



NCPA's 2018 Post-Election Recap: A Democratic tide, but no tidal wave

Unlike 2016, the results of the 2018 congressional midterms were unsurprising. Most pundits predicted a split decision – Democrats would assume control of the House in the 116th Congress while Republicans would retain control of the Senate – and that is what voters delivered. With a return to divided government, questions remain as to what can be accomplished over the next two years legislatively, with infrastructure and prescription drug pricing being mentioned by some pundits as areas that may draw bipartisan support. Beyond legislation, Democrats in the House have promised rigorous oversight investigations of the Trump administration. In the Senate, Republicans are likely to use their strengthened majority to expedite confirmations of judicial nominees and executive branch appointees.

Along with congressional elections, voters cast ballots in more than 30 gubernatorial races and in thousands of state legislative contests nationwide. As with the federal results, results at the state level were also mixed. Democrats picked up a net of at least six governor's seats, including two in important Rust Belt states and were able to win control of a net five legislative chambers. Republicans, on the other hand, appear to have prevailed in the gubernatorial races in Florida, Georgia and Ohio and retained their majorities in state legislatures.

U.S. Senate

With a favorable map that saw Democrats defending 10 seats in states won by President Trump in 2016, including five which he won by double digits, Republicans defied historical trends and added to their majority in that chamber. Republicans appear to have increased their majority by at least one seat, defeating Democratic incumbents in Indiana (Mike Braun def. Sen. Joe Donnelly), Missouri (Attorney General Josh Hawley def. Sen. Claire McCaskill) and North Dakota (Rep. Kevin Cramer def. Sen. Heidi Heitkamp). Democratic pharmacy champions Sens. Jon Tester (D-Mont.), Sherrod Brown (D-Ohio) and Joe Manchin (D-W.Va.) prevailed in competitive races. Meanwhile, Democrats picked up two Republican seats with Democrat Rep. Kyrsten Sinema's defeat of Republican Rep. Martha McSally to win the open seat in Arizona, and Democrat Rep. Jacky Rosen's defeat of Sen. Dean Heller (R-Nev.) The Florida U.S. Senate race remains undecided; a recount is underway. At this writing, Gov. Rick Scott appears to have defeated Sen. Bill Nelson on Election Day, but late counted ballots in Broward and Palm Beach counties significantly narrowed the gap.

Finally, the special election in Mississippi to fill the remaining term of former Sen. Thad Cochran is headed to a runoff because no candidate received 50 percent of the vote. Pharmacy supporter Sen. Cindy Hyde-

Smith (R-Miss.), who was appointed to fill the seat temporarily, will face former Democratic member of Congress and Secretary of Agriculture Mike Espy in the Nov. 27 runoff.

Pharmacy champions Angus King (Ind.-Maine) and Roger Wicker (R.-Miss.) also handily won their reelection bids.

In the next Congress, Sen. Mitch McConnell (R-Ky.) will remain Senate Majority Leader. Sen. Chuck Schumer (D-N.Y.) will remain Senate Minority Leader. On key committees, Sen. Orin Hatch (R-Utah) retired and is being replaced as chairman of the Senate Finance Committee by Sen. Charles Grassley (R-Iowa). Sen. Ron Wyden (D-Ore.) will remain ranking Democrat. Two other members of the committee – Claire McCaskill and Dean Heller – lost their bids for reelection, and Sen. Bill Nelson's race remains undecided. Sen. Lamar Alexander (R-Tenn.) is expected to remain chairman of the Senate HELP Committee (with jurisdiction over the FDA, including pharmacy supply chain security and compounding). Sen. Patty Murray (D-Wash.) will likely remain the ranking Democrat. Sen Hatch is the only departure from the committee.

Senate Democrats will see a more favorable election map in 2020, where they will defend only 12 seats compared to 21 held by Republicans.

U.S. House of Representatives

Democrats swept the suburbs to reclaim the majority in the House for the first time since 2010. At this writing they have picked up at least 34 seats, though a handful of races are still undecided. While Democrats gained control, the leadership outlook is unclear. Many expect Nancy Pelosi (D-Calif.) to reclaim the speaker's gavel she lost after the 2010 midterms. However, it is unclear whether she will have the requisite votes. There are a handful of Democrats returning to Congress who vocally oppose Leader Pelosi, as well as several incoming members from swing districts who voiced their opposition to her on the campaign trail. Still, no candidate has emerged from the ranks to challenge her. If undecided races further expand the Democrat gains, Rep. Pelosi's odds of returning as Speaker will continue to improve. Aside from Pelosi, Rep. Steny Hoyer (D-Md.) is currently unopposed as he seeks to return as majority leader while Rep. James Clyburn (D-S.C.) is being challenged by Rep. Diana DeGette (D-Colo.) for the position of majority whip. Democrats will elect their leadership the week after Thanksgiving.

On the Republican side, the leadership outlook is much clearer. With the retirement of Speaker Paul Ryan (R-Wisc.), Kevin McCarthy (R-Calif.) was elected minority leader. Rep. Steve Scalise (R-La.) was elected minority whip. Rep. Liz Cheney (R-Wyo.) was elected Conference Chair after pharmacy champion Cathy McMorris Rogers (R-Wash.) stepped aside to pursue a ranking member role on one of the E&C subcommittees. Another pharmacy champion, Rep. Doug Collins (R-Ga.), has also decided against running for another term as Conference Vice Chair and is instead seeking the position of ranking member on the House Judiciary Committee.

By taking the House, Democrats will take control of the committees, though the actual ratio of committee seats for each party has yet to be determined. Like all committees, this means changes for the key committees impacting pharmacy: Energy & Commerce and Ways & Means. Rep. Frank Pallone (D-N.J.) will assume the chairmanship of the E&C Committee and Rep. Greg Walden (R-Ore.) will become the ranking member. On the Republican side, five members of the committee did not seek reelection, and a sixth, Rep. Leonard Lance (R-N.J.) lost his race for reelection. With Republicans losing seats on the committee in the next Congress, these departures should be significant enough to allow Rep. Buddy Carter (R-Ga.), the only pharmacist serving in Congress, to retain his committee seat. Only one Democrat on the committee, Rep. Gene Green (Texas), the ranking Democrat on the Health Subcommittee, did not seek

reelection. On the Health Subcommittee, Rep. Janice Schakowsky (D-Ill.) appears to be in line to assume the chairmanship, while current chairman Rep. Michael Burgess (R-Texas) will likely become the ranking member

The changes on the Ways & Means Committee will be more significant. Rep. Richard Neal (D-Mass.) will be the next chairman, while current chairman Kevin Brady (R-Texas) will assume the role of ranking member. However, 10 Republican committee members will not return next Congress; six members chose not to seek reelection and another four lost their reelection bids. These include Rep. Peter Roskam (R-Ill.), the current chairman of the Health Subcommittee, and four other subcommittee members, Reps. Lynn Jenkins (R-Kan.), Eric Paulsen (R-Minn.), Diane Black (R-Tenn.) and Sam Johnson (R-Texas). Only two committee Democrats will not be returning next Congress. Rep. Sander Levin (D-Mich.), the ranking member on the Health Subcommittee, did not seek reelection and Rep. Joe Crowley (D-N.Y.), lost his primary.

While the midterm election was good news for Democrats, it was also good news for the NCPA PAC. Nearly 90 percent of the candidates supported by the NCPA PAC won election. However, the news wasn't as good for those locked in tight races. Washington State was a bright spot for House candidates, as voters re-elected a pair of pharmacy supporters who were in close contests, sending Reps. Jaime Herrera Beutler (R-Wash.) and Cathy McMorris Rodgers (R-Wash.) back to Congress. However, several other House pharmacy champions were not so fortunate. Reps. Mike Coffman (R-Colo.), Rod Blum (R-Iowa), David Young (R-Iowa), Pete Sessions (R-Texas), Barbara Comstock (R-Va.) and Bruce Poliquin (R-Maine) lost their re-election campaigns.

In the states

Heading into the 2018 elections, Republicans had full control of the governor's office and state legislatures in 26 states, while Democrats only controlled eight states outright. However, the midterm outcomes in governor races and state legislatures have given Democrats full control of governor's offices in an additional six states, bring their total to 14, and reduced by three the number of Republican controlled state legislatures, which is now down to 23.

Governors

Like the results for Congress, the races for governor also produced mixed results. Democrats picked up seven gubernatorial seats: Kansas, Illinois, Maine, Michigan, Nevada, New Mexico, and Wisconsin. Wisconsin and Michigan were seen as important to Democrats as they attempt to rebuild the so called "blue wall" of Rust Belt states that had backed the Democrat presidential candidate in every election for over 25 years but went for President Trump in 2016. However, their success was tempered by Republicans who picked up a seat in Alaska and, at this writing, look to retain control of some key seats heading into reapportionment: Ohio, as well as Florida (though it may be headed for a recount) and Georgia, where the Republican leads but the race remains uncalled and could go to a runoff if the Republican falls below 50 percent of the vote.

State Legislatures

The races for state legislative seats are another area where Democrats had a good evening, but not a great one. The party flipped more than 350 legislative seats nationwide, enough to win control of six legislative chambers, including several in the northeast. However, Republicans retained their majorities in such key states as Florida, Iowa, Michigan, North Carolina, Ohio, Pennsylvania and Wisconsin. Democrats, looking ahead to reapportionment after the 2020 elections, had made winning state legislative seats a priority this

cycle but will still have work to do in the next cycle if they wish to have more influence on the redistricting process.

Overall, five state chambers flipped from Republican to Democrat control: Colorado Senate, Maine Senate, Minnesota House, New Hampshire Senate, the New Hampshire House and the New York Senate (which had been run by a minority coalition where a few members of the majority party join with the minority to give the minority functional control of the chamber). Democrats also won a majority in the Connecticut Senate, which had previously been tied. Meanwhile, Republicans won control of the Alaska House, which had also been controlled by a minority coalition. In 2019, Republicans will be in control of 61 legislative chambers and Democrats will control 37.

It was also a successful election for community pharmacy. The number of pharmacists serving in state legislatures in the coming term increases to 50 (38 Republicans and 12 Democrats), representing 26 states.