

## 2020 VIRGINIA ELECTION REPORT

November 4, 2020

With the General Assembly under Democratic control and the strong desire to provide additional voting options and protection from COVID-19, this year's election was the first to feature "no-excuse" absentee voting and early in-person voting in Virginia. While it is too early to tell what increase in voter turn-out can be attributed to these additional options, we expect final numbers to show record, or near-record, turnout. What we do know is that Virginia election officials reported 2.75 million of Virginia's 5.9 million registered voters had already voted prior to election day. Before election day, voter turnout had already reached 69% of 2016 levels. This report was prepared with information available as of 4:00 pm on Wednesday, November 4<sup>th</sup>, with a few precincts in many of the races not yet reporting and many absentee and early votes not yet counted. The state has until November 16<sup>th</sup>, to certify all election results.

### Presidential Election

Joe Biden / Kamala Harris (D) – 53.67% – Winner

Donald Trump / Mike Pence (R) – 44.46%

Joanne (Jo) Jorgeson (I) – 1.46%

Virginia was expected to be a safe state for Biden and that clearly held true. Although all the votes have not been counted, Trump has performed very much in line with his 2016 election, capturing 44.43% of the vote. Biden has however, outperformed Clinton, who only captured 49.75% of the vote in 2016.

### U.S. Senate

Mark Warner (D) – 55.65% (incumbent) – Winner

Daniel Gade (R) – 44.26%

Senator Warner wins a third term in a low-key Senate race that received little attention compared to other states. Together with Joe Biden's win in Virginia, this continues the 11-year run of Democrats winning every single statewide race in the Commonwealth, indicating a continued shift from purple to blue.

### House of Representatives – Key Races

#### 2<sup>nd</sup> CONGRESSIONAL DISTRICT

Elaine Luria (D) – 50.91% (incumbent)

Scott Taylor (R) – 46.51%

The incumbent, Congresswoman Elaine Luria (D), faced Republican challenger and former Congressman Scott Taylor, who lost to Luria in the 2018 election. The 2<sup>nd</sup> district was a strong Republican district until 2018.

### 5<sup>th</sup> CONGRESSIONAL DISTRICT

Cameron Webb (D) – 46.34%  
Bob Good (R) – 53.41% – Winner

The 5<sup>th</sup> District has been a long-time Republican stronghold, but Democrats saw a chance to take the district when Congressman Rigglemen lost his primary to biblical-conservative Bob Good, who fired sharp criticism at the Republican Congressman for officiating a same-sex marriage. Bob Good triumphed in the traditionally Republican district, despite Webb's significant fundraising advantage.

### 7<sup>th</sup> CONGRESSIONAL DISTRICT

Abigail Spanberger (D) – 50.49% (incumbent)  
Nick Freitas (R) – 49.35%

Incumbent Congresswoman Abigail Spanberger (D) faced Republican challenger state Delegate Nick Freitas in a district that switched party control in the 2018 election after Spanberger defeated Congressman Dave Brat (who had ousted Majority Leader Eric Cantor in a primary two years prior). This competitive race resulted in significant campaign spending, which included nearly \$13.2 million spent by independent organizations. Virginia Code 24.2-800 allows for a recount in any election where the difference between the two candidates is 1% or less. This race may meet that requirement and Nick Freitas will likely request a recount.

## House of Representatives – Less Competitive Races

### 1ST CONGRESSIONAL DISTRICT

Qasim Rashid (D) – 41.09%  
Rob Wittman (R) – 58.78% (incumbent) – Winner

### 3RD CONGRESSIONAL DISTRICT

Robert “Bobby” Scott (D) – 65.49% (incumbent) – Winner  
John Collick (R) – 34.31%

### 4TH CONGRESSIONAL DISTRICT

Donald McEachin (D) – 60.89% (incumbent) – Winner  
Leon Benjamin (R) – 38.99%

## 6TH CONGRESSIONAL DISTRICT

Nicholas Betts (D) – 34.82%

Ben Cline (R) – 65.06% (incumbent) - Winner

## 8TH CONGRESSIONAL DISTRICT

Don Beyer, Jr. (D) – 75.57% (incumbent) – Winner

Jeff Jordan (R) – 24.20%

## 9TH CONGRESSIONAL DISTRICT

Morgan Griffith (R) – 93.86% (incumbent unopposed) – Winner

## 10TH CONGRESSIONAL DISTRICT

Jennifer Wexton (D) – 56.35% (incumbent) – Winner

Aliscia Andrews (R) – 43.54%

## 11TH CONGRESSIONAL DISTRICT

Gerry Connelly (D) – 71.45% (incumbent) – Winner

Manga Anantatmula (R) – 28.27%

## Impact on Virginia Races in 2021

As an “off year” state, Virginia does not have any elections for state office during the year of a presidential election. As such, the main impact of the election to Virginia state government is how the federal elections will impact the House of Delegates races and statewide races for Governor, Lieutenant Governor and Attorney General in 2021.

There was one special election held to fill an open seat in the Virginia House of Delegates (District 29) to replace Delegate Chris Collins, who recently accepted a judgeship as a general district judge in Harrisonburg. In that election, Bill Wiley (R) defeated Irina Khanin (D). The outcome did not change the make-up of the House of Delegates, which remains in Democratic control at 55-45. The Democrats also remain in control of the Senate with a slim 21-19 majority and the next election not taking place until 2023.

Looking towards 2021, a win by Joe Biden puts former Gov. Terry McAuliffe’s potential bid for Governor in question as some speculate, he may be vying for an appointment within Biden’s Administration. A Biden victory could also further motivate the Republican base, presenting a headwind for the Democratic party coming into the statewide races in 2021. This has happened in the past, as Virginia has a trend of electing a Governor

from the opposite party as the President (excluding the previous elections of Obama/McAuliffe, which were the first to buck that trend in several cycles).

If Trump wins reelection, we could see a more contentious fight for the Republican nomination, giving more hope to those candidates that are closely aligned with Trump. Much like a Biden victory would motivate the Republican base, a Trump win could also further stoke the Democratic base in Virginia. While it is too early to tell, we do know that Virginia will be in the spotlight for its 2021 statewide elections, which are often seen as a bellwether following closely on the heels of a presidential election.

## Virginia Constitutional Questions

### QUESTION #1 REDISTRICTING COMMISSION

Yes – 65.76%

No – 34.24%

A **“yes”** vote on this Constitutional question would establish a bipartisan commission, composed of eight members of the Virginia General Assembly and eight members of the public, that would draw new lines for the U.S. House of Representatives, the Virginia Senate, and the Virginia House of Delegates election districts. The Virginia General Assembly would vote on these lines but would not be allowed to change them. If the Virginia General Assembly and the commission could not agree, the state Supreme Court would draw the lines.

A **“no”** vote will retain the current law, which leaves sole responsibility for drawing the districts to the Virginia General Assembly and the Governor.

#### PROPOSED AMENDMENT:

Current law sets the district boundaries for the House of Delegates, Senate and Congressional districts in the same way a bill is approved (Majority of House, majority of Senate and signed by the Governor). The proposed amendment would shift the responsibility of drawing these election districts from the Virginia General Assembly and the Governor to a bipartisan commission. This commission is to be composed of sixteen individuals (eight members of the Virginia General Assembly and eight citizens of the Commonwealth). This commission would draw the election districts. Their plan would then be submitted to the Virginia General Assembly for approval. The General Assembly may not amend the maps. It is an up or down vote on the entire package. In addition, the Governor has no veto.

If the commissioners are unable to agree on the drawing of the new districts, or if the Virginia General Assembly is unable to approve the submitted maps, the commission is allotted additional time to draw new districts. However, if these new efforts to draw and approve the maps fail, the Supreme Court of Virginia is responsible for drawing the election districts.

There are a number of safeguards in the Constitutional Amendment to protect the rights of the minority party. For a plan to be submitted to the Virginia General Assembly for approval, at least six of the eight legislative commissioners and at least six of the eight citizen commissioners must agree on the plan. In other words, there must be a  $\frac{3}{4}$  vote by the legislators appointed to the commission and a  $\frac{3}{4}$  vote by the citizens appointed to the commission. Additionally, to make sure that the House does not force a plan on the Senate and *vice versa*, before plans can be submitted to the Virginia General Assembly, at least three of the four state Senators presiding on the commission must agree to the Senate district plan and at least three of the four Delegates must agree to the House district plan.

To protect minorities from having seats drawn in a way that hurts minority representation in the Virginia General Assembly or in U.S. Congress, the amendment requires that all newly drawn districts provide, where feasible, opportunities for ethnic and racial communities to elect candidates of their choice. This allows for the creation of districts where the majority of voters are an ethnic minority.

#### **QUESTION #2 DISABLED VETERAN VEHICLE TAX**

**Yes – 85.97%**

No – 14.03%

A “**yes**” vote supports exempting one automobile or pickup truck from state and local property taxes for veterans who have a 100 percent service-connected, permanent, and total disability.

A “**no**” vote opposes exempting one automobile or pickup truck from state and local property taxes for veterans who have a 100 percent service-connected, permanent, and total disability.

#### **PROPOSED AMENDMENT:**

This proposed amendment would amend the Virginia Constitution to provide veterans who have 100 percent service-connected, permanent, and total disabilities with a tax exemption for one automobile or pickup truck.



## Virginia State Government Relations Team



**Hon. David B. Albo**  
Partner  
703.760.5210  
[dalbo@williamsmullen.com](mailto:dalbo@williamsmullen.com)



**Patrick A. Cushing**  
Partner  
804.420.6541  
[pcushing@williamsmullen.com](mailto:pcushing@williamsmullen.com)



**Jordan E. Chillon**  
Government Relations Specialist\*  
804.420.6045  
[jchillon@williamsmullen.com](mailto:jchillon@williamsmullen.com)



**Hon. Patrick O. Gottschalk**  
Partner  
804.420.6425  
[pgottschalk@williamsmullen.com](mailto:pgottschalk@williamsmullen.com)



**Mathew M. Cobb**  
Partner  
804.420.6390  
[mcobb@williamsmullen.com](mailto:mcobb@williamsmullen.com)



**Nicole Pugar Lawter**  
Director of Government Relations\*  
703.760.5241 | 804.420.6437  
[nlawter@williamsmullen.com](mailto:nlawter@williamsmullen.com)



**Elizabeth O. Rafferty**  
Director of Government Relations\*  
804.420.6245  
[erafferty@williamsmullen.com](mailto:erafferty@williamsmullen.com)

\* Non-attorney