

Inside Elections

with

Nathan L. Gonzales

Nonpartisan Analysis

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Montana Senate & House: Big Decisions in Big Sky Country

By Jacob Rubashkin

Republicans are on the ascendancy in Montana, but they still have one major roadblock to total domination of Big Sky Country: Jon Tester.

The farmer from Big Sandy has bedeviled the GOP and thrilled Democrats since he first won election in 2006, and even as the state that once produced Democratic giants such as Max Baucus and Mike Mansfield becomes more reliably Republican, Tester remains.

If Republicans want to take back control of the Senate in 2024, their easiest path is to flip two of the three seats held by Democrats in states President Donald Trump won in 2020. That includes Tester, who is also a top target because the man doing the target selection, the chairman of the National Republican Senatorial Committee, is his own colleague: Montana Republican Steve Daines.

The Democratic Senatorial Campaign Committee also has a special connection to the race. Christie Roberts, the committee's executive director, is a longtime Tester aide who managed his 2018 campaign (her husband is also Tester's chief of staff).

While Tester is on the ropes for the third time in as many cycles, Republicans don't have a clear shot at him quite yet. First they need a nominee, and it looks like both of the state's congressmen are gearing up to run in what could be a messy primary.

And if both members run for Senate, the state would see two open-seat congressional races for the first time since 1960, leading to a substantial churn in the political landscape up and down the ballot.

The Democratic Incumbent

Tester, 66, is in his third term in the Senate. He has not yet announced whether he will run for re-election, saying "I've got a few things to think about," but national strategists anticipate he will make a decision before long.

Now the last statewide Democratic officeholder in Montana, Tester has won all three of his elections by narrow margins. The former state Senate president was the underdog in the Democratic primary in 2006, and barely ousted Republican Sen. Conrad Burns, 49-48 percent, in the general election. Six years later, he faced GOP Rep. Denny Rehberg, winning 49-45 percent — a Libertarian, Dan Cox, received 7 percent after being boosted by Democratic-aligned outside groups.

Tester served as chairman of the Senate Indian Affairs Committee from 2014 to 2015, and led the Democratic Senatorial Campaign Committee in 2016, when the party picked up two seats but fell short elsewhere.

In 2018, Tester faced then-state Auditor Matt Rosendale. While public polling showed Tester comfortably ahead, private data suggested a closer race and ultimately he prevailed by 3 points, 50-47 percent — the first

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2024 Senate Ratings

BATTLEGROUND

Democratic-Held (8)	Republican-Held (0)
MI Open (Stabenow, D)	
Baldwin (D-Wis.)	
Brown (D-Ohio)	
Casey (D-Penn.)	
Kaine (D-Va.)	
Manchin (D-W.V.)	
Rosen (D-Nev.)	
Tester (D-Mont.)	
Solid Democratic (14)	Solid Republican (11)
CA Open (Feinstein, D)	IN Open (Braun, R)
Cantwell (D-Wa.)	Barrasso (R-Wy.)
Cardin (D-Md.)	Blackburn (R-Tenn.)
Carper (D-Del.)	Cramer (R-N.D.)
Gillibrand (D-N.Y.)	Cruz (R-Texas)
Heinrich (D-N.M.)	Fischer (R-Neb.)
Hirono (D-Hawaii)	Hawley (R-Mo.)
King (I-Maine)	Ricketts (R-Neb.)
Klobuchar (DFL-Minn.)	Romney (R-Utah)
Menendez (D-N.J.)	Scott (R-Fla.)
Murphy (D-Ct.)	Wicker (R-Miss.)
Sanders (I-Vt.)	
Warren (D-Mass.)	
Whitehouse (D-R.I.)	

*Takeovers in Italics, # moved benefiting Democrats, * moved benefiting Republicans*

CALENDAR

Feb. 21	Virginia's 4th District Special General Election
May 16	Kentucky Governor Primary
Aug. 8	Mississippi Governor Primary
Aug. 10	Louisiana Governor Filing Deadline

Redistricting Battles Loom Over the 2024 Cycle

By Erin Covey

When control of the House of Representatives hinges on outcomes in just a few districts, each state’s redistricting process can have dramatic consequences.

Even though most states have wrapped up the decennial redistricting process based on the 2020 Census, ongoing redistricting fights across several states could determine which party takes control of the House in 2024. In fact, the number of seats that Republicans could flip purely through redistricting exceeds the size of their narrow, five-seat majority.

Two states are required to draw new congressional maps, and Republicans might draw themselves maps that empower them to pick up as many as four seats in North Carolina and three seats in Ohio next year. There’s also a slim chance that Democrats could pick up seats in Alabama, Georgia, Louisiana, and South Carolina, where federal judges have ruled that current congressional maps discriminate against Black voters.

Overall, 13 states still have active lawsuits over congressional maps drawn for the 2022 cycle, according to the Brennan Center. Some of the lawsuits are based on partisan gerrymandering cases — which is allowed under federal law, but illegal under some states’ constitutions. Though the Supreme Court ruled in 2019 that partisan gerrymandering was a political issue “beyond the reach of federal courts,” some states explicitly or implicitly ban the practice. Other pending redistricting lawsuits are based on claims of racial discrimination, which is illegal under federal law, and the vast majority of these cases are in southern states.

Looking ahead to 2024, the new congressional maps in North Carolina and Ohio will have the greatest impact on the fight for control of the House of Representatives.

North Carolina

The Old North State has been engulfed in redistricting battles for much of the past decade, and after running through three different maps over the past four years, the state’s congressional lines will once again be redrawn.

The central conflict has been between the Republican-controlled state legislature and the state Supreme Court (North Carolina’s Democratic governor, Roy Cooper, does not have veto power over the redistricting process).

In February of 2022, the North Carolina Supreme Court, which Democrats then controlled, ruled that the state legislature’s congressional map was unconstitutional. That map would have given Republicans

an advantage in 11 out of the state’s 14 districts. Three court-appointed special masters drew a new congressional map that created seven Republican-leaning districts, six Democratic-leaning districts, and a purple district based in the suburbs of Raleigh that Democratic Rep. Wiley Nickel narrowly won last November.

But the map used in 2022 was temporary, and Republicans now have a majority on the state Supreme Court after flipping two seats last year.

The state Supreme Court has agreed to re-hear the case that resulted in the 2022 maps, setting a hearing date for March 14. Regardless of what the court decides, North Carolina’s state legislature will be redrawing the congressional map.



Tom Williams/CQ Roll Call

Kathy Manning

In a worst case scenario for Democrats, Republicans could draw a map that puts the party in a strong position to flip seats held by Reps. Nickel, Jeff Jackson, Kathy Manning, and Don Davis. Districts held

by Reps. Alma Adams, Valerie Foushee, and Deborah Ross would likely remain deep blue, as they represent the largest metro areas in the state.

“I would not be surprised if we get a delegation that goes from seven to potentially 11 Republicans,” Catawba College professor Michael Bitzer told *Inside Elections*. “I think what you will see is a likely packing of Democrats in the Raleigh, Durham, and Charlotte urban areas.”

Even as the North Carolina Supreme Court is taking up the redistricting case again at the request of Republican state lawmakers, the U.S. Supreme Court is preparing to rule on *Moore v. Harper* — a case that arose from Republican state lawmakers appealing the state Supreme Court’s decision last year. This case is based on the “independent state legislature” theory, which argues that state courts should not have authority over the way federal elections are run, including the redistricting process.

“Republicans are trying to have their cake and eat it too,” Kelly

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Burton, who leads the National Democratic Redistricting Committee, told *Inside Elections*.

Republicans argue that the state Supreme Court's decision last year was politically motivated, as the state's constitution does not explicitly ban partisan gerrymandering. And in the Democratic-controlled state Supreme Court's decision, the justices did not set clear guidelines for what constitutes a partisan gerrymander.

"Only the four members of the ... majority can or will know a gerrymander when they see it; everyone else must await their Delphic pronouncement," Phillip Strach, a lawyer representing Republican state legislative leaders, wrote in the petition asking the state Supreme Court to rehear the case.

It's expected that the state legislature would not start the redraw process until June, after the U.S. Supreme Court has ruled on *Moore v. Harper*. But the timeline is also dependent on the state Supreme Court's decision this spring.

Republicans are expected to have a majority on the state Supreme Court for the next several years, preserving their ability to draw maps more favorable for the GOP — and Republican state lawmakers have introduced legislation to raise the mandatory retirement age for justices from 72 to 76, potentially preventing Democrats from flipping Supreme Court seats later this decade.

Ohio

A similar redistricting battle is playing out in the Buckeye State, though it's less clear what the outcome will be.

Republicans, who control the state legislature and the redistricting commission, have been locked in a battle with the state Supreme Court over the state's congressional map for the past two years.

Ohio voters approved a ballot measure in 2018 that created a bipartisan redistricting commission to draw congressional maps. But the redistricting commission did not encourage more bipartisan efforts to draw fair maps, as advocates had hoped.

Under the new constitutional amendment, the General Assembly would have until September of 2021 to draw a map supported by both parties, and if they failed to come to an agreement, the redistricting commission would take over the process. The commission itself is made up of two Democratic state legislators, two Republican state legislators, and the governor, secretary of state, and state auditor — all offices currently held by Republicans. If the commission then failed to meet its deadline, the task would go back to the state legislature, which would be able to pass a map with a simple majority, though it would only stay in place for four years.

But the process devolved into chaos, with the Republican-controlled state legislature and redistricting commission drafting multiple maps that were thrown out by the state Supreme Court. Unlike in North Carolina, Ohio's constitution explicitly prohibits partisan gerrymandering, and judges found that maps proposed gave Republicans a clear advantage.

Ohio ultimately elected its House members under an unconstitutional map — by the time the state Supreme Court ruled that the map was a partisan gerrymander, the congressional primary had already taken place, and it was too late to change the 2022 map.

But since last year, the make-up of Ohio's Supreme Court has also changed. Chief Justice Maureen O'Connor, a moderate Republican who had vigorously opposed the commission's maps, was required to retire

at the end of 2022 because of the court's age limit. While Republicans remain in control of the state Supreme Court, O'Connor's absence makes it less likely the court will block maps proposed by the state legislature and the commission.

"Going forward, whatever maps the Ohio Legislature and the Ohio redistricting commission decide to draw, before the 2024 election, will very likely be rubber stamped by the Ohio Supreme Court," University of Akron political science professor David Cohen told *Inside Elections*.

The process in Ohio is at a standstill right now. Ohio Republicans have appealed the state Supreme Court's ruling to the U.S. Supreme Court, but redistricting experts expect that the high court won't take up the Ohio case until they rule on *Moore v. Harper*, which could impact the role of the Ohio state Supreme Court.

Michael Li, a senior counsel at the Brennan Center which focuses on redistricting issues, told *Inside Elections* that Ohio's constitution prohibits Republicans from being as aggressive as they might be in a state like North Carolina. Li also noted that there's fewer incentives for Republicans to try to protect their political power in Ohio.

"Ohio in some ways feels less existential than North Carolina, because it's not growing as fast," Li said. "And it's not demographically changing in the way that North Carolina is changing."

Ohio Republicans could attempt to draw a map that makes it more difficult for the three Democrats who represent competitive districts to win in 2024. Freshman Reps. Greg Landsman and Emilia Sykes represent districts that Joe Biden narrowly won in 2020, and longtime Rep. Marcy Kaptur holds a district that Donald Trump narrowly won.

But they don't need to make significant changes to the districts for Republicans to flip them in 2024 — all three will be targeted by the GOP this cycle, and Republicans could end up with a 13-2 advantage in the congressional delegation next year under a map very similar to the current one.

After the previous attempt at redistricting reform proved to be entirely unsuccessful, advocates in Ohio (including O'Connor) are pushing for a new ballot measure that would create a more independent redistricting process.

Alabama, Georgia, and Louisiana

In the Deep South, several states' congressional maps have been challenged under the Voting Rights Act, which prohibits states from drawing maps that dilute the voting power of minority groups.

Last January, a panel of federal judges ruled that Alabama's new congressional map violated the Voting Rights Act.

More than a quarter of the state's voting-age population is Black. But like last decade's congressional map, the new map packed Black Alabamians into the Birmingham-based 7th District and spread out the rest of the Black population among the six other congressional districts.

A panel of three federal judges (one appointed by President Bill Clinton and two appointed by Trump) ruled that the Alabama Legislature must draw a new map with a second district that gave Black voters the ability to elect their own representative. But the state appealed the decision to the Supreme Court, which stayed the federal judges' order and agreed to take up the case.

The high court will rule on *Merrill v. Milligan* by the end of its term in June, and its ruling on this case will have a wide-reaching effect on other maps facing lawsuits based on the Voting Rights Act.

A similar lawsuit was pursued in Louisiana, where a district court

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judge ruled that the state's new map discriminated against Black voters. Though the state's population is one-third Black, only one of Louisiana's six congressional districts is majority-Black.

But the U.S. Supreme Court put the Louisiana case on hold until it rules on *Merrill v. Milligan*, allowing the state to use the contested map in the 2022 election.

And in Georgia, three lawsuits alleged that the state's new congressional map discriminated against Black voters. Under the new district lines, Republicans gained a new safe Republican seat in the Atlanta suburbs. A federal judge denied a request to block the new congressional map, citing the disruption to the election process, but also said that the plaintiffs' claims were valid.

"The Court cautions that this is an interim, non-final ruling that should not be viewed as an indication of how the Court will ultimately rule on the merits at trial," District Court Judge Steve Jones wrote in his decision.

In oral arguments for *Merrill v. Milligan* last October, the U.S. Supreme Court appeared more likely than not to uphold Alabama's congressional map. But the conservative justices pushed back against arguments from the state of Alabama asserting that the Voting Rights Act only applied to intentionally discriminatory maps.

If the Supreme Court does rule against Alabama and orders the state to draw another majority-Black district, Louisiana and Georgia will likely be required to draw additional majority-Black districts as well.

Democrats could potentially pick up three districts as a result — but Li notes that "even then, it's not necessarily clear that those changes will occur for 2024."

South Carolina

The Palmetto State's congressional map is also facing legal challenges under a lawsuit that accuses the state of drawing a racially discriminatory map. But unlike the cases in Alabama, Louisiana, and Georgia, this case is not based on the Voting Rights Act.

Instead, federal judges ruled that South Carolina's congressional map was unconstitutionally racially gerrymandered. Under the current

interpretation of the 14th Amendment, states cannot draw districts where race is the dominant factor. Drawing districts taking into account race is not illegal, and has led to the creation of majority-minority districts that increase minority voters'

power. But race cannot be the primary factor in drawing congressional districts.

Under South Carolina's new congressional map, the Charleston-based 1st District was drawn by the Republican-controlled state legislature to be less competitive.

The old version of the district had been trending more Democratic and was flipped by Rep. Joe Cunningham in 2018. In 2020, Rep. Nancy Mace defeated Cunningham by just 1 point. Two years later, she won re-election by 14 points in the more Republican new district.



Nancy Mace

Tom Williams/CQ Roll Call

The federal judges specifically ruled that the 1st was racially gerrymandered because the new map removed over 30,000 Black voters from the district. According to the judges, "reducing the overall Black percentage in Congressional District No. 1 down to the 17 percent target was no easy task and was effectively impossible without the gerrymandering of the African American population of Charleston County."

But Republican state lawmakers are fighting the ruling, and will ask the U.S. Supreme Court to put the order on hold.

"I think whether the map gets redrawn [in 2024] will totally depend on whether the U.S. Supreme Court agrees to put it on hold, because if the Supreme Court puts it on hold pending appeal, the appeal won't be heard till the next term that begins in October, and won't be decided potentially till June of 2024," Li said. At that rate, the map wouldn't be changed till 2026.

If the Supreme Court doesn't put the case on hold, Mace may once again have a competitive race on her hands.

Other States to Watch

Several other states have pending litigation over their congressional maps, though those maps are less likely to change by 2024.

State supreme courts in New Mexico, Utah, and Kentucky are hearing cases based on partisan gerrymandering claims. But it's unlikely that we'll see progress on these cases before the U.S. Supreme Court issues its ruling on *Moore v. Harper*, which could impact the state courts' ability to rule on these cases.

Texas is also facing nine lawsuits that accuse the state of violating the Voting Rights Act. But the trial date has yet to be set, and Texas' early primary date makes it less likely that these cases will be resolved before 2024. The U.S. Supreme Court's ruling on *Merrill v. Milligan* could impact these cases as well.

And Florida, which saw a drawn-out battle over redistricting this past cycle, faces litigation related to both partisan and racial gerrymandering. Partisan gerrymandering is outlawed by the state's constitution, thanks to the Fair District amendments passed by voters in 2010. But the map the GOP-controlled state legislature passed into law was heavily skewed toward the GOP, which picked up four seats last cycle.

And in New York, Democrats might try to redraw the congressional map. After a gerrymandered map drawn by the Democratic-controlled state legislature was thrown out by the state court of appeals, a special master drew a map less favorable for the party, and Republicans ultimately flipped four seats.

The chief judge in the state's highest court, who along with three other judges was responsible for that decision, stepped down last year. And after Democratic lawmakers blocked Gov. Kathy Hochul's conservative nominee, the party may gain a more liberal judge.

Despite the amount of litigation still pending over states' new congressional maps, the process is moving faster than it did last decade. Both Democratic and Republican national groups have invested more in strategies over redistricting, and state courts are playing a more significant role thanks to partisan gerrymandering cases.

"We're off to a little bit of a faster start, in part because state courts have been willing to step in," Li told *Inside Elections*.

But across the country, cases are on hold for next several months as states wait for the U.S. Supreme Court's decisions on *Moore v. Harper* and *Merrill v. Milligan*.

Rulings on both these cases will have serious consequences on redistricting battles in 2024, and beyond.

Maryland Senate & House: Chesapeake Churn

By Jacob Rubashkin

Maryland Sen. Ben Cardin has not yet announced whether he plans to run for a fourth term, but the Old Line State's political world is already bracing for a historic primary to replace him, with the potential to reshape the state's politics in substantial ways up and down the ballot.

Not only would an open Senate seat in solidly Democratic Maryland result in a competitive primary race, but it could also open up as many as three of eight House seats. And another House seat will also potentially be up for grabs due to a speculated retirement. Altogether, 2024 could be a watershed moment for the state at all levels.

Senate. Open Senate seats in Maryland are generational affairs. There have been just three over the past 70 years: in 1962, 2006, and 2016.

Maryland is now a solidly Democratic state at the federal level, and with Sen. Chris Van Hollen, 64, nowhere near retirement, next year could be the last best chance for a whole crop of politicians to advance to the Senate.

Cardin's end-of-year campaign finance report only fueled speculation that he would not seek re-election; the Democrat raised just \$29,000 in the final three months of 2022.

But those tea leaves are muddled. Maryland Democrats agree that money would be no object to Cardin if he did run for re-election.

"If Ben Cardin runs he will win re-election, period, full stop," said one longtime Maryland political operative, who drew a distinction between Cardin and the aging Sen. Dianne Feinstein of California as well as neighboring Sen. Tom Carper of Delaware, who may face a credible challenge from his left. "The serious contenders for the seat will step back, full stop."

That means there is little incentive for him to kick his fundraising into high gear. Especially because, as another longtime Democratic source who has worked with Cardin told *Inside Elections*, "Ben just doesn't like fundraising."

Will he retire? "Everybody assumes so, but nobody knows for certain," says one Democrat. The result is a shadow race for Senate, with potential candidates unwilling to announce and laying the groundwork for a run that may never happen.

Conversations with a half-dozen veteran Maryland political strategists suggest a competitive primary with several tiers of candidates. The two seen as most formidable *and* likely to run are Prince George's County Executive Angela Alsobrooks and 6th District Rep. David Trone. Rep. Jamie Raskin, from the 8th District, is also seen as a top-tier candidate, but for a number of reasons is less likely to run. Rep. John Sarbanes (the son of former Sen. Paul Sarbanes), who represents the Annapolis-based 3rd District, is also a potential candidate but would not start out as strong as the others.

And if the last two Senate primaries are instructive, the presence of a few strong candidates will not preclude a dozen other lower-tier contenders from jumping in and capturing valuable votes. There were 16 candidates in 2006 and 10 candidates in 2016.

The first name mentioned by virtually all insiders is Alsobrooks. The 51-year-old former prosecutor is in her second term as the head of Maryland's second-largest county, a majority-Black, affluent suburb of Washington, D.C.

Alsobrooks, who strongly considered a run for governor in 2022, is term-limited in her current role. She helped play kingmaker in that primary, with her endorsement of Wes Moore helping the now-governor

win PG County resoundingly en route to a narrow statewide win.

Alsobrooks would be a historic candidate. She would be the first Black senator from Maryland, and only the third Black woman ever elected to the Senate. (Carol Moseley Braun of Illinois and Kamala Harris of California are the two others.) Several Democratic strategists noted with interest that Van Hollen took Alsobrooks as his guest to this year's State of the Union address.

Alsobrooks' inner circle is local, but she is taking steps to assemble a team with more federal campaign experience, bringing on Dave Chase (most recently the campaign manager for Tim Ryan's Senate campaign in Ohio), a national digital fundraising firm, and a finance director with Senate experience. She is also a longtime client of top Democratic pollster Fred Yang.

Trone also considered a statewide bid for governor last cycle but sought re-election instead. An open Senate seat could be attractive for the wealthy wine store magnate. While Trone has taken a low-key approach



Bill Clark/CQ Roll Call

David Trone

to Congress, he has used his checkbook to make friends. Since 2016, the Democrat has showered \$7.5 million in direct contributions on his fellow Democrats, including max-out donations to hundreds of his colleagues in Congress and

candidates running to join them, and five-figure donations to every state Democratic Party in the country.

Raskin has a devoted following in Montgomery County, the wealthy, educated suburb northwest of Washington, DC, and the largest county in the state. He has by far the highest national platform of the bunch from his starring role in the two impeachments of then-President Donald Trump. He also has the clearest progressive bona fides of any candidate, stretching back to his time in the state legislature, and has stockpiled \$3.1 million in campaign funds.

But the same factors that make Raskin a deeply compelling candidate also make him less likely to run, say several Maryland insiders. There's the good: he's the number-one defender of the Biden administration in Congress, with prime spots on the House Judiciary and Oversight committees that let him go toe-to-toe with Republican Reps. James Comer and Jim Jordan and set him up for powerful chairmanships in 2024 if Democrats retake the House. And there's the not-so-good: he is currently undergoing chemotherapy for a "serious but treatable cancer," and is only a few years removed from the traumas of the Jan. 6 attack and the concurrent loss of his son to suicide.

Raskin would inject national attention into the race, giving both progressives and anti-Trump "Resistance" Democrats a champion.

Sarbanes, whose father held this Senate seat for three decades, is less well-known than Raskin, doesn't have the financial resources of Trone, and lacks the political base of Alsobrooks. But he has a famous last name and is well-liked within his district, having carved out a name for himself with

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environmental groups and voting rights advocates. He was the principal sponsor of the For the People Act, the raft of good-government and election administration policies House Democrats promoted during their majority.

As the only Black candidate and only woman in the top tier, Alsobrooks would begin any primary in a strong position, and several operatives label her the presumptive frontrunner. Her popularity in vote-rich PG County and close political relationships with many of the major players in state politics help as well.

In the past three contested statewide primaries, Black candidates have consistently received around 40 percent of the vote: Kweisi Mfume in 2006 (40.5 percent), Donna Edwards in 2016 (39 percent), and Wes Moore, Rushern Baker, and John King in 2022 (a combined 40 percent). In a head-to-head versus Trone, says one Democrat, that's a strong opening hand, but in a multi-candidate field "it could make her unbeatable."

While Alsobrooks and Raskin have dedicated followings, Trone "brings other weapons to the war," per one Democrat. Already, operatives across the state are abuzz with the rumor that Trone is planning to spend \$40 million of his own money on a run. Self-funders often attract those kinds of rumors, but it's more believable with Trone, who has already spent \$46 million on his previous runs. "You name the number, he has the credibility," says one Democrat.

With the next elections for state legislature and county executive and council not until 2026, many local officeholders can pursue bids for higher office without giving up their current positions.

2nd District. Democrat Dutch Ruppberger has represented this Baltimore County district since 2003, and has held elected office since 1986. At 77, he's the second-oldest member of the delegation. And while rumors about a potential retirement have swirled for a cycle or two, they've gotten noticeably louder this year, especially now that he no longer has his powerful perch on the House Intelligence Committee, where he once was ranking member.

If he does head for the exits, there's a natural successor waiting in the wings: Baltimore County Executive John Olszewski. The 40-year-old "Johnny O." has been an up-and-comer in Maryland politics since he was elected to the state House at just 26, but passed up a run for governor in 2022. Though Olszewski no longer lives in the 2nd District following the court-ordered redraw last year, the bulk of Baltimore County (roughly 72 percent) still sits in the seat, and local sources say it's the natural landing spot for him. State House Speaker Adrienne Jones and state Sen. Shelly Hettleman would also be credible candidates.

Joe Biden won the 2nd by 20 points, 59-39 percent, in 2020, so Ruppberger will be replaced by a Democrat at some point.

3rd District. The 3rd District has produced three of the state's past four senators, though Sarbanes seems less likely to run for Senate than Trone or Raskin. If he does make a play, local sources suggest Howard County Executive Calvin Ball III as a top contender. Ball defeated a popular Republican incumbent in 2018 and again by a wider margin in a 2022 rematch. Also in the mix are state Sen. Sarah Elfreth, who represents Annapolis and has developed a strong profile on environmental issues similar to Sarbanes, and Anne Arundel County Executive Stuart Pittman, though he lives in the part of the county that sits in the 5th District (which could be an attractive option whenever former House Majority Leader Steny Hoyer retires). Both Ball and Pittman are term-limited in their current positions. Biden won the district by more than 25 points in 2020.

6th District. The most likely open seat in the state, should Cardin retire, is also the most competitive district in the state. The 6th includes conservative Western Maryland but also fast-growing Frederick County, which has become more Democratic in recent years (Biden was the first Democrat to carry it in a presidential election since Lyndon Johnson), and a slice of uber-liberal Montgomery County.

If Trone runs for Senate, this seat could see another hotly contested Democratic primary, its third since 2012. In all likelihood the next Democratic nominee will emerge from either Frederick or Montgomery counties, which together cast 77 percent of the total Democratic votes in the district in 2022.

The most obvious choice to succeed Trone, however, doesn't appear likely to run. Aruna Miller placed second in the 2018 Democratic primary for the district, and had started fundraising for another run in 2022 before she was selected as a running mate for Wes Moore in the gubernatorial race. Some Maryland Democrats are skeptical that the now-lieutenant governor Miller will pivot so quickly to running for Congress in a competitive primary and general election after just beginning her term.

April McClain-Delaney, a deputy assistant secretary of commerce, could run. She's the wife of former Rep. John Delaney, who represented a previous version of the 6th for six years. She would have access to the substantial personal resources that helped Delaney win three competitive races, but redistricting means she lives well outside the district now (which, while not a legal barrier, could be a political one).

Montgomery County Councilwoman Marilyn Balcombe's district overlaps neatly with the 6th, and the former local Chamber of Commerce leader could run in the business-friendly mold of Delaney and Trone — though she just won election to the council after several attempts. Her predecessor, Craig Rice, and local state Sen. Brian Feldman may also consider it, as might former Frederick County Executive Jan Gardner.

Biden won the district by 10 points, 54-44 percent, in 2020, so it could be vulnerable to a GOP takeover under the right political conditions.

8th District. Given the district's proximity to Washington, D.C., there is no shortage of ambitious politicians who would leap at the opportunity to succeed Raskin if he runs for Senate. The last time this district was open, nine candidates ran, but two dozen others seriously considered it before passing on bids because there were several heavy hitters already running (among them Trone, then-state Sen. Raskin, and former local anchor/Marriott executive Kathleen Matthews). This time, there would be no such frontrunners.

The 8th District is among the most educated and wealthy districts in the country, and its electorate is highly politically informed. Biden won the district by 63 points in 2020, so this seat will stay in Democratic hands.

With no "next man up," local Democratic sources point to a dizzying array of potential contenders. Among the candidates most mentioned are Montgomery County Councilman Will Jawando, who ran in the 2016 race; state Sen. William C. Smith, who succeeded Raskin in Annapolis; state Sen. Cheryl Kagan, a longtime state legislator; former county councilmembers Tom Hucker, who recently lost re-election, and Nancy Navarro, who was the running mate of unsuccessful gubernatorial candidate Rushern Baker last year; wealthy health care executive David Blair, who could self-fund a campaign but just lost back-to-back county executive primary elections by a combined 109 votes (out of 270,944 total votes); town of Chevy Chase vice mayor Joel Rubin, who also ran in 2016; and even former U.S. Secretary of Labor/2022 gubernatorial primary runner-up Tom Perez, a one time member of the county council.

Report Shorts

California Senate. In one of the least surprising moves of the cycle, Democratic Sen. Dianne Feinstein announced she will not seek re-election. Democratic Reps. Katie Porter and Adam Schiff were already in the race, and they are now joined by Rep. Barbara Lee. There's a reasonable chance that two Democrats top the primary field and face off in the November 2024 general election. Republicans haven't won a U.S. Senate race in California since Pete Wilson in 1988. Solid Democratic.



Barbara Lee

Tom Williams/CQ Roll Call

California's 12th District. With Democratic Rep. Barbara Lee moving toward a Senate run, the race to replace her in the House should start to come into focus. Joe Biden won the district with 89 percent in 2020, so Lee will be replaced by a Democrat. Potential candidates include state Assemblywomen Mia Bonta and Lori Wilson, as well as former Oakland City Councilman Loren Taylor, who narrowly lost the 2022 mayoral race. State Assemblywoman Buffy Wicks is seen as less likely to run. Solid Democratic.

Colorado's 3rd District. Democrat Adam Frisch came 546 votes away from defeating Rep. Lauren Boebert last November in what was not expected to be a close race. The former Aspen City councilman has announced he'll challenge Boebert again — and next year, the race will draw significantly more national attention from both parties and outside groups. Battleground.

Indiana's 3rd District. Several Republicans are considering running for this northeast Indiana open seat now that GOP Rep. Jim Banks is running for Senate. So far, the list of potential serious candidates includes former Rep. Marlin Stutzman, who left this seat in 2016 for a failed Senate

bid, state Sen. Andy Zay, who succeeded Banks in the state Senate, and Allen County Circuit Judge Wendy Davis, state Sen. Justin Busch, former Fort Wayne Mayor Paul Helmke, and Fort Wayne mayoral candidate Tim Smith. Read the full initial analysis online. Solid Republican.

Indiana's 5th District. Rep. Victoria Spartz's surprise announcement that she wouldn't run for re-election leaves another congressional seat open in the Hoosier State. The race to replace her is expected to be crowded. Former Rep. Susan Brooks's former chief of staff Megan Savage is considering running, along with former state Sen. John Ruckelshaus, state Rep. Chuck Goodrich, state Sen. Scott Baldwin, and several other local elected Republicans. Read the full initial analysis online. Solid Republican.

Kentucky Governor. GOP hopeful Kelly Craft began advertising on TV last December, using her financial advantage over the rest of the field to define herself early. But the wealthy former U.N. Ambassador has been off the airwaves for two weeks, after previously telegraphing she would advertise through the May primary. Polling shows she is well behind state Attorney General Daniel Cameron. Craft had a rocky start to the year after fallout from an ad she aired about the opioid crisis. Toss-Up.

2023 Gubernatorial Ratings

Toss-up (1D)

Beshear (D-Ky.)

Lean Democratic

Lean Republican (1R)

LA Open (Edwards, D)

Likely Democratic

Likely Republican (1R)

Reeves (R-Miss.)

Solid Democratic

Solid Republican

*Takeovers in italics, # moved benefiting Democrats, * moved benefiting Republicans*

Texas Senate. GOP Sen. Ted Cruz announced he will seek re-election, forgoing another run for president. The filing deadline for the Senate race isn't until Dec. 13, so he could change his mind depending on the dynamic in the presidential race. But this is a pretty clear sign that Cruz did not see a path for himself to the GOP nomination. Cruz's narrow 2018 re-election win over Democratic Rep. Beto O'Rourke sparked interest that Texas was quickly becoming a purple state. But subsequent elections have proven that shift isn't as dramatic as previously expected. Solid Republican.

West Virginia Senate. The McConnell-aligned Senate Leadership Fund released a Tarrance Group survey showing Gov. Jim Justice leading Democratic Sen. Joe Manchin by 10 points, 52-42 percent, while Manchin leads state Attorney General Patrick Morrisey and Rep. Alex Mooney (the only declared GOP candidate) by double-digits each. The poll also showed Justice dominating a potential GOP primary. It's part of a push to entice Justice into the race against Manchin, the most vulnerable senator of the cycle. The governor says he'll announce his decision later this month, and his chief political strategist promoted the poll on Twitter. Battleground.

2024 Gubernatorial Ratings

BATTLEGROUND

Democratic-Held (1)

NC Open (Cooper, D)

Republican-Held (1)

Sununu (R-N.H.)

Solid Democratic (2)

DE Open (Carney, D)

Inslee (D-Wash.)

Solid Republican (7)

IN Open (Holcomb, R)

MO Open (Parson, R)

WV Open (Justice, R)

Burgum (R-N.D.)

Cox (R-Utah)

Gianforte (R-Mont.)

Scott (R-Vt.)

*Takeovers in italics, # moved benefiting Democrats, * moved benefiting Republicans*



Continued from page 1

time he ever secured a majority.

In the Senate, Tester is now the chairman of the Veterans' Affairs Committee, and also sits on the powerful Appropriations Committee, where he chairs the Defense Subcommittee.

Tester's political operation includes ad maker Dan Kully of KMM Strategies and pollster Andrew Maxfield of Harstad Strategic Research. Tester reported \$2.9 million in campaign funds on December 31, 2022.

The Republican Contenders

The two most likely Republicans to run next year are Ryan Zinke and Matt Rosendale, the state's two congressmen.

Zinke, 61, is in his second stint as a House member. The Whitefish-born Republican served 23 years as a Navy SEAL after graduating from University of Oregon in 1984, and he entered politics as a state senator in 2009. At the time, he cut a distinctive figure in the party, driving a Toyota Prius and assembling a more moderate voting record not just on public lands but gun ownership and abortion access. But starting in his run for lieutenant governor in 2012 (he finished fifth in the primary alongside Neil Livingstone), and continuing through his run for Congress in 2014, he worked to burnish his conservative bona fides, dabbling in birtherism and embracing a rugged aesthetic informed by his military service.

In the 2014 GOP primary for the at-large district, Zinke won a tight three-way race with 33 percent, just outpacing former state Sen. Corey Stapleton and then-state Sen. Rosendale, who both received 29 percent. In the general election, he easily defeated Democrat John Lewis, 55-40 percent.

In 2016, he dispatched state Superintendent of Public Instruction Denise Juneau, 56-41 percent, despite Democrats' high hopes, and seemed on a collision course with Tester in 2018. But then Trump won the presidency and chose Zinke as his interior secretary — despite efforts from then-Senate Majority Leader Mitch McConnell to scuttle the selection.

Instead of running against Tester, Zinke moved to Washington and continued to brand himself as a cowboy, even riding to work on a horse on his first day. But his tenure proved to be controversial on myriad fronts, including his efforts to scale back federal land protections, as well as his use of government resources and other financial ethics questions. By 2018, he was reportedly the subject of 18 different federal investigations and resigned from office at the end of the year.

After a brief time working for a cryptocurrency company, Zinke ran for Congress again, this time for the newly-drawn 1st District in Western Montana. Initially considered the heavy favorite, Zinke came shockingly close to losing to perennial candidate Al Olszewski, 42-40 percent, in the GOP primary, even losing his home county by 16 points. He faced a



Ryan Zinke

Bill Clark/CQ Roll Call



Montana's Congressional Districts

competitive general election as well, defeating Democrat Monica Tranel by just 3 points, 49-46 percent.

In Congress, he serves on the House Appropriations Committee. He had \$110,000 in his campaign account at the end of 2022.

Rosendale, 62, first won election to Congress in 2020, to the state's at-large seat, and in 2022 ran for the newly-created 2nd District, which includes his home in Glendive.

The Baltimore-born Rosendale attended Chesapeake College, a community college in Maryland, but did not graduate, and he worked at his family's realty company as a developer. In 2002 he moved full-time to Montana, but his Maryland roots have dogged him politically since then, surfacing in every competitive race he's run in.

In 2010, Rosendale won a GOP primary for state House by 132 votes, and defeated the incumbent Democrat by 197 votes in the general election. After one term in the state House he easily won a state Senate seat in 2012. In 2014, when then-Rep. Daines announced he would run for Senate, Rosendale ran to succeed him, placing third in the primary.

In 2016, he ran for state auditor and defeated Democrat Jesse Laslovich, 54-56 percent. In 2018, he ran for Senate against Tester. He won a competitive three-way primary with 33 percent of the vote against Yellowstone County Judge Russ Fagg and wealthy businessman Troy Downing. But he ultimately fell to Tester after an expensive campaign in which the incumbent successfully branded him as "Maryland Matt" and called into question his ranching bona fides.

But Rosendale rebounded in 2020, winning the GOP primary for the at-large House district against Stapleton, 48-33 percent, and then defeating Democrat Kathleen Williams, 56-44 percent, in a race expected to be much closer.

In 2022, he easily won election to the new eastern district with 56 percent against two challengers.

In Congress, Rosendale has often gone against the party line, tallying the seventh-most votes against the GOP position in the 117th Congress, per *ProPublica*. He was one of the final holdouts against Kevin McCarthy during the prolonged House speaker election, even refusing a call from Trump on the House floor. He voted against awarding Capitol Police the Congressional Gold Medal following the Jan. 6 attack, against the creation of the Juneteenth federal holiday, and was one of three House

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members to oppose a resolution expressing support for Ukraine's sovereignty. A member of the Freedom Caucus, Rosendale sits on the Veterans' Affairs and Natural Resources committees. He had \$1.2 million in his campaign account at the end of 2022.

The GOP Primary

The same issues that have dogged both Rosendale and Zinke in their previous runs are likely to come up again.

With control of the Senate potentially on the line, questions of electability will be prevalent in the primary, with Zinke's allies pointing to Rosendale's previous loss to Tester as evidence that he'd be a weaker general election candidate. Rosendale's allies will use Zinke's underwhelming performance in his latest congressional race to make the same point. Some Republicans also believe that running a veteran against Tester, which they have never done before, could be helpful in a state that has the second-highest veteran population by percentage.

Both candidates' ties to the state could make them vulnerable. Rosendale's Maryland roots continue to be a political liability, much to the exasperation of his allies who point to his two decades in the state. And Zinke has long faced questions about how much time he actually spends in Montana, as he and his wife own a house in Santa Barbara, California.

Politically, Rosendale will aim to outflank Zinke, who has at times had to battle perceptions he was too liberal for Montana Republicans. In the 2022 primary, Zinke's opponents hammered him as insufficiently conservative and too close to McCarthy, and Rosendale, who has always been more aligned with the "liberty" wing of the GOP, may lean on his resistance to McCarthy as proof he won't kowtow to the establishment.

The candidates also have distinct personalities. Zinke has cultivated a more aggressive style since joining the Trump administration, once publicly calling a Democratic congressman a hostile drunk. Rosendale, while sometimes politically a thorn in the side of GOP leadership, has a reputation as a devout Catholic who can be kind to a fault — one former Rosendale staffer lamented that he was too polite to hit back against Tester in 2018 when the Democrat accused him of not owning his cattle.

Daines is sure to take special interest in the race as well. In the past, he's been close with Zinke. It was Daines' super PAC, "More Jobs, Less Government," that boosted Zinke's campaign with \$1 million in anti-Tranel advertising to close out 2022.

Daines is breaking from recent NRSC tradition by getting involved in races earlier in the primary process to avoid messy intraparty fights, most notably in Indiana, where the party quickly coalesced around Rep. Jim Banks.

There's potential for other significant outside involvement in the race as well. The anti-tax Club for Growth has been pro-Rosendale for years, and spent \$5 million on his behalf in 2018 — they have signaled they will support him for Senate in 2024. The Club has already flexed some financial muscle this cycle in Indiana as well.

That could in turn raise the hackles of Trump, who has been at odds with the Club recently. Though Trump deeply dislikes Tester and campaigned hard for Rosendale in 2018, visiting the state numerous times, he was also publicly slighted by Rosendale during the House speaker episode, and he has a longer relationship with Zinke.

Lingering over the field is GOP Gov. Greg Gianforte, who can run for another term as governor if he'd like but could conceivably try for the Senate instead. If he did, he would scramble the race given his popularity among Republican voters and his virtually limitless personal resources

owing to his time as a successful technology executive.

Gianforte's former campaign manager recently released a poll aimed at coaxing the governor into the Senate race. Conducted Jan. 30-Feb. 1 by The Political Company, the poll showed Gianforte was better liked statewide and performed 5 points better against Tester than Zinke and Rosendale.

But it's not clear Gianforte wants to return to Washington, after spending just three years there as a congressman in between gubernatorial runs.

How It Plays Out

Many Democratic strategists believe that Tester begins the best-positioned of the three Trump-state Democratic incumbents (West Virginia's Joe Manchin and Ohio's Sherrod Brown are the others).

Part of that is an acknowledgement of Tester's political talents, and the image the burly farmer has burnished since his first run in 2006. His organic farm in Big Sandy makes regular appearances in his campaign ads, and his famous flat top and missing fingers lend him an authenticity that other Democrats have struggled to project.



Jon Tester

and conservation from Zinke's time at the Interior Department, as well as the ethics and financial investigations and the residency questions. One national strategist said that "the Zinke of 2017 would have been a tougher opponent for Tester, when he was untainted by D.C."

If it's Rosendale, Tester can dust off elements of the 2018 playbook to try to make the race about who is the more authentic Montanan, running versus a well-heeled out-of-stater.

Republicans give Tester his props — one consultant who has worked against him says "The question is not 'Is Jon Tester a force in Montana politics?' because that's a given" — but note that he's been able to run in strong cycles for Democrats in 2006, 2012, and 2018, and never won by much.

In 2018, Tester was able to marshal support from both Democrats angry at the Trump administration, and independents and Republicans who liked that he broke with his own party and passed bills that Trump signed into law. Coming off of two years with unified Democratic control of government, he won't have one of those cards, but if Trump is the GOP nominee once again, he could benefit from increased enthusiasm among Democratic voters, particularly if the GOP presidential nomination is fractious.

If both Zinke and Rosendale run, Tester will also be able to get a head start on the general election while Republicans are still fighting among themselves. In 2018, the Democrat began advertising in March, and effectively stayed on the air until Election Day, flexing his 3-to-1 spending advantage over the eventual GOP nominee. Tester had almost twice as much cash on hand at the end of 2022 as he did at the end of 2016.

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Republicans, though, are heartened by the state's continued rightward shift, citing Gianforte's double-digit win in 2020 that tracked closely with Trump's margin as evidence that ticket-splitting is a declining practice, and Gov. Steve Bullock's 10-point loss to Daines as a sign even a well-liked, well-funded Democrat is a tough sell in a presidential year. Biden is not going to win Montana, so Tester will have to win a significant number of GOP presidential voters in order to triumph.

Much like Democrats in the rest of the country, Tester's coalition has become increasingly urban. Squeezing as many votes as possible out of Missoula, Butte, and Helena continues to be an imperative. Gallatin County (including the city of Bozeman, which has seen a tech-fueled boom) is now one of the most crucial elements of the map. In 2012, when Tester won by 18,072

votes statewide, he netted 4,395 votes from Gallatin. In 2018, when Tester won by 17,913 votes statewide, he netted 12,003 votes from Gallatin.

And Democrats no longer feel as much pressure to win Yellowstone County (Billings), where Tester previously headquartered his campaign and where Democrats once needed to tie the GOP.

One cause for optimism among Republicans is an increase in GOP strength on Native American reservations; the Blackfeet Reservation in Glacier County was the rare place where Zinke outperformed Trump last year. But Democrats believe that Tester's ties to Native communities, and the return of in-person canvassing on reservations that ceased during the Covid-19 pandemic, will help him put up the margins he needs to win.

One unknowable question will be the presence of third-party candidates on the ballot. In the past, Democrats have organized to get a Libertarian on the ballot in the hopes that such a candidate would take away votes from the Republican. While it's not entirely clear how many more votes a Libertarian takes away from a Republican than a Democrat, especially in a state such as Montana where many voters in both parties have an individualistic bent, it is true that Tester has won two of his three elections with just a plurality vote.

The 1st District

If Zinke runs for Senate, the 1st District could see a competitive GOP primary and general election. The seat covers the western third of the state, and includes Missoula and Bozeman.

On the Democratic side, Tranel is seriously considering another run after coming just short of victory last year. If she does run, local observers say she'll be the prohibitive favorite in the primary. Tranel's allies believe they understand why she underperformed in certain areas against Zinke, particularly on the Blackfeet Reservation in Glacier County, one of the few places she fell short of Biden's margin two years prior. Democrats think that if she has a clean runway to the general election she can address those issues.

GOP sources mention state Auditor Troy Downing as a potential candidate. The Air Force veteran and businessman has close ties to Zinke and is personally wealthy. When he ran for Senate in 2018 in the GOP primary, he spent \$1.1 million of his own money, ultimately placing third

with 19 percent. He won his current office in 2020, 55-39 percent.

Scott Sales, the former state Senate president who narrowly lost a statewide primary for secretary of state in 2020, could run as a conservative option. And Olszewski, the physician and former state senator who nearly beat Zinke in 2022, could run again as well.

Trump won the district by 7 points in 2020, 52-45 percent, so it sits on the battlefield in an even political environment or one favorable to Democrats. But much of the district's competitiveness in 2022 came from Zinke and his specific baggage, so it won't likely start as a top Democratic priority.

The 2nd District

The 2nd is a vast district that covers the majority of the state. It is the more Republican of the two seats and includes the capital Helena as well as Billings, the state's largest city.

Trump won the district by 27 points, so the main contest to succeed Rosendale would be the GOP primary. Any number of Republicans could run, with local observers singling out state Attorney General Austin Knudsen as a potential top-tier candidate. The former state House speaker and Roosevelt County district attorney is also said to have his eye on the governor's mansion when Gianforte leaves.

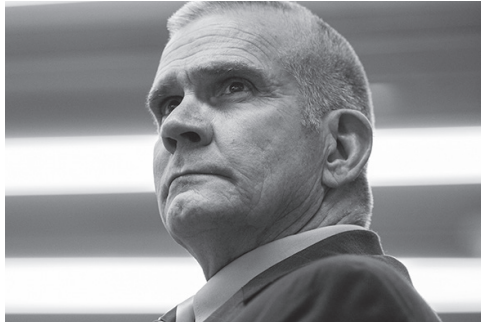
Former state Secretary of State Corey Stapleton is currently waging a quixotic run for president. The longtime officeholder lost GOP primaries for the at-large House seat in 2014 and 2020, and for governor in 2012, but has a base of support around Billings and might abandon his quest for the White House if Rosendale's seat opens up.

Former Yellowstone County District Court Judge Russ Fagg is well-liked and has deep ties to the Montana GOP establishment going back to

his father's tenure as a state House leader. Fagg ran in the 2018 Senate primary and placed a close second to Rosendale, losing 34-28 percent. But Fagg would have carried the new 2nd District by roughly 7 points over Rosendale in that primary.

One local observer mentioned Lesley Robinson, a cattle rancher from rural Phillips County on the Canadian border. Robinson, who served 12 years as a county commissioner, has deep roots in the agriculture community and close ties to Gianforte; she was his running mate during his 2016 bid for governor, and later served as his state director while he was in Congress. Robinson would be the first woman to represent Montana in Congress since the trailblazing Jeanette Rankin, who herself was the first woman to hold federal office in American history.

Democrats may try to consolidate support behind an independent candidate rather than field their own contender, with one source suggesting lobbyist and cattle rancher Jess Peterson as a potential option. That's what the party attempted to do last year with independent Gary Buchanan, after establishment favorite state Sen. Mark Sweeney died shortly before the primary. But another Democrat, Penny Ronning, insisted on running. Ultimately, Ronning and Buchanan combined for 42 percent of the vote — respectable in a district where Biden won just 35 percent, but not enough to win.



Matt Rosendale

Tom Williams/CQ Roll Call



Monica Tranel

Courtesy Tranel Campaign