

MEMORANDUM

To: Powers Clients and Friends
From: Powers Legislative Practice Group
Date: November 4, 2020
Re: 2020 Election Update as of Wednesday, November 4 at 5:15 PM ET

I. Executive Summary

This memorandum provides a preliminary overview of the 2020 election results and the initial implications for the makeup of the 117th Congress.¹ As more definitive results come in, Powers will be circulating a more detailed memo that includes additional results and an analysis of what to watch in the upcoming lame duck session and the next Congress for health care issues.

The overall results of the 2020 federal elections are yet to be definitively announced. President Trump and former Vice President Biden are locked in a tight race in the Electoral College, with key battleground states too close to call, including Georgia, Nevada, North Carolina, and Pennsylvania (representing 57 electoral votes). Wisconsin (10 electoral votes) has been called for Vice President Biden by the Associated Press (AP) and Michigan (16 electoral votes) has been called for Biden by Politico, but the vote totals in both states appear to be within the margin for the Trump campaign to request a recount. A significant number of outstanding ballots are yet to be counted across these states, largely due to the massive increase in mail-in voting across the country.

It appears that Democrats will maintain control of the House of Representatives, albeit with a slimmer majority than in the 116th Congress. Control of the Senate remains unclear, with five races yet to be decided; however, it now seems more likely that Republicans will maintain a narrow majority.

II. Election 2020: Overview of Election Results

President

As of this writing, neither candidate has clinched a definitive victory in the race for the White House. According to the count by the Associated Press (AP), Vice President Biden holds an initial lead with 248 (264 with the addition of Michigan) electoral votes to President Trump's 214. However, several key states have yet to be called, which will determine the outcome of the race. The race is still tight in the perennial battleground state of Pennsylvania, along with

¹ While we continue to monitor multiple reputable sources, the primary sources cited here are the Associated Press, Bloomberg Government, and Politico.

Georgia, Nevada, and North Carolina, as these states continue to report additional vote totals and count mail-in or absentee ballots. Though the AP has called Wisconsin for Vice President Biden and Politico has called Michigan for Biden as well, these 26 electoral votes are not yet entirely settled, as the margins are narrow enough that recounts are likely.

Congress

While it appears that Democrats will maintain their majority in the House, Republicans regained a handful of seats, and appear poised to keep control of the Senate, pending the outcome of five races that are too close to call as of this writing. Republicans also gained control of one additional governor's seat, flipping Montana from Democratic control.

The following sections break down the specifics of each chamber's election dynamics in more detail, according to confirmed results as of 5:15 PM ET on Wednesday, November 4.

Confirmed Changes in the 2020 Congressional & Governors Races

	Senate	House	Governors
Republicans	48	188	27 (+1)
Democrats	45	203	23 (-1)
Independents	2 (same)	0 (-1)	0
To Be Determined	5	44	0

Some results are still pending as a result of recounts, runoffs, and absentee/mail-in ballots still to be counted in some races. Information presented in the tables is subject to change. Five Senate races are yet to be called (Alaska, both Georgia races, Michigan, and North Carolina). 44 House races remain too close to call. If Republicans win all five of the outstanding Senate seats that are too close to call, the existing Senate split would remain the same for the first session of the 117th Congress, with Republicans holding a 53-seat majority to Democrats' 47 seats (including two Independents, Bernie Sanders (VT) and Angus King (ME), who caucus with the Democrats). Democrats are likely to retain control of the House, but likely with a narrower majority.

U.S. Senate

Control of the Senate remains unclear as of this writing, as five battleground races are yet to be decided. Currently, Republicans hold 48 seats to the Democrats' 47 seats (including the two Independents who caucus with Democrats), with Democrats having flipped two seats (Colorado and Arizona) and Republicans flipping one in Alabama. Republican senators in the battlegrounds of South Carolina, Texas, Iowa, Maine, and Montana held off Democratic challengers, and the open race for retiring Senator Pat Roberts' seat in Kansas broke for Republicans. Due to the resignation of former Senator Johnny Isakson (R-GA), Georgia held races for both Senate seats – incumbent Senator Kelly Loeffler will face a runoff against her Democratic challenger, Raphael Warnock, and the race between Senator David Perdue (R) and challenger Jon Ossoff (D) remains too close to call.

Of the 35 Senate races, the following fourteen were, at most times during 2020, the most competitive:

Battleground (Most Competitive) Senate Races

State	Elected	Defeated
Alabama	Tommy Tuberville (R)	Doug Jones (D)*
Alaska	TBD	TBD
Arizona	Mark Kelly (D)	Martha McSally (R)*
Colorado	John Hickenlooper (D)	Cory Gardner (R)*
Georgia	TBD	TBD
Georgia	<i>TBD</i>	<i>TBD</i>
Iowa	Joni Ernst (R)*	Theresa Greenfield (D)
Kansas	Roger Marshall (R)	Barbara Bollier (D)
Maine	Susan Collins (R)*	Sara Gideon (D)
Michigan	TBD	TBD
Montana	Steve Daines (R)*	Steve Bullock (D)
North Carolina	TBD	TBD
South Carolina	Lindsey Graham (R)*	Jaime Harrison (D)
Texas	John Cornyn (R)*	Mary (MJ) Hegar (D)

Results are still pending as a result of recounts, runoffs, and absentee/mail-in ballots still to be counted. Information presented in the table is subject to change.

*Indicates Incumbent

Italics indicate a runoff

Bold indicates a flipped seat

Key Senate Races and Results

While there are five Senate races yet to be decided, the initial results from the Senate races were quite positive for Republicans, defying polls indicating a “blue wave” that would have changed control of the Senate. Thus far, three incumbent senators lost their seats and there will be at least four newcomers to the Senate in the 117th Congress. Several notable results occurred in battleground races, including:

- **Tommy Tuberville** (R-AL), former head football coach for Auburn University in Alabama, defeated **Sen. Doug Jones** (D-AL), flipping the seat back to Republican control after Jones won a special election in November 2017.
- Former astronaut **Mark Kelly** (D-AZ) defeated **Sen. Martha McSally** (R-AZ) in a special election to serve the remainder of former Sen. John McCain’s term. He will be sworn in on November 30, joining the current Congress.
- **Sen. Susan Collins** (R-ME) defeated **Sara Gideon** (D-ME), the Speaker of the Maine House of Representatives, to return to the Senate for her 5th term.
- **John Hickenlooper** (D-CO), who served as the governor of Colorado from 2011-2019, defeated **Sen. Cory Gardner** (R-CO), flipping the seat to the Democrats in one of two Democratic pickups so far.
- **Sen. Joni Ernst** (R-IA) defeated challenger **Theresa Greenfield** (D-IA) in a tight race for one of the GOP’s key seats to maintain control in the Senate.

- **Representative Roger Marshall** (R-KS) will move from the House to the Senate after defeating state senator and former Republican **Barbara Bollier** (D-KS) to fill retiring Sen. Pat Roberts’ seat.
- **Sen. Steve Daines** (R-MT) will return for his second term in the Senate, holding off a challenge from Montana Gov. Steve Bullock (D-MT).
- **Sen. Lindsey Graham** (R-SC) and **Sen. Mitch McConnell** (R-KY) both defeated well-funded Democratic challengers (**Jaime Harrison** and **Amy McGrath**, respectively), despite massive influxes of campaign contributions.
- **Sen. John Cornyn** (R-TX) held his seat against challenger **Mary “MJ” Hegar** (D-TX).

U.S. House of Representatives

Democrats maintain control of the House thus far; at the time of this writing, some election results remain too close to call. However, Democrats did not expand their majority as many pollsters predicted. Currently, Democrats retain 203 House seats and Republicans hold 188 seats. Democrats gained two seats, both in North Carolina, and Republicans flipped eight so far - Iowa, Minnesota, New Mexico, New York, Oklahoma, South Carolina, and two in Florida.

Of the 435 House races, the following 24 were, at most times during 2020, the most competitive (approximately 20 additional competitive races have not yet been called):

House of Representatives – Notable Districts that Have Been Called

State and District	Elected	Defeated
CO-03	Lauren Boebert (R)	Diane Mitsch Bush (D)
FL-15	Scott Franklin (R)	Alan Cohn (D)
FL-26	Carlos Gimenez (R)	Debbie Mucarsel-Powell (D)*
FL-27	Maria Elvira Salazar (R)	Donna Shalala (D)*
GA-06	Lucy McBath (D)*	Karen Handel (R)
IA-01	Ashley Hinson (R)	Abby Finkenauer (D)*
IA-03	Cindy Axne (D)*	David Young (R)
IL-13	Rodney Davis (R)*	Betsy Dirksen Londrigan (D)
ME-02	Jared Golden (D)*	Dale Crafts (R)
MN-01	Jim Hagedorn (R)*	Dan Feehan (D)
MN-07	Michelle Fischbach (R)	Collin Peterson (D)*
NC-02	Deborah Ross (D)	Alan Swain (R)
NC-06	Kathy Manning (D)	Lee Haywood (R)
NE-02	Don Bacon (R)*	Kara Eastman (D)
NM-02	Yvette Herrell (R)	Xochitl Torres Small (D)*
OK-05	Stephanie Bice (R)	Kendra Horn (D)*
OH-01	Steven Chabot (R)*	Kate Schroder (D)
SC-01	Nancy Mace (R)	Joe Cunningham (D)*
TX-10	Michael McCaul (R)*	Mike Siegel (D)
TX-21	Chip Roy (R)*	Wendy Davis (D)
TX-22	Troy Nehls (R)	Sri Kulkarni (D)

TX-23	Tony Gonzales (R)	Gina Ortiz Jones (D)
VA-02	Elaine Luria (D)*	Scott Taylor (R)
VA-05	Robert Good (R)*	Cameron Webb (D)

Results are still pending as a result of recounts, runoffs, and absentee/mail-in ballots still to be counted. Information presented in the table is subject to change.

**Indicates Incumbent*

Bold indicates a flipped seat

Key House Races and Results

While there are a number of races yet to be decided, the initial House results show that Democrats will not add to their majority, and in fact may lose seats overall. Several notable results occurred in battleground races, including:

- **Maria Elvira Salazar (R-FL)**, a former journalist for Telemundo, defeated **Rep. Donna Shalala (D-FL)**, flipping the seat back to Republican control after Shalala won the election in 2018.
- Former Lieutenant Governor of Minnesota **Michelle Fischbach (R-MN)** defeated **Rep. Collin Peterson (D-MN)**, formerly the most senior Representative of Minnesota, having served in office since 1991.
- **Carlos Gimenez (R-FL)**, a Cuban-American former firefighter, defeated Representative **Debbie Mucarsel-Powell (D-FL)**, moving the seat back to Republican control after Mucarsel-Powell won the seat in 2018.
- **Deborah Ross (D-NC)** defeated challenger **Alan Swain (R-NC)** to fill the open seat in North Carolina's second district.
- **Kathy Manning (D-NC)** defeated challenger **Lee Haywood (R-NC)** in a race to fill the open seat in North Carolina's sixth district.
- **Yvette Herrell (R-NM)**, a former member of the New Mexico House of Representatives, defeated **Xochitl Torres Small (D-NM)**, moving the seat back to Republican control after Small won the election in 2018.
- **Stephanie Bice (R-OK)** defeated incumbent **Kendra Horn (D-OK)** to return the seat to Republican control.
- **Nancy Mace (R-SC)**, a member of the South Carolina House of Representatives, defeated **Joe Cunningham (D-SC)** to flip the seat to Republican control.
- **Rep. Lucy McBath (D-GA)** defeated **Karen Handel (R-GA)** to maintain her seat after a contentious race.
- **Rep. Donald Bacon (R-NE)** maintained his seat against challenger **Kara Eastman (D-NE)** in a tight race.
- **Ashley Hinson (R-IA)**, an Iowa State Representative, defeated incumbent **Rep. Abby Finkenauer (D-IA)** to flip the seat back to Republican control after it was turned Democratic in the 2018 election.
- **Rep. Cindy Axne (D-IA)** was able to retain her seat after fighting off **David Young (R-IA)** in a close race.
- **Rep. Jared Golden (D-ME)** defeated **Dale Crafts (R-ME)** to maintain his seat after a contentious race.

Gubernatorial Races

Of the 11 gubernatorial races that took place, Republicans picked up one seat by flipping Montana (where incumbent Gov. Steve Bullock was term-limited out of office), while the rest of the states retained current party control. Republicans are set to hold 27 governorships and Democrats will hold 23.

Notable Gubernatorial Races

State	Elected	Defeated
Missouri	Mike Parson (R)*	Nicole Galloway (D)
Montana	Greg Gianforte (R)	Mike Cooney (D)
North Carolina	Roy Cooper (D)*	Dan Forest (R)
New Hampshire	Chris Sununu (R)*	Dan Feltes (D)
West Virginia	Jim Justice (R)*	Ben Salango (D)

*Indicates incumbent

Bold indicates flipped seat

III. Key Changes to Congressional Committees Overseeing Health Care Policy

House

In the House, there will be some shuffling of seats on key committees with jurisdiction over health care, but there are few major changes based on the races that have been called so far.

- The Chairwoman of the House Appropriations Committee, Rep. Nita Lowey (D-NY), is retiring. Reps. Marcy Kaptur (D-OH), Debbie Wasserman Schultz (D-FL), or Rosa DeLauro (D-CT) will take over her gavel after leadership elections.
- Rep. Greg Walden (R-OR), currently Ranking Member of the Energy & Commerce Committee, is also retiring. Reps. Michael Burgess (R-TX), Bob Latta (R-OH), and Cathy McMorris Rodgers (R-WA) are all running to take over his leadership seat.
- Eliot Engel (D-NY), who currently serves on the committee, lost his primary race to challenger Jamaal Bowman (D-NY) in July.
- Susan Brooks (R-IN) and John Shimkus (R-IL), current members of the Energy & Commerce, are both retiring.
- George Holding (R-NC) and Kenny Marchant (R-TX), members of the Ways & Means Committee, are both retiring.
- Rep. Donna Shalala (D-FL), a member of the Education and Labor Committee, lost her race for reelection. Phil Roe (R-TN), who also serves on that committee, is retiring as well.

Senate

Senate Republicans have term limits in committee leadership, limiting the period a Republican Senator can serve to six cumulative years as a chairman and six cumulative years as ranking member of the same committee. Because of these limits, several Senate committees will have a shift in Republican leadership.

- Senator Chuck Grassley (R-IA) has reached his term limit and will no longer be serving as the top Republican on the Finance Committee in the 117th Congress.
- Senator Mike Crapo (R-ID) will replace Senator Grassley as the Republican leader on Finance Committee.
- Sen. Pat Roberts (R-KS) is also retiring; his seat in the Senate will be filled by current Rep. Roger Marshall, who is a key Republican leader in developing health care policy in the House.
- The remaining members of the Finance Committee in races this year all won reelection, including Sens. Bill Cassidy (R-LA), Steve Daines (R-MT), Ben Sasse (R-NE), John Cornyn (R-TX), and Mark Warner (R-VA).
- Senator Lamar Alexander (R-TN) is retiring atop the Health, Education, Labor, and Pensions (HELP) Committee; the next person in line for leadership on the Committee would be Senator Michael Enzi (R-WY), but he too is retiring. That leaves the Republican HELP Committee leadership seat open to either Senators Richard Burr (R-NC), Rand Paul (R-KY), Susan Collins (R-ME) or Bill Cassidy (R-LA).
- As of this writing, Sen. Doug Jones (D-AL) is the only HELP Committee member to have lost his seat, though Kelly Loeffler's (R-GA) race has not yet been called.
- Sen. Tina Smith (D-MN) and Sen. Susan Collins (R-ME), who also serves as chair of the Special Committee on Aging, won reelection.
- As noted above, Sen. Pat Roberts, who serves as a member of the HELP Committee, is retiring.