



Rock, Paper, Scissors?

by Amy K. Frantz

The recent election resulted in a tie in Iowa Senate — 25 seats are held by Democrats and 25 by Republicans. Unless a recount changes the result of any Senate election (unlikely) or a Senator or Senator-elect switches parties (even more unlikely), the Iowa Senate will need to come up with some kind of power-sharing agreement or other solution to organize the Senate next year.

A Legislative chamber ending up with an equal number of members from each party is not as rare as one might think. From 1992 to 2002, such a tie occurred 14 times (see Table 1).¹ The last even-year election that did not produce a split Legislature in at least one state was in 1982.²

Table 1. Tied State Legislative Chambers: 1992 to 2002

Election Year	State/Chamber
1992	Florida Senate (20-20)
	Michigan House (55-55)
	Pennsylvania Senate (25-25)
1994	Nevada Assembly (21-21)
1995	Virginia Senate (20-20)
1996	Indiana House (50-50)
1997*	Virginia House (50-50)
1998	Washington House (49-49)
2000**	Arizona Senate (15-15)
	Maine Senate (17-17-1)
	Washington House (49-49)
2001	New Jersey Senate (20-20)
2002	North Carolina House (60-60)
	Oregon Senate (15-15)

* In the Virginia House, the party numbers actually were 50 D, 49 R, and 1 I, but the Independent sat with the GOP caucus, tying the chamber.

** The Maine Senate has 35 members, so it technically cannot be tied; however, the Democratic and Republican caucuses were evenly split, and they negotiated a power sharing agreement.

In what seems like an extremely simplified option, Wyoming resolved a tie in the State Senate in 1974 with a coin toss. However, I don't think either side of the Iowa Senate would be willing to resolve the current tie with the simple flip of a coin. Perhaps two out of three in a game of rock, paper, scissors? Perhaps not.

In some states, the Lieutenant Governor presides over the Senate, and thus would provide a tie-breaking vote, similar to the Vice President presiding over the U.S. Senate. In South Dakota and Montana, statutes exist to handle a tie if it occurs. Most states, however, come to some kind of power-sharing agreement in the face of a tie in the Legislature.

In the 2002 election, the North Carolina House tied 60-60. The 2003 Legislative session began with the usual election for Speaker of the House, but after six inconclusive votes, the House chose to elect Co-Speakers, one from each party. The Co-Speakers presided over the House on alternating days, and despite predictions of deadlock, "the Co-Speakers led the House with a surprising degree of coordination and efficiency."³

A Publication of:

Public Interest Institute at Iowa Wesleyan College

600 North Jackson Street

Mt. Pleasant, Iowa 52641-1328

Phone: 319-385-3462 Fax: 319-385-3799

E-Mail: public.interest.institute@limitedgovernment.org Website: www.limitedgovernment.org

Things may not always run smoothly, however. The House of Representatives in Washington State found itself in a tie after the 1998 election, and despite high hopes from each side, remained in a tie following the 2000 election. Washington Representatives chose two Speakers, two Majority Leaders, and two Co-Chairmen for each committee. Their power-sharing agreement also gave the Co-Speaker of each party absolute veto power over the other's legislation, with a similar provision for Co-Committee Chairs.

This stipulation in the agreement made it virtually impossible for legislation deemed at all partisan to be approved, including many bills passed by the Senate during this time. During the years the House lived through its tie, the number of bill introductions dropped, with members knowing most would not pass. While this result is not necessarily bad if you believe in limited government, many members of the Washington House of Representatives found it frustrating.

The Arizona Senate took a different approach when the Senate was tied 15-15 following the 2000 election. A moderate Republican, Randall Gnant, worked out a power-sharing deal with Democrats and a few Republicans quickly after the election. Gnant was chosen as Senate President, while a Democrat was chosen to be floor leader. The Democrats also received the first two picks of the committees, but could not take both the Appropriations Committee and Finance Committee. The remaining committees were chosen alternately by each party. Conservative Republican Senators, many of whom felt left out of the agreement process up to that point, worked to secure the right to be considered the minority party, which under Arizona state law gives them the power to make certain appointments. Senate President Gnant saw his role as a peacemaker or cheerleader rather than a leader who set the agenda for the party, leaving members to operate more as free agents — a definite difference than when one party or the other is in control.

Regardless of what type of agreement a tied Legislative chamber comes to, it will be an adjustment for both parties. Dave Mastin, a Co-Majority Leader in the Washington House, gave this advice for Legislators facing a tie: "You have got to be totally committed to a no-surprise policy. If you've been in the majority, you have a tendency to go out and run proposals (without consulting the minority) because you have the votes. If you've been in the minority, you're used to trying to sabotage votes. Neither of these approaches works with a tie."⁴

Endnotes:

¹"Legislative Deadlock: What if It Happens to You?," National Conference of State Legislatures, <<http://www.ncsl.org/programs/legman/elect/tiedexpl.htm>>, (November 7, 2004).

²Ibid.

³John L. Rustin, "General Assembly Votes: Selected Votes from the 2003 Legislative Session," North Carolina Family Policy Council, August 2003, <<http://www.ncfamily.org/PolicyPapers/Findings%200308-2003%20Votes.pdf>>, (November 7, 2004).

⁴David Ammons, "Fit To Be Tied in Washington," State Legislatures Magazine, July/August 2001, p. 18.

Amy K. Frantz is a Research Analyst with Public Interest Institute.

Permission to reprint or copy in whole or part is granted, provided a version of this credit line is used: "Reprinted by permission from INSTITUTE BRIEF, a publication of Public Interest Institute." The views expressed in this publication are those of the author and not necessarily those of Public Interest Institute. They are brought to you in the interest of a better-informed citizenry.