



OCTOBER 07, 2026

VIA EMAIL

Dear Florida Election Officials:

We write to provide you with information regarding how Florida Supervisors of Elections can properly adjudicate frivolous challenges to voter eligibility under F.S. § 101.111 to minimize the burden on election administration and protect the rights of voters. This letter contains important guidance on limitations imposed on the adjudication of mass challenges by state and federal law.¹ We urge you to share this letter with members of county Canvassing Boards, precinct captains, and other election workers involved in the processing and adjudication of voter eligibility challenges.

This document compiles available information from existing state and federal laws and directives on voter eligibility and the challenge process. It is intended to serve as an accessible, nonpartisan resource for election officials and their counsel throughout the election process.

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 about the potential for frivolous mass eligibility challenges during the upcoming election, which have become increasingly common across the country.²

To that end, CLC is concerned about the potential for frivolous mass eligibility challenges during the upcoming election, which have become increasingly common throughout the country.³ In recent election cycles, partisan actors have relied on faulty databases to bring hundreds of thousands of challenges to voter eligibility across the nation.⁴ These databases attempt to match voter registration records with

¹ This letter is not legal advice; it is intended to present a summary of relevant Florida and federal law.

² 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/>.

³ 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>; see also ELLY and Psephos: How Eagle AI Rebranded—and Continues to Fuel Error-Prone Voter Challenges, Campaign Legal Center (Aug. 4, 2026), <https://campaignlegal.org/document/elly-and-psephos-how-eagle-ai-rebranded-and-continues-fuel-error-prone-voter-challenges>.

⁴ 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 Justice (Sept. 5, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/new-antidemocracy-tool>.



publicly available information, but that information is almost always incomplete or out of date, making the database matches unreliable.⁵ They also often improperly flag registered voters with the same name as ineligible individuals, voters who are temporarily 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.⁶ As a result, mass challenge lists almost always include significant numbers of eligible voters who should not be removed from the rolls.⁷

In the current election cycle, CLC is also concerned about the federal government's role in supplying unreliable, inaccurate data to fuel mass eligibility challenges. In recent months, federal officials have deployed questionable data matching practices and historically inaccurate databases and systems to compile lists of purportedly ineligible registered voters.⁸ Data supporting mass eligibility challenges is likely to come from the federal government's use of an immigration status verification tool called the Systematic Alien Verification for Entitlements (SAVE) program, or similarly unreliable data matching programs or practices.⁹ The federal government's repeated attempts to use SAVE or similar data matching tools to identify ineligible voters on state voter rolls have resulted in unreliable lists that misidentify eligible voters as non-U.S. citizens.¹⁰ The Department of Homeland Security's recent efforts to identify non-U.S. citizens on state voter rolls have spawned unsubstantiated claims and resulted in incomplete, unverified lists of voters.¹¹ In fact, multiple federal courts have determined that the SAVE program is not a reliable source for verifying voters' current citizenship status or eligibility.¹² Given the federal government's insistence on using unreliable systems and practices to compile lists of purportedly ineligible voters, state and local election officials should be prepared for this inaccurate data to form the basis for mass eligibility challenges or demands by the federal government to engage in unlawful voter list maintenance in advance of the 2026 midterm elections.

⁵ See Sanders & Clapman, *supra* note 3.

⁶ See *id.*

⁷ See *id.*

⁸ Carter Walker, *Trump administration explains how it identified potential noncitizen voters, says it will provide list to Pennsylvania*, Votebeat (Sept. 16, 2026), <https://www.votebeat.org/pennsylvania/2026/09/16/noncitizen-voter-department-homeland-security-pennsylvania-methodology/>; Shannon Bond, Jenna McLaughlin, & Audrey Nguyen, *In primetime speech, Trump doesn't provide evidence for illegal voting*, NPR (July 16, 2026), <https://www.npr.org/2026/07/16/nx-s1-5896448/trump-election-address>; Jude Joffe-Block & Miles Parks, *DHS acknowledges the noncitizen numbers it touted on voter rolls were inflated*, NPR (Aug. 25, 2026), <https://www.npr.org/2026/08/25/nx-s1-5940807/noncitizen-voters-trump-nevada-call>; Nick Corasaniti & Hamed Aleaziz, *Whistle-Blower: Federal Agents May Have Broken State Laws in Search for Voter Fraud*, N.Y. Times (Sept. 14, 2026), <https://www.nytimes.com/2026/09/14/us/politics/homeland-security-voter-fraud-investigation.html?smid=nytcore-ios-share>; Nick Corasaniti, *From 16,000 to 185 to Zero: Trump's Claims of Illegal Voting in Nevada Fizzle*, N.Y. Times (Sept. 24, 2026), <https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html>.

⁹ *What Is the SAVE System?*, Campaign Legal Center (May 12, 2026), <https://campaignlegal.org/update/what-save-system>; Jude Joffe-Block & Miles Parks, *33 million voters have been run through a Trump administration citizenship check*, NPR (Sept. 11, 2025), <https://www.npr.org/2025/09/10/nx-s1-5477367/save-election-citizenship-data-trump>.

¹⁰ See, e.g., Jude Joffe-Block, *Trump's SAVE tool is looking for noncitizen voters. But it's flagging U.S. citizens too*, NPR (Dec. 10, 2025), <https://www.npr.org/2025/12/10/nx-s1-5588384/save-voting-data-us-citizens>; Jen Fifeild & Zach Despart, *"Not Ready for Prime Time." A Federal Tool to Check Voter Citizenship Keeps Making Mistakes*, ProPublica and The Texas Tribune (Feb. 13, 2026), <https://www.propublica.org/article/save-voter-citizenship-tool-mistakes-confusion>; Nicholas Kerr & Elise Spenner, *System that DHS is urging states to use to assess voter rolls known to return faulty results: reports*, ABC News (July 19, 2026), <https://abcnews.com/Politics/system-dhs-urging-states-assess-voter-rolls-return/story?id=134863557>.

¹¹ Nick Corasaniti, *Homeland Security Made a Big Claim About Noncitizen Voting. Now It Can't Prove It*, N.Y. Times (Aug. 20, 2026), <https://www.nytimes.com/2026/08/20/us/politics/trump-nevada-voter-election-fraud.html>; Jude Joffe-Block & Miles Parks, *DHS acknowledges the noncitizen numbers it touted on voter rolls were inflated*, NPR (Aug. 25, 2026), <https://www.npr.org/2026/08/25/nx-s1-5940807/noncitizen-voters-trump-nevada-call>.

¹² *Mi Familia Vota v. Fontes*, 129 F.4th 691, 708-709 (9th Cir. 2025); *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1341 (11th Cir. 2014); *League of Women Voters v. U.S. Dep't of Homeland Security*, 835 F.Supp.3d 79, 113 (D.D.C. 2026).



Mass eligibility challenges organized by partisan challengers and submitted with insufficient evidence risk disenfranchising eligible voters and causing unnecessary disruption to the orderly administration of the 2026 elections. We recognize that many election offices have lost their most experienced officials because of threats and volatility over the past several election cycles. We hope this letter will assist you as you provide guidance to your staff and volunteers regarding the rules for voter challenges and their responsibilities in dismissing challenges without cause, allowing your office to ensure a fair and orderly election, safeguard voters from intimidation, and minimize administrative disruption.

To mitigate the potential harms to both voters and election administrators caused by baseless mass challenges and safeguard the right to vote as provided by the Florida Constitution,¹³ CLC urges the Supervisors and other county election officials to develop uniform processes for adjudicating voter eligibility challenges, in compliance with the following requirements of Florida and federal law.

I. VOTER CHALLENGES IN FLORIDA

As you are aware, Florida law does not permit general mass challenges to voters' eligibility. Florida law permits challenges only (1) to a voter's eligibility to cast a ballot in a particular election by a registered voter or poll watcher in their county within 30 days preceding the election,¹⁴ and (2) to the sufficiency of a voter's mail ballot during canvassing.¹⁵ Such challenges are election-specific¹⁶ and subject to various limitations and requirements under state and federal law, which we have detailed further below.

A. Pre-Election and Election Day Challenges

The Florida Election Code allows certain private parties to challenge a voter's eligibility to cast a ballot in a particular election.¹⁷ Challenges may be made (1) with the supervisor of elections before the challenged voter has cast a ballot, or (2) at the polling place when the challenged voter attempts to vote.¹⁸

Florida law strictly regulates when and by whom a challenge may be made.¹⁹ Only a registered voter or designated poll watcher in the same county as the challenged voter may submit a challenge.²⁰ Challenges to voter eligibility may only be made within 30 days preceding an election—or between October 4 and November 3, 2026 for challenges to eligibility in the 2026 Midterm Election.²¹ Challenges made before October 4 or by any other person are invalid on their face and must be summarily rejected.²²

¹³ Fla. Const. Art. VI, § 2 (detailing the rights of Florida voters).

¹⁴ See Fla. Stat. § 101.111.

¹⁵ See *id.* §§ 101.68(2)(c)(4), 101.6104.

¹⁶ Fla. Dep't of State, Div. Of Elections, *Voter Challenges Guide* at 1, <https://soe.dos.state.fl.us/pdf/DE-Guide-0009.Guidelines-for-Voter-Challenges.pdf> [hereinafter "*Voter Challenges Guide*"].

¹⁷ See Fla. Stat. § 101.111.

¹⁸ See *id.* § 101.111(1).

¹⁹ *Id.*

²⁰ *Id.* Poll watchers must be designated in writing by candidates, political parties or committees, or ballot measure committees at least 14 days prior to the election—or no later than October 20, 2026 for the 2026 Midterm Election. *Id.* § 101.131(2).

²¹ *Id.* § 101.111.

²² See *id.*

The challenge must be made in writing and include: (1) the challenger's personal information; (2) a written oath; and (3) the specific bases for the challenger's belief that the challenged voter is ineligible to cast a ballot in that election.²³ Mass challenges lacking this specific and individualized information for each voter are prohibited.²⁴

Challenges must be based on specific evidence of the challenged individual's ineligibility to vote in that election, such as that the voter's legal residence is not in the county or precinct, or that the voter's signature does not match that on file.²⁵ **Challenges made on discriminatory grounds, such as because of a voter's race, color, or lack of English-language proficiency, are impermissible and should be summarily rejected.**²⁶

1. Processing

The challenged voter must receive immediate notice and a copy of the challenge from the precinct clerk or inspector.²⁷ The Supervisor must also promptly deliver a copy of the challenge to the election board of the challenged voter's precinct.²⁸

If the challenge is based on the voter's residency, the voter can execute a Change of Address form and vote a regular ballot if (1) they moved within their county, (2) they moved to a county that uses an electronic poll book at the polling place, or (3) they are an active uniformed service member or family member.²⁹

All other challenged voters have the right to vote a provisional ballot.³⁰ A challenged voter who casts a provisional ballot must also be provided with written notice and instructions describing when and how they can provide evidence of their eligibility and their right to do so until 5 P.M. on the second day following the election—or November 4 for the 2026 Midterm Election.³¹ A challenged voter also has the right to attend the Canvassing Board meeting at which their ballot is adjudicated.³²

A challenged voter is presumed eligible and their provisional ballot should be counted unless a preponderance of the evidence demonstrates their ballot was improperly cast.³³ In deciding whether there is sufficient evidence not to count a challenged ballot, the county canvassing board must review the information in the voter's provisional ballot certificate and affirmation, any information provided by the Supervisor, the challenger's oath, and any information provided by the challenged voter.³⁴

²³ *Id.* § 101.111(1)(a).

²⁴ *Voter Challenges Guide* at 1. *See also* Fla. Stat. § 101.111(2) ("Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.").

²⁵ *Id.* § 101.043(1), (2).

²⁶ *See* U.S. Const. amend. XIV, XV; 52 U.S.C. § 10301.

²⁷ Fla. Stat. § 101.111(1)(b).

²⁸ *Id.* § 101.111(1)(c).

²⁹ *Voter Challenges Guide* at 1.

³⁰ Fla. Stat. § 101.111(1)(b).

³¹ *Id.* § 101.048(1)–(2)(a).

³² *Id.* §§ 101.048(1), 102.141(2)(a).

³³ *Id.* § 101.048(2)(a).

³⁴ *Id.*; *Voter Challenges Guide* at 1.

2. Consequences for frivolous challenges

Submitting a frivolous ballot challenge is a first-degree misdemeanor, punishable by up to one year in prison and a \$1,000 fine.³⁵ Additionally, a person filing a frivolous challenge may be found in violation of a Florida statute prohibiting intimidation, threats, or coercion of other voters at the ballot box, which is punishable by up to five years in prison and a \$5,000 fine.³⁶ And finally, any person “who willfully swears or affirms falsely to any oath or affirmation . . . in connection with or arising out of voting or elections commits a felony of the third degree.”³⁷ Each frivolous challenge constitutes a separate offense.³⁸

The voter challenge process must not interfere with the voting process for other voters and the orderly operation of the polling place.³⁹

B. Challenges to Mail Ballots

A registered voter or candidate present during canvassing can protest a mail ballot on the grounds that there is a defect in the voter’s certificate (or cure affidavit, if an attempt has been made to cure a defect) on the outside of the envelope.⁴⁰ The challenge must be based on a defect in the vote-by-mail ballot certificate and must occur before the vote-by-mail ballot has been removed from the envelope.⁴¹

Voters have the right to cure mail ballots challenged on the basis of a potential signature defect.⁴²

The Supervisor of Elections must notify every voter whose vote-by-mail ballot is challenged on the basis of a potential signature-related defect by various methods, including by email, text message, and phone.⁴³

Supervisors, inspectors, and other county election officials should ensure that challenged mail voters are afforded the same due process as voters challenged in person at the polls, including by providing timely notice, a copy of the written challenge, and an opportunity to present additional evidence of their eligibility to the supervisor.⁴⁴

II. OTHER LEGAL REQUIREMENTS

As you know, both federal and Florida law provide robust protection against voter intimidation and other forms of infringement on the fundamental right to vote. The process for responding to voter challenges—especially those conducted in bulk—must therefore comply with all federal and state laws, as well as the U.S. Constitution. As such, all Florida election officials have the responsibility to protect Florida voters

³⁵ Fla. Stat. §§ 101.111(2); 775.082(4)(a); 775.083.

³⁶ *Id.* § 104.0515.

³⁷ *Id.* §§ 101.111(2); 104.011(1)

³⁸ *Id.* § 101.111(2).

³⁹ *Voter Challenges Guide* at 2.

⁴⁰ Fla. Stat. §§ 101.68(2)(c)(4), 101.6104.

⁴¹ *Id.*

⁴² *Id.* § 101.68(2)(c).

⁴³ *Id.* § 101.68(4)(a).

⁴⁴ *Voter Challenges Guide* at 2.

from baseless and discriminatory challenges and ensure that the adjudication of all voter challenges complies with both state and federal law.

A. Racially Discriminatory Challenges

Organized challengers frequently target voters from historically disenfranchised communities in an attempt to intimidate or deter members of those communities from voting.⁴⁵ Sustaining such discriminatory challenges could violate the U.S. Constitution and federal law. Taken together, the Equal Protection Clause of the Fourteenth Amendment⁴⁶ and Section 2 of the Voting Rights Act⁴⁷ 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.”⁴⁸ Because these are often the exact groups targeted by mass challenges, local elections officials should consider carefully whether granting mass challenges brought before them would have the effect of unlawfully disadvantaging voters because of their race.

B. Voter Intimidation

Baseless mass challenges to voter eligibility could constitute voter intimidation, because such challenges are often made in bad faith to deter eligible citizens—including members of historically disenfranchised groups—from voting. Such voter intimidation is illegal under both federal and Florida law.

Federal law provides that anyone who “intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote” in a federal election has committed a federal crime.⁴⁹ Additionally, several federal statutes impose civil liability for voter intimidation. Section 11(b) of the Voting Rights Act makes it unlawful to “intimidate, threaten, or coerce” another person, or attempt to do so, “for voting or attempting to vote” or “for urging or aiding any person to vote or attempt to vote.”⁵⁰ In 2016, a federal court determined that voter challenges that intentionally target geographic areas with a large percentage of racial or ethnic minorities and that had the purpose or effect of deterring qualified members of those minority groups from voting violated a court order in a case involving claims under Section 11(b).⁵¹ Further, the U.S. Department of Justice has cautioned that challenges made with the intention of or that have the effect of intimidating a reasonable voter can violate Section 11(b).⁵² And the Ku Klux Klan Act of 1871 makes it unlawful for “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.⁵³

⁴⁵ See, e.g., Nicolas Riley, *Voter Challenges*, Brennan Ctr. for Just. at 11-12 (2012), https://www.brennancenter.org/sites/default/files/legacy/publications/Voter_Challengers.pdf.

⁴⁶ U.S. Const. amend XIV, § 1.

⁴⁷ 52 U.S.C. § 10301.

⁴⁸ See *Guidance Under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, for Redistricting and Methods of Electing Government Bodies*, U.S. Dept. of Justice (Sept. 1, 2021), <https://www.justice.gov/opa/press-release/file/1429486/download>.

⁴⁹ 18 U.S.C. § 594.

⁵⁰ 52 U.S.C. § 10307(b).

⁵¹ See *Democratic Nat'l Comm. v. Republican Nat'l Comm.*, No. CV 81-03876, 2016 WL 6584915, at *2 (D.N.J. Nov. 5, 2016).

⁵² See *Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507*, U.S. Dept. of Justice at 3 (Sept. 2024), (see attachment) [hereinafter “DOJ Guidance”].

⁵³ 42 U.S.C. § 1985(3).

Under Florida law, it is a felony to directly or indirectly use or threaten to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to vote or not vote at all or for a particular choice.⁵⁴ Violators of this provision are guilty of a third-degree felony.⁵⁵

To ensure that baseless mass challenges do not unlawfully intimidate voters, each county clerk should review their duties and responsibilities to ensure that only challenges made using the proper procedure and supported by sufficient evidence are considered and sustained. Precinct clerks should also not hesitate to refer incidents of voter intimidation, including baseless mass challenges, to the Florida Division of Elections⁵⁶ and Florida Voter Assistance Hotline.⁵⁷

C. Uniform and Nondiscriminatory Standards

The U.S. Constitution and federal law require that each state and political subdivision use uniform, nondiscriminatory standards and processes for evaluating voter eligibility challenges.⁵⁸ Under the U.S. Constitution, counties in the same state are prohibited from “us[ing] varying standards to determine what [i]s a legal vote” when processing ballots in presidential elections.⁵⁹ Similarly, the National Voter Registration Act (NVRA) mandates that any voter registration list maintenance activity be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act[,]”⁶⁰ including “any list maintenance activity based on third party submissions.”⁶¹ The U.S. Department of Justice has advised that numerous list maintenance methods commonly used in mass voter eligibility challenges might violate the NVRA, including “comparing voter files to outdated or inaccurate records or databases, taking action that erroneously affects a particular class of voters (such as newly naturalized citizens), or matching records based solely on first name, last name, and date of birth.”⁶²

The NVRA further mandates that election officials may not “systematically remove” ineligible voters from voter registration rolls within 90 days preceding an election for federal office.⁶³ This restriction “applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.”⁶⁴ Any “mass computerized data-matching process” is systematic “where the inclusion of a person’s name on a list electronically compared to other agency databases is enough for removal from the voter rolls.”⁶⁵ As the Eleventh Circuit and other courts have held, this includes programs even where individual notice is provided to the voter.⁶⁶

⁵⁴ Fla. Stat. § 104.0615(2).

⁵⁵ *Id.* § 104.0615.

⁵⁶ Reports of voter intimidation can be submitted to the Florida Division of Elections at <https://dos.elections.myflorida.com/>.

⁵⁷ Voters may also contact the Florida Voter Assistance Hotline for assistance and their local state attorney to report voter intimidation to potentially be prosecuted at 1-866-308-6773.

⁵⁸ 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).

⁵⁹ *Id.* at 107.

⁶⁰ 52 U.S.C. § 20507(b).

⁶¹ DOJ Guidance at 3.

⁶² *Id.*

⁶³ 52 U.S.C. § 20507(b)(1).

⁶⁴ DOJ Guidance at 4.

⁶⁵ *Va. Coal. for Immigrant Rts. v. Beals*, No. 24-2071, 2024 WL 4601052, at *1 (4th Cir. Oct. 27, 2024).

⁶⁶ *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335 (11th Cir. 2014); see also *Mi Familia Vota v. Fontes*, 129 F.4th 691 (9th Cir. 2025);

For that reason, **sustaining mass challenges to voters' registration would likely violate the NVRA's prohibition on the "systematic" removal of voters from the rolls within 90 days of a federal election.**⁶⁷ According to the U.S. Supreme Court, this "moratorium" is currently in effect and applies to programs that rely on data generated using the federal government's SAVE system.⁶⁸

The Florida Department of State in their administrative code likewise recognizes voters' rights to a uniform, statewide standard design for election ballots and a central system for counting and recounting votes accurately as provided by law.⁶⁹

Precinct clerks should work to eliminate any meaningful divergence among the standards and processes used to evaluate voter challenges in different municipalities and replace them with uniform standards and processes. By doing so, Florida's voter challenge processes can avoid the "arbitrary and disparate treatment" of challenged ballots that violates the Constitution.⁷⁰

D. 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 eligibility voter challenges.⁷¹ 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; or (2) election officials have satisfied the process outlined in Section 8(d)(2) of the NVRA.⁷² The United States Department of Justice has cautioned that "[a] third-party submission—such as a submission of another individual's information via an online portal or a challenge based solely on public database information—is not confirmation by the registrant of a change of address."⁷³ Consequently, **removing individuals from the list of registered voters due to suspected change of address on the basis of mass voter eligibility challenges alone likely violates the NVRA.**⁷⁴

* * *

By ensuring compliance with the processes, requirements, and limitations of Florida's voter challenge laws, you can mitigate the potential harm and disruption caused by frivolous voter eligibility challenges. Our hope is that this summary of the relevant law will help you to prepare proactively to develop written procedures and policies for adjudicating such challenges and train your staff, volunteers, and election inspectors on the requirements of Florida and federal law applicable to voter eligibility challenges.

⁶⁷ 52 U.S.C. § 20507(c)(2)(A).

⁶⁸ *League of Women Voters, et al. v. Dep't of Homeland Security*, 26A308, Order on Application for Stay, 609 U.S. ____ (2026) (per curiam), available at https://www.supremecourt.gov/opinions/25pdf/26a308_pok0.pdf.

⁶⁹ Fla. Admin. Code Ann. R. 1S-2.031; see Florida Division of Elections, *About Voting Systems* (Feb. 17, 2023), <https://dos.fl.gov/elections/voting-systems/about-voting-systems/>.

⁷⁰ *Bush*, 531 U.S. at 104-05.

⁷¹ See 52 U.S.C. § 20507(b); DOJ Guidance at 4-6.

⁷² See 52 U.S.C. § 20507(b)-(d); DOJ Guidance at 4. The DOJ Guidance also provides detailed information on the requirements of Section 8(d)(2). Election officials may only remove a voter under Section 8(d)(2) of the NVRA if that voter: (1) does not vote in any election between the date the notice was sent and the second general election following the notice; and (2) does not respond to the notice. 52 U.S.C. § 20507(d)(2).

⁷³ DOJ Guidance at 4.

⁷⁴ *Id.* at 4-5.



Please do not hesitate to reach out with any questions. We stand ready to assist you in upholding federal and state law and protecting Floridians' freedom to vote.

Sincerely,

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Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507

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Federal law imposes important limits on the rules and procedures States may adopt regarding their voter registration lists. The National Voter Registration Act of 1993 (also known as the “NVRA” or “motor voter law”), for one, sets forth certain voter registration requirements for federal elections. Section 8 of the NVRA, 52 U.S.C. § 20507, addresses the administration of voter registration by States and requires procedures to maintain accurate and current voter registration lists. These requirements govern, among other issues:

- The date by which valid voter registration applications must be accepted and eligible persons registered,
- Changes in a registrant’s address information,
- Limits on removal of names from the voter registration list, and
- Administration of a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act (VRA”).¹

This guidance addresses one aspect of maintaining a voter registration list: when and how jurisdictions may remove voters from their voter lists. This guidance does not impose legal obligations and is not intended to be comprehensive. Rather, it is intended only to aid jurisdictions as they comply with existing obligations under Section 8 in three areas:

- List Maintenance
- Restrictions on List Maintenance
- Special Rules for Changes of Address

¹ The NVRA applies to 44 States and the District of Columbia. Six States (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are exempt from the NVRA because, on and after August 1, 1994, they either had no voter-registration requirements or had election-day voter registration at polling places with respect to elections for federal office. Likewise, the territories are not covered by the NVRA (Puerto Rico, Guam, Virgin Islands, American Samoa). While the NVRA applies to elections for federal office, most States have extended its procedures to all elections.



List Maintenance

Section 8(a)(4) of the NVRA sets forth steps that States must follow concerning general voter registration list maintenance programs that make a reasonable effort to remove from the voter rolls people who are ineligible by reason of death or change in residence to a location outside the jurisdiction. A State's voter registration list maintenance program must comply with procedures in the NVRA.

To conduct a general program that makes a reasonable effort to remove voters who are ineligible due to a change in residence, States can follow the "safe harbor" procedure in Section 8(c)(1) of the NVRA. That procedure allows use of change-of-address information supplied by the United States Postal Service through its National Change of Address program (NCOA) to identify registrants who may have changed residences. Once a State has identified such individuals, it may take one of two actions:

1. If the NCOA information indicates that the person has moved to a different residence in the same registrar's jurisdiction, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid, pre-addressed return form the registrant can use to verify or correct the address information; or
2. If the NCOA information indicates that the registrant has moved to a residence outside the registrar's jurisdiction, the registrar may remove the registrant from the voter rolls after satisfying all requirements of the Section 8(d) notice process described below.

States do not have to use the NCOA process. They have discretion under the NVRA in designing their general program, subject to the limitations described below.

Restrictions on List Maintenance

The NVRA also limits whether, when, and how a State can remove a person's name from the rolls. States can remove the name of a person from the voter registration rolls when the registrant requests it, and, if State law so provides, for mental incapacity or criminal conviction. States can also remove ineligible persons from the voter rolls because the person has died or changed their



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residence to a place outside the jurisdiction. Finally, States can remove people who were ineligible or improperly registered in the first instance.

Removal at the Request of the Registrant

A “removal at the request of the registrant” under the NVRA requires first-hand action by a registrant: (1) asking to remove their name from the voting registration list; (2) completing and returning a notice card indicating an address change outside the jurisdiction; or (3) submitting a new application registering to vote a second time in a new jurisdiction and providing information regarding the registrant’s prior voter registration address on the new application, which the State can treat as a request to cancel or transfer their prior registration.

Information submitted by a third party does not constitute a “removal at the request of the registrant.” When a registrant provides notice of a new address within the same jurisdiction, or registers to vote a second time at a new address within the same jurisdiction, the State should update the original registration, rather than cancel it.

Discrimination, Intimidation, Threats, and Coercion

Under Section 8(b) of the NVRA, a State’s list maintenance program must be uniform, nondiscriminatory, and consistent with the VRA. Section 2 of the VRA, 52 U.S.C. § 10301, prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in a language minority group. Section 11(b) of the VRA, 52 U.S.C. § 10307(b), also prohibits any conduct that attempts to, or actually would, intimidate, threaten, or coerce a reasonable voter.

Examples of list maintenance activities that may violate the NVRA include comparing voter files to outdated or inaccurate records or databases, taking action that erroneously affects a particular class of voters (such as newly naturalized citizens), or matching records based solely on first name, last name, and date of birth. **The prohibitions of the NVRA extend to any list maintenance activity based on third-party submissions.**

The 90-Day Quiet Period Before Federal Elections

The NVRA limits when States can conduct a general list maintenance program. Under Section 8(c)(2), **States must complete any program that systematically removes the names of ineligible voters from the official list of eligible voters no later than 90 days before a**



primary election or general election for federal office. In other words, once an election for federal office is less than 90 days away, processing and removals based on systematic list maintenance must cease. And, if a State's federal primary election occurs less than 90 days before a federal general election, the State must complete any systematic-removal program based on change of address for the federal election cycle no later than 90 days prior to the federal primary election: no further systemic activity may take place between the primary and general elections.

This 90-day deadline applies to State list maintenance verification activities such as general mailings and door-to-door canvasses. **This deadline also applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.** However, the 90-day deadline does not preclude removal of a registrant's name at the request of that registrant, removal due to the death of the registrant, or removal due to a criminal conviction or mental incapacity of the registrant as provided by State law, nor does the deadline preclude the correction of a registrant's information. 52 U.S.C. § 20507(c)(2)(B).

Special Rules for Changes of Address

Section 8(b) of the NVRA prohibits removing registrants from the voter registration list solely because of a failure to vote. However, States may **initiate** the process of determining whether a voter has changed residence to outside of the jurisdiction based on information showing that a voter has not voted in elections nor communicated with a registrar over an extended period.

Section 8(d) of the NVRA prescribes additional rules for a State seeking to remove a person from the voting rolls based on a change of residence, regardless of the voters' participation in prior elections. Specifically, a State may remove a person from the voter registration list due to a change in residence *only* in one of two circumstances: upon (1) the person's written confirmation of a change in residence to a place outside the jurisdiction, or (2) completion of the notice-and-waiting process described in Section 8(d)(2).

Confirmation in writing means confirmation by the voter, such as a notice card completed and returned by the voter. **A third-party submission—such as a submission of another individual's information via an online portal or a challenge based solely on public database information—is *not* confirmation by the registrant of a change of address.** In the



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absence of a written confirmation from a registrant of a change of address outside the jurisdiction, Section 8(d) of the NVRA sets forth a process for removing a person based on a change of residence. 52 U.S.C. § 20507(d)(2). This process requires sending a forwardable notice, in the form of a postage-prepaid and pre-addressed return card, on which the person may state their current address. The notice must include the language required by Section 8(d)(2) of the NVRA. If the registrant did not change their residence, or changed residence but remained in the registrar's jurisdiction, the notice must advise that:

1. The registrant should complete and return the card no later than the voter registration deadline for the next election;
2. If the card is not returned, the registrant may need to affirm or confirm their address before being permitted to vote in a federal election from the date of the notice to the day after the second general election for Federal office that occurs after the date of the notice; and
3. If the registrant does not vote in an election during that period, the registrant's name will be removed from the list of eligible voters.

Id. § 20507(d)(2)(A). If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, the notice must provide information concerning how the registrant can continue to be eligible to vote. *Id.* § 20507(d)(2)(B).

Any political subdivision covered by Section 203 of the VRA, 52 U.S.C. § 10503, must provide such notices in the language of the applicable minority group as well as in English, unless the language of the applicable minority group is oral or unwritten (or in the case of Alaska natives and American Indians, if the predominant language is historically unwritten). *See id.* § 10503(c). The jurisdiction may designate the registrant as inactive if the registrant fails to return the card by the voter registration deadline for the next election after the notice is sent.

The jurisdiction may remove the registrant from the voter rolls after sending the notice *only* in one of two circumstances. First, if the registrant confirms in writing, such as by completing and returning the notice card, that the registrant has changed residence to a place outside the jurisdiction, then the registrant can be removed from the list immediately. Second, if the registrant fails to respond to the notice and fails to vote or to appear to vote in an election from the date the notice is sent to the day after the second federal general election after the notice is sent, then the registrant can be removed from the list after that second federal general election.



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Section 8(f) of the NVRA establishes that if a voter changes address to another address within the registrar's same jurisdiction, the registrar must update the voter's registration to reflect the new address, and the voter may not be removed based on this change, except as otherwise provided in Section 8(d). A "registrar's jurisdiction" in this context means (1) an incorporated city, town, borough, or other form of municipality; or (2) a geographic area larger than a municipality or a geographic area of consolidated municipalities, if voter registration is maintained by such larger units of government.

For more information, please consult the Department's NVRA Questions and Answers at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

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