

2020 State Attorney General Elections at a Glance

Although all eyes may be on the presidential race this election season, there are also state attorney general (AG) races taking place across the country, the outcomes of which will have a profound impact on their states' constituents and businesses. AGs not only enforce laws and regulations in their states, but they also engage in affirmative litigation and weigh in on legislation, both at the state and federal level. They play a big role in shaping public policy on a wide swath of issues from the environment to consumer protection to financial regulation. For day-to-day issues, it is not an exaggeration to say that AGs have a more immediate impact on businesses and citizens than the federal government.

Currently, the balance of power is fairly evenly held, with Republicans leading 26 AG offices and Democrats leading 25, but these numbers are not particularly meaningful in terms of AGs' focus. Regardless of which party has the majority of AG offices, AGs will continue to collaborate across party lines on issues of mutual interest, such as stronger consumer protections for airline passengers, and antitrust enforcement against Google and other large tech companies, although they will split into smaller groups along party lines for issues on which there is no consensus between the parties.

Below is what you need to know about the 10 AG races this year. In eight of these races, the incumbent is on the ballot, while two races are open-seat contests.

Races to watch

West Virginia

The closest incumbent race in this cycle is West Virginia. Incumbent AG Patrick Morrisey is running for his third term as AG, but this is his fourth statewide race. In 2016, he ran unsuccessfully to unseat Democratic U.S. Senator Joe Manchin in a high-profile race. Since then, AG Morrisey's negatives have trended up, creating some early uncertainty in the race for AG, although he is still the odds-on favorite to retain his seat. His opponent, Democratic nominee Sam Petsonk, has made a name for himself as an attorney representing miners and disenfranchised constituents. Given Morrisey's conservative record and Petsonk's more progressive positions for West Virginia, voters are facing two starkly different options.

North Carolina

Incumbent AG Josh Stein is seeking reelection to his second term, facing Republican Jim O'Neill, a prosecutor from the western part of the state. While AG Stein will likely be reelected, this is a high-profile race. North Carolina represents ground zero in the 2020 election cycle as a key swing state for the presidential election, with competitive races for the U.S. Senate and the governor's office, as well as many statewide offices in play. As such the state has been subjected to heavy campaigning and get-out-the-vote efforts by both major parties. For O'Neil to win, President Trump would likely need to carry the state and pull O'Neil across the line on his coattails. For context, in 2016, the president won North Carolina in a close race and AG Stein narrowly won his race. The Democratic Governor Roy Cooper is doing well in public polling and could make the difference in giving down ticket Democrats, like Stein, the votes needed to win.

Pennsylvania

Like the race in North Carolina, incumbent AG Josh Shapiro is likely to be reelected, but is also in a high-profile race due to Pennsylvania's pivotal role as an electoral battleground state. AG Shapiro is facing former County Commissioner Heather Heidelbaugh, who is running on a law-and-order platform. While Pennsylvania has backed the Democratic presidential candidate in every



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election since 1992 until 2016, President Trump carried the state in 2016, and the 2020 presidential race appears to be tightening. Given that the next race on the ballot is the attorney general's race, a path to victory for Heidelbaugh would require coattails from the president's reelection operation. In 2016, however, Democrat Shapiro won in spite of Pennsylvania supporting President Trump. With the power of incumbency on his side, AG Shapiro remains the favorite here.

Indiana

Current Republican AG Curtis Hill was not re-nominated by his party due to a personal controversy. Republican Todd Rokita, a former congressman from Indiana, is running against Democrat Jonathan Weizapfel, a former mayor of Evansville, Indiana. Indiana is almost certain to support President Trump during this election, given its strong Republican voting trend over the past few decades. With a gubernatorial race in which the incumbent Republican governor is heavily favored, Rokita is on track to win the open AG seat and hold it for the Republicans.

Montana

The race to replace current AG Tim Fox, who is term-limited, is quite close. The Democratic nominee Raph Graybill is Governor Steve Bullock's Chief Legal Counsel and may benefit from Governor Bullock's popularity, but Republican nominee Austin Knudsen is also well known in the state, having served as a Speaker of the House. Republicans generally carry Montana in the presidential race, and President Trump has performed strongly to date in the state. However there are several competitive races in Montana this year that could influence the outcome of the AG race: a U.S. Senate race between incumbent Senator Daines and sitting Governor Bullock; an open-seat gubernatorial race; and a race to fill Montana's lone seat in the U.S. House. While the state is trending Republican in most of these races, Montanans historically have been willing to ticket-split. With public polling in the gubernatorial race and the AG race favoring the Republicans, it remains to be seen whether a Trump win will secure the trifecta.

Safe Democratic Incumbent Races

Vermont

Vermont is a reliably Democratic state that will overwhelmingly support the Biden/Harris ticket in the presidential race. With a poorly funded opponent, AG Donovan is headed to an easy reelection.

Oregon

Like Vermont, Oregon is a reliable supporter of the Democratic presidential ticket. Republicans tried to make the Portland riots over the summer an issue, but the state's strong Democratic lean meant that didn't move the needle in their favor. Given the Democrats' comfortable lead in the races for president and governor, AG Rosenblum should have an easy election night.

Washington

Incumbent AG Bob Ferguson is in a safe seat, and we expect to see him back for his third term, continuing to be a thorn in the side of the federal government should Trump be reelected.

Safe Republican Incumbent Races

Missouri

Incumbent AG Eric Schmitt was appointed to his office in 2019 by Governor Parson, after former AG Josh Hawley was elected to the U.S. Senate. Thus, AG Schmitt is running in his first election for the AG's office. President Trump and the incumbent Republican governor appear to be running well ahead of their opponents in Missouri, although not by the same margins as in 2016. Given that Schmitt has won statewide office in the past (he served as Treasurer from 2017 - 2019) and has a commanding fundraising lead, he appears to be on his way to a comfortable win here.

Utah

Without question Utah is a bright red state, with President Trump and the Republican candidate for governor expected to carry the state in easy fashion. Incumbent AG Sean Reyes, running for his

second full term, seems certain to prevail given that Utah hasn't elected a Democrat to the AG office since 1996.

AG Selected by Legislature

Maine

In addition to the 10 AGs who will be elected by the voters, Maine's AG will be voted on by Maine's newly elected legislature. Given the high likelihood that the legislature will remain Democratic, Maine AG Aaron Frey's position looks secure.

It is anybody's guess when we will have a definitive result in this year's presidential race. No matter who wins the White House, AGs will continue to play a crucial role beyond their individual states, working to shape federal policy through litigation against the incoming administration and through advocacy in Congress. We look forward to sharing our views on the likely impact of the presidential election on the priorities and focus of Democratic and Republican AGs in a follow-up Alert.

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