

2020 ELECTION PREVIEW

I. EXECUTIVE SUMMARY

The political stakes are high for the upcoming elections on Tuesday, November 3. American voters will choose between President Donald Trump and former Vice President Joe Biden and determine the makeup of the House and Senate amid the unprecedented circumstances surrounding a coronavirus pandemic, which has directly afflicted the President and others in the Administration and Congress. Meanwhile, a new Supreme Court nomination with potentially significant implications for the Affordable Care Act (ACA), *Roe v. Wade*, and possibly the presidential election will speed forward as votes are being cast.

At the moment, Vice President Biden appears poised to win the presidential election, although the margin of his victory could well determine whether the results are subject to protracted review or legal challenge by the Trump Campaign. President Trump's unpopularity will likely influence the outcome of highly competitive Senate races, with Democrats likely to flip the Senate by a narrow margin. In the U.S. House of Representatives, Democrats are highly likely to maintain and expand their comfortable margin. These projected outcomes could sway substantially depending on unpredictable voter turnout during the pandemic.

This document is intended to provide an overview of where key races currently stand, how the coronavirus pandemic may affect voter turnout, and provide insight into the outcomes that key experts are predicting.

II. ELECTION OVERVIEW

The 2020 elections are generally viewed as a referendum on President Trump with the presidential race likely to have a significant impact on Senate races. The map in the Senate leaves Republicans in the position of defending 23 seats, compared to 12 seats for Democrats. States that contain Senate races in which Democrats are expected to strongly compete are Alaska, Arizona, Colorado, both seats in Georgia, Iowa, Kansas, Kentucky, Maine, Montana, North Carolina, South Carolina, and Texas. Senate races in Alabama and Michigan are in play for Republicans. As for the House, Democrats are expected to not only maintain control, but expand their majority by as many as 11 seats. This landscape leaves Democrats feeling optimistic about a potential "blue wave."

The public health and economic dimensions of the ongoing coronavirus pandemic will likely play a major role in the November election. How Americans view President Trump's response to the pandemic is expected to influence voters' decision-making. As of October 15, 2020, 56.7 percent of Americans disapprove (and 40.5 percent approve) of President Trump's response to the coronavirus crisis.¹ Other top issues for the presidential election include criminal justice and policing, race relations, health care, and immigration.²

The increased use of mail-in and absentee voting due to the coronavirus pandemic could very well delay election results by weeks. In important swing states that only allow the tallying of mail-in ballots starting on election day (e.g., Wisconsin and Pennsylvania), the “red mirage” phenomenon could compel President Trump to falsely claim early victory in these states as a larger percentage of registered Republican voters are expected to cast their votes in-person.^{3,4} The anticipated four-day (or more) delay expected in order to accurately tally mail-in votes in these states would likely redirect the result in Vice President Biden’s favor as mail-in votes skew heavily towards registered Democratic voters.⁵ This is one of many unpredictable dynamics to watch for on election night and beyond.

III. PRESIDENT TRUMP’S APPROVAL RATING AND POTENTIAL IMPACT ON THE ELECTION

Based on an average polling of likely or registered voters analyzed by FiveThirtyEight, President Trump’s current approval rating is 43.4 percent, with 53.4 percent saying they disapprove.⁶ As of October 15, 2020, Vice President Biden is leading in the national polls by 9.2 percentage points in the RealClear Politics average⁷ and has an 87 percent chance of winning the presidential election, according to FiveThirtyEight.⁸

However, enthusiasm for the candidates among their base supporters appears to favor President Trump, with a larger share of his registered voters (68 percent) “strongly supporting” his presidency compared to 57 percent among registered Biden supporters.⁹ Supporters of Trump and Biden also view the nature of their votes differently. A majority of likely Trump voters (71 percent) say their choice is more of a vote for Trump than against Biden, while a majority of likely Biden voters (63 percent) say their choice is more of a vote against Trump than for Biden.¹⁰

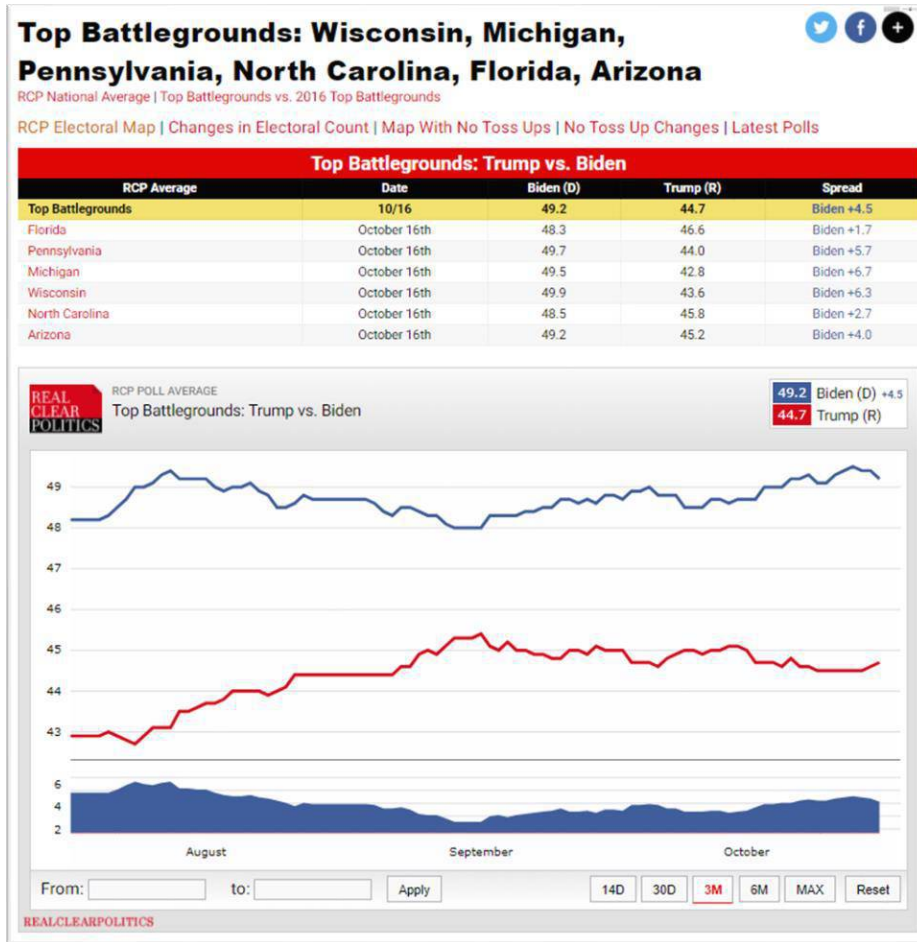
IV. SWING STATES AND THE ELECTORAL COLLEGE

In 2016, candidate Donald Trump was able to overcome the 2.1 percent loss of the popular vote to Hillary Clinton and win the electoral college vote by a tally of 304-227, once again highlighting the importance of the “swing states” or “battleground states” (Arizona, Florida, Georgia, Iowa, Michigan, Minnesota, Ohio, North Carolina, New Hampshire, Nevada, Pennsylvania, Wisconsin) in achieving victory in the presidential election through the 270 votes need for a victory in the electoral college.¹¹

In 2016, pollsters were heavily criticized for overstating the importance of the popular vote polls and understating the importance of swing state polls that were not as robust, with accurate but large margins of error.¹² In 2020, pollsters are hyperaware of these issues and have made modifications to improve low response rates and to weight samples by education attainment, seen as an important predictor in voting.

In the 2020 key swing state polls, Biden has statistically significant leads in every one of these states and has forced Trump to defend traditionally Republican leaning red states such as Iowa and Texas.¹³ This is currently a very friendly map for Biden and shows that Trump has had to expand his campaign time and spending in states he did not expect to have to defend.¹⁴

Figure 1. Real Clear Politics Top Battlegrounds Polls



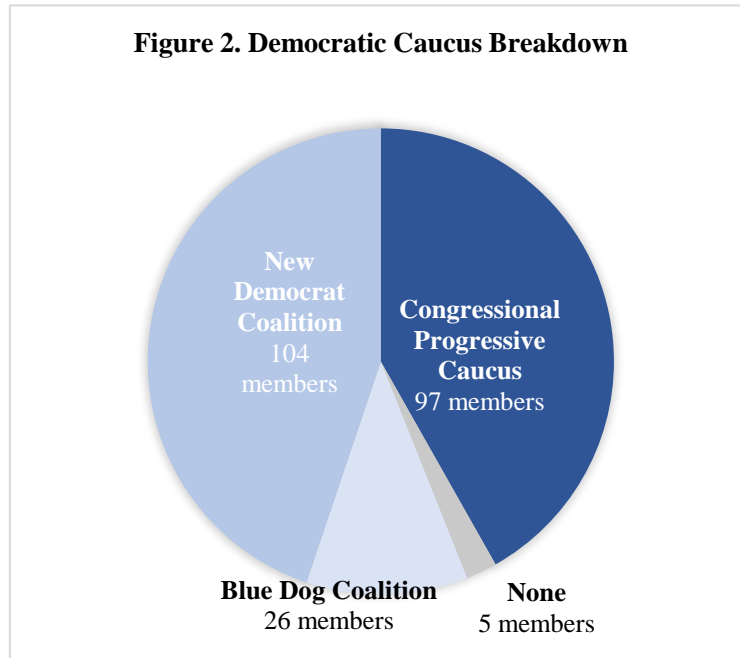
V. CURRENT MAKEUP OF THE CHAMBERS

U.S. House of Representatives

As always, all 435 seats in the U.S. House of Representatives on the ballot in November. The House currently has 232 Democrats, 198 Republicans, one Libertarian, and four vacancies.¹⁵ Democrats are poised to expand their majority, whereas Republicans would need to pick up at least 17 seats to flip the chamber.

A larger Democratic majority in the House, along with a Democratic President should Biden win in November, could create a political environment more conducive to federal policy changes aligned with Democratic priorities. However, the shift in power may also magnify existing fissures within the Democratic Party, as demonstrated by philosophical divides on Medicare-for-all (Figure 2). For example, the Congressional Progressive Caucus champions Medicare-for-all legislation while the New Democrats

and Blue Dogs generally support building on the ACA with enhanced subsidies and market stabilization measures.^{16,17}



U.S. Senate

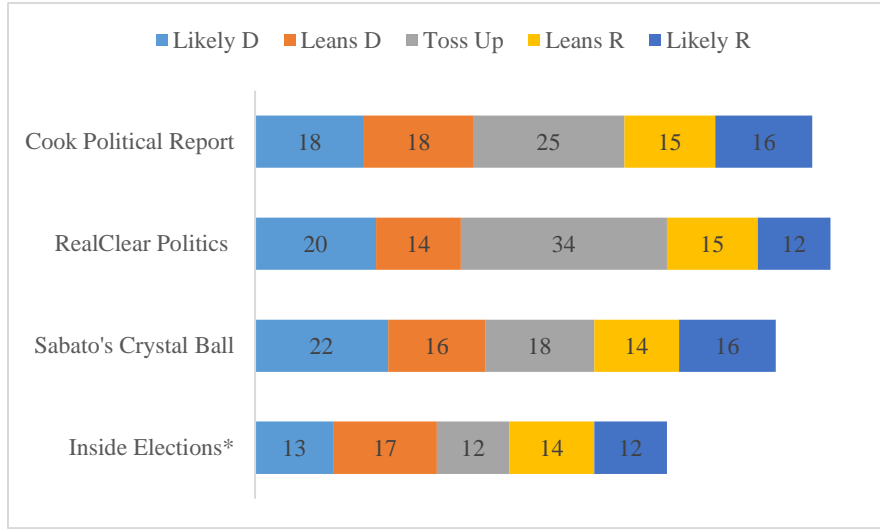
In the Senate, 33 of the 100 seats are up for regular election and two seats¹⁸ – one in Georgia and one in Arizona – are up for special election in November. Of the 35 seats at play, 23 are currently held by Republicans and 12 are held by Democrats.

Democrats would need a net gain of four seats for a simple 51-50 majority. Alternatively, Democrats could reach a simple majority by gaining three seats and winning the presidency, allowing Sen. Kamala Harris, as Vice President, to cast the tie-breaking vote. If President Trump wins re-election, Republicans could lose three seats and still maintain control of the Senate.

VI. COMPETITIVE RACES IN THE HOUSE OF REPRESENTATIVES

Based on an analysis of projections from Inside Elections, RealClear Politics, Sabato’s Crystal Ball, and the Cook Political Report, as of October 15, 2020 between 68 and 95 House districts are considered “in play,” with Inside Elections representing the low end and RealClear Politics representing the high end (Figure 3). Inside Elections predicts Democrats will maintain control of the House, with the likely possibility of gaining up to 11 seats.

Figure 3. Projections of ‘In Play’ House Races (October 15, 2020)



* "Leans" incorporates both races rated as "leans" and as "tilt" per Inside Election's forecasting.

Figure 4 below is based on an analysis of all four organizations' ratings for the House races in contention. A seat's rating is based on Wynne Health Group's aggregation. These are based on projections available as of October 15, 2020.^{19, 20, 21, 22} House races are generally more Democratic-friendly, with more Republican seats considered "toss ups" or leaning Democrat.

Figure 4. WHG House Race Ratings (October 15, 2020)

Likely D	Leans D	Tossup	Leans R	Likely R
CA-39 Cisneros	AZ-1 O'Halleran*	AZ-6 Schweikert	AK-1 Young*	CA-4 McClintock
FL-27 Shalala	CA-48 Rouda	CA-21 Cox	AR-2 Hill	CA-50 Hunter (Open)
IL-14 Underwood	GA-6 McBath	CA-25 Garcia	CO-3 Tipton	FL-16 Buchanan
IL-17 Bustos	GA-7 Woodall (Open)	FL-26 Mucarsel-Powell	FL-15 Spano (Open)	KS-2 Watkins (Open)
KS-3 Davids	IA-3 Axne	IA-1 Finkenauer*	IL-13 Davis	KY-6 Barr
ME-2 Golden	MI-8 Slotkin	IA-2 Loeb sack	MI-6 Upton	OH-10 Turner
NH-1 Pappas	MI-11 Slotkin	(Open)*	MN-1 Hagedorn	OH-12 Balderson
NV-4 Horsford	MN-2 Craig	IN-5 Brooks (Open)	MT-1 Gianforte	TX-2 Crenshaw
NY-18 Maloney	NJ-3 Kim	MI-3 Amash*	(Open)	TX-3 Taylor
NY-19 Delgado	NJ-7 Malinowski	MN-7 Peterson	NC-8 Hudson	TX-6 Wright
PA-7 Wild	NV-3 Lee*	MO-2 Wagner*	NY-1 Zeldin	TX-25 Williams
PA-8 Cartwright	OR-4 DeFazio	NE-2 Bacon	PA-1 Fitzpatrick	TX-31 Carter
TX-7 Fletcher	PA-17 Lamb*	NJ-2 Van Drew*	TX-10 McCaul	WA-3 Herrera Beutler
TX-32 Allred	TX-23 Hurd (Open)	NM-2 Torres Small*		
WA-8 Schrier	VA-7 Spanberger	NY-2 King (Open)		
WI-3 Kind		NY-11 Rose		
		NY-22 Brindisi		
		NY-24 Katko		
		OH-1 Chabot		
		OK-5 Horn		

		PA-10 Perry TX-21 Roy* TX-22 Olson TX-24 Marchant (Open) UT-4 McAdams* VA-2 Luria* VA-5 Riggleman (Open)		
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“Open” indicates that the incumbent member who will not appear in the general election for various reasons.

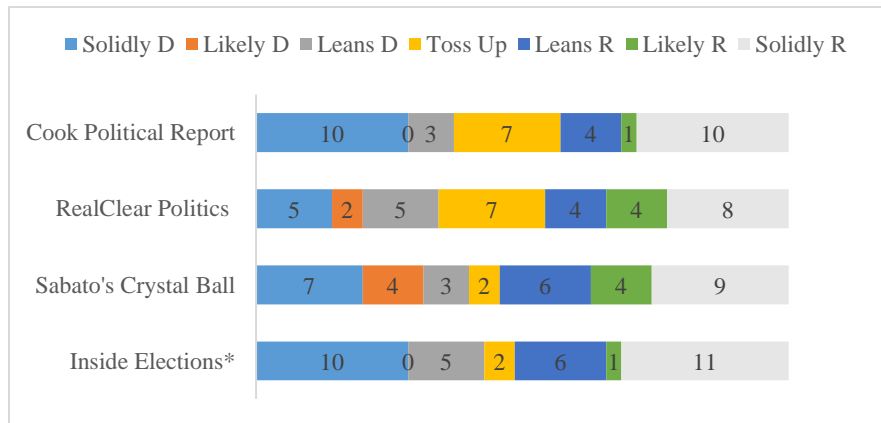
Seats that did not appear on at least three outlets’ projections of contested seats were not included in Figure 3. The absence of an asterisk means a majority or plurality of the available organizations concurred on the race rating. One asterisk (*) denotes where ratings were split. In these cases, the rating closer to the middle was used. For example, if two news outlets project “Likely D” and two news outlets project “Leans D,” the chart provides the “Leans D” rating.

VII. COMPETITIVE RACES IN THE SENATE

With Republicans playing defense in several highly competitive states, Democrats have a solid chance of taking control of the Senate. They would likely need to “run the table” and win in new places, as they defend the seats of Sen. Doug Jones in Alabama and Sen. Gary Peters in Michigan, potential pick-ups for Senate Republicans. As of October 15, 2020, FiveThirtyEight’s model gives Democrats a 73 percent of flipping the Senate, but the margin is expected to be narrow and certainly shy of the 60-vote threshold. While many Democrats have raised the possibility of eliminating the filibuster, we consider that less likely given potential President Biden’s moderate disposition and, as a long-time former Senator, his regard for Senate stability and tradition.²³

Of the 35 Senate seats up in 2020, including a special election in Arizona and Georgia, Inside Elections, RealClear Politics, Sabato’s Crystal Ball, and the Cook Political Report rated between two to seven as “toss ups” (Figure 5).

Figure 5. Projections of ‘In Play’ Senate Races (October 15, 2020)



* “Leans” incorporates both races rated as “leans” and as “tilt” per Inside Election’s forecasting.

In Figure 6 below, we compile outlets' projections for competitive seats.^{24, 25, 26, 27} As of October 15, 2020, up to nine Republican seats are considered toss-ups or leaning Democratic, while only one Democratic seat held by Sen. Doug Jones (D-AL) appears to be in real danger of flipping. The dynamics of a key race between Sen. Thom Tillis (R-NC) and Democrat Cal Cunningham are also in flux following revelations about Cunningham's extramarital relationship.²⁸ Senate Republicans, particularly those who closely aligned themselves with President Trump's record, such as attempting to repeal the ACA and appointing conservative Supreme Court Justices, are most at risk of losing reelection.

Figure 6. Senate Race Ratings (October 15, 2020)

	Likely D	Leans D	Toss Up	Leans R	Likely R
Cook Political Report	N/A	AZ-McSally CO-Gardner MI-Peters	GA-Loeffler GA-Perdue IA-Ernst ME-Collins MT-Daines NC-Tillis SC-Graham	AK-Sullivan AL-Jones KS-Roberts* TX-Cornyn	KY-McConnell
RealClear Politics	NJ-Booker VA-Warner	AZ-McSally CO-Gardner MN-Smith NH-Shaheen NM-Udall*	GA-Perdue IA-Ernst ME-Collins MI-Peters MT-Daines NC-Tillis SC-Graham	AK-Sullivan GA-Loeffler MS-Hyde-Smith TX-Cornyn	AL-Jones KS-Roberts* KY-McConnell TN-Alexander*
Sabato's Crystal Ball	CO-Gardner NM-Udall* MN-Smith NH-Shaheen	AZ-McSally ME-Collins MI-Peters	IA-Ernst NC-Tillis	AK-Sullivan GA-Loeffler GA-Perdue KS-Roberts* MT-Daines SC-Graham	AL-Jones KY-McConnell MS-Hyde-Smith TX-Cornyn
Inside Elections	N/A	AZ-McSally CO-Gardner ME-Collins MI-Peters NC-Tillis	IA-Ernst MT-Daines	AL-Jones GA-Loeffler GA-Perdue KS-Roberts* SC-Graham TX-Cornyn	AK-Sullivan

* Sens. Lamar Alexander (R-TN), Pat Roberts (R-KS), and Tom Udall (D-NM) are retiring at the end of this Congress.

VIII. ANTICIPATED COMMITTEE LEADERSHIP CHANGES

Chairs of key committees of health care jurisdiction will be turning over next Congress. Several lawmakers are retiring at the end of the term, leaving committee Chairman and Ranking Member positions open for new leadership.

In the Senate, Finance Committee Chairman Chuck Grassley (R-IA) intends to resume leadership over the Judiciary Committee, which he chaired from 2015 to 2019, if Republicans maintain their majority. This shift would leave the Finance Committee Chair seat vacant, with Sen. Mike Crapo (R-ID) next in line to take the gavel. However, if the Senate flips to Democratic control, Ranking Member Senator Ron Wyden (D-OR) is expected to take over as Chairman.

Lamar Alexander (R-TN), Chairman of the Senate Committee on Health, Education, Labor, and Pensions (HELP), will retire at the end of this Congress. If Republicans keep control of the Senate, Chairman Alexander's successor is less clear given that Sen. Richard Burr (R-NC), who is next in line, is the subject of a federal investigation regarding his stock trades and Sen. Michael Enzi (R-WY) is retiring. The gavel may be passed down to the next most senior member, Sen. Rand Paul (R-KY). If the Democrats take the Senate, Ranking Member Patty Murray (D-WA) is expected to become the next Chair.

Nita Lowey (D-NY), Chairwoman of the House Appropriations Committee, is also retiring at the end of her term this year. Reps. Marcy Kaptur (D-OH), Rosa DeLauro (D-CT), and Debbie Wasserman Schultz (listed in order of seniority) – who all chair Appropriations Subcommittees – are among the candidates competing to lead the House Appropriations Committee.²⁹

IX. VOTING DURING THE COVID-19 PANDEMIC

Turnout and Mail-In Voting

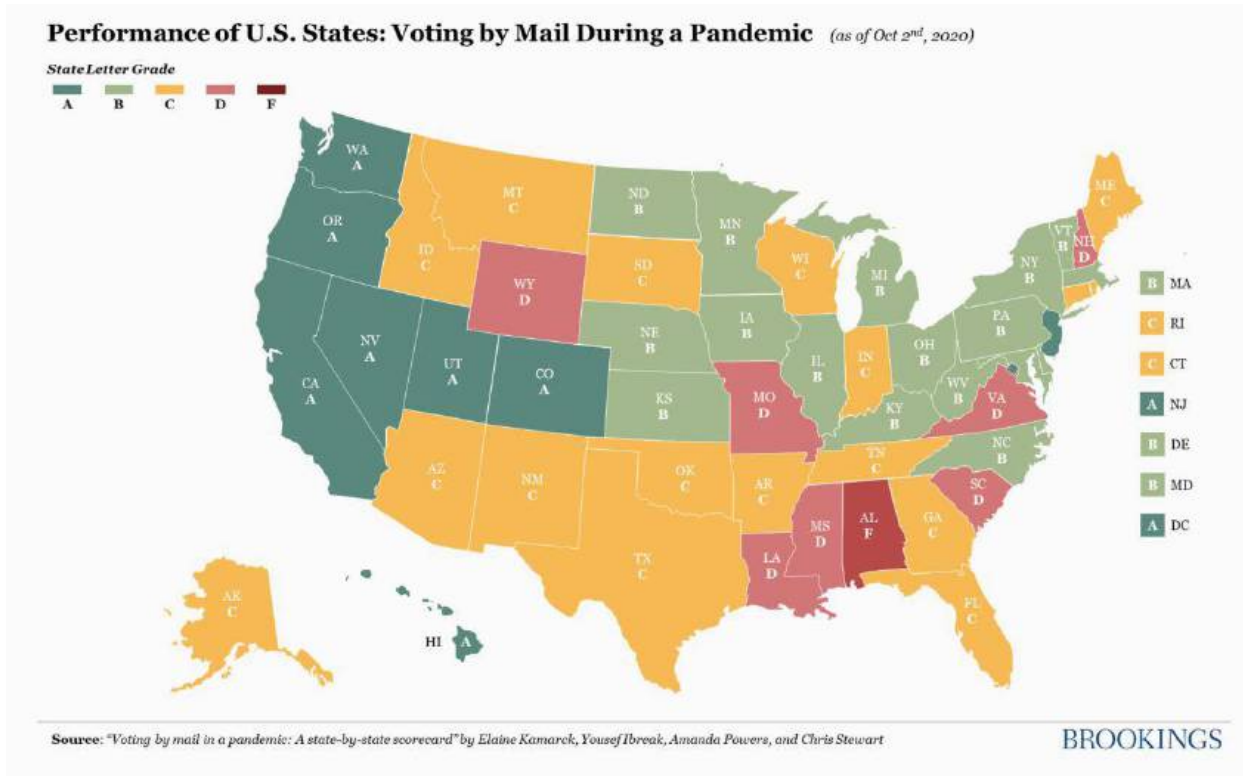
Looming over the November election is the added complexity associated with voting safely and securely during a global pandemic. This year, like most, primary contests turned out anywhere between three and 46 percent of eligible voters³⁰ – comparably low to the 60 percent turnout rates typically seen in general presidential elections.

Voter turnout during the far larger and more complex presidential election in November remains to be seen. Approximately 9.3 million votes had already been cast by October 11, compared with 1.4 million at the same time in 2016.³¹ As mentioned previously, registered Democrats are both requesting and returning mail-in ballots at higher rates than registered Republicans, including in key swing states such as Florida and North Carolina.³²

In November, 35 states are expected to allow voters the option to vote absentee, either by explicitly citing the coronavirus as the reason, or without requiring an excuse.³³ Nine states will rely solely on universal mail-in voting – four of which are newly doing so for the first time this year, including California, Vermont, Nevada, and New Jersey.³⁴

The degree to which states allow or facilitate mail-in or absentee voting varies widely across the nation. The Brookings Institute, in collaboration with the Institute of Politics at Harvard Kennedy School has created a scorecard to rate states on performance indicators for ease of mail-in voting. As depicted in the map below, state performance on mail-in voting varies widely and will likely be a major factor in many contested races. For example, most Presidential battleground states, such as Arizona, Florida, Georgia, and Wisconsin average a C rating by Brookings.³⁵

Figure 7. Brookings' State-by-State Scorecard of Vote-By-Mail Systems



General Election Confidence

Even while states scramble to adapt during the pandemic by shoring up voting accommodations and infrastructure in order to maintaining voter confidence, members of the White House and, notably, the President himself have frequently cast aspersions and sown doubt as to the legitimacy of voting by mail. Various statements President Trump has made in the media and on Twitter have suggested – without evidence – that the use of absentee ballots will lead to widespread voter fraud; that voters would be able to vote twice; and that counting the ballots will lead to disastrous legal battles.

Several cases could reach the Supreme Court as Republicans are challenging lower-court decisions in Wisconsin, Michigan, and Pennsylvania that would allow mail-in ballots to be counted if they are mailed by Election Day but not received until several days thereafter.³⁶ Additional cases address procedures to remedy signature mismatches on mail-in ballots and the application of notary, witness, and/or voter ID requirements for certain mail-in or absentee ballots.³⁷

The U.S. Postal Service, under the leadership of White House appointee and Postmaster General Louis DeJoy, has drawn major scrutiny and concern from Democratic lawmakers and voters across the country. A report authored by Sen. Gary Peters (D-MI), lead Democrat on the Senate Committee on Homeland Security & Governmental Affairs, found that Postmaster General DeJoy’s policies – while in effect –

delayed the delivery of nearly seven percent of first-class mail.³⁸ Postmaster General DeJoy, after appearing before several Congressional panels and facing legal challenges from at least 20 Democratic attorneys general, has since suspended some operational changes for the Post Office, such as scaling back retail hours, removing blue collection boxes, and closing mail processing facilities, until after the November election.³⁹ However, his changes to the transportation schedule – particularly eliminating late and extra trips – remain.

The cumulative effect of the controversies, borne out in recent polling and research, appears to be that Americans' confidence in the election results may be eroding. A February Gallup poll, conducted even before the Post Service revelations, revealed that nearly three in five Americans don't have confidence in the honesty of American elections.⁴⁰ Furthermore, public confidence in the institutions that would manage a contested election, such as the Supreme Court, is dropping as well.⁴¹

X. CONCLUSION

With three weeks to go until the election, the Biden-Harris ticket is in a very favorable position, significantly ahead of Hillary Clinton's 2016 advantage at the beginning of October (10 percentage points versus four percentage points of the popular vote).⁴² Biden currently has statistically significant leads in the key swing states and has forced Trump to defend traditionally Republican leaning states with time running out before the election is decided.

While President Trump has yet to reset the dynamics of the race, he is just beginning to resume rallies and continues to tout the potential for favorable COVID-19 vaccine developments. We continue to expect Biden-Harris to win the election by a relatively large margin, though results may not be available for days after the election and the potential for post-election litigation remains.

In addition to a Biden-Harris victory, we expect a "blue wave" in Congress, with Democrats likely to expand their majority in the House and flip the Senate by a small margin short of a filibuster-proof majority. The potential changes in occupants in the White House, U.S. Senate, and the U.S. House of Representatives would have significant ramifications for health care policy and could result in historic changes in the three branches of government.

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- ¹ <https://projects.fivethirtyeight.com/coronavirus-polls/>
- ² <https://www.kff.org/coronavirus-covid-19/report/kff-health-tracking-poll-september-2020/>
- ³ <https://www.axios.com/bloomberg-group-trump-election-night-scenarios-a554e8f5-9702-437e-ae75-d2be478d42bb.html>
- ⁴ <https://www.npr.org/2020/10/13/923170381/3-key-states-have-to-wait-until-election-day-to-count-mail-in-ballots>
- ⁵ <https://www.axios.com/bloomberg-group-trump-election-night-scenarios-a554e8f5-9702-437e-ae75-d2be478d42bb.html>
- ⁶ <https://projects.fivethirtyeight.com/trump-approval-ratings/voters/>
- ⁷ https://www.realclearpolitics.com/epolls/2020/president/us/general_election_trump_vs_biden-6247.html
- ⁸ <https://projects.fivethirtyeight.com/2020-election-forecast/>
- ⁹ <https://www.pewresearch.org/politics/2020/10/09/the-trump-biden-presidential-contest/>
- ¹⁰ <https://www.pewresearch.org/politics/2020/10/09/the-trump-biden-presidential-contest/>
- ¹¹ <https://www.nytimes.com/elections/2016/results/president>
- ¹² <https://fivethirtyeight.com/features/the-polls-are-all-right/>
- ¹³ <https://www.realclearpolitics.com/>
- ¹⁴ <https://www.realclearpolitics.com/elections/trump-vs-biden-top-battleground-states/>
- ¹⁵ <https://pressgallery.house.gov/member-data/party-breakdown>. Earlier this year, Reps. Duncan Hunter (R-CA), Mark Meadows (R-NC), and John Ratcliffe (R-TX) resigned, and Rep. John Lewis (D-GA) died.
- ¹⁶ <https://bluedogcaucus-costa.house.gov/media-center/press-releases/blue-dogs-announce-health-care-priorities>
- ¹⁷ <https://newdemocratcoalition.house.gov/media-center/press-releases/new-democrat-coalition-chair-and-health-care-task-force-co-chairs-statement-on-house-passage-of-patient-protection-and-affordable-care-enhancement-act>
- ¹⁸ Special elections will be held to fill the seats of Sen. John McCain (R-AZ) and Johnny Isakson (R-GA).
- ¹⁹ <https://cookpolitical.com/ratings/house-race-ratings>
- ²⁰ https://www.realclearpolitics.com/epolls/2020/house/2020_elections_house_map.html
- ²¹ <https://centerforpolitics.org/crystalball/2020-house/>
- ²² <https://insideelections.com/ratings/house>
- ²³ <https://projects.fivethirtyeight.com/2020-election-forecast/senate/>
- ²⁴ <https://cookpolitical.com/ratings/senate-race-ratings>
- ²⁵ https://www.realclearpolitics.com/epolls/2020/senate/2020_elections_senate_map.html
- ²⁶ <https://centerforpolitics.org/crystalball/2020-senate/>
- ²⁷ <https://insideelections.com/ratings/senate>
- ²⁸ <https://apnews.com/article/election-2020-virus-outbreak-senate-elections-north-carolina-thom-tillis-de011b865bb05df79a4d15a995ffe843>
- ²⁹ Rep. DeLauro chairs the House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. Rep. Kaptur chairs the House Appropriations Subcommittee on Energy and Water Development. Rep. Wasserman Shultz chairs the House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies.
- ³⁰ Ibid.
- ³¹ <https://electproject.github.io/Early-Vote-2020G/index.html>
- ³² Ibid.
- ³³ <https://www.cnn.com/interactive/2020/politics/mail-in-voting/>
- ³⁴ Ibid.
- ³⁵ <https://www.brookings.edu/research/voting-by-mail-in-a-pandemic-a-state-by-state-scorecard/>
- ³⁶ <https://www.npr.org/2020/10/08/921225458/key-legal-fights-over-voting-remain-unresolved-as-election-day-draws-close>
- ³⁷ Ibid.
- ³⁸ <https://www.washingtonpost.com/business/2020/09/16/dejoy-usps-delays-senate-report/>;
https://www.hsgac.senate.gov/imo/media/doc/200916_FullReport_PetersPostalInvestigation.pdf
- ³⁹ <https://about.usps.com/newsroom/national-releases/2020/0818-postmaster-general-louis-dejoy-statement.htm>
- ⁴⁰ <https://news.gallup.com/poll/285608/faith-elections-relatively-short-supply.aspx>
- ⁴¹ <https://www.axios.com/2020-election-trump-crisis-contested-election-f3772c3b-7431-4d75-a585-eab1bde0fec0.html>
- ⁴² <https://www.newsweek.com/one-month-election-trumps-faring-worse-he-was-2016-against-clinton-1535759>