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2017 Election Day Recap

Overview

Democrats overperformed in last night's wave election. Not only did they win competitive races, but they also won "unwinnable" seats up and down the ballot. The impact for employers could be immediate. In Washington state and New Jersey, Democrats now have the "trifecta," total control of Governors' mansions and both legislative houses. This means we could see a flood of legislation on employment issues - scheduling, paid leave, minimum wage, portable benefits - in the near future, particularly in New Jersey. Democrats also swept at the local level, picking up mayor's offices in cities across the country. Similarly, newly elected mayors in states without preemption may pursue business model mandates. Included below is a brief breakdown on the new "field-of-play" post-Election Day.

New Jersey

Democrat Phil Murphy, who ran on a \$15/hr. minimum wage platform, easily won election over the Republican Lt. Gov., giving Democrats control over all levers of government in the state. Democrats also gained seats in the legislature, adding to their majorities. Expect New Jersey to act more like its neighbor, New York state. Paid leave expansion efforts along with a wage increase similar to that of neighboring New York are likely to move quickly under the next administration.

Virginia

While most of cable TV news coverage has focused on the Democrat's overperformance in Virginia - the governor's race and within the House of Delegates - the state is unlikely to tackle employment policies given split control of the state government. The Democrat Lt. Gov. Ralph Northam soundly defeated the Republican challenger for governor, and while the final results are not yet in, Democrats are close to erasing a 34-seat Republican majority in the House of Delegates. Republicans could retain control of the lower house, but regardless, they still maintain a majority in the Senate. Political pundits will also take note that regardless of control of the house, Democrats have successfully overturned the Republican supermajority and gained veto power over the upcoming redistricting process which will follow the 2020 census.

Washington

Like New Jersey, Democrats in Washington state earned the "trifecta," and Democrats now control all of the governor's mansions and legislative bodies on the west coast. With only eight special elections on the ballot in Washington, the newly-earned Democrat majority in the senate is small - just one vote - but that margin could prove very important. Restrictive scheduling, minimum wage increases and portable benefit programs are more likely to receive state lawmakers' attention next year.

Cities

Hundreds of municipalities held elections last night. Democrats expanded their dominance at the local level by retaining or picking up mayorships in most major metros that held contests. Of the larger cities that held elections,

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Republicans retained control in only one city, Miami (FL). Notably, Albuquerque (NM) and Manchester (NH) both flipped from Republican to Democrat control, and both cities reside in states that do not have business model preemptions on the books. Other cities where Democrats retained control (some elections were earlier in the year) are New York City (NY), Boston (MA), Birmingham (AL), Charlotte (NC), San Antonio (TX), Cincinnati (OH), Cleveland (OH), Atlanta (GA), Pittsburgh (PA), Seattle (WA) and Tacoma (WA). Two Democrats are competing in a runoff to become the next mayor of New Orleans (LA) and similarly, the mayoral race Minneapolis (MN) is too close to call.