

BRUMMITT EXPLAINS NEW BALLOT TO VOTERS

Brummitt Hands Down Rulings For Primary

Answers Questions Relative To Conducting The June Primary

With the primary elections only a short time off and as the Australian Ballot will be used for the first time, generally, the following rulings by the attorney general relative to the conduct of the primary are timely and interesting. Many questions have been asked about the approaching primary, and to avoid confusion it would be well if possible, for every voter to study the following closely:

Text of Ruling

The ruling of the attorney general follows:

At your request I undertake to answer a number of questions which have reached you or this office, relating to conduct of the approaching primary elections, to be held June 7.

It should be remembered that the law is designed to afford a means whereby political parties may select their candidates for public office. Prior to the enactment of the primary law, in 1915, such candidates were selected except in isolated instances under the voluntary rules or plans of organizations established by each party for guidance. The purpose of the act is to establish a method whereby under the law all members of a party may participate in the nomination of its candidates and to restrict participation in a primary to those who affiliate with the particular party in whose primary the elector offers to vote.

The law as passed in 1915 (now C. S. 6027), required that at the first primary held under its provisions a new registration book should be provided and that when a person theretofore registered offered to vote, he should be asked "With which political party are you affiliated?" and the party affiliation of the voter should be entered upon this registration book. When a new voter appeared for registration, it was directed that the registrar should ask the same question, and the party affiliation of the voter entered in the registration book in accordance with the answer. This declaration of party affiliation by one who offers to vote in a party primary is generally required in States where party candidates are selected in a legalized primary.

When one has registered and had his party affiliations entered upon the registration book as required, he is presumed to be entitled to vote in the primary of the party with which he has declared his affiliation. If he has not declared his party affiliation either at the time of registration or does not do so upon demand at the time he offers to vote, the elector would have no right to participate in the primary of any party.

There are two and only two political parties selecting their candidates at the primary to be held June 7—the Democratic and Republican parties. Certain questions have been submitted with respect to the process of registration and the right to vote in these primaries:

Registration Questions

(1) What inquiry should the registrar make of a person with respect to party affiliation when such person seeks registration?

The single question relating to party affiliation which the registrar should ask the applicant for registration is as contained in C. S. 6027: "With which political party are you affiliated?" The political party affiliation of the applicant should be entered in the appropriate place on the registration book in accordance with the answer if such answer is definite enough for such purpose. Other inquiries may be made when the right of the elector to participate in a party primary is challenged under C. S. 6031, and this will be covered at another place in this letter.

Independents Barred

(2) Can an independent vote in a Democratic or Republican primary?

No. When one registers as an independent, he thereby states that he is not a member of or affiliated with either of the two parties holding primaries this year. Therefore, so long as he remains registered as an independent, he would have no right to participate in the selection of candidates for either the Democratic or Republican party.

(3) Does the law provide for putting independent candidates on the ballot in the general election?

Yes. Provision for and the method by which it may be done is set out in Section 6 of the Australian Ballot Law.

No Split Voting

(4) Can a voter, registered Republican, vote part or all of the Democratic ticket in the primary election?

No. When one is registered a Republican, or upon going to the primary declares that to be his party affiliation, he should be given the official primary ballots of that party. He

has no right to receive the Democratic primary ballots. One cannot vote in the primary part of the Republican ticket and part of the Republican. In the primary the voter is assisting in the selection of the nominees of the party with which he is affiliated and of which he is a member.

(5) Can a voter, registered as an independent, vote part of the Democratic primary ticket and part of the Republican primary ticket?

No. So long as he remains an independent, he is not a member of either party, and therefore, the law confers upon him no right to participate in the primary of either.

It should be remembered that these answers relate to the primary. Confusion on the subject may arise because one fails to differentiate a party primary from the general election. All qualified voters have the right to participate in the general election. All qualified Democratic voters have the right to participate in a Democratic primary election, and all qualified Republican voters have the right to participate in a Republican primary election.

Can Change Affiliation

(6) May one change his party affiliation, and if so when?

Yes. He may do so at any time prior to participation in the primary election. Although registered as a Democrat, a Republican, or an independent, the voter, may during the registration period or when he goes to vote in the primary, declare a change in his party affiliation and ask that the change be entered on the registration book. He will thereupon have the right to participate in the primary of the party with which he then declares and has recorded his party affiliation, unless upon challenge his right to participate is decided against him.

Challenging of Voters

(7) How is the right of a voter to participate in a party primary to be determined when that right is challenged on the ground of party affiliation?

C. S. 6031 directs that the elector shall be furnished with the primary ballots of the political party with which he affiliates, "and he shall not in such primary be allowed to vote a ticket marked with the name of any political party of which he has not declared himself to be a member. The right of such elector to vote in such primary may be challenged upon the ground that he does not in good faith intend to support the candidates nominated in the primary of such party."

In such case it is the duty of the election officials to determine the challenge as a pure matter of fact. The elector may be asked such questions as will enable the officials to pass upon the question. They may consider such evidence as may be produced, either for or against the right of the person challenged to participate in the primary. In the language of the statute, "It shall be the duty of the registrars and judge of the election upon such challenge to determine whether or not the elector has the right to vote in such primary." On this subject see case of Brown vs. Costen, 176, N. C., 63.

Need Not Vote at All

(8) Must an elector vote for a candidate or candidates for all offices in the primary of the party with which he is affiliated?

No. He may vote for a candidate for only one office or more, just as he wishes, C. S., 6031. The ballot shall be counted for the candidate or candidates for which he has properly voted as required by statute.

(9) Are markers to be appointed for the primary election?

No. Section 26 of the Australian Ballot Act specifically provides: "That no markers shall be named or permitted in primary elections. However, the voter may obtain assistance at the primary elections in the following ways.

(a) He may ask and secure such aid from any election official at his voting precinct.

(b) He may select any member of his family, who shall have the right to go into the voting booth with him and assist in the preparation of the ballot.

(c) Or he may be assisted by any other person requested by the voter and approved by a majority of the election officials.

(10) Should separate ballot boxes be provided for Democratic and Republican ballots in the primary election?

Yes. Section 12 of the Australian Ballot Act sets out the kind of ballot boxes to be provided, dependent

Dangerous Business

Our stomach and digestive systems are lined with membrane which is delicate, sensitive and easily injured. It is dangerous business, then, to use medicines containing harsh drugs, salts or minerals, when we are constipated. In addition to the possibility of injuring the linings of our digestive system, these medicines give only temporary relief and may prove habit forming. The safe way to relieve constipation is with *Herbina*, the cathartic that is made from herbs, and acts in the way nature intended. You can get *Herbina* at Taylor's Drug Store, Rosemary, N. C.

of course, upon the action of the State Board of Elections in prescribing the kind of ballots. Section 34 of the Australian Ballot Act repeals such part of C. S. 6031 as is in conflict with that act. C. S. 6031 specifically required separate ballot boxes "for each political party." That requirement

has not been repealed, but is still in force."

Number of Booths

(11) How shall the number of booths for each precinct be determined?

Section 17 of the Australian Ballot Act provides: "The number of such

voting booths shall be not less than one for each one hundred voters qualified to vote at such polling places."

The State Board of Elections has adopted a regulation which gives this sentence a reasonable construction and is within the power of the board. Under that regulation, the minimum

requirement is one booth for every one hundred qualified voters in a precinct and an additional booth where the excess number, being less than an additional one hundred, equals fifty or more.

I approve of such regulation and advise that providing booths in ac-

cordance with it will be a compliance with the statute.

Ernest Bachofen of Geneva proposed to Miss Emily Spinner on a country ride but told her the next day he couldn't marry her. She recovered \$3,750 damages.

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