

# CivicPoint Kentucky

## 2022 General Election Analysis

Yesterday was a busy Election Day in Kentucky and across the country. CivicPoint is pleased to provide a few thoughts about the election results.

### **Kentucky results.**

In Kentucky, the election outcome was in line with expectations. Republicans added to their already large majorities in the General Assembly – picking up one seat in the Senate to grow their majority to 31 out of 38 and five seats in the House, reaching 80 out of 100.

Both constitutional amendments were defeated, albeit not by large margins. Federal races saw no surprises in outcome or margin, and despite all of the outside spending and more open ideological and partisan campaigning by challengers in several high-profile judicial races, incumbents prevailed.

Redistricting helped Republicans protect several incumbents and knock off a few Democratic House incumbents, but the reality is that Kentucky has become more and more Republican over the past few years. There are now more registered Republicans in Kentucky than Democrats, for the first time in history. The party now dominates at the local level too, with an even greater majority of county offices being held by Republican.

The environment was helpful, as Biden polled poorly in many of the targeted districts, while Republicans highlighted voting records of incumbents to take advantage of concerns about crime and inflation. While unsuccessful, Bill Dieruf's spirited challenge to Democrat Craig Greenberg in the Louisville Mayor's race strengthened the GOP's get out the vote effort in state house and metro council races in Louisville.

Candidate quality (and quantity) mattered too. Democrats didn't even field a candidate in nearly half of legislative races. In fact, Republicans picked up a State Senate seat in Hardin County (District 10) held by retiring Dennis Parrett without the Democrats even contesting the race. In Louisville, strong candidates Jared Bauman, Emily Callaway, and Susan Tyler Witten helped Republicans defeat two incumbents – Charlie Miller (District 28) and Jeffrey Donohue (District 37) – and win one open seat (District 31).

Other strong candidates included attorney Stephanie Dietz who defeated Buddy Wheatley (District 65) in Kenton County, dentist Jacob Justice who defeated Angie Hatton (District 94) in Pike and Letcher Counties, and educator Kevin Jackson who defeated Patti Minter (District 20) in Warren County.

As a result, only two Democrats represent House districts outside of Lexington and Louisville – Ashley Tackett Laferty (District 95) in Floyd County and Rachel Roberts (District 67) in Campbell County – with no Democrats representing any legislative districts in Kentucky's Central Time zone. Both Roberts and Tackett Laferty ran strong campaigns and benefitted from weaker Republican challengers than some of their colleagues.

In the race for Senate District 20, a new district that includes Franklin, Owen and Gallatin counties, as well as a few precincts in Kenton and Bonne counties. Former state legislator Gex Williams

defeated former Franklin County Judge Executive Teresa Barton. Williams was able to minimize his loss in Franklin and then ride his margins in the rest of the district to victory.

Given the already large margins in both chambers, the impact upon public policy is likely minimal. However, adding more “urban” voices to the Republican House caucus from Louisville and Northern Kentucky is a noteworthy development.

### **Kentucky’s Federal delegation.**

None of the outcomes in Kentucky’s federal races was in doubt yesterday. Only the margin. While several counties still haven’t reported results, Senator Rand Paul easily dispatched former State Senator Charles Booker, perhaps by as much as 20 points, eclipsing his 15-point win in his last race in 2016.

Incumbent Republican Congressmen James Comer, Brett Guthrie, Thomas Massie, Hal Rogers, and Andy Barr all easily defeated their opponents. Barr’s Democratic opponent didn’t even receive the endorsement of leading Democrats.

Only Massie faced a real challenge – his first since his 2012 election – from businessman Matt Lehman, but in the end, the race wasn’t particularly close with Massie winning by his usual comfortable margin.

As expected, Democratic State Senate Leader Morgan McGarvey sailed to election in Kentucky’s Third District to succeed the retiring John Yarmuth. Upon his swearing in, McGarvey will resign from the state senate, triggering a special election in 2023 for the remainder of his state senate term in District 19.

Assuming that the Republicans do in fact win control of the US House (see below for more discussion), Congressman Comer is in line to become the chair of the House Oversight Committee, so he will have a very national profile over the next two years.

In addition, Congressman Brett Guthrie is expected to chair of the Energy and Commerce Committee’s Health Subcommittee, while Andy Barr would chair the House Financial Services Committee’s Subcommittee on National Security, International Development and Monetary Policy.

If the Republicans were to end up in control of the US Senate, Senator Paul is poised to become the chair of the Senate Committee on Health, Education, Labor and Pensions, and as he stated in his victory speech last night, he plans to focus his attention on Dr. Fauci and the origins of the COVID-19 pandemic.

Regardless of who controls the Senate, Senator Mitch McConnell is expected to maintain his position as leader of the Republicans in his chamber, despite opposition from former President Donald Trump.

### **National Analysis.**

Nationally, the predicted Red Wave fizzled. As of this writing, it appears as if Republicans will win the US House with a very narrow margin. The Senate is up in the air, and like in 2020, it may come down to a run-off election in Georgia. This is the best midterm for the party of the incumbent President since 2002.

Candidate quality bedeviled Republicans in several high-profile races, as candidates who rode Donald Trump's endorsement to a primary victory struggled to appeal to a general electorate, despite tailwinds from growing concerns about crime, the sluggish economy, and voters' historic tendency to vote against the party of the President that they just elected.

In addition, young voters, who are more Democratic than any other demographic, turned out in large numbers, as predicted by pre-election polling from the Harvard Institute of Politics. Finally, preserving access to abortion turned out to be a motivator in the first election held after the Supreme Court's *Dobbs* decision striking down *Roe*.

Already many Republicans are privately starting to blame Donald Trump. As noted above, many of his endorsed candidates lost races that were perceived as winnable. In addition, he failed to spend the tens of millions of dollars that he has raised since 2020 in support of GOP candidates, forcing other Republican party organizations to pick up the slack.

More importantly for Trump, perhaps his biggest threat to the 2024 Republican nomination – Florida Governor Ron DeSantis – easily won re-election by nearly twenty points, perhaps encouraging him to consider a run against Trump. During an Election Eve rally in Ohio, Trump hinted that he would announce a 2024 campaign on November 15. Yesterday's results may impact that. Of course, Trump's obituary has been written several times before. It remains to be seen if this time it really will be different.

### **Constitutional Amendments.**

With about 90 percent of results announced, the Associated Press and other outlets have concluded that both Amendments 1 and 2 will be defeated. As of this writing, Amendment 1 is losing 54-46 and would allow the Kentucky General Assembly to call itself into a special session and extend its regular session to end later in the year. Outside of a few op-eds written by legislative leaders and opponents, no serious campaigning took place.

An important aspect of the proposed amendment was its length – 744 words, all of which needed to be included after a recent Kentucky Supreme Court ruling – which likely caused some lines on Election Day given the additional time required for voters to read the full amendment.

If approved, Amendment 2 would have added language to the Kentucky constitution to clarify that the Kentucky constitution does not contain a right to abortion or a right to taxpayer funding of abortions. As of this writing, Amendment 2 is losing 53-47, although it is possible that the margin narrows slightly.

When this amendment was approved to go on the ballot, most observers thought it was an attempt to increase conservative voter turnout because with *Roe* on the books, amending the state constitution didn't have any immediate policy impact. After the *Dobbs* decision, and Kansas voters overwhelmingly defeat of a similar amendment, conventional wisdom quickly changed and most thought the amendment would fail.

That proved to be correct, although Amendment 2 fared much better than in Kansas. Protect Kentucky Access, the leader of the No campaign, hired Rachel Sweet, who ran the Kansas No campaign, and raised at least five times as much money the Yes campaign.

The Kentucky Supreme Court will hear arguments before the end of the year about a bill that the General Assembly passed earlier this year that would outlaw abortion in all cases, except when the life of the mother is endangered. This so-called “Trigger Law” became law upon the *Dobbs* ruling and was immediately challenged by Governor Andy Beshear and other opponents, who questioned its validity under Kentucky’s constitution.

### **Local Races.**

Current Lexington Mayor Linda Gorton overcame a spirited campaign to easily defeat challenger David Kloiber. Gorton amassed approximately 70% of the vote against Kloiber who invested hundreds of thousands of his own money in an ultimately fruitless attempt to defeat the popular mayor.

In Louisville, businessman and former FBT attorney Craig Greenberg defeated Jeffersontown Mayor Bill Dieruf. Greenberg overcame voter fatigue from outgoing three-term mayor Greg Fischer and Dieruf’s spirited campaign to prevail, 52-46. Dieruf was trying to become the first Republican elected mayor since 1969.

### **Judicial Races.**

The Kentucky Supreme Court will feature two new members after yesterday’s elections and will choose a new Chief Justice and Deputy Justice.

Three Kentucky Supreme Court seats were contested, as two sitting justices – Chief Justice John Minton and Deputy Justice Elisabeth Hughes – chose to retire, while incumbent Justice Michelle Keller was challenged by State Representative Joe Fischer.

The incumbent Keller has been visible throughout her district since her appointment in 2013 and subsequent elections and ran a more traditional, non-partisan judicial campaign.

Fischer decided to be open about his party affiliation and ideology – including describing himself as “Conservative Republican” on his campaign literature – drawing the ire of the state’s Judicial Conduct Commission.

The Keller-Fischer race attracted hundreds of thousands of dollars of independent expenditures, mostly in support of Fischer. Voters, however, gave Keller a comfortable ten-point victory.

In the other races, current Court of Appeals Justice Kelly Thompson defeated Bowling Green attorney Shawn Marie Alcott to succeed Minton, while former FBT attorney and current Jefferson County Circuit Judge Angela McCormick Bisig easily defeated Jason Bowman with eighty percent of the vote.

In one noteworthy local race, incumbent Franklin County Circuit Court Judge Phillip Shepherd easily dispatched attorney Joe Bilby. Bilby was supported by many Republicans, including Senate President Robert Stivers, who hosted a fundraiser for Bilby during the General Assembly session. Bilby, like Fischer, benefitted from a large independent expenditure campaign, but ultimately fell to Shepherd by 26 points.

### **New Voting Laws Pass First Test.**

This election marked the first general election under Kentucky's new voting rules, which allowed voters to vote on the Thursday, Friday and Saturday before the election without an excuse. Over 250,000 Kentuckians took advantage of the Commonwealth's new three-day early voting window. If Kentucky follows the pattern seen in other states, the share of those voting earlier is likely to increase.

Some long lines were reported on Election Day, especially in Kenton County, but the long ballot featuring all county races, judicial races, and two constitutional amendments simply took a long time for voters to complete. .

While county clerks are still double-checking last night's unofficial vote counts, Kentucky Secretary of State Michael Adams told viewers watching election results on KET that turnout in the Commonwealth was roughly 50%, a bit higher than the past few federal midterms – 47% in 2018, 46% in 2014, and 49% in 2010.

### **Next year.**

With the 2022 election in the rear-view mirror, the focus in Kentucky shifts to 2023. While yesterday was certainly a good day for Republicans, incumbent Democratic Governor Andy Beshear is still in a good position for re-election. Surveys consistently show that he has high approval ratings, and he has raised more than \$1 million in each of his last four quarters, bringing his overall fundraising total to \$4.5 million. Beshear is not likely to face a meaningful primary challenge.

Attorney General (and former FBT attorney) Daniel Cameron, Commissioner of Agriculture Ryan Quarles, and Former UN Ambassador Kelly Craft are off to a strong fundraising start, while all eyes will be on former Governor Matt Bevin, who has until the January 6, 2023 filing deadline to enter the race.

Other candidates already competing in the GOP Primary include Representative Savannah Maddox (who was easily re-elected yesterday), suspended attorney Eric Deters, and Auditor Mike Harmon. In addition, Somerset Mayor Alan Keck is likely to enter the race.

In other races, our FBT colleague Russell Coleman has raised over a half million dollars and amassed over 100 endorsements in the Attorney General race. Coleman currently does not face opposition.

Incumbent Secretary of State Mike Adams faces a primary challenge from former state representative Allen Maricle, while current Treasurer Allison Ball is running for Auditor. Democrat Kimberley Reeder has entered the race to oppose Ball.

In the Commissioner of Agriculture's race, former House Majority Leader Jonathan Shell has a large fundraising lead over current State Representative Richard Heath in the Republican primary.

Former top Treasury staffer OJ Oleka plans to resign as President of the Association of Independent Kentucky College and Universities in early December to run for State Treasurer. Unsuccessful state senate candidate Andrew Cooperrider has also entered the GOP primary.

### **Great Day for Frost Brown Todd Family.**

FBT congratulates several of our former colleagues on their wins yesterday. As noted above, Morgan McGarvey will represent the 3rd Congressional District in the Congress, while Craig Greenberg will become the next mayor of Louisville. In addition, Angela McCormick Bisig will replace the retiring Lisabeth Hughes on the Kentucky Supreme Court. Congratulations to all three!

In addition, State Representative-elect Stephanie Dietz, who as noted above was elected to represent District 65, is married to FBT Florence member Jim Dietz. Congratulations Stephanie (and Jim)!