

Challenges

Using NCGS 163, Article 8 to Compel Timely Voter List Maintenance

Authority: § 163-85. Challenge procedure other than on day of primary or election. (a) Right to Challenge; When Challenge May Be Made. - Any registered voter of the county may challenge the right of any person to register, remain registered or vote in such county.

What to expect after you file a challenge:

- “Challenger” files notarized challenge form at their county Board of Election
- County Board of Elections (BOE) sets a hearing date to consider challenger’s evidence
- Challenger should address any scheduling limitations with BOE Director early in the process
- If evidence is approved, BOE sets second hearing to decide on voter’s removal
- Challenger should remind BOE Director that public comment is inappropriate at these trials.

Acceptable Evidence

- Burden of proof is on the challenger to bring forth evidence the voter should be removed
- Examples of viable evidence
 - Signed canvas sheet from occupant at challenged voter’s former address
 - Letter to challenged voter that is returned “undeliverable” by the US Post Office
 - Live testimony from person living at that address
 - Deed transfer / property tax records proving former resident has sold property

Timing of Challenges (Authority: NCGS 163, Article 8)

- Election Day challenges (§ 163-87)
 - Can be made by any voter or observer
 - Three Precinct Judges preside
- Other than Election Day challenges (§ 163-85)
 - Allowed until 25 days before the first day of early voting
 - Board of Election presides

§ 163-86. (a) A challenge made under G.S. 163-85 shall be heard and decided before the date of the next primary or election. . . . [I]f the board finds that . . . it cannot hold all hearings before the date of the election, it may . . . be heard and decided . . . [when] the challenged person appears and seeks to vote, as if the challenge had been filed under G.S. 163-87

Questions: First, please review the questions listed here: <http://www.phantomvotes.org/questions.html>. If your question is not listed, please click on this link: <http://www.phantomvotes.org/contact.html>