

POPULAR GOVERNMENT



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UNIVERSITY OF NORTH CAROLINA

POPULAR GOVERNMENT

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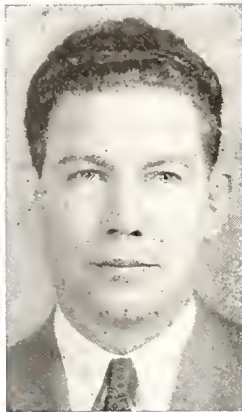
PUBLISHED BY THE INSTITUTE OF GOVERNMENT
THE UNIVERSITY OF NORTH CAROLINA

NOVEMBER
1944

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COVER PICTURE

Recent issues of POPULAR GOVERNMENT, in carrying a series of reproductions from the murals on the walls of the Institute of Government building, have presented a study in contrast of North Carolina's scenery, agriculture and industry.

This month's cover portrays a typical harvest scene. Throughout the State at this time of year landscapes and roadsides assume an aspect of quiet and restful beauty, whether the background be the far horizons of the east or the rugged contours of the west.

Yet more than a sense of beauty is stirred by a harvest. It conveys also a sense of security, of abundance, of wealth. Too, it holds more than a hint of completion; it symbolizes rest after labor, and a task well done.

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1944 Schools for Newly Elected Officials

To be Conducted by the Institute of Government in Chapel Hill

Here in North Carolina we are committed by two hundred years of political history to the theory and practice of elective offices, short terms of office and rotation of officers. Every two years hosts of newly elected officials come into the administration of public affairs in the cities, the counties and the State.

A candidate for the office of county surveyor years ago appealed to voters through a newspaper advertisement saying: "My father was county surveyor for thirty years and I inherited at birth all the necessary qualifications for this office."

Most officials are not fortunate enough to be born with a knowledge of the powers and duties of the offices to which they are elected. They go into office to learn by mistakes which might have been avoided, in the school of hard knocks which sometimes knock harder on the public than on the public officer.



In 1931 representatives of these officials joined in building the Institute of Government, to bridge this gap in knowledge and experience between outgoing and incoming public officials; to cut down the lost time, lost motion and lost money involved in a rotating governmental personnel; to raise the standards of governmental performance by lifting the poorest practices to the level of the best.

Part of this program calls for a series of Institutes for new and old officials between the day of election and the day of going into office, as well as for appointive officials prior to the performance of particular governmental functions. Pursuant to this plan the Institute of Government schedules the following Institutes from election day on November 7 to installation day on December 4, and thereafter to the end of the calendar year.

November 13-15: County Tax Supervisors

Opening with registration in the Institute of Government building in Chapel Hill at 2:00 o'clock Monday, November 13, and continuing with morning, afternoon and evening sessions through noon, Wednesday, November 15.

November 21-22: Clerks of Superior Court

Opening with registration in the Institute of Government building in Chapel Hill at 2:00 o'clock Tuesday, November 21, and continuing with morning, afternoon and evening sessions through noon, Wednesday, November 22.

November 21-22: Registers of Deeds

Opening with registration in the Institute of Government building in Chapel Hill at 2:00 o'clock Tuesday, November 21, and continuing with morning, afternoon and evening sessions through noon, Wednesday, November 22.

November 28-29: Sheriffs

Opening with registration in the Institute of Government building in Chapel Hill at 2:00 o'clock Tuesday, November 28, and continuing with morning, afternoon and evening sessions through noon, Wednesday, November 29.

December 4: Public Installations of Local Officials

These installation ceremonies were initiated by the Institute of Government on a statewide scale in 1932, with a radio broadcast connecting the 100 county courthouses. The newly elected Governors have led

these statewide broadcasts: J. C. B. Ehringhouse in 1932, Clyde R. Hoey in 1936, J. Melville Broughton in 1940, and the Governor to be elected on November 7 will lead the statewide ceremonies on December 4.

December 5-6: City and County Tax Collectors

Opening with registration in the Institute of Government building in Chapel Hill at 2:00 o'clock Tuesday, December 5, and continuing with morning, afternoon and evening sessions through noon, Wednesday, December 6.

December 8-9: City and County Attorneys

Opening with registration in the Institute of Government building in Chapel Hill at 2:00 o'clock, Friday, December 8, and continuing with morning, afternoon and evening sessions through noon, Saturday, December 9.

December 11-16: City Engineers, Street Superintendents, Traffic Officials

Opening with registration in the Institute of Government building in Chapel Hill at 2:00 o'clock Monday, December 11, and continuing with morning, afternoon and evening sessions through noon, Saturday, December 16.

Week of December 18:

Local schools in 100 county courthouses, conducted by county tax supervisors for local list takers and assessors, from guidebooks prepared by the Institute of Government and supplemented by local experience, in preparation for the 1945 listing period beginning January 1.

FAITH, WORK AND PLAY IN WARTIME

Continuing a Series of Articles by the Dean of Administration
of the University of North Carolina

R. B. HOUSE

I think one of the greatest joys of reading for fun is now and then to run across a new book which seems to be especially written for one's own self. In reading Ferris Greenslet's *Under the Bridge*, I came across a reference to Lord Gray of Fallodon and a quotation from his address on *Recreation* to students at Harvard, about 1920. I went down to the library to find and read this whole address, and found that it was not only separately published, but was a part of a larger work, *The Fallodon Papers*, published by Houghton Mifflin in 1926. I have been delighted with these essays on the pleasures of reading, the pleasures of observing birds and outdoor nature in general, the pleasures of fly-fishing, and of Wordsworth's *Prelude* — Wordsworth is the favorite poet of Lord Gray. Every one loves confirmation of his own ideas and efforts in a given field. For over fifteen years I have been preaching the gospel of recreation as a means of refreshing people who have to work hard and seriously, so as to send them back to their jobs invigorated in spirit, mind, and body. In fact, running through my series of articles is something of this philosophy of enjoyment, and Lord Gray, in his essay on recreation, states practically every main point that I have been trying to make; hence, I have annexed his volume as one of my main resources.

First of all, I should like to praise the calm, happy spirit of repose which runs through these essays. Lord Gray, in World War I, is comparable to Anthony Eden, and to some extent Winston Churchill, in World War II. He liberally gave his time, his health, and his strength, to the service of his country; and like Milton, he even gave his eyes. These essays were not written at all. They are talks which he made after he was too blind to write. They were taken down by a stenographer and corrected verbally by Lord Gray when they were read to him. And yet, there is not a single note of unhappiness; he is perfectly matter-of-fact about hardships and tragedies that strike all of us in life. But, and this is his main point, there are spiritual, mental, and physical resources of enjoyment in which every man, no matter how trying his condition may be, can find strength.

"Recreation" is Lord Gray's name for what I have been calling "enjoyment." Recreation, in Lord Gray's thought, is not the most important thing in life at all. He lists the following elements of a good life in the order of their importance: (1) a moral basis for action; (2) a reasonable share of domestic happiness;



(3) a job of work which gives a man a stake in his day and generation; (4) a reasonable amount of leisure. And then his entire theme is the wise use of this leisure.

Lord Gray advises every person to try games enough to find out what sort of games he may enjoy. In the second place, he advises everyone to keep alert to sportsmanship. He pays a tribute to golf, but says that he never made a golfer and never would. His game is tennis; but over and above his enjoyment of tennis is his passionate enjoyment of fly-fishing in running streams. His essay on this sport is truly enthusiastic and artistically done.

I am not a fly-fisherman myself, but it is a joy to hear a man talk about his own hobby in such convincing terms. Lord Gray says that a hobby of this sort must be one which the sportsman has loved for a long time and knows enough about to enjoy it in anticipation and in reminiscence when he cannot be actually employed in the sport itself.

After some practical advice on games and sport, Lord Gray recommends gardening as a recreation which increases in richness and satisfaction the longer one engages in it. And gardening, along with fishing, helps to introduce us to one of Lord Gray's main themes, Nature, which he talks about under the idea of appreciating the beauty of the world. He says that our appreciation of this beauty may amount to no more than seeing what sort of weather it is day by day. He is a country man and says that, at least, it is always some sort of a day, in the country. But he, himself, has not stopped there, and his book is full of wise and poetic, and at the same time, acutely accurate observations of birds, fish, woods and fields, the sea, and the stars.

But the pleasure of reading is the main recreational resource which Lord Gray testifies to after his long and busy life, as the surest and most available resource open to every busy man. An experienced teacher and critic of literature who enjoyed this book with me, tells me that Lord Gray has produced some of the best literary criticism he has ever read. What I enjoy in his talk about reading, I would not call literary criticism so much as a testimony to the healing, strengthening, and restoring power of great sentiments and thoughts which feed the soul and lift one above the humdrum and agitation of daily affairs. Poetry is Lord Gray's first exhibit in the field of reading. He is well versed in all English poetry. Shakes-

(Continued on page 17)

North Carolina Goes to the Polls

Election Laws and Practices Before, During and After November 7th, 1944

The Struggle for the Ballot in North Carolina

Beginning at 6:30 on the morning of Tuesday, November 7, 1944, tens of thousands of North Carolinians will go to the polls in around two thousand precincts near their homes, place a check mark after names printed on pieces of paper called ballots, and put those pieces of paper in little boxes, called ballot boxes, to be counted after 6:30 in the evening. They will go to these ballot boxes against the background of a thousand years of struggle which has transferred the power to govern from the King to the People. The cost of running this election will be around \$100,000 to the one hundred Counties and the State. Hitler tried to save us this expense.

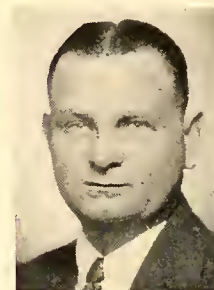
How did we, the people in North Carolina, obtain the ballot? What offices can the people fill? Who can be officials? Who can vote for these officials?

What Offices Can the People Fill?

In the year 1663, "Charles the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc.," granted the province of Carolina to eight of his "right trusty, and right well beloved cousins and counsellors . . . being excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominions," and authorized them to establish a government therein. Pursuant to this grant the Lords Proprietors appointed a Governor and instructed him and his Council to "appoint any officers whatsoever," and by and with consent of the freemen of the province to make "good and wholesome laws." The first of these laws appears to have been made in an assembly of all the freemen of the province in the County of Albemarle. Thereafter the freemen selected twelve delegates to represent them; in



Shown above is the present North Carolina State Board of Elections: William T. Joyner, Raleigh, Chairman; Walter H. Woodson, Salisbury; Adrian S. Mitchell, Winton; and Presley Brown, Wilkesboro. A photograph of J. Ray Morgan, Waynesville, the other member of the Board, was not available. To the right is Raymond C. Maxwell, for many years the Executive Secretary of the State Board.



1670 the County of Albemarle was divided into four precincts, to be represented in the General Assembly by five delegates each; and these representatives were the first officials to be elected by the people.

Starting from this beginning the people of the State won the right to elect:

Federal: Their President, Vice-President, and Representatives in Congress from the beginning of the national government, and in 1913 the right to elect their United States Senators.

State: In 1835 their Governor; in 1868 their Lieutenant-Governor, Secretary of State, Auditor, Superintendent of Public Instruction, Attorney General (also Superintendent of Public Works—abolished in 1873), Justices of the Supreme Court, Judges and Solicitors of the Superior Courts; in 1873 their State Treasurer; in 1899 their Labor Commissioner, Agriculture Commissioner and their Corporation Commissioners (succeeded in 1933 by the Utilities Commission with an elective chairman); in 1907 their Insurance Commissioner.

Local: The people in each county won the right to elect: in 1829 their sheriff; in 1833 their constables; in

1868 their county commissioners, clerk of the superior court, register of deeds, treasurer, coroner, surveyor. In some counties this movement for popular election extended to the tax collector (apart from the sheriff), judges and solicitors of county courts and perhaps in isolated instances to other county officials; to township boards of trustees in all counties when counties were divided into townships in 1868, to township school committees, and to justices of the peace; to mayors and councilmen of cities and towns, in some instances to the judges and solicitors of city courts, and occasionally to other officials.

Who Can Be Officials?

The people have had to climb over many hurdles on the way to public office.

Property. In 1776, a citizen had to own a freehold in lands and tenements valued at a thousand pounds or more in order to be Governor, and one hundred acres of land to be a member of the General Assembly; in 1835, he had to own three hundred acres of land to be a member of the State Senate; he had to be a freeholder, at least, to hold most offices, if not all; and this

property qualification for office-holding continued till 1856.

Race. In 1776 apparently free negroes could hold office; in 1835 this office-holding privilege was withdrawn; it was not restored till 1868.

Religion. In 1776 a citizen could not hold any public office or place of trust if he "denied the being of God, or the truth of the Protestant religion, or the divine authority of either the Old or New Testaments," or if he held "religious principles incompatible with the freedom and safety of the state" — a provision operating to exclude Catholics and Jews from public office or places of trust; this exclusion was removed as to Catholics in 1835 by changing the word "Protestant" to "Christian"; and this religious requirement was changed in 1868 so as to exclude from office only one who "denied the being of Almighty God."

Sex. Women could not hold office until the sex qualification was removed in 1920.

Thus, the year 1856 rubbed out the property line which had stood between the citizen and public office. 1835 rubbed out the "Protestant" line. 1868 rubbed out the "Christian" line. 1868 also rubbed out the color line. 1920 rubbed out the sex line. And today anyone may hold public office if he meets the following requirements:

Age. A citizen has to be 35 years old to be President; 30 years old to be Governor, Lieutenant-Governor or United States Senator; 25 years old to be a Congressman; 21 years old to be a member of the General Assembly, and to hold most other offices.

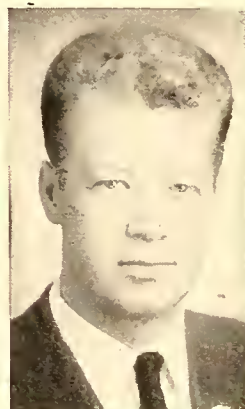
Citizenship and Residence. A citizen has to be native born and a resident of the United States fourteen years to be President or Vice-President; a citizen of the United States, native born or naturalized, for nine years, a resident of the State for one year and of the election precinct for four months to be a United States Senator; a citizen of the United States for seven years and a resident of the State for one year and of the election precinct for four months to be a Congressman; a citizen of the United States for five years and a resident of the

State for two years to be Governor or Lieutenant-Governor; a citizen and resident of the State for two years, and a resident of his district for one year preceding his election in order to be a member of the State Senate; a citizen and resident of the State for one year and a resident of his county for one year preceding the election in order to be a member of the State House of Representatives; a citizen and resident of the State for one year and of the election precinct for four months for other offices.

Criminality. One cannot hold public office if, since being a citizen of the United States, he has been convicted or confessed his guilt on indictment pending, whether under sentence or suspended sentence, for any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, or of corruption or malpractice in office, unless he has been restored to the rights of citizenship.

Duelling. One cannot hold public office if he has fought a duel, or assisted in the same as a second, or sent, accepted, or knowingly carried a challenge therefor, or agreed to go out of the State to fight a duel.

Double-Office Holding. One who holds any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, cannot hold any other office or place of trust or profit under the authority of this State. This prohibition does not apply to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.



**CLIFFORD
PACE**

Assistant
Director
Institute of
Government

Who Can Vote for These Officials?

The people have had to climb over many hurdles on their way to the ballot box.

Property. In 1776 a citizen could not vote for his representative in the General Assembly unless he was a freeholder within the county; he could not vote for his State Senator unless he owned fifty acres of land. This property qualification for voters continued until 1856.

Payment of Taxes. In 1776 a citizen could not vote for his representative in the General Assembly unless he had paid taxes for the preceding twelve months; in 1901 he could not vote for any official unless he had paid his poll tax for the previous year. This taxpaying requirement continued until 1920.

Race. In 1776 slaves could not vote, but free negroes could; in 1835 the vote was taken from free negroes; in the 1868 Constitution, slavery was abolished and men were allowed to vote thereafter without regard to "race, color or previous condition of servitude"; in 1908 the literacy test withdrew the ballot from negroes who could not read and write any section of the constitution to the satisfaction of the registrar.

Sex. Women could not vote until 1920 when the sex qualification was removed.

Thus, the year 1856 rubbed out the property line which had stood between the citizen and the ballot and permitted men without property to vote. 1868 rubbed out the color line and permitted negroes to vote. 1920 rubbed out the tax line and permitted people who had not paid taxes to vote. 1920 also rubbed out the sex line and permitted women to vote.

Every one of these advancing steps has brought more people into participation in their government, until *any person may vote in the General Election to be held in North Carolina Tuesday, November 7, 1944, if he meets the following requirements:*

Age: If he will be 21 years old on or before Tuesday November 7, 1944.

Citizenship: If he is a native born or naturalized citizen.

Residence: If he has resided in

the State of North Carolina for one year, and in the precinct, ward, or election district in which he wishes to vote, for four months preceding November 7, 1944, with the intention of making that place his permanent place of abode. To illustrate: the Attorney General has ruled that a person residing in his trailer in a trailer camp on a reservation owned by the Federal government could not acquire a voting residence because the residence necessarily could not be permanent; that for the same reason a patient in a State institution could not acquire a voting residence; but that if an enlisted man living off the reservation with his family at his army post could convince the registrar of his bona fide intention to make that place his residence, he should be allowed to register if he meets the other qualifications.

If he has moved from one precinct to another in the same county within four months of the election, he must vote in the old precinct. If he has moved from one precinct to another in the same city, town, or township, he must secure a certificate of removal from the old precinct showing that his name has been marked off the books, and present it to the registrar of the new precinct.

Literacy: If he can read and write any section of the Constitution of North Carolina to the satisfaction of the registrar of the precinct in which he appears to vote, or if he was a registered voter entitled to vote under the laws of any state of the United States on or before January 1, 1867, or is the lineal descendant of such a voter, provided, in either case, he registered prior to December 1, 1908 on the permanent record provided by law.

Mentality: If he is above the mental level of an idiot or a lunatic.

Criminality: If he has not been convicted or has not confessed guilt in open court, upon indictment, for a felony (a crime which may be punished under North Carolina law by imprisonment in the State's prison), unless thereafter his citizenship is restored.

Registration: If he has registered as provided by law.

He must have appeared *in person*



**ALBERT
COATES**

Director,
Institute of
Government

before the registrar (or County Chairman if he is going to be absent during the registration period) and take the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for one year, and of the township (precinct or ward) for four months; or that I was a resident of township (ward or precinct) on the day of (being four months preceding the election) and removed therefrom to township (ward

or precinct), where I have since resided; that I am twenty-one years of age; that I have not registered for this election in any other ward or precinct or township. So help me, God."

Challenges: His right to vote may be challenged at the polling place by any voter on Saturday, November 4th, or on election day by any voter, watcher or election official; and he must thereupon appear before the registrar and judges of election at the time set by them (before the polls close, if on election day), prove his identity and residence by testimony of another voter, and take an oath as to his qualifications.

Popular government is here to stay and grow. The currents of history run in its direction with the momentum of a thousand years. The temporary setbacks it has had have been no more than the fluctuations of the waves on the surface of a rising tide.

The thousand years of struggle to transfer the power to govern from the King to the People begets another and no less compelling struggle to bring the people who have won the power to govern into an active and understanding participation in public affairs.

APPLICATION FOR ABSENTEE VOTER'S BALLOT

(Read reverse side before signing)

I,, do hereby certify that I am a duly qualified voter in precinct, Township, in the County of, North Carolina, and that I am entitled to vote in the general election to be held therein on the day of 19.....:

(a) That I will be absent from the county during the day of the election;

(b) That by reason of sickness, or other physical disability, I will be unable to travel from my home, or place of confinement, to the voting place in my precinct;

(Strike out whichever of (a) or (b) is inappropriate) and I hereby make application for the official ballot, or ballots, to be voted by me in such general election, and that I will return said ballot, or ballots, to the official issuing the same, before the date of said general election.

Dated.....

P. O. Address.....

(Signed).....

Witness:.....

CERTIFICATE OF CHAIRMAN OF ELECTION BOARD

I, _____, Chairman of the County Board of Elections of _____ County, do hereby certify that the above application was received by me from _____, on the _____ day of _____, 19____, by personal delivery to me by the voter or by a member of his or her immediate family, or by mail addressed to me; that this application is number _____, and that I have delivered, or caused to be delivered at my direction and under my supervision, in person to _____, the said voter, or _____, a member of his or her immediate family, or have mailed to him, or her, at the designated post office address, the official ballot with the name of the applicant certified on said ballot or ballots, and that I delivered, or caused to be delivered at my direction and under my supervision, in person, or to said member of his or her immediate family, or mailed, to the voter a container envelope for said ballot, bearing the same number with the name of the voter and his voting precinct entered thereon; and that I also, at the same time, furnished a return envelope, bearing my name and address, in which the ballot could be returned to me.

I further certify that this application was registered by me, in a register furnished for that purpose by the State Board of Elections, on the day that it was received and the ballot issued, and that it bears the same number on the register as this application and the container envelope furnished.

Dated _____

(Signed) _____

Chairman, _____ County Board of Elections.

Application Number _____

The absentee voter, on receiving the ballots: (1) goes before an officer with a seal authorized to administer oaths (usually a notary public); (2) marks each ballot in the presence of the officer; (3) signs his name on the line provided on the bottom margin of each ballot; (4) folds the ballots separately, and places them in the container-return envelope, and seals the envelope in the presence of the officer; (5) fills out, subscribes and swears to the affidavit on the envelope before the officer; (6) if he is absent from the county, mails the envelope to the Chairman; if he is in the county, mails it to the Chairman, or delivers it to him in person, or has it delivered to him by a member of his immediate family.

The Chairman prepares, by precincts, four lists of the applications he receives: one is sent to the State Board of Elections, together with all original applications and his certificate that they were the only absentees issued by him; one is posted at the courthouse door; he keeps one for himself; and one goes to the

Absentee Voting**Civilians**

Any qualified civilian voter who will be absent from the county in which he is entitled to vote on election day, or who is too sick or physically disabled to go to the voting place may apply for an absentee ballot to the Chairman of the County Board of Elections in person or by a member of his immediate family (husband, wife, brother, sister, parent or child) not later than Saturday, November 4th, on the form on page 5.

The Chairman assigns a number to the application and fills out his certificate thereon as shown above.

The Chairman enters in the Register of Absent Voters the voter's name, number, precinct and reason for voting by absentee, the date the application was received and the date and manner (whether in person to voter or a member of his family or by mail) of delivering the ballots.

He folds one each of the ballots appearing on pages 8 and 9 and places them in the container-return envelope shown to the right. On the other side of the envelope the Chairman enters the voter's name, precinct and the number of his application.

AFFIDAVIT OF ABSENTEE OR SICK VOTER

State of _____
County of _____

I, _____, do solemnly swear that I am a resident and qualified voter in _____ Precinct, _____ County, North Carolina; that I will be absent from my county on the day of the general election on November 7th, 1944; (or that due to illness or physical disability I will be unable to travel to the voting place on election day). I further swear that I made application for this absentee ballot, or same was made for me by some member of my immediate family, and that I marked the ballots enclosed herein, or the same were marked for me in my presence and according to my instructions.

Signature of voter.

Sworn to and subscribed before me this _____ day of _____, 1944.

Signature and title of officer.

(Seal)

(Acknowledgement of servicemen may be taken before any commissioned officer or any officer with seal.)

(Left and right halves of envelope)

To _____ Chairman,
_____ County Board of Elections,
_____ North Carolina,
United States of America.
No. of Application _____
Name of Voter _____
Precinct of Voter _____

registrar of each precinct, to be delivered to him, with all the container-return envelopes for that precinct (unopened) on the morning of November 7th, and posted by him by twelve o'clock that day.

Members of the Armed Forces

How can a soldier storming the Siegfried Line or a sailor on a carrier which is launching planes against Formosa register and cast his vote on Tuesday, November 7th? There are a lot of miles and a lot of obstacles between them and the ballot boxes.

State Ballot—

The procedure is very simple and has been working since before the primary last June. The soldier, sailor, marine or member of the women's branches of the service applies, at any time prior to November 7th, for absentee ballots to the Secretary of State or to the Chairman of his County Board of Elections by a letter or post card. A member of his immediate family may write the letter or card, or a regular absentee application, to the Chairman for him.

Upon receiving the application, the Chairman: (1) ascertains whether the applicant is qualified to register and vote (if he is not already registered), using reasonable diligence to determine his qualifications; (2) registers him and the precinct number assigned to him in the Special Military Absentee Registration Book provided by the State Board before the primary; and (3) mails him one official ballot of each kind in the regular container-return envelope.

When the applicant gets his ballots wherever he may be, he goes before any commissioned officer of the armed forces or any official with a seal, and follows exactly the same procedure as the civilian absentee voter, mailing the ballots back to the Chairman.

The Chairman places the letter "B" by the name of each voter who returns his ballots. On Monday, November 6th, he prepares by precincts a list of all military absentee voters for each precinct. He mails one copy of the list to the State Board of Elections, keeps one copy for himself, and delivers two copies, together with all container-return

OFFICIAL FEDERAL WAR BALLOT

Instruction.—To vote, write in the name of the candidate of your choice for each office.

Electors of President and Vice President of the United States
(A vote for President includes a vote for Vice President of the same party, and shall be deemed to be a vote for the candidates by name for Presidential and Vice Presidential electors of his party in your State)

Write in the name of your choice for President.

United States Senator
(ONLY if a Senator is to be elected in your State)

Write in the name of your choice for Senator.

United States Senator, Unexpired Term
(ONLY if a Senator is to be elected in your State for an unexpired term)

Write in the name of your choice for Senator.

Representative in Congress for Your District

Write in the name of your choice for Representative in Congress for your district.

Representative at Large in Congress
(ONLY in the States entitled thereto)

Vote for one or two
as the case may be

Write in the name or names of your choice for Representative at Large.

envelopes received by him, to the registrar on election day. The registrar posts one copy at the polling place but does not register the military absentee voters in the regular registration book.

The Federal Ballot—

If a member of the armed forces (or allied organizations serving with the armed forces) outside the United States applied for a state absentee ballot prior to September 1st but had not received it as of October 1st, he may vote for President, Vice President, Senator and Congressman on the Official Federal War Ballot shown above. The State Board of Elections has ruled that the Federal Ballot may be voted even though the Chairman never received the voter's application for a State Ballot.

He writes in the names of the candidates he chooses, puts the ballot in the inner envelope shown on

page 10, fills in the information required on the first side of the envelope, subscribes and swears to the oath on the other side, and mails the envelope to the Secretary of State.

Upon receipt of the Federal ballot from the Secretary of State, the Chairman inspects the Military Absentee Book to see if the voter's name is entered there, passes upon the sufficiency of the oath, indicates the return of the ballot with the letters "B F", and delivers the envelope containing the ballots to the registrar of the proper precinct.

Casting the Ballot

The story of election laws in North Carolina is the story of the struggle to register the will of the people at the polls; the struggle to win the right: to vote, to select the candidates to be voted for, to vote without fear or pressure. There has been the struggle to make every

OFFICIAL PRESIDENTIAL BALLOT

- INSTRUCTIONS TO VOTER
- To vote a straight ticket, make a cross (X) mark in the circle of the party you desire to vote for.
 - A vote for the names of candidates for President and Vice-President is a vote for the Electors of that party, the names of whom are on file with the Secretary of State.
 - If you tear or deface or wrongly mark this ballot, return it and get another.

DEMOCRATIC
FOR A STRAIGHT TICKET

MARK WITHIN THIS CIRCLE

For President and Vice-President of The United States:

FRANKLIN D. ROOSEVELT
HARRY S. TRUMAN

REPUBLICAN
FOR A STRAIGHT TICKET

MARK WITHIN THIS CIRCLE

For President and Vice-President of The United States:

THOMAS E. DEWEY
JOHN W. BRICKER

Election November 7, 1944.

William T. Joyner
Chairman of State Board of Elections.

Official Ballot for State Officers, U. S. Senator and Congressman

- INSTRUCTIONS TO VOTER
- To vote a straight party ticket, make a cross (X) mark in the circle of the party you desire to vote for.
 - To vote a mixed ticket, or in other words for candidates of different parties, either omit making a cross (X) mark in the party circle at the top and mark in the voting square opposite the name of each candidate on the ballot for whom you wish to vote, or make a cross (X) mark in the party circle below the name of the party for some of whose candidates you wish to vote, and then mark in the voting squares opposite the names of any candidate of any other party for whom you wish to vote.
 - If you tear or deface or wrongly mark this ballot, return it and get another.

DEMOCRATIC
FOR A STRAIGHT TICKET

MARK WITHIN THIS CIRCLE

For United States Senator
☐ CLYDE R. HOEY

State Officers
For Governor:
☐ R. GREGG CHERRY

For Lieutenant Governor:
☐ L. Y. BALLENTINE

For Secretary of State:
☐ THAD EURE

For State Auditor:
☐ GEORGE ROSS POU

For State Treasurer:
☐ CHAS. M. JOHNSON

For Attorney General:
☐ [Name]

REPUBLICAN
FOR A STRAIGHT TICKET

MARK WITHIN THIS CIRCLE

For United States Senator
☐ A. I. FERREE

State Officers
For Governor:
☐ FRANK C. PATTON

For Lieutenant Governor:
☐ GEORGE L. GREENE

For Secretary of State:
☐ W. H. GRAGG

For State Auditor:
☐ J. M. VAN HOY

For State Treasurer:
☐ S. B. ROBERTS

For Attorney General:
☐ CAL L. MORDIC

Official Ballot for State Senators, Members of the House of Representatives and County Officers

- INSTRUCTIONS TO VOTER
- To vote a straight party ticket, make a cross (X) mark in the circle of the party you desire to vote for.
 - To vote a mixed ticket, or in other words for candidates of different parties, either omit making a cross (X) mark in the party circle at the top and mark in the voting square opposite the name of each candidate on the ballot for whom you wish to vote; or, make a cross (X) mark in the party circle above the name of the party for some of whose candidates you wish to vote, and then mark in the voting squares opposite the names of any candidate of any other party for whom you wish to vote.
 - You must sign your name on the blank line at the bottom of this ballot to make it valid.

DEMOCRATIC
For a Straight Ticket

Mark Within This Circle

For State Senators 14th Senatorial District
(Vote for Two)

☐ CLAUDE CURRIE
☐ F. D. LONG

For Members of House of Representatives
(Vote for Two)

☐ OSCAR G. BARKER
☐ ROBERT M. GANTT, SR.

For Register of Deeds
(Vote for One)

☐ R. GARLAND BROOKS

For County Treasurer
(Vote for One)

☐ J. D. PRIDGEN, SR.

For Judge Recorder's Court
(Vote for One)

☐ A. H. BORLAND

For Prosecuting Attorney Recorder's Court
(Vote for One)

☐ S. C. BRAWLEY, JR.

For Clerk Recorder's Court
(Vote for One)

☐ S. O. RILEY

For County Surveyor
(Vote for One)

REPUBLICAN
For a Straight Ticket

Mark Within This Circle

For State Senators 14th Senatorial District
(Vote for Two)

☐ B. W. O'NEAL

For Members of House of Representatives
(Vote for Two)

☐ A. N. HUTCHINS
☐ O. A. JOHNSON

For Register of Deeds
(Vote for One)

☐ JAMES L. BENNETT

For County Treasurer
(Vote for One)

☐ H. H. WEST

For Judge Recorder's Court
(Vote for One)

☐

For Prosecuting Attorney Recorder's Court
(Vote for One)

☐

For Clerk Recorder's Court
(Vote for One)

☐

For County Surveyor
(Vote for One)

☐

(The sample county and township ballot)

For County Commissioners
(Vote for Five)

☐ NEILL A. BLUE

☐ A. V. COLE

☐ RALPH R. COOKE

☐ DAN W. McLEAN

☐ LONNIE G. STRICKLAND

For County Board of Education
(Vote for Five)

☐

☐

☐

☐

☐

For County Commissioners
(Vote for Five)

☐ R. L. BRAME

☐ L. G. CHEEK

☐ GEORGE F. KIRKLAND

☐ O. A. McCULLERS

☐ S. LEROY PROCTOR

For County Board of Education
(Vote for Five)

☐ CLIFTON BALL

☐ ERNEST S. BOOTH

☐ C. C. COUNCIL

☐ T. O. SORRELL

☐ ERIC L. TILLEY

ts shown are from Durham County.)

☐ B. CARL FUSSELL

For Commissioner of Agriculture:

☐ CLARENCE T. ALLEN

For Commissioner of Insurance:

☐ HALSEY B. LEAVITT

For Commissioner of Labor:

☐ JAMES E. SPENCE, JR.

For Associate Justice of Supreme Court:

☐ E. P. STILLWELL

For Associate Justice of Supreme Court:

☐ ALGERNON L. BUTLER

For Member of Congress
Fourth Congressional District

☐ J. IRA LEE

☐ CLYDE A. ERWIN

For Commissioner of Agriculture:

☐ W. KERR SCOTT

For Commissioner of Insurance:

☐ WILLIAM P. HODGES

For Commissioner of Labor:

☐ FORREST H. SHUFORD

For Associate Justice of Supreme Court:

☐ A. A. F. SEAWELL

For Associate Justice of Supreme Court:

☐ WILLIAM A. DEVIN

For Member of Congress
Fourth Congressional District

☐ HAROLD D. COOLEY

Election November 7, 1944.

William T. Joyner

Chairman State Board of Elections.

OFFICIAL BALLOT ON

CONSTITUTIONAL AMENDMENTS

INSTRUCTIONS TO VOTER

1. To vote "Yes" on any question, make a cross (X) mark in the square to the right of the word "Yes."

2. To vote "No" on any question, make a cross (X) mark in the square to the right of the word "No."

3. If you tear or deface or wrongly mark this ballot, return it and get another.

1

YES ☐ FOR making Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance constitutional officers and members of the Council of State.

NO ☐ AGAINST making Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance constitutional officers and members of the Council of State.

2

YES ☐ FOR Amendment Exempting Notaries Public from Prohibition against Double Office Holding.

NO ☐ AGAINST Amendment Exempting Notaries Public from Prohibition against Double Office Holding.

3

YES ☐ FOR State Board of Education Amendment.

NO ☐ AGAINST State Board of Education Amendment.

4

YES ☐ FOR Amendment Authorizing General Assembly to provide compensation for Lieutenant Governor.

NO ☐ AGAINST Amendment Authorizing General Assembly to provide compensation for Lieutenant Governor.

5

YES ☐ FOR Amendment Abolishing Constitutional Requirement of Private Examination of Wife for Sale of Homestead.

NO ☐ AGAINST Amendment Abolishing Constitutional Requirement of Private Examination of Wife for Sale of Homestead.

Election November 7, 1944.

William T. Joyner

Chairman State Board of Elections.

For County Commissioners
(Vote for Five)

☐ NEILL A. BLUE

☐ A. V. COLE

☐ RALPH R. COOKE

☐ DAN W. McLEAN

☐ LONNIE G. STRICKLAND

For County Board of Education
(Vote for Five)

☐

☐

☐

☐

☐

For County Commissioners
(Vote for Five)

☐ R. L. BRAME

☐ L. G. CHEEK

☐ GEORGE F. KIRKLAND

☐ O. A. McCULLERS

☐ S. LEROY PROCTOR

For County Board of Education
(Vote for Five)

☐ CLIFTON BALL

☐ ERNEST S. BOOTH

☐ C. C. COUNCIL

☐ T. O. SORRELL

☐ ERIC L. TILLEY

Stigmund M. Joyner

Chairman Durham County Board of Elections.

OFFICIAL BALLOT FOR TOWNSHIP OFFICERS

INSTRUCTIONS TO VOTER

1. To vote a straight party ticket, make a cross (X) mark in the circle of the party you desire to vote for.

2. To vote a mixed ticket, or in other words for candidates of different parties, either omit making a cross (X) mark in the party circle at the top and mark in the voting square opposite the name of each candidate on the ballot for whom you wish to vote; or, make a cross (X) mark in the party circle above the name of the party for some of whose candidates you wish to vote, and then mark in the voting squares opposite the names of any candidate of any other party for whom you wish to vote.

3. You must sign your name on the blank line at the bottom of this ballot to make it valid.

DEMOCRATIC

For a Straight Ticket

☐

Mark Within This Circle

For Constable Durham Township
(Vote for One)

☐ L. S. SHAW

For Justice of the Peace Durham Township

☐

REPUBLICAN

For a Straight Ticket

☐

Mark Within This Circle

For Constable Durham Township
(Vote for One)

☐ C. B. SPARROW

For Justice of the Peace Durham Township

☐ J. G. CARTER

Election, November 7, 1944.

Stigmund M. Joyner

Chairman Durham County Board of Elections.

OFFICIAL FEDERAL WAR BALLOT FOR GENERAL ELECTION

Name of voter
(PRINT your name plainly here)

Home residence:

Street and number (if any) or rural route.....
(PRINT street and number or
rural route plainly here)

City or town (if any).....
(Print city or town plainly here)

County
(PRINT county plainly here)
(MUST be administered and attested)

Personally appeared before me the above named voter to me known and known to me to be the person who, after being duly sworn, subscribed the foregoing oath. In witness whereof I have set my hand this.....day of....., 19.....

Commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath:

(Back and front of inner envelope)

OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTIONS TO BE HELD IN 19.....

I do hereby swear (or affirm) that:

- (1) I am a citizen of the United States;
- (2) The date of my birth was.....;
- (3) For.....years preceding this election my home residence has been in the state of.....;
- (4) For..... years preceding this election my home residence has been in the (city, town, or village) of..... in the county of.....at (street and number if any, or rural route)

(5) I am (check appropriate item):

- (a) in the armed forces outside of the United States ☐;
- (b) in the merchant marine outside of the United States ☐;
- (c) serving with the American Red Cross ☐, the Society of Friends ☐, the Women's Auxiliary Service Pilots ☐, or the United Service Organizations ☐, outside the United States, and am attached to and serving with the armed forces of the United States;

(6) (Note: Check this item only if true)

I have, prior to September 1, applied for a State ballot for this election, but, as of October 1, have not received it . . ☐; and that I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

(Voter MUST WRITE his usual signature here and oath MUST be administered and attested)

Personally appeared before me the above named voter to me known and known to me to be the person who, after being duly sworn, subscribed the foregoing oath. In witness whereof I have set my hand this.....day of....., 19.....

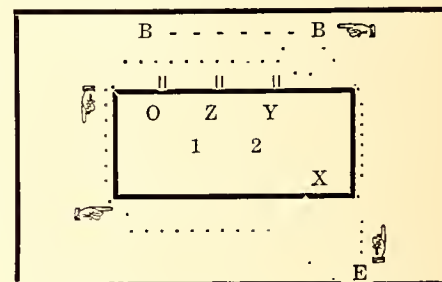
Commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath."

vote stand on its own bottom: by making it a crime for the voter to sell his vote, a crime for anyone to buy it, a crime for anyone to stuff the ballot box or in any way pollute the process of elections, and by providing for a secret ballot so that votes that are bought and paid for need not necessarily be delivered, by keeping people from loitering or electioneering within 50 feet of the polling place, and by keeping everybody out of the voting enclosure while voting is going on. Excepted, of course, are (a) election officials, (b) persons assisting election officials, (c) voters in the act of voting, (d) persons helping voters who are entitled to be helped, (e) peace officers actually engaged in keeping the peace (when peace officers are not actually preventing disorder, they must stay ten feet from the entrance), and (f) watchers and challengers while giving reasons for the challenge.

Preparing for Election Day

The County Board of Elections:

- (1) Provides at least one voting place in every precinct, conveniently located for the majority of voters; and for this purpose it may demand the use of a school or other public building.
- (2) Arranges the polling place so that it may be fixed as nearly like the following diagram as possible:



E. Entrance to voting place

X. Judge with ballots and envelope for spoiled ballots

B. Voting booths

Y. Poll book

C. Ballot boxes

1, 2. Other election officials.

. . . Direction of entry and exit of voters.

- (3) Provides voting booths which are: (a) located in plain view of the judges of election, (b) at least three feet square and six feet high, with three sides and a door or a curtain which reaches within two feet of the floor, (c) properly

lighted and equipped with tables or shelves and supplies for the convenient marking of ballots, (d) so arranged that a voter in one booth may not see how a voter in another marks his ballot, and (e) in such number that there will be at least one booth for each one hundred voters qualified to vote at the polling place.

(4) Provides ballot boxes three days before the election day; there must be a separate box for each class of tickets to be voted and a separate box (more frequently an envelope) for spoiled ballots; each box must be marked so as to show which class of ticket is to be placed therein, must be equipped with a lock and key, and must have an opening in the top just large enough to allow a single ballot to go through.

(5) Provides ballots three days before election day in the number of 125 to each 100 voters in the precinct, and wraps the ballots for each precinct in a separate package.

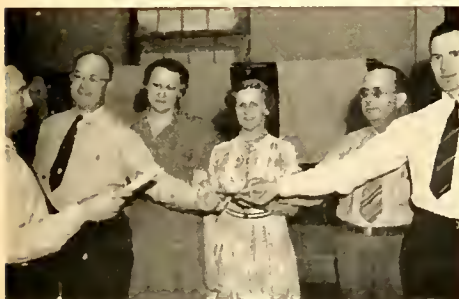
(6) Furnishes envelopes for returning spoiled and unused ballots.

(7) Provides for the purchase and maintenance of any books, maps, flags, blanks, cards of instruction or other equipment which may be used at the polling place.

(8) Provides for the delivery of poll books, ballots and other equipment to the polling place.

Before the Polls Open on Election Day

At six o'clock in the morning on Tuesday, November 7th, approximately six thousand precinct election officials will converge on approximately 2,000 election precincts in North Carolina and take the following oath, as shown here (this and the following pictures were made during the last presidential election):



"I do solemnly swear that I will administer the duties of my office without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that I will not keep or make any memorandum of anything occurring within the voting booths, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

They stake off the voting enclosure and within it arrange the tables and chairs, ballots and ballot boxes, registration book and poll book, and the voting booths. They unlock the ballot boxes, as shown here, in the presence of authorized watchers and any other electors who may be present, so all may see they are empty, and then relock them and see that they are not opened again until after the polls are closed.



They open the sealed packages of ballots and proclaim at 6:30 A.M. Eastern Standard Time (the same as Eastern War Time for this purpose) that the polls are open.



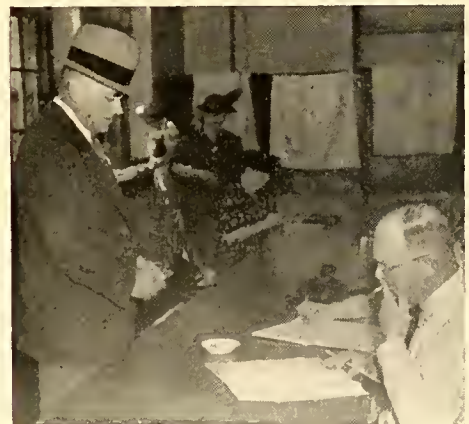
After the Polls Are Opened

Here is shown one North Carolina citizen leaving his home on the morning of the last presidential



election, and going through the dramatic and important process of electing his officers large and small.

He enters the voting place, a school building which has been temporarily commandeered for this purpose.



He enters the voting enclosure, walks up to the precinct officials, and gives his name and address to one of the judges. The judge of election announces the voter's name and address in a distinct tone, and the registrar looks to see if he is registered.

If the voter is registered, the registrar enters a check mark in the 1944 column of the registration book, the judge of elections enters his name in the poll book, and, if he is not challenged, the judge gives him one official ballot of each kind, folded so that the face of the ballot (except for the top margin indi-



cating the kind of ballot) cannot be seen. The judge instructs the voter to refold the ballot in the same creases after he has marked it. Once he has received the ballots, the voter is forbidden to leave the voting enclosure until he has finished voting; if he does leave, he will not be permitted to come back inside to vote. When the voter finds that his name is not on the registration book, if he shows to the satisfaction of the registrar and judges that it was left off by mistake of the registrar or that he has become qualified after registration closed, he will be allowed to register and vote.

The voter takes the ballot into a voting booth and marks it with a cross mark, a check mark, or other clear indicative mark, according to the rules set out on the top of each ballot, as shown on previous pages.



If he wants to vote for a person whose name does not appear on the ticket, he strikes out the name that does appear there, writes in the name of the person he wants, and makes a cross mark in the blank space at the left of the name so

written in. Persons elected by write-in votes may constitutionally qualify and serve.

The voter cannot enter a booth already occupied, and he must not stay in the booth he enters more than five minutes if all other booths are occupied and voters are waiting. In that time, he marks his ballots and re-folds them so that the face cannot be seen. If he spoils a ballot, he returns it to the registrar or judge and gets another one, and the registrar puts the spoiled ballot in the "spoiled ballots" box.

Markers. If the voter is so disabled that he cannot enter the voting booth without assistance or whenever a voter is illiterate (confined to persons registered under the Grandfather Clause), he follows one of two procedures:

(1) Requests the assistance of one of the official markers, designating his choice.

Markers are appointed by the County Board of Elections, together with the registrar of each precinct, from lists furnished by the political parties; no number is specified by law, but fair representation must be given to the parties. They must be persons of good moral character, with the requisite educational qualifications, and be bona fide electors of the precincts for which they are appointed. They receive no compensation but must take the same oath as registrars and judges of elections. Markers may remain inside the voting enclosure, but must not come within ten feet of the guard rail except when going to or returning from the booth with any elector.

(2) Selects a member of his or her family, who shall have the right to accompany the voter into the booth and assist in the preparation of the ballot, but such relative must vacate the booth and withdraw from the voting arena immediately after rendering the desired assistance. The Attorney General has ruled that there is no restriction on the number of times that a person may render such assistance so long as the persons assisted are members of his family.

Watchers and Challengers. Each political party or independent candidate named on the ballot may, by

a writing signed by the party chairman or the independent candidate or his manager filed with one of the judges, appoint two watchers for each polling place. The watchers must be of good moral character, and the judges and registrar may reject appointees for good cause and require other appointments. They serve as challengers and may not enter the guard-rail but may be present at the opening of the boxes and the canvass. Their right to enter the election space to challenge a voter is the same as that of any other elector.



The voter leaves the booth, goes to the ballot boxes, and puts each ballot in the proper box or hands them to one of the judges to be placed in the boxes. If he decides not to vote one particular ballot, he should hand it back to the judge when he puts the marked ballots in the boxes.

His ballot cast, the voter leaves the voting place to make way for his fellow citizens to follow suit.



Absentee Ballots. At some time during the day of the election or immediately after the polls are closed on that day, the precinct election

officials dispose of all absentee ballots in the following manner:

(1) One of the judges calls the name of the voter as it appears on the affidavit.

(2) If he is found to be a qualified voter and no challenge is offered, the name is recorded on the poll book with the notation "absent vote."

(3) A judge then opens the envelope with a sharp instrument, takes out the ballots without unfolding them and checks to see whether the name on the ballot is the same as that on the affidavit.

(4) If the two names are the same, the ballot, without being unfolded, is dropped into the proper ballot box.

Rejecting Absentees. If the name on the affidavit and the name on the back of the ballot do not correspond; if any ballot is not signed; if the chairman's certificate is not signed; if the voter's affidavit is not acknowledged or is acknowledged before an improper officer or in any way improperly acknowledged; if the acknowledging officer's seal or signature is left off; or if the absentee ballot is not in all respects proper, the ballot should be returned to its envelope and marked "Rejected." If an absentee ballot is challenged and the challenge is sustained, the ballot must be returned to its envelope and marked "Challenge Sustained." Ballots thus rejected must be filed with the Chairman of the County Board of Elections, who must keep them at least six months. An absent voter whose ballot is rejected may appear before the County Canvass to sustain its validity and if it is then decided that the ballot is valid, it must be counted.

At 6:30 P.M. Eastern Standard Time the precinct officials announce that the polls are closed; thereafter no other voters enter the voting enclosure, but those in line within the enclosure proceed to cast their ballots. The judge signs and closes the poll book, and the registrar closes the registration book and takes custody of the poll book.

Counting and Recording the Votes

The Precinct Count

The registrar and judges of elec-



tions must stay together in the voting place from the time the ballot boxes are opened for counting until all votes are counted and the returns made out. If one of the officials is forced to leave by unavoidable necessity, the Board of Elections may select another qualified person to take his place.

One Box at a Time. As soon as the polls are closed, the registrar opens one ballot box, in the presence of the judges of elections and any



watchers or voters present, and the votes in this box are counted before the next box is opened, and so on until all boxes are opened and all votes counted.

One Ballot at a Time. One of the judges of elections: (1) takes one ballot at a time out of the box; (2) agrees with the other judge and registrar how it shall be counted; and (3) reads aloud in a clear voice the names of the candidates voted for (or the vote on any issue submitted on the ballot), while the tally-man marks each vote directly on the tally sheets.

Disputed Ballots. If the judges of election and the registrar cannot



agree on the counting of any ballot, due to defacements or the peculiarity of its marking, they put it in an envelope marked "disputed ballots" and return it uncounted to the County Board of Elections.

Spoiled Ballots. They do not count a ballot which the voter has torn, defaced or folded with any paper or other article in it, or marked contrary to law, or if it is in such condition that it does not reveal the voter's choice.

If a ballot is put in the wrong box by mistake, it should be counted, if it otherwise appears to be a legal ballot, and is not surrounded by suspicious circumstances, such as being one of a large number of county ballots found in the box for state ballots.

Ballots Spoiled in Part. They count that part of a ballot which reveals the voter's choice between some candidates, even though they cannot tell his choice, and therefore cannot count it, as to others. The opinions of the Attorney General's office reveal the following points: if a ballot is marked in the party circle and also for some individuals of the same party, it is counted as a straight ticket; if a ballot is marked in the party circle on both sides and also for individual candidates on both sides, it counts only for the individual candidates marked; if a ballot is marked in the party circle on one side and for individual candidates on both sides, it counts as a vote for all candidates under the party circle except for the offices for which candidates are marked on the other side.

The registrar and judges return the ballots to the box as soon as they are counted, lock the box, and sometimes seal it as an added precaution.

Accounting for Ballots. Within

three days after election day the precinct officials: (1) put spoiled ballots in an envelope marked "spoiled ballots"; (2) put unused ballots in an envelope marked "unused ballots"; and (3) make a written report under oath of the registrar of any ballots stolen or destroyed. They return these to the County Board of Elections, which checks to see if these, plus the number of ballots actually voted, add up to the total number of ballots furnished to the registrar before the election.

After the Counting Is Over. The registrar and judges of election: (1) make out two copies of precinct returns on forms furnished by the State Board of Elections and sign them before they leave the voting place; (2) give one copy (in a sealed envelope) to the registrar or one of the judges (whichever of the officials is chosen) to be taken to the County Board of Elections at the county canvass; (3) give the other copy to another of the precinct officials to mail to the Chairman of the County Board of Elections on the night of the election.

The County Canvass

Who Attends. The County Board of Elections assembles at the county courthouse on Thursday, November 9th, at 11:00 A.M. with the precinct official chosen to attend from each precinct and any voters who care to attend.

What They Bring With Them. The designated precinct officials bring with them to the Canvass: (1) one copy of the precinct returns; (2) spoiled and unused ballots; (3) absentee ballots which were rejected; and (4) the poll and registration books.

What They Do. The County Board of Elections:

(1) Opens the returns from each precinct, canvasses and determines the results of the voting in the county, and issues a signed statement containing: (a) The number of legal ballots cast in each precinct for each candidate; (b) the name of each person voted for and the political party to which he belongs, and (c) the number of votes cast for each person for each office.

(2) Prepares abstracts of the votes cast in each precinct for each

candidate, using a separate sheet for candidates of each class: (a) President and Vice-President; (b) Governor and all state officers, justices of the Supreme Court, judges of the Superior Courts, United States Senator; (c) representatives in Congress; (d) solicitor; (e) senators and representatives in the General Assembly; (f) county officers; (g) township officers; and (h) amendments and propositions.

Each of these abstracts must show the total number of votes cast for each candidate of each political party for each office in each precinct of the county. Each abstract must be signed by all the Board members with their certificates that the abstracts are correct.

(3) Prepare a duplicate abstract on each of the following offices and sign an affidavit on each that the abstract is true and correct: (a) President and Vice-President; (b) state officers and United States Senator; (c) representatives in Congress; (d) solicitors; (e) state senators in senatorial districts composed of more than one county; and (f) amendments and propositions.

(4) Determine which candidate has the highest number of legal votes for each of the following offices: (a) county and township offices; (b) representative to the General Assembly; and (c) state senator in a district composed of only one county.

(5) Proclaim at the courthouse door the results of the election, with the number of votes cast for each person.

After the County Canvass

The precinct official attending:

Files the registration and poll books with the Clerk of the Superior Court.

The County Board of Elections:

Files the original abstracts and the precinct returns with the Clerk of Court.

The Chairman of the County Board of Elections:

(1) Sends the duplicate abstracts of all national, state and district offices to the State Board of Elections in Raleigh within five days after the election.

(2) Sends certificates of election to elected county officers within ten

days after the election and notifies them to meet at the courthouse on the first Monday in December to be qualified and sworn in.

The Clerk of the Superior Court:

Sends to the Secretary of State under his official seal the following returns within two days after the original abstracts are filed in his office:

a. A statement of all the votes cast in his county for national, state, district and county offices and for and against constitutional amendments and propositions submitted.

b. A list of all persons voted for as members of the State Senate or House of Representatives, giving the number of votes cast for each and the address of each.

The State Canvass

Who Attends:

The State Board of Elections assembles in the Hall of the House of Representatives in Raleigh on Tuesday, November 28th, at 11:00 A.M.



What They Do:

The State Board of Elections:

(1) Examines the duplicate abstracts sent in by the County Board of Elections; if they are not all in, the Board may adjourn for ten days to obtain the missing abstracts, and may obtain the original abstracts sent in by the clerk of court from those counties.

(2) Prepares, signs and seals the following abstracts, each on a separate sheet, showing in each abstract the number of legal votes cast for each candidate, the names of all persons voted for and for what office, how many votes each person received, and which person is declared elected to each office: (a) President and Vice-President; (b) Governor and all state officers,

(Continued on page 17)

The Attorney General Rules

Recent opinions and rulings of the Attorney General of
special interest to local officials



I. AD VALOREM TAXES

A. Matters Relating to Tax Listing and Assessing

4. Exemptions—property of Federal agencies

To Charles B. Duffy.

Inquiry: Is an oil refinery or gasoline plant owned by the Defense Plant Corporation classified as real property for purposes of taxation, and is such property subject to local ad valorem taxes?

(A.G.) I think it is clear that such property, which consists of buildings and structures affixed to the land, would fall within the definition of real property in Section 2, subsection (30) of the Machinery Act. Section 600 of the Machinery Act formerly contained a provision which exempted from taxation all property owned directly or indirectly by the United States. However, the 1943 General Assembly amended this section so as to remove from this exemption real property owned indirectly by the United States and this amendment has been interpreted as subjecting to taxation real property of the Defense Plant Corporation.

B. Matters Affecting Tax Collection

85. Disposal of property purchased by taxing unit at foreclosure sale

To L. T. Cantrell.

(A.G.) If a municipality resells property which it has acquired by a tax foreclosure sale it may, in the discretion of its governing body, resell such property to the former owner or other person formerly having an interest in the property at private sale for an amount not less than its interest therein, if it holds said property as sole owner, or for an amount not less than the total interest of all taxing units, if it holds said property for the benefit of all such units.

If it resells property which it has acquired at a tax foreclosure sale for an excess of the amount of its interest therein, the governing body would be required to place the excess in the general fund of the municipality.

BEER AND WINE ELECTION

In the absence of a public-local act to the contrary, I do not know of any authority whereby an election can be held to determine whether or not the sale of beer and wine may be prohibited in a county.

II. POLL TAXES AND DOG TAXES

A. Levy

To Robert Holmes.

Inquiry: Would a person who is out of the State Penitentiary on parole be liable for poll tax in the county in which he lives?

(A.G.) It is my opinion that the fact that a person is on parole from the State Penitentiary would not affect the question as to whether he is an inhabitant of the county and whether he meets the other requirements of the tax.

HARRY McMULLAN

Attorney
General
of
North
Carolina



III. COUNTY AND CITY LICENSE OR PRIVILEGE TAXES

A. Levy of Such Taxes

28. License tax—public utilities

To W. B. Rodman, Jr.

(A.G.) Sub-section 6 of G. S. 105-116 provides that no city or town shall impose a greater privilege or license tax upon the public service companies mentioned in the section than the aggregate privilege or license tax which is now imposed by any such city or town. It may result that under this law the franchise tax imposed by one municipality may not be uniform with that imposed by another. This provision first appeared in subsection 5 of Section 203 of Chapter 445, Public Laws of 1933, and has the effect of freezing the taxes which may be levied by a municipal corporation of this character as to the date of the enactment of that law, as it has been repeated in each succeeding Revenue Act. However, I know of no principle of law which would require that every municipal corporation should levy the same amount of privilege or license taxes on the businesses carried on therein. As a matter of fact, there is a wide variety in the character of taxes imposed and in the amounts thereof, but, so long as the tax operates uniformly on all the citizens within the taxing area (that is, the municipality), no principle of uniformity would require it to be the same tax as levied by some other municipality.

69. License tax on ice cream dealers

To P. V. Critcher.

Inquiry: May a municipality levy a license tax on a distributor of ice cream maintaining no factory or place of storage within the municipality but selling its products to retailers from trucks operating into the city?

(A.G.) A town cannot levy a tax on a dealer who simply delivers ice cream in such town without manufacturing or storing it there under Section 161 of the Revenue Act. But a town may, by ordinance adopted pursuant to its granted powers to tax trades and occupations, levy a tax on all persons distributing ice cream within the town. This would include those distributing from trucks or otherwise. However, in view of the possibility that

Section 161 might be interpreted as a restriction upon the amount that may be levied either under that section or otherwise on distributors of ice cream, it would be safer for the ordinance to limit the tax to one-fourth the State tax under Section 161.

99. Miscellaneous privilege license taxes

To W. R. Grant.

(A.G.) There is no provision in Schedule B of the Revenue Act relating to the privilege taxation of persons engaged in selling jewelry. However, under the general power granted municipalities by the Constitution and statutes of the State to levy privilege taxes upon occupations, it is my opinion that a municipality may classify the occupation of selling jewelry as one subject to taxation.

If the municipality has laid a tax upon persons engaged in the business of selling jewelry, it is my further opinion that a person parking on the streets of the town and displaying and selling jewelry and collecting for jewelry sold would be sufficiently engaged in activity within the town to be subject to the tax.

IV. PUBLIC SCHOOLS

D. Powers and Duties of Present School Districts and Agencies

3. Selling food

To Culver R. Dale.

(A.G.) Section 30 of the School Machinery Act authorizes the trustees or school committee in any school to provide cafeterias and places where meals may be sold for the convenience of the teachers, school officers and pupils in the schools. In the operation of a cafeteria under authority of this section, but only for the purposes stated in the section, trustees or school committees of a public school would have a right to sell food items, which might include ice cream and soft drinks. There is no authority, in my opinion, for the school to operate a store for the sale of pencils or other kinds of merchandise.

F. School Officials

41. School attendance

To Adam Moses.

Inquiry: Would an attendance officer employed pursuant to the provisions of G.S. 115-304 be authorized to make arrests and serve papers in connection with the enforcement of the compulsory attendance law?

(A.G.) There does not seem to be any specific statute which would authorize an attendance officer to arrest a child who is out of school without the service of some process issued by the juvenile court. It is my thought that the officer would be authorized to request the child to accompany him to the school, but I am of the opinion that he would not be authorized to arrest the child or use any physical force in securing the child's return.

50. Principals and teachers—election and contracts

To Mrs. Edna G. Rhodes.

Inquiry: Would a teacher be deprived of the right to teach for the remainder of

the school year where, after teaching twenty days, she gave the superintendent a thirty-day notice stating that she was resigning?

(A.G.) Unless the board of education of the county waived the penalty provided in Section 12 of the School Machinery Act, which requires thirty days notice prior to the opening of school, such a teacher could be denied the right to teach in the public schools of the State for the period of one year.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

A. Contractual Powers

10. Competitive bids

To J. A. Holshouser

Inquiry: Where a county acquired a one-half undivided interest in a mercantile building under foreclosure sale, and the property was in no way used or connected with the operation of the county government but was rented by the county, would it be necessary to sell this property at public auction, after advertisement?

(A.G.) G.S. 153-9, subsection 14, provides that county commissioners may sell or lease any real property of the county and make deeds or leases for the same to any purchaser or lessee. I am, therefore, of the opinion that the county could advertise for bids on this property without the necessity of selling the same at public auction.

B. County Agencies

10. A.B.C. Boards and stores

To Charles O'H. Horne.

(A.G.) I cannot conceive of any case in which a county board of commissioners would be liable for any acts of the personnel employed by the county A.B.C. Board. I know of no circumstances under which the commissioners would be in any way liable for any obligations which might be incurred by the A.B.C. Board. Anyone dealing with the board would be charged by law to have knowledge of its functions and duties. It does not act as an agency of the commissioners but as an independent agency set up and established by authority of a statute enacted by the General Assembly.

G. Support of the Poor

6. Dependent children

To Dr. Ellen Winston.

Inquiry: Does a county have authority to operate a child-caring center?

(A.G.) I assume that such a child-caring center would accommodate children between certain ages, regardless of the financial status of their parents or guardians. If this is true, I am unable to see how the county in the absence of some special statute would be authorized to establish and operate such an agency. Although counties are authorized to make certain provisions for the care of their poor and unfortunate, they do not have sufficient authority to operate an undertaking such as this.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

N. Police Powers

9. Outside city limits

To Alton A. Lennon.

(A.G.) It is my opinion that, under the General Statutes as now written, a municipality would have no authority to regulate the fee charged by a taxicab on trips beyond the corporate limits of such municipality. I reach this conclusion under the assumption that there is no public-

local statute or charter provision specifically authorizing the municipality to regulate the operation of cabs beyond the limits of the municipality.

20. Regulation of trades and businesses

To E. Osborne Ayscue.

(A.G.) Under G.S. 160-200, a city has the right to regulate and control plumbers and plumbing work. The violation of a municipal ordinance is made a criminal offense by G.S. 14-4, and it would make no difference that a city's plumbing ordinance contained no penalty provision. A violation of the ordinance would be a misdemeanor despite the fact that the ordinance itself contained no penalty provision.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

A. County Commissioners

34. Jury list

To Thomas C. Hoyle.

(A.G.) It is my opinion that the drawing of juries should be done by the Board of Commissioners while in session, and that they could not delegate the responsibility to members of the Board when the Board was not in session. But I find no court decision which directly passes upon this question.

MEMBERS OF ARMED FORCES MISSING IN ACTION FOR OVER ONE YEAR

Inquiry: May a clerk of court appoint an administrator of a member of the armed forces who has been reported missing for more than a year, under the Federal law authorizing the Federal government to settle all matters involving such persons after they have been missing for one year?

(A.G.) I do not know of any authority which would permit a clerk to appoint an administrator of an estate solely because the party has been absent or reported missing for one year. It seems to me that there would have to be sufficient proof of such person's death before the clerk could appoint an administrator. But I call your attention to Section 28-25 of the General Statutes, dealing with the appointment of collectors when for any reason a delay is necessary in the production of positive proof of the death of anyone who may have disappeared under circumstances indicating death.

B. Clerks of Court

To W. E. Church.

(A.G.) I am of the opinion that it is not necessary for assistant clerks of court to sign processes in the name of the clerk by him or her as assistant, but that an assistant clerk has ample authority to issue processes in his or her own name, which will have the same force and effect as if issued by the clerk. Section 2-10 of the General Statutes provides that the acts, orders and judgments of the assistant shall be entitled to the same faith and credit as those of the clerk.

19. Duties with reference to adoptions

To A. R. Higdon.

Inquiry: Who is responsible for the costs in an adoption proceeding?

(A.G.) The petitioners are the persons interested in the change of the status of the child involved and in the ordinary adoption proceeding where no contest de-

velops and no issues are raised, it is my opinion that the petitioners would be required to pay the costs. This can be accomplished either by requiring the fees to be advanced at the time the services are performed or by requiring that the costs be paid by the petitioners before the final order of adoption is entered, pursuant to G.S. 48-5.

To R. B. Carmicheal.

Inquiry: Are senile dementia cases insane persons within the meaning of G.S. 122-36, so that they are proper persons to be committed to a state hospital?

(A.G.) As the hospital authorities construe the statutes, such patients are not entitled to admission. This construction is based upon Section 122-67 of the General Statutes, which authorizes the release of inmates when they have been found to be incurable. A person suffering from senile dementia is, of course, incurable, and the hospital authorities feel that it is not necessary for them to accept such a patient and immediately discharge him, as authorized by statute. It is my opinion that this administrative policy should be followed.

36. Deputy clerk—powers

To D. B. Teague.

(A.G.) The Supreme Court of North Carolina, in *Piland v. Taylor*, 113 N. C. 2, held that although a Deputy Clerk of the Superior Court is usually defined to be one who by appointment exercises an office in another's right and must, as a general rule, do all things in his principal's name; the authority given a Deputy Clerk in connection with the probate of deeds is delegated to the Deputy by force of the statute, and in taking the probate of a deed the Deputy is not acting merely as an agent or servant of the Clerk, but is performing an independent judicial function which is vested in him by law so long as he occupies such a position.

E. County Auditor and Accountant

20. Publication of accounts

To H. J. Brown.

Inquiry: Should the amount paid each officer and employee of a county be published as part of the monthly statement of income and disbursements?

(A.G.) G.S. 153-68 requires the publication of the name of every individual whose account has been audited, the amount claimed and the amount allowed, and also a full statement of county revenue and charges, showing by items the income from every source and the disbursements of every account. If this is the statute under which the publication is made, it is my opinion that it would be necessary that the amount of salary paid each month to each officer and employee of the county be shown.

S. Mayors and Aldermen

To George Franklin.

Inquiry: Does the mayor of a municipality have the authority to make an arrest?

(A.G.) The mayor of a municipality, in addition to his right to preside at meetings of the commissioners of such municipality, is constituted, by virtue of G.S. 160-13, an inferior court and as such shall be a magistrate and conservator of the peace within the corporate limits of his municipality and has the jurisdiction of a justice of the peace in all criminal matters arising under the laws of the State or the ordinances of the municipality. There is no specific provision giving the mayor of the municipality the right to make an arrest other than his right as an ordinary

citizen. The duties of a mayor are to cause the laws of the city to be enforced and to superintend inferior officers. State v. Thomas, 141 N. C. 791.

The mayor of a municipality, in his role as an ordinary citizen, would have the right, under the provisions of G.S. 15-39, to arrest offenders where he is present at any riot, affray, or other breach of the peace, if necessary in order to suppress the same. Likewise, under the provisions of G.S. 15-40, he would have the right to arrest a person who commits a felony in his presence.

OPA CEILING PRICE ON AUTOS SOLD BY SHERIFF

Inquiry: Does the OPA ceiling price on automobiles apply to sales made pursuant to order of court?

(A.G.) I suggest that it would be advisable for the sheriff or other officer conducting the sale of a second-hand motor vehicle to offer the property to the highest bidder without regard to the OPA regulation and upon submitting the bid to the court for confirmation the question as to the application of the OPA regulation could be raised and submitted to the court for decision. If this course of procedure were followed, the sheriff or other officer making the sale would at least have a judgment of the court to guide and protect him in his dilemma in which the State statute requires him to sell at the highest price offered and the Federal regulation sets a maximum price beyond which he cannot go.

XI. GENERAL AND SPECIAL ELECTIONS

A. Who may vote

To David Ross.

(A.G.) An applicant who has been convicted of a federal offense and confined in the United States Disciplinary Barracks for a period of three years is not thereby precluded under Article VI, Section 8 of the State Constitution from receiving and casting his ballot.

COMPENSATION OF ELECTIONS BOARD CHAIRMAN

Inquiry: What is a "day" within the meaning of the statute setting the compensation of the Chairman of the County Board of Elections at \$5.00 per day when actually engaged in the discharge of his duties?

(A.G.) It is my view that a "day", within the meaning of this statute, is any calendar day in which a substantial part of the working hours of such day were spent in the discharge of the duties of the office, and that there is no authority in the statute for providing for fractions of days or for paying overtime in any calendar day.

B. Ballots

7. Independent candidates

To Franklin S. Clark.

(A.G.) A person desiring to run as an independent candidate in the general election may not have printed at his own expense a ballot containing his name and

the title of the office for which he desires to be a candidate. He must have complied with the statutory requirements as to filing a petition by the time of the primary, etc., in order to become an independent candidate.

PROBATION OF INSANE PERSONS

(A.G.) The statutes do not make clear who has authority to revoke, nor the procedure in revoking, the probation of a person released from a State hospital. Legislation will be submitted to the next General Assembly for whatever action it sees fit to take.

North Carolina Goes to the Polls

(Continued from page 14)

justices of the Supreme Court, judges of the Superior Court, and United States Senator; (c) representatives to Congress; (d) solicitors; (e) state senators in districts composed of more than one county; and (f) amendments and propositions.



(3) Certifies the results of the election to the Secretary of State and files with him the abstracts prepared.

After the State Canvass

The Secretary of State:

(1) Prepares, signs and gives to each person entitled thereto a certificate of election.

(2) Files in his office the abstracts prepared by the State Board of Elections and the abstracts prepared by the County Board of Elections.

(3) Certifies to the Governor the names of the Presidential electors selected.

The Governor:

(1) Issues commissions to Congressmen-elect after they receive their certificates of election from the Secretary of State.

(2) Makes a proclamation, and has it published in a newspaper in

Raleigh setting out the names of the Presidential electors and notifies them of the meeting to be held in the Capitol in Raleigh on Monday, December 18th.

(3) Makes six lists of the names of the electors and has the lists delivered to the electors on or before December 18th.

The Presidential Electors:

(1) Meet at noon on December 18th in the Capitol at Raleigh. Electors failing to attend forfeit \$500 to the State unless prevented from attending by sickness or unavoidable accident. The electors attending fill any vacancies occurring.

(2) Vote for the President and Vice-President of the United States.

Faith, Work and Play in Wartime

(Continued from page 2)

peare he puts in a class by himself and says that otherwise, he is almost too great to comment on. But among poets who are not only great in their art, but great in conveying a sense of significance and beauty in living, he places first the poet Wordsworth, and he regards as Wordsworth's greatest poem, *The Prelude*. This poem is now coming into its own, whereas during Wordsworth's lifetime, it was thought to be the dullest of all his poems. Lord Gray advises us not to be afraid of long books, but regardless of length, to read the great, wise, quiet books which have lasted through the generations because they speak with peculiar power to the souls and minds of men; and I think that he himself, in *The Falland Papers*, has produced one of these great and wise and quiet books. His repose of spirit in enjoying nature is as great as that of Gilbert White and of Izaak Walton; and he joins Wordsworth in keeping his spiritual senses open to the poetry of man, of nature, and of God. He brings us, as does Wordsworth,

"Authentic tidings of invisible things,
Of ebb and flow and ever during power,
And central peace subsisting at the heart
Of endless agitation."

★ JEFFERSON STANDARD FINANCIAL STATEMENT ★

37TH ANNUAL REPORT FINANCIAL STATEMENT, DECEMBER 31, 1943

ASSETS		LIABILITIES	
Cash	\$ 7,953,056	Policy Reserves	\$102,568,427
United States Government Bonds	15,596,911	This reserve is required by law to assure payment of policy obligations.	
State, County and Municipal Bonds	4,292,145	Reserve for Policy Claims	605,495
All Other Bonds	10,555,473	Claims in course of settlement on which proofs have not been received.	
Stocks	7,255,908	Reserve for Taxes	672,119
Listed securities carried at market, cost or call value, whichever is lower.		Premiums and Interest Paid in Advance	1,104,637
First Mortgage Loans	57,342,910	Policy Proceeds Left with Company	9,126,364
On farm property \$6,749,875.		Dividends for Policyholders	1,172,251
On city property \$50,593,035.		Reserve for All Other Liabilities	997,032
Real Estate	6,251,889		
This includes our seventeen story Home Office Building.		Liabilities	\$116,246,325
Loans to Our Policyholders	11,957,245	Contingency Reserve	\$2,000,000
Secured by the cash values of policies.		A fund for contingencies, depreciation on real estate and investment fluctuations.	
Premium Loans and Liens	2,816,123	Capital	4,000,000
Secured by the cash values of policies.		Surplus Unassigned	6,000,000
Investment Income in Course of Collection	999,902	Total Surplus Funds for Additional Protection of Policyholders	12,000,000
Premiums in Course of Collection	8,034,321		
All Other Assets	190,442	Total	\$128,246,325
Total Admitted Assets	\$128,246,325		

TO THE PUBLIC: The Jefferson Standard presents to policyholders and friends its annual report, which reflects outstandingly successful achievement along all lines. President Julian Price, in his annual message to those insured in the Company, points out several important facts relating to its service, growth and strong financial position. Facts in brief are given here. The detailed annual report booklet is available upon request.

INTEREST EARNING MAINTAINED

★ The gross rate of interest earned on invested assets for 1943 was 5.23%. Jefferson Standard maintains its national leadership in this field.

INTEREST PAYMENT MAINTAINED

★ In 1943, as in every year since organization, 5% interest was paid on funds held in trust for policyholders and beneficiaries.

ASSETS SHOW INCREASE

★ Assets now total \$128,246,325 — an increase of \$13,230,309. For each \$100 of liabilities there are \$110.32 of assets indicating an unusually strong financial position.



BENEFITS PAID

★ The Company paid policyholders and beneficiaries \$6,305,910 in policy benefits during 1943. Total benefits paid since 1907 — \$137,771,775.

SURPLUS FUNDS INCREASED

★ Surplus, capital and contingency reserves total \$12,000,000. This is \$23.88 surplus for each \$1000 insurance in force — an exceedingly high surplus ratio.

SPLENDID INVESTMENT RECORD

★ Less than \$25,000 interest is past due on Mortgage Loan investments of \$57,342,910. Only one-half million dollars is owned to foreclosed real estate.

INSURANCE IN FORCE

★ Jefferson Standard's 200,000 policyholders now own \$802,533,041 life insurance. The Company has very proudly announced having over a half-billion dollars life insurance in force. This was a gain of \$32,202,404 for the year.

JOHN W. UMSTEAD, Jr., Manager

136 East Franklin Street, Chapel Hill

JEFFERSON STANDARD

LIFE INSURANCE COMPANY

Julian Price

PRESIDENT • GREENSBORO, NORTH CAROLINA

