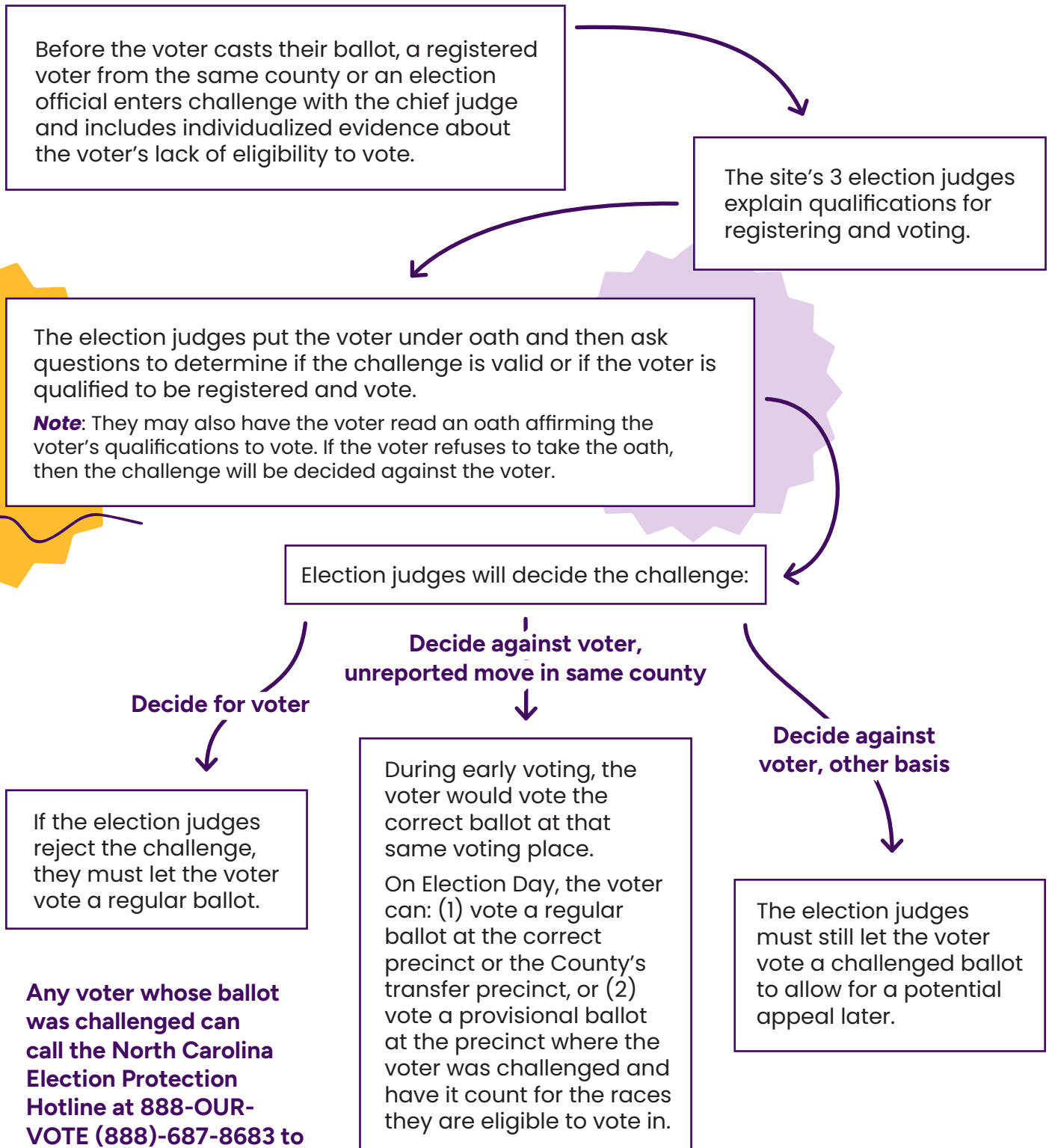


RESOURCE GUIDE

IN-PERSON VOTER CHALLENGES

What Happens in a Voter Challenge During In-Person Voting in North Carolina?



Any voter whose ballot was challenged can call the North Carolina Election Protection Hotline at 888-OUR-VOTE (888)-687-8683 to report their experience, ask any questions, and get assistance.

Challenge cannot be based on (1) change of residency to another county, or (2) an ID Exception Form if you use one.

RESOURCE GUIDE

IN-PERSON VOTER CHALLENGES

Who Can Make a Voter Challenge, And On What Grounds?

Only a registered voter within the same county, or a chief judge, judge, or assistant at the voting site, may challenge a voter at the voting site before the voter casts a ballot.

The challenge can be on the grounds that the voter:

- is not a resident of the state, county, precinct, or municipality (but challenges CANNOT be based on a claimed change of residence – only on the grounds that the voter has never lived at the claimed address, or that the voter has moved within the county and needs to update their registration (but will still be allowed to vote));
- is under 18 or is serving a felony sentence;
- is not a U.S. citizen;
- is not who they present themselves to be / the person registered is dead;
- already voted in this election;
- failed to fulfill the photo ID requirement (Can be based on grounds that there was a problem with the manner in which the voter presented ID. But challenges brought by a fellow voter CANNOT be based on issues with resemblance to photo ID presented or issues with name similarity, and NO challenges can be based on issues with a claim of an exception / reasonable impediment).

What Does an In-Person Challenge Hearing Look Like?

The challenge must be made to the election judges at the voting site. The challenge must be heard and decided before the polls are closed on the day the challenge is made. The challenging voter may enter the voting enclosure to make their challenge and stay while the challenge is heard, but must leave following the conclusion of the challenge hearing. The challenger must present any evidence to the Election Judges at the time of the challenge.

Note: An undeliverable piece of mail may **NOT** be considered evidence that the challenged in-person voter is not properly registered.

The Election Judges must record the challenge on Voter Challenge forms that are provided at the voting site.

The challenge hearing begins with the Election Judges explaining to the challenged voter the qualifications for registering and voting in North Carolina, and then placing the voter under oath to question the voter about their qualifications to register and vote.

If the voter maintains that they are qualified, and proves their identity and continued residence in the precinct since they were registered by sworn testimony, the judge then asks the voter to tender the following oath:

You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least 18 years of age [or will become 18 by the date of the next general election]; that you have [or will have] resided in this State and in the precinct for which registered for 30 days [by the date of the next general election]; that you are not disqualified from voting by the Constitution and laws of this State; that your name is _____, and that in such name you were duly registered as a voter of this precinct; that you are the person you represent yourself to be; and that you have not voted in this election at this or any other voting place. So help you, God.

If the challenged voter refuses to take the oath, the challenge will be sustained.

If the challenged voter takes the tendered oath, the precinct officials conducting the hearing can still sustain the challenge. But if they are satisfied that the person is a legal voter, they shall overrule the challenge and allow the person to vote.

Election judges note their decision on the voter challenge form/envelope available at the voting place, which shall be retained with all precinct materials to be returned to the county board at the close of the polls.

RESOURCE GUIDE

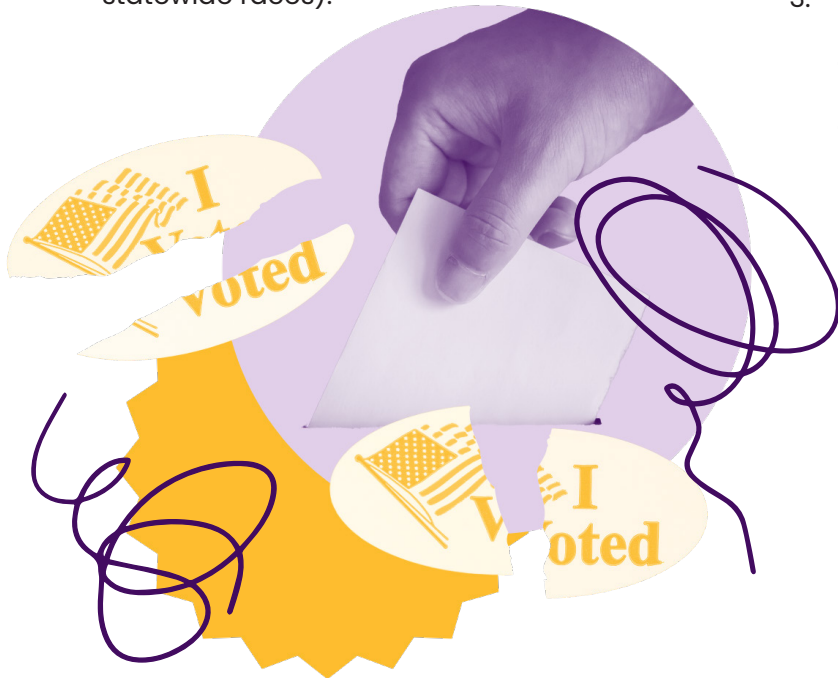
IN-PERSON VOTER CHALLENGES

What Happens After the Challenge Hearing?

If the challenge is sustained, the voter can request (and must be allowed) to vote a challenged ballot to preserve the ability to appeal the decision later. In order to vote a challenged ballot, a voter must swear on an affidavit that they possess all the qualifications for voting and are entitled to vote in that election.

If the challenge is based on an unreported move:

- the voter at early voting must be allowed to vote their proper ballot style on a regular ballot;
- the voter on Election Day can be transferred to the correct precinct or allowed to vote a provisional ballot at the wrong precinct, which will count for all the elections they are still qualified for (such as countywide and statewide races).



What To Do If You Learn of an In-Person Voter Challenge:

1. Ask the voter to report the challenge to the hotline or, if they do not want to, report the challenge yourself: (888)-OUR-VOTE / (888)-687-8683
 - Include information on (1) who was challenged, (2) who brought the challenge, (3) the claimed basis for the challenge, (4) how the challenge was heard, and (5) how the challenge was decided
2. If the voter feels the challenge was discriminatory or based on false information, have the voter also call their County Board of Elections to report it. Contact information is available here <https://vt.ncsbe.gov/BOInfo/>
3. Notify the voter there is the possibility of an appeal of the challenge if the election is contested.
 - If the election is contested, either party to that election protest can request a court to order the sealed envelopes be brought to the county board of elections to convene and consider each challenged ballot.
 - The Board of Elections may consider additional evidence as it deems necessary, and even subpoena witnesses or evidence, when it holds this hearing.
 - After the county board of election rules as to which challenged ballots should be counted, the voter can then appeal a decision discounting their ballot to the local superior court within 10 days.

County Board of Elections Contact Information



Information from:

N.C.G.S. §§ 163-87, -88, -88.1, -90.2, and the N.C. State Board of Elections Voter Challenge Guide