

LGE-KU
2012 Kentucky Report

Background

Kentucky's November 2011 general election saw Governor Steve Beshear (D) easily win reelection over Senate President David Williams and lead Democrats to a near sweep of constitutional offices. Former Representative James Comer's win in the race for Agriculture Commissioner was the only Republican victory.

Following statewide elections in late 2011, Kentucky held May primary elections for candidates for Congress, the state House and the state Senate.

Congressional Races

4th District - Of all the Congressional races on Kentucky's primary ballot this year, the most watched race was the contest to replace retiring Republican Congressman Geoff Davis.

The Republican race was between the GOP establishment and the Tea Party, with Tea Party candidate Thomas Massie running away with the victory in a seven-candidate field. The district is overwhelmingly Republican, giving Massie a huge advantage in the November election against Grant County Democratic Party Chairman Bill Adkins.

1st District - Little known Democrat Charles Kendall Hatchett of Benton defeated James Buckmaster of Henderson to be the Democratic nominee in the fall to take on nine-term Republican Congressman Ed Whitfield.

3rd District – Three-term Democratic Congressman John Yarmuth of Louisville overwhelmingly defeated a token primary opponent in Burrel Charles Farnsley, a perennial candidate. Yarmuth does not face a Republican opponent in November.

5th District -- Kenneth Stepp of Manchester narrowly defeated fellow Democrat Michael Ackerman of Morehead to challenge Republican House Appropriations Chairman Hal Rogers of Somerset.

6th District – In the race to challenge four-term Democratic Congressman Ben Chandler, three Republicans squared off in the central Kentucky district that is centered around Lexington. Republican lawyer Andy Barr handily defeated two other fellow challengers, software engineer Patrick J. Kelly II and horse farm owner Curtis Kenimer. Barr, who narrowly lost to Chandler by less than 600 votes in 2010, garnered more than 80 percent of the vote in this year's primary.

There were no contested primaries in the 2nd District, although Republican Congressman Brett Guthrie faces token opposition in the general election against perennial candidate David Lynn Williams (D), who is no relation to state Senate President David Williams.

Kentucky State Senate

Half of the Kentucky State Senate – 19 of the 38 seat membership – is up for election this year.

- Ten of those seats are currently held by Democrats and nine by Republicans.
- Six incumbents are running unopposed: 4 Democrats and 2 Republicans.
- The other 13 Senate races are contested: 6 currently held by Democrats and 7 held by Republicans.
- Four incumbents had primary opponents: 3 Republicans and 1 Democrat. All won easily.
- There are 4 open seats: 3 vacated by retiring Republicans and 1 by a retiring Democrat.
- 5 Senators had no primary, but face a challenge in the November election. They include 4 Democrats and 1 Republican.

The Kentucky Supreme Court recently ruled the legislature's redistricting plan was unconstitutional, so candidates are running in previously-drawn districts.

Republican control of the Senate is not expected to be seriously challenged in November.

Kentucky State House

All 100 seats are up for election in the Kentucky State House – 59 are currently held by Democrats and 41 by Republicans.

- 40 incumbents are running unopposed: 20 Democrats and 20 Republicans.
- 18 incumbents had primary election opponents: 10 Democrats and 8 Republicans. All but 1 easily won.
 - Rep. Wade Hurt, who was elected two years ago as a Republican and switched parties, was easily defeated by Democrat Jeff Donahue in the 37th District (Louisville). Donahue is a retired auto worker whose candidacy 2 years ago was disqualified by the courts for having non-residents sign his filing papers. Donahue defeated Hurt 63 percent to 37 percent. No Republican filed for this race, ensuring Donahue will be a new member of the House.
- There are 9 open seats due to retirements: 5 Republicans and 4 Democrats.
- There were 28 contested primaries -- 13 of which decided the Representative because they have no opposition in general election.

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While most observers do not expect Democratic control of the House to be seriously challenged in November, Republicans do expect to pick up a handful of seats and narrow the Democrat's majority to single digits.

Current Political Alignment

Kentucky's Congressional delegation currently includes two Republican United States Senators and Republicans represent four of the state's six seats in the United States House of Representatives.

Kentucky Democrats occupy the constitutional offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer and Auditor. Republicans hold the office of Commissioner of Agriculture.

Lieutenant Governor Mongiardo was replaced on Governor Beshear's reelection ticket by former Louisville Mayor Jerry Abramson and the pair easily defeated the ticket of Senate President David Williams (R-Burkesville) and Secretary of Agriculture Richie Farmer.

Farmer was term-limited as Secretary of Agriculture, and since the November 2011 election defeat, a series of embarrassing and potentially damaging "scandals" have been uncovered – by various news organizations, his Republican successor, and the new State Auditor (D).

In the Kentucky General Assembly, Republicans hold 22 of the 38 state Senate seats and Democrats hold 15. The chamber also includes one Independent who typically caucuses with the Republicans. In the House, however, the Democrats hold a 59-41 advantage over the Republicans in the 100 member chamber.

2012 Legislative Recap

The first half of the 2012 session of the Kentucky General Assembly was dominated by redistricting. As in other states, nothing gets done until redistricting is resolved and each legislator knows where they will run, who will run against them (filing deadline) and what they can afford to vote on in balance of session.

Kentucky tradition holds that, following the census, the Kentucky House draws its new districts and the Senate does the same. Each chamber approves the other's plan without change – and then they worked collaboratively to draw new Congressional and Supreme Court districts.

Accordingly, the House Democrats developed a plan that helped themselves and disadvantaged House Republicans – and the Senate Republicans created a plan that helped themselves and disadvantaged Senate Democrats.

For the first time in decades, however, minority parties in each chamber challenged the plans. The Kentucky Supreme Court ruled that the newly-drawn districts were unconstitutional, ordered candidates to run in the districts created back in 2002 for the 2012 elections, and ordered the Legislature to draw new, constitutional districts.

Only then did the session turn to more substantive issues. Despite recently winning reelection by more than 20 points, Governor Beshear failed again to gain approval for his top legislative priority (dating back to his first campaign for Governor). His proposed constitutional amendment on Expanded Gaming failed to even receive a vote of the full Senate.

The delay caused by the legal challenge to – and ultimate rejection of -- the redistricting plans proved to be too much to overcome for several important bills – including the state's Transportation Budget and emotionally-charged Pill Mill and Meth proposals.

So, when the regular session adjourned sine die just before midnight Thursday, April 12 without reaching an agreement on the state's Transportation Budget or the Pill Mill bill, the Governor immediately called a special session beginning noon Monday, April 16.

Both issues were subsequently dealt with in a timely fashion and the special session lasted just five days.

Energy/Utility Issues

Securitization -- KIUC (Kentucky Industrial Utility Customers), an association of major energy consuming companies, proposed the idea of using securitization as a way of lowering the overall cost of utilities' compliance plans for new EPA regulations. While no action was taken in 2012, the topic will receive much more attention in the 2013 legislative session.

Smelter Bailout -- The Aluminum Smelter industry, located in western Kentucky and served by Big Rivers Electric, testified that rising energy costs – driven by utility compliance with EPA regulations – are making them uncompetitive. One proposed solution was to dedicate a portion of coal severance money to defray some energy costs and another was a West Virginia-style sharing of smelter energy costs with other customers. The General Assembly chose to study the issue over the interim, appropriating \$200,000 in the budget for the PSC to retain a consultant to study the impact of utility rates on the aluminum smelter industry in the Commonwealth. The PSC will report the results of the study by October 31, 2012.

While modest improvement to the state's "Before You Dig" and scrap metal statutes passed, most energy or utility-related bills failed to move. Those bills included measures to prohibit the recovery of Franchise Fees on utility bills, a 12.5% RPS (1% from solar) and an expansion of Kentucky's Net Metering law from 30kw to 2 megawatts.