the well-funded Rispone, following a TV ad barrage, jumped to within striking distance of overtaking Abraham as the strongest Republican challenger to Edwards, a Democrat. For Edwards, the good news is this: He was on the verge of winning the primary if it had been held two weeks ago, when Kennedy conducted the survey of 600 likely voters. After Kennedy redistributed the votes of undecided voters and black voters, the poll showed Edwards winning 52% of the vote. Abraham received 25%, while Rispone won 19%. Four minor candidates divided the other 4%. (Following his usual practice, Kennedy redistributed undecided voters based upon the decided vote, and he reallocated the votes of black voters to match the 90% that they historically give to statewide Democratic candidates, up from the 54% that Edwards received in the poll.) The actual primary will be held on Oct. 12. Edwards would avoid the Nov. 16 runoff if he scores above 50%. Otherwise, he would face the second-place Republican. The poll showed that, after Kennedy reallocated the votes of undecided voters and black voters, Edwards would have defeated Abraham in a runoff by 53% to 47% and Rispone by 55% to 45%. The bad news for Edwards is that the 52% he scored in the August poll, once Kennedy had redistributed the votes, was a 6 percentage point drop compared to his April survey. Also, the margin by which the poll found Edwards would avoid a runoff – 2 percentage points – was smaller than the poll's 4% margin of error.