

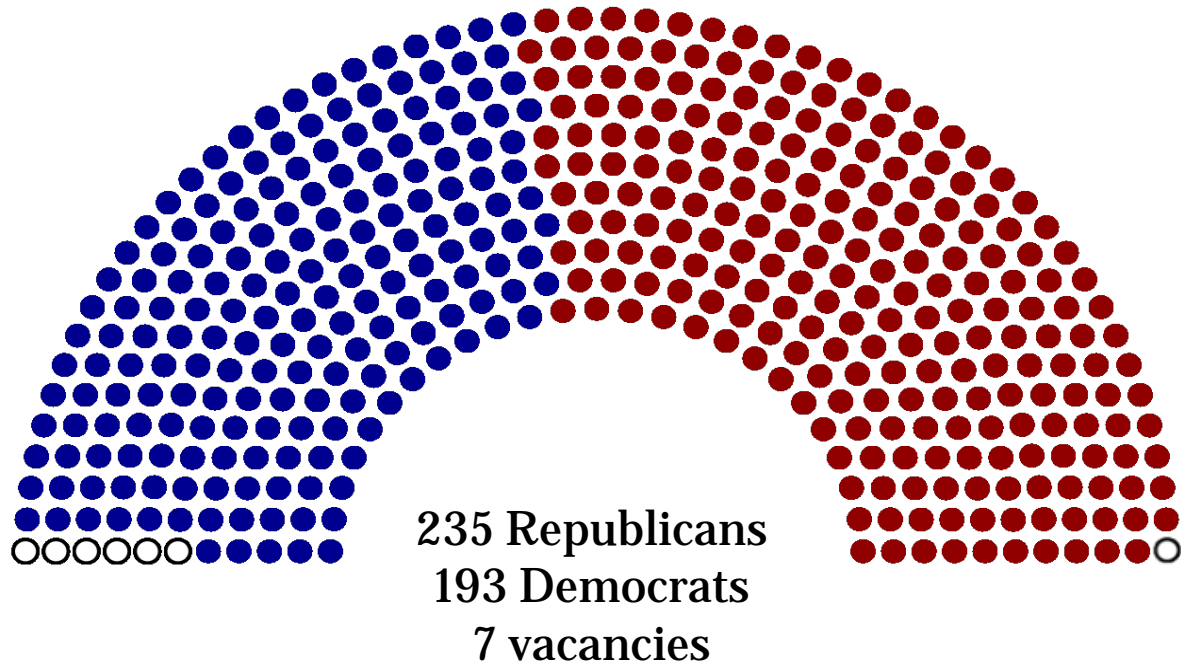
2018 Midterm Elections Update

Holland & Knight

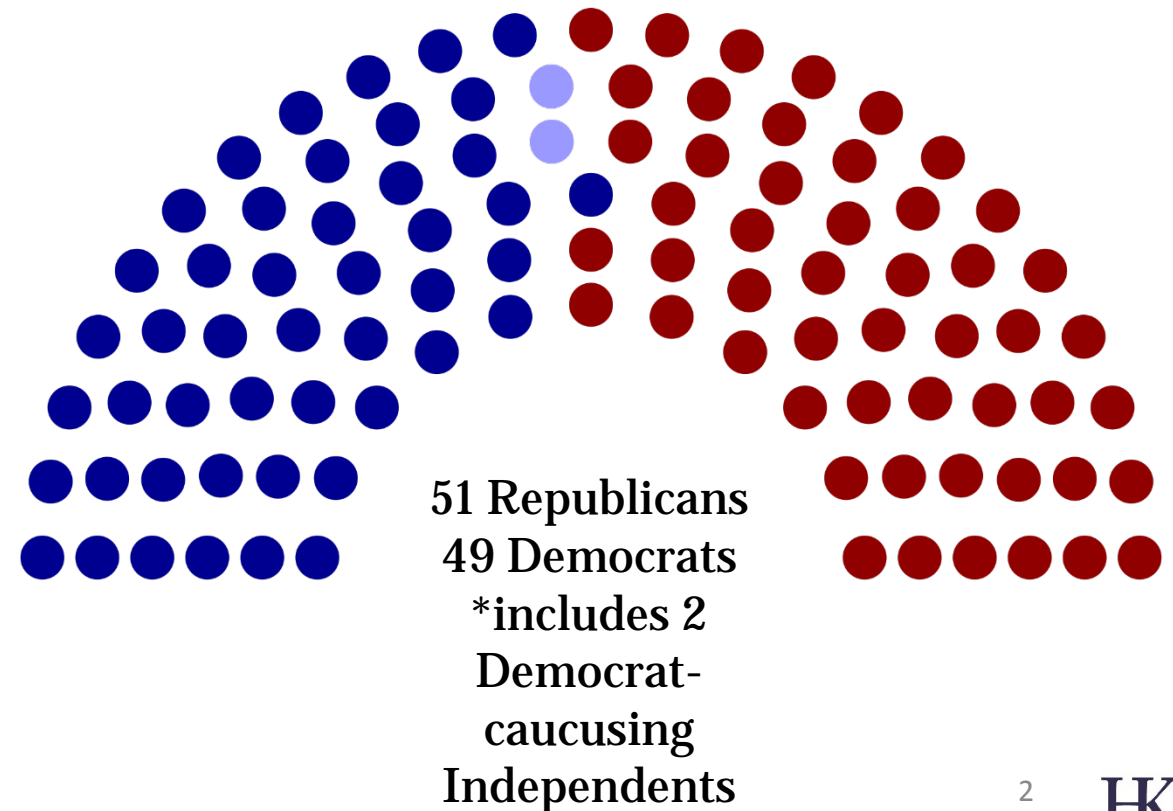
Current House and Senate Composition

2018

U.S. House of Representatives



U.S. Senate

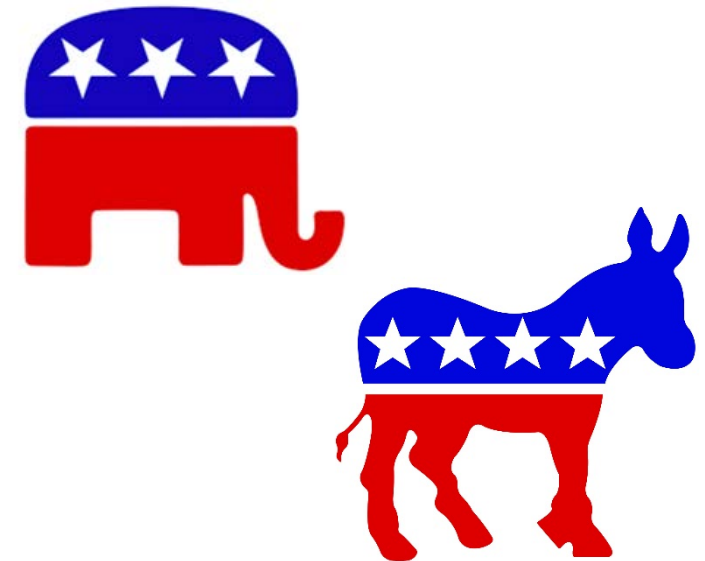


The 116th Congress: Paradigm Shifts

2018

U.S. House of Representatives

- Republicans are defending 40 open House seats while Democrats are defending 20
- Several members left during the 115th Congress
 - Wave of allegations [sexual harassment and other inappropriate behavior]
 - Appointed to or running for another office [Governor or Senate]
 - Serving as Cabinet secretary or in Administration
- GOP committee chairs are term-limited
- New ages, demographics running for office
 - Millennials: Millennials will for the first time be a plurality of the voting-eligible population in 2018. Several candidates are in their 30s, with a couple in their 20s. The average age for a member of the House is currently 58 years old.
 - Females: There is a record number of women running for Congress this year, 235 compared to 167 in 2016. Women have won 43% of Democratic House primary races and Republican women have won 13% of their primaries.
 - Veterans: According to the “With Honor” Super PAC, more than 200 veterans have run for House seats this year. Currently, less than 20% of Congress has a military background.



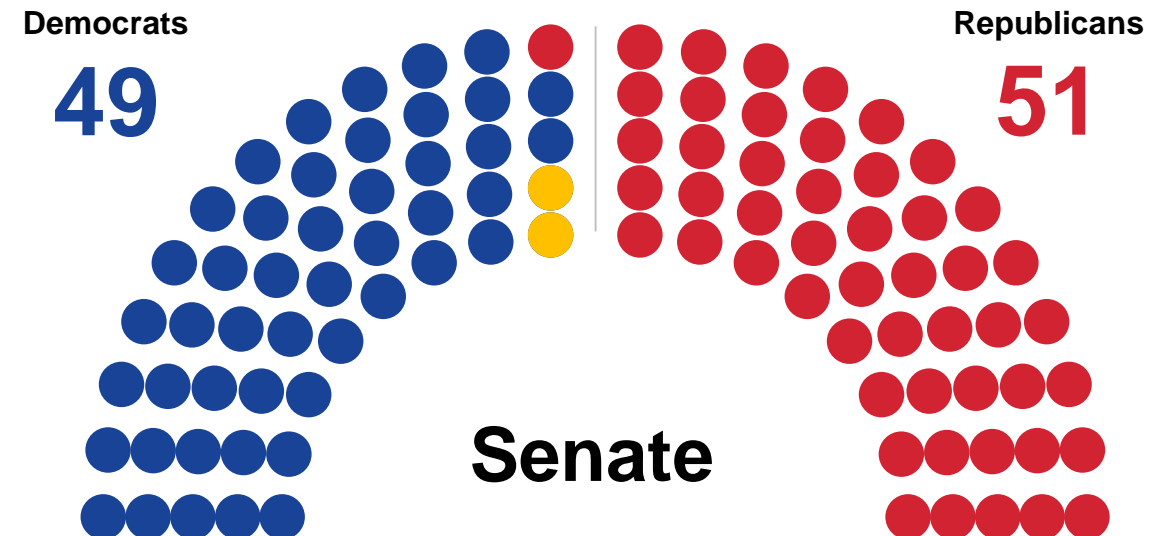
The 116th Congress: Paradigm Shifts (Cont.)

2018

U.S. Senate

- 26 Democrats are up for re-election in 2018. Every Democratic incumbent is running for re-election, including 8 Democrats in states that Trump easily won in 2016.
- 9 Republicans are up in 2018. 7 Republicans are running for re-election, and 2 seats are open with the retirement of Senator Corker and Senator Flake. The open Flake (AZ) seats and Corker (TN) seats are in states won by President Trump however are key pickup opportunities for Democrats. Senator Heller (NV) is the only Republican running for re-election in a state won by Hillary Clinton in 2016.
- Given the current ratio of the Senate – 51 R-49 D, Democrats would have to retain all 26 current seats plus net 2 new seats to attain the Senate majority.

- ***Democrats running in States Trump Won: FL, IN, OH, MI, MO, MT, ND, PA, WI, WV***
- ***Republicans running in Clinton States: NV***



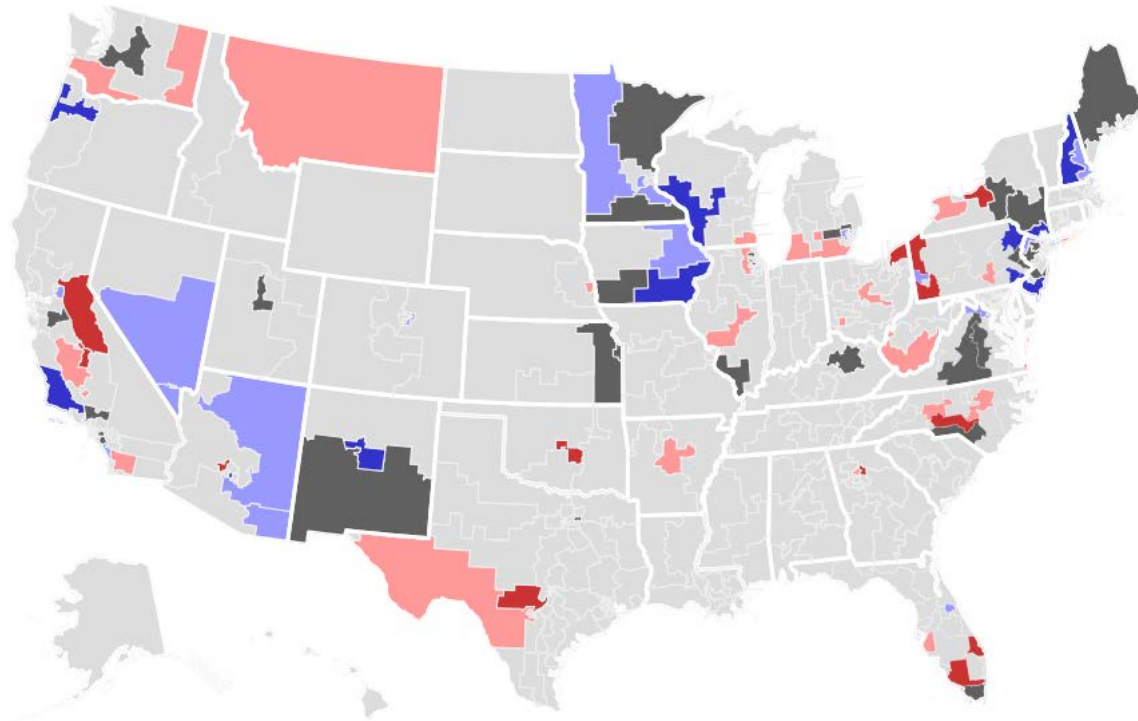
Note: Independents, shown in yellow, caucus with the Democrats and are included in the Democratic tally.

Source: Bloomberg Government 4

U.S. House of Representatives

2018

205 Democrats Toss Ups 31 Republicans 199



DEMOCRATS			REPUBLICANS		
Likely	Leans	Toss up	Likely	Leans	Toss up

Analysis

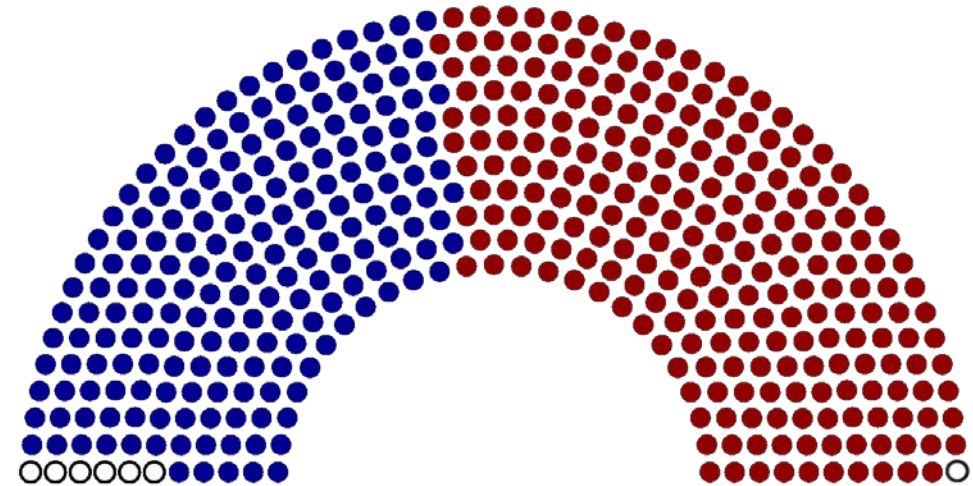
- Difficult year for GOP – retirements, PA redistricting, Kavanaugh nomination proceedings.
- Historically, in midterm elections, the party that holds the White House loses seats held by their party in their respective Houses of Congress. This historical dynamic is more true in the House than the Senate.
- In the House, there are 23 seats held by Republicans in districts won by Hillary Clinton in 2016. 7 of those Republicans are retiring from Congress or seeking higher office, leaving what is known as an “open” seat.

U.S. House of Representatives 235-193 (7 vacancies)

2018

218 Seats = Control

- 218 seats are needed for the majority
- 34 GOP seats are rated as “Toss up” vs just 2 Democratic seats
- Democrats must win 23 seats for an outright majority
- Democrats could swing handfuls of seats in California, Pennsylvania, New Jersey, and New York



The Current Partisan Breakdown

- 235 Republicans
- 193 Democrats
- 7 vacancies
- 5 formerly held by Republicans
- 2 formerly held by Democrats

House Races to Watch

2018

➤ Arizona

- AZ-2 Ann Kirkpatrick (D) v. Leah Marquez Petersen (R) Lean D

➤ California

- CA-10 Josh Harder (D) v. **Rep. Jeff Denham** (R) Toss Up
- CA-25 Katie Hill (D) v. **Rep. Steve Knight** (R) Toss Up
- CA-39 Gil Cisneros (D) v. Young Kim (R) Lean R
- CA-45 Katie Porter (D) v. **Rep. Mimi Walters** (R) Toss Up
- CA-48 Harley Rouda (D) v **Rep. Dana Rohrabacher** (R) Toss Up
- CA-49 Mike Levin (D) v. Diane Harkey (R) Lean D
- CA-50 Ammar Campa-Najjar (D) v. **Rep. Duncan Hunter** (R) Lean R

➤ Colorado

- CO-6 Jason Crow (D) v. **Rep. Mike Coffman** (R) Lean D

➤ Florida

- FL-26 Debbie Mucarsel-Powell (D) v. **Rep. Carlos Curbelo** (R) Toss Up
- FL-27 Donna Shalala (D) v. Maria Elvira Salazar (R) Toss Up

➤ Georgia

- GA-6 Lucy McBath (D) v. **Rep. Karen Handel** (R) Lean R

➤ Illinois

- IL-6 Sean Casten (D) v. **Rep. Peter Roskam** (R) Toss Up
- IL-12 Brendan Kelly (D) v. **Rep. Mike Bost** (R) Toss Up
- IL-13 Betsy Dirksen Londrigan (D) v. **Rep. Rodney Davis** (R) Lean R
- IL-14 Lauren Underwood (D) v. **Rep. Randy Hultgren** (R) Toss Up

➤ Iowa

- IA-1 Abby Finkenauer (D) v. **Rep. Rod Blum** (R) Lean D
- IA-3 Cindy Axne (D) v. **Rep. David Young** (R) Toss Up

➤ Kansas

- KS-2 Paul Davis (D) v. Steve Watkins (R) Toss Up
- KS-3 Sharice Davids (D) v. **Rep. Kevin Yoder** (R) Toss Up

➤ Kentucky

- KY-6 Amy McGrath (D) v. **Rep. Andy Barr** (R) Toss Up

➤ Maine

- ME-2 Jared Golden (D) v. **Rep. Bruce Poliquin** (R) Toss Up

➤ Michigan

- MI-8 Elissa Slotkin (D) v. **Rep. Mike Bishop** (R) Toss Up
- MI-11 Hailey Stevens (D) v. Lena Epstein (R) Lean D

House Races to Watch (Cont.)

2018

➤ Minnesota

- MN-1 Dan Feehan (D) v. Jim Hagedorn (R) Lean R
- MN-2 Angie Craig (D) v. **Rep. Jason Lewis** (R) Lean D
- MN-3 Dean Phillips (D) v. **Rep. Erik Paulsen** (R) Lean D
- MN-8 Joe Radinovich (D) v. Pete Stauber (R) Lean R

➤ Nebraska

- NE-2 Kara Eastman (D) v. **Rep. Don Bacon** (R) Lean R

➤ Nevada

- NV-3 Susie Lee (D) v. Danny Tarkanian (R) Toss Up
- NV-4 Steven Horsford (D) v. Crescent Hardy (R) Lean D

➤ New Jersey

- NJ-3 Andy Kim (D) v. **Rep. Tom MacArthur** (R) Toss Up
- NJ-7 Tom Malinowski (D) v. **Rep. Leonard Lance** (R) Toss Up
- NJ-11 Mikie Sherrill (D) v. Jay Webber (R) Lean D

➤ New Mexico

- NM-2 Xochitl Torres Small (D) v. Yvette Harrell (R) Toss Up

➤ New York

- NY-1 Perry Gershon (D) v. **Rep. Lee Zeldin** (R) Lean R
- NY-11 Max Rose (D) v. **Rep. Dan Donovan** (R) Lean R
- NY-19 Antonio Delgado (D) v. **Rep. John Faso** (R) Toss Up
- NY-22 Anthony Brindisi (D) v. **Rep. Claudia Tenney** (R) Toss Up
- NY-24 Dana Balter (D) v. **Rep. John Katko** (R) Likely R
- NY-27 Nate McMurray (D) v. **Rep. Chris Collins** (R) Lean R

➤ North Carolina

- NC-2 Linda Coleman (D) v. **Rep. George Holding** (R) Lean R
- NC-9 Dan McCready (D) v. Mark Harris (R) Toss Up
- NC-13 Kathy Manning (D) v. **Rep. Ted Budd** (R) Toss Up

➤ Ohio

- OH-1 Aftab Pureval (D) v. **Rep. Steve Chabot** (R) Lean R
- OH-12 Danny O'Connor (D) v. **Rep. Troy Balderson** (R) Lean R

Incumbents in **BOLD**
Rankings from RealClearPolitics

House Races to Watch (Cont.)

2018

➤ Pennsylvania

- PA-1 Scott Wallace (D) v. **Rep. Brian Fitzpatrick** (R) Toss Up
- PA-7 Susan Wild (D) v. Marty Nothstein (R) Lean D
- PA-8 Rep. Matt Cartwright (D) v. John Chrin (R) Likely D
- PA-10 George Scott (D) v. **Rep. Scott Perry** (R) Lean R
- PA-16 Ron DiNicola (D) v. **Rep. Mike Kelly** (R) Likely R
- PA-17 Rep. Conor Lamb (D) v. **Rep. Keith Rothfus** (R) Lean D

➤ South Carolina

- SC-1 Joe Cunningham (D) v. Katie Arrington (R)

➤ Texas

- TX-1 Lizzie Fletcher (D) v. **Rep. John Culberson** (R) Toss Up
- TX-23 Gina Ortiz Jones (D) v. **Rep. Will Hurd** (R) Lean R
- TX-32 Colin Allred (D) v. **Rep. Pete Sessions** (R) Toss Up

➤ Utah

- UT-4 Ben McAdams (D) v. **Rep. Mia Love** (R) Toss Up

➤ Virginia

- VA-2 Elaine Luria (D) v. **Rep. Scott Taylor** (R) Lean R
- VA-5 Leslie Cockburn (D) v. Denver Riggleman (R) Toss Up
- VA-7 Abigail Spanberger (D) v. **Rep. Dave Brat** (R) Toss Up
- VA-10 Jennifer Wexton (D) v. **Rep. Barbara Comstock** (R) Lean D

➤ Washington

- WA-3 Carolyn Long (D) v. **Rep. Jamie Herrera-Beutler** (R) Lean R
- WA-5 Lisa Brown (D) v. **Rep. Cathy McMorris-Rodgers** (R) Lean R
- WA-8 Kim Schrier (D) v. Dino Rossi (R) Toss Up

➤ West Virginia

- WV-3 Richard Ojeda (D) v. Carol Miller (R) Lean R

➤ Wisconsin

- WI-1 Randy Bryce (D) v. Brian Steil (R) Lean R

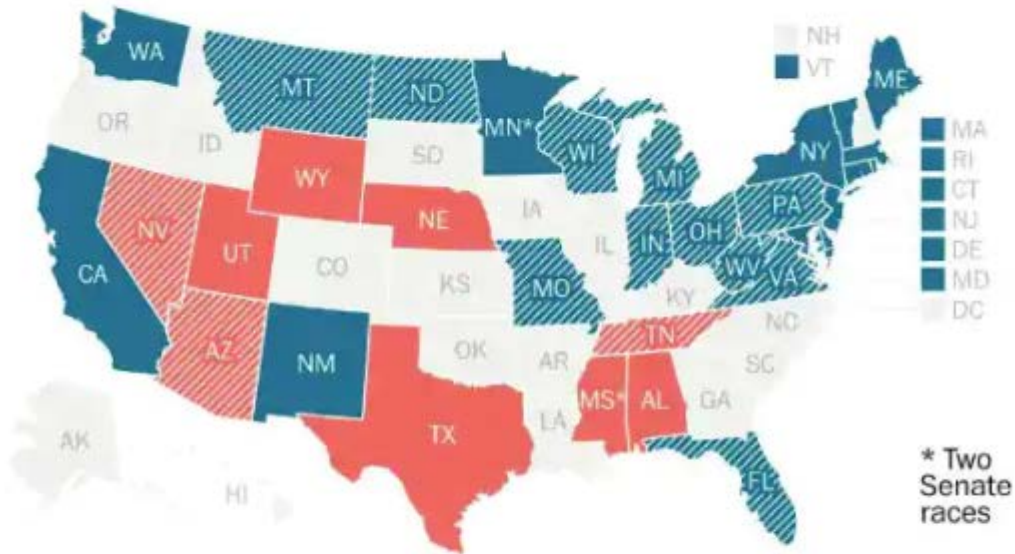
Incumbents in **BOLD**
Rankings from RealClearPolitics

U.S. Senate

2018

Senate seats in play in 2018

● Democrat-held seat ● Republican-held seat ● No election ● Competitive



26 Democrat seats in play



9 Republican seats in play

Note: Maine and Vermont seats are occupied by independents, but both caucus with Democrats

THE WASHINGTON POST

Analysis

- 10 incumbent Senators are running in states where Donald Trump won in 2016.
- According to FiveThirtyEight, there is a 4/5 (79.5%) chance R's keep Senate and D's win House and a 1/5 (20.5%) chance D's would take the House and Senate.
- Senate Democrats need to win every incumbent seat *plus* 2 additional seats to take the majority. The best potential pick up is Heller (the only Republican senator running in a state that Hillary Clinton won), or win the open Arizona seat vacated by Jeff Flake. However, Republicans have the potential to pick up ND and potentially other Trump state D races.

Key Senate Races

2018

- Arizona – OPEN - Rep. Kyrsten Sinema (D) v. Rep. Martha McSally (R) Toss Up
- Florida – **Sen. Bill Nelson (D)** vs. Governor Rick Scott (R) Toss Up
- Indiana – **Joe Donnelly (D)** v. Mike Braun (R) Toss Up
- Missouri – **Claire McCaskill (D)** v. Josh Hawley (R) Toss Up
- Montana – **Sen. John Tester (D)** v. Matt Rosendale (R) Toss Up
- Nevada – Rep. Jacky Rosen (D) v. **Sen. Dean Heller (R)** Toss Up
- North Dakota – **Sen. Heidi Heitkamp (D)** v. Rep. Kevin Cramer (R) Lean R
- Ohio – **Sen. Sherrod Brown (D)** v. Rep. Jim Renacci (R) Likely D
- Pennsylvania – **Sen. Bob Casey (D)** v. Rep. Lou Barletta (R) Likely D
- Tennessee – OPEN - Gov. Phil Bredesen (D) v Rep. Marsha Blackburn (R) Lean R
- Texas – **Sen. Ted Cruz (R)** v Rep. Beto O'Rourke (D) Lean R
- West Virginia – **Sen. Joe Manchin (D)** v. Attorney General Patrick Morrisey (R) Lean D
- Wisconsin – **Sen. Tammy Baldwin (D)** v. State Sen. Leah Vukmir (R) Lean D

Incumbents in **BOLD**
Rankings from RealClearPolitics

116th Congress – Leaders and Committee Chairs

2018

➤ **Republicans – Senate Committee Chairs**

Anticipated New Chair in italics

- *Roger Wicker (MS)* – **Commerce, Science and Transportation Committee**
 - Chairman John Thune (SD) EXPECTED to become Senate Majority Whip
- TBD – **Finance Committee**
 - Chairman Orrin Hatch (UT) retiring;
 - Senator Grassley next in seniority, Crapo second
- *Sen. James Risch (ID)* – **Foreign Relations Committee**
 - Chairman Bob Corker (TN) retiring
- VACANT – **Small Business Committee**
 - Chairman Risch expected to move to Foreign Relations
 - Senator Rubio next in seniority
- *Sen. Lindsay Graham* – **Judiciary Committee**
 - Chairman Grassley expected to move to Finance
- TBD – **Banking**
 - Crapo goes to Finance if Grassley stays at Judiciary (not likely); Toomey would then become Banking Chair



116th Congress – Leaders and Committee Chairs (Cont.)



2018

➤ **Chairs Expected to Remain**

- John Barrasso (WY) – **Environment and Public Works Committee**
- Mike Crapo (ID) – **Banking, Housing, and Urban Affairs Committee** (unless Finance opens)
- Lamar Alexander (TN) – **Health, Education, Labor and Pensions Committee**
- Chuck Grassley (IA) – **Judiciary Committee OR Finance committee** – his pick
- Richard Shelby (AL) - **Appropriations Committee**
- Pat Roberts (KS) – **Agriculture Committee**
- Lisa Murkowski (AK) – **Energy Committee**
- James Inhofe (OK) – **Armed Services**
- Mike Enzi (WY) – **Budget Committee**
- Ron Johnson (WI) – **Homeland Security Committee**
- Roy Blunt (MO) – **Rules 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**

116th Congress – Leaders and Committee Chairs (Cont.)

2018

➤ Democrats – Senate Leadership:

- Sherrod Brown (OH) – **Banking, Housing, and Urban Affairs Committee**
 - *if Sen. Brown loses re-election, Sen. Bob Menendez (NJ) is expected to be Ranking Member
- Bill Nelson (FL) – **Commerce, Science and Transportation Committee**
 - *if Sen. Nelson loses re-election, Sen. Amy Klobuchar (MN) is expected to be Ranking Member, unless Sen. Maria Cantwell leaves Energy and Natural Resources
- Claire McCaskill (MO) – **Homeland Security Committee**
 - *if Sen. McCaskill loses re-election, Sen. John Tester (MT) is expected to be Ranking Member
- Chuck Schumer (NY) – **Minority Leader**
- Dick Durbin (IL) – **Minority Whip**
- Tom Carper (DE) – **Environment and Public Works (EPW) Committee**
- Patrick Leahy (VT) – **Appropriations Committee**
- Debbie Stabenow (MI) – **Agriculture Committee**
- Ron Wyden (OR) – **Finance Committee**
- Jack Reed (RI) – **Armed Services Committee**
- Bernie Sanders (VT) – **Budget Committee**
- Maria Cantwell (WA) – **Energy and Natural Resources Committee**, if Sen. Cantwell leaves for Commerce, Sen. Bernie Sanders would likely be Ranking Member
- Bob Menendez (NJ) – **Foreign Relations Committee**
- Dick Durbin (IL) – **Veterans Affairs Committee**
- Tom Udall (NM) – **Rules Committee**
- Patty Murray (WA) – **Health, Education, Labor and Pensions Committee**
- Dianne Feinstein (CA) – **Judiciary Committee**
- Tom Udall (NM) – **Indian Affairs Committee**
- Ben Cardin (MD) – **Small Business Committee**
- Chris Coons (DE) – **Ethics Committee**
- Mark Warner (VA) – **Intelligence Committee**
- Bob Casey (PA) – **Aging Committee**

House Committee Chairmen Retiring

2018

House Committees	Chairmen	Ranking Member
Agriculture	Mike Conway(TX)	Collin Peterson (MN)
Appropriations	Rodney Frelinghuysen (NJ) – <i>retiring</i>	Nita Lowey (NY)
Armed Services	Mac Thornberry (TX)	Adam Smith (WA)
Budget	Steve Womack (AR)	John Yarmuth (KY)
Education & Workforce	Virginia Foxx (NC)	Bobby Scott (VA)
Energy & Commerce	Greg Walden (OR)	Frank Pallone (NJ)
Ethics	Susan Brooks (IN)	Ted Deutch (FL)
Financial Services	Jeb Hensarling (TX) – <i>retiring, term-limited</i>	Maxine Waters (CA)
Foreign Affairs	Ed Royce (CA) – <i>retiring, term-limited</i>	Elliot Engel (NY)
Homeland Security	Mike McCaul (TX) – <i>term limited</i>	Bernie Thompson (MS)
House Administration	Gregg Harper (MS) – <i>retiring</i>	Bob Brady (PA) – <i>retiring</i>
Intelligence	Devin Nunes (CA)	Adam Schiff (CA)
Judiciary	Bob Goodlatte (VA) – <i>retiring, term-limited</i>	Jerry Nadler (NY)
Natural Resources	Rob Bishop (UT)	Raul Grijalva (AZ)
Oversight & Government Reform	Trey Gowdy (SC) – <i>retiring</i>	Elijah Cummings (MD)
Rules	Pete Sessions (TX)	Jim McGovern (MA)
Science, Space, & Technology	Lamar Smith (TX) – <i>retiring, term-limited</i>	Eddie Bernice Johnson (TX)
Small Business	Steve Chabot (OH)	Nydia Velazquez (NY)
Transportation & Infrastructure	Bill Shuster (PA) – <i>retiring, term-limited</i>	Peter DeFazio (OR)
Veterans Affairs	Phil Roe (TN)	Tim Walz (MN) – <i>running for Governor</i>
Ways & Means	Kevin Brady (TX)	Richard Neal (MA)

The Lame Duck Session

2018

➤ Unfinished Business

- Appropriations

Passed into law:

- Energy & Water
- Legislative Branch
- Military Construction-VA
- Labor-HHS-Education
- Defense

Awaiting completion under Continuing Resolution (Expires Dec. 7):

- Commerce, Justice, Science
- Homeland Security
- State-Foreign Operations
- Interior-Environment
- Financial Services
- Agriculture-FDA
- Transportation-HUD

- Farm Bill – expired September 30, 2018
- National Flood Insurance Program – expires November 30, 2018
- Deferred Action for Childhood Arrivals (DACA)/Immigration
- Violence Against Women Act (VAWA) – expires December 7
- Border Wall Funding
- 154 agency appointments and judicial nominees awaiting Senate confirmation
- Extenders/tax bill technical corrections

➤ Important Dates

- **Nov 13:** House and Senate return
- **Nov 19-26:** Thanksgiving
- **Dec. 7:** Current continuing resolution expires
- **December 13:** Target adjournment for the House
- **December 14:** Target adjournment for the Senate

2019 Legislative Priorities & Important Dates

2018



➤ Priorities

- Potential Infrastructure Package
- Immigration Reform
- Data Privacy
- USMCA – new NAFTA
- Ethics Reform
- Gun Control
- ACA Protections

➤ Important Dates

- **Jan. 2019:** 116th Congress convenes – calendars expected to be released around Thanksgiving
- **March 1, 2019:** Debt limit Suspension Ends
- **April 15, 2019:** 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, 2019:** Last day of the fiscal year; all 12 appropriations bills for FY2020 are supposed to be signed by then

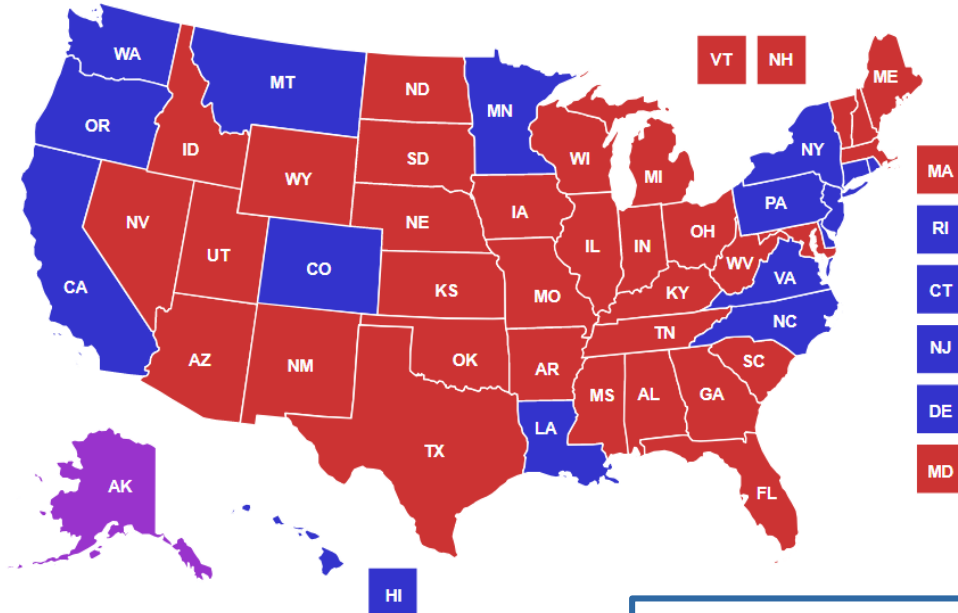
Key Gubernatorial Races Nationwide

2018

16 Democrats

Independent
1

Republicans 33



Analysis

- This incoming class of Governors will be in office for the next round of redistricting
- Governors from 2018-2022 will have veto and approval power over maps redrawn after the 2020 census

Governor Races To Watch

- Arizona: Gov. Doug Ducey (R) v. Gary Garcia (D) Likely R
- Florida: Rep. Ron DeSantis (R) vs. Tallahassee Mayor Andrew Gillum (D) Toss Up
- Georgia: Stacey Abrams (D) v. Brian Kemp Toss Up/Leans Runoff
- Nevada: Adam Laxalt (R) v. Steve Sisolak (D) Toss Up
- Ohio: Atty. Gen. Mike DeWine (R) vs. Richard Cordray (D) Toss Up
- Wisconsin: Gov. Scott Walker (R) v. Tony Evers (D) Toss Up

Thank You

A red silhouette map of the United States is positioned in the top right corner of the slide.

2018

Holland & Knight