



Trump, Cruz Battle for GOP Lead in NC

BY NCCC STAFF

The most recent Civitas poll shows the upcoming GOP presidential Primary is a virtual toss-up in North Carolina.

The poll asked likely Republican Primary Election voters who their current choice is among the Republican presidential hopefuls. Twenty-seven percent picked businessman Donald Trump, while 23 percent chose Texas Sen. Ted Cruz. That puts them within the poll's margin of error.

Cruz and Trump also polled far ahead of the other candidates on the March 15 ballot. Following was the ballot's "no preference" option at 11 percent. Next were Florida Sen. Marco Rubio at 10 percent and retired neurosurgeon Ben Carson at 7 percent, with no other candidate garnering more than 4 percent of the responses.

The exact text of the relevant question follows. (Totals may not equal 100 percent due to rounding.)

"If the Republican Primary for president were being held today and you had to make a

choice, for whom would you vote between?" (Names were read in ballot order.)

- 2% Mike Huckabee
- 2% John Kasich
- 2% Rand Paul
- 10% Marco Rubio
- 1% Rick Santorum
- 27% Donald Trump
- 4% Jeb Bush
- 7% Ben Carson
- 4% Chris Christie
- 23% Ted Cruz
- 2% Carly Fiorina
- Jim Gilmore
- 11% Or would you say you have no preference
- 2% Other (Specify)
- 2% Refused

The poll surveyed 500 likely Republican voters, 30 percent on cell phones. The margin of error is plus/minus 4.38 percent. The survey was taken January 18-19, 2016.

As Civitas was polling GOP voters, we separately polled likely Democratic voters. That separate survey shows that former Secretary of State Hillary Clinton maintains a strong lead in that party's Primary race in North Carolina.

The poll asked likely Democratic Primary Election voters who their current choice is among the Democratic presidential hopefuls. Fifty-three percent said Clinton,

on cell phones. The margin of error was plus/minus 4.38 percent. The survey was taken January 13, 14, and 16.

In the race for governor, 63 percent of likely GOP

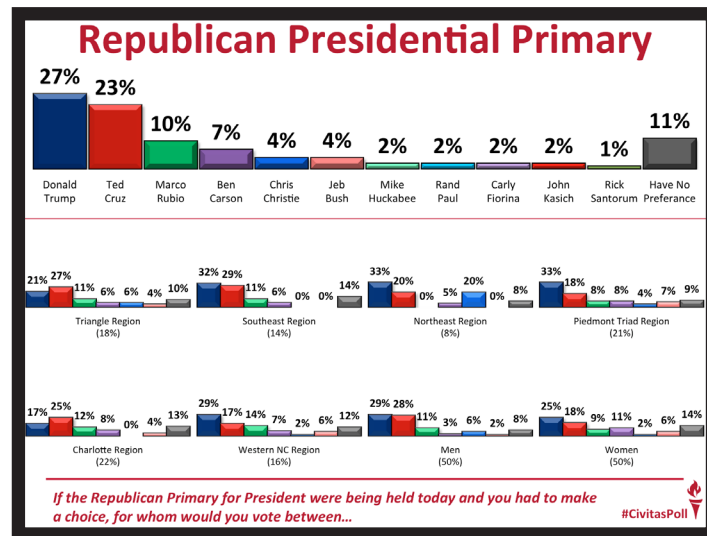
undecided.

In the Republican race for the U.S. Senate, Sen. Richard Burr was the choice of 45 percent of GOP voters. Cary obstetrician Greg Brannon, a U.S. Senate candidate last year, was supported by 7 percent; 3 percent backed retired Superior Court Judge Paul Wright; and 1 percent Larry Holmquist, a Greensboro resident. Forty-two percent said they were undecided.

On the Democratic side in the U.S. Senate race, 13 percent of likely voters picked former state Rep. Deborah Ross, 6 percent favored Durham businessman Kevin Griffin, and 3 percent chose Chris Rey, the mayor of Spring Lake. Seventy percent were undecided.

Civitas is planning for a follow-up poll closer to the March 15 balloting.

More information on other poll questions can be found inside this edition of the newspaper, or at the "Polling Spotlight" on our home page at nccivitas.org ■



while 28 percent said they favored Vermont Sen. Bernie Sanders. Fifteen percent said they did not know who they would vote for.

Clinton and Sanders polled far ahead of others on the ballot, including former Maryland Gov. Martin O'Malley, who received 2 percent in our poll.

The poll surveyed 500 likely Democratic voters, 30 percent

Primary voters favored Gov. Pat McCrory, while 8 percent chose challenger C. Robert Brawley, a former state representative. Twenty-eight percent were undecided.

On the Democratic side, state Attorney General Roy Cooper led with 48 percent, while 11 percent of likely Primary voters selected Durham attorney Ken Spaulding, and 38 percent were

CLC Proudly Welcomes D'Souza, Limbaugh

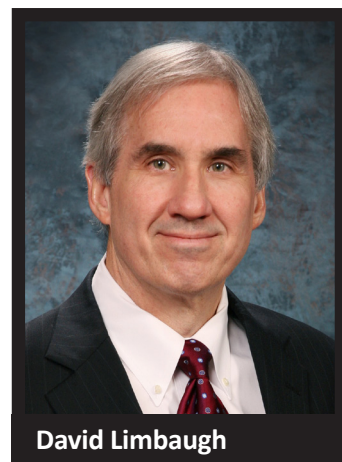
BY NCCC STAFF

The Conservative Leadership Conference is proud to announce two more great speakers – and in order to accommodate our biggest year ever, we're moving to a new venue.

Joining us for CLC will be two of the most incisive commentators of our time: author and filmmaker Dinesh D'Souza as well as writer and attorney David Limbaugh. They'll be joined by previously announced speakers Allen West, Robert Woodson and Ann McElhinney, plus an array of other experts and leaders on March 4 and 5.

With so much going on, CLC has moved over to the Embassy Suites in Cary, NC, the site of last year's CLC. Located just off Interstate 40

near Research Triangle Park, the Embassy Suites is convenient for attendees coming in from all over the state.



the Left. His books "The Roots of Obama's Rage and Obama's America" led to his first film, "2016: Obama's



In D'Souza's timely new book, "Stealing America," the author explains how his experience in political captivity not only changed his life, but fundamentally transformed his perception of his adopted country.

David Limbaugh, the brother of talk-show host Rush Limbaugh, is the author of the New York Times best-selling "Jesus on Trial: A Lawyer Affirms the Truth of the Gospel," and other notable books, including "The Great Destroyer: Barack Obama's War on the Republic." ■

For the latest on CLC and to register, go to civitasclc.com

D'Souza has become a leading figure for defending Christianity and critiquing

America." D'Souza continued his call for thoughtful patriotism with his 2014 best-selling book, "America: Imagine A World Without Her." The success of the book led to a film with the same name.

For more on CLC, go to page 4-5 of this issue.

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School Choice Is Really About Parents' Choices

BY JIM TYNEN

A recent Civitas event highlighted how school choice is not only about education — it's about how people can make their own choices to lead more satisfying lives and create thriving communities.

Our town hall event Jan. 21 at the Apex Community Center brought together nationally recognized experts, elected officials, educators and parents to discuss education savings accounts, or ESAs. These are taxpayer-funded accounts parents can use to pay for educational expenses such as tuition, books, tutoring and testing.

There's a lot to the debate, which NC Capitol Connection will be closely following. The really key thing, however, is how it allows parents to make the best choices for their kids.

A highlight of the evening was a showing of a video about ESAs, in which North Carolina parents talked about how ESAs gave them the power to give their children the education that is best for them.

"I am so excited about educational savings accounts," said Vickie, one of the parents highlighted in the video. When her son entered the local public middle school, she was confronted with the same problems many parents face: overcrowded schools and concerns with whether those schools are the right fits for

their children. "ESAs allow us a clear path and a clear direction for us to get involved, and to make sure that our children can

freedom to pick schools can revitalize neighborhoods and whole cities.

The key factor, he said at the

discussed some examples of how giving parents and students more choices can help communities.

Research shows that successful

with attractive new buildings and a lively street scene. "This is not blight!" he said.

To take a North Carolina



have the same opportunities as someone with a whole lot of resources," she said.

You can see the video at ESA4NCKids.org. What struck me was that, aside from the theories and statistics, this issue at its core is about parents trying to find the right school for their children.

That evening's discussion also showed that the larger topic of school choice is not just about parents and children — it is also about forming vibrant, successful communities, according to North Carolina State University Professor Bartley Danielsen.

He's studied how the public school policy of assigning children to attend schools can strangle communities. But he's also researched how giving parents and children more

town hall, is that when it comes to schools, parents vote with their feet and move to places with good schools for their children.

"It's a natural phenomenon across the world," he said. He noted that he himself made an arduous daily commute from his home in a Chicago suburb into the city, just so his children could attend schools in a good district.

When public schools assign students to schools by where they live, "who gets the worst schools?" Danielsen asked. "Poor people, and anybody who lives near poor people." This means "family flight" from cities to the suburbs, with Raleigh being one example of a place where that is happening.

Is there a way to change this? At the town hall, Danielsen

charter and private schools, such as Franklin Academy in Wake Forest, draw middle-class families to communities.

A stellar example of one place where this has happened is the Orange County School of the Arts, a California charter school. The city of Santa Ana invited the school to move into one of the many empty buildings in its decaying downtown.

The school moved in and blossomed, attracting families who wanted their kids in the school. More businesses moved in. The crime rate dropped, and the city attracted new development and residents. Not long ago, once-blighted Santa Ana was listed as the fourth safest city in the U.S. Danielsen displayed a slide depicting downtown Santa Ana today,

example, he noted that the Raleigh Charter High School was located in a blighted neighborhood. But when the school succeeded, the neighborhood bloomed. "It literally changed 'the wrong side of the tracks' into the right side of the tracks," he said.

You'll be hearing a lot about ESAs in the months to come. There will be a lot of arguments and counter-arguments. Just keep in mind, however, that this debate is about more than statistics: it's about helping families, children and communities thrive. ■

For more on the next ESA town hall, see the ad on page 3.

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PUBLISHER

Francis X. De Luca
francis.deluca@nccivitas.org

MANAGING EDITOR

Jim Tynen
jim.tynen@nccivitas.org

GRAPHIC DESIGNER

Jona McDuffie

Editorial & Advertising

100 S. Harrington St. Raleigh, NC 27603
phone: 919.834.2099 | fax: 919.834.2350

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Will \$2 Billion Road Bond Reduce NC Debt?

BY MATT CAULDER

While Gov. Pat McCrory has promised that taking on \$2 billion in new debt from general obligation bonds for state universities, community colleges and parks, among other projects, is a sound financial decision, some aren't convinced.

McCrory promised the assembled state and educational leaders at the kickoff to draw support for the bond Jan. 5 that the decision to take on the new debt would come without any tax increase and would even

responsible," the governor said at the kickoff.

Two days later, Roberts stepped down after 16 months in the post, saying he would seek opportunities in the private sector.

While it is true, according to projections from the state Fiscal Research Division, that the state will carry less debt five years from now if the bond package is approved, the claim is misleading, Civitas Policy Director Brian Balfour said.

"With these critical investments, there will be no tax increase for any citizen in North Carolina. Do I need to repeat that again? There will be no tax increase for these bonds."

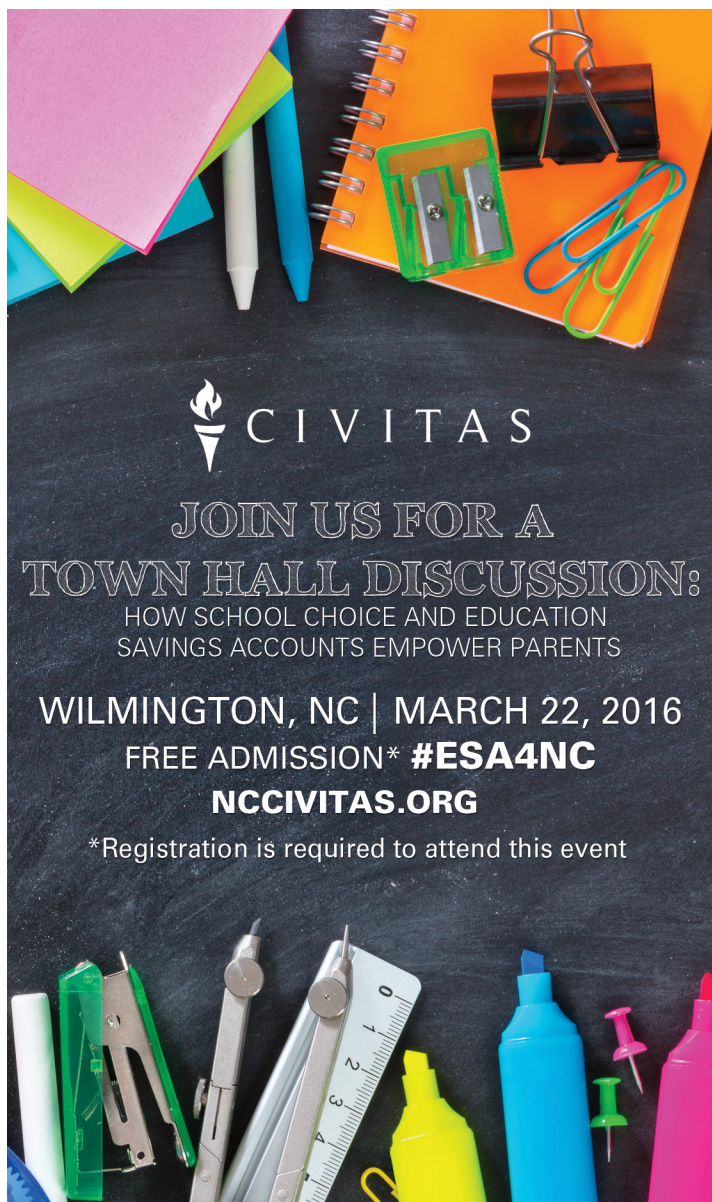
Gov. Pat McCrory

reduce debt levels in five years.

"As my budget director, Lee Roberts, has promised me, also, is that the state of North Carolina will actually have less debt in five years with the borrowing of this \$2 billion than we have today, so this is a sound economic financial decision. It's fiscally

The state is expected to carry \$5.2 billion in debt in 2016, and in five years the state debt is expected to go to \$5.1 billion if the bond is pursued.

However, if voters do not approve the bond, then the state debt will sit closer to \$3 billion. ■



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Monthly Petition

Tell Attorney General Roy Cooper to strengthen the Voter ID law, not repeal it.

In a public forum for Democratic candidates for governor, Roy Cooper said he wanted to repeal the state's voter ID law.

North Carolina's voter reform law of 2013 protected the integrity of the ballot box, so that your vote wouldn't be cancelled out by a fraudulent ballot.

Sign this petition to tell Roy Cooper to support voter ID and the laws that protect all North Carolina citizens' votes and the integrity of every election.

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D'Souza, Limbaugh Among Powerful Speakers at CLC

BY NC CAPITOL CONNECTION STAFF

We are pleased to announce that the Conservative Leadership Conference will feature Dinesh D'Souza, one of the most influential figures on the conservative scene and one of the most trenchant critics of President Obama.

In 2010, D'Souza wrote "The Roots of Obama's Rage," which was described as the most influential political book of the year, and set off a firestorm that ultimately led to D'Souza's first film, "2016: Obama's America." The film quickly rose to the second-highest grossing political documentary of all time, easily passing Michael Moore's "Sicko" and Al Gore's "An Inconvenient Truth."

His second analysis of Obama came in his 2014 book, "Obama's America: Unmaking the American Dream," which climbed to No. 1 on The New York Times bestseller list and also influenced the 2016 film. D'Souza continued his call for thoughtful patriotism with his 2014 best-selling book, "America: Imagine A World Without Her." The success of the book led to a film with the same name.

In fall 2014, D'Souza found himself hauled into federal court for improperly donating money to a friend who was running for the Senate. D'Souza pleaded guilty, apologized for his offense, and was sentenced to eight months in a state-run confinement center near his home in San Diego. His prolonged exposure to the hardened criminal underclass provided an eye-opening education in American realities.

In D'Souza's timely new book, "Stealing America," he explains how his experience in political captivity not only changed his life, but fundamentally transformed his perception of the United States. Applying the hard-boiled perspective that he learned in confinement to American politics, D'Souza saw that America is becoming less exceedingly exceptional every day. Indeed, it is in danger of becoming just like India and other corrupt Third World nations, run by gangs of kleptocrats. As for American liberalism, he writes, it is not a movement of ideas at all, but rather a series of scams

and cons aimed at nothing less than stealing the wealth of the American people.

His unique and powerful insights into today's political scene will surely be a highlight of CLC, slated for March 4 and 5 in Cary. Learn more at civitasclc.com.

D'Souza's writing career

His first book, "Illiberal Education" (1991), publicized the phenomenon of political correctness in America's colleges and universities. It has been listed as one of the most influential books of the 1990s.

His 1997 book, "Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader," was the first book to make the case for Reagan's intellectual and political importance. In 2002, D'Souza published "What's So Great About America," which was critically acclaimed for its thoughtful patriotism. His 2003 book, "Letters to a Young Conservative," has become a handbook for a new generation of young conservatives. The Enemy at Home, published in 2006, stirred up a furious debate both on the left and the right.

His books have also been an equally brilliant and forceful defense of Christianity. "What's So Great About Christianity" not only intelligently explained the core doctrines of the Christian faith, it also explained how the freedom and prosperity associated with Western civilization rest



At CLC 2015, the crowd listens to Ann McEllhinney, who will be returning this year.

upon the foundation of biblical Christianity. "Life After Death: The Evidence" shows why the atheist critique of immortality is irrational and draws the striking conclusion that it is reasonable to believe in life after death. D'Souza's most recent foray into the debate over Christianity is his 2010 New York Times best-selling

book, "Godforsaken."

Other CLC speakers are guaranteed to provide attendees with insights and inspiration, including:

David Limbaugh

CLC attendees are sure to enjoy hearing from attorney, author and pundit David Limbaugh. He is the brother of radio talk-show host Rush Limbaugh, and is an expert in law and politics who writes engaging columns from a fresh, conservative point of view.

He is the author of the New York Times best-selling "Jesus on Trial: A Lawyer Affirms the Truth of the Gospel," and other notable books, including "The Emmaus Code: Finding Jesus in the Old Testament;" "The Great Destroyer: Barack Obama's War on the Republic;" and "Bankrupt: The Intellectual and Moral Bankruptcy of Today's Democratic Party."

Since late 1998, Limbaugh has been writing a twice-weekly column for www.worldnetdaily.com, and his writings also regularly appear in The Washington Times and other news and opinions outlets.

Robert L. Woodson Sr.

Robert L. Woodson Sr. is founder and president of the Center for Neighborhood Enterprise. At last year's CLC, he gave a powerful address about reviving the American Dream, and we are thrilled to have him back this year.

He is often referred to as the "godfather" of the movement to

serve their communities. The Center for Neighborhood Enterprise (known then as the National Center for Neighborhood Enterprise) in 1981 for the purpose of strengthening and advocating for those neighborhood-based organizations struggling to



Robert Woodson enthralled the crowd at CLC last year.

state, and national levels. He has been a guest on national television and radio programs. His opinion pieces have appeared in a wide variety of publications. Daughtry is co-author of "Waking the Sleeping Giant: How Mainstream Americans Can Beat Liberals at Their Own Game."

Sabrina L. Schaeffer

Sabrina L. Schaeffer is the executive director of the Independent Women's Forum. Since her mother sent her Wendy Shalit's "A Return to Modesty" while in college, she's been devoted to persuading other women that a culture of liberty and responsibility is good for everyone.

Schaeffer has extensive experience in communications, from behind the scenes to in front of the camera. She has

commented on politics and political culture in publications such as Forbes, The Weekly Standard, The Washington Times, Foxnews.com, National Review Online, Policy Review, and American Enterprise Online. She also is a regular on TV news programs.

Tim Daughtry is a conservative writer and speaker with a long history in conservative politics. He regularly speaks to grassroots conservative groups around the country as well as Republican elected officials at the local,

Patrick Testerman

Lt. Col. Patrick Testerman, USAF (Ret.), served in the Air Force as a pilot with over 3,000 flight hours and two combat tours in the skies of Kosovo, Serbia, and Iraq. At CLC, he will speak on "Reversing the Leadership Crisis in our Armed Forces."

Our military is the best in the world at addressing the threats facing our nation today, but it faces an existential threat due to failures in leadership. These failures are systemic, starting with leaders in the armed forces themselves, spreading through the bureaucracies of the executive branch, and continuing all the way to the commander in chief. These leadership failures are exacerbated both by a legislature unwilling to exert its responsibilities and by a disengaged populace increasingly isolated from the men and women who serve and protect them. He will outline this leadership crisis, its consequences, and solutions to it. ■

empower neighborhood-based organizations. For more than four decades, he has promoted the principles of self-help, neighborhood empowerment and the importance of the institutions of civil society.

Tim Daughtry

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The 22 Crucial Legislative Races in the State This Year

BY SUSAN MYRICK

With so many legislative contests already decided and so many others that appear to be sure things, we have used the 2012 Civitas Partisan Index (CPI) to winnow down the key races to watch in the Nov. 8, 2016, General Election to 22.

The CPI is a useful tool to take into account when looking at North Carolina's legislative political landscape. It is used to study voting tendencies within a district and to identify districts that swing, lean, or firmly trend toward one political party or the other. Keep in mind that incumbency, turnout, candidates' experience and qualities, fundraising, and current political issues also play powerful roles in determining outcomes in elections.

2016 legislative races to watch

Of the 22 races we have chosen to watch, it's interesting to note that five of the 14 state House districts and three of the seven state Senate districts are in Wake County.

With two exceptions, the races to watch are in districts that have a CPI score of D+4 to R+4. The exceptions – House Districts 116 and 51 – both had CPI scores of R+5 but are held by Democrats. The CPI compares votes cast in each

receives an index score of D+5.

State House summary

In the state House, only 63 out of 120 districts will be contested in November.

Fifty-seven contests are either already decided or will be decided after the March 15 Primary Election. Of those, 41 district winners are already decided because only one candidate filed for the seat in each of those districts. That

Wilkins decided not to run again. Wilkins won the district in 2012 with 56.7 percent of the vote. Yarborough will face Democrat Joe Parrish in the General Election.

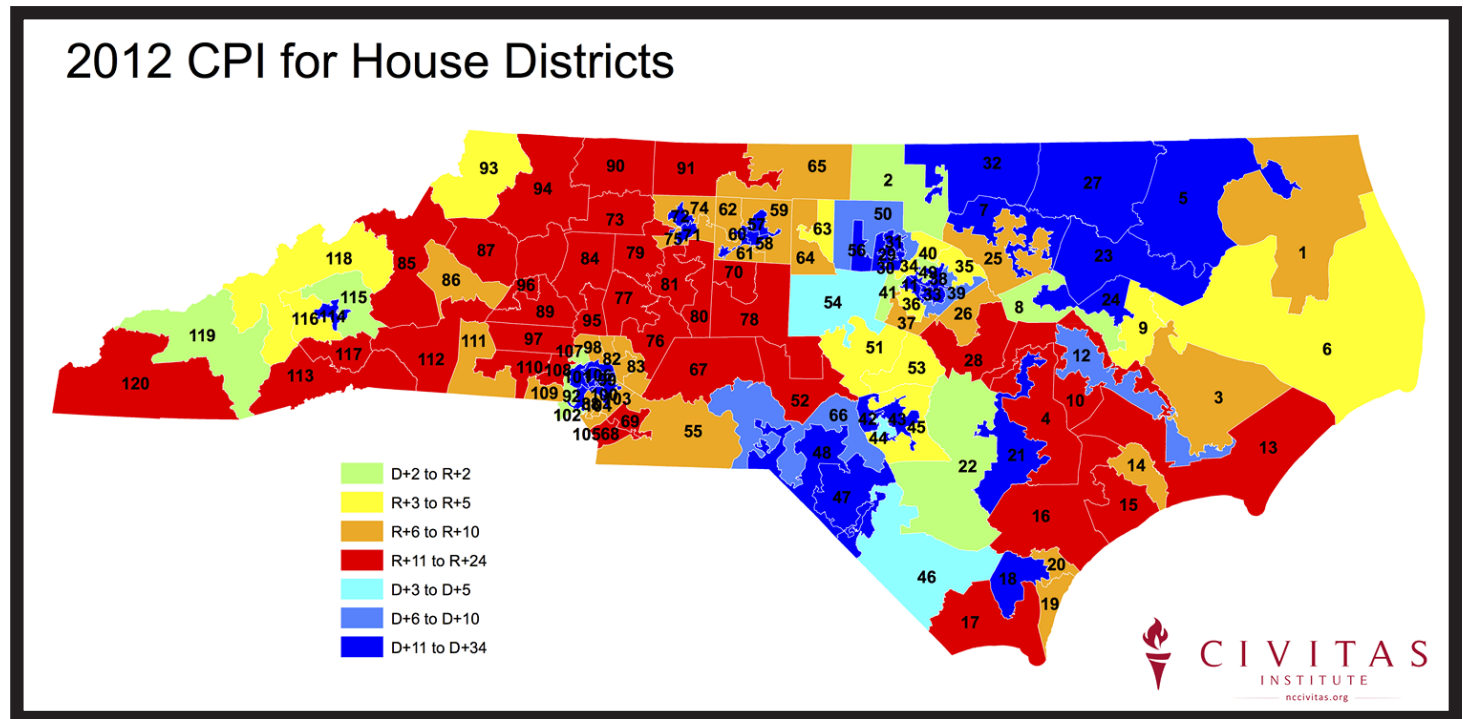
District 6 (R+4): Paul Tine (U-Dare) — first elected as a Democrat to the State House in 2012 (50.6 percent), re-elected in 2014 (53.6 percent) — switched his voter registration to unaffiliated early

election with 60.8 percent of the vote. Martin will face Democrat Charlie Pat Farris in the November General Election.

District 9 (R+4): While Greg Murphy (R-Pitt) is officially the incumbent, he was appointed to the seat in October 2015 after Rep. Brian Brown left office to work for U.S. Sen. Thom Tillis. Murphy will face the winner of the Democratic Primary between Brian Farkas and

primary challenger, Mark Villee, and Jennifer Ferrell and Woodie Cleary will face each other in the Democratic Primary. The winners of both primaries will face Libertarian Brian Irving.

District 40 (R+3): Five-term incumbent Marilyn Avila (R-Wake) won the 2012 and 2014 elections by carrying 53.9 percent and 54.4 percent of the vote, respectively. She will face Democrat Joe John in the



leaves 16 seats that will be decided in the primary. Ten Democrats and six Republicans will "win" their Primary contest.

Of the 63 House contests that will include more than one candidate, the CPI points

in 2015 and caucused with the Republicans—has decided not to run in 2016, making way for primaries in both parties. As a result of the open seat, there is a Republican and a Democratic Primary. Republicans Ashley

Walter Gaskins in November.

District 35 (R+4): Incumbent Chris Malone (R-Wake) has served two terms in the state House. In 2012, he won by 50.8 percent of the vote; in 2014, he widened the winning margin

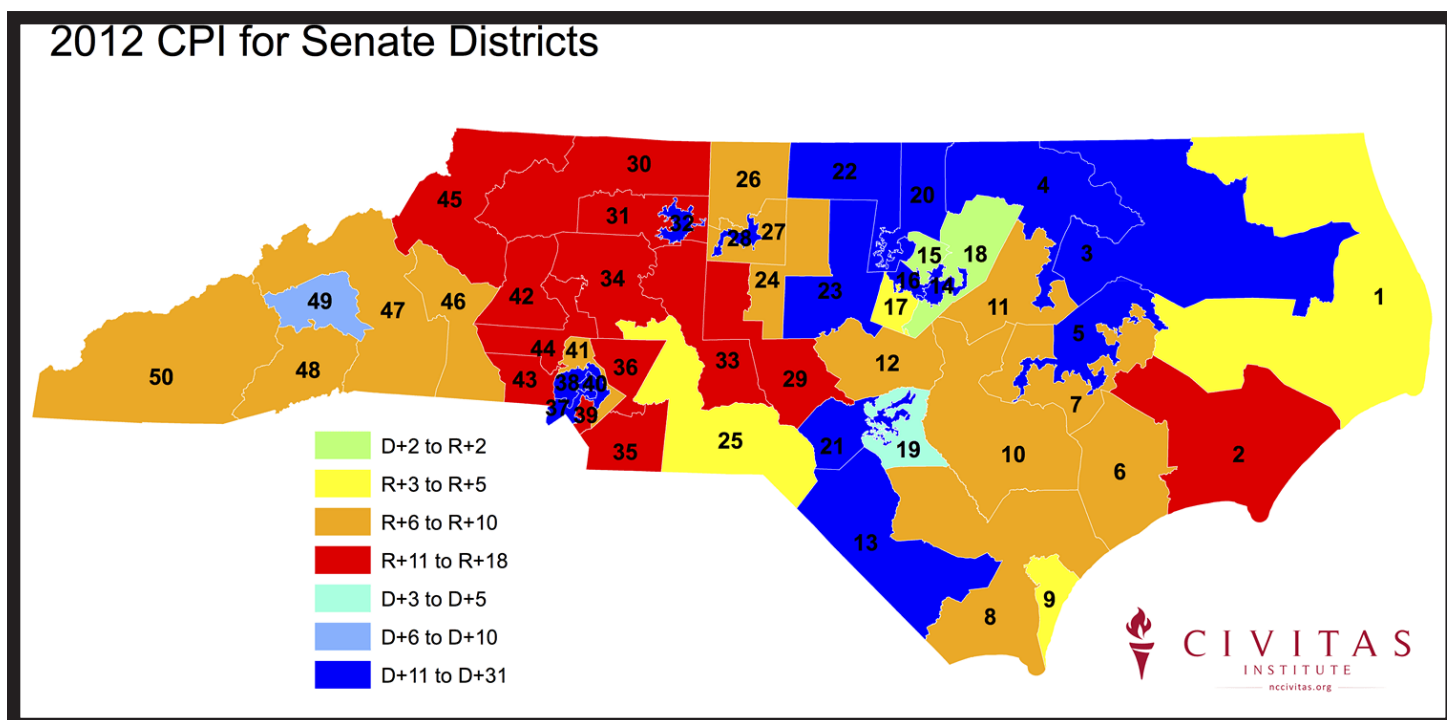
General Election.

District 41 (R+0): Democratic incumbent Gale Adcock (D-Wake) beat two-term Republican incumbent Tom Murry in 2014 by winning 51.3 percent of the vote. One of the Democrats in an "R+" district, Adcock will face Republican Chris M. Shoffner in the General Election.

District 45 (R+3): Two-term incumbent John Szoka (R-Cumberland) was unopposed in the 2014 election. He won his first election in 2012 with 56.4 percent of the vote. Szoka will face Democrat Roberta Waddle in the General Election.

District 49 (R+1): Republican incumbent Gary Pendleton (R-Wake) was appointed in August 2014 to replace Jim Fulghum, who died while in office. Pendleton won with 51.6 percent of the vote in 2014. Fulghum won 54 percent of the vote in District 49 in 2012. While Pendleton doesn't have a Primary opponent, he will face Democrat Cynthia Ball and Libertarian David Ulmer in the November General Election.

District 51 (R+5): First-term incumbent Democrat Brad Salmon (D-Harnett) beat two-term incumbent Mike Stone in 2014 by 1,573 votes



N.C. legislative district with votes cast in the state as a whole. 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.

For example, a district whose voters allotted 5 more percentage points to the Democratic candidates compared with the state average

to only 15 that fall in the category of races to watch. It's worth noting that all but one of these races include incumbents, and the power of incumbency is real and oftentimes hard to overcome.

State House races to watch

District 2 (D+0): Incumbent Larry Yarborough (R-Person) won by 56.7 percent in 2014 after Democratic Rep. Winkie

Woolard and Beverly Boswell and Democrats Arthur Williams, Warren Judge and Judy Justice will vie for a spot on the General Election ballot in their respective primaries.

District 8 (R+1): Susan Martin (R-Wilson), the incumbent, was first elected to the House in 2012 when she garnered 57.2 percent of the vote. She gained strength in 2014 when she won re-

with 56.3 percent. Malone will face Democrat Terence Everitt in the General Election.

District 36 (R+4): Nelson Dollar (R-Wake) has served six terms in the state House. In 2012, he won with 55 percent of the vote, and in 2014, he won with 54.4 percent of the total vote. By the looks of the number of filings for his seat, it appears some believe that Dollar is vulnerable this year. He has a

(Continued on next page)

Key Legislative Races in NC This Year

(Continued) (53.9 percent of the vote). Stone first won the district in 2010 with 53.5 percent of the vote and again in 2012 with 52 percent. In 2016, Salmon will face Republican candidate John Sauls in the November General Election.

District 92 (D+1): A Republican in a “D+” district, incumbent Charles Jeter (R-Mecklenburg) has served two terms in the House. He won with 51.4 percent of the vote in 2012 and with 52.5 percent of the vote in 2014. Jeter will face a Primary challenger this year – Tom Davis. The winner of the Republican Primary will face Democrat Chaz Beasley in the General Election.

District 115 (R+1): First-term incumbent John Ager (D-Buncombe) is one of the Democrats in an “R+” district. Ager upset a Republican incumbent in 2014 (Nathan Ramsey) by winning 50.8 percent of the vote. Ramsey had won an open seat (vacated by a Democrat) in 2012 with 54.3 percent of the vote. Ager will face the winner of the Republican Primary between Frank Moretz and Robert (Bob) Chilmonik in the November election.

District 116 (R+5): Incumbent Brian Turner is a Democrat in an R+5 District. In 2014, Turner defeated two-term Rep. Tim Moffitt with 50.8 percent of the vote. Moffitt was first elected in 2010 and received 55.79 percent, and in 2012, Moffitt won the district with 56.3 percent of the vote. Turner will face Republican Kay Olsen in the General Election.

District 119 (D+1): Incumbent Joe Sam Queen (D-Haywood) has served two terms in the House (he also served two terms in the state Senate). Queen won the 2012 race with 51.7 percent of the vote and the 2014 race with 52.5 percent of the vote. In November, he will face the winner of the Republican Primary between Aaron Littlefield and Mike Clampitt.

State Senate summary

Only one person filed to run in 2016 in 13 of the 50 state Senate districts, which means there are already 13 winners in the state Senate. Add to those numbers two Senate districts where the Republican Primary will decide the winner because no Democrats or Libertarians

filed to run, and this leaves us with 35 General Election contests for state Senate. Of those, seven meet our criteria as races to watch.

State Senate races to watch

District 1 (R+3): Incumbent Bill Cook (R-Beaufort) has served two terms in the Senate and one in the House. Cook’s first election to the Senate was in 2012, when he won by only 21 votes – garnering 50.01 percent of the vote. In 2014, Cook won with 53.4 percent of the vote. He will face Democrat Brownie Futrell in the General Election.

District 9 (R+4): Michael Lee (R-New Hanover), the Republican incumbent from Senate District 9, was first appointed to fill Thom Goolsby’s unexpired term in August 2014. He ran for the office in November 2014 and won 55.4 percent of the vote. Goolsby had won the district with 54.2 percent in 2012. Lee will face Democrat Andrew Barnhill in the General Election.

District 15 (R+2): Incumbent John Alexander (R-Wake) has served only one term in the state Senate. He won the seat left open by retiring Sen. Neal Hunt in 2014 by getting 50.4 percent of the vote. Hunt won his last election in 2012 with 55.8 percent of the vote. Alexander will face Democrat Laurel Deegan-Fricke and Libertarian Brad Hessel in the November General Election.

District 17 (R+3): Tamara Barringer (R-Wake) is the incumbent in the state Senate District 17 race. Barringer was first elected to the Senate in 2012 with 53.7 percent of the vote. In 2014, she won with 58.4 percent of the vote. Barringer will not face a challenger in the March 15 Primary but will have challengers in the General Election, including Democrat Susan Evans and Libertarian Susan Hogarth.

District 18 (R+1): Incumbent Chad Barefoot (R-Wake) was first elected to the House in 2012 with 55.9 percent of the vote and won re-election in 2014 with 52.9 percent of the vote. With no Primary challenger, Barefoot will face Democrat Gil Johnson in the General Election.

District 19 (D+3): A Republican in a “D+” district, incumbent Wesley Meredith (R-Cumberland) is in his third term in the state House.

In 2012, he won with 53.9 percent of the vote and won re-election in 2014 with 54.5 percent. Meredith will face Democrat Toni Morris in the General Election.

District 25 (R+3): First-term Incumbent Tom McInnis (R-Cumberland) beat one-term incumbent Democrat Gene McLaurin in 2014 with 50.4 percent of the vote. McLaurin won in 2012 with 53 percent of the total vote. McInnis has no Primary challenger but will face Democrat Dannie Montgomery in November.

What you should know about the CPI

The CPI is based on voter data from presidential election year results for governor and other Council of State offices, i.e., lieutenant governor, commissioner of agriculture, commissioner of insurance, commissioner of labor, attorney general, secretary of state, superintendent of public instruction, state treasurer and state auditor. Although president and U.S. Senate election results may also be available, we believe that state-level races give a more accurate picture of how voters will vote in a state legislative race than do national races.

In 2012, the newly drawn legislative districts were applied to the 2012 vote for governor and all Council of State races, except for the attorney general’s race that was uncontested. Though we couldn’t compare individual districts in this CPI with the last one, because of redistricting, we were able to compare average voting patterns from 2008. While it is true that historically in Council of State races North Carolinians tend to vote for Democratic candidates, in the 2012 CPI we see a possible shift in that voting pattern. In the 2008 election, the average Council of State vote (looking at only votes for Democratic or Republican candidates) was 53.4 percent Democratic and 46.6 percent Republican statewide; in the 2012 model, the average vote statewide was nearly even: 50.6 percent Democratic and 49.4 percent Republican. ■

To see this article online, go to tinyurl.com/NC-CPI-2016

McCrorry Wins at State High Court

BY ELLIOT ENGSTROM

The North Carolina Supreme Court last month announced its decision in *State of North Carolina [ex rel. McCrorry] v. Berger*, No. 113A15.

The ruling for Gov. Pat McCrorry means he will take back some level of authority that had been assumed by the legislature. In a state with one of the weakest executive branches, this is a big win for the administration. As McCrorry tweeted after the decision, his office and the legislature will have to work together to implement the Court’s decision.

At issue was whether the General Assembly violated two provisions of the North Carolina Constitution by enacting legislation allowing it to appoint a majority of the voting members of several administrative commissions. McCrorry argued that by giving itself the power to appoint commission members, the legislature unconstitutionally usurped his appointment power and interfered with his duty to take care that the laws are faithfully executed.

Put briefly by Chief Justice Mark Martin, writing for the majority, the two issues presented were:

“(1) Does the appointments clause in Article III, Section 5(8) of the state constitution prohibit the General Assembly from appointing statutory officers to administrative commissions?”

(2) If not, do the specific provisions challenged in this case violate the separation of powers clause in Article I, Section 6?”

With respect to the appointments clause, the majority found that it places no restrictions on the General Assembly’s ability to appoint statutory officers. Based on a historical analysis of the origins of the clause, the Court found that “the appointments clause ... authorizes the Governor to appoint all constitutional officers whose appointments are not otherwise provided for by the constitution.” Based on this understanding of the appointments clause, the Court found that it “does not prohibit the General Assembly from appointing statutory officers to administrative commissions.”

Even so, it is possible that the General Assembly still could have abridged the separation of powers provisions of Article I Section 6. On this point, the Court ruled in favor of the Governor — but declined to adopt a bright-line rule in doing so:

“We cannot adopt a categorical rule that would resolve every separation of powers challenge to the legislative appointment of executive officers,” the court wrote. “Because each statutory scheme will vary the degree of control that legislative appointment provisions confer on the General Assembly, we must resolve each challenge by carefully examining its specific factual and legal context. While the General Assembly’s ability to appoint an officer obviously does not give it the power to control what that officer does, we must examine the degree of control that the challenged legislation allows the General Assembly to exert over the execution of the laws.”

Using this approach, the Court found that the challenged appointments violated the doctrine of separation of powers, because they give the General Assembly the power to control how the laws are executed without any supervision by the governor. In the words of the court, “The separation of powers clause plainly and clearly does not allow the General Assembly to take this much control over the execution of the laws from the Governor and lodge it with itself.”

Justice Paul Newby concurred in part and dissented in part. He agreed with the majority’s finding that the challenged provisions did not violate the appointments clause. But he disagreed with the majority on the proper application of Article I Section 6, arguing that the Coal Ash Commission appointments are constitutional because the General Assembly’s authority to appoint members in no way allows it to control those appointees. ■

Elliot Engstrom is the lead counsel at the Center for Law and Freedom.

Lawmaker Challenges NCAE Dues Checkoff

BY MATT CAULDER

A state senator has called for state government to get out of the business of collecting dues from state employees for private organizations, starting with the North Carolina Association of Educators (NCAE).

The push to pull the privilege of having NCAE membership dues withheld for the teachers' labor organization by the state is based on the NCAE's refusal to cooperate with a state audit to ensure that the organization met the 40,000-member threshold to qualify for the dues checkoff, as laid out in state law.

NCAE leaders refused to cooperate with a statutorily required audit by state Auditor Beth Wood to ensure that the organization remained in line with the state law giving the privilege. The NCAE is an affiliate of the National Education Association (NEA), the nation's largest teachers' union.

Sen. Ralph Hise (R-Madison) sent a letter to state Controller Linda Combs asking that her office cease payroll deductions

for groups that do not meet eligibility requirements or whose membership cannot be verified.

Moreover, Hise said he is prepared to go to individual superintendents to tell them they are in violation of the law by withholding the dues, Hise stated in a radio interview. He also said the NCAE's refusal to cooperate with the state audit was in itself a violation of the law, nullifying its dues checkoff privilege.

During the interview with Chad Adams on "What Matters with Chad Adams," Hise said, "They said from the beginning they weren't going to cooperate."

He went on to say that his next step after going to the governor and state controller is to go to the superintendents to end the dues checkoffs.

Other dues checkoff privileges eyed

Hise has been working to end dues checkoffs, including the State Employees Association of North Carolina (SEANC).

SEANC is the largest utilizer of dues checkoffs, with more than 32,000 employees having dues automatically withdrawn from their paychecks, or about 60 percent of its members.

At the beginning of the long session, Hise filed a bill to end all dues checkoffs in the state, but the bill did not make it to the floor in either chamber.

"I have still pushed against the legislature to say that as a whole we should not be collecting dues for private organizations," he said.

Hise said "no matter how you slice it" it is not a role for government.

Democrats gave NCAE privilege

The privilege was created for the NCAE in 2007 under a law passed by a Democratic-controlled legislature.

NCAE members were given the right to have the state withhold membership dues to the NCAE from their paychecks, saving the organization money and stopping educators from having

to physically pay their dues each year.

The law singled out the NCAE by making the statute specific to "an employee of any local board of education who is a member of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers."

While the NCAE says on its website that it has 70,000 members, that number has been doubted for years by various outside groups.

Under the law, a group meeting that threshold may "authorize in writing the periodic deduction each payroll period from the employee's salary or wages a designated lump sum or sums to be paid for dues and voluntary contributions for the employees' association."

This law went on unchanged until last year, when the Republican-controlled General Assembly passed a technical corrections bill that required Auditor Wood to verify the membership of the NCAE and

other state employee groups annually.

NCAE balks at state audit

Of the 12 state employees' associations, two associations did not report membership numbers to Wood's office: the NCAE and the Chapel Hill-Carrboro Federation of Teachers.

An annotation on the report indicated the Federation never responded to the auditor's request, while the NCAE actively refused to provide its membership numbers.

"We were unable to obtain the total membership count and type of membership count from the [NCAE]," the report said. "After numerous requests, the NCAE refused to furnish the information."

The state did note that it has 9,452 NCAE members on payroll deduction.

"We do not have the authority to compel NCAE to turn over this information because, as a private entity, NCAE does not fall under the authority of the state auditor," the report said. ■

New Data Highlight NC Tax Reform

BY NCCC STAFF

North Carolina's tax reforms have improved the state's business climate, but more needs to be done, an expert from a well-respected nonprofit told state legislators Jan. 12.

The Washington, D.C.-based Tax Foundation ranks state tax policies, and because of reforms in recent years, North Carolina jumped from 44th in 2013 to 16th best in the United States last year, Scott Drenkard, the organization's director of state projects, told the Revenue Laws Study Committee.

But the state's sales tax is only ranked 33rd in the nation, which the foundation attributes to the sales tax being too narrow. Tax reformers in NC contend that broader sales taxes would allow the overall rate to be lowered.

Critics of the tax reforms predicted reductions in income taxes would deprive the state of revenue. But at the end of the last fiscal year, June 30, the state had a \$445 million surplus.

And on Jan. 14 came word

from the Office of the State Controller that in the first half of the 2016 fiscal year, General Fund revenue jumped \$588 million compared with the same period last year.

As all commentators were quick to note, that's just for the six months ending Dec. 31. The final figures will hinge on the economy for the next six months.

These figures are at least another indicator that tax cuts not only lessen the burden on taxpayers, but they can help the state's coffers as well.

The Tax Foundation and the North Carolina Chamber Foundation have prepared North Carolina Illustrated, an online publication reviewing this issue. It can be found online at www.taxfoundation.org. ■

This article originally appeared online at NCCapitolConnection.com

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Civitas Polls Show Sharp GOP/Dem Divide

BY NCCC STAFF

The January Civitas Poll showed a split in public opinion that could be very significant this election year: stark differences between the way Democrats and Republicans view the direction the United States and North Carolina are headed.

The latest Civitas Poll, interviewing likely North Carolina Primary voters, looked at a range of views on the issues and candidates.

This special polling consists of two distinct surveys: one of 500 likely Republican voters and a separate survey of 500 likely Democrat voters. They were asked who they would support in the Primary Elections for their party on March 15, including elections for president, U.S. senator, governor, and other statewide offices.

The poll indicated 88 percent of Republican primary voters think the nation is headed on the wrong track, and only 9 percent think it is going in the right direction. Meanwhile, 49 percent of Democratic voters think the nation is going in the right direction, while 41 percent think the nation is on the wrong track.

For North Carolina, the Republican view was 55% right direction/33% wrong track, with the Democratic view 26% right direction/65% wrong track.

“The vast majority of Republicans are alarmed by national and international news and trends they see happening now, while Democrats hold the

same, though not as dramatic, view of events here in North Carolina,” Civitas President Francis De Luca said. “This unprecedented divergence in party opinions will help shape the March elections – how the nominees will campaign in the fall, and how the winners govern beginning next year.”

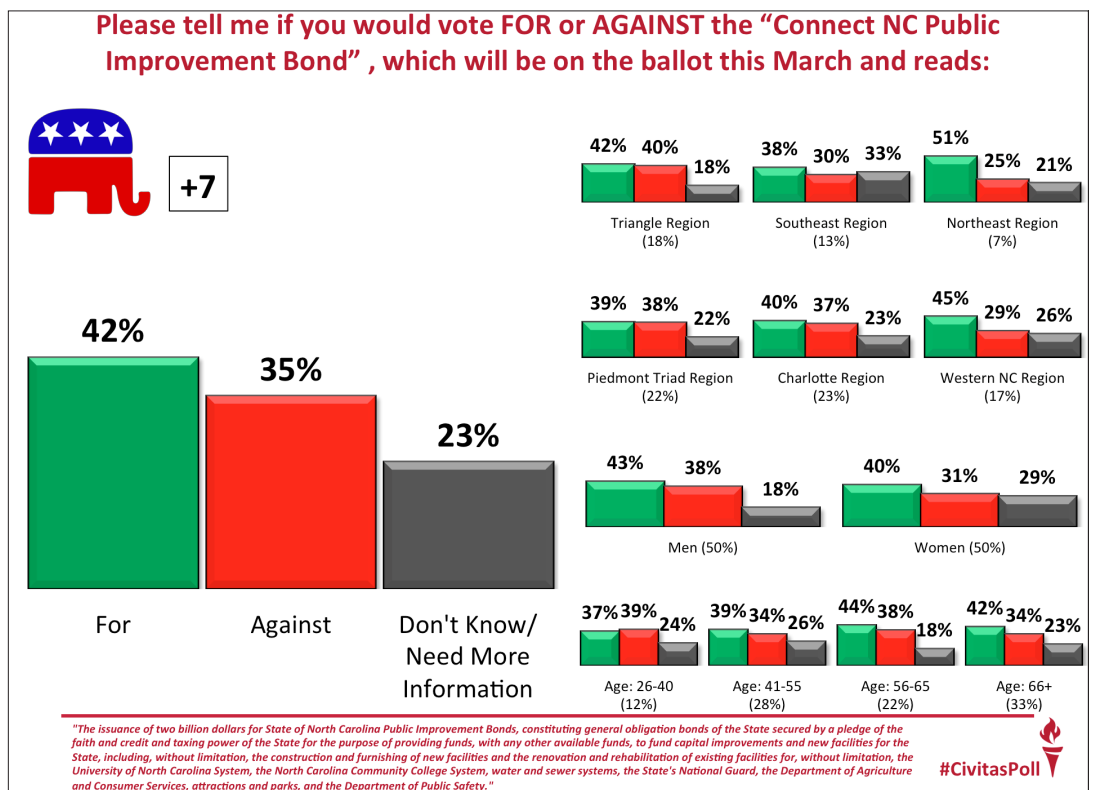
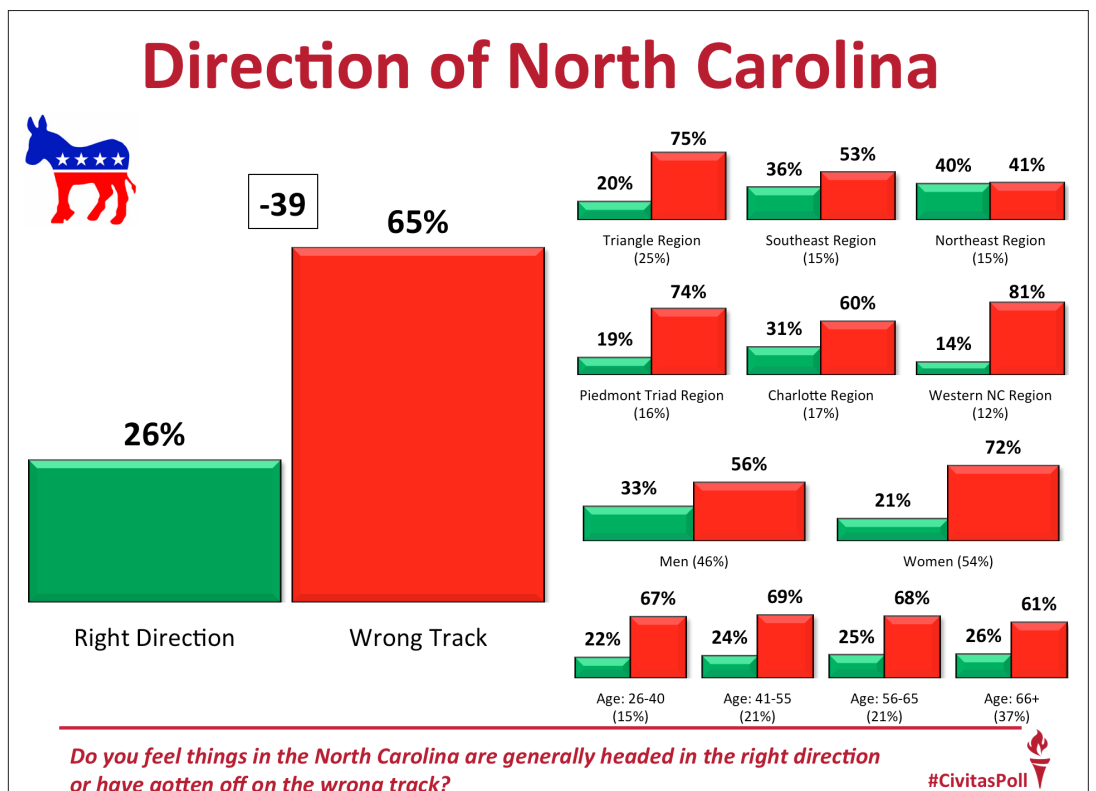
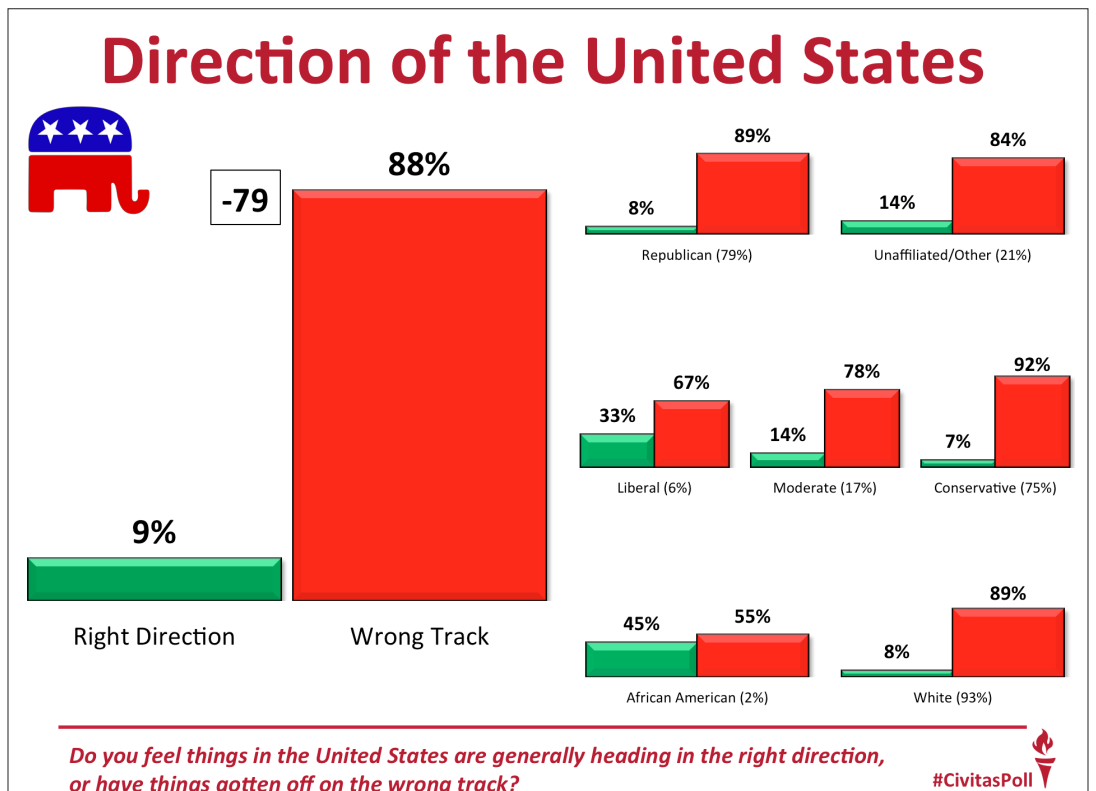
The polling also shows that a majority of likely Democratic voters and a plurality of likely Republican voters support the \$2 billion infrastructure referendum on the March 15 ballot.

The bond proposal gained that level of support despite the fact that, in both parties, a majority of voters say passage of the bond will increase their taxes.

Two-thirds (66 percent) of Democratic voters were for the bond proposal, with 14 percent opposed, and 19 percent saying they didn’t know or needed more information. But, regardless of what they thought of the proposal, 67 percent said they believed that taxes would go up to pay for the bonds.

For Republicans, 42 percent favored the bonds, 35 percent were opposed, and 23 percent said they didn’t know or needed more information. Seventy-six percent of the Republicans, regardless of what they said about the bonds, said taxes would go up to pay for them. ■

For more information on our latest poll, check the “Polling Spotlight” section on our home page at www.nccivitas.org.



Save the Date

Civitas Poll Lunch

March 10th

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Common Core Panel Backs Off from Repeal Drive

BY MATT CAULDER

The commission expected to call for repeal for Common Core failed to do so at its final meeting, instead sending a set of much less far-reaching recommendations to the State Board of Education (SBOE).

After more than a year of review, the Academic Standards Review Commission (ASRC) sent its final recommendations on the development of new educational standards in math and language arts to replace the much-criticized Common Core State Standards to the SBOE in December.

The commission's recommendations focused on making the benchmarks for North Carolina students more age-appropriate and providing teachers with more training. But the panel stopped short of repealing Common Core or even offering specifics, especially in mathematics.

That incensed critics of

Common Core, who hoped the commission would repeal the standards and replace them with better ones.

In an article for Civitas, A.P. Dillon wrote: "What happened was akin to a prizefighter taking a dive in the big fight."

"A lot of what just happened has got me boggled," said Kim Fink, chairwoman of the Common Core committee of the Coastal Carolina Taxpayers Association, according to a news report. "I'm incredulous they didn't vote on [repeal] – incredulous, disappointed, frustrated, angry."

Tammy Covil, a co-chair of the commission, told The Associated Press the final recommendations were merely a face-lift for Common Core. The board's final report "means taking Common Core and calling it something different, that's what I think ultimately these recommendations will

accomplish," she said.

Minnesota math rejected

A vote to direct the state to model mathematics standards after Minnesota's standards would have been the most concrete recommendation in the more than 40-page report, but the move was rejected in a 5-4 vote.

Minnesota was joined by Alaska, Nebraska, Texas and Virginia in rejecting at least parts of Common Core. Minnesota created its own math standards, which have been praised for their clarity, according to Education Week.

According to news reports, in recent National Assessment of Educational Progress (NAEP) math tests, widely regarded as one of the best assessment tests, 53 percent of fourth-graders in Minnesota scored at or above "proficient;" in North Carolina, only 44 percent of

fourth-graders attained that level. On the same test for eighth-graders, 48 percent of Minnesota students were at or above proficient; only 33 percent of students in NC reached that mark.

The vote to align with the Minnesota math standards was defeated by an informal coalition of Common Core supporters and those who feared hitching the state to another state's standards. The commission also failed to come to a consensus on moving high school math back to the algebra and geometry model used pre-Common Core in 2010.

Legislature may not accept "makeover"

Even before the meeting got started, however, an influential state lawmaker suggested the General Assembly might not passively accept the panel's recommendations.

Sen. Jerry Tillman (R-Moore) told the commission that if the changes were not substantive and were instead more of a "makeover," legislators "may decide we want to start all over."

"The bottom line will be: Did you do a little makeover of Common Core to appease certain people, or did you do a real rewrite?" Tillman said.

Tillman specifically mentioned that he liked that the commission was looking at modeling its recommendations after successful efforts such as Minnesota's.

Now the recommendations will head to the SBOE for review before going to the Joint Legislative Education Oversight Committee.

The next stop would be the General Assembly during the Short Session, beginning in May. ■

UI Reforms Paying Off Big for the State

BY GARLAND S. TUCKER III AND BRIAN BALFOUR

Unemployment insurance (UI) reform in North Carolina continues to be the gift that keeps on giving. The 2013 UI reform, made possible by the Republican-dominated General Assembly and Gov. Pat McCrory, will enable \$240 million in tax savings for state employers in 2016 alone, thanks to a UI Trust Fund that has grown to over \$1 billion. In addition, the Tar Heel State's 2013 tax reform bill will once again lower the corporate income tax rate, from 5 percent to 4 percent (it was 6.9 percent prior to 2013).

North Carolina employers certainly aren't complaining, but that wasn't the case just a few years ago. In January 2013, North Carolina's UI program was in terrible shape. Like most states, North Carolina had borrowed funds from the federal government to cover increased unemployment benefits during the great recession. This resulted in \$2.75 billion of debt to Washington and stiff federal UI tax hikes on state employers. Meanwhile, North Carolina was experiencing an unemployment rate above the national average.

Making matters worse, the agency that oversees the UI program, North Carolina's Division of Employment Security (DES), was a mess. A 2012 news investigation found DES' claim accuracy was the

worst in the country, rife with fraud. The call center was answering less than 5% of its incoming calls. Benefit appeals took seven months on average.

What changed in 2013

But 2013 was a landmark year, featuring two major changes that turned around the unemployment program and the agency that runs it.

In February of that year, Gov. McCrory signed a bill that reduced the maximum amount and duration of unemployment benefits to levels in line with those of neighboring states. This triggered the cutoff of long-term federal UI benefits being moved up by six months.

The resulting savings enabled the state to be able to pay off the feds by May of this year. Without the changes, North Carolina would not have paid off the debt until 2020.

Predictably, however, the reaction from the media and talking heads was fierce and uniformly negative. The New York Times' Paul Krugman declared the reforms to be part of a "war on the unemployed."

Ironically, in his 2010 economics textbook, Krugman expressed an opposing sentiment. "Public policy designed to help workers who lose their jobs can lead to structural unemployment as an unintended side effect,"

wrote Krugman, explaining that granting more generous benefits "reduces a worker's incentive to quickly find a new job."

Government fostered a wave of dependency

Indeed, there is a very important moral dimension to consider. Through misguided programs with unintended consequences, our government has fostered a wave of debilitating dependency. As American Enterprise Institute President Arthur Brooks wrote recently, "While the tide of dependence for the poor has crept forward, work has receded."

With its UI reforms, North Carolina decided to stop participating in this trend. Now, the Tar Heel State has added jobs at a rate higher than neighboring states and the national average.

Because of the early debt payoff, employers will save more than \$2.5 billion over the next four years. While North Carolina's highly touted income tax reforms garnered much media attention, these cuts will actually put more money in a shorter time back into the state's economy.

For individual employers, the early debt payoff has freed money for job creation and capital investment that will lift wages. As reported by

the Winston-Salem Journal: "According to the U.S. Labor Department data, the average employer paid \$554 per covered employee toward the \$2.15 billion debt in 2013, as well as \$247 in 2014 toward what was then a \$980.9 million debt."

Under the federal government's repayment plan, UI tax costs per worker on businesses would have tripled by 2019, draining hundreds of millions in funds annually that otherwise could have been reinvested in the businesses to create jobs. The interest payments alone would have totaled close to half a billion dollars.

Early debt repayment enabled massive savings for job creators

Due to the reforms, however, the federal UI tax hikes were halted in 2014 and dropped back to standard rates after the debt was paid off last year. The result has been significant tax relief for job providers.

The second major change in 2013 was the recalibration of DES under the leadership of former state House Speaker pro tempore Dale Folwell. Today, the call center answers 97 percent of incoming calls, up from a dismal 5 percent, and the average appeals process has been driven down to just 74 days from seven months.

DES also cracked down on fraud. Prior to 2013, benefit checks were regularly sent out to new claimants before the former employer could verify the reason for unemployment. Folwell reversed that process to ensure benefit recipients were fully eligible before receiving a check. New legislation also requires claimants to show photo ID to collect unemployment checks.

In 2012, the U.S. Department of Labor determined from a random sampling that only 12 percent of unemployment benefit recipients in NC were actually legally eligible. By June 2015, that number had increased dramatically to 58 percent.

Today, North Carolina's fiscal health is in far better shape than it was in 2012, thanks to bold UI reforms that will enable an additional \$240 million in tax relief for state employers in 2016. For a road map to UI reform, states should look no further than North Carolina, where a crackdown on fraud has saved tax dollars and early debt repayment has enabled massive savings for job creators. ■

Garland S. Tucker III is CEO of Triangle Capital Corp., a publicly traded company based in Raleigh. Brian Balfour is policy director of the Civitas Institute, a Raleigh-based think tank. This article originally appeared in Forbes.

Scandal

Why Did Washington County School Chief Get a Free Pass on Misspending?

BY BOB LUEBKE

The findings certainly raised eyebrows: The former school superintendent misspent nearly \$16,000 of federal funds and over \$94,000 without prior authorization from the chairs of the Washington County Board of Education. In addition, members of the Washington County Board of Education and other administrative employees spent nearly \$40,000 without prior authorization from the board. These were the key findings of a North Carolina State Auditor's Office report released earlier this year of the Washington County Schools and former Superintendent Joseph Davis.

Davis was hired by Washington County in September 2012 at a base salary of \$125,000. In October 2014, Davis resigned his position, effective June 30, 2015. In June of last year, Davis accepted the superintendency of the Ferguson-Florissant School District in Missouri. Yes, it's the same Ferguson, Mo., that was the scene of several weeks of racial unrest in 2014.

When asked about the state audit, members of the Ferguson-Florissant School District said they were aware of the findings and said they had discussed them with Davis. Davis maintains that, while he was superintendent of Washington County Schools, all his actions followed board policies.

The auditor's report raises some disturbing findings about

the former superintendent and the Washington County Board of Education. Davis spent over \$94,000 on travel, meals and merchandise over a 33-month period. Moreover, according to the audit report, the majority of expenditures had no evidence of prior written authorization.

Davis failed to authorize nearly \$16,000 in Title

administrative employees spent nearly \$40,000 on travel without prior authorization or documentation of receipts.

The findings suggest failures on two levels: the superintendent himself and board oversight.

As stunning as it may sound, it appears that the Washington County Board of Education did not have a policy in place

these problems, the audit report detailed a number of recommendations, including that "the board should implement policies and procedures to ensure expenses incurred by the superintendent are authorized, documented, reasonable in cost and support school system objectives." The report also suggested -- among other things -- that the board

was made public.

Interestingly, within days of the release of the audit report, the Washington County District Attorney Seth Edwards announced that neither Davis nor any of the school board members would face charges for their actions. According to Edwards, the investigation failed to uncover "clear evidence of embezzlement or fraud." In a local news report, Edwards said while most of the expenses lacked documentation, Davis had verbal approval from his board. With regard to misspending federal funds, it appears Davis didn't personally benefit from the expenditures. Hence, no investigation will go forward.

Is it just me? But something doesn't seem right here. Misspending thousands in state and federal funds, lack of oversight by the school board, failure to follow policies -- yet everyone skates free? And the superintendent, he waves goodbye, leaving no trouble behind, and accepts a \$200,000-a-year job in Missouri. No firings? No reprimands? Only the promise to make more changes? It all gets put behind us. And no one suffers the consequences of their actions or inaction -- no one except the taxpayer. It's not right. ■



I and Title II funds for entertainment such as \$9,000 for inflatable bounce houses, \$2,700 for Rockin' Game Party mobile gaming theater, over \$10,000 in food, and \$250 in gift cards.

Federal regulations allow spending Title I or Title II funds on entertainment only when the purchase has a "programmatic purpose" and when there has been prior authorization. No prior authorization had been obtained.

If that wasn't bad enough, over the same period the state auditor found that members of the Washington County Board of Education and

regarding superintendent travel. Oversight of travel costs was left to the individual discretion of the board chair.

According to the audit, the current and former chair of the school board failed to require proper documentation for travel, and the board chairs stated that their reviews or receipts were incomplete and cursory.

This is highly unusual, as most school districts require employee travel to have a relevant business purpose, prior authorization and provide itemized receipts. However, it's evident these policies weren't followed.

In hopes of correcting

"should monitor travel, meals, and merchandize expenses, incurred by the superintendent for compliance with school policies and procedures."

A Dec. 17, 2015, letter from Ruffin Gill, chair of the Washington County Board of Education, to state Auditor Beth Wood said the board accepts the auditor's findings and specifically spelled out corrective actions the board was taking in response to the audit. Note that this was several weeks before the audit

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