

## Anti-Trump backlash at US by-elections

Written by Adrian Beaumont, Honorary Associate, School of Mathematics and Statistics, University of Melbourne

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Today, a by-election was held in Kansas' fourth Congressional District (CD) for election to the US House. This CD is very conservative, and voted for Donald Trump by 60-33 against Hillary Clinton at the 2016 election. At this by-election, the [Republican prevailed by 53-46](#), a net improvement of 20 points for the Democrats from Trump's margin in 2016.

The Kansas result is not the only poor outcome for Republicans. A by-election was held in California's 34th CD last Tuesday. This is a Democratic fortress, which Clinton won by 84-11. This by-election used a "jungle primary", where candidates from the same party, and those from other parties, run on the one ballot paper. Unless one candidate wins a vote majority, the top two, regardless of party, proceed to a runoff.

As California's 34th CD is a Democratic bastion, about 20 Democrats and only one Republican ran, and the top six vote winners were Democrats. The sole Republican won a [risible 3.2% of the votes](#), well down from Trump's 11%. The top two candidates, both Democrats, will proceed to a 6 June runoff.

While party control did not change in either by-election, the swing from Trump to the Democratic candidates is encouraging for the Democrats, and indicates that the November 2018 [midterm elections could be good](#) for the Democrats.

Next Tuesday (results Wednesday morning Melbourne time), a "jungle primary" by-election will be held in Georgia's Republican-held sixth CD. The lead Democrat, Jon Ossoff, has a chance to win a vote majority, and thus avoid a runoff against a single Republican. This CD voted for Trump by a 48.3-46.8 margin.

Trump's ratings in [FiveThirtyEight's poll tracker](#) are currently 52.5% disapprove, 41.5% approve for a net of -11. After dropping briefly below 40% following the health care debacle, his ratings have recovered a point or two after the Syrian missile strike.

[Daily Kos elections](#) has calculated the Presidential results for all 435 CDs. Presidential results

by CD are not generally published by election boards, and need to be calculated from each county's precinct information.

## Republicans change rules to get Gorsuch confirmed to US Supreme Court

On Friday, staunch conservative [judge Neil Gorsuch won a confirmation](#) vote in the US Senate, 54-45, and will now be a Supreme Court Justice. Gorsuch replaces Antonin Scalia, who died in February 2016, restoring a 5-4 conservative majority on the Supreme Court. Gorsuch is aged 49, so he could be on the Court for the next 30 years, delivering conservative verdicts.

Barack Obama had nominated Merrick Garland to replace Scalia, but the Republicans, who controlled the Senate, had refused to even grant Garland a hearing, arguing that Obama's successor should select the next Supreme Court nominee. When Donald Trump upset Hillary Clinton in the 2016 election, this strategy was vindicated.

Under Senate rules, Democrats could have filibustered Gorsuch's confirmation. For a filibuster to be defeated, 3/5 of the Senate (60 Senators) are required to vote for cloture. With Republicans only holding a 52-48 Senate majority, a Democratic filibuster of Gorsuch would have succeeded.

However, the filibuster rule has never been part of the US Constitution, and a Senate majority can change the Senate's rules. On Thursday, Republicans used the "nuclear" option, removing the ability of a minority to filibuster Supreme Court confirmations in a 52-48 party-line vote.

Democrats themselves had used the nuclear option to remove the ability of a minority to filibuster lower court and Cabinet confirmations in 2013. The filibuster now only exists for legislation, and that filibuster is likely to be abolished in the near future.

## French Presidential election: hard left Melenchon surges

The French Presidential election will be held in two rounds. The first round is on 23 April, and the top two vote winners proceed to the second round on 7 May.

[Current polls](#) have the centrist Emmanuel Macron and far right Marine Le Pen tied at 23%, followed by conservative Francois Fillon on 19% and the hard left Jean-Luc Melenchon on 18%. A few weeks ago, Melenchon had just 10% support. His gains have come mainly at the expense of Socialist Benoit Hamon, who has fallen into single digits.

Many on the French left have been frustrated with the current Socialist government's pro-business agenda, which Macron would continue. In contrast, Melenchon's policies [include a 100% tax](#) on the part of any income over 360,000 Euros a year (about \$AU 500,000).

If Macron makes the runoff against any of the other three contenders, he should win easily. While still unlikely, it is possible that Macron could be knocked out of the runoff. If this happens, there would be two candidates that most voters would probably object to, and the runoff would not be predictable.

## NSW by-elections: Liberals suffer large swings, but hold their seats

On Saturday, by-elections occurred in the Liberal-held seats of Manly and North Shore, and the Labor-held seat of Gosford. Manly and North Shore became vacant following the retirements of former Premier Mike Baird and Health Minister Jillian Skinner, while Gosford's vacancy was caused by a cancer diagnosis for its former member, Kathy Smith.

Labor easily held [Gosford by 62.5-37.5](#) vs the Liberals, a 12.3 point swing to Labor from the 2015 election. The Liberals suffered a 24 point primary vote swing against them in Manly and a 15 point swing in North Shore, which Labor did not contest, but held both seats against Independent challengers. Vote shares in both these seats were 43-44% for the Liberals, 22-24% for the main Independent challenger and 16-18% for the Greens.

A Liberal vs Independent two candidate count in North Shore and Manly is not yet available, but [Antony Green](#) expects comfortable Liberal wins, especially given NSW's optional preferential voting. **Update Thursday afternoon:** The Liberals won North Shore by 54.7-45.3 and Manly by 60.5-39.5

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A [NSW Newspoll](#) , taken from February to March from a sample of 1580, had the Coalition leading by 51-49, unchanged from November to December 2016. Primary votes were Coalition 40% (down 1), Labor 34% (down 2), Greens 10% (down 1) and One Nation 8%. Premier Gladys Berejiklian had initial ratings of 44% satisfied and 21% dissatisfied, while Opposition Leader Luke Foley's net approval was up 2 points to -4.

The 2015 NSW election result was 54.4-45.6 to the Coalition, so Newspoll implies a 3 point swing against the Coalition. The by-election results suggest a larger swing, but by-elections are not good guides to general elections. Governments usually do badly at by-elections because people are inclined to vote against the government, knowing that such a vote will not change the government.

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