



WHG Post-Midterm Elections Brief

Control of both the House and Senate remains undecided as votes are continuing to be counted in battleground states. However, despite record inflation levels and low ratings for President Biden, and a historic pattern of mid-term elections harming the party that holds control, the “red wave” Republicans were hoping would provide them a sweeping new majority in the U.S. House and a clear command of the U.S. Senate failed to materialize. Below is a brief overview of the implications of the latest election relative to the makeup of congressional leadership; key committees with healthcare jurisdiction; and the topline takeaways of gubernatorial elections, and some key ballot measures.

The House and Senate Races

In the House, all 435 seats were on the ballot. Republicans needed to gain 5 seats to take the majority. On Wednesday morning there were still 75 races that had yet to be called. Many of the most vulnerable Democrats survived their races, including Abigail Spanberger of Virginia, Elissa Slotkin of Michigan, and Chris Pappas of New Hampshire. One major surprise is Rep. Lauren Boebert of Colorado, an ultra-conservative Trump loyalist, is currently down two points in her race. Republicans currently hold 194 seats to the 166 held by Democrats. Republicans are likely to get the 218 seats needed to have the majority, but the margin will be much narrower than they hoped, and with a Democrat in the White House and a potential Democratic majority in the Senate, it will be very difficult for Republicans to pursue their policy agenda.

In the Senate, 35 seats were up, with Democrats defending 14 seats and Republicans defending 21. With a 50-50 split, Democrats could not afford to net a single loss. Among some of the most closely watched Senate races, Democrats managed to hold on in New Hampshire, Colorado, and Washington State. Further, in Pennsylvania Lt. Governor John Fetterman was also able to beat celebrity physician Mehmet Oz, flipping a seat from Republican to Democrat. However, four key races remain undecided: Georgia, Wisconsin, Arizona, and New Mexico. Currently Democrats are slightly ahead in Georgia and Arizona, while Republicans hold a narrow lead in New Mexico and Wisconsin. If Senator Raphael Warnock (D-GA) doesn't secure at least 50% of the vote in Georgia a December 6 run-off will be necessary, something Georgia officials are already planning. Just like in 2020, control of the U.S. Senate may hinge on the results of the Georgia Senate run-off.

Congressional Leadership

Adding to the mystery of what party will control of Congress, is who will be holding the House Speaker gavel. If Republicans prevail, GOP Majority Leader Kevin McCarthy is widely expected to stay in control of the House Republicans and be the next Speaker of the House. However, if his margin is tight, the road to the speakership may not be without some bumps, as all but 7 of his Republican colleagues will need to back him and there are murmurings that some on the far right will demand concessions in exchange for their vote. Leader McCarthy will likely be tested on his ability to manage the hardline faction of his party. Current Republican whip Steve Scalise (R-LA) is expected to stay in the number two position. If Republicans do gain control of the House, he will rise to Majority Leader and the race for the Whip

position is hotly contested. NRCC Chair Tom Emmer (R-MO) is hoping for the position, but will be challenged by Rep. Jim Banks (R-IN) and Rep. Drew Ferguson (R-GA).

On the Democratic side, the question of Speaker Pelosi stepping back from leadership has been discussed for months. Though Pelosi pledged to only serve 4 terms as speaker, she has refused to reaffirm that decision. However, Majority leader Steny Hoyer (D-MD) and Democratic Whip James Clyburn (D-SC) have not made pledges to step aside. Speaker Pelosi is not expected to make any announcements until after Thanksgiving.

With an easy win in his re-election race, Senator Schumer (D-NY) is expected to remain the top Democrat in the Senate, and Senator Mitch McConnell (R-KY) is expected to stay as Republican leader.

Key Healthcare Committee Leadership Changes

Chair and Ranking Members of key committees of health care jurisdiction will be turning over next Congress. Several Senators and Representatives are retiring at the end of the term, leaving committee Chair/Ranking Member positions open for new leadership.

House Ways and Means Committee: Rep. Richard Neal (D-MA) is expected to stay at the helm of the Ways and Means Committee for the Democrats, but the top Republican position is wide open. Current Ranking Member, Rep. Kevin Brady (R-TX) is retiring. The three members vying for the position include: Rep. Vern Buchanan (R-FL); Rep. Jason Smith (R-MO); and Rep. Adrian Smith (R-KS). Rep. Buchanan and Rep. Smith are the top two candidates for the position. Though Rep. Buchanan is next in line, Rep. Smith has been aggressively working the Steering Committee for the job.

House Budget Committee: Current Chairman of the Budget Committee, Rep. John Yarmouth (D-KY) is retiring this Congress. Next in line for the position is Rep. Hakeem Jeffries (D-NY). If he happens to rise to Democratic Leader, Rep. Brian Higgins (D-NY) is next in line. Current Republican Chair, Rep. Jason Smith (R-MO) is leaving the Chairmanship to run for Chair of the Ways and Means Committee. Rep. Lloyd Smucker (R-PA) and Rep. Buddy Carter (R-GA) are running for the position.

House Oversight and Government Reform Committee: Congresswoman Carolyn Maloney (D-NY), Chair of the House Oversight and Government Reform Committee, recently lost her primary bid to Rep. Jerrold Nadler in the newly drawn 12th district. Next in line to take over the Committee for the Democrats is D.C. Representative Eleanor Holmes Norton. If the Republicans take the House with a narrow majority, the Oversight and Government Reform Committee, led by Rep. James Comer (R-KY), will provide the one opportunity they can have free reign to conduct investigations into the Biden Administration on a host of issues.

Senate Appropriations Committee: The top Democrat on the Appropriations Committee, Sen. Pat Leahy (D-VT) is retiring. Next in line to lead the Committee for the Democrats is Sen. Patty Murray (D-WA). Sen. Murray is expected to keep her position as Chair of the Labor-HHS Subcommittee, even as she takes the full Committee chair. The Top Republican on the spending Committee, Sen. Richard Shelby (R-AL) is also retiring. Next in line to lead the Committee for the Republicans is Sen. Susan Collins (R-ME). Additionally, Sen. Roy Blunt (R-MO), who is the top Republican on the Labor-HHS Subcommittee is also retiring. Next in line is Sen. Lindsay Graham (R-SC), who would have to give up control of the State-Foreign Ops Subcommittee.

Senate HELP Committee: If Sen. Murray becomes chair of the Appropriations Committee, then Sen. Bernie Sanders (I-VT) is next in line to lead HELP. However, he would likely have to decide between leading the Budget or HELP Committee. If Sen. Sanders passes, Sen. Bob Casey (D-PA) is next in line. The current Republican lead on HELP, Sen. Richard Burr (R-NC) is retiring this Congress. The next

Republican in line to take over the Committee is Sen. Rand Paul (R-KY). This could be a difficult dynamic if Rand Paul and Bernie Sanders are at the helm.

Highlights of Gubernatorial Elections; Abortion Ballot Measures

Across the country, Democrats managed to perform well in competitive governor races, holding on to Michigan, Pennsylvania, Wisconsin, and Kansas. The hotly contested and particularly contentious Arizona governor's race between current Secretary of State Katie Hobbs (D) and Trump loyalist Keri Lake (R) remains too close to call, but Hobbs is holding a slim lead.

One of the driving issues in the mid-term election for Democrats was preserving access to abortion. Voters across the country delivered victories for abortion rights in the first nationwide election since the Supreme Court overturned *Roe v. Wade* in June. Three states codified access to abortion in their state constitution, including Michigan, Vermont, and California. Additionally, voters in Republican-leaning Kentucky defeated an antiabortion amendment, clearing a potential path for abortion access to be restored in a state with one of the country's most restrictive bans. In Arkansas, voters rejected an initiative that would have made it more difficult to adopt constitutional amendments, a move that could be key to future abortion policy.

Other healthcare focused ballot measures that passed include: South Dakota voted to allow for Medicaid expansion; in Arizona legislation was easily passed that would limit the amount of interest that can be charged on Medical debt; and a ban on most flavored tobacco products was passed in California by ballot initiative.