
Coates' Canons Blog: Unaffiliated Voters and Elections Administration in North Carolina

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Update January 2017: *The elections administration system described in this blog post was modified by legislation enacted in December 2016. That legislation modified the number of members of the state and county boards of elections, but it continued the limitation of membership to Republicans and Democrats. The implementation of that legislation has been enjoined while litigation challenging its constitutionality is in progress. The system described in this blog post remains in place.*

North Carolina's two major political parties—the Democrats and the Republicans, of course—are deeply involved not only in the politics of the state but also in the state's administration of elections. One big group of the state's registered voters, however—the unaffiliated voters—play no role in the conduct of elections. Not so long ago there were very few of them. Now they are about to be the second largest group of voters, catching up to Republicans and moving in the direction of the Democratic total. Yet the Democrats and Republicans remain in control of the elections apparatus.

Start right at the top, at the State Board of Elections, which, by statute has “general supervision over the primaries and elections in the State.” Its five members are appointed by the governor, but the governor does not have free reign to appoint just anyone. The governor appoints from lists of nominees submitted by “each of the two political parties having the highest number of registered affiliates” in the state—that is, the Democrats and the Republicans, of course. No more than three of the five members of the state board may belong to the same party. So when the governor is a Republican, three members of the state board will be Republicans (and two will be Democrats), and when the governor is a Democrat, it will be the other way around.

So, the parties name candidates to the state board, typically in part as a reward for their good work on behalf of the party, and then those candidates, when named to the board, are charged with the responsibility of acting on behalf of all the voters of North Carolina.

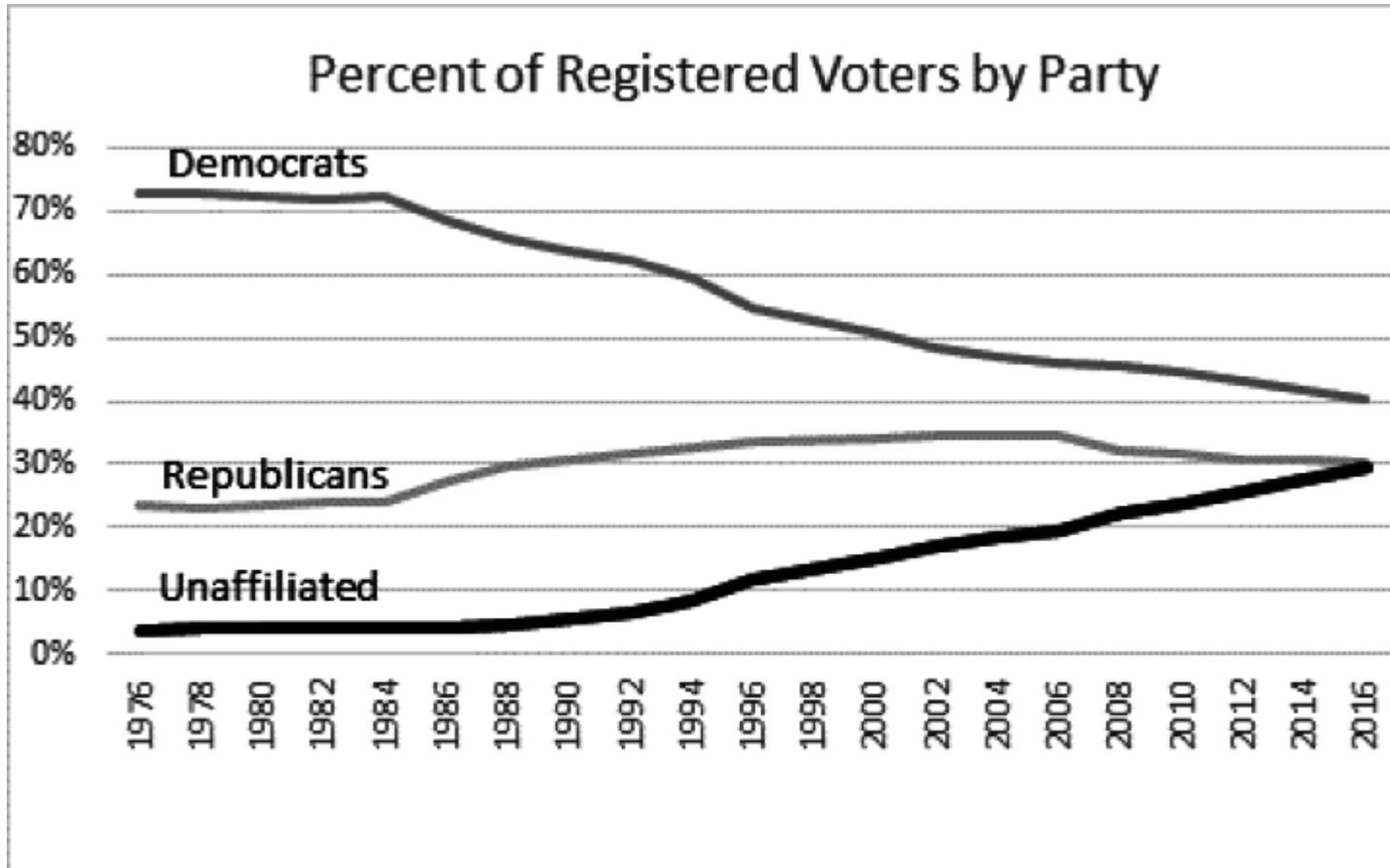
The pattern repeats at the county and precinct levels. Each of the 100 county boards are composed of three members, appointed by the state board. Once again, the appointment is not by free reign. The state board appoints from lists of nominees submitted by the parties. No more than two of the three members may be of the same party, so when the governor (who, as we saw, appoints the state board members) is a Republican, each county board of elections is composed of two Republicans and one Democrat, and the other way around. And at each precinct, the chief judge and judges are named by the county boards of elections, from names supplied by the political parties.

There are other ways in which the parties play a role in the administration of elections. They put forward names for appointment as precinct assistants, they name individuals to serve as observers at each precinct (getting to watch the proceedings from inside the polling place), and they get free lists of voters before and during the election.

These rules work the same way for Republicans and for Democrats. Each is in a favored position when one of their own is elected governor. The rules have been in some version of this form for 115 years. They have reflected the division of the voters of this state into membership in one or the other of the two major parties.



But over the past 40 years there has been a striking change in the political affiliation of Tar Heel voters. In 1976, approximately 96 percent of all registered voters in the state were registered as either Democrats or Republicans. Only about 4 percent of voters were registered as unaffiliated—not Democrats or Republicans or any other party. The role of the parties in the administration of elections corresponded to the overwhelming party affiliation (with one party or the other) of the voters.



Since that time, however, the percentage of voters who have registered as unaffiliated has risen. In 20 years, that is, by 1996, it had reached 12 percent of all registered voters. Now, in 2016, when another twenty years have passed, the proportion of voters who are registered as unaffiliated is 29 percent. It is very likely that, in the next year or so, the number of unaffiliateds will exceed the number of Republicans.

Why the big rise in unaffiliated registration? That's a good question for the political scientists. One factor, I suspect, is the large number of people who have moved into North Carolina in these 40 years from other states. Many of them may have arrived here not sure of our politics and unwilling to register with either party right off the bat. And some of them have come from states where the tradition of party affiliation is not be as strong as it has been here and where, in some cases, voters do not even indicate a party affiliation at all when they register. Another factor may be the enactment of G.S. 163-119 in 1993. That statute allows the parties, at their option, to open voting in their primaries to unaffiliated voters. Both the Democrats and the Republicans have done that. Now a newly-registering voter knows that it is not necessary to affiliate with a party in order to vote in a primary and that, further, being unaffiliated allows you to choose which party's primary you will vote in. That may work as an incentive to register unaffiliated.

But whatever the reason for the increase in unaffiliated registration, it brings into strong relief the role of the parties in elections administration. Opening up the current system to participation by unaffiliated voters would be a little bit of a



tricky proposition. By the very nature of being unaffiliated, they are not members together in the kind of organization that could put forward candidates for appointment to positions of authority the way that Republicans and Democrats do. And by the same token they are not members together in the kind of organization that can put forward an organized objection to the current system.

But what happens if the trend toward unaffiliated registration continues at its current pace? By 2030, 41 percent of North Carolina voters might be registered unaffiliated. Could the current system stand?

Links

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