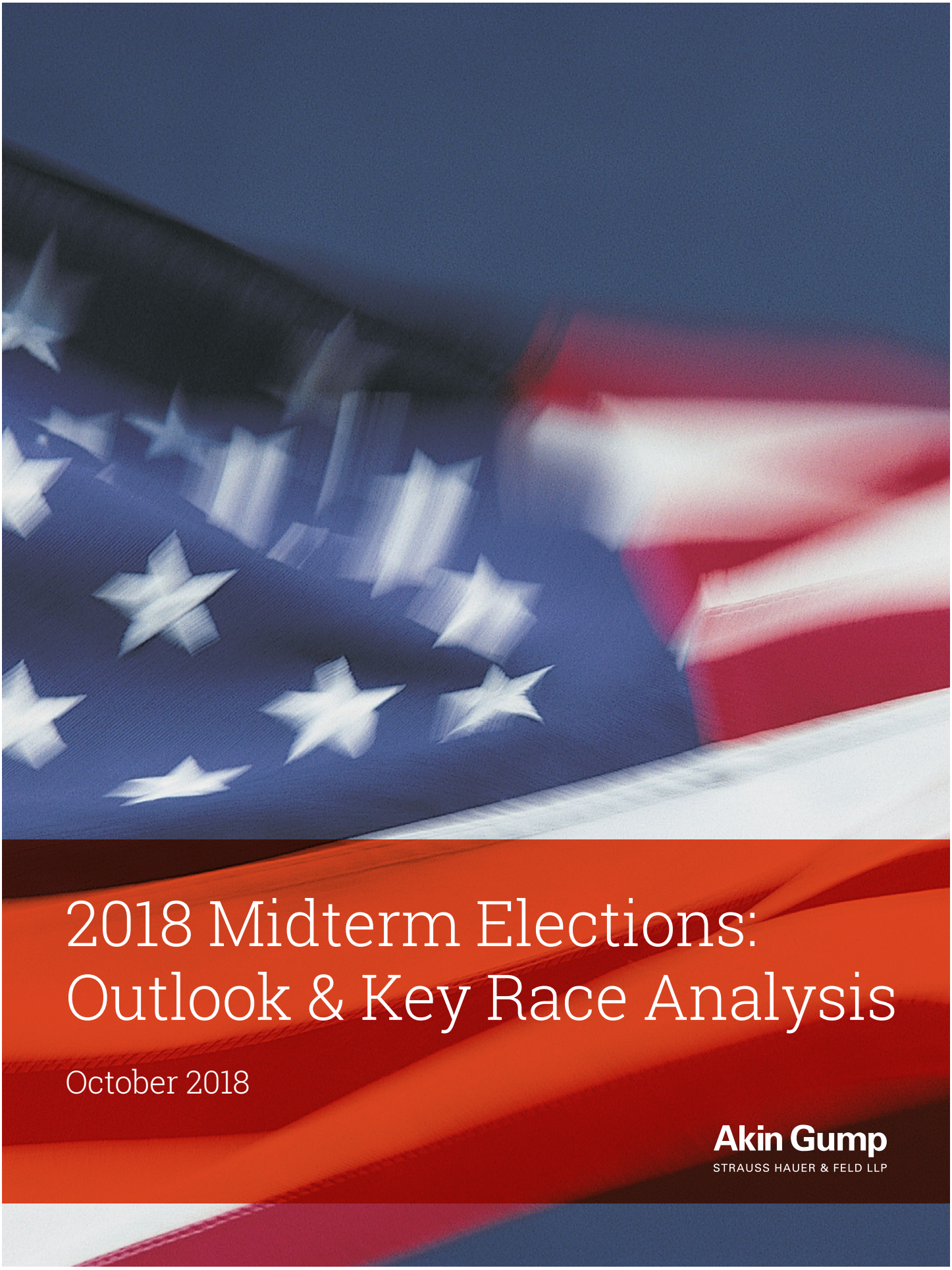


2018 Midterm Elections: Outlook & Key Race Analysis

October 2018

Akin Gump
STRAUSS HAUER & FELD LLP

With Election Day 2018 just two weeks away, political forecasters are searching for any and every clue as to the ultimate outcome of the congressional election during President Trump's first midterm in office. With all House seats and approximately one third of Senate seats up for re-election, there is a substantial amount of information to track. This midterm election report analyzes the political climate and state of play in key House and Senate races.

This report reviews the impact that the generic ballot numbers and presidential job approval have on election results, while also taking stock of voter enthusiasm and the political money race. To determine what issues may be driving voter choice, the report looks at lessons learned from the primaries and recent activity in Washington D.C. Finally, it identifies key toss up races in the House and the Senate and the contours of those contests.

Note: all data is accurate as of October 17, 2018.

Presidential Approval

As discussed in Akin Gump's previous report, presidential approval historically has had an outsized influence on the outcome of midterm elections. When presidential approval is low, it can create difficulty for the president's party at the ballot box. A review of trends in the past few months demonstrates that President Trump's approval rating remains low, but has increased over the last few weeks. As seen in Table 1, the President's Gallup approval rating is currently in the low 40s, in a similar position to several of his predecessors who had difficulty in midterm elections.

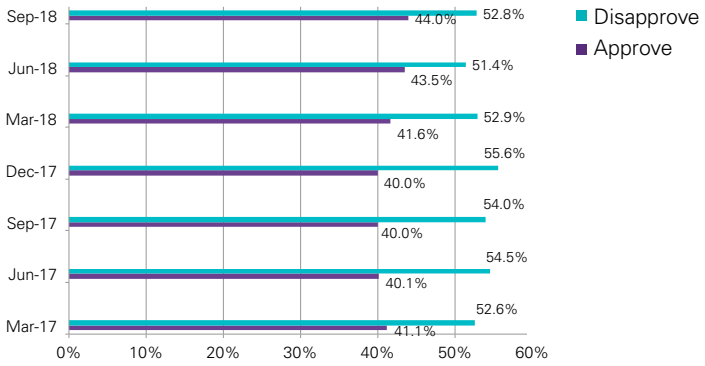
Table 2 provides a look at the impact that low approval ratings can have on the outcome of an election. As seen in the table, the lower the presidential approval rating, the more likely that the president's party will lose seats in Congress. Research has shown that this is largely attributable to voters using the midterm elections as a referendum on the current president and his policies. Additionally, the party out of power in the White House tends to be more energized in midterm elections.

Table 1 : Presidential Approval—Historic Comparison

PRESIDENT	DATE	APPROVAL RATING
Trump	**10/14/2018**	**44%**
Obama	10/17/2010	45%
Bush 43	10/17/2002	62%
Clinton	10/19/1994	41%
Bush 41	10/14/1990	56%
Reagan	10/18/1982	42%
Carter	10/30/1978	49%

Source: Gallup

Graph 1 : Presidential Approval—Trump's Trends



Source: RealClearPolitics
Data points taken at end of the listed month

While President Trump's approval numbers are similar to those of Presidents Clinton and Obama at this point in their presidencies, Democrats experienced historic losses, including the loss of the House, during the first midterm elections of Presidents Clinton and Obama. If this trend holds true, President Trump may be in for heavy congressional turnover in Democrats favor. His current 44 percent approval rating is similar to President Reagan's during Reagan's first midterm election, when he witnessed Republicans lose one Senate seat and 26 House seats. In 2018, Democrats only need a net gain of 25 seats to retake the majority in the House and two seats to take back the Senate.

If there is a silver lining for President Trump, it is that his approval ratings have steadily climbed upward over his first year and a half in office. As seen in Graph 1, the RealClearPolitics (RCP) average approval rating for President Trump has increased from the first quarter of 2017 to the third quarter of 2018; though, he is still underwater with more than 50 percent disapproving of his job performance.

Table 2 : Presidential Approval—Midterm Election Day

PRESIDENT	MIDTERM ELECTION	APPROVAL RATING ON ELECTION DAY	NET HOUSE	NET SENATE
Carter (D)	1978	52%	-15 Dem	-3 Dem
Reagan (R)	1982	43%	-26 GOP	-1 GOP
Bush 41 (R)	1990	58%	-8 GOP	-1 GOP
Clinton (D)	1994	46%	-52 Dem	-8 Dem
Bush 43 (R)	2002	63%	+8 GOP	+2 GOP
Obama (D)	2010	45%	-63 Dem	-6 Dem
Trump (R)	2018	44% (10/14/2018)	TBD	

Source: Gallup

Voter Enthusiasm

Gauging voter enthusiasm is another tool used to determine what party stands the better chance of winning across the board. The intensity of a party's voter enthusiasm can indicate voter turnout for that party on Election Day. Several polling outlets have asked voters how enthusiastic they are to vote this coming November. Table 3 reflects the results for the period of September 2018.

The good news for Democrats is that they lead Republicans in all three polls, although the Democratic advantage in voter enthusiasm varies from poll to poll, with Pew Research Center finding an eight percent margin of difference, while Gallup shows only a three percent difference.

Table 3 : Midterm Election—Voter Enthusiasm

POLLING OUTLET	PERIOD	GOP PERCENT ENTHUSIASTIC	DEM PERCENT ENTHUSIASTIC
Gallup	Sep 2018	58%	61%
Pew	Sep 2018	59%	67%
CNN	Sep 2018	50%	55%

Source: American Enterprise Institute

Money Race

Political fundraising is another key component. The 2018 election cycle has been very strong financially for the committees responsible for electing their party's candidates. As seen in Table 4, the six main political fundraising committees have raised nearly one billion dollars through the end of August 2018. As the table shows, the Republican National Committee has a distinct advantage over its counterpart, the Democratic National Committee, which may be attributable to fundraising advantages of having a Republican president in the White House. However, the congressional party campaign committees show a different story. The Senate and House Democratic campaign committees hold an edge over their Republican counterparts. Ultimately, though, heading into the final stretch of the campaign, both parties have near equal amounts of cash on hand to get them through Election Day.

While both parties are near equal in total cash raised by their respective campaign committees, there remains a huge discrepancy at the candidate level. Surprisingly, Democratic candidates have vastly outraised their Republican counterparts. This success is a product of an aggressive, small-donor fundraising operation run by many Democratic candidates in key congressional races.

Table 4 : Midterm Election—The Money Race

DEMOCRATIC COMMITTEES	REPUBLICAN COMMITTEES
Democratic National Committee	**Republican National Committee**
Raised: $125.7 mil	Raised: $243.6 mil
Cash On Hand: $7.9 mil	Cash On Hand: $41.7 mil
Democratic Senatorial Campaign Committee	**National Republican Senatorial Committee**
Raised: $98.2 mil	Raised: $90.8 mil
Cash On Hand: $32.4 mil	Cash On Hand: $11.6 mil
Democratic Congressional Campaign Committee	**National Republican Campaign Committee**
Raised: $206.4 mil	Raised: $150.5 mil
Cash On Hand: $69.7 mil	Cash On Hand: $64.5 mil

Source: Federal Election Committee

 © 2018 Akin Gump Strauss Hauer & Feld LLP

Lessons from the Primaries

Across the country over the past year, states have held dozens of primaries to select candidates for the general midterm election. Analysts and casual observers alike can look at the primary results to discern certain trends in the current political climate.

Conservatives Stand Behind Trump

The President has kindled a fierce loyalty in the deeply conservative parts of the United States. This is evident by the stumbles of a handful of candidates. In Alabama, Republican Rep. Martha Roby, who criticized then-candidate Trump during the 2016 Presidential Election, was forced into a runoff, which she ultimately won. In a South Carolina Republican primary, former Governor and current Rep. Mark Sanford lost his bid for re-election after the President published a tweet endorsing Sanford's primary opponent. While the President's popularity among the general public is far less strong, the conservative Republican base has proven that it stands firmly behind him and expects Republican candidates to do the same.

Women Dominated the Primaries

In all regions of the country, women candidates new to politics, have won competitive primaries. For example, Alexandria Ocasio-Cortez, now 29 years old, defeated long-serving Rep. Joe Crowley (D-NY) in a surprise victory. More than 170 first-time women candidates have won their party's nomination to run for a seat in the House or Senate. More than 130 of these candidates are Democrats, while 40 are Republican. Ten are running for Senate seats, and the remaining 161 are running for House seats.

Women have never made up more than one-fourth of Congress, and they currently comprise 20 percent (107 women). Passing the one-fourth threshold (133 women) will be a challenge. *The Washington Post* database which analyzes the chances of first-time women candidates winning their general election races, currently, assumes that 12 of the 171 women are favored to win their races; 49 are in competitive races, and 110 are not favored to win.

Lessons from Washington

While analysts have plenty to sift through from the primary season, they are also turning an eye toward Washington to determine whether recent activity in the Capitol may affect the midterm results.

Bipartisan Achievements

Over the past few months, amid other congressional and administration controversies, lawmakers have managed to achieve several bipartisan accomplishments. Most notably, Congress passed the most appropriations bills on time in nearly 20 years. Other areas of bipartisan cooperation include the passage of legislation to (i) reauthorize the Federal Aviation Administration, (ii) fund America's critical water infrastructure and (iii) fight the nation's growing opioid epidemic.

Many candidates, particularly Senate Democrats in red states and House Republican incumbents in suburban districts, are touting these bipartisan achievements on the campaign trail. Nonetheless, the RealClearPolitics average job approval rating for members of Congress remains at 18 percent. Congressional approval ratings are typically lackluster regardless of which party is in power and, thus, have not been a significant factor in predicting election outcomes.

The Kavanaugh Factor

Nothing in recent months has galvanized public opinion as much as the nomination of the Hon. Brett Kavanaugh to the Supreme Court. While the Senate ultimately voted to confirm Kavanaugh, the repercussions of the confirmation battle are likely to reverberate through the midterm elections. Enthusiasm, with an already energized Democratic political base, is likely to urge people to vote and "send a message" to Congress. Republicans, likewise, have responded to the events surrounding the Kavanaugh nomination, as recent polling shows that Republican enthusiasm to vote has increased, enlivening the GOP base and narrowing, somewhat, the gap in enthusiasm between the two parties. A recent round of polls favoring Republican candidates in Senate races in North Dakota, Texas, Tennessee, Arizona and Nevada may partially substantiate this view. Two questions remain regarding the effect of the Kavanaugh nomination leading up to Election Day: (i) will the GOP enthusiasm hold until Election Day and (ii) will the Kavanaugh confirmation cause an even worse environment for House Republicans running in suburban, swing districts where female voters are expected to have a greater impact?

House Outlook

As seen in Graph 2 and according to RealClearPolitics, Republicans currently constitute a majority in the House of Representatives with 235 seats. Democrats hold 193 seats, and there are seven vacancies. The magic number for Democrats to retake the majority is 25 seats.

Graph 2 : 115th Congress-House of Representatives



Winning a net gain of 25 seats is clearly in the realm of possibility for House Democrats. *The Cook Political Report* ("*Cook Report*") is one of the trusted standards when it comes to determining the state of play on the House and Senate races, and current rankings favor the Democrats chances of retaking control of the House. As seen in Table 5, 16 current GOP-held seats are already trending Democratic. Meanwhile, 29 Republican seats are deemed as toss ups, indicating close races for those seats. A full list of Democratic and Republican tossup seats can be found in Table 7.

Table 5 : *Cook Report*—House Ratings

Likely Dem	8 Dem, 4 GOP
Lean Dem	2 Dem; 12 GOP
Toss Up	2 Dem, 29 GOP
Lean GOP	1 Dem, 24 GOP
Likely GOP	1 Dem, 25 GOP

Source: Cook Report

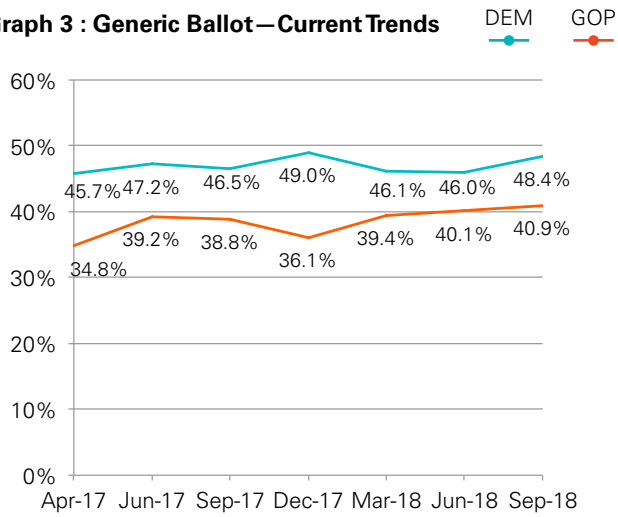
145 Republican seats and 182 Democratic seats are considered uncompetitive at this time and not included in these rankings

Generic Ballot

Akin Gump's last report highlighted generic ballot polling as a useful tool in election forecasting in the House. When the generic ballot margin is heavily tilted to a minority party, it can hint at a successful election night for that party. Conversely, if the generic ballot margin is slim or heavily tilted to the majority party, the result can be a status quo election, with the minority party not likely to make great gains. These phenomena are captured in Table 6.

Democrats have led the RealClearPolitics generic ballot since the organization started tracking this cycle in April 2017. The Democrats have had wide and slim leads through the past year and a half, as shown in Graph 3.

Graph 3 : Generic Ballot—Current Trends



Source: RealClearPolitics
Data points taken at end of the listed month

As seen in Table 6, the current generic ballot spread favors Democrats by +7.2 points. That number may be more "on the bubble" than Democrats prefer, but it is within striking distance of the margin that Republicans held (+9.4) on Election Day 2010, when Republicans took control of the House. Republicans would like to push that figure lower in keeping with historic trends supporting a status quo election

 © 2018 Akin Gump Strauss Hauer & Feld LLP

Table 6 : Generic Ballot—Historical Comparison

ELECTION	GENERIC BALLOT, DAY OF ELECTION	OUTCOME IN THE HOUSE
2006	+11.5 Dem	Democratic Takeover
2008	+9.0 Dem	Democratic Hold
2010	+9.4 Rep	Republican Takeover
2012	+0.2 Rep	Republican Hold
2014	+2.4 Rep	Republican Hold
2016	+0.6 Dem	Republican Hold
2018	+7.2 Dem (October 16, 2018)	TBD

Source: RealClearPolitics

Key Races

As seen in Table 7, 31 seats are currently considered toss ups, with Republicans disproportionately bearing the majority of those races. Below is a snapshot of ten of the 31 seats in tossup territory. Included in each analysis are data points highlighting the 2016 presidential winner of the district, the winning percentage of the incumbent from the most recent election and the RealClearPolitics polling average for the race as it currently stands.

California-45

Rep. Mimi Walters (R-CA) is fighting to keep her seat amid changes to voting trends in her district. The district went for Hillary Clinton in 2016 after Mitt Romney won it by 12 points in 2012. Rep. Walters faces Democrat Katie Porter, a University of California, Irvine professor and self-professed protégé of Sen. Elizabeth Warren (D-MA). Republicans are attempting to make the race a referendum on Porter's and Warren's progressive politics, while Democrats are trying to make the election all about President Trump.

2016 Presidential Winner: Clinton 49.4%

2016 Congressional Winner: Walters 58.6%

RCP Average: Porter +6

Florida-26

In this south Florida district, Rep. Carlos Curbelo (R-FL), a moderate Republican, has witnessed his race against Democrat Debbie Mucarsel-Powell tighten after national Democratic campaign committees invested heavily in advertisements against him.

While the race is close, Republicans hope that Rep. Curbelo's moderate record and support among Cuban-Americans will secure victory. Democrats remain hopeful that Puerto Rican-Americans will provide a demographic counterbalance in a district Hillary Clinton won handily.

2016 Presidential Winner: Clinton 56.8%

2016 Congressional Winner: Curbelo 53%

RCP Average: Curbelo +2

Illinois-12

Rep. Mike Bost (R-IL) is running in a district that voted heavily for Donald Trump but has also voted for Democrats in other statewide elections. Democrats snagged one of their prize candidates in prosecutor Brendan Kelly, whose campaign has been hammering Rep. Bost for his votes on healthcare and tax reform. For their part, the GOP is attacking Kelly's record as a prosecutor and attempting to paint Kelly, a man most Democrats believe is a moderate, into a liberal.

2016 Presidential Winner: Trump 54.9%

2016 Congressional Winner: Bost 54.3%

RCP Average: Bost +1

Maine-02

Rep. Bruce Poliquin (R-ME) is once again attempting to fend off a spirited challenge to his re-election, this time from State Rep. Jared Golden (D-ME), a military veteran. Democrats hope to galvanize their base, in part, by tapping into the ongoing state debate over expanding Medicaid under the Affordable Care Act (ACA). They also hope Rep. Golden's youth and home district roots gives him an edge. For his part, Rep. Poliquin has amassed a significant campaign war chest to deploy in the final weeks before the election.

2016 Presidential Winner: Trump 51.3%

2016 Congressional Winner: Poliquin 55%

RCP Average: Poliquin +5

Minnesota-01

Rep. Tim Walz (DFL-MN) is retiring from his seat to run for Governor, giving Republicans one of two opportunities to pick up seats in the tossup column. The GOP is banking on the district being competitive given that it went to President Trump with nearly 53 percent of the vote. They hope that Rep. Walz's 2016 opponent, Republican Jim Hagedorn can beat Army

veteran and former Assistant Secretary of Defense under President Obama, Dan Feehan.

2016 Presidential Winner: Trump 52.8%

2016 Congressional Winner: Walz 50%

RCP Average: No public polling available

Minnesota-08

The GOP's second pickup opportunity among the tossup races is the seat currently held by retiring Rep.

Table 7 : *Cook Report*—House Toss Up Races

DEMOCRATIC TOSS UP (2)	REPUBLICAN TOSS UP (29)
MN-01 Open	CA-10 Denham
MN-08 Open	CA-25 Knight
	CA-39 Open
	CA-45 Walters
	CA-48 Rohrabacher
	FL-26 Curbelo
	FL-27 Open
	IA-03 Young
	IL-14 Hultgren
	IL-12 Bost
	KS-02 Open
	KY-06 Barr
	ME-02 Poliquin
	MI-08 Bishop
	NC-09 Open
	NC-13 Budd
	NJ-03 MacArthur
	NJ-07 Lance
	NM-02 Open
	NY-19 Faso
	NY-22 Tenney
	OH-01 Chabot
	PA-08 Fitzpatrick
	TX-07 Culberson
	TX-32 Sessions
	UT-04 Love
	VA-02 Taylor
	VA-07 Brat
	WA-08 Open

Source: Cook Report

**155 Republican seats and 181 Democratic seats are considered uncompetitive at this time and not included in these rankings*

Rick Nolan (DFL-MN). The district voted for President Trump in 2016 by a significant margin. Republicans are hoping to capitalize on St. Louis County Commissioner Pete Stauber's (R-MN) profile as a police veteran and union member. Meanwhile, the Democratic-Farm-Labor Party's (DFL) candidate, former State Rep. Joe Radinovich, is youthful with a compelling life story that the DFL hopes to use to push him to victory.

2016 Presidential Winner: Trump 53.8%

2016 Congressional Winner: Nolan 50%

RCP Average: Stauber +7

New Jersey-03

Incumbent Rep. Tom MacArthur (R-NJ) helped author the failed House ACA repeal bill in 2017 and voted for a tax reform bill that caps the state and local tax deduction, two issues that Democrat Andy Kim is using against the Republican. Rep. MacArthur is attacking Kim for moving back to the district to run, as well as his elite ties to Washington.

2016 Presidential Winner: Trump 51.4%

2016 Congressional Winner: MacArthur 59.3%

RCP Average: Kim +4.5

New York-22

Rep. Claudia Tenney (R-NY) is in the conservative wing of the Republican party, which may lead some voters in this swing district to consider the challenger. However, the GOP has been levelling attacks against State Assemblyman Anthony Brindisi (D-NY) on his votes in Albany. They have also tied him to Gov. Andrew Cuomo, who remains unpopular in the area. Nevertheless, polling shows the race remains very tight.

2016 Presidential Winner: Trump 54.2%

2016 Congressional Winner: Tenney 46.5%

RCP Average: Brindisi +2

Texas-07

Rep. John Culberson's (R-TX) district surprisingly went from voting for Mitt Romney by 21 points in 2012 to voting for Hillary Clinton by one point in 2016. This is due in part to the diversifying nature of the district. Democrat Lizzie Pannill Fletcher has a substantial war chest to fend off negative attacks and attempt to show Rep. Culberson as out of touch with the changing district.

 © 2018 Akin Gump Strauss Hauer & Feld LLP

2016 Presidential Winner: Clinton 48.2%

2016 Congressional Winner: Culberson 56%

RCP Average: Culberson +3

UT-04

Rep. Mia Love (R-UT) is fighting against a tide of Trump unpopularity in her district, which registered the President's lowest winning margin in the state in 2016. She is, however, hoping for a boost from former Massachusetts Republican Governor Mitt Romney's Senate campaign. Democratic challenger and Salt Lake County Mayor Ben McAdams (D-UT) is promoting the fact that he is a D.C. outsider who will not vote for Rep. Nancy Pelosi (D-CA) as Speaker of the House of Representatives.

2016 Presidential Winner: Trump 39.1%

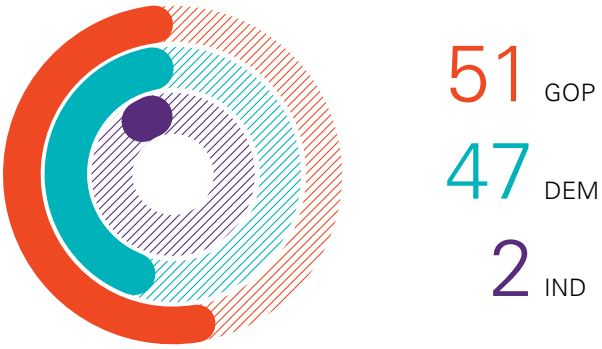
2016 Congressional Winner: Love 53.8%

RCP Average: Love +5

Senate Outlook

Graph 4 shows that Republicans currently hold the Senate majority with 51 seats, while Democrats, and Independents that caucus with them, hold 49 seats. This razor thin Republican majority will be tested come Election Day, but the GOP has a significant advantage. Unlike the House where all 435 seats are up for re-election, only 35 seats are being contested, including two special elections. Of those 35 seats, Republicans control nine, limiting their electoral exposure this year. Conversely, Democrats have 26 seats in cycle, leaving them with many more seats to defend.

Graph 4 : 115th Congress-Senate



Senate Map

In addition to the larger number of seats that Democrats must defend, the party must also contend with another challenge: 10 Democrats are up for re-election in states that President Trump won in 2016, some by a significant margin. Many of the races in those Trump states are highly competitive, increasing the chances of Republicans boosting their majority. However, Democrats also see opportunities for pickups elsewhere, where Republican incumbents are in tight races, including red states like Tennessee, Texas and Arizona, and blue states like Nevada (the one state that has a Republican Senate incumbent running in a state won by Hillary Clinton). Ultimately, for Democrats to take the Senate, they will need to run the table by reelecting all of their sitting senators in red states and pick up two of the following Republican seats: Tennessee, Arizona, Nevada or Texas.

Table 8 : *Cook Report*—Senate Ratings

Solid Dem	14 Dem
Likely Dem	4 Dem
Lean Dem	3 Dem
Tossup	5 Dem; 4 GOP
Lean GOP	1 GOP
Likely GOP	N/A
Solid GOP	4 GOP

Source: Cook Report

Toss Up Races

The *Cook Report,* as seen in Table 8, ranks the various races from solidly Democratic to solidly Republican. As seen in Table 9, the *Cook Report* currently ranks nine Senate races as tossups. Each have their own nuances and varying degrees of competitiveness based on polling. Below is a snapshot of the nine most competitive Senate seats in the election cycle. Included in each analysis are data points highlighting the 2016 presidential winner of the state, the winning percentage of the incumbent from the most recent election, and the RealClearPolitics polling average for the race as it currently stands.

Table 9 : *Cook Report*— Senate Toss Up Contests

TOSS UP (9)
AZ, Open
FL, Nelson
IN, Donnelly
MO, McCaskill
MT, Tester
ND, Heitkamp
NV, Heller
TN, Open
TX, Cruz

Source: Cook Report

Arizona

The state of Arizona will have its first female senator come January. Both parties nominated current congresswomen, Reps. Martha McSally (R-AZ) and Kyrsten Sinema (D-AZ), to run for the seat being vacated by retiring Sen. Jeff Flake (R-AZ). The race remains tight with Rep. McSally holding a slight lead in the RealClearPolitics average. Republicans are banking on the rightward tilt of the state to help put Rep. McSally over the finish line. Nevertheless, Democrats feel confident in the race in large part because Rep. Sinema has kept it so competitive.

2016 Presidential Winner: Trump 48.7%

2012 Senate Winner: Flake 49.7%

RCP Average: McSally +0.3

Florida

Running statewide in Florida is an expensive endeavor and sitting Republican Gov. Rick Scott has the personal resources to compete. The self-made millionaire is spending heavily on advertisements to defeat incumbent Sen. Bill Nelson (D-FL). However, Democrats are hopeful that the changing demographics of the state, for example the growing Hispanic populations, will help Sen. Nelson prevail. A close governor's race with an African-American nominee running on the Democrat ticket is seen as a potential boost for Democratic turnout and Sen. Nelson.

2016 Presidential Winner: Trump 47.8%

2012 Senate Winner: Nelson 55.2%

RCP Average: Nelson +2.4

Indiana

Incumbent Sen. Joe Donnelly (D-IN) has run a grassroots campaign focused on blue-collar voters that President Trump won in 2016. He faces opposition from Republican State Rep. Mike Braun, who is relying heavily on President Trump's 20-point victory in the state, but he has been underperforming. Donnelly voted for confirmation of Justice Gorsuch but against the confirmation of Justice Kavanaugh, which Republicans have emphasized in an effort to nationalize the Senate race in Braun's favor.

2016 Presidential Winner: Trump 56.9%

2012 Senate Winner: Donnelly 50%

RCP Average: Donnelly +4

Missouri

Sen. Claire McCaskill (D-MO), who famously defeated Rep. Todd Akin in her 2012 race, faces tougher opposition in 2018 from sitting Attorney General Josh Hawley. Hawley is attempting to paint Sen. McCaskill as an out-of-touch progressive and using the Kavanaugh confirmation vote to make his case, while Sen. McCaskill has called out her opponent to defend positions on coverage of pre-existing conditions among other healthcare-related issues important to Missouri voters.

2016 Presidential Winner: Trump 56.8%

2012 Senate Winner: McCaskill 54.8%

RCP Average: Hawley +0.4

 © 2018 Akin Gump Strauss Hauer & Feld LLP

Montana

For most of the election season, the Senate race in Montana has leaned Democratic. However, the *Cook Report* recently moved the race into tossup territory. This is largely a function of Republican Montana Auditor Matt Rosendale's success in nationalizing the race. However, incumbent Sen. Jon Tester (D-MT) is battle tested and has a strong personal brand in the state that he hopes to use to sway voters and secure a third term.

2016 Presidential Winner: Trump 56.2%

2012 Senate Winner: Tester 48.6%

RCP Average: Tester +3

North Dakota

In North Dakota, the Kavanaugh nomination has taken center stage as Rep. Kevin Cramer (R-ND) has attacked incumbent Sen. Heidi Heitkamp (D-ND) for voting against the nomination, while Sen. Heitkamp has barnstormed the state explaining her vote. Democrats remain hopeful that the Senator's personal likeability will put her over the edge, while Republicans are buoyed by polling before and after the Kavanaugh vote showing Rep. Cramer, who has also been elected statewide, leading the incumbent.

2016 Presidential Winner: Trump 63%

2012 Senate Winner: Heitkamp 50.2%

RCP Average: Cramer +8.7

Nevada

Democrats view Nevada as possibly their best chance to win a Republican held seat. This is due in large part to a relatively narrow political divide of the state and its growing Hispanic population. First term Rep. Jacky Rosen (D-NV) is seeking to unseat Sen. Dean Heller (R-NV) by appealing to these demographics. Heller is fighting back with a sophisticated campaign that in part relies on Rep. Rosen's low name recognition and state profile.

2016 Presidential Winner: Clinton 47.9%

2012 Senate Winner: Heller 45.9%

RCP Average: Heller +1.7

Tennessee

Tennessee was not anticipated to be a state that Republicans needed to worry about, but the successful campaigning by popular former Democratic Gov. Phil Bredesen has made the seat of retiring Sen. Bob Corker (R-TN) more difficult to retain. Rep. Marsha Blackburn (R-TN) is working to nationalize the race and tie Gov. Bredesen to the left wing of the Democratic party. The former governor, however, is relying on his record in the governor's mansion and as Mayor of Nashville to burnish his bipartisan credentials. Rep. Blackburn has seen steady movement in her direction in the last few polls.

2016 Presidential Winner: Trump 60.7%

2012 Senate Winner: Corker 64.9%

RCP Average: Blackburn +5.5

Texas

Like Tennessee, the Texas race was not supposed to be close in 2018. However, Rep. Beto O'Rourke's (D-TX) unconventional campaign, likeability and impressive fundraising has caused the race to tighten. Incumbent Sen. Ted Cruz (R-TX) is seizing on Rep. O'Rourke's controversial statements on abortion, gun control and other issues to paint him as out of touch with Texans. Recent polling shows a trend line in favor of Sen. Cruz.

2016 Presidential Winner: Trump 52.2%

2012 Senate Winner: Cruz 56.5%

RCP Average: Cruz +7

Conclusion

President Trump is not on the ballot on November 6, but his policies, appointments and pronouncements on Twitter and on the campaign trail will be top-of-mind for voters from both parties. History shows that midterm elections are perilous for the party in power, and Republicans are bracing for a difficult election night. Democratic intensity, engagement and fundraising are at an all-time high, making them more likely than not to take back control of the House. Republicans hope to defy history and the odds by focusing on: (i) a booming economy, (ii) accomplishments such as tax reform and (iii) the confirmation of two Supreme Court nominees to build GOP voter enthusiasm. Both parties are campaigning on the passage of opioid epidemic legislation and the timely passage of appropriations bills.



Akin Gump will continue to monitor the races and will publish a post-election report focused on the results and the likely impact on key policies affecting our clients and the nation.

We would like to acknowledge and thank Chase Hieneman, policy advisor at Akin Gump, for his significant contributions in drafting this report.

 © 2018 Akin Gump Strauss Hauer & Feld LLP

Key Contacts

For more information, please contact your regular Akin Gump lawyer or advisor, or:



CO-LEADER, PUBLIC LAW AND POLICY PRACTICE

G. Hunter Bates

Partner
hbates@akingump.com
Washington, D.C.
+1 202.887.4147

- Former legal counsel and Chief of Staff to current Senate Republican Leader Mitch McConnell (R-KY)
- Represents Fortune 100 companies, trade associations and nonprofit organizations
- Routinely named as a top lobbyist by *The Hill*



CO-LEADER, PUBLIC LAW AND POLICY PRACTICE

Brian A. Pomper

Partner
bpomper@akingump.com
Washington, D.C.
+1 202.887.4134

- Former chief international trade counsel to Senate Finance Committee Chairman Max Baucus (D-MT)
- Represents companies on public policy matters, including market access, investment, international trade disputes, intellectual property, international tax and customs issues
- Serves as an adjunct professor teaching international trade policy and politics at George Washington's Graduate School of Political Management



FORMER SENATE REPUBLICAN LEADERSHIP STAFF

Brendan M. Dunn

Partner
bdunn@akingump.com
Washington, D.C.
+1 202.887.4230

- Former chief advisor to Senate Majority Leader Mitch McConnell (R-KY)
- Key staff architect of the Senate's passage of the historic Tax Cuts and Jobs Act
- Former advisor to Senate GOP leadership on tax, trade, financial services and pension matters
- Served as special counsel and general counsel of the Senate Finance Committee, advising on a range of health, tax and entitlement issues



FORMER HOUSE DEMOCRATIC LEADERSHIP STAFF

Arshi Siddiqui

Partner
asiddiqui@akingump.com
Washington, D.C.
+1 202.887.4075

- Served as senior policy adviser and counsel to former House Speaker Nancy Pelosi (D-CA)
- Worked closely with House and Senate leadership, the administration and members of Congress to develop policy, formulate strategy and build support towards the enactment of key pieces of legislation
- Worked on a number of congressional and presidential campaigns, in addition to coordinating recount efforts in a number of contested races

Akin Gump
STRAUSS HAUER & FELD LLP

Akin Gump Strauss Hauer & Feld LLP is a leading global law firm providing innovative legal services and business solutions to individuals and institutions. Founded in 1945 by Richard Gump and Robert Strauss with the guiding vision that commitment, excellence and integrity would drive its success, the firm focuses on building lasting and mutually beneficial relationships with its clients. Our firm's clients range from individuals to corporations and nations. We offer clients a broad-spectrum approach, with over 85 practices that range from traditional strengths such as appellate, corporate and public policy to 21st century concentrations such as climate change, intellectual property litigation and national security.

akingump.com © 2018 Akin Gump Strauss Hauer & Feld LLP. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome.