



The 2016 Congressional Elections

By Roxanne Perugino and John Gregory*
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I. Can Democrats Reclaim the Senate?

Every two years, one-third of the Senate is up for re-election. Elections are staggered to avoid having both Senators from the same state up for re-election in the same year. This year there are 34 Senate seats to be decided by voters. The current Senate lineup is 54 Republicans, 44 Democrats and 2 Independents, Bernie Sanders (Vermont) and Angus King (Maine) who caucus with the Democrats.

The 2014 election cycle was a good year for Republicans but not so for Democrats, who were defending 21 Democratic seats to 15 for the Republicans. Due to political vagaries, low approval ratings for President Obama, and several open Democratic-held seats in red states, that is states carried by Romney, Republicans were able to achieve a gain of nine seats for control of the Senate.

The 2016 election cycle, however, is very different and the math appears to advantage Democrats. Tables have turned and 2016 may be the Democrats' payback for 2014. Republicans are defending 24 seats to a mere 10 for Democrats, most of which look safe. Of the 24 Republican seats at stake this year, seven are considered to be "toss-ups," two are "likely Democrat" and three are "leaning Republican." Democrats have only one race considered a "toss-up", the open seat in Nevada. There are just five retirements this year – three Democrats and two Republicans – and two of the three open Democrat seats appear safe. So the open seats may help neither party. Democrats need five seats to wrest control of the US Senate from the Republicans. If Democrats win the White House, only four seats will be needed to take back the majority, as the Democratic Vice President would break any tie vote in the Senate.

Winning five seats may not be an easy task, but Democrats are cautiously hopeful about their chances. Much will depend on how much of a drag the Trump campaign will be on Republican incumbents, many of whom are supporting Trump publicly, but privately wish for another Republican candidate.

Senators Up for Re-Election in 2016:

Democrats

Michael Bennet (Colorado)
Richard Blumenthal (Connecticut)
California – Open Seat **
Patrick Leahy (Vermont)
Maryland – Open Seat **
Patty Murray (Washington)
Nevada – Open Seat **
Brian Schatz (Hawaii)
Charles Schumer (New York)
Ron Wyden (Oregon)

Republicans

Kelly Ayotte (New Hampshire)
Roy Blunt (Missouri)
John Boozman (Arkansas)
Richard Burr (North Carolina)
Indiana – Open Seat **
Mike Crapo (Idaho)
Chuck Grassley (Iowa)
John Hoeven (North Dakota)
Johnny Isakson (Georgia)
Mark Steven Kirk (Illinois)

James Lankford (Oklahoma)
Mike Lee (Utah)
John McCain (Arizona)
Jerry Moran (Kansas)
Lisa Murkowski (Alaska)
Rand Paul (Kentucky)
Rob Portman (Ohio)
Marco Rubio (Florida)
Tim E. Scott (South Carolina)
Richard Shelby (Alabama)
John Thune (South Dakota)
Pat J. Toomey (Pennsylvania)
Louisiana – Open Seat **

**Retiring Senators

Barbara Boxer (D-California)
Dan Coats (R-Indiana)
Barbara Mikulski (D-Maryland)
Harry Reid (D-Nevada)
David Vitter (R-Louisiana) running for Governor of Louisiana

Metrics to Watch:

There are several metrics to watch for in the upcoming midterms. These include presidential job approval, whether the country is headed in the right or wrong direction, immigration, national security and favorability ratings for Democrats and Republicans. Favorability ratings are likely to play a major role given that neither the Democrats nor Republicans enjoy good favorability ratings. American voters view the Congress as incompetent, at best. It has one of the lowest favorability ratings in recent history with only 13% approval according to Gallup. Coupled with voter anger at the paralyzing gridlock in Washington, it's a wonder anyone will be re-elected. Still, although the "throw the bums out" resonates with voters, in reality voters want to keep their bum. Incumbents therefore are likely to do well. For example, in the recent primaries only two House incumbents –Republican Renee Elmers and Democrat Chaka Fattah -- went down to defeat and no incumbent Senators were defeated in the primaries.

Immigration is likely to be another metric to watch, particularly in the Southwest border states like Arizona and New Mexico. The vitriolic, anti-immigration rhetoric from Donald Trump has ramped up anti-immigrant attitudes in these states. Similarly, Trump's militant stance toward extremist terrorism, and his proposal to ban Muslims from entering the US, has Americans looking around every corner for a terrorist. His comments have instilled fear in Americans and led to anti-Muslim hysteria in this country not seen since 9/11.

The Obama Care Act (ACA) was the central theme for Republicans in the 2014 election. Views on President Obama's handling of health were more negative than positive and Republicans took advantage of that voter sentiment. The ACA is likely to be an issue again this election cycle, but not the key issue. Republicans have vowed to repeal the ACA, but Congress has taken numerous votes to do so and failed.

With regard to the national security, voter perception has traditionally been that Republicans are stronger on national security than Democrats and Trump and the Republican Party will play this card during the elections cycle, pointing to the Obama/Clinton foreign policy “failures.” Trump’s bellicose and often insulting statements about America’s allies who are not doing their fair share on national security and the fight against terrorism resonate with many voters.

The last metric will be the President’s approval rating. Sean Trende, an elections analyst for *Real Clear Politics* argues that the Democrats’ chances of regaining the Senate will depend heavily on their winning the White House. Based on his research, Sean Trende found that elections have become so polarized that Senate races can be accurately predicted knowing just three variables: The president’s approval rating, whether there is an incumbent running; and whether one party or the other nominates a badly damaged, or controversial candidate. Trende has based his calculation on a model he developed in 2014 based on President Obama’s rating at that time.

Based on Trende’s analysis, and President Obama’s current approval rating of 54 percent according to a July 31 CNN/ORC national poll, it would appear that Democrats could gain the five or more seats needed for majority. However, both Clinton and Trump are controversial candidates. If Trump does better in the presidential race than anticipated, Democratic gains could be kept to a minimum, but currently the math favors the Democrats. Trump’s antics last week, have hurt his poll numbers, and it remains to be seen if he can recover from his current slump in the polls.

Noted political pundits, including well-respected Charlie Cook, all believe Democrats have a good chance of picking up seats this year, but can they gain the four or five seats needed for control? Other pundits warn that defeating the Republicans this soon after the 2014 elections, when they took control, will not be easy and in fact Democrats may fail to gain the needed four or five seats. What is clear, this election cycle is like no other in recent history, given the bitter partisanship in the country.

The following race ratings are based on data from the Cook Political Report, Larry Sabato’s Crystal Ball and various poll numbers.

The Toss-Up Races:

- Nevada, Open Democratic Seat
- Marco Rubio (R-Florida)
- Indiana, Open Republican Seat
- Kelly Ayotte (R-New Hampshire)
- Rob Portman (R-Ohio)
- Patrick Toomey (R-Pennsylvania)

Leaning Republican

- John McCain (R-Arizona)
- Roy Blunt (R-Missouri)
- Richard Burr (R-North Carolina)

Likely Republican

- Lisa Murkowski (R-Alaska)
- Johnny Isakson (Georgia)
- Charles Grassley (Iowa)

Likely Democrat

Michael Bennett (D-Colorado)
Mark Kirk (R-Illinois)
Ron Johnson (R-Wisconsin)

Solid Democrat

Barbara Boxer (D-California)
Richard Blumenthal (D-New York)
Brian Schatz (D-Hawaii)
Maryland, Open Democratic Seat
Charles Schumer (D-New York)
Ron Wyden (D-Oregon)
Patrick Leahy (D-Vermont)
Patty Murray (D-Washington)

Solid Republican

Richard Shelby (R-Alabama)
John Boozman (Arkansas)
Mike Crapo (Idaho)
Jerry Moran (R-Kansas)
Rand Paul (R-Kentucky)
Louisiana, Open Republican Seat
John Hoeven (R-North Dakota)
James Lankford (R-Oklahoma)
Tim Scott (R-South Carolina)
John Thune (R-South Dakota)
Mike Lee (R-Utah)

These ratings are likely to change over the next three months. Those Republican Senators in the Leaning Republican column could pull out a win. McCain, for example, remains the favorite in this race, despite some whispered criticisms about the wisdom of running again at the age of 80.

The races to watch closely are the Toss-Up races where a Democratic victory is possible, or even probable in the case of Mark Kirk and Ron Johnson, as Democrats are likely to take Illinois and Wisconsin. Pennsylvania is a possible Democratic pick up giving Democrats a net gain of three seats, two short of the five needed for control. Republicans, however, have a good chance of flipping the Nevada open seat to their side, which would give the Democrats a net gain of only two seats. In this scenario Democrats must keep the Nevada Senate seat and win at least four of the seven open Republican seats. Ohio and Indiana are less likely to fall to the Democrats, but the entry of popular former Senator Evan Bayh into the Indiana race makes the race very competitive.

The Toss-Up Races Explained:

Florida

Incumbent: Marco Rubio (R)
Primary Challenger: Carlos Beruff
Democratic Challengers: Representative Patrick Murphy and Representative Alan Grayson

Republicans are in a better position since Rubio decided he wants to remain a Senator. Recent polls show Rubio leading Republican primary challenger Beruff by over 30 points ahead of the August 30 primary. On the Democratic side, Representative Alan Grayson is being pressured by the Democratic Party to withdraw because of allegations of spousal abuse. So far, Grayson has refused to drop out. A recent JMC Analytics poll (July 9-10) showed Rubio beating Murphy 40 to 33 percent, and ahead of Grayson 41 to 33 percent.

Illinois

Incumbent: Mark Kirk (R)

Democratic Challenger: Tammy Duckworth (D)

Senator Mark Kirk (R-Illinois) is completing his first term and prospects for a second term are looking dim. Kirk is the most vulnerable Republican Senator in this year's race and Democrats have made defeating his re-election bid a priority. Kirk faces a formidable challenge from Representative Tammy Duckworth (D) an Iraq war veteran who lost both legs in combat. This race looks to be a gain for the Democrats.

Indiana (Open Seat)

Republican: Representative Todd Young (R)

Democrat: Former Senator Evan Bayh (D)

Indiana was assumed to be a safe Republican seat until former Representative Baron Hill (D) dropped out and former Senator Evan Bayh (D) stepped in to replace him. What appeared to be a safe Republican seat has now become a competitive race. Bayh, a former two-term governor and former Senator is a well-known and popular politician. He was elected to the Senate in 1998 filling the seat his father, Birch Bayh, held for 18 years. The younger Bayh retired in 1990 citing the growing partisanship in Washington. Young, who defeated his primary opponent by a 2 to 3 margin is not well known outside of his congressional district, and lags behind Bayh in campaign spending. President Obama carried the state in 2008 but Romney carried the state in 2012. Although a "red state" it would appear Republicans have a tough road ahead to hold onto to this seat.

New Hampshire

Incumbent: Kelly Ayotte (R)

Challenger: Maggie Hassan (D)

Incumbent Ayotte is running for a second Senate term but faces a strong challenge from Governor Maggie Hassan. Both Ayotte and Hassan are the two most popular politicians in the Granite State. Ayotte does well among registered Independents and conservative Republicans. Hassan, first elected in 2012 with 55 percent of the vote and re-elected in 2014 with 52 percent, is a very competent Governor. While not particularly charismatic, she is well liked by voters. Polls bounce back and forth between Ayotte and Hassan, making this race one of the closest in this election cycle.

Nevada Open Seat

Republican: Representative Joe Heck (R)

Democrat: Former Attorney General Catherine Cortez Masto

Nevada is considered the ultimate swing state, but Democrats believe Cortez Masto will do well with the state's significant Hispanic population. Trump's outrageous statements on Hispanics could harm

Heck. An August 2 KTNV-Rasmussen poll puts Heck one point ahead of Cortez Masto, 41-40 percent. The 23 percent of undecided voters will be a key factor in this race as will the presidential race. Clinton currently has a narrow lead over Trump; if she prevails she may bring Cortez Masto along with her.

Ohio

Incumbent: Senator Rob Portman (R)

Challenger: Former Governor Ted Strickland (D)

Incumbent Portman is running for his second term. He was elected in the Republican wave of 2010 with 57 percent of the vote, but Democrats believe he is vulnerable. Portman, however, remains popular with Ohio voters due to his focus on issues affecting the State. Former Governor Strickland won the March 5 primary with 65 percent of the vote. Ohio is a swing state and President Obama carried the state in 2008 and 2012. Portman, however, has a slight advantage both in popularity and fundraising over the 73-year-old Strickland who lost his gubernatorial bid for a second term in 2010 to Governor John Kasich. The Ohio Conference of Teamsters that traditionally supports Democrats, recently endorsed Portman, a big plus for the incumbent.

Pennsylvania

Incumbent: Senator Pat Toomey (R)

Challenger: Attorney Katie McGinty (D)

Incumbent Toomey, one of the most conservative members of the US Senate, is facing a strong challenge from attorney Katie McGinty, a former state and federal environmental policy official who served as Chief of Staff to Governor Tom Wolf. In 2014 McGinty was an unsuccessful candidate for Governor. McGinty won a hard fought primary campaign defeating former Representative Joe Sestak (D) 43 to 33 percent, and earned the endorsement of President Obama. Toomey's approval ratings are higher than McGinty's and he has more cash on hand – approximately \$8 million. The latest Public Policy Polling poll gives Toomey a razor thin lead of one point. This is a race to watch, Toomey may prevail, but Pennsylvania has consistently voted for the Democrat in presidential elections. Given the uncertainties of this odd election cycle, McGinty could emerge victorious, but for now this race is a true toss-up.

Wisconsin

Incumbent: Senator Ron Johnson (R)

Challenger: former Senator Russ Feingold (D)

Incumbent Johnson, like Mark Kirk, is considered extremely vulnerable. Democrats believe they have a very good chance of unseating Johnson and electing Feingold, who previously served in the US Senate before losing to Johnson during the Republican wave in 2010. In this election cycle, Johnson has trailed Feingold in every poll taken in this race, despite the fact that more of his constituents approve of his job performance than disapprove. A recent Marquette University Law School poll shows Johnson trailing Feingold, 51 percent to 42 percent, among likely Wisconsin voters. Johnson, like several Republicans has not formally endorsed Trump, fearing he may be a drag on the ticket. Trump has trailed Clinton in every presidential poll take in the state so far and Trump lost the Wisconsin primary by 13 points.

II. The House Elections

As a fevered energy continues to swell around the 2016 presidential race, not to be forgotten are the 435 seats of the US House of Representatives that will also be decided on November 8. Indeed, every two years, voters cast their ballots for the individual that will represent their respective congressional district. In the 2014 midterm elections - the last time voters took to the polls - they handed the Democrats an embarrassing and decisive drubbing, the second in as many off-year elections. Now with 247 seats (to the Democrats' 186 seats), Republicans currently hold the largest majority in the US House of Representatives since 1928. But as the Democrats seek to ride the "Never Trump" wave all the way to the White House, they could take back a number of seats from the Republicans in this year's House elections.

Republicans have a solid lock on the House of Representatives. Barring a Democratic tidal wave, which is unlikely, Republicans will retain control in 2017, but are likely to lose a few seats. The current House lineup is 247 Republicans, 186 Democrats and two vacancies. According to the *Cook Political Report*, 202 Republican seats and 177 Democratic seats are considered safe while 30 seats are considered to be leaning Democrat or Republican. Only 26 seats out of 435 are considered to be "toss-ups" or worse. The numbers indicate a total of 56 competitive seats in this year's election cycle. Democrats need 218 seats to regain control of the House, which means the Party needs a net gain of 32 seats, a very difficult number to achieve.

For sure, this year's presidential election will impact the congressional races, known as the "down-ballot" races, although the magnitude of this impact is less clear. Compared to an off-year election, voter turnout is generally higher in a year when the White House is at stake. This has benefited Democratic congressional candidates over the last decade. However, there are certain factors that could detract from another potential boon. For instance, the degree to which an election is highly contested can easily affect voter turnout. If one candidate emerges as the prohibitive favorite (post-Democratic National Committee polls show Clinton ahead by as much as 9 points), then voters may see their vote as "counting less," and as a result, feel less compelled to vote. Also to be weighed is the inspired yet polarizing effect of the Bernie Sanders movement. If the Democratic National Convention was any indication, some of Sanders' loyal and frustrated supporters, of which there are many, may prefer to stay at home rather than vote for Hillary Clinton, thus influencing races further down the ballot.

Nor is there any shortage of disaffected voters on the other side of the political spectrum. Many traditional Republicans are unhappy with the GOP's new brand and feel their party has morphed into something they no longer recognize. As such, large numbers of Republican voters also could refuse to participate in November. For those conservatives who do make it to the polls despite their wariness of Donald Trump, some experts have warned that voters may opt for a kind of "checks-and-balances" voting strategy. Meaning, they will offset a vote for the GOP presidential nominee with a vote for a Democratic congressional candidate, the hope being that a Democratic Congress would serve as a check on the brazen, unpredictable Trump. Given the partisan divides in this country today, split-ticket voting is dubious.

In fact, the 2012 presidential election represented the lowest share of split-ticket voters (10 percent) in the history of the American National Election Study, dating back to 1952. Yet, examining presidential results by congressional district is far from an obsolete practice, as turnover districts are still very much in play. This much was shown in a study conducted by Polidata on the 2012 elections. The results of the analysis also confirmed regional patterns of split-ticket voting. In the East, when comparing the number of members elected to the House with the number of districts won for the presidential

nominees, there was a net of plus 5 for President Obama. Likewise, in the Midwest Obama had a net of plus 2. And in the South and West regions, Obama scored a net of minus 2 and plus 3, respectively.

Also worth noting, there were five Republican-held congressional districts in which Obama received more than 52 percent of the vote: Similar numbers applied to Mitt Romney. There were five Romney districts currently held by House Democrats in which Romney received more than 52% of the vote.

The nuances of voter behavior notwithstanding, the party that wins the presidential race almost always scores a net gain in the House, and the general consensus among experts is that 2016 will be no exception. That is, even with Trump's improved polling numbers this summer, that is until late July, there remains a steady confidence within political circles that Hillary Clinton will soon become the first female president of the United States; and in turn, Democrats will carry a considerable number of the 56 races in the House that, according to the Cook Political Report, promise to be competitive in November.

As noted, for the Democrats to retake control of the House this year, they will need to gain 32 seats. This was once thought to be a strong potentiality. The latest political analyses, however, indicate that a Democratic flip would be next to impossible. But given this election cycle's heretofore unprecedented proceedings - wherein a hate-spewing, megalomaniacal businessman with zero political experience has inexplicably ascended to the top of the Republican ticket - perhaps nothing should be considered out of the question in 2016. If such a Democratic wave were to happen, then, it will likely be owed to the few dozen battleground districts in which the forecasts are currently too close to call.

The aforementioned Cook Political Report, which is treated like gospel by most political analysts, views 26 districts as a "toss-up or worse," with 22 of those being Republican-held districts and the other 4 held by Democrats. These are considered races in which either party has a good chance of winning. The next rating tier consists of competitive seats as well, although one party is thought to have an advantage. Within these races, 23 of the seats belong to Republicans and 7 to Democrats, for a total of 30 "likely/lean" seats. Overall, most reputed publications have actually assigned the Republicans a higher number of safe, or solid, seats, meaning there are also less potential toss-ups. Nevertheless, analysts all seem to agree on two particular districts that will be important to Democrats and highly contested come November: the second congressional district in Maine (ME-2) and the second congressional district in Nebraska (NE-2).

These two-second congressional districts are shaping up to be critical battlegrounds in the fights for both the House and the presidency. Not only are Maine and Nebraska the only two states that award their electoral votes on a congressional district basis, they are also home to two vulnerable House freshmen - GOP Representative Bruce Poliquin (ME-2) and Democrat Representative Brad Ashford (NE-2). Traditionally, ME-02 has favored Democrats and NE-02 has favored Republicans. But with Poliquin and Ashford scoring major political upsets in 2014, they now find themselves squarely in the crosshairs of their opposing parties who see the districts as rightfully theirs.

That said, both incumbents have a great opportunity to prove 2014 was no fluke. Pro-business Republicans have historically dominated Ashford's Nebraska congressional district, but Whites have fallen to 72 percent of the district's residents. Moreover, Trump could prove unpopular with well-educated suburbanites. As for Ashford himself, he also brings a number of advantages to the table. The congressman is a former Republican who served in Nebraska's nonpartisan unicameral legislature. He has close ties with the Omaha business community and has won the endorsement of two significant,

right-leaning business groups - the US Chamber of Commerce and the National Federation of Independent Business. This kind of backing should help Ashford's stance among suburbanites who remain skeptical over claims that he independent-minded and not some liberal partisan.

On the other hand, blue-collar Democrats have generally dominated Poliquin's rural Maine congressional district that is 94 percent white but has been known for a serious independent streak. This has been highlighted by some of Trump's polling numbers, which have been quite competitive there. Consider, too, that in 2014, Republican Governor Paul LePage - a man known for charged rhetoric similar to that of Trump - carried the district's working-class city of Lewiston 50 percent to 40 percent. This represents a 33-point swing from the 2012 election, when Obama carried it 59 percent to 36 percent. According to experts, these are the kinds of numbers that indicate in Maine's second congressional district, a wider blue-collar backlash against Democrats.

Thus is the backdrop against which Democrats will seek to gain double-digit seats in the House. To do so will likely require winning both the second congressional districts in Maine and Nebraska. While each have their own historically partisan trends, this year's polarizing presidential election could render history moot inside these district races.

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