

## What are the key sections of the Voting Rights Act?

The most notable parts of the Voting Rights Act are sections 2, 3 and 4/5:

**Section 2** sets out the law's basic purpose and prohibits any voting practice or procedure that discriminates on the basis of race, color, or, in certain cases, language. It also allows the federal government or other actors to challenge discriminatory laws in court. However, it can only be used to challenge laws that already exist.

**Section 3** —sometimes known as the "bail-in" provision—allows lawsuits from citizens asking a judge to require a state or other jurisdiction to get preclearance from the federal government, as described in Section 5. The *Shelby* court didn't strike down Section 3, so it's still an available tool for lawyers who want to use the VRA to challenge election laws.

**Section 4** provided a formula for the federal government to use in identifying jurisdictions with problematic histories with racial discrimination. As of 2013, this formula classified Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia, as well as parts of California, Florida, Michigan, New York, North Carolina, and South Dakota, as qualifying.

However, that formula was struck down by the Supreme Court's decision in *Shelby County v. Holder* and is no longer law. A lot of the contemporary discussion you'll hear about the fight over voting rights has to do with how election laws with potentially discriminatory impacts can be kept in check now that this section is disabled. The *Shelby* decision left room for Congress to update and rewrite the formula that determines covered jurisdictions, but Congress hasn't done so yet.

**Section 5** of the VRA provides that any changes to voting laws in the jurisdictions covered by Section 4's formula can't be enforced until they are approved by either a three-judge court in the

District of Columbia or by the Attorney General of the United States—a process known as "preclearance"—to ensure they do not have a harmful impact on minority voters.

It also gives the Attorney General the power to send federal officials into covered jurisdictions to check for violations of the Act.

However, when Section 4 was struck down by *Shelby*, Section 5 was effectively disabled as well, because it can't work without a list of jurisdictions that are covered.



# 2014 Midterm

## Elections:

### Results and

### reactions

## from Election

### Day

TWEET SHARE +1 LINKEDIN EMAIL PRINT

## Follow This Story

Receive updates to this evolving StoryStream in your Facebook News Feed

Like to subscribe.

3 DAYS AGO

ARTICLE



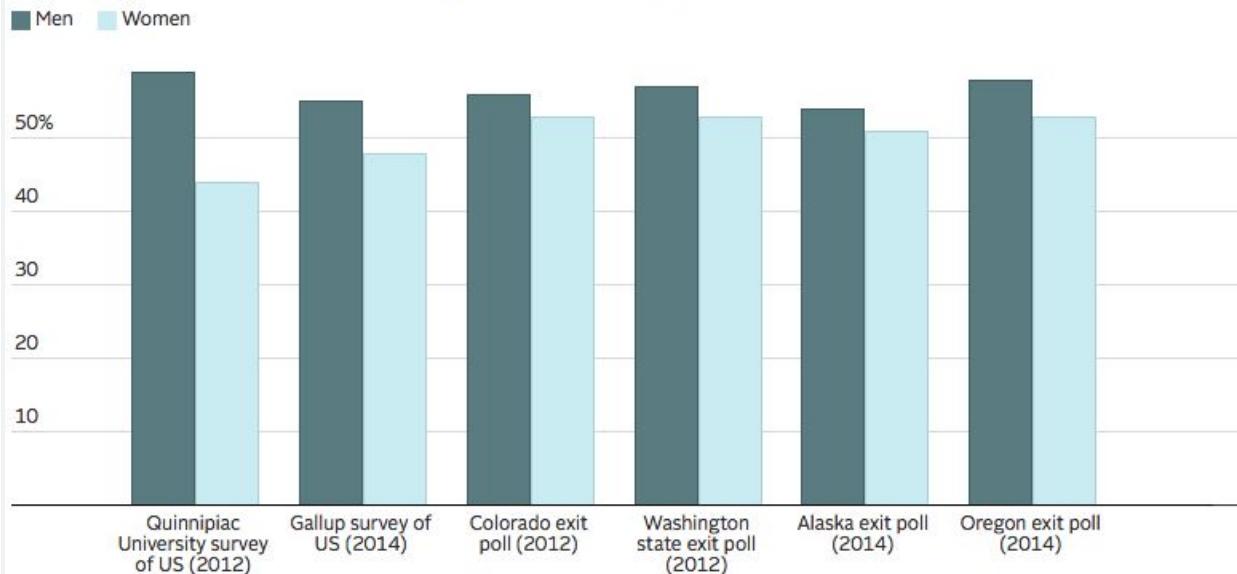
# No, women aren't overwhelmingly more likely to oppose marijuana legalization

The [blogosphere is abuzz](#) with a [2012 Quinnipiac University poll](#) that suggested there is a 15-point gender gap in support for [marijuana legalization](#). This puts women on the more conservative end of a major policy issue than men, when usually it's the other

way around. But while it's true that women appear less likely to support legalizing pot than men, the gap doesn't seem to be nearly as big as the Quinnipiac poll found.

Here's a chart that compares the Quinnipiac survey to a recent Gallup survey and Fox News' 2012 and 2014 exit polls of states that actually legalized marijuana:

## Support for marijuana legalization



Source: Quinnipiac University, Gallup, and Fox News

V

Not only is the gender gap much smaller than Quinnipiac found, but the majority of women in Alaska, Colorado, Oregon, and Washington state supported legalization.

The results could explain why legalization did better in the 2014 midterm elections

than many expected. A key goal of the campaigns in [Alaska](#) and [Oregon](#) was convincing moms, who might be worried about their kids getting stoned, of the benefits of legalization. If those moms were swayed to support legalization, it's really no surprise that marijuana reformers won on Election Day.

*read more*

5 DAYS AGO

ARTICLE



# Sen. Lisa Murkowski celebrated the GOP Senate takeover yelling "I am the chairmaaaaan!"

Senate Republicans were very excited about their takeover of the Senate on Tuesday night. But perhaps no senator was excited as one Sen. Lisa Murkowski (R-Alaska), who will now chair the

committee on Energy and Natural Resources. [NPR captured her reaction](#):

On election night in a hotel ballroom in Anchorage, Alaska, Sen. Lisa Murkowski picked up a chair and waved it over her head.

"I am the chairmaaaaaaaaan!" she shouted.

(NPR via Alyssa Farah)

As you can imagine, her reaction is even better in the audio version. You can hear it around 30 seconds of [this NPR story](#), or you can re-live the event yourself with this short Vox approximation of what happened.

5 DAYS AGO

ARTICLE



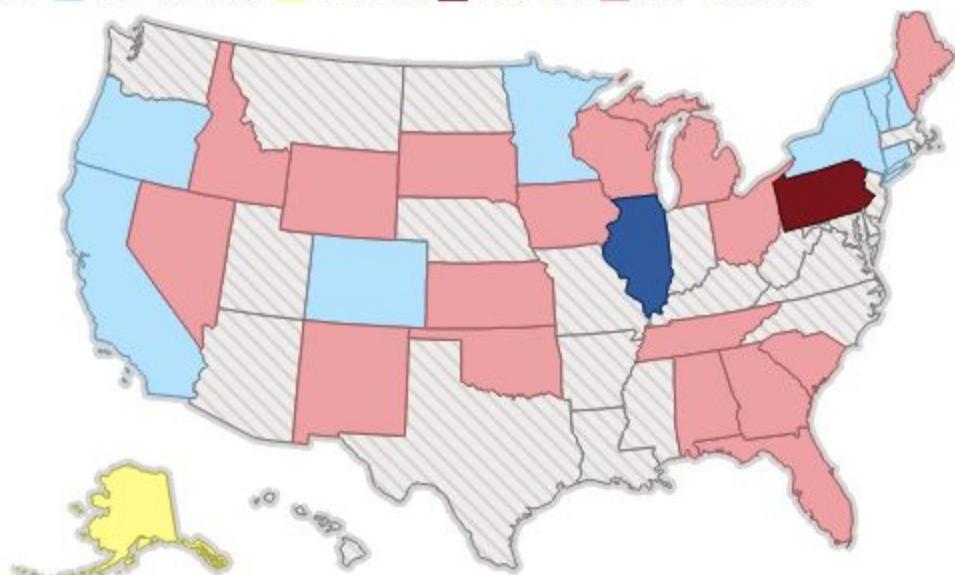
# **25 out of 28 incumbent governors on the ballot this week won reelection**

Before the midterms, the polls indicated that many incumbents of both parties were in danger of losing. The races of Democrats Dan Malloy (CT) and John Hickenlooper (CO) looked quite tight, as did those of Republicans Rick Scott (FL), Sam Brownback (KS), Scott Walker (WI), and others.

But all of them ended up winning — as did most other incumbent governors on the ballot (most of whom were Republicans). So far, just one incumbent of each party has lost — Pat Quinn (D-IL) and Tom Corbett (R-PA). The race of Governor Sean Parnell (R-AK) remains uncalled, though he currently trails. That means 25 out of 28 incumbents were reelected:

# Outcomes for incumbent governors in 2014 elections

■ Dem loss ■ Dem reelection ■ not called ■ GOP loss ■ GOP reelection



V

An analysis by Louis Jacobson of Governing [found](#) an 82 percent win rate for US governors who sought a second term between 1998 and 2010, so this success isn't anything unusual.

But since the crop of incumbents up this year was overwhelmingly Republican, this is great news for the GOP. It indicates nearly every winner brought to power during the Tea Party wave of 2010 managed to govern his or her state effectively enough to win another term. And it ensures that the party will have a deep bench of two-term

governors who could be future presidential and vice presidential prospects.

Democrats had more painful losses in open seat governor's races — their candidates couldn't hold on to governorships in Massachusetts, Maryland, and Arkansas. Another Democratic incumbent, Neil Abercrombie of Hawaii, lost his primary, but the party held on to the seat.

*read more*

5 DAYS AGO

ARTICLE



# Will Congress block marijuana legalization in Washington, DC?

Marijuana legalization soared to victory in Washington, DC, on Tuesday when nearly 70 percent of the city's voters approved Initiative 71. But before the measure becomes law, it faces a hurdle that could prove difficult to overcome: Congress.

Since DC is the nation's capital and a federal jurisdiction, Congress has the final say over its laws. Initiative 71 in particular faces a 30-day congressional review period. Federal lawmakers could pass a resolution during this time period rejecting the law, or they could take no action and let the law take effect by doing nothing. There are also more roundabout ways to potentially kill legalization, such as through a budget measure (Congress also approves DC's budget).

But will the federal government actually block DC's law? Maybe not, explained Kimberly Perry of [DC Vote](#), an organization that campaigns for DC statehood.

*"I'M NOT FOR  
HAVING THE  
FEDERAL  
GOVERNMENT GET  
INVOLVED"*

The resolution would need to work through the House and Senate, then get President Barack Obama's signature. The White House has been unwilling to get involved in

DC's affairs in the past. It also seems unlikely a resolution would be able to work through the House and Senate, even with both chambers under Republican control.

Chris Meekins, spokesperson for Rep. Andy Harris (R-MD), who in June led an unsuccessful **effort** to block DC's **marijuana decriminalization** law, said Harris is considering any options to block DC's legalization measure. "Increasing teenage drug use is not something that's in the best interest of the federal government, particularly in our capital city," Meekins said. (So far, there's **no evidence** that legalization, either medical or recreational, leads to increased drug use among teens.)

But Sen. Rand Paul (R-KY), who's **poised** to take over the Senate subcommittee that oversees DC, told **Roll Call** that he won't block Initiative 71. "I'm not for having the federal government get involved," Paul said. "I haven't really taken a stand on [legalization in DC], but I'm against the federal government telling them they can't."

So if a resolution makes it through the House, it seems unlikely to make it through the Senate. Initiative 71 appears to be safe — for now.

**Correction:** An earlier version of this story claimed the congressional period could last 60 days, based on information from interviews and other media reports. The review period is actually 30 days, since Initiative 71 doesn't directly alter certain sections of DC law that would trigger a 60-day review.

*read more*

5 DAYS AGO

ARTICLE

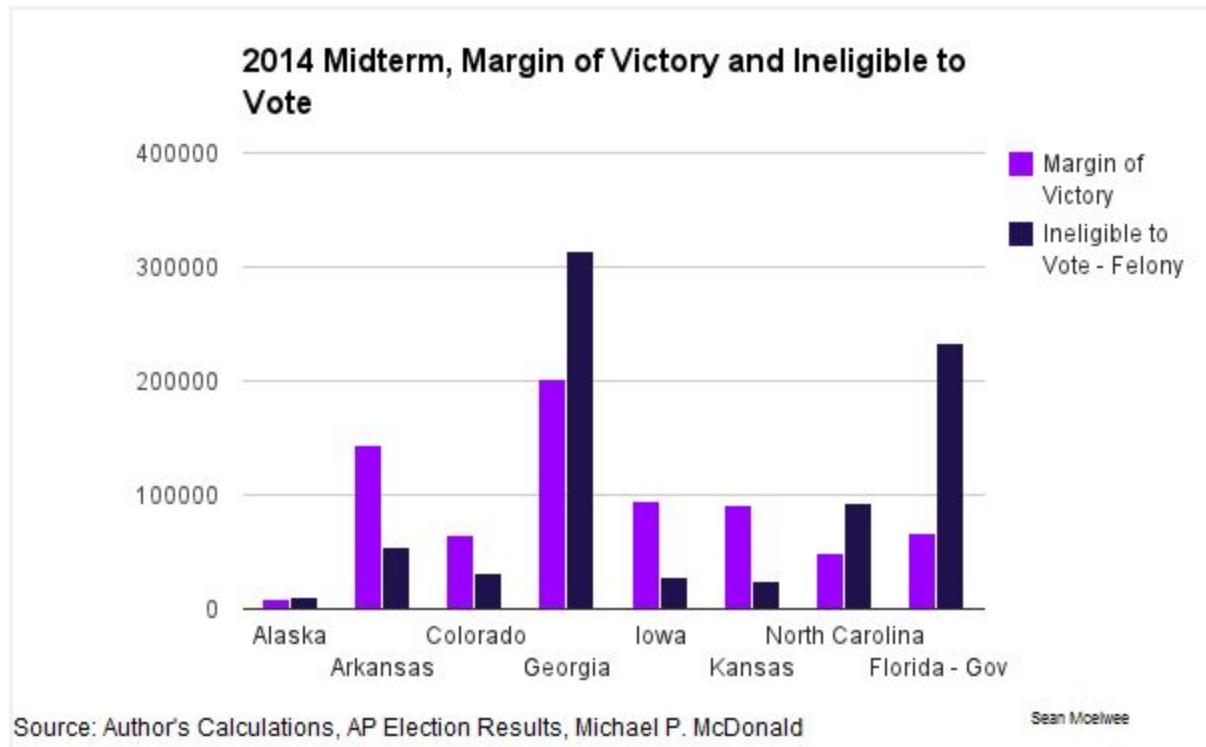


# How banning felons from voting affected the midterms, in one chart

Nearly **6 million American citizens** weren't able to vote in the **2014 midterm elections** due to their criminal records.

This chart by Sean McElwee of Demos shows why felon disenfranchisement matters. In four key Republican victories in 2014 — the Senate races in Alaska, Georgia, and North Carolina, and the

governor's race in Florida — the number of votes that the Republican candidate won by was smaller than the number of citizens who couldn't vote:



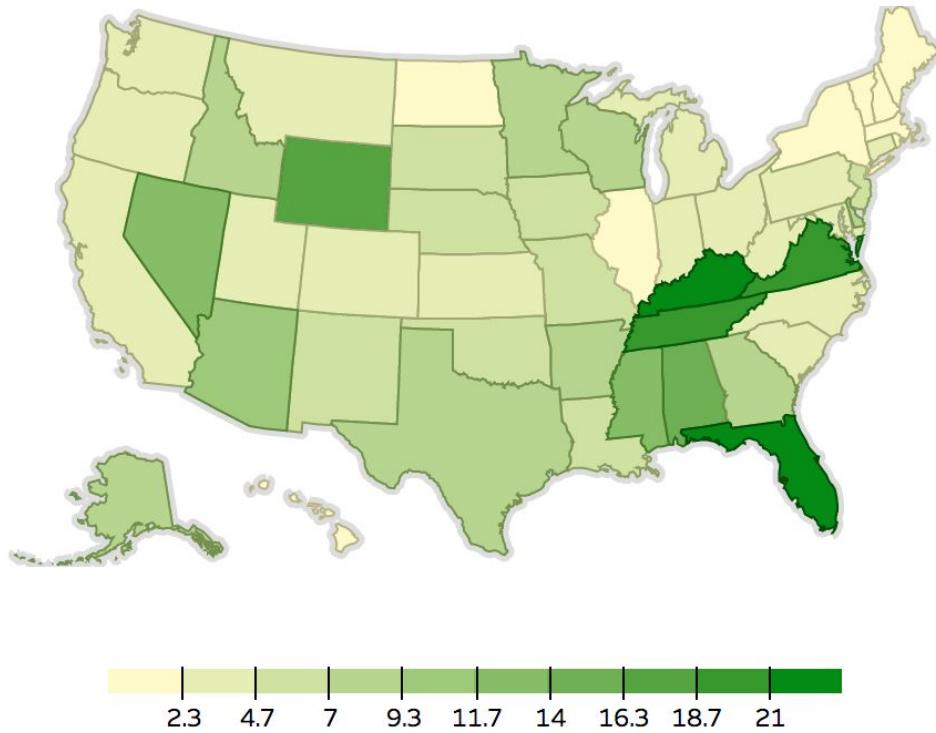
(@SeanMcElwee/Demos)

Most states prohibit people from voting if they're serving sentences for a felony (whether they're physically in prison, or out on probation or parole). And over a dozen states restrict voting rights for ex-felons even after they've finished

their sentences — sometimes even for life.

Those disenfranchised citizens are disproportionately African American. In Florida, for example, nearly a quarter of the state's African American voters were disenfranchised due to their criminal records as of 2012. That's because Florida is **one of a few states that ban ex-felons from voting for life**. In Georgia and North Carolina, where the law restores a citizen's voting rights after he's finished his sentence, many fewer black voters are disenfranchised:

# Black felon disenfranchisement by state



Source: The Sentencing Project



There's no guarantee that all these people would vote if they could. After all, only 36.6 percent of eligible voters (according to an estimate from [Michael McDonald of the United States Elections Project](#)) showed up to vote this year. But it's also possible that, in communities where many people have done prison time and lost their voting rights — say, African-American communities in Florida, where ex-felons are disenfranchised for life — even *eligible* voters are less likely to turn out to vote.

After all, if **peer pressure from Facebook friends** who voted can make people more likely to vote themselves, people with more friends who *can't* vote don't feel that peer pressure.

Even if these citizens would have swung all four races to Democrats if they could have voted, they wouldn't have kept the Senate in Democratic hands. But maybe they would have affected the outcomes of a few state legislature races — which now have **historic Republican majorities**. After all, it's the states that have set the laws disenfranchising felons and ex-felons — and absent a change to federal law, they're the only ones who can reenfranchise them.

*read more*

5 DAYS AGO

ARTICLE



# The best evidence yet that Republicans won't do anything on immigration in 2015

Are Republicans going to use their control of Congress to pass immigration reform in 2015? The short answer is no.

Here's the best reason to think that they won't: if Republicans *were* serious about passing immigration reform next year, you'd at least see Republican officials and pundits saying so on Spanish-language media, to reach out to Latino voters. But they're not.

On the election night edition of Univision's nightly news broadcast (which only lasted an hour, from 11:30pm to 12:30am Eastern, rather than the all-night orgy of English language news networks), immigration was the first issue that came up in any segment.

And while everyone on the broadcast agreed that immigration reform needed to happen, no one was willing to say that the Republican Congress would take it on.

When Univision interviewed an actual Republican member of Congress — newly elected Florida congressman Carlos Curbelo (who beat one-term Democrat Joe Garcia, a big supporter of immigration reform) — he was openly supportive of immigration reform, saying (in Spanish) "I'm ready to go to Washington to work with Republicans and Democrats to achieve it." But he didn't make any promises that Republicans are about to take up the issue. In fact, Curbelo wasn't terribly eager to defend his colleagues-to-be: "We have to be honest. Yes, there are Republicans in the House who've blocked immigration reform. I've criticized them — just like I've criticized the president for using the issue for politics, and failing to keep his promises."

During an **analysis segment** (also in Spanish), host Jorge Ramos pressed

Republican analyst Mercedes Schlapp on whether Republicans would really do immigration reform. Her response began with "*Bueno, yo espero que hagan algo*" — "Well, I hope they do something." Instead of making any predictions about whether the Republican Congress would, she made a point that Univision viewers are very familiar with: that Republicans "*tienen que, en alguna manera, buscar solución*" — "they have to find some sort of solution" — if they want to compete for the Latino vote in the 2016 presidential election.

Schlapp did say that the Republican leaders of both chambers of Congress — incoming Senate Majority Leader Mitch McConnell, and Speaker of the House John Boehner — understood the need for Republicans to take up immigration. But Republican leaders in Congress, themselves, haven't been so clear. House Majority Leader Kevin McCarthy, who's laid out the most detailed agenda so far for a Republican Congress in 2015 and 2016, didn't do anything more than "(leave) open the possibility" of some unspecified immigration bill.

What Republicans on Congress appear to agree on, however, is that any **executive action by Obama** on the issue of immigration is going to "poison the well" (**in Speaker**

Boehner's words) for Congress to do anything about it. On Wednesday, incoming Majority Leader McConnell compared executive action on immigration to "**waving a red flag in front of a bull.**" If congressional Republicans plan to make an exception to their recalcitrance so that they can get a border-security bill passed, they're certainly not mentioning it. (Bulls aren't known for only busting through particular aisles of china shops.)

Schlapp mentioned executive action on immigration as a possible obstacle to a Republican immigration bill. Curbelo didn't. But neither of them left Spanish speakers on Tuesday night with any impression that the incoming Republican Congress is committed to immigration reform.

*read more*

5 DAYS AGO

ARTICLE



# **17 interesting facts about the midterms, and 3 uninteresting ones**

This year's midterm elections were historic for several reasons. The Republican Party posted strong gains across the board, and many of their victorious candidates help make clear that the GOP isn't just the party of white males. Meanwhile, liberals had a lot to celebrate with how ballot initiatives turned out, and the electorate was distinct in a few noteworthy ways.

## A historic Republican wave



(Win McNamee / Getty)

- There will be Republican governors in at least 31 states.
- Democrats will have unified control of just 7 **state governments**, the **lowest number** since 1860.
- If Republicans win just 4 of the remaining **14 uncalled House seats**, they'll have their **widest majority** in the chamber since the presidency of Herbert Hoover.
- With the defeat of John Barrow of Georgia, there are **no longer any**

white Democrats from the Deep

South in the House.

- The average Senate poll conducted in the campaign's last three weeks **was skewed** against Republicans by 4 points, according to FiveThirtyEight's analysis.
- Obama has lost **more House seats** during his tenure than any president since Harry Truman.

## Demographic firsts



Senator Tim Scott (R-SC). (Andrew Burton / Getty)

- Tim Scott of South Carolina **became** the first directly elected black Southern senator in US history, and Mia Love of Utah **became** the first black female Republican ever elected to Congress.
- For the first time ever, there **will be** 100 women in Congress.
- 30-year old Elise Stefanik, elected to a US House seat in New York, **will become** the youngest woman ever to serve in Congress.
- Greg Abbott of Texas **will become** the first US governor in a wheelchair since the 1980s.
- Saira Blair of West Virginia, who's only 18 years old, **will become** the youngest state legislator in the US.

## Ballot initiative outcomes



A marijuana plant. ([Shutterstock](#))

- Minimum wage increases have been on state ballots 15 times since 2002. They've passed **every time**.
- Alaska **became** the first red state, and the fourth state overall, to vote to legalize recreational marijuana.

(Earlier in the night, Oregon

became the third. Washington DC,  
though not a state, joined them.)

- Ballot initiatives to **require** **labeling** of foods with genetically modified organisms failed **easily** in Colorado, and **narrowly** in Oregon.
- Abortion opponents **have lost** five out of five votes on "personhood" initiatives.

## Who turned out?



(Lisa F. Young / Shutterstock)

- The all-mail voting states of Oregon and Colorado appear to be two of the only states where voter turnout will exceed 50 percent, according to Daily Kos Elections contributor Taniel. This higher turnout didn't save Democrat Mark Udall in Colorado, but it may have saved the state's Democratic Governor John Hickenlooper.
- 18,000 people called in to a voting rights hotline with complaints on Election Day.
- According to exit polls, voters aged 65 or older made up **23 percent of the electorate** — the highest in at least a decade.
- The electorate **wasn't unusually tilted** towards conservatives or Republicans.
- Latinos **made up** about 8 percent of the electorate, which is consistent with recent midterms.

**Correction:** An earlier version of this article stated that Democrats will have control of just 7 state legislatures. In fact, they will have unified control of 7 state governments (counting governorships).

*read more*

5 DAYS AGO

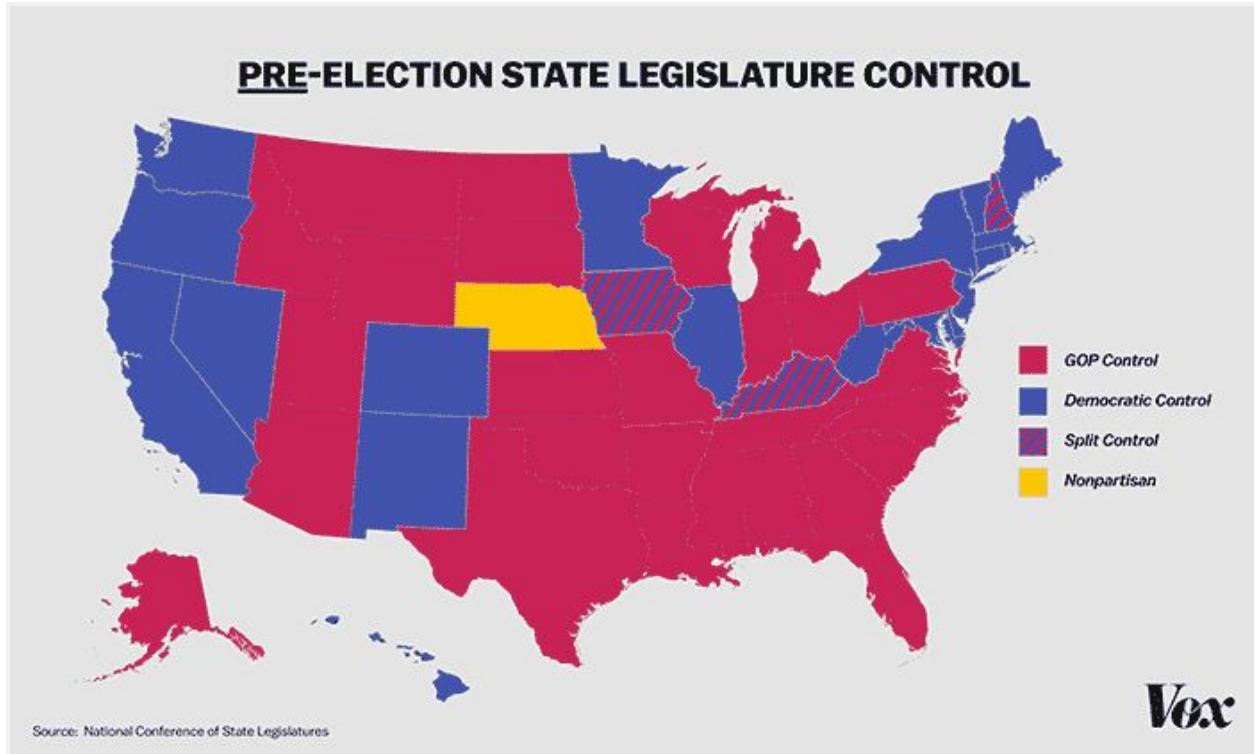
ARTICLE



**Republicans  
now have  
historic  
majorities in  
state  
legislatures.  
That's a really  
big deal.**

One Republican victory in the **midterm** **elections** has been mostly overlooked. Yes, Republicans took control of the Senate and a surprising number of governorships. But they also won a record number of state legislature seats.

Republicans now control state government outright in at least 24 states, one more than they did before the election. They control at least 66 of 99 state legislative chambers nationwide. And they cut the number of states with total Democratic control from 14 to seven — the lowest number since the Civil War.



This is a big deal — for the day-to-day lives for people in those states, and for the outcome of elections in years to come.

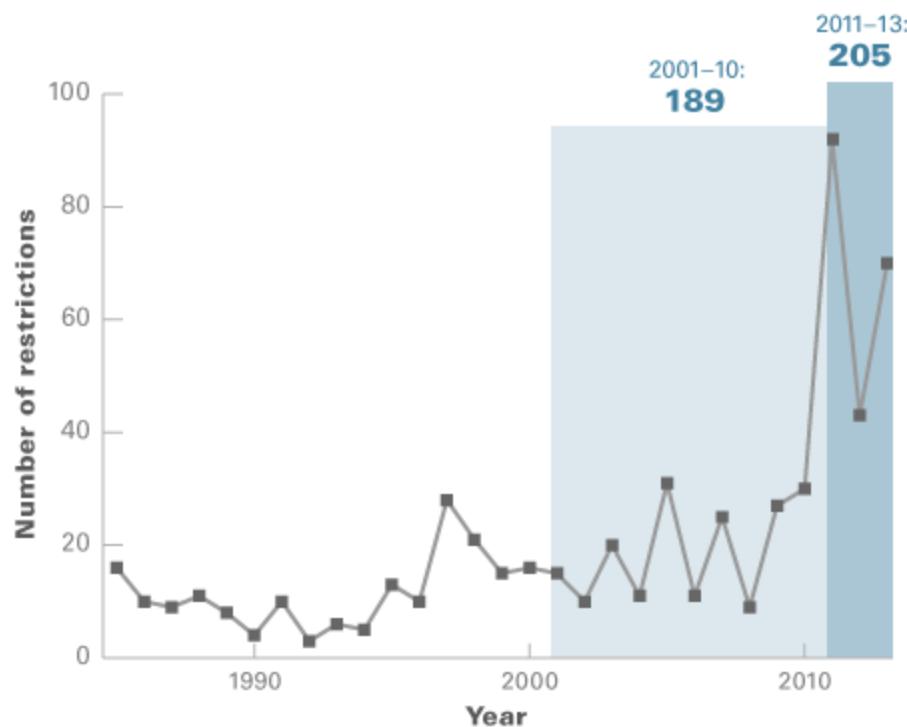
## The GOP's long game to win the states

Republicans made historic gains in state legislatures in 2010. They held on in many states in 2012, or made up for losses in one state with gains in another — even though Democrats won the national election. And they won even more in 2014. This isn't an accident — it's the result of **strategic fundraising from national Republicans**, beginning in 2010, aimed at engineering

**statehouse takeovers**. Out-of-state contributions were shuffled to states where they would make a difference, particularly as congressional partisanship and gridlock made policymaking in Washington increasingly unlikely.

And at a time of national gridlock, state legislatures have done an immense amount of, well, legislating. Since 2010, 30 states, most controlled by Republicans, have passed a total of **205 new abortion restrictions**. That's more restrictions than were passed in the entire first decade of the 2000s, according to the Guttmacher Institute:

## More abortion restrictions were enacted in 2011–2013 than in the entire previous decade



© 2014 Guttmacher Institute | guttmacher.org

Twenty-two states, 18 with Republican majorities, have passed laws making it more difficult for people to vote.

After the Newtown shootings, most new state laws surrounding guns actually eased restrictions on owning and carrying firearms. Seventy new laws loosening gun control were passed, 49 in states with Republican legislative majorities and

Republican governors, compared to three in Democratically controlled states.

Then there was the **fiscal experiment in Kansas**, where Republican Gov. Sam Brownback and a Republican majority in the legislature slashed income taxes. State revenue came in well below projections and threatened Brownback's re-election — but he won, and has promised to accelerate the tax cuts in the future.

That's just scratching the surface. State legislators control K-12 education spending, sentencing guidelines, even the death penalty. The 23 states that rejected the federal Medicaid expansion left 4.5 million people without health insurance. States control the laws around marriage, and can make unauthorized immigrants' lives hard or easy in several ways. They can make it easy or difficult for residents to vote. They decide who can carry guns at a school or a church.

That's not even counting the less dramatic, more quotidian policies they decide: the age of the drivers on state roads; when and where you can buy beer, wine, and liquor; whether your local shops will collect sales

tax, and how much it will be; and dozens more.

## The consequences of losing statehouses could last decades



Then-Sen. Obama announces his campaign outside the Illinois statehouse. (Chicago Tribune)

One of the most-discussed consequences of Republicans' state legislative takeovers in 2010 was for Congress. Republicans drew the electoral maps in the majority of states,

and in the 2012 elections, took back the House majority despite getting fewer votes than Democratic candidates. Democrats also tend to be packed into urban districts, where Democratic candidates win large majorities. But redistricting sharply cut the number of competitive House districts, from **around 100 in 2010 to about 39 this year.**

The next redistricting isn't until after the 2020 Census. But the overwhelming Republican control of state legislatures already matters for elections down the line in at least one key way: by weakening the Democrats' legislative bench.

Statehouses are fertile ground for candidates for higher office from both parties. **Nearly half of all members of Congress started out in statehouses.** Forty-three Senators were once state legislators, including 27 Democrats. So were 217 voting House members, the majority of them Republicans. And, of course, there's a former Democratic state senator from Illinois with a pretty important elected office right now.

There are still plenty of Democratic state legislators out there. But the fewer statehouses there are under Democratic control, the fewer opportunities those

legislators have to make policy, become visible, and rise through the ranks. That's a loss with ramifications that could last a generation.

## Even divided government matters



Maryland governor-elect Larry Hogan has given the state divided government. (The Washington Post/Getty Images)

Nevada had the most dramatic state legislature flip, and now has a Republican House and Senate and a Republican governor — so policy there could change, and quick. But Democrats' loss of control in either the legislature or the governorship in seven states is significant too.

Over the past few elections, red states have gotten redder and blue states have gotten bluer. Divided government was less common in 2013 than in any year since the 1940s. The result was states pursuing aggressive conservative or liberal new policies, depending on their leanings. As Governing magazine's Dylan Scott **wrote last year**:

States led by Democrats are moving toward broader Medicaid coverage, stricter gun laws and a liberalized drug policy. They've legalized gay marriage, abolished the death penalty and extended new rights to undocumented immigrants. Republican strongholds are working quickly to remove government from the business sphere — reducing taxes, pushing anti-union right-to-work laws and rebelling against the Affordable Care Act (ACA). They're also pressing forward on some of their most valued social issues, promoting pro-life abortion policies and protecting the rights of gun owners.

Seven of the 10 states where legislatures have approved same-sex marriage did so with Democratic legislatures and Democratic governors. Of the 39 state laws tightening gun restrictions after the Newtown shootings, **25 were passed in Democratic states**. This kind of aggressive policymaking on either the left or the right is just much harder with divided government.

Divided state legislatures don't always lead to congressional-style gridlock. (And even single-party states with supermajorities don't always lead to flawless execution of a governor's agenda.) In states with Democratic legislatures and Republican governors, the governor may end up finding common ground on legislative proposals, says Nicholas Johnson, senior vice president for state fiscal policy at the Center on Budget and Policy Priorities.

"I don't think anyone really expects [Gov. Larry] Hogan in Maryland or [Gov. Bruce] Rauner in Illinois to simply get their way with the Democratic legislatures," Johnson says.

*read more*

6 DAYS AGO  
ARTICLE





**Vox Sentences:**  
**Republicans,**  
**pot smokers,**  
**minimum wage**  
**workers, and**  
**other midterm**  
**winners**

### **1. The winners**



Senate Minority Leader US Sen. Mitch McConnell (R-KY) answers questions during a press conference after it became clear his caucus won the Senate. (Win McNamee/Getty Images)

- Republicans will end the election with at least 52 Senate seats, at least 10 new seats in their House majority, and three net new governorships, while flipping a whole bunch of state legislatures. Click the link below for full results.
- [\[Vox / Andrew Prokop, Danielle Kurtzleben, and German Lopez\]](#)
- Nine big takeaways from the election.
- [\[Vox / Ezra Klein\]](#)

- The polls really underestimated how well the Republicans were going to do in Senate races.
- [\[Vox / Andrew Prokop\]](#)
- Some beautiful, insanely detailed maps of Senate race from The Upshot.
- [\[NYT / Amanda Cox, Mike Bostock, Derek Watkins, and Shan Carter\]](#)
- A deep dive into the GOP strategy behind the win: "Don't make mistakes, and make it all about Obama, Obama, Obama."
- [\[Washington Post / Philip Rucker and Robert Costa\]](#)
- The GOP Senate wins are large enough that it'll be hard for Democrats to take it back in 2016.
- [\[Vox / Andrew Prokop\]](#)
- Democrats control fewer state legislatures than they have since 1860.
- [\[National Conference of State Legislatures\]](#)
- One thing that the lame duck Congress will have to address (if something can pass that quickly): Obama's request for \$6.2 billion to fight Ebola.
- [\[Vox / Julia Belluz\]](#)
- The GOP victory makes Keystone XL approval significantly more likely.
- [\[Vox / Brad Plumer\]](#)
- Obama will probably still pursue executive action on immigration. Here's how.
- [\[Vox / Dara Lind\]](#)
- Matt Lewis: Democrats' "war on women" rhetoric utterly failed.
- [\[The Week / Matt Lewis\]](#)
- National Review: Republicans shouldn't "prove they can govern" by cutting deals; they should put up legislation even if it won't pass to show voters what they stand for.
- [\[National Review\]](#)

- Jonathan Chait: "Hillary Clinton is the only thing standing between a Republican Party even more radical than George W. Bush's version and unfettered control of American government."
- [\[NY Mag / Jonathan Chait\]](#)
- Danny Vinik at The New Republic on how Democrats should respond: "If Republicans are going to reap the political benefits of indiscriminant filibustering, then Democrats should do so as well."
- [\[New Republic / Danny Vinik\]](#)

## 2. The voters



You can tell these are voting booths because it says  
"vote" on them. ([Frederic J Brown / AFP / Getty](#))

- We don't have final numbers, but it looks like 2014 turnout is even lower than normal for midterms.
- [FiveThirtyEight / Carl Bialik and Reuben Fischer-Baum]
- As expected, many fewer Millennials voted than did in 2012, but senior citizen turnout was high even for a midterm, helping Republicans.
- [Vox / Matt Yglesias]
- Defeated Democratic Sen. Mark Udall is a great example of why these demographics matter; he aggressively pursued women voters, and won them, but they made up a smaller share of the electorate than they have in any Colorado election since 1992.
- [Washington Post / Nia-Malika Henderson]
- Colorado and Oregon, which both only allow voting-by-mail, saw turnout pass 50 percent — a pretty impressive figure.
- [Taniel]
- There were tens of thousands of voting complaints.
- [Vox / Jenée Desmond-Harris]
- Republicans made really impressive gains among Asian Americans.
- [Bloomberg View / Lanhee Chen]
- But Democrats still have the Jewish vote locked up.
- [Vox / Zack Beauchamp]
- The shocking GOP win in the Maryland governor's race was because Democrats just didn't turn out and vote.
- [NYT / Derek Willis]
- Ramesh Ponnuru: the election shows that Obama's coalition is precarious
- [Bloomberg View / Ramesh Ponnuru]

### 3. The issues



Next season, on *Portlandia* ... (Sean Gallup/Getty

Images)

- Marijuana legalization passed in Oregon, Alaska, and DC (though DC's legalization doesn't cover sales, only possession).
- [\[Vox / German Lopez\]](#)
- Alaska, Arkansas, Nebraska, and South Dakota approved minimum wage increases, but only Alaska and South Dakota had the foresight to automatically increase theirs in the future to account for inflation.
- [\[Vox / Danielle Kurtzleben\]](#)

- It was a bad night for the pro-life movement.
- [Vox / Sarah Kliff]
- Other big referenda: a really important prison/criminal justice reform measure passed in California, and Washington approved stricter background checks for guns.
- [Vox / German Lopez]
- FiveThirtyEight's Ben Casselman: "So voters want a higher minimum wage, legal pot, abortion access and GOP representation. Ok then."
- [Ben Casselman]
- How could voters back both Republicans and minimum wage initiatives? Josh Barro has a theory: "Most voters don't live in households where anyone earns it, or are even close enough to it to get a raise when it goes up. If you ask people whether they favor a higher minimum wage, most will say yes, and even vote that way on a binding referendum. But if a politician opposes raising it, middle-class voters won't necessarily get angry, and their votes may not be moved."
- [NYT / Josh Barro]
- Sorry, federal workers — DC may have legalized pot, but you're still banned from using it.
- [New Republic / Claire Groden]

## 4. Misc.

- Canada's blocking people from Ebola countries from entering. It's a bad idea.
- [Vox / Julia Belluz]
- Political donations, by the occupation of the donor.

- [Business Insider / Andy Kiersz and Hunter Walker]
- Disappointed by the military's response, vigilantes are fighting back against Boko Haram in Nigeria.
- [NYT Magazine / Alexis Okeowo]
- Linguists are trying to prevent the North Korean and South Koreans dialect from diverging too strongly, in case the countries reunite.
- [Agence France-Presse]
- What we know about how murderers use Facebook.
- [Washington Post / Caitlin Dewey]
- Dartmouth's faculty voted in favor of abolishing the college's infamous fraternity system.
- [Inside Higher Education]
- Happy birthday to Bryan Adams and Ryan Adams! (Yes, it's the same day.)
- [Stereogum / James Rettig]

## 5. Verbatim

- "What a wonderful time it is for the scammer, the conniver, and the cheat: the underage drinkers who flash fake I.D.s, the able-bodied adults who drive cars with handicapped license plates, the parents who use a phony address so that their child can attend a more desirable public school, the customers with eleven items who stand in the express lane."
- [New Yorker / Patricia Marx]
- "The only way to make progress is to use empirical methods to rip from the sea of the plausible the thing that actually matters. Otherwise we drown in storytelling."

- [\[Dan Kahan to Chronicle of Higher Education / Paul Voosen\]](#)
- "I've long thought that the marshmallow experiment is nearly universally misunderstood: kids wait for the marshmallow for exactly as long as it makes sense to them to wait."
- [\[mathbabee / Cathy O'Neil\]](#)
- "Vivien Thomas was paid a janitor's wage, never went to college, and still became a legend in the field of heart surgery."
- [\[Washingtonian via Longform.org / Katie McCabe\]](#)
- "Modern Farmer is not widely read by farmers."
- [\[New Yorker / Alec Wilkinson\]](#)

*Get Vox in your inbox!*

Add your email to receive a daily newsletter from Vox breaking down the top stories of the day.

By signing up, you agree to our [terms](#).

[read more](#)

6 DAYS AGO



# 18,000: the number that shows voting in America is way too hard

"We make democracy way too hard in this country."

That's what Barbara Arnwine, head of a Lawyers' Committee for Civil Rights-led coalition of 150 groups that monitored a hotline for voting problems, told [The Guardian](#) after Tuesday's [midterm elections](#).

Democracy was even harder than usual on November 4 — strikingly so — if the volume of calls received by the group is any indication.

The hotline answered over 18,000 pleas for help and reports of glitches from distressed voters, many of whom were navigating new, restrictive election laws. The Lawyer's

Committee, which does similar work for every election, said that volume was unusually high.

The [full article](#) includes descriptions of the issues voters said they faced. Typical complaints included:

- Registered voters' names "disappeared" from voting rolls
- Voters were unable to determine where their polling places were
- Military ID cards weren't accepted at polling stations, despite the fact that every state includes it as an acceptable form of photo identification
- Officials asked for photo identification in states that did not require it to vote
- Polling places did not have interpreters for people speaking English as a second language.

Tuesday's midterm election was the first national election since a Supreme Court decision gutted the Voting Rights Act of 1965, which previously required states and jurisdictions with histories of racial discrimination to get approval for any changes to their election laws. A change to Texas's photo ID requirement made since that decision was one of the major sources of confusion and calls to the Lawyer's Committee.

Read more at [The Guardian](#).

**Correction:** This article originally stated that the hotline received 12,000 calls. It has been updated to reflect a Lawyers' Committee [press release](#) reporting that the final number of calls received was more than 18,000.

*read more*

6 DAYS AGO

ARTICLE



# Election results 2014: News and updates on major midterm races

Most of the results from last night's election — 36 governor's races, 36 Senate races, and 435 House races, not to mention the many [state legislature races](#) — are now in. Even for political junkies, that's a lot to keep track of.

So here's a place for you to follow the results of all of the major races — the ones that are too close to predict, the ones that could pad out Republican control of the Senate, and the ones that speak to important larger issues at play.

First, the big picture: Republicans gained control of the Senate. The GOP will have at least 52 Senators in the new Congress. It could have as many as 55 seats, depending on the results of close votes in Virginia and Alaska and next month's runoff election in Louisiana.

Republicans also appear poised to slightly expand their majority in the House of Representatives. And the GOP won about two-thirds of the governorships that were up for election on Tuesday.

Below, you'll also find the latest on some important ballot initiatives. Conservatives won big in the legislatures, but liberals had major victories in ballot initiatives, including [marijuana legalization](#), [minimum wage hikes](#), [gun control](#), and [access to abortions](#).

This page will update constantly as results come in. Races that have been decided or projected will be marked with asterisks.

Also, check out our [Election Day live blog](#) featuring a stream of news, analysis, and video from Vox staffers, and keep up to date with our [latest articles on the midterm elections](#).

*All times below are Eastern.*

## Senate results

### RESULTS ARE IN:

**Virginia:** Mark Warner (D) vs. Ed Gillespie (R). *WINNER: Warner.*

**Iowa:** Joni Ernst (R) vs. Bruce Braley (D).  
*WINNER: Ernst.*

**North Carolina:** Kay Hagan (D) vs. Thom Tillis (R). *WINNER: Tillis.*

**Kansas:** Pat Roberts (R) vs. Greg Orman (I). *WINNER: Roberts.*

**Georgia:** David Perdue (R) vs. Michelle Nunn (D). *WINNER: Perdue.*

**Colorado:** Mark Udall (D) vs. Cory Gardner (R). *WINNER: Gardner.*

**Louisiana:** Mary Landrieu (D) vs. Bill Cassidy (R) vs. Rob Maness (R). *RESULT:* *Runoff on December 6.*

**New Hampshire:** Jeanne Shaheen (D) vs. Scott Brown (R). *WINNER:* *Shaheen.*

**Arkansas:** Mark Pryor (D) vs. Tom Cotton (R). *WINNER:* *Cotton.*

**Kentucky:** Mitch McConnell (R) vs. Alison Lundergan Grimes (D). *WINNER:* *McConnell.*

#### **STILL WAITING:**

**Alaska:** Mark Begich (D) vs. Dan Sullivan (R).

## **Governor results**

#### **RESULTS ARE IN:**

**Connecticut:** Dan Malloy (D) vs. Tom Foley (R). *PROJECTED WINNER:* *Malloy.*

**Colorado:** John Hickenlooper (D) vs. Bob Beauprez (R). *PROJECTED WINNER:* *Hickenlooper.*

**Massachusetts:** Martha Coakley (D) vs. Charlie Baker (R). *PROJECTED WINNER: Baker.*

**Kansas:** Sam Brownback (R) vs. Paul Davis (D). *WINNER: Brownback.*

**Maine:** Paul LePage (R) vs. Mike Michaud (D) vs. Eliot Cutler (I). *PROJECTED WINNER: LePage.*

**Vermont:** Peter Shumlin (D) vs. Scott Milne (R). *RESULT: No majority; legislature will pick governor.*

**Maryland:** Anthony Brown (D) vs. Larry Hogan (R). *WINNER: Hogan.*

**Illinois:** Pat Quinn (D) vs. Bruce Rauner (R). *WINNER: Rauner.*

**Georgia:** Nathan Deal (R) vs. Jason Carter (D). *WINNER: Deal.*

**Wisconsin:** Scott Walker (R) vs. Mary Burke (D). *WINNER: Walker.*

**Michigan:** Rick Snyder (R) vs. Mark Schauer (D). *WINNER: Snyder.*

**Florida:** Rick Scott (R) vs. Charlie Crist (D).

*WINNER: Scott.*

**Texas:** Greg Abbott (R) vs. Wendy Davis

(D). *WINNER: Abbott.*

## **STILL WAITING:**

**Alaska:** Sean Parnell (R) vs. Bill Walker (I).

## **Ballot initiative results**

### **RESULTS ARE IN:**

#### **South Dakota**

*Minimum wage — RESULT: Passed:* South Dakota currently has a minimum wage of \$7.25. **Measure 18** would raise it to \$8.50 per hour in 2015. In addition, it would raise the minimum wage for tipped workers (such as waiters) from \$2.13 to \$4.25 per hour.

#### **Alaska**

*Marijuana Legalization — RESULT:*

*Passed:* **Ballot Measure 2** would allow adults 21 and older to possess up to one ounce of pot and maintain six marijuana plants. The measure would legalize

production and sales, which the Alcoholic Beverage Control Board — or a Marijuana Control Board, if one is created — would regulate. The measure would also tax marijuana at the point of sale at \$50 per ounce.

*Minimum wage — PROJECTED RESULT:*

*Passed: Ballot Measure 3* would bump the state's minimum wage from its current \$7.75 to \$8.75 in 2015, then \$9.75 per hour in 2016. After that, it would be adjusted for inflation.

## Oregon

*Marijuana Legalization — RESULT:*

*Passed: Measure 91*, would allow adults 21 and older to possess up to eight ounces and four plants of marijuana. It would also legalize production and sales, which the Oregon Liquor Control Commission would regulate. The measure would also tax marijuana at the point of sale at \$35 per ounce, with the revenue set aside for enforcement and education programs.

*GMO-labeling Initiative — RESULT:*

*Defeated: Oregon's Proposition 92* would have required packaged foods with genetically modified ingredients to include the words "genetically engineered" on the

front or back of the product "clearly and conspicuously."

## Tennessee

*Legislative Powers Amendment —*

*RESULT: Passed:* Amendment 1 in Tennessee is not a specific restriction on abortion access. Instead, it will add a new section to the state constitution specifying that the document does not protect a legal right to abortion, even in cases of pregnancies resulting from rape or incest.

## North Dakota

*Personhood Amendment — RESULT:*

*Defeated:* Measure 1, if passed, would have made North Dakota the first state to define life as beginning at conception. The ballot initiative would have added the following language to the state's constitution: "The inalienable right to life of every human being at any stage of development must be recognized and protected."

## Washington, DC

*Marijuana Legalization — RESULT:*

*Passed:* Initiative 71 will allow adults 21 and older to possess up to two ounces of marijuana, grow up to six plants, and give

marijuana to other adults 21 and older. It will not legalize, regulate, or tax sales, because voter initiatives in DC can't have a direct impact on the local budget.

## Florida

### *Medical Marijuana Legalization -*

*RESULT: Defeated: Amendment 2 would have legalized marijuana to treat "debilitating medical conditions" such as cancer, multiple sclerosis, glaucoma, hepatitis C, HIV, AIDS, amyotrophic lateral sclerosis, Crohn's disease, Parkinson's disease, or "other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient." The Florida Department of Health would have set up regulations for medical marijuana cards and treatment centers.*

## Colorado

*GMO-labeling Initiative — RESULT: Defeated: Here's the [text of Colorado's Proposition 105](#), which has exemptions for animals fed with GMO crops and for food served in restaurants.*

*Personhood Amendment — RESULT:*

*Defeated:* Colorado's Amendment 67 would have added "unborn human beings" to the definition of "person" and "child" in the state's criminal code. This is a less sweeping version of the personhood ballot initiative that Colorado rejected in 2008 and 2010, which would have added unborn human beings to other parts of state law.

## **Arkansas**

*Minimum wage — RESULT: Passed:*

Currently, Arkansas' minimum wage is \$6.25 per hour - \$1 below the federal level. Arkansas' [Issue 5](#) ballot measure will bump the hourly minimum wage to \$7.50 in 2015, \$8 in 2016 and \$8.50 in 2017.

## **Illinois**

*Minimum wage — RESULT: Passed:* The

Illinois [minimum wage increase question](#)

asks voters if they'd like to raise the hourly minimum wage to \$10 per hour in 2015.

However, the measure is nonbinding.

## **Nebraska**

*Minimum wage — RESULT: Passed:*

Nebraska's Initiative 425 would bump its

minimum wage from \$7.25 now to \$8 in 2015 and \$9 in 2016.

*read more*

6 DAYS AGO

ARTICLE

TWITTER  
FACEBOOK  
GOOGLE+

# Watch Obama explain the election, subtweet John Boehner, and call out America's non-voters

The president's long, searching press conference after a midterm beating is a treasured Washington tradition. In 2006, President George W. Bush stepped up to the podium and termed his party's loss, to the delight of the assembled press corps, "a thumpin'." In 2010, President Obama took

his turn, limning the lessons of the "shellacking."

Wednesday, Obama gave his second post-defeat press conference — but refused to play by the rules. He seemed upbeat, almost energized. He gave no ground on his agenda. He made clear he intends to push forward with major executive actions on immigration and climate change. Asked by a reporter to give a name to the 2014 election, he demurred; Republicans had "a good night," he said.

Here are the three moments from the press conference you shouldn't miss.

## **1) Obama calls out the nation's non-voters**

In his opening remarks, Obama began by following the usual script, telling the voters in Tuesday's elections that he heard their message. But then he strayed a bit: "To the two-thirds of voters who chose not to participate in the process yesterday, I hear you, too," he said.

The message was clear and defiant: the 2014 election was a thumping, sure, but it was a thumping delivered by a minority of the country. Obama sees himself as the

president of the entire country. And he thinks the voters who stayed home want to see Washington working harder on their behalf — not collapsing into paralysis.

## 2) Obama's theory of the election

Asked whether he needs to "recalibrate his agenda for the next two years," Obama offered a different theory. "The American people overwhelmingly believe that this town doesn't work well, and that it is not attentive to their needs. And as president, they rightly hold me accountable to do more to make it work properly," he replied.

"I'm the guy who's elected by everybody, not just from a particular state or a particular district. And they want me to push hard to close some of these divisions, break through some of the gridlock, and get stuff done. So, the most important thing I can do is just get stuff done and help Congress get some things done."

There's a lot packed into this answer. Obama is saying that he doesn't think the electorate was rejecting his policies. He thinks they were rejecting his failure to pass his policies. And in the last sentence of his riff, he spun that into an argument that the

election is really a mandate to continue forward with his executive actions. "The most important thing I can do is just get stuff done and help Congress get some things done."

In other words, Obama doesn't see the election results as a reason to back off. He sees them as a reason to push harder.

### **3) Obama's brutal subtweet of John Boehner**

Asked if he'd have a drink with Senate Minority Leader Mitch McConnell, Obama delivered a sharp backhand to House Speaker John Boehner.

"I would enjoy having some Kentucky bourbon with Mitch McConnell," the president replied. "I don't know what his preferred drink is, but Mitch McConnell has always been very straightforward with me. To his credit, he has never made a promise that he couldn't deliver. And he knows the legislative process well. He obviously knows his caucus well. He's always given me, I think, realistic assessments of what he can get through his caucus and what he can't. And so, I think we can have a productive relationship."

The implied contrast there, whether Obama realized it in the moment or not, was to Boehner, whom the White House feels doesn't know his caucus that well and routinely isn't able to deliver on the promises he makes.

[read more](#)

6 DAYS AGO

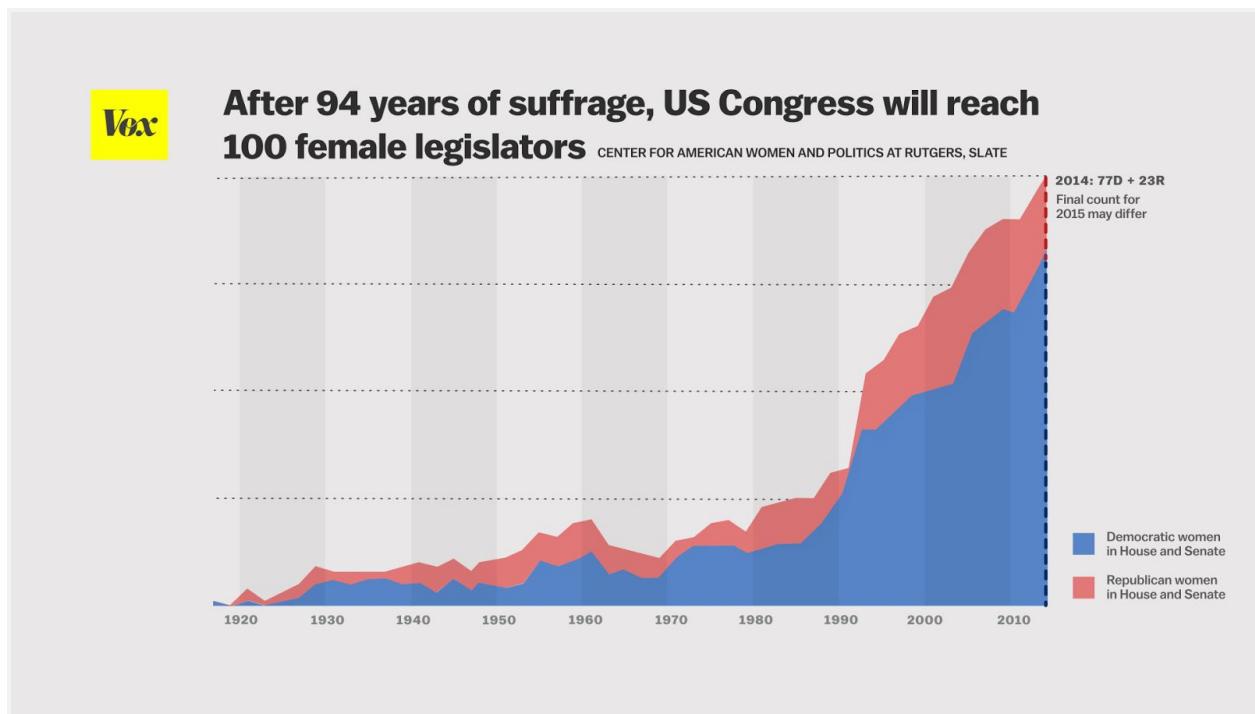
ARTICLE

TWITTER  
FACEBOOK  
GOOGLE+

## For the first time ever, Congress has 100 female legislators

After [last night's election](#), the 114th Congress appears to be the first to have

100 female members.



Emily's List, a group that helps elect Democratic female candidates to Congress, pointed this out Tuesday night that female legislators hit triple-digits after Democrat Alma Adams won a special election in North Carolina's 12th district. It's possible the final number will change, however, as the results in close races come in.

While this is a historic high for women in Congress, it's also far from representative of America's demographics. Women now make up 19 percent of federal legislators — and 50.8 percent of the entire population. It's still true that women are better

represented in Afghanistan's legislature  
than they are in the United States  
Congress.

*read more*

6 DAYS AGO

ARTICLE

TWITTER

FACEBOOK

GOOGLE+

# The midterm elections proved that Democrats aren't alienating Jews on Israel

When the newly elected Congress turns its focus foreign policy, the conversation will surely center around the Middle East.

President Obama's team is working hard to broker a nuclear deal with Iran, continuing its campaign to destroy ISIS, and trying to manage the Israel-Palestine conflict. These are all issues on which the new Congress and the American public have strong views. Which is why a [new poll](#) of American Jews who voted in the midterms is so interesting — and revealing.

American Jews (full disclosure: I'm one) are highly interested and involved in America's Middle East policy, so their opinions matter despite being about **2.2 percent** of the US population. And the polling data suggests they're likely to back President Obama's approach — because they're mostly Democrats.

First, though, a word about the poll itself. It was commissioned by the left-wing Jewish lobby J-Street, which focuses on a two-state solution to the Israel-Palestine conflict. J-Street hired a polling firm to call 800 Jews who voted in the midterms after the polls closed, and asked them 60 questions about the election and American Middle East policy.

***THESE NUMBERS  
ARE ESPECIALLY  
SURPRISING  
BECAUSE  
US-ISRAEL***

# *RELATIONS ARE IN THE TOILET*

The questions about policy itself aren't necessarily the most important part of the poll: it's easy to shift responses to complex policy questions depending on how you word the prompt. Rather, the key points of the poll are the straightforward questions about American Jews' views of Obama and the election. It turns out the most salient point of the American Jewish approach to politics isn't pro-Israel sentiment or greater concerns about terrorism. It's that they're *highly partisan Democrats.*

In the poll, American Jews approved of Obama's job performance by a 57-43 margin. Nationally, Obama's numbers are basically the reverse: Americans as a whole **disapprove by about 42-53**. Moreover, Jews have deeply negative views of the Republican Party, Senate Minority Leader Mitch McConnell, and Speaker of the House John Boehner. Asked to rate their feelings on a scale of zero (very unfavorable) to 100 (very favorable), the respective means for each of those three are 28, 24, and 25.

Moreover, Jews are Democrats for the same reasons other groups of Americans are: domestic policy. While Jews might care more about foreign policy more than your average American, the top three issues for American Jews in the election were the economy, health care, and Social Security/Medicare. Israel barely cracks the top ten.

These numbers are especially surprising because US-Israel relations are in the toilet. One Obama official, fed up with sniping from Benjamin Netanyahu's government, called the Israeli Prime Minister a "**chickenshit**" on the record. National Security Adviser Susan Rice and the Israeli Ambassador are **openly feuding**. Israeli newspaper Ha'aretz just **ran an article** with the headline "Netanyahu rooting for Republicans in the US midterms." Despite all of this public tension, American Jews are still loyal Democratic partisans.

**BOTTOM LINE:**  
**AMERICAN JEWS**  
**ARE DEMOCRATS,**  
**AND SUPPORT**

# *DEMOCRATS FOR PUBLIC OFFICE*

American Jews clearly believe their basic pro-Israel commitments are consistent with being Democrats and Obama supporters — or they care way less about Israel than the level of Jewish activism on the issue would suggest. Either way, the midterms show that fears of a Jewish backlash against Democrats are way overblown.

This gives the Obama administration a freer political hand on issues like the Iranian nuclear program. Given American Jews' strong Democratic identity, the Obama administration and Congressional Democrats don't need to be afraid of alienating a core constituency by pursuing a policy the Israeli government opposes. In fact, zero percent of American Jews in the poll said Iran was a priority in their midterm voting.

Bottom line: American Jews are Democrats, and they support Democrats for public office. Unless the party radically changes its approach to the Middle East, that won't change — and even then, it might not.

*read more*

6 DAYS AGO

ARTICLE

TWITTER

FACEBOOK

GOOGLE+

# 5 reasons why it will be really tough for Democrats to retake the Senate in 2016

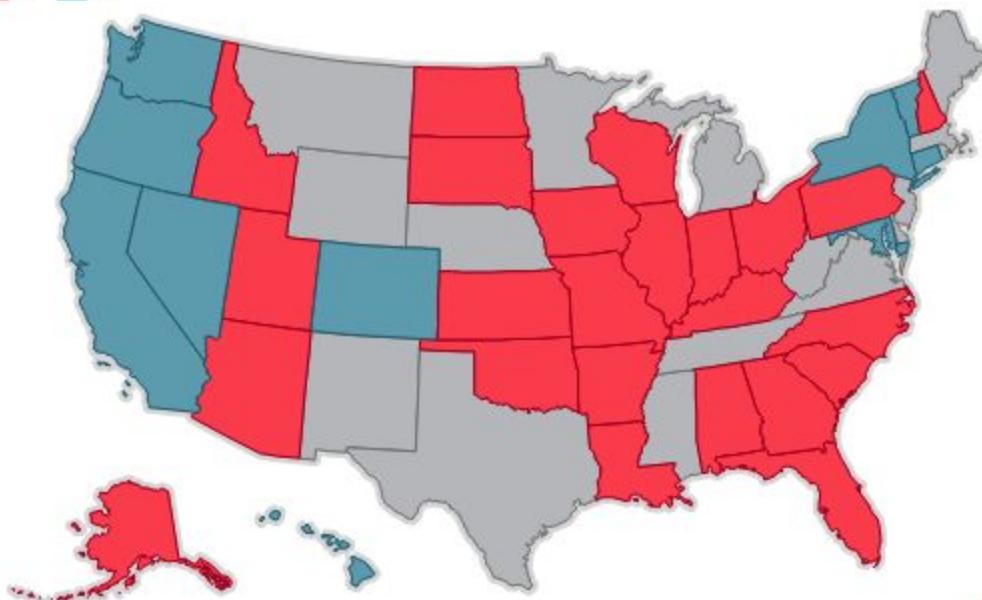
Even before the Democrats won a 55-seat Senate majority in 2012, many analysts agreed that they were likely to lose the chamber in 2014. After all, the party would have to defend seven seats in states that Mitt Romney had won — and against a midterm electorate likely to be more favorable to the GOP.

We're hearing the reverse analysis now, after Republicans just retook the Senate. In 2016, the GOP will have far more seats up — 24, compared to the Democrats' 10. Furthermore, seven of these Republican-held seats are in states that

Obama won twice, and they'll have to be defended amid presidential-year turnout:

## Senate seats up in 2016

■ R ■ D



V

But Democrats shouldn't get too confident.

Here are five reasons why, despite the favorable map, they might not be able to retake the Senate in 2016:

## **1) Democrats will need a net gain of four seats to retake the chamber**



Senators-elect Joni Ernst (R-IA) and Cory Gardner (R-CO). (Tom Williams and Douglas Graham, CQ-Roll Call Group / Getty)

Assuming that Republicans win in Alaska (still not called) and Louisiana (headed to a run-off), the GOP majority will likely end up at 54 seats — thanks to pickups in Colorado and Iowa. That makes things much, much harder for Democrats.

If the Democrats had held the GOP to a 51- or 52-seat majority, it would seem quite likely that they'd manage to pluck off a couple of competitive seats from that favorable 2016 map. But netting four or five

seats (depending on the outcome of the presidential race, they'll need 50 or 51 seats for Senate control) will be more difficult for the party.

## 2) Defeating incumbents is usually difficult

### Losing Senate incumbents

Year	Number
1994	2
1996	1
1998	3
2000	6
2002	2
2004	1
2006	6
2008	4
2010	2
2012	2
2014	5?

Source: Sabato's Crystal Ball



It's not easy to defeat a Senate incumbent. Even in this wave election, Republicans will only have managed to knock off five at the most (Mark Udall, Kay Hagan, Mark Pryor, and probably Mary Landrieu and Mark

Begich). As the above chart shows, the most Senate incumbents who have lost in any one cycle recently is six. Kyle Kondik of Sabato's Crystal Ball has a [useful breakdown](#) of these losing incumbents by party.

Now, those tallies may be a bit incomplete, because some incumbents who believe they might lose opt for retirement rather than another run. But, in general, the tendency of incumbents to win is [well-known](#). So if the GOP manages to prevent retirements in potentially competitive states, Democrats will have to knock off a pretty high amount of sitting senators, historically.

### 3) Many of the GOP incumbents are talented

## 2016 Senate Republicans running in states Obama won twice

State	Candidate
Florida	Marco Rubio
Illinois	Mark Kirk
Iowa	Chuck Grassley
New Hampshire	Kelly Ayotte
Ohio	Rob Portman
Pennsylvania	Pat Toomey
Wisconsin	Ron Johnson

Looking more closely at the Republicans in potentially competitive states next cycle, they don't necessarily seem so vulnerable.

[Pat Toomey](#) (PA) and [Rob Portman](#) (OH) have attempted to portray themselves as moderate pragmatists. The 81-year old Chuck Grassley (IA) has already run six Senate elections, and [he's said](#) he's running again. Marco Rubio (FL) and Kelly Ayotte (NH) are young and talented.

Democrats probably have good chances of defeating Mark Kirk in the very blue state of Illinois, and perhaps Ron Johnson in

Wisconsin. But they'll need more wins than those.

#### **4) Democrats' own seats aren't necessarily safe**



Harry Reid. (Win McNamee / Getty)

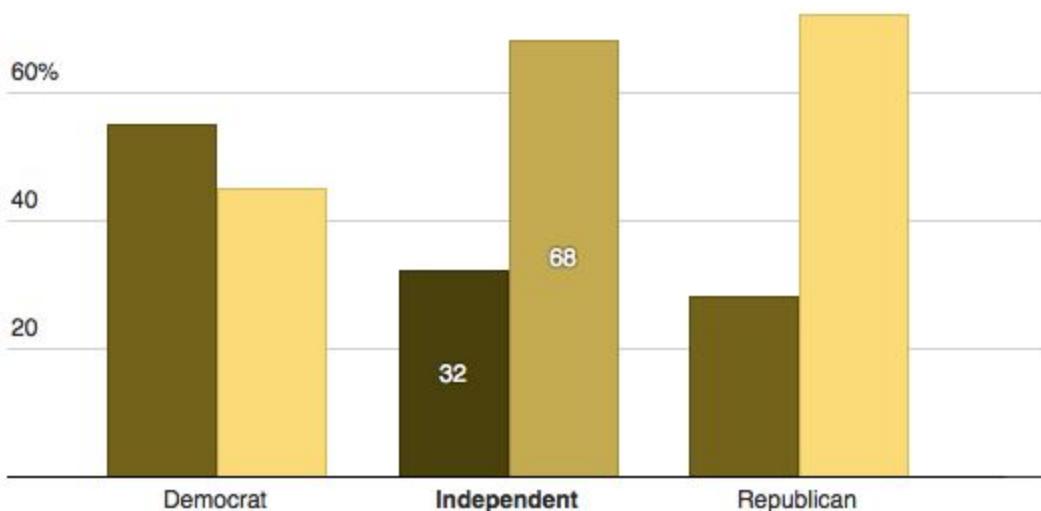
Though the Democrats are defending a mere 10 seats in 2016, some of those are potentially vulnerable as well. Michael Bennet of Colorado can't feel too secure after the defeat of his colleague Mark Udall. Democrat Barbara Boxer is viewed as very

[likely to retire](#), which would set up the first open seat Senate contest in California in decades — sure to be an expensive and high-profile contest. And then there's Harry Reid, who has now lost his majority leader position, and could face a tough reelection fight if he opts for another run.

## 5) The fundamentals still don't look good for Democrats

### How is the economy doing?

■ Good ■ Poor



Source: CNN/ORC International Poll

V

Obama's approval remains [quite bad](#), and independents and Republicans do not think

the economy is doing well, despite improving numbers on some metrics. Unless these perceptions change — which is certainly possible, considering the election is two years off — the case for a GOP presidential candidate will look strong. And that if that candidate wins, he or she will likely have some coattails, and carry Republican Senate candidates to victory in competitive states.

[read more](#)

6 DAYS AGO

ARTICLE



# The Senate can now pass a Keystone pipeline bill. Will Obama veto?

One possible winner in the 2014 midterms?

The Keystone XL pipeline.



Now that Republicans control both the House and Senate, they'll be looking to push a bill to fast-track approval of [the controversial pipeline](#) — which would transport 830,000 barrels of oil per day from the tar sands of Alberta, Canada, down to Nebraska. The pipeline [has been held up](#) by the White House over concerns that expanded tar sands production could exacerbate climate change.

And the GOP might succeed. According to Kate Sheppard, [there are now at least 61](#) pro-Keystone Republicans and Democrats in the Senate. That's enough to overcome a

filibuster by the remaining Democrats, though it's not yet enough to overcome a White House veto (you'd need 67 votes in the Senate for that, and Republicans **will no doubt try**).

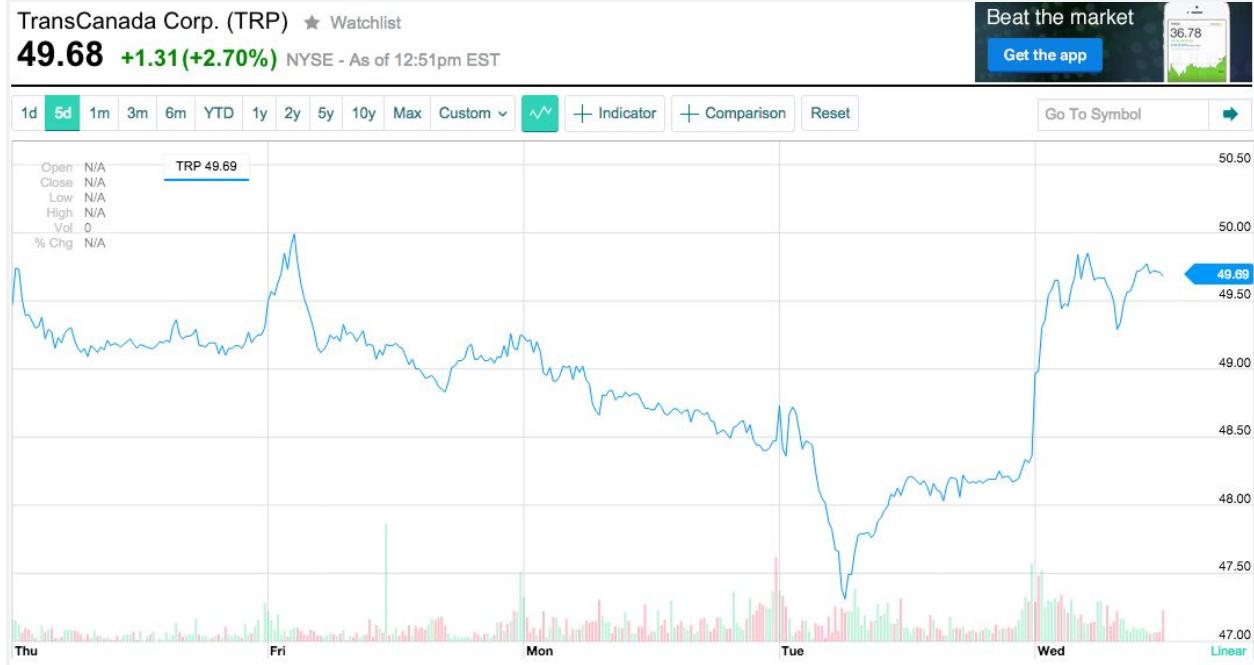
So one big question is whether President Obama would veto. Some onlookers are skeptical he could hold out forever. "People are fed up on Keystone," an aide to a moderate Democratic senator **told my colleague Ezra Klein**. "I don't know how Keystone isn't just approved if Republicans take over."

A lot may depend on the form that the bill takes. If Republicans sent a standalone pro-Keystone bill to the White House, Obama could veto rather easily. But if it was attached to a larger budget bill? If a government shutdown was potentially at stake? That's tougher.

It's worth noting that one key Democratic ally — the AFL-CIO — is already urging the Senate to approve Keystone XL (the union has been in favor of the pipeline for quite some time):

And TransCanada, the company building the pipeline, saw its stock jump after Tuesday's election results (although there

are a couple of other possible reasons for that):



(Yahoo Finance)

Meanwhile, this debate will take place in a world in which **global oil prices are plummeting**. Why does that matter?

Because companies developing the tar sands in Canada need relatively high oil prices to continue production.

When oil prices were very high — up around \$100 per barrel earlier this year — then tar sands producers still found it profitable to ship their extra crude by rail, even if it was a bit pricier than using a pipeline. Keystone XL or no Keystone XL,

the oil was finding its way to market. But now that oil prices are lower — around \$80 per barrel — the **extra cost of rail starts to pinch**. That makes Keystone XL somewhat more important for continued oil production in Canada, raising the stakes for both backers and opponents alike.

**Further reading: The biggest loser in this election is the climate.**

*read more*

6 DAYS AGO

VIDEO



# Personhood lost the midterms battle, but the pro-life movement is winning the war

With defeats in North Dakota and Colorado this election, the **personhood movement** is 0 for 5 since the first attempt in 2008. The ballot initiatives would amend state law to expand the rights afforded to unborn

fetuses. Vox health editor Sarah Kliff explains what the ballot results mean for the future.

6 DAYS AGO

ARTICLE



# The 7 most important midterm election results you might have missed

The [midterm elections](#) really mattered. Not only did they [shift](#) the balance of power at the federal level, but they also affected all sorts of policies at state and local levels — from health care to gun rights.

The local and state issues, unfortunately, don't get as much national media attention. Here are six important things that occurred at the state level last night — all of them arguably as or more important as Republicans taking over the US Senate.

## 1) Republicans came out on top in governor's races



Kansas Governor Sam Brownback beat his Democratic challenger, Paul Davis. (Saul Loeb / AFP via Getty Images)

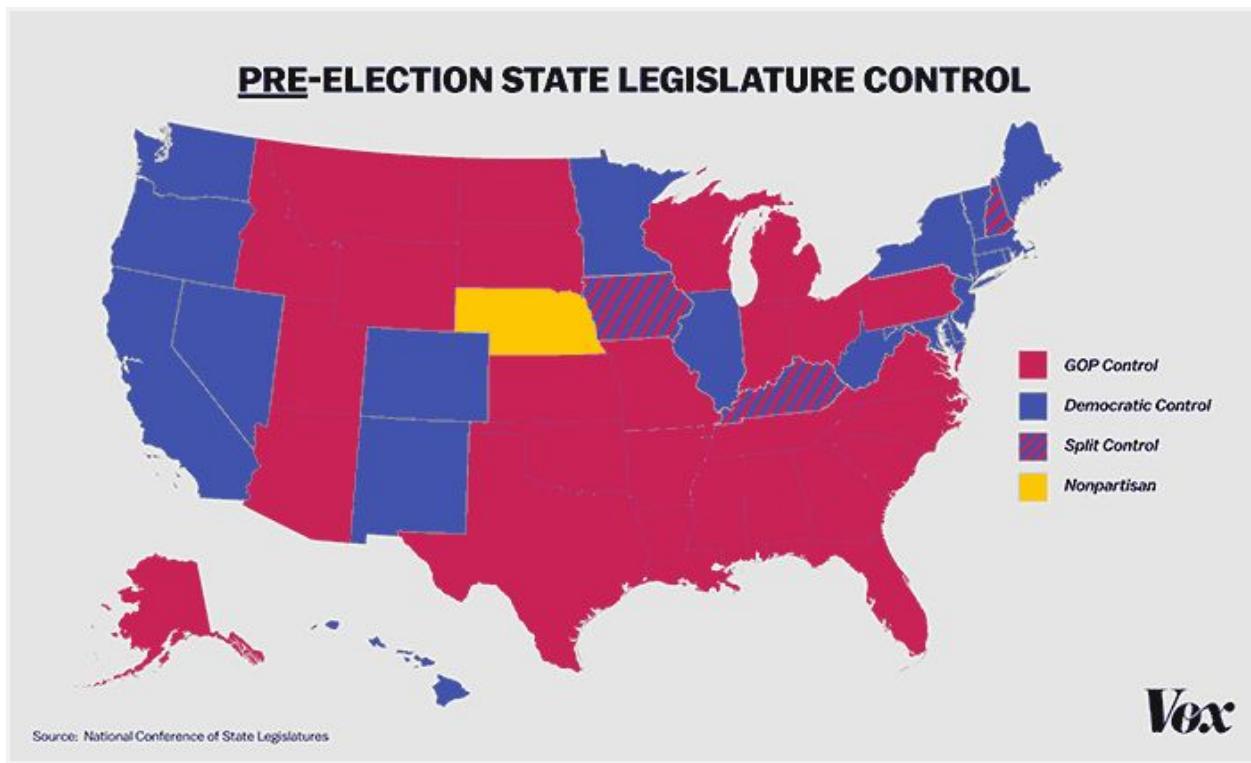
Based on the polling, Democrats were widely expected to face more favorable odds in the gubernatorial races than they did in the US House and Senate. But Republicans actually **won** pretty handily — Larry Hogan, a Republican, won the gubernatorial election in deep-blue

Maryland and Kansas Gov. Sam Brownback, once **considered** a goner, managed to beat his Democratic challenger.

As part of **Obamacare**, state governments are asked to expand their Medicaid programs to include anyone at up to 138 percent of the federal poverty level. If they do, the federal government picks up most of the tab. But 23 states haven't expanded Medicaid, leaving **4.5 million Americans** in what's called a "coverage gap" — they don't earn enough to qualify for subsidized private coverage under Obamacare, but they also aren't eligible for non-expanded Medicaid.

With so many Republican victories, particularly in large states like Florida and Texas, it remains very likely that these Medicaid programs will remain unexpanded — and millions of Americans won't be able to get health insurance as a result.

**2) State legislatures  
remained mostly  
Republican**



Most state legislatures remained under Republican control. That could be a big deal for abortion policy: after major Republican victories in 2010, legislatures passed 205 abortion restrictions through 2013 — more than the 30 previous years combined. Republicans are also more likely to oppose the Common Core, and legislatures can vote for states to drop the education standards.

### 3) Four states approved minimum wage hikes



Dollars everywhere. (Mark Wilson / Getty Images News)

Voters in Alaska, Arkansas, Nebraska, and South Dakota **approved** minimum wage hikes above the federal minimum wage of \$7.25 per hour. All four states are Republican-leaning, suggesting that support for a minimum wage hike is fairly widespread. The approvals continued a chain of victories, reported in greater detail by the **Wall Street Journal**, for minimum

wage measures since 2002. These latest wins indicate that the upward trend for minimum wage will continue, even if Republicans block such bills in state legislatures.

#### **4) North Dakota rejected a big new abortion restriction**



Pro-life protesters rally against abortion rights.

(Brendan Hoffman / Getty Images News)

North Dakota and Colorado **rejected** "personhood" amendments that stated life

begins at conception. As Vox's Sarah Kliff [explained](#), there was some debate about how the North Dakota amendment would affect the legality of abortions in the state: "Supporters of the amendment say that existing protections in North Dakota law would still allow for abortion. But opponents argue that the law is written too broadly and Measure 1 would make abortion illegal. The director of North Dakota's only in vitro fertilization clinic [has said](#) he would close his practice if Measure 1 passed. Embryos are sometimes discarded in treatment and his lawyer has warned that could put workers at risk of legal action."

Meanwhile, Colorado [rejected](#) an amendment that would have added "unborn human beings" to the definition of "person" and "child" in the state's criminal code, and Tennessee [approved](#) an amendment that will let the state legislature pass abortion restrictions.

The losses for restrictions in Colorado and particularly North Dakota indicate that there might be a limit to just how drastically Americans, even in red states, are willing to limit abortion. It also continues what's now become a trend: since 2008, voters have

rejected **all five** personhood initiatives placed on state ballots.

## 5) Washington state approved stricter gun control laws



Pistols and rifles. (Andrew Burton / Getty Images News)

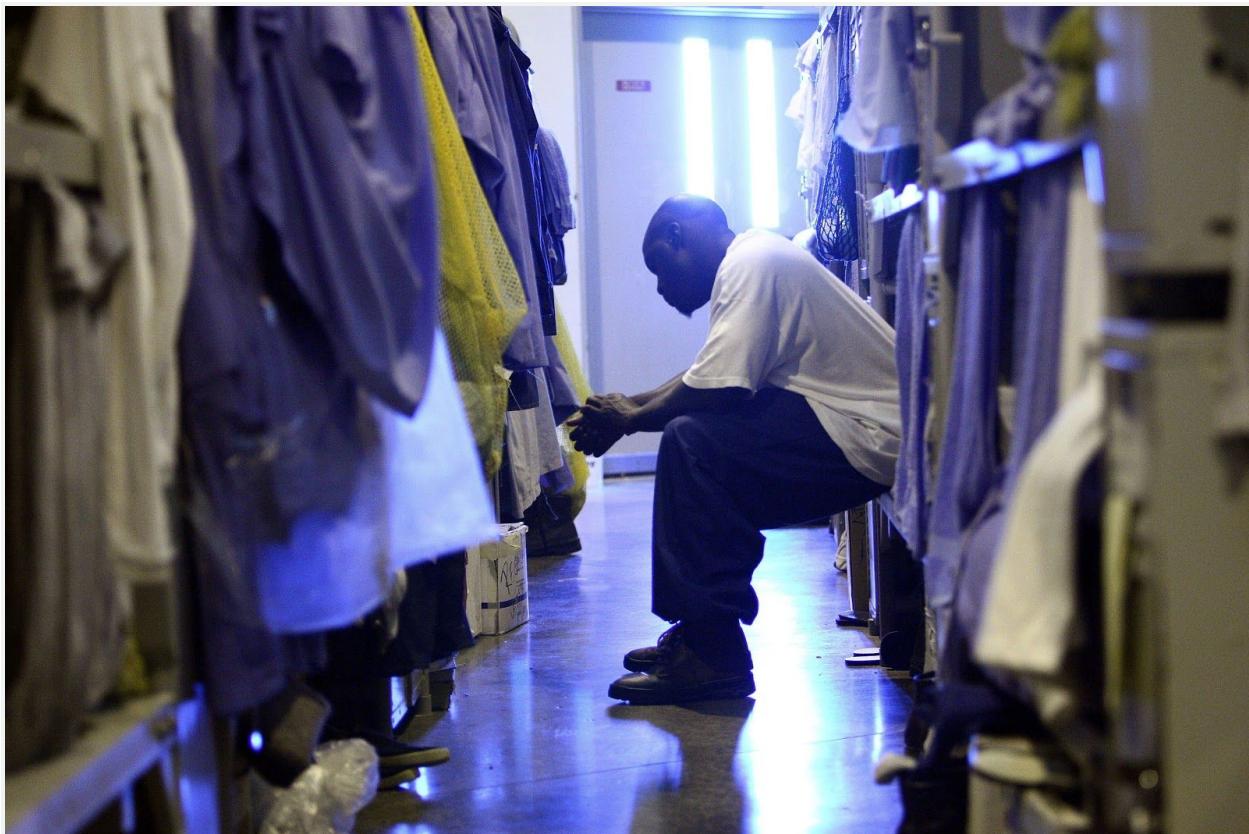
Washington state voters **effectively increased** restrictions on guns by approving one measure and rejecting another. Initiative 594, which voters approved,

directed that all gun sales go through background checks. Initiative 591, which voters rejected, would have prevented the state from implementing any background check laws.

The vote for background checks came just a couple weeks after [a school shooting at Marysville-Pilchuck High School](#) in Washington state, but [Pew Research Center data](#) suggests high-profile shootings don't typically affect views on guns.

The measure could have big implications for advocates in other states looking to push [gun control](#) laws. Although tighter gun control laws are [fairly popular](#), politicians tend to stay away from the issue. But if other states can do what Washington state did on Election Day, then activists won't need to lobby cautious politicians.

## 6) California reduced sentences for nonviolent property and drug crimes



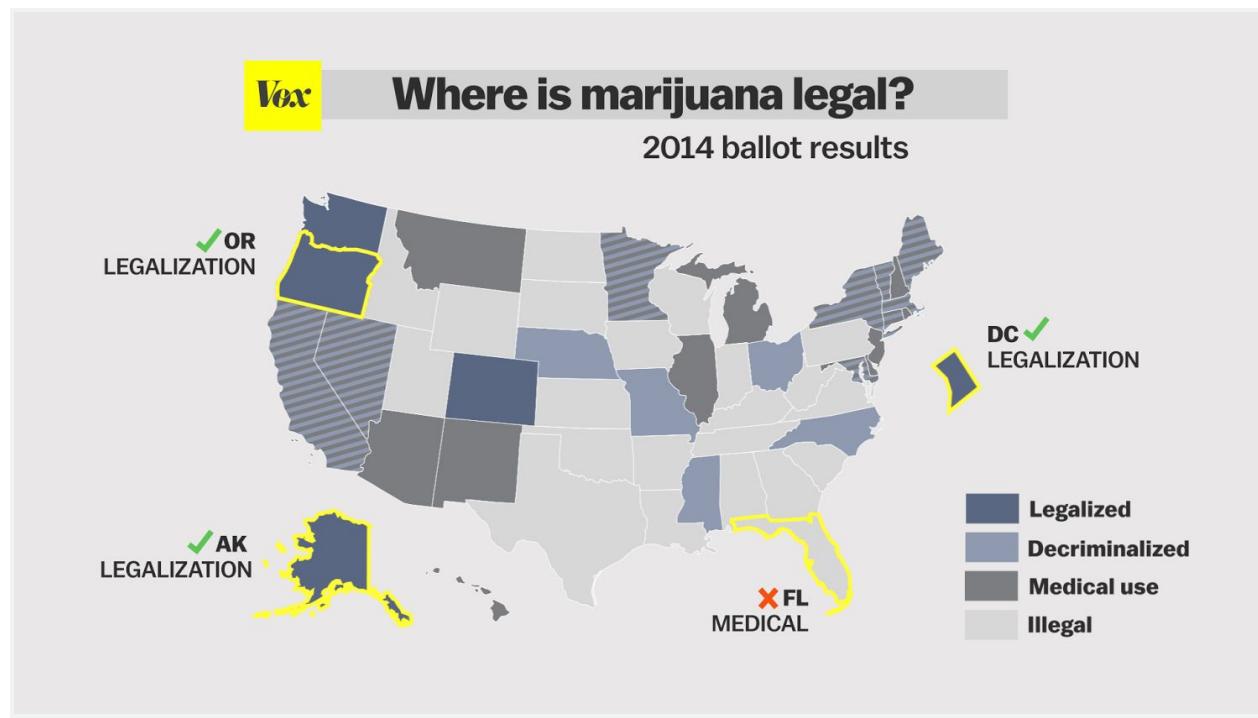
California's three-strike laws helped create an overcrowding problem in state prisons. (Justin Sullivan / Getty Images News)

California voters **approved a measure** that reduces "nonserious and nonviolent property and drug crimes" from a felony to a misdemeanor, which affects current prison inmates. The measure will cut penalties for

one in five criminals in the state, according to [the Los Angeles Times](#).

A [court decree](#) already forced California to cut its prison population. The measure passed on Election Day will likely continue that trend, but policy experts [argue](#) that the state will also need to trim harsh prison sentences for violent offenders as well.

## 7) Marijuana legalization won in Alaska, Oregon, and Washington, DC



In an unexpected sweep, ballot initiatives for marijuana legalization won in [Alaska](#), [Oregon](#), and [Washington, DC](#). The

measures won't take effect immediately. But they do set Alaska and Oregon on track to join Colorado and Washington state, where marijuana possession and sales were fully legalized in 2012.

DC's initiative only legalized possession, growing, and gifting, not sales, but it's widely expected the DC Council will move to set up a regulatory model for businesses in the near future. But the measure will need to clear a congressional hurdle first: Congress has the ability to block the measure, since DC is a federal jurisdiction. The Obama administration has resisted getting involved in DC's local affairs to this point, but a Republican-dominated Congress could tip the scales.

The victories, particularly the widely unexpected win in Alaska, suggest that marijuana legalization is quickly moving forward. Now, the question for drug policy experts and reform advocates is whether legalization should look like **the for-profit, commercialized model** that seems to be taking root in many states — or whether lawmakers should opt for something that won't encourage for-profit companies to potentially take advantage of drug abusers.

*read more*

6 DAYS AGO

ARTICLE



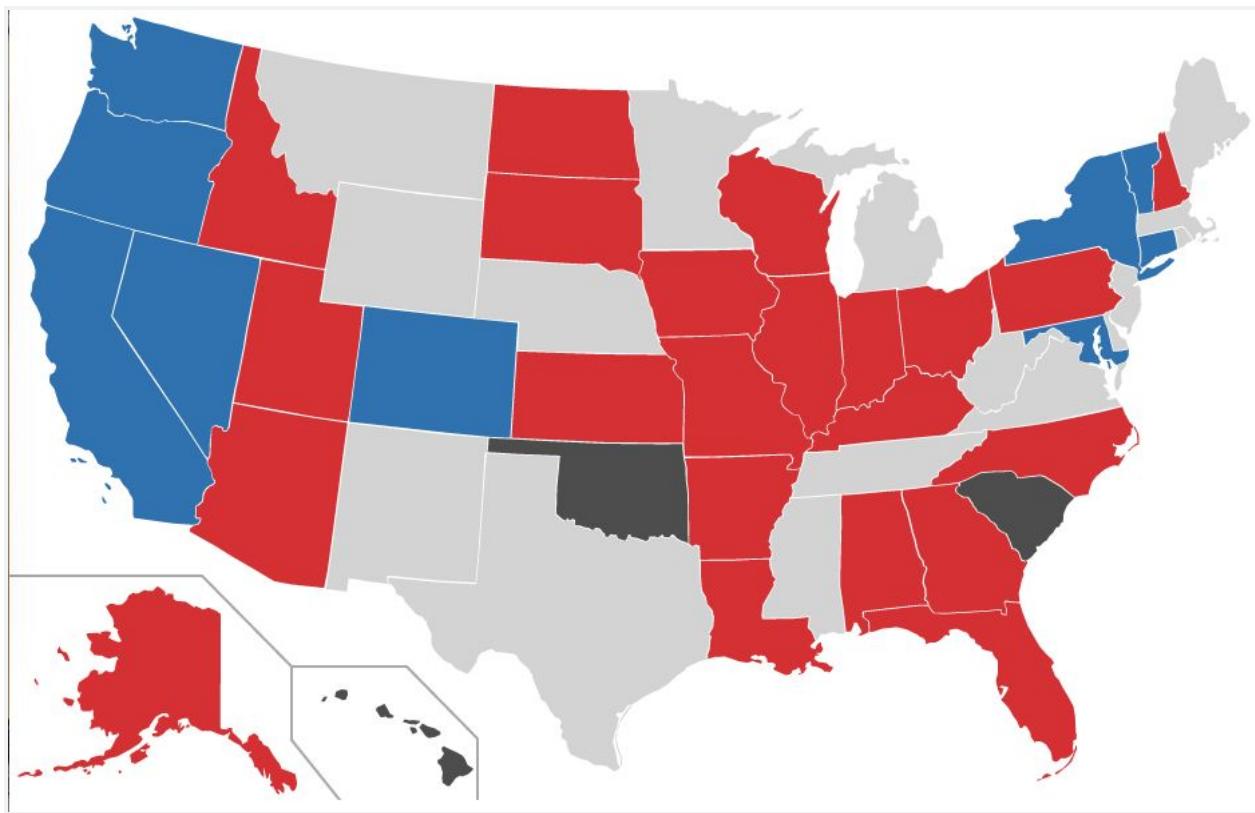
# American politics is descending into a meaningless, demographically driven seesaw

The **2014 midterms** were a perfect storm for Republican candidates. Six years ago, Democrats swept into power across the nation boosted by disgust with George W. Bush and unprecedented enthusiasm for candidate Barack Obama. This week, that huge overhang of seats became a vulnerability, forcing the Democrats to play defense in many tough states. And enthusiasm for Obama was a thing of the past. The unpopular incumbent president powered conservative turnout, while the midterm setting was unfavorable for the Democrats' **boom-and-bust coalition**.

But after the bust comes the boom. Obviously the ultimate outcome in the 2016

election depends on inherently unforeseeable events, but the fundamentals of the race should look very different — and much less favorable to Republicans. But then it's all going to flip again two years later.

## 1) The 2016 map is way better for Senate Democrats



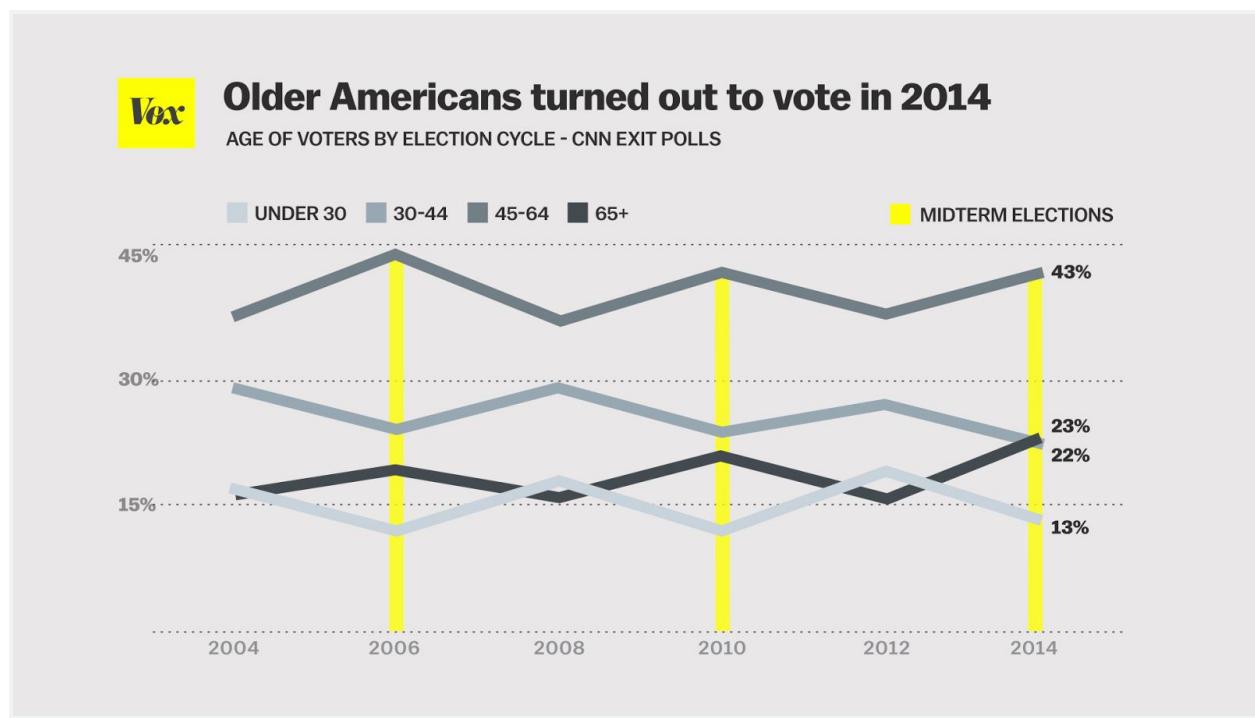
Senate seats up for re-election in 2016. GOP incumbents in red, Dems in blue ([Info por favor](#))

The Senators up for re-election in 2016 will be the ones who took office in 2010 and

2004, both strong years for the GOP. That means Republicans will be playing defense. Illinois is very likely to go to the Democrats. Wisconsin and Pennsylvania are both states with substantial blue tints. The seats in Ohio, Iowa, New Hampshire, and Florida are all very winnable for Democrats, and Missouri, North Carolina, and Arizona are on the board as reach possibilities. Republicans, by contrast, really only have a single pickup opportunity in Colorado.

Even if everything goes great for the GOP campaign-wise, it's hard to imagine them picking up seats, while Democrats are likely to get two or three and could plausibly snag many more than that.

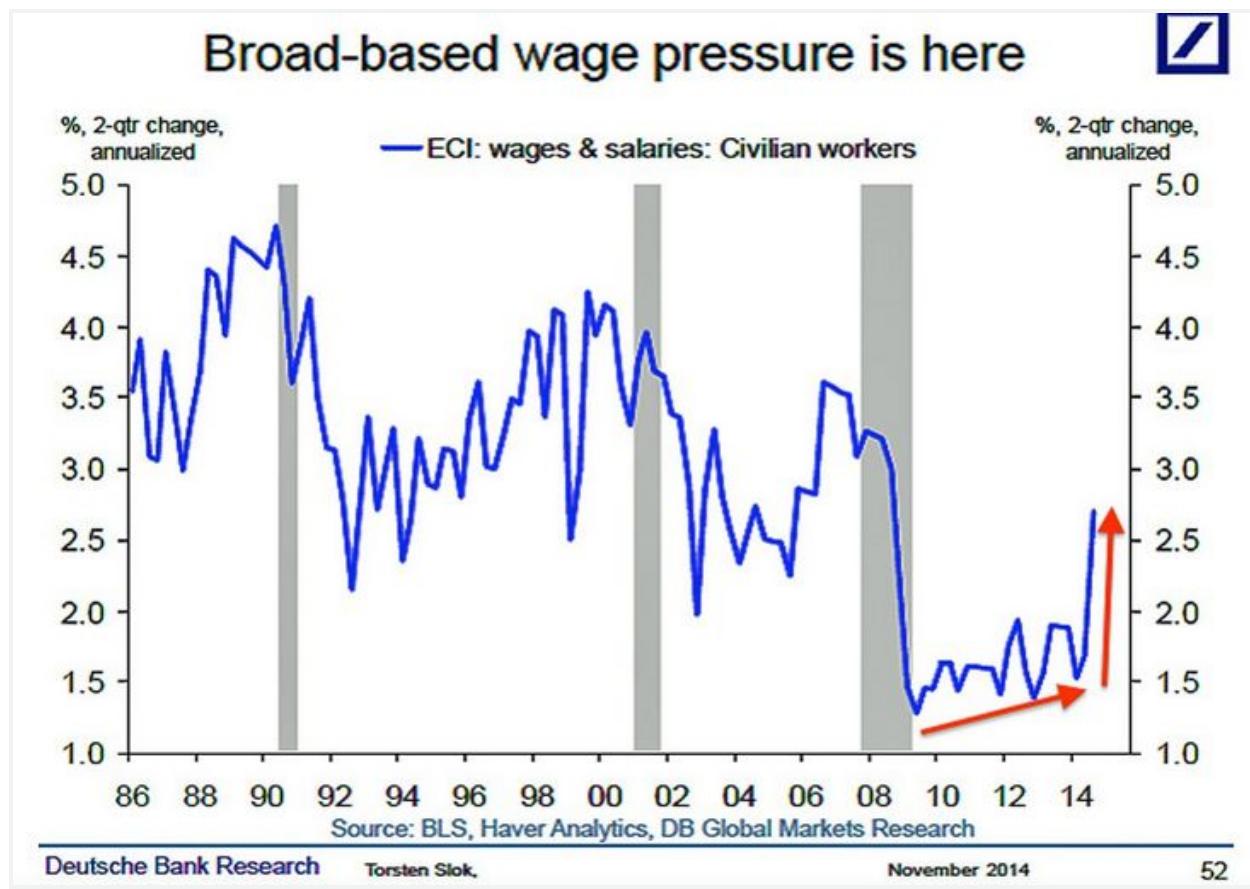
## 2) The 2016 electorate will be more liberal



More people vote in presidential elections than in midterms. And the non-participation is not evenly distributed. Younger people and non-whites are especially unlikely to vote in non-presidential years, and 2014 was no exception to this rule. Since younger people and non-whites tend to vote for Democrats, this means that closely divided states such as Ohio, Florida, Iowa, and New Hampshire have an electorate that leans Republican in midterms and Democratic in presidential years.

This is great news for the Democratic presidential nominee in 2016 (I hear Hillary might run), as well as for various candidates for lower office.

### 3) The economy is getting better

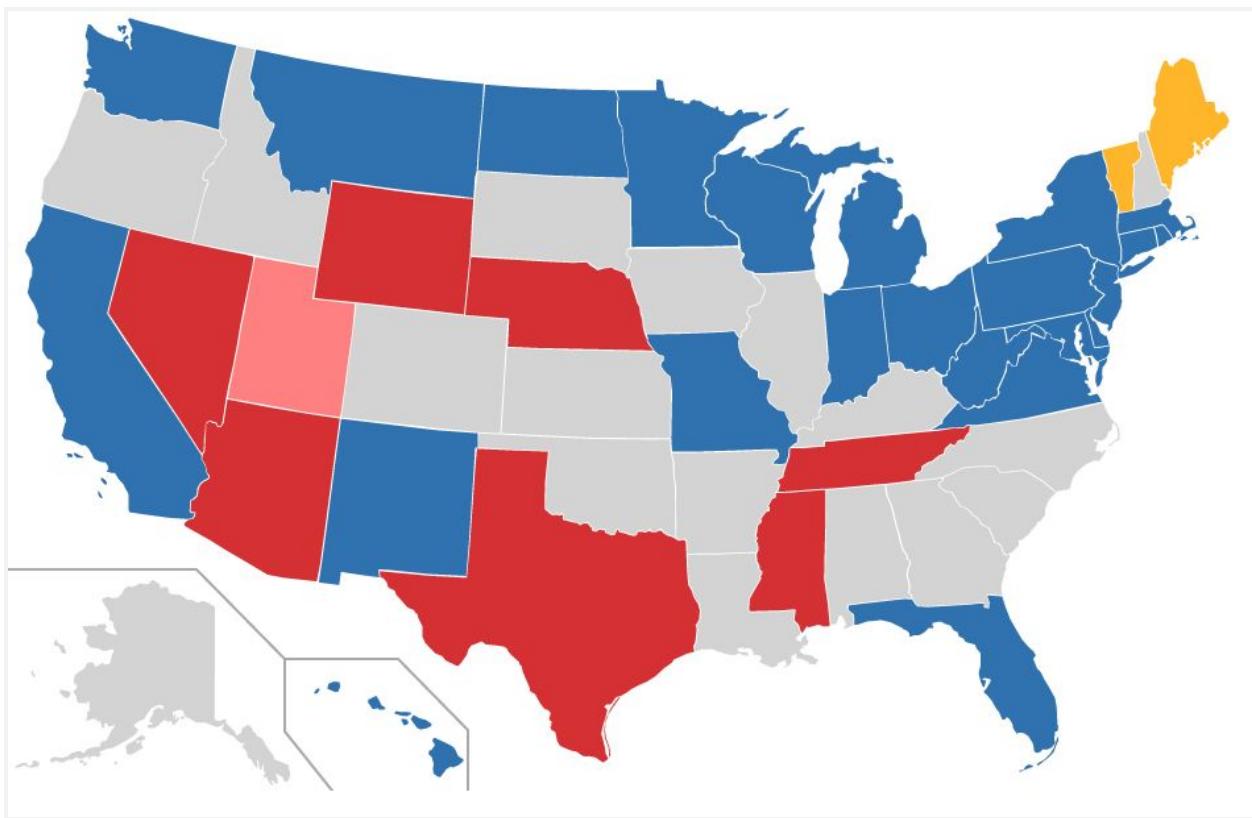


This one is less certain, but one dog that didn't really bite in the 2014 election is the basic reality that by most measures the long-ailing economy is getting better. Democrats didn't get much of a lift from that yet, in part because the economy is still

pretty bad. The unemployment rate is lower and GDP is higher, but so far most of the gains from the recovery have accrued to people who own stock rather than people who work for a living. But there's lots of evidence that this is about to change, and the unemployment rate has finally dropped low enough that employers are facing pressure to start paying more.

Things could easily take a turn for the worse over the next two years, but there are reasons to think the recovery will continue. Slowing growth in China and increasing oil production at home mean that gas prices won't pinch consumers the way they have in the past. And the Federal Reserve shows no sign of being too eager to raise interest rates. By 2016, it's likely that the "improving economy" story will actually be real for middle-class Americans.

#### 4) In 2018, it all flips again



Senate seats up for re-election in 2018. GOP  
incumbents in red, Dems in blue ([info por favor](#))

The joke on America, however, is that four years from now everything will flip again. The 2018 Senate map isn't quite as extreme as the 2012 or 2014 maps, but it's pretty clearly tilted in favor of Republicans. And the midterm electorate will also favor Republicans. I'm not nearly crazy enough to pretend I can tell you how the economy will be doing by 2018, but suffice it to say there

is no historical precedent for the economy lasting that long without a recession.

Demographics aren't strictly destiny. Democrats won big in 2006 despite the midterm electorate and a not-so-friendly map. Events matter. Nobody knows what will happen between now and then. But the 2016 fundamentals will tilt the playing field heavily in the Democrats' direction, while 2018 will do the reverse.

And in a sense, the "endless seesaw" model of American politics makes perfect sense. The presidential and non-presidential electorates look too different for either political party to optimize for both of them. Democrats have built a coalition that's optimized for presidential years, while the GOP has one that's optimized for off-years. And so we're set for a lot of big swings back and forth every two years.

*read more*

6 DAYS AGO

ARTICLE



# The polls were skewed — against Republicans

This year's Senate polls were more picked-over and modeled than ever before — and their final performance was not impressive. Yes, overall the polls pointed toward a Republican Senate takeover, and correctly predicted the victor of nearly every competitive race. (They missed the Republican victory in North Carolina, and most averages incorrectly gave Greg Orman a slight edge in Kansas.) But the margins they were showing were pretty far off the mark — very far, in several instances:



In the chart, I've showed how far off FiveThirtyEight's projected margins were, for simplicity. But in nearly all of these races, FiveThirtyEight's **estimates** were within one to two points of simple poll averages like **RCP**'s and the **other models**

that projected margins. Just before the election, everyone was looking at the same polling.

# *POLL AVERAGES GAVE US NO INDICATION THAT SO MANY SWEEPING REPUBLICAN VICTORIES WERE ABOUT TO OCCUR*

There's no evident pattern to where the polls were the worst. They were way off in deep-red states like Kansas, where independent Orman didn't even come close to winning despite leading most recent polls, and Arkansas, where Sen. Mark Pryor ended up losing by 17 percentage points.

Yet polls similarly underestimated Republican performance in purple states like Virginia —which was far more close than **practically anyone** expected, though Democrat Mark Warner seems to have barely managed to hang on. The same held

true in Iowa, where polls predicted Ernst was ahead by about two. (This means that the famously accurate [Des Moines Register poll](#), which showed Ernst ahead by seven points, has beaten the averages yet again.)

As more votes are tallied it's possible these margins will change somewhat. But these results present new ammunition to the analysts who place less trust in polling averages. When it comes to predicting margins, those averages gave us no indication that so many sweeping Republican victories were about to occur.

*read more*

6 DAYS AGO

FEATURE



# *Marijuana legalization sweeps the 2014 midterm elections*

Several states radically reshaped their approach to marijuana.

[read more](#)

6 DAYS AGO

VIDEO

TWITTER

FACEBOOK

GOOGLE+

# The 2014 midterm elections, explained in 4 minutes

What the hell happened last night? Well, for one, it was a disaster for the Democrats.

Watch Ezra Klein explain five major takeaways about the election.

6 DAYS AGO

ARTICLE

TWITTER

FACEBOOK

GOOGLE+

## Obama's promised to act on his own on immigration. Here's his plan.

With the **2014 midterm elections** over, the Obama administration is turning to its big post-election agenda item: **immigration relief**.

President Obama has promised that he's going to take **executive action on immigration** before the end of 2014. On November 4, when press secretary Josh Earnest was asked about the president's agenda, immigration action was the first (and only) priority he mentioned. Rumor has it that the Department of Homeland Security and the Department of Justice are submitting their recommendations for what exactly the president should do in early November.

(Read More: [9 takeaways from the 2014 election](#))

Obama's anticipated plan is expected to include relief from deportation for millions of immigrants. The new program might build on the **Deferred Action for Childhood Arrivals (DACA)** program from 2012, which allowed young immigrants who would have benefited from the **DREAM Act** to apply for two years of protection from deportation, and for work permits. Or it might take a slightly different form, but one that would still allow some unauthorized immigrants to be protected from deportation, and be allowed to work, without officially giving them legal status.

Now that Republicans have won the Senate, **some are skeptical** that Obama's really going to follow through on major unilateral action. But the administration has promised, explicitly, to do just that. In the meantime, here's what we know the White House is considering, and what looks likely to make it into the final package.



(Erkan Avci/Anadolu Agency/Getty Images)

## How many people could be covered?

Estimates tend to be in the mid to low millions.

Legally speaking, the president could extend deferred action to all 11 million unauthorized immigrants. That would be unprecedented. If he wanted to follow precedent slightly more closely, he could protect all of the 8 million or so unauthorized immigrants who would qualify for legal status under the immigration reform bill the Senate passed last year — just like he used DACA to protect would-be DREAM Act beneficiaries after the DREAM Act failed.

But most policymakers are expecting the plan to help a smaller subset of immigrants. Rep. Luis Gutierrez (D-IL), the biggest Congressional advocate for executive action on immigration, has said that "three, four, maybe even five million" immigrants could be protected if and when President Obama acts.

Immigration activists say that the Department of Homeland Security's recommendations to the White House might protect fewer people than that — one advocate told Buzzfeed that the number

included would be in the "low seven figures," while another said "three million."

It all depends on who exactly is included in the new program, which no one knows for sure at this point.



Immigration protesters. (John Moore/Getty Images)

## Which types of immigrants could be covered?

The president's ability to protect unauthorized immigrants from deportation is supposed to be limited to particularly worthy cases. When the Obama administration instituted the DACA program in 2012, they justified it by saying that they were limiting the program to a particular group of immigrants — and then using the

application process to evaluate individual cases.

Similarly, for this round of immigration relief, the administration will probably carve out one or more groups of unauthorized immigrants who will be eligible to apply, and then set an additional set of criteria that individuals in those groups will have to meet to get their applications approved. Here are some possible groups that could be eligible under a new program:

**Unauthorized immigrants who are married to US citizens or green-card holders.** There are **1.5 million unauthorized immigrants** in the US whose spouses have US citizenship, or at least a green card. These immigrants should be eligible for legal status themselves, but are blocked by rules that make it extremely difficult to get legal status in the US if you've ever been unauthorized — especially if you're not willing to risk leaving the US in the hopes that you might get to come back.

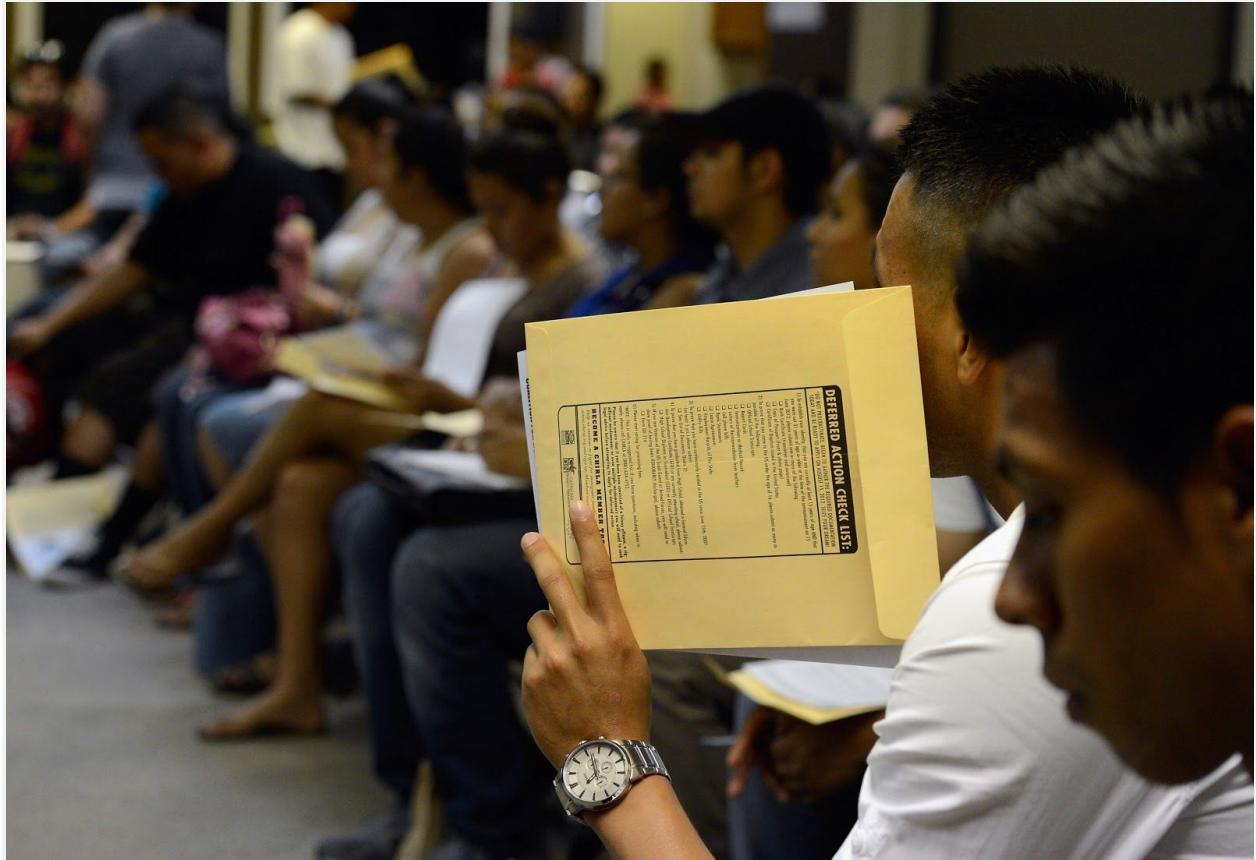
**Unauthorized immigrants whose children are US citizens.** There are **3.8 million unauthorized immigrants** with US-citizen children (in most cases because their kids were born in the US). These immigrants can't get legal status until their children turn

21 — and would then have to deal with the same rules that make it so tough for unauthorized immigrants in the US to get legal status.

**Other unauthorized immigrants with children.** The Obama administration has said that **immigration enforcement shouldn't split up families**, and advocates believe that the only way to guarantee that is to protect parents from deportation. There are 900,000 unauthorized immigrants whose children are not citizens, but are under 18. The administration could also protect the parents of DACA recipients, which could cover several hundred thousand more unauthorized immigrants. According to **Buzzfeed**, advocates aren't sure whether the Department of Homeland Security is including parents of DACA recipients in its recommendations for relief.

**Farmworkers.** Historically, legalizing unauthorized farmworkers has been more popular with Congress than legalizing other unauthorized workers — a bill called "AgJOBS," to grant legal status to farmworkers, has been floating around Congress as long as the DREAM Act. In an op-ed published in **Univision**, Democratic members of Congress, including Minority Leader Nancy Pelosi, argued that Obama

"could recognize that it is 'essential for agriculture' that farmworkers who toil in our fields do so without fear" as part of his executive action.



People attend an orientation class in filing up their application for Deferred Action for Childhood Arrivals program. (Kevork Djansezian/Getty Images)

## **What other requirements would an immigrant have to meet?**

Immigrants won't automatically qualify for legal status if they fit one of these categories. There are other criteria to consider as well. To qualify for DACA, for example, an immigrant has to meet a set of criteria regarding age, education, criminal record, and time in the United States. Not all of those will matter for other groups of immigrants (age requirements will likely be dropped) but others will.

In particular, the administration is expected to require applicants to have been in the US for a certain number of years before they're eligible for relief. The DACA program required immigrants to have been in the US since at least 2007 — five years before the program went into effect. The new policy similarly could say that immigrants have to have lived in the US for at least five years — or it could say they have to have lived in the US for at least ten years, or some other number.

Advocates are very worried that if the administration limits the program to immigrants who have lived in the US since 2004, will disqualify millions of people,

enough to seriously blunt the impact of the program. While **most unauthorized immigrants have lived in the US for over a decade**, some are newer arrivals — or have left the US and returned at some point in the last ten years. Furthermore, it's going to be extremely hard for immigrants to prove when they entered the country without papers.

**Related:**

— [The 2014 elections, explained in 4 minutes](#)

— [The midterms may have killed bold executive action on immigration](#)

— [Why Mitch McConnell may be the greatest strategist in modern American politics](#)

*read more*

6 DAYS AGO

ARTICLE

TWITTER

FACEBOOK

GOOGLE+

# Meet Tom Cotton: Arkansas's next Senator and Rand Paul's worst nightmare

Arkansas elected Republican Rep. Tom Cotton to the Senate on Tuesday, sending incumbent Mark Pryor packing. You might not be surprised that a Republican won in Arkansas in [a heavily GOP year](#), but Cotton's victory is a much bigger deal than you probably think. His [election](#) is a significant step for the future of GOP foreign policy, and thus perhaps for American foreign policy.

(Read more: [Sen. Rand Paul just gave one of the most important foreign policy speeches in decades](#))

Cotton, you see, is the golden child of the Republican party's hawkish establishment. He still calls the 2003 Iraq invasion a "just and noble" war. He's young — just 37 — and fervently backed by some of the most influential conservative figures in the nation.

His Senate victory makes him a serious candidate for an even higher office some day. But even before then, his ascent could represent a larger movement in his party's foreign policy.

This sets him on a collision course with the GOP's other leading young voice on foreign policy: Sen. Rand Paul. One of Paul's top priorities is moving the Republican Party away from George W. Bush's neoconservatism; one of Cotton's is pulling the party back towards it. And given the slate of immediate foreign policy issues facing the Senate, the two are likely to be at odds sooner rather than later.

## Cotton's hawkishness is his defining political trait



Cotton at a campaign event. (Justin Sullivan/Getty Images)

Like much of the GOP class of 2014, Cotton is extremely conservative on domestic policy. He scored a 92 on the influential **Club for Growth's** House scorecard last year, a rough approximation of a member's conservatism measured by their votes on economic legislation. That 92 puts him in

the top 5 percent of most conservative House members.

But it's foreign policy where Cotton really distinguishes himself from the pack. As [the Atlantic](#)'s Molly Ball breaks down in a fascinating profile, the Senator-elect's career began in 2006 with his criticism of the New York Times for revealing a clandestine US spying program targeting terrorist finances. "By the time we return home," he [wrote](#) to the Times reporters, "maybe you will be in your rightful place: not at the Pulitzer announcements, but behind bars."

**"I THINK THAT  
GEORGE BUSH  
LARGELY DID HAVE  
IT RIGHT"**

At the time, Cotton was a lieutenant serving in Baghdad. When his letter was published on the conservative blog [Powerline](#), it went the 2006 equivalent of viral and Cotton became a conservative media darling. He began corresponding with Bill Kristol, the editor of the flagship neoconservative

publication, the Weekly Standard. According to Ball, Kristol and Cotton developed what the former calls "a bond beyond pure policy" over their shared foreign policy views. Like Kristol, Cotton believes that aggressive American force against rogue states and terrorists is the only way to keep the world safe.

"I think that George Bush largely did have it right," Cotton said, "[in] that we can't wait for dangers to gather on the horizon, that we can't let the world's most dangerous people get the world's most dangerous weapons, and that we have to be willing to defend our interests and the safety of our citizens abroad even if we don't get the approval of the United Nations."

Cotton's foreign policy hawkishness, and his backing from the neoconservative establishment it's brought, have helped shape his political persona. "Cotton has staked his young political career on a staunchly assertive, activist view of American military power," **Politico**'s Alexander Burns wrote in a 2013 profile. For conservatives who support an aggressive foreign policy, "there is no Republican under the age of 40 with more riding on his career than Cotton," Burns concludes.

## Rand Paul and Tom Cotton are natural rivals



"Come at me, bro." (Jessica McGowan/Getty Images)

If Senator Cotton will be the avatar for a new generation of neoconservatives, then Rand Paul seems bound to quickly become his greatest foe within the party.

Paul's late October **speech on world politics**, widely understood to be a preview for his 2016 foreign policy platform, took a number of undisguised shots at people with Cotton's views. "We will not instigate war," Paul **said**. "Americans yearn for leadership and for strength, but they don't yearn for war."

While Paul wants to put tight legal limits on America's targeted killing program, for example, **Cotton supports expanding the drone war**. While Paul **opposes** getting more involved in the wars in Syria and Iraq, Cotton is **open to deploying ground troops** to fight ISIS. On essentially every major issue of war and peace facing the

country, Cotton and Paul's instincts run opposite ways.

The contrast even extends to their styles and backgrounds. Paul acts **like an everyman**; Cotton boasts two Harvard degrees. Paul **jokes** about being an ophthalmologist dabbling in foreign policy; Cotton talks up his military career.



Cotton in uniform. (Tom Cotton)

These differences are more than just stylistic. Paul's views on foreign policy are idiosyncratic; he's the heir to a **long and diffuse tradition of grassroots non-interventionism on the American right**, but is trying to invent a new version of the doctrine that can appeal to the American mainstream.

Cotton, meanwhile, studied the neoconservative icon Leo Strauss at Harvard. Cotton's Strauss-inflected senior thesis amounts to an extended defense of the theory that intellectually gifted elites should rule. "Such men rise from the people through a process of self-selection since

politics is a dirty business that discourages all but the most ambitious," he writes. Now, that sentence was intended merely as a description of the views of some American founders. But according to Ball, the entire thesis is dedicated to defending precisely their ideas about the superiority of public officeholders.

Paul, on the other hand, is a populist, including in foreign policy, attempting to harness public discontent with America's last decade of war for his campaign to remake the Republican party. Cotton, meanwhile, represents the Republican elite's best face: a smart, polished, consummately connected advocate for America's national security state. And now the two will be facing off on the Senate floor.

## **They're about to come to blows over Iran and ISIS**



Obama on the phone with Iranian President Hassan Rouhani. (Pete Souza/White House/Getty Images)

It shouldn't take very long for the latent Paul-Cotton tension to become overt political conflict. Immediately after the midterm elections, the Senate is going to be forced to address two major foreign policy issues. Both will likely still be unresolved by the time that Cotton takes office in January.

November 24 is the **latest deadline** for reaching a deal in the ongoing negotiations between the United States and Iran over Iran's nuclear program. The two countries will likely miss the deadline, but either way Iran's nuclear program will likely be a defining foreign policy issue in Obama's second term.

Congress has a **huge role to play on Iran**. The American negotiating position is that, if Iran agrees to sufficiently limit its nuclear development, the United States will lift economic sanctions and move towards more normal diplomatic relations. But Iran sanctions are enshrined in legislation. If Congress wants, it can prevent Obama from relaxing sanctions. It can even impose new sanctions while Obama is negotiating, potentially torpedoing the talks by convincing Iranians that the president can't deliver on sanctions relief.

**THERE'S NO DOUBT**

**THAT THE TWO WILL**

**COME TO BLOWS IN**

**A HIGH-PROFILE**

**WAY**

Naturally, Cotton and Paul have opposing views here. Paul supports a negotiated solution to the Iran crisis. Cotton said that the interim agreement with Iran reached last fall was **worse than Munich**.

The question of what to do about ISIS will also put Paul and Cotton at odds. House Speaker Boehner **wants** to save a vote on giving legal authorization for Obama's military campaign against the group until after the lame duck session — that is, after Cotton takes up his position in the Senate. That means that, even if the Senate votes on the issue sooner, the Republican-controlled Senate will likely have to revisit authorization in January.

In this debate, Paul will likely push for the most limited possible language, while Cotton **will be pressing** to give the executive as much leeway to wage war as

possible. Both care about this issue, care about getting some foreign policy profile, and think about US policy toward ISIS very differently.

And there will be other issues. Funding for Syrian rebels, the Ukraine crisis, and NSA spying could all conceivably come to the front of the national security docket. Each one will likely see Paul and Cotton on opposite sides, attempting to sway their fellow Senators and the GOP base to their point of view.

## The stakes: the GOP's foreign policy soul



Shaaaaaaaade. (Brendan Hoffman/Getty Images)

For the next two years, Paul will be laying the groundwork for his 2016 run for president. In order to do that, he'll need to persuade Republican elites — donors, media figures, political operatives, and the like — that he can and should win. This

means selling them on his foreign policy vision.

Cotton may well prove one of the biggest obstacles to Paul's campaign. At the same time that Paul is attempting to push the party in a non-interventionist direction, or at least sell the party on letting him possibly lead them that way, Cotton will be tugging as hard as he can in the other direction. Either overtly or implicitly, his efforts will work against Paul's shadow campaign. The more interventionist the GOP center of gravity is, the more danger Paul faces in the so-called "**shadow primary**" where elites decide whom they ought to support.

So this is about Paul's bid for the presidency — and, by extension, the GOP's foreign policy soul. If Paul wins the primary, then the GOP and its elected officials will have to line up behind him. That will mean defending his foreign policy against Democrats, who will likely blast Paul from an interventionist point of view, especially if Hillary Clinton is the Democratic candidate. The entire Republican center of gravity on foreign policy could shift.

Republicans such as Cotton will be much less welcome in that GOP. So they'll fight Paul tooth and nail to make sure it won't

happen. Cotton's ascension to the Senate, then, opens one more very prominent front in the Republican civil war.

[read more](#)

6 DAYS AGO

ARTICLE

TWITTER

FACEBOOK

GOOGLE+

# The midterms may have killed bold executive action on immigration

Throughout the fall, President Obama has **said** that after the **midterm election** he would **use his executive authority** to create a **fairly broad** program to immunize many otherwise law-abiding undocumented immigrants from deportation. On Election Day itself, spokesman Josh Earnest **reiterated** that this is happening between now and the New Year.

I'm just not sure I believe him.

# CAN YOU REALLY CRY OBSTRUCTION RIGHT AFTER LOSING AN ELECTION?

Not that I doubt the president's sincerity. I haven't gazed into his soul on the subject, but the best read I have on White House officials is that they genuinely believe that they are going to do this. Chief of Staff Denis McDonough **has explicitly reassured** Congressional Hispanic Caucus members that there will be no flip-flop, and other administration officials have said the same to a variety of relevant players on and off Capitol Hill. I just think they may be mistaken about their own likely behavior.

Given the GOP takeover of the Senate, I just think it's likely that Democrats will survey the post-election landscape and have a change of heart. That probably won't mean a complete betrayal of the promise. But instead of the kind of broad action advocates are hoping for, it's likely that we'll end up with something cosmetic like yet another reboot of the **secure communities**

**initiative** or another effort to **better explain** and clarify its existing memos about priorities.

To see why, just think about the speech that the president *would* have given had he announced this initiative back in June. He would have said that immigration reform was a pressing problem. He would have praised the Senate for passing a bipartisan reform bill with an overwhelming majority behind it. He would have noted that the House of Representatives had refused to bring *any* kind of immigration legislation to the floor. He would have argued that the public was behind him, and made the humanitarian case for action, and flagged the business community's desire for reform. He would have bemoaned Republican obstructionism. And he would have plowed ahead with a controversial expansion of executive authority.

His argument, in other words, would have been that House Republicans were obstructing something the public, the business community, and even a bipartisan majority of the Senate wanted. But can you really cry obstruction right after losing an election? Republicans are now able to claim not just that Obama was stretching his authority in a novel way, but doing so

specifically to overturn an adverse result in the midterms.

"When I take executive action, I want to make sure that it's sustainable," Obama told NBC's Chuck Todd in September, explaining his deliberate pace. Does action really look *more* sustainable today than it did back then?

Even with control of the Senate, the GOP can't stop Obama from following through on his promise. But [as Brian Beutler has](#) written, with the Senate in Republican hands come the New Year, they'll be positioned "to place 'executive amnesty' at the center of proximate fights over funding the government and increasing the debt limit."

The basic dynamic from the summertime where Democratic Senators from states with low Latino populations aren't eager to have a huge throwdown over the issue remains in place. Can Obama really count on Democratic Senators from West Virginia, Indiana, Missouri, North Dakota, and Montana to stick with him on the issue? And if they start to break, won't Angus King, Debbie Stabenow, and Sherrod Brown also have some doubts?

Of course the administration won't say that broad executive relief is dead, just as they didn't say it the last time they delayed it. They'll simply say what they said the last two times, namely that the time isn't right. The problem is that there's never a perfect time to take a controversial unilateral action on immigration. So far, with every passing month, the circumstances have gotten less ideal, not more. A sweeping electoral win in 2016 — a by no means unlikely outcome — would change that. But nothing else will.

*read more*

6 DAYS AGO

ARTICLE



# Abortion opponents have lost 5 out of 5 personhood votes

Anti-abortion activists have pushed for "personhood" in five separate ballot initiatives since 2008. These amendments

would likely restrict abortion access as they give unborn fetuses more rights.

Five times now, those amendments have failed, with voters in North Dakota and Colorado rejecting personhood ballot initiatives on Tuesday night. These amendments have failed even in conservative strongholds like Mississippi, which rejected a personhood amendment in 2012.

These efforts have been criticized as too vague and imperfectly worded — even by those within the pro-life movement. But since 2008, activists have continued to pursue these efforts as a way to assert a deeply held belief that life begins at conception. In the wake of two more defeats, here's a quick guide to the personhood movement: where it started, how it works, and why its measures keep failing.

## **1) Personhood ballot initiatives aim to expand human rights to unborn fetuses**

The personhood movement arguably started in 2008 with Kristi Brown (who then went by her maiden name, Burton).

Then a 21-year-old law student and anti-abortion activist in Colorado, Brown wanted to see the pro-life movement push to codify in state law the belief that life begins at conception. She described her initial ballot initiative in an interview with Newsweek as laying the "foundation for voters to direct their legislatures and courts to do everything they can to protect life."

The language of subsequent personhood ballot initiatives have looked different depending on the state or the amendment. But what personhood initiatives have in common is that they aim to ascribe additional rights to a developing human life that's still in utero. The general idea is to change the definition of when a "person" becomes a person and give some of the protections that people get to fetuses in the womb.

## **2) What did the Colorado and North Dakota initiatives say?**

The initiatives in North Dakota and Colorado worked a little differently. North Dakota's Measure 1 would have added a paragraph to the state constitution defining life as beginning at conception. This sentence was the core of the amendment: "the inalienable

right to life of every human being at any stage of development must be recognized and protected."

North Dakota Choose Life, the group behind Measure 1, **argued** that its ballot initiative was not a personhood amendment because "it does not confer legal rights on anyone." Most news organizations, however, described it as a personhood initiative because it appeared to have the intent of increasing the rights of a fetus before birth. And North Dakota Measure 1 **was supported** by national group Personhood USA.

Colorado's Amendment 67 would have added "unborn human beings" to the definition of "person" and "child" in the state's criminal code. It took a more specific approach than the North Dakota effort, which, as a proposed new clause in the constitution, seemed as if it would have affected all of the state's laws and regulations.

### **3) The three previous personhood ballot initiatives all failed**

Before this year's failed initiative, Colorado **voters rejected two other** personhood

ballot initiatives, once in 2008 and again in 2010. In both years, the measures failed by double-digit margins.

Mississippi voted on a personhood ballot initiative in 2012. It [failed, too](#), with more than 55 percent opposing the amendment. Legislators have introduced personhood bills in [Oklahoma](#) and [Virginia](#) but neither passed.

#### **4) Are all people on in the pro-life community on board with personhood ballot initiatives?**

Much of the support for personhood ballot initiatives comes from activists who think the pro-life movement is moving too slowly and incrementally. Instead of passing small abortion restrictions (such as waiting periods and parental notification laws), it makes more sense to pass something sweeping, they argue: new state laws that codify the belief that an unborn child is a person.

Large pro-life groups like Americans United for Life and the National Right to Life Committee have not endorsed personhood ballot initiatives. Part of this is politics: some worried that the amendments (which

opponents call draconian abortion bans) will fail so badly they're not worth the effort, and that they will only prove an embarrassment.

And there are also some policy disagreements about what it would actually mean to give personhood rights to fetuses and whether that could have unintended consequences, such as disallowing certain types of birth control. This was what Colorado's new senator, Cory Gardner, a Republican, was getting at in March when he withdrew his support for Amendment 67.

"This was a bad idea driven by good intentions," Gardner **told** the Denver Post. "I was not right. I can't support personhood now. I can't support personhood going forward. To do it again would be a mistake."

This year's Colorado amendment — which is a less expansive version of the initiatives that failed in 2008 and 2010 — did break through this divide a bit. **One leader** of the National Right to Life Committee endorsed the effort, although the group itself has not taken a position.

## 5) Nobody fully understands what it would mean to give unborn fetuses personhood rights

Because no state has ever granted personhood rights to unborn fetuses, it's really unclear how any specific amendment would work in practice. This was especially true with the North Dakota amendment, which didn't give any particular rights to fetuses but instead required "the right to life of every human being at any stage" to be "recognized and protected."

Supporters of both the Colorado and North Dakota initiatives argued that existing protections would still allow for legal abortion. [Roe v. Wade](#), for example, protects legal, elective abortion during the first trimester of pregnancy. Choose Life North Dakota [said](#) that protection supersedes any state laws.

But opponents argued that the amendment was written too broadly and that personhood laws would make abortion illegal. The director of North Dakota's only in vitro fertilization clinic said that he would close his practice if Measure 1 passed. Embryos are sometimes discarded in treatment, and his lawyer warned that the

practice could put workers at risk of legal action.

"We are covered for malpractice but criminal charges? We're on our own," Steffen Christiensen, who directs the clinic, **told ABC News** before Election Day. "Sooner or later, someone would try to make an example of us."

*[read more](#)*