



LEGISLATIVE NEWSLETTER LEGISLATIVE NEWSLETTER

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Election Picture Still Blurry

Nov. 8 Election Update: With almost 4.7 million ballots cast, **GOP Gov. Pat McCrory trailed Democratic Attorney General Roy Cooper only by about 5,000 votes** -- even though Republican U.S. Sen. Richard Burr and Donald Trump scored easy victories. McCrory was dogged throughout the campaign by his support for a law limiting LGBT rights -- a prime example, Democrats say, of the state's rightward shift under his watch rather than his more moderate record while Mayor of Charlotte.

With the race today still being too close to call, Cooper nonetheless had declared victory early last Wednesday. County boards will decide by Friday (Nov. 18) if mailed absentee ballots and provisional votes cast during early voting or on Election Day should be added to the race totals. The trailing candidate could then ask for a recount. McCrory pledged to ensure that every vote is counted while Cooper appears confident, at least publicly, that he will maintain enough votes to ensure victory.

Council of State: Out of the 9 Council of State races being contested, assuming the unofficial election results hold, 3 will be held by Democrats and 6 will be held by Republicans (not including the Governor). This is a complete reversal of the previous split before the election when 6 Democrats held Council of State seats compared to 3 Republicans.

June Atkinson, incumbent Democratic candidate for Superintendent of Public Instruction and a longtime CTE supporter, narrowly lost her race, to Republican Mark Johnson 50% to 49%. Meantime, incumbent Republican Cherie Berry held her seat as Labor Commissioner, defeating Democratic challenger Charles Meeker, the former Mayor of Raleigh.

Democrat Josh Stein defeated his opponent Republican Buck Newton by more than 20,000 votes of 4.5 million cast for the **state's Attorney General**. For Newton to request a recount he would have to cut this deficit in half through provisional and absentee ballots that will be counted by this week. While Stein is confident the unofficial result will hold, Newton has not yet conceded the race.

The race for **state auditor** is still too close to call with Republican Chuck Stuber trailing two-term incumbent Beth Wood by about 3,100 votes. If that gap stays under 10,000 after county elections boards decide whether to count provisional ballots a recount is possible. Stuber said he'll ask for a recount if the results wind up similar to Wednesday's unofficial count.

Insurance Commissioner Wayne Goodwin, an incumbent Democrat seeking his third term, trails Republican Mike Causey by 38,687 votes, or 0.86 percent -- outside the margin for a recount if those numbers hold. Causey, who fell short in four previous campaigns for state insurance commissioner, declared victory Wednesday but Goodwin said that he won't make a concession announcement yet. The commissioner regulates the insurance industry and serves as the state fire marshal.

In the open race for **Treasurer**, the Republican Dale Folwell won his race to replace Janet Cowell, a Democrat, after she announced earlier this year that she would not be seeking re-election. Folwell faced Democratic challenger, Dan Blue III, son of veteran lawmaker Senator Dan Blue, Jr. from Durham. Agriculture Commissioner, Steve Troxler, the Republican incumbent, easily won his race as did Elaine Marshall, the Democratic incumbent for Secretary of State.

GOP Legislative Grip Stays Solid

Veto Proof: North Carolina Republicans held onto their veto-proof majorities in the General Assembly against a backdrop of hyper-partisanship, acrimonious social legislation and slippery coattails from unpredictable presidential, gubernatorial and U.S. Senate races. Republicans have controlled the General Assembly since 2011, when they took charge of both the House and Senate for the first time since Reconstruction. During the 2015-2016 legislative session, Republicans controlled the Senate 34-16 and the House 74-45, with one GOP-leaning unaffiliated member.

By controlling three-fifths of seats in each chamber since 2013, they held so-called super majorities, which will allow them to override any veto by the governor if nearly all GOP members supported it. To end the supermajority, Democrats had needed to win either 5 net seats in the Senate or 4 net seats in the House.

State Semite: All 50 Senate seats were up for election, but 15 senators faced no challengers and most seats were not considered competitive, a result of legislative districts drawn to favor Republicans. The Republicans managed to flip the District 13 seat, which includes all of Robeson and Columbus counties. There Democratic Sen. Jane Smith was seeking a second term. Smith lost to Danny Britt, a Republican and Lumberton attorney. Wake County's District 18 featured the Senate's most expensive race, where two-term Republican Sen. Chad Barefoot defeated Democrat Gil Johnson. Barefoot's past two victories were close and this year he was an HB2 defender. Republican Senate incumbents did not lose any seats.

House: Of all 120 House seats up for election, 58 House members had no challengers and about 15 seats were considered up for grabs. House Republican leadership predicted they could

increase their supermajority by picking up two seats. Unofficial results showed the Republicans maintaining their majority and controlling 74 seats. Both parties appeared to flip four seats, essentially cancelling each other out.

Other Election News

Ballot Referenda: In little reported but very significant news, voters statewide also weighed in on a number of local ballot initiatives last Tuesday. Wake County voters agreed to raise the sales tax to expand public transit options. The approved referendum authorizes raising the sales tax by a half-cent to help pay for a 10-year, \$2.3 billion plan to add commuter rail and increase bus service throughout the county. In Durham, Voters supported \$170 million in bonds for Durham Public Schools, Durham Technical Community College, the Museum of Life and Science and the Main Library downtown.

Survey Polling Confusion: John Hood, a longtime conservative commentator in the state and president of the John William Pope Foundation, said last week's results in North Carolina and the nation mean political scientists and experts must revamp assumptions about how campaigns and elections work. "The basic rules of the political game ... and the basic tools of political campaigns need to be replaced, starting with polling," he said.

Quotes of the Week

"They're still inmates. They're still incarcerated. They're still heroes, though."

- Kenneth Lassiter, deputy director of operations, NC Department of Public Safety, on the inmates of an all-veterans dorm at Maury Correctional Institution in rural Greene County. The program, unique in the state, houses white-haired men who fought in Vietnam alongside inmates young enough to have served in the wars that followed Sept. 11 (The News & Observer, 11/10/16)

"You're the boss. I'm the apple sauce."

- Overheard