THE TUG OF WAR IN WASHINGTON
JOHN COLBERT, ESQ.
AREAS OF DISCUSSION

• Funding
• Authorizing issues – where is Congress going?
• What to expect moving forward?
• Elections Outlook
FY 18 FUNDING – WHAT DID WE LEARN?
ADMINISTRATION’S FY18 BUDGET REQUESTS
HUGE CUTS TO WORKFORCE PROGRAMS

• 10% overall cut to domestic programs

• 21% cut to DOL
• 40% cut to WIOA formula and Wagner-Peyser funding
• Elimination of SCSEP
CONGRESS IN CHARGE OF BUDGET

- **Good news** - both the House and Senate rejected this budget proposal.
FY 18 HOUSE LABOR-HHS FUNDING:

- 3% overall funding cut
- ETA receives disproportionate cut (18%)

<table>
<thead>
<tr>
<th>Program</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>WIOA Adults</td>
<td>-5%</td>
</tr>
<tr>
<td>WIOA Youth</td>
<td>-5%</td>
</tr>
<tr>
<td>NEG</td>
<td>-41%</td>
</tr>
<tr>
<td>NEG rescission $200 million</td>
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<tr>
<td>SCSEP</td>
<td>-25%</td>
</tr>
<tr>
<td>Apprenticeships</td>
<td>– eliminated</td>
</tr>
<tr>
<td>Wagner Peyser</td>
<td>– eliminated</td>
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</table>
FY 18 SENATE LABOR-HHS FUNDING:

• 5% above House levels

• Restored House cuts to most programs including:
  • WIOA formula programs
  • Apprenticeship
  • Wagner Peyser state grants
  • SCSEP
Final Agreement

- WIOA programs receive $80 million overall increase
- Apprenticeships receive $50 million increase ($145 million)
- Employment Service funding restored
- SCSEP funding restored
HOW DID WORKFORCE PROGRAMS AVOID FY 18 CUTS?
FY18 FUNDING AGREEMENT

Bipartisan funding agreement

13% overall funding Increase

Increased defense funding:
• $80 billion more in FY 18
• $85 billion more in FY 19

Increased funding domestic funding:
• $63 billion more in FY 18
• $68 billion more in FY 19
FY 18 FUNDING

Lesson learned –

With additional overall funding:

- Congress restores ETA funding
- The Administration submits new request to provide level funding levels for most ETA programs.
FY 18 FUNDING

Lesson learned –

Danger:

• ETA programs were the first Labor-HHS programs to be proposed for cuts by appropriators
FY 19 FUNDING
FY 19 BUDGET PROPOSAL

• Second (and final) year of fiscal agreement expanding domestic funding by 13%

• Administration’s initial FY 19 budget request included same funding cuts for ETA programs as in FY 18
  ➢ Significant cuts to WIOA
  ➢ Elimination of SCSEP
FY 19 BUDGET PROPOSAL

• After budget agreement in Congress --- Administration submitted revised FY 19 budget proposal
  ➢ Restores level funding for most ETA programs, including WIOA
  ➢ Maintains elimination of SCSEP
What to expect this year?

FY 19 appropriations process

• Congress in charge of budget and appropriations process
• Top line funding for FY 19 already in place
• More comity
• Labor-HHS Appropriations expected to be the most challenging of the twelve appropriations bills
What to expect this year?

House Labor-HHS mark up in the next few days

• No additional funding for Labor-HHS above FY 18 levels

• **However**, appropriators still want to increase priority programs, including NIH.

• Rescissions proposal includes $7 billion reduction to CHIP – used as offset by appropriators to increase overall Labor-HHS funding level

• May end up seeing cuts in House bill.
What to expect this year?

Senate FY 19 Appropriations

• Expect to mark up their bill the last week of June
• New Chairman – Richard Shelby (R-AL)
• Commitment to bipartisanship
• Desire for “regular order”
• Senate Labor-HHS bill provided $2 billion increase above FY18
• Senate provided stability in appropriations process last year and expected to do so again in FY 19.
What to expect this year?

FY 19 Appropriations

- House expects to complete Committee action next week, floor action next month
- Senate accelerating appropriations process this year - leadership cancels August recess
- Minibuses, not Omnibus
- However, Continuing Resolution will still be necessary to complete FY 19 bills
What to expect this year?

FY 19 appropriations process

• If Republicans maintain control of House and Senate post midterm elections, no time pressure to complete appropriations bills

• If Democrats win control of either House or Senate in midterms, Congress likely to complete FY 19 appropriations process before new Congress begins in January
RESCISSION?
Rescission proposals

- House passed $15 billion “rescissions” package last week
- Expired or expiring funding – not from current FY 18 funding.
- Cuts $22 million from DOL ARRA funding, no cuts to ED
- Politically focused strategy – playing to base angered by FY 18 spending
- Only $1 billion in actual “savings”
Rescission proposal

WH Targets Domestic, International Funds
The Trump administration’s $15.4 billion rescissions request would reach back as far as fiscal 1998 to trim unspent funds.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
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<tr>
<td>EPA</td>
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<td>Labor</td>
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<td>Commerce</td>
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<td>AmeriCorps</td>
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<td>Treasury</td>
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<td>State/International Aid</td>
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<td>Energy</td>
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<tr>
<td>Health and Human Services</td>
<td>8,034</td>
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</table>

Source: CQ Analysis
Peter Cohn/CQ
What to expect this year?

Rescission

• Only 50 votes needed in Senate
• Unclear if it has the votes for passage
• Needs to be enacted within 45 days (June 22nd)
What to expect this year?

Rescission

• However, could be the first of several rescission proposals to be offered
• Next proposal expected to propose cutting FY 18 Omnibus funding.
• Effort unlikely to be successful – requires a majority of both House of Congress
• Senate and House Democrats in opposition
THE OUTLOOK FOR FEDERAL EDUCATION AND WORKFORCE POLICY
KEY THEMES IN EDUCATION AND WORKFORCE LEGISLATION

• Education in preparation for work
• 6.7 million job openings, more jobs than workers – effort to have all available workers enter employment
• Provide employers with skilled workers
• Enhanced work based learning opportunities
• Support for evidenced based approaches
• Work in exchange for benefits
ISSUES TO WATCH: WORKFORCE (APPRENTICESHIPS)

• Potential to be bipartisan issue
• A number of apprenticeship bills introduced – no movement to date
• House HEA bill includes new apprenticeship program
• Emphasis on work based learning
Outlook – potential area of consensus – but likely next Congress

Key Issues

- The role of Registered Apprenticeships v. President’s Task Force with business led apprenticeship programs
- Adequate funding for scaling
ISSUES TO WATCH: TANF REAUTHORIZATION

• House bill passed in Committee on party line
• Currently awaiting House floor action
• TANF framed as workforce legislation “JOBS Act”
• Reinforces purpose of TANF funding is to transition participants to work
• All able bodied beneficiaries required to work, or be engaged in education and training
ISSUES TO WATCH: TANF REAUTHORIZATION

- More flexibility for states in programmatic design
- Uses WIOA performance measures
- Holistic approach to services
ISSUES TO WATCH: TANF REAUTHORIZATION

• House Democrats in opposition - no additional funding for TANF block grant

• However, allows up to 50% of a state’s TANF allocation transferred to:
  - WOIA
  - Child Care and Development Fund,
  - Child Welfare (up to 10%)
THE ROAD AHEAD FOR TANF

Challenge –

• Senate far behind House on TANF
• Senate leadership not interested in entitlement reform in an election year
ISSUES TO WATCH: FARM BILL (INCLUDES SNAP)

House bill – lost on floor last month, another vote likely this month

Why?

• **New work requirement** - able bodied beneficiaries required to work, or be engaged in education and training
• Immigration debate
• **Highly partisan issue** – Democrats opposed bill due to work requirements. Administration strongly supports work in exchange for benefits.
ISSUES TO WATCH: SAFETY-NET SNAP

Farm Bill (includes SNAP)

**Senate bill** – just introduced

- Mark up and floor action later this month
- Bipartisan effort
- No work requirements
The Road Ahead – Farm Bill and SNAP Work Requirements

- Tension over work requirements a growing trend across a variety of social service reauthorizations.
- Work requirements unlikely to be included in final version of Farm Bill.
ISSUES TO WATCH: STATE MEDICAID WAIVERS WITH WORK REQUIREMENTS

• CMS approving state waiver requests requiring work requirements for able bodied recipients.
• Kentucky, Indiana, Arkansas, and New Hampshire waivers approved
• Arizona, Kansas, Maine, Mississippi, Ohio, Utah, and Wisconsin waivers pending
• Different approaches in the states for who is “able bodied”
THE ROAD AHEAD FOR WORK REQUIREMENTS

• Republicans polling - believe they have a winning issue – work in exchange for program benefits
• Work requirement an emerging trend in red states
• Workforce agencies critical to interagency planning
ISSUES TO WATCH: CAREER AND TECHNICAL EDUCATION (VOCATIONAL ED)

CTE
House – passed bipartisan bill last year

• Better aligns vocational education and workforce programming
• Increased work based learning opportunities.
• Focus on demand occupations and career pathways
ISSUES TO WATCH: CAREER AND TECHNICAL EDUCATION (VOCATIONAL ED)

CTE Senate has been roadblock

• **Main reason** – Chairman Alexander’s desire to limit the federal role in CTE – Democrats oppose this change.

• Rumors that CTE effort may restart later this month
THE ROAD AHEAD FOR CTE REAUTHORIZATION

• Unclear whether CTE reform will be enacted
ISSUES TO WATCH: HIGHER EDUCATION ACT REAUTHORIZATION (HEA)

House
• House Ed and Workforce Committee passed HEA bill – the “PROSPER Act” on party lines

Focus – better preparing students for work
• Competency Based Ed, not just seat time
• Authorizes earn-and-learn career pathway program partnerships between employers and higher ed
ISSUES TO WATCH: EDUCATION (HEA)

• New Industry led apprenticeship program in partnership universities
ISSUES TO WATCH: HIGHER EDUCATION ACT REAUTHORIZATION (HEA)

Senate

• Bipartisan effort to rewrite HEA broke down in May
• Small bills possible – reform FAFSA
THE ROAD AHEAD FOR THE HIGHER EDUCATION ACT

- House bill – Dr. Foxx seeking floor action next week
- Highly partisan bill
- Senate – bipartisan bill now unlikely
- Slow moving HEA likely a multiyear effort – bill could change significantly if Democrats regain House
WHAT TRENDS TO KEEP AN EYE OUT FOR THE REMAINDER OF THIS YEAR

• Accelerated FY 19 appropriations effort
• Reauthorization proposals framed as workforce legislation
• Administration proposal to reorganize anti-poverty programs
• Further rescissions proposals? Ambivalence in Congress
• Work requirements in exchange for benefits
2018 ELECTIONS – FIVE MONTHS AWAY

• The president’s party has lost Senate seats in 19 of 26 midterms

• Lost House seats in 92% of midterms since 1862
2018 ELECTIONS – FIVE MONTHS AWAY

Today, Democrats have generic lead of 7%, but varying between 6-10%

However,
- Midterms are older, whiter and generally favor Republicans
- 40% less voters than in Presidential election years
2018 ELECTIONS – PRESIDENTIAL APPROVAL

• 4 of the last 8 eight midterm elections, presidential approval rating was **56 percent or higher**.
  ➢ In those four midterms, incumbent party **losses were minimal**.

• In the other midterms, presidential approval rating stood at **46 percent or lower**.
  ➢ **Seven-seat average net loss** in the Senate, and **40 seats in the House**.
The image contains text that discusses the upcoming midterm elections and President Trump's approval rating.

- Democrats need **23 seats** to take control of the House.
- President Trump’s approval rating has improved to **42%** - but this is still the lowest since Truman.
PRESIDENT’S OWN PARTY APPROVAL RATING – 2ND HIGHEST IN HISTORY

Own Party Approval, ~Day 500

<table>
<thead>
<tr>
<th>President</th>
<th>Approval Rating</th>
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<tbody>
<tr>
<td>Bush43</td>
<td>96%</td>
</tr>
<tr>
<td>Trump</td>
<td>87%</td>
</tr>
<tr>
<td>HWBush</td>
<td>85%</td>
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<tr>
<td>JFK</td>
<td>85%</td>
</tr>
<tr>
<td>Ike</td>
<td>83%</td>
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<tr>
<td>Nixon</td>
<td>83%</td>
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<tr>
<td>Obama</td>
<td>79%</td>
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<td>Reagan</td>
<td>77%</td>
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<td>LBJ</td>
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<tr>
<td>Clinton</td>
<td>74%</td>
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<tr>
<td>Ford</td>
<td>59%</td>
</tr>
<tr>
<td>Carter</td>
<td>54%</td>
</tr>
<tr>
<td>Truman</td>
<td>46%</td>
</tr>
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</table>
2018 ELECTIONS – PRESIDENTIAL APPROVAL – DEEP PARTY DIVIDE

• 87% of Republicans
• 35% of independents
• 8% of Democrats.
Gallup measured intensity of voters opinion of the President

- 26% strongly approved
- 16% moderately approved
- 41% strongly disapproved
- 13% moderately disapproving.

- Those who approved, ratio of strong to moderate was 2-to-1.
- Those who disapproved, ratio of strong to moderate was 3-to-1.
2018 ELECTIONS – PRESIDENTIAL APPROVAL – INTENSITY MATTERS

• Percentage of strongly disapprove - third highest in history
• Two worst –
  • George W. Bush – 44% in 2006
  • Richard Nixon – 48% just before he resigned.
Key Congressional Targets for each party

• 23 Republicans in Clinton-won districts
• 12 Democrats in Trump-won districts
**HOUSE – HOW DO DEMOCRATS GAIN 23 SEATS? NO EASY TASK**

<table>
<thead>
<tr>
<th>Likely Democrat</th>
<th>Lean Democrat</th>
<th>Toss Up</th>
<th>Lean Republican</th>
<th>Likely Republican</th>
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<tr>
<td>AZ-9 Sinema*</td>
<td>AZ-1 O’Halleran</td>
<td>MN-1 Walz*</td>
<td>AR-2 Hill</td>
<td>PA-14 OPEN (Lamb)</td>
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<td>CA-7 Bera</td>
<td>NH-1 Shea-Porter*</td>
<td>MN-8 Nolan*</td>
<td>CA-21 Valadado</td>
<td>AZ-8 VACANT</td>
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<td>CT-5 Esty*</td>
<td>NV-3 Rosen*</td>
<td>NV-3 Danham</td>
<td>CA-45 Walters</td>
<td>CA-4 Mclintock</td>
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<td>FL-7 Murphy</td>
<td>AZ-2 Ros-Lehtinen*</td>
<td>CA-25 Knight</td>
<td>FL-18 Mast</td>
<td>CA-50 Hunter</td>
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<tr>
<td>MN-7 Peterson</td>
<td>FL-27 McSally*</td>
<td>CA-39 Royce*</td>
<td>GA-6 Handel</td>
<td>FL-15 Ross*</td>
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<td>NH-2 Kuster</td>
<td>NJ-2 Issa*</td>
<td>CA-48 Rohrabacher</td>
<td>IA-3 Young</td>
<td>FL-16 Buchanan</td>
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<td>NJ-5 Gottheimer</td>
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<td>CO-6 Coffman</td>
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<td>GA-7 Woodall</td>
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<td>NV-4 Kihuen*</td>
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<td>NY-18 Maloney</td>
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<td>NC-3 MacArthur</td>
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<td>OH-12 Tiber</td>
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<td>WA-8</td>
<td>WA-1 Ryan*</td>
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</table>

*Incumbent not seeking reelection

**Democrats held seats**

**Republicans held seats**

**House 2018 Races**
MIDTERMS: DEMOCRATIC TAKEOVER IN HOUSE?

• So far, 41 Republicans are leaving the House, compared with 19 Democrats.

• Twenty-nine Republican seats are vulnerable
• Six Democratic seats are vulnerable
MIDTERMS: DEMOCRATIC TAKEOVER IN HOUSE – CONFLICTING TREND LINE

HOPE FOR DEMOCRATS
• Most retirements from a majority party since 1994
• Voter Intensity

HOPE FOR REPUBLICANS
• Incumbents run on average 7% ahead in competitive districts
• High turnout in primaries.
• Economy
• Speaker Pelosi
SENATE RACES
MIDTERMS: DEMOCRATIC TAKEOVER IN SENATE?

• Republicans hold current majority 51-49

• 26 Democrats up for election, only 9 Republicans

• However, divisive primaries for Republicans in seven out ten most vulnerable Democratic seats

• Democrats goal in midterms – recapture majority, may prove elusive
MIDTERMS: DEMOCRATIC TAKEOVER IN SENATE?

- Democrats defending seats in 10 states won by the President
- Five of these states were won by the President by at least 19%
- Six of nine Republican seats are considered safe

Bitter Irony for Senate Democrats – one seat margin, but better chance to regain control of House than Senate
THE FIGHT FOR SENATE CONTROL – EIGHT “TOSS UP” SEATS

- Solid Democrat: Feinstein (CA), Murphy (CT), Carper (DE), Hirono (HI), Warren (MA), Cardin (MD), King (ME)(I), Klobuchar (MN), Heinrich (NM), Gillibrand (NY), Whitehouse (RI), Kaine (VA), Sanders (VT)(I), Cantwell (WA).
- Likely Democrat: Stabenow (MI), Tester (MT), Menendez (NJ), Casey (PA), Baldwin (WI).
- Lean Democrat: Smith (MN), Brown (OH).
- Toss Up: Nelson (FL), Donnelly (IN), McCaskill (MO), Heitkamp (ND), Manchin (WV), Flake (AZ)*, Heller (NV), Corker (TN)*.
- Lean Republican: Hyde-Smith (MS), Fischer (NE), Cruz (TX).
- Likely Republican: Wicker (MS), Hatch (UT)*, Barrasso (WY).
- Solid Republican: Nelson (FL), Donnelly (IN), McCaskill (MO), Heitkamp (ND), Manchin (WV), Flake (AZ)*, Heller (NV), Corker (TN)*.
2020 ELECTION: BATTLEFIELD SHIFTS - REPUBLICANS DEFENDING MORE SENATE SEATS

2020
- 12 Democratic seats
- 21 Republican seats

2022
- 12 Democratic seats
- 22 Republican seats
ANTI TRUMP IS NOT ENOUGH FOR DEMOCRATS TO CAPTURE CONGRESS

Polling
Issues matter -
• Senate Democrats focus groups:

"Republicans have the wrong agenda; Democrats have no agenda."
EXPECTATION FOR MIDTERMS - A WAVE OR A RIPPLE?

Projected change in 2018

Legend:
- Red dots: Democratic gains
- Blue dots: Republican gains

Data points for years:
OUTLOOK FOR THE MIDTERM ELECTIONS

What to expect

• Razor thin margins next Congress, whoever is in control
• Who will be Speaker?
• Still too early to call
  • Democrats could gain 25-40 seats and control of the House
  • Senate leans Republican
OUTLOOK FOR THE MIDTERM ELECTIONS

Possible scenario

• Democrats gain seats in the House
• Republicans gain seats in the Senate
• If this occurs -- first midterm in 36 years in which the two chambers of Congress moved in different directions.
STATE RACES – A LOT ON THE LINE

2018 Balance of Power

Governors

Legislatures

Republican
Democratic
Independent
Nonpartisan
Split
STATE RACES – A LOT ON THE LINE

Governors races this year
- 36 states hold their gubernatorial elections
- 26 Republican seats
- 10 Democratic seats (nine Democrats plus one independent)

- 13 open governorships for GOP
- 4 open governorships for Democrats
- Nine Republican seats competitive, four for Democrats
STATE RACES – A LOT ON THE LINE

State legislatures
• 82% of state legislative races on the ballot.
• 26 states GOP control of both chambers.
• 8 states Democrats control both chambers.
• 16 legislatures are divided.
# Republicans Governors Playing Defense - Four Toss Ups and Three Potential Losses

<table>
<thead>
<tr>
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<th>Toss Up</th>
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<td>FL: Open (R)</td>
<td>AZ: Ducey (R)</td>
<td>GA: Open (R)</td>
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<td>CT: Open (D)</td>
<td>IL: Rauner (R)</td>
<td>MI: Open (R)</td>
<td>IA: Reynolds (R)</td>
<td>MA: Baker (R)</td>
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<tr>
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<td>MD: Hogan (R)</td>
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<td>RI: Raimondo (D)</td>
<td>NH: Sununu (R)</td>
<td>VT: Scott (R)</td>
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</table>
What to expect

- Outcome of the 2018 state elections will determine future redistricting efforts.
- Republicans currently hold strong majority, but are on the defensive – 26 seats up this cycle
Challenges for Republicans

- Clinton won eight seats Republicans are defending
- Democrats are defending only one state won by President Trump
- Gubernatorial and legislative seats elections this past year have tilted Democrat
QUESTIONS?

John Colbert, Esq.
Capitol Hill Partners
www.caphillpartners.com