

Evers, Johnson Split Top of Ticket in Wisconsin Elections set the stage for upcoming legislative sessions

Democratic Gov. Tony Evers, Attorney General Josh Kaul and Republican U.S. Sen. Ron Johnson emerged victorious on election night, all in contests that ended up worse for Republicans at the top of the ticket than many polls had previously suggested. Legislative Republicans in the statehouse built on their current strong majorities but were unable to achieve a veto-proof majority in both chambers as incumbent Democrats largely protected their seats.

Evers Wins Second-Term in Governor's Mansion

Gov. Tony Evers defeated Republican challenger Tim Michels by nearly 90,000 votes, a margin of victory that was three times as large as Evers' margin against previous Republican Gov. Scott Walker in 2018. Joan Beglinger, an independent who remained on the ticket even after dropping out of the race in September, garnered only 26,920 votes. In dropping out of the race, Beglinger encouraged her supporters to vote for Michels. Unlike other contests, where a third-party candidate could jeopardize another leading candidate's victory, Beglinger's presence on the ticket ended up immaterial to the outcome between Evers and Michels.

When evaluating the Michels loss, many political insiders point to underperformance by Michels in several key counties throughout the state. In Waukesha County alone, Michels underperformed former Gov. Scott Walker's 2018 numbers by 8.5% while Gov. Evers overperformed his vote totals in the same county by nearly 22.8%. In Dane County, Evers overperformed his 2018 vote totals by 7.5% while Michels underperformed Walker's 2018 numbers by 11.1%. In Milwaukee County vote totals were lower for both candidates compared to their respective 2018 performance, but three times lower for Michels than they were for Evers.

Going into the race, the most recent Marquette University Law School poll showed that independents—a critical voting bloc in Wisconsin—said that the state was going in the wrong direction by a nearly two to one margin. Evers' job satisfaction numbers continued to drop since the start of 2022 and were underwater in their most recent poll. These signs, with a race that was in a dead heat, gave Republicans hope that they might defeat the first-term Democratic Governor.

Still, Evers was above water and performed better than his opponent when voters were asked if Evers "shares my values," "cares about people like me," or "understands the problems of ordinary people."

Legislative Republicans Retain Strong Majority, Fall Short of Supermajority by Two Seats in Assembly

Republicans in the state senate achieved a veto-proof majority by retaining all their seats and adding one more when state Rep. Romaine Quinn (R-Barron) was elected to the 25th Senate District, currently held by retiring Democratic Sen. Janet Bewley.

In the Assembly, Republicans appear to have added three seats to their current majority, bringing their caucus to a total of 64. This falls short of the number of seats (66) necessary to achieve a supermajority in the Assembly that could allow the Legislature to override any veto by Gov. Evers with only Republican votes.

Assembly and Senate partisan caucuses are holding leadership elections on Nov. 10 to determine the next Speaker and Senate Majority Leader, among others. It is widely expected that Speaker Robin Vos (R-Rochester) and Senate Majority Leader Devin LeMahieu (R-Oostburg) will return to these positions.



Gov. Tony Evers

Elections' Impact on Advancing Public Policy in the State Capitol

The most recent election sets the stage for similar dynamics between the Legislature and the Governor that have existed for the last four years. While a lot of attention has been drawn to those areas where Evers and legislative Republicans have disagreed, in his first term Evers signed into law 453 pieces of legislation that were presented to him by legislative Republicans. Gov. Evers and legislative Republicans have delivered an on-time state budget throughout Evers' first term in office.

Among these pieces of legislation enacted during partisan divide were a significant WHA-led overhaul of Medicaid telehealth policy, passed by the Legislature and signed into law by Gov. Evers at The Richland Hospital a few months before the start of the COVID-19 pandemic. In addition, legislation to permanently codify the "Act 10" streamlined licensure process for providers successfully recruited to Wisconsin from out of state and legislation allowing hospitals to operate acute-care hospital-at-home programs were both passed and enacted in this last legislative session. Finally, WHA worked with Gov. Evers and legislative Republicans to increase Disproportionate Share Hospital funding and ensure funding was appropriated in the base budget during the last two state budgets.

Evers will most certainly still veto a significant number of legislative priorities sent onto him by legislative Republicans over the next four years, but Republicans will also maintain the ability to stop things from either getting into a state budget or reaching the Governor's desk through standalone legislation.

In the 2021-2022 legislative session, Gov. Evers vetoed a record 126 pieces of legislation. Through his re-election, Democrats have protected a veto-pen by the Governor that allows Evers to sign a budget into law while removing some provisions that were included in the typically massive two-year appropriation bill.

Gov. Evers' political appointees in various state agencies, including the Department of Health Services and Officer of the Commissioner of Insurance, will likely stay in their current positions. Senate Republicans, who have confirmation authority over a select group of cabinet-level Evers officials, could choose to vote down certain Evers appointees.

Attorney General Josh Kaul Joins Evers in Democratic Statewide Victory

In addition to Gov. Evers winning re-election, Democratic Attorney General Josh Kaul was elected to another four years in office but with a much together margin of 1.4%. Kaul's victory means that a lawsuit will continue forward in Dane County court to overturn an 1849-era Wisconsin statute that Kaul and Gov. Evers believe conflicts with more recently passed laws related to abortion.

The recent US Supreme Court Decision in *Dobbs vs. Jackson* overturned previous case law like that established in *Roe vs. Wade*, which limited the ability for states to prohibit certain abortions. The Dane County Circuit Court has not ruled yet on this case and, depending on the outcome of this litigation – which is expected to reach the Wisconsin Supreme Court eventually, Evers and Kaul could make this issue a legislative priority for the upcoming session.

Voters Split Tickets, Allowing Johnson to Prevail Over Challenger Barnes in U.S. Senate

Republican US Sen. Ron Johnson defeated his challenger, sitting Lt. Governor Mandela Barnes, by 27,000 votes in a race that nearly every major poll in the country had Johnson winning by between 2 and 6%. Johnson won by 1%. While Johnson was expected to win handily on Nov. 8, this race was the closest race he's had as a U.S. senator.

Wisconsin's result was in line with a national trend in which Republican candidates underperformed expectations of a red wave sweeping the country—expectations that even many Democrat politicians and pollsters shared. Yet, in winning re-election in Wisconsin, Johnson delivered the GOP an important victory that may allow them to take back a Senate majority.

As of press time, the Republican candidate was ahead slightly in the state of Nevada, while Democrat candidates were ahead slightly in the states of Arizona and Georgia. Because Georgia requires candidates to achieve more than 50% of the vote, it has already been announced that this race will head to a Dec. 6 runoff election. Should the other trends hold up, the national balance of the Senate will be again deadlocked at 49 DEM to 50 GOP requiring the country to wait until the Georgia runoff to know who will hold the balance of power in the Senate.

Van Orden Wins House Seat in WI with Republicans Poised to Win Narrow National House Majority



Attorney General Josh Kaul

In the U.S. House, the picture is a bit clearer, but with many races still undecided. While Republicans were widely expected to run up a substantial majority in the House, it is more likely that they will obtain a very tight majority there, much in line with the tight majority Democrats have in the current Congress. Kevin McCarthy is expected to move from minority leader to Speaker with GOP minority whip Steve Scalise expected to become House Majority Leader.

In Wisconsin, Republican Derrick Van Orden successfully flipped the Third Congressional District to GOP control, retaking a seat that had been held by retiring Democrat Ron Kind for 26 years. All incumbent members of Wisconsin's House Congressional delegation cruised to re-election, meaning there will be six Republicans and two Democrats representing the House of Representatives for Wisconsin in 2023-2024.



Rep. Derrick Van Orden



Sen. Ron Johnson

GOP House Majority Means Gridlock Will be Back in Washington, D.C.

Given the likely national outcome of Republicans retaking the House, we will again see gridlock at the national level, with neither party able to move major legislation without significant concessions. This means major spending packages like the Inflation Reduction Act and American Rescue Plan Act, which both passed under the reconciliation process with simple legislative majorities, will no longer be a possibility in the next session of Congress.

However, it remains to be seen what will happen in the upcoming lame duck session. Congress will need to pass something prior to Dec. 16 to avoid a government shutdown, and WHA continues to advocate for priorities like extending the Medicare-Dependent and Low Volume Hospital designations. It is unclear whether the lame duck package will be a simple extension of basic funding priorities for a few months, or a large package. To further complicate the picture, some Democrats have been exploring passing another reconciliation package to raise the debt ceiling prior to the next Congress, though it would be difficult to do so in a short time frame.

Wisconsin Voter Turnout on Par with Previous Gubernatorial Election

The Wisconsin Elections Commission will produce an unofficial turnout figure in the coming days, but preliminary figures show that turnout varied by county with a statewide total that is likely to exceed 2.65 million voters, which is consistent with the 2018 turnout of 2.67 million voters—or 59.4% of the voting age population. Wisconsin, like most other states, experiences higher voter turnout during presidential elections. In 2020, Wisconsin set a record for voter turnout at 3.3 million voters—72.7% of all eligible voters.

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