

Electoral Law--State and National.
Registrars, Inspectors, Judges and Their Respective Duties.

[Condensed from Acts of the Legislature of 1873-'74, ordinances of Convention, and Supreme Court decision.]

An election shall be held on Tuesday after the first Monday in November, to wit, the 7th day of November, 1876, for the following offices, to-wit:

For Electors, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General, Members of the House of Representatives of the United States Congress for their respective districts, members of the General Assembly for their respective counties and districts, a county Treasurer, Register of Deeds, county Surveyor, five county Commissioners, Coroner and Sheriff, and for the ratification or rejection of the proposed amendments to the Constitution of North Carolina, with six separate boxes for the reception of votes, to-wit:

Presidential Box.—For the election of ten Electors of President and Vice-President of the United States. [Opposite the name of each elector must be given the number of the Congressional District in which he resides. To vote for any two of them as "Electors for the State at Large," would not be lawful.]

Congressional Box.—For the election of Representatives of the Congressional Districts of North Carolina in the 45th Congress.

State Ticket Box.—For the election of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney General.

Legislative Box.—For the election of Senators from the Senatorial districts and members of the House of Representatives to the next session of the Legislature.

County Box.—For the election of a county Treasurer, Register of Deeds, county Surveyor, five county Commissioners, Coroner and Sheriff.

Constitutional Amendments Box.—For the ratification or rejection of the several amendments to the Constitution, submitted to the people by the Constitutional Convention of the State of North Carolina. [The tickets for this box have the word "Ratification" or the word "Rejection," those opposed to the said amendments will vote a ticket having on it the word "Rejection."]

DUTIES OF REGISTRARS.
Registrars shall be furnished with a registration book, and it shall be their duty to revise the existing registration books of their precinct or township in such manner that said books shall show an accurate list of electors previously registered in such precinct or township, and still residing therein, without requiring such electors to re-register; and such registrars shall between the hours of sunrise and sunset on each day (Sundays excepted) from the first of October, on or before the first of August, and seventy-six, up to and including the day preceding the first Tuesday in November, one thousand eight hundred and seventy-six, keep open said books for the registration of any electors residing in such precinct or township and entitled to registration, whose names have never before been registered in such precinct or township, or do not appear in the revised list.

WHERE TO REGISTER AND VOTE.
No elector shall be entitled to register or vote in any other precinct or township than the one in which he is an actual and bona fide resident on the day of election, and no certificate of registration shall be given.

WHEN AND HOW TO CHALLENGE VOTERS.
It shall be the duty of the registrar and judges of the election to attend at the polling place of their township on the Saturday preceding the election, between the hours of nine o'clock A. M. till the hour of five o'clock P. M., when and where the said books shall be open to the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books, opposite to the name of the person so objected to, the word "challenged," and shall appoint a time and place, to-wit, on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to.

[A voter hearing the power of rejection, for good cause, can be exercised; the registered voter challenged on election day can swear in his vote.]

PROVIDED, that nothing in this section contained shall be construed to prohibit the right of any elector to challenge or object to the name of any person registered, or offering to register, at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified, as provided in this chapter, or as provided in the Constitution, the registrar shall erase his name from the books. [This proviso, Bat. Rev. chap. 52, sec. 10, is inapplicable, and only in render d of sense by the decision in the case of Van Bokkelyn vs. Cundy, 73 N. C. 2.]

APPOINTMENT OF JUDGES AND INSPECTORS—THEIR DUTIES.
The County Commissioners, on or before the first Monday of October, 1876, shall appoint four judges or inspectors of election, two of whom shall be of different political parties, where possible, from the registrar, at each place of holding election in their respective counties. The said judges of election shall attend at the places for which they are severally appointed, on the day of election, and they together with the registrar for each precinct or township, who shall attend with his

registration books, after being sworn by some justice of the peace or other person authorized to administer oaths, to conduct the election impartially and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep poll books in which shall be entered the name of every person who shall vote; and at the close of the election the judges shall certify the same over their proper signatures, and deposit them with the registrar of deeds for safe keeping. And said poll books shall in any trial for illegal or fraudulent voting be received as evidence. The County Commissioners shall immediately after the appointment of the judges of election, as herein provided, furnish a list of the names of such judges to the sheriff of their county, who shall within ten days serve notice of such appointment upon the said judges; and if for any cause, any person appointed judge of election shall fail to attend, the registrar of such township shall appoint some discreet person to act as such, who shall be by him sworn before acting, and shall be of the same political party as the absent judge or judges.

PERSONS ENTITLED TO REGISTER.
Every male person born in the United States, and any male person who has been naturalized, twenty-one years old or upwards, who has resided in the State twelve months next preceding the election, and thirty days in the county in which he offers to vote, shall be deemed an elector in the township in which he resides, and shall be entitled to registration upon application, upon taking the following oath: "I, do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for twelve months, and in the county of _____ for thirty days, and that I have not registered for this election in any other precinct, and that I am an actual and bona fide resident of _____ township. So help me God."

PERSONS ENTITLED TO REGISTER ON THE DAY OF ELECTION.
No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the judges of election that he has come of the age of twenty-one on the day of election, or has for any other reason become on that day entitled to register, he shall be entitled to register and vote.

CHALLENGING VOTERS ON THE DAY OF ELECTION—THE PROOF.
On the day of election, any elector may, and it shall be the duty of the judges of the election to challenge the vote of any person, who may be known or suspected not to be a duly qualified voter. [The decision in Van Bokkelyn's case renders unconstitutional the act of the Legislature requiring the voter to prove by the oath of some other person known to these judges, the fact of his residence for thirty days previous thereto in the county in which he proposes to vote. He can swear in his vote, and this oath is conclusive, he being liable for false swearing.]

WHEN AND HOW LONG THE POLLS SHALL BE OPENED.
The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day, and each voter whose name shall appear registered, and who shall not be challenged and denied his vote because of refusal to take the prescribed oath, shall hand in his ballots to the judges who shall carefully deposit the ballots in the ballot boxes.

WHAT TO DO WITH THE REGISTRATION BOOKS AFTER THE ELECTION.
Immediately after the election the judges of the election shall deposit the registration and poll books for their respective precincts with the registrar of deeds of their respective counties.

THE BALLOT.
The ballots shall be on white paper, and may be printed or written, or partly written and partly printed, and without device.

COUNTING THE BALLOTS.
When the election shall be finished the registrar and judges of election, in presence, or each of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have a device upon it, in either of these cases such ticket or tickets shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjustment until completed, and the result thereof declared.

WHEN AND HOW TO MAKE RETURNS.
Returns from all the precincts shall be made by the judges of election by noon on Saturday, ensuing the day of election, to the County Commissioners, who shall in the presence of such persons as choose to attend, proceed to add the number of votes returned, and so far as county officers, members of the House of Representatives and senators, where the senatorial district consists of but one county, are concerned, the person having the greatest number of votes shall be deemed duly elected, should any two persons have an equal number of votes for the same office, the commissioners shall decide which of the two shall be elected. And if for any cause the return of any precinct be not in by three o'clock P. M. on that day, then and in that case the commissioners shall adjourn without comparing the polls, to meet again on the following Tuesday at twelve o'clock M., when the polls of the various precincts of the county shall be compared, and in the meantime they shall direct the sheriff or one of his deputies to compel the attendance

of the delinquent returning officer with the vote of his precinct. When the commissioners have thus completed the comparison of the polls they shall proclaim the result at the court house door, of the voting in their county for all the persons voted for and the number of votes cast for each, and shall immediately thereafter file with the registrar of deeds and with the Sheriff of their county, or in case there be no Sheriff, with the coroner, a certified statement of the same. The commissioners shall also file with the registrar of deeds the returns made by the judges of the election of each precinct.

PENALTIES WHEN REGISTRARS AND INSPECTORS REFUSE TO SERVE.
Any registrar or judge or judges of election appointed under the provisions of this chapter, or any county commissioner, registrar of deeds, or sheriff failing or neglecting to perform the duties required of him by this chapter, for the non performance of which no penalty has been herebefore imposed, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned not more than six nor less than two months, at the discretion of the court.

PENALTIES AGAINST FRAUDULENT VOTING AND RE-REGISTERING.
Any person who shall with intent to commit a fraud, register or vote at any place other than the one to which he is entitled, or shall induce another to do so, shall be guilty of a misdemeanor, and on conviction shall be imprisoned not less than twelve months, or fined not less than one hundred nor more than five hundred dollars, at the discretion of the court; and any registrar who shall make any entry or copy with intent to commit a fraud shall be liable to the same penalty.

FEDERAL SUPERVISORS—THEIR DUTIES.
We are indebted to Col. A. W. Shaffer, Chief Supervisor, for the following copy of so much of the Revised Statutes of the United States, Article IV, The Elective Franchise, as relates to the powers and duties of Supervisors of Election in North Carolina.

1. Supervisors of Election are appointed by the Circuit Court on the application of ten citizens of a precinct or county, through the Chief Supervisor, and hold office during the pleasure of the Court.

2. Two Supervisors are appointed for each precinct, of opposite political sentiments, who must be voters therein, and able to read and write the English language.

3. They must take and subscribe the statutory oath of office and file the same with the Chief Supervisor before entering upon duty.

4. They are required to attend at the place of registration and voting at all times, and a member of Congress or other United States officer is to be selected.

5. They are to take, occupy and hold such positions as in their judgment will best enable them to see the ballot boxes, and the persons offering to register and vote, and to scrutinize in the manner in which the registration and voting is being conducted.

6. They are to look out for and challenge any person known or suspected to be wrongfully offering to register or vote, and to file upon the books the names of any person who may be fraudulently allowed, or refused to register and vote.

7. They must personally inspect and scrutinize the registry and poll books, and may after their signatures to each page thereof, in such manner as to enable them to detect and expose any wrongful addition or removal of names or checks therein.

8. They are to personally count and scrutinize each ballot in the canvass, after the close of the poll on election day, in whatever place or box found, and however said box, place or ballot may be enclosed or locked, and to leave the place of registration or voting with such registration or voting books, together with the names and counting of the votes, and the reports, returns, certificates and statements of copies thereof, relating to each registration or election, are wholly completed.

9. They must immediately forward to the Chief Supervisor of the District a full and detailed statement under oath, of every unlawful registration or vote offered or accepted, and of every lawful registration or vote offered and refused; every unlawful attempt to hinder, delay, prevent, or obstruct any person entitled to register or vote from registering or voting, or allow any person not entitled to register or vote; every attempt by bribery, solicitation, interference, hindrance, intimidation, violence or threats thereof, on the part of any person or persons whatever, to prevent the Supervisors or other officers from fully and freely performing all the duties of their office in such registration and election; and generally, every violation of the law relating to such election, together with the names of the offenders and the witnesses thereof.

10. Supervisors have no power to make arrests, except when summoned thereunto by the Sheriff, Marshal, and have no authority whatever, except as the place of registration and voting, and in the presence of the officers holding the same, including the counting of the votes and making returns thereof.

11. Supervisors of election, while on duty, are not subject to arrest by any civil authority, or process whatsoever, such as in any case should amount to arrest.

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For Auditor:
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For Treasurer:
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