



LEGISLATIVE UPDATE

Monday, December 12, 2022

The Election is Over; Or Is It?

The is usually election drama in November, but the 2022 general election suspense has spilled over to this month. The adage “It’s not over until it’s over” is appropriate to describe the continuing drama in Harrisburg.

Let’s summarize the November results. As expected, current Attorney General Josh Shapiro and running mate Austin Davis, a state representative from Allegheny County (more on that later), handily won the gubernatorial race with more than 56% of vote. The other statewide seat up for election was to the U.S. Senate and Democrat John Fetterman was also victorious, but in a closer race with Dr. Mehmet Oz. Fetterman won by more than a quarter of a million votes (51%) and was a key victory for helping Democrats retain control of the U.S. Senate.

In the state Senate, Republicans retained control and actually picked up a seat that will give the GOP a 28-22 majority. Half of the upper chamber’s seats were contested with Republicans winning thirteen of the twenty-five races. While there was little change in the Senate, the situation in the state House of Representatives is glaringly different.

Republicans in the House held a 113-89 advantage heading into the election. With a constitutional majority of 102 in the 203 seat chamber needed for control, Democrats had to flip a dozen seats. While there may have been some optimism for Democrats to gain seats, taking over the majority was seen as a long shot. Somewhat surprisingly, Democrats won 102 seats but the chaos is in the fine print.

While Democrats won 102 seats, they do not have 102 sitting members. First, deceased Allegheny County member Tony DeLuca, passed after his name could be removed from the ballot. So, while elected he is not a voting member of the Democratic caucus, obviously. Then to add even more intrigue to the messy situation, two Democrats elected to other offices in November have resigned—Lt. Governor-Elect Austin Davis and U.S. Congresswoman Summer Lee. Special elections will fill these vacancies and all three are heavily Democratic with upsets unlikely.

So where does that leave control of the House? No one is certain. Democrats claim that voters elected them to a majority of seats in the House and they should have control. Republicans say they have a majority of the sitting members and should have control. Negotiations between current Speaker of the House Brian Cutler (R-Lancaster) and Democratic Leader Joanna McClinton (D-Philadelphia) have not produced an agreement on how to proceed. Of course, the inevitable litigation has been filed in Commonwealth Court. Stay tuned for more drama when the General Assembly returns to Harrisburg on January 3 at noon.

What's so important about majority control? A lot. You can pass legislation without needing a single vote from the minority (at least in most situations), you control who serves as chair of all legislative committees, your party has votes in committee to move legislation, and your leadership determines which bills from committees get a floor vote.