

1 08 NCAC 23 .0103 is adopted with changes as published in 40:14 NCR 1196-1197 as follows:

2
3 **08 NCAC 23 .0103 PRELIMINARY HEARING**
4

5 (a) A preliminary hearing shall be held no earlier than 10 business days and no later than 20 business days after
6 the notice of preliminary hearing is mailed to the challenged voter in accordance with Rule .0102 of this ~~Section-~~
7 Section, unless the challenged voter voluntarily cancels their registration before the date of the hearing. The
8 preliminary hearing shall be noticed as a special meeting in accordance with G.S. 143-318.12(b). The written notice
9 required by G.S. 143-318.12(b)(2) shall be emailed at least five business days before the preliminary hearing to the
10 county board's notice list and any other person who has requested that the county board give them notice of
11 proceedings under this ~~Section.~~ Section, and to the challenged voter by separate email if the county board possesses
12 an email address for the challenged voter.

13 (b) The county board shall follow the procedures in G.S. 163-85(d) for the receipt of evidence at the preliminary
14 hearing. ~~hearing, but the official entering the challenge shall not be required to present sworn testimony.~~ At the
15 conclusion of the preliminary hearing, the county board shall make the probable cause determination required under
16 G.S. 163-85(d) as to whether the challenged voter is a United States citizen. The county board's determination of
17 probable cause shall be based on only the following:

- 18 (1) the notice of ~~non-citizenship;~~ non-citizenship and any related documentation or information
19 provided by the State Board;
20 (2) official government documents and information from official government records and databases
21 obtained by the county board; and
22 (3) any documentation of citizenship or information that can be used to determine the challenged
23 voter's citizenship that is submitted to the county board by the challenged ~~voter.~~ voter, whether
24 submitted before or at the preliminary hearing.

25 When reviewing documentation of citizenship provided by the challenged voter, the county board shall determine
26 whether the name on the documentation is the same as or substantially equivalent to the name contained in the
27 voter's voter registration record by applying the standards in 08 NCAC 17 .0101(a)(3).

28 (c) The county board's determination of probable cause under Paragraph (b) of this Rule shall be announced at the
29 preliminary hearing and the county board shall then proceed as follows:

- 30 (1) If the county board determines that probable cause exists that the challenged voter is not a United
31 States citizen, then the county board shall set a date for the challenge hearing and send notice of
32 the challenge hearing to the challenged voter in accordance with Rule .0104(b) of this Section.
33 (2) If the county board determines that probable cause does not exist that the challenged voter is not a
34 United States citizen, then the county board shall dismiss the challenge and proceed in accordance
35 with G.S. 163-90.2(b). The grounds for the county board's decision shall be recorded in a written
36 decision within ten business days of the preliminary hearing and a copy of the written decision
37 shall be provided to the challenged voter using the same method of delivery used to send the

1 notice of the challenge under Rule .0102(b) of this Section. The official entering the challenge
2 shall have no right of appeal of the county board's dismissal of the challenge.

3

4 *History Note: Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85; 163-90.1; 163-90.2;*

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

DRAFT