CLIENT ALERTS & INSIGHTS

Election 2026 Reshapes the State Attorney General Landscape: What Companies Should Expect

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Key Takeaways

- **The 2026 elections have materially shifted the state AG enforcement landscape.** Democratic flips in Texas, Ohio, Georgia, Kansas and Iowa expand the geographic reach and potential leverage of Democratic-led multistate coalitions, while potentially changing enforcement priorities in several major commercial markets.
- **New leadership does not mean less enforcement, but it may mean different targets.** Consumer protection, pricing practices, healthcare, data privacy, artificial intelligence, antitrust and worker protections are likely to receive greater attention in newly-won Democratic offices, while companies may see less pressure in areas previously prioritized by Republican-led coalitions.
- **Companies should use the transition period to reassess their state AG exposure before new administrations take office in January.** Businesses with pending investigations, CIDs, litigation or settlement negotiations in affected states should review strategy and timing now, while companies with significant operations in those jurisdictions should evaluate compliance against emerging enforcement priorities and prepare for potential multistate activity.

The November 3, 2026, elections produced the most significant shift in partisan control of state attorney general offices in years. Democratic candidates flipped five Republican-held AG offices (Georgia, Iowa, Kansas, Ohio, and Texas), held every Democratic seat that was up for re-election, and kept open seats in Colorado, Michigan, Nevada, and Rhode Island. Two sitting Democratic AGs, Phil Weiser of Colorado and Aaron Ford of Nevada, were also elected governor.

For companies that operate across state lines, these results matter well beyond politics. State AGs are now among the most active enforcers in consumer protection, data privacy, antitrust, healthcare and financial services. When a large state such as Texas, Ohio, or Georgia changes hands, it changes enforcement priorities, the makeup of multistate coalitions, and the risk of investigations that companies face in 2027 and later.

Insights

- Five Republican-to-Democratic flips-including Texas for the first time in nearly three decades and Ohio for the first time in 15 years-change the national balance of AG offices and the political makeup of several of the largest enforcement offices in the country.
- Every Democratic incumbent who ran won re-election, including Kris Mayes (Arizona), Keith Ellison (Minnesota) and Josh Kaul (Wisconsin), signaling that the existing Democratic enforcement agenda will continue without interruption.
- Democratic multistate coalitions will likely grow larger and reach further into the South and Midwest. Republican-led coalitions will lose several important members.
- Most new AGs will take office in January 2027. The transition period matters for pending investigations, settlement negotiations, and civil investigative demands (CIDs) in affected states.
- Companies with open matters or significant operations in the affected states should reassess their exposure and strategy now, before new leadership teams are in place.

The Results

State	Result	Elected/Current Attorney General	Party
Alabama	Hold (Open Seat)	AG-Elect Katherine Robertson	Rep
Alaska	N/A[1]	AG Cori Mills	Rep
Arizona	Hold (Re-Elected)	AG Kris Mayes	Dem
Arkansas	Hold (Re-Elected)	AG Tim Griffin	Rep
California	Hold (Re-Elected)	AG Rob Bonta	Dem
Colorado	Hold (Open Seat)	AG-Elect Jena Griswold	Dem
Connecticut	Hold (Re-Elected)	AG William Tong	Dem
Delaware	Hold (Re-Elected)	AG Kathy Jennings	Dem
Florida	Hold (Re-Elected)	AG James Uthmeier	Rep
Georgia	Flip	AG-Elect Tanya Miller	Dem
Hawaii	N/A	AG Anne Lopez	Dem
Idaho	Hold (Re-Elected)	AG Raul Labrador	Rep
Illinois	Hold (Re-Elected)	AG Kwame Raoul	Dem

Indiana	N/A	AG Todd Rokita	Rep
Iowa	Flip	AG-Elect Nate Willems	Dem
Kansas	Flip	AG-Elect Chris Mann	Dem
Kentucky	N/A	AG Russell Coleman	Rep
Louisiana	N/A	AG Liz Murrill	Rep
Maine	N/A	AG Aaron Frey	Dem
Maryland	Hold (Re-Elected)	AG Anthony Brown	Dem
Massachusetts	Hold (Re-Elected)	AG Andrea Campbell	Dem
Michigan	Hold (Open Seat)	AG-Elect Eli Savit	Dem
Minnesota	Hold (Re-Elected)	AG Keith Ellison	Dem
Mississippi	N/A	AG Lynn Fitch	Rep
Missouri	N/A	AG Catherine Hanaway	Rep
Montana	N/A	AG Austin Knudsen	Rep
Nebraska	Hold (Re-Elected)	AG Mike Hilgers	Rep
Nevada	Hold (Open Seat)	AG-Elect Nicole Cannizzaro	Dem
New Hampshire	N/A	AG John Formella	Rep
New Jersey	N/A	AG Jennifer Davenport	Dem
New Mexico	Hold (Re-Elected)	AG Raul Torrez	Dem
New York	Hold (Re-Elected)	AG Letitia James	Dem
North Carolina	N/A	AG Jeff Jackson	Dem
North Dakota	Hold (Re-Elected)	AG Drew Wrigley	Rep
Ohio	Flip	AG-Elect John Kulewicz	Dem
Oklahoma	Hold (Open Seat)	AG-Elect Jon Echols	Rep
Oregon	N/A	AG Dan Rayfield	Dem
Pennsylvania	N/A	AG Dave Sunday	Rep
Rhode Island	Hold (Open Seat)	AG-Elect Kimberly Ahern	Dem
South Carolina	Hold (Open Seat)	AG-Elect David Stumbo	Rep
South Dakota	Hold (Open Seat)	AG-Elect Lance Russell	Rep

Tennessee	N/A	AG Jonathan Skrmetti	Rep
Texas	Flip	AG-Elect Nathan Johnson	Dem
Utah	N/A	AG Derek Brown	Rep
Vermont	Hold (Re-Elected)	AG Charity Clark	Dem
Virginia	N/A	AG Jay Jones	Dem
Washington	N/A	AG Nick Brown	Dem
West Virginia	N/A	AG John McCuskey	Rep
Wisconsin	Hold (Re-Elected)	AG Josh Kaul	Dem
Wyoming	N/A	AG Keith Kautz	Rep
American Samoa	N/A	AG Gwen Tauiliili-Langkilde	Unaffiliated
District of Columbia	Hold (Re-Elected)	AG Brian Schwalb	Dem
Guam	N/A	AG Doug Moylan	Rep
Northern Mariana Islands	Runoff on date TBD		
Puerto Rico	N/A	AG Lourdes Gomez	Unaffiliated
US Virgin Islands	N/A	AG Gordon Rhea	Unaffiliated

[1] Any state with an “N/A” means that there was not an election this cycle for the office.

What the Results Mean for the AG Landscape

1. The National Balance Has Shifted

Republicans have held a majority of state AG offices for much of the past decade. This election’s net gain of at least five seats, with no Democratic losses, is enough to wipe out a narrow Republican majority. Majority control is not only symbolic: it affects which coalition can assemble the larger multistate group for litigation, comment letters, and coordinated investigations. Majority control also affects which positions the National Association of Attorneys General, led this year by CT AG Tong, is likely to take on contested issues.

2. Texas: The Most Consequential Flip

Under its outgoing leadership, the Texas AG's office has been among the most aggressive state enforcers in the country. Its work has included large privacy and biometric actions against technology companies, investigations under the Deceptive Trade Practices Act, and high-profile actions tied to ESG, "debanking," and other politically charged issues. AG-Elect Johnson campaigned on fixing problems within the office itself. Companies should expect a change in priorities rather than a pullback from enforcement. Texas's statutory tools, including the DTPA, its biometric privacy statute and its comprehensive consumer data privacy law, stay in place. Career staff and pending litigation will carry over, and a new administration may simply aim those tools at different targets, such as consumer pricing, healthcare, and corporate misconduct.

3. New Democratic Enforcers in the South and Midwest

Georgia, Ohio, Kansas and Iowa will move from Republican to Democratic leadership. Their campaign messages emphasized pursuing "bad actors," protecting consumers, and addressing affordability. Areas likely to get more attention include:

- Consumer protection and unfair and deceptive practices (UDAP) enforcement, including pricing practices, junk fees, subscription and auto-renewal practices, and deceptive marketing;
- Healthcare access and pricing, including pharmaceutical pricing and the practices of pharmacy benefit managers and insurers;
- Data privacy, children's online safety and emerging technology, including artificial intelligence;
- State antitrust enforcement and merger review, especially where federal enforcement priorities differ; and
- Labor, wage and worker-protection issues that state AGs have increasingly taken up.

Companies headquartered or heavily concentrated in these states should not assume that historically cooperative relationships with the AG's office will continue unchanged.

4. Larger, More Geographically Diverse Multistate Coalitions

Democratic AGs have historically used multistate litigation and investigations to challenge federal executive actions and fill perceived gaps in federal enforcement. DAGA credited outgoing Colorado AG Weiser with defending the state against "harmful and illegal actions from the Trump administration." With Texas, Ohio, Georgia, Kansas, and Iowa, Democratic coalitions will include several of the most populous states and major commercial centers. That increases the settlement leverage of multistate investigations against national companies. Republican-led coalitions, by contrast, will lose a number of important signatories on issues such as ESG-related investment practices and DEI programs. Companies in those areas may see less pressure from some states, but cross-pressure between red-state and blue-state AGs will remain.

5. Continuity in Democratic-Held Offices

Re-elected incumbents in Arizona, Minnesota and Wisconsin, and successors from the same party in Colorado, Michigan, Nevada and Rhode Island, point to continuity in those states' enforcement agendas. Even so, new leadership in Colorado, Michigan, Nevada and Rhode Island will bring new front-office personnel and possibly new signature initiatives. The successful election campaigns elevating AGs Weiser and Ford to their respective governors' offices are a reminder that the AG office is often a step toward higher office. That tends to encourage high-visibility enforcement against well-known companies.

The Transition Period: Risks and Opportunities

Most AGs-elect will take office in January 2027. The weeks before then create specific considerations for companies with matters pending in the affected states:

- Outgoing administrations may try to resolve, file, or publicize matters before leaving office. Incoming administrations may revisit open investigations and pending settlements, foreshadowing their litigation positions.
- Senior leadership in consumer protection, antitrust, and other enforcement divisions is likely to change, so working relationships and institutional understandings may need to be rebuilt.
- Settlement terms negotiated with outgoing teams but not finalized may be reopened. Companies should consider whether to speed up or delay resolution based on the expected priorities of the incoming AG.
- New AGs often announce early signature initiatives. Industries mentioned on the campaign trail, such as consumer finance, healthcare, technology and housing, should expect early scrutiny.

Recommended Next Steps

1. Inventory open AG matters. Identify all pending investigations, CIDs, subpoenas, litigation, and settlement negotiations in Georgia, Iowa, Kansas, Ohio, Texas, Colorado, Michigan, Nevada and Rhode Island, and reassess strategy and timing for each.
2. Map exposure to likely priorities. Evaluate compliance programs in the areas new AGs have emphasized, including consumer protection, pricing transparency, privacy, healthcare and affordability-related practices.
3. Monitor transition teams and senior appointments. The choices for first assistant, solicitor general and consumer protection and antitrust division heads will signal enforcement direction well before formal initiatives are announced.
4. Prepare for multistate activity. Review whether pending single-state matters could grow into multistate investigations as coalitions realign, and coordinate response strategy accordingly.

5. Revisit government relations and engagement strategy. Consider appropriate, compliant outreach to incoming administrations and review political-activity and pay-to-play compliance in states with AG contribution restrictions.
6. Brief leadership and the board. Make sure senior management and the board understand how the changed AG landscape affects the company's regulatory risk profile for 2027.

How Benesch Can Help

Benesch's State Attorneys General Practice represents companies and individuals in state AG investigations, multistate enforcement actions and related litigation. We are closely tracking transition developments in each affected state and can help clients assess exposure and plan for new enforcement priorities. For more information, please contact Kevin Frankel, lead of Benesch's State Attorneys General Practice.