

# State Attorneys General

## Outlook for the 119th Congress & the Trump Administration

### Key Takeaways

- Unlike members of Congress in the minority party who are often sidelined, all state attorneys general (AGs), regardless of party affiliation, are in full control of their offices.
- 10 states held elections for AGs. All incumbents on the ballot won (Indiana, Missouri, Montana, Vermont). Of the six open races, five states elected candidates from the same party as the incumbent (North Carolina, Oregon, Utah, Washington, West Virginia). Pennsylvania elected its first Republican AG since Tom Corbett was re-elected to the position in 2008. A Republican gubernatorial win in New Hampshire, where AGs are appointed by the state's governor, means the office there will stay under Republican control. The partisan split will be 28 Republicans and 23 Democrats.
- With a Trump administration that will likely cut back on federal regulatory enforcement, expect state AGs to continue to expand their reach and visibility, particularly in areas such as consumer protection and antitrust enforcement. While Democratic AGs will likely see themselves as filling an enforcement void at the federal level, Republican AGs have not hesitated to target business when it can be coupled with a populist message.
- The AGs will likely focus a lot of attention on the technology, health care and finance industries.

### Additional Insights

- State AGs will again be a check on executive action in areas that fall along predictable partisan lines, but this time it will be Democrats bringing the legal challenges and Republicans defending them.
- Democratic AGs successfully sued and blocked a number of Trump administration actions during his first term, and they've been preparing for months for a potential Trump 2.0. Those efforts will constrain resources within Democratic AG offices, while Republican AG offices will find themselves with resources to spare as lawsuits against Biden administration policies wind down.
- We expect Republican AGs to turn some of those resources toward investigations and enforcement actions against the private sector. In particular, we anticipate that Republican AGs will focus on culture war issues, including diversity, equity & inclusion (DEI) programs, employee access to reproductive health care and alleged discriminatory treatment of gun owners and firearm-focused businesses. We would also expect Republican AGs to scrutinize corporate connections to China.

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