

## Cozen Currents: What Does It Mean to be a Republican or a Democrat Today?



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### Related Practice Areas

- Government Relations - Cozen O'Connor Public Strategies

### The Cozen Lens

- Senator Sherrod Brown's (D-OH) battle to stay in the Senate representing the red state of Ohio and former Governor Larry Hogan's (R-MD) fight to represent his blue state of Maryland are different sides of the same coin: can personal popularity overcome partisanship in a presidential year?
- As the two major parties have evolved ideologically, the concept of must pass legislation has become more challenging.
- With a significant share of swing voters and an open Senate race, Arizona is one of the most important states to watch in the November elections.

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### Can Personal Popularity Overcome Partisanship?

**Ohio a Battleground Again.** The Buckeye State features popular populist incumbent Democratic Senator Sherrod Brown pitted against the Trump-selected MAGA candidate Bernie Moreno in a red state.

- Businessman Bernie Moreno, a newcomer in politics endorsed by former President Trump, triumphed over a more traditional Republican in a messy three-way primary last month. This race is one of the most important in the country: with Republicans sure to pick up a seat in West Virginia, Democrats need to defend all other seats to retain the majority (also conditional on President Biden's re-election), including blue seats in the red states of Montana and Ohio.
- Brown is the last statewide Democrat in a state, once a battleground, which has moved reliably red. Brown's gotten lucky on his election timing before but this time he's running in a presidential year in a state that's gone red by eight points two presidential cycles in a row. That's not to say Brown isn't a formidable opponent — his brand of blue-collar populism has allowed him to survive, and he starts this cycle with a considerable war chest. One poll last month found he had an impressive +11 point approval rating in the state.
- Democrats can point to abortion and recreational marijuana referenda that passed convincingly last November while Republicans cite J.D. Vance's win over Tim Ryan for an open Senate seat in 2022 even as the latter ran what is almost universally hailed to be a textbook campaign. While Brown is a statewide incumbent and Ryan was not, it illustrates a key fact: one can only exceed a state's partisan lean by so much.

**The Other Side of the Coin.** Over in Maryland, the GOP has scored the perfect candidate in former Governor Larry Hogan who exited office with some of the highest approval ratings in the country.

- Democratic Senator Ben Cardin is retiring, leaving an open race for what would ordinarily be a safe seat. But Hogan is a Romney-style GOP governor who has managed to earn widespread support across the political spectrum. While no Democrat, he supported decreasing greenhouse gas emissions, increasing gun control, instituting paid family leave, and was a vocal outspoken critic of Trump. As a result, he had +49 point approval when he left office in 2022 and one March poll finds 52 percent of self-identified liberals and 73 percent of moderates held a favorable view.
- While Hogan faces only nominal opposition, two major Democrats are fighting to win their party's May 14th primary: Rep. David Trone and Prince George's County Executive Angela

Alsobrooks. This infighting may result in a deluge of negative ads against these two and diverts funds away before the general election even begins.

- Trump lost the state of Maryland by 26 points in 2016 and 33 points in 2020. Winning while sharing the ballot and a party with such a candidate would require a masterclass in creating distance and crafting a story that overwhelms base partnership.

**Increasing Polarization and its Consequences:** No single factor determines an election's outcome: candidates, context, the economy, it all matters. Ohio and Maryland will be experiments as to whether these inputs can overwhelm a state's partisan lean.

- In 1988, only 48 percent of Senate races were simultaneously won by the same party that carried the state in the presidential race. In 2016, that number was 100 percent; in 2020, it was 97 percent with Senator Susan Collins (R-ME) serving as the only exception. Ticket splitting has fallen to its lowest level in decades and the average margin between a Senate and presidential candidate of the same party is only three percent.
- This is also making it more difficult for senators to increase the ceiling of their approval past just their party. From just 2019 to 2022, the number of senators that had net approval ten points higher than their state's partisan lean fell from 19 to 13, and the total number with approval five points higher fell from 37 to 27. The culling is slow but certain; Senator Joe Manchin (D-WV) outperforms by the most (+58), but he'll be gone come next year. The next highest performers are Brown in Ohio and Jon Tester in Montana, who are both on the ballot in November.
- General election polls suggest that both Brown and Hogan lead their challengers, however, this advantage will face increasing pressure over time. The Democrats in Maryland have low name recognition and intense campaigning in both states will clarify both major party candidates' identity and their party. Additionally, governors generally have more leeway to gain popularity from the other party as executives of their state than as representatives speaking on national issues. Both Brown and Hogan need to win significant crossover support to prevail and even as one poll suggests 22 percent of Maryland liberals would vote for Hogan, 90 percent of the same group simultaneously say they want a Senate controlled by Democrats. While none are better suited to the task at hand than these two, political partisanship determines an increasing proportion of an election's outcome.

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**Why "Must Pass" is Becoming Harder to Pass**

**What "Must Pass" Means.** The concept of "must-pass" legislation is evolving.

- In Congress, some legislation is traditionally considered too important to hold up, hence the term must pass. Legislation such as the National Defense Authorization Act and disaster relief falls into this category.
- One reason must pass legislation is significant is because it provides a vehicle for lawmakers to attach favored bills as amendments, creating an easier path to becoming law for measures that may not get a standalone floor vote.
- The House GOP's narrow majority under divided government has resulted in a minimalist approach to governance, raising the bar for must pass legislation. Bills that traditionally would have been considered as such in the past are not guaranteed swift passage now. This trend predates the current Congress, however.

**Changing Parties.** Ideological evolutions in the two major parties have made "must pass" harder.

- In recent years, the two major parties have undergone ideological shifts and many politicians have moved towards the extreme ends of the political spectrum. Right-wing populists such as Senator J.D. Vance (R-OH) are replacing Reaganite conservatives in the Republican Party, while progressives such as the "Squad" are ascendant in the Democratic Party.
- Coupled with gerrymandering, this means that for many seats, the most competitive election is the primary. This creates incentives to move towards the right or left rather than the middle. In addition, split-ticket voting is decreasing. States are increasingly polarized in the red and blue columns. Only five states are represented by senators who caucus with different parties.

- A more polarized and ideological Congress means that must pass legislation is more challenging. Recently, Republicans have declared that they need political victories to pass Ukraine aid, such as an end to President Biden's LNG export moratorium or border security provisions. On the other side of the aisle, changing views of Israel among members of the Democratic Party complicate consideration of military aid to Israel in Congress. Even if congressional leadership may agree on an issue, there are enough vocal lawmakers in the minority of their parties that can't be written off.

**Case in Point.** The recent collapse of the Francis Scott Key Bridge in Baltimore, MD illustrates the rising bar for what's considered must pass.

- President Biden wants Congress to fully fund the rebuilding of the bridge and visited Baltimore last week. Experts interviewed by AP after the disaster testified that the project could take years and cost at least \$400 million. There may not be quick consensus on Capitol Hill to pass emergency funding for Baltimore.
- Last week, the House Freedom Caucus said it wants the federal government to hold foreign shipping companies liable, Biden to drop his LNG policy, pre-existing federal funding to be used first, and all federal dollars spent to be offset.
- In the past, rebuilding the Key Bridge would have been seen as a must pass measure. For example, when the I-35W bridge in Minneapolis collapsed in 2007, the Democratic-controlled Congress unanimously passed and President George W. Bush signed into law \$250 million in funding within days. The fact that Key Bridge funding isn't immediately a layup in Congress doesn't necessarily mean that a bridge bill or a Ukraine aid bill won't ultimately pass, but it's a sign that a sense of urgency alone isn't sufficient to be must pass in today's political environment.

## The Grand Political Chasm in the Grand Canyon State

**Battle for the Sun Belt.** With Democrats playing defense in the Senate and President Biden struggling in polling of the traditional "blue wall" states, Arizona's open Senate race and electoral college votes will be central to the party's success (or lack thereof) in November.

- Democrats picked up their first Arizona Senate seat since former Senator Dennis DeConcini's win in 1988 with Senator Kyrsten Sinema's (I-AZ) win in 2018. Her success was quickly followed by Senator Mark Kelly's (D-AZ) 2020 special election victory.
- Despite the party's recent success, the state is one of the most hotly contested of 2024, with Cook Political Report rating both the Senate and presidential races as toss-ups. Biden's margin of victory in 2020 was only .03 percent in a more favorable environment than is expected this year.
- Given the tight margins, both parties are working to lock up independent and swing voters ahead of November, but at the Senate level, each party chose a candidate more favorable to the base than the center. In both cases, the decision to play toward the base could cost the party a crucial Senate seat in a state where roughly 1.4 million voters are registered as "other."

**Arizona Republicans Pick a Tried-and-True Favorite of the Base.** Senate Republicans were quick to get behind senate GOP nominee Kari Lake who telegraphed her electoral ambitions soon after her 2022 defeat in the state's closely contested gubernatorial race.

- The National Republican Senatorial Committee endorsed Lake in January in an effort to avoid a messy primary that could have sowed division within the GOP electorate. While the decision avoided intraparty fighting, it also left the party with a candidate who vocally touts former President Trump's election denialism. Lake went as far as to challenge her own 2022 gubernatorial loss despite a lack of evidence for doing so.
- In a state where moderate, swing-voters may make the difference at both the Senate and presidential levels, Lake's embrace of GOP base politics and election denialism may hurt the party's chances in November. Polling shows both moderate and liberal voters are less likely to support candidates who believe the 2020 election was stolen, suggesting Lake's beliefs could limit her ability to capture moderate and crossover voters.
- Still, the race is likely to be close and Lake is taking some moderate positions to broaden

her appeal. Lake has shifted toward the center on abortion and is working to strengthen relationships with Senate GOP leadership who she derided in previous campaigns.

**Arizona Democrats Lean Left. Democrats' not so subtle support for Rep.** Ruben Gallego's (D-AZ) Arizona Senate bid early this year all but forced Sinema to call it quits on her independent quest for re-election, leaving the party to consolidate around a more progressive candidate.

- After launching his Senate campaign despite Sinema's status as an incumbent in the race, Gallego was quick to consolidate support from progressive groups, including those that previously backed Sinema. Sinema's exit from the race left Democrats to consolidate around Gallego, a long-time champion of progressive causes who has voted with Biden 100 percent of the time.
  - Despite his progressive bona fides, Gallego has taken a number of steps recently to moderate his positioning and appeal to Arizona's swing voters. Gallego left the Congressional Progressive Caucus last year and has recently called for stricter enforcement of immigration policies after years of rallying against Trump's crackdown on migration at the southern border.
  - In a positive sign for Gallego, he has led in most independent polls of the race, including by seven points in a February Emerson poll that found Trump ahead in the presidential race. Gallego also held a significant fundraising advantage as of the first quarter of this year.
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