

A weekly roundup from ANA's Government Relations team

November 6, 2020



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News of Interest

- [The looming shake-up of Senate Republican chairmen, *Politico*, November 5, 2020](#)
- [Sweeping Republican State Victories Ensure Control over Redistricting, *National Review*, November 6, 2020](#)
- [ICYMI: A look at China's draft of Personal Data Protection Law, *IAPP*, October 26, 2020](#)

Word on the Street

Voter turnout for the 2020 election is expected to be the highest in over a century. The Washington Post [projects](#) turnout at 66.4%, which would beat 1908's 65.7%. Both candidates have already secured the most votes ever won by a nominee of their party and many more votes are left to be counted.

Save the Date

- [ANA/BAA Marketing Law Conference \(Virtual\)](#) – November 10-12, 2020
- [Negotiating with Advertising Agencies - Legal & Regulatory Webinar](#) - November 17, 2020 @ 1PM

Federal Affairs

Biden on Track to Be the Next President, Trump Threatens Broad Legal Action and Recounts

Former Vice President Joe Biden appears to be on track to win the White House as votes continue to be counted. He has, so far, secured 253 electoral votes compared to President Trump's 214 according to the major networks. Early this morning he took a slight lead in Georgia and has taken the lead in Pennsylvania. In Pennsylvania most of the remaining votes to be counted are believed to heavily favor the former Vice President. Biden leads in the swing states of Nevada and Arizona as well, although both states remain too close to call. The AP and FOX have called Arizona for Biden, but most networks have yet to call the state.

President Trump has said that he plans to fight out the election in the courts. His campaign has already launched numerous court challenges. He has also stated he will ask for a recount in Georgia and the Georgia Secretary of State has said he believes an automatic recount will be triggered.



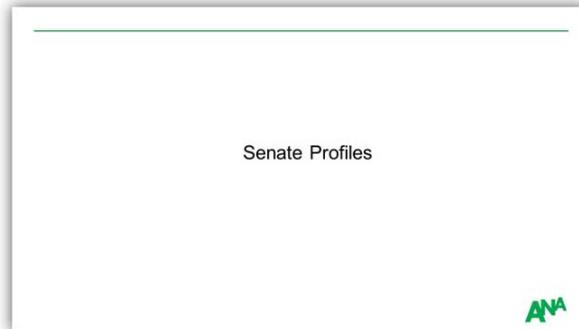
Click Above for High Level Thoughts on the Election.

Should Biden end up in the White House, he would undoubtedly be more open to regulation of business than the Trump Administration. This will likely lead to less business-friendly members of the FTC, FCC, and other regulatory authorities. Additionally, it is yet to be seen what relationship Biden will have with the Senate, which will have large impacts on the passage of any legislation.

All Eyes on GA for Control of the Senate

After all the votes are counted it is likely that control of the U.S. Senate will rest on the results of two runoff elections in the state of Georgia. Republicans were able to fight their way to 50 seats by defending vulnerable incumbents in Iowa and Maine and defeating Sen. Jones (D) in Alabama.

Democrats were able to pick up two seats when Mark Kelly defeated Sen. McSally (R) in Arizona and former Governor John Hickenlooper defeated Sen. Gardner (R) in Colorado. Two races, in North Carolina and Alaska, are still yet to be called but will likely be held by the GOP.



Click Above for New Members of the U.S. Senate.

Senate Judiciary Committee Chair Sen. Lindsey Graham (R-SC) was able to defend his seat, as were fellow Judiciary members Sen. Cornyn (R-TX) and Sen. Ernst (R-IA). Sen. Tillis (R-NC) is likely to win reelection as well. Should Joe Biden win the White House, Sen. Kamala Harris (D-CA) will be replaced by another Democrat on the Judiciary Committee.

Over at the Senate Commerce Committee, Sen. Gardner (R-CO) was defeated while Sen. Sullivan (R-AK) will likely win reelection. On the Democratic side, Sen. Peters (D-MI) was able to fend off a strong challenger.

There should be limited changes to the Senate Finance Committee as all members that were up for reelection secured victory.

As noted in the Politico article above, should the GOP retain control there may be a large change of Senate Committee Chairman. Should Democrats win both Georgia races, it is likely Sen. Cantwell (D-WA) would become Chair of Senate Commerce, Sen. Murray (D-WA) would become Chair of the Senate HELP Committee, Sen. Wyden (D-OR) would become Chair of Senate Finance. All of this would equate to a Senate that would be far more challenging to advertisers than one controlled by the GOP.

House Dems Keep Majority But Lose Seats

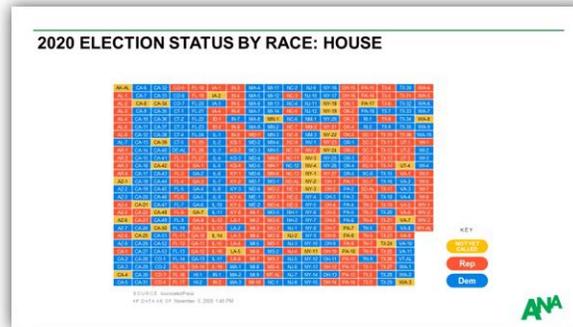
House Democrats went into election night believing they would gain seats in the House of Representatives, but the opposite proved to be true. House Republicans are poised to pick up as many as 10 seats in the chamber due to Democrats struggle to maintain seats won by moderates in 2018, as well as districts that President Trump carried.



Click Above For New Members of the U.S. House.

It is expected that caucus leadership on both sides of the aisle will remain the same.

No members of the House Ways and Means Committee lost re-election. On the House Energy and Commerce Committee, Rep. Eliot Engel (D-NY) will be gone after he lost a primary earlier this year, Rep. Joe Kennedy III (D-MA) will no longer serve as he will leave the House after losing a Senate Primary, and Rep. Greg Gianforte (R-MT) will be leaving the House after winning the Montana Gubernatorial race. Ranking Member Rep. Walden (R-OR) is retiring and may will be replaced by Rep. Burgess (R-TX), Rep Latta (R-OH), or former GOP Vice Chair Rep. McMorris Rodgers (R-WA).



Click Above For Results From Every Federal Level Race.

State Affairs

GOP Holds Ground in State Legislative Races

Republicans were able to defend much of their ground at the state level. They maintained a 27 to 23 advantage at the gubernatorial level and will control 29 state legislatures to the Democrats' 18. One state legislature (Minnesota) will remain split between the parties and Arizona remains too close to call. Republicans will control 22 state trifectas, meaning they control both the Governor and Legislature, to the Democrats 15 with 11 states under split control.



Click Above for Detailed Info on the State Legislatures. Click [Here](#) for Info from Gubernatorial and State AG Races.

Proposition 24 (California Privacy Rights Act) Passes In California

Proposition 24, the [California Privacy Rights Act](#), passed in California with over 55% of the vote. ANA and others in the advertising industry issued a statement following its passage. That statement can be found [here](#).

Ad Tax Fights Continue in Maryland and New York

The election will most likely not have any impact on the multiple ad tax fights currently facing the ad community. ANA has continued weekly meetings of its ad tax coalitions regarding Maryland and New York. To join the coalitions please reach out to tfrazier@ana.net.

State Legislative Weekly Tracker

Click [here](#) for a summary report of this week's legislative activity in the states. To schedule a tutorial provided by a member of the team at Leonine Focus please contact Travis Frazier (tfrazier@ana.net).

Contact Us

If you have questions on any of the issues mentioned in the ADviser, please feel free to contact ANA's Government Relations team in Washington, D.C.:

- Dan Jaffe, Group Executive Vice President, Government Relations (djaffe@ana.net)
- Chris Oswald, Senior Vice President, Government Relations (coswald@ana.net)
- David Buzby, Senior Director, Government Relations (dbuzby@ana.net)
- Meghan Salome, Director, Government Relations (msalome@ana.net)
- Travis Frazier, Associate Manager, Government Relations (tfrazier@ana.net)

You can also reach the D.C. office at any time at 202.296.1883

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