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VIA EMAIL

Dear Nevada Election Officials:

Campaign Legal Center (CLC) writes to provide you with information regarding how Nevada's county clerks and election officials can properly adjudicate frivolous challenges to voter eligibility under N.R.S. §§ 293.547 and 293.303 to minimize the burden on election administration and protect the rights of voters, including important guidance on limitations imposed on the adjudication of mass challenges 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voter registration records with publicly available information, but that information is almost always incomplete or out of date, making the database matches unreliable.⁴ They also often improperly flag registered voters with the same name as ineligible individuals, voters who are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 Nevada 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

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).

responsibilities in dismissing challenges without cause, allowing your office to ensure a fair and orderly election, safeguard voters from intimidation, and minimize administrative disruption.

To mitigate the potential harms to both voters and election administrators caused by baseless mass challenges and safeguard the right to vote as provided by the Nevada Constitution,¹² 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 Nevada and federal law.

I. VOTER CHALLENGES IN NEVADA

As you are aware, Nevada law establishes procedures for challenges to a voter's eligibility (1) in writing before voting begins¹³ and (2) orally when the challenged voter applies to vote.¹⁴ Each type of challenge is subject to various limitations, which we have detailed further below.

A. Pre-Election Challenges to Voter Registration

1. *Challenges by the general public*

Nevada law permits pre-election challenges to voter eligibility made by signed affidavit on two narrow grounds.¹⁵ To make a valid challenge under this provision, the challenger must allege (1) the voter is not a U.S. citizen, or (2) the voter has moved outside the county where they are registered to vote and is no longer considered a resident of the county for voting purposes.¹⁶ An individual may only make this type of challenge in writing by affidavit containing specific facts showing the challenged voter's ineligibility.¹⁷ Further, the county clerk must determine that the person making the affidavit is an elector or other reliable person who is eligible to file an affidavit.¹⁸

When an individual may make this type of challenge depends on the ground. **Challenges made on the basis of citizenship must be made no less than 30 days prior to a general election—or no later than October 4, 2026, for the 2026 General Election.**¹⁹ Challenges based on residency have no time limitations under Nevada law, but the federal National Voter Registration Act (NVRA) prohibits state and local officials from processing those challenges and removing challenged voters from the rolls within 90 days prior to a federal election.²⁰

Challenges to voter eligibility must be based on personal knowledge and individualized to the challenged voter, meaning that they must contain “firsthand knowledge [gained] through experience

¹² Nev. Const. Art. II, § 1 (detailing the rights of Nevada voters).

¹³ N.R.S. § 293.547.

¹⁴ *Id.* § 293.303.

¹⁵ *Id.* § 293.535.

¹⁶ *Id.* § 293.535(1).

¹⁷ *Id.*; see also *id.* § 199.120 (describing criminal penalties for making false statements in an affidavit).

¹⁸ Nev. Admin. Code R103-25 § 1(2).

¹⁹ *Id.* § 293.535.

²⁰ See *id.*; 52 U.S.C. § 20507(c)(2)(A).

or observation’ of the challenged individual’s eligibility status.”²¹ Personal knowledge “does not include speculation, hearsay or knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.”²² In other words, **challenges based on a review of information available on public or private databases or compilations of information do not meet the personal knowledge requirement and should be summarily rejected.**²³ Making false statements in an affidavit challenging a voter’s eligibility could subject a challenger to harsh criminal penalties, including up to four years of incarceration and a fine up to \$5,000.²⁴

The process for resolving a challenge made by affidavit depends on the basis for the challenge.²⁵ For valid and timely challenges made on the basis of the registered voter’s U.S. citizenship status, the county clerk must mail the challenged voter a notice of the challenge along with a copy of the affidavit via registered or certified mail with a return receipt.²⁶ Once the return receipt has been filed with the county clerk, the challenged voter has 15 days to present evidence of their U.S. citizenship to the county clerk.²⁷ If the registered voter is unable to timely present proof of their citizenship, the voter’s registration will be cancelled.²⁸ **An eligible voter whose registration is cancelled under this provision must be allowed to re-register to vote, including through Nevada’s same-day registration process, and cast a ballot in the first election in which they are registered.**²⁹

Challenges made on the basis of a registered voter’s alleged change in address simply trigger the notice process detailed in N.R.S. § 293.530.³⁰ A voter’s registration may only be cancelled under this provision if the voter does not respond to a properly mailed notice and does not vote in at least one election in the period between the challenge and the second general election following the challenge.³¹ This means that **no voter’s registration may be cancelled prior to the 2026 General Election solely on the basis of a residency challenge unless that challenge was received prior to the 2022 General Election.**³²

2. Challenges by electors between October 4 and October 9, 2026

²¹ Francisco V. Aguilar, Sec’y of State of Nev., Memo 2024-026 – Personal Knowledge at 3 (Aug. 27, 2024) [hereinafter “Personal Knowledge Memo”]; *see also* N.R.S. § 293.535(1); Nev. Admin. Code § 293.416; Nevada Sec’y of State, Election Procedures Manual at 28 (2026), <https://www.nvsos.gov/home/showpublisheddocument/17254/639105657872870000> [hereinafter “Nevada Election Procedures Manual”].

²² Nev. Admin. Code R103-25 § 1.

²³ Personal Knowledge Memo at 3; Nevada Election Procedures Manual at 28.

²⁴ *See* N.R.S. § 199.120 (“A person . . . who . . . [e]xecutes an affidavit or other instrument which contains a false statement before a person authorized to administer oaths or suborns any other person to do so . . . is guilty of perjury or subornation of perjury[.]”), 193.130(2)(d) (describing criminal penalties for perjury and other Class D felonies).

²⁵ *See id.* § 293.535(2)-(3).

²⁶ *Id.* § 293.535(3).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *See* Francisco Aguilar, *Same-Day Registration*, Nev. Sec’y of State, <https://www.nvsos.gov/sos/elections/election-information/same-day-registration>.

³⁰ N.R.S. § 293.535(2).

³¹ *Id.* § 293.530.

³² *See id.* §§ 293.530, 293.535.

During a short window before voting begins, Nevada law allows a registered voter to challenge the eligibility of another voter who is registered in their same precinct.³³ A pre-election challenge to voter registration must be made in writing and state the specific facts on which the challenge is based.³⁴ A valid challenge must be based on the challenger's personal knowledge—meaning “firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based.”³⁵ In other words, challenges may not be based on information from someone other than the challenger, including media, family members, friends or colleagues, and database matching programs.³⁶ Nevada law further prohibits challengers from bringing mass challenges in a single document.³⁷ Rather, **challenges may only be made to individual voters and county clerks must summarily reject “any challenge which contains more than one [voter registrant’s] name.”**³⁸

In the 2026 general election, pre-election challenges to voter registration may only be filed with the county clerk between October 4 and October 9, 2026.³⁹ Any pre-election challenges to a voter’s registration made after this five-day window are invalid on their face and must be summarily rejected.⁴⁰

By only considering individualized challenges that are based on personal knowledge and made during the authorized periods, as required by Nevada law, election officials can avoid disenfranchising eligible voters and deter baseless challenges to voter eligibility.

3. Processing

Within five days of receiving a timely filed written challenge to a single voter’s registration that is based on the challenger’s personal knowledge, the county clerk must mail a notice to the challenged voter informing them that their right to vote has been challenged, but that they “are still registered and eligible to vote.”⁴¹ The clerk must also attach the challenge to the voter registration roster and notify the district attorney of the challenge.⁴²

A county clerk may only cancel a challenged voter’s registration based on a pre-election challenge if: (1) the county clerk is ordered to do so by a court of competent jurisdiction following investigation by the district attorney and a proper court hearing; or (2) the voter does not vote in any election between the challenge being filed and the second general election following the challenge and does not respond to a properly executed written notice of the challenge.⁴³ Challenges based on change in residency may only be cancelled under the latter circumstance.⁴⁴

³³ *Id.* § 293.547; Nev. Admin. Code § 293.416.

³⁴ Nev. Admin. Code § 293.416(1)(c)(6).

³⁵ *Id.* § 293.416(3); *see also* Personal Knowledge Memo at 3; Nevada Election Procedures Manual at 28.

³⁶ *See id.*; Alice Clapman, *Nevada: Limits on Voter Eligibility Challenges*, Brennan Ctr. for Justice (Aug. 21, 2026), <https://www.brennancenter.org/our-work/research-reports/nevada-limits-voter-eligibility-challenges>.

³⁷ *See* N.R.S. § 293.547(4).

³⁸ *Id.*

³⁹ *Id.* § 293.547(1) (providing that pre-election challenges may be made only “[a]fter the 30th day but not later than the 25th day before any election”).

⁴⁰ *See id.*

⁴¹ Nev. Admin. Code § 293.418; N.R.S. § 293.547(5)(b).

⁴² *Id.* § 293.547(5).

⁴³ *Id.* § 293.574(5)-(6).

⁴⁴ *See* 52 U.S.C. § 20507. This requirement is detailed further below.

A challenged voter whose registration is not cancelled pursuant to a court order or as the result of failure to respond must be considered registered to vote in the election following the challenge.⁴⁵ When the voter appears at the polling place, they should be treated as a challenged voter and election officials should follow the procedure detailed below for in-person challenges to voter eligibility.⁴⁶

Once the challenge has been resolved, the county clerk must mail a notice containing the result of the challenge to the initiator of the challenge “[a]s soon as practicable,” but no later than 21 days after the election; such notice should include the name of the person being challenged (if known) and the result of the challenge.⁴⁷

B. Polling Place Challenges

During in-person voting, challenges are still limited to registered voters from the same precinct as the challenged voter.⁴⁸ To make a challenge at the time of voting, a registered voter from the same precinct may orally challenge a voter’s eligibility and then must submit a signed affirmation under penalty of perjury, attesting to their challenge and its grounds.⁴⁹ Election officers may not consider a challenge that lacks the signed affirmation.⁵⁰

Election Day challengers must cite one of the following grounds available for ballot challenges: that the voter (1) does not belong to the political party designated either on the roster or on their application, (2) does not reside at the address listed on the roster, (3) previously voted in the same election, or (4) is not who they say they are.⁵¹

1. Processing

If a challenger brings a valid oral challenge against a fellow voter in their precinct, an election board officer at the precinct must then issue an oath to the challenged voter, which must be set forth on a form by the Secretary of State’s office and signed by the challenged voter under penalty of perjury.⁵² The voter must affirm their identity or that they have not cast a vote in this election.⁵³

If the challenge is based on the challenged voter’s residence, that voter must provide proof of residence, in addition to executing the oath.⁵⁴ If the challenger alleges that the challenged voter is not who they say they are, the challenged voter must provide proof of their identity.⁵⁵

⁴⁵ N.R.S. §§ 293.303, 293.547(5).

⁴⁶ *Id.* §§ 293.303, 293.547(5).

⁴⁷ *Id.* § 293.3035(1)-(2).

⁴⁸ *Id.* § 293.303(1)(a).

⁴⁹ *Id.* § 293.303(1)(a).

⁵⁰ *Id.*

⁵¹ *See id.*; Affirmation of Challenger EL-B04-25, available at <https://www.nvsos.gov/home/showpublisheddocument/19593/639166123980070000>.

⁵² *Id.* § 293.303(2).

⁵³ *Id.*

⁵⁴ *Id.* § 293.303(7).

⁵⁵ *Id.* § 293.303(8).

When a voter provides the required oaths and proof, if required, for each challenge listed above, a regular ballot must be issued to the challenged voter.⁵⁶ If a voter refuses to sign the oath or is unable to affirm their identity or that they have not already voted in the election, they must not be issued a ballot and must be labeled as “challenged” on the roster.⁵⁷

By ensuring that all election officials strictly adhere to the above procedures governing oral voter challenges, county clerks, their staffs, volunteers, and poll workers can protect against chaos, disruption, and wrongful disenfranchisement while voting is underway.

II. OTHER LEGAL REQUIREMENTS

As you know, both federal and Nevada 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 Nevada election officials have the responsibility to protect Nevada 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 historically disenfranchised communities in an attempt to intimidate or deter members of those communities from voting.⁵⁸ Sustaining such discriminatory challenges could violate the U.S. Constitution and federal law. Taken together, the Equal Protection Clause of the Fourteenth Amendment⁵⁹ and Section 2 of the Voting Rights Act⁶⁰ 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.”⁶¹ 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 Nevada law.

⁵⁶ See *id.* § 293.303(6).

⁵⁷ *Id.* § 293.303(3).

⁵⁸ 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.

⁵⁹ U.S. Const. amend XIV, § 1.

⁶⁰ 52 U.S.C. § 10301.

⁶¹ 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>.

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.⁶² 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.”⁶³ In 2016, a federal court determined that voter challenges that intentionally target geographic areas with a large percentage of racial or ethnic minorities and that had the purpose or effect of deterring qualified members of those minority groups from voting violated a court order in a case involving claims under Section 11(b).⁶⁴ 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).⁶⁵ 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.⁶⁶

The Nevada Constitution also protects Nevadans’ right to “vote without being intimidated, threatened or coerced.”⁶⁷ As such, it is a category E felony under Nevada law to “use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence” to prevent a person from voting.⁶⁸ Impermissible intimidation under Nevada law includes “imped[ing] or prevent[ing], by . . . fraudulent contrivance, the free exercise of the franchise by any voter[.]”⁶⁹ Therefore, use of the challenge procedure to intimidate, coerce, or threaten eligible voters to prevent them from voting can be considered impermissible under Nevada law.

To ensure that baseless mass challenges do not unlawfully intimidate voters, each local election official should review their duties and responsibilities to ensure that only challenges made using the proper procedure and supported by sufficient and individualized evidence are considered and sustained. County clerks should also promptly refer incidents of voter intimidation, including baseless mass challenges, to the Nevada Attorney General’s Office.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

⁶² 18 U.S.C. § 594.

⁶³ 52 U.S.C. § 10307(b).

⁶⁴ 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).

⁶⁵ 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”].

⁶⁶ 42 U.S.C. § 1985(3).

⁶⁷ Nev. Const. Art. II, § 1.

⁶⁸ N.R.S. § 293.710.

⁶⁹ *Id.*

⁷⁰ Reports of voter intimidation can be submitted to the Nevada Attorney General’s Office by calling the office at 775-684-1100.

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 Supreme Court, this “moratorium” is currently in effect and applies to programs that rely on data generated using the federal government’s SAVE system.⁸⁰

The Nevada Constitution likewise recognizes voters’ rights to a “uniform, statewide standard for counting and recounting votes accurately as provided by law.”⁸¹

Local election officials should work to eliminate any meaningful divergence among them in the standards and processes used to evaluate voter challenges in different municipalities and replace them with uniform standards and processes. By doing so, Nevada voter challenge processes can avoid the “arbitrary and disparate treatment” of challenged ballots that violates 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 challenges.⁸³ Election officials may only remove a voter from the list of registered voters based on change

⁷³ 52 U.S.C. § 20507(b).

⁷⁴ DOJ Guidance at 3.

⁷⁵ *Id.*

⁷⁶ 52 U.S.C. § 20507(b)(1).

⁷⁷ DOJ Guidance at 4.

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 *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).

⁸¹ Nev. Const. art. II, § 1A.

⁸² *Bush*, 531 U.S. at 104-05.

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



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.**⁸⁶

* * *

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

Sincerely,

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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). *Id.* 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.



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>.

U. S. Department of Justice
Civil Rights Division

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