

## Primary Lineup Set in North Carolina

### Digital Media and Data Privacy Law Blog

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The primary election in North Carolina is Tuesday, May 8, 2012, with a second primary (if needed) being either June 26 or July 17. The second primary will be June 26 if no second primary is needed for U.S. Representative races and it will be July 17 if there is a second primary for those federal races. Since there are a number of multi-candidate primaries in the Congressional races, odds are that the second primary will be July 17. If no candidate receives 40% of the vote in the first primary, the second-place finisher can, but doesn't have to, call for a second primary.

We have covered disputes and issues relating to political advertising during prior election seasons. With this year's contested primaries in North Carolina and with the presidential election in the fall, we expect to have plenty to report on this year. To kick it all off, we'll run down the primaries slated in North Carolina.

#### Federal Races

##### *President*

President Obama has no named opposition in the primary but consistent with State law, there is a line for "no preference" on the May 8 primary ballot. There will also be such a line on the Republican presidential primary ballot.

The four major Republicans pursuing the White House are all on the North Carolina primary ballot--Newt Gingrich, Ron Paul, Mitt Romney and Rick Santorum.

##### *U.S. House*

Congressional candidates this year will run in new districts drawn by the 2011 North Carolina General Assembly, and, in many cases, the lines are substantially different than the last election. In fact, some incumbents did not run again in large part due to the redistricting.

Democratic incumbents G.K. Butterfield (1st), David Price (4th), Mike McEntyre (7th), Larry Kissell (8th) and Mel Watt (12th) are seeking re-election and face opposition. Butterfield, Price and Watt are favored for re-election while the 7th and 8th districts are highly competitive.

Republican incumbents Renee Elmers (2nd), Walter Jones (3rd), Virginia Foxx (5th), Howard Coble (6th) and Patrick McHenry (10th) are running again and are favored to win.

Two Democratic incumbents chose not to run for re-election--Brad Miller, who currently represents the 13th district but who was put in the 4th district with Price when the lines were redrawn, and Heath Shuler, who currently represents the 11th district, which was redrawn to be much less favorable to a Democrat. Republican incumbent Sue Myrick from the 9th district chose to retire after many years in Congress.

Three other districts do not have an incumbent running and lean Republican based on the new lines. They are the 9th district (Myrick's current seat), the 11th district (Shuler's current seat) and the 13th (Miller's current seat). All have both Democratic and Republican candidates with contested primaries in the 9th (11 Republican candidates), the 11th (3 Democrats and 8 Republicans) and the 13th (2 Democrats and 3 Republicans).

### **Statewide offices**

#### *Governor*

There are 6 Democratic candidates for Governor with the best known being Lt. Governor Walter Dalton, former Congressman Bob Etheridge and Representative Bill Faison.

There are 6 Republican candidates with former Charlotte Mayor Pat McCrory being the strong favorite against a field of lesser-known candidates.

#### *Lt. Governor*

Two Democrats are running--Senator Eric Mansfield, who is a medical doctor from Fayetteville, and Linda Coleman, current State Personnel Director and a former Legislator and County Commissioner from Wake County.

There are 5 Republican candidates including Representative Dale Folwell from Forsyth County, Dan Forest (son of Congresswoman Sue Myrick) of Raleigh, Tony Gurley, Wake County Commissioner, and Grey Mills, a Representative from Mooresville.

#### *Other Statewide offices*

Attorney General Roy Cooper (D) is unopposed.

Incumbents State Auditor Beth Wood (D), Agriculture Commissioner Steve Troxler (R), Insurance Commissioner Wayne Goodwin (D), Labor Commissioner Cherie Berry (R), Secretary of State Elaine Marshall (D), Superintendent of Public Instruction June Atkinson (D) and Treasurer Janet Cowell (D) are all running for re-election and have contested races.

#### *General Assembly*

The Republicans currently hold margins of 31-19 in the Senate and 68-52 in the North Carolina House over Democrats. In addition to allowing them to control activity at the Legislature, these margins are important related to gubernatorial vetoes. A margin of 60% of those present and voting is necessary for Legislators to override a veto and thus Republicans currently have a "veto proof majority" in the Senate if all Senators vote by party, whereas they do not in the House. Thus, both parties are competing not only for party control but also are closely watching the numbers related to future vetoes.

It appears that Republicans drew Legislative lines during the 2011 redistricting process that will best position them to maintain control of the General Assembly after the 2012 election. There is still litigation challenging the redistricting but the May primary is going forward using the new lines and many observers expect the lines drawn last year to be the ones used for this year's election.

In addition, a number of senior leaders in both chambers and both parties chose not to run again, some of them due to being "double bunked" with other incumbents in the same new district. Senators that chose not to seek re-election and that are not running for other offices include Republican Senators Richard Stevens of Wake County, Harris Blake of Moore County and Jean Preston of Carteret County and Democrats Bill Purcell of Scotland County, Linda Garrou of Forsyth County and Bob Atwater of Chatham County.

House members not running again or for other offices include Republicans Phillip Frye of Mitchell County, Carolyn Justice of Pender County, Mark Hilton of Catawba County and Bill McGee of Forsyth County. Democrats in this category include former Speaker Joe Hackney of Orange County, Bill Owens of Pasquotank County, Phil Haire of Jackson County, Jennifer Weiss of Wake County and Maggie Jeffus of Guilford County.

#### *State Senate*

A number of incumbents are unopposed. Unopposed Republicans include Senators Harry Brown (Onslow), Louis Pate (Wayne), Andrew Brock (Davie), Tommy Tucker (Union), Fletcher Hartsell (Cabarrus) and Kathy Harrington (Gaston). The two unopposed Democrats are Wake County Senators Dan Blue and Josh Stein.

As for incumbents with opposition, 11 are Democrats and 20 are Republicans. There are 11 seats that are open with no incumbent running.

*State House*

A couple of dozen incumbents (about the same number from both parties) are unopposed. They include influential Republicans Ruth Samuelson of Charlotte and Tim Moore of Shelby and long-time Democratic members Paul Luebke and Mickey Michaux of Durham and Deborah Ross of Raleigh.

There are about 30 seats that are "open" (no incumbent running). Although the new district lines are different from the old ones, similar districts were formerly held by 6 Democrats and 12 by Republicans, with the rest not held by an incumbent.