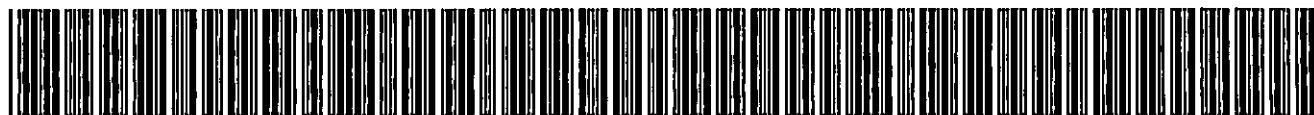


Date Printed: 06/16/2009

JTS Box Number: IFES_76
Tab Number: 12
Document Title: Casting Your Vote in North Carolina
Document Date: 1990
Document Country: United States -- North
Carolina
Document Language: English
IFES ID: CE02425



* 3 B A E D 4 0 1 - E 4 9 3 - 4 5 6 2 - 9 5 9 8 - E 0 A 3 A D 4 B A 2 9 8 *

Casting Your Vote in North Carolina

SECOND EDITION

William A. Campbell

THE INSTITUTE OF GOVERNMENT
The University of North Carolina at Chapel Hill

Casting Your Vote in North Carolina

SECOND EDITION

William A. Campbell

THE INSTITUTE OF GOVERNMENT
The University of North Carolina at Chapel Hill

**Return to Resource Center
International Foundation
for Electoral Systems
1620 I St. NW, Suite 611
Washington, D.C. 20006**

THE INSTITUTE OF GOVERNMENT of The University of North Carolina at Chapel Hill is devoted to teaching, research, and consultation in state and local government.

Since 1931 the Institute has conducted schools and short courses for city, county, and state officials. Through monographs, guidebooks, bulletins, and periodicals, the research findings of the Institute are made available to public officials throughout the state.

Each day that the General Assembly is in session, the Institute's Daily Bulletin reports on the Assembly's activities for members of the legislature and other state and local officials who need to follow the course of legislation.

Over the years the Institute has served as the research agency for numerous study commissions of the State and local governments.

John L. Sanders, DIRECTOR
William A. Campbell, ASSOCIATE DIRECTOR

FACULTY

Stephen Allred	Milton S. Heath, Jr.	Richard R. McMahon
A. Fleming Bell, II	Joseph E. Hunt	Laurie L. Mesibov
Joan G. Brannon	Kurt J. Jenne	Joseph F. Miller
Stevens H. Clarke	Robert P. Joyce	David W. Owens
Ann C. Clontz	Jeffrey S. Koeze	Robert E. Phay
Janine M. Crawley	Patricia A. Langelier	Roger M. Schwarz
Anne M. Dellinger	David M. Lawrence	Michael R. Smith
James C. Drennan	Charles D. Liner	Stephen K. Straus
Richard D. Ducker	Ben F. Loeb, Jr.	Mason P. Thomas, Jr.
Robert L. Farb	Ronald G. Lynch	Thomas H. Thornburg
Joseph S. Ferrell	Janet Mason	A. John Vogt
S. Grady Fullerton		Warren J. Wicker

© 1990

INSTITUTE OF GOVERNMENT

The University of North Carolina at Chapel Hill

⊗ The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1984.

Printed in the United States of America

ISBN 1-56011-171-2

UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL
LIBRARY
1990

CONTENTS

Introduction	1
Voting Qualifications	3
Election Officials	6
Registration	9
Voting	12
Types and Timing of Elections	15
Determination of Election Results	19
The Federal Voting Rights Act	21
Elections Timetable	24

INTRODUCTION

Your vote is important because government in the United States depends on citizen participation and is based on the consent of the governed. In North Carolina, voters periodically help to choose the country, state, county, and city leaders; over a four-year period these leaders include the president of the United States, at least one United States senator, a member of congress, the governor, state legislators, other state officials, judges, a district attorney, county commissioners, city-council members, and school-board members. At least one of these offices is voted on each year. Voters may also be asked to help determine other issues, such as whether the state or local government should borrow money, whether the state constitution should be changed, or whether their county should establish ABC stores.

To vote in North Carolina, citizens must be registered. Once registered, citizens remain qualified to vote in all elections in their city, county, and state unless they move to another county or stop voting regularly. This booklet explains the qualifications for voting, the registering and voting procedures, and the duties of the different elections officials, and it also describes the kinds of elections in North Carolina.

VOTING QUALIFICATIONS

To register to vote in North Carolina, people must first:

- (1) Be *United States citizens*,
- (2) Be at least *eighteen years old*,
- (3) *Reside in the precinct* in which they wish to vote for at least thirty days, and
- (4) *Not be convicted felons*; if they have been convicted of felonies, they must have had their citizenship rights restored.

These qualifications require some explaining.

Citizenship. All persons born in the United States of parents who are United States citizens, or born abroad with at least one parent a United States citizen, are citizens by birth. Persons who are naturalized citizens, that is, citizens by court actions, may expect to be asked to present their naturalization certificates when registering to vote.

Age. To be eligible to vote, people must be at least eighteen years old. But what if they are eighteen by election time but still seventeen when the deadline for registering to vote arrives? They may register to vote; the law requires only that they be eighteen by election time.

At the general election in November voters choose between candidates nominated (except in some city and school-board elections) by the two major political parties in primary elections held in the spring. (Where one political party is much stronger, the spring primary is often more important than the general election—*it is the real contest for the office.*) Because the primary is only a means of choosing candidates for the general election, it is considered part of that election, and people eligible to vote in the general election may vote in their political party's primary. Therefore people only seven-

teen when the primary takes place but eighteen by general election day in November may register and vote in the primary, though they may not register earlier than sixty days before the primary. They may not vote in elections other than primaries—bond referendums or ABC elections, for example—held before they become eighteen.

Residence. To register to vote, citizens must have *resided* in the precinct where they wish to vote for at least thirty days before the election. To reside in a place means to make it one's home—to plan on staying there, not just to be there temporarily. Residence is easily established with most people, but some kinds of people present problems because they live in or have connections with more than one town. For example, what is the home of someone living half the year in Charlotte and half the year in a cottage on the coast? And is a college student's home the college-town apartment or his or her parents' residence? In which town should these people register to vote?

The state supreme court has said that no single rule applies to all owners of resort homes or all college students—each person's case must be decided on its own facts. Elections officials may question applicants to help determine their residence. Applicants may be asked the address on their driver's license, the county where they pay property taxes and register their car, and the town where they keep their bank account. No answer to one of these questions by itself establishes a person's residence, but the answers taken together help show what place is considered home. And a person need not intend to stay in a place permanently for that place to be considered home. People expecting to move elsewhere on marrying or on getting a new job or on finishing school may still be considered residents of the place they now live in if they have not already made plans to move and they do not consider some other place home.

Although the North Carolina Constitution says that a person must reside in the state for a year before being eligible to vote here, the United States Supreme Court has invalidated one-year residency requirements; thus, the North Carolina one-year requirement is ignored. (The state constitution also says that a voter must be literate, but Congress has banned literacy tests, so North Carolina may no longer enforce that rule in its constitution.)

Felony conviction. A person convicted of a felony in a North Carolina court is temporarily ineligible to vote. (A felony is a major

crime, like breaking and entering or kidnapping.) A person convicted of a felony in federal court or in another state is also temporarily ineligible if that crime would be a felony in North Carolina. A felon becomes eligible to vote when his or her citizenship rights are restored. In North Carolina a felon's citizenship rights are restored upon final release—that is, upon finishing time in prison or finishing probation or parole. Whoever has final custody of the felon (usually the Department of Correction) certifies that the sentence has been completed; the felon may then register to vote.

A person convicted of a misdemeanor may still vote. (A misdemeanor is less serious than a felony and carries a less severe punishment.) If in jail, he or she may vote by absentee ballot.

ELECTION OFFICIALS

State Board of Elections. Overall responsibility for North Carolina elections rests with the State Board of Elections in Raleigh, appointed by the governor in the spring following his or her election. Of its five members, no more than three may be from the governor's political party. The board meets as necessary, leaving the day-to-day office operation to a full-time executive secretary-director.

The state board supervises the local boards, which actually register voters and conduct the elections. The state board tells the local elections boards what kinds of records and forms to use, gives directions on printing ballots, hears protests about the conduct of elections, and performs various other duties so that elections run smoothly and properly throughout the state. The state board may order a new election if it decides that an election has not been run correctly. It may also remove from office any local election official who has acted improperly.

County boards. Each of the state's one hundred counties has a county board of elections responsible for holding nearly all elections—for president, governor, the general assembly, county commissioners, etc.—in that county. The county board's three members are appointed by the state board from a list of the two major political parties' nominees. That arrangement usually means that two of each county board's three members are of the same political party as the majority of the state board—that is, the governor's party. The third must be from the other major political party.

The county elections board meets as needed, and it chooses a supervisor of elections to run the county elections office. It also employs other people in the office and appoints the election

officials for each precinct. These board employees and precinct officials actually register the voters and run the elections. The county appropriates money for salaries, equipment, and other necessities to register voters and hold elections.

City boards. About a third of North Carolina's 450 cities ("city" also includes incorporated towns and villages) have their own elections boards, though none of the large cities do. A city may have its own elections board only if its city elections are nonpartisan—that is, if candidates for mayor and city council are not identified according to political party. A city whose mayor and city council run as candidates of political parties may not have its own elections board; it must have the county board run its elections. A city with nonpartisan elections (the great majority) may choose whether to run its own elections or have the county board run them; most cities have the county conduct their elections.

A city elections board's three members are appointed by the city council. Political parties may not nominate people for the city elections board as they may for the county board, and the members of a city board may not all be from the same party. The city board employs a supervisor of elections and other office personnel just as a county board does. The city board may appoint its own precinct officials for city elections or use the precinct officials appointed by the county board. Also, the city may register voters itself or let the county do all registration; in either event, the voter need register only once in order to qualify for all elections.

Precinct officials. For voter convenience, each county is divided into precincts; citizens vote in their own precincts. The respective county elections boards—and city boards choosing to—appoint for two-year terms a registrar and two judges (chosen from political-party nominees) for each of the 2,500 precincts in the state. The registrar and one judge typically belong to the governor's political party, the second judge to the other major party. These officials register voters at the officials' homes or elsewhere in the county, and they conduct elections at the precinct polling place. On election day they may be helped by several precinct assistants.

Other registration officials. The elections board also appoints special registration commissioners and special library registration deputies, whose only duty is to register voters. Special registration commissioners may go to businesses, schools, shopping centers, or

other places as part of registration drives. Special library registration deputies are regular public-library employees designated by the elections board to register voters at the library. Also, boards of education may designate certain high-school employees to be appointed special high-school registration commissioners by the county board of elections, and the state board of elections may appoint certain driver-license examiners as special registration commissioners.

Of course, any upper-level election officials—including local elections board members, the county or city election supervisor, and deputy supervisors—may also register voters. All registration officials—except driver-license examiners—may register applicants only in their own county; driver-license examiners may register persons anywhere in the state.

REGISTRATION

Registration availability. In counties with more than 14,000 registered voters (the majority of North Carolina counties), county elections offices must be open during regular business hours five days a week to register people to vote. In counties with fewer voters, the offices must be open for at least part of three days each week. These time requirements, together with the authority of precinct officials and others to register applicants, mean that registration is available at any time of the year to any prospective voter.

One important restriction on registration exists: to vote, a person must register at least twenty-one working days (that is, excluding Saturdays and Sundays) before the election. This means that almost four weeks before an election the registration is closed for that election; any person registering after that deadline may not vote until the election following the imminent election. The elections board needs this time to organize the registration books for the election.

Registration procedure. Citizens may register to vote in the elections board office or in their precinct registrar's or judge's home. These officials and the special registration commissioners may also go to schools, businesses, and community events to register voters; in places using special library registration deputies, many voters register at the library. About 60 percent of North Carolinians eligible to vote are registered.

People registering must first swear that all answers they are about to give are true. Then the registration official will ask them their name, age, place of birth, and place of residence. Applicants must show the registration official some document proving identity and

age, such as a driver's license, a Social Security card, or a copy of a birth certificate; the registration official may request further proof of identity to decide whether they are qualified to register (and may pose other questions). Applicants will also be asked whether they want to affiliate with a political party (see below).

Once the registration official is satisfied that the applicants are qualified to register, he or she will ask them to sign a registration form and take an oath. If they have previously registered in another county or state, they must also sign a form to be sent to the elections board of that former residence stating that their name should be taken off its records.

Party affiliation. People registering to vote will be asked to register as Democrats or Republicans or as unaffiliated. Of the approximately three million registered voters in North Carolina, more than 95 percent are party-affiliated; the Democratic party has about three times as many registrants as the Republican. People not affiliated with either party may vote in the general election in November and in other elections, such as ABC store elections and referendums on constitutional amendments, but may not vote in party primaries in the spring unless the parties by resolution allow unaffiliated voters to vote in their primaries. Currently, the Republican party allows unaffiliated voters to vote in its primary; the Democratic does not. In North Carolina, voters affiliated with a party may not "cross over" in the primary—that is, in the primary they may vote *only* for their party's candidates. People changing party affiliation must register as affiliated with their new party at least twenty-one working days before the primary in order to vote in that party's primary.

Sometimes new political parties are organized. When a specified number of registered voters petition for a new political party, the party is recognized and its candidates are placed on the general election ballot.

Rejection of application to register. A registration official may decide that some people seeking to register to vote are not qualified—perhaps because they are apparently not residents of the precinct—and refuse to register them. A rejected applicant may appeal the official's decision to the local elections board, which will notify the applicant of the right to a hearing. If the board refuses to accept the registration, the applicant may then appeal to that county's superior court.

Purging registration records. Registration to vote is permanent unless voters move to another county or stop voting for a long time.

After each presidential election the names of those people who have neither voted for at least four years nor responded to a notice mailed by the elections board are removed from the registration records. The elections board also periodically removes from the records the names of county residents who have died.

Changes of address and name. People moving from one precinct to another within the same county need not re-register; they only need to give the new address to the elections board or to any official who can register voters. The board must be notified of the change at least twenty-one working days (excluding Saturdays and Sundays) before the next election in order for them to vote in that election.

People moving to a new county must register there to vote. When registering, they will be asked to sign a form authorizing the elections board of the old county to remove their name from its records.

Because people moving to a new precinct are not immediately eligible to register or vote there, they may continue to vote in the old precinct for thirty days after the move—either by returning to the old precinct to vote or by using an absentee ballot.

People changing their name need not re-register; they simply notify the elections board or a registration official of the change. Although people are supposed to notify the board of the name change at least twenty-one working days before the election, if they fail to do this they may still vote by simply telling the registrar of the change when they arrive at the polls.

Challenges. At any time any registered voter may challenge the right of any other voter in his or her county to remain registered to vote. Such a challenge is decided by the county elections board. Also, on election day any voter may challenge any other voter in the precinct when the second voter turns up to vote. A challenge at the polling place is decided by the precinct registrar and the two judges. The challenger must say why he or she thinks the other person should not be registered—for not residing in that precinct, for being convicted of a felony where citizenship rights have not yet been restored, or whatever. If the precinct officials decide that the challenged person is not qualified to vote, that person may still mark the ballots; the precinct officials will seal them in an envelope and deliver them to the county elections board. If the board decides that the person is qualified to vote, it opens the envelope and counts the ballots.

VOTING

Poll location. Usually people are told the location of the polling place in that precinct when they register to vote, and locations of the polling places are printed in the local newspaper just before the election. If voters are not sure which precinct they are in, they should phone the county elections board.

Poll hours. The polls open at 6:30 A.M. on election day and close at 7:30 P.M.; however, the local elections board may allow precincts with voting machines to stay open until 8:30 P.M. Everyone waiting in line to vote when the polls close is allowed to vote.

Voting procedure. Arriving at the polls, a voter should walk up to the table where the precinct officials are sitting and give his or her name and address. Unless challenged, the voter need not show identification. One precinct official will repeat the name and address so that a second official can look in the registration books for the name. This second official will state whether the person is registered and, if the election is a party primary, what party the person belongs to. Still another official will then hand the proper ballots to, or unlock the voting machine for, the voter. This official will also explain how to use the voting machine if the voter has not voted by machine before.

A voter not listed in the registration book may be at the wrong precinct or may be listed under a different name or may no longer be listed because of not having voted for four years. If the precinct officials decide that the person has registered properly and should still be in the book, they allow him or her to vote. Otherwise the person has to go to the elections board office to state his or her case.

Voting assistance. Any voter may have a near relative—specifically, a spouse, brother, sister, parent, child, grandparent, or grand-

child—go into the voting booth to help him or her vote. A disabled or illiterate voter may ask for help in voting, and this help may come from a near relative, some other voter, or a precinct official.

People who because of age or disability cannot come into the voting place may stay in the vehicle that brought them and vote outside the voting place. When notified that someone wants to vote at curbside, a precinct official will bring the proper ballots outside and give them to the person to vote, and then will take them and place them in the ballot boxes. A person who cannot get to the voting place may vote by absentee ballot (see below).

Ballot marking. Voters may mark the ballots with the pencil in the voting booth or with their own pencil or pen. Each ballot has instructions at the top. Voters should remember not to vote for more people than allowed. For example, say that three county commissioners are to be chosen. Each voter is entitled to vote for up to three candidates. If the voter votes for one, two, or three candidates, these votes will be counted. But if the voter votes for four or more candidates, none of the votes on that ballot will be counted.

Election officials will count all marked ballots to determine the voter's vote. They will ignore marks having nothing to do with votes for candidates. If they cannot determine a voter's vote for one office—if, for example, he or she has voted for all of the candidates for that office—they will still count his or her ballot for the other offices on that ballot.

Voters who by mistake mark their ballot wrongly should return it to the precinct officials and get a new ballot. No ballots may be taken from the polling place. If voters do not want to vote for a particular office, they should either place the blank ballot in the ballot box or return it to the precinct officials.

Write-in votes are permitted in general elections. On every ballot a space below each candidate's name can be used for writing in another person's name. Write-in votes are neither permitted nor counted in party primaries.

If others are waiting to vote, a voter may not stay in a voting booth or machine for more than five minutes. Only one person may be in a booth at a time, except when a voter is receiving assistance from someone (see above) or when a husband and wife go into the booth to vote together.

Absentee ballots. A voter who will be out of the county all day on election day or who cannot go to the polls because of sickness or

another reason may vote by absentee ballot. The voter, or a near relative on the voter's behalf, may apply for absentee ballots beginning fifty days before the election and until 5:00 P.M. on the Thursday before the election. If the county elections board decides that the voter is entitled to an absentee ballot, it will mail the ballot to him or her. The ballot must be returned to the elections board by 5:00 P.M. on the day before the election. Instead of applying for and receiving the absentee ballots by mail, a voter who will be out of the county or otherwise unable to go to the polls on election day may (until 5:00 P.M. on the Friday before the election) go to the elections office and vote there.

Sometimes a person does not become sick and unable to go to the polls until after the application deadline for an absentee ballot. This person, or a near relative, may still apply for an absentee ballot until noon on the day before the election but must have a doctor's statement substantiating the sickness. The ballot, which may be given to the near relative to deliver to the voter, still must be returned by 5:00 P.M. on the day before the election.

Absentee ballots may be used in all elections except fire-district elections and city elections conducted by municipal elections boards. When, as with most cities, the county elections board runs the city election, absentee ballots may be used if at least sixty days before the election the city council adopts a resolution permitting their use.

The law allows military personnel and their dependents and civilians attached to military installations outside their county of residence to both register and vote absentee.

Vote counting. Votes are counted at the polls immediately after they close. The precinct registrar and the judges are responsible for the counting, and anyone may watch the process. In precincts using paper ballots, these officials are assisted by ballot counters appointed from the list of precinct voters. The counting should continue without interruption until all votes are counted; the precinct officials then phone the results to the elections board. They also complete two written reports of the counting; one is mailed or delivered to the elections board that night, the other is delivered two days later at the county canvass (the canvass is the event at which all returns are read aloud and the official results determined). The precinct officials keep the ballots, sealed in the ballot boxes, until the time within which anyone may challenge the results has passed.

TYPES AND TIMING OF ELECTIONS

Elections for public officers are held regularly; certain officers are elected in even-numbered years and others in odd-numbered years—every two or four years, depending on the office. Other types of elections, such as liquor elections and referendums on borrowing money by issuing bonds, are held when necessary.

Elections for president, Congress, governor, lieutenant governor, other state executive officers, state legislature, judicial officers, district attorneys, and county officers always take place in even-numbered years. Terms for the different offices are given below. All of these elections are partisan—the contenders run as candidates of political parties. The party primaries for these offices are held on the same day in May, with a second primary (or runoff) four weeks later if needed; the general election is in November.

In odd-numbered years elections are held for city councils and some city school boards. The timing of these elections varies according to the kind of elections the city chooses to have (see below).

Federal officers. The presidential election is held every four years, with the next one scheduled for 1992. In the spring, presidential preference primaries for each party commit delegates to candidates at the national conventions; the general election is in November. Every two years members of the United States House of Representatives are elected. United States senators are elected every six years; one of North Carolina's senators will be elected in 1990, the other in 1992.

State officers. *Council of State.* The governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public in-

struction, attorney general, commissioner of agriculture, commissioner of labor, and commissioner of insurance (these officers make up the Council of State) are elected every four years. These elections are in the same years as presidential elections, and the voting takes place at the same time—first and second (if needed) primaries in May and June, the general election in November.

General Assembly. The General Assembly consists of 50 senators and 120 representatives. Elections for the North Carolina Senate and House of Representatives are every two years, following the same May–November schedule as federal and state elections. Most legislative districts consist of more than one county, and the boundaries are usually different for the Senate and House districts. Every ten years the General Assembly revises these boundaries to ensure that all legislators represent roughly the same number of citizens, as the United States and North Carolina constitutions require.

Judicial officers. Since the North Carolina court system is operated by the state, all judicial officers are state officers. Justices of the state supreme court (seven) and judges of the court of appeals (twelve) serve eight-year terms. All voters of the state may vote on all of the justices and judges. Because these judicial terms expire at different times, a certain number of justices and appeals-court judges are elected every two years.

Superior-court judges also serve eight-year terms. They are nominated in primaries held only in their judicial districts but may be voted on by all of the state's voters in the general election. A certain number of superior-court judges are elected every two years.

District-court judges serve four-year terms. Only voters in the judicial district may vote for a district-court judge.

A district attorney serves a four-year term in each of the state's judicial districts.

A clerk of superior court is elected in each county for a four-year term. All of these elections are held in even-numbered years at the same time as the primary and general elections for federal and other state officers.

County officers. Each county elects a sheriff and a register of deeds for four-year terms.

Each county is governed by a board of county commissioners, but the election and organization of the boards varies from county to

county. Most boards have five or seven members, a few have three, and some—as a result of Voting Rights Act suits—have six or nine. The members serve four-year staggered terms—that is, a certain number are elected every two years (no board has terms longer than four years). In some counties all voters may vote on all members of the board. In other counties, however, an effort is made to ensure representation from all parts of the county by requiring that each commissioner come from a different district within the county; candidates must reside in the district they hope to represent. Increasingly, candidates are elected only by voters in their district.

Primaries and general elections for county officers are held at the same time as the other primaries and general elections in even-numbered years.

City officers. Unlike the officers described above, most city-council members (city-governing bodies are also called boards of aldermen or of commissioners) are elected in nonpartisan elections—that is, the candidates are not identified according to political party.

Most city councils have five members (the sizes range from three to twelve) serving two- or four-year terms. In many cities, all council members are elected by voters of the whole city, though other methods of elections are also used: in some cities all council members are elected from districts by residents of those districts; in other cities, some members are elected from districts and some by the whole city. In most cities the mayor is elected separately, but in a few he or she is chosen by the council from its members.

City elections are held in odd-numbered years. Most cities use nonpartisan plurality elections—that is, the candidates are not identified by political party and only one election is held, in which the top vote-getters are elected. Other cities use primaries and runoffs. The final election, whether called a general election or a runoff, is in November. If cities use primaries to reduce the number of candidates—rather than just having single plurality elections—the primaries to determine the candidates for the November election are held six weeks (if it is a partisan primary) or four weeks (if nonpartisan) before the November election.

School boards. The one hundred county school boards and thirty-four (in 1990) city school boards vary in size and in method of

election.¹ State law requires county boards to have five members elected in nonpartisan elections every four years at the same time as the primaries for state and county offices. But for many county boards and all city boards the General Assembly has provided different methods of election. Many have more than five members, and some are elected in partisan elections; some city boards are appointed rather than elected, and many city boards are elected in odd-numbered years. School-board terms range from two to six years.

Other kinds of elections. Voters may occasionally be called on to decide whether the state constitution should be amended, whether the state or a county or city should borrow money by issuing bonds, whether beer or wine or mixed-drink sales should be allowed in their locality, whether ABC stores should be established there, whether an area should be annexed to the city, whether the organization of the county or city should be changed, and similar matters. Also, special-district elections may determine other issues, such as whether a certain territory should be organized into a fire district, a sanitary district, or a water or sewer district. Sometimes voters must vote on paying more taxes for a new county or city service. A very few cities also have special charter provisions allowing voters to recall an elected official—that is, to require that an elected official stand for another vote before his or her term expires. (No statewide provision for recall elections exists.)

Usually a special election is held at the same time as another election, but sometimes these special issues are the only matters on the ballot.

1. The term "city school boards" is misleading because cities have hardly anything to do with the state's public school system. "City" school districts are actually administrative units operating the schools in certain geographic areas within some counties. They, like county school districts, are financed by the state and the county and are called "city districts" after the largest city in that area.

DETERMINATION OF ELECTION RESULTS

The percentage of votes a candidate must get to be elected depends on the kind of election—that is, on whether the election is a primary or general election and whether it is an election in which a majority is required or a plurality suffices to elect a candidate.

General elections. In a general election for a single office, the candidate with the highest number of votes is elected. Usually this is a majority, because only two people are running—the Democratic candidate and the Republican candidate. But if unaffiliated or third-party candidates run, the candidate with the highest number of votes is elected even if he or she receives less than a majority.

In a general election with several slots for a single office, the highest vote-getters equal in number to the number of positions to be filled are elected. For example, if three county commissioners are to be elected, the three candidates receiving the most votes in the general election are elected. Usually in the general election twice as many candidates (the nominees of the two major parties) run as there are seats to be filled, but there can be more if unaffiliated or third-party candidates run.

Party primaries. In the primaries, the Democratic and Republican parties choose their nominees for the general election. In a party primary, if the contest is to nominate the party's candidate for election to one office (like sheriff) as opposed to the nomination of several candidates to run for several seats (like county commissioner), a candidate must receive a "substantial plurality" of votes in that primary to be nominated—defined as more than 40 percent of the votes. If more than two candidates run and none receives a substantial plurality, then whoever receives the second highest number of votes may call for a second primary against the top vote-

getter. If the number-two finisher does not call for a runoff, the top vote-getter is nominated and his or her name goes on the ballot in the general election.

Determining nominees is complicated when more than one seat is at stake. In a race for multiple seats, the substantial plurality is calculated by dividing the vote by the number of positions to be filled and multiplying the result by 40 percent; receiving more than this final result constitutes a substantial plurality. If more candidates receive a substantial plurality than there are positions to be filled, the top vote-getters equal in number to the number of positions are the nominees. If not all positions are filled by candidates receiving a substantial plurality, the top vote-getters (equal to the number of positions) are declared the nominees unless the next-highest vote-getter requests a second primary. Assume, for example, that seven candidates are running for three county-commissioner seats and receive the following votes in the first primary:

Candidate A	6,000
Candidate B	5,000
Candidate C	3,500
Candidate D	3,400
Candidate E	2,100
Candidate F	1,000
Candidate G	900

The vote for all candidates is 21,900. Three positions are to be filled; therefore a substantial plurality is determined by dividing 21,900 by 3—giving 7,300—and then multiplying that number by 40 percent, giving 2,920. Any candidate with more than 2,920 votes has a substantial plurality. Candidates A, B, C, and D all have a substantial plurality, but only three seats are to be filled. Therefore, the three highest vote-getters with a substantial plurality—A, B, and C—are the nominees.

Nonpartisan elections. Most city and school-board elections are nonpartisan; that is, candidates are not identified by political party. Some cities hold plurality elections—where there is only one election (no primary), and the top vote-getters are elected—while candidates in other cities must receive a majority to win. Still other cities with nonpartisan elections hold primaries to reduce the number of candidates at the general election to twice the number of positions open.

THE FEDERAL VOTING RIGHTS ACT

In 1965 the United States Congress legislated to end election discrimination against minority groups. The Voting Rights Act originally applied to areas where voter registration or turnout was low and where literacy tests or other devices had been used to limit the right to vote. Parts of most southern states, where these devices had been used to prevent or discourage blacks from voting, were covered by the act: literacy tests and other means of discrimination were prohibited; the federal government was authorized to appoint officials to register voters; and—to prevent future discrimination—any potential change in election law or procedure had to be approved by the United States Department of Justice or by the federal district court of the District of Columbia. The law was later extended to areas with low registration of other minorities—particularly Indians and Hispanics—and now applies in forty North Carolina counties, most in eastern North Carolina. Literacy tests have been banned nationwide.

Today the main effect of the Voting Rights Act in these forty counties is its requirement that changes in election law or procedure be approved by the Department of Justice or the federal district court of the District of Columbia before they take effect. Any change that might affect voting—whether from a legislative change in state law, a State Board of Elections' regulation, a local elections-board policy, or an action of another governmental body (annexation, for example)—must be submitted for approval. Thus, if the filing fee for an office is raised, the number of names required on a petition increased, a polling place moved, the terms of the county commissioners changed, commissioners elected at large rather than by

district (or vice versa), hours for voter registration changed—in short, if *any* change that might affect voting patterns is considered—it must be submitted to the Department of Justice first. The Department of Justice reviews the change to determine whether it might weaken the voting strength of blacks or other minorities. If the department approves the change or does not object within a certain time, the change may be made (though individuals who think the change is discriminatory may still challenge it in court). If the department objects to the change, a compromise may be negotiated—or the city or county may go to court to override the department's objection.

In the years since the Voting Rights Act, the Department of Justice has objected to relatively few election changes in North Carolina's covered counties. In the first fifteen years fewer than twenty of the seventeen hundred submitted changes were objected to, and the number of blacks registered to vote in the state almost doubled. Still, many covered cities and counties do not submit changes as required, sometimes because they do not know that they have to. In the early years of the act some confusion occurred over the kind of change to be submitted, but now it is clear that, for example, municipal annexations in a covered county must be submitted; the racial makeup of the area to be added to a city can affect the voting strength of blacks. But some cities subject to the act have annexed territory without Department of Justice approval. Changes since 1965 that were never submitted remain open to challenge.

Because the districts set for congressional and legislative seats affect the forty covered counties (as well as the rest of the state), any redistricting plan must be submitted to the Department of Justice for approval, and delay in approval can throw off the election schedule; for example, negotiation with the Department of Justice over an acceptable redistricting plan delayed the 1982 primaries. Any local redistricting in a covered city or county electing its officers by district must also be submitted. (Even if a redistricting plan is approved under the Voting Rights Act, it may still be challenged in court on grounds of not meeting the federal and state constitutions' one-person, one-vote requirement—that is, that each elected officer represent roughly the same number of people.)

Another provision of the Voting Rights Act, which applies to all counties, prohibits the use of election practices effecting racial

discrimination. Members of minority groups who believe that the state or local governments have violated this provision may sue in federal court to eliminate the offending practice. One discriminatory practice frequently challenged under this provision has been the at-large method of electing governing board members when this results in no black candidates being elected. Since 1984 this provision has been used with great success to require cities, counties, and school districts electing their governing-board members at large to change to election by districts and to create one or more "safe" districts for black candidates—districts where at least 60 percent of the voting-age population is black.² As of October 1989, twenty-two county boards of commissioners, twenty-three boards of education, and eighteen city councils had changed from at-large to district elections as a result of the Voting Rights Act.

2. For an article on the history and impact of the Voting Rights Act in North Carolina, see Michael Crowell, "The Voting Rights Act in North Carolina—1984," *Popular Government* 50 (Summer 1984): 1—9.

ELECTIONS TIMETABLE

May 1990	First Primary for: U.S. Senate (1 seat) U.S. House of Representatives Judicial offices General Assembly County offices Most county school boards
June 1990	Secondary Primary (if necessary) for offices listed above
November 1990	General Elections for offices listed above
September 1991	First Primary for city offices in cities with partisan elections
October 1991	Second Primary (if necessary) for city offices in cities with partisan elections Primary for city offices in cities with nonpartisan elections using a primary Primary for many city school boards
November 1991	General Elections for city offices and for most city school boards
March 1992	Presidential Preference Primary
May 1992	First Primary for: U.S. Senate (one seat) U.S. House of Representatives State offices

	Judicial offices General Assembly County offices Many county school boards
June 1992	Second Primary (if necessary) for offices listed above (no second presidential preference primary)
November 1992	General Election for President and other offices listed above
September 1993	Same as September 1991
October 1993	Same as October 1991
November 1993	Same as November 1991
May 1994	First Primary for: U.S. House of Representatives Judicial offices General Assembly County offices Most county school boards
June 1994	Second Primary (if necessary) for offices listed above
November 1994	General Elections for offices listed above

