


It's
Jan. 5,
2015.
Mary
Burke
is sworn in
as governor.
Will she
make
liberal
dreams
come true?





Answer: Probably not.

BY MIKE NICHOLS

Christopher Flores, a 50-year-old Bayview High School custodian wearing a Service Employees International Union “Wisconsin for Obama” T-shirt, remains in utter disbelief about what has transpired in Wisconsin in recent years.

“I can’t believe there are some nut jobs out there who like what Scott Walker is doing. I just hope that thief does not get into office for four more years,” he exclaimed at the Milwaukee Laborfest gathering in Zeidler Square on a rainy Labor Day morning.

“Anyone else is better than Scott Walker. I just want to get Scott Walker out of office.”

Three and a half years after the Republican governor and potential presidential candidate signed Act 10 and all but eliminated collective bargaining for public employees, angst on the left is still palpable. Democrat Mary Burke’s pledge to somehow try to restore collective bargaining rights if she’s elected governor is seen as the equivalent of reclaiming labor’s Holy Grail.

“That is the reason I am voting for her,” said Flores. “Scott Walker is against it. She is in favor of it.”

Lost in the fulmination, however, is whether the former Trek bicycle executive and state commerce secretary, should she win the November election, would have the ability to actually turn campaign promises into law, and not just with collective bargaining.

While Burke might gain control over the governor’s mansion, she won’t gain control over something else Walker once inhabited and still deeply influences: the Legislature. That said, Wisconsin governors still have some of the broadest veto powers in the United States, the right to appoint cabinet secretaries and judges, and the authority to construct a \$68 billion biennial budget that funds everything from schools to jails to the salaries and benefits of tens of thousands of state employees.

If Mary Burke pulls off a victory in November, conservatives have to ask, could she actually make liberals' dreams come true?

In one fundamental way, the answer would be a definitive "yes." Way back in January 2014, when only 12% of Wisconsinites had a favorable view of Mary Burke and hardly anybody knew who she was, more than four in 10 Wisconsinites were already saying they would vote for her. For a large segment of the left, the election has never been about her. It's about defeating Scott Walker.

A closer look at the issues she has latched onto and the political impediments that would stand in her way suggest that her biggest victory would likely come on election night. There would be one overwhelming obstacle in her way the day after that.

The Legislature

The elephant in the room is the elephants in the room — the big room with the white columns, stuffed eagle and oak desks that is known as the Assembly Chamber.

There are 60 Republicans in the Assembly and only 39 Democrats. Robin Vos, the Republican Assembly speaker, thinks Republicans, if anything, might actually pick up a few seats this November. And even if they don't, they will retain an enormous majority.

The GOP also currently controls the Senate, though by a much slimmer 17-15 margin with one vacancy — the southeastern Wisconsin seat Neal Kedzie resigned in June to take over the

Motor Carrier's Association. Democrats will not pick up Kedzie's solidly Republican seat, and they on are track to lose the redistricted seat currently held by Democratic State Sen. John Lehman, the one-time Racine teacher who could end up as Burke's lieutenant governor. That

means Democrats will need to pick up a total of three other seats to take over the 33-seat chamber.

It's not altogether impossible. Democrats hope to capture seats held by outgoing Sens. Mike Ellis, Dale Schultz and Joe Leibham. But it's extremely unlikely, and even if Burke does win and Democrats prevail in the Senate, the fact is she will still have to deal with a

very conservative Assembly.

Mary Burke's hopes won't rest with allies in the Legislature. They will, at least initially, rest with her veto pen.

The budget and partial-veto authority

Wisconsin governors typically present their biennial budgets in mid- or late-February of odd-numbered years. Walker's last budget, a 1,400-page tome, included tens of billions of dollars in spending and more than 90 items unrelated to state finances. Republicans could rewrite anything Mary Burke would hand them. But she, in turn, could use her partial-veto authority to essentially rewrite much of what they would hand back.

"I think we are unique in the scope of the governor's authority," says Fred Wade, a Madison attorney who has long criticized the way Wisconsin governors can use the partial-



School custodian Christopher Flores thinks only "nut jobs" like Gov. Scott Walker's record.

Vos says he can't see how she would accomplish that without control of the Legislature.

“I believe that she does not have the ability to do very much on Act 10,” he says.

Retiring Democratic Sen. Tim Cullen essentially agrees, telling *Wisconsin Interest* it is “highly unlikely” she could roll back Act 10.

Joe Zepecki, communications director for the Burke campaign, says, “There is no silver-bullet strategy” on the issue. “It’s bringing people together and getting that done.” She would, he says, “turn down the volume a little in terms of the political back-and-forth.”

Overall, Cullen thinks Burke would “govern somewhere near the middle.” Vos, for his part, says that if she wins, “she gets to reshape state government in a way that is much more liberal.”

A closer look at a handful of issues on which she has stated clear differences with Scott Walker shows how she might achieve that — and how she almost surely would not.

School choice

While both sides are focusing largely on who would create more jobs, there are other areas where differences can be more succinctly defined — such as school choice.

Burke, who is a member of the Madison Metropolitan School Board, appears deeply committed to limiting or reversing statewide expansion of choice and imposing a different sort

of accountability on longer-standing programs in the Milwaukee and Racine areas.

Choice supporters don't doubt that she could muck up their plans. Outside Milwaukee and Racine, school choice is a new concept, and the number of students allowed to participate in the coming year is capped at only 1,000.

Though she would lack legislative support to completely eliminate expansion, Burke could wreak havoc on funding of existing programs and leave Department of Public Instruction Superintendent Tony Evers, an outspoken opponent of vouchers, unchecked.

In an interview with *Wisconsin Interest*, Zepecki made it clear that Burke wouldn't hesitate to use her veto authority regarding both “further expansion and rolling back” the recent statewide expansion.

Burke could not eliminate the school-voucher program completely, nor has she signaled that she would try. The longer-standing voucher programs in Milwaukee and Racine now have more than 27,000 children enrolled, and low-income parents would be up in arms at the hint of any attempt to force their kids elsewhere — a fact that points to the real long-term difference on this issue between Scott Walker and Mary Burke.

When choice programs get large enough, they become virtually inviolable. If Scott Walker wins another term and succeeds in allowing expansion to continue statewide, the program would likely become entrenched and irreversible

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It would be virtually impossible to fireproof the budget bill to prevent the new governor from creatively tweaking it to suit her agenda.
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everywhere in the state — a longtime goal of choice supporters. And once that happens, opponents will have lost a decades-old war.

Medicaid

Burke has been harshly critical of Walker's decision to limit Medicaid expansion and turn down millions of dollars in federal funding that would make it easier to balance Wisconsin's budget.

It's true: This is a fight about money, loads of it.

But it's also about principles of federalism, the history of Medicaid as a state rather than federal program, the ever-rising entitlement culture, and whether Wisconsin should fully embrace President Obama's Affordable Care Act.

Unlike Medicare, which is run by the federal government, Medicaid has always been a state-managed program. BadgerCare, the best-known state Medicaid program, was created in 1997 during the Gov. Tommy Thompson's administration and was originally seen as a departure from the entitlement mentality because it provided health care for families leaving the welfare rolls.

The program expanded dramatically in the Doyle years, however, and costs rose so quickly that critics began to argue that Medicaid was crowding out education spending. Then came Obamacare and the president's attempt to force states to expand Medicaid coverage to adults without kids and those with incomes up to 138% of the poverty level.



A crucial U.S. Supreme Court ruling that referred to the original tactic under Obamacare as “economic dragooning” of the states gave Wisconsin the option of rejecting expansion, but not without lingering financial consequences. Walker responded by pushing a “partial expansion,” but he also dropped BadgerCare

coverage for childless adults who are above the income line, saying those individuals should seek coverage on the federal health insurance exchange.

According to a Legislative Fiscal Bureau memo, this has been a costly decision for Wisconsin. Had the governor fully expanded eligibility for essentially everyone up to 138% of the poverty line, the fiscal bureau found, it

would have added 87,000 individuals to the BadgerCare rolls. However, with more people on the rolls, the state would actually spend \$206 million less in the current budget cycle because the federal government would have kicked in \$561 million more.

The Republican governor has steadfastly argued that the federal government's promise to make payments to the states for Medicaid expansion is not ironclad, and that the states could be on the hook for much of the additional costs in the future.

Burke has hammered Walker on the fiscal and health repercussions, saying, “He cost the state millions of dollars and made health care less affordable.” She would reverse his decision and pursue a full expansion, something that would not only bring more people onto the BadgerCare rolls but would result in a net

secretary appointed by Burke could significantly lengthen the time it will take for the company to submit a formal application, let alone secure a permit. In the best of circumstances with Walker re-elected, it would still take at least four and a half years before the mine is up and running.

A key point: It is the DNR secretary — a political appointee — who would have to sign off on a permit to proceed. The longer that review takes, the more it costs the company, and the higher the likelihood the mine will never open.

We can be sure that some things would be different under Gov. Mary Burke. The state would, for example, retain Common Core education standards that Walker now opposes. There could also be movement on gay marriage — an issue increasingly likely to be decided in the courts rather than at the ballot box — regardless of who the next governor of Wisconsin might be. Differences in other areas like right-to-work legislation, given the lack of clarity or expressed interest from either camp, are hard to predict right now, as is where a Burke administration would come down on tax levels.

What’s clear is that while Burke would have virtually no ability to push major policy initiatives without the acquiescence of Republican legislators, she could also stand in the way of Vos and fellow Republicans pursuing their own conservative agenda.

Zepecki says Burke has no doubt that she can work with people like Vos and Senate Majority Leader Scott Fitzgerald. Should she win, there will certainly be much talk of bipartisanship.

In the end, though, there wouldn’t just be a struggle for power between two political

parties. There would be a broader struggle between branches of government. There are conservatives who feel too much power has already migrated from the legislative to the executive branch — and there will be an attempt to reclaim some ground.

“We will end up having a Republican Legislature that will pass all kinds of bills that Mary Burke will veto,” predicts Vos. He suggests it will become much harder to reform entitlements, for instance, or keep a lid on taxes



Burke is deeply committed to limiting or reversing statewide expansion of school vouchers.



and spending and regulation.

The leaves are turning, and November is just a calendar page away. Both conservatives who fear a Burke victory and liberals who dream of it can agree on one thing: The cheers on the left that would accompany a Burke victory in four short weeks — like the attendant tears on the right — would not spring from anyone who can fairly expect her to accomplish any sort of radical transformation of state government.

The cheers and tears wouldn’t be so much about what liberals might achieve in the years ahead — but about what conservatives hereafter could not. ■

Mike Nichols is president of the Wisconsin Policy Research Institute.