



# Higher Education: 2018 Elections Wrap-up and 2019 Legislative Preview

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While most of the national news coverage of the 2018 election cycle focused on control of Congress, outcomes of races for state legislative seats, attorney general positions, governor's offices and state ballot measures will have far-reaching political and policymaking implications that will ripple throughout the country for years to come. This election cycle featured 36 gubernatorial races, over four-fifths of legislative seats on the ballot, 30 attorney general contests and ballot measures seeking public opinion on issues ranging from marijuana legalization to university facility upgrades. Most notably, the 2018 election cycle will leave a lasting imprint on American politics and policymaking because many of the legislators and governors assuming office in early 2019 will influence legislative redistricting after the 2020 census. The districts drawn by state lawmakers will shape political power at the state and federal level until at least 2032. In the near-term, outcomes of state-level races will affect policymaking almost immediately, as state lawmakers prepare budgets and initiatives to be announced in early 2019.

While the 2018 election decisions will affect all aspects of state policymaking, higher education will be especially influenced by the change in state political power. Through their budgetary priorities, legislative actions and governing board appointments, state lawmakers elected this year will undoubtedly affect state efforts to achieve ambitious educational attainment goals in the next decade and their state's ability to compete in the knowledge-based global economy. This paper will explore the intersection of higher education and the 2018 election cycle, including the educational divide in American politics; outline the outcomes of governor's races, shifts in state legislative power and ballot initiatives; and provide a short preview of higher education policymaking in 2019.

### Educational Attainment as a Political Fault Line

One of the major storylines coming out of the 2018 election is the stark political divide based on educational attainment, which will likely have wide-ranging ramifications for policymaking and politics at both the state and federal levels. For example, at the federal level, Democrats won a significant number of highly educated suburban swing districts that helped them regain control of the House of Representatives for the first time since 2011. Of the 34 U.S. House districts that flipped to Democratic control as of Nov. 9, 29 were in the top half of districts based on educational attainment, *The Wall Street Journal* reported. Meanwhile, Democratic control of the 30 House districts with the largest concentration of college-educated Americans grew from 20 to 27.<sup>i</sup>

Exit polls also revealed a strong relationship between voting patterns and educational attainment. Non-college graduates voted similarly for Democrats and Republicans, while Democrats won nearly 60 percent of those who identified themselves as college graduates, found a CNN exit poll of 2018 voters casting ballots in U.S. House races. However, the political differences were more pronounced when the data were disaggregated by race and gender. Republicans won large majorities of white women and men without college degrees—56 percent and 66 percent, respectively—while college-educated white men voted slightly more Republican than Democratic, 51 to 47 percent. Meanwhile, Democrats won nearly 60 percent of the vote among white, college-educated women and 76 percent of the vote among non-whites with college degrees. In all, Republicans won solid majorities of whites without college degrees, while Democrats held slight majorities among whites with college degrees and overwhelming majorities of non-white voters—with and without college degrees, the CNN exit poll found.<sup>ii</sup>

While these polls were taken of voters in U.S. House races, it is fair to assume that the overarching political trends held for many state-level races as well. Political fault lines based on educational attainment, race and gender are not new to American politics, but these political trends could have a greater role in influencing lawmakers in the years ahead, as the wealth and opportunity gap between those with and without college degrees continues to widen. Some lawmakers with fewer college graduates in their political base could be more reluctant to support higher education as a state budgetary priority, or to make populist arguments against further state support for public colleges and universities.

## Democrats Gain Political Power in the States

At the state level, 36 gubernatorial elections were on the ballot in 2018, with legislative seats on the line in 46 of the 50 states (Louisiana, Mississippi, New Jersey and Virginia hold legislative elections in odd-numbered years). In total, 82 percent of the nation’s legislative seats were on the ballot, with elections affecting 87 of the 99 state legislative chambers nationwide.<sup>iii</sup> In addition, 30 of the 43 states with elected attorney general positions held elections.

In the wake of extensive gubernatorial and legislative losses in the 2010 and 2014 midterm elections, as well as losses accrued in the 2016 presidential election cycle, Democrats focused on regaining lost power in statehouses in 2018—the Democratic Party, in fact, had the lowest level of power at the state level in nearly a century following the 2016 elections,<sup>iv</sup> while making modest overall gains in the 2017 odd-year elections. Democrats scored wins in competitive governor’s races in Connecticut, Illinois, Kansas, Maine, Michigan, New Mexico, Nevada, Oregon and Wisconsin, while GOP candidates won tight races in Florida, Georgia, Iowa, New Hampshire, Ohio and South Dakota. Overall, Democrats achieved a net gain of seven governor’s seats.

While many states had one-party political dominance coming into the November 2018 elections (GOP control in most cases), even more states will have one-party control starting in 2019 due to Democratic gains in this election cycle. Starting in early 2019, 37 states will be completely controlled by one political party in the legislative chambers and governor’s office. This includes new Democratic “trifectas” (control of both legislative chambers and the governor’s office) in New York, Illinois, Colorado, Nevada and New Mexico.<sup>v</sup> Republicans held control of nearly all of their trifectas,

mostly states in the deep South and Great Plains. The shift to one-party control will provide state lawmakers in the majority party with the ability to rapidly pass legislation, with the minority party having few, if any, checks on political power. This will affect the future of state-level issues that have traditionally split along party lines, such as efforts to allow guns on campus, to grant in-state tuition and financial aid to undocumented students and to provide consumer protections to student borrowers.

In other states, such as Michigan, divided government will be the new norm for the first time since the 2010 Republican wave election. New Democratic governors will place a check on conservative efforts to implement austerity agendas that prioritize state tax and spending reductions over investments in public services, including higher education. States such as Kansas and Wisconsin have witnessed conservative lawmakers aggressively pursuing austerity measures throughout this decade, resulting in deep cuts to public higher education. See Table 1 for the changes in state government trifectas.

*Table 1. Change in State Government Trifectas, 2018 Elections*

Trifecta Status	Before	After	Net
<b>Democratic Trifectas</b>	8	14	+6
<b>Republican Trifectas</b>	26	23	-3
<b>Divided Government</b>	16	13	-3

*Source: Ballotpedia.com*

The outcomes of the gubernatorial races are pivotal for charting the direction of public higher education. Governors not only make budget recommendations, spearhead policy initiatives and sign or veto legislation, they also make appointments to university governing bodies in many states. These board members make critical decisions on university leadership and the direction of public universities and state systems of higher education. In some states, such as Wisconsin, the incoming governor has already demonstrated an eagerness to replace members of the state’s higher education governing body and to pursue a different direction for higher education.<sup>vi</sup>

While some governors taking office in early 2019 may be less familiar with the governor’s role in public higher education and the importance of board appointments, there are a significant number of incoming governors who have actually served as members of these

bodies. Incoming governors in California, Nevada, Tennessee and Wisconsin have all served on statewide higher education governing bodies, and therefore have a familiarity with higher education policy and campus operations. In other states, such as Idaho, Maine and Michigan, the new governor comes to office with years of experience in the state legislature and an understanding of higher education policy from the legislative perspective. In Colorado, the incoming governor has been active on higher education policy issues, albeit at the federal level.

In state legislative chambers, at least one Republican-led legislative chamber flipped to Democratic control in six states: Colorado, New Hampshire, Minnesota, Maine and New York, a National Conference of State Legislatures (NCSL) analysis found. The Connecticut Senate went from a tie to Democratic control, while the Alaska House went from Democratic to Republican control. In all, 330 legislative seats nationwide flipped from Republican to Democrat, which is below average for the president's party in midterm elections since the beginning of the 20<sup>th</sup> century.<sup>vii</sup> A leading state legislative analyst has argued that Republican-drawn legislative districts from the 2010 redistricting process hindered Democratic efforts to make broader legislative gains in this election cycle.<sup>viii</sup>

State attorneys general (AG) races were also decided at the ballot box in 30 states, with important consequences for students and institutions of higher education. Of the 50 states, 43 elect their AG. The 2018 elections resulted in Democrats flipping four open AG seats currently in Republican control and winning a Republican-held seat in Wisconsin. Republicans, meanwhile, won the gubernatorial election in Alaska, allowing the state's incoming governor to select a Republican AG. Starting in 2019, Democrats will hold 25 AG offices, while 24 will be under GOP control. The Hawaii office is nonpartisan.<sup>ix</sup>

Control of the state AG office has increased in importance to students and institutions of higher education in recent years. Democratic state AGs have aggressively pursued state-level legal actions against allegations of fraud and abuse in the for-profit college sector; sued student loan servicers for alleged misconduct; and challenged the Trump administration's efforts to weaken or eliminate some consumer protections in higher education, particularly those aimed at for-profit colleges. Meanwhile, Republican AGs in some states have contended that efforts to

expand in-state tuition to undocumented students or those participating in the Deferred Action for Childhood Arrivals (DACA) program are illegal and have acted to block these actions, while a coalition of state Republican AGs have challenged the legality of the federal DACA program. Continued legal action from AGs in both parties involving higher education is expected in 2019.

## Ballot Measures Affecting Higher Education

On state ballot measures, higher education received votes of confidence from citizens throughout the country. In Montana, voters chose to continue a 10-year property tax to fund the state's university system, continuing decades of support for the policy. Bond measures for higher education facilities were approved in Maine, New Mexico and Rhode Island. Florida voters approved a ballot measure pertaining to the requisite amount of board support needed for college fee increases and supported integrating the structure of the state's college system into the Constitution of Florida. The ballot measure, it should be noted, was linked to unrelated items on survivor benefits for first responders and members of the U.S. armed forces.

## Summary of Ballot Measures

### Alabama

#### Amendment 3—University of Alabama Board of Trustees

This ballot measure would amend the state constitution pertaining to the University of Alabama Board of Trustees. Under a "yes" vote, the state superintendent of education would be removed from the board; the congressional districts for the purposes of board of trustees membership would be the congressional districts as of Jan. 1, 2018; and a provision that established an age limit of 70 would be removed. A "no" vote opposes this provision.

YES 60%      NO 40%

### Florida

#### Amendment 7—First Responder and Military Member Survivor Benefits, Supermajority Board Votes for College Fees, and State College System Amendment

This ballot measure pertains to survivor benefits for families of first responders and members of the military and governance of the state's two-year college system. A "yes" vote on this ballot measure requires that employers provide death benefits to the surviving

spouses of first responders while participating in official duties, as well as requiring the state to provide death benefits to surviving spouses of active-duty U.S. armed forces accidentally or unlawfully and intentionally killed. The measure also mandates that a nine-member vote of a state board of trustees and 12-member vote of the board of governors are required to increase college fees. Lastly, the ballot measure places the structure of the state's college system in its state constitution. A "no" vote opposes these provisions.

YES 66% NO 34%

## Maine

### Question 4—\$49 million in Bonds for the University of Maine System

This ballot measure pertains to facilities bonds at the University of Maine System. A "yes" vote authorizes \$49 million in general obligation bonds for construction and upgrades of new and existing facilities within the University of Maine System. A "no" vote opposes this authorization.

YES 54% NO 46%

### Question 5—Community Colleges Bond Issue

This ballot measure pertains to facilities bonds at Maine's seven community colleges. A "yes" vote authorizes \$15 million in general obligations bonds related to facilities at the state's seven community colleges. A "no" vote opposes the authorization.

YES 65% NO 35%

## Montana

### LR-128—The Property Tax for State University System Measure

The ballot measure would continue a 10-year property tax to fund the University of Montana System. A "yes" vote maintains the six-mill tax on real estate and personal property from Jan. 1, 2019, through Dec. 31, 2028, while a "no" vote would discontinue the tax.

YES 63% NO 27%

## New Mexico

### Bond Question D—Higher Education, Special Schools, and Tribal Schools

The measure pertains to facilities bonds at New Mexico's institutions of higher education, special schools, and tribal schools. A "yes"

vote approves the sale and issuance of \$136.23 million in bonds for institutions of higher education, special schools, and tribal schools. A "no" vote opposes the sale of bonds.

YES 66% NO 34%

## Rhode Island

### Question 2—Higher Education Facilities Bond Measure

This ballot measure pertains to facilities bonds at institutions of higher education in Rhode Island. A "yes" vote supports authorizing \$70 million in bonds for higher education facilities, while a "no" vote opposes the authorization.

YES 59% NO 41%

Source for all ballot measures: [Ballotpedia.com](http://Ballotpedia.com)

## Higher Education Policy Outlook for 2019

With more states in one-party control, the upcoming 2019 legislative sessions may lead to a further bifurcation of higher education policy between blue and red states. In Democratic-controlled states, lawmakers may pursue items such as extending in-state tuition or state financial aid to undocumented immigrants, expansive free college frameworks and rights for student borrowers. States with Republican control, meanwhile, may continue to pursue policies that re-emphasize free speech on campus, relax gun restrictions on campus, and strengthen ties between the private sector and higher education. Other issues, such as dual enrollment, have enjoyed support from both sides of the political aisle.

Despite challenges stemming from limited new revenue in many states—and, in some cases, budget shortfalls—along with intense competition for resources from other state budget items, incoming governors have made bold promises to invest in higher education after years of stagnant or declining budgets. In Wisconsin, incoming Governor Tony Evers has promised not only to continue the state's long-running tuition freeze, but also to fully fund the freeze.<sup>x</sup> Likewise, Illinois Governor-elect J.B. Pritzker has outlined a plan to invest substantially in state financial aid programs and to reinvest in the state's public institutions of higher education, while Kansas Governor-elect Laura Kelly has cited deep cuts to higher education as a root cause for tuition increases in previous administrations.<sup>xii</sup> Both Pritzker and Evers have promised to institute a state-run program to allow

students to refinance their student loans. Michigan Governor-elect Gretchen Whitmer, meanwhile, has proposed debt-free community college for state residents.<sup>xiii</sup> All of these incoming governors, with the exemption of Pritzker, will be operating in a divided government, which will likely make it more difficult to implement their agenda.

Other incoming governors outlined their policy preferences on higher education over the last several months. In California, Governor-elect Gavin Newsom voiced support for increased higher education funding to temper tuition increases and for a shift to performance-based higher education funding.<sup>xiv</sup> Ohio Governor-elect Mike DeWine has promised to increase need-based financial aid and to create predictable tuition rates for college students.<sup>xv</sup> In Maine, incoming Gov. Janet Mills would like to explore innovative approaches to reducing student debt, such as income-based repayment and tax forgiveness programs,<sup>xvi</sup> while South Dakota Governor-elect Kristi Noem would like to increase on-time college graduation by encouraging college coursework in high school.<sup>xvii</sup> More information on the 2019 state legislative sessions and gubernatorial priorities will be released in the *AASCU Top 10 State Higher Education Policy Issues for 2019* in early January.

## Conclusion: Midterm Elections Have Consequences

The 2018 election results will have both immediate and long-term ramifications for states and the country. Democrats will collectively have more power in states next year, and many traditionally “blue” states will now be under complete Democratic control. Republicans will continue to control most of the states in the South and the Plains, and some states in the upper Midwest will go from Republican control to divided government. Beyond next year, however, many legislators and governors elected in 2018 will influence redistricting after the 2020 census. This promises to be contentious in states with both one-party and divided government, and will have consequences that will last for at least a decade.

The new political dynamics stemming from the 2018 elections will affect public higher education in myriad ways, from budgetary priorities to board appointments. A new class of governors and state legislators will take office next year and debate funding and policy priorities amid budget conditions that range from deep deficits to healthy surpluses. Higher education, which was featured prominently in some campaign platforms, will compete with a host

of other budget items as legislators and governors seek to advance their campaign promises within budgetary and political realities. Nevertheless, with states confronting the prospect of unfilled jobs due to a lack of a skilled workers, the urgency to invest in higher education and to build a policy framework that provides broad access to affordable, high-quality college opportunities could not be higher.

## Endnotes

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