Divided Legislatures Nothing New
By Michael Bitzer

With the historic agreement in the North Carolina State House, the Tar Heel State enters into what many believe is uncharted legislative and political waters. For the first time in its 227-year history, the lower chamber has created a power-sharing approach to governing. But this is not new territory for other states; in fact, many states are increasingly confronting the issue of evenly divided chambers, and are coming up with creative, and at times unusual, approaches to governing. But arriving at who chairs what committee, and who bangs the gavel, is the easy part. The hard part lies in the actual shared governing.

While a new experience for Tar Heel legislators, other states have confronted divided chambers. Since 1966, thirty-three chambers have experienced deadlock; and according to the National Conference of State Legislatures (NCSL), the nation has experienced one divided chamber following every even-year election since 1984. This legislative division can be diagnosed as symptomatic of the American electorate finding itself more and more divided between the political parties. Yet this year, Tar Heels are not alone; Oregon’s state senate is also evenly divided.

Our state’s lower chamber followed the most accepted form of breaking legislative ties, by creating a power-sharing arrangement. With dual speakers and committee chairs, Tar Heel politicians reached across the aisle to compromise. Other states, by using the “co-” agreement approach, have also included time requirements on leadership positions. Facing divided chambers, Indiana, Nevada, and Washington changed their leadership posts on a daily basis, while New Jersey alternated every two months.

Other states have used more innovative methods to break the deadlock. According to the NCSL, three states have adopted laws that provide direction in an evenly divided chamber. Indiana adopted a law requiring the house speaker to be from the governor’s political party, if the governor was up for election. If the chief executive did not stand for election, then the speaker would be from the party of the secretary of state.

Instead of utilizing the “if ‘A’, then ‘B’” approach, Wyoming used a simpler method of break ties: a coin-toss. While many would consider this the most “extreme” approach to solving the deadlock dilemma, two other states (Florida and Maine) used a “forced resignation” approach: after signing a non-revocable agreement, one party’s leader would serve for one year, and step down for the leader of the opposition to take over the reins of power.

But while many states have found unique ways to deal with leading a divided chamber, the hard part comes after the agreement is made: in actually governing. After being sworn in, N.C. Speakers Black and Morgan spoke of ensuring “a level of trust” between the two leaders and their parties. And in the art of politics and governing, trust is a precious commodity. But as both leaders also recognized, much can potentially come out of a power-sharing agreement—as long as the requisite trust is evident.

When asked by the NCSL, legislators and staff under power-sharing arrangements responded that the situation produced “better than expected” results. As any scholar of American government has noted, the art of compromise is critical.
whenever power is dispersed among different actors. Along with compromise, cooperation and understanding on both sides are necessary to ensure that the legislative process does not end in gridlock.

But in North Carolina, as well as other states around the country, one issue above all else has the potential to cause a massive logjam. With experts believing that North Carolina government will soon face a $2 billion shortfall, Tar Heel representatives must expend more than just compromise and cooperation—they must exert a level of patience not normally found in a process that is like making sausage: lawmaking can be an ugly production to watch even in the best of times. For state governments, the budget process is often the baseline for all other operations and services, and this year’s red ink promises to test the “level of trust” among members of the General Assembly.

Tar Heel representatives must work not only together, but continue to address their constituents regarding the impact that the growing deficit will have on services and activities of their government, and how best to meet the growing demands with shrinking resources.

In the end, members of the State House will look back over this historic session in two possible ways. At the session’s close, they can reflect by acknowledging the difficulty in governing an evenly divided chamber, and yet still find a way to serve their constituents and government. The other is to look back and see a damaged and scarred session of rancor and distrust. Either way, Tar Heel legislators will probably hope that it never happens again—or they may ask, “anyone got a coin?”

Michael Bitzer is a visiting instructor of political science at Catawba College in Salisbury, N.C. A doctoral candidate at The University of Georgia’s School of Public and International Affairs, he conducts research on state legislatures and Southern politics.