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Cozen Currents: The Debate Over Defining Harris

The Cozen Lens

· With Election Day approaching quickly, both candidates are trying to make tonight's debate as consequential as the last one.

· The contest for the 2025 Senate majority is coming down to the wire, but recent polling indicates that, while Democratic candidates are overperforming in key races, a favorable map for the GOP may ultimately win out.

· California lawmakers sent a major bill on AI to Governor Gavin Newsom's (D-CA) desk late last month, but it's unclear if he will sign it. Either way, the measure sets a precedent for regulating the emerging technology.

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How to Watch Tonight's Debate

The Exception That Proves the Rule. The importance of most political debates is highly overrated. Given the exigent circumstances around this one, however, that might not be true in this case.

· Despite what news shows would have you believe, televised debates between two major candidates do not typically make much of a difference. Most people already know who they're voting for and watching yet more TV of the two will not move the needle.

· While there's not much upside from participating in a debate, there is massive downside risk, which is what makes these events actually matter. Everyone remembers the flubs of debates past but very little else.

· This debate holds special significance for a couple of reasons. It may be the only time voters get to see Vice President Harris and Trump face-to-face, and the only time before early voting opens up to many Americans. The switch to Harris late in the campaign means there's a lot of room to shift opinions about her, both to her benefit and detriment. While this is Trump's seventh general election debate, Harris' only general election event was as the undercard, the 2020 vice presidential debate against Mike Pence.

What Harris Has to Do. More than anything, Harris has to present herself as a competent, middle-class champion who represents a turning of the page towards a brighter future.

· Harris has ditched the team that prepped Biden last time around for her own crew, and has been holed up for five days in a Pittsburgh hotel preparing for the event. She's fully recreating the debate venue, with replicas of the stage, TV lighting, and having the aide that stood-in for Trump when prepping Hillary Clinton in 2016 reprise his performance, fully method-acting. Despite Trump's generally bad debates with Clinton in 2016 and Biden in 2020, his definitive victory in June against Biden ensures they're

Howard Schweitzer

CEO, Cozen O'Connor Public Strategies

hschweitzer@cozen.com
Phone: (202) 912-4855
Fax: (202) 640-5932

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treating him very seriously.

· Harris' job is to define herself — even as the sitting vice president, her identity remains up in the air for many voters. She wants to emphasize her former record as a prosecutor, partially to defuse attacks on her being insufficiently tough on immigration and crime. As opposed to Trump, she could represent a new start for an America that wants to move on from the past few years. Being energetic enough to clearly contrast with Biden's slow performance is important, but she must remain calm and cool enough to appear presidential.

· Her offensive strategy significantly deviates from Biden's. The "soul of America" talk is out and highlighting more down-to-earth concerns is in. Her team has moved on from pointing out Trump's character (which most people are familiar with) and honing in on a populist message that Trump is a rich guy out to help his rich friends. Goading him off the rails, or pinning him down on abortion, would be a major win for the Harris team.

What Trump Has to Do. For once, Trump's not the center of political attention. He aims to make Harris regret that.

· Trump, on the other hand, is doing just about the exact opposite. Like last time, he's eschewed formal debate prep for a series of policy discussions with close advisors, honing his opinions on topics his team believes will come up. These are meant to be refreshers on the issues and he's only held a handful of them.

· Trump's job is also to define Harris as "failed, weak, and dangerously liberal." As the former senator of one of the most liberal states, she has had to moderate her policy positions in the past few weeks, threatening to leave her looking wishy-washy or too progressive. Trump also needs to tie her to the more unpopular parts of the current administration and status quo — the economy, the cost of living, conflict in Ukraine and the Middle East, immigration, etc. He wants to dispel the notion that Harris is the candidate of change.

· Defensively, Trump needs to replicate his presentation at the last debate, which was remarkably un-Trumpian: calm and restrained. However, as now the clearly older of the two candidates, he also has to be energetic and on top of things enough to defuse the possible age issue. If he can stick to the issues and keep his cool, that would be a win for his campaign.

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The State of the Race for the Senate

The Path to Victory. The battle for the Senate majority is playing out across seven highly-contested races, all in states where a Democratic senator is either running for re-election or a Democratic senator has retired and an open seat race is underway.

· With a two seat majority, 51-49, Senate Democrats entered the 2024 electoral cycle in a defensive position. Unlike in 2020 and 2022, when surprise victories in Georgia and Pennsylvania powered the party to its current majority, Democrats have few to no opportunities to go on the offensive. Instead, the party is attempting to hold on in swing-state races in Arizona, Nevada, Michigan, Wisconsin, and Pennsylvania as well as in races in GOP-leaning states including Montana and Ohio.

· Making the math harder for Democrats is Senator Joe Manchin's (I-WV) decision to retire, creating an open seat contest in GOP-leaning West Virginia. GOP primary winner, Governor Jim Justice (R-WV), is all but certain to win the general election due to the state's partisan lean. Assuming Manchin's seat flips, Democrats' 51-49 Senate majority would become a 50-50 tie, likely requiring the party to sweep the other seven competitive races and win the presidency to retain its majority.

In Search of a Sweep. On an electoral map favorable to the GOP, Democrats have managed to maintain polling leads in six of the seven races most likely to determine the majority for the better

part of the year.

· Four of those races stand out from the rest, with the Cook Political Report rating the races in Arizona, Nevada, Pennsylvania, and Wisconsin as "Lean Democratic." While the races remain close, Democratic incumbents, Senators Jacky Rosen (D-NV), Bob Casey (D-PA), and Tammy Baldwin (D-WI), and Democratic candidate Rep. Ruben Gallego (D-AZ), all lead their challengers by at least five points in RealClearPolitics' polling averages of each race. According to Sabato's Crystal Ball, Rosen, Casey, Baldwin, and Gallego are also outrunning Harris' projected share of the vote in polls, signaling they are benefiting from some crossover support in their states that Democrats may not receive at the presidential level.

· In the other swing-state race for Michigan's Senate seat, Rep. Elissa Slotkin (D-MI) is leading her opponent, former Rep. Mike Rogers (R-MI), by about five points in RealClearPolitics' polling average of the race. Slotkin is benefiting from a significant fundraising advantage, but is also receiving a lower share of the vote than Harris in recent polling, possibly a function of her lower profile and strong opponent. While Slotkin's lead has been consistent, Cook Political rates the race as a "toss-up."

· The two weakest links for Democrats are in Ohio and Montana's Senate contests. Of the two, Democrats are best positioned in Ohio, where incumbent Senator Sherrod Brown (D-OH) maintains a roughly three and a half point advantage over GOP challenger Bernie Moreno in recent polls. Brown is benefitting from a strong in-state brand, a weak challenger, and a history of ticket splitting in Ohio, all of which he will need to overcome the state's roughly eight to nine point GOP lean. Tester, on the other hand, is polling about five points behind his GOP challenger, Tim Sheehy. While Tester has a history of electoral overperformance, he would need a historic level of ticket-splitting to overcome Montana's 16-point lean toward the GOP. Sabato's Crystal Ball recently shifted the race to "Leans Republican" based on the latest polling.

Expanding the Map. Looking a little further afield, there are three additional semi-competitive Senate races that are worth monitoring as Election Day approaches.

· In Maryland, Senate Minority Leader Mitch McConnell (R-KY) was able to recruit his preferred candidate, former Governor Larry Hogan (R-MD), to run against Prince George's County Executive Angela Alsobrooks (D-MD). Hogan is tacking sharply to the center, disavowing former President Trump's endorsement and promising to preserve access to abortion if elected. A recent AARP poll of the race found it tied, but an average of recent polls puts Alsobrooks up by about four points, and it will be hard for Hogan to overcome the state's historic 30-point lean toward Democrats.

· Separately, Democrats are eyeing two pick-up opportunities in Texas and Florida. Rep. Colin Allred is taking on Senator Ted Cruz (R-TX) while Rep. Debbie Mucarsel-Powell (D-FL) is taking on Senator Rick Scott (R-FL). Sabato's Crystal Ball notes that Cruz may be slightly more vulnerable than Scott due to his polarizing status, but both GOP incumbents are pollingahead of their challengers and both states are expected to go for Trump at the presidential level.

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California Lays Big Marker on AI

California Makes Waves on AI. Golden State lawmakers passed a major bill to regulate AI models.

· State Senator Scott Wiener's (D) bill would require safety testing for the most powerful AI models, defined as those that cost over $100 million to develop or meet a certain threshold for computing power. The bill was amended to lessen the regulatory burden on AI developers. The California attorney general would still have the power to enforce it.

· The bill has proved divisive in Silicon Valley, as OpenAI has gone on the record

against it, while Anthropic supports the measure. Elon Musk has backed the bill, while the US Chamber of Commerce opposes SB 1047, as do several notable elected officials: former House Speaker Nancy Pelosi (D-CA) and San Francisco Mayor London Breed (D). The bill's path through the state legislature has tested the influence of each of these stakeholders.

· Governor Gavin Newsom (D-CA) has not indicated if he will sign Wiener's AI bill, but he has previously spoken about concerns with excessive regulation of the emerging technology. Earlier this year, he said that "If we over-regulate, if we overindulge, if we chase the shiny object, we could put ourselves in a perilous position." Newsom has until September 30th to sign or veto the bill.

Setting a Precedent. The passage of the California bill has established a new benchmark for regulating AI nationwide.

· Regardless of whether Newsom signs the bill, California lawmakers have laid down a marker on this issue. If it becomes law, the bill would become the most significant regulation for AI models. Even if it fails, the fact that the bill passed both chambers of the legislature of the nation's most populous state is a sign that there is momentum behind calls to tighten the rules around AI.

· California has set a model that other states may follow in regulating AI. While laws on AI in other states likely wouldn't have the same impact as rules in California, which is home to many tech firms and significant market power, the expansion of a patchwork of AI rules could create compliance challenges for businesses.

· Most states will hold elections for at least one chamber of the legislature this fall, and AI is likely to be no less relevant than it is now when state legislative sessions begin early next year. Wiener has charted a course that other states may follow in the absence of congressional action.

While the fate of Weiner's AI bill remains up in the air, other potential AI rules are on the horizon in the Golden State. Newsom promised to outlaw AI-manipulated voices in campaign ads in a July post on X, and two bills on this issue passed the legislature and are now sitting on his desk. At its July board meeting, the California Privacy Protection Agency considered draft rules on automated decision-making technology.