



CHAPTER 163
ARTICLE 8 - CHALLENGES

N.C.G.S. § 163-85.

Challenge procedure other than on day of primary or election.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2018-146, s. 3.1(a), (b) — eighteenth act in the lineage	21 September 2026, 03:34 UTC	9e0c895b4626997a6692e53f - 9e8589b3c466d5453f28fd7 - d688e43e75ce75c2

§ 163-85(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. No such challenge may be made after the twenty-fifth day before each primary, general, or special election.

§ 163-85(b) Challenges Shall Be Made to the County Board of Elections. - Each challenge shall be made separately, in writing, under oath and on forms prescribed by the State Board of Elections, and shall specify the reasons why the challenged voter is not entitled to register, remain registered, or vote. When a challenge is made, the board of elections shall cause the word "challenged" to be written in pencil on the registration records of the voter challenged. The challenge shall be signed by the challenger and shall set forth the challenger's address.

§ 163-85(c) Grounds for Challenge. - Such challenge may be made only for one or more of the following reasons:

- (1) That a person is not a resident of the State of North Carolina, or
- (2) That a person is not a resident of the county in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or

- (3) That a person is not a resident of the precinct in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (4) That a person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election, or
- (5) That a person has been adjudged guilty of a felony and is ineligible to vote under G.S. 163-55(2), or
- (6) That a person is dead, or
- (7) That a person is not a citizen of the United States, or
- (8) With respect to municipal registration only, that a person is not a resident of the municipality in which the person is registered, or
- (9) That the person is not who he or she represents himself or herself to be.

§ 163-85(d)**BURDEN OF PROOF**

Preliminary Hearing. - When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge. If the challenger presents evidence and if the board finds that probable cause exists that the person challenged is not qualified to vote, then the board shall schedule a hearing on the challenge.

§ 163-85(e)**PRIMA FACIE
EVIDENCE**

Prima Facie Evidence That Voter No Longer Resides in Precinct. - The presentation of a letter mailed by returnable first-class mail to the voter at the address listed on the voter registration card and returned because the person does not live at the address shall constitute prima facie evidence that the person no longer resides in the precinct.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
18 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1901	c. 89, s. 19	ENACTED
02	Rev.	s. 4339	RECODIFIED
03	C.S.	s. 5972	RECODIFIED
04	1953	c. 843	AMENDED
05	1955	c. 800	AMENDED
06	1963	c. 303, s. 1	AMENDED
07	1967	c. 775, s. 1	AMENDED
08	1973	c. 793, s. 34	AMENDED
09	1979	c. 357, s. 1	AMENDED
10	1985	c. 563, ss. 11-11.2, 11.5	AMENDED
11	1985	c. 589, s. 60	AMENDED
12	1985	1993 (Reg. Sess., 1994), c. 762, s. 25	AMENDED
13	2009	S.L. 2009-526, s. 1.2	AMENDED
14	2009	S.L. 2009-541, s. 16.1(a)	AMENDED
15	2009	S.L. 2009-550, s. 11	AMENDED
16	2010	S.L. 2010-96, s. 18	AMENDED
17	2017	S.L. 2017-6, s. 3	AMENDED
18	2018	S.L. 2018-146, s. 3.1(a), (b)	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 163-55(2)	(c)(5)	<i>"and is ineligible to vote under"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 163-85 (2018).

PINPOINT

N.C. Gen. Stat. § 163-85(a) (2018).

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

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

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1901, c. 89, s. 19; Rev., s. 4339; C.S., s. 5972; 1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 34; 1979, c. 357, s. 1; 1985, c. 563, ss. 11-11.2, 11.5; c. 589, s. 60; 1993 (Reg. Sess., 1994), c. 762, s. 25; 2009-526, s. 1.2; 2009-541, s. 16.1(a); 2009-550, s. 11; 2010-96, s. 18; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

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