

April, 1948

# POPULAR GOVERNMENT

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*The State Board of Elections*

**PUBLISHED MONTHLY BY THE INSTITUTE OF GOVERNMENT  
UNIVERSITY OF NORTH CAROLINA  
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# Statement By The State Board of Elections

We have reviewed the election law material presented in this issue of POPULAR GOVERNMENT and find it to be an accurate study of the law as interpreted by the State Board of Elections.

We recommend that it be used not only by all election officials but by teachers, civic organizations and all citizens interested in learning about the election procedures of North Carolina.

## The State Board of Elections

HUBERT E. OLIVE, Chairman

RAYMOND C. MAXWELL, Executive Secretary

20 March 1948

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# Instructions for Use in Party Primaries and General Elections

By HENRY W. LEWIS

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## CHAPTER I THE STATE BOARD OF ELECTIONS

### Membership

General supervision and direction of the North Carolina election machinery rest with a five-man State Board of Elections. These five men are appointed by the Governor for a four-year term beginning the first day of January every four years from and after January, 1934. Vacancies on the Board are filled by the Governor with members to serve out the unexpired terms. Not more than three of the Board members may belong to the same political party (G.S. 163-8). In practice the Board is composed of three Democrats and two Republicans.

### Compensation

Members of the State Board of Elections receive \$7.00 for each day they actually perform official duties. In addition they are paid actual travel expenses and other expenses incurred in the discharge of their official duties (G.S. 163-9).

### Functions of the State Board

#### I. Meetings (G.S. 163-9):

At their first meeting, members of the State Board take the required oath and elect a chairman and a secretary. Through long custom, they elect the chairman whom the Governor has previously designated as his choice. The Board holds all its meetings in Raleigh unless called upon to investigate a contested election, in which event, they must meet in the county where the dispute has arisen. The chairman may call a meeting whenever necessary, and he is required to call one whenever two members of the Board request it in writing. Any three members may call a meeting on their own initiative if the chairman fails to do so.

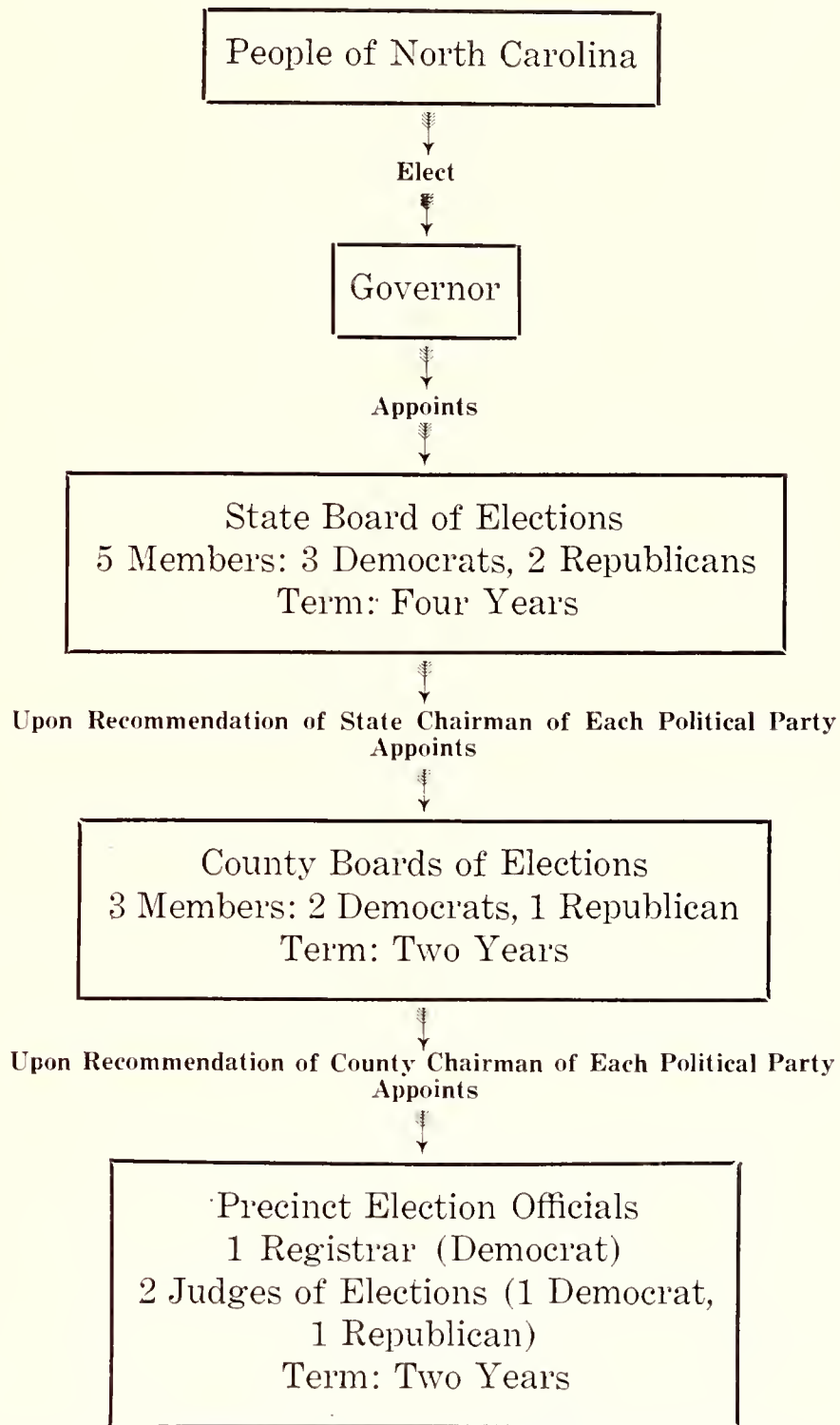
If the Board fails to have a quorum at a called meeting, it may adjourn from day to day for as long as three days. If by that time the absent members have not appeared, the Governor may remove them from office and appoint new members to serve out the unexpired terms.

#### II. Powers and Duties of the State Board of Elections (G.S. 163-10):

Under statutory authority the State Board:

A. Appoints county boards of elections on the tenth Saturday pre-

## ELECTION OFFICIALS



ceding each primary; removes any member for failure or neglect in his duties during office, and appoints new members to fill vacancies.

B. From time to time as it considers necessary, publishes and supplies to all election officials indexed copies of all election laws then in force.

C. Prepares rules and regulations governing the conduct of all primaries and elections.

D. Furnishes county boards with registration and poll books, cards, blanks, instructions and forms necessary in holding an election.

E. Determines the form of all ballots, blanks, instructions, poll books, tally sheets, abstracts, returns, and certificates of election.

F. Prepares, prints, and distributes to the county boards, all ballots to be used in voting for national and state offices, superior court judges, constitutional amendments and propositions submitted, and furnishes sample ballots, all at state expense.

G. Instructs the county boards as to the printing of county and local ballots.

H. Certifies to the county boards the names of candidates for district offices who are required to file notice of candidacy with the State Board, but whose names must be printed on county ballots.

I. Supervises elections and makes recommendations to the governor concerning elections.

J. Compels observance of election laws by election officials by investigating violations and irregularities. It hears and acts on complaints, arising by petition or otherwise, on the failure or neglect of county boards to comply with their duties. It reports violations to the Attorney General or appropriate solicitor for investigation and prosecution.

K. From time to time, as considered necessary, publishes and distributes explanatory pamphlets to the electorate.

L. Keeps a minute book in its office giving a record of all its proceedings and findings.

III. *Powers and Duties of the Chairman of the State Board of Elections (G.S. 163-10):*

In order to guarantee effective performance of duties by the state board, its chairman has authority to administer oaths, issue subpoenas, summon witnesses, compel production of books, papers and other evidence, and fix a time and place for hearings on irregularities in the administration of the law in the county where the trouble occurred.

IV. *Appeals to the State Board of Elections in Election Disputes:*

The rules of the State Board of Elections concerning election contests and the removal of election officials are set out in Chapter XI.

COVER PICTURE

When the State Board of Elections met in Raleigh on Saturday, March 20, it adopted a new set of regulations to govern the procedure which must be followed by a third party seeking to get its candidates on the ballots in North Carolina.

The picture on the cover shows the board in session at that meeting. Left to right: Board Secretary Raymond Maxwell of Raleigh; Judge Hubert Olive of Lexington, Democrat, chairman of the board; Walter H. Woodson of Salisbury, Democrat; Adrian Mitchell of Winton, Republican; and J. R. Morgan of Waynesville, Democrat. The board's other Republican member, Thomas C. Carter of Mebane, was not present.

(The new regulations are given in full on page 21 of this issue).

(Photograph by R. W. Stephens, Staff Photographer, News and Observer, Raleigh).

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CHAPTER II

THE COUNTY BOARD OF ELECTIONS

Membership

County boards of elections are appointed by the State Board of Elections for terms beginning on the tenth Saturday before each primary election. The terms run for two years, and until their successors are selected and qualified (G.S. 163-11).

I. *Who may be appointed:* Not later than fifteen days before the 10th Saturday before the primary, the State Chairman of each political party may recommend to the State Board three electors in each county for membership on the county boards. The State Board is required to make the appointments from the names submitted. Each county board is composed of three members, but since no more than two may belong to the same political party, each county board is made up of two Democrats and one Republican (G.S. 163-11).

II. *Vacancies and Removals:* The State Board may remove any member of a county board for incompe-

tence, fraud, failure to perform duty, or any other satisfactory cause, and may appoint a successor to fill the vacancy. When the vacancy occurs from some cause other than removal by the State Board, it may be filled either by the State Board or by the Chairman of the State Board. The person appointed must come from the same political party as his predecessor. He serves out the unexpired term (G.S. 163-13).

Compensation (G.S. 163-12)

Members of the county boards are paid five dollars a day for the time they actually perform official duties. They are also paid for any expenses necessary in the discharge of their duties. The Chairman of the County Board receives seven dollars per day in the actual performance of his duties. A "day" has been interpreted by the Attorney General to mean any calendar day in which a substantial part of the working hours is spent in the discharge of the duties of the office. There is no statutory authority for providing for fractions of days, or for paying overtime in any calendar day. The Attorney General has also ruled that members of county boards called on by the Chairman of the State Board to attend district meetings are performing official duties and are entitled to the usual compensation.

Functions of the County Board

I. *Meetings:* The first meeting of the county board is held at the courthouse at noon on the seventh Saturday before the primary. The members take the oath of office and elect a chairman and secretary. At this time they name the registrars, judges of elections and assistants for each voting precinct. Later meetings may be held at any time and place the chairman or members decide. The chairman or any two members have authority to call a meeting (G.S. 163-12).

II. *General Powers and Duties (G.S. 163-14):* County boards of elections have authority:

A. To appoint: 1. Registrars, judges, clerks and other election officials, designating the ward (or district) and precinct in which they are to work. (The board must publish a list of the appointees at the court house door and notify each one of his appointment.) 2. A board clerk, assistant clerks and employees.

B. To keep a minute book of all board proceedings.

C. To make rules for conducting elections; to supervise the elections; and to provide precinct officials with all equipment and information necessary to conduct the elections.

D. To prepare and submit to the county appropriating officers a budget estimating the cost of elections for each year.

E. To review and examine the sufficiency of petitions and nominating papers.

F. To establish, define, combine and rearrange election precincts. (A

county board cannot create an election precinct that will contain territory in more than one township because of the constitutional and statutory requirements that certain officers be elected from townships.)

G. To provide for the printing of ballots for use in voting for county and township officers and for the printing of sample ballots for those officers, all at county expense.

H. To make abstracts of election returns and issue certificates of election.

I. To investigate irregularities, non-performance of duty and violations of laws by election officials and other persons. (To make this power effective, they may administer oaths, issue subpoenas, summon witnesses, compel the production of evidence, and report the facts of board investigations to the prosecuting authorities.)

J. To perform all duties required by law or by the rules of the State Board of Elections.

#### CHAPTER III

### PRECINCT ELECTION OFFICIALS

Precinct election officials are called registrars, judges of elections, and assistants. They operate the local registration and voting machinery.

#### Registrars and Judges

I. *Membership (G.S. 163-15)*: Registrars and judges are appointed by the county board of elections to serve from the seventh Saturday before the primary for two years and until their successors are appointed and qualified. One registrar and two judges are appointed for each precinct. They must have good moral character and must be able to read and write. The chairman of each political party in the county may recommend from three to five resident voters of each precinct to the county board for appointment to these positions. The county board, however, is not bound to appoint from this list. Not more than one judge may belong to the same political party as the registrar, except in primaries in which only one political party participates. General procedure is to appoint two judges and an alternate judge from the majority party so that he may act in the primary of that party when it alone conducts a primary election in the county. Persons holding offices or places of trust or profit under the government of the United States, or of the State, or of any political subdivision thereof, are ineligible to serve as election officials. Exception to this rule is made for officers in the militia, notaries public, justices of the peace, commissioners of public charities and commissioners for special purposes. (G.S. 163-15, as amended by Ch. 505, Session Laws of 1947).

II. *Vacancies and Removals (G.S. 163-16; 163-18)*: The county board may remove any precinct officials for incompetence, failure to perform duty, failure to qualify in time to perform, fraud, or any other satisfactory cause, and may appoint an-

other person of the same political faith to fill the vacancy. If a vacancy occurs by death, resignation, or other cause, before election day, the county board may appoint another person of the same political party to fill the vacancy. If a judge fails to come to the polls when they are opened, the registrar must appoint another person of the same political party to act in his place. In the event that the registrar does not appear at the polls, the judges appoint another registrar. The law does not require that he belong to the same political party.

III. *Compensation (G.S. 163-19; 163-20)*: Judges are paid five dollars for their services on the day of election, and registrars are paid six dollars for services on election day and also for each Saturday that they attend the polling place to register voters. Judges also receive five dollars per day and registrars six dollars per day for attendance at meetings called by the Chairman of the County Board of Elections. The State Board has decided that registrars are entitled to mileage compensation on the day they bring in the returns but not on the day of election. The 1947 Legislature amended the law to allow boards of county commissioners to provide additional compensation for precinct officials (G.S. 163-20, as amended by Ch. 505, S. L., 1947).

IV. *General Powers and Duties (G.S. 163-21)*: Registrars and judges are required to conduct the elections peacefully and to count the votes impartially. The registrar has a specific duty to register the voters. The powers granted to enforce these broad general duties will be discussed in the sections dealing with the processes of registration and voting.

#### Assistants

Assistants are appointed by the county board of elections. The actual number permitted is covered by two statutes, one allowing an assistant in every precinct having more than three hundred registered voters (G.S. 163-15), another providing for one "clerk" for each precinct in which there are five hundred registered voters with an additional "clerk" for each additional five hundred registered voters (G.S. 163-181). Since there is obvious confusion in the law, the State Board has ruled that county boards are at liberty to follow either statute. In any case, assistants must be qualified voters in the ward or precinct in which they will serve. They are paid five dollars for their services on election day (G.S. 163-20, 1945 Cum. Supp.). Their duties are simply to help the registrar and judges in carrying on the business of operating the election machinery.

#### CHAPTER IV

### REGISTRATION OF VOTERS

In order to vote in any primary or general election, an elector must be properly registered (G.S. 163-27).

The registration process is handled by the precinct registrar.

I. *Duties of the County Board of Elections*: The county board of elections is responsible for the following matters pertaining to registration:

A. Dividing the county into voting precincts (G.S. 163-14, subsection 1; G.S. 163-22).

B. Providing places for registration and voting (G.S. 163-14, subsection 2).

C. Appointing a registrar for each precinct (G.S. 163-15).

D. Furnishing the registrar with registration books and other necessary supplies (G.S. 163-14, subsection 8).

II. *Duties of the Registrar*: Each precinct registrar must be at the voting place in his precinct to register voters from 9:00 a. m. until sunset on the fourth, third, and second Saturdays before the primary and general elections. On other days during these periods he must keep the registration books open at his home or place of business from 9:00 a. m. until sunset (G.S. 163-31). While the law is not interpreted to mean that the registrar cannot leave his home or place of business during this period at any time, the courts have held that he must do all that is reasonable to permit a full registration. He has the right to carry the registration book 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 a registrar may not take the books outside his precinct to register voters, for example, to a town in an adjoining precinct.

After registration is closed on the second Saturday before the primary and before the general election, the registrar must certify to the county board of elections the number of voters registered in his precinct (G.S. 163-21; G.S. 163-162). The only way a person can register after the books are closed is to present satisfactory evidence to the registrar and judges of elections when he comes to vote that he has become qualified to register and vote after the registration period expired (G.S. 163-30). For example, he can show that he has acquired proper residence qualifications 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 other information important in establishing his identity and qualifications (G.S. 163-29).

A. *General Qualifications (G.S. 163-24; G.S. 163-29)*: The person seeking to register and vote in the primary or general election must show that he is:

1. A citizen (native or naturalized) of the United States.
2. Twenty-one years of age, or will become 21 by the date of the general election, November 2, 1948.
3. Of sound mind.
4. Able, unless permanently regis-

tered 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 elector 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, is entitled to vote without passing the education 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, the Clerk's copy is lost, the county roll may be obtained from the Secretary of State. Registration on the permanent roll of 1908 does not exempt one so registered from having to register on the regular books.

5. That he has not been convicted, or confessed his guilt in open court, upon indictment, of 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 statute carries with it the restoration of the right to register and vote.

6. And if he desires to vote in a *primary*, that he is a member in good faith of the party in whose primary he seeks to vote.

B. *Residence Qualifications (G.S. 163-25)*: The person seeking to register must show that he has resided:

1. In the State one year, or will have by the date of the general election and

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:*

(a) From one county to another, within four months of the election, he cannot vote.

(b) From one voting precinct to another in the same county, he must vote in the old precinct if the removal occurred during the four months immediately prior to the election; if the removal occurred more than four months prior to the election, he must register and vote

in the new and cannot vote in the old precinct.

(c) From one precinct to another in the same city, town or township, he must comply with the following requirements:

(1) Present himself to the registrar of his old precinct and have his name marked off the registration book.

(2) Obtain from the registrar of the old precinct a "Certificate of Removal."

(3) 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.

Residence is always a question of the person's intention, to be determined by the registrar and judges. In answering this question, they are governed by the following rules, laid down by the General Assembly, so far as they may apply:

a. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

b. A person shall not be considered to have lost his residence who leaves his home and goes into another state or county of this State for temporary purposes only, with the intention of returning.

c. A person shall not be considered to have gained a residence in any county of this State into which he comes for temporary purposes only without the intention of making such county his permanent place of abode.

Examples:

Suppose a person resided in his trailer in a trailer camp on a reservation owned by the Federal government for the required length of time; could he thereby acquire voting residence?

The Attorney General has ruled that no voting residence can thus be acquired because the residence cannot be permanent.

Suppose an enlisted man lives with his family off the reservation at his army post, and meets the other qualifications for registering and voting; can he acquire a residence?

He can if he has in fact satisfied the requirement as to time of residence, has not established a residence elsewhere, and has the intention of making that place his residence. But the burden of proving his intention is on the person offering to register, and he must convince the registrar of his *bona fide* intention.

Can patients in State institutions acquire voting residence in the precinct in which the institution is located?

The Attorney General has issued the opinion that a patient at Sanatorium, N. C. does not acquire voting residence.

d. The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence; except that where the husband and wife have separated and live apart, the

place where he or she resides the length of time required by the provisions of this article to entitle a person to vote shall be considered and held to be his or her residence.

Examples:

Suppose a Maryland woman married a man living in Washington, D. C., whose home is in Asheville; can she vote in Asheville?

She acquires the residence of her husband, and if Asheville is still regarded as his residence, she can register and vote there.

Suppose a school teacher who was registered and had been voting in a county marries a member of the armed forces who, soon after the marriage, is sent out of the country, never having been able to establish a residence; can she, after she returns to the county to teach, rely on her former residence and vote in that county?

The State Board of Elections has advised that such a person should be allowed to vote although the situation is not covered by the law.

e. If a person removes to another county within this State or to another state, with the intention of making such state or county his permanent residence, he shall be considered to have lost his residence in the state or county from which he has removed, notwithstanding he may entertain an intention to return at some future time.

f. If a person removes to another county within this State, or to another state, with the intention of remaining there an indefinite time and making such state or county his place of residence, he shall be considered to have lost his place of residence in this State or county from which he has removed, notwithstanding he may entertain an intention to return at some future time.

g. School teachers who remove to a county for the purpose only of teaching in the schools of that county temporarily and with the intention or expectation of returning to the county of their parents or other relatives during the vacation period to live, and who do not have the intention of becoming residents of the county in which they have moved to teach, shall be considered residents of the county of their parents or other relatives for the purpose of voting.

h. If a person removes to the District of Columbia, or other Federal territory, to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service, and the place where such person resided at the time of his removal shall be considered and held to be his place of residence. This rule shall also apply to employees of the State government who remove from one county to another within the State unless a contrary intention is shown by such employee.

Example:

Suppose a person works for the Federal Government in Washington, but lives in Virginia; does this

change the rule as to Federal employees?

The Attorney General has ruled that it does not; such a person can still maintain his voting residence in North Carolina.

i. If a person goes into another state or county, and while there exercises the right of a citizen by voting in an election, he shall be considered to have lost his residence in this State or county.

j. All questions of the right to vote shall, except as otherwise provided, be heard and determined by the registrar and judges of election in the precinct where the question arose.

C. *Registration Oath (G.S. 163-29)*: The person seeking to register must take the following oath to be administered by the registrar:

1. For the Primary:

"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 been a resident of the State of North Carolina for one year, and of \_\_\_\_\_ 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."

2. For the General Election:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for one year and of \_\_\_\_\_ township (precinct or ward) for four months; or that I was a resident of \_\_\_\_\_ township (ward or precinct) on the day of \_\_\_\_\_ (being four months preceding the election) and removed therefrom to \_\_\_\_\_ township (ward or precinct), where I have since resided; that I am twenty-one years of age; that I have not registered for this election in any other ward or precinct or township. So help me, God."

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 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. If done before the primary *this registration suffices for*

*the general election* as well as the primary.

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" (G.S. 165-53).

E. *Registration when books mutilated or destroyed*: If, more than thirty days prior to a primary, general or special election, the registration books are destroyed or mutilated so that they cannot be used, the county board of elections must supply the precinct with new registration books. The registrar must then proceed to open the new books for registration under the provisions of G.S. 163-31. (See earlier in this chapter under II. Duties of the Registrar). Before the new registration can be conducted, however, notice must be given by advertisement in a newspaper published in the city or town in which the precinct is located at least ten days before the books are opened. This notice must also state the location of the polling place and the name of the registrar. Under such circumstances the statute permits the Saturday for challenge day to be combined with the last Saturday for registration when time does not permit an extra Saturday for challenges.

#### IV. Challenges:

A. *The Method*: Challenges to the right to vote must be received by the registrar and he in turn is required to provide a hearing on the merits of each challenge.

##### *It is the duty of the registrar:*

(1) To be at the voting place in his precinct from 9:00 A.M. until 3:00 P.M. with the registration books on the Saturday before the primary and general election so that any voter may inspect the registration books and challenge the voting right of any person whose name is registered thereon (G.S. 163-78).

(2) To write opposite the name of the challenged voter the word "Challenged" (G.S. 163-78).

(3) To appoint a time before the election and place where the registrar and the judges of election will hear and decide on the challenge (G.S. 163-78).

(4) 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 (G.S. 163-78).

B. *The Hearing (G.S. 163-79)*: 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 will become 21 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 2, 1948.

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 when challenged on election or 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.

#### CHAPTER V

##### BEFORE 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 (G. S. 163-177). 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 (G. S. 163-144). 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.

I. *What is required of a candidate for party nomination?*

A. *Notice of Candidacy (G. S. 163-119)*: 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."

Candidates must sign their own notices of candidacy. They may sign in the presence of the chairman or secretary of the board of elections with whom they file, or else they must have their signatures on notices of candidacy acknowledged and certified to by some officer authorized to administer an oath. (G. S. 163-119, as amended by Ch. 505, Session Laws, 1947).

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 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 (G. S. 163-147).

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 (G. S. 163-120):** 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 (G. S. 163-121). 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. The Attorney General has ruled that giving a worthless check as a filing fee does not constitute payment of the fee as required by statute.

**II. 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, 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. The ballots for each party must show, by office, the names of all candidates of that party who have filed properly, except those for whose offices the county board prints ballots (G. S. 163-124).

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 (G. S. 163-128; 163-134).

**III. 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. 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 and take proper receipts for them (G. S. 163-130).

**IV. What happens when no candidate files for nomination?** The Attorney General has ruled that in a county where the primary method of choosing party nominees is used, and no candidate of one party files for a particular office, the executive committee of such party may not nominate a candidate and have his name printed on the party ballot. The ballot must be left blank so that voters may insert the names of persons they desire to vote for.

#### CHAPTER VI PREPARATION FOR THE GENERAL ELECTION

**I. The Ballot:** Today there are seven kinds of official ballots: presidential ballot, ballot for United States Senator, ballot for members of Congress, state ballot, county ballot, township ballot, and ballot on consti-

tutional amendments and other propositions submitted to the people. Either the state or county boards of elections may combine one or more of the ballots for either the primary or the general election (G. S. 163-155). As a matter of practice, the State board has combined the ballots for United States senator, members of Congress, and the state ballot. Many counties combine the township ballot with the county ballot.

The ballots must contain the names of all candidates who have been put in nomination by primary, by convention in counties exempted from the primary law, or who have filed notice of independent candidacy (G. S. 163-151). "Name" means only the legal name of the candidate, full name or initials. A candidate is not permitted to have a title added to his name. For example: A candidate who is a doctor is not allowed to have "MD" printed after his name on the ballot; a minister cannot precede his name with "reverend" (G. S. 163-151, 1945 Cum. Supp.).

Assuming he obtains a party nomination or proper independent support, every voter is eligible to office unless: (a) he becomes a disqualified voter, (b) he denies the being of Almighty God, (c) he has been convicted of, or confessed guilt in open court to, treason or a felony, since becoming an American citizen, or of malpractice or corruption in office, (d) or unless he has fought a duel, assisted in a duel as a second, or sent, accepted or knowingly carried a challenge, or agreed to go out of the State to fight a duel.

Whenever an office is not contested in a party primary the name of the single candidate is omitted from the primary ballot, and the uncontested candidate is declared the party nominee by the State or county board of elections. Such candidates' names, however, must appear on the general election ballot (G. S. 163-128; 163-134).

The person who seeks to have his name printed on the official general election ballot as an independent candidate must meet certain additional requirements. He must have been requested to be a candidate by a written petition filed with the board of elections by the date of the primary preceding the election, signed by 25% of those entitled to vote for that office according to the vote cast in the last gubernatorial election, and make affidavit that he is a non-partisan candidate and does not affiliate with any political party (G. S. 163-152).

Suppose a properly nominated candidate dies, resigns, or in some other way becomes disqualified after the official ballots are printed and before the election. In such a case also assume that under proper procedure a substitute candidate is nominated. Will the ballots have to be reprinted, or will separate ballots have to be printed for the office in question? G. S. 163-153 as rewritten by Ch. 505, Session Laws of 1947, provides that in such cases the name of the substitute candidate must not be printed on the ballot. Instead, votes cast for the name of the disqualified candidate



printed on the ballot must be counted as votes for the substituted candidate. If the particular board of elections concerned, however, finds it preferable to reprint the ballots so as to show the new candidate's name they may do so in their discretion.

Chairmen of county boards of elections have an added duty with regard to ballots in State Senatorial districts operating under rotation agreements authorized by G. S. 163-113, as amended by Ch. 505, S. L., 1947. Where under such an agreement a candidate has been chosen by a party in one county of the district, the chairman of the county board of elections in that county must certify the party nomination to each chairman of the county board of elections in all of the counties constituting the senatorial district. The chairman in each of these other counties to whom the candidate is certified must have the name of the nominee printed on the official county ballot for the general election.

A. *Arrangement of Ballots (G. S. 163-155 as amended by Ch. 505, S. L. 1947):*

1. *The Presidential Ballot*—This ballot does not contain the names of the candidates for electors for president and vice-president, but these names are placed on file with the Secretary of State. It must contain:

a. The names of the candidates for president and vice-president of each political party or group of petitioners arranged under the title of the offices.

b. Black ink lines separating the party columns.

c. The party name printed in large type at the head of each party column above the names of the candidates.

d. A circle one-half inch in diameter below the party name.

e. The following statement surrounding the circle: "For a straight ticket mark within this circle."

f. The following instructions printed in heavy black type on the face of the ballot at the top:

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

(2) A vote for the names of candidates for president and vice-president is a vote for the electors of that party, the names of whom are on file with the Secretary of State.

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

g. The facsimile signature of the Chairman of the State Board of Elections printed at the bottom.

2. *Ballot for United States Senator must contain:*

a. The names of the candidates of each party, arranged in columns so as to show the party to which each candidate belongs or whether he is an independent candidate.

b. The party name printed at the top of each party column and "Independent Candidate" printed at the top of the independent column.

c. A circle one-half inch in diameter below each party name at the top of each column.

d. The following instructions sur-

rounding the circle: "For a straight ticket mark within this circle."

e. A voting square to the left of the name of each candidate, all the squares to be arranged in a perpendicular line.

f. Instructions 1.f.(1) and 1.f.(3) of the Presidential Ballot printed at the top.

g. The facsimile of the signature of the Chairman of the State Board at the bottom.

3. *Ballot for members of Congress must contain:*

The instructions set out under 2, above, apply equally to the Congressional ballot.

4. *Ballot on State officers must contain:*

a. The names of all candidates for state public offices, including candidates for judge of the superior court. They must be:

1. Arranged in party and independent columns;

2. Printed in the customary order of office;

3. With separate sections for each office, blocked in by black line;

4. With the title of the office printed above each section;

5. With a direction as to the number of candidates to be voted for in each section;

6. With an indication of the term for which each candidate is nominated in case two or more candidates are nominated for different terms of the same office; and

7. With voting squares arranged in perpendicular columns to the left of the names of the candidates.

b. The party name at the head of each column and "Independent Candidates" at the head of the independent column.

c. A circle one-half inch in diameter beneath each party name.

d. The following instruction printed around the circles: "For a straight ticket mark within this circle."

e. Black lines separating the party columns.

f. Clear and legible printing, but not to exceed ten-point type.

g. The statutory instructions on how to vote a straight and mixed ticket, and the instruction that if the voter tear, deface or wrongly mark the ballot he is to return it and get another.

h. At the bottom of the ballot the facsimile of the signature of the Chairman of the State Board.

5. *The County Ballot must contain:* The names of all candidates for solicitor of the judicial district in which the county is located, for members of the General Assembly, and for all county offices. It is arranged like the State Ballot except that at the bottom appears the facsimile of the signature of the chairman of the County Board.

6. *The Township Ballot must contain:* The names of all candidates for constable and justice of the peace; and is arranged like the County Ballot.

7. *The Ballot for Constitutional Amendments and Proposals Submitted must contain:*

1. The full text of the amendment or proposition, and if there are more than one being submitted, they must be numbered consecutively.

2. To the left of each proposition or amendment must be printed two squares, the upper one marked "yes" and the lower marked "no."

3. The following instructions printed at the top of the ballot:

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

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

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

4. At the bottom of the ballot must be printed the facsimile of the signature of the chairman of the State Board of Elections.

5. The form of this ballot must be prepared by the State Board of Elections and approved by the Attorney General.

B. *Who furnishes the Ballot?*

1. *It is the duty of the State Board of Elections to furnish to the County Boards the ballots to be used in voting for state and national offices and constitutional amendments at least 30 days before the election (G. S. 163-149; 163-151).*

2. *It is the duty of the County Board of Elections to provide ballots for county, township and district elections at least three days before the election (G. S. 163-160).*

Suppose the ballots are printed within the time prescribed by law bearing the facsimile signature of the Chairman of the County Board of Elections, and the Chairman subsequently resigns and a new Chairman is appointed; what should be done with the ballots?

The Attorney General has ruled that it is not necessary that the ballots be recalled and new ones printed; the ballots would be valid.

3. *It is the duty of the State and County Boards of Elections to provide sample ballots (on colored paper and marked "Sample") for the purpose of instructing voters (G. S. 163-159).*

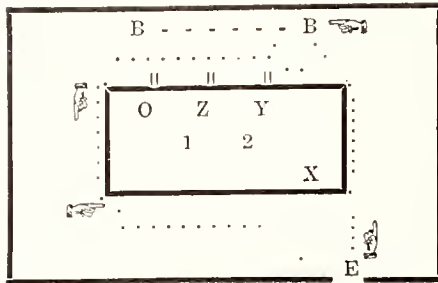
II. *Other Preparations:* Preparations for the actual election day must be carefully planned by the county board of elections.

(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 (G. S. 163-22).

(If a polling place has been established and advertised *with the consent* of the owner, the refusal of the owner to permit the use of the building would be a violation of the law against interfering with elections.

If the owner *has not* consented and it is impossible to secure the use of the building, the election may be legally held in the nearest practical place in the precinct. *Notice* of the change must be given immediately through the press and otherwise as far as practical.)

(2) The County Board must see that the polling place is arranged as nearly like the following diagram as possible (G. S. 163-163; 163-165).



- E. Entrance to voting place
- X. Judge with ballots and envelope for spoiled ballots
- B. Voting booths
- Y. Poll book
- C. Ballot Boxes
- 1, 2. Other election officials
- ..... Direction of entry and exit of voters

(3) The County Board is required to provide voting booths which are: a) located in plain view of the judges of elections, 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 (G. S. 163-163). 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 election day (G. S. 163-160). There must be a separate box for each class of tickets to be voted and a separate box (more frequently an envelope) for spoiled ballots; each box must be marked so as to show which class of tickets 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 (G. S. 163-158).

(5) Three days before election day the county board must furnish ballots to each precinct in the number of 125 to each 100 voters in the precinct (G. S. 163-157; 163-160). The ballots for each precinct must be wrapped in a separate package, plainly showing how many it contains so that the registrar will know how many ballots he must account for (G. S. 163-156).

(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 (G. S. 163-14, subsection 3 and 6).

(7) Before election day the county board must provide for the delivery of poll books, ballots and other equipment to the polling place (G. S. 163-14, subsection 8; 163-160).

(8) In order to provide that all election notices, advertisements, and publication required by law are printed and published, the law specifically places this duty on the county board (G. S. 163-14, subsection 7).

CHAPTER VII  
ELECTION DAY

The conduct of the election machinery at the polls on election day is the responsibility of the individual precinct registrars, judges and assistants. (1) They must be at the voting place at least by 6:00 A. M. in order to handle the final arrangements (G. S. 163-164). If a judge or registrar fails to appear, the precinct officials present select other persons to serve in place of those absent (G. S. 163-162).

(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 poll books must all be placed properly (G. S. 163-164).

(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. One of them should proceed to swear in any persons assisting at the polls. 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 per-

suade 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." (G. S. 163-164).

(4) They must then proceed to open the sealed packages of ballots (G. S. 163-164).

(5) 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. (G. S. 163-164).

The Voting Enclosure

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 (G. S. 163-165; 163-166; 163-170; 163-182).

No person may loiter about or do any electioneering within fifty feet of the polling place and no political banner or posters may be displayed in or near the polling place (G. S. 163-165). Election officials must maintain peace and good order, prevent and stop improper practices or attempts to obstruct, intimidate or interfere with any elector in voting. They may order the arrest of any person who violates any provision of the election laws. The precinct registrar and judges, or any two of them, have power to deputize any person or persons or police officers to aid in maintaining order at the polls. (G. S. 163-21, as amended by Ch. 505, S. L. 1947).

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 who is performing that particular function (G. S. 163-166). In a primary election he must also declare his party affiliation (G. S. 163-126).

(2) The judge of elections announces the voter's name and address in a distinct tone of voice (G. S. 163-166).

(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 (G. S. 163-166).

(4) If the voter's name is on the book and he is not challenged, the judge of elections gives him one official ballot of each kind (G. S. 163-166). In a primary election the voter is allowed ballots of his party only (G. S. 163-126). The ballot is folded

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by bringing the bottom edge up to the printed 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. (G. S. 163-166).

(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 (G. S. 163-168).

(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 rules (G. S. 163-167; 163-175):

a. If the voter desires to vote a straight ticket, that is, for every candidate of one party for whatever office nominated, he must either make a cross mark in the circular space below the name of the party at the head of the ticket or make a cross mark on the left and opposite the name of every candidate of such party on the blank space provided.

b. If the voter desires to vote a mixed ticket, that is, for candidates of different parties, he must either:

1. Omit making a cross mark in any party circle and make a cross mark in the voting square opposite the name of each candidate for whom he desires to vote on whatever ticket he may be; or

2. Make a cross mark in the party circle above the name of the party for some of whose candidates he desires to vote, and then make a cross mark in the voting square opposite the name of any candidates of any other party for whom he desires to vote; this method of marking casts a vote for every candidate on the ticket of the party whose circle has been marked except for those candidates whose names are *opposite* the specially marked opposing candidates. The cross mark before the names of these opposing candidates assures that the vote will be counted for them. Where, in such a situation, there are groups of candidates for similar offices, the voter may select and specially mark all of such candidates for whom he wishes to vote regardless of how he has marked the party circle. (G. S. 163-175, 2(b), as amended by Ch. 505, Session Laws of 1947).

c. If the voter desires to vote for a person whose name does not appear on the ticket, he can substitute the name by writing it in the proper place and making a cross mark in the blank space at the left of the name so written in. If no voting square is provided for a write-in, the name must be written in the proper place, and the name appearing on the ballot, stricken out. Affixing to the ballot a sticker carrying a name is not an effective voting procedure.

Write-ins made by someone other than the voter himself are invalid. An exception is made to this rule, however, to permit write-ins for a voter

by a person rendering assistance to a voter pursuant to the provisions of G. S. 163-172, 173 and 174. (For discussion of those provisions see section on Assistance to Voters).

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 (G. S. 163-169).

(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 (G. S. 163-168). 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 a poll book in which he is required to enter the name of every person voting in the election. The entry should be made when the registrar determines that the voter is registered and the voter is handed his ballots. In addition, the registrar puts a check mark in the proper year column of the registration book by the name of each person voting. The books must be signed by the judge or judges at the close of the election, delivered to the registrar, and delivered by him to the Chairman of the County Board of Elections (G. S. 163-165; 163-168). At the time of voting in a primary election the voter's name is entered on the primary polling book with a notation as to which party's ticket he used (G. S. 163-126).

#### 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. In such a situation 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 (G. S. 163-30). The chief, if not the only 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. This applies to all types of disqualification and not merely age. Thus, an elector's residence, on the last day of the registration period, may lack a few days of the year required for the State and 4 months for the precinct. If his residence, by election day, is of sufficient length, then he may register and vote, provided he is otherwise qualified. A lunatic or idiot, adjudged sane or competent between the registration period and election day, and possessing the other qualifications, might likewise register and vote on election day.

#### When the Voter Tears a Ballot or Makes a Mistake in Marking It

Occasionally people seeking to vote tear ballots, mark them incorrectly or otherwise mutilate or deface them. If they discover their mistake, they

are permitted to return the ballot to a judge or registrar and get another (G. S. 163-169).

#### 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. Since the law concerning assistance at primaries and at general elections does not agree in every particular, it will add clarity to discuss them separately.

#### Primary Elections (G.S. 163-174)

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 (allowed to vote only if registered under the Grandfather Clause) who cannot mark his ballot intelligently, after stating their incapacities to the registrar are entitled to help. It is mandatory that the help they ask for 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 a primary election every ballot marked by another in one of these ways is recorded in the poll book as follows: "Ballot marked by ....."

#### General Elections (G.S. 163-172; 163-173)

Not more than ten days before the general election the chairman of each county political party organization may recommend to the County Board of Elections not less than ten qualified voters from each precinct to act as "markers" for the precinct in which they live. From these recommendations the county board, together with each precinct registrar must appoint a sufficient number of markers to do the work, being careful to achieve a fair representation to each political party having candidates on the ballots. The markers selected must be bona fide electors of the precinct in which they are appointed to serve. They must possess a good moral character and "the requisite educational qualifications." This probably means that they must be able to read and write. All markers must take the same oath before

the polls open that registrars and judges are required to take. Markers are permitted to remain inside the voting enclosure but are not allowed within 10 feet of the guard-rail except when they are going to and from a voting booth in response to a request for assistance from a voter entitled to aid.

At a general election *any voter* is entitled to request help from a member of his family who may go with the voter into the booth and render such help as is desired. The statute does not define the term "relative" as is done for the term "near relative" in the Primary Law.

A physically disabled voter who obviously cannot go to the booth and mark his ballot alone, and an illiterate voter (allowed to vote only if registered under the Grandfather Clause) who cannot mark his ballot intelligently, after stating their incapacities to the registrar are entitled to help in the following order of priority:

*A relative:* Since any voter, disabled or not is entitled to this help, it follows that the disabled voter has a clear right to it also.

*A Marker:* Upon stating his disability and requesting help of the registrar, the voter is allowed to select the marker he desires. The registrar must then direct the marker chosen to go with the voter into the booth and give him the help requested in preparing the ballot. If the voter does not select a marker, the registrar must designate one himself.

In any case, at both primary and general elections, 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 (G.S. 163-173).

#### 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 election 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 (G.S. 163-168).

#### Watchers and challengers

(G.S. 163-182):

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

Watchers and challengers are not used in primary elections (G.S. 163-174).

*Closing the polls:* At 6:30 P.M. Eastern Standard Time the registrar must announce the closing of the polls. Thereafter no other voters may enter the voting enclosure, but voters who are then in line within the voting enclosure may vote.

#### CHAPTER VIII

#### COUNTING AND RECORDING VOTES

It is important for all election officials to understand that election laws will be construed by the courts in the light most nearly tending to promote fair expression of the people's will. *Quinn v. Lattimore*, 120 N. C. 426 (1897). This principle should be kept in mind in counting and recording the votes cast.

#### The Precinct Count (G.S. 163-84; 163-178)

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 (or the vote on any issue submitted on the ballot), while the tally-man marks each vote directly on the tally sheets.

#### Disputed Ballots

If the judges of election and the registrar cannot agree on the count-

ing 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, such as being one of a large number of county ballots found in the state ballot box, it should be counted.

#### Ballots Spoiled in Part

They count that part of a ballot which reveals the voter's choice between some candidates, even though they cannot tell his choice, and therefore cannot count it, as to others. The Attorney General has ruled on several relevant matters:

A ballot marked in the party circle and also for some individuals of the same party is counted as a straight party ticket.

A ballot marked in the party circle on both sides and also for individual candidates on both sides is counted for the individual candidates marked only.

A ballot marked in the party circle on one side and for individual candidates on both sides is counted as a vote for all candidates under the party circle except for the offices for which candidates are marked on the other side; the cross marks for them will count.

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 voter should not be penalized. The vote should not be refused for a technical error that does not make it impossible to determine the choice.

The registrar and judges return the ballots to the box as soon as they are counted, lock the box, and sometimes seal it as an added precaution. In primary elections the box must be sealed with the signatures of the precinct officials on the seal, and furthermore, the ballots must be retained for two months after the primary (G. S. 163-136).

#### Accounting for Ballots

Within three days after election day the precinct officials: (1) put spoiled ballots in an envelope marked "spoiled ballots"; (2) put unused ballots in an envelope marked "unused ballots"; and (3) make a written report under oath of the registrar of any ballots stolen or destroyed. They return these to the County Board of

Elections, which checks to see if these, plus the number of ballots actually voted, add up to the total number of ballots furnished to the registrar before the election (G. S. 163-85).

**Counting the Absentee Ballots (G.S. 163-61)**

Absentee ballots may be counted at any time during the day of the election or immediately after the polls are closed that day. Waiting until the polls are closed is clearly the most practical method in heavy voting precincts. At any rate the law provides a specific way in which they must be counted.

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

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

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

(4) If the name agrees, the ballot, still folded, is dropped into the proper ballot box.

**Rejecting and Challenging Absentee Ballots (G.S. 163-61)**

An absentee ballot may be rejected:

(1) Where the name on the ballot fails to agree with the name on the affidavit.

(2) Where the ballot is not signed.

(3) Where the chairman's certificate is not signed.

(4) Where the voter's affidavit is not acknowledged.

(5) Where the affidavit has been improperly acknowledged.

(6) Where the affidavit has been acknowledged before an improper official.

(7) Where the acknowledging officer has left off his seal or has failed to sign.

(8) Where the ballot is in any respect defective.

If any of these things has occurred the ballot must be returned to its envelope and marked "Rejected."

If an absentee ballot is *challenged*, and the challenge sustained, the ballot must be returned to its envelope and marked "Challenge Sustained."

Ballots rejected in this way must be filed with the chairman of the county board of elections and he has a duty to keep them at least six months.

An absent voter whose ballot has been successfully challenged may always go before the County Canvass to sustain its validity, and if it is decided that his ballot is valid, it must be counted (G. S. 163-62). If the voter is absent from the county

or if he is physically unable to be present, he may be represented through any duly appointed representative.

**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) give one copy (in a sealed envelope) to the registrar or one of the judges (whichever of the officials is chosen) to be taken to the County Board of Elections at the county canvass; 4) give the other copy to another of the precinct officials to mail to the Chairman of the County Board of Elections on the night of the election. When this copy is mailed the official proceedings of the day are over (G. S. 163-84; 163-85; 163-178).

**The County Canvass (G.S. 163-86, et seq.)**

In order to ascertain the county-wide results the County Canvass is held the second day after Election Day 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.



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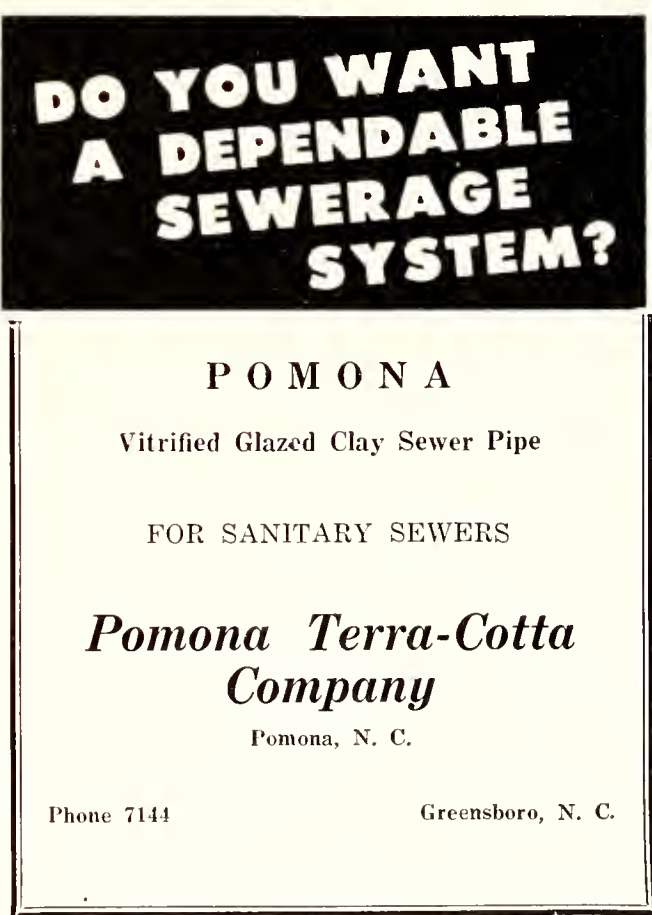
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**What They Bring with Them**

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

**What They Do****The County Board of Elections:**

(1) Opens the returns from each precinct, canvasses and determines the results of the voting in the county, and issues a signed statement showing:

a. The number of legal ballots cast in each precinct for each candidate. Determining "legal" ballots requires deciding 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.

(2) Prepares abstracts of the votes cast in each precinct for each candidate, using a separate sheet for candidates of each class: a) President and Vice-President; b) Governor and all state officers, justices of the supreme court, judges of the superior courts, United States Senator; c) Representatives in Congress; d) solicitor; e) Senators and representatives in the General Assembly; f) county officers; g) township officers; and h) amendments and propositions.

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

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

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

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

**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 Chairman of the Board of Elections.

*It is the duty of the County Board of Elections:* To file the original abstracts and the precinct returns with the Clerk of Court.

*It is the duty of the Chairman of the County Board of Elections:*

(1) To send the duplicate abstracts

of all national, state and district offices to the State Board of Elections in Raleigh within five days after the election (G. S. 163-89).

(2) To send certificates of election to elected county and township officers within ten days after the election and notify them to meet at the courthouse on the first Monday in December to be qualified and sworn in (G. S. 163-92, as amended by Ch. 505, S. L. 1947).

*It is the duty of the Clerk of the Superior Court (G. S. 163-90):* To send to the Secretary of State under his official seal the following returns within two days after the original abstracts are filed in his office:

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

(2) A list of all persons voted for as members of the state senate or house of representatives, giving the number of votes cast for each and the address of each.

**The State Canvass (G.S. 163-94; 163-96; 163-97)****Who Attends**

The State Board of Elections assembles in the Hall of the House of Representatives in Raleigh on Tuesday following the third Monday after the election at 11:00 A. M.

**What They Do****The State Board of Elections:**

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

(2) Prepares, signs and seals the following abstracts, each on a separate sheet, showing in each abstract the number of legal votes cast for each candidate, the names of all persons voted for and for what office, how many votes each person received, and which person is declared elected to each office: a) party presidential electors; b) governor and all state offices, justices of the supreme court, judges of the superior court, and United States senator; c) representatives to congress; d) solicitors; e) state senators in districts composed of more than one county; and f) amendments and propositions.

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

**After the State Canvass**

*It is the duty of the Secretary of State (G. S. 163-98):*

(1) To prepare, sign and give to each person entitled thereto a certification of election.

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

(3) To certify to the Governor the names of the presidential electors selected (G. S. 163-110).

**It is the duty of the Governor:**

(1) To issue commissions to congressmen-elect after they receive their certificates of election from the Secretary of State (G. S. 163-106).

(2) In presidential years, to make a proclamation, and have it published in a newspaper in Raleigh, setting out the names of the presidential electors, and to notify them of the meeting to be held in the Capitol in Raleigh on the first Monday after the second Wednesday in December (G. S. 163-110).

(3) To make six lists of the names of the electors and have the lists delivered to the electors on or before the first Monday after the second Wednesday in December (G. S. 163-110).

*It is the duty of the presidential electors (G. S. 163-110):*

(1) To meet at noon on the first Monday after the second Wednesday in December in the Capitol in Raleigh. Electors failing to attend will forfeit \$500 to the State unless prevented from attending by sickness or unavoidable accident. The electors attending may fill any vacancies occurring.

(2) To vote for the president and vice-president of the United States.

**Special Provisions Regarding Primary Elections**

Party primaries, having a different objective than general elections, vary somewhat in the procedure followed after the votes are canvassed locally.

**After the County Canvass**

The State Board must be officially notified of the results, and records must be properly filed (G. S. 163-137).

*It is the duty of the precinct official attending:* to file the registration and poll books with the Chairman of the County Board who must keep them in a safe place.

*It is the duty of the County Board of Elections:* (1) to send one copy of the 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 the 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 (G. S. 163-137).

**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 (G. S. 163-138).

**Second Primary (G.S. 163-140)**

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 with the board of elections with which he filed as a candidate a written request 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 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. If one eligible to call a second primary fails to do so within the required time, the remaining candidate becomes the party nominee even if he does not have a "majority of the votes cast," *Johnston v. Bd. of Elections*, 172 N. C. 162 (1916).

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.

#### CHAPTER IX

### CRIMINAL LIABILITY ARISING FROM ELECTIONS

#### Accounts of Candidates

The Corrupt Practices Act of 1931 applies to both general and primary elections. Election officials and other interested people should read the law carefully to determine the definitions of "campaign committee," "contributions," "expenditure," "person," as used in this statute (G. S. 163-189).

*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 (G. S. 163-190).

How will the candidate or committee find out about all the local contributions and expenditures? *Every person who receives a contribution for a candidate or committee must:*

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 received (G. S. 163-191). *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 (G. S. 163-192).

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? (References: G. S. 163-193; 163-194; 163-195).

*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. Follow the same procedure not more than 20 days after the election, covering contributions and expenditures made during the entire campaign.

*D. What do these accounts show?*

1. As to contributions within the calendar year, they show:
  - 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. As to expenditures within the calendar year, they show:

- 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.

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 (G. S. 163-196). Conviction of one of the crimes designated as 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 (G. S. 163-197).

#### Violations by Elections 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 on an election book, return or ticket (G. S. 163-197).

2. Fraudulently acting or failing to do any required act concerning the making of any report required by law (G. S. 163-197).

3. Making any entry or copy with intent to commit a fraud (G. S. 163-197).

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 (G. S. 163-197).

##### B. Misdemeanors:

1. Failing to prepare or distribute the books, tickets, and return blanks as required by law (G. S. 163-196).

2. Continuing or attempting to act as an official after having been removed and given notice of removal (G. S. 163-197).

3. Failing to perform any duty within the time and in the manner prescribed by law for its performance (G. S. 163-177; 163-196).

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 (G. S. 163-196).

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 (G. S. 163-89).

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 1¢ per name (G. S. 163-115).

10. Registrar or Judge: Failure to deliver returns on proper day (G. S. 163-85).

#### Violations by any Individual:

##### 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 (G. S. 163-197).

2. To impersonate another voter, and vote in his place (G. S. 163-197).

3. To give, promise, or accept anything of value in return for an elector's vote (G. S. 163-197).

4. To swear falsely to any matter pertaining to an election or primary (G. S. 163-197).

5. To vote after being convicted of a felony without having had his citizenship restored (G. S. 163-197).

6. To take corruptly the oath prescribed for voters (G. S. 163-197).

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 (G. S. 163-197).

8. To assault an election official engaged in performing his duties (G. S. 163-197).

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 (G. S. 163-196).

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 (G. S. 163-196).

11. To give or promise a political office or support for political office in return for political support (G. S. 163-196).

12. To give to a blind or illiterate voter a ballot which he does not want, falsely representing it to be what he wants (G. S. 163-196).

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 en-

closure, to show how to mark, or to try to aid any voter in marking his ballot (G. S. 163-176).

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 (G. S. 163-202).

**Specific Violations by Candidates, Campaign Committees, and Clerks 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 (G. S. 163-196).

2. Any campaign committee failing to furnish a candidate with copies of the reports it is required to render is guilty of a misdemeanor (G. S. 163-196).

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 (G. S. 163-196).

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 (G. S. 163-90).

**Violations by Corporations:** North

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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 (G. S. 163-196).

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 (G. S. 163-206).

**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 (G. S. 163-64).

2. For any person wilfully and falsely to make any statement or affidavit under oath required by the law (G. S. 163-65).

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 (G. S. 163-66).

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 (G. S. 163-67).

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 (G. S. 163-68).

6. See also G. S. 163-77 and G. S. 163-185.

CHAPTER X

SPECIAL ELECTIONS TO FILL CERTAIN OFFICES

*Vacancies in the General Assembly* (G. S. 163-6, as amended by Ch. 505, Session Laws of 1947).

Suppose that a member of the General Assembly dies, resigns, or in some other way becomes ineligible to serve. How is this vacancy to be filled?

If the General Assembly happens to be in session when the vacancy occurs the presiding officer of the house in which the vacancy occurs is required to notify the Governor. If the General Assembly is not in session the Governor must be notified either by the chairman of the county board of

elections or the sheriff of the county in which the vacating member resides.

Upon proper notification the Governor must issue a writ of election to the elections board chairman or chairmen of the district or county represented by the vacating member designating the time for an election to be held to fill the vacancy.

Until the 1947 Session of the General Assembly met the law had made no provision for nominating candidates in such a special election. Ch. 505, S. L., 1947, however, took care of this silence. It is now provided that candidates in a special election to fill a vacancy in the House of Representatives are to be nominated by the county executive committees of the two political parties. Candidates in a special election to fill a vacancy in the State Senate are to be nominated: (a) in a district composed of only one county, by the county executive committees of the two political parties, (b) in a district composed of more than one county where there is no party rotation agreement, by the senatorial district executive committees of the two political parties, and (c) in a district composed of more than one county where there is a party rotation agreement, by the county party executive committees for the county or counties which under the agreement are entitled to select the candidate. The chairman and secretary of the committee making the nomination for State Senator in a special election are required to certify the name and party affiliation of the nominee to the chairman of each county board of elections in the district before the ballots are printed.

*Vacancies in State Offices* (G. S. 163-7). Special provision is made for filling vacancies that occur in the offices of secretary of state, auditor, treasurer, superintendent of public instruction, attorney-general, solicitor, justices of the supreme court, judges of the superior court, or any other state officer elected by the people. The Governor in such cases, unlike his action with regard to vacancies in the General Assembly, does not call a special election. Instead, such vacancies must be filled at the next regular election for members of the General Assembly, provided that election is to be held more than thirty days after the vacancy occurs. Persons so elected serve out the vacating official's unexpired term. The Governor appoints persons to fill such vacancies until an election can be properly held.

*Vacancies in State's Congressional Delegation* (G. S. 163-105, as amended by Ch. 505, S. L., 1947).

If a vacancy occurs in the Congressional delegation, the Governor is required to issue a writ of election setting a date for a special election in the appropriate Congressional district to elect a successor. If the vacancy occurs within eight months preceding the next succeeding general election the nominations of candidates may be made by the two political party Congressional executive committees in the district in which the vacancy occurs. In such a case the chairman and secretary of each party executive com-

mittee would have to certify the nominee's name and party affiliation to the State Board of Elections prior to the time for printing the official ballots. Should such a vacancy occur more than eight months prior to the next succeeding general election, then a special primary election must be called by the Governor, to be held under the usual primary regulations with such filing time modifications as may be fixed in the Governor's writ.

CHAPTER XI

ABSENTEE REGISTRATION AND VOTING

Voting by absentee ballot is considered to be a special privilege. Election officials must take every precaution to insure exact compliance with the law covering absentee voting so as to prevent any possible fraud. Since the regulations covering absentee voting by civilians and military personnel differ in a number of particulars, they will be discussed separately.

Absentee Voting by Registered Civilians (in General Election)

Any qualified voter may vote by absentee ballot in a general election if he will be absent from the county in which he is entitled to vote on election day. This is specific. It does not apply to voting in a primary. Furthermore, absence for only part of the day or mere inconvenience are not sufficient reasons to warrant use of the privilege. The absentee ballot has also been extended to the qualified voter who is sick or physically disabled so that he is unable to go to the voting place in his precinct on the day of the general election (G.S. 163-54). A mere indisposition to go to the polls or timidity are not valid excuses.

Procedure for Obtaining and Issuing Absentee Ballots for Civilians

I. *The Voter* (G.S. 163-55): Not more than thirty days nor less than two days before the election, the voter must apply for an absentee ballot to the chairman of the county board of elections.

A. The voter must apply in person or through the voter's husband, wife, brother, sister, parent or child, or

B. By mail

C. The application must be filed on a blank form furnished by the Chairman of the County Board of Elections substantially as follows:

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

1. That I will be absent from the county during the day of the election;

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

(Strike out whichever of (1) or (2) is inappropriate).  
 and I hereby make application for the official ballot, or ballots, to be voted by me in such general election, and that I will return said ballot or ballots to the official issuing the same, before the date of the general election.

Date \_\_\_\_\_  
 P. O. Address \_\_\_\_\_  
 Signed \_\_\_\_\_  
 Witness \_\_\_\_\_

This form also carries the certificate of the board chairman.  
 (G.S. 163-55)

It is essential that the application follow this form. For example, suppose a voter writes to the Chairman requesting the absentee ballot. Even though the letter includes all the information needed it has been decided that the Chairman is not entitled to consider the voter's letter as an application.

II. *The Chairman of the County Board of Elections (G.S. 163-55; 163-56):* (Although certain functions in this section are referred to as being duties of the chairman of the county board, they may be performed by some other designated board member. This results from an act of the 1945 Legislature allowing the State Board of Elections to permit any county chairman so desiring to delegate this authority to another board member.) (G.S. 163-10, 1945 Cum. Supp.).

A. Upon receiving an application for an absentee ballot, the chairman of the county board must assign a number to the application.

B. He must then fold the ballots and enclose them in a container-return envelope which must show:

1. On one side the name of the voter, the number of the application and the precinct in which the ballot is to be voted; and

2. On the other side the return address of the Chairman and the printed affidavit of the absentee or sick voter as follows:

"State of \_\_\_\_\_  
 County of \_\_\_\_\_

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

(Signature of voter)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Seal of officer)

(Signature and title of officer)

C. The next duty of the chairman of the county board is to enter on the Register of Absent Voters supplied by the State Board of Elections the following information:

1. The name of the voter.
2. The number of the application.
3. The precinct in which the voter certifies himself to be qualified.
4. The reason why the voter wishes to vote by absentee ballot.
5. The date of receipt of the application.
6. The date of delivery of the ballot.
7. Whether the ballot was delivered in person, to a member of the voter's family, or by mail.

D. The chairman of the county board must then fill out and sign the certificate, printed as a part of the application, which recites the following things:

1. Name of the voter.
2. Date the application was received.
3. Whether received by personal delivery by the voter, personal delivery by a member of his family, or by mail.
4. The number assigned to the application.
5. That the following material was delivered to the voter in person, to a member of his immediate family in person, or mailed to him:

a. The official ballot or ballots with the name of the voter certified thereon.

b. A container-return envelope bearing the same number, with the name of the voter, the voter's precinct, and the name of the Chairman and his return address entered thereon.

6. That the application was registered by the Chairman, in the register provided by the State Board of Elections for that purpose, on the day the application was received and the ballot issued, and that it bears the same number on the register as the number on the application and container-envelope.

Interested persons often want to take a look at the register of absent voters and even copy it. The law provides that the register is a public record, and the Attorney General has held that the register can be copied if this activity does not interfere with the Chairman's necessary work.

**Voting the Absentee Ballot (G.S. 163-58)**

I. Once he has received his absentee ballot the first thing the voter must do is find some official with a seal who is authorized to administer oaths. A justice of the peace is not qualified because he has no seal. When the voter has found a qualified officer he can begin the ceremony. The voter produces the container-return envelope and the ballots. In the officer's presence he must then

A. Mark the ballots or have them marked for him in his presence and under his instruction.

B. Sign his name on the bottom of each ballot in the space provided, or have someone do it for him.

C. Fold each ballot separately.

D. Place each ballot in the container-envelope and seal it.

E. Make and sign the affidavit printed on the container-return envelope (set out above) (G.S. 163-57).

F. Have the officer attest the oath by affixing his signature and seal.

II. This performance being completed, the next step is to insure that the ballot is properly delivered to the Chairman of the County Board of Elections.

A. If the voter is absent from the county he must mail it to the issuing chairman.

B. If the voter is within the county when he signs the affidavit and marks the ballot, he has a choice of three methods of delivery. He may mail it to the chairman, or deliver it in person, or have it delivered by some member of his family.

III. The absentee ballot must be in the Chairman's hands by 3 P.M. on the day of the election in order to be counted (G.S. 163-58).

**Accounting for the Absentee Ballots**

I. *Functions of the Chairman of the County Board of Elections (G.S. 163-59; 163-60):*

A. On the morning of the day before the election he must make a list in triplicate of all applications received by him from voters to whom he has issued absentee voter's ballots.

B. He is required to mail one copy by registered mail to the Chairman of the State Board of Elections in Raleigh, together with all original applications received by him, and a certificate, given under oath, that the list is a true list, that no absentee ballots other than the ones listed have been issued by him, and that no ballots were issued except to the electors applying or to members of an elector's immediate family.

C. One copy he must post at the courthouse door.

D. The third copy he will keep for himself.

E. On the morning of the day of the election the Chairman must deliver to the registrar of each precinct:

1. A list of all absentee ballots received by him for that precinct. (This list should be in alphabetical order if possible.)

2. All the absentee container-return envelopes for that precinct, unopened.

II. *Functions of the Registrar:* The registrar must post the list of absent voters for the precinct in a public place at the polls by twelve o'clock noon on election day (G.S. 163-60).

Absentee ballots are deemed to be voted when delivered to the precinct officials, unless upon being opened and inspected it appears that the affidavit and jurat, or either, are not in due form, or that the name on the container-envelope, the ballot and the chairman's certificate do not correspond (G.S. 163-61).

The counting of the absentee ballots will be considered in the subsequent section on Counting the Votes.

III. *Withdrawing an Absentee Ballot*: Can an absentee ballot be withdrawn? The Attorney General has ruled that prior to the delivery of the list and ballots to the precinct registrar, a voter who applied for, received, marked and returned to the Chairman an absentee ballot, thinking that he would be away on election day, can withdraw his ballot and vote in person. After the ballots have been delivered to the precinct officials, they cannot be withdrawn.

#### Absentee Registration and Voting by Members of the Armed Forces in General Elections

A. *Who is entitled to vote under this law*: Every individual eligible to register and qualified to vote in any election who is absent from the county of his residence and serving in the land or naval forces of the U. S., including members of the Army Nurses' Corps, Navy Nurses' Corps, Women's Naval Reserve, Women's Army Corps, and the Merchant Marine (G.S. 163-77.1).

An application to register is considered to be an application for ballots also, and an application for ballots is deemed an application to register as well (G.S. 163-77.3(b); 163-77.6) if the applicant is not already registered.

After such individuals are discharged from these services they cannot register and vote as members of the armed forces, but fall under the normal voting regulations (G.S. 163-77.12).

B. *How does a serviceman obtain an absentee ballot?* An application may be filed in writing at any time prior to the election:

1. By the voter himself (G.S. 163-77.2; 163-77.6).

a. On a form prescribed in Act 712 of the 77th Congress, as amended by Act 277 of the 78th Congress, to the Secretary of State, or

b. By any informal writing (letter or card) addressed to the Chairman of the County Board of Elections.

2. In the voter's behalf by husband, wife, father, mother, brother, sister or child if the voter has not applied himself.

a. By any writing, formal or informal, addressed to the Chairman of the County Board of Elections.

C. *Action by Secretary of State*: If the serviceman has chosen the Congressional method of application, the Secretary of State must

1. Record the applicant's name and address, and

2. Send his application on to the State Board of Elections who must transmit it to the Chairman of the County Board of Elections of the County in which the applicant resides (G.S. 163-77.2).

D. *Action by the Chairman of the County Board of Elections (G.S. 163-77.3)*: Applications to vote by absent members of the armed forces received by chairmen of county boards of election, from the state board, the voter himself, or from a

relative in his behalf must be handled in the following way:

The Chairman of the County Board of Elections must:

1. Ascertain through reasonable diligence whether the applicant is qualified to register and vote if he is not already registered.

2. Register all qualified applicants not already registered by precinct, with a special precinct serial number, in the Special Military Absentee Book provided by the State Board of Elections. The names are added to those already entered there from the primary, as all applicants registered for the primary are deemed to be registered for the general election and entitled to ballots.

3. Mail each applicant one official absentee ballot of each kind being used in the election, together with a container-return envelope bearing the following words relating to postage:

OFFICIAL ELECTION WAR  
BALLOT

Free of Postage  
including air mail  
(War Ballot)

4. Place the letter "B" by each voter's name in the Special Military Absentee Book as his ballot is received.

5. Prepare on Monday before the election, for each precinct a list of names of all persons of that precinct appearing in the Special Military Absentee Book through Federal registration. This list should be in alphabetical order if possible.

This list must be made in four copies and distributed as follows:

a. Mail one copy to the State Board of Elections by Monday night before the election on Tuesday, together with a copy of the list of all other absentee ballots received.

b. Deliver two copies to the registrar of each precinct at the same time he delivers to him the list of other absentee voters for the precinct, together with all container-return envelopes, unopened, which have been returned to him. Note: this list constitutes the only precinct registration of members of the armed forces under these provisions.

c. Keep one copy for his own records.

6. Attach the following affidavit to the Special Military Absentee Book on the day of the election, in lieu of the usual certificate required for each voter: "I

Chairman of the County Board of Elections of \_\_\_\_\_ County,

do hereby certify that applications as are noted in this Special Military Absentee Book were received by me from the voters in question or from a member of the immediate families of said voters as appears from said book, and on the dates appearing in said book; that each application has been numbered as appears opposite the name of each voter in said book, and that I have delivered or caused to be delivered in person to said voter or have mailed to him at the designated military post office address the official ballot with the name of the applicant certified on said ballot or

ballots and that I delivered, along with said ballot, a container-return envelope for said ballot bearing the same number as that opposite the name of the voter.

"I further certify that each such application as appears in this Book was registered by me or at my direction in this register, furnished for that purpose by the State Board of Elections, on the day appearing opposite said name, that the ballot was issued on the day indicated on said register and that the container-envelope bears the same number as is on this register.

Dated this \_\_\_\_\_ day of November, 19 \_\_\_\_\_

Chairman, \_\_\_\_\_ County  
Board of Elections"

E. *Action by the Registrar (G.S. 163-60)*: On the day of the election, the precinct registrar has in his hands the list of absentee military voters for his precinct with the unopened ballots that have been sent in. It is then his duty:

1. To post one copy of the list of absent military voters in a public place within the voting precinct.

2. To keep one copy of the list for himself.

Registrars must be careful not to register names of voters on this list on the regular election registration books of the precinct.

F. *Action by the Voter*: A serviceman voting an absentee ballot under this procedure must act exactly in accordance with the procedure outlined for voting by a civilian absentee. The only modification allowed is that the serviceman may take the required oath before any commissioned officer or noncommissioned officer of the rank of sergeant in the Army, or chief petty officer in the Navy, or the equivalent, or before any civil officer with a seal authorized to administer oaths. (G.S. 163-77.7).

#### In Primary Elections

As a general rule absentee registration and voting is not allowed in primary elections. An exception in favor of members of the armed forces has been made to this policy. The State has established a method by which absent servicemen may register and vote in the 1948 Primary Election. This method of registration and voting is a privilege and must be adhered to closely.

I. *Who is entitled to register and vote the absentee ballot in the Primary (G.S. 163-70)*: A person must meet the following requirements in order to register and exercise the privilege of voting by absentee ballot in the 1948 Primary:

A. The person seeking to register and vote must be absent from his home county.

B. He or she must be actually serving in the naval, military, auxiliary, merchant marine or other armed service of the United States.

C. He or she must be 21 years old or will become 21 years old by the date of the General Election, November 2, 1948.

D. 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 of November 2, 1948. It is important to understand that voting residence is not interrupted by temporary absence in the armed forces.

E. He or she must be able to read and write any section of the North Carolina Constitution.

II. How is Absentee Registration Accomplished? At any time before May 29, 1948, 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 (G.S. 163-71).

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

APPLICATION FOR ABSENTEE BALLOTS FOR 1948 PRIMARY ELECTION BY SERVICEMEN

To the Chairman of the County Board of Elections:

I hereby certify that I am 21 years of age, (or will be by November 2, 1948); 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 2, 1948; 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 1948 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

(fill in name of party)

POLITICAL PARTY, and I hereby make application for absentee ballots for the 1948 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 1946 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.

B. By mailing an informal application in writing to the Chairman of the County Board of Elections setting out the following information above the applicant's own signature:

- 1. Full name of applicant.
2. Statement of voting residence.
3. Service Address.
4. Age.
5. Educational qualifications.
6. Party affiliation.

C. 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 the 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 29th and also for the General Election on November 2nd, 1948.

III. 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 1946 primary so that his name appears on the 1946 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.

IV. Functions of the Chairman of the County Board of Elections regarding Absentee Registration and Voting (G. S. 163-71; 163-72): 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 an application for a primary ballot from an unregistered member of the armed forces the chairman should follow the procedure outlined below:

A. He must first determine whether the applicant is qualified to register and vote under the provisions of the State Constitution and laws.

B. Within three days after the chairman has decided whether the applicant is qualified to register, he must take the following steps:

1. 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.

2. 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 container-return envelope and proper instructions for their use.

3. If found qualified, but where the applicant has failed to declare his party affiliation on his application for the 1948 Primary Ballot but has designated a party affiliation in the 1946 Primary as shown on the Special Absentee Register, or prior to 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.

4. 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

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them as applications for ballots in the next general election on November 2, 1948.

Servicemen should understand that absentee registration is a privilege extended only during the period of service. 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 of elections:

1. From the container-return envelopes returned to him, on May 28th, 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 29th, 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 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 28th.

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.

V. *Disposal of Applications and Absentee Envelopes*: 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 (G. S. 163-75).

Applications for registration and ballots in the primary received under the serviceman'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 2, 1948.

The chairman is required to bring the applications with him to the County Canvass on June 1st 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, June 1st.

#### VI. *Challenging the Serviceman's Absentee Ballot*:

A. *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 absentee 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.

B. *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.

#### Summary Note Concerning Absentee Registration and Voting

A careful distinction must be drawn between who may register by absentee application and who may vote by absentee ballot. A further distinction must be drawn as to eligibility to vote by absentee ballot in a primary election and in a general election.

*In General Elections*: The following questions and answers cover absentee registration and voting in general elections only:

Q. May both civilians and service personnel register for a general election by absentee application?

A. No. Civilians are not permitted to register by absentee application; only service personnel are allowed this privilege.

Q. May both civilians and service personnel vote by absentee ballot in general elections?

A. Yes, provided they meet the re-

quirements established by law discussed in the following questions.

Q. What civilians are entitled to vote by absentee ballot?

A. Two groups of civilians are entitled to vote by absentee ballot in general elections: (1) those registered and qualified civilian electors who are absent from their home counties for the whole of election day, and (2) those registered and qualified civilian voters who are so sick or physically disabled that they are unable to go to their precinct voting places and cast their ballots on election day.

Q. What service personnel are entitled to register by absentee application for a general election?

A. Any individual who can meet the regular statutory requirements for registration (See Chapter IV), and who is absent from his home county and serving in the land or naval forces of the United States (including Army Nurses' Corps, Navy Nurses' Corps, Woman's Naval Reserve, Women's Army Corps, Merchant Marine, in addition to the usual armed forces).

Q. What service personnel are entitled to vote by absentee ballot in a general election?

A. Any individual who can meet the registration requirements set out in the answer to the preceding question, and who is registered.

Q. Must an unregistered person in the United States service make separate applications to register and to obtain ballots?

A. No. An application to register is considered to be both an application to register and for ballots; an application for ballots is considered to be both an application for ballots and an application to register, provided the applicant is not already registered.

*In Primary Elections*: The following questions and answers cover absentee registration and voting in primary elections only:

Q. May both civilians and service personnel register to vote in a primary election by absentee application?

A. No. Only service personnel are entitled to this privilege.

Q. May both civilians and service personnel vote by absentee ballot in a primary election?

A. No only service personnel are entitled to this privilege.

Q. What service personnel are entitled to register for a primary election by absentee application?

A. An individual must meet the following qualifications in order to register by absentee application for a primary election: (1) must be absent from his home county and actually serving in the naval, military, auxiliary, merchant marine, or other armed service of the United States, (2) must be 21 years old, or must become 21 before the date of the next general election, 2 November 1948, (3) must have been a resident of North Carolina for one year and of the precinct for four months preceding the next general election, 2 November 1948 (absence in United

States service is considered "temporary" and does not count against this residence period), and (4) must be able to read and write any section of the Constitution of North Carolina.

Q. What *service personnel* are entitled to *vote* by absentee ballot in a primary election?

A. Any person in the service of the United States who can meet the requirements for registration set out in the answer to the preceding question, and who is registered to vote in the particular party primary.

#### CHAPTER XII

### RULES ADOPTED BY STATE BOARD OF ELECTIONS GOVERNING CONTESTS WITH RESPECT TO ELECTIONS AND REMOVAL OF ELECTION OFFICIALS

#### Election Contests

##### 1

When any controversy shall arise with respect to the counting of the ballots, or the certification of the returns of the vote, in any primary or general election, in any precinct or precincts, any candidate or elector desiring to make any complaint or protest regarding same shall make such protest in writing to the County Board of Elections on or before the time fixed by the statutes for the canvassing of the votes for such primary or general election by the County Board of Elections, and said County Board of Elections may determine the controversy at said meeting or at any time hereinafter specified.

If, after the canvass is completed by the County Board of Elections any candidate or candidates, participating in such primary or election, demands a recount by the County Board of Elections in any one or more precincts in the county, and presents sufficient evidence by affidavit tending to show errors in the canvassing of said votes by the County Board of Elections, either because of an error in the tabulation thereof or because of the counting of alleged illegal ballots, in an amount alleged to be sufficient to change the results of the nomination or election of such candidate or candidates, then this demand for the recount must be made to the chairman or secretary of the County Board of Elections, in writing, by 6 o'clock, P. M., on or before the second day following the completion of the original count by said County Board and the declaration by it of the results of said primary or election. The County Board of Elections shall thereupon, within the time prescribed, meet to consider this demand for a recount.

Such written protest shall specify the names of each voter whose vote is alleged to have been illegally cast, and shall state the reason or reasons assigned for such illegality.

##### 2

If the protest is based upon any cause other than illegal votes alleged to have been cast, the exact nature of the protest shall be stated so that the County Board of Elections may be fully advised of the nature and character of each charge at the time of

filing such written protest. It shall be the duty of the elector or electors filing the same to cause a copy thereof to be served upon the candidate or candidates whose vote in such primary or general election would be adversely affected if such protest should be sustained. The Chairman of the County Board of Elections may require notice to be served on other candidates or electors, or election officials, if in his opinion such others may be directly involved in the controversy.

##### 3

It shall be the duty of the County Board of Elections, upon receipt of such protest or demand for a recount, to fix a time and place when such charges will be heard by it, and said Board may in its discretion allow the evidence to be presented in affidavit form, or it may subpoena witnesses and examine them in person.

If said protest or demand for a recount involves the nomination of a candidate in a first primary, and there are more than two candidates participating in said primary for the nomination to said office, then the date of the hearing by said County Board must be held, and its decision thereon must be made, within sufficient time for the holding of the second primary on the date specified by law to determine the nomination of the candidate for said office.

##### 4

After hearing the evidence, the County Board of Elections shall pass upon the same, and after having done so it shall be its duty to record its findings and conclusions in its minutes and proceed to certify the results of such election, as required by law. Upon hearing the evidence the County Board of Elections, by a majority vote of its members, may submit its findings of fact to the State Board of Elections for instructions from the State Board of Elections with respect to any conclusions of law arising upon such facts, and it shall be the duty of the State Board of Elections, either through its chairman or executive secretary or a majority of its Board, to advise the County Board with respect thereto.

##### 5

Either party to such protest before the County Board of Elections, acting as a canvassing board, may appeal from its findings of fact or conclusions of law to the State Board of Elections; whereupon it shall be the duty of the State Board of Elections to fix a time and place for hearing the controversy *de novo*.

Appeals to the State Board of Elections, from the decisions of the County Board of Elections, shall be perfected within two days after the decision is rendered by the County Board of Elections in a first primary and five days in a second primary or general election, and the appellant's statement of his case on appeal shall, within said two or five-day period, be mailed to the Chairman or Executive Secretary of the State Board of Elections, together with an extra copy of the same for the appellee.

##### 6

Upon such appeal from the County Board of Elections, the State Board of Elections may require the evidence to be presented to it in affidavit form, or at its election it may subpoena and examine witnesses, or both, but the charges investigated shall be only those contained in the original written protest and answer of the respondents, except as to amendments allowed or directed by the State Board.

##### 7

The findings of fact and conclusions of law of the State Board of Elections shall be made in writing and a copy thereof furnished to the protestants and respondents, and one copy filed with the Executive Secretary of the State Board of Elections as a permanent record in said office.

##### 8

Neither the County Board of Elections nor the State Board of Elections will investigate or conduct any hearing of charges or protests frivolous in nature, or which in the opinion of either Board have been filed for the mere purpose of delay, or which have not been made in good faith.

When any charges are preferred either before the County Board of Elections or the State Board of Elections, with respect to the canvass of the vote in any primary or general election, pending the hearing an examination or inspection of the ballots and other official documents of the election officials shall be permitted under such conditions as the Board may prescribe in each particular case, great care being exercised in each instance to preserve all ballots and official records and papers.

#### Charges Against Members of County Board of Elections

##### 1

Any elector desiring to prefer charges with the State Board of Elections against a member of any County Board of Elections may do so by filing with the Board a statement, in writing, verified by the oath of the elector, which statement must contain:

(a) The name and postoffice address of the official against whom the charges are preferred.

(b) A brief, intelligent statement of the facts constituting the official misconduct alleged, with a reference to the date and place of such misconduct.

(c) The names and addresses, so far as may be known to the person filing the charges, of persons who have knowledge or information of the matters referred to in the charges as filed.

##### 2

If the charges thus filed show *prima facie* a violation of the election law, a breach of official duty, a participation in intentional irregularities, incapacity or incompetency to discharge the duties of the office, the State Board of Elections will cause notice thereof to be given to the official against whom the charges are preferred, by mail or by such other

methods as the Board may adopt, of such charges and name a day and place for the hearing thereof.

3

At such hearing the persons preferring such charges shall appear, and by affidavits, unless otherwise ordered or permitted by the Board, present the evidence tending to support the charges. Such affidavits must be served on the official against whom such charges have been filed, by the person filing the charges, at least three days before the time set for the hearing.

4

The official against whom charges are preferred shall have the right to be heard by affidavit, or otherwise as the Board may direct, in denial, rebuttal, explanation, or extenuation of the charges.

5

The inquiry shall be confined to the charges as filed, but the Board, as a matter of course, may of its own motion investigate any matter coming to its attention or notice as the result of hearing said charges.

6

Either party may make application to the Chairman of the Board for subpoenas for witnesses to be heard orally at such hearing; but such application, in addition to listing the names of the witnesses, shall contain a brief statement of what is expected to be proved by each witness and the reason for not obtaining the affidavit of such witness or witnesses. If, upon such application for subpoenas, the Chairman of the Board is of the opinion that the oral evidence of such witnesses will be helpful to the Board, subpoenas will be issued for the personal appearance of the witnesses, and if required by the subpoena, the witness shall produce such books, papers, or records as may be called for in said subpoena.

**Charges Against Any Precinct Election Official**

1

Any elector may file with the Chairman of any County Board of Elections charges against any precinct election official, and the County Board of Elections shall, in the hearing of such charges, adopt the same procedure as is prescribed herein for hearing of charges filed with the State Board of Elections against a member of any County Board of Elections.

2

Upon the filing of such charges with the County Board of Elections, the Chairman of such Board shall forthwith set the date for the hearing of such charges and immediately transmit to the State Board of Elections a copy of such charges, advising this Board of the date set for the hearing, and at once, after the hearing, advise the State Board of the disposition made by the County Board of the charges thus heard.

From the decision of the County Board the petitioning elector, or re-

sponding official, may appeal to the State Board of Elections, when the matter will be heard *de novo*, under the rules prescribed for hearings before the State Board.

**Summary Investigation**

The State Board, may, whenever the circumstances of any matter pending before it may indicate the necessity therefor, suspend these rules and proceed in a summary manner to make any inquiry or investigation which in its judgment may be necessary or desirable for the prompt and efficient enforcement of the laws pertaining to elections, and the proper performance of their duties by election officials.

**Reports of Evidence Tending to Show Criminal Violation of Elections Laws to Be Made to Prosecuting Officers**

The State Board of Elections and every County Board of Elections, upon the completion of any hearing with respect to the violation of the election laws, shall report in writing to the appropriate prosecuting officer a resume or summary of all evidence heard by such Board which tends to show that any person or persons probably have been guilty of one or more violations of the election laws, the violation of which is made a crime by law. A record shall be kept by such Board of all such reports to such prosecuting officers. Upon request by any prosecuting officer, the written evidence heard by either Board shall be made available for his examination and official use.

These rules were adopted by the State Board of Elections on the fourteenth day of September, 1934.

**Rules and Regulations Adopted March 20, 1948, by the State Board of Elections for the Creation of New Political Parties in the State of North Carolina**

Whereas, Section 163-1 of the General Statutes of North Carolina provides that a new political party may be created in North Carolina by any group of voters which shall file with the State Board of Elections at least ninety days before a general state election, a petition signed by ten thousand qualified voters, declaring their intention of organizing a new state political party, and declaring their intention of participating in the next general election, and

Whereas, the Attorney General of North Carolina has ruled for many years that a qualified voter within the meaning of Section 163-1 is a voter who is properly registered on the general election registration

books in this state, and is still qualified to vote in the precinct where registered in the next general election, and

Whereas, the Attorney General has given his opinion to the State Board of Elections, at its request, that a voter who signs such a petition to organize a new party in this state may be subject, under Section 163-126 of the General Statutes, to a successful challenge of his rights to vote in the primary of any existing political party in this state, and that in the event a voter who has signed the petition to create a new political party does vote in the primary of any existing political party in this state after having signed such a petition, then the signature of such voter to such petition would not constitute a valid signature on the petition, and

Whereas, the Attorney General has further advised the State Board of Elections that, in his opinion, the burden of proof is on the petitioner filing such a petition with the State Board of Elections, to satisfy the State Board of Elections, under such reasonable rules and regulations as may be established by the State Board of Elections, that the signatures on such petition are the signatures of qualified voters registered on the general election registration books in the precincts indicated, and who did not vote in the primary preceding the next general election, and that the State Board of Elections may, under the authority of the law granted to the Board, adopt such reasonable rules and regulations as will provide proper evidence to the Board that any such petition filed with it contains the signatures of voters qualified by law to sign same:

Now, therefore, the State Board of Elections at a meeting held in the City of Raleigh on the 20th day of March, 1948, does hereby adopt the following rules and regulations with respect to petitions which may be filed with it by any group of voters attempting to organize a new political party in this state.

1. The petition shall contain the name of the new political party and the name and address of the State Chairman thereof.

2. The petition must be signed by at least ten thousand qualified registered voters who are registered on the general election registration books in the precincts indicated on petition, none of whom voted in the primary election of any political party during the year in which the petition is filed. Registrations in the registration

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# THE CLEARINGHOUSE

Digests of the Minutes, Ordinances, and Resolutions of the Governing Boards of the Counties, Cities, and Towns of North Carolina

## Cities and Towns

### Subdivision Control Ordinance

*Wilmington*—A comprehensive ordinance regulating submission and approval of subdivision plats within the city limits and outside within one mile thereof was submitted to the city council, and was taken under consideration by the council. The proposed ordinance would require, among other things, that such plats must be submitted first to the city planning board for study and recommendation to the city council, and then to the council for its approval.

### Water Supply

*Hickory*—The city council agreed to a contract under which the City of Hickory will furnish water to the Town of Longview, at the same rates for Longview water users as are charged within the city limits of Hickory.

### Taxi Fares

*Burlington*—The taxi fare ordinance was amended by the council so as to provide that for each whole, uninterrupted trip, the fare should be 50c for any number of passengers not in excess of five, for any trip entirely within the city limits.

### Armored Car Service

*Greensboro*—Delivery of the city's deposits to banks will be made by the Armored Motor Service Company, under a contract authorized by the council. The cost of the service will be \$24.50 per month.

### Regulation of Public Auctions

*Burlington*—The council adopted an ordinance "to license and regulate the sale at public auction of any gold, silver-plated ware, clocks, precious stones, semi-precious stones, watches, jewelry, glassware, fancy china, art ware and novelties, silk and woolen fabrics, shoes, hats, clothing, wearing apparel, furniture, automobiles, equipment, or other goods and wares and merchandise, for the purpose of preventing misrepresentation, deceit and fraud."

Prepared by

W. M. COCHRANE

Assistant Director

Institute of Government

## COPIES OF ORDINANCES

The full text of any ordinance or resolution reported in "The Clearinghouse" will be sent promptly to any municipal or county official making the request. This service is offered on the theory that it will be helpful to officials contemplating a proposed ordinance or resolution to have in their hands copies of similar ordinances or resolutions adopted in other local units. Write to "The Clearinghouse," POPULAR GOVERNMENT, P. O. Box 990, Chapel Hill, N. C.

The ordinance makes it unlawful for any person, firm, or corporation to conduct such public auctions, with the following exceptions: judicial sales, or sales by executors or administrators, or sales by receivers or assignees in insolvent and bankrupt estates; sales by or on behalf of licensed pawnbrokers of unredeemed pledges; sales of the stock on hand of merchants who have been in business in the city for a period of one year; bona-fide closing-out sales, after which a business is to be discontinued. Among other things, the lengthy ordinance forbids the practice of acting or employing others to act as "by-bidders," or "cappers," or "boosters," to help run up the bidding. It prohibits misrepresentation, and requires payment of a "jewelry auctioneer's license" fee of \$50, good for one year, before any person may conduct such auctions.

### Recreation

*Rocky Mount*—The low bid of \$28,670 for construction of a swimming pool for negroes was accepted by the board of aldermen, which authorized execution of a formal contract for the work under this bid.

## Counties

### Maps

*Pitt*—An appropriation of \$100 was made by the board for the purpose of binding copies of all maps of drainage districts in the county, for storage in the office of the register of deeds.

### Mosquito Control

*Washington*—The board appropriated \$1,500 to be used in the health department's mosquito control program, after the district health officer had stated that the federal government would furnish two trucks and DDT for spraying, with the county's appropriation going chiefly into the hiring of two men to do the work.

### Lease of County Property

*New Hanover*—The Wilmington Baseball Club was granted the use of Legion Stadium for baseball games during the 1948 season, March 1 through October 1, together with concession rights. The lease will be in consideration of payment to the county of 12% of receipts from games and concessions.

### Delinquent Taxes

*Davidson*—The county attorney was instructed to make a special effort to collect all personal property taxes due the county for years prior to 1947, particularly those as far back as 1940, and to write letters to such taxpayers calling their attention to the law with respect to delinquent taxes.

### Hospitalization

*Currituck*—It was unanimously agreed by the board that no persons shall be hospitalized as county wards except those who are receiving assistance from the county welfare board.

### Federal Prisoners

*Guilford*—The chairman of the board of commissioners was authorized to sign a contract between the county and the federal government for the keep of federal prisoners in the county jail at the rate of \$1.50 per prisoner per day.

# The Attorney General Rules

Digest of recent opinions and rulings by the Attorney General of particular interest to city and county officials.



## I. AD VALOREM TAXES

### A. Matters Relating to Tax Listing and Assessing

#### 1. Exemptions—religious and educational organizations

To C. E. Earle, Jr.

(A.G.) I am of the opinion that lodge property of the Masonic Order is exempt from taxation under Section 600, Subsection (6), Machinery Act of 1939, as amended, if the property in question is used exclusively for lodge purposes. See *Odd Fellows v. Swain*, 217 N. C. 632.

### B. Matters Affecting Tax Collection

#### 65. Tax Collection—garnishment

To C. R. Morse.

Inquiry: Where a corporation has furnished a tax collector's office with a list of all of its employees, and the list has been checked and returned for purposes of garnishing the salaries of employees owing personal property taxes, can the corporation refuse to accept the garnishment?

(A.G.) If the garnishment proceedings are properly conducted, the debtor of the taxpayer, in this instance the employer, would be liable to the city and county for any sums due or to become due to the taxpayer within the calendar year up to the amount of the tax claim. The employer might be justified in refusing to recognize a mere list of employees which sets out opposite the name of each the amount and years for which taxes are claimed. I would suggest that, in the event an employer refuses to recognize such a list and to deduct from salaries and remit the amounts due from each employee, the provisions of Section 1713(d) of the Machinery Act be strictly complied with so that it will no longer be within the discretion of the employer to comply or refuse to comply.

## II. POLL TAXES AND DOG TAXES

### C. Collection of Dog Taxes

To Thos. C. Hoyle.

(A.G.) A taxpayer is entitled to claim a credit for a dog vaccination certificate, but he is not compelled to do so. He is entitled to this credit only if he claims the same by presenting the vaccination certificate to the tax collector before or at the time of the payment of his dog taxes. The certificates have value only insofar as they are used to satisfy an obligation to the county; they have no cash value, and a county is not authorized to redeem them in cash. For these reasons, and because the



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dog tax is an annual tax and the vaccination fee is an annual fee, it is my opinion that the vaccination fee for one year should be credited on the dog tax for that year only.

## IV. PUBLIC SCHOOLS

### 1. School Property

#### 4. Leasing school property

To Clyde A. Erwin.

(A.G.) While I know of no statutory authority for a board of education to lease school property to an outside organization, I am inclined to the opinion that the board of education of a county could enter into an agreement with a local baseball team permitting it to use the baseball park in consideration of improvement being made thereto and with the distinct understanding that no use of the park could be had when it in any way interfered with any school activities and with the further understanding that the county board of education could cancel the agreement at any time upon notice.

## VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

### C. Merit System.

#### 1. Salaries

To Wade B. Matheny.

(A.G.) It appears that as to a county superintendent of welfare and the welfare personnel appointed by the superintendent, the Merit System compensation plan must be followed as to appointments and as to salaries, if the county participates and accepts State and Federal funds provided for old age assistance, aid to dependent children, aid to the needy blind, etc. The Merit System Council, however, does not fix the salaries to be paid, except the maximums and minimums. Within the limits fixed by the Council, the salaries to be paid the employees of the Welfare department, other than the superintendent,

can be fixed by the County Board of Commissioners.

### U. Purposes for Which Appropriations May Be Made

To John Skinner.

Inquiry: May the counties pay the expenses of the members of their boards of commissioners in attending the district meetings of the State Association of County Commissioners?

(A.G.) Prior to the 1945 session of the Legislature, the several counties in the State were authorized to pay an annual membership fee of \$5.00 to the State Association of County Commissioners and to pay the expense of one member of the board in attending the meetings of the Association. In 1945 the Legislature increased the membership dues and provided that the various boards of commissioners are authorized to pay out of the county treasury the expenses of its members attending the meetings of the Association. I think this statute is broad enough to include district meetings of the association.

## XI. GENERAL AND SPECIAL ELECTIONS

To L. R. Varser.

Inquiry: Does the requirement of Section 1(b) of Ch. 1084, Session Laws of 1947, as to the sufficiency of a petition to call an election mean 15% of the identical persons who voted for Governor in the last general election or a sufficient number of the present registered voters of the county as will produce 15% of the total number of votes cast for Governor in the last general election?

(A.G.) This office has previously rendered the opinion, in construing a similar statute, that the petition must be signed by a sufficient number of the qualified voters of the county as will produce 15% of the total number of votes cast for Governor in the last general election, and does not necessarily mean that the persons who sign the petition must be the identical persons who cast votes for Governor in said election.

### P. Beer and Wine Elections

To Henry A. McKinnon.

(A.G.) I am unable to find any statute which prohibits the sale of beer or wine on the day upon which an election is being held on the question of the sale of beer and wine under the provisions of Ch. 1084 of the Session Laws of 1947.

# 1948 Primary Election Time Table

DATE	WHO	ACTION REQUIRED
20 March (tenth Saturday before Primary)	State Board of Elections	Appoint County Boards of Election upon recommendations of Chairmen of Political Parties. G. S. 163-11
Before 6 P.M., 20 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 24 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 10 April (7th 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
10 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 election. Publish names at courthouse door. G. S. 163-12, 163-15, 163-16
17 April (sixth Saturday before Primary)	County Board of Elections	Last day on which candidates for General Assembly, county and township offices may file notice of candidacy. G. S. 163-119
On or before 29 April (at least 30 days before Primary)	State Board of Elections	Print and distribute national and state ballots to County Boards of Election. G. S. 163-151
Before 1 May (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
1 May, 8 May, 15 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 sunset, 15 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
9 A.M. to 3 P.M. 22 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
26 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 Primary	Registrar and Judges	Hear and decide challenges after notice to challenged electors. G. S. 168-78
Before Primary	Registrar or Judge	Check voting place, booths, ballots, supplies, etc. G. S. 163-164
Morning of 29 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
Primary Day, 29 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
11 A.M., 1 June (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
Before 3 June (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
15 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
After State Canvass	State Board of Elections	File Abstracts and original county abstracts with the Secretary of State. G. S. 163-110
26 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

# 1948 General Election Time Table

DATE	WHO	ACTION REQUIRED
9 A.M., 9, 16, and 23 October 1948. (fourth, third, and second Saturdays before general election)	Registrar	Attend polling place; with registration book obtained from County Chairman; register qualified electors. (Keep book at home or place of business on other days.) G. S. 163-31
After sunset on 23 October (close of registration)	Registrar	Certify to the Chairman of the County Board the number of electors registered in his precinct. G. S. 163-31
Before 3 October (at least 30 days before the election)	State Board of Elections	Print and distribute State ballots to the County Board of Elections. G. S. 163-151
9 A.M. to 3 P.M. 30 October (Saturday before election)	Registrar	Attend polling place with registration books open for inspection and challenge of any elector. Appoint a time and place before election day when he and the judges will decide the challenges. G. S. 163-78
30 October (3 days before the election)	County Board of Elections	Deliver proper number of ballots, boxes, and booths to registrar of each precinct and obtain appropriate receipt. Deliver poll books and other equipment and supplies furnished by the County Board. G. S. 163-60
Before election (at discretion of registrar)	Registrar and Judges	Meet and hear and decide challenges after notice to challenged electors. G. S. 163-78
1 November (day before election)	Chairman of County Board of Elections	Send one copy of list of civilian absentee voters, one copy of list of military absentee voters, together with all original civilian applications to State Board of Elections. G. S. 163-59, 60
2 November (before polls open on election day)	Registrar or Judge	Check on the voting place, booths and supplies. Inspect all ballot boxes to be sure they are empty. G. S. 163-164
2 November (election day: Tuesday after first Monday in November)	Registrar, Judges, and Assistants	After taking prescribed oath, open the polls and conduct the election. Tally the ballots, make duplicate returns, mailing one copy that night to the County Board, and giving one copy to registrar or judge to deliver to the Board with the supplies at the County Canvass. G. S. 163-164
11 A.M., 4 November (second day after election)	County Board, Registrar or Judge	Meet at County Courthouse to canvass precinct returns, tabulate county vote, and announce results. Registrar or judge from each precinct delivers duplicate set of returns brought with him, as well as the registration and poll books, all absentee envelopes and rejected absentee ballots. Board hears any request for recount or contests. G. S. 163-85
Before 8 November (within five days after election)	County Board of Elections	File original abstracts and precinct returns with clerk of superior court. Send duplicate abstracts to State Board on all national, state, and district offices. G. S. 163-89
Before 11 November (within 2 days after County Board files abstracts)	Clerk of Superior Court	Certify and mail to Secretary of State a statement of county vote for all national, state, district, and county offices, and for any constitutional amendments or propositions. G. S. 163-90
Before 13 November (within ten days after election)	County Board of Elections	Issue certificates of election to successful candidates for General Assembly, except state senators in districts composed of more than one county, and for county and township offices. G. S. 163-92
23 November (Tuesday following 3rd Monday after election)	State Board of Elections	Meet in Raleigh to canvass votes cast in all counties for national, state, and district offices. Prepare abstracts, determine and announce official results. G. S. 163-94
After the State Canvass	State Board of Elections	File abstracts and original county abstracts with Secretary of State. G. S. 163-110
After the State Canvass	Secretary of State	Prepare and deliver certificates of election to successful candidates for national, state, and district offices. G. S. 163-110
After the State Canvass	Governor	Issue commissions to Congressmen-elect, upon obtaining certificate of election from Secretary of State. G. S. 163-110
In presidential election years	Secretary of State	Certify to Governor names of Presidential electors elected. G. S. 163-110
In presidential election years	Governor	Issue proclamation and have it published in a daily Raleigh newspaper announcing names of presidential electors and date of meeting. G. S. 163-110
In presidential election years, 13 December (Monday after 2nd Wednesday in December)	Presidential Electors	Meet in Raleigh and cast State's vote in Electoral College for President and Vice-President of the United States. G. S. 163-110