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# **2020** Election Night Guide A Pillsbury Political Law/ Public Policy Publication

Pillsbury Winthrop Shaw Pittman LLP

# **2020 ELECTION NIGHT GUIDE**

#### **Pillsbury Winthrop Shaw Pittman LLP**

Political Law Group Public Policy Group

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A collection of election facts, statistics and analysis. Not an advocacy piece.

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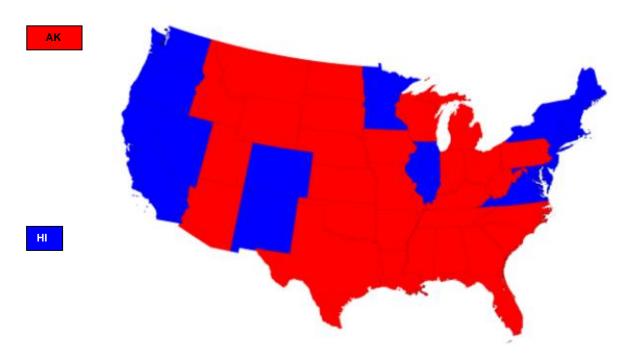
Preside	ntial Electior	n Fact Sheet						
Needed to 11 largest	Elect: states: (270)	270 Electoral Votes California (55) Texas (38) New York (29) Florida (29) Pennsylvania (20)	5	Illinois (20) Ohio (18) Michigan (16) Georgia (16) North Carolina (15) New Jersey (14)				
3 Most De	mocratic States in	2016:						
		District of Columbia	a (3)	Hawaii (4) California (55)				
3 Most Re	publican States in 2	2016: Wyoming (3)		West Virginia (5) Oklahoma (7)				
Presidentia	l Election Year Res	ults						
<u>2016</u>	Clinton (D)**	232	<u>1988</u>	Dukakis (D)	112			
	Trump (R)	306		Bush (R)	426			
<u>2012</u>	Obama (D)	332	<u>1984</u>	Mondale (D)	13			
	Romney (R)	206		Reagan (R)	525			
<u>2008</u>	Obama (D)	365	<u>1980</u>	Carter (D)	49			
	McCain (R)	173		Reagan (R)	489			
2024*	(D)	252		Anderson (I)	0			
<u>2004*</u>	Kerry (D) Bush (R)	252 286	<u>1976</u>	Carter (D)	297			
	Bush (N)	200	1970	Ford (R)	241			
<u>2000*</u>	Gore (D)	267						
	Bush (R)	271	<u> 1972*</u>	McGovern (D)	17			
4000		270		Nixon (R)	521			
<u>1996</u>	Clinton (D) Dole (R)	379 159	<u>1968*</u>	Humphrey (D)	191			
	Perot (I)	0	1900	Nixon (R)	302			
		č		Wallace (AI)	45			
<u>1992</u>	Clinton (D)	370		. ,				
	Bush (R)	168	<u>1964</u>	Johnson (D)	486			
	Perot (I)	0		Goldwater (R)	52			

\*In each of these elections, one elector defected so that the actual totals were: 1968: 191-301-46; 1972: 17-520-1; 2000: 266-271-1; and in 2004: 251-286-1.

\*\* In 2016, seven electors defected so that the result was 227 - 304 - 7.



# 2016 Election Map



Mark Newman, University of Michigan Reprinted with permission.



# 2016 Election Map – 48 States

#### Colored to reflect party percentages in each county



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# 2016 Election Map – 48 States

#### Colored to reflect results by county



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# 2020 Fact Sheet

#### **Current Party Strengths**

	D	R	Ind	Vacancies
U.S. Senate	45	53	2*	0
U.S. House	232	197	1	5
Governors	24	26	0	0

(\*Vote with the Democrats)

# Recent "WAVE" Elections for the U.S. House and U.S. Senate

#### **Losses for Party Holding White House**

	Party in White	2		
Year	House	House Result	Senate Result	Туре
1974	Republicans	- 49	- 4	STMT
1980	Democrats	- 34	- 12*	PRES
1994	Democrats	- 52*	- 8*	FTMT
2006	Republicans	- 31*	- 6*	STMT
2010	Democrats	- 63*	- 6	FTMT
2014	Democrats	- 13	- 9*	STMT
2018	Republicans	- 40*	+ 2	FTMT

PRES = Presidential Election Year

FTMT = First Term, Mid-term Election

STMT = Second Term, Mid-term Election

\*control shift



# **2020 Election Analysis**

As of October 29, 2020, national polls show the Biden/Harris ticket maintaining a lead over Trump/Pence. State polls, particularly in battleground states portend a tighter electoral college race.

In effect, the trend seen in 2016 and 2018 is continuing in 2020; namely a contest not just between the two major parties but also between two sub parties within the major parties. The tea party/Trump Republicans are now flanked by the so-called "progressive" wing of the Democratic party. It is not clear where the less ideological Democrats, Republicans and independents fit into this political uncivil war, but what they do will probably determine the election results. Voter turnout will be key, and voting by mail may dramatically increase turnout.

The country has reached new heights of polarization with the unfavorability ratings of each candidate possibly exceeding the victor's winning margin. President Trump has proven to be the most divisive factor in the election with one set of voters intent on his defeat and another equally intent on his winning a second term. Civil unrest, the pandemic and the economy are wild cards.

While polls are more accurate today than in 1936 or 1948 -when Landon and Dewey were the projected winners, respectively--some polls still fail to adequately detect late shifts in voter opinion and to account for difficult factors such as the likely voter turnout and "soft" support among those expressing a preference for one candidate over the other. In 2020 the polls have not been particularly volatile, and at this point, although late polls show the race tightening, the race is Biden's to lose.

Barring a late weekend shift toward Trump or Biden, accumulating the necessary 270 electoral votes for victory is a strategic task for both the Trump/Pence and Biden/Harris tickets, since Trump can only afford to lose 26 of his 2016 electoral votes and Biden must "flip" 28 of them while retaining all of the states Clinton won four years ago. The four most crucial states, as in 2016, are Florida, Michigan, Ohio, and Pennsylvania. If one of the candidates wins all four, as Obama did in 2008 and 2012 and Trump did in 2016, he will likely win the election. Interestingly, the race may again be decided in the Midwest.

The U.S. House is expected to remain in Democratic hands; control of the Senate is too close to call, although the numbers slightly favor the Democrats. Little change is expected in the nation's governorships.

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# Senate, U.S. House of Representatives and Governor Races

#### U.S. Senate

The current lineup in the U.S. Senate is 47 Democrats and 53 Republicans (including two independents who vote with the Democrats).

Not up for election are 35 Democrats and 30 Republicans.

There are 35 seats up for election, 12 held by Democrats and 23 held by Republicans. 8 Democratic seats and 10 Republican seats are generally considered "safe." If that is true, then the analysis of which party will control the Senate in the next Congress begins with 43 Democratic seats and 40 Republican seats.

There seems to be general agreement that the Republicans will gain a seat in Alabama. This brings the total to 43 Democrats and 41 Republicans. Moreover, the Republican candidate is leading in Alaska, Kansas, Kentucky, South Carolina and Texas with Georgia-B expected to emerge Republican in a runoff election. The Democrat is ahead in Minnesota and New Mexico. If true, this brings the count to 45 Democrats and 47 Republicans.

The remaining eight races are too close to call: Arizona, Colorado, Maine, Georgia-A., Iowa, Michigan, Montana and North Carolina. Seven seats are currently held by Republicans, and one by a Democrat.

In Sum: The Republicans could gain a seat or lose as many as six seats. If the loss is three, then control of the Senate will be determined by the outcome of the Presidential election.

Watch Minnesota and South Carolina for possible surprise upsets.

#### **U.S. House of Representatives**

The current lineup is 232 Democrats and 198 Republicans. Most commentators seem to think that the House will remain in Democratic control, with just a handful of seats changing parties.

#### Governor

This cycle offers 11 races for governor. The current lineup nationally is 24 Democrats and 26 Republicans.

Twenty Democratic chairs and 19 Republican chairs are not up for election this year.



Two Democratic chairs and four Republican chairs are considered by various pundits and polls to be "safe." If so, then the 50 state count, including chairs not up this year, begins at 23 Republicans and 22 Democrats.

The Republican appears to be ahead in Missouri, New Hampshire and Vermont and the Democrat in North Carolina. This brings the count to 26 Republicans, 23 Democrats. That leaves a close race in Montana.

Best guess: the count remains at a 26-24 split, or the GOP gains a seat.



#### **Presidential Race**

#### State-By-State Analysis

The following comments are based on national and state polls and reports available as of October 30, 2020. The number in parenthesis represents each state's number of electoral votes.

Alabama	(9)	Solid for Trump. A likely GOP Senate pickup.
Alaska	(3)	The 49th State hasn't voted Democratic since 1964 and probably won't this time either.
Arizona	(11)	Arizona had not voted for a Democrat for President since 1948, but Clinton changed that in 1996. The GOP carried it in the last four Presidential elections. Arizona is now a "purple" state and could go either way. Tight Senate race.
Arkansas	(6)	Once one of the most Democratic states in the South, but it's GOP territory now.
California	(55)	Democrats are set to sweep California again and haul in the largest electoral vote stash in the country. Safe for Biden in Harris' home state.
Colorado	(9)	Biden ahead. Possible Democratic Senate pickup.
Connecticut	(7)	Safe for Biden. The days when the GOP could carry Connecticut (1972-1988) are long gone.
Delaware	(3)	Solid for Biden in his home state.
District of Columbia	(3)	The most reliable three electoral votes for the Democrats anywhere in the nation.
Florida	(29)	With its rich 29 electoral-vote prize, Florida, the most controversial state in 2000, is tight and hard fought once again. Obama won it twice. Absolutely crucial for Trump and the race is dead even. Trump won here in 2016.



Georgia (	16)	Georgia's 16 electoral votes should belong to the GOP, but Trump is only slightly ahead.
Hawaii	(4)	A Democratic stronghold that Biden should win easily.
Idaho	(4)	Trump all the way.
Illinois (a	20)	A landslide for Biden.
Indiana (	11)	One of the very few industrial midwestern states that used to be reliably Republican and which, in 2008, voted for the democratic ticket for the first time since 1964 (as did North Carolina and Virginia). Romney regained it in 2012 and Trump won it in 2016. Indiana reports early in the evening and if the Republican ticket again goes down here, an old movie on TV will probably provide more suspense than the Presidential election returns.
lowa	(6)	A true swing state. Too close to call. Close Senate race.
Kansas	(6)	Traditionally Republican. Trump in the lead.
Kentucky	(8)	Trump ahead.
Louisiana	(8)	Trump/Pence.
Maine	(4)	Biden ahead. This is one of two states which apportions its electoral vote by Congressional District, and Trump got one electoral vote here in 2016. Senator Collins in a tight race.
Maryland (	10)	This is one of the most Democratic states in the nation, and the Democratic ticket owns it.
Massachusetts (	11)	A Biden love fest.
Michigan (	16)	Crucial for Trump once again, but Biden ahead.
Minnesota (	10)	Another strongly Democratic state that has voted Democratic in every presidential election since 1976. Biden is ahead.



(6)	This Deep South state is a GOP stronghold; Trump's ahead.
(10)	Missouri used to be considered something of a bellwether state. Clinton won the state in 1996, but the Republicans won it after that. Trump is in the lead.
(3)	Trump is ahead. Close Senate and Governor contests.
(5)	Trump/Pence.
(6)	Biden slightly ahead.
(4)	Unlike the rest of New England, a close race. But Biden is ahead.
(14)	Biden ahead.
(5)	Once a toss-up state, but no longer. Biden leads.
(29)	Biden should win New York's 29 electoral votes in a landslide.
(15)	Obama won it in 2008, Romney in 2012. Trump in 2016. Too close to call this year. Senate race is tight.
(3)	The Republican ticket will win here.
(18)	Trump has to win here again. Both sides have invested heavily to win the 18 electoral votes at stake. It's too close to call.
(7)	An ultraconservative state where Trump is way ahead.
(7)	Solid for Biden.
(20)	Another state both Trump and Biden need to win to accumulate 270 electoral votes. Most pundits assume this to be a battleground state; Biden slightly ahead.
(4)	Biden all the way.
(9)	Trump has the lead. Senator Graham expected to prevail in a hard fought race.
	<ul> <li>(10)</li> <li>(3)</li> <li>(5)</li> <li>(6)</li> <li>(4)</li> <li>(14)</li> <li>(5)</li> <li>(29)</li> <li>(15)</li> <li>(3)</li> <li>(18)</li> <li>(7)</li> <li>(7)</li> <li>(7)</li> <li>(20)</li> <li>(4)</li> </ul>



South Dakota	(3)	Trump ahead.
Tennessee	(11)	Al Gore's home state is now a GOP stronghold. Trump should win here.
Texas	(38)	The reverse mirror image of California but this year Trump is only moderately ahead.
Utah	(6)	Utah has proved to be one of the three most Republican states in the Union in recent presidential elections. Trump ahead.
Vermont	(3)	Once a New England Republican bastion, Vermont votes Democratic these days. The Republican governor should be re-elected, however.
Virginia	(13)	Virginia was once the most Republican state in the South. Until 2008, the last time a Democrat carried it was LBJ in 1964. It is now evolving into a swing purple state. Obama won here in 2008 and 2012. Clinton carried it in 2016. Biden in the lead.
Washington	(12)	Biden ahead.
West Virginia	(5)	This once strongly Democratic state votes Republican now, and it will likely go to the GOP again.
Wisconsin	(10)	Wisconsin is competitive. Trump won here in 2016, but Biden ahead this year.
Wyoming	(3)	Trump/Pence country.





# **Presidential Race – Northeast**

#### Northeast

State	68	72	76	80	84	88	92	96	00	04	08	12	16
Connecticut (7)	D	R	R	R	R	R	D	D	D	D	D	D	D
D.C. (3)	D	D	D	D	D	D	D	D	D	D	D	D	D
Delaware (3)	R	R	D	R	R	R	D	D	D	D	D	D	D
Maine (4)	D	R	R	R	R	R	D	D	D	D	D	D	D (3)
													R (1)
Maryland (10)	D	R	D	D	R	R	D	D	D	D	D	D	D
Mass. (11)	D	D	D	R	R	D	D	D	D	D	D	D	D
N. Hampshire (4)	R	R	R	R	R	R	D	D	R	D	D	D	D
New Jersey (14)	R	R	R	R	R	R	D	D	D	D	D	D	D
New York (29)	D	R	D	R	R	D	D	D	D	D	D	D	D
Penn. (20)	D	R	D	R	R	R	D	D	D	D	D	D	R
Rhode Island (4)	D	R	D	D	R	D	D	D	D	D	D	D	D
Vermont (3)	R	R	R	R	R	R	D	D	D	D	D	D	D

Northeast: 112 Electoral Votes



# Presidential Race – Midwest

#### **Midwest**

State	68	72	76	80	84	88	92	96	00	04	08	12	16
Illinois (20)	R	R	R	R	R	R	D	D	D	D	D	D	D
Indiana (11)	R	R	R	R	R	R	R	R	R	R	D	R	R
lowa (6)	R	R	R	R	R	D	D	D	D	R	D	D	R
Kansas (6)	R	R	R	R	R	R	R	R	R	R	R	R	R
Michigan (16)	D	R	R	R	R	R	D	D	D	D	D	D	R
Minnesota (10)	D	R	D	D	D	D	D	D	D	D	D	D	D
Missouri (10)	R	R	D	R	R	R	R	D	R	R	R	R	R
Nebraska (5)	R	R	R	R	R	R	R	R	R	R	R	R	R
North Dakota (3)	R	R	R	R	R	R	R	R	R	R	R	R	R
Ohio (18)	R	R	D	R	R	R	D	D	R	R	D	D	R
Oklahoma (7)	R	R	R	R	R	R	R	R	R	R	R	R	R
South Dakota (3)	R	R	R	R	R	R	R	R	R	R	R	R	R
Wisconsin (10)	R	R	D	R	R	D	D	D	D	D	D	D	R

**Midwest: 125 Electoral Votes** 



# **Presidential Race – South**

So	ut	h
30	uu	

State	68	72	76	80	84	88	92	96	00	04	08	12	16
Alabama (9)	AI	R	D	R	R	R	R	R	R	R	R	R	R
Arkansas (6)	AI	R	D	R	R	R	D	D	R	R	R	R	R
Florida (29)	R	R	D	R	R	R	R	D	R	R	D	D	R
Georgia (16)	AI	R	D	D	R	R	D	R	R	R	R	R	R
Kentucky (8)	R	R	D	R	R	R	D	D	R	R	R	R	R
Louisiana (8)	AI	R	D	R	R	R	D	D	R	R	R	R	R
Mississippi (6)	AI	R	D	R	R	R	R	R	R	R	R	R	R
N. Carolina (15)	R	R	D	R	R	R	R	R	R	R	D	R	R
S. Carolina (9)	R	R	D	R	R	R	R	R	R	R	R	R	R
Tennessee (11)	R	R	D	R	R	R	D	D	R	R	R	R	R
Texas (38)	D	R	D	R	R	R	R	R	R	R	R	R	R
Virginia (13)	R	R	R	R	R	R	R	R	R	R	D	D	D
W. Virginia (5)	D	R	D	D	R	R	D	D	R	R	R	R	R

South: 173 Electoral Votes



# **Presidential Race – West**

State	68	72	76	80	84	88	92	96	00	04	08	12	16
Alaska (3)	R	R	R	R	R	R	R	R	R	R	R	R	R
Arizona (11)	R	R	R	R	R	R	R	D	R	R	R	R	R
California (55)	R	R	R	R	R	R	D	D	D	D	D	D	D
Colorado (9)	R	R	R	R	R	R	D	R	R	R	D	D	D
Hawaii (4)	D	R	D	D	R	D	D	D	D	D	D	D	D
Idaho (4)	R	R	R	R	R	R	R	R	R	R	R	R	R
Montana (3)	R	R	R	R	R	R	D	R	R	R	R	R	R
Nevada (6)	R	R	R	R	R	R	D	D	R	R	D	D	D
New Mexico (5)	R	R	R	R	R	R	D	D	D	R	D	D	D
Oregon (7)	R	R	R	R	R	D	D	D	D	D	D	D	D
Utah (6)	R	R	R	R	R	R	R	R	R	R	R	R	R
Washington (12)	D	R	R	R	R	D	D	D	D	D	D	D	D
Wyoming (3)	R	R	R	R	R	R	R	R	R	R	R	R	R

West: 128 Electoral Votes



# 2020 U.S. Senate Races – Northeast & Midwest

#### Northeast

	Incumbent			
State	Party	(D)	(R)	(I)
Delaware	(D)	Coons*	DeMartino	
Maine	(R)	Gideon	Collins*	
Massachusetts	(D)	Markey*	O'Connor	
New Jersey	(D)	Booker*	Mehta	
New Hampshire	(D)	Shaheen*	Messner	
Rhode Island	(D)	Reed*	Waters	
Total seats: 6 (D-5; R-1)				

#### Midwest

	Incumbent			
State	Party	(D)	(R)	(I)
Illinois	(D)	Durbin*	Curran	
lowa	(R)	Greenfield	Ernst*	
Kansas	(R)	Bollier	Marshall	
Michigan	(D)	Peters*	James	
Minnesota	(D)	Smith*	Lewis	
Nebraska	(R)	Janicek	Sasse*	
Oklahoma	(R)	Broyles	Inhofe*	
South Dakota	(R)	Ahlers	Rounds*	
Total seats: 8 (D-3; R-5)				

\*Incumbent



# 2020 U.S. Senate Races (cont'd) – South

#### South

	Incumbent			
State	Party	(D)	(R)	(I)
Alabama	(D)	Jones*	Tuberville	
Arkansas	(R)	N/A	Cotton*	Harrington
Georgia-A	(R)	Ossoff	Perdue*	
Georgia-B**	(R)	Various	Loeffler*/Collins	
Kentucky	(R)	McGrath	McConnell*	
Louisiana	(R)	Perkins	Cassidy*	
Mississippi	(R)	Espy	Hyde-Smith*	
North Carolina	(R)	Cunningham	Tillis*	
South Carolina	(R)	Harrison	Graham*	
Tennessee	(R)	Bradshaw	Hagerty	
Texas	(R)	Hegar	Cornyn*	
Virginia	(D)	Warner*	Gade	
West Virginia	(R)	Swearengin	Moore-Capito*	
Total seats: 13 (D-2; R-11)				

#### \*Incumbent

\*\*This is a special election to fill Senator Johnny Isakson's seat. Under Georgia law the general election will function as a primary between several Republican and Democratic candidates with a runoff election on January 5, 2021 if no candidate gets a majority on November 3. Senator Loffler was appointed to the seat and is a candidate.



# 2020 U.S. Senate Races (cont'd) – West

West

	Incumbent			
State	Party	(D)	(R)	(I)
Alaska	(R)	N/A	Sullivan*	Gross
Arizona	(R)	Kelley	McSally*	
Colorado	(R)	Hickenlooper	Gardner*	
Idaho	(R)	Jordan	Risch*	
Montana	(R)	Bullock	Daines*	
New Mexico	(D)	Luján	Ronchetti	
Oregon	(D)	Merkley*	Perkins	
Wyoming	(R)	Ben-David	Lummis	
Total seats: 8 (D-2; R-6)				

\*Incumbent



# 2020 Gubernatorial Races – Northeast, Midwest, South, West

#### Northeast

Northeast			
State	Incumbent Party	(D)	(R)
Delaware	(D)	Carney*	
New Hampshire	(R)	Feltes	Sununu*
Vermont	(R)	Zuckerman	Scott*
Total seats: 3 (D-1; R-2)			
Midwest			
State	Incumbent Party	(D)	(R)
Indiana	(R)	Myers	Holcomb*
Missouri	(R)	Galloway	Parson*
North Dakota	(R)	Lenz	Burgum*
Total seats: 3 (D-0; R-3)			
South			
State	Incumbent Party	(D)	(R)
North Carolina	(D)	Cooper*	Forest
West Virginia	(R)	Justice*	Lutz
(Total seats: 2 (D-1; R-1)			
West			
State	Incumbent Party	(D)	(R)
Montana	(D)	Cooney	Gianforte
Utah	(R)	Сох	Herbert*
Washington	(D)	Inslee*	Culp
Total seats: 3 (D-2; R-1)			

\*Incumbent