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Higher Education and the 2012 Elections

by
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Higher education issues, specifically college affordability and student debt, were included in the narrative of the 2012 campaign season, especially as it involved the presidential election. At the state level, while higher education may not have been a hotly-contested campaign issue, many aspects of the academy will nevertheless feel the effects of citizens' actions in the voting booth. In some instances, the ramifications will be overt, such as ballot measures that will earmark state revenues for higher education, grant more affordable tuition rates for undocumented students and provide state funding for campus facility construction. In other cases, the election's consequences on public colleges and universities will be less clear at the outset, with new and returning officeholders in federal and state government espousing policy and spending priorities that will shape the American higher education landscape over the next several years.

This paper provides a summary of the election's outcomes as they relate to fiscal and policy implications for higher education. The consequences and urgency of federal policy actions will be discussed, including higher education issues that may be addressed in the forthcoming 113th session of Congress. The paper will distill state election outcomes and provide a synopsis of ballot measures bearing on higher education.

Federal Elections

A second Obama term and continuation of party control in Congress

By edging former Massachusetts Governor Mitt Romney in several battleground states, President Obama earned a 51 percent to 47 percent popular vote advantage, receiving a total of 332 electoral votes, well beyond the 270 needed to win. In Congressional races, little change was predicted, nor realized, despite Congress' longstanding low approval ratings. The Senate in the 112th Congress was comprised of 51 Democrats, 47 Republicans and two Independents [Joe Lieberman (CT) and Bernie Sanders (VT), whom generally caucused with the Democrats], giving the Democrats a working 53 to 47 majority. The 113th Congress will consist of 53 Democrats, 45 Republicans and two Independents [Angus King (ME) and Bernie Sanders (VT)]. Again, the two Independents will caucus with the Democrats; therefore, only five Republican votes will be needed to reach the ever elusive 60 votes necessary to pass nearly all measures in the Senate.

The House of Representatives in the 112th Congress consists of 242 Republicans and 193 Democrats. Democrats are likely to pick up eight seats in the election, with two races still undecided, but Republicans will continue to maintain a strong majority in the 113th

Congress, holding 234 seats to the Democrats' 201 seats.

Remaining business of the 112th Congress: Avoiding a recession-inducing plunge off the fiscal cliff

In the closing weeks of the 112th session of Congress, the Democratic-led Senate and Republican-led House must work with the Obama administration to address several pressing items. These include sequestration; expiring tax provisions—both the 2001 and 2003 tax provisions (the so-called Bush Tax Cuts) and the annually or bi-annually extended tax provisions targeted to support a specific policy; the debt limit; and fiscal year 2013 appropriations. The combination of sequestration and the expiring tax provisions comprise what is commonly referred to as the "fiscal cliff," which left unaddressed by Congress would likely plunge the U.S. back into recession.

Sequestration is a process that dictates an across-the-board cut in nearly all federal spending accounts, written into law and carried out by the Office of Management and Budget as directed by Congress. The current sequestration would reduce overall fiscal year spending by $110 billion beginning on January 1, 2013. This amount would be split evenly between defense and non-defense spending. Barring Congressional inaction to avoid or delay sequestration, Department of Defense accounts will see an across-the-board reduction of roughly 10 percent, while most non-defense programs will witness an 8 percent loss.

The expiring tax provisions are comprised of the Bush Tax Cuts from 2001 and 2003—including the Alternative Minimum Tax adjustment (AMT), the Payroll Tax holiday (2 percent reduction in social security taxes), and other expiring tax provisions such as the Research and Development Tax Credit and the American Opportunity Tax Credit. Combined, these provisions total nearly $400 billion annually. As Congress and the president determine which of these provisions will be extended and how, one item that will not be extended is the Payroll Tax provision, since it was originally passed as a temporary solution.

There are two approaches for addressing the fiscal cliff—the first consists of a comprehensive agreement, the second is a framework or bridge agreement. The current discussion in the halls of Congress is around a framework/bridge solution; however, several members of Congress are trying to determine a workable and politically viable comprehensive solution. Given the short time frame of a lame duck session, the more likely outcome will be a framework/bridge solution.

Higher Education Outlook in the 113th Congress

Obama Administration

During President Obama's first term, his administration pursued two separate tracks to influence higher education policy. First, many reform proposals were introduced through various budget documents; most in support of the administration's focus on returning to first in the world status regarding the number of individuals with a postsecondary degree or credential. Second, the U.S. Department of Education pursued an aggressive agenda through the regulatory process with a significant focus on consumer and taxpayer protection.

During his second term, President Obama is expected to continue to pursue these objectives. Any new proposals or iterations of previously announced initiatives are likely to remain focused on producing more graduates. Thus far, sub-themes of the administration's higher education policy agenda have centered on college affordability; academic quality and value; and improving college access and the likelihood of completion for students from low-income backgrounds. Recently, in a foreshadowing of his second term agenda, the president called on institutions to reduce the rate of tuition growth by half in five years. Past proposals included new programmatic funding formulas with tuition sensitivity as a pillar.

The higher education community should also expect continued activity through the regulatory process. To date, the Obama administration's regulatory activity has focused on consumer protection targeting certain practices mostly occurring at for-profit colleges; however, the regulations that were ultimately imposed created a burden felt by all sectors of higher education. Heading into 2013, the Department of Education has already signaled a desire to address areas of possible fraud in federal student aid programs and has been holding draft language regarding the regulation of teacher preparation.

Congress

Leadership on education issues in the House of Representatives will remain the same in the 113th Congress; John Kline (R-MN) will continue as chairman, and George Miller (D-CA) will continue as the ranking member of the Committee on Education and the Workforce. In the 112th Congress, the Committee held only a few hearings on higher education. These hearings were focused on college affordability and access, as well as on some of the Obama administration's finalized regulations. In the 113th Congress, the Committee has indicated that it will begin to hold hearings in preparation for the reauthorization of the Higher Education Act (HEA) that is set to expire at the end of 2013.

In the Senate, Tom Harkin (D-IA) will continue as chairman of the Committee on Health, Education, Labor, and Pensions; however, Lamar Alexander (R-TN) will serve as the ranking member, as Mike Enzi (R-WY) is unable to continue in this position due to Republican Caucus term-limit rules in the Senate. Chairman Harkin has held a series of hearings exposing fraud as well as practices that mislead students in the for-profit sector; these hearings are anticipated to continue in the 113th Congress. In addition, the Committee has held a series of hearings centered on activities occurring at both the institutional and state level involving efforts to ensure college affordability. Chairman Harkin has also indicated his desire to begin hearings focused on the HEA reauthorization.

Key Federal Higher Education Policy Issues

Pell Grant Program—Heading into fiscal year 2014, the Pell Grant Program faces an estimated $5 billion funding shortfall. In fiscal year 2015 and beyond the shortfall is projected to increase significantly. Given the atmosphere of fiscal constraint that currently prevails in Washington, it will be difficult to secure funds to overcome the shortfall. Discussions of program reform have begun and calls for implementing cost-reducing policy reforms in the program will grow louder in the months ahead.

Regulation of the For-Profit Sector—As mentioned, the Obama administration made the regulation of certain practices that predominantly occur in the for-profit sector a priority during its first term. The other regulatory focus centered on taxpayer and student-consumer protections, under which the Department of Education promulgated rules on "gainful employment" in an effort to measure a program's ability to prepare students to enter the workforce and adequately pay their student loans. Most of the regulatory provisions were subsequently struck down by a federal court. The department is anticipated to revisit and rewrite these rules.

Student Loan Interest Rate—In July, Congress extended the 3.4 percent interest rate on subsidized student loans for another academic year. This rate expires on June 30, 2013, after which it will revert to the 6.8 percent rate paid by borrowers receiving unsubsidized loans. Given that this is not an election year, the extension of this provision may prove more difficult, especially if it is not considered or included in any major government funding overhaul solution.

Immigration—The higher education community continues to support efforts to pass the DREAM Act, as well as revisions or expansion to several visa programs. President Obama has indicated that immigration reform will be one of his key priorities in the 113th Congress. Senate Majority Leader Harry Reid (D-NV) has attempted to push comprehensive and individual immigration bills through the Senate in the past few years. Although the Senate continues to lead on this issue, in all likelihood any successful immigration reform effort will be achieved through a comprehensive approach involving significant negotiations with House Republicans.

Veterans/Military Students—On April 27, 2012, President Obama signed an Executive Order entitled "Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members." The Order requires the Departments of Veterans Affairs, Defense, and Education to work together and pool resources to provide more transparent information to veterans and servicemembers regarding the educational opportunities available to them through the use of their earned military benefits. Looking to 2013, institutions should prepare for several new initiatives and guidance resulting from this Order.

Tax Policy—It is anticipated that both Congress and the administration will focus on an overhaul of the current tax system. Discussions surrounding this effort will have major implications on student aid tax policy for programs such as the American Opportunity Tax Credit, Student Loan Interest Deduction, and the continuation of so-called Section 127, which incentivizes those employers that assist with paying for employees' educational expenses. In addition, the potential exists for significant changes to the Charitable Tax Deduction and IRA Rollover provisions, each of which are caught up in the fiscal cliff tax debate.

Appropriations—The fiscal year 2014 budget and appropriations process will hinge on how the fiscal cliff is addressed. While it's expected that the administration and certain key members of Congress will recognize that devoting funding toward university-based research and development is an investment, only time will tell what funding levels will be available as Congress approaches the federal budget prioritization process. Further, funding devoted to the improvement of institutions through Titles III and V of the HEA—critical for access and college affordability for low-income students—will remain in doubt until resolution of the fiscal cliff is realized.

HEA Reauthorization—While the Higher Education Act is set to expire at the end of 2013, it is anticipated that the majority of federal programs contained in the legislation will continue in 2014 absent Congressional renewal. As Congress begins work on this measure, its efforts will include a comprehensive review of student financial aid programs, assuring quality in higher education, and boosting measures of student success. Given the focus on college affordability, one key aspect of this debate for public institutions will be on strengthening the current "maintenance of effort" provisions contained in the HEA.

State Elections

Higher education policy and funding priorities in the balance

While much of the nation's attention on November 6 was focused on the presidential election, also in play were consequential gubernatorial and state-level legislative races and state ballot measures—the outcomes of which, to varying degrees, will impact public colleges and universities in budgetary and policy deliberations over the next several years.

These debates will likely be shaped by a host of daunting short- and long-term fiscal dynamics, demographic changes and political uncertainty. In the short term, federal deficit reduction efforts will cast a cloud over state economies and budgets, while long-term concerns over growing Medicaid expenditures, chronically-underfunded state pension programs and escalating corrections costs may affect state budgetary choices. Where public higher education will rank on state lawmakers' agendas in the coming year is unclear, but funding issues, college affordability concerns and improving institutional outcomes are among those topics that will weave much of the states' legislative narrative in 2013.

For a glance at the higher education issues likely to garner considerable state lawmaker attention in the year ahead, look for AASCU's forthcoming *Top 10 Annual Higher Education State Policy Issues* briefing, to be released in early January.

State elections—by the numbers

Forty-four states held legislative elections on November 6. States not holding legislative elections were *Louisiana*, *Mississippi*, *New Jersey* and *Virginia*, where elections are held in odd-numbered years. All legislators in *Alabama* and *Maryland*, and senators in *Michigan*, are elected to four-year terms, and given that elections were held in 2010, lawmakers in these states did not face re-election this year. In total, 6,034 of the 7,382 state legislative seats, 82 percent, were included in the 2012 elections. Eleven states held gubernatorial elections.

At the gubernatorial level, Republicans pick up one state

Of the 11 gubernatorial races held this cycle, seven were in states held by Democratic governors and four by Republicans. Three of the seven Democratic incumbent governors chose not to run for reelection. Only in *North Carolina* did gubernatorial party control change hands, with Republican Pat McCrory winning the seat held by incumbent Bev Purdue, who did not run for reelection. All told, Republicans will control 30 governorships, Democrats 19; *Rhode Island* will continue to have an Independent governor.

In state legislatures, Republican representation remains at a historical high-water mark

Coming off remarkable gains in the 2010 elections, when Republicans picked up 720 state legislative seats and gained control of 23 state legislative chambers, the GOP was at a high water mark heading into the November elections, with more Republican legislators in office than at any point since 1930. Prior to the November elections, Republicans controlled 55 percent of state legislative seats, compared to the Democrats' 45 percent—a GOP advantage that was the mirror opposite of the partisan breakdown before the 2010 election when Democrats held 55 percent of the seats. In the 2012 elections, Democrats gained 2 percent of all legislative seats, but with Republicans holding on to a 53 percent-47 percent advantage, the party's control remains at a historical high.

At the legislative chamber level, Democrats gained a surprise pick up of the *New Hampshire* House of Representatives. In *Arkansas*, Republicans gained control of the Senate, marking the first time since 1874 that the party has had control of the legislature. That chamber's switch marks the complete transition to total Republican control of legislatures in all 11 of the former Confederate states; a region that had complete Democratic legislative control just 16 years ago. Elsewhere, Republicans picked up the *Wisconsin* Senate; Democrats gained majority power in the *Colorado* House, as well as both chambers in *Minnesota* and *Maine*—where Republicans picked up all four of the chambers in 2010. In *California*, Democrats gained a two-thirds supermajority in both chambers, potentially freeing up a legislative logjam given that lawmakers cannot pass bills that generate new revenues without the support of at least two-thirds of lawmakers in each chamber. It has been nearly 80 years since the last time any party in the state's legislature held a supermajority. All in all, throughout the states, Democrats regained control of seven chambers that they had lost in 2010, but Republicans claimed four chambers previously controlled by Democrats.

Legislative turnover at a historic high, institutional memory at a new low

Come January, the collective state policymaking experience of legislators will be at a historic low. At the start of states' 2013 legislative sessions, more than

Balance of Power Pre- and Post-Election, 2012

	Pre-Election		Post-Election		Gain/Loss	
	Democrat	Republican	Democrat	Republican	Democrat	Republican
U.S. House	193	242	201	234	+8	-8
U.S. Senate	53	47	55	45	+2	-2
State Legislatures—Seats	45%	55%	47%	53%	+2%	-2%
State Legislatures—Individual Chambers	36	59	41	54	+5	-5
State Legislatures—Both Chambers	15	26	19	26	+4	0
Governorships	20	29	19	30	-1	+1
Total State Control (governor + legislature)	11	22	14	23	+3	+1

Notes:

U.S. Senate: 112th and 113th sessions include two Independents who caucused with Democrats

U.S. House: As of 11/20/2012, two seats are still undecided.

In one state (Rhode Island) the governor is an Independent

Source for state election outcomes: National Conference of State Legislatures

one-half of all legislators will have been in office for two years or less. Two primary factors account for this: heavy turnover in the 2010 elections and legislative redistricting. The Republican landslide in 2010 swept hundreds of Democrats from office and resulted in a 25 percent turnover, compared to an average elections cycle turnover of 17 percent. The second factor is that turnover is typically higher in the first election following redistricting, which took place after the 2010 census count. Legislative turnover in this year's election again reached at least 25 percent. Add in an outflux of lawmakers prohibited from running for reelection due to term limits (imposed in the 15 states that have them), and the combined effect of the past two election cycles is legislative turnover that is at its highest level in the past half century.

Divided state government? No. Increased polarization? Maybe.

In the aftermath of the 2012 elections, the number of states with divided government—where a state has a governor from one party and at least one chamber of the legislature from the other party—fell to its lowest level since 1952. When looking at just state legislative partisan composition, only *Iowa*, *Kentucky*, *New Hampshire* and *Virginia* have divided legislatures. In Virginia, however, the legislature is, in essence, under Republican control; even though the Senate is tied, the Republican Lt. Governor casts the tie-breaking vote. This leaves just three states with divided legislatures, which hasn't happened since 1944. This all points to a growing polarization in state level party composition, where one party or the other has complete control. Such polarization is also evident at the regional level: as one example from this year's elections, Republicans gained 113 seats in the South, while Democrats gained 117 in the East.

State Ballot Measures

Results were generally favorable toward higher education

Voters in 38 states weighed in on 174 statewide measures, passing 108 (62 percent). The number of measures for each type of initiative (shown in the table below) was consistent with historical trends, with one exception: the popular referendum. The last election that had more popular referenda on the ballot was in 1920. Like the citizen initiative, the popular referendum is a petition-driven process; however, with this type of measure, sponsors gather signatures in an effort to overturn a new law that has already been passed by the legislature.

2012 General Election—State Ballot Initiatives

Type of Initiative	Number of Measures	Proportion Passed by Voters
Citizen Initiative: A measure placed on the ballot through the citizen petition process. It may be either a new law or constitutional amendment. Only 24 states permit the initiative.	42	17 (40%)
Popular Referendum: A measure placed on the ballot through the citizen petition process. It is a popular vote on a measure already passed by the legislature.	12	6 (50%)
Legislative Referendum: A measure that has been referred to the ballot by the legislature. Most often, these are referred laws, constitutional amendments or bond questions.	115	85 (74%)
Other: In a few states, measures may make it to the ballot from other sources besides the initiative process and/or the legislature.	5	0
Total	174	108 (62%)

Source: National Conference of State Legislatures

Among issues appearing prominently on state ballots this year were those dealing with education, drug policy, marriage, health care, immigration and gambling, as well as a number of bond measures; all of which touch higher education in some way. All in all, to the extent that these measures will either directly or indirectly affect higher education, the academy fared rather well in this elections cycle, buoyed for example, by voters' approval of a tax increase to fund K-12 and higher education in *California*; the rejection of overly restrictive state spending limitations in *Florida*; reduced college tuition prices for undocumented students in *Maryland*; and the provision of hundreds of millions of much needed dollars for building the instructional capacity at *New Jersey's* colleges and universities. Provided below is a look at some of the measures that either directly or indirectly involved higher education.

Ballot Measures with Significant Revenue Implications

- **Arizona—Proposition 204—Sales Tax Renewal Amendment**

  Result: Yes 35% **No 65%**

  Proposition 204 would have renewed a 1 cent sales tax approved by voters in 2010. The measure was projected to generate $1 billion annually to be divided among state K-12, higher education, health, and family-related programs.

- **California—Proposition 30—Temporary Taxes to Fund Education**

  Result: Yes 54% **No 46%**

  The fiscal year 2013 state budget called for a modest increase in state operating support for the University of California (UC) and flat funding for the California State University Systems (CSU). However, the budget was built on the assumption that voters would approve an increase in personal income taxes on high-income earners and a slight sales tax via the Proposition 30 ballot initiative. Passage of the measure is expected to generate $6.8 to $9 billion annually for state education purposes. If the measure had failed to pass, it would have triggered an automatic $250 million in cuts to both the UC and CSU systems, on top of more than a billion dollars in state funding cuts to higher education sustained over the past two years.

- **Florida—Amendment 3—State Government Revenue Limitation**

  Result: Yes 42% **No 58%**

  This Taxpayer Bill of Rights (TABOR) initiative proposed replacing existing state revenue limits with a new cap based on inflation and population change. Any funds that exceeded the revenue cap would have been placed in the state's "rainy day fund." Once the rainy day fund reached 10 percent of the prior year's total budget, lawmakers would have been required to vote to either provide tax relief or reduce property taxes. Modeled after the first TABOR initiative, passed in Colorado in 1992, education funding in Florida faced a severe threat if the amendment passed, just as Colorado education funding was slashed dramatically after implementation of the TABOR initiative—so much so that in 2005 voters approved a ballot measure that loosened many of TABOR's restrictions.

- **Maryland—Question 7—Gaming Expansion and New Casino Construction**

  Result: **Yes 52%** No 48%

  This measure allows one additional casino to be constructed in the state and expands the type of games allowed at existing casinos. Revenues derived from these changes will be earmarked for education. Question 7 is estimated to generate an additional $200 million in tax evenues annually, with proceeds going to the state's Education Trust Fund.

- **Michigan—Proposal 5—Two-Thirds Legislative Vote Requirement on New Taxes**

  Result: Yes 31% **No 69%**

  This ballot measure would have required state tax increases to be approved by either a two-thirds majority of both chambers of the legislature or by a statewide vote. If this proposed constitutional amendment had passed, it very well may have imperiled state funding for higher education in Michigan. A similar law currently in existence in California has hamstrung that state's ability to craft fiscally prudent budget plans.

- **Missouri—Proposition B—Tobacco Tax Initiative**

  Result: Yes 49% **No 51%**

  Passage of Proposition B would have created a Health and Education Fund, with a portion of revenues generated from a tax increase on cigarettes and

tobacco products allocated to K-12 and higher education. The measure would have generated an estimated $283 million to $423 million annually.

- **Oregon—Measure 85—Corporate Tax "Kicker" Funds for Education Initiative**
  Result: **Yes 60%** No 40%
  This provision will allocate corporate and excise tax "kicker" refunds to the state's General Fund, providing additional monies for K-12 education. Current state law requires "kicker" refunds of corporate income and excise tax revenue when revenues exceed estimated collections by 2 percent or more.

- **South Dakota—Measure 15—Tax Increase to Fund K-12 Education and Medicaid Programs**
  Result: Yes 43% **No 57%**
  This measure would have initiated a 1 percent sales tax increase, from 4 to 5 percent, starting in 2013. The revenue generated from this change would have been evenly split between K-12 education and Medicaid.

- **Washington—Initiative 1185—Reaffirmation of Two-Thirds Legislative Vote Requirement on New Taxes**
  Result: **Yes 65%** No 35%
  Passage of this measure simply restates currently existing statutory requirements that legislative actions raising taxes be approved by two-thirds legislative majorities or receive voter approval, and that new or increased fees require majority legislative approval. The two-thirds vote requirement makes it difficult for the legislature to generate additional revenues, which could bear on the state's public universities, which have been among the hardest hit by state disinvestment in public higher education.

Ballot Measures Affecting College Access

- **Maryland—Question 4—Dream Act Referendum/In-State Tuition for Undocumented Students**
  Result: **Yes 58%** No 42%
  This ballot measure allowed voters to decide the fate of Senate Bill (SB) 167, a bill approved by the Maryland General Assembly and signed by Gov. Martin O'Malley (D) in the 2011 legislative session. SB 167 allows undocumented immigrants to pay in-county tuition rates at community colleges and in-state tuition rates at the state's public universities, provided that they attended a Maryland high school for three years, they or their parents filed state income taxes, and that they demonstrate intent to apply for permanent legal residency. Initially, students would have to complete 60 credit hours or have graduated from a Maryland community college before transferring to a state public university and qualifying for in-state tuition rates.

- **Oklahoma—State Question 759—Affirmative Action Ban**
  Result: **Yes 59%** No 41%
  This measure will ban affirmative action in state hiring, contracting and education programs. The measure permits affirmative action in three instances: when gender is a bona fide qualification; existing court orders and consent decrees that require preferred treatment will continue and can be followed; and when needed to keep or obtain federal funds.

Capital Improvement Bond Measures

- **Maine—Question 2—Higher Education Bond**
  Result: Yes 49% **No 51%**
  Question 2 would have provided $11 million to build a diagnostic facility for the University of Maine System; for capital improvements and equipment—including machine tool technology—for the Maine Community College System; and for capital improvements and equipment at the Maine Maritime Academy.

- **New Jersey—Question 1—Building Our Future Bond Act**
  Result: **Yes 63%** No 37%
  New Jersey's Question 1 will allow the state to borrow $750 million for buildings and upgrades at public and private institutions of higher education in New Jersey, the first such facilities referendum since 1988. Funds will be distributed across the entire nonprofit sector of higher education, including senior public colleges and universities, independent colleges and universities, community colleges and special purpose religious institutions. Institutions will be required to pay 25 percent of the cost of the projects supported by the bond proceeds. Bond proceeds are restricted to buildings for academic purposes, such as classrooms, laboratories and libraries.

- **New Mexico—Question C—Higher Education and Special Schools Bond**
  Result: **Yes 61%** No 39%
  New Mexico voters authorized the state to issue bonds up to $120 million for specified higher education and special school capital improvements and acquisitions.

- **Rhode Island—Question 3—Higher Education Facilities Bond**
  Result: **Yes 66%** No 34%
  Passage of Question 3 authorizes the state to issue general bonds of up to $50 million for renovations and modernization of academic buildings at Rhode Island College, the state's comprehensive public university.

Governance

- **Florida—Amendment 12—Appointment of Student Body President to Board of Governors of State University System**
  Result: Yes 42% **No 58%**
  Amendment 12 would have led to the replacement of the president of the Florida Student Association with the chair of the council of state university student body presidents as the student member of the Board of Governors of the State University System. The amendment would have also required the Board of Governors to create a council of state university student body presidents.

Concealed Weapons on Campus

- **Louisiana—Amendment 2—Fortification of Existing Rights Involving Concealed Weapons**
  Result: **Yes 73%** No 27%
  This amendment will change the legal standard by which courts will review challenges to gun laws, requiring the most stringent standard of judicial review when considering the legality of gun-control laws. Opponents to the amendment argued that the measure is a veiled attempt to overturn the state's prohibition of concealed handguns on public college campuses.

Institutional Flexibility

- **Washington—Senate Joint Resolution No. 8223—Investments Authority by the University of Washington and Washington State University**
  Result: Yes 44% **No 56%**
  This ballot measure sought to provide clear authority to the state's two research universities to invest funds.

Higher Education's Role in the Elections

Not just about policy, but also the democratic process

This election cycle once again underscored the indispensible role the nation's colleges serve in facilitating the democratic process that is so thoroughly embedded in the selection of officeholders and in the determination of public policies through the ballot box. These institutions served as highly valued venues for the unfettered debate of ideas, impassioned deliberation among candidates, and the inculcation among members of the campus community to be active participants in the electorate.

For their part, American youth maintained a heightened level of participation in this general election. Participation of eligible voters age 18-29 held nearly steady at 51 percent—down just 1 percent from the 2008 elections, according to preliminary data compiled by the Center for Information and Research on Civic Learning and Engagement (CIRCLE) at Tufts University. CIRCLE notes that young voters' representation among all voters in this election increased 1 percentage point over 2008, to 19 percent. The sense of civic duty that is infused in the student undergraduate experience manifests itself throughout adulthood. Individuals aged 25 to 44 with at least a bachelor's degree voted in the 2008 elections at a rate nearly one-third higher than those with a high school education, according to the College Board's latest edition of *Education Pays*.

Ensuring Higher Education's Standing on the State and National Policy Agenda

Considerable work lies ahead in conveying policy priorities

Democracy is a process—one in which all higher education stakeholders must be party to—to ensure that democratic ideals are instilled, fostered, and respected; and to ensure that state and federal higher education policy is informed and implemented in a manner that will maximize the capacity of these institutions to deliver on their teaching, research and service missions, and ultimately, their contributions to society.

With the next session of Congress set to begin anew, a reelected president who has placed considerable emphasis on higher education, and an entering class of state legislators in 44 states, the need is clear for higher education leaders to redouble their efforts in conveying policy and funding priorities. Establishing and maintaining relationships with members of Congress, governors and state legislators, especially those newly elected, will require concerted action on the part of campus and system officials. Aided by informed and persuasive communication from the higher education community, and undergirded by sound public policy and adequately sustained public financial support, America's state colleges and universities will continue to play a critical role in strengthening the nation's prosperity and civil society.

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