



Friday, November 6, 2020

OVERVIEW

As the dust begins to settle, there remains a lot of unknowns related to the results of Tuesday's elections in North Carolina. While some key races have been called by the major news outlets, others, including the Presidency and United States Senate, have not. There are also multiple down-ballot races which are below the allowable recount threshold and could be affected by outstanding absentee, mail-in, and provisional ballots or recounts.

But it appears the Democrats held onto the Governor's mansion, the Attorney General's office, and several Council of State seats. The Republicans maintained their control of the state legislature, and held onto the U.S. Senate seat, Lieutenant Governor's office, and several Council of State seats. The biggest surprise was the Republican apparent sweep of the North Carolina Supreme Court and Court of Appeals races.

Of the 7.359 million registered voters in North Carolina, more than 5.48 million (74.56%) submitted ballots in this year's election, surpassing the state's previous voter turnout record. 100% of all precincts have reported, and all that remains to be tallied are absentee, mail-in and provisional ballots, estimated at approximately 177,000.

We take a quick look at all of the races across the state below. All data presented is based on the totals provided by the North Carolina State Board of Elections (www.ncsbe.gov). They are effective as of the last county submission which occurred on November 4, 2020 at 11:40 AM and are subject to change as additional absentee ballots are counted.

North Carolina does not expect to release additional data until November 13, following the last day mail-in ballots can be received as a result of a recent U.S. Supreme Court decision. Ballots which were postmarked on November 3 are eligible to be counted if they are received by county Boards of Election by November 12.

It is important to note that it is still possible for recounts to be called in races where the difference between the candidates meets either of the following situations:

- Statewide: The difference is less than or equal to 10,000 votes or 0.5% of the votes cast, whichever is less.
- Other races: The difference is less than or equal to 1% of the votes cast for single-seat elections.

The deadline to request a recount for offices governed by the state board of elections is no later than 12:00 p.m. on the second business day after the canvass. For races governed by a county board of elections, the deadline is no later than 5:00 p.m. on the first business day after the canvass. As of today, counties should complete their canvasses on Friday, November 13 so campaigns would have until Tuesday, November 17 to file a recount petition. Under this timeline, certification of election results is expected to occur on November 24,



PRESIDENT

With all precincts reporting, Donald Trump (2,732,084 or 49.98%) holds a 76,701 vote lead over Joe Biden (2,655,383 or 48.57%). As noted above, this data does not account for the roughly 117,000 outstanding absentee, mail-in, and provisional ballots which have not yet been counted and reported. Biden saw significant turnout in the large metropolitan areas and their suburbs, while Trump continued his 2016 success in the rural parts of the state. It remains unclear what, if any, movement will occur once additional absentee, mail-in, and provisional ballots are counted.

U.S. SENATE

With all precincts reporting, Senator Thom Tillis (2,640,379 or 48.73%) currently holds a 96,707 lead over Cal Cunningham (2,543,672 or 46.94%). As discussed above, the large number of outstanding absentee, mail-in, and provisional ballots has given many handicappers pause. Though it remains unlikely that the race will change dramatically over the coming days, it is a race to watch as it could have an impact on the balance of power in the U.S. Senate.

U.S. HOUSE OF REPRESENTATIVES

Overall, these thirteen races were decided in alignment with the conventional wisdom going into the election. As a result of recent redistricting, Democrats were able to pick-up previously-held Republican seats in the 2nd and 6th Congressional districts. As a result of these two pick-ups, the partisan breakdown in the state's Congressional delegation has shifted from a 10-3 Republican advantage to an 8-5 Republican advantage. Below is a list of the Congressional members as we enter the 117th Congress.

District 1: G.K. Butterfield (D)*

District 2: Deborah Ross (D)

District 3: Greg Murphy (R)*

District 4: David Price (D)*

District 5: Virginia Foxx (R)*

District 6: Kathy Manning (D)

District 7: David Rouzer (R)*

District 8: Richard Hudson (R)*

District 9: Dan Bishop (R)*

District 10: Patrick McHenry (R)*

District 11: Madison Cawthorn (R)

District 12: Alma Adams (D)*

District 13: Ted Budd (R)*

**Incumbent*

COUNCIL OF STATE

Though Governor Roy Cooper was re-elected with a significant margin, Democrats did not make any gains in the partisan makeup of the Council of State members. Cooper defeated current Lieutenant Governor Dan Forest by more than 240,000 votes (51% to 47%). Cooper's victory also led to strong performances by the incumbents in the majority of other Council races. Republicans were successful in the open seats for Lieutenant Governor, Superintendent of Public Instruction, and Commissioner of Labor keeping those three positions in Republican control. The partisan breakdown of the Council of State is 6 to 4 in favor of Republicans.

Currently, the Attorney General race between incumbent Josh Stein and challenger, Jim O'Neil, is only separated by roughly 10,769 votes. State law allows for a recount of statewide races if the difference between the candidates is less than or equal to 10,000 votes or 0.5% of the votes cast, whichever is less. This is the only race in the Council of State



which could possibly meet this threshold. This race will be watched closely as the roughly 177,000 absentee, mail-in and provisional ballots are counted.

One additional note in the Council of State races is that Commissioner of Agriculture Steve Troxler was re-elected to his fifth term receiving the highest vote total for any candidate (federal or state) in the state with more than 2.8 million votes.

Below is a list of the successful Council of State candidates:

Governor: Roy Cooper (D)*
Lieutenant Governor: Mark Robinson (R)
Attorney General: Josh Stein (D)*+
Secretary of State: Elaine Marshall (D)*
Auditor: Beth Wood (D)*
Commissioner of Agriculture: Steve Troxler (R)*

Commissioner of Insurance: Mike Causey (R)*
Commissioner of Labor: Josh Dobson (R)
Superintendent of Public Instruction: Catherine Truitt (R)
Treasurer: Dale Folwell (R)*

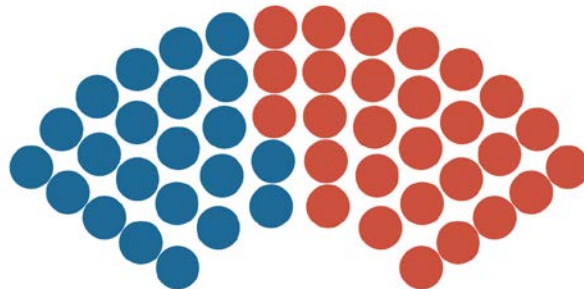
* *Incumbent*

+ *Recount possible*

NC SENATE

The name of the game in the NC Senate is *status quo*. Overall, the Senate did not see much in the way of partisan shifts, contrary to many of the pre-election predictions. Following a wave of Republican retirements in 2020, including the Majority Leader and Senior Appropriations Chair, Senior Finance Chair, and Commerce Committee Chair, Republicans ended Election Night retaining a majority in the chamber. Complete results can be found [here](#).

For the 2021-2022 legislative biennium, there will be 28 Republicans and 22 Democrats in the North Carolina Senate. Although this is a net loss of one seat for the Republicans, it is actually a pick-up of one seat, since they lost two seats (one in Wake and one in Mecklenburg) due to redistricting changes. Former state senator Michael Lee (R-New Hanover) leads incumbent Sen Harper Peterson (D-New Hanover) by approximately 1,400 votes – this is the seat the Republicans picked up (assuming Lee’s lead holds in any recount). The graphic below shows how this breaks down in the chamber.



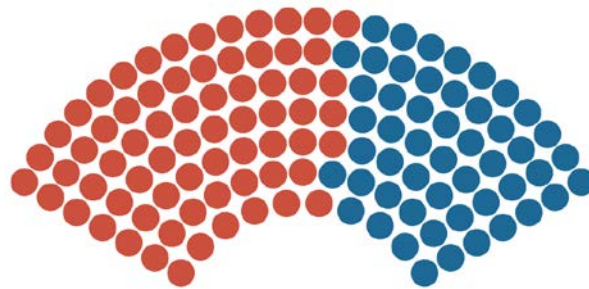
You can also see how the partisan makeup of the Senate has changed over the past few election cycles [here](#).



NC HOUSE OF REPRESENTATIVES

Much like the NC Senate, House Republicans were able to maintain their pre-election margins, including growing their numbers as the result of a net four seat loss by Democrats. And also like the Senate, neither party gained enough seats to develop a veto-proof majority in any area. Complete results can be found [here](#).

When the 2021 biennium commences, Republicans will control 69 seats, while Democrats will occupy 51 seats. Democratic incumbents who lost/are trailing are Reps. Scott Brewer (D-Richmond), Joe Sam Queen (D-Haywood), Ray Russell (D-Watauga), Sydney Batch (D-Wake), and Christy Clark (D-Mecklenburg). Two likely Republican incumbent losses are Reps. Perrin Jones (R-Pitt) and Stephen Ross (R-Alamance) The graphic below shows how this breaks down in the chamber.



You can also see how the partisan makeup of the House has changed over the past few election cycles [here](#).

JUDICIAL RACES

Based on unofficial results, it appears that Republicans have made a clean sweep of the available seats on the North Carolina Supreme Court, while also picking up seats on the North Carolina Court of Appeals.

All three Republican Supreme Court candidates have won or are leading (Newby; Berger, Jr.; Barringer). This result will change the political make-up of the Supreme Court from a 6 to 1 Democratic majority to a 4 to 3 Democratic advantage, with a Republican Chief Justice, Paul Newby. The race between current Chief Justice Cheri Beasley and Newby will likely result in a recount, as the two are only divided by less than 3,000 votes.

All 5 Court of Appeals races were won by Republicans (Wood; Gore; Dillon *[Incumbent]*; Carpenter; Griffin).

Check out a complete list of the judicial races across the state [here](#).

CONCLUSION

Although there will be more national attention on states like Pennsylvania, Georgia and Arizona, there will be no shortage of drama in North Carolina as we wait for the outstanding absentee, mail-in, and provisional ballots to be counted and determine which races will head to a recount. The team at Nexsen Pruet will continue to monitor the election process and will report on any significant changes to the apparent results described above.