

Pillsbury Winthrop Shaw Pittman LLP

Election Night Guide 2012

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2012 ELECTION NIGHT GUIDE

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POLITICAL LAW GROUP
PUBLIC POLICY GROUP

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2012 ELECTION NIGHT GUIDE

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PRESIDENTIAL ELECTION FACT SHEET

Needed to Elect: 270 Electoral Votes

11 largest states: (271) California (55) Pennsylvania (20)
 Texas (38) Ohio (18)
 Florida (29) Georgia (16)
 New York (29) Michigan (16)
 Illinois (20) North Carolina (15)
 New Jersey (14)

3 Most Democratic States in 2008:
 District of Columbia (3) Hawaii (4)
 Vermont (3)

3 Most Republican States in 2008:
 Oklahoma (7) Wyoming (3)
 Utah (6)

Presidential Election Year Results

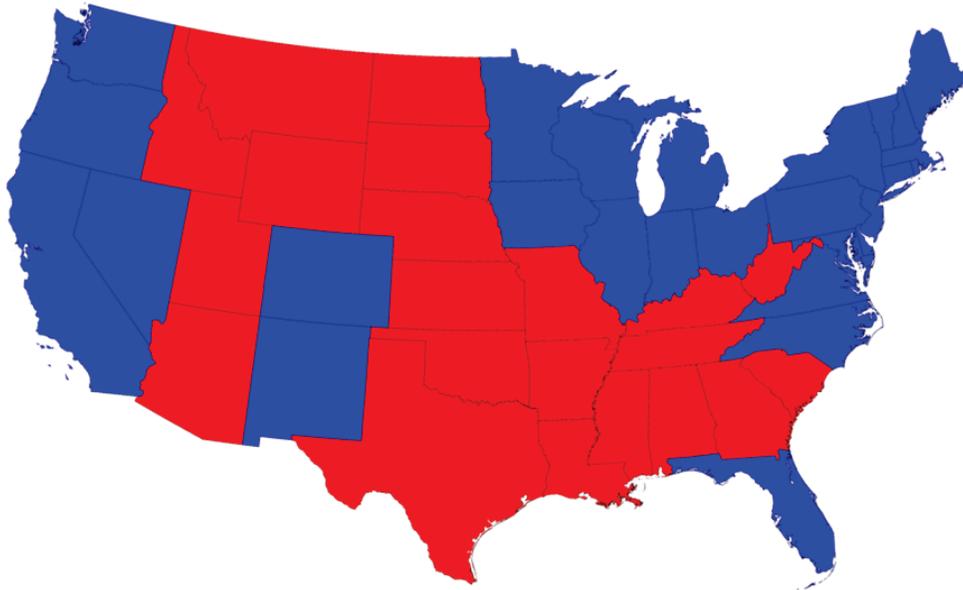
2008	Obama (D)	365			
	McCain (R)	173			
2004*	Kerry (D)	252	1980	Carter (D)	49
	Bush (R)	286		Reagan (R)	489
				Anderson (I)	0
2000*	Gore (D)	267	1976	Carter (D)	297
	Bush (R)	271		Ford (R)	241
1996	Clinton (D)	379	1972*	McGovern (D)	17
	Dole (R)	159		Nixon (R)	521
	Perot (I)	0			
1992	Clinton (D)	370	1968*	Humphrey (D)	191
	Bush (R)	168		Nixon (R)	302
	Perot (I)	0		Wallace (AI)	45
1988	Dukakis (D)	112	1964	Johnson (D)	486
	Bush (R)	426		Goldwater (R)	52
1984	Mondale (D)	13			
	Reagan (R)	525			

*In each of these elections, one elector defected so that the actual totals were:
 1968: 191-301-46; 1972: 17-520-1; 2000: 266-271-1; and in 2004: 251-286-1.

2008 Electoral College Map

AK

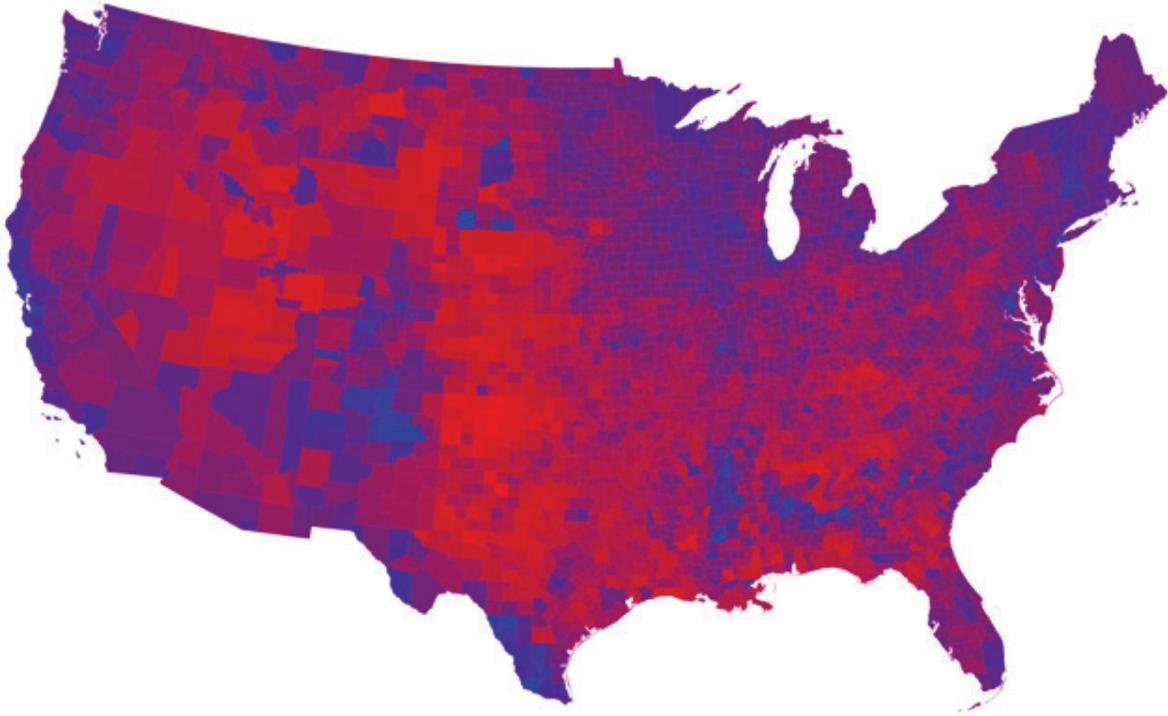
HI



*Mark Newman, University of Michigan
Reprinted with permission.*

2008 Election Map – 48 States

Colored to reflect party percentages in each county



*Mark Newman, University of Michigan
Reprinted with permission.*

2012 FACT SHEET

CURRENT PARTY STRENGTHS

	<u>D</u>	<u>R</u>	<u>Ind</u>	<u>Vacancies</u>
U.S. Senate	51	47	2*	0
U.S. House	193	242	0	0
Governors	20	29	1	0

(*Vote with the Democrats)

Recent “WAVE” Elections for the U.S. House and U.S. Senate

Losses for Party Holding White House

<u>Year</u>	<u>Party in White House</u>	<u>House Result</u>	<u>Senate Result</u>	<u>Type</u>
1974	Republicans	- 49	- 4	STMT
1980	Democrats	- 34	- 12*	PRES
1994	Democrats	- 52*	- 8*	FTMT
2006	Republicans	- 31*	- 6*	STMT
2008	Republicans	- 21	- 8	PRES
2010	Democrats	- 63*	- 6	FTMT

PRES = Presidential Election Year

FTMT = First Term, Mid-term Election

STMT = Second Term, Mid-term Election

*control shift

PRESIDENTIAL RACE STATE-BY-STATE ANALYSIS

As of October 31, 2012, polls show the Obama/Biden ticket roughly tied with Romney/Ryan. The country, once again, is about as polarized as it gets. The divisions are deep – ideological, regional and cultural. Some late polls have shown a slight trend toward Romney, but the impact of the East Coast hurricane has yet to be assessed.

While polls are more accurate today than in 1936 or 1948--when Landon and Dewey were the projected winners, respectively--some polls still fail to adequately detect late shifts in voter opinion and to account for difficult factors such as the likely voter turnout and “soft” support among those expressing a preference for one candidate over the other. In 2012 the polls have not been particularly volatile, although the first debate moved Romney from likely loser back into the race. Nevertheless, at this point, the race is the President’s to lose. Race, gender and the youth vote are wild cards.

There exists the possibility that the electoral vote winner may lose the popular vote for the fifth time in U.S. history.

Unless all of the national polls are completely wrong, and barring a late weekend shift toward Romney, accumulating the necessary 270 electoral votes for victory is a tougher task for the Romney/Ryan ticket than for the President because Romney needs to carry at least seven states that Obama carried in 2008, and they have to be the right seven. The three most crucial states, as in 2008, are Florida, Ohio and Pennsylvania. If one of the candidates wins all three, as Obama did in 2008, he will almost certainly win the election.

The following comments are based on national and state polls and reports available as of October 30, 2012. The number in parenthesis represents each state’s number of electoral votes.

Alabama	(9)	Solid for Romney/Ryan.
Alaska	(3)	The 49 th State hasn’t voted Democratic in 48 years and won’t this time either. Safe for Romney/Ryan.
Arizona	(11)	Arizona had not voted for a Democrat for President since 1948, but Clinton changed that in 1996. Bush won it in 2000 and 2004, and McCain in 2008. Romney has the edge.
Arkansas	(6)	Once one of the most Democratic states in the South, but it’s GOP territory now.
California	(55)	Democrats are set to sweep California again and haul in the largest electoral vote stash in the country. Safe for Obama. Senator Feinstein will win in a landslide.

Colorado	(9)	Colorado voted for Bush in 2004 but Obama won here in 2008. Too close to call.
Connecticut	(7)	Safe for Obama. The days when the GOP could carry Connecticut (1972-1988) are long gone. The Senate race is tight.
Delaware	(3)	Solid for Obama and its favorite son, Joe Biden.
District of Columbia	(3)	The most reliable three electoral votes for the Democrats anywhere in the nation.
Florida	(29)	With its rich 29 electoral-vote prize, Florida, the most controversial state in 2000, is tight and hard fought. If Obama wins again here, he's on his way back to the White House, but at this point Romney is ahead.
Georgia	(16)	Georgia's 15 electoral votes belong to the GOP.
Hawaii	(4)	A Democratic stronghold that Obama should win easily. The Senate race may offer some suspense, however.
Idaho	(4)	Romney all the way.
Illinois	(20)	A landslide for Obama in his home state.
Indiana	(11)	One of the very few industrial midwestern states that used to be reliably Republican and which, in 2008, voted for the democratic ticket for the first time since 1964 (as did North Carolina and Virginia). This year, Romney is ahead. Indiana reports early in the evening and if the Republican ticket again goes down here, an old movie on TV will probably provide more suspense than the Presidential election returns.
Iowa	(6)	A state that Bush carried in 2004, Obama in 2008. Obama is ahead.
Kansas	(6)	Traditionally Republican. Solid Romney Country.
Kentucky	(8)	Romney has it in the bag.
Louisiana	(8)	Romney/Ryan.
Maine	(4)	For Obama, but not out of range for the GOP if Romney does well nationwide. This is one of two states which apportion its electoral vote by Congressional District. Former Governor King should take Senator Snowe's Senate seat.

Maryland	(10)	This is one of the most Democratic states in the nation, and the Obama/Biden ticket owns it.
Massachusetts	(11)	Romney will lose his home state; the Senate race is tight.
Michigan	(16)	Crucial for Obama and the fact that Romney's father was a long time Governor of the state doesn't seem to be helping Romney.
Minnesota	(10)	Another strongly Democratic state that has voted Democratic in every presidential election since 1976. Obama is ahead.
Mississippi	(6)	This Deep South state is a GOP stronghold.
Missouri	(10)	Missouri is considered something of a bellwether state. Clinton won the state in 1996, but the Republicans won it in 2000, 2004 and 2008. Romney is ahead. The Senate race may offer a surprise.
Montana	(3)	Romney is ahead.
Nebraska	(5)	Romney/Ryan. Nebraska is the other state which apportions its electoral vote by Congressional district. Obama got one electoral vote here in 2008, but he won't this time.
Nevada	(6)	Obama ahead by a little.
New Hampshire	(4)	Unlike the rest of New England, a close race. Bush won it in 2000, Kerry and Obama thereafter. Too close to call.
New Jersey	(14)	Obama by a comfortable margin.
New Mexico	(5)	Once a toss-up state, won by Gore by 366 votes in 2000. Obama leads.
New York	(29)	Obama will win New York's 29 electoral votes in a landslide.
North Carolina	(15)	Obama won it in 2008, but leaning Republican this year.
North Dakota	(3)	The Republican ticket should win, but the Senate contest is closer than expected.
Ohio	(18)	Ohio could be the Florida of 2012. Both sides have invested heavily to win the 18 electoral votes at stake. It's close and it is a must-win state for Romney with Obama in the lead.
Oklahoma	(7)	A conservative state where Romney is way ahead.

Oregon	(7)	Like its neighbors on the Pacific Coast, Oregon is becoming more Democratic in national elections. Obama ahead.
Pennsylvania	(20)	Another state both Obama and Romney need to accumulate 270 electoral votes. Some pundits assume this to be a battleground state, but Obama should take it.
Rhode Island	(4)	Obama all the way.
South Carolina	(9)	Romney all the way.
South Dakota	(3)	Romney ahead.
Tennessee	(11)	Al Gore's home state is now a GOP stronghold. Romney should win here.
Texas	(38)	The reverse mirror image of California. Expect a Republican landslide.
Utah	(6)	Utah has proved to be one of the three most Republican states in the Union in recent presidential elections. Expect the same this year.
Vermont	(3)	Once a New England Republican bastion, Vermont votes Democratic these days. Obama and Sanders way ahead.
Virginia	(13)	Virginia was once the most Republican state in the South. Until 2008, the last time a Democrat carried it was LBJ in 1964. It is now evolving into a swing state. Obama won here in 2008, but it's a toss-up this year. Tight Senate race.
Washington	(12)	Obama ahead.
West Virginia	(5)	This once strongly Democratic state votes Republican now, it will go to the GOP again.
Wisconsin	(10)	Wisconsin is close as is its Senate race, but Obama is ahead.
Wyoming	(3)	Romney/Ryan country.

2012 Presidential Race Northeast

<u>State</u>	<u>64</u>	<u>68</u>	<u>72</u>	<u>76</u>	<u>80</u>	<u>84</u>	<u>88</u>	<u>92</u>	<u>96</u>	<u>00</u>	<u>04</u>	<u>08</u>	<u>Obama</u>	<u>Romney</u>
Connecticut (7)	D	D	R	R	R	R	R	D	D	D	D	D		
D.C. (3)	D	D	D	D	D	D	D	D	D	D	D	D		
Delaware (3)	D	R	R	D	R	R	R	D	D	D	D	D		
Maine (4)	D	D	R	R	R	R	R	D	D	D	D	D		
Maryland (10)	D	D	R	D	D	R	R	D	D	D	D	D		
Mass. (11)	D	D	D	D	R	R	D	D	D	D	D	D		
N. Hampshire (4)	D	R	R	R	R	R	R	D	D	R	D	D		
New Jersey (14)	D	R	R	R	R	R	R	D	D	D	D	D		
New York (29)	D	D	R	D	R	R	D	D	D	D	D	D		
Penn. (20)	D	D	R	D	R	R	R	D	D	D	D	D		
Rhode Island (4)	D	D	R	D	D	R	D	D	D	D	D	D		
Vermont (3)	D	R	R	R	R	R	R	D	D	D	D	D		

Northeast: 112 Electoral Votes

2012 Presidential Race Midwest

<u>State</u>	<u>64</u>	<u>68</u>	<u>72</u>	<u>76</u>	<u>80</u>	<u>84</u>	<u>88</u>	<u>92</u>	<u>96</u>	<u>00</u>	<u>04</u>	<u>08</u>	<u>Obama</u>	<u>Romney</u>
Illinois (20)	D	R	R	R	R	R	R	D	D	D	D	D		
Indiana (11)	D	R	R	R	R	R	R	R	R	R	R	R	D	
Iowa (6)	D	R	R	R	R	R	D	D	D	D	R	D		
Kansas (6)	D	R	R	R	R	R	R	R	R	R	R	R		
Michigan (16)	D	D	R	R	R	R	R	D	D	D	D	D		
Minnesota (10)	D	D	R	D	D	D	D	D	D	D	D	D		
Missouri (10)	D	R	R	D	R	R	R	R	D	R	R	R		
Nebraska (5)	D	R	R	R	R	R	R	R	R	R	R	R		
North Dakota (3)	D	R	R	R	R	R	R	R	R	R	R	R		
Ohio (18)	D	R	R	D	R	R	R	D	D	R	R	D		
Oklahoma (7)	D	R	R	R	R	R	R	R	R	R	R	R		
South Dakota (3)	D	R	R	R	R	R	R	R	R	R	R	R		
Wisconsin (10)	D	R	R	D	R	R	D	D	D	D	D	D		

Midwest: 125 Electoral Votes

2012 Presidential Race South

<u>State</u>	<u>64</u>	<u>68</u>	<u>72</u>	<u>76</u>	<u>80</u>	<u>84</u>	<u>88</u>	<u>92</u>	<u>96</u>	<u>00</u>	<u>04</u>	<u>08</u>	<u>Obama</u>	<u>Romney</u>
Alabama (9)	R	AI	R	D	R	R	R	R	R	R	R	R		
Arkansas (6)	D	AI	R	D	R	R	R	D	D	R	R	R		
Florida (29)	D	R	R	D	R	R	R	R	D	R	R	D		
Georgia (16)	R	AI	R	D	D	R	R	D	R	R	R	R		
Kentucky (8)	D	R	R	D	R	R	R	D	D	R	R	R		
Louisiana (8)	R	AI	R	D	R	R	R	D	D	R	R	R		
Mississippi (6)	R	AI	R	D	R	R	R	R	R	R	R	R		
N. Carolina (15)	D	R	R	D	R	R	R	R	R	R	R	D		
S. Carolina (9)	R	R	R	D	R	R	R	R	R	R	R	R		
Tennessee (11)	D	R	R	D	R	R	R	D	D	R	R	R		
Texas (38)	D	D	R	D	R	R	R	R	R	R	R	R		
Virginia (13)	D	R	R	R	R	R	R	R	R	R	R	D		
W. Virginia (5)	D	D	R	D	D	R	R	D	D	R	R	R		

South: 173 Electoral Votes

2012 Presidential Race West

<u>State</u>	<u>64</u>	<u>68</u>	<u>72</u>	<u>76</u>	<u>80</u>	<u>84</u>	<u>88</u>	<u>92</u>	<u>96</u>	<u>00</u>	<u>04</u>	<u>08</u>	<u>Obama</u>	<u>Romney</u>
Alaska (3)	D	R	R	R	R	R	R	R	R	R	R	R		
Arizona (11)	R	R	R	R	R	R	R	R	D	R	R	R		
California (55)	D	R	R	R	R	R	R	D	D	D	D	D		
Colorado (9)	D	R	R	R	R	R	R	D	R	R	R	D		
Hawaii (4)	D	D	R	D	D	R	D	D	D	D	D	D		
Idaho (4)	D	R	R	R	R	R	R	R	R	R	R	R		
Montana (3)	D	R	R	R	R	R	R	D	R	R	R	R		
Nevada (6)	D	R	R	R	R	R	R	D	D	R	R	D		
New Mexico (5)	D	R	R	R	R	R	R	D	D	D	R	D		
Oregon (7)	D	R	R	R	R	R	D	D	D	D	D	D		
Utah (6)	D	R	R	R	R	R	R	R	R	R	R	R		
Washington (12)	D	D	R	R	R	R	D	D	D	D	D	D		
Wyoming (3)	D	R	R	R	R	R	R	R	R	R	R	R		

West: 128 Electoral Votes

SENATE, U.S. HOUSE OF REPRESENTATIVES AND GOVERNOR RACES

Senate

The current lineup in the U.S. Senate is 53 Democrats (including two independents who vote with the Democrats) and 47 Republicans. 30 Democrats and 37 Republicans are not up for election this year.

There are 33 seats up for election, 23 held by Democrats and 10 held by Republicans. Seven Democratic seats (California, Maryland, Delaware, Minnesota, New York, Rhode Island and Vermont) and five Republican seats (Mississippi, Tennessee, Texas, Utah and Wyoming) are considered by most analysts to be “safe.” If that is true, then the analysis of which party will control the Senate in the next Congress begins with 37 Democratic seats and 42 Republican seats.

There seems to be general agreement that the Republicans will take a seat from the Democrats in Nebraska and the Democrats will gain a Republican seat in Maine. This brings the total to 38 Democrats and 43 Republicans. Moreover, the Republican candidate is leading in Indiana and Democrats in Michigan, New Jersey, Pennsylvania, Washington and West Virginia, which, if true, brings the Democrats to 43 and the Republicans to 44.

The remaining thirteen races are close. Hawaii and New Mexico appear at this point to lean Democratic and Nevada Republican. If so, then the total becomes 45 Democratic and 45 Republican seats.

The battle for the Senate thus comes down to Arizona, Connecticut, Florida, Massachusetts, Missouri, Montana, North Dakota, Ohio, Virginia and Wisconsin. Nine are Democratic seats, and one is Republican.

The Republicans need to win six out of the ten to reach 51 seats. Best guess: the Republicans fall just short of a majority or reach 50, in which case control of the Senate depends on the winner of the Presidential election.

Watch Connecticut, Hawaii, Indiana, Massachusetts and Missouri for possible upsets.

U.S. House of Representatives

The current lineup is 242 Republicans and 193 Democrats. Most commentators seem to think that the Democrats will pick up no more than 5 seats and perhaps even suffer a net loss of a couple, leaving the House in GOP control.

Governor

This cycle offers 11 races for governor. The current lineup nationally is 20 Democrats and 29 Republicans and one independent.

Twelve Democrats, 26 Republicans & one independent are not up for election.

Two Republican chairs (North Dakota and Utah) and two Democratic chairs (Delaware and Vermont) are considered “safe.” If so, then the 50 state count, including chairs not up this year, begins at 14 Democrats and 28 Republicans.

Democrats appear to be ahead in 2 races (Missouri and West Virginia) and the Republicans in 2 as well (Indiana and North Carolina). If this is true, the count goes to 16 Democratic chairs and 30 Republican chairs.

That leaves 3 closer races: Montana, New Hampshire and Washington. All three of those chairs are currently Democratic.

Best guess, the Republicans add 2 chairs for a 31-18 split, with one independent.

Watch Montana and New Hampshire.

2012 U.S. SENATE RACES

(NORTHEAST)

<u>State</u>	<u>Incumbent Party</u>	<u>(D)</u>	<u>(R)</u>	<u>(I)</u>
Connecticut	(D)	Murphy	McMahon	
Delaware	(D)	Carper*	Wade	
Maine	(R)	Dill	Summers	King
Maryland	(D)	Cardin*	Bongino	
Massachusetts	(R)	Warren	Brown*	
New Jersey	(D)	Menendez*	Kyrillos	
New York	(D)	Gillibrand*	Long	
Pennsylvania	(D)	Casey*	Smith	
Rhode Island	(D)	Whitehouse*	Hinckley	
Vermont	(I)	N/A	MacGovern	Sanders*

Total seats: 10 (D-7; R-2; I-1)

*Incumbent

(MIDWEST)

<u>State</u>	<u>Incumbent Party</u>	<u>(D)</u>	<u>(R)</u>
Indiana	(R)	Donnelly	Mourdock
Michigan	(D)	Stabenow*	Hoekstra
Minnesota	(D)	Klobucher*	Bills
Missouri	(D)	McCaskill*	Akin
Nebraska	(D)	Kerrey	Fisher
North Dakota	(D)	Heitkamp	Berg
Ohio	(D)	Brown*	Mandel
Wisconsin	(D)	Baldwin	Thompson

Total seats: 8 (D-7; R-1)

*Incumbent

2012 U.S. SENATE RACES

(SOUTH)

<u>State</u>	<u>Incumbent Party</u>	(<u>D</u>)	(<u>R</u>)
Florida	(D)	Nelson*	Mack
Mississippi	(R)	Gore	Wicker*
Tennessee	(R)	Clayton	Corker*
Texas	(R)	Sadler	Cruz
Virginia	(R)	Kaine	Allen
West Virginia	(D)	Manchin*	Raese

Total seats: 6 (D-2; R-4)

*Incumbent

(WEST)

<u>State</u>	<u>Incumbent Party</u>	(<u>D</u>)	(<u>R</u>)
Arizona	(R)	Carmona	Flake
California	(D)	Feinstein*	Emken
Hawaii	(D)	Hirono	Lingle
Montana	(D)	Tester*	Rehberg
Nevada	(R)	Berkley	Heller*
New Mexico	(D)	Heinrich	Wilson
Utah	(R)	Howell	Hatch*
Washington	(D)	Cantwell*	Baumgartner
Wyoming	(R)	Chesnut	Barrasso*

Total seats: 9 (D-5; R-4)

*Incumbent

2012 GUBERNATORIAL RACES

NORTHEAST

<u>State</u>	<u>Incumbent Party</u>	<u>(D)</u>	<u>(R)</u>
Delaware	(D)	Markell*	Cragg
New Hampshire	(D)	Hassan	Lamontagne
Vermont	(D)	Shumlin*	Brock

Total seats: 3 (D-3; R-0)

MIDWEST

<u>State</u>	<u>Incumbent Party</u>	<u>(D)</u>	<u>(R)</u>
Indiana	(R)	Gregg	Pence
Missouri	(D)	Nixon*	Spence
North Dakota	(R)	Taylor	Dalrymple*

Total seats: 3 (D-1; R-2)

SOUTH

<u>State</u>	<u>Incumbent Party</u>	<u>(D)</u>	<u>(R)</u>
North Carolina	(D)	Dalton	McCrorry
West Virginia	(D)	Tomblin*	Maloney

(Total seats: 2 (D-2; R-0))

WEST

<u>State</u>	<u>Incumbent Party</u>	<u>(D)</u>	<u>(R)</u>
Montana	(D)	Bullock	Hill
Utah	(R)	Cooke	Herbert*
Washington	(D)	Inslee	McKenna

Total seats: 3 (D-2; R-1)

*Incumbent