

Republican Retirements Provide Insights into 2020 Election Cycle—and Beyond  
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## Client Alert

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One of the precursors of the Democratic wave that swept the House of Representatives in 2018 was the near-record number of House Republicans who retired rather than seeking re-election. As the 2020 cycle accelerates, we're witnessing another Republican retirement surge. If you want to get ahead of the 2020 election cycle and the makeup of the House in 2021, you need to understand what's happening right now.

Thirteen House Republicans are retiring without running for another office, while just three Democrats are doing the same. (In addition, three House Republicans not listed here are running for other offices.)

Four of the retiring Republicans were re-elected by a margin of less than five points in 2018. Three of those narrow winners are among five Texas Republicans who have already announced their retirements (the "Texodus").

The list:

- Will Hurd (TX-23) (re-election margin was 0.5 points in 2018)
- Jim Sensenbrenner (WI-5) (second-longest serving Republican in Congress; former chairman of House Judiciary Committee)
- Susan Brooks (IN-5) (one of just 13 female Republicans in the House)
- Martha Roby (AL-2) (see Susan Brooks)
- Sean Duffy (WI-7) (very red district, but went for Obama in 2008)
- John Shimkus (IL-15)
- Bill Flores (TX-17)
- Rob Woodall (GA-7) (re-election margin was 0.2 points in 2018)
- Paul Mitchell (MI-10)
- Pete Olson (TX-22) (re-election margin was 4.9 points in 2018)
- Kenny Marchant (TX-24) (re-election margin was 3.1 points in 2018)
- Mike Conaway (TX-22) (former chairman of House Agriculture Committee)
- Rob Bishop (UT-1)

Why so many retirements? There are several reasons.

### **Dim Re-election Prospects**

An incumbent who narrowly survived in 2018 and sees a more formidable challenge ahead may decide to go out a winner. Even a Democratic challenger who was vanquished in 2018 may well look stronger in 2020, as turnout generally rises for Democrats in presidential election years. The Hurd, Woodall, Olson and Marchant seats are all at or near the top of the Democrats' target list.

### **Chairmen No More**

Republican committee chairmen in both the House and Senate are subject to term limits on those posts. This was meant as a reform, but the unintended consequence has been the hemorrhaging of the most experienced GOP congressmen. Once you've chaired a committee, taking a step back to an at-large position is supremely unsatisfying. That's the situation that Sensenbrenner and Conaway find themselves in today. The retirements

of those two former committee chairs come on top of the departures of nine Republican then-present or former committee chairmen at the end of the last Congress.

President Trump himself weighed in on this issue in a tweet on Sept. 9, 2019: “House Republicans should allow Chairs of Committees to remain for longer than 6 years. It forces great people, and real leaders, to leave after serving. While that has its own problems, it is a better way to go. Fewer people, in the end, will leave!”

## **The Trump Factor**

Rep. Will Hurd, the only black Republican in the House, has been vocal in his opposition to the president’s policies and rhetoric. Trump’s obnoxious behavior, especially toward nonwhite people, in turn makes it harder for Hurd to remain viable as the Republican representative of a Texas border district. The vast majority of Republicans in Congress who don’t criticize Trump are obliged to defend him, which can be exhausting in its own way. Trump has repudiated Republican orthodoxy on issues like free trade without consulting with his party’s congressional contingent.

## **Canaries in a Coal Mine**

The House’s strict rules leave the minority party with virtually no leverage to affect the chamber’s agenda. That can be tolerable if you see a solid chance of regaining control in the next cycle, but unbearable if you don’t. The early retirements in the 2018 cycle reflected a developing consensus that Democrats would take back the chamber; the early retirements in the current cycle suggest that Republicans expect Democrats to retain control of the House at least through 2022.

This prediction is consistent with polls asking whether you would vote for a Republican or a Democrat in the next congressional election. According to fivethirtyeight.com’s adjusted average of recent generic ballot polls, Democrats lead nationwide by 6.5 points, a result that is consistent with Democrats retaining control in the 2020 House elections.

Retirements create a vicious cycle for Republicans. Belief that Democrats will retain control of the House causes Republicans to retire; Republican retirements increase the chances that Democrats will retain control of the House. If current trends continue, it will come to look like Republican members are retiring ... because other Republicans are retiring. Retirements are holes that must be plugged. The more holes you have to plug, the harder it is to stay afloat.

## **Sometimes It Really Is Personal**

Not everyone who retires does so for a reason that illuminates a political trend. Rep. Sean Duffy has a sick child at home to care for. Sen. Johnny Isakson has Parkinson’s disease.

## **What Does It All Mean?**

Here are a few takeaways from the retirements we’ve seen in 2019:

- Trump’s low favorable ratings and an energized electorate are discouraging Republicans in marginal or “swing” districts from running for re-election.
- Demographic change will disfavor at least some Republicans. It’s no accident that five House Republicans from Texas, a rapidly changing state, have already announced their retirements. Redistricting after the 2020

Census, which should reflect significant demographic changes over the last decade, will surely make some congressional seats harder to hold.

- The system of term limits for committee chairmen, whatever its virtues, is causing some of the most experienced Republicans to retire prematurely.
- The House Republican caucus will continue drifting to the right. The members who moderate the caucus tend to come from swing districts, meaning that they're the most vulnerable Republicans. Their departures, through retirement or defeat, leave the caucus with only its most conservative members. The retirements of former committee chairmen have similar effects—those members may be very conservative, but most of them will have worked with Democrats at some point, and are more likely to know how to write and pass legislation.
- The House Republican caucus is losing its only black member and two of its 13 female members. Note that there are 89 female Democrats in the House.

## What's Next?

Political pros on both sides of the aisle will watch with interest to see if Republican retirement fever spreads to the Senate. As of today, four GOP senators and just one Democrat have announced that they're not running for re-election, but the sample isn't large enough to draw any conclusions—all of these Republican senators hail from red states, and at least three of the four would have been heavily favored to win re-election. The most dramatic possibility is that senators from targeted states like North Carolina and Maine will decide that discretion is the better part of valor, but that remains a longshot.

On the House side, I would expect the Republican retirement trend to continue, but not to reach epidemic proportions. Given the number of departures going into the 2018 elections, and the losses subsequently sustained by the Republican caucus, there simply aren't that many more candidates for retirement.

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*This document is intended to provide you with general information regarding Republican retirements from Congress and what insights they might provide on the 2020 election. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.*

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