

Tough Confirmation Fight Could Flip Senate Majority

How the Fight Over Obama's SCOTUS Nominee May Affect 2016 Senate Races



Cases on the Docket

With cases affecting immigration, abortion rights, affirmative action, voting rights, labor unions and health care currently on the docket, support for these issues may spark a higher turnout among voters who are traditionally less likely vote.



Nominee Demographics

If President Obama nominates a minority candidate, he or she may revitalize the Obama coalition of voters that fueled his presidential victories in 2008 and 2012. If the president knows for sure that the Republicans will obstruct his nominee, he may introduce somebody who will give his party the maximum amount of political leverage to damage the Republicans who prevented the nomination.



GOP Procedure

It is widely assumed that if the Senate Judiciary Committee refuses to hold a hearing for Obama's nominee, pressure would mount against vulnerable GOP incumbents like Kelly Ayotte, Ron Johnson, Mark Kirk, Pat Toomey and Rob Portman. Some strategists suggest that a more politically astute approach would be to not categorically reject a nominee and instead, hold a hearing and wait to oppose a specific nominee.



Motivating GOP Base

The potential to seat a conservative Supreme Court justice could also drive turnout for Republicans; however the problem for the GOP in the most contested Senate races remains that they are competing in states Obama won twice. For example, Pennsylvania has more than one million more registered Democrats than Republicans, so motivating the GOP base will likely not be a deciding factor.

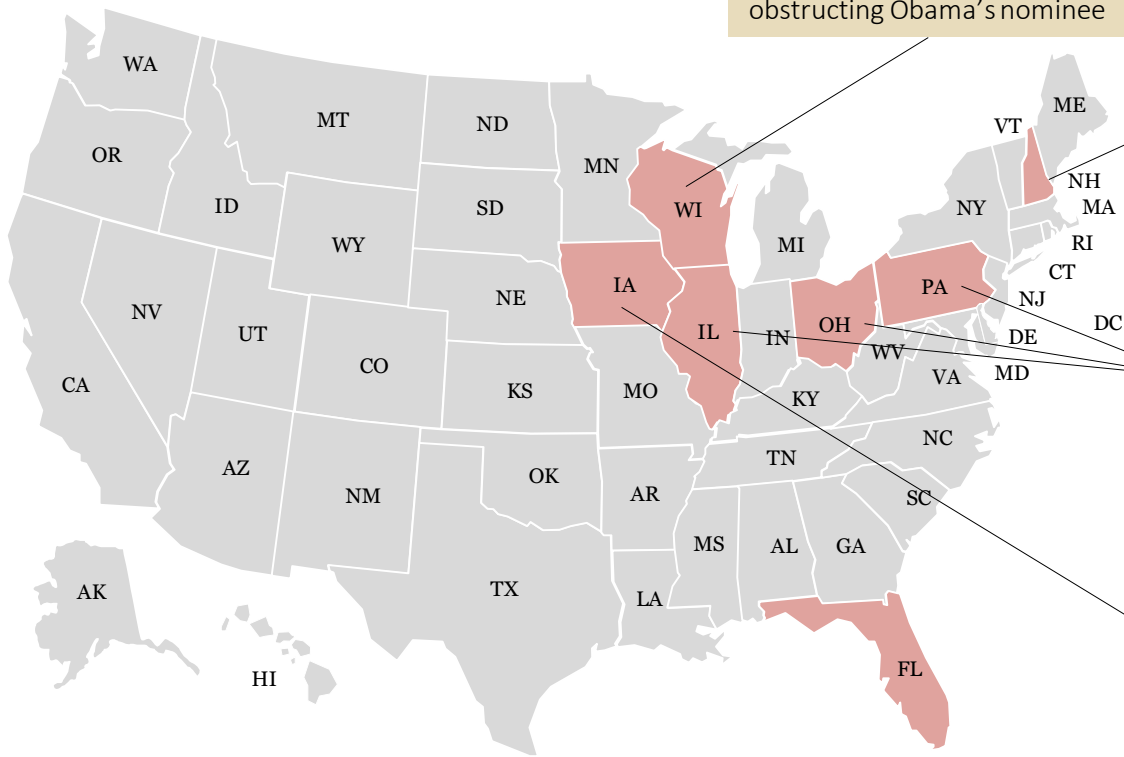
- Currently, the Senate is composed of 54 Republicans, 44 Democrats and 2 Independents (both of whom caucus with the Democrats)
- Democrats will need to retake at least 4 Republican seats in order to flip the Senate majority

Source: Kyle Trygstad, "Hotline's Latest Edition: A Supreme Down-Ballot Reality Check," *National Journal Hotline*, Feb. 16, 2016; James Hohmann, "The Daily 202: Why Blocking Obama's pick to replace Scalia could cost Republicans their Senate majority," *Washington Post*, Feb 15, 2016; Richard Wolf, "Here's how Scalia's death affects Supreme Court rulings this year," *USA Today*, Feb. 15, 2016; Noun Project, Evan Shuster, Evgeniy Kozachenko, Steve Morris, Dillon Arloff.

Vulnerable Republicans Key to Confirm an Obama SCOTUS Nominee

Seven GOP Senate Seats Up for Election in States Obama Won in 2012

■ Republican Incumbent in State Obama Won in 2012



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