



CHAPTER 163
ARTICLE 8 - CHALLENGES

N.C.G.S. § 163-88.

Hearing on challenge made during early voting and 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. 2023-140, s. 13(b) — twelfth act in the lineage	21 September 2026, 04:22 UTC	39274476657ef3796c397f2d - 77e572f78e6cc68d5292a925 - 972a160040f07b7e

§ 163-88(a)

A challenge entered on the day of a primary or election, or during the hours for early voting under Part 5 of Article 14A of this Chapter, shall be heard and decided by the chief judge and judges of election of the precinct or early voting site in which the challenged registrant is registered before the polls are closed on the day the challenge is made. When the challenge is heard the precinct officials conducting the hearing shall explain to the challenged registrant the qualifications for registration and voting in this State, and shall examine him or her as to his or her qualifications to be registered and to vote. If the challenged registrant insists that he or she is qualified, and if, by sworn testimony, he or she shall prove his or her identity with the person in whose name he or she offers to vote and his or her continued residence in the precinct since being registered, one of the judges of election or the chief judge shall tender to him or her the following oath or affirmation, omitting the portions in brackets if the challenge is heard for an election other than a primary:

"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; [that you are affiliated with the _____ party]; and that you have not voted in this [primary] election at this or any other voting place. So help you, God."

If the challenged registrant refuses to take the tendered oath, the challenge shall be sustained, and the precinct officials conducting the hearing shall mark the registration records to reflect their decision, and they shall erase the challenged registrant's name from the pollbook if it has been entered therein. If the challenged registrant takes the tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain the challenge unless they are satisfied that the challenged registrant is a legal voter. If they are satisfied that he or she is a legal voter, they shall overrule the challenge and permit the voter to vote. Whenever any person's vote is received after having taken the oath prescribed in this section, the chief judge or one of the judges of election shall write on the registration record and on the pollbook opposite the registrant's name the word "sworn."

§ 163-88(b)

Precinct election officials conducting hearings on challenges on the day of a primary or election, or during the hours for early voting under Part 5 of Article 14A of this Chapter, shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person challenged.

§ 163-88(c)

A letter or postal card mailed by returnable mail and returned by the United States Postal Service purportedly because the person no longer lives at that address or because a forwarding order has expired shall not be admissible evidence in a challenge heard under this section which was made under G.S. 163-87.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
12 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.



Nº	YEAR	ACT	CHARACTER
01	1901	c. 89, s. 22	ENACTED
02	Rev.	s. 4340	RECODIFIED
03	C.S.	s. 5973	RECODIFIED
04	1955	c. 871, s. 2	AMENDED

05	1967	c. 775, s. 1	AMENDED
06	1971	c. 1231, s. 1	AMENDED
07	1973	c. 1223, s. 6	AMENDED
08	1985	c. 380, ss. 1, 1.1	AMENDED
09	1985	1993 (Reg. Sess., 1994), c. 762, s. 27	AMENDED
10	2017	S.L. 2017-6, s. 3	AMENDED
11	2018	S.L. 2018-146, s. 3.1(a), (b)	AMENDED
12	2023	S.L. 2023-140, s. 13(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. 163-87	(c)	<i>"this section which was made under"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 163-88 (2023).

PINPOINT
N.C. Gen. Stat. § 163-88(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

(1901, c. 89, s. 22; Rev., s. 4340; C.S., s. 5973; 1955, c. 871, s. 2; 1967, c. 775, s. 1; 1971, c. 1231, s. 1; 1973, c. 1223, s. 6; 1985, c. 380, ss. 1, 1.1; 1993 (Reg. Sess., 1994), c. 762, s. 27; 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2023-140, s. 13(b).)

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