

CHATHAM COUNTY BOARD OF REGISTRARS
SUPPLEMENTAL GUIDANCE FOR VOTER CHALLENGES
SUBMITTED PURSUANT TO O.C.G.A. § 21-2-229 AND O.C.G.A. § 21-2-230
Approved December 3, 2025

PURPOSE: The Chatham County Board of Registrars ("BOR") adopts this supplemental guidance policy so that Chatham County electors wishing to challenge electors, under either O.C.G.A. § 21-2-229 or O.C.G.A. § 21-2-230, can understand the requirements for submission of such challenges. Any reference in this document to challenges shall mean challenges under either O.C.G.A. § 21-2-229 or O.C.G.A. § 21-2-230, unless the policy specifically states that it is only referring to a single code section.

1. Challenges may only be filed by a Chatham County elector acting in their individual capacity. A Chatham County elector is any person currently possessing all necessary qualifications for voting, or otherwise prescribed by Georgia law, and shall have registered to vote in Chatham County in accordance with all legal requirements.
2. Challenges must be in writing and shall specify distinctly the grounds of the challenge. There are no limits to the number of electors that may be challenged, but challenged electors must be on the Chatham County list of electors as of the date of the challenge. To help facilitate the review and processing of challenges, each challenge shall specify:
 - a. the full name of the voter being challenged;
 - b. the address at which the voter is currently registered in Chatham County, GA and any other addresses the challenger believes are associated with the voter;
 - c. the year of birth of the challenged voter;
 - d. the specific basis for the challenge – that is, death, mental incapacity, insufficient age, felony conviction status, change of residence of the voter, etc.;
 - e. under what statute the challenge is brought (e.g., O.C.G.A. § 21-2-229);
 - f. clear and concise detail of the factual evidence offered to support the challenge, including evidence of the person’s intent not to return to Chatham County;
 - g. the sources of information relied upon in preparing the challenge (e.g., the names of specific commercial databases used, or facts based on the challenger’s personal knowledge); and
 - h. the name of any program(s) or software used to prepare the challenge.

3. Any challenge must be submitted to the Chatham County BOR (1) via hand delivery to the Chatham County Voter Registration at 1117 Eisenhower Dr., Suite E, Savannah, GA 31406; or (2) via regular mail to P.O. Box 13757, Savannah, GA 31416; or (3) via email delivery to the attention of the Department Director at voter@chathamcounty.org.

4. Challenges brought to the Chatham County BOR will be subject to the following non-exhaustive list of limitations:

a. **Challenges Based on Change of Residency.** If a challenge is based upon grounds that the voter has changed residency, the National Voter Registration Act (“NVRA”) and Georgia law as applicable.

b. **Challenges to Inactive Voters.** See O.C.G.A. § 21-2-235(b).

c. **Challenges Subject to the NVRA’s 90-Day “Quiet Period.”** Any challenge subject to the NVRA may implicate the 90-day rule, pursuant to which any systematic list maintenance process shall be completed 90 days prior to the date of a primary or general election for Federal office.

5. Any voter asserting a challenge pursuant to O.C.G.A. § 21-2-229 shall be responsible for payment of the costs associated with the processing and / or service of notice upon the challenged voters, as follows:

a. **Estimation of Cost.** If the challenge is not rejected due to deficiencies identified above, then within five (5) business days after receiving notice of a challenge, or as soon as practicable thereafter, the Chatham County BOR staff will provide the challenger with an estimate of the cost of serving notice of the challenge to each challenged voter under Section 229(b), including the cost of postage, and printed materials.

b. **Payment of Costs.** The challenger shall have three (3) business days following receipt of the estimated costs to provide payment in full. If payment is not received within the required time period, then any hearing related to the challenge shall be canceled, and the challenge shall be dismissed.

- c. **Methods of Payment.** The challenger may pay by check or money order. Other payment methods may be accommodated upon request.

6. The burden of proof to support the challenge shall rest on the elector making the challenge. The submitted documents supporting a challenge should contain clear and concise detail regarding why the challenger is (1) challenging the elector's right to appear on the elector list (for a challenge under O.C.G.A. § 21-2-229) or (2) the elector's right to vote in the next upcoming election (for a challenge under O.C.G.A. § 21-2-230). Documentation or information supporting a challenge that is vague, generalized, or speculative, will not satisfy the standards of the pertinent Code sections or the requirements of the BOR. All information submitted for consideration by the BOR must be completely set forth within the submitted challenge documents, to include any detailed source information. Chatham County Voter Registration staff cannot accept USB drives, CDs or other storage media that must be uploaded and retrieved, to include reference to website links for tracking down information to support a challenge.

7. The BOR has the authority to issue subpoenas for the attendance of witnesses and the production of books, papers, and other material upon application by the person whose qualifications are being challenged or the elector making the challenge. The party requesting subpoenas shall be responsible to serve such subpoenas and, if necessary, to enforce the subpoenas by application to the superior court. Any subpoenaed witness, after attending, shall be allowed and paid the same mileage and fee as allowed and paid witnesses in civil actions in the superior court.

8. Pursuant to the Georgia Election Code, the BOR will set a date, time, and place for a hearing and notify the challenged electors in writing at their registered address. Notice for a hearing will be set within ten (10) business days of a challenge being received and the BOR will provide the challenged elector(s) at least three (3) days' notice of the challenge hearing. The hearing will be subject to the following non-exhaustive list of procedures:

- a. At the challenge hearing, the challenger will be permitted to present evidence showing why the challenged voter(s) should be removed from the Chatham County voter list.
- b. If the challenger fails to appear for the hearing, the challenge will be considered abandoned. The challenge will be dismissed for failure to meet the burden of proof, and the challenged voter will remain on the list of voters.

- c. No new grounds for challenges may be presented that were not specified distinctly in writing to the BOR prior to the sending of notice for the hearing. The BOR may ask questions of the challenger.
- d. The burden is on the challenger to prove that a challenged voter is not eligible by a preponderance of the evidence.
- e. If present, in-person or virtually, the challenged voter(s) will be recognized to present their own evidence or other response to the allegations. The BOR may ask questions of the challenged voter.
- f. The BOR may recognize the Elections Director to present any evidence regarding the challenged voter(s) from registration records or other sources. The BOR may ask questions of the Director.
- g. O.C.G.A. § 21-2-217(b) provides that the registrar's decision in determining the residence of a voter at the time the registration application is considered is "presumptive evidence of a person's residence for voting purposes." If a challenger asserts that a voter should not have been permitted to register because the voter did not meet the residency requirements, then the challenger must produce evidence sufficient to overcome this presumption.
- h. Once all evidence has been presented, the BOR may move to enter Executive Session for the purpose of discussing potential litigation, during which it may discuss the evidence and any legal issues related to the challenge and its potential appeal. The BOR is not required to enter into Executive Session, but may do so in its sole discretion.
- i. After the close of evidence, and after the BOR has publicly voted to come out of Executive Session (where applicable), the BOR will consider whether the preponderance of the evidence presented supports the grounds specified in writing by the challenger and will consider motions to approve or deny the challenge(s). If a motion cannot be approved by the BOR due to a tie vote, the challenge shall be deemed to have failed due to a lack of a majority vote.

- j. When practical, the BOR will vote on each voter individually. However, there may be times when the number of voters challenged requires the BOR to consider motions approving or denying voter challenges as groups.¹
- k. The BOR will notify challenged voters, in writing by first class, forwardable mail, and by telephone and email (if available), of any change in registration status resulting from challenge proceedings and the basis for upholding the challenge. The notice shall inform the voter that they have a right to appeal the decision by filing a petition with the clerk of the superior court within ten (10) days after the date of the decision of the registrars and that such petition shall be served upon the other parties to the challenge and the registrars. The notice shall also include contact information for the other parties to the challenge and the registrars to effectuate such service.

9. This policy guidance document is intended to work in tandem with, and be fully consistent with, O.C.G.A. § § 21-2-229 and 21-2-230. To the extent any part of this policy conflicts with either of the referenced statutes, the statutes shall control. This policy document is not intended as providing legal advice. Any person considering bringing a challenge under O.C.G.A. § § 21-2-229 or 21-2-230, should consult with an attorney of their choosing as early as possible to deal with any legal ambiguities.

Please note that this content is for information purposes only, is not a substitute for professional legal advice, is not exhaustive, and is subject to change from time to time.

¹ If the BOR determines that the volume of voter challenges, whether from a single challenger or from multiple challenges, cannot be adjudicated in the time allotted for the scheduled hearing, the BOR shall continue the challenges to an additional hearing date, and all challengers and challenged voters shall be notified in writing and by phone and email, in the manners as specified above.