



OCTOBER 05, 2026

VIA EMAIL

Dear Georgia Election Officials:

Campaign Legal Center (CLC) writes to provide you with information regarding how Georgia's county Boards of Elections, their staff, and other election administrators can adjudicate frivolous challenges to voter eligibility under Georgia law to minimize the burden on election administrators and protect the rights of voters.¹ This letter also includes important guidance on limitations imposed by federal law.

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.

CLC is concerned about the potential for frivolous mass eligibility challenges organized by partisan actors and submitted with insufficient evidence, which have become increasingly common throughout the country, particularly in Georgia.²

In recent election cycles, partisan actors have relied on faulty databases to bring hundreds of thousands of challenges to voter eligibility across the nation.³ These databases attempt to match voter registration records with publicly available information, but that information is almost always incomplete or out of date, making the database matches unreliable.⁴ The databases often improperly flag registered voters

¹ This letter is not legal advice; it is intended to present a summary of relevant Georgia 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>; Stanley Dunlap, *Court fight over 2021 Georgia mass voter eligibility challenges heads to federal court*, Georgia Recorder (May 12, 2025), <https://georgiarecorder.com/2025/05/12/court-fight-over-2021-georgia-mass-voter-eligibility-challenges-heads-to-federal-court/>; *Mass Voter Challenges and Voter List Maintenance in Georgia*, Brennan Center (June 18, 2024), <https://www.brennancenter.org/our-work/research-reports/mass-voter-challenges-and-voter-list-maintenance-georgia>.

³ 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>.

⁴ See Sanders & Clapman, *supra* note 3.



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.⁵ As a result, mass challenge lists almost always include significant numbers of eligible voters who should not be removed from the rolls.⁶

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 used questionable data matching practices and historically inaccurate databases and systems to compile lists of purportedly ineligible registered voters.⁷ Data supporting mass eligibility challenges is likely to come from a federal government immigration status verification tool called the Systematic Alien Verification for Entitlements (SAVE) program, or similarly unreliable data matching programs or practices.⁸ 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.⁹ 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.¹⁰ In fact, multiple federal courts have determined that the SAVE program is not a reliable source for verifying voters' current citizenship status or eligibility.¹¹ State and local election officials should be prepared for 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.

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

⁵ See *id.*

⁶ See *id.*

⁷ 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>.

⁸ *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>.

⁹ 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 Fifield & 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>.

¹⁰ 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>.

¹¹ *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).



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 potential harms to both voters and county boards of elections caused by baseless or otherwise improper challenges, CLC provides the following election law summary to support your development and execution of uniform processes for adjudicating voter eligibility challenges. This letter aims to highlight areas of particular relevance to voter eligibility challenges or that have been affected by the recent enactment of S.B.189.¹²

I. CHALLENGES TO VOTER ELIGIBILITY

As you are aware, there are two avenues for citizens to challenge 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").¹³ All challenges must be made in writing, must "specify distinctly the grounds of the challenge," and may only be made by a registered voter from the same county or municipality.¹⁴ Both types of challenges must be filed with the county board of registrars.¹⁵ **Poll managers and poll workers may not themselves accept any voter challenges.**¹⁶

Under Georgia law, the process for adjudicating a challenge differs based on the type of challenge. Any challenge must therefore state whether it is being brought under § 21-2-229, § 21-2-230, or both.¹⁷

Notably, any 230 challenges made within 45 days of a "primary, run-off primary, election, or run-off election" must be postponed "until the certification of such primary, election, or runoff is completed."¹⁸ The National Voter Registration Act (NVRA) likewise limits when 229 challenges can result in the removal of voters from the rolls. Under the NVRA, states and counties may not perform any "systematic" list maintenance within 90 days of a federal election.¹⁹ Such prohibited list maintenance includes sustaining mass voter registration challenges without individualized process leading to the

¹² Sam Sachs, "New law removes Secretary of State from Elections Board, adds voter challenge options," WSB-TV Atlanta 2 (May 8, 2024), <https://www.wsbtv.com/news/local/atlanta/new-law-removes-secretary-state-elections-board-adds-voter-challenge-options/2QLHAKO4K5ENHFJV6T7VPL7ISY>.

¹³ O.C.G.A. §§ 21-2-229 (registration challenges), 21-2-230 (voter eligibility challenges).

¹⁴ O.C.G.A. §§ 21-2-229(a), 21-2-230(a).

¹⁵ O.C.G.A. §§ 21-2-229(b), 21-2-230(b).

¹⁶ See *Poll Worker Manual*, Georgia Sec'y of State (May 2021), <https://georgiapollworkers.sos.ga.gov/Shared%20Documents/Georgia%20Poll%20Worker%20Manual%202021.pdf>; see also O.C.G.A. §§ 21-2-229, 21-2-230.

¹⁷ A 230 challenge is only treated like a 229 challenge if the challenge is based on grounds that the voter is not qualified to remain on the list of electors and does not vote in the particular election (either in-person or absentee). O.C.G.A. §§ 21-2-230(f). 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.

¹⁸ O.C.G.A. § 21-2-230(b)(1).

¹⁹ 52 U.S.C. § 20507(c)(2).

cancellation of numerous voter registrations as well as challenges based on large, computerized data-matching processes.

Importantly, **S.B. 189 made changes to the rules for determining a voter’s residence and qualification to register and vote, which impacts voter eligibility challenges.**²⁰ First, S.B. 189 added NCOA information as a type of information that registrars “may consider” in determining a voter’s qualification to register and vote.²¹ Registrars were already allowed to consider “other such factors that [they] may reasonably deem necessary” so this addition does not significantly change the information registrars may use.²² The second change made by S.B. 189 is that if a citizen registers to vote in any other state, county, municipality, or jurisdiction of any sort, that person shall be deemed to have changed their residency. If that person returns to their original residence after registering to vote in a different jurisdiction they must update their voter registration to be deemed a valid registered voter.²³ Finally, under these new rules, voters without a permanent residence and mailing address are required to have their mailing address be their county registrar’s office for election related mail.²⁴ Since these new registration requirements may be burdensome for some voters, we encourage county registrars to conduct outreach to ensure voters receive notice of any challenge to their voter registration and how to confirm their eligibility.

A. Challenges to voter registration and voter roll eligibility (“229 challenges”)

229 challenges to the eligibility of a registered voter²⁵ can be made on an ongoing basis by any elector registered in the same county or municipality as the challenged voter, including a county registrar.²⁶ However, limits under both state and federal law ensure that voters can only be removed from the rolls 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 vote within 10 business days of receiving the challenge.²⁷ That notice must include the date, time, and place of the hearing to decide the challenge, and a copy of the challenge. The same information should also be given to the challenger.²⁸ The notice should be sent either via first class mail to the voter’s registered address or delivered by the sheriff, deputy sheriff, or peace officer of the municipality if the challenge is made by the registrar.²⁹ The voter must be given at least three days’ notice of the date, time, and place of the hearing.³⁰

²⁰ Note that changes regarding election equipment and QR codes will not be in effect during the 2026 election. During the 2026 special legislative session, lawmakers passed SB 3EX, moving the deadline for changes to January 1, 2028. *See* S.B. 3EX.

²¹ *Id.* § 21-2-217(b).

²² *Id.*

²³ *Id.* § 21-2-217(a)(2)(A)-(B).

²⁴ *Id.* § 21-2-217(a)(1.1).

²⁵ O.C.G.A. § 21-2-228.

²⁶ O.C.G.A. §§ 21-2-228, 21-2-229, 21-2-230. *See also* 52 U.S.C. § 20501.

²⁷ O.C.G.A. § 21-2-229(b).

²⁸ *Id.*

²⁹ *Id.*; *see* § 21-2-228(c).

³⁰ *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.³¹ 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.³² After the hearing, the registrars must notify both parties of the decision to approve or reject the challenge.³³ Either party has the right to appeal the decision to superior court by filing a petition.³⁴ Unless the decision is reversed by the superior court, the decision of the registrars is final.³⁵

B. Challenges to a voter's eligibility to vote in an 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 upcoming election(s).³⁶ Like 229 challenges, 230 challenges must be in writing and "specify distinctly the grounds of such challenge."³⁷ **Such challenges must be delivered to the board of registrars before the challenged voter votes in person (including in-person absentee voters) or, for absentee voters who return a voted ballot, before 5:00pm the day before absentee ballots are to begin being scanned and tabulated--October 19, 2026.**³⁸

Once the challenge is filed, the board of registrars must immediately determine whether "probable cause" for the challenge exists. If no probable cause exists, the registrars must reject the challenge.³⁹

Recent changes in Georgia law have amended what qualifies as probable cause in this context. Probable cause now includes, but is not limited to, the following:⁴⁰

- the voter is deceased;
- the voter is voting or registered to vote in a different jurisdiction;
- the voter has a homestead exemption in a different jurisdiction; or,
- the voter is registered at a nonresidential address as confirmed or listed by a government office, database, website, or publicly available sources derived solely from such governmental sources.⁴¹

If the challenger produces evidence of the voter's ineligibility based on NCOA data, that data alone is insufficient to sustain the challenge against a voter unless there is additional evidence proving a voter is no longer a resident of the jurisdiction.⁴²

³¹ *Id.* § 21-2-229(c).

³² *Id.*

³³ *Id.* § 21-2-229(d).

³⁴ *Id.* § 21-2-229(e).

³⁵ *Id.*

³⁶ *Id.* § 21-2-230; *see also id.* § 21-2-230(k) (any challenge of an elector that occurs during a primary or general election shall continue through the run-off primary or run-off election of such primary or general election due to changes from S.B. 189).

³⁷ *Id.* § 21-2-230(a).

³⁸ *Id.*; O.C.G.A. § 21-2-386(2)(A).

³⁹ *Id.* § 21-2-230(b).

⁴⁰ *Id.* § 21-2-230(b).

⁴¹ *Id.*; *see also id.* § 21-2-217 (detailing updated criteria for determining voting residence after S.B. 189, as discussed above).

⁴² *Id.* § 21-2-230(b).

If the board of registrars finds probable cause exists, the board must notify the poll workers at the challenged voter's precinct or notify the poll worker at the absentee ballot precinct if the challenged elector voted absentee, and "if practical," notify the challenged voter so they can respond.⁴³ Given the serious risk of disenfranchisement if a voter is not afforded the opportunity to answer a challenge, we strongly encourage your office to provide notice to every voter subject to a sustained challenge. The manner of resolution then depends on how or if the challenge voter attempts to cast their ballot.

1. Challenges to in-person voters

If a voter subject to a 230 challenge appears in person at their polling place, they must be "given an opportunity to appear before the registrars and answer the grounds of the challenge."⁴⁴ Again, challenges to voters must be made **before** the challenged voter casts a ballot.⁴⁵

If the challenged voter appears at the polls and it is practical to conduct a hearing prior to the close of the polls, the registrars shall conduct a hearing to determine the validity of the challenge.⁴⁶ If the challenge is successful, the elector cannot vote, and if they are determined not to be qualified to remain on the rolls, their name will be removed from the list of electors unless the challenge is based on residency.⁴⁷ However, if the challenge is denied, the elector should be permitted to vote immediately after the decision of the registrars.⁴⁸ A challenged voter deemed eligible by the registrars shall be entitled to vote, regardless of whether polls have closed by the time the challenge is adjudicated.⁴⁹

If it is not practical to conduct a hearing on the merits of the challenge prior to the polls closing or if the registrars begin a hearing and find that "a decision on the challenge cannot be rendered within a reasonable time," the voter must be allowed to cast a challenged ballot similar to a provisional ballot.⁵⁰

The "challenged" ballot should be marked as such, and if the grounds of the challenge are based on the voter's qualifications, the hearing on the merits of the challenge to the voter's eligibility must be held "prior to the certification of the consolidated returns of the election by the election superintendent," which this year is November 9, 2026 at 5:00pm.⁵¹ If the challenge is on other grounds, no further action is required, but the election superintendent cannot certify returns until the hearing is complete and a decision is rendered.⁵² The final decision can be appealed by either the voter or the challenger.⁵³

⁴³ *Id.* § 21-2-230(b).

⁴⁴ *Id.* § 21-2-230(c).

⁴⁵ *Id.* § 21-2-230(a).

⁴⁶ *Id.* § 21-2-230(h).

⁴⁷ *Id.* Section 8(d) of the National Voter Registration Act (NVRA) provides the exclusive method to remove voters from the voter rolls based on change in residency. 52 U.S.C. § 20507(d).

⁴⁸ O.C.G.A. § 21-2-230(h).

⁴⁹ *Id.*

⁵⁰ *Id.* § 21-2-230(i).

⁵¹ *Id.*; *id.* § 21-2-493(k).

⁵² *Id.* § 21-2-230(i).

⁵³ *Id.*

2. *Challenges to voters who cast an absentee ballot*

If a challenged voter attempts to cast their absentee ballot, the challenge is based on grounds other than the voter's qualifications, and it is not practical to conduct a hearing prior to polls closing, the absentee ballot should be treated as a challenged ballot.⁵⁴

If a voter attempts to cast their absentee ballot and the voter is challenged on qualification grounds, the board of registrars must conduct an expedited hearing prior to the certification of the superintendent's consolidated returns.⁵⁵ The superintendent cannot certify those returns without the result of the hearing.⁵⁶ If the challenge is upheld, the elector will be removed from the rolls,⁵⁷ and if not, their vote should be counted and processed along with the consolidated returns.⁵⁸

3. *Challenges to voters who do not attempt to vote*

If the challenge is based upon grounds other than a voter's qualifications, such as the voter allegedly having already voted, no further action is required of the board if the challenged voter does not attempt to vote.⁵⁹ If the challenge is based on the voter's qualifications, but they never attempt to vote in the election where they were subject to a 230 challenge, the board of registrars must conduct a hearing following the procedure for 229 challenges.⁶⁰

II. OTHER LEGAL REQUIREMENTS

As you know, federal law and Georgia law provide robust protection against voter intimidation and other forms of infringement on the fundamental right to vote. The process for responding to early ballot challenges—especially those conducted in bulk—must comply with all such federal and state laws, as well as the U.S. Constitution. As detailed above, the NVRA prohibits the systematic removal of voters within 90 days of an election, and sustained mass challenges likely violate this provision.⁶¹ Thus, we suggest that you reiterate to your staff and volunteers their responsibility to protect Georgia voters from frivolous and mass voter challenges.

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.⁶² Sustaining such

⁵⁴ *Id.* § 21-2-230(e).

⁵⁵ *Id.* § 21-2-230(g).

⁵⁶ *Id.*

⁵⁷ With the exception of a challenge based on change in residency. *See supra* note 50.

⁵⁸ *Id.*

⁵⁹ *Id.* § 21-2-230(d).

⁶⁰ *Id.* § 21-2-230(f).

⁶¹ *Forward v. Ben Hill Cnty. Bd. of Elections*, 509 F. Supp. 3d 1348, 1355 (M.D. Ga. 2020); *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014).

⁶² *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.

discriminatory challenges could violate the U.S. Constitution and federal law. Taken together, the Equal Protection Clause of the Fourteenth Amendment⁶³ and Section 2 of the Voting Rights Act⁶⁴ 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.”⁶⁵ 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 Georgia law.⁶⁶

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.⁶⁷ Several federal statutes also 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.”⁶⁸ 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.⁶⁹

Similarly, Georgia law criminalizes the use of “force and violence, or acts in any manner to intimidate any other person” from voting or refraining from voting in an election, or registering or refraining from registering to vote.⁷⁰

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.⁷¹ 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.⁷² Similarly, the NVRA mandates

⁶³ U.S. Const. amend XIV, § 1.

⁶⁴ 52 U.S.C. § 10301.

⁶⁵ 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>.

⁶⁶ GA. CODE ANN. § 21-2-567; see e.g., 52 U.S.C. § 10307(b); 42 U.S.C. § 1985(3); 52 U.S.C. § 10101(b)

⁶⁷ 18 U.S.C. § 594.

⁶⁸ 52 U.S.C. § 10307(b).

⁶⁹ 42 U.S.C. § 1985(3).

⁷⁰ O.C.G.A. § 21-2-567.

⁷¹ 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).

⁷² *Id.* at 107.

that any voter registration list maintenance activity be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act[.]”⁷³ including “any list maintenance activity based on third party submissions.”⁷⁴ 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.”⁷⁵

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.⁷⁶ This restriction “applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.”⁷⁷ 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.”⁷⁸ This includes programs even where individual notice is provided to the voter.⁷⁹

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.**⁸⁰ 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.⁸¹

Local election officials 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. This will ensure that election officials processing challenges will not be engaging in “arbitrary and disparate treatment” of challenged ballots in violation of the U.S. Constitution.⁸²

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

⁷³ 52 U.S.C. § 20507(b).

⁷⁴ 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”].

⁷⁵ *Id.*

⁷⁶ 52 U.S.C. § 20507(b)(1).

⁷⁷ DOJ Guidance at 4; *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 (holding that the NVRA’s prohibition on systematic removals during the 90 days preceding a federal election limits the use of the SAVE database during that time period).

⁷⁸ *Va. Coal for Immigrant Rts. v. Beals*, No. 24-2071, 2024 WL 4601052, at *1 (4th Cir. Oct. 27, 2024).

⁷⁹ See *Mi Familia Vota v. Fontes*, 129 F.4th 691 (9th Cir. 2025); *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335 (11th Cir. 2014).

⁸⁰ 52 U.S.C. § 20507(c)(2)(A).

⁸¹ *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

⁸² *Bush*, 531 U.S. at 104-05.



challenges.⁸³ 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.⁸⁴ 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.”⁸⁵ 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**, in addition to Georgia law.⁸⁶

* * *

By ensuring compliance with the processes, requirements, and limitations of Georgia’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 develop written procedures and policies for adjudicating such challenges and train your staff, volunteers, and election inspectors on the requirements of Georgia and federal law applicable to voter eligibility challenges.

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

Sincerely,

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⁸³ See 52 U.S.C. § 20507(b); DOJ Guidance at 4-6.

⁸⁴ 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).

⁸⁵ DOJ Guidance at 4.

⁸⁶ *Id.* at 4-5; see O.C.G.A. § 21-2-230(a).



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

Published September 2024

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



U.S. Department of Justice

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



U.S. Department of Justice

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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