2016 Election Results and Legislative Forecast

Holland & Knight

November 2016
Donald Trump Elected 45th President of the United States
Mike Pence Elected Vice President

Final Electoral College Results (MI not called as of print)

**Trump:** 290

**Clinton:** 232

[Map showing election results with states colored in red and blue, indicating the electoral college votes for each candidate.]
Election Results – Presidential

» Popular Vote
  • Trump: 47.5%
  • Clinton: 47.7%

» Turnout
  • Voter Turnout Up by 4.7 percent
  • Trump beat Clinton 53% to 41% among men
  • Clinton beat Trump 54% to 42% among women
  • Trump beat Clinton 72% to 23% among white voters without a college degree
  • Clinton won 93% to 4% among black women, but only 80% to 13% among black men, which is significantly lower than what Obama received four years ago

Key Swing State Results

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Republicans Retain Thin Majority in Senate

Analysis

- The Republicans maintained their majority – but Democrats narrowed the gap.
- In the final days, Republicans were able to fight off a potentially larger loss.
- The split, while giving Republicans the Majority, puts the chamber in a precarious position and portends a challenging road ahead for Senate leaders, especially on confirmation battles.
- *Louisiana seat faces a December runoff.

Source: National Journal Research; CNN Election Center; Associated Press; NBC News.
Snapshot of Nov. 8 Results

Key Races – Incumbents in BOLD, Winner in Red

» Arizona – Anne Kirkpatrick (D) v. John McCain (R)
» Florida – Patrick Murphy (D) v. Marco Rubio (R)
» Illinois – Tammy Duckworth (D) v. Mark Kirk (R)
» Indiana – Open Seat – Evan Bayh (D) v. Todd Young (R)
» Missouri – Jason Kander (D) v. Roy Blunt (R)
» Nevada – Open Seat – Catherine Cortez Masto (D) v. Joe Heck (R)
» New Hampshire – Maggie Hassan (D) v. Kelly Ayotte (R)
» North Carolina – Deborah Ross (D) v. Richard Burr (R)
» Ohio – Ted Strickland (D) v. Rob Portman (R)
» Pennsylvania – Katie McGinty (D) v. Pat Toomey (R)
» Wisconsin – Russ Feingold (D) v. Ron Johnson (R)
House Results

- **House Republicans maintained their majority**
- Democrats had a net gain of 6 seats
- Republicans gained 3 and lost 9 incumbents (as of print)
- 218 needed for chamber majority

With 3 races outstanding:

- Republicans = 239 seats
- Democrats = 193 seats
Closely Watched House Races

**Republican Seats – Incumbents in BOLD, Winner in Red**

» California – 10: Michael Eggman (D) v. **Jeff Denham (R)**
» California – 25: Bryan Caforio (D) v. **Steve Knight (R)**
» California – 49: Doug Applegate (D) v. **Darrell Issa (R)**
» Colorado – 06: Morgan Carroll (D) v. **Mike Coffman (R)**
» Florida – 07: **Stephanie Murphy (D)** v. John Mica (R)
» Florida – 26: Joe Garcia (D) v. **Carlos Curbelo (R)**
» Illinois – 10: Brad Schneider (D) v. **Bob Dold (R)**
» Iowa – 01: Monica Vernon (D) v. **Rod Blum (R)**
» Maine – 02: Emily Cain (D) v. **Bruce Poliquin (R)**
» New Jersey – 05: Josh Gottheimer (D) v. **Scott Garrett (R)**
» Texas – 23: Pete Gallego (D) v. **Will Hurd (R)**
» Virginia – 10: LuAnn Bennett (D) v. **Barbara Comstock (R)**
Closely Watched House Races

Democrat and Open Seats – Incumbents in BOLD, Winner in Red

» Florida – 18-Open Seat: Randy Perkins (D) v. Brian Mast (R)
» Minnesota – 02-Open Seat: Angie Craig (D) v. Jason Lewis (R)
» Nebraska – 02: Brad Ashford (D) v. Don Bacon (R)
» Nevada – 03-Open Seat: Jacky Rosen (D) v. Danny Tarkanian (R)
» New York – 19-Open Seat: Zephyr Teachout (D) v. John Faso (R)
» New York – 22-Open Seat: Kim Myers (D) v. Claudia Tenney (R)
» Pennsylvania – 08-Open Seat: Steve Santarsiero (D) v. Brian Fitzpatrick (R)
Trump’s Transition Team, Key Leaders & Process

Chair – Vice President-elect Mike Pence

Chief of Staff: Reince Priebus
Chief Strategist & Senior Counselor: Steve Bannon

Key Leadership Staff: Bill Palatucci, Bill Hagerty, Rich Bagger, John Rader

Trump’s Transition team is well underway. They will need to fill 4,000 jobs, with some 1,000 of those requiring Senate confirmation.

» Post-Election Transition
  - Launch Agency Review Teams
  - Top 50 Cabinet Appointees
  - White House Executive Office
  - Policy Implementation Plan
  - Budget and Management Agendas
  - Meetings Between Appointees and Senate

» January & First 100 Days
  - Agency Review Reports
  - Cabinet Orientation, Briefings
  - Fill Top 100 Senate-confirmed Positions
  - Strategy to Fill Remaining Appointments
  - Legislative Text/Proposals
Key Potential Leadership and Cabinet Appointees

» Treasury Secretary:
  - Steve Mnuchin, Trump Finance Chair

» EPA Administrator:
  - Myron Ebell, Competitive Enterprise Institute
  - Joe Aiello, NJ EPA
  - Carol Comer, Indiana
  - Leslie Rutledge, AG of AR

» Defense Secretary:
  - Michael Flynn, Former Director of DIA
  - Sen. Jeff Sessions, U.S. Senator from AL
  - Stephen Hadley, Former National Security Advisor

» Attorney General:
  - Rudy Giuliani, Former Mayor of NYC
  - Chris Christie, Gov. of NJ
  - Pam Bondi, AG of FL

» Commerce Secretary:
  - Lew Eisenberg, National Finance Chair
  - Mike Huckabee, Former Gov. of AR
  - David Purdue, U.S. Senator from GA
  - Rick Perry, Former Gov. of TX

» State Department:
  - Newt Gingrich
  - Sen. Bob Corker, U.S. Senator from AL

» National Security Advisor
  - Michael Flynn, Former Director of DIA

» White House Counsel
  - Donald McGahn, Jones Day Partner

» Energy Secretary:
  - Harold Hamm, Bakken Oil Developer, Romney Energy Advisor
  - Robert Grady, Venture Capitalist

» Interior Secretary:
  - Forest Lucas, Founder of Lucas Oil
  - Robert Grady, Venture Capitalist
  - Jan Brewer, Former Gov. of AZ

» OMB Director:
  - Sen. Jeff Sessions, U.S. Senator from AL

» USDA Secretary:
  - Sonny Perdue, Former Gov. of GA
  - Sam Brownback, Gov. of KS
  - Chuck Conner, Deputy Secretary of USDA under George W. Bush
  - Dave Heineman, Gov. of NE

» Education Secretary:
  - Ben Carson, 2016 Presidential Candidate
  - William Evers, Research Fellow at Hoover Institution

» HHS Secretary:
  - Rich Bagger, Executive Director of Trump Transition Team
  - Ben Carson, 2016 Presidential Candidate
  - Newt Gingrich, Former Speaker of the House

» DHS Secretary:
  - Chris Christie, Gov. of NJ
  - David Clarke, Milwaukee, WI Sheriff

» HUD Secretary:
  - Rob Astorino, County Executive in Westchester County, Ran for NY Gov.

» Labor Secretary:
  - Victoria Lipnick, Commissions of the EEOC
New Congress – Leaders and Committee Chairs

» Republicans – Senate Committee Chairs:
  • John Barrasso (WY) – Environment and Public Works (EPW) Committee
  • John Thune (SD) – Commerce, Science and Transportation Committee
  • Mike Crapo (ID) – Banking, Housing, and Urban Affairs Committee
  • Orrin Hatch (UT) – Finance Committee
  • Lamar Alexander (TN) – Health, Education, Labor and Pensions (HELP) Committee
  • Chuck Grassley (IA) – Judiciary Committee
  • Thad Cochran (MS) – Appropriations Committee
  • Pat Roberts (KS) – Agriculture Committee
  • Lisa Murkowski (AK) – Energy Committee
  • John McCain (AZ) – Armed Services
  • Mike Enzi (WY) – Budget Committee
  • Bob Corker (TN) – Foreign Relations Committee
  • Ron Johnson (WI) – Homeland Security Committee
  • Roy Blunt (MO) – Rules Committee
  • James Risch (ID) – Small Business Committee
  • Johnny Isakson (GA) – Veterans Committee
  • Richard Burr (NC) – Intelligence Committee
  • John Hoeven (ND) – Indian Affairs Committee
  • Johnny Isakson (GA) – Ethics Committee
  • Susan Collins (ME) – Aging Committee
Democrats – Senate Leadership/Committee Ranking (*italics indicate tentative prediction*):

- Chuck Schumer (NY) – *Minority Leader*
- *Dick Durbin (IL) or Patty Murray (WA) – Minority Whip*
- Tom Carper (DE) – *Environment and Public Works (EPW) Committee*
- *Jon Tester (MT), Patrick Leahy (VT) or Patty Murray (WA) – Appropriations Committee*
- Debbie Stabenow (MI) – *Agriculture Committee*
- Ron Wyden (OR) – *Finance Committee*
- Jack Reed (RI) – *Armed Services Committee*
- *Bernie Sanders (VT) or Sheldon Whitehouse (RI) – Budget Committee*
- Sherrod Brown (OH) – *Banking, Housing, and Urban Affairs Committee*
- Bill Nelson (FL) – *Commerce, Science and Transportation Committee*
- Maria Cantwell (WA) – *Energy and Natural Resources Committee*
- Ben Cardin (MD) – *Foreign Relations Committee*
- Claire McCaskill (MO) – *Homeland Security Committee*
- Dick Durbin (IL) – *Veterans Affairs Committee*
- *Tom Udall (NM) – Rules Committee*
- Patty Murray (WA) or Bernie Sanders (VT) – *Health, Education, Labor and Pensions (HELP) Committee*
- Patrick Leahy (VT) or Dianne Feinstein (CA) – *Judiciary Committee*
- *Tom Udall (NM) or Jon Tester (MT) – Indian Affairs Committee*
- Jeanne Shaheen (NH) – *Small Business Committee*
- Chris Coons (DE) – *Ethics Committee*
- Dianne Feinstein (CA) – *Intelligence Committee*
- Bob Casey (PA) – *Aging Committee*
Key House Committee Chairs/Ranking (*italics indicate tentative prediction*):

- **Ways & Means**: Chair (Kevin Brady, TX); Ranking Member (Sandy Levin, MI)
- **Energy and Commerce**: Chair (*John Shimkus, IL* or *Joe Barton, TX*); Ranking Member (Frank Pallone, NJ)
- **Appropriations**: Chair (*Rodney Frelinghuysen, NJ* or *Robert Aderholt, AL*); Ranking Member (Nita Lowey, NY)
- **Veterans**: Chair (*Phil Roe, TN*, *Gus Bilirakis, FL*, or *Doug Lamborn, CO*); Ranking Member (*Mark Takano, CA* or *Tim Walz, MN*)
- **Ed and Workforce**: Chair (*Virginia Foxx, VA*); Ranking Member (*Bobby Scott, VA* or *Jared Polis, CO*)
- **Budget**: Chair (Tom Price, GA); Ranking Members (*John Yarmuth, KY* or *Tim Ryan, OH*)
- **Judiciary**: Chair (Bob Goodlatte, VA); Ranking Member (John Conyers, MI)
- **Financial Services**: Chair (Jeb Hensarling, TX); Ranking Member (Maxine Waters, CA)
- **Transportation**: Chair (Bill Shuster, PA); Ranking Member (Pete DeFazio, OR)
- **Rules**: Chair (*Pete Sessions, TX*): Ranking Member (Louise Slaughter, NY)
- **Natural Resource**: Chair (Rob Bishop, UT); Ranking Member (Raul Grijalva, NM)
The Lame-Duck Session

» **Lame-Duck Session:**
  - Begins on Nov. 14 for the House and Nov. 15 for the Senate
  - Includes 16 legislative days in the House and 20 legislative days in the Senate
  - Current adjournment for both houses is tentatively scheduled for Dec. 16, 2016
  - Last day of the 114th Congress is on Jan. 3, 2017

» **Must-Pass Spending Bill:**
  - Congress must pass a large spending bill to fund the government for FY2017
  - Current continuing resolution expires on Dec. 9, 2016
Possible Lame-Duck Legislation

» Unfinished Business and Key Legislative Priorities
  - National Defense Authorization Act (NDAA)
  - Merrick Garland's Nomination to Supreme Court
  - Water Resources Development Act (WRDA)
  - Hurricane Relief
  - Congressional Vote on Trans-Pacific Partnership (TPP)
  - Mental Health Reform: Congressional Consideration of Mental Health Reform Act of 2015
  - Additional Opioid Crisis Funding
  - Criminal Justice Reform: Sentencing Reform and Corrections Act of 2015
  - Energy Bill
  - Orphaned Tax Extenders
  - 21st Century Cures Act
  - Export-Import Bank Financing Authority
New Administration Priorities & Important Dates

» Priorities and First 100 Days
- Potential Infrastructure Package
- Focus on Obamacare/Dodd-Frank Rollbacks, Reforms
- Immigration Reform
- Potential SCOTUS Nomination
- Corporate Tax Reform
- Potential Action on Trade
- Lift Restrictions on Energy Production

» Important Dates
- Jan. 20, 2017: 45th president-elect’s inauguration at noon
- Feb. 6, 2017: President is required by Public Law 101-508 to submit a budget request by the first Monday in February; there's no penalty for missing the deadline
- Feb. 15, 2017: Congressional Budget Office (CBO) is required to release its annual budget estimate
- July 15, 2017: Midsession budget review is due from the White House
Legislation to Be Considered:
- FAA Reauthorization
- Career and Technical Education (CTE) Reauthorization
- Perkins Career Technical Education Reauthorization
- Higher Education Reauthorization
- U.S. Fire Administration, Assistance to Firefighter Grants Reauthorization
- Staffing for Adequate Fire and Emergency Response Grants Reauthorization
- Prescription Drug User Fee Act
- Generic Drug User Fee Act
- Biosimilar User Fee Act
- Medical Device User Fee Act

Important Dates:
- **March 15, 2017**: Debt ceiling comes back into effect; when borrowing authority has lapsed in the past, the Treasury Department has used so-called extraordinary measures to avoid defaulting on government obligations.
- **April 1, 2017**: Senate Budget Committee's deadline for approving a fiscal 2018 budget resolution.
- **April 15, 2017**: Congress is supposed to adopt a budget resolution by April 15 that presents a unified view of priorities for both the House and the Senate; there's no punishment for missing the deadline, which is often unmet.
- **Sept. 30, 2017**: Last day of the fiscal year; all 12 appropriations bills for FY2018 are supposed to be signed by then.
- **33 U.S. Senators Up For Re-election in 2018**: 23 Democrats, two Independents who Caucus with Democrats and eight Republicans

- **Vulnerable Senate Seats**: Joe Donnelly (D-IN); Claire McCaskill (D-MO); Jon Tester (D-MT); Heidi Heitkamp (D-ND); Joe Manchin (D-WV); Bill Nelson (D-FL); Sherrod Brown (D-OH); Tammy Baldwin (D-WI); Tim Kaine (VA)
Thank You!