

Our Election

Law

SPEECH BY ROBERT MORGAN, ATTORNEY GENERAL

TO: COUNTY ELECTION OFFICIALS

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The Election Laws of North Carolina have been in a process of evolution for more than fifty years, seeking to insure the purity and integrity of the election process in this State.

The first general election laws were enacted in 1901, which created the State Board of Elections, but did not impose any functions upon the Attorney General.

Although a few counties, by local act, conducted primary elections, it was not until 1915 that an act was passed to provide for primary elections throughout the State. The purpose of this act was to get away from the evils which had developed in the convention method of selecting nominees for office. It did not apply to the nomination of local officials, or to all of the counties.

The primary law imposed the duty upon the Attorney General to aid and advise the State Board of Elections in certain areas.

In 1939, the Department of Justice was created under the supervision of the Attorney General, and the positive duty of advising state officials and departments was imposed upon

the Attorney General.

When the State Bureau of Investigation was later created the duty was imposed upon the SBI to investigate, at the request of the State Board of Elections and the Governor, all cases of fraud in connection with elections.

The Corrupt Practice Act was passed in 1931 and it requires the Attorney General and solicitors to investigate and initiate prosecutions for violations of the Corrupt Practice Act.

In the past few years, a close working relationship has developed between the State Board of Elections, County Boards of Elections and the Attorney General's office, to assure a more efficient administration of election laws.

Hundreds of opinions are written each year by the Attorney General to local officials to advise them, upon request, on election matters. This is not required by law, but has developed from the desire of local officials to render a better service to the citizens of their counties. Under the leadership of the State Board and its Executive Secretary, Alex Brock, the County Boards of Elections are seeking legal advice before acting in cases where doubt exists. Thus, a trend to a more effective administration of election laws, with fewer serious complaints, has developed.

The Attorney General will continue to work closely with the State Board and the County Boards to strengthen the election process in North Carolina, and to assure each citizen

that his right to be heard through the ballot box shall not be diluted.

As you know, the election laws were re-codified in 1967, resulting in considerable clarification and some important changes.

The 1969 General Assembly also enacted important amendments to the election laws. G.S. 163-25 now authorizes the State Board of Elections to assist county boards in litigation in those instances where the lawsuit would threaten the uniform administration of the General Election Laws. This act requires the Attorney General to provide the State Board of Elections with legal assistance or to recommend that private counsel be employed by the Board.

The advisability of this statute arose after several counties were involved in matters arising under the Civil Rights Act and, although the State Board of Elections and the State were not directly involved, adverse decisions by the federal courts would affect the general election laws.

The key words in this statute are "to furnish assistance." Thus, the county boards will continue to use their own local attorneys and the Attorney General will give assistance in those instances as deemed proper by the State Board of Elections.

The most important members of this team are the county boards and the local precinct officials who actually conduct the election process. They are the "keepers of

democracy." They are the persons who must see that every qualified citizen has the opportunity to cast a free, unfettered ballot according to the dictates of his own conscience.