
Regulatory Oversight, S01 Ep10, RAGA, A Look Ahead to the 2022 State AG Elections From RAGA Executive Director Pete Bisbee

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Stephen Piepgrass:

Welcome to another episode of Regulatory Oversight, a podcast focused on providing expert perspective on trends that drive regulatory enforcement activity today. Our podcast features insights from members of the firm's regulatory investigation strategy and enforcement practice group, including its nationally ranked state attorneys general practice, as well as guest commentary from business leaders, regulatory experts, and current and former government officials. We cover a wide range of topics affecting businesses operating in highly regulated areas. Before we get started today, I want to remind our listeners to also visit and subscribe to our blog at regulatoryoversight.com, so you can stay up-to-date on developments in the regulatory landscape.

Today, I'm joined by my colleague Ketan Bhirud, and Republican Attorneys General Association Executive Director Pete Bisbee. Pete has served as RAGA's Executive Director since 2021. In his role, Pete works with RAGA staff to cover campaigns, data analysis, communications, policy, politics and fundraising for the Republican AGs. Prior to his role with RAGA, Pete was Director of State Courts for the Federalist Society, where he worked to promote a discussion on the legal culture in states across the country. Pete and Ketan, thank you for both joining us today.

Ketan Bhirud:

Stephen, thank you for that wonderful introduction. That was really lovely. Pete, thank you for coming on the podcast with us today. We really appreciate it. We've been really looking forward to this. My colleague, Ashley Taylor, just wrapped up a similar podcast about the AG elections with Sean Rankin and the Executive Director over at DAGA. So we really appreciate you taking the time. I had 12 races I wanted to talk about today, but before we did that, I just wanted to give you a chance to introduce yourself. I know we've known each other for years. I was trying to remember how long, and I know it goes back at least five years, but maybe even longer than that when you worked at the Federalist Society, but you want to give our listeners just a little bio on you and how you ended up with RAGA?

Pete Bisbee:

Yeah, absolutely. So being here as executive director for about 18 months, the second cycle. First was obviously last year with Virginia. Was at RAGA for about two years before then as the policy director and working as EP of Rule Law Defense Fund, the seat board. And then before that, I was at Federalist Society. When I was at the Federalist Society, I started doing work with AGs offices in 2012, and those were like the first days that the conservatives started getting together on big national policy issues, your first big multi-state pushing back on the size and scope of the federal government, the administrative state in acceleration of litigation, what now just is serve and volley tennis for both sides of the aisle, but really when that was just getting started. So it's been a great area to engage in and watch develop over time and there's been so

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many changes since then. Yeah Ketan, it was a great to know when you were in the AG space and work with you back then. But yeah, so that's my brief background.

Ketan Bhirud:

My other question before we get into the races, can you tell us a little bit about RAGA, the Republican Attorney Generals Association, apart from sometimes people just say, "Look, there's RAGA and there's DAGA. One's the Republican arm and one's the Democrat arm." Do you have more to add to that about RAGA and how you're different other than just the first initial?

Pete Bisbee:

We are a lot the same as DAGA, just because we do engage in the races, and RAGA as the organization that engages in Republican AG elections. That is a big thing. That's the primary goal. RAGA was founded in 1999 to also be a forum for the AGs to get together and to caucus. There's a lot of work that they do as a caucus that exists within the Republican AG space that RAGA provides, which includes now our 501(c)(4) organization, the Offense Fund, which was founded in 2014, to really provide another place for the AGs to have deeper conversations on a lot of policy issues that they were engaging in with their offices. And then two years ago, we also adopted a 501(c)(3) organization that supports the policy efforts of the AGs, not associated with us formally, but just one that operates in our orbits.

It's the same setup there as the Democrat AGs with a 527, 501(c)(4), 501(c)(3). The way that we operate ours is not exactly the same as theirs with regards to priorities and issues of engagement. But at the end of the day, both worlds are meant to really advance the ideas of their caucuses and be that forum. And during election cycles, a lot of those ideas, a lot of the work that they've been doing while they're in office, a lot of the issues that are driving the election are going to come out in the political process. So this is a big year for us just because we have so many elections. We have so many different areas in which we're seeing the ball move with these AGs offices and a new group of AGs potentially emerging to come into the space.

Ketan Bhirud:

That's great. If it works for you, I thought I'd start out with four offices currently held by Democrats that had pretty close races in 2018, move on to five Republican offices that had close races in 2018 and then hit a couple others. Does that sound good?

Pete Bisbee:

Sure.

Ketan Bhirud:

Okay. So I'm going to start out with Nevada, Michigan and Wisconsin and start out with Nevada, my adopted home state, where I was 12 years and I was in the AG's office. You have Sigal Chattah, the Republican candidate, squaring off against Aaron Ford, who won by only 4,500 votes in 2018. He had 47.2% of the vote, the closest election in 2018. I've spoken to General Ford and he said it's not going to be nearly that close this year. What are your thoughts on the race?

Pete Bisbee:

I've been very encouraged by everything that I've seen out of Nevada. We've had very tight poll length consistently, and I think the state is moving in the right direction. So I think that General Ford certainly is bringing a lot of resources to bear and is going to have to run a big campaign to push back. But I think environmentally, there's an advantage to the Republicans. We'll wait to see just our things develop, but I think our candidate, Sigal Chattah, who oftentimes we're always looking for candidates with diverse backgrounds. She is not just a female candidate. She's also a woman of color. I think that there's a lot of positive there as well.

She is holding tight in that race despite a tremendous amount of spending that's being done by the Democrats. So I think that Nevada is one that we're definitely keeping our eyes on. And you're absolutely right, with regards to 2018 and the margin that we had there, it was so tight. I think a lot of folks went to bed on election night that year thinking that Nevada was going to be for Wes Duncan. So it's one that you just never can count out. But we also feel good, broadly environmentally about the Senate race out there for the Republicans and also the governor's race. So I think Nevada could be a good state for us.

Ketan Bhirud:

Moving on to Michigan, this is where we have Matthew DePerno, the Republican candidate, challenging Dana Nessel, the incumbent Democrat, and she also won with less of 50% of the vote, 49%, and she had a relatively close race in 2018. What are your thoughts on this race?

Pete Bisbee:

So Michigan, very close race. The AG's seat did outperform the governor's seat in 2018. Tom Leonard came very close, whereas Bill Schuette, who was running for governor, had a big double digit margin between him and Gretchen Whitmer. The polling that we've seen so far in the state in the Democrats' polling, which is publicly available, all show Whitmer and also the Secretary of State candidate with a sizable lead in their races. Our lead has not been that great. While theirs are double digits, we've had this as a single digit race in a lot of our polls, the AG's race. I think that if there remains or if there becomes, because I can't say that it remains this way, I think that the governor's ticket in Michigan is starting for the low point and then having to push in. If they can make some ground in the governor's race, I think that our AG's race is going to remain dangerous and I think that we are trending above Whitmer in a great way, where Nessel was the weakest candidate in the whole state. The rest of the ticket for the Democrats is pretty solid here.

We, like Nevada, all of the states are talking about our states where we're investing money and engaging in the races. If we see the polling trending in a good direction over the next couple of weeks in Michigan, it could be a sign that there is a window of opportunity opening, because we've just started spending money in that state, like in Nevada as well. But the difference in the polling is different than Nevada, whereas it is not as tight, but it looks good, and there's signs of promise just based on the negatives associated with Dana Nessel and the vulnerability there on the incumbent side.

Ketan Bhirud:

Moving on to Wisconsin, and here's one where Eric Toney, the Republican, is challenging Josh Kaul, the Democrat incumbent, and Josh also in my theme, won with 49% of the vote in 2018. I think it was so close, there was a recount with Brad Schimel, and I wanted to get your thoughts on this race. At least from where I'm sitting, Josh Kaul has kept a pretty low profile among the Democrat AGs. One, do you agree with that? And two, do you think that's a good or bad strategy?

Pete Bisbee:

I think that it's not a bad strategy if the group of Democrat AGs is engaging in a lot of activity that would be considered significantly to the left or liberal. I think that there's just been so much of that between 2018 and 2020 to where we are now, both with regards to the very hostile aggressive position a lot of these democratic AGs took against the Trump administration and federal government, the positions in which they took on crime and the relationship to the criminal justice related issues within their states. In these Midwestern states especially, the crime issue is going to be the top issue that RAGA is pushing. It's an issue that is above in the polls compared to abortion and some of these other issues that I think are more in line with the Democrats' messaging this cycle in those states.

Many of those states, abortion really isn't an issue. They are purple or blue states for a reason, in that they've had significant opportunity for the state institutions to provide protections for abortion, or the outlook for those protections is very good. So I think that it's an interesting matchup with regards to how we have to play, but Wisconsin is very vulnerable in the crime issue and I think that Kaul is extremely weak with regards to what he can do to try to adjust his image. We see this in some of those other states as well, but I think that Wisconsin looks very good for us. I think that there has been very encouraging polling that we've seen out of it. So I think that Eric Toney, our candidate, is the best possible candidate that we could have gotten coming out of that primary and that he's law enforcement's candidate, he's a DA, he's the head of the DA Association. He just understands that issue so well, which is something that is going to define that race. So we feel good about Wisconsin.

Ketan Bhirud:

Moving on to Minnesota, which I think was my final close Democrat race from 2018, you have Keith Ellison, the incumbent, being challenged by Jim Schultz, the Republican. General Ellison won that race with 49% of the vote in 2018, so another close race. How do you see that race playing out and do you see it being as close as 2018?

Pete Bisbee:

I don't see it as close as 2018. I think it's a decisive win for us this year, and couldn't be happier with Jim Schultz as a candidate. I think the Minnesota Republican Party itself has been really good, solid, and I see the state coming together in just such a good way. Schultz was the convention winner, which was the nominating process for AG. There was a candidate Trump backhanded who refused to abide by the result of the convention and primaried him. So he had to run a race that in the primary actually helped him develop as a candidate, really hone in on the issues. And all the money that was spent in the primary I think just lifted him. Coming into

that general action matchup with Ellison, who long in our mind has been considered potentially a very weak incumbent to go after. But we saw the polling close pretty quickly even before significant resources started flowing into the state on our end, and then just from Jim's campaign.

I think there's very encouraging polling that is coming out of Minnesota. It is one of those states like Iowa where RAGA has never played before. We've never been involved in those races. This would be the first time that we've done something up there, and I think that Iowa looks really good. I think that crime is obviously the biggest issue and that is going to define that race and I think that really helps. And you're absolutely right, Ketan, on just how close that one especially was in 2018.

Ketan Bhirud:

I think it's interesting you say crime and functionally, public safety is the number one issue. I saw General Ellison speak at DAGA and he has the same take. He says his number one issue in his campaign, if I remember correctly, is going to be public safety.

Pete Bisbee:

Yeah. It's something that we're seeing. His ads are all about the crime issue and trying to put himself out there as that is his top issue. I think if you look at his record and if you look at some of his statements, I think it's harder to believe that it's the most important thing that he's been working on in his office. I would say that he is responsible for a lot of the crime issues that they have in the state. Jim is not responsible for any of the crime issues in the state and is one of the smartest candidates that we've ever had. He's Harvard Law educated. He's got the very interesting intellectual background that he's bringing to this race and I think he'll be a phenomenal AG. So I think we win on the crime issue in Minnesota.

Ketan Bhirud:

Yeah, it'll be an interesting race. So now moving on to some Republican held seats. I'm going to start with Arizona where General Brnovich is term limited, so you have two new candidates. You have Kristin Mayes on the Democrat side and Abe Hamadeh on the Republican side. I remember from that Republican primary, I don't know how many candidates, you might have had more candidates than I have fingers, but maybe a little bit less, and he came out of there, I think in part due to the endorsement from President Trump. Do you think that endorsement will be helpful or harmful going forward? And generally how do you see that race?

Pete Bisbee:

I don't think the endorsement hurts him in Arizona, and I think that it is something that defines him as a candidate and I think it is helpful. Abe, I think has a really great shot and he's one of these new young rock stars of the Republican AG space. He is going to be dynamic. I will tell people to keep their eyes on him, but he's done such a good job of really getting out there and taking the issues on head on. He's a fighter. I think everyone's really enjoyed getting to know him in our events. Arizona, I think looks like it's going to be good for us. I think that we've had the best polling of any of the state-wides and we're big Republican seats, so that's been phenomenal. I think that Kris Mayes is a very boring, dull candidate. I watch her ads and I think

she's trying to subtly trick people into thinking she maybe still is a Republican. I'm not even sure.

So if I was DAGA, I wouldn't be very excited about the situation there. But she does come into it not having had a primary, and then I think that she has a little bit more in her personal campaign because of that. But with regards to our focus and commitment, Arizona's such a big state for us. I think that's an easy one, but we've been encouraged by what we've seen out there. We're going to spend a lot of money in Arizona. We've always spent a lot of money in Arizona. And I think at the end of the day, it comes home and I think the governor's race looks fine too. I think that the Senate race is the only one that seems to be a little bit out of whack now, but leave that to Mitch McConnell to fix.

Ketan Bhirud:

Yeah, you've got enough on your plate. Moving on to Florida, where you have Ashley Moody, the Republican incumbent, and she replaced I think America's favorite Attorney General, Pam Bondi, but she had a close race. She only had 52.1% of the vote in 2018. But this isn't one where I'm hearing anybody talking about it being close. One, am I correct there? And two, what do you think she's done to take what was a close race and turn it into maybe one that's not so much?

Pete Bisbee:

Oh, I think General Moody has done such a great job in that office. She's been so engaged on all the big issues, leading nationally with the group of AGs and being part of all of our big coalitions. Florida's just a redder state. I think that we've seen a lot of Republican growth in the state and it's a little bit different this cycle than it was in 2018. General Moody has been just such a dominant force also just on the campaign side of things. She's got a sizable war chest on her hand. I think that proponents on the Democrat side are going to struggle to keep up there. And the general environment I think is just going to be positive for Republicans. She is up in the polls, looking good, and I think Florida, along with Ohio, are just states that are a little bit different this year for the Republicans. They're redder, the incumbents are in great shape and they've done phenomenal jobs both in office and on the campaigns and are well-positioned for victory.

Ketan Bhirud:

Speaking of Ohio, let's go there. I think you have Dave Yost, the Republican incumbent, going against Jeffrey Crossman, who I don't know a whole lot about, but General Yost won another close race, 52% of the vote in 2018. This is another one I haven't heard too much about being a close race. Do you put it in that same category with General Moody or where do you see this one?

Pete Bisbee:

Really not a close race. I think that General Yost is in a really good spot and I think has done all the right things. As I mentioned, polling looks great in the state, so I think that it is just totally different than 2018, and Ohio is trending in the right direction. General Yost has been fantastic, both in office and on his campaign, and I think is well positioned to win. Crossman is creating

ads, but there's no money behind it. It's not a campaign that's taking off and I think that General Yost should be able to cruise to victory easily.

Ketan Bhirud:

Well, that's great. And then we have Georgia with Attorney General Chris Carr, the Republican incumbent being challenged by, I think his former law school classmate, Jen Jordan on the Democrat side. Well, this was another one where it was relatively close in 2018. He had I think a little over 51% of the vote. How do you see that one playing out this year?

Pete Bisbee:

Yeah, I think Georgia has been an interesting state for us. Obviously one in which there was a primary that General Carr spent some resources in, really came out on the top in a strong position, and I think was well positioned going into to the general election. Like Arizona, the Democrats did not have a truly contested primary. There was some consolidation there early on around Jen Jordan, so she was able to build up some resources. But things have been shifting towards Republicans in Georgia, and many big Republican names are moving up in the polls and creating distance and we see the same thing in the AG's race. We're there for General Carr and anything that he needs from us and to make sure he gets over the line, but it looks like a state where right now things are trending in a good direction.

Ketan Bhirud:

That's great. Then I want to move on to Texas, where General Paxton, the Republican incumbent, had a surprisingly, at least in my opinion, a surprisingly close race in 2018, where he won with just a little over 50% of the vote. He's being challenged by Rochelle Garza on the Democrat side, and I think it's one DAGA has some faith that they've got a shot in this one and they're putting some money behind it maybe, or at least some resources. What do you think about that race? Any thoughts on that primary because on the Republican side, General Paxton, he beat out a member of the Bush family, so that was, at least in my opinion at one point, a real primary. Didn't end up being that close.

Pete Bisbee:

Yeah, no, I think that the primary there just started election season off a little bit earlier, and General Paxton did a phenomenal job of not just vanquishing George P. Bush, but a very sizable challenge from Eva Guzman. Louie Gohmert was in the race. That was a big race, and General Paxton came out on top and very much so in a dominant fashion. So, that was good. Texas as a whole experienced a little bit of a blip in the polling over the summer, just between a combination of the Uvalde mass shooting and then also the Dobbs decision. These red states that have abortion legislation or just the ability to engage in lawmaking on abortion related issues post the overturn of Roe, I think abortion is more of an issue. So it's surprisingly, as I mentioned, not as much of an issue in some of these blue states, but in a state like Texas, I think it does have an effect.

But we've seen all of those races shift back and bounce back from that. The immigration issue is massive in Texas, very much related to crime. Arizona as well. I think that there are a lot of positives with regards to just the Republican ticket as a whole, and General Paxton is one of the

most aggressive Republican AGs, leading the group of Republican states in so much litigation and always on the national news in the discussion. I think that really works well for him. So I think that the situation in both Georgia and Texas is very similar, and I think both of our incumbents are well positioned to get over the line. RAGA has got their backs 100% to do whatever we need to do, but it's rapidly looking a very favorable environment for us, and I think that's going to continue to improve.

Ketan Bhirud:

Pete, thank you for your time. I really appreciate it. I think that's all we have today. Stephen, thank you for sticking with us this whole time after that wonderful glowing introduction for Pete. Then I'll just end with letting the audience know, just a plug for Pete. Thank you Pete for being here, for all of you. Pete Bisbee is one of the most impressive people I've met in the time I've been working in the AG space or the political arena, and I'm not surprised he's the Executive Director of RAGA at such a young age and he's going to be around a long time doing some important things.

Pete Bisbee:

Important things with you, Ketan. Thanks for having me on. Appreciate the opportunity to have this conversation with you. And thanks to all of the folks out there who support RAGA and our AGs in these races. It's very important to them, to us, and we appreciate everything that you guys do.

Ketan Bhirud:

Thank you.

Stephen Piepgrass:

I want to thank our audience for tuning in today as well. Please make sure to subscribe to this podcast by Apple Podcast, Google Play, Stitcher, or whatever platform you use, and we look forward to you joining us next time.

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