



# Capitol Journal

News & Views from the 50 States

August 11, 2014

## The Race to the Finish Line



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● The next issue of  
 ● Capitol Journal will be  
 ● available on August 18th.

### Top Story

*California lawmakers returned from summer recess to find over 1,000 bills awaiting their attention, some of them the biggest issues of the year.*

## SNCJ Spotlight

**California lawmakers enter annual rush to tackle big issues as session winds down**

It's August, which can only mean that lawmakers in the nation's most populous state have entered their annual sprint to weigh in on numerous measures before the session winds down at the end of the month. This year, the stack of bills awaiting them when they returned from summer recess on August 4 was over



By Rich Ehsen

1,000 strong, covering some of the most contentious issues of the year. Some of those measures include:

SB 270, a bill that would ban grocery stores from offering single-use plastic bags. It is now in the Assembly.

SB 962, which would require cell phone manufacturers to make smart phones with so-called “kill switches” that allow the owner to remotely render them useless if stolen. (More on this below)

AB 1522, which would require employers to provide their workers with up to three paid sick leave days a year. It is in the Senate.

AB 1839, a proposal to extend the state’s film tax credit incentive program. It is in the Assembly.

AB 1014, a bill inspired by a shooting at the University of California Santa Barbara that would allow family members to obtain a temporary restraining order that bars a loved one suspected of having mental health issues from buying a gun. It is in the Senate Appropriations Committee.

AB 2056, a proposal to regulate the largely unregulated pet insurance industry. It is in the Senate.

SB 1262, which would allow the state to more closely regulate medical marijuana shops. It is in the Assembly.

AB 69, a bill that would delay for three years placing fuels under California’s cap-and-trade law. Fuels are set to come under the law next January as part of the state’s 2006 mandate to cut production of greenhouse gas emissions to 1990 levels by 2020. According to the non-partisan Legislative Analyst’s Office, doing so would raise gas prices anywhere from 13 cents to 20 cents a gallon by 2020. It has cleared the Assembly and is now in the Senate.

There are also several proposals revolving around California’s tenuous water situation, including measures that would reconstruct a longstanding bond initiative and give the state more power to regulate groundwater withdrawals, mostly by big agricultural interests.

The cell phone kill switch measure, authored by Sen. Mark Leno (D), became the first major bill to move last week. Sparked by a dramatic rise in cell phone thefts — and injuries related to those thefts — the measure (SB 962) nonetheless drew major opposition from cell phone manufacturers when it was originally introduced earlier this year. They contended that numerous software applications already exist, most of them free, to allow a smartphone owner to lock their phones if stolen.

## The week in session

**States in Regular Session:** CA, DC, MI, NC, NJ

**States in Informal Session:** MA

**States in Recess:** DE “c”, IL, NY, PA, PR, US, VA “a”,

**States in Special Session:** CA “b”, FL “a”

**States currently prefilng for 2015 Session:** FL, KY, MT, NV, WY

**States adjourned in 2014:** AK, AL, AR, AR “a”, AZ, AZ “a”, CA “a”, CO, CT, DE, DE “b”, FL, GA, HI, IA, ID, IL “a”, IL “b”, IN, KS, KY, LA, MD, ME, MN, MO, MS, MS “a”, MS “b”, NE, NH, NM, OK, OR, PR “a”, PR “b”, RI, SC, SD, TN, UT, VA, VT, WA, WA “a”, WA “b”, WA “c”, WI, WI “c”, WV, WV “a”, WV “b”, WY

Letters indicate special/extraordinary sessions

— Compiled By FELICIA CARRILLO  
(session information current as of 8/7/2014)  
Source: State Net database





Minority Leader Bob Huff said the \$2 billion Brown’s plan lists for storage “falls well short” of the \$3 billion he says is needed.

The governor’s top Democratic colleagues have also questioned his proposal. In a statement, Assembly Speaker Toni Atkins (D) said that while she agreed with Brown that “voters would ultimately reject the existing \$11.2 billion water bond on the November ballot as too expensive,” she is concerned that “his \$6 billion proposal would ultimately be too small to meet the state’s dire needs.”

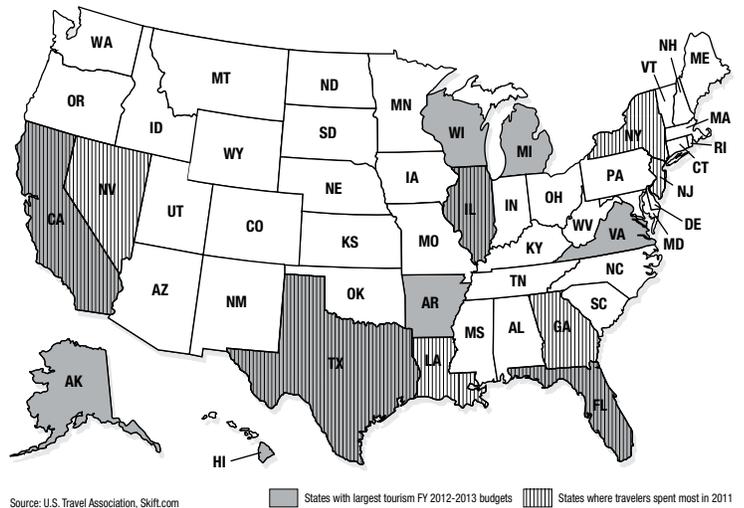
Senate pro Tem Darrell Steinberg (D), the last legislative leader left in office who was part of crafting the 2009 deal, also supports slashing the bond’s ultimate price tag, but notes the Senate has crafted a version of around \$7.5 billion, SB 848, authored by Sen. Lois Wolk (D). Money, he says, is also not the only concern: management of the Sacramento-San Joaquin Delta — the largest wetlands in the western U.S. — is also a significant issue yet to be resolved. Wolk, whose district includes a portion of the Delta, agrees with Steinberg’s assessment.

“It has to be real collaboration — it can’t just be hollow,” Wolk told *Capitol Public Radio* last week. “The word can’t be hollow. There have to be actual requirements for consultation and for cooperation and for decision-making.”

Lawmakers have until the end of this week to craft a replacement proposal if they hope to get it on the November ballot.

— By RICH EHISEN

## Bird’s eye view



### Loose correlation between state tourism budgets and traveler expenditures

Domestic and international travelers spent \$105.3 billion in California in 2011, far more than in any other state. But the state ranked 4th in the amount budgeted for tourism in the 2012-2013 fiscal year, according to data from the U.S. Travel Association. Hawaii, meanwhile, budgeted \$75 million for the 2012-2013 fiscal year, nearly \$20 million more than No. 2 state Florida (\$56.2 million), but didn’t even make the top 10 in traveler expenditures. However, five of the other top 10 states in tourism spending were also among the top 10 in traveler spending.



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# Budget & taxes

**P**A HOUSE CANCELS VOTE ON CIGARETTE TAX: The prospects for a cigarette tax bill providing emergency funding for Philadelphia schools were thrown into limbo last month when Republicans who control the state's Senate made some last minute changes to the measure (see PHILADELPHIA CIGARETTE TAX IN LIMBO in the July 21 issue of SNCJ). And those prospects took another downward turn last week when House Republican leaders canceled a vote on the bill (HB 1177), citing a lack of consensus on it.

The House is scheduled to reconvene in mid-September, when it could reconsider the issue. And Rep. Mike Vereb (R), for one, is optimistic a bill will ultimately be passed.

"We'll take that time to meet with members face-to-face for the next month and see what their issues were, try to turn them to 'yes' votes, and I'm very confident with more time on our hands, and the money to open the schools being fronted, that the pressure will be off in terms of trying to force people to vote, and then just try to educate them and encourage them to vote for this legislation," he said in a radio interview.

But in the meantime, House leaders have asked Gov. Tom Corbett (R) to advance enough money to allow Philadelphia's schools to open on time in September. Corbett is willing to do so, according to a spokesman for the governor.

"This is about putting children of Philadelphia first," said spokesman Jay Pagni. "The governor is prepared, if need be, to advance funding once the final request is made of him."

It's unclear, however, whether that move would actually avert the 1,000-plus school employee layoffs and delayed start for 130,000-plus students some Philadelphia officials have predicted. What does seem clear is that an advance on school funding would not be a permanent fix for the city's struggling school district.

"The problem with this is, it's not new money," said Mark McDonald, a spokesman for Philadelphia Mayor Michael Nutter. "What the School District needs is new additional funds." (PHILADELPHIA INQUIRER)

## STATES EYE CONGRESSIONAL ACTION ON INTERNET TAX

**FREEDOM:** The federal law banning states and local governments from imposing taxes on Internet access — first enacted in 1998 and renewed three times since — is set to expire on Nov. 1. Because the Internet Tax Freedom Act's expiration date is just days before the midterm elections, it's likely Congress will extend the moratorium. But the potential form that extension could take has many state and local officials on edge.

Last month, the U.S. House approved HR 3086, which would make the ban on Internet access taxes permanent and also require the seven states grandfathered in



under the law over the years — Hawaii, New Mexico, North Dakota, Ohio, South Dakota, Texas and Wisconsin — to stop collecting those taxes. The seven states and their local governments would lose about \$500 million in revenues each year as a result. But such a ban could also impact many other states, with more and more consumers switching from landline telephones and cable television, which many states tax, to Internet-based services like VoIP and broadband.

“We are losing taxes as we speak and Congress is not being sensitive to that,” said assistant executive director of the U.S. Conference of Mayors, Larry Jones. “What it does is close the doors for us from being able to get any revenues from anything having to do with broadband.” (STATELINE.ORG)

**MO VOTERS SAY NO TO SALES TAX**

**HIKE:** Missouri voters rejected a sales tax increase last Tuesday that would have provided billions of dollars to repair the state’s transportation infrastructure.

After years of working on the issue, lawmakers finally passed a proposed constitutional amendment this year that, if approved by voters, would have frozen the state’s gas tax, imposed a moratorium on new toll roads and boosted the sales tax by three-quarters of a cent for 10 years. But Amendment 7 was broadly criticized for shifting the method of transportation funding away from fuel taxes and

**“It’s difficult to pass a tax increase in Missouri. It’s impossible to pass an unfair tax increase in Missouri.”**

vehicle fees to the sales tax, which is more burdensome for the poor. And the measure was defeated by a sizeable margin, 59.2 percent to 40.8 in unofficial results.

“It’s difficult to pass a tax increase in Missouri,” said Terry Ganey, spokesman for Missourians for Better Transportation Solutions, a group that opposed the measure. “It’s impossible to pass an unfair tax increase in Missouri.” (KANSAS CITY STAR)

**BUDGETS IN BRIEF: CALIFORNIA’s** new \$152.3

billion state budget — 8.6 percent larger than last year’s — significantly boosts spending for education and includes a 32-year plan to fully fund the teachers’ pension system (REUTERS). • Twelve of **ILLINOIS’** historic sites and memorials, including Lincoln’s Tomb in Springfield, will be closed extra days each week or be open fewer

**In the hopper**

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here’s a snapshot of what’s in the legislative works:

- Number of 2014 Prefiles last week: 0**
- Number of 2015 Prefiles last week: 356**
- Number of Intros last week: 443**
- Number of Enacted/Adopted last week: 280**
- Number of 2014 Prefiles to date: 21,427**
- Number of 2015 Prefiles to date: 3,639**
- Number of 2014 Intros to date: 81,073**
- Number of 2013 Session Enacted/Adopted overall to date: 40,747**
- Number of 2014 Session Enacted/Adopted overall to date: 25,540**
- Number of bills currently in State Net Database: 170,295**

— Compiled By FELICIA CARRILLO  
(measures current as of 8/7/2014)  
Source: State Net database









drillers to site their projects at least 2,000 feet away from homes and schools and another that would have given local communities even more power to reject drilling license applications. The oil and gas industries responded with two measures of their own, an initiative to block communities that barred fracking from receiving state drilling tax revenues and another to force groups proposing ballot measures to post a “fiscal impact” note. The two sides had already collectively raised over \$10 million for the campaigns, with observers estimating total expenditures would top \$20 million before it was all over.

As the *Denver Post* reports, Hickenlooper considered calling a special session to address the issue, but conceded lawmakers were still too far apart. The governor instead crafted a multi-pronged plan that, among several things, will create an 18-member commission comprised of both environmentalists and industry members to develop recommendations for new statewide oil and gas extraction rules. The task force will have those guidelines ready for lawmakers before the next legislative session, with any proposal requiring at least 12 yes votes before it can be forwarded.

Another element of the compromise calls for the state to drop a lawsuit against the city of Longmont, which adopted an ordinance two years ago banning fracking. The state filed suit in 2012, arguing that Longmont was usurping state authority. The state will also review its enforcement of an existing requirement that all new wells be set back at least 500 feet from existing homes.

Both sides claimed victory last week, though Democrats may ultimately reap the greatest rewards from the truce. Many Dems on the November ballot were facing the prospect of choosing whether to continue their support of environmental groups, who have become one of their major funding sources, or risk having oil and gas companies spend millions of dollars against them.

“The Democrats have really dominated the state for close to a decade, and one reason is they weren’t

## Upcoming elections

(8/8/2014 - 8/29/2014)

08/07/2014

### **Tennessee Primary Election**

House (All)  
Senate (Odd)  
Constitutional Officers: Governor  
US House (All)  
US Senate (Class 2)

08/09/2014

### **Hawaii Primary Election**

House (All)  
Senate Districts 1, 3, 4, 6, 7, 12, 16, 17, 18, 21, 23 and 24  
Constitutional Officers: Governor, Lieutenant Governor  
US House (All)

### **Hawaii Special Primary**

US Senate (Class 3)

08/12/2014

### **Connecticut Primary Election**

House (All)  
Senate (All)  
Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Comptroller  
US House (All)

### **Minnesota Primary Election**

House (All)  
Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor  
US House (All)  
US Senate (Class 2)

### **Wisconsin Primary Election**

Assembly (All)  
Senate (Odd)  
Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General  
US House (All)

08/19/2014

### **Alaska Primary Election**

House (All)  
Senate Districts B, D, F, H, J, L, N, P, R, and T  
Constitutional Officers: Governor, Lieutenant Governor  
US House (All)  
US Senate (Class 2)

divided on anything,” Floyd Ciruli, an independent pollster based in Denver, told the *Washington Post*. “It would have been a very high profile argument in which the Democrats were going to be on the defensive.”

Hickenlooper may be the biggest winner of all.

Both sides lauded his efforts, with Polis saying the

commission will put citizens “on equal footing” with the oil and gas industries. Pat Hamill, chairman of Colorado Concern, the source of one of

**“This may be the template for what happens in the rest of the country.”**

the pro-industry ballot efforts, hailed Hickenlooper, telling the *Denver Post* he “showed great leadership in getting this done.” The governor refrained from taking too much of a victory lap, but said he hoped it would inspire cooperation in states like Texas, Wyoming and Pennsylvania with similar battles going on.

“This may be the template for what happens in the rest of the country,” Hickenlooper told the Post. “This is the way we do things in Colorado. We work through our differences and difficulties. Maybe no one is perfectly happy, but it serves all parties.” (DENVER POST, BLOOMBERG BUSINESSWEEK, WASHINGTON POST, KUNC.ORG [DENVER])

**GOVERNORS IN BRIEF: NORTH**

**CAROLINA** Gov. Pat McCrory (R) issued Executive Order No. 62 last week, which directs the Tar Heel State’s environmental agency to enforce all applicable laws to try to force Duke Energy to clean up its coal ash dumps. McCrory issued the directive hours after lawmakers adjourned without passing legislation to secure its ash dumps, which state officials say are leaking into and contaminating groundwater supplies. The order directs state regulators to test residential drinking wells near the dumps and to halt any violations of the law (GREENSBORO NEWS-RECORD).

• **ILLINOIS** Gov. Pat Quinn (D) signed legislation last week that expands the scope of a state task force aimed at easing the Prairie State’s growing

**Upcoming elections (cont.)**

(8/8/2014 - 8/29/2014)

**Virginia Special Election**

House Districts 48 and 90  
Senate District 38

**Wyoming Primary Election**

House (All)  
Senate (Odd)  
Constitutional Officers: Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction  
US House (All)  
US Senate (Class 2)

08/26/2014

**Arizona Primary Election**

House (All)  
Senate (All)  
Constitutional Officers: Governor, Secretary of State, Treasurer, Attorney General, Mine Inspector, Superintendent of Public Instruction  
US House (All)

**Florida Primary Election**

House (All)  
Senate (Even)  
Constitutional Officers: Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture and Consumer Services  
US House (All)

**Oklahoma Primary Runoff**

House Districts 29, 38, 43, 61, 65, 69, 88, 89 and 99  
Senate Districts 8, 22 and 40  
Constitutional Officers: Superintendent of Public Instruction  
US House (CD 5)  
US Senate (Class 3)

**Vermont Primary Election**

House (All)  
Senate (All)  
Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Accounts  
US House (All)

heroin abuse problem. Under HB 4542, the state will expand the age range to be studied by the Young Adult Heroin Use Task Force to students in grades six through 12 (ILLINOIS GOVERNOR'S OFFICE). • **LOUISIANA** Gov. Bobby Jindal (R) amended a previously filed lawsuit to now seek an injunction to immediately stop the Pelican State from using the tests tied to Common Core curriculum standards (TIMES-PICAYUNE [NEW ORLEANS]).

— Compiled by RICH EHISEN

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## Hot issues

**B**USINESS: The **CALIFORNIA** Supreme Court rules that in-home caregivers hired to care for Alzheimer's patients cannot sue their employer for injuries the patient inflicts on them, presuming the worker was informed beforehand that the patient was unruly and the behavior was caused by symptoms of the disease. The ruling applies to aids who have been hired through a staffing agency (LOS ANGELES TIMES). • Also in **CALIFORNIA**, the Assembly Appropriations Committee kills SB 648, which would have banned the sale of electronic cigarettes in vending machines. The bill is eligible for reconsideration (SACRAMENTO BEE). • The **CALIFORNIA** Assembly approves SB 962, which would require cell phones sold in the Golden State to have a so-called "kill switch" that prevents the unit from being used if stolen. It returns to the Senate (STATE NET). • **NEW HAMPSHIRE** Gov. Maggie Hassan (D) signs HB 1630, legislation that gives state regulators more power to audit and investigate charity gambling facilities. The law goes into effect July 1, 2015 (NEW HAMPSHIRE PUBLIC RADIO). • **ALASKA** Gov. Sean Parnell (R) signs a bill that would require those filing suit to stop construction, timber or oil and gas development projects to first post a financial security in an amount a judge deems proper for costs or damages the operation may incur if it were "wrongfully enjoined or restrained." Opponents say the law is unconstitutional and vow to file suit to block its implementation (FAIRBANKS NEWS MINER). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs HB 3783, legislation that allows Bay State homeowners who must buy federal flood insurance for their home to insure only up to the balance of their mortgage instead of the full value of the home. Under the law, lenders also may not require the homeowner to insure the contents of the home, or include a deductible of less than \$5,000 (NANTUCKET INQUIRER & MIRROR). • Also in **MASSACHUSETTS**, Gov. Patrick signs HB 4254, a bill that eliminates several state regulatory boards in an effort to streamline licensing for approximately 88,000 Bay State barbers, cosmetologists, electrologists and media technicians (PORTLAND PRESS HERALD). • The **MARYLAND** Public Utilities Commission rules that



ride-sharing services like Uber are subject to the same regulation as traditional for-hire car services. The Commission also announced it would draft new rules for all for-hire companies within 90 days (BALTIMORE SUN).

## Upcoming stories

Here are some of the topics you may see covered in upcoming issues of the *State Net Capitol Journal*:

- **State tax incentives**
- **Common Core**
- **Immigration**

### **CRIME & PUNISHMENT: NEW YORK** Gov.

Andrew Cuomo (D) signs SB 7108, which increases the penalty levels for offenders who commit three or more DWI-related offenses within 15 years, with a maximum prison sentence of up to seven years in state prison and a fine of up to \$10,000 (EMPIRESTATENEWS.NET). • Also in **NEW YORK**, Gov. Cuomo signs SB 612, which excludes time spent in prison from an Empire State law that imposes harsher penalties on those who repeatedly commit sex crimes over a 10-year period (NEW YORK GOVERNOR'S OFFICE). • Staying in **NEW YORK**, Gov. Cuomo signs SB 1885c, a bill that requires candidates for volunteer firefighter positions to undergo a background check for sex offenses. The measure also allows fire departments to reject candidates with sexually-based offenses in their history (NEW YORK LAW JOURNAL).

**EDUCATION: ILLINOIS** Gov. Pat Quinn (D) signs HB 4207, a bill that extends the state's anti-cyberbullying law to cover harassment that takes place outside of school. Current law already bars cyberbullying on school grounds (ILLINOIS GOVERNOR'S OFFICE).

**ENVIRONMENT: NEW JERSEY** Gov. Chris Christie (R) signs SB 2012, which bars the import, sale or purchase of any product made of ivory or rhinoceros horn. Violators face fines up to \$5,000 (NEW JERSEY GOVERNOR'S OFFICE).

**HEALTH & SCIENCE:** The **CALIFORNIA** Assembly unanimously endorses SB 1046, a bill that would give the state insurance commissioner the power to levy per-day, per-patient fines against health insurers that provide substandard benefits for mental health care. It goes to Gov. Jerry Brown (D) for review (SAN FRANCISCO CHRONICLE). • **DELAWARE** Gov. Jack Markell (D) signs HB 388, which authorizes law enforcement officers to administer the anti-overdose drug naloxone, and provides legal immunity to officers who do so. Officers must undergo special training in naloxone's use before they can carry it on the job (DELAWARE.GOV). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs SB 2142, legislation that requires health insurers to reimburse patients for addiction treatment from licensed counselors and removes prior-authorization requirements for outpatient substance abuse treatment (PORTLAND PRESS HERALD, MASSACHUSETTS GOVERNOR'S OFFICE).



**SOCIAL POLICY:** A federal court rules that an **ALABAMA** law requiring doctors who provide abortion services to have admitting privileges at a nearby hospital unconstitutional. U.S. District Judge Myron Thompson said the law imposed an undue burden on women seeking an abortion by making it unnecessarily difficult to obtain the procedure. The state is expected to appeal (REUTERS).

**POTPOURRI: ILLINOIS** Gov. Pat Quinn (D) signs HB 4410, a bill aimed at combatting so-called puppy mills by doubling fines levied against Prairie State residents who violate the state Animal Welfare Act. It goes into effect immediately (ST.LOUISCBSLOCAL.COM). • **DELAWARE** Gov. Jack Markell (D) signs several animal-welfare bills, including HB 311, which ensures that animal control officers are adequately trained, and SB 245, which protects animals seized from criminal detainees from automatically being euthanized and bars their owners from owning animals in the future (DELAWARE.GOV).

— Compiled by *RICH EHISEN*

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# Once around the statehouse lightly

**ALL GAGA OVER GAGA:** There's not much pop diva Lady Gaga hasn't done on stage. She's got naked, popped out of a giant egg, been vomited on and even worn a dress made of fresh strips of meat. So it had to have given California officials pause when they agreed last spring to allow Ms. Gaga to use the famed Hearst Castle on the central coast to shoot a music video in exchange for her filming a public service announcement promoting water conservation. But given the Golden State's current historic drought conditions, anything to get folks to cut back was a good idea, so agree they did. And last month the big video hit the airwaves. Alas, anyone looking for the usual Gaga outlandishness was greatly disappointed. At no point in her 17-second bit did she bare her posterior, wear clothing made of animal innards or do anything else one might consider nutty. Sadly, folks haven't got the message yet. As the *Sacramento Bee* reports, Californians actually increased their water usage in May.

**SEIZING THE DAY:** As noted in this space previously, a run of out-of-state travel among its top leaders recently gave California the unusual experience of having four different governors in a single week. The fourth of the quartet, Assembly Speaker Toni Atkins, held the post for all of nine hours. But Atkins' ascension,



however brief, was still historic as she became the first openly gay governor in Golden State history. And while one day isn't time enough to do much, Atkins took advantage of the opportunity to do something elected Gov. Jerry Brown should have done already: she declared her day in office to be "Tony Gwynn Day" in California, honoring the baseball Hall of Famer who recently lost his battle with cancer. Atkins represents San Diego; Gwynn attended San Diego State University, played his entire major league career with the Padres and later returned to his alma mater to coach the baseball team. Well done, Madam Speaker, well done.

**In case you missed it**

Millions of Americans have a criminal record that could keep them from even being considered for many jobs. Now a growing number of cities and states are looking to help them clear their first hurdle to employment. In case you missed it, the story can be found on our Web site at [http://www.statenet.com/capitol\\_journal/08-04-2014/html#sncj\\_spotlight](http://www.statenet.com/capitol_journal/08-04-2014/html#sncj_spotlight).

**THIRD OPTION, ANYONE?** Regardless of who Floridians elect governor in November, it is likely to be someone most voters really don't like. As the Web site FiveThirtyEight reports, both incumbent Gov. Rick Scott and his Democratic challenger Charlie Crist have negative favorability ratings, the only state where voters seemingly can't stand at least one of the likely candidates. The site says Crist and Scott in fact stand to be the least likely gubernatorial candidate duo in the last decade. And who says we the people can't agree on anything?

— *By RICH EHISEN*



**Editor:** Rich Ehsen — capj@statenet.com  
**Associate Editor:** Korey Clark — capj@statenet.com  
**Contributing Editors:** Mary Peck  
**Editorial Advisor:** Lou Cannon  
**Correspondents:** Richard Cox (CA), Steve Karas (CA), James Ross (CA), Lauren Davis (MA), Ben Livingood (PA), Cathy Santsche (CA) and Felicia Carrillo (CA)

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