

1 08 NCAC 23 .0102 is adopted with changes as published in 40:14 NCR 1196 as follows:

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3 **08 NCAC 23 .0102 ENTRY OF CHALLENGE**
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5 (a) No later than five business days after receiving a notice of non-citizenship from the State Board of Elections,
6 county board staff shall review the county board's records to determine if the ~~presumptive potential~~ noncitizen has
7 previously provided documentation of citizenship. If county board staff cannot locate information or documents in
8 the county board's records demonstrating that the potential noncitizen has provided documentation of citizenship,
9 ~~citizenship for the presumptive noncitizen in the county board's records,~~ then the director of elections for the county
10 board receiving the notice or their designee on the county board staff shall enter a challenge to the ~~presumptive~~
11 potential noncitizen's eligibility to remain registered to vote under G.S. 163-85(c)(7). The challenge shall be entered
12 by filing at the county board office a form provided by the State Board, which shall include the following:

- 13 (1) the physical address, mailing address, telephone number, and email address for the county board;
- 14 (2) the printed name and signature of the official entering the challenge;
- 15 (3) the date the challenge is entered;
- 16 (4) the challenged voter's name and current residential address contained in their registration record;
- 17 and
- 18 (5) the following statement: "The voter's eligibility to remain registered to vote in North Carolina is
19 being challenged because the county board of elections has been notified by the State Board of
20 Elections that information available from official government records or databases indicates that
21 the voter is not a U.S. ~~citizen.~~ citizen, and a review of information and documents in the county
22 board's records does not show that the voter has provided documentation of citizenship."

23 (b) Within three business days of the challenge being entered, the county board shall set a date for the preliminary
24 hearing in accordance with Rule .0103(a) of this Section and send notice of the challenge to the challenged voter
25 along with the date, time, and location of the preliminary hearing. The notice of the challenge shall be in writing and
26 sent by U.S. mail using a method of delivery that documents receipt. The notice shall also be provided by email
27 using any email address that the county board possesses for the challenged voter. The following shall be included
28 with the notice of the challenge:

- 29 (1) a copy of the entered challenge;
- 30 (2) the information contained within the notice of non-citizenship;
- 31 (3) information about the qualifications to vote in North Carolina;
- 32 (4) a copy of the rules in this Section;
- 33 (5) instructions for how the challenged voter may respond to the challenge, which shall include
34 examples of documentation of citizenship or information the challenged voter may submit for the
35 county board's consideration, how the challenged voter can submit such documentation or
36 ~~information,~~ information before or at the preliminary hearing, and how to voluntarily cancel their
37 registration should they desire to do so; and

1 (6) the following statement: “If the information we have that you are not a U.S. citizen is incorrect or
2 outdated, please contact the county board of elections to provide proof of citizenship, so that we
3 can update our records. If you are a U.S. citizen and meet all other qualifications to vote, then you
4 can remain registered and vote.”

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6 *History Note:* *Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85;*

7 *Eff. ~~May~~ June 1, 2026.*

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