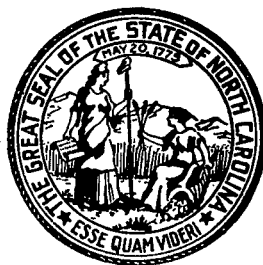


ELECTION LAWS
OF
NORTH CAROLINA

Revised through Session Laws of 1975

Issued by
THE STATE BOARD OF ELECTIONS

Alex K. Brock
Executive Secretary-Director



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statute requiring registration must be complied with in order to constitute one a qualified voter. *Smith v. City of Wilmington*, 98 N.C. 343, 4 S.E. 489 (1887); *Pace v. Raleigh*, 140 N.C. 65, 52 S.E. 277 (1905).

§ 163-55. Qualifications to vote; exclusion from electoral franchise. — 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. (19th amendt. U. S. Const.; amendt. State Const., 1920; 1901, c. 89, ss. 14, 15; Rev., ss. 4315, 4316; C. S., ss. 5936, 5937; Ex. Sess. 1920, c. 18, s. 1; 1933, c. 165, s. 4; 1945, c. 758, s. 7; 1955, c. 871, s. 2; 1967, c. 775, s. 1; 1971, c. 1231, s. 1; 1973, c. 793, s. 18.)

Cross Reference.—As to restoration of citizenship, see Chapter 13.

Editor's Note. — The 1973 amendment, effective July 1, 1973, deleted "for one year" following "North Carolina" in the first paragraph, deleted former subdivision (2) of the second paragraph, which read: "Idiots and lunatics," and rewrote former subdivision (3) of the second paragraph as present subdivision (2).

Constitutionality. — The one-year durational residency requirement formerly necessary in order to register to vote in a local North Carolina election was violative of the equal protection clause of the Fourteenth Amendment. *Andrews v. Cody*, 327 F. Supp. 793 (M.D.N.C. 1971).

Change of Voting Qualifications by General Assembly.—The General Assembly cannot in any way change the constitutional qualifications of voters in State, county, township, city or town elections. *People v. Canaday*, 73 N.C. 198, 21 Am. R. 465 (1875).

Qualification for Municipal Suffrage. — Qualifications for voting in a municipal election are the same as in a general election. *People v. Canaday*, 73 N.C. 198, 21 Am. R. 465 (1875); *State ex rel. Echerd v. Viele*, 164 N.C. 122, 80 S.E. 408 (1913); *Gower v. Carter*, 194 N.C. 293, 139 S.E. 604 (1927).

University Student's Voting Residence. — The fact that one is a student in a university does not entitle him to vote where the university is situated, nor does it of itself

prevent his voting there. He may vote at the seat of the university if he has his residence there and is otherwise qualified. *Hall v. Wake County Bd. of Elections*, 280 N.C. 600, 187 S.E.2d 52 (1972).

Conviction of Infamous Crime.—See *In re Reid*; 119 N.C. 641, 26 S.E. 337 (1896).

A state may constitutionally continue the "historic exclusion" of felons from the franchise without regard to whether such exclusion can pass muster under the equal protection clause, because the Fourteenth Amendment of the United States Constitution expressly allows the exclusion of felons from the franchise without reduction of representation. *Fincher v. Scott*, 352 F. Supp. 117 (M.D.N.C. 1972).

The argument that denial of right to vote for being a convicted felon is cruel and unusual punishment is without merit, especially considering the large number of states that do so. *Fincher v. Scott*, 352 F. Supp. 117 (M.D.N.C. 1972).

Person Imprisoned for Misdemeanor.—See *People ex rel. Boyer v. Teague*, 106 N.C. 576, 11 S.E. 665 (1890).

Infants and Aliens.—X was under 21 years of age and Y was a citizen of Syria, not of North Carolina, at the time they voted. They were therefore disqualified to vote in an election for mayor. *State ex rel. Gower v. Carter*, 195 N.C. 697, 143 S.E. 513 (1928).

Stated in *Glover v. North Carolina*, 301 F. Supp. 364 (E.D.N.C. 1969).

§ 163-56: Repealed by Session Laws 1973, c. 793, s. 19, effective July 1, 1973.

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This section registration and vo case law on the Wake County Bd. c 187 S.E.2d 52 (1972).

"Residence" Is cile. — Residence right to vote in this S N.C. Const., Art. VI