

ABSENTEE VOTER CHALLENGE FLOWCHART

Read and be thoroughly familiar with Article 8 of Chapter 163

WHEN § 163-89	On Election Day, a voter may make the challenge at the CBE office between noon and 5 pm. But a Chief Judge may file a challenge at the close of the polls as to any voters appearing to have voted both absentee and in person on Election Day.
WHO § 163-89(b)	Any qualified voter registered in the same precinct, or a Chief Judge as to apparent voting both absentee and in-person on Election Day.
HOW § 163-89(c)	Challenge form provided by SBE is verified by a challenger, based on reasonable suspicion or belief of the facts stated. Grounds of challenge are noted on the form. Challenge may be filed directly at the CBE office or with the Chief Judge of the precinct where the challenged voter is registered. In that case, the chief Judge delivers the challenge to the CBE.
NOTICE	Inform both the challenged voter and challenger of the date, time and location of the hearing of the challenge. The challenged voter should be made aware of consequences of not appearing to contest the challenge. The challenger should be made aware of his burden of proof and the need to be present. Challenge hearings are open public meetings and should be posted as a public meeting.
HEARD ON CANVASS DAY PRIOR TO CANVASS § 163-89(e)	County board to conduct hearing on a challenge. May entertain both testimony under oath and evidence presented from the challenger and challenged voter. If the challenge is sustained, the absentee ballot of the challenged voter is removed as a valid vote by the county board.
PRIMA FACIE EVIDENCE § 163-85	Returned first-class letter to current address of challenged voter is prima facie evidence on non-residency at that address sufficient to show probable cause. Such evidence can later be rebutted by the challenged voter in the full hearing.
THE CHALLENGED VOTER AND CHALLENGER MAY BE REPRESENTED BY COUNSEL	The hearing should be recorded as per the usual practice of recording the regular meetings of the board. Either party is free to retain a court reporter, at their expense, to record and transcript the hearing. The county board may issue subpoenas upon its own or other's request if it deems appropriate to do so (GS 163-86).
CHALLENGE MUST BE BY SUBSTANTIAL AFFIRMATIVE PROOF § 163-90.1	The panel shall make a written decision on each challenge by separately stating findings of facts, conclusions of law, and the relief ordered. The written order must be served on the voter promptly. Copies of the order should be mailed to other interested parties.
CHANGING VOTER'S VR § 163-90.2(a)	When the challenge is sustained by the county board, the VR of the voter is changed to reflect the findings of the county board unless the matter is appealed. After appeal, the county board shall make any needed changes to the voters VR data.
APPEAL § 163-90.2(d)	May be appealed either by the challenged voter or challenger to the Superior Court of the county within 10 days after the decision by the county board was rendered. IT IS NOT APPEALED TO THE STATE BOARD OF ELECTIONS. The Superior Court determines if the county board made sufficient findings of fact and conclusions of law to support its decision. There is not a new factual hearing before the Superior Court Judge; it is in the nature of an appellate review.

This document in no way replaces reading the statute.