

# The 2014 Mid-Term Election Results and What They Mean for Labor and Employment Policy

November 5, 2014

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Republicans won eight formerly-Democratic held seats by defeating three incumbents (four if Alaska, which is trending Republican, is included) and winning four open seats. They also retained all three "at-risk" Republican Senate seats (Georgia, Kansas, and Kentucky). (See below for a breakdown of the Senate elections.) The biggest surprise was the razor-thin Senate race in Virginia where incumbent Democrat Mark Warner holds a narrow lead over Republican Ed Gillespie. Warner has claimed victory, but Gillespie has not yet conceded the race, and he will be entitled to a recount if the margin is less than 1 percent, which it currently is. Few expected that race to be so close.

The U.S. House of Representatives retained a substantial Republican majority (243 – 176 with 16 races still undecided), picking up at least 14 seats and continuing the historical pattern in mid-term elections by gaining seats in Congress from the political party of an incumbent president. However, this was a historic election. As GOP gains surpassed double digits, it was possible that their numbers would climb even higher. Some

Democratic officials conceded that the GOP number could reach as high as 249 seats—their largest majority since 1931, when Herbert Hoover was president. Some Democratic party leaders worried that they could be locked out of the House majority until the next round of redistricting in the 2020s.

In gubernatorial races, incumbent Republicans in Wisconsin (Scott Walker), Michigan (Rick Snyder), Ohio (John Kasich), Florida (Rick Scott), Kansas (Sam Brownback), and Georgia (Nathan Deal) were reelected, with Deal defeating Jason Carter, grandson of former President Jimmy Carter. In Wisconsin, in a setback for organized labor, overwhelming union opposition failed for a third time to unseat Governor Scott Walker—in 2010, in a 2012 recall vote, and now in Walker’s 2014 reelection—whom they considered the nation’s most blatantly anti-union governor in a historically pro-union state. In the closely-watched race in Florida, incumbent Republican Governor Scott narrowly defeated former Governor Charlie Crist running as a Democrat. The biggest surprise was Republican Larry Hogan’s victory over Democrat Anthony Brown in predictably blue state Maryland. No one saw that coming.

### **Minimum Wage and Other Ballot Initiatives**

Also on the ballot were increases in the state minimum wage. Nebraska voted to increase the minimum wage to \$9 per hour in two steps (increasing to \$8 in 2015 and to \$9 in 2016), up from its current minimum wage of \$7.25. Arkansas voted to boost its minimum wage from \$6.25 per hour (which is below the federal minimum of \$7.25) to \$7.50 per hour in 2015, to \$8 per hour in 2016, and to \$8.50 per hour in 2017. Illinois voted to increase the state minimum wage to \$10 in 2015. South Dakota raised the minimum wage to \$8.50 by 2015.

Also, Massachusetts passed a ballot measure guaranteeing paid sick leave. The Massachusetts Paid Sick Days Initiative, which covers private and public employers, will allow employees who work for employers with 11 or more employees to earn up to 40 hours of paid sick time per calendar year. Employees will earn one hour of sick time for every 30 hours worked.

Legalization of marijuana passed in Oregon and Washington, D.C., but medical marijuana use was defeated in Florida.

### **Senate**

The results of Senate races in states rated in pre-election polls as “toss-ups” or slightly “leaning” in favor of one candidate or another were:

- Alaska: Dan Sullivan (R) def. Mark Begich (D) (incumbent)
- Arkansas: Tom Cotton (R) def. Mark Pryor (D) (incumbent)
- Colorado: Cory Gardner (R) def. Mark Udall (D) (incumbent)
- Georgia: David Perdue def. Michelle Nunn (D) (daughter of former Senator Sam Nunn) (open seat)

- Iowa: Joni Ernst (R) def. Bruce Braley (D) (open seat)
- Kansas: Pat Roberts (R) (incumbent) def. Greg Orman (I)
- Kentucky: Mitch McConnell (R) (incumbent) def. Alison Lundergan Grimes (D)
- Louisiana: Mary Landrieu (D) (incumbent) slightly leads Bill Cassidy (R); run-off scheduled for December 6, 2014
- Montana: Steve Daines (R) def. Amanda Curtis (D) (open seat)
- North Carolina: Thom Tillis (R) def. Kay Hagan (D) (incumbent)
- New Hampshire: Jeanne Shaheen (D) (incumbent) def. Scott Brown (R)
- South Dakota: Mike Rounds (R) def. Rick Weiland (D) and Larry Pressler (I)
- West Virginia: Shelley Moore Capito (R) def. Natalie Tennant (D) (Jay Rockefeller's open seat)

### **Other Notable Senate Races**

Virginia: Mark Warner (D) (incumbent) likely def. Ed Gillespie (R) (see above)

South Carolina: Lindsey Graham (R) (incumbent) def. Brad Hutto (D); Tim Scott (R) (incumbent) def. Joyce Dickerson (D)

### **House of Representatives**

In notable House races, Republicans defeated entrenched Democratic incumbents in West Virginia (Nick Rahall), Georgia (John Barrow) and New York (Tim Bishop), as well as first-term Democratic lawmakers Joe Garcia in South Florida and Brad Schneider of Illinois.

House Republicans became more diverse. For example, in Utah, Mia Love became the first African American woman in the House GOP Conference. In Texas, Will Hurd, an African American former CIA officer, defeated a Democratic incumbent. In Florida, Carlos Curbelo, who is Hispanic, also prevailed.

The House Education & the Workforce Committee Republican Chairman John Kline (MN) was reelected over strong union opposition. The Ranking Democrat on the Committee—long-time incumbent George Miller (CA)—retired.

### **Governors**

Notable gubernatorial results included:

- Florida: Rick Scott (R) (incumbent) def. Charlie Crist (D)
- Georgia: Nathan Deal (R) (incumbent) def. Jason Carter (D) (grandson of former President Jimmy Carter)

- Illinois: Bruce Rauer (R) def. Pat Quinn (D) (incumbent)
- Kansas: Sam Brownback (R) (incumbent) def. Paul Davis (D)
- Massachusetts: Charlie Baker (R) def. Martha Coakley (D)
- Maryland: Larry Hogan (R) def. Anthony Brown (D)
- Michigan: Rick Snyder (R) (incumbent) def. Mark Schauer (D)
- New York: Andrew Cuomo (D) (incumbent) def. Rob Astorino (R)
- Ohio: John Kasich (R) (incumbent) def. Edward FitzGerald (R)
- Pennsylvania: Tom Wolf (D) def. Tom Corbett (R) (incumbent)
- South Carolina: Nikki Haley (R) (incumbent) def. Vincent Sheheen (D)
- Texas: Greg Abbott (R) def. Wendy Davis (D)
- Wisconsin: Scott Walker (R) (incumbent) def. Mary Burke (D)

### **What Do These Election Results Mean?**

Now that Republicans are like the dog that caught the car, what will they do?

**First**, the election results mean the start of the 2016 presidential campaign. Leading potential candidates from both parties were omnipresent on the stump in the 2014 mid-term elections, especially in early presidential election-year states such as Iowa and New Hampshire. If you are fed up with this year's political campaigns, get ready for 2016. In fact, since there will be more incumbent Republicans up for reelection in 2016 (just the reverse of this year), congressional majorities will once again be at stake, especially where voter turnout will be much higher with the White House at stake.

**Second**, the election results could redirect congressional attention to economic issues, which voters overwhelmingly proclaimed as their top concern. This could mean passage of legislation where both parties are able to make concessions, without compromising principles, on issues such as tax reform, infrastructure, the Keystone XL pipeline, and trade policy. Also, look for votes to repeal the Affordable Care Act, or at least to "fix" it.

However, other than possibly passing multi-employer pension plan reform and some form of immigration legislation, do not expect passage of major labor and employment legislation. Organized labor was the biggest loser in the mid-term elections. The result may also mean the start of debate on Republican proposals for major labor law reform.

**Third**, it means there will be more presidential executive orders, starting with immigration reform and climate change, as well as federal regulations where the administration cannot achieve its agenda through Congress.

**Fourth**, now that Republicans in both houses can set the congressional agenda and will have subpoena powers, it means much more aggressive oversight of agency actions at the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Labor (DOL), and the National Labor Relations Board (NLRB). It also could trigger possible appropriations riders to prohibit or restrict funding to enforce certain regulations, such as the imminent NLRB “[ambush election rules](#)” and the Labor Department’s [regulatory overhaul](#) of the Fair Labor Standards Act’s Part 541 overtime exemptions for bona fide executive, administrative, professional, outside sales, and computer employees.

**Fifth**, with a Senate majority, it means much greater scrutiny of White House judicial and federal agency nominations, even in the face of the Senate’s “[nuclear option](#),” which [removed Senate filibusters](#). The Republican Senate majority will try to stop nominations of progressive judicial candidates to the federal courts of appeals.

**Sixth**, unions took it on the chin across the country, especially in gubernatorial races. In August, the AFL-CIO said it would take out six key anti-union governors: Rick Scott of Florida, Rick Snyder of Michigan, Paul LePage of Maine, John Kasich of Ohio, Scott Walker of Wisconsin and Tom Corbett of Pennsylvania. Only Corbett was defeated.

The reelections of embattled incumbent governors in blue states such as Wisconsin, in Governor Scott Walker’s race, and Michigan, in Governor Rick Snyder’s race, who faced the furies of an all-out union assault, will embolden other governors to take on public sector unions. There may even be an effort to pass a right-to-work law in Kentucky.

**Finally**, Republicans proved that primary elections are important in selecting qualified candidates. Now, having been elected, Republicans have two years to prove they can govern before facing a much more challenging 2016 election—when it will no longer be enough simply to attack a lame duck president.

## TOPICS

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