



June 2, 2026
VIA EMAIL

Members of the Georgia State Election Board:

Campaign Legal Center (CLC) urges the State Election Board to reject Proposed Rule 186.1-6-.07, which will, if promulgated, prevent Boards of Registration and Elections, Boards of Registrars, and other hearing officers from offsetting costs associated with processing voter eligibility challenges in Georgia.

CLC is a nonpartisan, nonprofit organization working to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education. CLC seeks a future in which the American political process is accessible to all citizens, resulting in representative, responsive, and accountable government. Consistent with that mission, we have worked with election officials across the nation to improve their administrative policies, protect the freedom to vote of citizens within their jurisdictions, and strengthen the democratic process.

To that end, CLC is concerned that this proposed rule further facilitates frivolous mass eligibility challenges that are organized by partisan actors and submitted with insufficient evidence. Frivolous mass challenges have become increasingly common throughout the country, particularly in Georgia.¹

In recent election cycles, partisan actors have relied on faulty databases to bring hundreds of thousands of challenges to voter eligibility across the nation.² Rather than relying on a voter's personal knowledge of another's ineligibility to vote, these databases attempt to match voter registration records with publicly available information that is frequently incomplete or out of date, making the database matches unreliable.³ These databases also often improperly flag registered voters who have the same or similar name as ineligible individuals, voters who are temporarily

¹ See, e.g., Nick Corasaniti & Alexandra Berzon, *Trump's Allies Ramp Up Campaign Targeting Voter Rolls*, N.Y. TIMES (Mar. 3, 2024), <https://www.nytimes.com/2024/03/03/us/politics/trump-voter-rolls.html> (noting the recent wave of voter eligibility challenges in states such as Georgia, Michigan, and Nevada); David Gilbert, *Election Deniers are Ramping Up Efforts to Disenfranchise Voters*, WIRED (Jul. 31, 2024), <https://www.wired.com/story/election-deniers-efforts-disenfranchise-voters>.

² See Robyn Sanders & Alice Clapman, *Protections Against Mass Challenges*, Brennan Ctr. for Just. (July 17, 2024), <https://www.brennancenter.org/our-work/research-reports/protections-against-mass-challenges-voter-eligibility>. One common database is Eagle AI, which experts have criticized for its frequent identification of eligible voters as ineligible. See Alice Clapman & Andrew Garber, *A New Antidemocracy Tool*, Brennan Ctr. for Just. (Sept. 5, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/new-antidemocracy-tool>.

³ See Sanders & Clapman, *supra* note 3.

staying in another place but remain qualified at the address at which they are registered, and households where some but not all residents have moved.⁴ As a result, mass challenge lists almost always include significant numbers of eligible voters who should not be removed from the rolls.⁵ This rule, if implemented, will further exacerbate the burden of mass challenges on both voters and election officials, despite their lack of effectiveness in actually identifying ineligible voters.

I. Legal landscape for mass voter eligibility challenges

A. State law

As you are aware, there are two avenues for challenges to voter eligibility under Georgia law: (1) challenges to a registered voter's eligibility to remain on the rolls ("229 challenges"), and (2) challenges to a voter's specific eligibility to vote in any given election ("230 challenges").⁶ Under Georgia law, the process for adjudicating a challenge is different depending on the type of challenges being made. Any challenge must therefore state whether it is being brought under § 32-2-229, § 21-2-230, or both.⁷ All challenges must be made in writing, must specify distinctly the grounds for the challenge, and may only be made by a registered voter from the same county or municipality.⁸ All challenges must be filed with the Board of Registrars. Poll managers and poll workers may not themselves accept any voter challenges.⁹

a. Challenges to voter registration and voter roll eligibility (229 challenges)

Challenges under § 229 can be made on an ongoing basis by any registered elector, including a county registrar.¹⁰ However, there are limits under both state and federal law as to how voters can be removed from the rolls, which can only occur under specific circumstances.

When considering a 229 challenge, the board of registrars for the county in which the challenged voter is registered must notify the voter of the challenge to their registration within 10 business days of receiving the challenge.¹¹ That notice must include the date, time, place of the hearing, and a copy of the challenge, and should also be given to the challenger.¹² The notice should be sent either via first class mail to the voter's registered address or by the sheriff, deputy sheriff, or peace officer of the municipality if the challenge is made by the registrar.¹³ The voter must be given at least three days' notice of the date, time, and place of the hearing.¹⁴

⁴ *See id.*

⁵ *See id.*

⁶ OGCA §§ 21-2-229 (registration challenges), 21-2-230 (voter eligibility challenges).

⁷ A 230 challenge is only treated like a 229 if the challenge is based on grounds that the voter is not qualified to remain on the list of electors and does not voter in a particular election (either in-person or absentee). But because the board of registrars will not be able to know if an elector plans to vote in a particular election, a single challenge must specify whether it is a challenge to registration, qualifications, or ability to vote in a particular election.

⁸ OGCA §§ 21-2-229(a), 21-2-230(a).

⁹ *See Poll Worker Manual*, Georgia Sec'y of State (May 2021),

<https://georgiapollworkers.sos.ga.gov/Shared%20Documents/Georgia%20Poll%20Worker%20Manual%202021.pdf>.

¹⁰ OGCA §§ 21-2-229, 230; *See also* 52 U.S.C. § 20501.

¹¹ OGCA §§ 21-2-229(b).

¹² *Id.*

¹³ *Id. See also* (c).

¹⁴ *Id.* § 21-2-229(b).

The burden is on the challenger to prove why the voter is not qualified to remain on the list of electors.¹⁵ The board of registrars has the power to issue subpoenas for witnesses and require the production of any materials as requested by the challenged voter.¹⁶ After the hearing, the registrars must notify both parties of the decision to approve or reject the challenge.¹⁷ Either party has the right to appeal the decision to superior court by filing a petition.¹⁸ Unless the decision is reversed by the superior court, the final decision of the registrars stands.¹⁹

b. Challenges to voter’s ability to vote in a specific election (230 challenges)

The second form of voter challenge permitted under Georgia law is a 230 challenge to a voter’s eligibility to vote in a specific upcoming election.²⁰ Like 229 challenges, 230 challenges must be in writing and specify distinctly the grounds for such a challenge.²¹ Such challenges must be delivered to the board of registrars before the challenged voter votes in person or before a person votes absentee (the deadline for ballot submission is no later than 5:00 p.m. the day before Election Day).²² Once a challenge is filed, the board of registrars must immediately determine whether “probable cause” exists. If probable cause is not found, the registrars must reject the challenge.²³ S.B. 189 made changes to how voter eligibility challenges are sustained.²⁴ Specifically, the amended law:

- (1) prohibits the use of a P.O. box or private mailbox service within the relevant jurisdiction to serve as proof of residency.²⁵ Voters that are homeless are required to use their county voter registrar’s office as their address for the purposes of voting;²⁶
- (2) implements a “probable cause” standard that allows National Change of Address (“NCOA”) data to be considered, though not exclusively relied upon, while assessing a voter eligibility challenge.²⁷ Challengers using NCOA data to sustain a challenge must provide additional evidence that the challenged voter is no longer a resident of the jurisdiction.²⁸ Challenges relying even in part of NCOA data that are submitted within 45 days of an election must be postponed until after the election results are certified,²⁹ and
- (3) explicitly states that a voter’s registration at a nonresidential address constitutes probable cause,³⁰

If a registrar finds probable cause, they must notify the poll workers at the challenged voter’s precinct or, if the voter votes absentee, notify the poll worker at the absentee ballot precinct. “[I]f practical” the registrar should notify the challenged voter so they have an opportunity to respond.³¹

¹⁵ *Id.* § 21-2-229(c).

¹⁶ *Id.*

¹⁷ *Id.* § 21-2-229(d).

¹⁸ *Id.* § 21-2-229(e).

¹⁹ *Id.*

²⁰ OGCA § 21-2-230

²¹ *Id.* § 21-2-230(a)

²² *Id.*

²³ OGCA §§ 21-2-230(b).

²⁴ Codified at O.G.C.A. §§ 21-2-230, 21-2-217(a)(1.1) effective as of January 2025.

²⁵ O.G.C.A. §§ 21-2-230, 21-2-217(a)(1.1)

²⁶ *Id.*

²⁷ *Id.* §§ 21-2-230, 21-2-21, specifying criteria for determining voter residence.

²⁸ O.G.C.A § 21-2-230(b).

²⁹ *Id.* § 21-2-230(b)(1).

³⁰ *Id.*

³¹ *Id.* § 21-2-230(b)(1).

If it is not practical to hold a hearing before the polls close, however, the challenged voter’s ballot will be treated as a challenged ballot.³²

No further action is required of the registrars if the challenged voter does not attempt to vote (whether absentee or in person), and the grounds for the challenge are based on information other than qualifications to remain on the voter rolls (e.g., a challenge that the voter already voted in another precinct). However, in instances where the challenge is based on the voter’s qualifications, the board of registrars must either: (a) conduct a hearing for a 229 challenge (if the voter does not appear to vote in person or absentee)³³ or (b) treat the ballot as a challenged ballot (if the voter does appear to vote in person or cast an absentee ballot). In the latter case, the board of registrars must conduct an expedited hearing prior to the certification of the results—and the superintendent may not certify the results until this occurs.³⁴ If the challenge is denied, the challenged ballot will be counted.³⁵ If the challenge is upheld, the voter will be removed from the voter rolls.³⁶

Following the 2024 enactment of SB 189, Georgia law became more permissive to mass eligibility challenges. The law removed any numerical cap on challenges submitted by a single voter. The impact was significant immediately. In 2024: by mid-October, 63,000 challenges had been submitted, the vast majority (45,000) of which were filed in the six months after enactment.³⁷ Despite this volume of mass challenges, only about one percent of challenges led to voters actually being removed from the voter rolls or placed in a “challenged” status.³⁸

B. Federal law

In addition to Georgia state law,³⁹ federal law provides robust protection against voter intimidation and other forms of infringement on the fundamental right to vote. The United States Constitution and federal law require that each state and political subdivision use uniform, nondiscriminatory standards and processes for evaluating voter eligibility challenges.⁴⁰ Under the Constitution, counties in the same state are prohibited from “us[ing] varying standards to determine what is a legal vote” when processing ballots in presidential elections.⁴¹

The National Voter Registration Act (NVRA) “limits whether, when, and how a State can remove a person’s name from the [voter registration] rolls.”⁴² The NVRA mandates that any voter registration list maintenance activity be “uniform, nondiscriminatory, and in compliance with the

³² *Id.* § 21-2-230(e).

³³ *Id.* § 21-2-230(g).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Newsweek, *Mass Republican Voter Challenges Failing in Georgia* (Oct. 16, 2024), <https://www.newsweek.com/republican-voter-challenges-failing-georgia-1969907>.

³⁸ *Fair Fight Action v. True the Vote*, No. 2:21-cv-01251-SCJ (N.D. Ga. Jan. 2, 2024) (Jones, J.) (Order at 91, 123 n.60).

³⁹ Georgia criminalizes the use of “force and violence, or acts in any way manner to intimidate any other person” from voting or refraining from voting in an election, or registering or refraining from registering to vote. O.G.C.A. § 21-2-4567.

⁴⁰ See *Bush v. Gore*, 531 U.S. 98, 104 (2000) (finding that the lack of uniform standards across counties for when to count a ballot violates the Constitution’s Equal Protection Clause).

⁴¹ *Id.* at 107

⁴² U.S. Dep’t of Justice, *NVRA List Maintenance: Guidance under Section 8 of the National Voter Registration Act*, 52 U.S.C. § 20507, (Sept. 2024), <https://www.justice.gov/crt/nvra-list-maintenance-guidance> last visited (Jun. 1 2026) (“DOJ Guidance”).

Voting Rights Act.” This includes list maintenance methods commonly used in mass voter eligibility challenges based on third-party submissions.⁴³ The United States Department of justice has warned that “comparing voter files to outdated or inaccurate records or databases...taking actions that erroneously affect a particular class of voters...or matching records based solely on first name, last name, and date of birth” may violate the NVRA.⁴⁴

The NVRA further mandates that election officials not “systematically remove” ineligible voters from the voter registration rolls within 90 days preceding an election for federal office.⁴⁵ According to DOJ guidance, this restriction “applies to list maintenance programs based on third-party challenges derived from any large, computerized data matching process.”⁴⁶

a. The NVRA prohibits removals based on change of address

The NVRA strictly regulates the process for removing a registered voter from the voter registration rolls based on suspected change of address, including when removals are triggered by mass voter eligibility challenges.⁴⁷ Election officials may only remove a voter from the list of registered voters based on change in residence when: (1) the voter confirms in writing that they have moved outside of the jurisdiction; (2) or election officials have satisfied the notice process outlined in Section(8)(d)(2) of the NVRA.⁴⁸ Again, The DOJ has warned that this practice...may violate the NVRA.⁴⁹

b. The U.S. Constitution and Voting Rights Act protect voters from discriminatory challenges and voter intimidation

Organized challengers seeking to target voters on the basis of eligibility frequently target voters from historically disenfranchised communities in an attempt to intimidate voters or deter voters from voting.⁵⁰ Sustaining such discriminatory challenges could violate the U.S. Constitution and federal law. Taken together, the Equal Protection Clause of the Fourteenth Amendment and Section 2 of the Voting Rights Act prohibit the use of voting practices that result in citizens being denied equal access to the democratic process on account of “race, color, or membership in a language minority group.”⁵¹

Baseless mass challenges could also constitute voter intimidation because such challenges are often made in bad faith to deter eligible citizens from voting. This is illegal under federal law, which prohibits, “intimidate[ing], threaten[ing], coerc[ing], or attempts to intimidate, threaten, or coerce, any other person for the purposes of interfering with the right of such other person to vote” in a federal election has committed a federal crime.⁵² Additionally, several federal statutes impose civil liability for voter intimidation. Section 11(b) of the VRA makes it unlawful to “intimidate, threaten, or coerce” another person, or attempt to do so, “for voting or attempting to vote” or “urging or

⁴³ DOJ Guidance. “The prohibitions of the NVRA extend to any list maintenance activity based on third-party submissions.”

⁴⁴ *Id.*

⁴⁵ 52 U.S.C § 20507(c)(2).

⁴⁶ DOJ Guidance.

⁴⁷ See 52 U.S.C. § 20507(a)-(d); DOJ Guidance.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Michael Kaplan, Sheen Samu, Major Garrett, *Eligible voters are being swept up in conservative activists’ efforts to purge voter rolls*, CBS NEWS (Dec. 4, 2023), <https://www.cbsnews.com/news/eligible-voters-swept-up-conservative-activists-purge-voter-rolls/>

⁵¹ 52 U.S.C § 10307(b)

⁵² 18 U.S.C. § 594.

aiding any person to vote or attempt to vote.”⁵³ The Ku Klux Klan Act of 1871 makes it unlawful for “any two or more persons to conspire to prevent by force, intimidation, or threat” any voter from casting a ballot for the candidate of their choice.⁵⁴

II. Mass voter challenges infringe on voting rights and impede election administration while doing little to remove ineligible voters from the voter rolls

In recent elections, partisan actors have organized to use historically discriminatory state laws—allowing individual citizens to challenge their peers’ right to vote on or before Election Day—to instigate mass pre-election challenges to voter eligibility.⁵⁵ Activists seek to cast doubt on election results by lodging bad faith, “baseless claims that registration lists are rife with errors and fraud.”⁵⁶ This strategy wrongly assumes that “any inaccuracy in the voter rolls equates to fraud and that erroneous registrations are ‘evidence’ for past and future claims of vote fraud.”⁵⁷ Accordingly, mass eligibility challenges rarely result in ineligible voters actually being removed from the rolls. This was illustrated in Georgia in the period after the 2020 election, when a Texas-based organization (True the Vote) coordinated a massive voter eligibility challenge effort targeting over 380,000 registered voters in the state. Litigation documents show that True the Vote, despite admitting to having had no evidence of voter fraud, launched a program “to identify illegal voters and illegal votes...build public momentum...and galvanize Republican legislative support in key states—including Georgia—to have the state’s election results overturned.”⁵⁸ The effort resulted in only a few dozen individuals among the more than 380,000 challenged voters being removed from the voter rolls.⁵⁹ A federal judge found the tactics used in mass challenges filed in Georgia in 2021 to be “shoddy and rife with errors.”⁶⁰

A. The data surfaced by third-party systems is often inaccurate or incomplete

In many states, including Georgia, individual challengers can allege, at one time, that hundreds—or even thousands—of registered voters are ineligible by “rely[ing] on faulty data sets containing inaccurate or outdated information” and “without explaining how they reached any conclusion about each particular challenged voter.”⁶¹ A 2024 investigation detailed six national and

⁵³ 52 U.S.C § 10307(b)

⁵⁴ 42 U.S.C § 1985(3).

⁵⁵ Kate Hamilton, Frivolous Mass Challenges to Voter Eligibility Damaging to Democracy, CAMPAIGN LEGAL CENTER (Oct. 6, 2022), <https://campaignlegal.org/update/frivolous-mass-challenges-voter-eligibility-damaging-democracy>; Protections Against Mass Challenges to Voter Eligibility, BRENNAN CTR FOR JUSTICE, <https://www.brennancenter.org/our-work/research-reports/protections-against-mass-challenges-voter-eligibility> (last visited Jun. 1, 2026).

⁵⁶ American Oversight, *Inside Election Integrity Network Meetings* (Oct. 31, 2024), <https://americanoversight.org/inside-election-integrity-network-meetings/>.

⁵⁷ *The Rise of Organized, Tech-Driven Mass Voter Challenges*, *Supra* n. 55.

⁵⁸ *Fair Fight, Inc. v. True the Vote, Inc.*, Civ 2:20-cv-00302, Plaintiff’s Statement of Undisputed Facts ¶¶ 45, 49 (May 16, 2022) available at [156-2022-05-16-PLAINTIFFS-MOTION-FOR-SUMMARY-JUDGMENT-comp.pdf](https://www.brennancenter.org/our-work/analysis-opinion/new-georgia-law-spurs-bogus-challenges-voter-eligibility) (last visited Jun. 1, 2026).

⁵⁹ Mark Niesse, *In Georgia Senate runoffs, very few ballots rejected after vast challenge to voter eligibility*, ATLANTA JOURNAL CONSTITUTION (Jan. 15, 2021) <https://www.ajc.com/politics/georgia-voter-challenges-fall-short-with-few-ballots-thrown-out/SNPHXD4YXVB7LMIL5N5L3RZPLA/>

⁶⁰ Andrew Garver, *New Georgia Law Spurs Bogus Challenges to Voter Eligibility*, BRENNAN CTR. FOR JUSTICE (Jul. 9, 2024) <https://www.brennancenter.org/our-work/analysis-opinion/new-georgia-law-spurs-bogus-challenges-voter-eligibility>.

⁶¹ *Id.*

four state-level projects to challenge voter eligibility using third-party systems, largely funded by undisclosed sources.⁶² Prominent at the national level was Eagle AI Network, a tool backed by conservative activists used to streamline mass Voter challenges by comparing voter rolls against various public and commercial databases.⁶³ The platform aggregates data sources—including voter rolls, property records, and change of address data—to flag suspicious registrations that activists use as the basis for voter challenges, which can be submitted directly from the platform with just a few clicks.⁶⁴

Eagle AI recently transitioned to ELLY and Psephos, two successor platforms designed to different users within election administrations: ELLY is aimed at counties and activists, whereas Psephos is marketed to states.⁶⁵ ELLY (the elector list) is marketed primarily to county election officials for limited resources for voter roll maintenance and continues to allow volunteers to generate mass challenges. According to promotional materials obtained by American Oversight, ELLY aggregates voter registration data, data from the USPS National Change of Address (NCOA) records, property tax and classification records, obituary and death notices, and mapping an property databases like Google or Zillow to build out an alternative system to conduct list maintenance. Third-party systems like ELLY suffer from methodological defects: they rely on incomplete or inaccurate datasets and perform data matching without access to individually identifying information, like Social Security and driver's license numbers, that election officials typically use to accurately identify individual voters.⁶⁶ Challenges initiated with unreliable data frequently generate false positives that impact certain subsets of voters more acutely than other, including those that do not have traditional or long-term housing, such as nursing home residents, college students, unhoused people, renters, and military servants and their families.

Partisan actors know that NCOA data in particular frequently generates false positives that burden voters or deter them from voting. Litigation documents from 2021 state that, at the very least, that True the Vote knew that their challenges would burden registrants. They also knew that NCOA data does not provide sufficiently specific or unique information to reliably match NCOA data to voter rolls, which results in false positives “on a regular basis.”⁶⁷ Additionally, internal EIN meeting recordings obtained by American Oversight revealed that members of Eagle AI’s working group on list maintenance acknowledge that the system was “in a development phase,” failed to include comprehensive “voter move” data, and produced few successful registration challenges.⁶⁸ Any changes made in the transition to ELLY does not ease concerns. A video demonstration of ELLY posted in March 2026 reveals that the platform’s own data breakdown identifies high rates

⁶² *The Rise of Organized, Tech-Driven Mass Voter Challenges*, DOCUMENTED, <https://documented.net/investigations/organized-mass-voter-challenges> (last visited Jun. 1, 2026).

⁶³ *Id.*; see also Grant Blanketship, A data tool being used to challenge voter registrations is raising many concerns, NPR News (Jun. 20, 2024) <https://www.npr.org/2024/06/04/nx-s1-4991945/voter-registration-mass-challenges-georgia>. Data sources include voter rolls, property records, and change of address (NCOA) data.

⁶⁴ *Id.*

⁶⁵ [The Elector List](#)

⁶⁶ Brennan Center for Justice, *Four New Initiatives Driving Mass Voter Challenges* (2024), <https://www.brennancenter.org/our-work/research-reports/four-new-initiatives-driving-mass-voter-challenges>.

⁶⁷ *Fair Fight, Inc. v. True the Vote, Inc.*, Civ 2:20-cv-00302, Plaintiff’s Statement of Undisputed Facts ¶¶ 66-67 (May 16, 2022) available at [156-2022-05-16-PLAINTIFFS-MOTION-FOR-SUMMARY-JUDGMENT-comp.pdf](#) (last visited Jun. 1, 2026).

⁶⁸ American Oversight, *Inside Election Integrity Network Meetings* (Oct. 31, 2024), <https://americanoversight.org/inside-election-integrity-network-meetings/>.

of “Incomplete Data or Error” across counties and states, suggesting the project is still very much under development.⁶⁹

Further reporting found that voters can be improperly flagged as “suspicious” based on clerical errors in the registration, “such as misspelling a street name; people whose personal information differs between the third-party system’s different databases, such as two different home addresses if someone has recently moved; or people who have died but haven’t been removed from the database.”⁷⁰ Georgia Elections Director Blake Evans told NBC News that Eagle AI “misunderstand[s] and misconstrue[s]” how list maintenance works.⁷¹ He added that the system draws inaccurate conclusions and then presents them as if they are evidence of wrongdoing,⁷² offering no additional value to Georgia’s existing list maintenance procedures.

B. Georgia’s mass challenge framework lacks quality control and this rule will make it worse

A core structural problem with Georgia's challenge system is that a single private citizen, with no special expertise or firsthand knowledge, can target thousands of voters at once with minimal effort, often using commercially purchased data or automated software. A very small number of voters in Georgia are responsible for nearly all challenges submitted to local election officials. ProPublica reported that approximately 89,000 of the 100,000 voter challenges filed across 30 Georgia counties in 2022 were submitted by six activists.⁷³ Twelve others accounted for the rest.⁷⁴ Frivolous mass challenges burden both voters and election administrators with little more than an address discrepancy to underwrite the challenge. Prohibiting local election officials from imposing a cost on frivolous mass challenges will only exacerbate these concerns.

a. Burden to voters’ rights

Reporting surfaces several examples of voters being forced to defend their registration based on haphazard challenges by activists with varying degrees of judiciousness and commitment to seeing the process through. Some of these voters reported burdens on their life (work, childcare, time, finances) to defend their right to vote.⁷⁵ Certain populations of voters, including those who are homeless, chronically ill, working multiple jobs, or are unfamiliar with election administration, are less able to defend their registration than voters with stable house, health, and schedules. Some voters directly express feeling “harassed, impeded, or intimidated” by the challenge process.⁷⁶

⁶⁹ Video was obtained by CLC’s investigative team.

⁷⁰ Caroline Haskins, *An Election Denial Group Has Spent Months Compiling ‘Suspicious Voter’ Lists in North Carolina*, WIRED, (Nov. 5, 2024, 2:00 PM), <https://www.wired.com/story/eagleai-network-suspicious-voter-lists-north-carolina/>.

⁷¹ *Id.*

⁷² *Id.*; see also Jane C. Timm, *Fraud Hunters Challenged 92,000 Voter Registrations in Georgia Last Year*, NBC NEWS (Feb. 27, 2023) <https://www.nbcnews.com/politics/elections/fraud-hunters-challenged-92k-georgia-voter-registrations-2022-rcna71668>.

⁷³ Doug Bock Clark, *Close to 100,000 voter registrations were challenged in Georgia—Almost all by six right-wing activists*, PROPUBLICA (Jul. 13, 2023) <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

⁷⁴ *Id.*

⁷⁵ Doug Bock Clark, *Close to 100,000 voter registrations were challenged in Georgia—Almost all by six right-wing activists*, PROPUBLICA (Jul. 13, 2023) <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

⁷⁶ *Id.*

Protect Democracy has found that even voters who ultimately prevail are deterred from future participation in elections after the experience.⁷⁷

Illustrative examples from Georgia:

- Forsyth County (2022), a single voter challenged 15,787 voters (about six percent of the county’s voter rolls) at one time using postal service data. Skeptical commissioners questioned whether the challenger had “tried to filter the registrations to weed out college students or military members who were forwarding their mail.” The challenger had not bothered to do so and the challenges were dismissed.⁷⁸ Voters had no recourse.
- Forsyth County (2022), Another voter challenged 31,500 voter registrations at one time. Only three percent were sustained.⁷⁹
- Cobb County (2022), one resident challenged more than 60 students at a nearby college based on addresses missing apartment numbers or dorm names. The board dismissed all of the challenges.⁸⁰
- Fulton County (2023), a single individual challenged the eligibility of 6,000 voters at one time based on their registration at a nonresidential address or that they allegedly lived at invalid addresses (in reality, these were largely address typos).⁸¹ One of these voters was six months into a cancer treatment that suppressed his immune system; yet he was forced to attend a crowded hearing, against guidance from his medical provider, to defend his right to vote.⁸² Another voter, a Black woman, expressed that the challenge tactics were comparable to voter suppression.⁸³
- Bryan County (2024), a single individual challenged 859 voters at one time using information procured from a data broker. Over 100 voters packed into the

⁷⁷ *Id.* (describing incidents where two homeless voters did not attempt to register or vote after being challenged based on an irregular address (prior to S.B. 159)); see also Protect Democracy, *Unraveling the Rise of Mass Voter Challenges* at 4 (June 17, 2024), <https://protectdemocracy.org/work/voter-challenges/>.

⁷⁸ Jane C. Timm, *Fraud Hunters Challenged 92,000 Voter Registrations in Georgia Last Year*, NBC NEWS (Feb. 27, 2023) <https://www.nbcnews.com/politics/elections/fraud-hunters-challenged-92k-georgia-voter-registrations-2022-rcna71668>.

⁷⁹ Doug Bock Clark, *Close to 100,000 voter registrations were challenged in Georgia—Almost all by six right-wing activists*, PROPUBLICA (Jul. 13, 2023) <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

⁸⁰ Stanley Dunlap, *Election officials largely reject voter eligibility challenges under Georgia’s new election law*, GPB (Oct. 11, 2022) <https://www.gpb.org/news/2022/10/11/election-officials-largely-reject-voter-eligibility-challenges-under-georgias-new>.

⁸¹ Doug Bock Clark, *Close to 100,000 voter registrations were challenged in Georgia—Almost all by six right-wing activists*, PROPUBLICA (Jul. 13, 2023) <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

⁸² *Id.*

⁸³ *Id.*

hearing room just weeks before the presidential election only to have all the challenges dismissed when the challenger did not bother to attend the hearing.⁸⁴

- Bibb County (2024), Bibb County Republican Party chair filed a challenge against 243 voters at one time simply because data from EagleAI suggested they had a new address. The list included 159 university students. The challenger admitted to not having personally compiled the data, rather he obtained it from “unnamed ‘very smart people’ and simply put his name on it to make it legally valid.”⁸⁵ The board voted down the challenges.⁸⁶

b. Administrative burden to election officials

Mass challenges impose administrative costs on election officials who must process the challenges, no matter how frivolous, alongside other election administrative duties. Georgia law requires a hearing within 10 business days of the challenged voter being notified and subjects counties to sanctions if they fail to comply.

The Brennan Center documented that in at least one case, proponents of mass challenges openly stated their goal was to overwhelm election officials in the time before elections.⁸⁷ An elections director in Fulton County told ProPublica that mass voter challenges had “significantly” impacted her work “due to the short turnaround time to complete the challenge process.”⁸⁸ Another Fulton County election official added that mass challenges have been “distracting [her team] from important work” and have “supplanted [their] priorities with the priorities of a very small group of people” that submit these challenges that rarely result in removing ineligible voters from the voter rolls.⁸⁹ Examples in Georgia include:

- Gwinnet County (2022), a single challenge to over 37,000 voters “forced [between five and ten] election staffers to work all day, every day, six days a week for multiple weeks.”⁹⁰ The challenge did not turn up a single ineligible voter.⁹¹
- Forsyth County (2022), the county board was required to rule on approximately 31,500 challenges filed by the same individual, diverting resources away from all of election administration duties.⁹²

⁸⁴ *Mass Republican Voter Challenges Failing in Georgia*, NEWSWEEK (Oct. 16, 2024)

<https://www.newsweek.com/republican-voter-challenges-failing-georgia-1969907>

⁸⁵ Grant Blanketship, *A data tool being used to challenge voter registrations is raising many concerns*, NPR NEWS (Jun. 20, 2024) <https://www.npr.org/2024/06/04/nx-s1-4991945/voter-registration-mass-challenges-georgia>.

⁸⁶ *Id.*

⁸⁷ Andrew Garber, *New Georgia Law Spurs Bogus Challenges to Voter Eligibility*, PROPUBLICA (Jul. 22, 2024) <https://www.brennancenter.org/our-work/analysis-opinion/new-georgia-law-spurs-bogus-challenges-voter-eligibility>.

⁸⁸ Doug Bock Clark, *Close to 100,000 voter registrations were challenged in Georgia—Almost all by six right-wing activists*, PROPUBLICA (Jul. 13, 2023) <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

- Bryan County(2024), the county board was forced to send individual notices to 859 challenged voters, field incoming calls, hold hearings, and convene the board to vote. The challenges were all dismissed when the challenger failed to appear.⁹³

c. Insufficient guidance implementing S.B. 202 and S.B. 189 produces inconsistent application of the challenge process

In the absence of detailed guidance from the Secretary of State or the legislature reconciling changes in state law easing guardrails around mass voter eligibility challenges with federal voter protection laws governing how voters can be removed from the voter rolls, counties in Georgia have handled processing challenges inconsistently.⁹⁴ As a result, comparable voter eligibility challenges are treated differently in different counties, which likely runs afoul of federal laws requiring uniform and nondiscriminatory standards for list maintenance.

ProPublica reported that the lack of guidance from the state-level officials and volume of mass challenges have combined to created “a sense [among Georgia election officials]...that something needs to be done about challenges.”⁹⁵ Former SEB chair, William Duffey, communicated to the media that, in the absence of guidance from the Secretary of State’s office, he began “independently drafting a memorandum that would provide an analytical process to allow counties to discern if a challenge should be considered under state or federal law.”⁹⁶ Following Duffey’s tenure, the State Election Board indicated it would provide rules or guidance to county election officials about how to handle mass voter challenges consistent with the NVRA; however, this guidance has yet to be released.⁹⁷ Further easing of guardrails around mass voter eligibility challenges before providing county officials with uniform standards for how to process the challenges will compound the concerns about the impact of baseless challenges on voters and election officials.

III. Conclusion

CLC urges the State Election Board to reject Proposed Rule 186.1-6-.07. Mass challenges to voter eligibility are overwhelmingly motivated by partisanship, unsubstantiated, and rarely result in the removal of ineligible voters from Georgia’s voter rolls. Georgia law does not impose any good-faith requirement on mass challenges, nor does it impose any penalty on challengers who submit challenges that are unfounded or discriminatory. The status quo, with no penalty for meritless mass challenges, already burdens eligible voters and election officials. Barring local election officials from charging challengers for the costs associated with processing the challenges only encourages more bad faith challenges to be submitted across the state.

Georgia voters deserve elections to be administered fairly, consistently, and in compliance with state and federal laws. Promulgating this rule undermines these objectives by further easing reasonable guardrails to prevent frivolous challenges *en masse*. Voters and election administrators

⁹³ *Mass Republican Voter Challenges Failing in Georgia*, NEWSWEEK (Oct. 16, 2024) <https://www.newsweek.com/republican-voter-challenges-failing-georgia-1969907>

⁹⁴ Doug Bock Clark, *Close to 100,000 voter registrations were challenged in Georgia—Almost all by six right-wing activists*, PROPUBLICA (Jul. 13, 2023) <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Stanley Dunlap, *Georgia election board probes handling of mass voter challenges in eight Democrat-led counties*, GEORGIA RECORDER (Sept. 24, 2024) <https://roughdraftatlanta.com/2024/09/24/georgia-election-board-probes-handling-of-mass-voter-challenges-in-eight-democrat-led-counties/>.

alike would benefit from the Board issuing rules and guidance on how to process these challenges consistently and lawfully before making it even easier for individuals with no personal knowledge to try to prevent eligible voters from casting a ballot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christa Nicols", written over a horizontal line.

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