NC Capitol Connection

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FIGHTING FOR FAIRNESS

CIVITAS ACTS TO ENSURE ALL VOTERS TREATED EQUALLY

BY CIVITAS STAFF

The Civitas Center for Law and Freedom (CLF) is moving forward with a federal lawsuit requesting voter verification of same-day registrants in accordance with the law and constitution. The action is taken to ensure such votes are cast properly, and that all voters in North Carolina are treated equally and fairly.

In the lawsuit, CLF called for the Eastern District Court to require the state to complete address verification of same-day registrants, to ensure that their votes should count, before they were approved as part of the final count.

The lawsuit asserts that many same-day registration (SDR) ballots are counted in the final tally even though the identity of the voters cannot possibly have been verified by election authorities. "Specifically, ballots were cast in the general election using the same-day registration process … but the voter registration applications submitted through the SDR process cannot be completely verified until at least nine days after the board will certify the election results," the lawsuit asserts.

Civitas President Francis De Luca said, "To count SDR ballots without verification of voter registration information discriminates by treating one class of voters differently from another. Furthermore, this calls into question the outcome of close elections such as the one we have just concluded. Legitimate voters should never have their votes cancelled by illegitimate voters."



Francis De Luca at Nov. 22 press conference.

The crux of the suit is that there is simply not enough time for the local county election boards to verify applicants' addresses between the SDR period and the scheduled day the State Board of Elections certifies the election.

The lawsuit notes the SBE's own investigation showed that in the 2012 election the verification failure rate for SDR voters was 2.44 percent, much higher than the 0.34 percent failure rate for regular voters.

Civitas has done its own studies of SDR verification and showed an even higher failure rate. In 2012, we mailed out surveys to people who voted SDR in the primary to see how many could not be delivered. The results: a return rate of 7.3 percent.

The lawsuit also asserts "the board's certification of the election results using ballots cast through the SDR process violates North Carolina law because ballots will be counted without the voter registrations having been verified. Moreover, the use of these SDR ballots creates a separate class of votes and places non-SDR votes in a separate, unequal category. Use of SDR without fully verifying residence prior to counting SDR votes also creates [a] separate class of registrants, with non-SDR in a separate, unequal category."

The lawsuit noted how the SDR process was supposed to work. People could register and vote as late as Saturday, Nov. 5. Even if every county election board mailed the verification notice on the next business day – Monday, Nov. 7 – the ballots could not be properly verified until Dec. 7. But, the suit notes, the state board was scheduled to certify the results on Nov. 29.

Moreover, the lawsuit also says that federal courts themselves have "noted the 'real' concerns that arise from the administrative burdens imposed by attempting to verify addresses of registrants who submit applications at the very end of the early voting period."

Originally, the lawsuit requested a temporary restraining order and preliminary injunction to remove same-day ballots from certification, but CLF withdrew that request in early December.

"Our decision to drop the request for the temporary injunction avoids any continued disruption to the conclusion of the election, given the political realities," De Luca said. "It is important to focus on the core issue of the suit, which seeks to ensure the equal treatment of voters under the law."■

2016 Election Likely to Lead to More Battles

BY FRANCIS DE LUCA

The dust from the election is settling, and the future of politics and government in North Carolina is becoming clearer.

For Republicans, it was heartening to see a General Assembly where they retained enough seats to override any gubernatorial vetoes from incoming Governor Roy Cooper (D).

They carried the state for their presidential nominee and re-elected a U.S. senator for only the second time since Jesse Helms last ran.

In Council of State races, Republicans held three positions and picked up three more.

While they did lose the governor's race by a narrow margin, 2016 marks a high water mark for the Republican Party and conversely a low water mark for Democrats. And Republicans elected more county commissioners and control more county commissions than ever before.

In the larger picture, nationally the more conservative of the two parties has a stronger hold on governorships and state legislatures than any time since the 1920s. And, of course, Republican Donald Trump will be the next president. This could be a harbinger of a bright future for the type of federalism the nation's founders envisioned – we will have to see.



But what happens when liberals can't win at the ballot box? They go to court. In North Carolina, the key battles for the next four years may well be fought in courtrooms.

Cooper won the governorship, and succeeding him as attorney general will be fellow, and much more openly liberal, Democrat Josh Stein.

The day Gov. Pat McCrory conceded, Stein tweeted: "Now we can begin moving NC forward! I am excited to work with Gov-elect Roy Cooper." By all accounts, Stein is eager to push the Cooper agenda and maybe some even more liberal policies.

In addition, the balance on the state Supreme Court has also shifted. Democrat Mike Morgan, a Wake Superior Court judge, defeated Justice Bob Edmunds, a Republican. That gives Democrats a 4-3 edge on the state's (supposedly

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From the Editor

Who Won the Election? Trump's Supporters

BY JAMES TYNEN

A lot of election coverage talks about how Donald Trump won, but it's really a story about how his followers won.

I don't pretend to know what he's really thinking, nor how good or bad a president he'll be. But I'll suggest that Trump won because he forged some kind of link with a huge chunk of the American people.

I first saw him in Raleigh, at the Dorton Arena on the State Fairgrounds, in December 2015. The crowd was like the audience for a favorite stand-up comedian. He ripped off one-liners, and they laughed and cheered. Trump beamed in self-satisfaction. I'm not sure either he or they took it all very seriously.



People line up outside Kinston Regional Jetport.

In March, he appeared at a big rally in Fayetteville. He stoked up the Crown Center Coliseum with attacks on "Lyin' Ted" and "Crooked Hillary." The crowd roared its approval.

But that same day, he also did an interview with Sean Hannity at the same complex. The audience listened intently. I suspect they had moved on beyond curiosity and were trying to scope out what the brash billionaire was really going to do.

When Trump said he didn't want to touch Social Security, for instance, no one said anything, but I thought I sensed one great, big sigh of relief. He obviously had intuited what voters wanted. And they listened very carefully to what he said.

It's one thing when people applaud a politician; it's another when they actually listen to him.

Maybe the most interesting encounter was one where I didn't see him at all.

When he scheduled an early evening rally in Kinston on Oct. 26, some of the experts pondered whether this was a sign he was giving up. Why Kinston?

Well, he was headed home after an event in Charlotte, and maybe the Kinston Regional Jetport seemed to be an easy stop on the way.

I got there an hour before the event, figuring that would be plenty of time. I assumed he'd do a typical photo op, then jet away.

But when I got to the airport, traffic was backed up, so I parked by the road and headed toward what was obviously the airfield.

At the door to the hangar where he was to speak, a line of people three and four abreast was slowly filing in. I began walking down the line to get in at the end. I walked. And I walked.

I walked maybe a couple of hundred yards. The line kept going and going. I looked ahead, and in dusk, I couldn't even see the end of the line: The crowd disappeared into the shadows ahead. I glanced right and saw a line of people moving the other direction.

At some point in the twilight ahead, the line had turned right, gone a hundred yards or so, then doubled back. Thousands of people had come to Kinston to hear Trump speak.

They waited patiently, quietly. The rowdiness of earlier months had subsided. Vendors tried to peddle Trump merchandise, and anti-Hillary Clinton items, too. People didn't seem very interested or angry. They were just waiting.

A small private plane landed. Was that Trump? People looked around. Then, out of the red and gold sunset, a Boeing 757 emblazoned TRUMP came roaring in.

The thousands of people waiting in line cheered.

I didn't make it into the hangar to hear him speak, but I saw him speak back at Dorton Arena the day before the election. By that time millions had already voted. The smart people said he was going to go down to defeat.

But he seemed undaunted. He said he'd carry North Carolina and he'd win the White House.

As he talked about what he'd do as president, an interesting dynamic unfolded. At the first Dorton appearance, 11 months earlier, Trump had cued up responses. But at the second, it was the crowd that broke into cheers, "USA! USA! USA!" "Trump! Trump! Trump!"



Donald Trump speaks at Dorton Arena.

He had to step back, applaud, give the thumbs-up sign, then go back to his speech. It seemed his supporters felt they could, at times, take charge of the moment, and the candidate had to accept their wishes.

Trump was their guy. I don't think even the heartiest Trump fan is totally blind to his shortcomings. But as a group, a big hunk of the voters has decided he's on their side, and that's enough.

It's not just that he's a reality-show star or says outrageous things. He genuinely seems to connect with people. He has traveled all over the country to see as many real people as possible. He may even have learned something from all of the Americans he's seen.

They in turn have scrutinized him carefully, and, obviously, enough of them decided to give him a shot at the White House.

Conservatives see "man of the people" as a potentially dangerous thing. History can show innumerable examples of those who began as popular leaders and ended up badly.

But the elites can be dangerous, too. We have four years to see how far the pendulum has swung.

The media and political observers will keep an eye on Trump over the next four years. But we should also study respectfully the millions of people who have given him their allegiance. They are the real story.■

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The Real Atrocity is Linking Election to 9/11 Attacks

BY DEMI DOWDY

President-elect Donald J. Trump! Regardless of what the media wanted us to believe, the election of Donald Trump was not only possible — it happened!

And there have been legitimate reactions, happy and disappointed, from many across the country. But feigning fear, to the point of seeking safe spaces, and comparing the election of Donald Trump with the terrorist attacks that occurred on September 11, 2001, is utterly ridiculous.

Students here are reporting that a professor of journalism at a North Carolina university recently said the election of Donald Trump is "just as devastating as 9/11."



Is it *really?*

Right after the election, Saturday Night Live aired with a cold open so gloomy I assumed I was watching the wrong channel. Kate McKinnon, the actress who has played Hillary Clinton in sketches during this election season, sat at a piano and performed a moving rendition of the song "Hallelujah." I waited for the punchline, but when the song ended, she looked into the camera with tears in her eyes and said, "I'm not giving up, and neither should you." There surely hasn't been an SNL opening this somber since September 11. The tone was eerily similar.

Give me a break.

Robert De Niro has reportedly chimed in with the same sentiments saying, "I feel like I did after 9/11."

What a disservice to our country and what an insult to 9/11 families to make this comparison! Some families have already responded, according to TMZ. They call this comparison "disgusting ignorance." What a punch in the gut this must be for them.

Do any of the precious college students hiding in their safe spaces while creating Internet memes and Snapchatting videos of themselves crying about this election even remember September 11, 2001?

Do they remember the horror of thousands of Americans being killed? Were they glued to the television that fall morning to find out where the next attack would be, if there would be more? Did they watch the sickening footage of innocent American men and women throwing themselves off of the towers to their death, to avoid suffocation from smoke and flames?

Probably not. And if they do, I would urge them to think twice between comparing the results of a free election, America's choice of a president they might not like, with a terrorist attack that resulted in the death of almost 3,000 of us.

We must be vigilant. We must hold our new president accountable. And we must move forward toward unity and get to work. So pull up your big boy pants and end the dramatics. The election of Donald Trump may or may not be what you wanted, but it is certainly incomparable to the devastating death and destruction this country experienced on September 11, 2001.

The real problem is there is a need to differentiate between a terrorist atrocity and the peaceful election of a chief executive.■

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Monthly Petition

Petition to the State Board of Elections

To members of the State Elections Board and to state elections staff:

Civitas has published a range of articles in recent years detailing how state elections laws have been misinterpreted, flouted and subverted, sometimes by the Board's own staff.

We call on you to make an absolute commitment to administer and enforce state election laws as written, and to do your utmost to protect the integrity of North Carolina's election system.

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City **State, Zip** **County**

Email

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Signature **Date**

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2016 Election Likely to Lead to More Courtroom Battles

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nonpartisan) highest court.

In addition, the federal courts have been overly friendly in recent years to liberals.

Perhaps most crucially, just before the election, the federal Fourth Circuit Court of Appeals threw out voter photo ID, put same-day registration and voting back into one-stop voting, and added an extra week of one-stop and reauthorized out-of-precinct voting.

These rulings reverse commonsense provisions of North Carolina's 2013 election reform bill, known as the Voter Information Verification Act (VIVA).

This makes it very easy to imagine a couple of scenarios for the next four years. The majority in the General Assembly has had successes with cutting taxes, reforming unemployment insurance reform, and bolstering school choice programs, among other things.

But there's more to do, so Republican legislators need to continue advancing freedom and prosperity in North Carolina.

Don't be surprised if the majority puts together legislation Cooper vetoes, the vetoes are overridden, and AG Stein refuses to defend North Carolina laws in state and federal courts – much as Cooper did when he was attorney general.

With that in mind, the Cooper administration might well put a strong emphasis on legal action to advance its agenda.

As attorney general, Cooper showed that if he personally disagreed with state actions, he would shirk his duty to defend them in court.

It's not a stretch of the imagination to see him, with the help of Attorney General Stein, going to court to push his own agenda, regardless of the legislature's votes or public opinion.

This attitude may also be an open invitation to the myriad groups on the Left to sue in both state and federal courts to overturn laws. They will see the AG and governor offer no resistance, and they may in fact assist efforts to thwart the will of the legislative majority.

While Civitas will continue to be North Carolina's conservative voice, conducting research and offering conservative policy solutions, we are going to be even more assertive in pushing back on what has been the Left's traditional turf, the courtroom.

That's why the Civitas Center for Law and Freedom (CLF) is poised to play an even more active role in the years ahead. Currently, CLF has two major efforts underway.

In the first, we are seeking to ensure that all voters are treated fairly and equally when registering to vote. (See story on p. 1.)

We are also taking legal action to ensure that all fines and forfeitures go to the state's schoolchildren, not to special interests. (See story on p. 7.)

CLF will be ready to tackle other legal issues as they arise. Liberals have been losing at the ballot box, especially when the voting is conducted fairly, so they have turned increasingly to the courts to impose their will. That may well be the case in the next four years in North Carolina – and we will be waiting for them.■

GOP Retains Edge in General Assembly and, Congress

BY CIVITAS STAFF

In legislative elections, Republicans kept firm control of the North Carolina General Assembly, losing one seat overall in the House of Representatives but gaining a seat in the Senate, according to the latest results available.

In federal elections, a Republican senator was reelected for the first time since Sen. Jesse Helms, and Republicans retained a 10-3 lead in congressional seats

The GOP maintained veto-proof majorities in both chambers of the General Assembly. Republicans will hold a 74-46 edge in the House and a 35-15 advantage in the Senate.

With Roy Cooper elected governor, that is important. A three-fifths vote in each legislative chamber is needed to override a governor's veto. In the House, this is 72 out of the 120 seats. In the Senate, it is 30.



The 2012 Civitas Partisan Index (CPI) compares votes cast for statewide races in each NC legislative district with votes cast statewide. The end result is a letter (D or R) followed by a number, indicating the extent to which each district leans one way or the other relative to the state as a whole. This tool helps us give perspective to a number of key election results across the state.

The Senate

The one seat that switched parties in the Senate was in District 13, where Democratic Sen. Jane Smith lost to Republican Danny Earl Britt Jr. Britt, who runs a law firm in Lumberton and is a major in the North Carolina National Guard, took better than 55 percent of the votes in a district that typically leans Democratic with a D+12 ranking on the CPI.

The House

In the House, three seats previously held by Democrats were won by Republicans, while Democrats took four seats previously held by Republicans.

District 40 (R+3): After a recount, five-term incumbent Marilyn Avila (R-Wake) finished 384 votes behind former judge Democrat Joe John.

District 46 (D+4): Republican Brenden Jones received 60 percent of the votes, beating Democrat Tim Benton and Libertarian Thomas Howell Jr. (Incumbent Democrat Ken Waddell did not seek re-election.)

District 49 (R+1): Republican incumbent Gary Pendleton (R-Wake) lost to Democrat Cynthia Ball. She tallied better than 48 percent of the votes, giving her a lead of about 800 votes. Libertarian David Ulmer received more than 4 percent of the votes.

District 51 (R+5): First-term incumbent Democrat Brad Salmon (D-Harnett) lost to Republican candidate John Sauls, who won more than 55 percent of the votes.

District 88 (R+6): Incumbent Republican Rob Bryan lost his seat to Democrat Mary Belk, who had a winning margin of more than 500 votes.

District 92 (D+1): Chaz Beasley, a Democrat, took more than 54 percent of the vote, defeating Beth Danae Caulfield. Caulfield was named the Republican candidate after Rep. Charles Jeter resigned his seat and declined to run for re-election, though he had won the primary.

District 119 (D+1): Incumbent Democrat Joe Sam Queen lost by less than 300 votes to Republican Mike Clampitt.

Key Races

After a recount in District 8, Republican Rep. Susan Martin kept her seat by beating Democratic challenger Charlie Pat Farris by 163 votes.

In District 6, newcomer Beverly Boswell, a Republican, took 51 percent of the vote, beating Democrat Warren Judge.

Incumbent Chris Malone (R-Wake) won 53 percent of the vote in District 35, defeating Terrence Everitt, the Democrat.

Rep. Nelson Dollar (R-Wake) took 49.3 percent of the ballots, finishing ahead of Democrat Jennifer Ferrell and Libertarian Brian Irving in District 36.

In the above four elections, Republicans prevailed in GOP-leaning districts. Democrats did prevail in some GOP-leaning House districts.

Democratic incumbent Gale Adcock (D-Wake) took 57 percent of the vote in District 41, which tilts slightly Republican. She beat Republican Chris M. Shoffner.

Rep. John Ager (D-Buncombe), who upset a GOP incumbent in 2014, garnered 55 percent of the vote this year to defeat Frank Moretz, a Republican (in District 15.)

In Senate races of note, incumbent Tamara Barringer (R-Wake) edged Democrat Susan Evans by 1,042 votes in Senate District 17. Libertarian Susan Hogarth garnered more than 4 percent of the votes.

Incumbent Wesley Meredith (D-Cumberland) took better than 56 percent of the vote in the D+3 District 19, defeating Democrat Toni Morris.

In District 1, Bill Cook, who won by 21 votes when first elected to the Senate in 2012, garnered 59 percent of the votes, defeating Democrat Brownie Futrell.

Federal races

In federal election results, Donald Trump received 49.8 percent of the North Carolina vote, compared with the 46.2 percent won by Democratic rival Hillary Clinton. Libertarian Gary Johnson garnered better than 2.7 percent of the ballots.

U.S. Sen. Richard Burr, a Republican, won re-election, notching 51 percent of the vote. Democrat Deborah K. Ross took 45 percent, and Libertarian Sean Haugh received 2.5 percent.

All of the state's sitting U.S. representatives on the November ballot were re-elected handily. In the closest race, Republican Rep. George Holding took more than 56 percent of the votes in the 2nd District, besting Democrat John P. McNeil. Holding, currently representing the 13th District, beat Congresswoman Renee Ellmers in the primary after redistricting left them pitted against each other in District 2.

The other winning Republican incumbents were Walter B. Jones, District 3; Virginia Foxx, District 5; Mark Walker, District 6; David Rouzer, District 7; Richard Hudson, District 8; Robert Pittenger, District 9; Patrick McHenry, District 10; and Mark Meadows, District 11.

In the only congressional race without an incumbent, Davie County businessman Ted Budd, a Republican, took 56 percent of the vote in District 13, besting Democrat rival Bruce Davis, a Guilford County commissioner.

Democrat representatives going back to Washington are: G.K. Butterfield, District 1; David Price, District 4; and Alma Adams, District 12.■

Republicans Gain Three Council of State Positions

BY CIVITAS STAFF

In North Carolina Council of State races aside from the governorship, Republicans held three positions and picked up at least three. But Democrats retained the offices of attorney general, state auditor and secretary of state.

In another crucial statewide race, for North Carolina's highest court, Democrat Mike Morgan received 54 percent of the votes, ousting Republican Justice Bob Edmunds from the state Supreme Court. The result gives that ostensibly nonpartisan body a Democratic majority of 4-3.

In the Court of Appeals elections, in which candidates run under party labels, all five Republicans won seats on the bench: Phil Berger Jr., Hunter Murphy, Bob Hunter, Richard Dietz and Valerie Zachary.

In Council of State races, Republican Lt. Gov. Dan Forest received better than 51 percent of the vote compared with Democrat Linda Coleman's 45 percent. Libertarian Jacki Cole took close to 3 percent.

The lieutenant governor serves as president of the North Carolina Senate, serves on the State Board of Economic Development, is a member of the NC Military Affairs Commission, and chairs the Energy Policy Council.

One of the most surprising results was Republican Mark Johnson's win over the incumbent, Democrat June Atkinson, for superintendent of public instruction.

Johnson, a former teacher and an attorney, was a first-term member of the Winston-Salem Forsyth County School Board. (See story below.)

He edged Atkinson by taking 50.6 percent of the votes. Atkinson, originally elected in 2004, was seeking her fourth term. She had been the nation's longest-serving state school superintendent.

Republican Dale Folwell won outgoing state Treasurer Janet Cowell's seat over Democrat Dan Blue III, an investment banker and lawyer who is a son of Sen. Dan Blue.

Folwell is a former state representative who most recently had been head of the state's Division of Employment Security.

The treasurer is charged with overseeing the financial operations of the state, including the State Health Plan and the $90 billion pension fund. News reports have underlined the importance of the post by noting the pension fund alone is more than four times the size of the state's $22 billion annual budget.

In the race for commissioner of insurance, Republican challenger Mike Causey upset the incumbent, Democrat Wayne Goodwin, by almost 40,000 votes.

Republican Commissioner of Agriculture Steve Troxler defeated Democrat challenger Walter Smith by a wide margin.

Commissioner of Labor Cherie Berry, a Republican, won with 55 percent of the vote over Democrat Charles Meeker.

But Democrats were not without victory, maintaining their hold of the secretary of state office, as incumbent Elaine Marshall took more than 52 percent of the votes in defeating Republican Michael LaPaglia.

After a recount, State Auditor Beth Wood, a Democrat, defeated Republican challenger Chuck Stuber, a former FBI agent.

"My entire professional career has been one of public service, and I hope I will have the opportunity to serve the citizens of North Carolina again in some capacity in the future," Stuber said in conceding.

Wood held about a 6,000-vote lead over Stuber when he conceded, as the recount came to a close.

In addition, Roy Cooper has been replaced as attorney general by another Democrat, as former state Sen. Josh Stein (D-Wake) beat Republican state Sen. Buck Newton (R-Johnston) by more than 20,000 votes.■

Why Did June Atkinson Lose Her Re-Election Bid?

BY A.P. DILLON

Possibly the biggest upset of the election was Republican Mark Johnson's ousting of incumbent Democrat June Atkinson as the North Carolina Superintendent of Public Instruction.

In such down-ballot races, incumbents hold the big advantage of wider name recognition.

According to the initial vote tallies, Johnson pulled in 2,262,977 votes – 50.63 percent, and Atkinson received 2,207,020 votes – 49.37 percent.

Atkinson has served three terms as the state's top education official, first being elected in 2004 and re-elected in 2008 and 2012. Her win in 2004 against Republican Bill Fletcher was by a mere 8,835 votes. In fact, the election went to a recount and was only settled when the General Assembly stepped in and confirmed her to the office – in August 2005.

In 2008, her victory over Republican Richard Morgan was far larger, winning by nearly 297,000 votes. 2012 brought Republican challenger John Tedesco, who lost by more than 365,000 votes.

Johnson is a board member of the Forsyth County Schools and a former teacher at West Charlotte High School. He currently works as corporate counsel at a technology company called Inmar in Winston-Salem.

Johnson bested J. Wesley Sills and Dr. Rosemary Stein in the primaries to advance to the General Election. Johnson campaigned on lessening the amount of standardized testing in the state, getting rid of Common Core, and continuing to raise teacher compensation.

Common Core

Atkinson's unwavering support of the increasingly unpopular Common Core State Standards was perhaps the key factor in her defeat.

Atkinson served as the president of the Council of Chief State School Officers (CCSSO) in 2015. The CCSSO is one of two nongovernmental organizations that helped create, disseminate and promote Common Core. The CCSSO also owns the copyright on the standards.



June Atkinson

Many parents reported that she was dismissive and resistant to hearing complaints from them.

In some cases, Atkinson outright insulted the public over Common Core. In a 2013 letter to the News & Observer, she wrote, "Another important skill we endeavor to teach our children is the difference between propaganda and facts." That letter has since disappeared from the News & Observer website.

At a town hall event held in Cabarrus County in 2014, Atkinson openly accused anyone opposing Common Core of lying about the standards. "The eighth commandment tells us not to bear false witness, and there is much false witness going on about the Common Core in this state," said Atkinson.

Even now that Atkinson has lost, she is still insulting those opposing the standards. In an interview with WRAL published Nov. 14, Atkinson took one more swipe at Common Core opposition: "I have yet to meet a person who is against the Common Core Standards who [has] read the Common Core Standards."

For the record, I've met Dr. Atkinson on several occasions. She knows very well who I am and that I oppose Common Core. I've read the standards, and she knows those who oppose Common Core do so because many of the line-item standards are flawed and developmentally inappropriate, and also because of the secretive way Common Core was created, adopted and is being implemented.

Another demonstration of Atkinson's defensiveness on the issue is the response Lt. Gov. Dan Forest received to a letter he sent in 2013 to the Department of Public Instruction (DPI). Forest sent Atkinson and DPI a letter with 67 questions and received "12 boxes containing approximately 40,000 sheets of paper."

But that wasn't all.

DPI referred him to 134 separate websites that each link to over 100 separate pages, more than 320 separate reports, hundreds of original source documents, over 40 presentations, one blog post, and a thumb drive. When broken down, DPI's reply took 597 pages to answer each single individual question submitted.

In 2016, Atkinson and DPI even went as far as to push back on a bill that would allow for both Common Core math and traditional math to be offered in North Carolina schools.

Johnson came out against Common Core during the race, and that likely helped push him over the top. On his campaign site, he stated, "Every year that goes by is another year our students and teachers are dealing with age-inappropriate standards. Where is the urgency at the top of our state education department to tackle these tough issues? Instead, our education leaders are okay with the status quo. More of the same cannot be the only option for our students and educators."

School choice

Another area where Johnson may have been a more appealing option was in the arena of school choice. Atkinson in the past has made remarks suggesting reining in homeschooling by controlling testing of home-schooled students.

Atkinson has also made inflammatory statements about funding for the increasingly popular Opportunity Scholarship Program (OSP). The OSP, which is designed for low-income students, has its own set of funding and does not raid public school funds.

In 2013, Atkinson said, "With the voucher legislation that we have we could be in dangerous territory as far as taxpayers' dollars going to private schools." Atkinson continued and became hyperbolic: "There is nothing in the legislation that would prevent someone from establishing a school of terror."

Atkinson's tenure also had some major stumbling blocks. USA Today called out North Carolina as the worst state for teacher screening. Atkinson was also caught by the General Assembly diverting funds for reading programs and instead using them to keep certain staff on board.

Meanwhile, Johnson says he wants reform. He says he doesn't like Common Core. He says he's fiscally responsible. Will the state see more of the same bureaucratic baloney, or will he actually clean house and change things? North Carolinians will have to see what his tenure as the state's top education official holds in store.■

This article by A.P. Dillon is adapted from an earlier version published in American Lens (americanlens.com).

Why Is Cooper Hiring a Man Who Disdains Our Troops?

BY SUSAN MYRICK

One of Governor-elect Roy Cooper's first hires is a fat-cat insider who's raked in taxpayer dollars through state contracts, is happy to bully ordinary people worried about health care, and disrespects the men and women who put their lives on the line in the military every day.

Is that the kind of person Roy Cooper wants at his elbow giving him advice on vital topics?

Cooper has named Ken Eudy as his senior advisor to the governor-elect. In a state that is home to nearly 130,000 active-duty military personnel and nearly 800,000 veterans, Cooper's pick of Eudy is troubling.

In a September 8 article published on the EducationNC website (ednc.org), Eudy tried to make a case for teachers being the "linchpin of our national defense."

He proudly emphasized that he has something in common with San Francisco 49ers quarterback Colin Kaepernick: Although he (Eudy) stands for "The Star-Spangled Banner" at sporting events, he stays in his seat when thousands of fans stand and cheer men and women in the armed services. Even Kaepernick says he respects the troops, while protesting against the country. Eudy, in contrast, disdains our men and women in uniform.

"I sit simply because I think it odd that, of all the categories of Americans that we honor, we honor warriors," he wrote.

We must ask of Roy Cooper: Does he share Eudy's vision in attacking the members of our armed forces and veterans?

Eudy's bio includes work as a reporter for WBTV and the Charlotte Observer. He served as executive director of the NC Democratic Party in the 1980s and was named one of North Carolina's top 20 lobbyists.

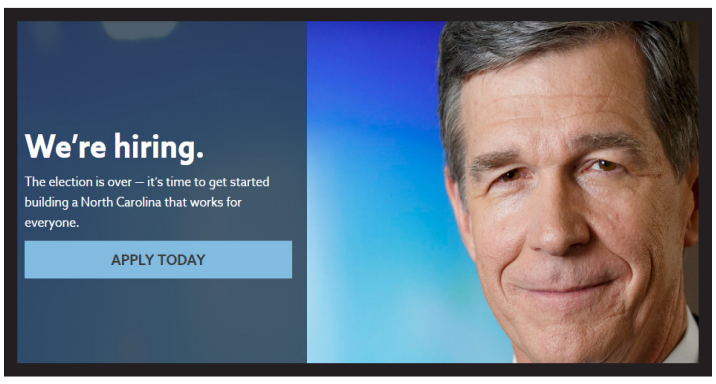
Eudy also has deep connections to Blue Cross Blue Shield of North Carolina (BCBS-NC). He is founder of Capstrat, LLC, a communications company that did extensive work for BCBS-NC.

In 2007, Eudy was accused of trying to strong-arm BCBS policyholders who had complained about the insurance nonprofit's announcement of record profits of $190 million. NC Policy Watch, the media project of the NC Justice Center, in a 2007 article wrote:

"Ken Eudy and NC Blue Cross have a long-term relationship. Millions of dollars that should have gone to lower health premiums or pay for medical services has gone straight from the pockets of Blue Cross policyholders into Capstrat's profits."

The Policy Watch article continued:

"Back in 2003 when Blue [Cross] first announced record profits of $190 million, over a thousand people wrote outraged letters, emails, or made phone calls to Insurance Commissioner Jim Long worried about the effect of the focus on profits on their premiums and whether



they would be able to afford health coverage."

"Nonprofit Blue [Cross] became extremely worried at the prospect of stringent review of their outsize profits. Eudy, acting for Blue Cross, made a transparent attempt to intimidate ordinary citizens around North Carolina from expressing their concerns to the insurance commissioner.

To do this, Eudy demanded, and received, copies of all those letters and comments complete with names and addresses. Remember, these are ordinary Blue Cross policyholders who legitimately might worry that Blue [Cross] would be unhappy with what they said and this unhappiness would be reflected in their health premiums or coverage."

According to a Triangle Business Journal Article, Eudy put pressure on Long to pen a letter to "those whose correspondences he was forwarding to Capstrat. In the letter, the commissioner told consumers that the DOI had no choice but to comply with the FOI Act, which mandates that public records must be produced when requested."

Long wrote, "Some people are fearful that Blue Cross will raise their premiums or deny their claims in retaliation for contacting me and complaining. Let me assure you that such action by Blue Cross would be illegal, and I would not tolerate it."

But are such words enough to truly reassure nervous and vulnerable policyholders?

Another troubling issue is Eudy's status as both a major recipient of state dollars via contracts and a major donor (over $100,000 to state politicians, mostly Democrats.)

This tangled relationship has drawn criticism even from the Left. The State Employees Association of North Carolina (SEANC) once picketed outside Eudy's home. SEANC accused Eudy of "pay-to-play" politics because Capstrat had received millions of dollars in state contracts.

And will Eudy still receive money from Capstrat while working for the governor? And will Capstrat still profit from state contracts while Eudy is serving as Cooper's right-hand man?

Because of all the state contracts, and dollars, Eudy received at Capstrat over the years, he is probably the highest-level recipient of state funds to ever get a senior appointment in the Governor's Office.

In short, Eudy took money from the state, gave part of it back to politicians, gained influence that way, and then got more dollars – and now is getting a powerful job at the center of government.

One more question: A recurring problem is the "revolving door" in which insiders get plum jobs in government, collect salaries, then return to private life to cash in on their connections. Will Eudy renounce state contracts and lobbying when he leaves the Cooper Administration?■

Governor Pat McCrory's Worst Foe? Pat McCrory

BY MARK SHIVER

Gov. Pat McCrory lost his bid for re-election largely due to self-inflicted wounds. For HB 2 haters, as much as you'd love to place the blame on the commonsense legislation that many in North Carolina support, that legislation in itself was not his undoing. I find several factors that, in my opinion, loom much larger.

First of all, McCrory tried to throw his weight around with the North Carolina Senate.

For example, during contentious budget debates in 2015, McCrory lambasted Senate Republicans, including President Pro Tem Phil Berger, even comparing them with Democrats such as Marc Basnight, Tony Rand and Harry Reid.

I was working in the NC Senate at the time, and I clearly recall telling some of my colleagues that saying something like that would come back to bite McCrory.

As he had counted on these very same senators he had just insulted publicly for major support, both politically and financially in 2012, I remember saying, "I wonder how many senators are going to be willing to help him when he comes around asking for campaign help in 2016?" Later I even



heard comments from Senate members that their support for McCrory would be less than enthusiastic in 2016. Politics 101: Don't bite the hands that feed you.

Second, I heard routinely that McCrory was not very excited about having to do fundraising this time around. In the face of millions of out-of-state dollars flowing to the Cooper campaign, I scratched my head when I heard that McCrory just did not want to pick up the phone and make those pleas to his donor base for financial support.

According to the most recent news reports, as of Oct. 20, Cooper had taken in $21.8 million, while McCrory had gathered $13.9 million. For a challenger to raise 56 percent more than an incumbent is stunning. Again, Politics 101: You have to raise money.

Third, McCrory was the face of HB 2. It was not the bill itself that sank him, but the concentrated attack on him by the radical Left and their cohorts in the media that hurt.

For those who assert that HB 2 was the reason McCrory lost, I merely point out that Lt. Gov. Dan Forest, who was much more outspoken in support of the bill than McCrory ever was, tallied 94,000 more votes than the governor.

Also, note that Republicans in the General Assembly, who actually passed the legislation, maintained super majorities in both chambers.

Also hurting was a lack of good customer service, something I experienced and heard from others who had reached out to the Governor's Office or his campaign for one reason or another.

For example, look at what many say was the final nail in the McCrory campaign coffin: the toll road controversy in Charlotte. A familiar refrain from folks in Mecklenburg and Iredell counties was that the NCDOT did not care or that the Governor's Office was not responding to their concerns. Real or not, this was their perception.

Here's a telling statistic Susan Myrick of Civitas has culled from the preliminary election results: In those two counties, McCrory received almost 19,000 fewer votes than his own lieutenant governor. That right there was enough to sink McCrory's campaign.

In summary, McCrory's loss was not because of Moral Monday or HB 2. Remember, it was a very close race, not by any means a mandate from the people to abandon conservative policies. Rather, the loss was due to an accumulation of a lot of little things, or as one pundit said, death to the campaign by a thousand cuts.■

Civitas Sues Attorney General for Diverting Settlement Funds

BY ALEXANDER GUIN

The Civitas Center for Law and Freedom (CLF) on October 18 filed suit against Roy Cooper in his capacity as North Carolina attorney general, alleging he illegally diverted money from public education to special interest groups.

In addition, one of the environmental groups that received funding under this agreement may have supported political advertising against Cooper's opponent in the race for governor, Gov. Pat McCrory.

The funds also were paid out by Smithfield Foods, a subsidiary of a Chinese corporation. The Civitas Institute filed a complaint with the State Board of Elections demanding an investigation into the use of those funds and whether they are American in origin.

The background

The North Carolina Constitution and a 2005 NC Supreme Court decision both require all fines and forfeitures be directed to public schools. CLF contends that Cooper, in his capacity as attorney general, directed funds resulting from a 1999 agreement with Smithfield Foods that appear to be equivalent to fines and forfeitures to favored environmental groups.

In the late 1990s, Smithfield Foods, now the nation's largest hog producer, was on an acquisition spree. One of the companies it wanted to absorb was a major pork producer: Murphy Family Farms in Rose Hill, NC.

Smithfield Food's acquisition of what appeared to be every pork producer of notable size in the United States did not go unnoticed by attorneys general across the country.

In North Carolina, Democratic Attorney General Mike Easley – now a convicted felon, disgraced attorney, and former governor – had plenty of political reasons to make a deal with Smithfield Foods rather than joining with other state attorneys general in suing the company.

By not taking Smithfield to court, he could pressure the company to fork over millions of dollars with an "environmental enhancement agreement," winning political points among his supporters.

Meanwhile, as he looked ahead to running for governor, he would also be keeping Smithfield on his side by not costing the company millions more in legal fees and a possible delay or blocking of the merger.

From news reports, it appears that all parties involved reached an agreement requiring Smithfield Foods to pay $15 million to North Carolina State University immediately for the development of "Environmentally Superior Technologies," and up to $50 million over 25 years for "Environmental Enhancement."

The deal was a win-win for the parties involved. It appeared to the public that Easley punished Smithfield for "hurting the environment." Yet the fine might be considered a slap on the wrist for a multibillion-dollar corporation, and Smithfield got to proceed with the merger without another lawsuit from yet another state attorney general.

Since Civitas filed its lawsuit, Cooper's spokesperson said, "[Smithfield Foods] voluntarily agreed to directly fund water research and water quality projects," essentially saying that the company agreed to give up to $65 million out of the goodness of its heart.

Based on the facts, however, it is not hard to reach a different conclusion: that pressure from the state compelled Smithfield into accepting the "agreement." Any agreement with government, by its very nature, carries either an implicit or explicit threat: "comply or else."

Furthermore, the fact that Smithfield Foods agreed to deliver the money directly to the attorney general and not the General Assembly strongly suggests a quid pro quo.

A simple review of the NC Attorney General Office's website indicates that after signing the agreement, a grant-making operation that would be undistinguishable from a charitable grant-making foundation was set up in the AG's office.

More than $25 million has been granted out to more than 100 projects since the agreement was signed, with nearly $25 million more slated to be doled out in the future.

Looking at everything that happened here, it appears the payout resulting from the agreement is tantamount to a fine or forfeiture, and thus falls under Article IX, Section 7 of the North Carolina Constitution, which states:

"All moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools."

One might ask, if the practice of diverting settlement funds to these kinds of environmental programs is unconstitutional, why has no one taken action to stop it? In a similar case, someone did.

In 1998, the North Carolina Department of Environment and Natural Resources (DENR) implemented a policy that allowed parties found violating environmental law to direct a portion of civil or criminal penalties to a "Supplemental Environmental Project."



The North Carolina School Boards Association and several individual school boards filed suit against state Treasurer Richard Moore. They demanded that those fines be directed to the public schools as is constitutionally required.

After several years of litigation, the state Supreme Court in 2005 agreed with the School Boards Association that the funds paid for Supplemental Environmental Programs (SEPs) must go to public schools. The Court also held that the previous three years of fines paid that went to SEPs must be recovered.

Cooper was a named party in that lawsuit and had been attorney general since January 2001, so it stands to reason that he had knowledge of the Court's ruling.

CLF takes action

The "Environmental Enhancement" programs administered by Cooper since 2001 appear to be identical to the Supplemental Environmental Programs set up by DENR in 1998. As a result, Francis De Luca, a North Carolina taxpayer being represented in court by Paul "Skip" Stam, has sued Cooper on the grounds that the funds expended for environmental enhancement should go to the public schools in the future and the past three years of grants should be recovered from their recipients.

Each year, up to $2 million is given out to, on average, 10 organizations. There is one grant recipient in particular whose activities are cause for additional concern: the Pamlico-Tar River Foundation. Since 2004, the foundation has received a total of $387,794 from Cooper.

In 2015, the Pamlico-Tar River Foundation merged with the Neuse River Foundation to form a new organization named Sound Rivers. Sound Rivers is a member of an umbrella organization called the North Carolina Environmental Partnership (NCEP).

While the NCEP has never filed a report with the State Board of Elections, the Center for Public Integrity shows NCEP as the largest sponsor of ads by far in the governor's race – all opposing Gov. McCrory.

The NCEP spent at least $1.6 million on TV ads opposing McCrory in this election cycle and spent more than $1.6 million in 2014 to defeat Republican legislative candidates.

Since there is no public disclosure of the source of funds the NCEP uses for its anti-McCrory ad campaigns, and to date, no evidence of an audit or verification as to what the Pamlico-Tar River Foundation did with the money, it is reasonable to assume that some or all of the money went directly to the NCEP for ads opposing Republicans, especially Gov. McCrory this year.

It appears that Cooper has been sending Environmental Enhancement Grants to a group that sponsored ads attacking his opponent in the race for governor.

Moreover, in 2013, Smithfield Foods was sold to a Chinese company, Shuanghui International Holdings, China's largest meat processor.

Since the 1999 agreement between Smithfield and the NC attorney general has not changed and Smithfield is now part of a Chinese corporation, it would stand to reason that the money that funds the AG's environmental enhancement grants could be Chinese in origin.

If this is the case, Cooper's grants would be a violation of the prohibition of foreign national funds being used in U.S. political campaigns, and the grants are a federal crime that should be referred to federal prosecutors.

The underlying issues here are important and bear repeating: using the threat of government force, it seems clear that elected officials coerced a private business to give millions to liberal special interest groups.

And, based on available information, it also looks like they are backing – some monetarily, some otherwise –Cooper's run for governor.

This is but one example of how a massive network of liberal organizations and insiders can use government to their advantage.■

"This is but one example of how a massive network of liberal organizations and insiders can use government to their advantage."

Here Are Two Ways to Effectively Rig Elections

BY SUSAN MYRICK

Donald Trump's choice of words before Nov. 8 about the election system was interesting because people interpret the word "rigged" in different ways.

Was he talking about voter fraud or about collusion between the media and establishment politicians and their coalitions – "the system"? Many people agree with his use of "rigged" for one or both of these definitions.

Now that the election has been held, and with the aftermath in mind, let's look at whether these two characterizations mean elections can be "rigged" – or even of how that word may not even be strong enough to describe what has gone on.

The media

First, no story about "rigged" elections is complete without mention of the mainstream media.

As Election Day neared, nationally and locally the media reported Democrat Hillary Clinton was leading in states where early voting was taking place, including North Carolina.

They point to political party affiliation in the turnout numbers and come to the conclusion that since more Democrats were voting, then Clinton must be winning.

But this betrays the media's ignorance about our state.

In North Carolina, Democrats always outnumber Republicans at the polls because by party registration Democrats make up nearly 40 percent of the electorate, while Republicans make up only 30 percent. Some of that registration edge, however, is more a reflection of history, habit and tradition than contemporary voting tendencies.

By no means is early voting turnout by party an indication of who is winning. In 2012, when Obama lost North Carolina by nearly 100,000 votes and the Republican legislature solidified their super majorities, 2,774,594 people voted early.

Of those, 1,317,822 were Democrats, 874,205 were Republicans, and 576,273 were unaffiliated. The Democrats' registration edge failed to translate to victory at the polls.

The mainstream media's reporting of early-voting turnout as a reflection of who is winning the presidential race seems more an attempt to discourage citizens who are voting for Republicans or Trump, both of which most mainstream outlets have loudly criticized over the last several years.

This should remind us of the time when it was commonplace for organizations (mostly media outlets) to commission exit polls and announce winners even before the polls closed. Exit polling was stopped once it was proven that the polls and the reporting of the polls could affect the outcome of political contests.

The system

Then there is voter fraud.

We've heard reports of fraud investigations around the country this year. Here in North Carolina, Civitas helped expose a strange situation in which a State Board of Elections (SBE) employee, Dr. E. Lee Cooley, was teaching the public and political operatives how to commit voter fraud.

It may be an understatement to say that we were alarmed to learn that at least one person in the SBE, the department that oversees all elections in North Carolina, was telling people that it was okay to commit voter fraud and actually instructing them how to do so by voting other people's ballots.



"Rigged" may be too light of a term when we understand how the SBE staff explained the Cooley story to their board members, effectively sweeping the story under the rug, and how they claimed to take remedial action after their investigation.

On October 13, eight days after Civitas ran the story on Cooley, the SBE met via telephone to discuss several topics, including the Cooley debacle.

In the 17 minutes that SBE members discussed Cooley's actions, SBE Executive Director Kim Strach's description to the board members was sketchy, at best. Remember, this meeting happened eight days after the Civitas story about Cooley was published.

Strach insisted that, according to the SBE's investigation, Cooley acted alone. Strach stated categorically that no one else in the agency had anything to do with Cooley's message.

The executive director offered one bit of new information to the five SBE members when she told them that Cooley had sent a list of Democratic candidates along with her presentation to all who attended the meetings where she lectured on the best practices of committing voter fraud.

The state board members offered little by way of input. In fact, the two Democrats on the board never uttered a word during the whole discussion.

Cooley was subsequently fired for her actions, but what about the repercussions of the false information she was spreading? In the end, Strach told board members that SBE officials had taken remedial measures, starting with sending emails to attendees of the meeting who had received Cooley's presentation electronically.

However, Civitas believes that's all the SBE will do, if even that.

Our skepticism about the situation is fueled by the obvious steps the board should have taken. Local elections boards should have been directed to compare signatures of absentee voters when they met to approve absentee ballots.

After all, Cooley had been telling political activists and the public how to violate state law and vote absentee ballots for relatives and the homeless.

In Pasquotank County, where Cooley was recorded in one of her educational sessions, the local board of elections has agreed to compare and verify signatures on absentee ballots during the approval process. Boards in the other 99 counties should have been directed to follow suit.

Meanwhile, even as the SBE discussed the Cooley situation, another SBE employee sent instructions to all 100 counties to disregard the state law that requires signatures on voter registration forms.

Veronica Degraffenreid, the SBE's election preparation and support manager, ignored the statute that requires a signature as part of the registration process, including changes in voter registration.

NCGS 163-82.6 (b) clearly states: *Signature – The form shall be valid only if signed by the applicant.*

Worse, now the senior leadership of the administrative staff is backing her up. As a recent Civitas article recounted, SBE leadership has tried desperately to show Degraffenreid's action was acceptable, but their explanation raises more questions than it answers.

A history of party Machinations

The rigging process in North Carolina began many years ago.

North Carolina's election laws had been written and rewritten by one party, the Democrats, to enable it to control the legislative branch for more than 120 years. Case in point: North Carolina is one of only three states (along with Delaware and Tennessee) that placed the Democratic Party at the top position on every partisan ballot in every election. North Carolina law stated that candidates would appear "in alphabetical order by party and in alphabetical order within the party."

This practice was never questioned. But one would be hard-pressed to find a credible study that suggests the top-of-the-ballot position does not improve a candidate's chances of winning.

In 2013, the Republican-led legislature passed voting reforms, and the law was changed so that now the nominees of political parties would appear in alphabetical order by party beginning with the party whose nominee for governor received the most votes in the most recent gubernatorial election and in alphabetical order within the party.

Another example of North Carolina's common-sense reforms and reversal of a purely partisan application of an election law was the elimination of straight-party voting.

This change goes beyond just the repeal of an antiquated law implemented to make voting easier in a one-party state, but it also does away with what even the liberal Brennan Center for Justice called a "ballot flaw."

While North Carolina was one of just 15 states that included a straight-party option on partisan ballots, it was the only state that did not include the presidential contest in the straight-party selection.

North Carolina Democrats dropped the presidential contest from straight-ticket voting in 1967, apparently because they could see North Carolinians were becoming disenchanted with the liberal trend in the national Democratic Party.

Since then, Republican presidential candidates have carried the state in 10 out of the last 12 presidential elections. This measure did not give the advantage to the Republicans as the Democrats had done for their party in the 1960s, but reduced the chances of any voter missing a vote for the presidential candidate.

Consider another reform recently made in North Carolina that benefits all voters by reversing a rule put in place by a political party to discourage another party from voting.

The reform made voting by mail easier, by eliminating the requirement that voters who vote by mail must make their requests for a ballot in their own handwriting.

This provision reverses a change made in the 1990s by the Democratic legislature in response to the realization that Republicans were successfully turning their voters out to vote by using the absentee-by-mail process.

Their legislation put an end to the mailers that Republicans used to help voters receive absentee ballots and to discourage using the absentee-by-mail process altogether – except, apparently, when Democrats can "help" voters fill out their ballots.

If someone wants to steal an election, there are many ways to do so. Some of them are: rigging the game by changing the rules; voter fraud; media collusion; or any combination of these.■

More People Have Jobs in North Carolina

BY NCCC STAFF

North Carolina's seasonally adjusted unemployment rate was 4.9 percent in October, matching the national unemployment rate, according to the state Department of Commerce.

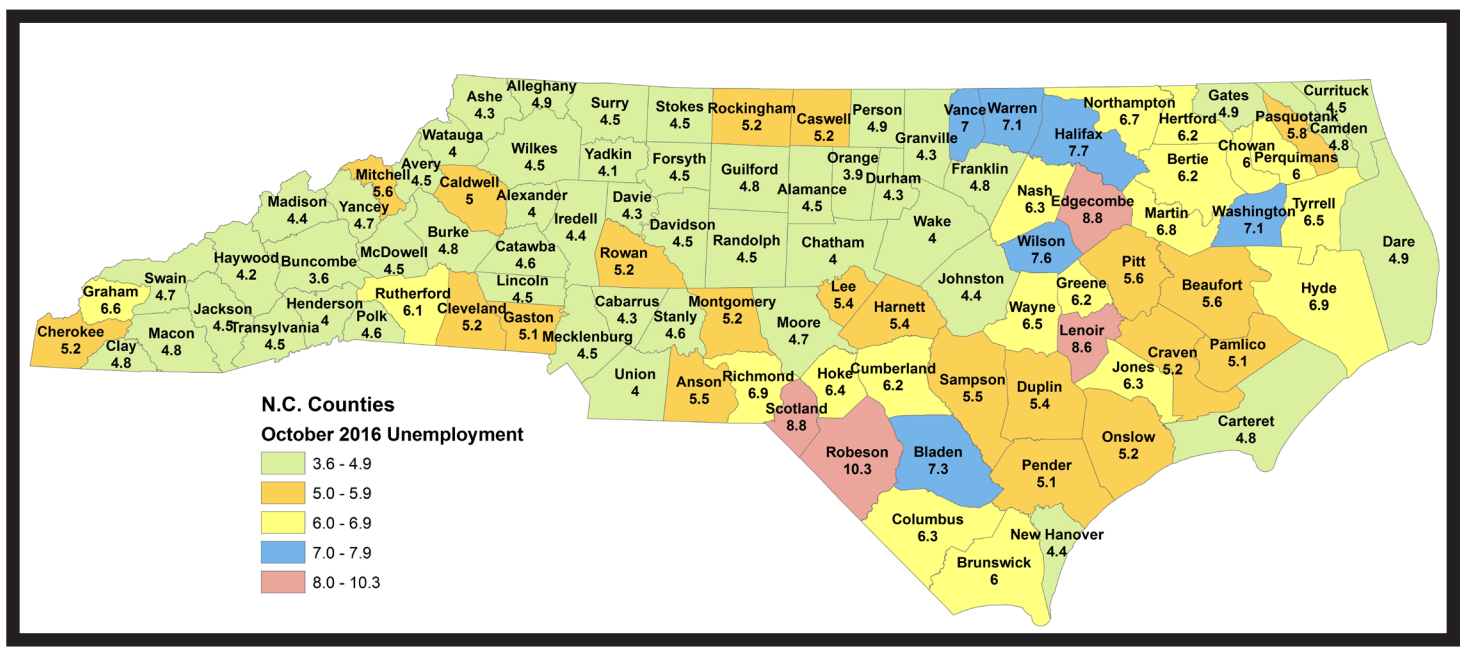
The state's October 2016 unemployment rate was 0.7 of a percentage point lower than a year ago. The number of people with jobs jumped 20,166 during the month to 4,616,686. That number was an increase of 113,006 since the same time last year.

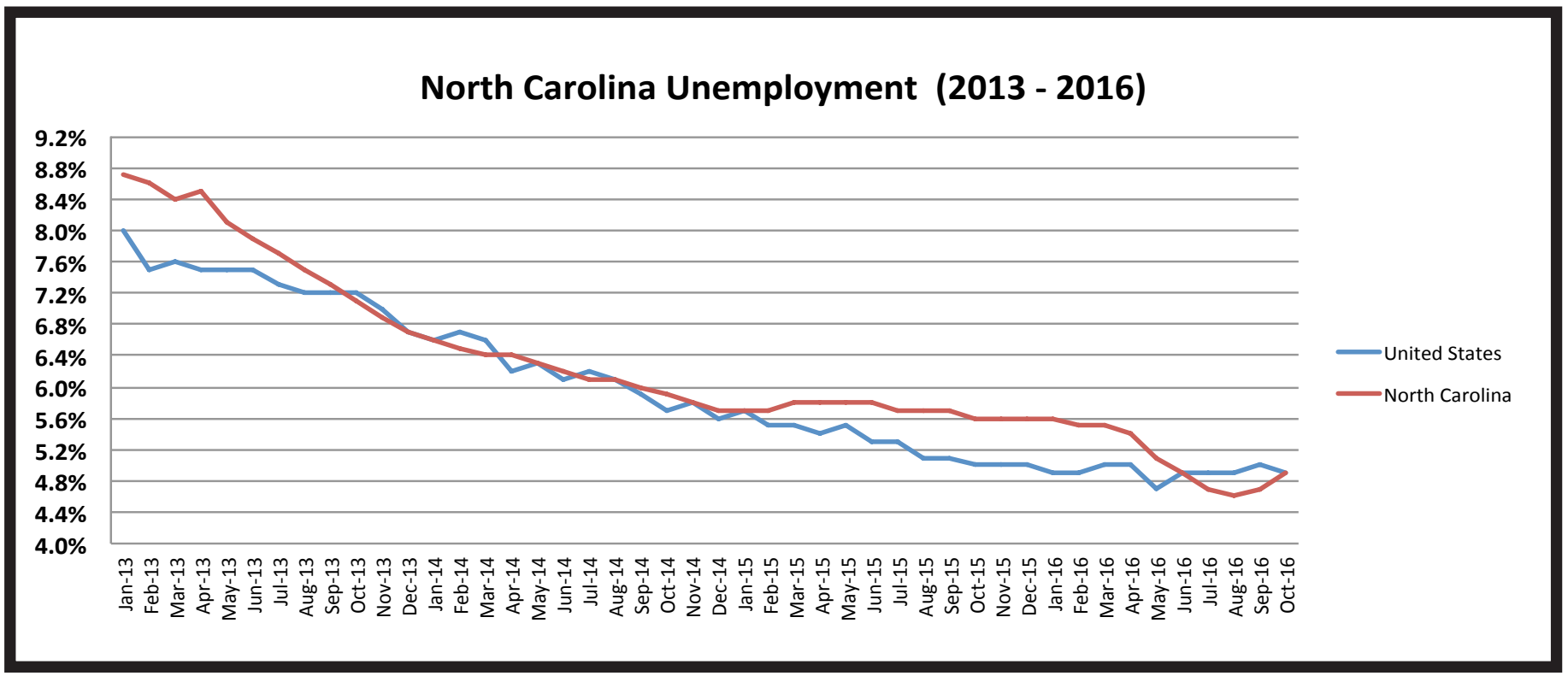
The October jobless rate showed an increase of 0.2 of a percentage point from September's revised rate. The national rate decreased 0.1 of a percentage point to 4.9 percent.

Since October 2015, the number of total nonfarm jobs has grown by 84,700, the eighth-highest increase in the United States, according to the Charlotte Business Journal.

Not seasonally adjusted unemployment rates rose in 44 of North Carolina's 100 counties in October, while decreasing in 22 and remaining unchanged in 34.

Shown below are a map with county unemployment rates; a graph showing the overall decline in the unemployment rare over time; and county-by-county changes in the unemployment rate. 2013 is a key year in the state's economic history, as that is when the General Assembly passed a variety of key economic reforms.■





2008 - 2013 - 2016 N.C. Unemployment Rate Comparison

County	10-08	1-13	10-16	County	10-08	1-13	10-16	County	10-08	1-13	10-16	County	10-08	1-13	10-16
Alamance	7.1	10	4.5	Cumberland	6.8	11	6.2	Johnston	6.1	8.9	4.4	Randolph	6.7	11.1	4.5
Alexander	7.9	10.2	4	Currituck	3.6	10.5	4.5	Jones	6.8	10.7	6.3	Richmond	9.5	13.6	6.9
Alleghany	6.6	12.6	4.9	Dare	4.2	20.1	4.9	Lee	8.2	12.7	5.4	Robeson	8.1	13.9	10.3
Anson	9.5	12.8	5.5	Davidson	7.4	10.7	4.5	Lenoir	7.8	10.8	8.6	Rockingham	7.9	11.7	5.2
Ashe	6.3	13.8	4.3	Davie	6.9	9.3	4.3	Lincoln	7.2	10.8	4.5	Rowan	7.2	10.3	5.2
Avery	5.6	13.7	4.5	Duplin	5.9	10.6	5.4	Macon	5.3	13.3	4.8	Rutherford	8.7	14.7	6.1
Beaufort	7.3	11.8	5.6	Durham	5.4	7.9	4.3	Madison	5.7	10.1	4.4	Sampson	5.4	9	5.5
Bertie	7.5	13.5	6.2	Edgecombe	11.4	16.6	8.8	Martin	6.9	12	6.8	Scotland	11.7	17.8	8.8
Bladen	8.1	13.6	7.3	Forsyth	6.3	9.4	4.5	Mcdowell	8.1	11.9	4.5	Stanly	7	10.1	4.6
Brunswick	6.9	12.2	6	Franklin	6.7	9.6	4.8	Mecklenburg	6.6	9.7	4.5	Stokes	6.1	9	4.5
Buncombe	5.1	8.1	3.6	Gaston	7.7	11.1	5.1	Mitchell	7.7	15.5	5.6	Surry	8.3	11.1	4.5
Burke	8.6	11.6	4.8	Gates	5.2	8.3	4.9	Montgomery	8.3	11.1	5.2	Swain	5.5	19	4.7
Cabarrus	6.4	9.4	4.3	Graham	8.2	20.4	6.6	Moore	6.4	10.1	4.7	Transylvania	5	11.5	4.5
Caldwell	8.3	12	5	Granville	7	10.3	4.3	Nash	8.6	12.7	6.3	Tyrrell	6	13	6.5
Camden	5.4	9.4	4.8	Greene	7	9.8	6.2	New Hanover	5.4	10.4	4.4	Union	6	8.6	4
Carteret	5	10.6	4.8	Guilford	6.7	10.3	4.8	Northampton	7.7	12.1	6.7	Vance	9.8	13.8	7
Caswell	8.2	10.4	5.2	Halifax	9.7	14.7	7.7	Onslow	5.8	9.6	5.2	Wake	5	7.8	4
Catawba	7.9	11.6	4.6	Harnett	7.1	11.5	5.4	Orange	4.2	6.6	3.9	Warren	9.7	12.9	7.1
Chatham	5.5	7.5	4	Haywood	5.7	10.2	4.2	Pamlico	5.7	11.2	5.1	Washington	7.2	13.5	7.1
Cherokee	8.7	14.1	5.2	Henderson	5.1	7.9	4	Pasquotank	6.4	12.4	5.8	Watauga	4.1	9.5	4
Chowan	8.5	11.3	6	Hertford	6.6	11.5	6.2	Pender	6.4	11.5	5.1	Wayne	6.3	9.8	6.5
Clay	6	10.6	4.8	Hoke	6.3	9.7	6.4	Perquimans	6.7	11.1	6	Wilkes	8.2	11.7	4.5
Cleveland	8.5	11.3	5.2	Hyde	4.6	15.7	6.9	Person	7.3	11.1	4.9	Wilson	7.9	13	7.6
Columbus	8.1	13.8	6.3	Iredell	6.5	10.4	4.4	Pitt	7	9.9	5.6	Yadkin	6.1	10.1	4.1
Craven	6.2	10.8	5.2	Jackson	4.3	11.3	4.5	Polk	5	8.2	4.6	Yancey	7.2	13.8	4.7

2016 Voter Registrations Show Big Shifts

BY SUSAN MYRICK

Civitas is happy to offer a way to track voter registration on its Carolina Transparency website (www.carolinatransparency.com). The voter registration changes database is easy to use and allows the user to track voter registration from week to week, month to month and even year to year. The database is especially useful in comparing election years.

2016 – Since October 8 through November 26, 2016, the voter rolls increased to 6,925,568. Democrats added 46,453 voters, Republicans gained 45,694 and the unaffiliated ranks grew by 62,048.

2012 – Compare these numbers to four years ago when there were 6,665,569 voters on the rolls. Between October 6 through November 28, 2012, Democrats gained 72,723 voters, Republicans added 36,895, and the unaffiliated ranks grew by 45,178 voters.

2008 – In 2008, a year where records were set in voter registration, in the period between October and November the voter rolls rose to 6,233,330 voters. Democrats added 114,566 voters, Republicans gained 35,414 voters and the unaffiliated numbers grew by 54,951.

Using voter registration history and with the help of Carolina Transparency, I ventured to guess (in an August 2016 article) that while Democrats hadn't been registering voters in the numbers they once had, they would likely make big gains in the weeks leading up to Election Day. I was wrong: That didn't happen this year.

That doesn't mean that new voter registration trends haven't already taken hold. In the same August article, I noted that the state has added more than 361,000 voters to the unaffiliated ranks in the last four years, and that this bloc now makes up more than 29 percent of the electorate. At the same time, Democrats lost 72,919 voters and the Republican Party gained a total of 44,198 voters. In fact, all of North Carolina's 100 counties experienced a net gain of unaffiliated voters in that time period.

See the voter registration numbers on page 11.

It appears that voter registration changes have been setting the stage for North Carolina's 2016 election. While Gov. Pat McCrory may have lost, Lt. Gov. Dan Forest won by 300,000 votes, and NC Republicans made big gains in the Counsel of State, kept their veto-proof majority in the General Assembly, and voted for Donald Trump over Hillary Clinton.

We invite you to use www.carolinatransparency/voterregistration and make some predictions of your own.■

Grounds For Dismissal: Tony Baldwin's Nepotism

BY LISA BALDWIN

Buncombe County Schools (BCS) Superintendent Tony Baldwin (no relation to this reporter) was recently named the North Carolina Western Region School Superintendent of the Year. The Western Region represents 14 of the 115 school districts in North Carolina. Many have questioned whether he deserves such recognition in light of facts such as:

- Since taking the job in 2009, Baldwin has awarded BCS contracts to his family members and family members of central office staff.
- As a former women's basketball coach and PE major, he's forced mandatory PE on all middle school students. And he has encouraged the hiring of more PE teachers at the expense of other elective teachers.
- Instead of trying to raise academic standards and focus dollars on teaching and learning, BCS' response to poor scores and competition from charter schools and opportunity scholarships has been to hire spin doctors (a four-person PR/communications department) and spend valuable education dollars to create a "positive image."

All this doesn't do any favors for our children and the teachers trying hard to make a difference.

The data continue to point out deficiencies in Buncombe's academic standards. Twenty-four out of 39 county schools scored C's on the state school report cards last year, after failing grades were curved. Statistically speaking, 62 percent of schools scored below a grade of 70. This is a slight improvement over the 2014-15 school year when 77 percent of Buncombe schools were failing to ensure our children received a year's worth of learning.

No wonder that about 500 students leave each year for homeschooling, public charters or private schools. Over 10 percent of Buncombe County's student population is homeschooled. Yet Baldwin continues to recommend the building of new schools, instead of using the ones we have more efficiently.

"BCS could easily be called the Tony Baldwin family business."

At Baldwin's recommendation, the school board approved more than $600,000 in bonuses for principals and assistant principals with no performance standards or accountability measures attached. The board also approved about $1 million for sports coaches – but no money for academic team coaches. Instead of practicing oversight, the board functions as a rubber stamp for the superintendent's excesses.

Moreover, BCS could easily be called the Tony Baldwin family business. In clear violation of conflict of interest rules, the superintendent approved two contracts with a company employing one of his sons. This information was not disclosed to the school board by the superintendent; a whistleblower reported the conflict after the contract had been executed. It would have been simple for Baldwin to step aside and ask the assistant superintendent or school board to approve the construction contract.

Plus, Baldwin recommended his other son for a plum teaching job, without revealing that the applicant was his son.

Speaking of school contracts for family and friends, Baldwin also approved contracts for an organization directed by his sister, Jan Webster: the Western Region Education Service Alliance (WRESA).

Once again, he violated conflict of interest rules. Since he and his sister took their positions in 2009, Baldwin has approved over $238,000 for WRESA. While past monies also went to this organization for professional development, the fact that he didn't ask the school board for approval raises questions.

In addition, the effectiveness of "professional development" is questionable. A national nonprofit organization called TNTP studied how professional development work affected 10,000 teachers. TNTP found that less than a third of teachers improved performance year-over-year as a result – and about a fifth actually did worse. Could the money BCS spent on professional development been better spent on the classroom?

Family members of central office staff also benefited from Baldwin's generosity with tax dollars. Remember the controversial Buncombe math specialist, Margaret Small, who retired one week after the story broke about her Marxist background and co-teaching of a "Lesbian 101" class? Small had majored in women's studies, but after working as a machinist she obtained her doctorate in math education from the University of Chicago, under Weather Underground bomber and graduate school professor Bill Ayers.

Small's lesbian partner and "wife," Peggy Baker, has been awarded an average of about $33,000 per year since 2010 by Baldwin for "professional development" at the Early College and Community High School. Besides working for her nonprofit, EASL Institute, Baker was previously a Chicago union organizer and locomotive mechanic.

Unfortunately, the November election saw the defeat of school board candidates Laura Bowen and Bob Chilmonik, who supported high academic standards and aimed to eradicate cronyism. With a school board handpicked to run for office by Baldwin and his bureaucratic buddies, there is not much chance that the conflict of interest laws or Baldwin's failure to do his duties will result in termination.■

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Changes represent the difference in voter registration between October 8, 2016, and November 26, 2016										
County	Total Voters	Total Change	Democrats	Democrat Change	Republicans	Republican Change	Libertarians	Libertarian Change	Unaffiliated Voters	Unaffiliated Change
STATE TOTAL	6,925,568	156,326	2,735,498	46,453	2,089,975	45,694	32,441	2,131	2,067,654	62,048
ALAMANCE	101,080	2,088	39,502	623	33,111	570	440	37	28,027	858
ALEXANDER	24,410	335	6,550	-7	10,743	175	71	5	7,046	162
ALLEGHANY	7,472	100	2,813	1	2,559	59	36	2	2,064	38
ANSON	17,470	191	11,973	62	2,465	72	20	1	3,012	56
ASHE	19,112	333	5,680	16	8,090	180	66	5	5,276	132
AVERY	12,044	236	1,504	30	7,071	113	49	6	3,420	87
BEAUFORT	33,325	438	13,882	60	10,747	177	98	5	8,598	196
BERTIE	14,263	106	10,324	46	1,542	30	19	0	2,378	30
BLADEN	23,079	354	13,712	95	3,458	149	33	2	5,876	108
BRUNSWICK	95,227	1,702	27,059	223	35,461	777	339	29	32,368	673
BUNCOMBE	198,442	3,714	78,242	1,094	47,815	762	1,288	58	71,097	1,800
BURKE	58,705	883	19,327	96	20,721	464	258	9	18,399	314
CABARRUS	132,422	3,084	41,366	848	49,314	936	669	50	41,073	1,250
CALDWELL	55,440	835	15,140	50	24,821	502	337	11	15,142	272
CAMDEN	7,744	146	2,504	-6	2,378	100	43	2	2,819	50
CARTERET	52,946	956	12,894	73	22,234	536	232	11	17,586	336
CASWELL	15,821	299	8,265	79	3,701	97	32	1	3,823	122
CATAWBA	104,661	1,803	27,480	240	44,898	882	390	28	31,893	653
CHATHAM	51,653	1,313	20,833	350	13,226	346	215	4	17,379	613
CHEROKEE	23,905	236	6,541	-14	9,982	170	112	-4	7,270	84
CHOWAN	10,458	170	5,135	69	2,631	32	23	2	2,669	67
CLAY	9,074	115	2,238	15	3,642	61	37	0	3,157	39
CLEVELAND	63,740	1,430	26,786	261	20,437	672	209	17	16,308	480
COLUMBUS	36,628	569	21,468	124	6,711	256	52	2	8,397	187
CRAVEN	72,035	1,213	25,461	250	24,834	572	353	24	21,387	367
CUMBERLAND	211,823	6,344	99,201	2,466	48,802	1,472	995	95	62,825	2,311
CURRITUCK	18,931	248	4,179	12	6,774	135	129	4	7,849	97
DARE	29,552	398	9,272	59	8,910	135	195	13	11,175	191
DAVIDSON	105,887	2,090	27,738	253	49,391	1,255	414	22	28,344	560
DAVIE	29,736	602	5,733	32	15,245	294	95	6	8,663	270
DUPLIN	30,203	451	14,486	99	8,195	224	93	1	7,429	127
DURHAM	232,258	8,191	129,601	3,577	29,866	635	1,078	83	71,713	3,896
EDGECOMBE	38,724	605	27,568	306	6,267	160	70	4	4,819	135
FORSYTH	255,906	5,801	106,649	2,458	76,985	1,036	1,168	79	71,104	2,228
FRANKLIN	43,517	917	18,604	200	13,187	321	191	15	11,535	381
GASTON	142,979	4,327	46,283	883	54,557	1,884	609	49	41,530	1,511
GATES	8,649	140	4,735	27	1,736	55	23	0	2,155	58
GRAHAM	6,422	31	2,013	-7	2,801	15	17	0	1,591	23
GRANVILLE	38,116	1,071	19,108	327	9,274	361	140	8	9,594	375
GREENE	11,551	201	6,819	87	2,085	79	25	-1	2,622	36
GUILFORD	366,171	12,861	169,547	6,268	95,953	1,820	1,655	94	99,016	4,679
HALIFAX	38,956	545	26,176	210	4,728	117	83	4	7,969	214
HARNETT	74,170	2,701	27,439	752	25,797	1,199	489	52	20,445	698
HAYWOOD	44,345	824	17,408	48	13,305	355	212	13	13,420	408
HENDERSON	82,691	1,476	18,367	288	31,558	550	397	33	32,369	605
HERTFORD	15,508	555	11,450	360	1,484	62	37	4	2,537	129
HOKE	32,265	984	15,464	369	6,854	295	181	25	9,766	295
HYDE	3,434	-26	2,048	-33	535	6	10	2	841	-1
IREDELL	118,147	2,442	31,241	329	49,046	1,140	514	33	37,346	940
JACKSON	29,066	1,175	10,689	237	7,632	455	166	22	10,579	461
JOHNSTON	122,412	3,050	39,092	636	46,913	1,253	612	29	35,795	1,132
JONES	7,565	155	3,821	35	1,842	62	25	-1	1,877	59
LEE	35,518	972	15,005	304	10,210	353	146	10	10,157	305
LENOIR	39,557	470	21,893	145	9,696	167	98	3	7,870	155
LINCOLN	56,275	1,628	14,610	157	24,453	927	224	24	16,988	520
MACON	25,757	488	6,936	36	10,317	238	102	5	8,402	209
MADISON	17,069	461	6,847	90	4,428	151	98	5	5,696	215
MARTIN	17,342	130	10,545	27	3,371	56	41	-1	3,385	48
MCDOWELL	29,434	618	8,815	46	11,016	354	120	3	9,483	215
MECKLENBURG	710,972	16,524	316,846	6,894	172,595	2,380	3,885	293	217,646	6,957
MITCHELL	11,450	258	1,207	37	6,966	136	31	3	3,246	82
MONTGOMERY	16,419	309	7,396	68	4,946	150	49	2	4,028	89
MOORE	66,271	1,050	16,981	137	27,149	602	331	13	21,810	298
NASH	67,102	1,529	34,324	613	19,015	422	177	10	13,586	484
NEW HANOVER	170,075	6,243	55,059	1,514	53,928	1,468	1,139	117	59,949	3,144
NORTHAMPTON	14,883	164	10,894	87	1,446	38	14	0	2,529	39
ONSLOW	106,456	2,758	29,519	429	38,214	1,346	792	51	37,931	932
ORANGE	116,896	1,879	54,376	414	17,483	231	728	45	44,309	1,189
PAMLICO	9,830	186	4,051	32	3,104	85	33	2	2,642	67
PASQUOTANK	28,631	465	13,589	80	5,989	165	146	8	8,907	212
PENDER	40,122	1,071	13,091	89	14,885	491	223	13	11,923	478
PERQUIMANS	10,174	84	4,285	-15	2,676	64	34	0	3,179	35
PERSON	27,099	589	12,532	78	6,724	269	100	9	7,743	233
PITT	122,476	2,721	57,192	1,270	31,720	558	660	39	32,904	854
POLK	16,112	229	4,632	26	5,620	124	73	0	5,787	79
RANDOLPH	93,231	2,228	20,200	264	46,403	1,250	400	33	26,228	681
RICHMOND	30,866	565	17,489	166	5,822	230	69	5	7,486	164
ROBESON	75,979	402	50,775	117	9,586	136	178	6	15,440	143
ROCKINGHAM	60,722	836	23,967	109	20,698	448	199	2	15,858	277
ROWAN	95,292	1,895	29,186	319	38,541	884	335	28	27,230	664
RUTHERFORD	45,020	561	15,850	12	16,393	348	189	7	12,588	194
SAMPSON	38,062	871	16,856	223	13,830	366	101	6	7,275	276
SCOTLAND	23,191	519	13,453	204	3,793	189	46	3	5,899	123
STANLY	41,021	761	11,635	51	17,926	430	115	1	11,345	279
STOKES	31,481	597	8,205	17	15,176	394	152	3	7,948	183
SURRY	45,845	952	14,667	46	19,084	575	124	2	11,970	329
SWAIN	10,632	228	4,196	49	2,692	52	33	1	3,711	126
TRANSYLVANIA	25,531	295	7,053	40	8,274	113	116	2	10,088	140
TYRRELL	2,480	25	1,469	0	348	7	7	2	656	16
UNION	151,116	2,874	39,913	486	63,535	1,242	619	27	47,049	1,119
VANCE	30,443	510	20,345	284	4,454	108	61	5	5,583	113
WAKE	705,318	15,590	266,094	4,969	189,063	2,271	4,228	290	245,933	8,060
WARREN	13,750	199	9,594	110	1,775	48	32	-2	2,349	43
WASHINGTON	8,796	53	5,988	18	1,122	13	24	1	1,662	21
WATAUGA	46,262	553	12,623	218	14,291	131	482	11	18,866	193
WAYNE	76,636	1,913	33,715	704	24,475	685	274	21	18,172	503
WILKES	43,058	710	10,367	42	22,106	439	121	6	10,464	223
WILSON	56,578	1,040	30,214	496	13,946	219	137	12	12,281	313
YADKIN	24,219	380	4,315	12	13,451	227	69	3	6,384	138
YANCEY	13,979	135	5,294	-17	4,926	49	42	7	3,717	96

Naughty & Nice

This is our annual list of those in NC who deserve to get everything on their wish lists from Santa, and those who should get only lumps of coal. We're sure there are many who could be added to the list; we'll keep them in mind for N&N next year!

NAUGHTY: Dr. E. Lee Cooley, the State Board of Elections (SBE) employee who traveled around the state giving "advice" that amounted to tips on how to evade the election laws. She already got one lump of coal, by being fired from the board. But she deserves another for such egregious behavior. And as for the other naughty girls and boys at the SBE …

NICE: Alamance County **Sheriff Terry Johnson**, who won our Audentia Award for standing firm in a legal battle against the U.S. Department of Justice. The award was given in recognition of his steadfastness in the face of false accusations of racism from the Justice Department. Instead of making a deal to make these charges go away, he stood his ground because he knew that backing down and was wrong.

NAUGHTY: People in Wake County who voted for an increase in the sales tax to fund an inefficient and wildly expensive transit plan.

NICE: Legislators who voted for more tax cuts in 2016 – in this case by increasing the standard deduction amount, for a projected tax cut of $145 million this year.

NAUGHTY: The **Human Rights Campaign**, the Washington, D.C.-based organization responsible for funding and orchestrating the Charlotte bathroom ordinance that caused the state legislature to pass HB2.

NICE: Budget writers who set aside another $475 million into the state's Rainy Day Fund this year, bringing the total to $1.6 billion. This puts NC on much more sound footing as the inevitable next recession looms.

NAUGHTY: Superior Court **Judge Mike Morgan** for failing to recuse himself from a Voter ID case that would have impacted an election he was running in and would win: the race for the NC Supreme Court. Plus, he gave $1,500 to the Bladen County Improvement Association, a group accused of vote fraud in the election.

NICE: The 4.6 million **North Carolinians** who came out to make their voices heard at the polls this year. Our system depends on eligible citizens voting.

NAUGHTY: A slew of **federal judges**: those who struck down commonsense elections reforms; those who threw out the state's congressional maps just weeks before the election, throwing the process into disarray; and those who just threw out the state legislative maps and demanded that NC draw new districts and hold elections again in 2017.

NICE: Legislators who approved expansions of school choice programs in the state by increasing funding for both the Opportunity Scholarship and Disabilities Grant programs.

NAUGHTY: Legislators who failed to get behind the Regulatory Reduction Act of 2016, which would have been a step toward cutting down the red tape that hinders job growth in NC.

NICE: State leaders who championed a gift that really does keep on giving: unemployment reform. Conservative legislators got a lot of flak for the changes in 2013, but by this year the fruits had become evident: NC paid off a big debt to Washington, and the ranks of the unemployed shrank. Moreover, claimants and job seekers got far faster and better help from the Division of Unemployment Security under the tutelage of Dale Folwell. That may have helped persuade voters to give him an early present in November: victory in the race for state treasurer.

NAUGHTY: State Treasurer **Janet Cowell**, for joining the boards of two companies while she was still in charge of $90 billion in state assets. The treasurer cannot afford to appear to have the slightest appearance of a conflict of interest.

NICE: The **concerned citizens** all over the state who devoted their time and resources to investigating possible voting irregularities. These North Carolinians play a crucial role in keeping election officials on their toes and keeping elections honest.

NAUGHTY: In a holdover from late December 2015, the **Academic Standards Review Commission**, for failing to scrap Common Core. The commission was charged with coming up with better standards, but at the deadline failed to do so, leaving students and schools in the lurch.

"NICE": To **Duke University**, for providing housing for 240 students at "1 Duke University Road" in Durham – or, at least, that's what their same-day registrations said. But curious observers couldn't find any housing at that location. Were student voters bad boys and girls who were lying about where they lived?

NAUGHTY: To **UNC campus administrators** whose obsession over safe spaces and microaggression stunts student development and leaves most ill-equipped to deal with the real world.

NICE: To the selfless **North Carolinians** who chipped in to help the state recover from the double-barreled devastation of Hurricane Matthew and this summer's wildfires. The courage and hardwork of these citizens helped mitigate the damage of two of the biggest natural disasters to hit our state in many years.

NAUGHTY: Organizations like the **NBA** and **NCAA** who hypocritically cancelled events in NC in alleged protest over HB2. Meanwhile, they hold events in places like China and the Bahamas – both with civil rights records far worse than even the harshest depiction of HB2.

NICE: Forbes Magazine, for naming North Carolina No. 2 on its list of "Best States for Business," for the second year in a row; and also to **the employers** who have been hiring people at record rates in our state.

NICE: Supporters of Civitas (of course!). Your help is essential to allowing us to fight for freedom – and win.