

(b)Precincts and Election Districts. For purposes of qualification to vote in an election, a person's residence in a precinct, ward, or election district shall be determined in accordance with G.S. 163-57. When an election district encompasses more than one precinct, then for purposes of those offices to be elected from that election district a person shall also be deemed to be resident in the election district which includes the precinct in which that person resides. An election district may include a portion of a county, an entire county, a portion of the State, or the entire State. When a precinct has been divided among two or more election districts for **purposes of elections** to certain offices, then with respect to elections to those offices a person shall be deemed to be resident in only that election district which includes the area of the precinct in which that person resides. Qualification to vote in referenda shall be treated the same as qualification for elections to fill offices.

(c)Elections. For purposes of the 30-day residence requirement to vote in an election in subsection (a) of this section, the term "election" means the day of the primary, second primary, general election, special election, or referendum.

Added by Laws 1967, c. 775, § 1. Amended by Laws 1971, c. 1231, § 1; Laws 1973, c. 793, § 18; S.L. 2005-2, § 2, eff. March 22, 2005; S.L. 2008-150, § 5(a), eff. Aug. 2, 2008; S.L. 2009-541, § 5, eff. Aug. 28, 2009.

Historical and Statutory Notes

2005 Legislation

S.L. 2005-2, § 2, eff. March 2, 2005 rewrote the section, which prior thereto read:

"Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina and in the precinct in which he offers to register and vote for 30 days next preceding the ensuing election, shall, if otherwise qualified as prescribed in this Chapter, be qualified to register and vote in the precinct in which he resides: Provided, that removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which he has removed until 30 days after his removal.

"The following classes of persons shall not be allowed to register or vote in this State:

"(1) Persons under 18 years of age.

"(2) Any person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, unless that person shall be first restored to the rights of citizenship in the manner prescribed by law."

S.L. 2005-2, § 7, provides:

"This act is effective when it becomes law and, being declaratory of existing law, applies to all elections held after January 1, 2004, the effective date of G.S. 163-166.11."

2008 Legislation

S.L. 2008-150, § 5(b), added subsec. (c).

2009 Legislation

S.L. 2009-541, § 5, in subsec. (a), in the first sentence of the second paragraph, substituted "Except as otherwise provided in this Chapter" for "Except as provided in G.S. 163-59".

Cross References

Challenge procedure not on Election Day, see § 163-85.
Initial counting of official ballots, see § 163-182.2.

Notes of Decisions

Admissibility of evidence 11
Change in domicile, residency 7
Civil rights 2
Eligibility, generally 4
Injunction 14
Judicial review 17
Mandamus 15
Power to prescribe qualifications 3
Presumptions and burden of proof 10
Proceedings for registration 9
Qualifications to vote, generally 5
Quo warranto 16
Residency 6-8
 In general 6
 Change in domicile 7
 Students 8
Students, residency 8
Sufficiency of evidence 12
Validity 1
Witnesses 13

1. Validity

One-year residency requirement contained in North Carolina Constitution and statute was unconstitutional when applied to the right to vote in local elections. *Andrews v. Cody*, 1971, 327 F.Supp. 793, affirmed 92 S.Ct. 1306, 405 U.S. 1034, 31 L.Ed.2d 576. Elections ¶ 18

Method of making the classification between potential voters as residents entitled to vote and nonresidents not entitled to vote should be upheld if they are reasonable; such methods are not subject to the compelling state interest test. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections ¶=, 18

Since the general assembly has no power to change the qualifications of voters in state, county, township, city, or town elections, so much of the act amending the charter of the city of Wilmington, ratified on February 3, 1875, as requires of voters a residence of 90 days, instead of 30, is unconstitutional, and consequently void. *People ex rel. Van Bokkelen v. Canaday*, 1875, 73 N.C. 198, 21 Am.Rep. 465, Elections ¶1' 60

So much of the act of February, 1875, amending the charter of the city of Wilmington and regulating the election of aldermen, as gives to each of the first and second wards, having 400 voters each, a representation of 3 aldermen, and to a third ward, having 2,800 voters, the same number of aldermen, violates the fundamental principle of the state constitution that representation

shall be apportioned to the popular vote as nearly as possible. *People ex rel. Van Bokkelen v. Canaday*, 1875, 73 N.C. 198, 21 Am.Rep. 465. Municipal Corporations c=t. 124(1)

2. Civil rights

Fact that inconsistent results as to whether students were residents of the county and entitled to register to vote might follow from the use of questions designed to determine the student's residencies would not give rise to a violation of due process. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Constitutional Law 4232

It would not be a denial of equal protection to make certain inquiries of students who sought to register to vote as to their residency which were not made of other would-be registrants. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Constitutional Law ¶1= 3367

There is no denial of equal protection in the use of a rebuttable presumption that a student who leaves his parents' home to go to college is not domiciled in the place where the college was located for voting purposes. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Constitutional Law ¶=) 3367

3. Power to prescribe qualifications

Any state law which tends to effect the right to vote by way of making classifications must be scrutinized for conformity with the equal protection clause. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Constitutional Law (s) 3635; Elections 18

State laws which have the effect of denying certain classes the right to vote must have a compelling justification. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections ¶=, 18

Fact that students seeking to register to vote in the community in which they went to college might be asked certain questions about their financial affairs, such as whether they had an automobile, and where their banking and business connections lay would not impermissibly make voting classifications on the basis of wealth or property ownership. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections c=> 18

Use by registrars of a questionnaire to obtain necessary facts to determine whether a student is entitled to vote in a particular locality is permissible. *Lloyd*

v. Babb, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections czz' 18

The general assembly has no power to change the qualifications of voters in state, county, township, city, or town elections. *People ex rel. Van Bokkelen v. Canaday*, 1875, 73 N.C. 198, 21 Am. Rep. 465. Elections e=' 18

4. Eligibility, generally

State Board of Elections improperly counted provisional ballots cast outside voters' precincts of residence, and thus, ballots could not be counted in final election tallies; plain meaning of statutory section setting forth qualifications to vote was that voters were required to cast ballots on election day in their precincts of residence, according to Board's own rules, voter was eligible to cast an "official provisional ballot" only if he resided in precinct, and thus, state law did not permit out-of-precinct provisional ballots to be counted in elections. *James v. Bartlett*, 2005, 359 N.C. 260, 607 S.E.2d 638, reconsideration denied 359 N.C. 633, 613 S.E.2d 691. Elections C=) 239

Vote of citizen of Syria for office of mayor held illegal (C.S. §§ 2654, 5936, 5937). *Gower v. Carter*, 1928, 143 S.E. 513, 195 N.C. 697. Elections ezz. 70

Qualifications for voting in municipal election are same as in general election (C.S. §§ 2654, 2655; Const. Art. 6, §§ 2, 3). *Gower v. Carter*, 1927, 139 S.E. 604, 194 N.C. 293. Elections C= 59

Cities and towns, like counties and townships, are parts and parcels of the state, organized for the convenience of local self-government; and the qualifications of voters are the same, to wit, citizenship, 21 years of age, 12 months' residence in the state, and 30 days in the city or town. *People ex rel. Van Bokkelen v. Canaday*, 1875, 73 N.C. 198, 21 Am.Rep. 465. Elections e=: 59

5. Qualifications to vote, generally

Provision of North Carolina Constitution that a convicted felon, whose rights of citizenship have not been restored, shall not be permitted to vote and provisions of similar statute do not constitute cruel and unusual punishment. *Pincher v. Scott*, 1972, 352 F.Supp. 117, affirmed 93 S.Ct. 2151, 411 U.S. 961, 36 L.Ed.2d 681. Sentencing And Punishment c=. 1581

Vote of married woman under 21 years of age for office of mayor held illegal (C.S. §§ 2654, 5936, 5937).

Gower v. Carter, 1928, 143 S.E. 513, 195 N.C. 697. Elections þ=. 66

C.S. § 5960, requiring that physical inability to vote in person appear by affidavit or physician's certificate is mandatory, and, without substantial compliance therewith, a voter in the county cannot vote, especially in view of Pub.Laws 1923, c. 111, § 5, though C.S. § 5968, requires that the election laws be liberally construed in favor of the elector's right to vote. *Davis v. Board of Education of Beaufort County*, 1923, 119 S.E. 372, 186 N.C. 227. Elections C=D 213

Under Revisal, § 2949, voters at municipal elections must have the same qualifications as those at general elections, and hence must have paid a poll tax. *Echerd v. Viele*, 1913, 80 S.E. 408, 164 N.C. 122. Elections 0=7 83

Code, § 2681, providing that, if an elector has previously registered in any precinct in the county in which he resides, he cannot again register in any other precinct in the county until he produces a certificate of the registrar of the former precinct that he has removed, and his name been stricken from the registration books, applies to bona fide residents who neglect to obtain such certificate. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections (3=' 98

6. Residency-In general

Appropriately defined and uniformly applied bona fide residence requirements for voting are permissible. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections c=' 18

State has the authority to determine whether a person is a bona fide resident for voting purposes. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections c=> 18

Otherwise eligible persons who reside in a community and are subject to its laws must be permitted to vote there even though their interests may differ from the majority of the community's residents. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections C=' 72

Any test of domicile used for voting purposes must exclude only those whose exclusion is necessary to preserve the basic conception of a political community. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections C=' 72

Term "residence," when used in election law, means domicile. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Elections ex' 72

Voter residing in town only three monthsÉ before election, whose name was registered by one of candidates, held not qualified elector (C.S. §§ 2654, 5937). *Gower v. Carter*, 1928, 143 S.E. 513, 195 N.C. 697. Elections 4x10 72

School teachers voting for office of mayor must have established legal residence to be qualified electors (Const. Art. 6, § 2). *Gower v. Carter*, 1928, 143 S.E. 513, 195 N.C. 697. Elections 74

A vote cast in a mayoralty election by a person living outside of the town limits was properly disallowed. *Echerd v. Viele*, 1913, 80 S.E. 408, 164 N.C. 122. Elections e= 71.1

7. — Change in domicile, residency

Requisites for "domicile" for voting purpose are legal capacity, physical presence, and the intent to acquire domicile; intent to acquire domicile requires both an intent to abandon one's prior domicile and an intent to remain at the new domicile; abandonment of one's prior domicile and adoption of a new domicile may be shown both by declarations of the registrant and by objective facts; the latter should be obtained by appropriate inquiries directed to the registrar. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections c= 73

Residence for a specific purpose, as at summer or winter resorts, or to acquire an education, or some art or skill in which the animus revertendi accompanies the whole period of absence, effects no change of domicile. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile e=4. 4(1)

To constitute a domicile, there must be residence and intent to make place of residence a home. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile p=, 1

To effect a change of domicile there must be an actual abandonment of the first domicile, accompanied by intention not to return to it and the acquisition of new domicile by actual residence at another place, coupled with intention of making the last acquired residence a permanent home. *Hall v. Wake County*

Bd. of Elections, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile 4(2)

Where a voter has been in the habit of leaving his home in another county every summer, and coming to the county in which the election was held, for the purpose of working there, and returning to the other county after the season was over, and testifies that he considered the county in which the election was held his home, his true residence is a question for the jury. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections 72

8. — Students, residency

It was not an unjustifiable intrusion into the private affairs of students seeking to register to vote to compel them to answer certain questions concerning their residency. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections 18

Student who intends to remain at his college community only until graduation should not for that reason alone be denied the right to vote in that community; modifying, to the extent that it might be interpreted to the contrary, *Hall v. Board of Elections*, 280 N.C. 600, 187 S.E.2d 52. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections ezP 76

So long as a student intends to make his home in the community where he is physically present for the purpose of attending school while he is attending school and has no intent to return to his former home after graduation, he may claim the college community as his domicile for voting purposes; he need not also intend to stay in the college community beyond graduation in order to establish his domicile there. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections .8=. 76

Person has a domicile for voting places at a place if he has abandoned his prior home, has a present intent to make that place his home, and has no intention to presently leave that place; applying that rule to the case of students, the student is entitled to register to vote at the place where he is attending school if he can show that he has abandoned his prior home, has the present intention of making the place where he is attending school his home, and intends to remain in the college town at least as long as he is a student there and until he acquires a new domicile. *Lloyd v. Babb*, 1979, 251 S.E.2d

§ 163-55

Note 8

843, 296 N.C. 416. Elections e= 73; Elections e= 76

Adult student may acquire domicile at place at which his university or college is situated, if he regards place as his home, or intends to stay there indefinitely, and has no intention of resuming his former home, but if he goes to college town merely as a student, intending to remain there only until his education is completed and does not change his intention, he does not acquire a domicile there. *Hall v. Wake County Bd. of Elections, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile e= 4(2)*

9. Proceedings for registration

Registrars of election, under Acts 1895; c. 159, may ask an elector as to his age and residence, as well as the township and county from whence he removed, in the case of a removal since the last election, and the name by which he is commonly known. In *re Reid, 1896, 26 S.E. 337, 119 N.C. 641. Elections c= 106*

Under Const. Art. 6, § 1, registrars of election may ask an elector if he has resided in the state 12 months next preceding the election, and 90 days in the county in which he offers to vote. In *re Reid, 1896, 26 S.E. 337, 119 N.C. 641. Elections ex. 106*

A registrar of election cannot ask a person proposing to register whether he has been convicted of an infamous crime, such conviction not being a disqualification if the person has been restored to the rights of citizenship. In *re Reid, 1896, 26 S.E. 337, 119 N.C. 641. Elections e= 106*

The registrar may receive the certificate, and administer the oath to the voter, while outside the precinct for which he is acting, and enter the name on the registration books after his return home. *People v. Teague, 1890, 11 S.E. 665, 106 N.C. 576. Elections p= 106*

10. Presumptions and burden of proof

It is presumed that student who leaves his parents' home to enter college is not domiciled in the college town to which he goes, but such presumption is rebuttable. *Hall v. Wake County Bd. of Elections, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile .8= 8*

Domicile, once acquired, is presumed to continue and it is never lost until a new one is established. *Hall v. Wake County Bd. of Elections, 1972, 187*

ELECTIONS & ELECTION LAWS

S.E.2d 52, 280 N.C. 600. Domicile c= 8

Burden of proof rests on person alleging change in domicile. *Hall v. Wake County Bd. of Elections, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile p:= 8*

Where an elector is allowed to deposit his ballot, the burden is on one who questions its legality to establish his disqualification by a preponderance of the evidence. *People v. Teague, 1890, 11 S.E. 665, 106 N.C. 576. Elections e= 291*

11. Admissibility of evidence

Intention as to domicile may be shown by acts, declarations, and other circumstances. *Gower v. Carter, 1927, 139 S.E. 604, 194 N.C. 293. Domicile p= 9*

Questions as to voter's purpose in going to town, and her home when not teaching school therein, held competent in quo warranto to try title to office of mayor. *Gower v. Carter, 1927, 139 S.E. 604, 194 N.C. 293. Quo Warranto (g= 55*

It may be shown in an election contest that voters who were in fact registered were not qualified to register by having paid the poll tax. *Echerd v. Viele, 1913, 80 S.E. 408, 164 N.C. 122. Elections 0:= 293(2)*

In a contested election case, evidence as to how a voter would have voted, or offered to vote, who was challenged, and who, by reason of the great number of voters, failed to have his challenge heard, so that he could in fact vote, is inadmissible. *People v. Teague, 1890, 11 S.E. 665, 106 N.C. 576. Elections 293(1)*

The record of the indictment and conviction of a voter of a crime, previous to an election, is admissible to show that he voted fraudulently. *People v. Teague, 1890, 11 S.E. 665, 106 N.C. 576. Elections e= 293(2)*

The declaration of a voter that he was born in 1868 (which, if true, would have made him less than 21 years old at the date of registration), made to the registrar when first examined, is admissible to show that he was a minor, though he afterwards returned to the registrar with a stranger, who swore that he was over 21 years old. *People v. Teague, 1890, 11 S.E. 665, 106 N.C. 576. Elections e= 293(2)*

In a contested election case, after offering evidence tending to show that a

voter voted against a contestant, such voter is considered a party in interest as against such contestant, and his declarations made at or before the time of voting, tending to show his want of qualification, are admissible against defendant. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections 293(2)

The testimony of the tax collector of a precinct in which the election was held, who made it his duty to look up every resident of the precinct, that a certain voter was never there until a few months before the election, and never paid a tax there, that the day after the election he saw him buy a ticket for an adjoining state, and that he had never returned, is properly submitted to the jury as tending to show that such voter never acquired a residence in the precinct to entitle him to vote. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections 293(2)

The fact that a certain person was engaged in handing out tickets for one of the contesting candidates, and for no other person, and that he gave a ticket to an elector, and "voted him," is competent evidence, as tending to show for whom such elector voted. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections 293(3)

12. Sufficiency of evidence

Domicile is a fact which may be proved by direct and circumstantial evidence. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile 9

Person's testimony regarding his intention with respect to acquiring a new domicile or retaining his old one is competent evidence, but it is not conclusive of the question, in that all surrounding circumstances and conduct of person must be taken into consideration. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile 9; Domicile 10

Determination of domicile depends on no one fact or combination of circumstances, but upon the whole, taken together, showing a preponderance of evidence in favor of some particular place as the domicile. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile 10

Person's testimony regarding his intention with respect to acquiring or retaining a domicile is not conclusive and

such testimony is to be accepted with considerable reserve, though no suspicion may be entertained as to the truthfulness of such person. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Domicile 10

Finding that student had abandoned her former domicile and had acquired new one in place where she was attending college supported judgment that she was entitled to vote in such place. *Hall v. Wake County Bd. of Elections*, 1972, 187 S.E.2d 52, 280 N.C. 600. Elections 112

Residence or domicile may be proved by direct or circumstantial evidence. *Gower v. Carter*, 1927, 139 S.E. 604, 194 N.C. 293. Domicile 9

The returns of the pollholders showing the number of votes cast at an election for mayor were prima facie correct when attacked in an action to impeach the election. *Echerd v. Viele*, 1913, 80 S.E. 408, 164 N.C. 122. Elections 295(1)

Where it does not appear from direct testimony for what candidate an unqualified voter voted, the fact may be shown by circumstantial evidence. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections 295(1)

Evidence that a voter got a ticket from a table at the polls, where only defendant's tickets were distributed, and from a known agent of defendant, and "came down the line within the ropes and voted," is sufficient to go to the jury as tending to show that he voted for defendant. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections 293(3)

It is for the trial judge to say whether the evidence tending to show the illegality of a particular vote is sufficient as a foundation for compelling the voter to tell for whom he voted. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Elections 300

13. Witnesses

In quo warranto to try title to office of mayor, question whether voters intended to make town "legal residence" held improper as calling for matters of law and fact. *Gower v. Carter*, 1928, 143 S.E. 513, 195 N.C. 697. Witnesses 236(1)

Neither contestant nor defendant can object to the testimony of a voter alleged to have voted illegally, on the ground that he cannot be compelled to

§ 163-55

Note 13

criminate himself, where the witness does not raise the objection himself. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Witnesses c3= 306

14. Injunction

Testimony of seven witnesses relating to the number of students registered in the county and where they were registered, testimony of two students who could not remember what, if any questions, were asked of them at the time that they registered, and testimony of one witness which tended to show that the registrars had not been properly instructed about registering college students but that he remembered few details of the meeting at which the allegedly incorrect instructions were given was insufficient, in view of offer of testimony that would show that registrars were properly instructed and were complying with the law, that registrars had been improperly registering college students so that preliminary mandatory injunction requiring the *registrars* to do so was *not based* on sufficient *evidence*. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Injunction .3=0 147

If evidence adduced at trial showed that members and officials of the county board had failed to require students seeking to register to vote to prove their domicile to be in the county, court could enjoin the board from further registering students without doing so. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Injunction e= 76

15. Mandamus

Voters who sought to compel county election officials to perform their duties with respect to making inquiry as to whether students registering to vote were residents of the county could not obtain that relief by challenging the registration of students who had already been registered so that their court action to compel the county election officials from performing their duties could be maintained despite a claim that they had not exhausted their administrative remedies through the challenged procedure. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Mandamus p::= 3(8)

Judicial purging of voter registrants was not an available remedy in a mandamus proceeding as it would be duplicative of the statutory process for challenging voters; persons seeking to

ELECTIONS & ELECTION LAWS

challenge the registration of certain college students were not entitled to a judicial remedy identical to the administrative remedy merely because of the number of voters involved, some 6,000 to 10,000, or because of the possibility that the challenges might not be fairly heard by the county board. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Mandamus C=. 3(8)

Court has the power to order county board to use a specific set of questions in connection with registering students to vote but should use caution in the exercise of that power. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Mandamus exP 176

16. Quo warranto

Whether certain voter in mayoralty election was domiciled in another town and voted for defendant in quo warranto held for jury. *Gower v. Carter*, 1927, 139 S.E. 604, 194 N.C. 293. Quo Warranto p:%. 58

In quo warranto to try title to an office, where the complaint *alleges* that relator at the election *received* a majority of the legal votes, and was elected, but that a large number of votes received by defendant were illegal, being by minors, nonresidents, etc., and that the number of illegal votes so cast was greater than the majority by which defendant was declared elected, and the judge requires relator to further give the number of the alleged illegal votes, and the grounds on which the charges of illegality were based as to each class, and when the votes were polled, defendant cannot demand a further order requiring relator to file a bill of particulars setting forth the names of the illegal voters. *People v. Teague*, 1890, 11 S.E. 665, 106 N.C. 576. Quo Warranto 4

17. Judicial review

Action of the State Board of Elections in considering a claim that certain voters had been improperly registered in one county and in determining that no further proceedings on the matter were appropriate did not arise from a "contested case" so that there was no basis for judicial review and, as a result, court had jurisdiction to consider application for preliminary injunction. *Lloyd v. Babb*, 1979, 251 S.E.2d 843, 296 N.C. 416. Elections e= 112

§ 163-56. Repealed by Laws 1973, c. 793, § 19