

UNDER THE DOME

2022 GENERAL ELECTION OVERVIEW

Overall, West Virginia's mid-term election easily can be described as a Red Wave rising, with historic GOP wins in legislative races. At the same time, voters remained cautious when it came to policy decisions, soundly rejecting all four constitutional amendments on the ballot in spite of strong support from the Republican Party and business community. That dichotomy likely will puzzle election watchers for a while. But for now, the state clearly is on a politically conservative path that is unlikely to change for quite some time.

State Legislature

All 100 House of Delegate seats and 17 of the 34 Senate seats were up for election yesterday. Going into the 2022 election, Republicans controlled the Senate 23-11 and the House 78-22. One significant change to this year's election is the reorganization of the House from 67 districts, some of which were multi-membered, into 100 single member districts. In 2020, Donald Trump beat Joe Biden by taking 68.6% to 29.7% of the votes, a margin similar to the one he maintained over Hillary Clinton in 2016. This margin proves that West Virginia will continue to turn a darker shade of red. Indeed, the continuing evolution of West Virginia from a once reliable Blue State to a dependably deep Red state may be seen in the inability of the Democrats to fill all the ballots slots. Notably, of the 17 Senate races, five were unchallenged by the Democrats, including one seat long held by a Democrat. In House races, 24 Republicans face no Democrat, while only one Democrat is unchallenged.

The preliminary election results show that the Republican super-majorities have been extended in both chambers with the composition of the Senate expected to be an astonishing 30-4 and in the House 88-12. Four incumbent Democrat senators lost their

re-election bids, including Minority Leader Stephen Baldwin, D-Greenbrier, and five-term Senator Ron Stollings, D-Boone, a well-known physician in his district. In the House, Republican candidates defeated four incumbent Democrats and swept virtually every open seat. Only one incumbent Republican lost his re-election.

Prior to Tuesday's vote, leadership challenges were announced in both chambers as two factions of the Republican super-majority are starting to take form. In the Senate, President Craig Blair, R-Berkeley, is expected to be challenged on his right by his former Education Chairman, Patricia Rucker, R-Jefferson. In the House, Speaker Roger Hanshaw, R-Clay, also will face a challenge from the right from his Government Organization Chairman, Brandon Steele, R-Raleigh. It is too early to tell whether these challenges will be serious enough to affect the leadership of either chamber. The parties will caucus during the interim legislative sessions in early December to elect their respective leadership teams. Whether there will be any changes in the leadership teams of the major legislative committees may hinge on the seriousness of those challenges and any closed-door negotiations.

Constitutional Amendments

This is an off-year election in West Virginia, so none of the constitutional officers were on the ballot. There were, however, four constitutional amendments on the ballot this year: Amendment No. 1 clarifies that the Legislature remains the final authority over the impeachment process; Amendment No. 2 removes a Depression Era restriction on the power of the Legislature to set certain tax rates, including those on personal property and

business inventory; Amendment No. 3 permits churches to incorporate; and Amendment No. 4 provides that the Legislature may set education policy. Of these four proposals, Amendment No. 2 has gotten the most publicity. The legislative leadership and business community supported the amendment as it would give them the opportunity to remove a barrier against business expansion and eliminate the deeply unpopular annual personal tax on vehicles. Jim Justice, the Republican Governor, and the Association of Counties and teachers and labor unions opposed Amendment No. 2, arguing that the elimination of those taxes would lead to the loss of approximately \$500 million in annual revenue to the counties, thus creating a budget gap that would be difficult to fill every year. In a further effort to claim voters' affinity for the abolition of the personal property tax on vehicles, Governor Justice agreed to sponsor a bill that would give taxpayers a \$1 for \$1 credit on that particular tax, while he previously had pushed for a 10% reduction in the personal income tax.

From the earliest results through to the end of the night, it was immediately evident that not one of the amendments would come close to passage. In fact, after the dust settled, the least controversial amendment, which would have permitted churches to incorporate (bringing West Virginia into line with the rest of the country), could only muster 45% approval. Amendment No. 2, which clearly was the most controversial proposal, only attained 35% approval from the voters. Especially with the failure of Amendment No. 2, the Legislature will not be able affect significant personal property tax reform and, instead, may now have to reconsider the Governor's personal income tax reform proposal .

Federal Races

Neither of West Virginia's U.S. senators were on the ballot this election. The 2020 census resulted in West Virginia giving up one of its seats in the House of Representatives, so the redistricting process yielded a race in the May primary election between two Republican incumbents for one of those seats. At the end of voting, Representative Alex Mooney soundly defeated Representative David McKinley. Yesterday, Mooney defeated Barry Wendel by taking 66% to Wendel's 34% to win his fifth term in the House. In West Virginia's other district, Rep. Carol Miller won a third term in the House with 67% of the vote while her challenger Lacy Watson only took 29%. With the Republicans expected to retake the majority of the House of Representatives, both Representatives Miller and Mooney may be in line for committee leadership positions. If the U.S. Senate also flips to Republican control, the power Sen. Joe Manchin has enjoyed as the so-called "50th Senator" may be diminished, and he likely will revert from being chairman to ranking member on the Senate Energy and Natural Resources Committee. Likewise in a Republican Senate, Sen. Shelley Moore Capito will see her star rise within the GOP caucus, potentially elevating from being ranking member to chairman of the Senate Committee on Environment and Public Works, among her other leadership posts.