

VOTER CHALLENGE (ON ELECTION DAY) FLOWCHART

Read and be thoroughly familiar with Article 8 of Chapter 163

WHEN § 163-87	On day of an election or primary.
WHO § 163-87	Any qualified voter registered in the same county (or the precinct's chief judge, precinct judge or precinct assistant regardless of the election official's county of residence)
HOW § 163-87	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 must be made PRIOR and up to the time of the voter casting his/her ballot. If the voter is challenged while voting, cancel or spoil the voter's ballot and move forward with the hearing (the voter will be provided a new ballot after the hearing (the voter would be offered a provisional ballot if the challenge is sustained).
HEARING §§ 163-88, 163-88.1	<p>After Notice of Challenge is completed, the Chief Judge and Judges hold a hearing, to determine whether the challenged person is qualified to vote. Hearing should be held immediately.</p> <p>If the challenged voter states he is qualified to vote and offers proof of identity, Chief Judge shall administer oath.</p> <p>If the challenged voter refuses to take the oath, the challenge is sustained. The voter is denied a ballot. The precinct official should note in the pollbook (or electronic equivalent) that voter has been challenged and challenge was sustained.</p> <p>If the challenged voter takes the oath, the Judges continue with the hearing (afterward, the voter's record in the pollbook or electronic equivalent should be noted as "SWORN." Any witnesses must be sworn. The Chief Judge and Judges ask the challenger and challenged voter questions. A decision is determined by voting majority of the precinct judges, with the challenger having the burden of proof. The decision is based on the totality of the testimony and evidence.</p> <p>If the challenge is overruled (denied), the voter is allowed to vote. This concludes the matter.</p> <p>If the challenge is sustained (successful), then the voter is not allowed to vote by the regular means but should be offered a "challenged" ballot that is retained and sealed inside a designated envelope.</p>
NO DIRECT APPEAL OF ELECTION DAY CHALLENGES	<p>There is no direct review of this decision by the Precinct Judges on Election Day.</p> <p>If the challenge is overruled (denied), the ballot has been voted (and is not retrievable).</p> <p>If the challenge is sustained (successful) and the voter completes a challenged ballot, that ballot remains in a sealed envelope. The sealed envelope would only be opened by an order of the Superior Court (in considering the appeal of an election protest). For more information, see G.S. § 163-88.1(c) or contact the State Board of Elections.</p>

This document in no way replaces reading the statute.