

A Wave or a Wash?

Trump could buoy the GOP if Dems catch a midterm ride.

BY TIM STOREY AND
WENDY UNDERHILL

Donald Trump will not be on the ballot on Nov. 6. Yet the fate of hundreds of competitive legislative races across the country will come down to whether voters approve of the job this unconventional, norm-busting president is doing. If Trump's approval numbers don't improve soon, 2018 will be a good year for Democrats. How good? Only the voters know.

Every two years, roughly 80 percent of all legislative seats are up for grabs. Sometimes the elections to fill them coincide with presidential elections; other times—like this year—we vote at the midterm. Midterm elections in the states are predominantly a referendum on a president's previous two years in office. This year, that is likely to be truer than ever.

Fewer than 20 percent of Americans can name one of their state legislators. That's sad given the critical issues—immigration, sanctuary cities, health care, gun violence, the opioid crisis, crumbling infrastructure, teacher pay and so many more—that legislatures work on year in and year out.

“State legislative elections rarely are a referendum on what state legislators do themselves but instead are dominated by national politics,” according to Saint Louis University political scientist Steven Rogers. His research indicates that voters' approval of the president matters three times more than their approval of the legislature.

Even the U.S. economy—at its strongest in decades and likely to remain that way for at least the next four quarters, according to most economists—doesn't appear to be a big factor. In a normal election cycle, a robust economy would bode well for the party holding the White House. Voters do not seem to be considering the economy when evaluating Trump.

Trump is the only president since Gallup began presidential approval polling in the days of Harry Truman who has never had an approval rating over 50 percent. In early September, polling by FiveThirtyEight found his approval rating at 40.3 percent, which is where it has stayed, fluctuating only a few points up



or down due in part to his incredibly loyal base of support.

Trump's ratings aren't normal, but neither are these midterm elections. Redistricting looms just over the horizon. Many races for governor are toss-ups, and Democrats are fielding more candidates than at any time in the last 40 years, including record numbers of women.

Whether this year's elections are the most important in a lifetime, as some pundits have posited, is debatable. What's not debatable is that elections are at the heart of a thriving democracy—and that they have consequences.

Where We Are Now

Forty-six states, representing 87 chambers, have regularly scheduled elections for legislative seats this fall. Nearly 10,000 candidates are running to fill the 6,066 open seats. In addi-

Tim Storey is NCSL's director of state services.

Wendy Underhill is NCSL's director for elections and redistricting.



tion, a handful of special elections are taking place to fill vacancies. In Kansas, Minnesota, New Mexico and South Carolina, only the house is up for regular election. Louisiana, Mississippi, New Jersey and Virginia have no legislative elections this year because they hold their regular elections in odd-numbered years.

Going into the election, Republicans rule the legislative roost, with 4,107 of the nation's 7,383 legislators from the GOP. That means 56 percent of legislators and 66 percent of legislative chambers (65 of 98) are Republican. (Nebraska is excluded from the tally because its members are elected to only one chamber on a nonpartisan basis.) Democrats control 31. Two chambers have tied membership, the Connecticut and Minnesota senates.

In terms of total legislative control—

when a single party holds both chambers—Republicans outnumber Democrats 31 to 14, with four states split: Connecticut and Minnesota because of tied senates, and Colorado and Maine, where Republicans control the senates and Democrats have the houses.

Who's Really in Control?

Those tallies, however don't tell the full story of who truly controls legislatures. In reality, the GOP holds 31 states, the Dems 13, and six are divided. Why? Alaska's House has more Republicans, but four of them caucus with the Democrats, giving the Dems control and moving the state from the red camp to the split camp. Similarly, the New York Senate has more Democrats, but one of them caucuses with the Republicans, moving the state from blue to

split. Then there's Nebraska. Cornhusker senators run on a nonpartisan basis, yet it's no secret the unicameral Senate is run by the GOP.

In 20 states, the majority party holds enough seats to override a veto without any assistance from the minority party. Republicans can claim 16 of the 20. Hawaii, Maryland, Massachusetts and Rhode Island are the four with Democratic supermajorities.

The numbers are similar for governors, with 66 percent (33 of 50) being Republican, an all-time high. Sixteen governors are Democrats, and one, Alaska Governor Bill Walker, is an independent. At least 10 of the 36 governors' races this year are considered toss-ups, well above the norm.

If a single party has both chambers and the governorship, they have state control (aka a trifecta). By that measure, and considering true control and not raw numbers, Republicans hold all the cards in 25 states, Democrats in six. Nineteen states have either one chamber or the governor's seat in the hands of a different party.

Battlegrounds

The GOP became the dominant party after a red wave in 2010. It lost a bit of ground in 2012 but bounced back in 2014. That was the year the GOP grew stronger than at any time since the 1920s. Then came 2016. The Republicans kept rolling, amassing more state-level strength than they've had since the party was formed in the mid-1800s. Is this the year the GOP winning streak reverses?

Seems likely, given the midterm effect. This will be the 30th midterm since 1902, and in 27 of the 29 previous ones the president's party suffered an average loss of 412 state legislative seats.

When it comes to enacting policy, what truly matters is winning the majority in chambers or at least preventing supermajorities that can override gubernatorial vetoes. In a normal election year, about a dozen chambers switch party control. Projections are lower this year, however, given the sizable lead Republicans have at the outset. The data predict a Democratic wave coming in November, but how many chambers flip will prove how big it is.

President's Party in Midterm Elections



Democrats see opportunities to flip tied chambers (the Connecticut Senate and even the Minnesota Senate, with its one special election), along with those that are razor close going into the election, such as the Colorado and Maine senates, where Republicans have mere one-seat advantages. Republicans hold the Arizona Senate 17-13, but at least three seats are considered toss-ups. Similarly, Republicans in the Wisconsin Senate have only a three-seat advantage, so a shift of two would put Democrats in charge for the first time since 2010.

In New Hampshire, Republicans hold both chambers, but no state has changed partisan control as frequently as the Granite State in recent years. Both the House

and Senate are battlegrounds again. New York's Senate is always a question, largely because it's not clear what coalition will emerge, regardless of party labels.

Even the Florida Senate and Michigan House could flip to the Democrats—if the blue wave is big enough. The same is true for the Minnesota House, where Republicans have a sound 21-seat majority. That's a big lead, but many Republican incumbents are running in districts carried by Hillary Clinton two years ago, and large swings are not uncommon in Minnesota.

Democrats have fewer chambers to protect. The Alaska House could shift to Republican control. And both chambers in Washington could go Republican, given

that each is held by a two-seat margin. The small 21-seat Nevada Senate is perennially in play, though Democrats are optimistic about maintaining their two-seat majority.

Democratic Wave?

Besides the historically consistent midterm trend that augurs well for Democrats with a Republican in the White House, there are other signs pointing to a Dem wave. Since 2016, special elections—an imperfect harbinger of future elections—have strongly favored Democrats. In the 193 special elections for legislative seats in the past 22 months, Democrats have flipped 24 Republican seats, while Republicans have picked up only four. In nearly all those specials, Democratic candidates substantially outperformed Democrats from the previous election, perhaps indicating stronger enthusiasm among Democratic voters. Several polls point to higher interest in this election among Democratic voters than Republicans.

The advantage for Republicans is that they have built so many strong majorities that many chambers are essentially out of reach to the Democrats. With those strong majorities, Democrats could make gains in terms of legislative seats, but not flip many chambers.

Republicans are banking on President Trump to rally the GOP base, and can point to the ka-ching of economic prosperity. Democrats have the history of midterms, the current president's low approval rating and an energized base of voters on their side.

One of the key reasons that Republicans have had such consistent success in the past three election cycles was that they wiped out the Democrats in President Barack Obama's first midterm election in 2010. That gave them control over much of 2010's redistricting, an advantage that keeps on giving.

Redistricting is around the proverbial corner. More than 800 legislators and 34 governors elected this fall will be directly involved in the post-census line drawing. That ups the stakes dramatically for these midterms.

All elections matter, but some matter more than others. This is one of those.

State Legislatures 2018

