



In classic Greek mythology, a golden apple of discord inscribed "For the fairest" was awarded to Aphrodite, beginning a chain of events that led to the Trojan War. GrayRobinson's newsletter reports on the most recent issues, individuals, and discourse deemed fairest in Washington.

November 13, 2020

Neither hurricane, nor pandemic, nor . . . It's been a rough week, as Hurricane Eta hit Florida and hundreds of thousands of Americans — that's not a typo, it's hundreds of thousands — tested positive for COVID-19. We hope that you and yours are safe and sound.

Biden announces agency review teams — Presumptive President-elect Joe Biden and Vice President-elect Kamala Harris began the transition process this week with the announcement of 39 [agency review teams](#) that will facilitate the transfer of authority in January. The approximately 500 members named on Monday are almost all volunteers. Once the election is certified, they will be joined by additional full-time transition employees and career civil servants on detail. Agency review team members are “highly experienced and talented professionals with deep backgrounds in crucial policy areas across the federal government,” the transition website says, but they are not necessarily the leading candidates for appointment to jobs under the new administration.

Many of the teams include familiar names from previous administrations and public and private policy organizations. Team leads include:

- Leandra English, Team Lead, Consumer Financial Protection Bureau, who was Deputy Director of the CFPB from 2017-2018 before joining the New York Department of Financial Services as an advisor
- Geovette Washington, Team Lead, Department of Commerce, currently senior vice chancellor and chief legal officer at the University of Pittsburgh
- Chiquita Brooks-LaSure, Team Lead, Department of Health and Human Services, a former HHS official who is now Managing Director of Manatt Health at Manatt, Phelps & Phillips LLP
- Erika Poethig, Team Lead, Department of Housing and Urban Development and FHFA, currently vice president and chief innovation officer at the Urban Institute
- Chris Lu, Team Lead, Department of Labor and related agencies, a former Deputy Secretary of Labor who is now a Senior Strategy Advisor at FiscalNote
- Don Graves, Team Lead, Department of the Treasury, who is Head of Corporate Responsibility at KeyBank NA and a vice chair of JumpStart
- Philip Washington, Team Lead, Department of Transportation, currently CEO of the Los Angeles County Metropolitan Transportation Authority
- Gary Gensler, Team Lead, Federal Reserve, Banking and Securities Regulators, who was Chairman of the Commodity Futures Trading Commission from 2009-14

- Martha Coven, Team Lead, Office of Management and Budget, who was Associate OMB Director for Education, Income Maintenance, and Labor during the Obama administration

President-Elect Biden has chosen his longtime adviser Ron Klain to serve as White House Chief of Staff; Klain was Chief of Staff to Biden when he was Vice President, and previously served as Chief of Staff to Vice President Al Gore. He was the Obama administration's Ebola response coordinator from 2014-2015.

Waters says Biden will rescind financial services “deregulation” — Appearing before the [Senate Banking Committee](#) and [House Financial Services Committee](#) this week, federal bank and credit union supervisors said the regulatory changes they've made since March have helped the financial system and the economy weather the pandemic recession. House Financial Services Committee Chairwoman Maxine Waters (D-CA), who had asked the regulators to stop any rulemaking not related to the pandemic, deplored the “numerous harmful deregulatory rules” the agencies have promulgated this year. These include a new final rule on Community Reinvestment Act compliance from the Office of the Comptroller of the Currency (OCC) and Federal Deposit Insurance Corporation (FDIC) and the OCC's “true lender” rule. “I will be working with the Biden Administration to roll back these rules,” Waters told the regulators. Acting Comptroller Bryan Brooks said that the new rules are not deregulatory, but should help improve access to financial services for underserved communities. FDIC Chairman Jelena McWilliams said that her agency will soon be finalizing new rules on brokered deposits and industrial loan companies.

Freshman Reps arrive for orientation — New members of the House of Representatives came to Washington for orientation this week, even as some vote counts continued to be finalized. Thirteen House races have not yet been called, one will need a run-off, and one faces a recount, but as of this morning, next year's freshman class has 54 members: 39 Republicans, 15 Democrats.

- Jake Auchincloss, D-MA-04, replacing Rep. Joseph P. Kennedy III (D)
- Cliff Bentz, R-OR-02, replacing Rep. Greg Walden (R)
- Stephanie Bice, R-OK-05, replacing Rep. Kendra Horn (D)
- Lauren Boebert, R-CO-03, replacing Rep. Scott Tipton (R)
- Carolyn Bourdeaux, D-GA-07, replacing Rep. Robert Woodall (R)
- Jamaal Bowman, D-NY-16, replacing Rep. Eliot Engel (D)
- Cori Bush, D-MO-01, replacing Rep. Wm. Lacy Clay, Jr. (D)
- Kat Cammack, R-FL-03, replacing Rep. Ted Yoho (R)
- Jerry Carl, R-AL-01, replacing Rep. Bradley Byrne (R)
- Madison Cawthorn, R-NC-11, filling a seat left vacant by Rep. Mark Meadows (R)
- Andrew Clyde, R-GA-09, replacing Rep. Doug Collins (R)
- Byron Donalds, R-FL-19, replacing Rep. Francis Rooney (R)
- Pat Fallon, R-TX-04, filling a vacancy left by Rep. John Ratcliffe (R)
- Randy Feenstra, R-IA-04, replacing Rep. Steve King (R)
- Teresa Fernandez, D-NM-03, replacing Rep. Ben Ray Luján (D)
- Michelle Fischbach, R-MN-07, replacing Rep. Collin Peterson (D)
- Scott Fitzgerald, R-WI-05, replacing Rep. James Sensenbrenner (R)
- Scott Franklin, R-FL-15, replacing Rep. Ross Spano (R)
- Carlos Gimenez, R-FL-26, replacing Rep. Debbie Mucarsel-Powell (D)
- Tony Gonzales, R-TX-23, replacing Rep. Will Hurd (R)
- Bob Good, R-VA-05, replacing Rep. Denver Riggleman (R)
- Marjorie Greene, R-GA-14, filling a vacancy left by Rep. Tom Graves (R)
- Diana Harshbarger, R-TN-01, replacing Rep. Phil Roe (R)
- Yvette Herrell, R-NM-02, replacing Rep. Xochitl Torres Small (D)
- Ashley Hinson, R-IA-01, replacing Rep. Abby Finkenauer (D)
- Darrell Issa, R-CA-50, filling the vacancy left by Rep. Duncan Hunter (R)
- Ronny Jackson, R-TX-13, replacing Rep. Mac Thornberry (R)

- Sara Jacobs, D-CA-53, replacing Rep. Susan Davis (D)
- Mondaire Jones, D-NY-17, replacing Rep. Nita Lowey (D)
- Kai Kahele, D-HI-02, replacing Rep. Tulsi Gabbard (D)
- Jake LaTurner, R-KS-02, replacing Rep. Steve Watkins (R)
- Nancy Mace, R-SC-01, replacing Rep. Joe Cunningham (D)
- Tracey Mann, R-KS-01, replacing Rep. Roger Marshall (R)
- Kathy Manning, D-NC-06, replacing Rep. Mark Walker (R)
- Lisa McClain, R-MI-10, replacing Rep. Paul Mitchell (R)
- Peter Meijer, R-MI-03, replacing Rep. Justin Amash (R)
- Mary Miller, R-IL-15, replacing Rep. John Shimkus (R)
- Blake Moore, R-UT-01, replacing Rep. Rob Bishop (R)
- Barry Moore, R-AL-02, replacing Rep. Martha Roby (R)
- Frank Mrvan, D-IN-01, replacing Rep. Peter Visclosky (D)
- Troy Nehls, R-TX-22, replacing Rep. Pete Olson (R)
- Marie Newman, D-IL-03, replacing Rep. Daniel Lipinski (D)
- Jay Obernolte, R-CA-08, replacing Rep. Paul Cook (R)
- August Pfluger, R-TX-11, replacing Rep. Michael Conaway (R)
- Matt Rosendale, R-MT-At Large, replacing Rep. Greg Gianforte (R)
- Deborah Ross, D-NC-02, replacing Rep. George Holding (R)
- Maria Salazar, R-FL-27, replacing Rep. Donna Shalala (D)
- Pete Sessions, R-TX-17, replacing Rep. Bill Flores (R)
- Victoria Spartz, R-IN-05, replacing Rep. Susan Brooks (R)
- Michelle Steel, R-CA-48, replacing Rep. Harley Rouda (D)
- Marilyn Strickland, D-WA-10, replacing Rep. Denny Heck (D)
- Ritchie Torres, D-NY-15, replacing Rep. José Serrano (D)
- Beth Van Duyne, R-TX-24, replacing Rep. Kenny Merchant (R)
- Nikema Williams, D-GA-05, filling a vacancy left by Rep. John Lewis (D)

Confirmations, Nominations, Departures, etc.:

Senate Majority Leader **Mitch McConnell (R-KY)** presented a cloture motion on the nomination of Judy Shelton to be a Member of the Federal Reserve Board, to fill an unexpired term that ends in 2024. The Senate may vote on Shelton's nomination next week. McConnell has not taken any action on the other pending Fed nomination, that of Christopher Waller.

The Week Ahead

November 17 at 10:00 a.m. Senate Banking Committee holds a remote hearing on "[Oversight of the Securities and Exchange Commission](#)."

November 17 at 2:30 p.m. Senate Commerce Subcommittee on Manufacturing, Trade, and Consumer Protection holds a hybrid hearing on "[Examining the American Manufacturing Industry's Response to the COVID-19 Pandemic](#)," looking specifically at the production of personal protective equipment, ventilators, and other equipment and goods essential to public health.

November 18 at 10:00 a.m. House Transportation Subcommittee on Railroads, Pipelines, and Hazardous Materials holds a hearing on "[Examining the Surface Transportation Board's Role in Ensuring a Robust Passenger Rail System](#)."

November 19 at 10:00 a.m. House Financial Services Subcommittee hearing on Housing,

The Ellis Insight

Jim Ellis reports on political news

President

Pennsylvania: A Pennsylvania state judge yesterday ruled that Secretary of the Commonwealth Kathy Boockvar (D) lacked the authority to change the post-election ballot reception deadline for ballots lacking proper identification. Approximately 10,000 ballots fall into this category, and they will apparently now be disqualified. This ruling, in and of itself, will not affect former Vice President Joe Biden carrying the state. His unofficial lead sits at 54,325 votes according to the official state count, but other lawsuits remain pending.

Senate

Final Calls: The Senate races are now complete with the exception of the two Georgia runoff elections. Sens. Thom Tillis (R-NC) and Dan Sullivan (R-AK) were projected as winners during this week bringing the Senate partisan division to 50R-48D pending the outcome of the two Georgia races scheduled for January 5th.

Georgia: The Remington Research Group is the first to release data for the January 5th Georgia Senate runoff featuring both of the state's incumbents. According to the Remington data (11/8-9; 1.450 GA likely voters; interactive voice response system), Sen. David Perdue (R) holds a 50-46% lead over Democrat Jon Ossoff in the A race, and appointed Sen. Kelly Loeffler (R) edges Democrat Raphael Warnock, 49-48%, in the B campaign.

A total of 46,043 Georgians who voted in the presidential race did not choose a candidate in the Perdue-Ossoff Senate contest, for a drop-off rate of just under one percentage point. In the special election, however, with 20 candidates on the ballot, 83,409 individuals did not participate in that contest even though they either returned a ballot in the mail or voted in person. The drop-off rate for the special Senate election, therefore, was 1.7%.

House

Uncalled Races: A total of 13 US House contests remain uncalled, including six in New York, three in California, and another in New Jersey that was previously called.

The IA-2 race has been called for state Sen. Mariannette Miller-Meeks (R), but a full recount of her 47-vote victory will begin next week (see below).

The LA-5 race will go to a December 5th runoff election, but it is still unclear if state Rep. Lance Harris (R-Alexandria) or Democrat Candy Christophe will advance face first-place finisher Luke Letlow (R) in the secondary election.

The California races feature tight races between former Rep. David Valadao (R) and freshman Rep. T.J. Cox (D-Fresno) in the 21st CD, while Rep. Mike Garcia (R) and challenger Christy Smith (D) are virtually deadlocked in the state's 25th District. In the 39th District, former state Assemblywoman and 2018 congressional nominee Young Kim (R) holds a 4,168-vote lead over freshman Rep. Gil Cisneros (D-Yorba Linda), but this contest remains uncalled.

The NJ-7 contest has been uncalled. State Senate Minority Leader Tom Kean, Jr. (R) is now within 6,275 votes of Rep. Tom Malinowski (D-Rocky Hill) with possibly 60,000 votes remaining to count. Since the votes are being counted sequentially upon receipt, the late swing is definitely toward Republicans since the Democratic votes were predominantly mailed.

In New York, Republicans Andrew Garbarino (open NY-2) and George Santos (NY-3) continue to lead in their respective Long Island races. Mr. Santos lead over Rep. Tom Suozzi (D-Glen Cove) is 4,171 votes (see below), while Mr. Garbarino holds a 58-41% lead over local town Supervisor Jackie Gordon (D). The other leaders are Reps. Sean Patrick Maloney (D-NY-18), Antonio Delgado (D-NY-19), and John Katko (R-NY-24). Former Rep. Claudia Tenney (R) is well positioned to unseat Rep. Anthony Brindisi (D-Utica) in the Upstate 22nd CD.

The close UT-4 race is covered below. Challenger Burgess Owens (R) maintains his small lead over Rep. Ben McAdams (D-Salt Lake City) as the counting moves to provisional ballots.

AK-AL: As more Alaska votes are counted, projections are being made. Both CNN and Fox News have declared at-large Rep. Don Young (R-Ft. Yukon) as the victor over challenger Alyse Galvin (I/D). With 84% of the votes recorded, Rep. Young exceeds 55% of the vote.

Mr. Young is the Dean of the House, originally elected in a 1973 special election, and now has won a 25th term. He is the 8th longest serving House member of all-time. Completing his 25th term will move him to 6th place. The longest-serving member in US history is the late Rep. John Dingell (D-MI), with just over 59 years of service.

IL-14: After trailing for most of the counting period, freshman Illinois Rep. Lauren Underwood (D-Naperville) has won re-election. Yesterday, it was announced that her victory margin over state Sen. Jim Oberweis (R) is unofficially 4,288 votes.

IA-2: The closest election in the nation comes in the open southern district of Iowa. There, state Sen. Mariannette Miller-Meeks (R-Ottumwa) has defeated former state Senator and 2018 Lt. Governor nominee Rita Hart (D) by a scant 47 votes. Ms. Hart is filing for a recount in each of the district's 24 counties, a process that will likely begin next week.

Two counties reported previous problems, but both have been resolved and double checked for accuracy. Their adjusted totals are reflected in the published final result. A total of 393,383 individuals voted in the election according to the Iowa Secretary of State's office, which is undoubtedly an all-time high. In the last presidential election year of 2016, the congressional vote total was 370,032. Incumbent Rep. David Loebsack (D-Iowa City) is retiring after serving seven terms.

NY-1: With 77% of the votes recorded in New York's 1st Congressional District, CNN has projected that Rep. Lee Zeldin (R-Shirley) has defeated his Democratic challenger Nancy Goroff (D) to secure a fourth term. With an estimated 66,000+ votes remaining, Rep. Zeldin's 65,120 vote lead is obviously secure.

NY-3: The seemingly most ignored outstanding race with an incumbent trailing comes in Long Island's 3rd Congressional District. There, business development executive George Santos (R), in a race that attracted no outside attention during the campaign, leads two-term Rep. Tom Suozzi (D-Glen Cove) by 4,171 votes. Estimates suggest that as many as 76,000 mail ballots are being counted and recorded. If Mr. Suozzi is to reverse the trend, he would have to exceed 53% of the outstanding votes. Of those counted and posted, the Congressman has received 49% of the vote.

NY-11: While counting of a substantial number of absentee ballots continues, Rep. Max Rose (D-Staten Island) has conceded defeat to state Assemblywoman Nicole Milliotakis (R). Her 37,000-vote lead will be enough to withstand Rep. Rose gaining among the absentee ballots, thus the concession announcement. The Staten Island seat has traditionally been the only one of New York City's 13 CDs that votes Republican. Mr. Rose won the seat in 2018 defeating then-Rep. Dan Donovan (R), but it returns to its more traditional voting pattern in this election.

UT-4: The latest update coming from another close race in UT-4 now includes all votes

except provisional ballots in Salt Lake County. Approximately 12,000 remain, but not all of those come from the 4th District. The CD encompasses about 57% of the county's population.

Challenger Burgess Owens (R) still leads Rep. Ben McAdams (D-Salt Lake City) now by 1,616 votes and it's estimated that another 8-10,000 votes remain. Not all of the provisional ballots will be accepted. State Elections Office officials estimate that the county will complete the counting process sometime on Saturday and then the official vote canvass of the entire district will begin.

States

Arizona: Looking at the states that went into political overtime, it is worth examining their current turnout percentages and relating them to their 2016 participation rate.

We see a consistent pattern of the battleground states well exceeding the national turnout growth percentage. The unofficial 2020 Arizona presidential turnout was 3,283,820, at this point, exceeding the 2016 participation figure of 2,573,165 by approximately 710,000 individuals. This means a turnout increase of 21.7%, almost three times higher than the national 7.8% increase. This number well exceeds the population growth of 5% during the last four years.

Georgia: The Peach State of Georgia proved pivotal in the 2020 election, so it is worth looking at some turnout stats from this politically transforming place. The turnout increased 17.4% when compared to the 2016 presidential race. Nationally, the increase as mentioned above was approximately 7.8%. During the same four-year period, the state population expanded by approximately 4%, showing that voter participation outpaced population growth and more than doubled the national voting percentage increase.

Michigan: In 2016, 4,799,284 voted in the presidential race. The current figure suggests that 5,519,348 participated last Tuesday. This means turnout increased 13.1% in the Wolverine State, again far higher than the 7.8% national average. Unlike Arizona and Georgia, where population figures are expanding by one percentage point each year, Michigan's total population growth has only been around 1% for the entire decade.

Nevada: The Silver State of Nevada is growing at a rate that is even higher than Arizona and Georgia, approximately 1.3% per year. Therefore, the uptick in the presidential turnout of 15.0% is also higher than the population increase for the four-year period. In 2016, a total of 1,125,385 cast a ballot in the presidential race. On Tuesday, 1,323,719 unofficially participated in the 2020 presidential election.

Pennsylvania: The Keystone State of Pennsylvania is another place whose population is not rapidly growing, and they will again expect to lose a congressional seat when apportionment figures are released at the end of this year. In 2016, a total of 6,115,402 voted in the presidential race. On Tuesday, that figure climbed to an uncertified figure of 6,749,672, for an increase factor of 9.4%, again exceeding the national average of 7.8 percent. The population growth rate in the state for the entire decade is less than one percentage point, suggesting a very strong real voting increase when comparing the two presidential elections.

Wisconsin: An unofficial total of 3,293,428 Badger State voters went to the polls on Tuesday, in comparison to 2,976,150 who voted in 2016. This means their turnout percentage increased 9.6% in 2020, again higher than the 7.8% national average. The Wisconsin population is only growing at an average quarter percent rate per year.

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