



CHAPTER 163
ARTICLE 11B - CHALLENGE TO CANDIDACY

N.C.G.S. § 163-127.4.

Conduct of hearing by panel.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 02:55 UTC	SOURCE FINGERPRINT d08815ec0ce47cc2caa50c43 - 47f24664f137ec1ccb26b180 - 43aeb2b44021902c
--	---	---	--

- § 163-127.4(a)
- The panel conducting a hearing under this Article shall do all of the following:
- (1)

Within five business days after the challenge is filed, designate and announce the time of the hearing and the facility where the hearing will be held. The hearing shall be held at a location in the district reasonably convenient to the public, and shall preferably be held in the county receiving the notice of the candidacy or petition. If the district for the office covers only part of a county, the hearing shall be at a location in the county convenient to residents of the district, but need not be in the district.
- (2)

Allow for depositions prior to the hearing, if requested by the challenger or candidate before the time of the hearing is designated and announced.
- (3)

Issue subpoenas for witnesses or documents, or both, upon request of the parties or upon its own motion.
- (4)

Render a written decision within 20 business days after the challenge is filed and serve that written decision on the parties.

§ 163-127.4(b)

Notice of Hearing. - The panel shall give notice of the hearing to the challenger, to the candidate, other candidates filing or petitioning to be elected to the same office, to the county chair of each political party in every county in the district for the office, and to those persons who have requested to be notified. Each person given notice shall also be given a copy of the challenge or a summary of its allegations.

Failure to comply with the notice requirements in this subsection shall not delay the holding of a hearing nor invalidate the results if the individuals required by this section to be notified have been notified.

§ 163-127.4(c) Conduct of Hearing. - The hearing under this Article shall be conducted as follows:

- (1) The panel may allow evidence to be presented at the hearing in the form of affidavits supporting documents, or it may examine witnesses. The chair or any two members of the panel may subpoena witnesses or documents. The parties shall be allowed to issue subpoenas for witnesses or documents, or both, including a subpoena of the candidate. Each witness must be placed under oath before testifying. The State Board shall provide the wording of the oath to the panel.
- (2) The panel may receive evidence at the hearing from any person with information concerning the subject of the challenge, and such presentation of evidence shall be subject to Chapter 8C of the General Statutes. The challenger shall be permitted to present evidence at the hearing, but the challenger shall not be required to testify unless subpoenaed by a party. The panel may allow evidence to be presented by a person who is present.
- (3) The hearing shall be recorded by a reporter or by mechanical means, and the full record of the hearing shall be preserved by the panel until directed otherwise by the State Board.

§ 163-127.4(d) Findings of Fact and Conclusions of Law by Panel. - The panel shall make a written decision on each challenge by separately stating findings of facts, conclusions of law, and an order.

§ 163-127.4(e) Rules by State Board. - The State Board shall adopt rules providing for adequate notice to parties, scheduling of hearings, and the timing of deliberations and issuance of decisions. (2006-155, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 163-127.4 (2026).

PINPOINT

N.C. Gen. Stat. § 163-127.4(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

