

# 2022 Midterm Election Forecast and the Impact on the 118th Congress



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# Introduction

Voters will head to the polls this Tuesday, November 8, 2022, to cast their votes in the midterm elections with the results shaping the legislative landscape for the 118th Congress. Though the President's party has historically lost an average of 24 seats in the House and four seats in the Senate during the midterms, the 2022 election has taken on a different look due to recent events that have altered the political landscape. Most notably, the Supreme Court's decision to overturn *Roe v. Wade* has served as a rallying cry for Democrats. This, coupled with significant legislative victories – such as the CHIPS and Science Act, Inflation Reduction Act, and Bipartisan Infrastructure Law – has given Democrats hope that they can buck the historic trend.

Republicans, however, maintain that the current national political environment still favors them next week. First and foremost, history is still on the side of the GOP, especially as it relates to reclaiming the majority in the House. Only twice since World War II has the party of the President picked up seats during the midterms. Republicans are also not without issues to campaign on, as inflation continues to remain high and gas prices remain high compared to a year ago, though below their June peak.

According to data compiled by [Morning Consult](#), 77% of registered voters view the economy as the most important factor to be considered when deciding on who to vote for in the midterm elections. The next most important factors are crime (61%) and abortion (51%). This largely plays into the hands of the GOP, as [a poll](#) conducted by ABC News and Ipsos found that 17% more registered voters believe Republicans will do a better job handling inflation, 15% more believe they will do better dealing with crime, and 14% more believe the GOP will better handle the economy.

The GOP also simply has fewer competitive seats to defend this campaign cycle. The [Cook Political Report](#) currently rates 88 House races as competitive, with 62 of these featuring a Democratic incumbent facing a Republican challenger. Republican incumbents, meanwhile, only occupy 26 competitive seats.

# Introduction

The Senate offers somewhat [more favorable circumstances](#) for Democrats, as they have fewer seats to defend (14) than Republicans (21). However, Democrats have more competitive Senate races with five, compared to four Republicans. Democrats also have more races rated as “toss ups” with three compared to two for Republicans. With the Senate already evenly divided at 50-50, Democrats risk losing control of the chamber if the competitive races tilt towards the Republicans.

Elevate has examined recent polling numbers for the midterm election races while taking into account the broader political landscape to predict the potential outcomes that will decide control of the 118th Congress. Below you can find the results of our work, which have been ordered by the probability of Congress being configured after Election Day based on recent statistics and polling numbers.

First, however, we provide an overview of polling numbers and other statistics that are driving the debate surrounding the election.

*All polling numbers and statistics are as of November 2, 2022.*

# Polling

## Generic Ballot

The [generic ballot](#), which provides an estimate based on polls that ask people which party they would support in an election, has Republicans with an edge of 46.3% compared to 45.0% for the Democrats.

## Competitive House Races

According to [FiveThirtyEight](#), Republicans have an 85% chance of winning the majority in the House. Following their 40,000 simulations, they anticipate that the House will consist of 232 Republicans and 203 Democrats. The [Cook Political Report](#), rates 88 House races as competitive, with 35 of those considered toss ups. Of the 35 toss up races, 10 feature Republican incumbents, while 25 are those with a Democrat seeking re-election. Furthermore, the Cook Political Report estimates that the GOP will gain between 12 and 25 seats in the House.

## Competitive Senate Races Polling

Listed here are the Senate races that are considered competitive by the Cook Political Report, and the most recent polling averages as compiled by FiveThirtyEight. These averages are weighted to account for each poll's quality, recency, sample size, and partisan lean. However, other reliable sources of polling information have recently released data showing that some of the races below have become closer than recorded on FiveThirtyEight.

### Competitive Democratic Races

#### Toss Up

- Sen. Mark Kelly (D-AZ)\* vs. Blake Masters (R).
  - Sen. Kelly 48.0%, Masters 45.0%
- Sen. Raphael Warnock (D-GA)\* vs. Herschel Walker (R).
  - Sen. Warnock 46.7%, Walker 45.4%
- Sen. Catherine Cortez Masto (D-NV)\* vs. Adam Laxalt (R).
  - Sen. Cortez Masto 46.2%, Laxalt 46.7%

#### Lean Democrat

- Sen. Michael Bennet (D-CO)\* vs. Joe O'Dea (R).
  - Sen. Bennet 51.1%, O'Dea 40.4%
- Sen. Maggie Hassan (D-NH)\* vs. Don Bolduc (R).
  - Sen. Hassan 48.2%, Bolduc 45.5%

### Competitive Republican Races

#### Toss Up

- Mehmet Oz (R) vs. John Fetterman (D) to fill retiring Sen. Pat Toomey's (R-PA) seat.
  - Oz 45.9%, Fetterman 46.9%
- Sen. Ron Johnson (R-WI)\* vs. Mandela Barnes (D).
  - Sen. Johnson 50.3%, Barnes 45.9%

#### Lean Republican

- Rep. Ted Budd (R-NC) vs. Cheri Beasley (D) to fill retiring Sen. Richard Burr's (R-NC) seat.
  - Rep. Budd 46.8%, Beasley 43.6%
- J.D. Vance (R) vs Rep. Tim Ryan (D-OH) to fill retiring Sen. Rob Portman's (R-OH) seat.
  - Vance 47.1%, Rep. Ryan 44.8%.

\*=*Incumbent*

# Composition of the 118th Congress

Based on our research and examination into polling numbers and news stories that are driving competitive races, below is Elevate's forecast on how the 118th Congress will be composed. We also examine each scenario and provide an overview of what each would mean in terms of legislative priorities.

## A Republican Senate and House

A scenario in which Republicans pick up enough seats in both the House and Senate to claim the majority in both chambers is the most likely outcome at this point in time. Republicans only need to win a net of five seats in the House and one in the Senate to be the leading party in the upper and lower chamber. FiveThirtyEight's projections confirm this possibility, as they forecast that Republicans have a 52% chance of winning the majority in both chambers, while Democrats only have a 33% chance of splitting the two by way of keeping their Senate majority.

Should this occur, it is unlikely Congress will be able to pass significant bipartisan legislation of the kind that was achieved in the 117th Congress, such as the CHIPS and Science Act, the Bipartisan Infrastructure Law, and gun control legislation without significant concessions from the Biden administration. With the next presidential election just two years away, the GOP could use a Congressional majority to block any other policies that are part of the Biden administration's agenda in order to boost their party's chance in 2024. The posturing could also relate to federal judiciary nominations, as a GOP-controlled Senate would likely block most, if not all, judicial nominations put forth by President Biden.

Republican lawmakers would also likely push for votes on a number of their priorities, even if their efforts were to be met by a Democratic filibuster in the Senate or a veto from President Biden. Exactly what will be brought to the floor remains to be seen, but anything that passes the Senate or the House in this scenario would have to secure enough votes to overcome a Senate Democratic filibuster.

# Composition of the 118th Congress

## A Republican Senate and House Cont.

In this scenario, the prospect of enacting annual appropriations bills would also be more difficult. Republicans would almost certainly reject President Biden's spending requests, whether for pandemic aid or climate change resiliency. They would also leverage their Congressional majority to force President Biden to make concessions in must-pass spending bills. The Republican candidate for the open Ohio Senate seat, J.D. Vance, has said this could include securing funding for the border wall.

While a government shutdown always creeps into the debate, both parties have shown a reluctance to engage in such tactics given the repercussions from past shutdowns to the party that was viewed as responsible. House Minority Leader Kevin McCarthy (R-CA) has indicated a willingness to use the debt ceiling as leverage to cut spending and enact Republican priorities but with Republicans in charge of both the House and Senate they would be unlikely to use a government shutdown as a weapon.

In this scenario we would expect Republicans in both the House and Senate to move forward with investigations into President Biden and his administration with a focus on climate related spending and the administration's distribution of funds under the IIJA.

# Composition of the 118th Congress

## A Democratic Senate and a Republican House

According to FiveThirtyEight's projections, Democrats have a 47% chance of holding onto their Senate majority, while Republicans have an 85% chance of winning the majority in the House. As is the case with the above scenario, a split Congress will prevent any major bipartisan pieces of legislation from passing. Historically, gridlock has been the hallmark of this scenario.

Should the Democrats maintain their Senate majority, we expect that, other than must-pass legislation, most movement would revolve around advancing President Joe Biden's judicial nominees. In a split Congress, confirming President Biden's nominations for judges would be the most influential actions that Senate Democrats could take.

If Republicans win the House majority, they will use their majority to embark on oversight and investigations of the President, his administration and potentially his family. This would likely include, among others, an examination into the Department of Homeland Security (DHS) and the agency's border policies. Some Republicans have mentioned the possibility of impeachment of members of the administration but there has been no consensus behind this sentiment. Other potential investigations include the removal of troops from Afghanistan, and an investigation of the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ) regarding the search executed at former President Trump's Mar-a-Lago residence.

# Composition of the 118th Congress

## A Democratic Senate and a Republican House Cont.

While the impeachment of Biden administration officials has been speculated, Minority Leader McCarthy – who will likely become Speaker of the House in the event of a GOP majority – told Punchbowl News that “the country doesn’t like impeachment for political purposes at all,” signaling he could be more judicious in bringing articles of impeachment to the House floor.

In addition to exerting their investigative power, Republicans would likely use a majority in the House to attempt to roll back certain climate policies. This would include the Security and Exchange Commission’s (SEC) proposed rule that would require companies to disclose to investors information on the company’s incorporation of environmental, social, and governance (ESG) factors. Additionally, a Republican-led House Energy and Commerce Committee will conduct ample oversight into the new climate spending programs mandated in the Inflation Reduction Act and Bipartisan Infrastructure Law.

We also anticipate that a GOP-led House will move an aggressive legislative agenda, if for no other reason than to make their policy priorities clear ahead of the 2024 elections. Though this would allow Republicans to further paint the divide between them and their Democratic colleagues in the House and Senate, no GOP House advanced bills would likely be enacted.

# Composition of the 118th Congress

## A Democratic Senate and House

Democrats holding onto their Congressional majority is unlikely, but possible, as FiveThirtyEight gives them a 15% chance of doing so. Even if this were to occur, Democrats would have to pick up several seats in the Senate, as opposed to breaking even, to end the filibuster and enact some of the more progressive policies that the party has their sights on. Given Sens. Kyrsten Sinema (D-AZ) and Joe Manchin's (D-WV) opposition to abolishing the filibuster, Democrats would need to gain at least two Senate seats to do so.

Should Democrats end up with 52 or more seats and subsequently eliminate the filibuster, they would likely move forward with bills that would establish federal protections for abortion, voting rights, and same-sex marriage – though same-sex marriage protections may be passed during the lame-duck session after the election. It is also possible that Democrats would use their continued majority to build on the Inflation Reduction Act (IRA) and pass more policies that address climate change.

Democrats would also take steps to prepare for the possibility of Donald Trump, or a like-minded candidate, being elected president in 2024. This would include passing legislation that would limit a president's ability to fire federal government workers. Such a move would be in direct response to former President Trump's Schedule F executive order (EO), which would have converted civil service government positions to policy positions, making it easier to fire many government employees.

Democrats would also likely pursue legislative avenues towards creating further protections for federal government whistleblowers.

Furthermore, Democrats in the House may expand on the January 6 investigation and continue with Select Committee hearings to further damage former President Trump's image heading into the 2024 presidential election.

# Composition of the 118th Congress

## A Republican Senate and a Democratic House

This is the least likely outcome that may transpire, as FiveThirtyEight gives this less than a 1% chance of occurring. Should Republicans only capture the Senate, they would continue to block President Biden's judicial nominees. Though Republicans may move forward with some GOP policies in this scenario, these would be filibustered by Senate Democrats. If Republicans pick up enough seats to abolish the filibuster, House Democrats would block any pieces of Republican legislation sent to the lower chamber.

In this scenario, we expect that House Democrats would continue with their investigation into January 6 and with the Select Committee Hearings. Like Senate Republicans, we expect that they would also pass legislation, such as abortion and voting rights protections, if for no other reason than to demonstrate their legislative priorities prior to the 2024 elections.



## Conclusion

Having examined the current state of the close races and the national political environment, the most likely options to occur during the mid-term elections are Republicans gaining majorities in one or both chambers.

As mentioned above, a situation with Republicans controlling both chambers, will see a focus on blocking judicial nominations and advancing legislation that defines the GOP's policy differences with President Biden while focusing on Congressional oversight and investigations of the Biden administration and its decisions all with an eye toward the 2024 election.

If the chambers are split with Democrats controlling the Senate, it will likely result in posturing and political actions that will also be done with an eye toward the 2024 election. This will include a Democratic Senate focused on advancing judicial nominees and without bipartisan compromise, a majority of legislation being held up by the opposing party. In both cases, House Republicans are certain to carry out investigations into the Biden administration and his family.

Elections are, of course, extremely fluid situations, and things are certainly bound to change between now and January 3, 2023, when the 118th Congress is sworn into office.