



CHAPTER 163
ARTICLE 8 - CHALLENGES

N.C.G.S. § 163-88.1.

Request for challenged ballot.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-140, s. 14 — fifth act in the lineage	RETRIEVED 21 September 2026, 02:28 UTC	SOURCE FINGERPRINT 979e0265d9583fd5344575ed - 5a5cc25175ff0c8f5cce0b62 - b4387c9363ac39bf
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§ 163-88.1(a) If the decision of the chief judge and judges pursuant to G.S. 163-88 is to sustain the challenge, the challenged voter may request a challenged ballot by submitting an application to the chief judge, such application shall include as part thereof an aff - idavit that such person possesses all the qualifications for voting and is entitled to vote at the election. The form of such affidavit shall be prescribed by the State Board of Elections and shall be available at the polls.

§ 163-88.1(b) Any person requesting a challenged ballot shall have the letter "C" entered at the appropriate place on the voter's permanent registration record. The voter's name shall be entered on a separate page in the pollbook entitled "Challenged Ballot," and serially numbered. The challenged ballot shall be the same type of ballot used for absentee voters, and the chief judge shall write across the top of the ballot "Challenged Ballot # __," and shall insert the same serial number as entered in the pollbook. The chief judge shall deliver to such voter a challenged ballot together with an envelope marked "Challenged Ballot" and serially numbered. The challenged voter shall forthwith mark the ballot in the presence of the chief judge in such manner that the chief judge shall not know how the ballot is marked. He shall then fold the ballot in the presence of the chief judge so as to conceal the markings and deposit and seal it in the serially numbered envelope. He shall then deliver such envelope to the chief judge. The chief judge shall retain all such envelopes in an envelope provided by the county board of elections, which he shall seal immediately after the polls close, and deliver to the board chairman at the canvass.

§ 163-88.1(c)

The chairman of the county board of elections shall preserve challenged ballots in the sealed envelopes for a period of 22 months after the corresponding election or as otherwise specified in federal law, whichever is greater. However, in the case of a contested election, either party to such action may request the court to order that the sealed envelopes containing challenged ballots be delivered to the board of elections by the chairman. If so ordered, the board of elections shall then convene and consider each challenged ballot and rule as to which ballots shall be counted. In such consideration, the board may take such further evidence as it deems necessary, and shall have the power of subpoena. If any ballots are ordered to be counted, they shall be added to the vote totals.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
5 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.

1979	2001		2023
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1979	c. 357, s. 3	ENACTED
02	1979	1993 (Reg. Sess., 1994), c. 762, s. 28	AMENDED
03	2017	S.L. 2017-6, s. 3	AMENDED
04	2018	S.L. 2018-146, s. 3.1(a), (b)	AMENDED
05	2023	S.L. 2023-140, s. 14	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. 163-88	(a)	"chief judge and judges pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 163-88.1 (2023).

PINPOINT

N.C. Gen. Stat. § 163-88.1(a) (2023).

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

(1979, c. 357, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 28; 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2023-140, s. 14.)

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