

POPULAR GOVERNMENT



PUBLISHED MONTHLY BY THE

INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA

POPULAR GOVERNMENT

VOLUME 12
NUMBER 5

PUBLISHED BY THE INSTITUTE OF GOVERNMENT
THE UNIVERSITY OF NORTH CAROLINA
CHAPEL HILL

MAY
1946

Albert Coates, Editor

Associate Editors: Peyton B. Abbott, Louis A. Cherry, W. M. Cochrane, Samuel R. Leager, Henry W. Lewis,
Clifford Pace, Terry Sanford, David H. Scott



Peyton B. Abbott



Louis A. Cherry



W. M. Cochrane



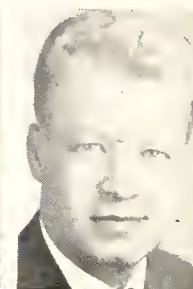
Albert Coates
Director



Samuel R. Leager



Henry W. Lewis



Clifford Pace



Terry Sanford

TABLE OF CONTENTS

I. THE PRIMARY ELECTION	Page One
A. Introduction	Page One
B. Getting Ready for the Primary	Page One
C. Registration of Voters	Page Two
D. Preparations for the Primary	Page Five
E. Primary Day	Page Six
F. Counting and Recording the Votes	Page Eight
G. Keeping the Elections Free	Page Nine
H. Absentee Registration and Voting in Primary by Members of Armed Forces	Page Twelve
II. NEWS OF THE PRIMARY	Page Fourteen
III. THE ATTORNEY GENERAL RULES	Page Fifteen
IV. PRIMARY ELECTION TIMETABLE	Back Cover



David H. Scott

Cover: Photograph by Wootten-Moulton

The Primary Election

By HENRY W. LEWIS

Assistant Director of the Institute of Government



THE STATE BOARD OF ELECTIONS

William T. Joyner, Raleigh, Chairman; Walter H. Woodson, Salisbury; Adrian S. Mitchell, Winton; J. Ray Morgan, Waynesville; picture of Thomas C. Carter, Mebane, not available. On the right is Raymond C. Maxwell, Executive Secretary of the State Board.

INTRODUCTION

North Carolina placed the primary election under state control in 1915. This was a great step in election history.

In 1856 the last property qualifications for suffrage were abolished. In 1920 the last taxpaying requirement was removed through the abolition of poll tax payment as a prerequisite to voting. In 1920 women were allowed to register and vote. In 1868 racial disqualifications were abrogated, although the literacy requirements that came into effect in 1902 withdrew the ballot from a large number of negro citizens.

Today the North Carolina election machinery is headed by a five-man State Board of Elections, two Republicans and three Democrats, appointed by the governor every four years. From political party recommendations the three-man county boards of elections are appointed by the State Board on the tenth Saturday before the primary, March 16th this year. Each county board selects a registrar, two judges and necessary assistants for each precinct on the seventh Saturday before the primary, April 6 this year. This chain affords clear channels for instruction, supervision and appeal.

The actual conduct of registrations and elections, both primary and general, rests with the precinct officials. The county board arranges the precincts and polling places, provides and distributes ballots, registration and poll books, issues instructions, and makes the county canvass from precinct returns. At the top of the ladder sits the State Board whose function it is to exercise general supervision over all primaries and elections, furnish county boards with ballots and other state-financed supplies, and canvass the returns for state and district offices. In disputed elections the State Board has power to hear and act on complaints, make necessary investigations, and where appropriate report election law violations to the prosecuting authorities.

WHO CANNOT SERVE AS AN ELECTION OFFICIAL?

Election officials serve as state officers in both primaries and general elections. North Carolina refuses to permit any one man to hold two government jobs simultaneously. This lies behind the laws of the state prohibiting double office-holding.

Under the North Carolina Constitution (Article XIV, sec. 7) and the election laws, no person who holds any office or place of trust or profit under the government of the United States, or of the State of North Carolina, or any of their political subdivisions, except a justice of the peace, can serve as an election official. Nor may any *candidate* serve as a precinct official. (G.S. 163-15). No person who holds any elective public office or who is a candidate for any office in a primary or election is eligible to serve on a county board of elections (G.S. 163-11). Thus a notary public, a tax lister, or school committee man may not serve as an election official, but the Attorney General has ruled that office in a political party does not bar a person from holding an election office.

GETTING READY FOR THE PRIMARY

While the legislature has provided that primary elections will in general be conducted in accordance with the procedure set up for the conduct of general elections, there are a few features peculiar to the primary that must be considered in detail.

Primaries are held on the last Saturday in May before the next general election to be held in November. This year the primary comes on May 25th. The primary election is designed to determine each political party's choice of candidates for each office to be voted on in the coming general election. For purposes of the primary a political party is defined as any political group of voters which polled at least 3% of the total vote cast for governor or presidential electors in the last preceding general election. This definition covers only the Democratic and Republican parties in North Carolina. No independent candidate is permitted to file for nomination in a party primary.

WHAT IS REQUIRED OF A CANDIDATE FOR PARTY NOMINATION?

A. *Notice of Candidacy:* In order to get his name on the party ballot a candidate is required to file a notice of his candidacy and a pledge of his party loyalty in the following form,

"I hereby file my notice as a candidate for the nomination as _____ in the primary election to be held on _____. I affiliate with the _____ party, and I hereby pledge myself to abide by the results of said primary, and to support in the next general election all candidates nominated by the _____ party."

Forms for notice are provided by the State Board to persons desiring to file with that board, and are furnished to county boards prior to the seventh Saturday before the primary (April 6th) for use in local primaries.

Candidates for governor, or any other state office, justice of the supreme court, judge of the superior court, United States senator, member of Congress, or solicitor, must file with the State Board of Elections by 6 P.M. on or before the tenth Saturday before the primary.

A candidate seeking nomination to one of two or more vacancies on the supreme court must file with his notice of candidacy a statement indicating to which vacancy he seeks nomination.

Candidates for state senator, member of the House of Representatives, or any county or township office must file with the appropriate county board of elections before 6 P.M. on or before the sixth Saturday before the primary.

B. *Fees:* At the time of filing each candidate is required to pay to the board of elections, state or county as the case may be, a fee equal to 1% of the annual salary attached to the position for which he seeks nomination.

In the case of county and township offices operating on a fee basis, the candidate must pay a flat fee of \$5.00 to the county board of elections unless the official holding the particular office received more than \$500.00 during the year next preceding the primary. In such a case the candidate must pay a fee equal to 1% of the total amount actually collected by fees.

If a candidate pays a fee erroneously to the wrong board of elections he is entitled to have it refunded. If a candidate desires to withdraw his name from the primary, and does so before the time for filing notice of candidacy has expired, he, too, is entitled to have his fee refunded.

WHAT IS REQUIRED OF THE STATE BOARD OF ELECTIONS?

No later than three days after the time for filing notices with it has expired, the Chairman of the State Board of Elections must certify to the Secretary of State as to all candidates who have filed with the State Board for nomination by each party for each office.

By the fourth Saturday before the primary, (April 27th) the State Board is required to certify to each

county board the names of all candidates for judge of the superior court and solicitor who have filed with the State Board and whose names must be printed on the local ballots.

As soon as possible after the time for filing with the State Board has expired, the Chairman must have enough ballots printed, at state expense, for each party having candidates to be voted for in the primary. He must then distribute these ballots to the chairmen of the county boards at least thirty days before the primary (April 25th). The ballots for each party must show, by office, the names of all candidates of that party who have filed properly, except for those whose offices the county board prints ballots.

Where only one candidate has filed for a party's nomination to a particular office, his name is not printed on the party ballot, and he is declared to be the party's nominee for that office.

WHAT IS REQUIRED OF THE COUNTY BOARD OF ELECTIONS?

As we have seen for the State Board of Elections, the County Boards must furnish proper notice and pledge forms to persons seeking to file for party nomination in the primary. These forms are furnished to the county boards by the State Board on or before the seventh Saturday before the primary (April 6th). The county board, of course, accepts the forms and collects the filing fees from persons seeking nomination.

Under instructions from the State Board of Elections as to form, size and color, the county board of elections is responsible for printing and providing the official ballots to be used in the county and township primaries. The chairman of the board must distribute these ballots to the registrars three days before the primary (May 22nd) and take proper receipts for them.

REGISTRATION OF VOTERS

A little thought on the subject makes one realize that it would be impractical to wait until the day of the primary before setting up the procedure for voting. The present system reflects the lessons of long experience. The method used to insure fair and orderly elections is simple. Counties are divided into geographic areas called precincts and enough places are arranged within each precinct to put the ballot boxes within easy reach of men at work and women busy with household affairs. To make sure that every person who wants to vote is entitled to do so, to insure that eligibility is determined before primary day, and to maintain a public record of the qualified electors, a registration system operated by the county boards and precinct officials has been established.

I. DUTIES OF THE COUNTY BOARD OF ELECTIONS:

As agents of the State Board and as overseers for the people, the County Board must do the following things:

- (a) Divide the county into voting precincts.
- (b) Provide places for the registration and voting.
- (c) Appoint a registrar for each precinct.
- (d) Give the registrar the registration books, party poll books, and other supplies.

II. DUTIES OF THE REGISTRAR:

If the County Board is the overseer, the registrar is the dirt farmer. His business is to be at the voting place in his precinct to register voters, from 9:00 A.M. until sunset, on the 4th, 3rd and 2nd Saturdays before the primary. On other days, during this period he must keep the registration books open at his home or place of business from 9:00 A.M. until sunset. While this does not mean he can never leave home, the courts have held that he must do all that is reasonable to permit registration. In carrying out the business of getting the voters registered, the registrar has the right to take the registration books to any person in his precinct for the purpose of registering him on days other than the specified Saturdays. The Attorney General has ruled, however, that the law does not permit the registrar to take the books outside the precinct to register voters; for example, to a town in an adjoining precinct.

As soon as the registration is closed on May 11th, (the 2nd Saturday before the primary) the registrar must certify to the County Board of Elections the number of voters registered in his precinct. This closes the gates. The only way a person can register after the books are closed is to present satisfactory evidence to the registrar and judges of election when he comes to vote that he has become qualified to register and vote after the time for registration expired. For example, that he has acquired proper residence qualification since the books were closed.

III. HOW IS REGISTRATION ACCOMPLISHED?

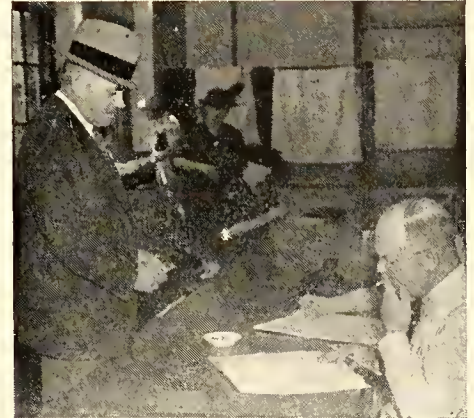
The person desiring to register must appear before the registrar and state his name, age, place of birth, present address and any other information important in establishing his identity and qualifications.

A. General Qualifications: The person seeking to register and vote in the primary must show that he is:

1. A citizen (native or naturalized) of the United States.
2. Twenty-one years of age, or that he will become twenty-one by the date of the General Election, November 5, 1946.
3. Of sound mind
4. Able, unless permanently registered under the "Grandfather Clause," to read and write any section of the State constitution in the English language to the satisfaction of the registrar.

The "Grandfather Clause" (Article VI, Section 4, N. C. Constitution) suspended the educational test as to male persons, otherwise qualified, who were entitled to vote on or prior to January 1, 1867, or who were lineal descendants of such persons. All men claiming benefit of this section however were required to register on a permanent registration roll prior to November 1, 1908. Any electors registered on this permanent roll, which was made up by townships and which is supposed to be kept on file in the office of the Clerk of Court, are entitled to vote without passing the educational test. Persons whose names do not appear on the permanent registration roll are no longer entitled to claim the benefit of the Grandfather Clause. A duplicate copy of the permanent roll is maintained in the office of the Secretary of State, and if, for any reason,

Appearing
for
registration



the Clerk's copy is lost, the county roll may be obtained from the Secretary of State.

5. That he has not been convicted, or have confessed his guilt in open court, upon indictment, for any crime the punishment of which is imprisonment in the State's prison. It is important to know that the Attorney General has repeatedly ruled that conviction and sentence to Federal prison does not deprive a person of his right to register and vote in the State. And registrars should remember that conviction and sentence for a misdemeanor in the State courts does not deprive a man of his right to vote.

Restoration to citizenship by the method set out in the statutes carries with it the restoration of the right to register and vote.

6. A member in good faith of the party in whose primary he seeks to vote.

B. Residence Qualifications: The person seeking to register for the primary must show that he has resided:

1. In the State one year, or that he will have done so by the date of the General Election.
2. In the precinct in which he offers to register for four months preceding the General Election. (There is no special and independent residence requirement as to the county.)

If he has removed:

- (1) From one county to another, within four months of the election, he cannot vote.
- (2) From one voting precinct to another in the same county, he may register and vote in the new precinct since he will have acquired the necessary four months residence by the date of the General Election.
- (3) From one precinct to another in the same city, town or township, he must comply with the following requirements:
 - (a) Present himself to the registrar of his old precinct and have his name marked off the registration book.
 - (b) Obtain from the registrar of the old precinct a "Certificate of Removal."
 - (c) Present this certificate to the registrar of the new precinct, showing him that his name has been marked off the book in the old precinct.

C. Registration Oath For Primary: The person seeking to register must take the following oath to be administered by the registrar:

"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, or will have become, a resident of the State of North Carolina for one year and of the _____ township, precinct or ward for four months by the date of the next general election; that I am twenty-one years of age or will be by the date of the next general election; that I have not registered for this election in any other ward or precinct or township. So help me, God."

Each applicant must appear and take this oath in person. This requirement is strictly guarded. The law does not permit registration by mail, by telephone, or through another person. The Attorney General has ruled that the oath cannot be taken before a notary public or other officer qualified to take affirmations and mailed to the registrar; nor can a father register for his son who is away in school.

When the registrar is satisfied that the person offering to register possesses the necessary qualifications, he enters in the general election registration book the person's name, age, address, place of birth, and the township, county or state from which he removed if he has moved. When he is satisfied as to the person's party affiliation, he enters the name in the proper party primary registration book. *This registration suffices for the primary as well as the general election.*

D. Registration Before the Books are Opened: Suppose a person expects to be absent from his county during the registration period. If qualified, how may he register? He may register with the Chairman of the County Board of Elections in the same manner provided for registration before the registrar in the regular registration period. The chairman must certify the names of persons so registered by him to the registrars of the various precincts for entry upon the regular registration books. In such cases the registrar enters after the names: "Registered before chairman, county board of elections."

IV. CHALLENGES

A. The Method: It is every elector's right to question the validity of another man's vote, but this right could mean complete disruption if the people did not set up an orderly method of handling these disputes. The registrar must receive the challenge and provide a hearing on its merits.

It is the duty of the registrar:

(a) To be at the voting place in his precinct from 9:00 A.M. until 3 P.M. with the registration books on the Saturday before the primary so that any voter may inspect the registration books and challenge the voting right of any person whose name is registered thereon.

(b) To write opposite the name of the challenged voter the word "Challenged."

Examining the poll
and registration
books



(c) To appoint a time before the primary and place where the registrar and the judges of election will hear and decide on the challenge.

(d) To give personal notice of the challenge to the voter challenged, or, if personal notice is impossible, to leave a written notice at his home.

B. The Hearing: In conducting the hearing at the time they have appointed, the registrar and judges of election have power to administer oaths to persons brought before them as witnesses. If the person has been challenged on the grounds that he has been convicted of a felony, the registrar and judges may compel him to answer questions concerning his conviction, but the answers may not be used against him in a subsequent criminal prosecution.

The registrar and judges have a duty:

- (a) To examine the voter challenged.
- (b) To require him to prove his identity and his residence in the precinct by the testimony under oath of at least one voter.
- (c) To require him to take an oath that :
 1. He is a citizen of the United States.
 2. He is twenty-one years of age or that he will become twenty-one by the date of the General Election.
 3. He has resided, or will have resided, in the State one year and in the precinct four months preceding the General Election on November 5, 1946.
 4. He is not disqualified by the State Constitution and laws.
 5. His name is _____.
 6. He is registered under that name in the precinct.
 7. He is the person he represents himself to be.
 8. He has not voted in the election at that or any other voting place.

(To be used where voter is challenged at the polls on primary day.)

(d) To erase his name from the registration books if he refuses to take the oath.

(e) To write after his name on the registration book the word "Sworn" if he takes the oath and they are satisfied that he is qualified.

PREPARATIONS FOR THE PRIMARY

I. THE BALLOT

The State Board of Elections is required to print and distribute to the county boards enough ballots for each party having candidates to be voted for in the primary at least *30 days before the primary*. The official ballots show the names of candidates for the United States Senate, the national house of representatives, for governor and all other state offices except solicitor and superior court judge. The State Board decides whether all these names appear on a single ballot or whether several ballots will be used.

The County Board is required to print and furnish to the precinct officials enough ballots for each party having candidates to be voted for in the primary within *three days* before its primary. The "official ballot for judge superior court, solicitor, state senator, and county and township offices" shows the names of candidates for offices in the order used in its title.

Whenever a particular office is not contested in the primary, the name of the single candidate is omitted from the ballot, and the uncontested candidate is declared the party nominee for that office by the State or county board of elections.

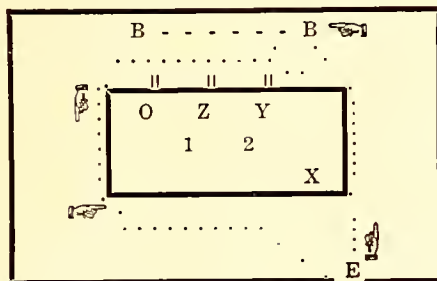
Candidates are not entitled to use any name other than their legal names on official ballots; full name or initials. A doctor is not permitted to add "MD" to his name, and a minister is unable to precede his name with "reverend."

II. OTHER PREPARATIONS

Preparations for primary day must be carefully planned by the county board of elections.

(1) They must provide at least one voting place in every precinct, conveniently located for the majority of the voters; and for this purpose they may demand the use of a school or other public building.

(2) The County Board must see that the polling place is arranged 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
- Z. Ballot Boxes
- O. Box for stubs
- 1, 2 Other election officials
- . . . Direction of entry and exit of voters

Examining the
ballot boxes



(3) The County Board is required to provide 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. It is common practice in many communities for registrars to take care of obtaining booths themselves. In any event, it is only common sense to be sure that they are installed and examined far enough ahead of election day to insure that any defects can be corrected before they are needed.

(4) The County Board must provide ballot boxes three days before the primary; there must be separate boxes for each party and for each party ticket 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, and must be equipped with a lock and key; each box must have an opening in the top just large enough to allow a single ballot to go through.

(5) Three days before primary day the County board must furnish ballots to each precinct in the number of 125 to each 100 voters in the precinct registered on the party primary books of each party participating in the primary. The ballots for each precinct must be wrapped in separate packages, each one plainly showing how many it contains so that the registrar will know how many ballots he must account for.

(6) The County Board is required to provide 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.

(7) Before election day the county board must provide for the delivery of poll books, ballots and other equipment to the polling place.

(8) In order to provide that all election notices, advertisements, and publications required by law are printed and published, the law specifically places this duty on the county board.



Election officials
taking oath

PRIMARY DAY

The directors and overseers have made the plans, written the stage directions and set the scene for the drama of democracy in action. Early in the morning on the day of the great performance the registrar, the judges and their assistants start the process.

(1) They must be at the voting place at least by 6:00 A.M. in order to handle the final arrangements. If an official fails to appear, those present select another person to serve in his place.

(2) If it has not been done before, they must stake off the voting enclosure and arrange the tables and chairs they intend to use. The voting booths must be set up and supplied with pen and ink or pencils. The ballots, the ballot boxes, the registration and party poll books must all be placed properly.

(3) If the precinct officials have not been sworn yet, the registrar should administer the oath to the judges, and one of them must administer it to him. The following oath is used for all precinct officials:

"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."

(4) They must then proceed to open the sealed packages of ballots.

(5) The scene is set. One of the judges must proclaim at 6:30 A.M. that the polls are open and that they will close at 6:30 P.M.

THE VOTING ENCLOSURE

Long years of experience and bitter fighting have made North Carolinians jealous of their voting rights, the privilege to vote for whom they wish in secrecy without fear of reprisals and without influence from outside. Every rule that the legislature has set up governing the conduct of elections has sprung from some specific need to protect free elections. Nowhere is it more obvious than when we consider the regulations for behavior at the polls.

No one is allowed in the voting enclosure while the polls are open except: election officials, persons assisting election officials, voters in the act of voting, persons helping voters who are entitled to be helped, peace officers actually engaged in keeping the peace (when not actually preventing disorder they must stay ten feet from the entrance), and watchers and challengers while giving reasons for a challenge.

No person may loiter about or do any electioneering within fifty feet of the polling place and no political banners or posters may be displayed in or near the polling place.

AFTER THE POLLS ARE OPENED

Certain fixed procedures concerning the physical act of voting have equal application to all voters. As we move along in the orderly process prescribed by law we will see that provisions have been made for handling exceptional cases.

(1) The voter enters the voting enclosure, walks up to the precinct officials and gives his name and address to the judge of elections and declares his party affiliation. It is important to remember that independents are not permitted to vote in party primaries.

(2) The judge of elections announces the voter's name and address in a distinct tone of voice.

(3) The registrar looks to see if the voter's name is on the registration books and announces whether it is or is not there.

(4) If the voter's name is on the book and he is not challenged, the judge of elections gives him the official ballots of the party in whose primary he seeks to vote. Upon the voter's request, the precinct officials are required to give him information as to the kind of ballot he may use, the names of candidates, and how the ballot must be marked to reflect his choice. The ballot is folded by bringing the bottom up to the margin at the top and allowing the margin to overlap, then folding both sides of the center, so that the face of the ballot, except for the margin at the top, cannot be seen and so that it is no more than four inches wide; the judge should tell the voter to re-fold the ballot in the same creases after he has voted.

(5) When a voter has received a ballot from the judge, he cannot leave the guard-rail until he has finished voting, and if he does leave, he cannot be allowed to come back inside to vote.

(6) The voter takes the ballot into a voting booth and marks it with a cross (X), or a check, or other clear indicative mark, according to the following rule:

The voter marks any names he desires to vote for, but may vote for only one candidate for each office, except where there are several offices to be filled, for example, county commissioners.



Locking the ballot
boxes

No voter can occupy a booth already occupied by another, nor may he occupy a booth more than five minutes if all booths are occupied and voters are waiting.

(7) After marking his ballot the voter folds it so that the face cannot be seen, puts it into the proper box himself or hands it to one of the judges to put it in for him, and then goes out of the voting enclosure. If a voter decides not to vote one particular ballot at all, he should hand it back to the judge on the way out.

(8) One of the judges must keep primary poll book for each party in which he is required to enter the name of every person voting in the party primary. The entry should be made when the registrar determines that the voter is registered and the voter is handed his ballots. Opposite the name of each voter is entered the name of the party whose ticket he used. The books must be signed by the judge or judges at the close of the primary, delivered to the registrar, and filed in the office of the county clerk until the next election.

WHEN THE VOTER'S NAME IS NOT FOUND ON THE REGISTRATION BOOK

Occasionally a person presents himself to vote and finds that his name does not appear on the registration book. This is the time for tact on the part of election officials. The person desiring to vote must satisfy the precinct officials that his name has been left off by mistake or that he has become qualified since the registration books closed. The chief, if not the only logical way a person's name can be omitted from the registration book is through error in copying from an old book to a new one or in purging the books. The matter of qualification since the books closed is simply one of fact that must be shown to the satisfaction of the precinct officials. A lunatic or idiot, adjudged sane or competent between the close of the registration period and primary day, and possessing the other qualifications, would be entitled to register and vote in the primary.

WHEN THE VOTER TEARS A BALLOT OR MAKES A MISTAKE IN MARKING IT

Perhaps they get a little excited at election time, but a fairly large number of people tear ballots once they get them in their hands. Strangely enough others even go so far as to the mark the name of a candidate they had no idea of voting for. If they discover their mistakes in time, they can return their ballot to the judge or registrar and get another. Since this sort of thing



Entering the
voting booth

Depositing the
ballot



cannot go on forever, a voter can be given only 3 ballots of any one kind. The registrar places the spoiled ballots turned over to him in the box or envelope kept for this purpose.

ASSISTANCE TO VOTERS

Under certain conditions voters are entitled to receive help in getting to the voting booth and in marking ballots. Officials should remember, however, that voters must *request* assistance.

In a primary election *any* voter, disabled or not, is allowed, upon request to the precinct officials, to have a "near" relative go into the voting booth with him and get whatever help he wants from that relative. The statute defines a near relative as a husband, wife, brother, sister, parent, child, grandparent or grandchild.

A physically disabled voter who obviously cannot go to the booth and mark his ballot alone, and an illiterate voter registered under the Grandfather Clause who cannot mark his ballot intelligently, after stating his incapacity to the registrar is entitled to help. It is mandatory that help be requested in the following order of priority:

A near relative. It is interesting to know that one person may give help to any number of his near relatives who request it. Thus a man with ten children, a wife, and a sister, all qualified to vote may, upon their request, accompany each one into the voting booth.

Another voter. If no near relative is available, any other voter of the precinct who has not given aid to another voter may be called upon.

Precinct officials. If neither of the others is available, the voter may call on the registrar or one of the judges for help.

In any case, the person rendering assistance is not permitted to go with the voter from the booth to the ballot box unless the voter is physically unable to do so alone, and in no event is he permitted to converse with the voter after leaving the booth until the ballot has been deposited. When a voter has received aid, the following entry must be made after his name in the poll book: "Ballot marked by _____."

WHEN THE VOTER IS CHALLENGED

While we have seen that provision is made for a day on which a voter's registration may be challenged, the

right to challenge does not expire at that time. A person offering to vote may be challenged at the polls on primary day by any other voter, by a watcher or by an official.

Here the registrar and judges of elections follow the same procedure as in cases where the voter is challenged before election day. They must act quickly, however, because they must hear and determine the challenge before the polls close.

The person making the challenge at the polls may go inside the guard rail to give the reasons for the challenge but must leave as soon as he has done so.

If the election officials decide that the elector is qualified to vote, he is permitted to vote in accordance with the usual procedure *except* that he must sign his ballots so they can be identified in case there is an appeal from the decision of the precinct officials to the County Board of Elections or to the courts.

CLOSING THE POLLS

At 6:30 P.M. the registrar must announce that the polls are closed. After that no voter may enter the enclosure, but voters who are then standing in line *within* the voting enclosure are permitted to vote.

COUNTING AND RECORDING THE VOTES

THE PRECINCT COUNT

The registrar and judges of elections are required to 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 the registrar how it shall be counted; and 3) reads aloud in a clear voice the names of the candidates voted for, 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, because of 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.

Suppose a ballot is put in the wrong box by mistake; should it be counted? If it appears to be a legal ballot and is not surrounded by suspicious circumstances, it should be counted.

Counting the
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.

Reason and common sense should be used with respect to marks and mutilations, and though a ballot is torn, erased, written upon or otherwise mutilated, it should be counted unless it appears that these irregularities were caused by the voter since such marks and mutilations are often caused by election officials themselves by jabbing the ballots down in the boxes when they are nearly filled. The vote should not be refused for a technical error that does not make it impossible to determine his choice.

The registrar and judges return the ballots to the box in which voted as soon as they are counted, lock the box, and seal it with the signature of the precinct officials on the seal. The ballots must be retained for two months after the primary.

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 primary.

AFTER THE COUNTING IS OVER

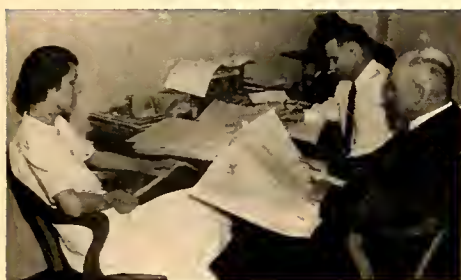
The registrar and judges of elections: 1) sign the poll book; 2) make out two copies of precinct returns under oath on forms furnished by the State Board of Elections and sign them before they leave the voting place; 3) mail one copy that night to the chairman of the county board; 4) give the other copy that night to the registrar or one of the judges for delivery to the chairman of the county board on Canvass Day the following Tuesday, May 28th.

THE COUNTY CANVASS

In order to ascertain the county-wide results the County Canvass is held the second day (excluding Sunday) after the primary, Tuesday, May 28th, at the county courthouse at 11:00 A.M.

WHO ATTENDS

The County Board of Elections assembles with the precinct official chosen to attend from each precinct and any voters who care to be present.



Checking the
returns

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 opens the returns from each precinct, canvasses and determines the results of the voting in the county, and tabulates the results on duplicate abstract forms showing:

- a. The number of legal ballots cast in each precinct for each candidate. (Determining the *legal* ballots carries with it the power to decide disputed ballots.)
- b. The name of each person voted for and the political party to which he belongs.
- c. The number of votes cast for each person on each office.

AFTER THE COUNTY CANVASS

The State Board must be officially notified of the results and records must be properly filed.

It is the duty of the precinct official attending to file the registration and poll books with the Chairmen of the County Board.

It is the duty of the County Board of Elections: (1) to send one copy of abstract of returns for offices other than state senator in districts composed of only one county, house of representatives and county offices to the State Board, and file one copy with the Clerk of Court; (2) to file one copy of abstract of returns for state senator in district composed of one county, house of representatives, and county offices with Clerk of Court, and retain one copy for its files; (3) to declare results of primary for offices determined locally.

THE STATE CANVASS

The State Board of Elections tabulates the vote for each party's candidate for each office based on the abstracts from the counties. If a majority of all the votes cast for all the candidates of any political party for a particular office turn out to be for one candidate, the State Board must declare him to be his party's nominee for that office in the next general election.

SECOND PRIMARY

Nominations are determined by a majority vote as defined in G.S. 163-140. Suppose no candidate receives a majority of the votes cast, and the second highest candidate files a written request with the board of elections with which he filed as a candidate for a run-off within five days after the results are officially declared. It then becomes the appropriate board's duty to call a second primary to be held four weeks after the first one,

June 22nd, to determine the nomination between the two candidates polling the highest and next highest number of votes in the first primary. If one of them, however, files notice with the board that he does *not* intend to run, the board must declare the other aspirant the nominee.

The second primary is conducted in accordance with the rules for the first except that additional registration is permitted only on the day of the second primary, and then only for such persons as are able to demonstrate that they have become qualified to register since the first primary.

KEEPING THE ELECTIONS FREE

Unfortunately the democratic system of popular elections offers opportunities for undemocratic pressure, financial as well as political. Parallel with the struggle to broaden the electorate has run a series of legislative enactments regulating the actual conduct of both candidates and voters during campaigns and at the polls. Examined chronologically these laws reflect the efforts of a freedom-loving people to quash flagrant voting evils as they arose to endanger the system.

In 1931 the North Carolina legislature brought together the bulk of existing laws, added to them, and welded the whole into The Corrupt Practices Act of 1931. The name gives the key to what they sought to remedy.

ACCOUNTS OF CANDIDATES

North Carolina wanted to keep votes off the market. Whether it has been successful, or whether it has merely laid the framework for a black market is not for our discussion. We are interested in who must do what in order to comply with the law.

At the outset it must be plain that the Corrupt Practices Act of 1931 applies to *all* elections, primary, general, and special. A word of warning is in order. Election officials and other interested people should read the law carefully to determine what a "campaign committee" is, what a "contribution" is, what an "expenditure" is, as well as to learn what a "person" is within the meaning of the law. For our purposes it is safe to say that each of these words means all it appears to mean, and then some.

But to return to the duties required by law. *Every candidate and the chairman and treasurer of every campaign committee must:*

Keep a detailed account of all contributions and all expenditures made to them or for their benefit. This account must show the name and address of every person who makes a contribution, its amount, and the date on which it was made. It must show the name and address of every person to whom an expenditure is made, the amount, and the date on which it was made.

This sounds fine, but how will the candidate or committee find out about all the local contributions and expenditures? Here is the answer:

Every person who receives a contribution for a candidate:

Send to the candidate or committee concerned an account of the contribution, the amount, and the name and address of the person making it. This report must be made within five days after the contribution is re-

ceived. *Every person who makes an expenditure in behalf of a candidate or committee must:*

Report the expenditure within five days by sending the candidate or committee an account of it showing the amount, the name and address of the person to whom it was made.

Properly interpreted, the law places the duty to account on the shoulders of the party workers. It covers every person who receives contributions and spends money for a candidate.

What becomes of all this information? How does the public get to see what it costs to run for office?

A. *In a primary election for federal, state and district offices:*

The candidate must:

- 1). Ten days before the primary
 - a. Under oath
 - b. File with the Secretary of State
 - c. An itemized statement of all *expenditures* made by him or which he knows to have been made by anyone for him.
 - d. An itemized statement of all *contributions* made to him directly or indirectly.
- 2). Within twenty days after the primary
 - a. Under oath
 - b. File with the Secretary of State
 - c. An itemized account of contributions and expenditures exactly as in *1c* and *1d* above covering the whole campaign.

B. *In a primary election for county offices:*

The candidate must follow the procedure outlined above except that he files his report with the Clerk of Court of the county in which he resides.

C. *In any primary, general or special election:*
Every campaign committee must:

- 1). Not more than 15 nor less than 10 days before the election
 - a. File with the Secretary of State (or Clerk of Court if only one county is involved)
 - b. Under oath
 - c. An itemized account of contributions received and expenditures made exactly like the one required to be filed by candidates.
- 2). Not more than 20 days after the election
 - a. File with the Secretary of State (or Clerk of Court if applicable)
 - b. Under oath
 - c. An itemized account of contributions received and expenditures made during the entire campaign exactly like the one required to be filed by candidates.

D. *What do these accounts show?*

- 1). Contributions within the calendar year:
 - a. Name and address of contributor
 - b. Amount of each contribution
 - c. Date on which each contribution was received.

d. Total sum of all contributions.

2). Expenditures within the calendar year:

- a. Name and address of each person to whom an expenditure was made.
- b. Amount of each expenditure
- c. Date of each expenditure
- d. Purpose of each expenditure
- e. Name and address of each person by whom an expenditure has been made and reported.
- f. The amount of each reported expenditure.
- g. The date of each reported expenditure.
- h. The purpose of each reported expenditure.
- i. Total sum of all expenditures.

Are there any teeth in all this procedure? The statute places upon the Secretary of State and the Clerk of Court, if appropriate, a positive duty to call upon candidates, chairmen and treasurers of campaign committees for the reports they are required to file. If a candidate or committee chairman or treasurer neglects to make his reports, the Secretary of State must notify the Attorney General who has a duty to prosecute. The County Clerk notifies the Solicitor of his district who has a duty to prosecute.

VIOLATIONS OF THE ELECTION LAWS

The North Carolina election laws define certain specific offenses as felonies and misdemeanors. Upon conviction of a misdemeanor under these laws the penalty is a fine, imprisonment, or both, in the court's discretion. Conviction of one of the crimes designated as a felony entails imprisonment in the State Prison for not less than four months, or a fine of not less than \$1000, or both, in the discretion of the courts.

VIOLATIONS BY ELECTION OFFICIALS

An election official who fails to live up to the requirements of his position subjects himself to criminal prosecution.

A. *Felonies:*

- 1). Making or causing to be made a false or fraudulent entry or an election book, return or ticket.
- 2). Fraudulently acting or failing to do any required act concerning the making of any report required by law.
- 3). Making any entry or copy with intent to commit a fraud.
- 4). Seeking or accepting, directly or indirectly, any reward or compensation from a candidate or from any source other than the compensation provided by law for his services.

B. *Misdemeanors:*

- 1). Failing to prepare or distribute the books, tickets, and return blanks as required by law.
- 2). Continuing or attempting to act as an official after having been removed and given notice of removal.
- 3). Failing to perform any duty within the

time and in the manner prescribed by law for its performance.

- 4). Making, certifying, or delivering any false returns.
- 5). Erasing or altering any poll or registration book with intent to commit a fraud.
- 6). Refusing, after qualifying, to perform his duties.
- 7). Violating *any* election laws.
- 8). The chairman of the County Board of Elections: failing to send duplicate abstracts to the State Board within five days unless prevented by sickness or unavoidable delay.
- 9). Registrar: refusing to permit registration books to be copied while they are in his possession, or refusing to make a copy himself at the rate of 1c per name.

VIOLATIONS BY ANY INDIVIDUAL

While North Carolina honors her dead, she does not want tombstones voted in her elections. The people of this state believe that every qualified voter has a right to his vote, and his alone. North Carolina wants her voters and her election officials free to act without intimidation and over-persuasion. She insists that ballot boxes and all the other paraphernalia of voting be protected from tampering hands. Fought over for centuries, these principles have grown teeth sharp enough to bite deep in any man who violates them.

A. Felonies:

- 1). For any person to fraudulently have his name put on the registration books of more than one precinct, or to have his name or anyone's name put on the books of a precinct in which that person is not qualified to vote.
- 2). To impersonate another voter, and vote in his place.
- 3). To give, promise, or accept anything of value in return for an elector's vote.
- 4). To swear falsely to any matter pertaining to an election or primary.
- 5). To vote after being convicted of a felony without having had his citizenship restored.
- 6). To take corruptly the oath prescribed for voters.
- 7). To vote at more than one box at more than one time, to vote illegally, or to induce another person to do these things.
- 8). To assault an election official engaged in performing his duties.
- 9). To threaten or attempt to intimidate an election official in the discharge of his duties.

B. Misdemeanors:

- 1). To break up or interfere with the holding of any election.
- 2). To interfere with the possession of ballot boxes, election books, tickets or return sheets by the election officials.

- 3). To interfere with any election official in the performance of his duties.
- 4). To behave boisterously so as to disturb election officials in the performance of their duties.
- 5). To bet on any election.
- 6). To discharge or threaten to discharge an employee on account of the way he votes.
- 7). To otherwise intimidate any voter on account of the way he votes.
- 8). To contribute or spend anything to aid any candidate or campaign committee without reporting it to the candidate or committee.
- 9). To publish derogatory material concerning a candidate without signing the name of the party responsible.
- 10). To publish or have circulated any derogatory reports concerning a candidate with knowledge of falsity of the reports or in reckless disregard of their truth or falsity.
- 11). To give or promise a political office or support for political office in return for political support.
- 12). To give to a blind or illiterate voter a ballot which he does not want, falsely representing it to be what he wants.
- 13). To solicit or accept campaign contributions from corporations.
- 14). To allow his ballot to be seen by another, to try to take a ballot from the voting place, to try to interfere with other voters in the enclosure, to remain longer than five minutes in a booth if the booth is needed, to try to induce any voter in the enclosure to show how to mark, or to try to aid any voter in marking his ballot.
- 15). To give away or sell any intoxicating liquor, except for medical purposes or on a doctor's prescription, within five miles of a polling place at any time within twelve hours before and after the election or while it is going on.

SPECIFIC VIOLATIONS BY CANDIDATES, CAMPAIGN COMMITTEES AND CLERK OF COURT

By virtue of certain specific duties imposed on them by the election laws certain individuals are liable to penalties especially designed to insure compliance:

1. Any candidate or campaign committee who fails to make the required reports under oath is guilty of a misdemeanor.
2. Any campaign committee failing to furnish a candidate with copies of the reports it is required to render is guilty of a misdemeanor.
3. Any Clerk of Court who fails to furnish a certified copy of the returns deposited in his office to any person who tenders him the proper fee is guilty of a misdemeanor.
4. Any Clerk of Court who fails to transmit the required returns to the Secretary of State within the required time, unless prevented by sickness

or other unavoidable delay, is guilty of misdemeanor.

VIOLATIONS BY CORPORATIONS

North Carolina has taken particular pains to limit the activities of corporations and insurance companies in electoral contests.

It is a misdemeanor for any corporation doing business in the state to contribute to a political campaign or to reimburse another person for doing so. And this covers any official, director, stockholder, attorney or agent who aids, abets or consents to the contribution or expenditure, as well as any person who solicits or knowingly receives any such contribution or expenditure. In addition to this criminal liability, the law specifically provides that these persons are liable to the corporation for the amount spent or contributed.

Any insurance company doing business in this state is subject to the same penalties with the additional penalty of having the insurance commissioner revoke its license.

VIOLATIONS IN CONNECTION WITH ABSENTEES

The absentee vote is a privileged vote and should be guarded zealously. The statute seeks to curb evil practices by setting out certain specific offenses as misdemeanors.

1. For any person authorized to administer oaths to certify falsely that any oath or affidavit required by the absent voters law has been administered.

2. For any person wilfully and falsely to make any statement or affidavit under oath required by the law.

3. For any person, for the purpose of obtaining or voting any official ballot under the law, wilfully to sign any printed or written false statement not under oath, or, if under oath, not duly sworn to.

4. For the Chairman of the County Board of Elections to violate any of his duties as sole custodian of absentee ballots and other records connected therewith, or to violate the regulations in regard to the issuance of such ballots.

5. For any person to violate any of the provisions of the absent voters law or fail to comply with the provisions of the law for which no other punishment is provided.

ABSENTEE REGISTRATION AND VOTING IN PRIMARY BY MEMBERS OF ARMED FORCES

As a general rule absentee registration and voting is not allowed in primary elections. An exception in favor of the members of armed forces has been made to this policy to last during the period of the war emergency. The State has established a method by which absent servicemen may register and vote in the 1946 Primary Election. This method of registration and voting is a privilege and must be adhered to closely.

WHO IS ENTITLED TO REGISTER AND VOTE THE ABSENTEE BALLOT IN THE PRIMARY?

A person must meet the following requirements in order to register and exercise the privilege of voting by absentee ballot in the 1946 Primary:

1. The person seeking to register and vote must be absent from his home county.
2. He or she must be actually serving in the naval,

military, auxiliary, merchant marine or other armed service of the United States.

3. He or she must be 21 years old or will become 21 years old by the date of the General Election, November 5, 1946.
4. The person seeking to register and vote must have been a resident of North Carolina for one year, and of the voting precinct for four months, preceding the general election on November 5, 1946. It is important to understand that voting residence is not interrupted by temporary absence in the armed forces.
5. He or she must be able to read and write any section of the North Carolina Constitution.

HOW IS ABSENTEE REGISTRATION ACCOMPLISHED?

At any time before May 25, 1946, the Primary Day, a person meeting the requirements discussed above may apply to register and vote under the absentee law.

The application for absentee registration for the primary can be made only by the voter himself in view of the fact that he alone is qualified to state his party affiliation. A member of his family cannot make application for him. There are three possible ways in which the serviceman may make application. Any *one* method will be effective.

1. By completing the following approved application form obtained from the chairman of the appropriate county board of elections:

Application For Absentee Ballots For 1946

Primary Election By Servicemen

To the Chairman of the

Board of Elections: _____ County

I hereby certify that I am 21 years of age, (or will be by November 5, 1946); that I was residing at the time of entering service at _____

(street or rural address)

(city or town)

(County and State)

(Voting Precinct)

and have been a resident of the State for one year and precinct for four months, (or will have been by November 5, 1946); that I can read and write any section of the State Constitution in the English Language; that I am registered (or qualified to register in the Chairman's Absentee Register Book for the 1946 Primary Election); that I am now a member of the military or other armed or auxiliary forces of the United States or the Merchant Marine; that I AM AFFILIATED WITH THE

_____ POLITICAL PARTY, and I

(fill in name of party)

hereby make application for absentee ballots for the 1946 Primary.

Ballots to be mailed to me _____

(Print voter's name)

at _____

(Print or type address here)

Signed _____

(Name of voter or member of voter's family) (Relationship)

INSTRUCTIONS

Application can be made by the wife, husband, brother, sister, parent or child of voter by indicating relationship, but **ONLY WHEN** the voter is registered on the primary registration book, or on the Chairman's Special Absentee Register used in 1944 Primary. Only the **VOTER HIMSELF** can declare his party affiliation for registration, so voter should be sure to fill in the name of his or her party on blank line above to get a primary ballot.

2. By mailing an informal application in writing to the Chairman of the County board of elections or to the

Secretary of State setting out the following information above the applicant's own signature:

- a. Full name of applicant.
- b. Statement of voting residence.
- c. Service Address.
- d. Age.
- e. Educational qualifications.
- f. Party affiliation.

3. By making out the application card furnished by the United States Government under Public Law 712 of the 77th Congress, amended by Public Law 277 of 78th Congress, addressed to the Secretary of State, provided the person seeking to register is careful to declare his party affiliation in completing the card. The Secretary of State will forward any applications of this kind received by him to the proper county board chairman.

Any one of these three methods is sufficient within itself. Applications of this type constitute applications for ballots in the Primary on May 25th and also for the General Election on November 5th, 1946.

APPLICATIONS FOR BALLOTS BY SERVICEMEN ALREADY REGISTERED

In addition to the three methods described above, any one of which will serve to get ballots for the serviceman who is *already* registered as well as for those unregistered, there is an additional method available to the serviceman who has already registered for primary voting, either in person before or after entering military service, or by mail with the chairman of the county board of elections for the 1944 primary so that his name appears on the 1944 Special Primary Absentee Register. The application for ballots in such a case may be made by the wife, husband, brother, sister, parent or child of the voter, who must indicate on the application the relationship between the voter and the person making application in his behalf.

FUNCTIONS OF THE CHAIRMAN OF THE COUNTY BOARD OF ELECTIONS REGARDING ABSENTEE REGISTRATION AND VOTING

The Chairman of the County Board of Elections is primarily responsible for operating the absentee machinery. In order to maintain a separate record of military registrations, the State Board of Elections supplies each county board chairman with a Special Absentee Register. This book is a public record. Any voter is entitled to inspect it during the chairman's office hours. If a voter protests in writing to the State Board that a chairman has refused to permit him to inspect the register, the State Board, upon finding by a majority vote that the county chairman arbitrarily refused to permit the inspection, may remove the offending chairman summarily.

Upon receiving application for a primary ballot from an *unregistered* member of the armed forces the chairman should follow the procedure outlined below:

1. He must first determine whether the applicant is qualified to register and vote under the provisions of the State Constitution and statutory laws.
2. Within *three days* after the chairman has decided

whether the applicant is qualified to register, he must take the following steps:

- a. If the applicant is found *not* qualified, the chairman must record the rejection on a special list showing by precinct the names of all rejected applicants.
- b. If found qualified *and* if the applicant has stated his party affiliation in his application, the chairman must register the serviceman on the Special Absentee Register for the Primary, and indicate by the applicant's name his party affiliation. This being done, the chairman must mail to the applicant an absentee primary ballot with a container-return envelope and proper instructions for their use.
- c. If found qualified, but where the applicant has failed to declare his party affiliation on his application for the 1946 primary ballot, but *has* designated a party affiliation in the 1944 Primary as shown on the Special Absentee Register, or prior or subsequent to that time, *or* if the applicant is registered in the regular party primary registration book, the chairman must accept that previous declaration and forward the applicant the proper party ballots.
- d. If found qualified, but where the applicant has *in no way* indicated his choice of party, the chairman is not permitted to forward ballots. Nevertheless, the chairman is required to retain such applications and consider them as applications for ballots in the next general election on November 5, 1946.

Servicemen should understand that absentee registration is a privilege extended only during the present war emergency. Upon discharge from the service, a person registered under this special provision must appear before the registrar in person and re-register before he is entitled to vote again in any primary or general election.

Upon receiving completed absentee ballots from servicemen, certain additional duties fall to the chairman of the county board elections.

1. From the container-return envelopes returned to him, on May 24th, the day before the primary, he must prepare in quadruplicate for each precinct in his county, a roster showing the names and party preferences of all persons who have applied for absentee registration and whose party affiliations have been recorded on the Absentee Register.
2. On the morning of May 25, Primary Day, the chairman must see that two copies of the appropriate precinct list of absent voters are placed in the hands of the registrar of each precinct for which the chairman has received such applications for registration. With the two copies of the list must be sent all container-return envelopes (unopened and with the seal unbroken) which he has received from absent voters of the particular precinct. The precinct registrar must post the list by noon on primary day at the polling place in such a way that the public may inspect it. This list as compiled by the chairman of the county board is the

(Continued on page 17)

News of the Primary

For the last few weeks North Carolina newspapers have been full of notices of candidacy for political offices in the coming primary election. Local contests have occupied prominent places on the stage, but the spotlight has been focused on the Congressional races. For an off-year there is an unusual amount of interest in politics. This is a healthy sign. Perhaps it is an indication of a rising popular interest in the value of the ballot as a means to effective popular government.

State interest has been drawn to the race for Congress in several districts. Two party competition is scheduled in every Congressional district except the Second for the next General Election. In the Second District no candidate has been nominated by the Republicans so the Democratic Primary will decide the issue.

Although not a true sampling, certain specific county political situations will illustrate North Carolina's political profile. In at least two counties the Democrats have no contests within their own party and will require no local primary. At the other extreme some counties have great numbers of candidates for party nomination to a single office. For example, the newspapers indicate that nine candidates have announced for the Democratic nomination for sheriff in Bladen County. In Harnett County nine men are seeking Democratic nomination for county commissioner. In Wilkes County the situation promises less heat in the coming primary than in the General Election in November. The Sheriff's office is being sought by three Republicans and two Democrats, the office of clerk of superior court by two Republicans and one Democrat, and three from each party are seeking nominations for county commissioner. The *Charlotte Observer* has expressed surprise at the number of western counties in which the Republican Party is conducting a primary in the light of long practice within that party of agreeing on candidates without a primary contest.

Meeting recently in Winston-Salem, the Republican Party announced a platform favoring a statewide referendum on liquor, repeal of the Absentee Ballot Law, minority party representation on state agencies controlling highways and public schools, repeal of the Sales Tax, reduction of state property and income taxes, increases in the pay of public school teachers, and a reduction in the number of commissions and bureaus. One Republican orator has urged passage of a law abolishing half the laws on the statute books of the state and another law abolishing half the agencies and commissions.

The *Raleigh News and Observer* has deplored the fact that Democrats seeking seats in the General Assembly have been reticent about raising issues and taking stands. Examination of both Democratic and Republican political advertisements and news articles in the newspapers of the state makes it apparent that candidates of both parties are running on platforms of men rather than issues. This is nothing new in

North Carolina. In local offices there is little in the way of public policy that can be brought into issue, and it has long been customary for political parties in this state to assume a cloak of solidarity in the primaries saving argument of issues for the general election contests.

Most contests in the present primary are being tried on the issue of past performance against new blood. One aspirant has filled the local journal with the cry that "Fourteen Years is Long Enough; Eighteen Years Would be Too Long." Others have called attention to their long years of party loyalty and service, and the records of their families. One county paper recalls that a candidate's grandfather displayed considerable wit and ability in collecting delinquent taxes a few decades ago. An easterner wants it distinctly understood that he is "The Peoples' Candidate." The great majority have made no statements as to how they feel on local questions, preferring to leave issues to the pre-election campaign. It is too early to examine the campaign issues exhaustively, and in all probability issues will develop as the primary draws nearer.

To say that no candidate has expressed himself would be inaccurate. An occasional aspirant, championing the sentiments of the prohibitionists, has raised his voice against the evils of alcohol in any form, promising that if elected he will do everything in his power to see that his county gets a referendum. Others bespeak a statewide referendum. Candidates for county offices have now and then taken a stand on the representation of neglected areas of their counties in the halls of government. Promises of encouraging industry to move into rural areas have been made, but no statement has been issued on the vital questions raised by the mounting sales of local industries to out-of-state purchasers. Promises to work toward improving local economic conditions by obtaining Federal aid for county and city enterprises have cropped up occasionally in the recitals of personal qualifications with which the papers are filled. One Congressional aspirant has promised to devote his efforts toward balancing the economy under which farmers in this state make only 20% of the retail price of the commodities they raise.

The housing problem has been generally ignored. Individual candidates have steered clear of statements concerning increases in pay for public school teachers. There has been no Democratic statement concerning the Republican demand for abolition of the absentee ballot law. Long biographical studies of the candidates detailing their age, marital status, business, military, fraternal and religious affiliations interest North Carolina voters far more than anything else if one is to draw conclusions from the newspaper publicity the candidates receive.

As a group, Veterans have been taking only spotty political action. Now and then a newspaper has carried an endorsement of a Veteran candidate by a

(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

30. Situs of personal property

To Miss Marian Shannon.

Inquiry: Where taxicabs are operated from a taxi-stand in town, but kept at the owner's home outside of town during the night, should a town tax be levied on them?

(A.G.) G.S. 105-302 provides that all tangible personal property shall be listed at the residence of the owner except as otherwise provided in that section, and subsection 4 of that section provides that "tangible personal property shall be listed at the place where such property is situated, rather than at the residence of the owner, if the owner or person having control thereof hires or occupies a store, mill, dockyard, piling ground, place for the sale of property, shop, office, mine, farm, place for storage, manufactory or warehouse therein for use in connection with such property."

In *Texas Company v. Elizabeth City*, 210 N.C. 454, 456, the Court said that "The situs of personal property for purposes of taxation is ordinarily the domicile of the owner. Where, however, the owner maintains said property in a jurisdiction other than that of his domicile, in the conduct of his business within such jurisdiction, the situs of said property for purposes of taxation is its actual situs, and not that of his domicile. The exception to the general rule is now universally recognized by the courts, both Federal and state."

Under these provisions, I am of the opinion that the taxicabs about which you inquire should be listed in the town and that the taxes should be collected.

B. Matters Affecting Tax Collection

10. Interest, penalties and costs

To B. A. Critcher.

Inquiry: What rate of interest should a county charge where it has sold and taken tax sale certificates for property subject to delinquent taxes?

(A.G.) Under G.S. 105-340, 105-376, subsection (b) and 105-388, subsection (b), it appears that in the absence of a local statute to the contrary, the tax lien continues until the taxes plus interest, penalties, and costs allowed by law have been paid, and that the rate of interest shall be eight per cent from the date of the sale on the amount bid by the taxing unit.

III. COUNTY AND CITY LICENSE OR PRIVILEGE TAXES

A. Levy of Such Taxes

40. License tax on peddlers

To Harry Ganderson.

(A.G.) Section 121 of the Revenue Act, authorizes the imposition of peddlers' license taxes by the state, as well as counties, cities and towns. Subsection (a) of this section defines persons, firms and corporations who or which are deemed "peddlers" within the meaning of this section. It specifically excepts from this defini-

HARRY McMULLAN

Attorney
General
of
North
Carolina



tion "such person, firm or corporation who or which is a wholesale dealer with an established warehouse in this State, and selling only to merchants for resale" The last paragraph of section 121 specifically provides that no county, city or town shall levy any license tax or put any peddlers' license tax upon the persons so exempted in the section nor upon drummers selling by wholesale.

IV. PUBLIC SCHOOLS

A. Mechanics of Handling School Funds

13. Use of ABC funds

To Paul A. Reid.

Inquiry: May ABC funds paid to a county be used to supplement objects and items in the current expense budget of the county schools?

(A.G.) Since the Alcohol Beverage Control Act of 1937 (G.S. 18-59) does not specify as to what purposes ABC earnings shall be expended by the county, I am of the opinion that under the authority of G.S. 115-356, in the event the board of county commissioners should see fit to make the appropriation of a part of the ABC revenue for the purpose, the county board of education or the board of trustees of the city administrative unit, with the approval of the State Board of Education, could use these funds to supplement any object or item in the current expense budget, as G.S. 115-356 provides that the revenue from fines, forfeitures, etc., and "from all other sources except state funds" could

OPA CEILINGS ON JUDICIAL SALES

To J. E. Swain.

Inquiry: Are OPA prices controlling on judicial sales?

(A.G.) The Supreme Court of the United States has handed down a decision, *Case v. Bowles*, 66 Sup. Ct. 438, in which it was held that the OPA ceiling prices are controlling on judicial sales and that, notwithstanding any provisions of state laws requiring public sales to highest bidders, the OPA ceiling prices must be observed as a part of the authority of the National government in the exercise of its war powers.

be used for this purpose under such conditions.

B. Powers and Duties of Counties

25. Use of county funds

To Clyde A. Erwin.

Inquiry: Is a county board of education authorized to pay teachers out of county funds for time lost and not made up during the school year?

(A.G.) I know of no authority for a county board of education to pay out county funds to teachers' salaries for time lost and not made up during the school year. It is assumed that the teachers in question will be paid for the full length of the school term of 180 days from State funds, or such funds as may have been voted as a supplement for this purpose. I find no statutory authority allowing a board of county commissioners to appropriate funds to a county board of education to pay for teachers' lost time from school.

C. Powers and Duties of City Administrative Units

20. Erection of buildings

To Robert W. Proctor.

Inquiry: May a contract for the erection of additions to schools within a city administrative unit be let on a basis of cost plus a reasonable fixed fee to the contractor or does such contract have to be let to the lowest bidder?

(A.G.) I do not think that G.S. 143-129 contemplates the letting of contracts on a cost plus a fixed fee basis. I think the section contemplates the advertisement for bids for the performance of a specific contract for a specific bid, so that the public agency would know the amount of money involved upon the letting of the contract. However, I see no legal objection, if the bid seems unduly high, to requiring the successful bidder to agree to furnish the Board with a detailed statement of all expenditures in the construction of the projects and to remit such portions of the bid in excess of the actual cost of construction, and less than the actual bid, or so much thereof as might be agreed upon.

To Robert W. Proctor.

Inquiry: In the construction of additions to school buildings within a city administrative unit, is it necessary for the trustees of the administrative unit to make requests of the county board of education for these improvements, or of the board of county commissioners?

(A.G.) G.S. 115-83 provides that county boards of education, with respect to county administrative units, and the boards of trustees, with respect to city administrative units, have the duty of presenting these needs and the cost thereof each year to the county commissioners. It seems that the application for funds with which to construct new or repair old school buildings within a city administrative unit should be made by the trustees, direct to the board of county commissioners.

G.S. 115-84 places the responsibility, control, supervision and the letting of con-

tracts for school buildings to be erected within a city administrative unit in the trustees of such unit, notwithstanding the fact that the funds are provided therefor by the board of county commissioners.

F. School Officials

50. Principals and teachers—election and contracts

To A. C. Moses.

Inquiry: May a school principal or teacher demand his position when he is released from military service?

(A.G.) The G. I. Bill of Rights recommends that teachers and other employees be returned to their jobs when they are discharged from military service. But this action is not compulsory, although federal recommendation is generally followed when possible.

To J. L. Haynes.

Inquiry: Is a school teacher's contract affected in any way by his filing as a candidate for Congress?

(A.G.) While I know of no statute which prohibits school teachers from becoming candidates for any office, it may be that the State Board of Education or the local school board has some rules that would invalidate a teacher's contract if he or she became a candidate for political office.

I. School Property

10. Disposition of school property

To W. D. Boone.

Inquiry: Where a county board of education has purchased a tract of land for the location of a school building and wishes to sell a portion of this land not needed for school purposes, will that portion have to be sold at public sale under G.S. 115-86?

(A.G.) In my opinion, the provisions of this statute are mandatory and would be applicable to the sale of a portion of this land which is not needed for school purposes, and would have to be sold at public sale as required by this statute.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

P. Costs Payable by County

26. Expenses of inebriates in State hospital

To Mrs. George R. Waller.

Inquiry: Does the State or county pay upkeep of State hospital patients who cannot bear the expenses themselves?

(A.G.) If the person is committed as an inebriate and is unable to pay the expenses of his care and treatment, the obligation falls on the county from which committed. G.S. 35-33. If the inmate has relatives who are liable for support under G.S. 143-117, et seq., or G.S. 35-33, and these relatives are financially able to pay for his care, the county would be under no obligation to pay. If the person committed is mentally disordered and is unable to pay the costs of his care and treatment, and has no relative responsible for his care and treatment under statutes cited above, who is financially able to pay them, the duty falls upon the State.

S. What Constitutes Necessary Expense

7. School gymnasium

To F. W. McGowen.

Inquiry: Is a public school gymnasium a necessary expense for which taxes may be assessed legally?

(A.G.) The Supreme Court has not considered this question. The answer would probably depend upon the use of the building. If the term is to be construed strictly as nothing more than an arena for sporting events, I do not think the Court would

PARKING METERS IN TOWNS OF LESS THAN 20,000

Inquiry: Is there a law in North Carolina prohibiting the installation of parking meters in a town with a population under 20,000?

(A.G.) G.S. 160-200 (31) which authorizes the installation of parking meters in towns of 20,000 or above, is not a restriction on the powers of cities, but is an additional power, since prior to 1941 no cities in North Carolina, regardless of their size, could install parking meters. In the Raleigh Case, 217 N. C. 627, the Supreme Court held invalid the city ordinance authorizing the installation of parking meters, and as a result, the legislature authorized municipalities with a population of over 20,000 to install parking meters. This statute has not been before the Court for construction; the Court pointed out in the Raleigh Case that it was not there passing upon the constitutionality of a legislative act granting the right to install parking meters. In other words, even though the legislature has authorized cities of 20,000 or more to install parking meters, it is possible that if the matter should be brought before the Court it would hold the statute unconstitutional, in which event no city, regardless of its population, could install parking meters.

hold it a necessary expense. If, on the other hand, the gym is a building in which physical education is taught and physical culture practiced, and that such classes are open to all of the pupils of the school rather than just to those composing teams representing the school, I am inclined to think that the Court would hold that funds expended for such a building constitute a necessary expense. In any case it would be necessary for the school authorities to find that such a building was necessary in the operation of the school and that the necessity arose from a need for a building in which to provide instruction in physical education.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

N. Police Power

21. Sale of wine and beer

To Ralph H. Ramsey, Jr.

Inquiry: May the governing body of the county adopt a resolution prohibiting the sale of beer and wine in the entire county, including the incorporated towns, between the hours of 12:01 A. M. and 1:00 P. M. Sundays?

(A.G.) G.S. 18-77 authorizes governing bodies of certain counties, and the municipalities therein, to adopt resolutions prohibiting the sale of beer and wine between the hours of 12:01 A. M. and Midnight Sundays. I am of the opinion that the board of county commissioners may adopt a resolution prohibiting the sale of such beverages within the entire county, including the incorporated towns. I think that that portion of the section giving authority to municipalities to prohibit the sale within their boundaries would not prohibit the county governing body from adopting resolutions as to the entire county, but gives to the governing bodies of such municipi-

palities the authority to adopt resolutions applicable to their respective cities and towns, irrespective of whether the board of commissioners adopts one applicable to the county.

Of course this would not be true under Chapter 393 of the Session Laws of 1943, being Article 7, Chapter 18 of the General Statutes, for in that Article the counties are restricted in adopting resolutions to that portion of the county outside of the corporate limits, and the governing authorities of municipalities have sole jurisdiction within their respective cities and towns.

To Glenn H. Ray.

Inquiry: May beer be sold after 11:30 P. M. and on Sundays at a private club outside the city limits open only to members who use coupon books instead of cash?

(A.G.) Chapter 18, Article 7 of the General Statutes prohibits the sale of wine and beer between 11:30 P. M. and 7:00 A. M. each day. Sunday sales are determined by the board of county commissioners or the board of aldermen of the city.

Q. Town Property

5. Sale of town property

To Junius C. Brown.

Inquiry: Is a municipality authorized to sell its city owned armory at private sale? Does the municipality have a right to lease this armory without giving public notice or without letting the lease at public outcry?

(A.G.) Unless the power to sell property at private sale is expressly given to the municipality by some special act or by a provision in its charter, it does not have authority to sell the armory to anyone except at public outcry after 30 days notice as required under G.S. 160-59.

Under G.S. 160-200 (2), I am of the opinion that the city could execute a valid lease of this property without giving public notice and without letting the lease at public outcry.

Y. Streets and Sidewalks

2. Duty to repair

To Ernest R. Warren.

Inquiry: May a city require a railway company to keep up the portion of the streets within the line of its tracks on streets in which it has laid its tracks?

(A.G.) Under G.S. 160-200 (18) and other laws relating to this matter, I am of the opinion that the city has a right to require the railroad to maintain the streets inside of its tracks in good repair and condition so as not to obstruct the use of the streets of the city.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

D. Registers of Deeds

11. Marriage—witnesses

To S. O. Riley.

Inquiry: Is a marriage ceremony valid when witnessed by only one person?

(A.G.) G.S. 51-1 does not require that the ceremony be witnessed by anyone other than the parties and the official performing the marriage. But G.S. 51-16 indicates that the law contemplates that the ceremony shall be witnessed by providing a form for the license which contains a place for the signature of a witness. G.S. 51-18 provides for the official's return and says that the return shall list "the names of all or at least three of the witnesses who sign the return as present at the celebration."

While the statute contemplates the presence of witnesses, I do not believe that a marriage performed when no witnesses were present or when only one witness was present would be invalid.

L. Local Law Enforcement Officers

93. Indictments

To M. B. Gillam, Jr.

Inquiry: Can an indictment for larceny of sugar ration stamps be sustained?

(A.G.) At common law indictment might lie for the larceny of the paper itself on which the stamps were printed, although the crime may not lie within the provisions

of G.S. 14-75. See the case of *State v. Mull*, 224 N.C. 574.

X. PRIMARIES

B. Powers and Duties of Election Officials

20. Selection of registrars and judges

Inquiry: If the chairman of either the Democratic or Republican party submits from three to five men as set out in the statute for appointment as judges for the primary or general election, is the county board of elections bound to select one of the number so submitted?

(A.G.) G.S. 163-15 provides that the county boards of elections have a right to

appoint the judges of election for each election precinct in the respective counties. In our opinion this statute is written in directory language; and while the registrar and judges of election may be appointed from the three to five electors in each precinct recommended by the chairman of each political party, nevertheless the language of this statute is directory and not mandatory. The board of elections is not confined to this roster of electors submitted by the chairman of each party but may appoint other persons if in its discretion it thinks that it is advisable to do so.

The Primary Election

(Continued from page 13)

only precinct registration that is made for members of the armed forces who have registered by mail. The posting of the list by the registrar at the polling place constitutes validation of the absentee ballots when they are regular in all other respects. It is imperative that registrars understand that they must not transcribe the names of voters registered by mail from this list to the regular party primary registration books.

3. A third copy of the list must be mailed by the chairman of the county board to the chairman of the State Board by the night of Friday, May 24th.

4. The remaining copy of the list must be kept in the office of the county board as a public record open to the inspection of any voter.

DISPOSAL OF APPLICATIONS AND ABSENTEE ENVELOPES

At the outset it should be remembered that the chairman of the county board is required to save all applications and absentee envelopes for at least six months after the primary, and longer if there is any dispute still pending at that time concerning any vote received by any candidate in the county.

Applications for registration and ballots in the primary received under the servicemen's absentee law must be preserved by the chairman of the county board because they constitute applications for ballots in the general election on November 5, 1946.

The chairman is required to bring the applications with him to the County Canvass on May 28th so that they will be available to the board.

Each registrar is charged with saving all the absentee envelopes in which absentee ballots came to him. He must deliver these envelopes to the chairman of the county board at the meeting of the county board on Canvass Day, May 28th.

CHALLENGING THE SERVICEMAN'S ABSENTEE BALLOT

The Method:

A serviceman's absentee ballot in the primary may be challenged by any elector *on the day of the primary*. Unlike the normal challenge, the challenge to the absent serviceman's ballot must set out the specific reasons why the serviceman does not possess the legal qualifications to register and vote *in writing* above the signature of the person making the challenge. Each person must be challenged separately with the reasons stated in each case. Also unlike the normal challenge, the registrar does *not* conduct a hearing. He does not open

the sealed envelope containing the ballot, but merely writes the word "Challenged" on its face. All absentee ballots that have been challenged, together with the written challenges, are delivered by the registrar to the chairman of the county board at the County Canvass.

The Hearing:

Challenges to absentee votes in the primary are decided at the County Canvass. Before the county board starts the canvass, the county chairman must present to the board all written challenges to be heard and determined by it. If the challenged absentee voter is present at the hearing he is entitled to testify in behalf of his vote. A majority vote of the board decides whether the challenge is sustained.

If the challenge is *not* sustained, the board opens the envelope, removes the ballot and adds it to the precinct returns for the candidates voted for.

If the challenge *is* sustained, the vote is not counted and the chairman of the county board enters the words "Challenge sustained" by the serviceman's name in the Special Absentee Registration book.

News of the Primary

(Continued from page 14)

Veterans group. There are, however, a large number of Veterans who are running for office. Their platforms as a rule make no mention of their views on veterans' affairs. Apparently they are content to state their military history and request the support of their fellows on the theory that a veteran must necessarily stand for the things that all veterans want. Where veterans oppose each other this argument is neutralized. As a matter of policy all candidates (whether war veterans or political veterans) recognize the power of the serviceman's vote and assure former servicemen that they are interested in seeing that the veterans have a voice in government.

The newspapers of North Carolina have been almost editorially mute in this primary campaign. A few utterances have been notable exceptions. The *Charlotte News* and the *Winston-Salem Twin City Sentinel* have both commented at some length on the efforts of the Committee for North Carolina toward instructing the voters of the state in how to vote. While both papers endorse the idea of instruction, they have stressed the idea that voting lethargy is best cured by red hot campaigns.

Primary Election Time Table

DATE	WHO	ACTION REQUIRED	DATE	WHO	ACTION REQUIRED
16 March (tenth Saturday before Primary)	State Board of Elections	Appoint County Boards of Elections upon recommendations of Chairman of Political Parties. G. S. 163-11	22 May (three days before primary)	Chairman of County Board of Elections	Deliver proper number of ballots and boxes to registrar of each precinct and obtain receipt. Do the same with poll books and other equipment and supplies furnished by county board. G.S. 163-60
Before 6 P. M. 16 March (tenth Saturday before primary)	Candidates for Congress and State Officers	File notice of candidacy with State Board of Elections. G. S. 163-119	Before primary	Registrar and Judges	Hear and decide challenges after notice to 'challenged electors. G.S. 168-78
Before 20 March (within three days of the expiration of filing time)	State Board of Elections	Certify facts as to notices filed to Secretary of State G. S. 163-124	Before primary	Registrar or Judge	Check voting place, booths, ballots, supplies, etc.. G.S. 163-164
Before 6 April (seventh Saturday before primary)	State Board of Elections	Print and furnish to county boards of elections sufficient number of blank notices of candidacy. G. S. 163-130	Morning of 25 May (morning of primary)	Chairman of County Board of Elections	Deliver to proper precinct copy of list of absent military voters, and all absentee military ballots received. G.S.163-74, 163-77.4
6 April (seventh Saturday before primary)	County Board of Elections	Select one registrar, two judges and one alternate judge for each precinct for the ensuing primary and general elections. Publish names at court house door. G.S. 163-12, 163-15, 163-16.	Primary Day 25 May (last Saturday in May)	Registrar, Judges and Assistants	Take prescribed oath, open polls, conduct primary. At conclusion tally ballots, make duplicate returns, mailing one copy the same night to county board and giving other copy to registrar or judge for delivery to board with other supplies at county canvass. G.S. 163-164.
On or before 13 April (sixth Saturday before primary)	Candidates for General Assembly, county and township offices	File notice of candidacy with County boards of elections. G.S. 163-119	11 A.M. 28 May (second day after primary, excluding Sunday)	County Board, Registrar or Judge	Meet at court house to canvass precinct returns; tabulate vote for county as a whole; announce results. Registrar or judge must bring duplicate set of precinct returns and other supplies. G.S. 163-85
On or before 25 April (at least 30 days before primary)	State Board of Elections	Print and distribute national and state ballots to county boards of elections. G.S. 163-151	Before 30 May (within five days after primary)	County Board of Elections	Prepare duplicate abstract for all offices for which State Board is required to canvass returns, sign affidavit as to correctness, and mail to State Board so as to be received within one week after primary. G.S. 163-89
Before 27 April (by the fourth Saturday before primary)	Chairman of State Board of Elections	Certify to county board chairmen names of candidates for superior court judges and solicitors who have filed notice and are entitled to have names on county ballot. G.S. 163-124	11 June (Tuesday after third Monday after primary)	State Board of Elections	Meet in Raleigh for purpose of canvassing votes cast in all counties for state and district offices, preparing abstracts, determining and announcing results officially. G. S. 163-94
27 April, 4 May, 3-11 May (fourth, third, and second Saturdays before primary)	Registrars	Attend polling place to register voters, first taking required oath and securing registration book from chairman of county board. G.S. 163-31, 163-123	After State Canvass	State Board of Elections	File Abstracts and original county abstracts with the Secretary of State. G. S. 163-110
After sunset, 11 May (close of registration)	Registrars	Certify to chairman of county board of elections number of voters registered in precinct. G.S. 163-31, 163-123	22 June (fourth Saturday after primary)	Registrars and Judges	Conduct Second Primary under same procedure as for first primary for any offices for which a run-off is necessary and requested. (No further registration of voters, except such as become qualified in interim between the two primaries and these are registered on the day of the second primary.) G.S. 163-140
9 A.M. to 3 P.M. 18 May (Saturday before primary)	Registrars	Attend polling place with books open for inspection and challenge of any elector. Appoint time and place before primary when he and judges will hear challenges. G.S. 163-78			