2018 Midterm Election Results

Prepared by Foley's Federal Public Policy Team
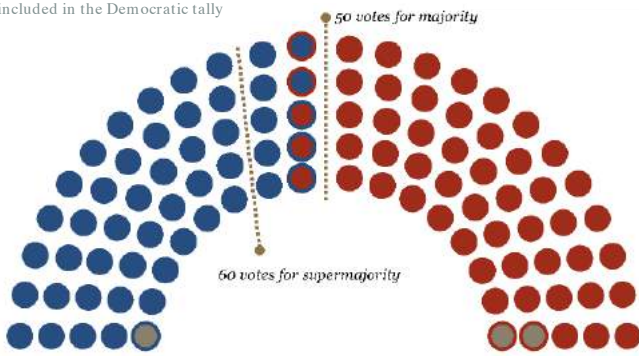
FOLEY

FOLEY & LARDNER LLP

Overview of Congressional Maps*

Composition of the 116th Congress: Senate
Partisan makeup of the Senate compared to the previous Congress

- ● Seats flipped R to D (Total: 2)
- ● Seats flipped D to R (Total: 3)
- ● Not yet called
  (color outlined is incumbent's party)

*Independents Sanders and King, who caucus with the Democrats, have been included in the Democratic tally
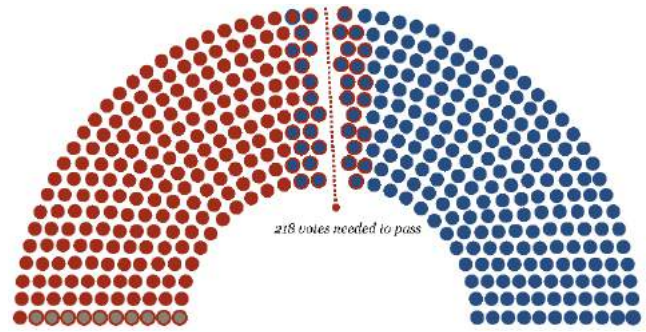
50 votes for majority

60 votes for supermajority

	115th	116th
Republican	51	51
Democrat	49	47
Not yet called	0	3

Composition of the 116th Congress: House
Partisan makeup of the House compared to the previous Congress

- ● Seats flipped R to D (Total: 35)
- ● Seats flipped D to R (Total: 1)
- ● Not yet called
  (color outlined is incumbent's party)

218 votes needed to pass

	115th	116th
Republican	235	198
Democrat	193	227
Not yet called	7 (vacant)	10

ELECTION HIGHLIGHTS

Democrats regain control of the U.S. House of Representatives

After eight years, Democrats claimed victory in the House and gained about a 30 seat majority.

Democrats won Suburbs

Democrats swept away suburban Republicans in the elections from Northern Virginia to Oklahoma.

Senate stays Red

Republicans hold on to the majority in the Senate and pick up a few seats along the way.

Women won in record numbers

More than 100 women will be serving in the House of Representatives for the first time. Eight of the 29 seats Democrats picked up on election night were won by women.

Veterans

Military veterans running as first-time candidates helped Democrats regain the House majority. More than 200 veterans ran for seats in the House and Senate.
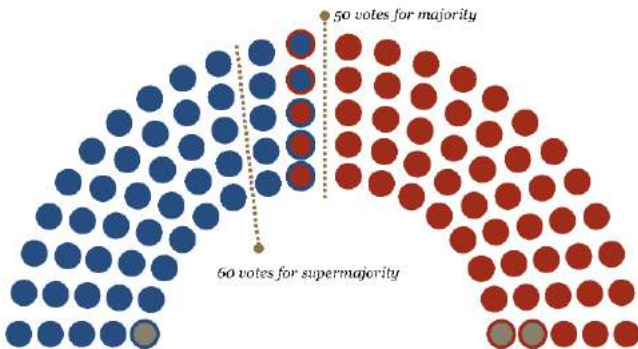
*Maps as of November 13th, 2018

Senate Overview

Composition of the 116th Congress: Senate*

Partisan makeup of the Senate compared to the previous Congress

- ● Seats flipped R to D (Total: 2)
- ● Seats flipped D to R (Total: 3)
- ● Not yet called
  (color outlined is incumbent's party)

*Independents Sanders and King, who caucus with the Democrats, have been included in the Democratic tally

	115th	116th
Republican	51	51
Democrat	49	46
Not yet called	0	3

50 votes for majority

60 votes for supermajority

*Map as of November 13th, 2018

NOTABLE RACES

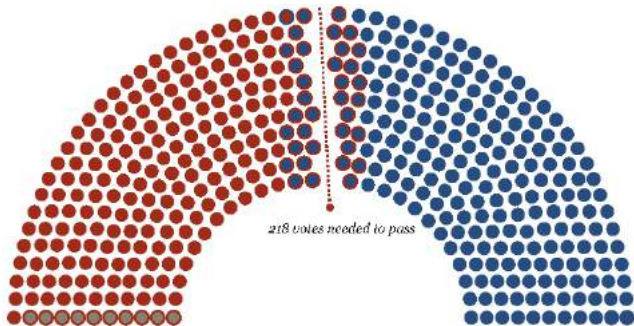| STATE	REPUBLICAN	DEMOCRAT	WINNER
Arizona	Martha McSally	Kyrsten Sinema	DEM
Florida	Rick Scott	Bill Nelson	NOT CALLED
Indiana	Mike Braun	Joe Donnelly	GOP
Missouri	Josh Hawley	Clair McCaskill	GOP
Montana	Matt Rosendale	Jon Tester	DEM
Nevada	Dean Heller	Jacky Rosen	DEM
North Dakota	Kevin Cramer	Heidi Heitkamp	GOP
Tennessee	Marsha Blackburn	Phil Bredesen	GOP
Texas	Ted Cruz	Beto O'Rourke	GOP
West Virginia	Patrick Morrisey	Joe Manchin	DEM

House Overview

Composition of the 116th Congress: House*

Partisan makeup of the House compared to the previous Congress

- 🔴 Seats flipped R to D (Total: 35)
- 🔴 Seats flipped D to R (Total: 1)
- ⚪ Not yet called
  (color outlined is incumbent's party)

	115th	116th
Republican	235	198
Democrat	193	227
Not yet called	7 (vacant)	10

218 votes needed to pass

*Map as of November 13th, 2018

NOTABLE RACES

DISTRICT	REPUBLICAN	DEMOCRAT	WINNER
CA-16	Elizabeth Heng	Jim Costa	DEM
CA-22	Devin Nunes	Andrew Janz	GOP
CA-45	Mimi Walters	Katie Porter	NOT CALLED
CA-48	Dana Rohrbacher	Harley Rouda	DEM
CA-50	Duncan Hunter	Ammar Campa-Najjar	GOP
CO-6	Mike Coffman	Jason Crow	DEM
FL-26	Carlos Curbelo	Debbie Mucarsel-Powell	DEM
FL-27	Ileana Ros-Lehtinen	Donna Shalala	DEM
GA-6	Karen Handel	Lucy McBath	DEM
IL-6	Peter Roskam	Sean Casten	DEM
KY-6	Andy Barr	Amy McGrath	GOP
MI-11	Lena Epstein	Haley Stevens	DEM
KS-3	Kevin Yoder	Sharice Davids	DEM
MN-3	Erik Paulsen	Dean Phillips	DEM
NJ-7	Leonard Lance	Tom Malinowski	DEM
NM-2	Yvette Herrell	Xochitl Torres Small	DEM
NY-19	John Faso	Antonio Delgado	DEM
NY-22	Claudia Tenney	Anthony Brindisi	DEM
OK-5	Steve Russell	Kendra Horn	DEM
TX-7	John Culberson	Lizzie Fletcher	DEM
TX-32	Pete Sessions	Colin Allred	DEM
VA-7	Dave Brat	Abigail Spanberger	DEM
VA-10	Barbara Comstock	Jennifer Wexton	DEM

Expected Committee Leadership

COMMITTEE	MEMBER / POTENTIAL CHAIR	STATE
Agriculture	Collin Peterson	Minnesota
Appropriations	Nita Lowey	New York
Energy and Commerce	Frank Pallone	New Jersey
Education and the Workforce	Bobby Scott	Virginia
Financial Services	Maxine Waters	California
Judiciary	Jerry Nadler	New York
Natural Resources	Raul Grijalva	Arizona
Oversight & Government Reform	Elijah Cummings	Maryland
Transportation & Infrastructure	Peter DeFazio	Oregon
Ways & Means	Richard Neal	Massachusetts

AGRICULTURE
- Farm bill in the lame duck session
- Recently imposed tariffs

APPROPRIATIONS
- Bringing back earmarks
- Expand access to health care
- Lower drug pricing
- Increase child care and early education programs funding
- Return to pre-sequestration levels for nondefense programs
- White House oversight and subcommittee allocations

ENERGY AND COMMERCE
- Fighting the Trump administration's efforts to roll back the Affordable Care Act
- Lowering prescription drug costs
- Address White House's rollbacks of environmental policies and energy efficiency standards
- Health and Human Services and Food and Drug Administration oversight
- Creating and restoring access to Equivalent Samples Act, which would close a loophole that allows brands to use drug safety programs to withhold drug samples needed for generic drug approvals
- Address out-of-network medical insurance payments and "surprise billing"

EDUCATION AND THE WORKFORCE
- Closing the achievement gap between white students and minorities
- Making college education affordable
- Expanding access to federal student loans
- Curbing for-profit colleges
- Strengthen federal rules related to the practices of employer funded health insurance plans that fall under the jurisdiction of ERISA.

FINANCIAL SERVICES
- Undoing Republicans' changes on banking practices
- Consumer protections

JUDICIARY
- Investigations into potential violations of anti-corruption clauses in the Constitution
- Protecting the Mueller investigation
- Immigration and border security
- Investigate the White House's family separation policy
- A long-term DACA fix
- Voting rights
- EB-5 reform
- Gun laws
- Possible impeachment inquiry

NATURAL RESOURCES
- Investigations into the Secretary of Interior Ryan Zinke and the Interior Department
- Environmental group priorities including climate change, fuel economy standards, and Endangered Species Act rules and regulations
- Changes to Bureau of Land Management in Interior Department

OVERSIGHT & GOVERNMENT REFORM
- Investigate potential abuse and fraud by the White House and federal agencies
- Voting rights and suppression
- 2020 Census
- Implementation of the Affordable Care Act

TRANSPORTATION & INFRASTRUCTURE
- Significant infrastructure proposals including stabilizing the Highway Trust Funds, upgrading bridges, improving roads, increasing transit options, improving access to high speed internet, airport improvements, drinking and wastewater infrastructure, and expanding renewable energy infrastructure

WAYS & MEANS
- Request President Trump's tax return
- Strengthening the Affordable Care Act, drug pricing requirements, 401(k) retirement plans, and family-friendly tax policies
- Consideration of the revised North American Free Trade Agreement
- Infrastructure package
- Oversight hearings
- Hearings to dissect the Tax Cuts and Jobs Act

Democratic House Priorities

Democrats won the U.S. House majority after several years of a unified Republican-controlled Congress and White House by picking up more than 25 seats (with seats still undecided). Democrats now have the opportunity to shift the policy agenda, issue subpoenas, review current tax policy and target the Trump administration's rollback of financial and environmental regulations. Drug pricing is a top legislative priority for Democrats and they hope President Trump and Senate Republicans will be willing to work with them. Investigations, infrastructure, fixing the Affordable Care Act, the second amendment, and immigration are among the top policy issues that will dominate the upcoming 116th Congress. However, with Republicans still controlling the Senate and White House, it will be difficult to pass any legislation. House Democrats will likely focus their energy where they have the ability to act unilaterally, on oversight and investigation.

AFFORDABLE CARE ACT ROLLBACKS

- Health care was the number one issue in the 2018 elections and a top election promise for House Democrats. Top priorities include protecting pre-existing conditions and investigations into the Trump administration's efforts to roll back the Affordable Care Act. Possible legislation to stabilize the Obamacare insurance markets and expand federal assistance while reversing recent efforts to undermine the law are expected to be at the top of the new majority's agenda. Top Democratic health care lawmakers Richard Neal (MA), Frank Pallone (NJ), and Bobby Scott (VA) introduced language in the 115th Congress that could serve as a starting point. The bill includes language that would reverse recent regulations intended to push people to insurance plans that are not required to meet all of Obamacare's rules for pre-existing conditions.

INVESTIGATIONS

- House Democrats plan to exercise the oversight role of Congress. They plan to focus on Russian interference in the 2016 elections, which could include hearings on Special Counsel Robert Mueller's probe on alleged Trump campaign collusion with Moscow. Ethical oversight at the Environmental Protection Agency (EPA) and the Interior

Department and Commerce Secretary Wilbur Ross's plans to add a citizenship question to the 2020 Census are top priorities. Outside of the administration, investigations into drug pricing, health insurance company reimbursement practices and surprise billing of patients who unknowingly receive care from out-of-network emergency room and hospital physicians. President Trump's finances will be a primary target; Democrats are also expected to request Trump's tax return within the first few days of the 116th Congress.

IMMIGRATION

- Democrats will push for another attempt to negotiate an immigration overhaul package including a Deferred Action for Childhood Arrivals (DACA) program solution to allow undocumented children brought to the United States as children to avoid deportation. President Trump's demands for $25 billion in border wall money and recent threats to remove birthright citizenship complicates the deal. The Trump Administration's family separation policy at the border will also be priority.

CAMPAIGN FINANCE REFORM

- Democratic leaders said they would use their first month in the 116th Congress to advance major changes to campaign finance reform and ethics laws. That includes creation of a small-donor public financing system, bringing greater transparency and oversight to political contributions, outlawing gerrymandering of congressional districts and restoring Voting Rights Act provisions. However, with a Republican-controlled Senate and White House, Democrats will focus on more moderate proposals. These moderate proposals, such as requiring organizations spending money in federal elections to disclose their donors, will still be unlikely to gain traction with many Republicans.

Republican Senate Priorities

Republicans kept control of the U.S. Senate and gained three Senate seats in states that overwhelmingly supported Trump in 2016. Senator Majority Leader Mitch McConnell will continue to push through conservative federal judges and agency nominations. Senate Republicans will continue to control the policy agenda and oversight work of all the Senate's committees.

JUDICIAL NOMINATIONS

- By keeping control of the Senate, Republicans will continue to appoint more conservative federal judges and agency officials. In the last two years, the Republican-led Senate has confirmed 69 federal judges, including two Supreme Court Justices – Brett Kavanaugh and Neil Gorsuch, 26 appellate court judges and 41 district court judges.

INFRASTRUCTURE

- Leader McConnell plans to work with House Democrats on passing a major infrastructure package. President Trump and the administration released a $200 billion infrastructure plan earlier this year that would focus on transportation. There are concerns that the proposal lacked adequate funding and revenue sources. Democrats are calling for upgrades to water systems, broadband internet, schools and more.

LEGISLATION

- With a Democratic-controlled House, both parties are warning that the opportunity for the two parties to strike any legislative deals will be short-lived. Senate Republicans hope to pass a bipartisan farm bill in the lame duck session and have promised to work with Democrats on bipartisan drug pricing legislation.
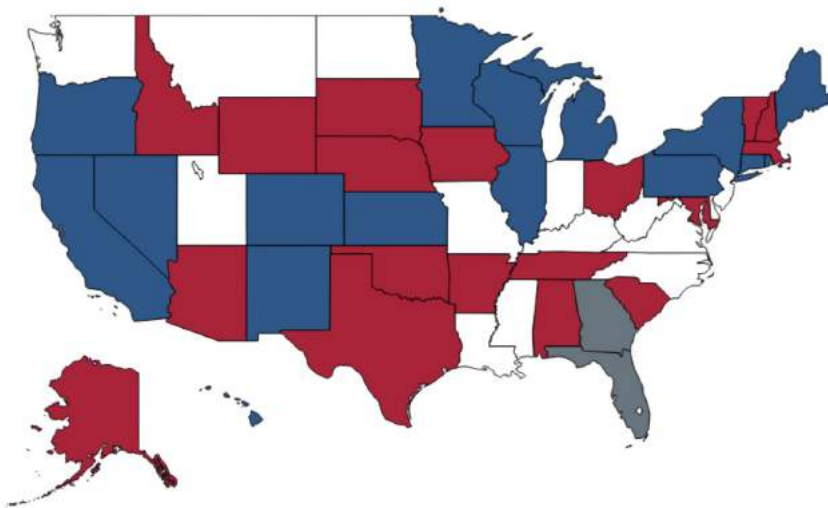
Governors and States

Democrats win 16 governor seats, Republicans win 18; Georgia and Florida still too close to call

2018 gubernatorial elections results map*

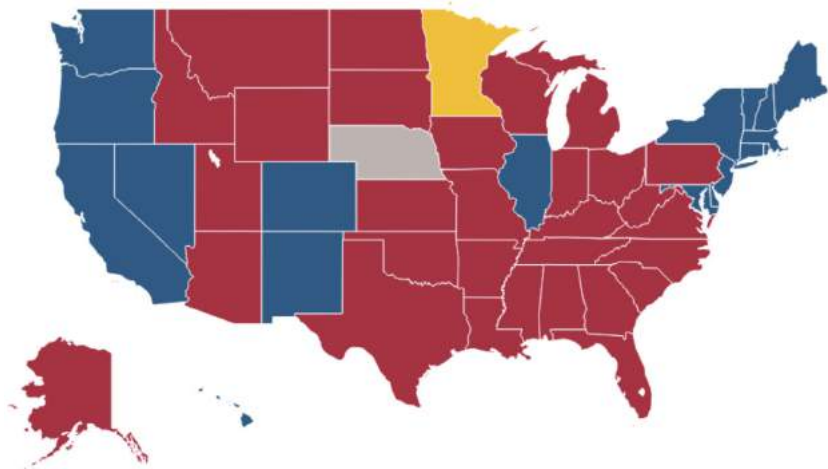■ Republican won (18) ■ Democrat won (15) ■ Election not yet called (3)

*Map as of November 13th, 2018

Republicans control more state legislatures than Democrats

Control of state legislatures after the 2018 elections*

■ Democratic-controlled ■ Republican-controlled ■ Split Legislature
■ Election not yet called ■ Nonpartisan

*Map as of November 13th, 2018

FLORIDA

- Republicans won every statewide race.

- The highest profile statewide race was for the US Senate. As of Wednesday morning, Scott led Nelson and Nelson has conceded the race. However, Florida law requires an automatic recount if the race results are within .5%. The remaining absentee and provisional ballots will need to be counted but if the current differential of .42% stands, there will be a recount.

- Republicans had a net loss of two seats in their Congressional delegation.

- The Republicans lost one seat in the State Senate. Republicans lost four seats in the Florida House of Representatives leaving them with a 73-46 majority, far shy of a 2/3 majority.

- Republicans were the clear winners in Florida. Although they lost seats in the State Legislature, they maintained all four of the Cabinet races including Governor and unseated a US Senator.

TEXAS

- Democrats made strides but ultimately fell short of their top goals.

- Texas State Senate now has 19 Republicans and 12 Democrats. In Texas, a bill needs 19 votes in order to be considered. The margin is razor thin, and one of the Republican State Senators has a rocky relationship with the Lt. Governor.

- They are in a heated Speaker's race, and whoever wins will do so with some Democratic votes.

- They are five new female LGBTQ State House members.

- Democrats swept the Texas Courts of Appeals in Austin, Corpus Christi, Dallas, and Houston.

WISCONSIN

- State Schools Superintendent Tony Evers narrowly defeated Republican Governor Scott Walker, denying him a third term by just over 30,000 votes out of almost 2.7 million cast.

- Republican Attorney General Brad Schimel lost to Democrat Josh Kaul, a former federal prosecutor, by a narrow margin of only 22,000 votes.

- State Senate Republicans gained a seat, widening their margin to 19/14.

- The State Assembly remains under GOP control as well. Republicans did not lose a single seat, retaining their 64/35 margin.

- Many jurisdictions around the state passed advisory referendums regarding the legalization of recreational or medicinal cannabis. These overwhelmingly passed in liberal Dane and Milwaukee Counties ("recreational") but also in more conservative Brown County (medicinal).

CALIFORNIA

- Democrats maintained their dominance in statewide elections.

- Democrats may have reached super-majority levels in both chambers.

- There will likely be three Democratic Congressional pick-ups.

- Remains a friendly territory for Democrats, but also mirrors the national picture with the success of Republicans in rural areas.

- Voters rejected a repeal of the gas tax by ballot provision.

MICHIGAN

- Democrat and former Senate Minority Leader Gretchen Whitmer elected Governor, defeating Republican Attorney General Bill Schuette, to succeed term limited Republican Governor Rick Snyder.

- Michigan continues "purple" tradition of flipping party of Governor-elect every eight years, which has held for several consecutive cycles.

- Democrat Dana Nessel elected Attorney General; Democrat Jocelyn Benson elected Secretary of State – for the first time in Michigan history, all three top State offices to be held by women.

- Republicans maintain control in Senate by 22-16 margin (down from 27-11) and in House by 58-52 margin (down from 63-47), resulting in split government; Republicans have held Michigan Senate since 1983.

- Ballot initiatives on legalized recreational marijuana, anti-gerrymandering and voting access all pass with comfortable margins.

- "Republican-leaning" (although elected in non-partisan section of ballot) Justices continue to constitute a majority of the Michigan Supreme Court.

Federal Public Policy Team

Dennis A. Cardoza
Director, Public Affairs
202.295.4015
dcardoza@foley.com

Scott L. Klug
Director, Public Affairs
608.258.4762
sklug@foley.com

Jennifer F. Walsh
Director, Public Affairs
202.295.4762
jwalsh@foley.com

Michael K. Crossen
Partner
202.295.4440
mcrossen@foley.com

Theodore H. Bornstein
Partner
202.945.6188
tbornstein@foley.com

Federal Public Policy Team

Foley's bipartisan Federal Public Policy Team has developed meaningful relationships throughout the House, Senate and Administration over our many years of experience working in and with the federal government and private sector.

We are comprised of former Members of Congress, both Republican and Democrat, former House and Senate chiefs of staff and former Administration staff. Our team is heavily invested in building relationships both legislatively and politically, in order to better serve your organization.

Our combined years of government experience have enabled our group to deliver results by working closely with congressional Republican and Democratic leadership, and with key caucuses and committees.

Nationwide Leaders in Public Policy

Foley excels across the country.

Foley has a premier public policy practice in Washington, D.C., as well as state capitals throughout the country. We represent clients federally, in discrete states, or coordinate nationwide campaigns to achieve goals simultaneously on federal, state, and local levels.

We have public policy practices in:

– Washington, D.C.

– California

– Texas

– Wisconsin

– Illinois

– Michigan

– Florida

– Massachusetts

To learn more about Foley's Public Policy Team please visit us at www.foley.com/publicpolicy

FOLEY

FOLEY & LARDNER LLP