

HOW TO CHALLENGE VOTERS IN AZ, FL, GA, NV, NC, OH, PA, VA & WI

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Summary

This is a step-by-step guide for how to formally challenge fraudulent votes in each of the nine states in which Look Ahead America (LAA) has raised funds to perform an audit: Arizona, Florida, Georgia, Nevada, North Carolina, Ohio, Pennsylvania, Virginia, and Wisconsin. The following report will examine the who, where, when, why and how to challenge questionable and potentially ineligible voters, as well as provide the citations, links, and laws that allow voters to challenge others in their state. The ability of citizens to challenge ineligible voters is just as important a right as voting, as it ensures that one’s ballot will not be negated by someone who should not have been allowed to vote in the first place.

Every state requires that a challenger must be a registered voter of the state, municipality, or county depending on state laws in order to have standing. These must also be done BEFORE the ballots are cast, not after, or else they will be dismissed as moot. Some states require them in writing using a specific form or format, but others require that the voter does the challenge in person. The only state that does not allow for voter challenges is Ohio as only election officials may raise challenges. While we encourage the state to change these laws, there is also nothing stating that citizens cannot bring the questionable voters to the attention of officials in order to challenge their status.

With only one month until Election Day, November 8, 2022, it is imperative that registered voters of these states learn the laws and begin to challenge voters in question that either LAA or their own voter integrity groups have found immediately.

Arizona Right to Challenge

Who: Must be a citizen of the state and registered to vote, thus an eligible voter.

Where: At the polling locations and to the poll workers, not the voters directly.

When: During early voting through Election Day, which are 27 days before election. Thus, this year from October 12, 2022 to November 8, 2022.

Why: The person challenged is (1) not who they purport to be/not the person whose name appears on the voting register, (2) is not a United States citizen, (3) is not properly registered at an address, (4) has not been a resident of the state of Arizona for at least 29 days prior to Election Day, (5) is not qualified to vote under 16-121 (not 18 on or before the date of the election, has satisfactory evidence of citizenship, does not have a fixed address excluding homeless shelters and county courthouses such as for those in law enforcement wishing to avoid becoming a target of violence, etc.), (6) has not already voted in the same election.

How: In person, under oath, and must bring evidence. Another form that could be used appears at <https://azsos.gov/webform/voting-incident> but ideally done before the voter appears, as this primarily is for officials.

Law: **16-591. Grounds for challenging an elector**

Any qualified elector of the county may orally challenge a person offering to vote as not qualified under section 16-121.01 or on the ground that the person has voted before at that election.¹

A. A person is presumed to be properly registered to vote on completion of a registration form as prescribed by section 16-152 that contains at least the name, the residence address or the location, proof of location of residence as prescribed by section 16-123, the date and place of birth and the signature or other statement of the registrant as prescribed by section 16-152, subsection A, paragraph 20 and a checkmark or other appropriate mark in the "yes" box next to the question regarding citizenship. Any application for registration, including an application on a form prescribed by the United States election assistance commission, must contain a checkmark or other appropriate mark in the "yes" box next to the question regarding citizenship as a condition of being properly registered to vote as either a voter who is eligible to vote a full ballot or a voter who is eligible to vote only with a ballot for federal offices. The completed registration form must also contain the person's Arizona driver license number, the nonoperating identification license number issued pursuant to section 28-3165, the last four digits of the person's social security number or the person's affirmation that if an Arizona driver license number, a nonoperating

¹<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00591.htm>

identification license number or the last four digits of the person's social security number is not provided, the person does not possess a valid Arizona driver or nonoperating identification license or a social security number and the person is hereby requesting that a unique identifying number be assigned by the secretary of state pursuant to section 16-152, subsection A, paragraph 12, subdivision (c). Any application that does not include all of the information required to be on the registration form pursuant to section 16-152 and any application that is not signed is incomplete, and the county recorder shall notify the applicant pursuant to section 16-134, subsection B and shall not register the voter until all of the information is returned.

B. The presumption in subsection A of this section may be rebutted only by clear and convincing evidence of any of the following:

1. That the registrant is not the person whose name appears on the register.
2. That the registrant has not resided in this state for twenty-nine days next preceding the election or other event for which the registrant's status as properly registered is in question.
3. That the registrant is not properly registered at an address permitted by section 16-121.
4. That the registrant is not a qualified registrant under section 16-101.

C. Except for a form produced by the United States election assistance commission, any application for registration shall be accompanied by satisfactory evidence of citizenship as prescribed in section 16-166, subsection F, and the county recorder or other officer in charge of elections shall reject any application for registration that is not accompanied by satisfactory evidence of citizenship. A county recorder or other officer in charge of elections who knowingly fails to reject an application for registration as prescribed by this subsection is guilty of a class 6 felony. The county recorder or other officer in charge of elections shall send a notice to the applicant as prescribed in section 16-134, subsection B.

D. Within ten days after receiving an application for registration on a form produced by the United States election assistance commission that is not accompanied by satisfactory evidence of citizenship, the county recorder or other officer in charge of elections shall use all available resources to verify the citizenship status of the applicant and at a minimum shall compare the information available on the application for registration with the following, provided the county has access:

1. The department of transportation databases of Arizona driver licenses or nonoperating identification licenses.
2. The social security administration databases.
3. The United States citizenship and immigration services systematic alien verification for entitlements program, if practicable.
4. A national association for public health statistics and information systems electronic verification of vital events system.
5. Any other state, city, town, county or federal database and any other database relating to voter registration to which the county recorder or officer in charge of elections has access, including an electronic registration information center database.

E. After complying with subsection D of this section, if the county recorder or other officer in charge of elections matches the applicant with information that verifies the applicant is a United States citizen, is otherwise qualified as prescribed by section 16-101 and has met the other requirements of this section, the applicant shall be properly registered. If the county recorder or other officer in charge of elections matches the applicant with information that the applicant is not a United States citizen, the county recorder or other officer in charge of elections shall reject the application, notify the applicant that the application was rejected because the applicant is not a United States citizen and forward the application to the county attorney and attorney general for investigation. If the county recorder or other officer in charge of elections is unable to match the applicant with appropriate citizenship information, the county recorder or other officer in charge of elections shall notify the applicant that the county recorder or other officer in charge of elections could not verify that the applicant is a United States citizen and that the applicant will not be qualified to vote in a presidential election or by mail with an early ballot in any election until satisfactory evidence of citizenship is provided.

F. The county recorder or other officer in charge of elections shall record the efforts made to verify an applicant's citizenship status as prescribed in subsections D and E of this section. If the county recorder or other officer in charge of elections fails to attempt to verify the citizenship status of an applicant pursuant to subsections D and E of this section and the county recorder or other officer in charge of elections knowingly causes the applicant to be registered and it is later determined that the applicant was not a United States citizen at the time of registration, the county recorder or other officer in charge of elections is guilty of a class 6 felony.

Florida Right to Challenge

Who: Any registered voter of a county may challenge any person to vote in that county.

Where: Given to an election clerk / clerks' office.

When: Given within 30 days before an election (October 9, 2022 this election).

How: Must be done in writing, following the form of an oath below, delivered to the clerk.

Law: Florida statute 101.111.²

101.111 Voter challenges. —

²http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0101/Sections/0101.111.html

(1)(a) Any registered elector or poll watcher of a county may challenge the right of a person to vote in that county. The challenge must be in writing and contain the following oath, which shall be delivered to the clerk or inspector:

OATH OF PERSON ENTERING CHALLENGE

State of Florida

County of _____

I do solemnly swear or affirm that my name is _____;
that I am a member of the _____ Party; that I
am a registered voter or pollwatcher; that my residence address is
_____, in the municipality
of _____; and that I have
reason to believe that _____ is attempting to vote
illegally and the reasons for my belief are set forth herein to wit:

(Signature of person challenging voter)

Sworn and subscribed to before me this _____ day of _____, 20_____.

(Clerk of election)

(b) 1. The clerk or inspector shall immediately deliver to the challenged person a copy of the oath of the person entering the challenge, and the challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048, except as provided in subparagraph 2.

2. If the basis for the challenge is that the person's legal residence is not in that precinct, the person shall first be given the opportunity to execute a change of legal residence in order to be able to vote a regular ballot in accordance with s. 101.045(2). If the change of legal residence is such that the person is then properly registered for that precinct, the person shall be allowed to vote a regular ballot. If the change of legal residence places the person in another precinct, the person shall be directed to the proper precinct to vote. If such person insists that he or she is currently in the proper precinct, the person shall be allowed to vote a provisional ballot in accordance with s. 101.048.

(c) Alternatively, a challenge in accordance with this section may be filed in advance with the supervisor of elections no sooner than 30 days before an election. The supervisor shall promptly provide the election board in the challenged voter's precinct with a copy of the oath of the person entering the challenge. The challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048, subject to the provisions of subparagraph (b)2.

(2) Any elector or poll watcher filing a frivolous challenge of any person's right to vote commits a misdemeanor of the first degree, punishable as provided in

s. [775.082](#) or s. [775.083](#); however, electors or poll watchers shall not be subject to liability for any action taken in good faith and in furtherance of any activity or duty permitted of such electors or poll watchers by law. Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.

History.—s. 43, ch. 4328, 1895; GS 227; s. 43, ch. 6469, 1913; RGS 272, 347; CGL 328, 404; s. 5, ch. 26870, 1951; s. 10, ch. 27991, 1953; s. 23, ch. 28156, 1953; s. 4, ch. 65-380; s. 13, ch. 77-175; s. 554, ch. 95-147; s. 9, ch. 99-6; s. 17, ch. 2003-415; s. 27, ch. 2005-277; s. 10, ch. 2006-1; s. 17, ch. 2008-95; s. 4, ch. 2010-167.

Note.—Former ss. 99.26, 102.42.

Georgia Right to Challenge

Who: Any registered voter of the county or municipality as the voter challenged.

Where: For absentee ballots, in person at the office of the registrars or absentee ballot clerk. None specified for in person voting, but presumably at the office of the registrar, county clerk's office and/or at the polling station.

When: Any time prior to the elector whose right to vote is being challenged voting at the elector's polling place or, if such elector cast an absentee ballot, prior to 5:00 P.M. on the day before the absentee ballots are to begin to be scanned and tabulated.

Why: Specifics are not given, but likely similar to other states (e.g. not 18 at time of election, not a U.S. citizen, not a Georgia citizen, does not reside at a fixed habitation, already voted in the same election, etc.).

How: In writing and specify the grounds of the challenge.

Law: O.C.G.A. § 21-2-230.³

21-2-230. Challenge of persons on list of electors by other electors; procedure; hearing; right of appeal.

(a) Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector's polling place or, if such elector cast an absentee ballot, prior to 5:00 P.M. on the day before the absentee ballots are to begin to be scanned and tabulated; provided, however, that challenges to persons voting by

³ [O.C.G.A. § 21-2-230](#)

absentee ballot in person at the office of the registrars or the absentee ballot clerk shall be made prior to such person's voting. There shall not be a limit on the number of persons whose qualifications such elector may challenge.

(b) Upon the filing of such challenge, the board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.

(c) If the challenged elector appears at the polling place to vote, such elector shall be given the opportunity to appear before the registrars and answer the grounds of the challenge.

(d) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and if the challenge is based on grounds other than the qualifications of the elector to remain on the list of electors, no further action by the registrars shall be required.

(e) If the challenged elector cast an absentee ballot and it is not practical to conduct a hearing prior to the close of the polls and the challenge is based upon grounds other than the qualifications of the elector to remain on the list of electors, the absentee ballot shall be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No further action by the registrars shall be required.

(f) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall proceed to hear the challenge pursuant to Code Section 21-2-229.

(g) If the challenged elector cast an absentee ballot and the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the board of registrars shall proceed to conduct a hearing on the challenge on an expedited basis prior to the certification of the consolidated returns of the election by the election superintendent. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(h) If the challenged elector appears at the polls to vote and it is practical to conduct a hearing on the challenge prior to the close of the polls, the registrars shall conduct such hearing and determine the merits of the challenge. If the registrars deny the challenge, the elector shall be permitted to vote in the election notwithstanding the fact that the polls may have closed prior to the time the registrars render their decision and the elector can actually vote, provided that the elector proceeds to vote immediately after the decision of the registrars. If the registrars uphold the challenge, the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name shall be removed from the list of electors.

(i) If the challenged elector appears at the polls to vote and it is not practical to conduct a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently find that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by casting a challenged ballot on the same type of ballot that is used by the county or municipality for provisional ballots. Such challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code Section 21-2-419 and, after having the word "Challenged," the elector's name, and the alleged cause of the challenge written across the back of the outer envelope, the ballot shall be deposited by the person casting such ballot in a secure, sealed ballot box notwithstanding the fact that the polls may have closed prior to the time the registrars make such a determination, provided that the elector proceeds to vote immediately after such determination of the registrars. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the registrars shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the registrars. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(j) Failure to comply with the provisions of this Code section by the board of registrars shall subject such board to sanctions by the State Election Board.

History - Code 1981, § 21-2-230, enacted by Ga. L. 1994, p. 1443, § 3; Ga. L. 1995, p. 8, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 1998, p. 1231, §§ 6, 30; Ga. L. 2000, p. 135, § 1; Ga. L. 2003, p. 517, § 22; Ga. L. 2005, p. 253, § 27/HB 244; Ga. L. 2010, p. 914, § 12/HB 540; Ga. L. 2012, p. 995, § 18/SB 92; Ga. L. 2019, p. 7, § 8/HB 316; Ga. L. 2021, p. 14, § 16/SB 202.

Nevada Right to Challenge

Who: Any registered voter of the same precinct as the person they are challenging.

Where: File written complaints with the county clerk at their office.

When: Only a 5-day window from 30 days before the election to 25 days before the election. Thus, from October 9, 2022 to October 14, 2022 this election season.

Why: Grounds must be that the challenged person is not the person they are claiming to be or has already voted in the same election (aka double voting).

How: Orally, and must submit an affirmation signed under penalty of perjury, using the form by the Secretary of State.⁴

Laws: NRS 293.303⁵ and NRS 293.547.⁶

NRS 293.303 Challenges.

1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of [NRS 293.547](#).

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the roster, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the roster";

(b) If the challenge is on the ground that the roster does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

⁴<https://www.nvsos.gov/sos/home/showpublisheddocument/10322/637836406114870000>

⁵<https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec303>

⁶<https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec547>

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

É The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in [NRS 293.304](#).

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:
 - (a) Record on the challenge list:
 - (1) The name of the challenged person;
 - (2) The name of the registered voter who initiated the challenge; and
 - (3) The result of the challenge; and
 - (b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

(Added to NRS by [1960, 255](#); A [1977, 244](#); [1983, 1287](#); [1985, 560](#); [1987, 340](#); [1991, 1682](#); [1993, 2182](#); [1995, 2264](#); [1997, 759](#); [2001, 1949, 2948](#); [2003, 200, 210](#); [2007, 1152, 2588](#); [2015, 3153](#); [2019, 4074](#))

NRS 293.547 Written challenges. [Effective through December 31, 2023.]

1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.
2. A registered voter may file a written challenge if:
 - (a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and
 - (b) The challenge is based on the personal knowledge of the registered voter.
3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.
4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.
5. The county clerk shall:
 - (a) File the challenge in the registrar of voters' register and:
 - (1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the roster.
 - (2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the roster.
 - (b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in [NRS 293.530](#) to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.
 - (c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.
6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be

instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

(Added to NRS by [1960, 276](#); A [1973, 350](#); [1975, 943](#); [1985, 563](#); [1991, 2225](#); [1999, 1395, 2161](#); [2001, 90, 91](#); [2007, 2604](#); [2015, 3162](#))

North Carolina Right to Challenge

Who:

Early voting: Must be a registered voter in the same county as the challenged voter.

Election Day: Must be a registered voter in the same precinct as the challenged voter.

Absentee: Must be a registered voter in the same precinct as the challenged voter.

Where:

Early voting: At the county clerk's office, where the form must be filed.

Election Day: At the precinct where the challenged voter is attempting to vote.

Absentee voting: At the county board of elections, or with the chief judge of the precinct for ballots received on Election Day. One-stop absentee ballots may also be challenged at a one-stop site or during one-stop voting at the county board office.

When:

Early voting: Before the 25th day before election day (before October 14, 2022).

Election Day: When the challenged voter attempts to vote at their precinct.

Absentee voting for all ballots received before 5:00 p.m. on Election Day: At the county board of elections or with the chief judge of the precinct for ballots received before 5:00 p.m. on Election Day.

Absentee ballots received after 5:00 p.m. on Election Day: From 12:00 p.m. the day after the election to 5:00 p.m. on the next business day following the deadline for receipt of such ballots.

Why: One may challenge voters in the same county using the following grounds:

- (1) The person is not a resident of the State of North Carolina
- (2) The person is not a resident of the county in which the person is registered.
- (3) The person is not a resident of the precinct in which the person is registered.
- (4) The person is not a resident of the municipality in which the person is registered.
- (5) The person is not eighteen years of age, or if this challenge is made within 60 days before a primary, the person will not be eighteen years of age by the next general election.
- (6) The person has been adjudged guilty of a felony and the person's rights of citizenship have not been restored.
- (7) The person is dead.

- (8) The person is not a citizen of the United States.
(9) The person is not who he or she represents himself or herself to be.
(10) With respect to a primary or election on ____/____/____, the person has already voted in the primary or election.
(11) With respect to voting in a partisan primary on ____/____/____, the person is a registered voter of another political party.

NOTE: Within 90 days before a federal election, one may not file a challenge based on change of residency; or other qualifications without individualized evidence specific to the voter.

How: In writing, under oath, using the form provided by the Secretary of State.⁷

Laws: G.S. § 163-84 to § 163-90.3.⁸

Article 8.
Challenges.

§ 163-84. Time for challenge other than on day of primary or election.

The registration records of each county shall be open to inspection by any registered voter of the State, including any chief judge or judge of elections, during the normal business hours of the county board of elections on the days when the board's office is open. At those times the right of any person to register, remain registered, or vote shall be subject to objection and challenge. (1901, c. 89, s. 19; Rev., s. 4339; C.S., s. 5972; 1929, c. 164, s. 36; 1953, c. 843; 1955, c. 800; c. 871, s. 7; 1959, c. 616, s. 2; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 33; 1993 (Reg. Sess., 1994), c. 762, s. 24; 2013-381, s. 20.1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 163-85. Challenge procedure other than on day of primary or election.

(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.

(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.

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

⁷ https://s3.amazonaws.com/dl.ncsbe.gov/Forms/2020_10_Voter_Challenge_Form.docx

⁸ https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_163/Article_8.html

- (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.
- (d) 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.

(e) 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. (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).)

§ 163-86. Hearing on challenge.

(a) A challenge made under G.S. 163-85 shall be heard and decided before the date of the next primary or election, except that if the board finds that because of the number of challenges, it cannot hold all hearings before the date of the election, it may order the challenges to be heard and decided at the next time the challenged person appears and seeks to vote, as if the challenge had been filed under G.S. 163-87. Unless the hearing is ordered held under G.S. 163-87, it shall be heard and decided by the board of elections.

(b) At least 10 days prior to the hearing scheduled under G.S. 163-86(c), the board of elections shall mail by first-class mail, a written notice of the challenge to the challenged voter, to the address of the voter listed in the registration records of the county. The notice

shall state succinctly the grounds asserted, and shall state the time and place of the hearing. If the hearing is to be held at the polls, the notice shall state that fact and shall list the date of the next scheduled election, the location of the voter's polling place, and the time the polls will be open. A copy of the notice shall be sent to the person making the challenge and to the chairman of each political party in the county.

(c) At the time and place set for the hearing on a challenge entered prior to the date of a primary or election, the county board of elections shall explain to the challenged registrant the qualifications for registration and voting in this State. The board chairman, or in his absence the board secretary, shall then administer the following oath to the challenged registrant:

"You swear (or affirm) that the statements and information you shall give in this hearing with respect to your identity and qualifications to be registered and to vote shall be the truth, the whole truth, and nothing but the truth, so help you, God."

After swearing the challenged registrant, the board shall examine him as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, the board shall tender to him the following oath or affirmation:

"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 primary or election; that you are not disqualified from voting by the Constitution or the laws of this State; that your name is _____, and that in such name you were duly registered as a voter of _____ precinct; and that you are the person you represent yourself to be, so help you, God."

If the challenged registrant refuses to take the tendered oath, or submit to the board the affidavit required by subsection (d), below, the challenge shall be sustained. If the challenged registrant takes the tendered oath, the board may, nevertheless, sustain the challenge if it finds the challenged registrant is not a legal voter.

The board, in conducting hearings on challenges, shall have authority to subpoena any witnesses it may deem appropriate, and administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the persons challenged.

(d) Appearance by Challenged Registrant. - The challenged registrant shall appear in person at the challenge hearing. If he is unable to appear in person, he may be represented by another person and must tender to the county board of elections an affidavit that he is a citizen of the United States, is at least 18 years of age or will become 18 by the date of the next general election, has or will have resided in this State and in the precinct for which registered for 30 days by the date of the next primary or election, is not disqualified from voting by the Constitution or laws of this State, is named _____ and was duly registered as a voter of _____ precinct in such name, and is the person represented to be by the affidavit. (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. 793, s. 35; 1979, c. 357, s. 2; 2008-150, s. 5(b); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 163-87. Challenges allowed on day of primary or election.

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the county may exercise the right of challenge, and when the voter does so may enter the voting enclosure to make the challenge, but the voter shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the county may challenge a person for one or more of the following reasons:

- (1) One or more of the reasons listed in G.S. 163-85(c).
- (2) That the person has already voted in that primary or election.
- (3) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.
- (4) Repealed by Session Laws 2018-144, s. 3.1(c), effective December 19, 2018.
- (5) The registered voter does not present photo identification in accordance with G.S. 163-166.16.

The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer that voter's registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred that voter's registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is being transferred. (1915, c. 101, s. 11; 1917, c. 218; C.S., s. 6031; 1921, c. 181, s. 6; 1923, c. 111, s. 14; 1929, c. 164, s. 36; 1953, c. 843; 1955, c. 800; c. 871, s. 7; 1959, c. 616, s. 2; c. 1203, s. 7; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1985, c. 563, ss. 11.4, 14; 1987, c. 408, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 26; 1995 (Reg. Sess., 1996), c. 734, s. 4; 2006-262, s. 3(a); 2009-541, s. 16.1(b); 2013-381, ss. 2.9, 20.2; 2017-6, s. 3; 2018-144, s. 3.1(c); 2018-146, s. 3.1(a), (b).)

§ 163-88. Hearing on challenge made on day of primary or election.

(a) A challenge entered on the day of a primary or election shall be heard and decided by the chief judge and judges of election of the precinct 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 as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, and if, by sworn testimony, he shall prove his identity with the person in whose name he offers to vote and his continued residence in the precinct since he was registered, one of the judges of election or the chief judge shall tender to him the following oath or affirmation, omitting the portions in brackets if the challenge is heard on the day of 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 is a legal voter, they shall overrule the challenge and permit him 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."

(b) Precinct election officials conducting hearings on challenges on the day of a primary or election 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.

(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. (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).)

§ 163-88.1. Request for challenged ballot.

(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 affidavit 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.

(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.

(c) The chairman of the county board of elections shall preserve such ballots in the sealed envelopes for a period of six months after the election. 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. (1979, c. 357, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 28; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 163-89. Procedures for challenging absentee ballots.

(a) Time for Challenge. - The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-258.26(b). The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(ii) or (iii) may be challenged no earlier than noon on the day following the election and no later than 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots.

(b) Who May Challenge. - Any registered voter of the same precinct as the absentee voter may challenge that voter's absentee ballot.

(c) Form and Nature of Challenge. - Each challenged absentee ballot shall be challenged separately. The burden of proof shall be on the challenger. Each challenge shall be made in writing and, if they are available, shall be made on forms prescribed by the State Board of Elections. Each challenge shall specify the reasons why the ballot does not comply with the provisions of this Article or why the absentee voter is not legally entitled to vote in the particular primary or election. The challenge shall be signed by the challenger.

(d) To Whom Challenge Addressed; to Whom Challenge Delivered. - Each challenge shall be addressed to the county board of elections. It may be filed with the board at its offices or with the chief judge of the precinct in which the challenger and absentee voter are registered. If it is delivered to the chief judge, the chief judge shall personally deliver the challenge to the chairman of the county board of elections on the day of the county canvass.

(e) Hearing Procedure. - All challenges filed under this section shall be heard by the county board of elections on the day set for the canvass of the returns. All members of the board shall attend the canvass and all members shall be present for the hearing of challenges to absentee ballots.

Before the board hears a challenge to an absentee ballot, the chairman shall mark the word "challenged" after the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters.

The board then shall hear the challenger's reasons for the challenge, and it shall make its decision without opening the container-return envelope or removing the ballots from it. The board shall have authority to administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the voter challenged or to the validity or invalidity of the ballot.

If the challenge is sustained, the chairman shall mark the word "sustained" after the word "challenged" following the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters; the voter's ballots shall not be counted; and the container-return envelope shall not be opened but shall be marked "Challenge Sustained." All envelopes so marked shall be preserved intact by the chairman for a period of six months from canvass day or longer if any contest then is pending concerning the validity of any absentee ballot.

If the challenge is overruled, the absentee ballots shall be removed from the container-return envelopes and counted by the board of elections, and the board shall adjust the appropriate abstracts of returns to show that the ballots have been counted and tallied in the manner provided for unchallenged absentee ballots.

If the challenge was delivered to the board by the chief judge of the precinct and was sustained, the board shall reopen the appropriate ballot boxes, remove such ballots, determine how those ballots were voted, deduct such ballots from the returns, and adjust the appropriate abstracts of returns.

Any voter whose ballots have been challenged may, either personally or through an authorized representative, appear before the board at the hearing on the challenge and present evidence as to the validity of the ballot. (1939, c. 159, ss. 8, 9; 1945, c. 758, s. 8; 1953, c. 1114; 1963, c. 547, s. 8; 1965, c. 871; 1967, c. 775, s. 1; 1973, c. 536, s. 4; 1993 (Reg. Sess., 1994), c. 762, s. 29; 2009-537, s. 8(c); 2014-111, s. 15(d); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 163-90. Challenge as felon; answer not to be used on prosecution.

If any registered voter is challenged as having been convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to the alleged conviction, but his answers to such questions shall not be used against him in any criminal prosecution. (1901, c. 89, s. 71; Rev., s. 3388; C.S., s. 5974; 1967, c. 775, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 163-90.1. Burden of proof.

(a) Challenges shall not be made indiscriminately and may only be made if the challenger knows, suspects or reasonably believes such a person not to be qualified and entitled to vote.

(b) No challenge shall be sustained unless the challenge is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the voter is properly registered or affiliated. (1979, c. 357, s. 4; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 163-90.2. Action when challenge sustained, overruled, or dismissed.

(a) When any challenge is sustained for any cause listed under G.S. 163-85(c), the board shall cancel or correct the voter registration of the voter. The board shall maintain such record for at least six months and during the pendency of any appeal. The challenged ballot shall be counted for any ballot items for which the challenged voter is eligible to vote, as if it were a provisional official ballot under the provisions of G.S. 163-166.11(4).

(b) When any challenge made under G.S. 163-85 is overruled or dismissed, the board shall erase the word "challenged" which appears on the person's registration records.

(c) A decision by a county board of elections on any challenge made under the provisions of this Article shall be appealable to the Superior Court of the county in which the offices of that board are located within 10 days. Only those persons against whom a challenge is sustained or persons who have made a challenge which is overruled shall have standing to file such appeal. (1979, c. 357, s. 4; 1987 (Reg. Sess., 1988), c. 1028, s. 11; 2006-262, s. 3(b); 2017-6, s. 3; 2018-146, s. 31(a), (b).)

§ 163-90.3. Making false affidavit perjury.

Any person who shall knowingly make any false affidavit or shall knowingly swear or affirm falsely to any matter or thing required by the terms of this Article to be sworn or affirmed shall be guilty of a Class I felony. (1979, c. 357, s. 4; 1987, c. 565, s. 2; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

Ohio Right to Challenge

Who: Only election officials may challenge a voter's registration; however, one can bring suspect voters to the attention of clerks and officials.

Where: n/a

When: n/a

Why: n/a

How: n/a

Laws: Section 3505.20.⁹

Section 3505.20 | Challenge of elector at polling place.

⁹ <https://codes.ohio.gov/ohio-revised-code/section-3505.20>

Any person offering to vote may be challenged at the polling place by any precinct election official. If the board of elections has ruled on the question presented by a challenge prior to election day, its finding and decision shall be final, and the voting location manager shall be notified in writing. If the board has not ruled, the question shall be determined as set forth in this section. If any person is so challenged as unqualified to vote, the voting location manager shall tender the person the following oath: "You do swear or affirm under penalty of election falsification that you will fully and truly answer all of the following questions put to you concerning your qualifications as an elector at this election."

(A) If the person is challenged as unqualified on the ground that the person is not a citizen, the precinct election officials shall put the following questions:

- (1) Are you a citizen of the United States?
- (2) Are you a native or naturalized citizen?
- (3) Where were you born?
- (4) What official documentation do you possess to prove your citizenship? Please provide that documentation.

If the person offering to vote claims to be a naturalized citizen of the United States, the person shall, before the vote is received, produce for inspection of the precinct election officials a certificate of naturalization and declare under oath that the person is the identical person named in the certificate. If the person states under oath that, by reason of the naturalization of the person's parents or one of them, the person has become a citizen of the United States, and when or where the person's parents were naturalized, the certificate of naturalization need not be produced. If the person is unable to provide a certificate of naturalization on the day of the election, the precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section [3505.181](#) of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.

(B) If the person is challenged as unqualified on the ground that the person has not resided in this state for thirty days immediately preceding the election, the precinct election officials shall put the following questions:

- (1) Have you resided in this state for thirty days immediately preceding this election? If so, where have you resided?
- (2) Did you properly register to vote?
- (3) Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.
- (4) Have you voted or attempted to vote at any other location in this or in any other state at this election?
- (5) Have you applied for an absent voter's ballot in any state for this election?

If the precinct election officials are unable to verify the person's eligibility to cast a ballot in the election, the precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section [3505.181](#) of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of

elections determines that the voter is properly registered and eligible to vote in the election.

(C) If the person is challenged as unqualified on the ground that the person is not a resident of the precinct where the person offers to vote, the precinct election officials shall put the following questions:

- (1) Do you reside in this precinct?
- (2) When did you move into this precinct?
- (3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?
- (4) What is your current mailing address?
- (5) Do you have some official identification containing your current address in this precinct? Please provide that identification.
- (6) Have you voted or attempted to vote at any other location in this or in any other state at this election?
- (7) Have you applied for any absent voter's ballot in any state for this election?

The precinct election officials shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, or if the precinct election officials are unable to verify the person's eligibility to cast a ballot in the election, the precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section [3505.181](#) of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.

(D) If the person is challenged as unqualified on the ground that the person is not of legal voting age, the precinct election officials shall put the following questions:

- (1) Are you eighteen years of age or more?
- (2) What is your date of birth?
- (3) Do you have some official identification verifying your age? Please provide that identification.

If the precinct election officials are unable to verify the person's age and eligibility to cast a ballot in the election, the precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section [3505.181](#) of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.

The voting location manager shall put such other questions to the person challenged as are necessary to determine the person's qualifications as an elector at the election. If a person challenged refuses to answer fully any question put to the person, is unable to answer the questions as they were answered on the registration form by the person under whose name the person offers to vote, or refuses to sign the person's name or make the person's mark, or if for any other reason a majority of the precinct election officials believes the person is not entitled to vote, the precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section [3505.181](#) of the Revised Code. The provisional ballot shall not be counted

unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.
A qualified citizen who has certified the citizen's intention to vote for president and vice-president as provided by Chapter 3504. of the Revised Code shall be eligible to receive only the ballot containing presidential and vice-presidential candidates.
However, not later than the thirtieth day before the day of an election and in accordance with section [3503.24](#) of the Revised Code, any person qualified to vote may challenge the right of any other person to be registered as a voter, or the right to cast an absent voter's ballot, or to make application for such ballot. Such challenge shall be made in accordance with section [3503.24](#) of the Revised Code, and the board of elections of the county in which the voting residence of the challenged voter is situated shall make a final determination relative to the legality of such registration or application

Pennsylvania Right to Challenge

Who: Must be a registered voter in the same county as the challenged voter.

Where: Provided to the county clerk, county board of elections and/or district attorney.

When: None given, though it would seem that this must be done 7 days prior to elections.¹⁰ In this case, by November 1, 2022.

Why: Identity and residence primarily.

How: In writing, using the form from the Secretary of State.¹¹ The complaint is a signed affidavit and must include the following:

- (1) Name of challenged individual.
- (2) Address of challenged individual.
- (3) Name of complainant.
- (4) Address of complainant.
- (5) Date of affidavit.
- (6) Reason for challenge.

One may also call the voter hotline at 1-877-VOTESPA (1-877-868-3772).

¹⁰ <https://casetext.com/statute/pennsylvania-statutes/statutes-unconsolidated/title-25-ps-elections-electoral-districts/chapter-14-election-code/article-xii-preparation-for-and-conduct-of-primaries-and-elections/section-3050-manner-of-applying-to-vote-persons-entitled-to-vote-voters-certificates-entries-to-be-made-in-district-register-numbered-lists-of-voters-challenges>

¹¹ <https://www.pavoterservices.pa.gov/Pages/ReportElectionComplaints.aspx>

Laws: Statute §1329.¹²

§ 1329. Challenges.

(a) Standing. -- An individual claiming the right to be registered may be challenged by a commissioner, registrar or clerk or by a qualified elector of the municipality.

(b) Complaint. -- To make a challenge, a complainant must file a challenge affidavit in a form prescribed by the secretary containing the following information:

- (1) Name of challenged individual.
- (2) Address of challenged individual.
- (3) Name of complainant.
- (4) Address of complainant.
- (5) Date of affidavit.
- (6) Reason for challenge.

(c) Response. -- An individual who is challenged must respond to the challenge affidavit as set forth in subsection (b) in a written statement sworn or affirmed by the individual. The challenged individual must produce such other evidence as may be required to satisfy the registrar or commissioner as to the individual's qualifications as a qualified elector.

(d) Resolution. -- If the challenged individual establishes to the satisfaction of the commission the right to be registered as required by this part, the challenged individual shall be registered. If the challenged individual does not establish to the satisfaction of the commission the right to be registered as provided in this part, the challenged individual's registration, if any, shall be canceled, and the commission shall promptly update information contained in its registration records.

Cross References. Section 1329 is referred to in section 1328 of this title.

Virginia Right to Challenge

Who: Must be a registered voter in Virginia.

Where: With the state board, may file with county clerks.

When: No timeframe given.

Why: A voter may use any of the following to challenge another person's right to vote:

1. The named person is not a citizen of the United States;

¹²<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&tli=25&div=0&chpt=13&sctn=29&subsctn=0>

2. The named person is not now 18 years of age or, in the case of a primary election or a special election held on a date other than a general election date, will not reach the age of 18 before the next general election;
3. The named person is not a resident of the Commonwealth (or, if he has not been a resident of the Commonwealth within the preceding 30 days, he is attempting to vote for an office or issue other than electors of President and Vice President of the United States);
4. The named person is not a resident of this precinct (or he has not been a resident of this precinct since the second preceding general federal election and has not continued to be a resident of this county or city and this congressional district);
5. The named person is not a resident of the town in the case of a town election;
6. The named person has been disqualified from voting by the Constitution and laws of the Commonwealth and this disqualification has not been removed by proper authority;
7. The named person is not the identical person he represents himself to be; or
8. The named person has voted in this election at this or another voting place (state when and where the named person previously voted in this election: _____).")"

How: Signed, written affidavit under oath.

Laws: Virginia Code Ann. § 24.2-651.¹³

Voter who is challenged; how challenge tried.

Any qualified voter may, and the officers of election shall, challenge the vote of any person who is listed on the pollbook but is known or suspected not to be a qualified voter.

The individual making the challenge shall complete and sign the following statement on a form provided by the State Board:

"I do hereby state, subject to penalties for hindering, intimidating, or interfering with a qualified voter pursuant to § 24.2-607, that I am a qualified voter of this Commonwealth or an officer of election and that, to the best of my knowledge, information, and belief, _____ is not a qualified voter of this precinct by reason of (please check each of the following reasons that is applicable):

1. The named person is not a citizen of the United States;
2. The named person is not now 18 years of age or, in the case of a primary election or a special election held on a date other than a general election date, will not reach the age of 18 before the next general election;
3. The named person is not a resident of the Commonwealth (or, if he has not been a resident of the Commonwealth within the preceding 30 days, he is attempting to vote for an office or issue other than electors of President and Vice President of the United States);
4. The named person is not a resident of this precinct (or he has not been a resident of this precinct since the second preceding general federal election and has not continued to be a resident of this county or city and this congressional district);

¹³ <https://law.lis.virginia.gov/vacode/title24.2/chapter6/section24.2-651/>

5. The named person is not a resident of the town in the case of a town election;
6. The named person has been disqualified from voting by the Constitution and laws of the Commonwealth and this disqualification has not been removed by proper authority;
7. The named person is not the identical person he represents himself to be; or
8. The named person has voted in this election at this or another voting place (state when and where the named person previously voted in this election: _____)."

Upon receipt of a signed challenge from a qualified voter or officer of election, an officer of election shall explain to the challenged voter the qualifications of a voter and may examine him concerning his qualifications.

The officers of election are hereby authorized to administer the necessary oath or affirmation to any witness brought before them to testify as to the qualifications of any person offering to vote.

If the person being challenged insists that he is qualified and the challenge is not withdrawn, one of the officers shall give him a form containing the following statement: "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that I am a citizen of the United States, that I am at least 18 years of age (or will be on the _____ day of _____, _____) that I am a resident of the Commonwealth of Virginia (or that I have been a resident of this Commonwealth within the preceding 30 days and am voting only for electors of President and Vice President of the United States), and that, according to the best of my knowledge, information and belief, I am not disqualified from voting by the Constitution and laws of this Commonwealth; that my full name is _____; that in such name I was duly registered as a voter of this precinct; that I am now or at some time since the last November general election have been an actual resident of this precinct or that I have been an actual resident of this precinct at some time since the second preceding general federal election and have been and continue to be a resident of this county or city and this congressional district; if I am voting in a town election today, that I am currently a resident of that town; that I am the identical person I represent myself to be; and that I have not voted in this election at this or any voting place and will not vote in this election at any other voting place."

If the person challenged refuses to sign the statement, he shall not be permitted to vote.

If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.

If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot shall not be subject to challenge pursuant to this section.

Code 1950, §§ 24-253, 24-254, 24-325; 1970, c. 462, § 24.1-133; 1971, Ex. Sess., c. 265; 1972, c. 620; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1983, c. 461; 1993, c. 641; 1997, c. 346; 2003, c. 1015; 2007, c. 375; 2012, cc. 838, 839.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Wisconsin Right to Challenge

Who: Must be a registered voter in Wisconsin challenging another Wisconsin voter.

Where: At a polling (voting) location. Though not explicitly stated, preferably in the same municipality as the challenged voter or at least the same county.

When: From early voting through Election Day, October 25, 2022 to November 8, 2022.

Why: Any registered voter may challenge another voter on the grounds of;

- 1) the person is not a citizen of the United States;
- 2) the person is not at least 18 years of age;
- 3) the person has not resided in the election district for at least 10 days;
- 4) the person has a felony conviction and has not been restored to civil rights;
- 5) the person has been adjudicated incompetent;
- 6) the person has voted previously in the same election.

How: In person, but may be done to challenge absentee voters as well. The voter must answer the relevant questions from the election inspector (pollworker) under oath.

Laws: Wis. Stat. § 6.925¹⁴ and Wis. Adm. Code. EL 9.02.¹⁵

6.925 Elector making challenge in person.

Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector's qualifications. In addition, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election"; and shall then ask questions which are appropriate as determined by the commission, by rule, to test the qualifications of the challenged elector.

¹⁴ <https://docs.legis.wisconsin.gov/statutes/statutes/6/v/925>

¹⁵ https://docs.legis.wisconsin.gov/code/admin_code/el/9/02

History: 1975 c. 85, 199; 1977 c. 394; 1985 a. 304; 1999 a. 9; 2015 a. 118 s. 266 (10).
Cross-reference: See also s. EL 9.02, Wis. adm. code.

EL 9.02 Elector making challenge in person. Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. Any elector who abuses the right to challenge under s. [6.925](#), Stats., may be subject to sanctions available to inspectors under s. [7.41 \(3\)](#), Stats. An elector has cause to challenge a person as being unqualified to vote if the challenging elector knows or suspects that any one of the following criteria apply to the person being challenged: 1) the person is not a citizen of the United States; 2) the person is not at least 18 years of age; 3) the person has not resided in the election district for at least 10 days; 4) the person has a felony conviction and has not been restored to civil rights; 5) the person has been adjudicated incompetent; 6) the person has voted previously in the same election. If a person is challenged as unqualified by an elector, the following procedure shall be followed:

(1) One of the inspectors shall administer the following oath or affirmation of veracity to the challenging elector: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election."

(2) The inspector shall ask the challenger if he or she is an elector and then ask only those of the following questions which are appropriate to determine the qualifications of the challenged elector:

(a) Why do you believe that the challenged elector is not a United States citizen?

(b) Why do you believe that the challenged elector is not at least 18 years of age?

(c) Why do you believe that the challenged elector has not, for at least the 10 days before this election, resided in, or been a resident of, the ward or election district from which he or she seeks to vote?

(d) For which of the following reasons, and why, do you believe the challenged elector is currently disqualified from voting:

1. A felony conviction for which the challenged elector is still serving probation or is on parole or extended supervision?

2. A judge's ruling that he or she is incapable of voting?

3. Having made a bet or wager on this election?

4. Having voted previously in this election?

(3) One of the inspectors shall then administer the oath or affirmation of veracity to the challenged elector under sub. [\(1\)](#) and ask the challenged elector only the questions under s. [EL 9.01 \(2\)](#) which are appropriate to test the elector's qualifications based on the cause for the challenge.

(4) One of the inspectors shall then ask the challenging elector if he or she withdraws the challenge. If the challenge is withdrawn by the challenging elector, the challenge procedure shall be halted, but a written record of the procedure up to the withdrawal shall be preserved in accordance with s. [EL 9.05](#).

(5) If the challenge is not withdrawn after the person offering to vote has answered the questions under s. [EL 9.01 \(2\)](#), one of the inspectors, before issuing the ballot, shall administer to the challenged elector the following oath or affirmation of eligibility: "You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you are now and for 10 days have been a resident of this ward except under s. [6.02 \(2\)](#), Stats., you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election."

(6) If the person challenged refuses to take the oath or affirmation of eligibility under sub. [\(5\)](#), the inspectors shall not issue a ballot to the person challenged.

(7) If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under sub. [\(2\)](#), or the answers to the questions given by the person indicate that the person does not meet the voting qualification requirements of ss. [6.02](#) and [6.03](#), Stats., the inspectors shall not issue a ballot to the person challenged.

(8) If the person challenged answers fully all relevant questions put to the elector by the inspector under s. [EL 9.01 \(2\)](#), takes the oath or affirmation of eligibility under sub. [\(5\)](#), fulfills the registration requirements, where applicable, and the answers to the questions given by the person indicate that the person meets the voting qualification requirements of ss. [6.02](#) and [6.03](#), Stats., the challenged elector shall be issued a ballot and the voting procedure under s. [EL 9.03](#) shall be followed.

History: [CR 02-071](#): cr. [Register September 2002 No. 561](#) eff. 10-1-02; **correction in (3) to (5), (8) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register June 2016 No. 726.](#)**

Get Involved!

If you can volunteer 5-10 hours a week in your state and are willing to speak with your state representatives, then please sign up at <https://lookaheadamerica.org/lead>.

You may also sign up to volunteer with the research group if you can give 5 hours a week at <https://www.lookaheadamerica.org/volunteer>.

Or you may make a tax-deductible contribution at <https://www.lookaheadamerica.org/donate>.

Finally, please join our Discord community server at <https://discord.gg/lookaheadamerica>.