

## State and Federal Healthcare Legislative Landscape UT Health Law Conference- April 2022

Presenters:

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### I. Politics – Texas 2022 Primary and General Elections

- A. March 2 Primary: By the Numbers
- B. 3 million votes cast; 17.4% (highest since 1994)
  - Republican turnout: 11.3%
  - Democratic turnout: 6.2%
- C. 344,000 of 2.5 Million registered Harris County voters cast votes (14%)\*
  - Harris County Republicans outvoted Democrats 184,000 to 160,000\*
  - In Harris County, Republican voter turnout increased by 27,000\*
  - In Harris County, Democratic voter turnout declined by 8,000\*
- D. Texas picked up 2 new congressional seats (CD 37, CD 38); most in the US
- E. In 207 of 254 Texas counties, Republican primary turnout exceeded 2018 levels; more than doubled in 31 counties
  - Greatest gains in South Texas and West Texas
- F. In half of Texas counties, Democratic primary declined, as compared to 2018 levels
  - Largest decline was in El Paso County
- G. Republicans continued to make gains in South Texas <sup>1</sup>
- H. 37 state races will be decided in May 24 runoffs
  - Key statewide races: Attorney General, General Land Office, Railroad Commission)
  - First cycle in which incumbent statewide officeholders forced into runoffs since 2002
- I. Anticipate little change in the makeup of the Texas Senate (18-13 Republican majority); and Texas House (87-63 Republican majority)
  - 5 significant Senate departures (Senate Finance chair and vice-chair; Education chair and vice-chair; Nominations chair)
  - 24 House departures, including chairs of Public Education, Higher Education, State Affairs, General Investigation, Homeland Security & Public Safety committees)
  - 4 House incumbents pushed into runoffs (Kyle Kacal, Phil Stephenson, Glenn Rogers, Stephanie Klick)
  - 1 House incumbent lost his primary (El Paso State Representative Art Fiero); he was paired with another El Paso area state representative, Claudia Ordaz Perez
- J. Statewide Races

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<sup>1</sup> <https://billkingblog.com/harris-county-primary-election-turnout/>

- Abbott (67%; 1.29 M votes) and O'Rourke (91%; 966,000 votes) were both dominant; O'Rourke had highest raw vote count among statewide Democratic candidates
- Patrick won with 77% of the vote, and the largest vote count among major statewide officeholders (1.41 M votes); 2018 opponent Mike Collier faces Rep. Michelle Beckley in the Democratic primary runoff)
- Comptroller Glenn Hegar beat back token opposition; won with 82% of the vote (1.37 M votes)
- Suggestions of ethical lapses plagued Agriculture Commissioner Sid Miller and Railroad Commissioner Wayne Christian, pushing both to runoffs
- Republican Supreme Court, Court of Criminal Appeals justices generate top statewide vote counts: Debra Lehrman in Place 3 (1.523 M votes); Rebeca Hudle in Place 5 (1.506 M votes); Mary Lou Keel in CCA Place 2 (1.47 M votes); Jesse McClure III in Place 6 (1.46 M votes)
- Four Democratic races will be settled by runoffs:
  1. Lieutenant Governor: Mike Collier (42%) v. Michelle Beckley (30%)
  2. Attorney General: Rochelle Garza (43%) v. Joe Jaworski (19.6%)
  3. Comptroller: Janet Dudding (46%) v. Angel Luis Vega (35%)
  4. General Land Office: Sandragrace Martinez (32%) v. Jay Kleberg (26%)

Note: \$2K campaign v. \$700K

#### K. Texas Senate

- Republicans hold 18-13 majority in the Texas Senate; view SD 10 in North Texas as a potential pickup opportunity: Democratic incumbent Beverly Powell will face Republican State Representative Phil King, who vacated his seat and won the Republican Senate primary
- 2021 Texas Senate changed the chamber's procedural rules to allow bills to advance with 18 votes, with no Democratic support
- 2015 Texas Senate changed the previous "two-thirds" rule, necessitating 21 votes for legislation to be considered, to "three-fifths," or a 19-vote threshold
- 5 significant Senate departures
  - Senate Finance Chairwoman Jane Nelson (Patrick-supported State Representative Tan Parker won Republican primary)
  - Patrick named Houston Senator Joan Huffman the new chairwoman of Senate Finance in January
- Senate Education Chair Larry Taylor (Patrick-supported State Representative Mayes Middleton won Republican primary)
- Senate Nominations Chairwoman Dawn Buckingham running for Land Commissioner (Patrick-supported, former State Senator Pete Flores is in the Republican primary runoff, against Raul Reyes, retired USAF Lt. Colonel, homebuilder)
- Senator Kel Seliger (Patrick-supported Kevin Sparks won Republican primary)
- Senate Finance and Education Vice-chairman Eddie Lucio retiring (Contested Republican and Democratic runoffs will determine candidates in a district that leans Democratic)

L. 2023 Texas Senate will be the most conservative in history

- Will Dan Patrick appoint any Democratic chairs?
  - 82.3% of Republican primary voters supported this non-binding ballot measure

M. Key Congressional Races

- Republicans currently hold 23 of the state's 36 congressional districts
- Republicans heavily favored to pick up new CD 38 (Houston)
- Democrats heavily favored to pick up new CD 37 (Austin)
- 5 incumbents retiring: Kevin Brady (Houston), Louie Gohmert (Northeast Texas), Filemon Vela (South Texas), Van Taylor (DFW), and Eddie Bernice Johnson (DFW)
- Nationally, 31 Democratic retirements announced to date
- Nationally, 15 Republican retirements announced to date
- Brady is currently Ranking Member, and formerly the chairman of the House Ways and Means Committee
- Departures of veteran members will set off returning Texas members' campaigns for key committees of jurisdiction

N. Key races:

- CD 3: Van Taylor vacated the seat after winning the Republican primary; former Collin County Judge Keith Self favored to win the seat
- CD 8: Morgan Luttrell won the Republican primary outright, in a heavily-Republican district
- CD 38: Wesley Hunt won the Republican primary outright, in another heavily Republican district
- CD 28: Incumbent Democrat Henry Cuellar faces Jessica Cisneros in the runoff; rematch from last cycle
- CD 35: Austin City Councilman Greg Casar easily won the reconfigured district, previously represented by Lloyd Doggett
- CD 37: Lloyd Doggett easily won the Democratic primary for the new, strong Democratic seat
- CD 34: Filemon Vela vacated the seat; CD 15 incumbent Vicente Gonzalez vacated his seat in order to run in CD 34, and easily won the Democratic primary
- CD 15: state lawmakers redrew the seat to make it possible for a Republican pickup: Monica de la Cruz easily won the Republican primary, and will face the winner of the Democratic primary, either Ruben Ramirez, or Michelle Vallejo

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33<sup>rd</sup> Annual Health Law Conference session

"2022 State and Federal Healthcare Legislative Landscape"