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VIA EMAIL

Dear Michigan Clerks and Election Directors:

Campaign Legal Center (CLC) writes to provide you with information regarding how Michigan's municipal clerks can properly adjudicate frivolous challenges to voter eligibility under MCL 168.512 and 168.733 to minimize the burden on election administration and protect the rights of voters, including important guidance on limitations imposed by federal law.¹

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 throughout the country.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voter registration records with publicly available information, but that information is almost always incomplete or out of date, making the database matches unreliable.⁴ They also often improperly flag registered voters with the same name as ineligible individuals, voters who are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.⁵ As

¹ This letter is not legal advice; it is intended to present a summary of relevant Michigan 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>; 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>.

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.

⁵ See *id.*





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 deployed 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 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.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 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.

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.

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>.

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).

To mitigate the potential harms to both voters and election administrators caused by such baseless challenges, CLC provides the election law summary below to support your development of uniform processes for adjudicating voter eligibility challenges, in compliance with the following requirements of Michigan and federal law.

I. VOTER CHALLENGES IN MICHIGAN

As you are likely aware, Michigan law permits challenges (1) to a voter's registration before the election¹² and (2) to a voter attempting to cast a ballot under certain circumstances.¹³ Such challenges are subject to various limitations, which we have detailed further below.

A. Pre-Election Challenges to Voter Eligibility

Michigan law allows voters to challenge other voters' registrations. By only considering validly made challenges that comply with the law, rejecting challenges based on impermissible grounds, and adhering to the 30-day statutory requirement before cancelling any voter's registration, clerks can avoid disenfranchising eligible voters and deter baseless challenges to registrations.

1. *Challenge submission*

An elector in a given municipality may challenge the registration of another elector before voting begins *only* by submitting a written affidavit to the clerk of that municipality stating that the challenged elector is not qualified to vote.¹⁴ In order to constitute a valid challenge, the affidavit must "specify the grounds upon which the challenged elector is disqualified."¹⁵ **The affidavit must also be notarized** – a requirement newly codified by rule that was not previously stated in agency guidance.¹⁶

For a challenge to a voter's eligibility to be valid, the challenger must state that the challenger *knows* that the challenged voter is ineligible and must state why, based on the challenger's "personal knowledge"– defined as "information that an individual knows to be true based on direct, firsthand observance."¹⁷ If a challenger merely knows of some reliable information that the voter may have changed addresses, or on other thirdhand information, that is insufficient to satisfy this first-hand knowledge requirement.¹⁸ **Bulk challenges based solely on either door-to-door canvassing or change-of-address data from the U.S. Postal Service National Change of Address (NCOA) database do not meet the first-hand knowledge requirement and must be rejected.**

¹² See MCL 168.512.

¹³ See *id.* 168.727.

¹⁴ *Id.* 168.512.

¹⁵ *Id.*

¹⁶ Mich. Admin. Code r. 168.256(2)(c) ("The challenge must be made through a written and notarized affidavit.").

¹⁷ Mich. Admin. Code r.168.251(1)(f).

¹⁸ Mich. Admin. Code r.168.256(4) ("The requirement that the challenger have personal knowledge ... is not satisfied when the challenger's basis for their claim is reliable information that a voter has moved or other third-hand information."); see also 52 U.S.C. § 20507(c)-(e) (National Voter Registration Act of 1993).

Furthermore, a separate, individually notarized affidavit is required for each voter challenged.¹⁹ As such, clerks may not consider batches of names submitted without individualized, notarized evidence about specific voters' alleged ineligibility.

2. Invalid challenges

Even if a challenge is made following the correct procedure, certain frequently cited types of information supporting pre-election challenges are invalid. Challenges relying on the following information can be summarily rejected:

- A voter's presence on the NCOA database alone is not sufficient grounds for a pre-election challenge. Although a clerk's own independent verification (not a third party's claim) that a voter is on the NCOA list may support the *separate* address-confirmation process described below, it does not by itself satisfy the personal-knowledge requirement for a *challenge*, and the registration cannot be cancelled through the confirmation process until the voter has failed to respond to a confirmation notice and has failed to vote in two federal elections.²⁰
- A voter's inactive status alone is not sufficient grounds for a pre-election challenge. An inactive voter designation does not cancel a voter's registration, and inactive voters remain eligible to vote.²¹
- The fact that the voter's Qualified Voter File includes a placeholder date is not sufficient grounds for a pre-election challenge. Some Qualified Voter Files include placeholder dates (for example 01/01/1900) for a voter's effective registration date, because the actual date predates the modern Qualified Voter File or is unknown. These placeholder dates do not affect that voter's eligibility and are not a valid basis for a challenge.²²
- A challenge asserting the voter's race, ethnicity, sexual orientation, gender identity, disability, language ability, manner of dress, or support for a candidate or party, or based on appearance-based assumptions about any of the above, is also improper and must be rejected on its face.²³

3. Decision and processing

Clerks may consider a pre-election challenge to a voter's registration once they have determined that the challenge has been made by a properly notarized, individualized written affidavit offering personal knowledge of a voter's ineligibility. A challenge that does not satisfy these requirements must be rejected.²⁴

¹⁹ Mich. Admin. Code r.168.256(2)(c) ("A separate written and notarized affidavit is required for each individual voter whose registration is being challenged.").

²⁰ Mich. Admin. Code r. 168.257(2)-(3); 52 U.S.C. § 20507(c)-(e).

²¹ MCL 168.509r.

²² Letter from Jonathan Brater, Dir., Mich. Bureau of Elections, to Mich. Clerks & Election Dirs. (July 29, 2022).

²³ Mich. Admin. Code r. 168.256(2)(e)(i)-(viii).

²⁴ Mich. Admin. Code r. 168.259(1) ("If a challenge to an individual voter's registration does not satisfy any 1 of the requirements in R 168.256 ... the challenge must be rejected.").

Upon receiving a valid written affidavit, clerks must notify the challenged voter by certified or registered mail, stating the grounds for the challenge.²⁵ The challenged voter then has 30 days after the mailing is sent to indicate their eligibility to vote by either oath or affidavit.²⁶ Clerks may only cancel the challenged voter's registration only *after* the 30 days have elapsed, and only if the challenged voter fails to respond or fails to show they are a qualified voter of the municipality.²⁷

This 30-day timeline applies to challenges not based on an alleged change of address. Where the challenge itself asserts that the voter has moved, federal law requires more: the clerk may not cancel the registration merely because the voter fails to respond within 30 days. Instead, the same two-federal-general-election waiting period that applies to clerk-initiated address verification also applies to an address-based challenge – the clerk must send the required confirmation notice and wait until the voter has both failed to respond and failed to vote in the next two federal general elections before cancelling.²⁸

If a clerk *independently* verifies that a voter appears to have moved – rather than relying on a third-party challenge – that also triggers the separate NVRA confirmation-notice process, not the 30-day challenge-cancellation timeline.²⁹ Similarly, if a clerk independently verifies that a challenged individual is deceased, the clerk processes that cancellation directly, rather than through the challenge procedure.³⁰

If the Michigan General Election is less than 30 days after the date of the challenge, pursuant to Michigan law, pre-election challenges to a voter's eligibility can no longer result in a voter's removal from the voter roll before the November 2026 general election. Moreover, the National Voter Registration Act (NVRA) prohibits the systematic removal of voters from the registration rolls on the grounds of a change in residence within 90 days of a federal election.³¹ Sustaining challenges that would result in the systematic cancellation of numerous voters' registration based on the same data sources could also violate the NVRA if conducted within the 90-day window.³² **Even if a clerk independently verifies the NCOA change-of-address data used in a bulk challenge, they may not rely on it to initiate the process of cancelling a voter's registration during the 90-day period before the general election.**³³ That data can, at most, support the separate confirmation-notice process described above.³⁴

B. Challenges Made in the Polling Place

Michigan law likewise has detailed procedures in place governing the use and adjudication of polling place challenges.³⁵ Clerks can protect against chaos, disruption, and wrongful disenfranchisement by

²⁵ MCL 168.512; Mich. Admin. Code r.168.259(2).

²⁶ MCL 168.512; Mich. Admin. Code r.168.259(3).

²⁷ MCL 168.512; Mich. Admin. Code r. 168.259(5) ("If a challenged individual fails to respond ... within 30 days ... the clerk shall cancel the individual's registration.").

²⁸ 52 U.S.C. § 20507(a)(3), (d).

²⁹ Mich. Admin. Code r. 168.257(2)-(3).

³⁰ Mich. Admin. Code r. 168.258(1).

³¹ 52 U.S.C. § 20507(c)(2)(A).

³² See, e.g., *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1348 (11th Cir. 2014).

³³ *Id.*

³⁴ Mich. Admin. Code r. 168.257(2)-(3).

³⁵ See MCL 168.512.

ensuring that their local boards of election inspectors strictly enforce these procedures at polling places. Voter eligibility challenges are prohibited entirely at absent voter ballot processing facilities.³⁶

1. Requirements for making a polling place challenge

In addition to designated polling place challengers,³⁷ both election inspectors and voters not credentialed as challengers are able to challenge voters in their own precinct.³⁸ These challenges are “treated and resolved identically to a challenge made by a credentialed challenger.”³⁹ Challengers may communicate only with the challenger liaison about a challenge, unless otherwise instructed by the liaison or a member of the clerk’s staff.⁴⁰

A challenger may challenge a voter’s eligibility only if the challenger has a good reason to believe the voter in question is not a lawfully registered voter.⁴¹ These challenges must be made when the voter arrives to vote in person to the challenger liaison.⁴² A polling place challenger thus may not submit batches or lists of names to challenge.

There are only **four permissible bases** for challenges to a voter’s eligibility made in the polling place:

- The person is not registered to vote;
- The person is less than 18 years of age;
- The person is not a United States citizen;
- The person is not a 30-day resident of city or township in which they are attempting to vote as of election day.⁴³

To bring a permissible challenge, the challenger must cite one of the four permissible challenge bases listed above and explain the reason(s) the challenger holds that belief.⁴⁴

Impermissible bases now expressly include, per the current Challenger Manual: a challenger’s mere impression that the voter may not be eligible due to the voter’s race or ethnic background, sexual orientation or gender identity, physical or mental disability, inability to read, write, or speak English, need for assistance in voting, manner of dress, or the voter’s support for or opposition to a candidate, political party, or ballot question – as well as any other characteristic or appearance-based assumption.⁴⁵

A related but separate basis for a challenge exists under MCL 168.727(1), which also permits an election inspector or other qualified challenger to challenge a person attempting to vote in person who

³⁶ Michigan Bureau of Elections, The Appointment, Rights, and Duties of Election Challengers and Poll Watchers at 19 (July 2026) [hereinafter “Challenger Manual”].

³⁷ A person may serve as a polling place challenger only if they are registered to vote in Michigan and are provided a challenger credential by a credentialing organization. Only two challengers from the same credentialing organization may be present at a single precinct conducting in-person voting on Election Day. Under Michigan law, each challenger must present “evidence of [their] right to be present” at the polling place. *See* MCL 168.732; 168.733; *see also* Challenger Manual at 4, 6, 9.

³⁸ MCL 168.733.

³⁹ Challenger Manual at 18.

⁴⁰ *Id.* at 8.

⁴¹ MCL 168.733.

⁴² Challenger Manual at 14.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 14-15.

previously applied for an absentee ballot and who, on election day, claims to have never received that ballot, or to have lost or destroyed it. Such a challenge is adjudicated under the same impermissible/permissible framework described below.

2. Decision and processing

Impermissible challenges: If the election inspector/challenger liaison determines that a challenge is impermissible, they must not evaluate the challenge.⁴⁶ Examples of impermissible challenges include: lack of photo ID, improper reasons outside of the four permissible reasons, non-specific challenges, or challenges that don't include an explanation for their factual basis.⁴⁷ Generally, challenger liaisons are not required to record an impermissible challenge.⁴⁸ However, in circumstances where a challenger provides a factual basis for their challenge, "an election inspector cannot decline to record on the basis that they believe the explanation provided is lacking or insufficient."⁴⁹ The Michigan Supreme Court has upheld this framework, holding that "while election inspectors have implicit authority to determine whether a challenge is one under MCL 168.727(1) such that they are required to report it, they cannot decline to report a challenge on the basis of their personal assessment of the validity or merit of the challenge."⁵⁰ A challenger liaison will warn a challenger who brings an impermissible challenge.⁵¹ Fundamentally, challenger liaisons "should prioritize the orderly and regular administration of the election process over noting an impermissible challenge."⁵²

Permissible challenges: If a challenge to a voter's ineligibility is deemed to be permissible, an election official must swear in the challenged voter and ask them under oath to confirm that they meet the criteria to be eligible to cast a ballot.⁵³ Questions are limited to what is necessary to confirm the criteria the challenger disputed.⁵⁴

If the voter confirms eligibility, they must be given a challenged ballot and allowed to cast it in the same manner as an unchallenged voter, fed into the tabulator normally.⁵⁵ Election officials must record the challenge and its outcome in both the electronic and written poll book.⁵⁶ A challenge may result in denial only if the challenge was permissible and the voter does not confirm eligibility; in these rare cases, the voter may not cast a ballot, and the denial is automatically recorded in the poll book.⁵⁷

A separate, related process applies where the poll book indicates an absent voter ballot was issued to the voter and the voter is unable to surrender that ballot at the polling location. In that situation, the

⁴⁶ *Id.* at 12.

⁴⁷ *Id.* at 15

⁴⁸ *Id.* at 13. The validity of this directive was upheld by the Michigan Supreme Court in *O'Halloran v. Sec'y of State*, 29 N.W.3d 429, 453 (Mich. 2024).

⁴⁹ *O'Halloran*, 29 N.W.3d at 453.

⁵⁰ *Id.* at 453-54.

⁵¹ Challenger Manual at 14.

⁵² *Id.* at 13.

⁵³ *Id.* at 16.

⁵⁴ *Id.* at 16.

⁵⁵ *Id.* at 16.

⁵⁶ *Id.* at 17.

⁵⁷ *Id.* at 16.

clerk must verify that the absentee ballot has not been submitted; if it has not, the voter may complete an affidavit stating that they did not return the absentee ballot and then vote using a regular ballot.⁵⁸

II. OTHER LEGAL REQUIREMENTS

As you know, both federal and Michigan 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 Michigan election officials have the responsibility to protect Michigan voters 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 marginalized communities to intimidate or deter members of those communities from voting.⁵⁹ Sustaining such discriminatory challenges could violate the U.S. Constitution and federal law. Taken together, the Equal Protection Clause of the Fourteenth Amendment⁶⁰ and Section 2 of the Voting Rights Act⁶¹ 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.”⁶² The Sixth Circuit has separately upheld Michigan’s reasonable, nondiscriminatory list-maintenance practices as consistent with the NVRA, underscoring that the legal risk runs the other way: challenge processes that are *not* uniform and evidence-based are the ones that invite liability.⁶³ Because minority groups are often the exact groups targeted by discriminatory challenges, clerks and other 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

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.⁶⁴ 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.”⁶⁵ In 2016, a federal court determined that voter challenges that intentionally target geographic areas with a large percentage of racial or ethnic

⁵⁸ *Id.* at 19.

⁵⁹ See, e.g., Nicolas Riley, Brennan Ctr. for Just., *Voter Challenges* 11-12 (2012), https://www.brennancenter.org/sites/default/files/legacy/publications/Voter_Challengers.pdf.

⁶⁰ U.S. Const. amend XIV, § 1.

⁶¹ 52 U.S.C. § 10301.

⁶² See U.S. Dept. of Justice, Guidance Under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, for Redistricting and Methods of Electing Government Bodies (Sept. 1, 2021), <https://www.justice.gov/opa/press-release/file/1429486/download>.

⁶³ See *Pub. Interest Legal Found. v. Benson*, 136 F.4th 613, 628 (6th Cir. 2025), *cert. denied*, 146 S.Ct. 1772 (2026).

⁶⁴ 18 U.S.C. § 594.

⁶⁵ 52 U.S.C. § 10307(b).

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).⁶⁶ 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).⁶⁷ 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.⁶⁸

Similarly, Michigan law criminalizes the use of “bribery, menace, or other corrupt means or device, either directly or indirectly” to “deter [an] elector from, or interrupt the elector from giving his or her vote at any election held in this state.”⁶⁹ Of particular note, Michigan law provides that “any person” bringing a pre-election voter qualification challenge “indiscriminately and without good cause or for the purpose of harassment, shall be guilty of a misdemeanor.”⁷⁰ Challengers bringing election day challenges against a “qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters” are likewise “guilty of a misdemeanor.”⁷¹

Each board of election inspectors “shall possess full authority to maintain peace, regularity and order” at their polling place and to “enforce obedience to their lawful commands” during the election and canvas of the votes after voting has closed.”⁷² This duty includes “directing a challenger who violates these instructions to leave the polling place, early voting site, or absent voter ballot processing facility” and “requesting that the local clerk or local law enforcement remove the challenger.”⁷³ Offenses meriting removal from the polling place or absent ballot voter processing facility include “repeated impermissible challenges” rising to the level of disorderly conduct.⁷⁴ Ejection follows a two-step process: an election inspector may first direct a disruptive challenger to leave, and only if the challenger refuses to do so does the inspector request that local law enforcement remove them.⁷⁵

To that end, each municipal clerk and local board of election inspector should review their duties and responsibilities to maintain a peaceful and orderly polling place and be prepared to remove any challengers who fail to abide by Michigan law. Clerks and boards of election inspectors should also not hesitate to refer incidents of voter intimidation, including repeated impermissible voter challenges orchestrated by partisan outside groups, to the Michigan Attorney General’s Office⁷⁶ and U.S. Department of Justice (DOJ).⁷⁷

⁶⁶ 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).

⁶⁷ 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) (attached) [hereinafter “DOJ Guidance”].

⁶⁸ 42 U.S.C. § 1985(3).

⁶⁹ MCL 168.932.

⁷⁰ *Id.* 168.512.

⁷¹ *Id.* 168.727.

⁷² *Id.* 168.678.

⁷³ Challenger Manual at 5.

⁷⁴ MCL 168.733(3); Challenger Manual at 24-25.

⁷⁵ Challenger Manual at 24-25.

⁷⁶ The Civil Rights & Elections Division of the Michigan Attorney General’s Office can be reached at 313-456-0200.

⁷⁷ The DOJ Civil Rights Division can be reached at 800-253-3931, and voter intimidation reports can be submitted online at <https://civilrights.justice.gov/report>. More information on DOJ’s resources to protect voting access can be found at <https://civilrights.justice.gov/voting-resources>.

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.⁷⁸ 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.⁷⁹ 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[.]”⁸⁰ including “any list maintenance activity based on third party submissions.”⁸¹ 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.”⁸²

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.⁸³ This restriction “applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.”⁸⁴ 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.”⁸⁵ This includes programs even where individual notice is provided to the voter.⁸⁶

For that reason, **sustaining mass challenges to voters’ registrations would likely violate the NVRA’s prohibition on the “systematic” removal of voters from the rolls within 90 days of a federal election.**⁸⁷ 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.⁸⁸

Local election officials should work to eliminate any meaningful divergence in the standards and processes used to evaluate voter challenges in different municipalities and replace them with uniform standards and processes. By doing so, Michigan voter challenge processes can avoid the “arbitrary and disparate treatment” of challenged ballots that violates the U.S. Constitution.⁸⁹

⁷⁸ 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).

⁷⁹ *Id.* at 107.

⁸⁰ 52 U.S.C. § 20507(b).

⁸¹ See DOJ Guidance at 3.

⁸² *Id.*

⁸³ 52 U.S.C. § 20507(b)(1).

⁸⁴ DOJ Guidance at 4.

⁸⁵ *Va. Coal for Immigrant Rts. v. Beals*, No. 24-2071, 2024 WL 4601052, at *1 (4th Cir. Oct. 27, 2024).

⁸⁶ 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).

⁸⁷ 52 U.S.C. § 20507(c)(2)(A).

⁸⁸ *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 (retrieved Sep. 30, 2026).

⁸⁹ *Bush*, 531 U.S. at 104-05.



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 voter eligibility challenges.⁹⁰ 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.⁹¹ 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.”⁹² 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.**⁹³

As a practical backstop, a voter who discovers they were mistakenly removed from the rolls as a result of an improper challenge is not without recourse: Michigan law allows same-day registration, so an affected voter can re-register and cast a ballot in person at their township or city clerk’s office during early voting and on Election Day itself.⁹⁴

* * *

By ensuring compliance with the processes, requirements, and limitations of Michigan’s voter challenge laws, you can mitigate the potential harm to voters and disruption to your administration of Michigan elections 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 Michigan 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 Michiganders’ freedom to vote.

Sincerely,

Jonathan Diaz
Director, Voting Advocacy and
Partnerships
Campaign Legal Center

⁹⁰ See 52 U.S.C. § 20507(b); DOJ Guidance at 4-6.

⁹¹ 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).

⁹² DOJ Guidance at 4.

⁹³ *Id.* at 4-5.

⁹⁴ MCL 168.497.





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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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Civil Rights Division

[Justice.gov/voting](https://www.justice.gov/voting)