

Making an Impact: State Attorneys General Races in 2023 and Beyond

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State Attorneys General (AGs) uniquely wield power to enforce the law, direct policy, and effectuate political goals. Exercising their civil prosecutorial authority, State AGs have redefined priorities of paramount concern to CEOs and in-house legal counsel that impact the corporate and commercial landscape.

Because of this immense influence, it is pivotal that companies stay attuned to the focus and directives of State AGs — staying apprised of key issues of concern, as well as how the State AGs are collaborating and coordinating their prosecutorial resources to effectuate public policy goals.

Today's State AGs are doubling down on consumer protection enforcement initiatives while also recrafting key policy positions regarding matters implicating consumer harm. Indeed, not only are the State AGs exercising a targeted focus on consumer protection issues in public health, privacy, and big tech; they have also begun joining forces (often on a bipartisan basis) to secure massive settlements against corporations nationwide.

In recent months, through multistate bipartisan efforts, State AGs have secured multi-billion-dollar settlements in opioid litigation against drug manufacturers and pharmacies, including a \$102.5 million antitrust settlement against a pharmaceutical manufacturer for illegal monopoly tactics. Multiple states have also sued or are investigating TikTok over the perceived harms to youth arising from the social media platform, while also pooling resources to take on Big Tech giants.

Despite a willingness to work across the aisle on certain issues, the position of State AG remains intrinsically political — with certain Democratic and Republican State AGs focusing on party-line issues like fossil fuels (Democratic State AGs have brought numerous suits relying on public nuisance, environmental, and securities fraud claims) and personal health care (Texas AG Paxton has alleged that certain pharmaceutical companies have violated Texas' Deceptive Trade Practices Act by marketing hormone blockers for use by transgender children).

The role of State AG also continues to operate as a launch pad to higher office throughout the country, with five of the upcoming State AG elections between 2023-2024 occurring as a result of the current AG running for governor of their respective state.

With that said, we are once again keeping a close eye on the following races that will shape the future of America.

This year presents three State AG races, with two guaranteed to result in new stewardship.

In Louisiana, current AG Jeff Landry (R) is the front-runner to take the Governor's mansion. In his stead, the GOP has identified three serious candidates thus far, Solicitor General Liz Murrill, State Rep. John Stefanski, and Marty Maley, former assistant district attorney for Louisiana's 18th district and 5th place runner-up in the 2015 AG primary — with virtually all pundits giving a lead to Murrill. No Democrats have thrown their hat in the race yet, but it's not too late, with primaries not occurring until Oct. 14.

Kentucky: Daniel Cameron (R), Kentucky's AG since 2019, is also running for governor — leaving the seat open. Republican Russell Coleman is viewed as the lead GOP contender, faring well in polling (double digits) against the Democratic front-runner, Pamela Stevenson.

Mississippi is the only state this cycle running an incumbent candidate. AG Lynn Fitch (R) flipped the seat in 2019 and seeks a second full-term. Democrats, however, have Greta Kemp Martin, the litigation director of Disability Rights Mississippi, as a challenger.

While much can change during the next 18 months, we expect a slew of interesting State AG races in 2024.

Current North Carolina AG Josh Stein (D), who has held the office since 2017, is running for governor. In the wake of his departure, Tom Murry has emerged as the Republican front-runner, but GOP Congressman Dan Bishop recently threw his hat into the ring as well. The Democrats, on the other hand, will be looking to attorney Tim Dunn, or potentially Representative Jeff Jackson, to secure the recently Democratic-held seat.

With Pennsylvania's appointed AG Michelle Henry (D) not running, the field is wide open for challengers from both sides in this habitually swingy state. Three Democratic contenders have declared their candidacies: Keir Bradford-Gray, Philadelphia's former chief public defender; Eugene DePasquale, Pennsylvania's former Auditor General; and former Bucks County Solicitor Joe Khan. On the Republican side, long-time York County District Attorney Dave Sunday entered the race in June.

Like so many previous AGs, Washington AG Bob Ferguson (D) is running for governor of his state. While the GOP has yet to identify any viable candidates in this heavily blue state, the Democrats are thus far choosing between state Sen. Manka Dhingra, outgoing U.S. Attorney Nicholas Brown, state Senator Drew Hansen, and Solicitor General Noah Purcell.

Patrick Morrissey (R) will be running for governor in West Virginia after having held the AG office since 2013. Three serious Republican candidates have stepped up thus far to compete for the appointment — State Senators Ryan Weld and Mike Stuart, and Auditor JB McCuskey. No Democratic candidates have yet announced an intention to run.

As a possible wildcard, with former Texas AG Ken Paxton facing potential removal from office because of his ongoing impeachment proceedings, there could be a special election concurrent with the 2024 presidential election to decide the next Texas AG. Governor Greg Abbott (R) has appointed an interim AG, John Scott, for the pendency of impeachment proceedings. If a special election is necessary, the winner of any such election will serve the remainder of Paxton's current term, which runs through January 2027.

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