

California 2022 Midterm Election Results and Analysis

BROWNSTEIN CLIENT ALERT, NOVEMBER 9, 2022

Friends and colleagues,

California voters faced another historic and critical midterm election night, with a sour national mood on the state of the economy and women's right to choose hanging over voters' heads as they went to the ballot box.

While the stakes were high this midterm election, the California secretary of state is reporting that there was a slight downturn in registered voters when compared to 2022. Currently, there are just shy of 22 million registered voters in California who cast over 5.5 million ballots, leaving turnout currently at 25.4% as of the morning of Nov. 9, although this number is likely to go up. This is a dramatic drop from the 2020 and 2018 elections, where turnout was at 80.67% and 64.54%, respectively.

As expected, California remains a deep blue state where Republicans have once again failed to make any inroads into state constitutional offices. Reproductive freedom headlined California's state ballot measures, while two propositions on sports wagering drew in record spending from California's tribes. The fight over online gaming drew in around \$450 million, making it the most expensive ballot measure fight in the country's history.

This election was also significant as it marked an unprecedented level of turnover in both chambers of the California State Legislature. Due to a change in term limits back in 2012, over 35 seats of the 120 legislative seats in Sacramento did not have an incumbent running either due to retirements, expiring terms or redistricting. California's redistricting favored Democrats slightly in the Assembly, but Republicans in the Senate. Redistricting also created over 20 intraparty races statewide between both houses, with 19 of them being Democrat-on-Democrat races, mostly between moderates and progressives.

It is expected that the ballot count will go on for several more weeks. County election officials are required, by law, to report final election results to the Secretary of State by Dec. 9. The Secretary of State then has until Dec. 16 to certify election results.

Below you will find an overview of California's election night results and the implications this will have on the balance of power in Sacramento. All results were up-to-date as of the morning of Nov. 9. Brownstein remains committed to representing you in Sacramento and is ready to navigate the opportunities and challenges that will come with a significant freshman class of legislators for the 2022-2023 legislative session that will begin next month.

You can find the rest of our state election analyses for California, Colorado, Florida, Nevada, New Mexico and Wyoming [here](#). You can find our federal election analysis [here](#).

King regards,

Greg Hayes
Office Managing
Partner

Teresa Cooke
Policy Director

Ruy Laredo
Policy Advisor

Victoria Barba
Policy Advisor

Steven Stenzler
Policy Advisor

California Executive Offices

The California GOP once again fails to make any headway in winning a state constitutional office. Gov. Arnold Schwarzenegger was the last Republican to be elected to a statewide office. Republicans thought they might have a chance to take an open seat in the controller's office, but those hopes were dashed quickly on election night.

The bigger news that everyone is waiting for in the coming months is whether or not Gov. Gavin Newsom will jump into the 2024 presidential race. While Newsom says he remains committed to serving as California's governor, he has been making big moves nationally, attracting attention from pundits to the White House. All eyes will be on Gov. Newsom if President Joe Biden decides not to run for reelection.

- **Governor:** Democratic incumbent **Gavin Newsom** defeated Republican challenger **Brian Dahle** by 15.4%.
- **Lieutenant Governor:** Democratic incumbent **Eleni Kounalakis** defeated Republican challenger **Angela Underwood Jacobs** by 15.6%.
- **Secretary of State:** Democratic incumbent **Shirley Weber** defeated Republican opponent **Robert Benosky** with 16.2% of the vote.
- **Attorney General:** Democratic incumbent **Rob Bonta** beat out GOP opponent **Nathan Hochman** by 14.6%.
- **State Treasurer:** Democratic incumbent **Fiona Ma** beat out GOP opponent **Jack Guerrero** by 14.4%.
- **State Controller:** Democratic incumbent **Malia Cohen** beat out GOP opponent **Lanhee Chen** by 7.4% for this open seat.
- **State Superintendent of Public Instruction:** Democratic incumbent **Tony Thurmond** beat out GOP opponent **Lance Christensen** by 25.6%.
- **Insurance Commissioner:** Democratic incumbent **Ricardo Lara** beat out GOP opponent **Robert Howell** by 16%.

California State Legislature

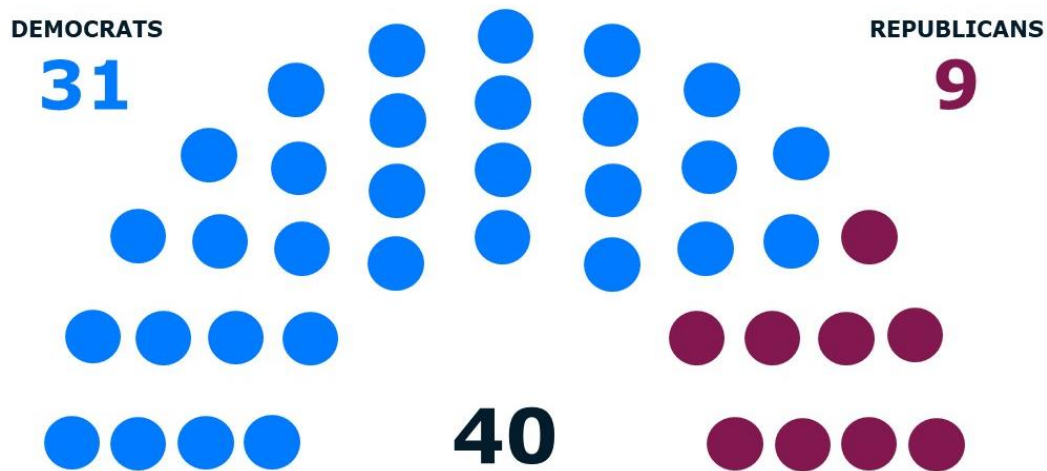
The 2022 general election did not change control of either chamber of the state Legislature; Democrats will remain in control of the Assembly and Senate and hold a supermajority in both. While there will not be a change in the ruling party, the election had a significant impact on the makeup of the legislature due to term limits.

This November featured the first of a big wave of unprecedented turnover in both houses of the state legislature due to a change in term limits last decade. Following the passage of Proposition 28 in 2012, senators and assemblymembers are allowed to serve a lifetime maximum of 12 years in the state legislature. Because of this, many legislators termed out or decided not to run for reelection ahead of terming out, with some even leaving midterm. California already saw five special elections earlier this year ahead of the general election. Additionally, this year's election featured 21 open seats in the Assembly and 10 in the Senate. The legislature will have at least 36

new members who did not hold the current seat in 2021. This marked change will play a big role in the upcoming fight for who will be the next speaker of the Assembly.

While Democrats will still control both houses of the legislature, there has been a concerted effort over the last year by a faction of Democrats to overthrow current Speaker Anthony Rendon (D-Lakewood). Another attempt to elect a new speaker is likely to occur at the start of the new legislative session in December. At the moment, there is no similar power struggle in the state Senate, but there will be an expected leadership change by 2024 as Senate President Pro Tempore Toni Atkins (D-San Diego) is currently serving her last term.

CALIFORNIA STATE SENATE



California's Senate Democrats went into this election at the height of their power, with 31 Democrats holding Senate seats compared to the Republicans' nine seats. While there are still several races that are too close to call, the Democrats will retain their supermajority and likely hold at least 30 seats compared to at least eight for the Republicans.

There were five Senate races where Democrats were running against other Democrats (no Senate seat featured two Republicans). Of these five races, three of them are seeing the moderate Democrat prevail over the progressive. Additionally, the SD 4 Democrat-on-Democrat race was a pivotal flip that happened in the primary. Normally a safe Republican district, too many Republican candidates crowded the field in the primary and allowed two Democrats to break through into the general election.

KEY RACES:

- **Safe Blue (Too Close to Call):** SD 4 – Marie Alvarado Gil (D) vs. Tim Robertson (D) – Public school administrator Marie Alvarado Gil leads labor candidate Tim Robertson by less than 3 points in a red seat the Republicans failed to protect in the primary.

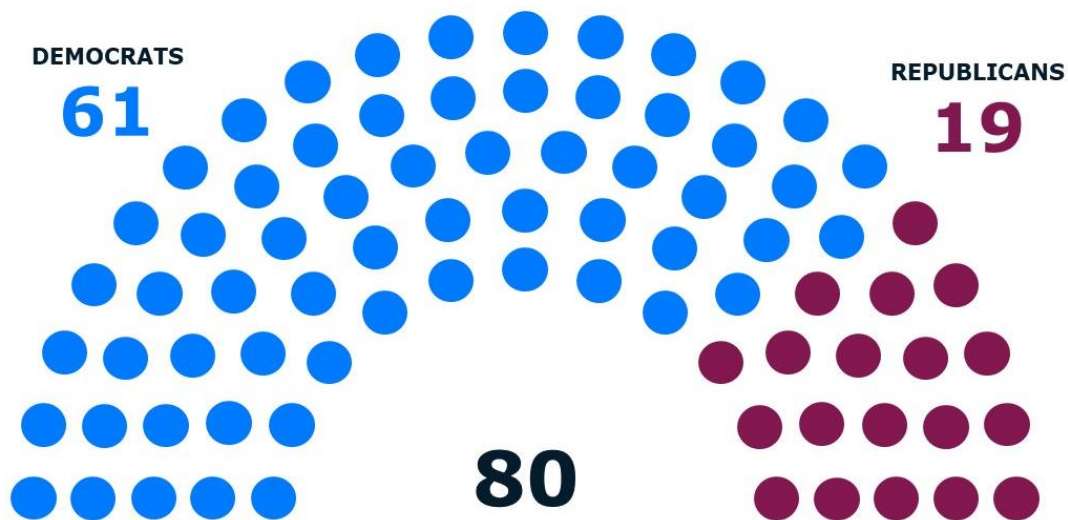
- **Going Red:** SD 6 – Roger Niello (R) vs. Paula Villescaz (D) – Former Assemblymember Roger Niello is leading his opponent significantly in a district with a razor-thin Republican registration advantage.
- **Safe Blue (Too Close to Call):** SD 8 – Angelique Ashby (D) vs. Dave Jones (D) – Sacramento Vice Mayor Angelique Ashby leads former Insurance Commissioner Dave Jones.
- **Safe Blue (Too Close to Call):** SD 10 – Lily Mei (D) vs. Aisha Wahab (D) – Fremont Mayor Lily Mei leads Hayward City Councilmember Aisha Wahab by a slim margin.
- **Leaning Red:** SD 16 – Melissa Hurtado (D) vs. David Shepard (R) – Current Sen. Melissa Hurtado is trailing her challenger after switching districts.
- **Safe Blue:** SD 20 – Caroline Menjivar (D) vs. Daniel Hertzberg (D) – Caroline Menjivar currently leads her opponent, the son of Sen. Robert Hertzberg, by a sizable margin.
- **Too Close to Call:** SD 38 – Catherine Blakespear (D) vs. Matt Henderson (R) – Encinitas Mayor Catherine Blakespear holds a slim lead of less than a percentage point over small business owner Matt Henderson.
- **Staying Red:** SD 40 – Brian Jones (R) vs. Joseph Rocha (D) – Incumbent Sen. Brian Jones is fending off his challenger in what was viewed as a toss-up race.

As of Nov. 9, at 8 a.m. PST, the outcomes of all state Senate races are below. The leading candidate is listed first, alongside the percentage amount they are leading by. Incumbency is noted by an asterisk (*).

SD 2	Mike McGuire* (D) vs. Gene Yoon (R) by 44%.
SD 4	Marie Alvarado-Gil (D) vs. Tim Robertson (D) by 2.8%
SD 6	Roger Niello (R) vs. Paula Marie Villescaz (D) by 13.4%.
SD 8	Angelique Ashby (D) vs. Dave Jones (D) by 4%
SD 10	Lily Mei (D) vs. Aisha Wahab (D) by 1.4%
SD 12	Shannon Grove* (R) vs. Susanne Gundy (D) by 37.4%
SD 14	Anna Caballero* (D) vs. Amnon Shor (R) by 10.6%
SD 16	David Shepard (R) vs. Melissa Hurtado (D)* by 5.2%
SD 18	Steve Padilla (D) vs. Alejandro Galicia(R) by 17.4%
SD 20	Caroline Menjivar (D) vs. Daniel Hertzberg (D) by 8.6%
SD 22	Susan Rubio* (D) vs. Vincent Tsai (R) by 11%

SD 24	Ben Allen* (D) vs. Kristina Irwin (R) by 24.6%
SD 26	Maria Elena Durazo* (D) vs. Claudia Agraz (R) by 57%
SD 28	Lola Smallwood-Cuevas (D) vs. Cheryl Turner (D) by 11.4%
SD 30	Bob Archuleta* (D) vs. Mitch Clemmons (R) by 13.2%
SD 32	Kelly Seyarto (R) vs. Brian Nash (D) by 18.2%
SD 34	Tom Umberg* (D) vs. Rhonda Shader (R) by 9.6%
SD 36	Janet Nguyen (R) vs. Kim Carr (D) by 16.8%
SD 38	Catherine Blakespear (D) vs. Matt Gunderson (R) by 0.6%
SD 40	Brian Jones* (R) vs. Joseph Rocha (D) by 10.4%

CALIFORNIA STATE ASSEMBLY



California Democrats entered this year’s general election with a sizable supermajority, holding 60 of the 80 seats in the state Assembly, while Republicans only hold 19 seats, and the last seat held by an independent assemblymember. With current results, we expect Democrats to gain the one independent seat and Republicans to hold on to their 19 seats.

Unlike the Senate, all Assembly seats are up for election every two years. Of the 80 seats, 21 were open seats, a product of the large turnover in the legislature. The turnover in the Assembly will play a big role in the upcoming fight for speaker.

At the end of May 2022, Assemblymember Robert Rivas (D-Salinas), claimed that he had the votes to elect him speaker of the Assembly. Following a six-hour-long Democratic caucus, Speaker Rendon fended off Rivas' attempt. Both legislators issued a joint statement following the meeting noting that Rivas had the support of the "current" Democratic caucus to succeed him as Speaker. Speaker Rendon offered no timeline for a transition at that time.

The speaker conflict has spilled over into the Assembly Democratic caucus operations, as Assemblymember Rivas is working his own operation with his allies to help elect Democrats and siphon off financial support from the caucus. It remains to be seen how successful this move will turn out in his favor. As things stand, it is assumed a vote for the speakership will likely happen in early December.

As for the races, only a handful of competitions were considered toss-ups, and four have remained too close to call.

KEY RACES:

- **Too Close to Call:** AD 6 – Ken Cooley (D) vs. Josh Hoover (R) – Incumbent Ken Cooley holds a slim margin against his challenger in a difficult seat for Democrats.
- **Safe Blue:** AD 10 – Stephanie Nguyen (D) vs. Eric Guerra (D) – Stephanie Nguyen, the more moderate candidate, took a considerable lead against Eric Guerra.
- **Safe Blue:** AD 20 – Liz Ortega (D) vs. Shawn Kumagai (D) – Progressive and labor candidate Liz Ortega holds a significant lead over the more moderate candidate Shawn Kumagai.
- **Going Red:** AD 22 – Juan Alanis (R) vs. Jessica Self (D) – Juan Alanis holds a significant margin over Jessica Self in what was considered a toss-up race.
- **Too Close to Call:** AD 27 – Esmeralda Soria (D) vs. Mark Pazin (R) – Fresno City Councilmember Esmeralda Soria holds on to a slim lead versus former police officer Mark Pazin in this new Central Valley seat.
- **Safe Red:** AD 34 – Tom Lackey (R) vs. Thurston "Smitty" Smith" (R) – With both Republican incumbents drawn into the same district, Assemblymember Lackey currently leads Assemblymember Smith by a significant margin.
- **Leaning Red:** AD 40 – Suzette Martinez Valladares (R) vs. Pilar Schiavo (D) – Redrawn into a more favorable seat for Democrats, Assemblymember Martinez Valladares is currently fending off her challenger.
- **Going Blue:** AD 47 – Christy Holstege (D) vs. Greg Wallis (R) – A key target for Republicans, Palm Springs Councilmember Holstege is leading her opponent by double digits in what was expected to be a close race.
- **Too Close to Call:** AD 67 – Soo Yoo (R) vs. Sharon Quirk-Silva (D) – Incumbent Assemblymember Quirk Silva is currently trailing her Republican challenger by a couple hundred votes in what should have been an easy race for her.

- **Going Red:** AD 70 – Tri Tra (R) vs. Diedre Thu-Ha Nguyen (R) – Westminster Mayor Tra holds a double-digit lead over Garden Grove Councilmember Nguyen in a seat the Democrats tried to play for.
- **Staying Red:** AD 74 – Laurie Davies (R) vs. Chris Duncan (D) – Incumbent Assemblymember Davies is fending off her Democratic challenger in a toss-up race.
- **Safe Red:** AD 75 – Marie Waldron (R) vs. Randy Voepel (R) – Two Republican incumbents were drawn into this district together, with Assemblymember Waldron significantly leading her colleague.
- **Too Close to Call:** AD 76 – Kristie Bruce-Lane vs. Brian Maienschein (D) – Incumbent Assemblymember Maienschein has fallen behind his challenger by a slim margin.

As of Nov. 9, at 8 a.m. PST, the outcomes of all state Assembly races are below. The leading candidate is listed first, alongside the percentage amount they are leading by. Incumbency is noted by an asterisk (*).

AD 1	Megan Dahle* (R) vs. Belle Starr Sandwith (D) by 21.2%
AD 2	Jim Wood* (D) vs. Charlotte Svolos (R) by 36%
AD 3	James Gallagher* (R) vs. David Zink (D) by 25.8%
AD 4	Cecilia Aguiar-Curry* (D) vs. Bryan Pritchard (R) by 31%
AD 5	Joe Patterson (R) vs. Rebecca Chenoweth (D) by 18.8%
AD 6	Kevin McCarty* (D) vs. Cathy Cook (R) by 25.6%
AD 7	Ken Cooley* (D) vs. Josh Hoover (R) by 0.6%
AD 8	Jim Patterson (R) vs Thomas Edward Nichols (L) by 48.6%
AD 9	Heath Flora* (R) vs. Mushtaq Tahirkheli (D) by 36.6%
AD 10	Stephanie Nguyen (D) vs. Eric Guerra (D) by 16%
AD 11	Lori Wilson* (D) vs. Jenny Leilani Callison (NPP) by 16.8%
AD 12	Damon Connolly (D) vs. Sara Aminzadeh (D) by 9.2%
AD 13	Carlos Villapudua* (D) vs. Veronica Vargas (D) by 23.2%
AD 14	Buffy Wicks* (D) vs. Rich Kinney (R) by 70.4%

AD 15	Tim Grayson* (D) vs. Janell Proctor (R) by 33.6%
AD 16	Rebecca Bauer-Kahan* (D) vs. Joseph Rubay (R) by 28.6%
AD 17	Matt Haney* (D) vs. David Campos (D) by 36.6%
AD 18	Mia Bonta* (D) vs. Mindy Pechenuk (R) by 71.6%
AD 19	Phil Ting* (D) vs. Karsten Weide (R) by 57.2%
AD 20	Liz Ortega (D) vs. Shawn Kumagai (D) by 17.2%
AD 21	Diane Papan (D) vs. Giselle Hale (D) by 45.2%
AD 22	Juan Alanis (R) vs. Jessica Self (D) by 14.8%
AD 23	Marc Berman* (D) vs. Tim Dec (R) by 43.6%
AD 24	Alex Lee* (D) vs. Bob Brunton (R) by 33.6%
AD 25	Ash Kalra* (D) vs. Ted Stroll (R) by 36%
AD 26	Evan Low* (D) vs. Tim Gorsulowsky (R) by 44.2%
AD 27	Esmeralda Soria (D) vs. Mark Pazin (R) by 0.6%
AD 28	Gail Pellerin (D) vs. Liz Lawler (R) by 30%
AD 29	Robert Rivas* (D) vs. Stephanie Castro (R) by 26.8%
AD 30	Dawn Addis (D) vs. Vicki Nohrden (R) by 21.6%
AD 31	Joaquin Arambula* (D) vs. Dolce Calandra (R) by 18.2%
AD 32	Vince Fong* (R) by 100% - <i>No opposition.</i>
AD 33	Devon Mathis* (R) vs. Jose Sigala (D) by 26.2%
AD 34	Tom Lackey* (R) vs. Thurston Smith* (R) by 18.4%

AD 35	Jasmeet Bains (D) vs. Leticia Perez (D) by 17.8%
AD 36	Eduardo Garcia* (D) vs. Ian Weeks (R) by 12.8%
AD 37	Gregg Hart (D) vs. Mike Stoker (R) by 16%
AD 38	Steve Bennett* (D) vs. Cole Brocato (R) by 20.8%
AD 39	Juan Carrillo (D) vs. Paul Marsh(R) by 10.4%
AD 40	Suzette Martinez Valladares* (R) vs. Pilar Schiavo (D) by 8.6%
AD 41	Chris Holder* (D) vs. Michael McMahon (R) by 16.4%
AD 42	Jacqui Irwin* (D) vs. Lori Mills (R) by 8.4%
AD 43	Luz Maria Rivas* (D) vs. Siaka Massaquoi (R) by 40.4%
AD 44	Laura Friedman* (D) vs. Barry Jacobsen (R) by 32.6%
AD 45	James Ramos* (D) vs. Joseph Martinez (R) by 22.2%
AD 46	Jesse Gabriel* (D) vs. Dana Caruso (R) by 20.6%
AD 47	Christy Holstege (D) vs. Greg Wallis (R) by 11.8%
AD 48	Blanca Rubio* (D) vs. Ryan Maye (R) by 11.8%
AD 49	Mike Fong* (D) vs. Burton Brink (R) by 24.4%
AD 50	Eloise Gomez Reyes* (D) vs. Sheela Stark (R) by 14.6%
AD 51	Rick Chavez Zbur (D) vs. Louis Abramson (D) by 9.8%
AD 52	Wendy Carrillo* (D) vs. Mia Livas Porter (D) by 20.6%
AD 53	Freddie Rodriguez* (D) vs. Toni Holle (R) by 17.2%
AD 54	Miguel Santiago* (D) vs. Elaine Alaniz(R) by 48.6%

AD 55	Isaac Bryan* (D) vs. Keith Cascio (R) by 60.2%
AD 56	Lisa Calderon* (D) vs. Jessica Martinez (R) by 8.2%
AD 57	Reginald Jones-Sawyer* (D) by 100% - <i>No opposition.</i>
AD 58	Sabrina Cervantes* (D) vs. Bernard Murphy (R) by 13.2%
AD 59	Phillip Chen* (R) vs. Leon Q Sit (NPP) by 44.4%
AD 60	Corey Jackson (D) vs. Hector Diaz-Nava (R) by 14.8%
AD 61	Tina Simone McKinnor* (D) vs. Robert Pullen-Miles (D) by 21.8%
AD 62	Anthony Rendon* (D) vs. Maria Estrada (D) by 26.4%
AD 63	Bill Essayli (R) vs. Fauzia Rizvi (D) by 7%
AD 64	Blanca Pacheco (D) vs. Raul Ortiz Jr. (R) by 12%
AD 65	Mike Anthony Gipson* (D) vs. Fatima Iqbal-Zubair (D) by 28.8%
AD 66	Al Muratsuchi* (D) vs. George Barks (R) by 11%
AD 67	Soo Y. Yoo (R) vs. Sharon Quirk-Silva* (D) by 0.6%
AD 68	Avelino Valencia (D) vs. Mike Tardif (R) by 15.8%
AD 69	Josh Lowenthal (D) vs. Al Austin (D) by 19.8%
AD 70	Tri Ta (R) vs. Diedre Nguyen (D) by 11.2%
AD 71	Matt Rahn (R) vs. Kate Sanchez (R) by 0.4%
AD 72	Diane Dixon (R) vs. Judith Mancuso (D) by 14%
AD 73	Cottie Petrie-Norris* (D) vs. Steven S. Choi* (R) by 7.6%
AD 74	Laurie Davies* (R) vs. Chris Duncan (D) by 8.4%

AD 75	Marie Waldron* (R) vs. Randy Voepel* (R) by 33.6%
AD 76	Kristie Bruce-Lane (R) vs. Brian Maienschein* (D) by 0.8%
AD 77	Tasha Boerner Horvath* (D) vs. Dan Downey (R) by 16.4%
AD 78	Christopher Ward* (D) vs. Eric Gonzales (R) by 30.4%
AD 79	Akilah Weber* (D) vs. Corbin Sabol (R) by 22.4%
AD 80	David Alvarez* (D) vs. Georgette Gómez (D) by 43.6%

Statewide Ballot Initiatives

This election featured seven statewide initiatives on the ballot for California voters to weigh in on. As of Nov. 9 at 8 a.m. PST, the outcomes of all of the initiatives are all listed below.

TITLE	DESCRIPTION	OUTCOME
Proposition 1	Provides a state constitutional right to reproductive freedom, including the right to an abortion	Yes: 65% (Passed) No: 35% Passed with 65% of voters voting "Yes" in support.
Proposition 26	Legalizes sports betting at American Indian gaming casinos and licensed racetracks in California	Yes: 29.9% No: 70.1% (Failed) Failed with 70.1% of voters voting "No" in opposition.
Proposition 27	Legalizes mobile sports betting and dedicates revenue to the California Solutions to Homelessness and Mental Health Support Account and the Tribal Economic Development Account	Yes: 16.7% No: 83.3% (Failed) Failed with 83.3% of voters voting "No" in opposition.
Proposition 28	Requires funding for K-12 art and music education	Yes: 61.5% (Passed) No: 38.5% Passed with 61.5% of voters voting "Yes" in support.

Proposition 29	Enacts staffing requirements, reporting requirements, ownership disclosure, and closing requirements for chronic dialysis clinics	Yes: 30.1% No: 69.9% (Failed) Failed with 69.9% of voters voting "No" in opposition.
Proposition 30	Increases the tax on personal income above \$2 million by 1.75% and dedicates revenue to zero-emission vehicle projects and wildfire prevention programs	Yes: 41% No: 59% (Failed) Failed with 59% of voters voting "No" in opposition.
Proposition 31	Upholds the ban on flavored tobacco sales	Yes: 62.3% (Passed) No: 37.7% Passed with 62.3% of voters voting "Yes" in support.

THIS DOCUMENT IS INTENDED TO PROVIDE YOU WITH GENERAL INFORMATION REGARDING THE 2022 MIDTERM ELECTION RESULTS IN CALIFORNIA. THE CONTENTS OF THIS DOCUMENT ARE NOT INTENDED TO PROVIDE SPECIFIC LEGAL ADVICE. IF YOU HAVE ANY QUESTIONS ABOUT THE CONTENTS OF THIS DOCUMENT OR IF YOU NEED LEGAL ADVICE AS TO AN ISSUE, PLEASE CONTACT THE ATTORNEYS LISTED OR YOUR REGULAR BROWNSTEIN HYATT FARBER SCHRECK, LLP ATTORNEY. THIS COMMUNICATION MAY BE CONSIDERED ADVERTISING IN SOME JURISDICTIONS.