

November 2008

North Carolina Election Results

The Battle Cry may have been "Change" on the Federal Level, but the results were mainly "Status Quo" on the State Level. Based on the unofficial results posted by the NC Board of Elections, with provisional ballots left to count, Barack Obama leads John McCain by 12,000 votes out of 4.2 million cast in that race, while State Senator Kay Hagan upended incumbent Republican Senator Elizabeth Dole. School teacher Larry Kissell defeated incumbent Republican Congressman Robin Hayes, as all other incumbent Members of Congress held on to their seats with comfortable margins. This makes the North Carolina federal delegation consist of one Republican Senator and one Democrat Senator, while the Democrats hold the edge in the Congressional delegation by an 8-5 margin.

On the state level, Lt. Governor Bev Perdue (D) defeated Charlotte Mayor Pat McCrory by a 50%-47% margin. In the Council of State races, only one seat changed hands, as Beth Wood (D) gained the office of State Auditor over incumbent Leslie Merritt (R). In all other Council of State offices, either the incumbent won, or the offices remained in the same party. The Council of State will look like this for the next four years: Lt. Gov. Walter Dalton (D), Secretary of State Elaine Marshall (D), State Auditor Beth Wood (D), Treasurer Janet Cowell (D), Superintendent of Public Instruction June Atkinson (D), Attorney General Roy Cooper (D), Commissioner of Agriculture Steve Troxler (R), Labor Commissioner Cherie Berry (R), and Commissioner of Insurance Wayne Goodwin (D). Dalton, Wood, Cowell, and Goodwin will be new members to the Council.

The 2008 races did little to change the make up of the North Carolina General Assembly. Only two incumbents lost, and both of those were House Democrats. The 68 to 52 Democratic majority will remain, with Speaker Joe Hackney expected to retain the reins in that body. The losses by the two incumbents, Jim Harrell and Walter Church, who both lost close races, were made up by Democratic victories in two open seats previously held by retiring Republicans Bill Daughtridge (R -Nash) and Charles Thomas (R-Buncombe). Prior to the election there was speculation about defeating incumbents on both sides, and although there were a number of very close races, all other incumbents appear to be retaining their seats.

In the Senate, there was pre-election speculation that the Republicans could make gains, and one pundit even stated the Republicans would take over the Senate. However, the Democrats held all the current seats, except the open seat vacated by Lt. Governor-elect Walter Dalton, where current House member Debbie Clary (R) won by 730 votes. This brings the total in the Senate to 30 (D) to 20 (R). No change is expected in Senate leadership, and with former Senator Walter Dalton wielding the gavel in the chamber, little change is expected in the operation of the body.

There were a number of close races in both the House and the Senate. Anticipated upsets did not happen. Both parties felt they could pick up more seats in this election, but did not. Some hard fought and closely watched races in the House were in seats held by Hugh Holliman (D), Nelson Dollar (R), Van Braxton (D), Alice Underhill (D), Cullie Tarleton (D), and Ray Warren (D), which were all won by the incumbents. Several open seats were also hotly contested, but the incumbent party held these seats.

In the Senate, there were a number of highly contested races, all of which featured Democratic incumbents and two open seats to defend. Debbie Clary (R) won one of the open seats, and Don Davis (D) won the seat vacated

by Sen. John Kerr, defeating incumbent House member Louis Pate. Democratic Senators R.C. Soles, Julia Boseman, Tony Foriest, Joe Sam Queen, and Steve Goss all survived hard fought races.

There are approximately 50,000 provisional ballots out in the state, but they usually do not affect the results of the election. However, there are a number of races that are particularly close, so when the Board of Election canvasses the election in a week, the results might change, and several of the races, particularly the legislative races may be subject to a recount. We will advise you if there are any changes after the canvas.

Our data is based on numbers provided by the North Carolina Board of Elections as of 10:30 AM November 5, 2008.

PRESIDENT: In a very close race, it appears that Obama has taken the lead and has won North Carolina by a slim margin.

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Obama/Biden (DEM) 	49.67%	2,110,285
McCain/Palin (REP) 	49.40%	2,098,595
Barr/Root (LIB) 	0.60%	25,293
WRITE-IN 	0.33%	14,112
		4,248,285

U.S. SENATE: Kay Hagan, who has served 10 years in the State Senate, defeated Republican incumbent Elizabeth Dole.

US SENATE (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Kay Hagan (DEM) 	52.62%	2,216,440
Elizabeth Dole (REP) 	44.21%	1,862,185
Christopher Cole (LIB) 	3.12%	131,623
WRITE-IN 	0.04%	1,791
		4,212,039

GOVERNOR: Current Democratic Lieutenant Governor Beverly Perdue beat current Republican Charlotte Mayor Pat McCrory.

GOVERNOR (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Bev Perdue (DEM) 	50.18%	2,112,122
Pat McCrory (REP) 	46.94%	1,975,755
Michael C. Munger (LIB) 	2.87%	120,947
		4,208,824

LIEUTENANT GOVERNOR: State Senator Walter Dalton beat former State Senator Robert Pittenger

LIEUTENANT GOVERNOR (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Walter H. Dalton (DEM)	51.03%	2,100,387
Robert Pittenger (REP)	45.92%	1,889,977
Phillip Rhodes (LIB)	3.04%	125,232
		4,115,596

NORTH CAROLINA GENERAL ASSEMBLY:

NC HOUSE: The Democrats maintained their 68 – 52 majority in the State House. While two seats currently held by Republicans moved to the Democratic column, conversely two incumbent Democrats lost their reelection bid to Republican challenges. This caused the numbers to remain the same in the House.

Democratic NC HOUSE seats gained:

NC HOUSE OF REPRESENTATIVES DISTRICT 116 (Vote For 1)

– Formerly Charles Thomas Seat. – Thomas did not seek reelection

1 of 1 Counties Reporting

	Percent	Votes
Jane Whilden (DEM)	51.71%	19,937
Tim Moffitt (REP)	48.29%	18,618
		38,555

NC HOUSE OF REPRESENTATIVES DISTRICT 25 (Vote For 1)

– Formerly Bill Daughtridge Seat – Daughtridge left his seat to run for State Treasurer

1 of 1 Counties Reporting

	Percent	Votes
Randy Stewart (DEM)	53.71%	17,558
W.B. Bullock (REP)	46.29%	15,131
		32,689

Republican NC HOUSE seats gained:

NC HOUSE OF REPRESENTATIVES DISTRICT 86 (Vote For 1)

- Walter Church, the Democratic incumbent, has served over 16 years.

1 of 1 Counties Reporting

	Percent	Votes
Walt Church, Sr. (DEM)	48.23%	13,013
Hugh Blackwell (REP)	51.77%	13,970
		26,983

NC HOUSE OF REPRESENTATIVES DISTRICT 90 (Vote For 1)

- Jim Harrell, the Democratic incumbent, has served 6 years.

2 of 2 Counties Reporting

	Percent Votes
Jim Harrell (DEM) 	49.45% 12,904
Sarah Stevens (REP) 	50.55% 13,191
	26,095

NC SENATE: The Democrats maintained a majority in the Senate. Republicans, however, gained one seat to narrow the margin to 30 Democrats and 20 Republicans. All Democratic incumbents won their reelection bids, while Republican Debbie Clary won the seat vacated by Walter Dalton who ran and won his race for Lieutenant Governor.

NC STATE SENATE DISTRICT 46 (Vote For 1)

- Walter Dalton, the Democratic incumbent, served 12 years.


2 of 2 Counties Reporting

	Percent Votes
Keith H. Melton (DEM) 	49.49% 35,137
Debbie Ann Clary (REP) 	50.51% 35,867
	71,004

COUNCIL OF STATE

ATTORNEY GENERAL (Vote For 1)

100 of 100 Counties Reporting

	Percent Votes
Roy Cooper (DEM) 	61.08% 2,501,274
Bob Crumley (REP) 	38.92% 1,593,693
	4,094,967

AUDITOR (Vote For 1)

100 of 100 Counties Reporting

	Percent Votes
Beth A. Wood (DEM) 	53.52% 2,142,565
Leslie Merritt (REP) 	46.48% 1,860,456
	4,003,021

COMMISSIONER OF AGRICULTURE (Vote For 1)

100 of 100 Counties Reporting

	Percent Votes
Ronnie Ansley (DEM) 	47.92% 1,933,338
Steve Troxler (REP) 	52.08% 2,101,392
	4,034,730

COMMISSIONER OF INSURANCE (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Wayne Goodwin (DEM)	51.50%	2,074,698
John Odom (REP)	44.63%	1,797,644
Mark McMains (LIB)	3.79%	152,592
WRITE-IN	0.08%	3,288
		4,028,222

COMMISSIONER OF LABOR (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Mary Fant Donnan (DEM)	49.35%	1,985,319
Cherie Berry (REP)	50.65%	2,037,390
		4,022,709

SECRETARY OF STATE (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Elaine F. Marshall (DEM)	56.76%	2,282,777
Jack Sawyer (REP)	43.24%	1,739,342
		4,022,119

SUPERINTENDENT OF PUBLIC INSTRUCTION (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
June St. Clair Atkinson (DEM)	53.62%	2,145,605
Richard Morgan (REP)	46.38%	1,855,808
		4,001,413

TREASURER (Vote For 1)

100 of 100 Counties Reporting

	Percent	Votes
Janet Cowell (DEM)	53.57%	2,146,820
Bill Daughtridge (REP)	46.43%	1,860,930
		4,007,750

[Government Affairs Group](#)

Womble Carlyle is an experienced and effective government affairs advocate in Washington, as well as North Carolina and Georgia. Our Government Affairs group includes members from both major political parties who previously held the following positions: four-term North Carolina Governor; former Maryland Governor; Chief Justice of the North Carolina Supreme Court; General Counsel and Deputy General Counsel of the FEC; four-term North Carolina State Senator; Chief of Staff to the Co-Speaker of the N.C. House of Representatives; and two Chiefs of Staff to United States Senators.

If you have any questions regarding this Client Alert, please contact either the Womble Carlyle attorney with whom you usually work or one of our North Carolina Government Affairs professionals: Jack Cozort

(www.wcsr.com/JackCozort), Governor Jim Hunt (www.wcsr.com/JamesHunt), Kevin Leonard (www.wcsr.com/KevinLeonard), Burley Mitchell (www.wcsr.com/BurleyMitchell) or Sandy Sands (www.wcsr.com/SandySands).

Womble Carlyle client alerts are intended to provide general information about significant legal developments and should not be construed as legal advice regarding any specific facts and circumstances, nor should they be construed as advertisements for legal services.

IRS CIRCULAR 230 NOTICE: *To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).*

GEORGIA SOUTH CAROLINA NORTH CAROLINA VIRGINIA WASHINGTON, DC MARYLAND DELAWARE

©2008 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC