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VIA EMAIL

Dear Ohio Election Officials:

Campaign Legal Center (CLC) writes to provide you with information and recommendations regarding how Ohio's county boards of elections and precinct election officials can best adjudicate frivolous challenges to voter eligibility to minimize the burden on election administrators and protect the rights of voters, including important guidance on limitations imposed by federal law.¹ Such guidance will help to limit the disruption of frivolous challenges to election administration and protect Ohio voters from harassment and intimidation.

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voter registration records with publicly available information, but that information is almost always incomplete or out of date, making the database matches unreliable.⁴ They also often improperly flag registered voters with the same name as ineligible individuals, voters who are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

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



address at which they are registered, and households where some but not all residents have moved.⁵ As a result, mass challenge lists almost always include significant numbers of eligible voters who should not be removed from the rolls.⁶

In the current election cycle, CLC is also concerned about the federal government's role in supplying unreliable, inaccurate data to fuel mass eligibility challenges. In recent months, federal officials have 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

⁵ See *id.*

⁶ See *id.*

⁷ 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>; 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).



because of threats and volatility over the past several election cycles. We hope this letter will assist you as you provide guidance to your staff and volunteers regarding the rules for voter challenges and their responsibilities in dismissing challenges without cause, allowing your office to ensure a fair and orderly election, safeguard voters from intimidation, and minimize administrative disruption.

To mitigate the potential harms to both voters and county boards of elections caused by baseless or otherwise improper challenges, and to eliminate the potential for confusion at the polls, CLC provides the election law summary below for county boards to make sure they are apprised of the law regarding challenges, and to ensure that it is properly communicated to polling location managers. The Secretary of State's *Election Official Manual* provides a comprehensive explanation of these laws and procedures,¹² and this letter aims to highlight those areas that are of particular relevance to concerns about voter eligibility challenges.

I. CHALLENGES TO VOTER ELIGIBILITY

As you are likely aware, there are two avenues for challenges to voter eligibility under Ohio election law: a challenge to the right to vote made by any registered voter prior to the election, and a challenge to the right to vote made by a precinct election official at the polls.¹³ Such challenges are subject to various limitations, which we have detailed further below.

A. Pre-Election Challenges by Any Registered Voter

The timeframe for pre-election challenges by any registered voter ends no later than 30 days prior to an election, which was October 4, 2026 for this year's general election.¹⁴ These challenges must be filed with the relevant county board of election either in person or by mail.¹⁵ **If county boards of elections receive any such challenges after October 4, 2026, they should be rejected as untimely and invalid.**

After a challenge is filed under this section, the board is required to review its own records "promptly."¹⁶ If the challenger is not a valid Ohio voter, the claim must be denied.¹⁷ The challenger must use Secretary of State Form 257 to state the reason for the challenge, and the form can only be accepted if the challenger affirms under penalty of election falsification that the challenge is true based on personal knowledge, information, or belief; otherwise, the challenge must also be denied.¹⁸

Making a knowingly false statement on the challenge form is a felony and can subject the challenger to incarceration and fines.¹⁹

¹² *Election Official Manual*, Ohio Sec'y of State (Aug. 5, 2026) [hereinafter "Election Official Manual"], <https://www.ohiosos.gov/assets/dir2026-27-fulleom.pdf>.

¹³ Ohio Rev. Code Ann. §§ 3503.24; 3505.20.

¹⁴ *Id.* § 3503.24(A).

¹⁵ *Id.*

¹⁶ *Id.* § 3503.24(B).

¹⁷ See *Election Official Manual* at 159.

¹⁸ Ohio Rev. Code Ann. § 3503.24(A). See *Election Official Manual*, at 159.

¹⁹ See Ohio Rev. Code Ann. §§ 3503.24(A), 3599.36 (defining election falsification), 2929.14 (setting terms of incarceration for felony sentences).

If the board has sufficient records to decide the challenge based on the board's records alone, the county's board of elections is required to immediately vote to grant or deny the challenge.²⁰ If the director and the deputy director of the board of elections review the challenge and believe that, "even if proven to be true, the reasons alleged would not be sufficient to grant the challenge," the challenge must be denied.²¹ If the director and deputy director disagree, it must be decided by a vote of the board.²²

According to guidance from the Secretary of State, **several common grounds for mass challenges are, on their own, insufficient bases for granting a challenge.** These insufficient grounds include: (1) returned mail, including mail sent by election officials or by private individuals, or a change of address on file in the USPS's NCOA database, (2) evidence of a foreclosure action, (3) and the voter's confirmation status being listed as "inactive" or "active-confirmation" in the Statewide Voter Registration Database.²³ **Challenges made on these bases alone must be summarily rejected.**

If the board is not able to determine the challenge based on its records alone, the director must set a time and date for a hearing before the board.²⁴ The hearing must be held and the decision on the challenge made within 10 days of the challenge being received.²⁵

The challenged voter must be notified by the director in writing of the time and date of the hearing, as well as their right to appear and testify, to call witnesses, and be represented by counsel.²⁶ The Secretary of State has instructed that this notice must be sent by first class mail no later than 6 days prior to the hearing.²⁷

The board must issue subpoenas to witnesses to appear and testify at the request of the challenged voter, the challenger, or any board member.²⁸ All witnesses must testify under oath.²⁹ The board must make a decision immediately following the hearing, and the challenged voter's name must remain on the rolls if the challenge is denied.³⁰ If the challenge is granted, the voter must be removed from the list.³¹ If the notice mailed to the challenged voter was not returned undeliverable and the person did not show up to the hearing in person, the board must notify the challenged voter of their removal by mail.³²

B. Challenges at Polling Places by Precinct Election Officials

The second way in which a registered voter's eligibility to vote may be challenged is by a precinct election official at the polling location on the day of voting.³³ Such challenges may *only* be raised by a precinct

²⁰ *Id.* § 3503.24(B).

²¹ *Election Official Manual* at 159.

²² *Id.*

²³ *Id.* at 161.

²⁴ Ohio Rev. Code Ann. § 3503.24(B); *see Election Official Manual* at 160.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *See Election Official Manual* at 160.

²⁸ *Id.*; *see also* Ohio Rev. Code Ann. § 3503.24(B).

²⁹ *Election Official Manual* at 160.

³⁰ Ohio Rev. Code Ann. § 3503.24(B); *see Election Official Manual* at 160-61.

³¹ Ohio Rev. Code Ann. § 3503.24(C); *see Election Official Manual* at 160.

³² *Election Official Manual* at 160.

³³ Ohio Rev. Code Ann. § 3505.20; *Election Official Manual* at 343.

election official who believes that a voter is ineligible.³⁴ **Any challenge to a registered voter's eligibility at a polling location on Election Day or during early voting that is made by anyone other than a precinct election official should be rejected as not permitted under Ohio election law.**³⁵

If a voter's eligibility is properly challenged by a precinct election official, but the board of elections has already ruled on the question presented in the challenge as a result of a challenge filed at least 30 days prior to the election, the ruling of the board is final.³⁶ If there has been no prior ruling on the question presented in the challenge by a precinct election official, the voting location manager shall evaluate the challenge using the following legal process.³⁷

There are four bases on which a precinct election official may challenge the eligibility of a person registered to vote: A) citizenship;³⁸ B) Ohio residency; C) precinct residency; and D) age.³⁹ **Challenges made on any other ground are invalid on their face and must be summarily rejected.**⁴⁰

For each ground on which a voter's eligibility can be challenged, the law provides a series of questions that the voting location manager must ask the challenged voter.⁴¹ The challenged voter should also be directed to fill out an Affidavit Oath Examination of Person Challenged (Form 10-U).⁴² **If the challenged voter fills out Form 10-U and the voter's answers on that form indicate that they are eligible to vote, they are entitled to vote a regular ballot.**⁴³ A challenged voter may only be required to vote a provisional ballot if a majority of precinct election officials is unable to determine the challenged voter's eligibility or the voter refuses to fill out Form 10-U.⁴⁴

If the challenged voter is at the incorrect polling location, the precinct election officials must direct them to the correct polling location.⁴⁵ If the voter refuses to go to the appropriate polling location or the precinct officials cannot determine the correct location, the person should be given a provisional ballot.⁴⁶

If the challenged voter cannot answer the questions that are asked or refuses to sign their name to the form offered by the location manager, they should be given a provisional ballot.⁴⁷

³⁴ See *id.*; *Election Official Manual* at 343-44. As you know, precinct election officials are appointed by the board of elections, and there are typically four precinct election officials per precinct. Ohio Rev. Code Ann. § 3501.22(A)(1). No more than half of the precinct election officials may be of the same political party. *Id.* One precinct election official of the dominant political party is designated by the Board as the voting location manager. *Id.* Only these properly appointed precinct election officials may challenge the eligibility of a voter by following the official form; observers may not do so. *Election Official Manual* at 343-44.

³⁵ See *id.*

³⁶ Ohio Rev. Code Ann. § 3505.20.

³⁷ *Id.*

³⁸ See *infra* at (i).

³⁹ *Id.*; see also *Election Official Manual* at 343.

⁴⁰ See *id.*

⁴¹ See Ohio Rev. Code Ann. § 3505.20.

⁴² Ohio Sec'y of State, *Form No. 10-U Prescribed by Secretary of State (01-26)*, <https://www.ohiosos.gov/assets/10-u.pdf>.

⁴³ Ohio Rev. Code Ann. § 3505.181(C)(2); *Election Official Manual* at 272. This determination is made by a majority vote of precinct election officials. *Id.*

⁴⁴ Ohio Rev. Code Ann. § 3505.181(C)(2); *Election Official Manual* at 272.

⁴⁵ Ohio Rev. Code Ann. § 3505.181(C)(1).

⁴⁶ *Id.* § 3505.181(C)(2).

⁴⁷ *Id.*

i. Citizenship challenges by precinct election officials

Ohio requires voters to show a valid photo identification to vote.⁴⁸ Under Ohio law, *only* precinct election officials may initiate a challenge based on citizenship.⁴⁹ Election observers, monitors, and other voters at the polling site may **not** challenge a voter's eligibility based on citizenship.

Precinct Election Officials may challenge an elector's citizenship only if the elector provides a photo identification form that is (1) an Ohio driver's license, (2) a state identification card, or (3) an interim identification form *and* that form of identification includes a notation identifying the individual as a non-U.S. citizen.⁵⁰

Under such a challenge, only a precinct election official shall first ask the elector the following questions:

1. Are you a citizen of the United States?
2. Do you possess proof of your United States citizenship? Please provide that documentation.⁵¹

Once the voter provides the requested documentation of citizenship⁵² and completes the Form 10-U Affidavit-Oath-Examination of Person Challenged, the voter must be allowed to cast a regular ballot.⁵³ If the voter is unable to provide documentation, they must be allowed to complete a Form 12-B Provisional Ballot Affirmation and vote a provisional ballot.⁵⁴ For provisional ballot voters, election officials must provide the voter with "clear next steps" and confirm that the voter understands how to ensure their ballot will be counted, including that the voter must provide documentation of citizenship to the board of elections within **four days** of Election Day.⁵⁵ In addition, a voter challenged on the basis of non-citizenship who votes a provisional ballot must be provided a Form 12-H Provisional Ballot Notice Handout.⁵⁶

Because Ohio law establishes that challenges based on a voter's citizenship must be initiated only based on the identification a voter provides to an election official, it is not appropriate to initiate a challenge based on information received from a third-party or an unfounded belief that a voter is not a U.S. citizen. Challenges initiated based on unfounded information or suggestions that a voter is not a citizen may constitute voter intimidation or unlawful race or national origin discrimination.⁵⁷

⁴⁸ *Id.* § 3505.18(A)(1).

⁴⁹ *Id.* § 3505.18(A)(3); *see Election Official Manual* at 344.

⁵⁰ *Id.*

⁵¹ *Id.* § 3505.20(A).

⁵² Ohio law defines proof of citizenship documents as any of the following: (1) a current Ohio driver license or state ID number, if the Ohio Secretary of State has already confirmed citizenship documents were provided; (2) a current Ohio driver license or state ID issued *on or after* April 7, 2023, or a copy of the ID; (3) a U.S. birth certificate or consular report of birth abroad, or a copy of either; (4) a valid U.S. passport or passport card, or a copy of the passport's ID page or both sides of the passport card; (5) a certificate of naturalization or of citizenship, or a copy of either; or (6) an approved immigration showing an approval of a request to replace a naturalization of citizenship document, an equivalent document issued by the federal government. Ohio Rev. Code Ann. § 3501.01(EE); *see Election Official Manual* at 347.

⁵³ *Id.*; *see Election Official Manual* at 344, 346.

⁵⁴ *Id.* §§ 3505.20(A), 3505.181; *see Election Official Manual* at 344, 346.

⁵⁵ *Id.* § 3505.181(B)(5a); *see Election Official Manual* at 346.

⁵⁶ *Id.* § 3505.128; *see Election Official Manual* at 347-48.

⁵⁷ *See infra* at II(A)-(C).

II. OTHER LEGAL REQUIREMENTS

As you know, both federal and Ohio 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 Ohio election officials have the responsibility to protect Ohio 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, clerks and other local elections officials should consider carefully whether granting mass challenges brought before them would have the effect of unlawfully disadvantaging eligible 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 Ohio law.

Federal law provides that anyone who “intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote” in a federal election has committed a federal crime.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

⁵⁸ See, e.g., Nicolas Riley, *Voter Challenges*, Brennan Ctr. for Just., 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 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>.

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).

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

Similarly, Ohio law criminalizes the use of “force, fraud, or other improper means, [to] obtain or attempt to obtain possession of the ballots, ballot boxes, or pollbooks,” “recklessly destroy[ing] any property used in the conduct of elections,” any “[a]ttempt to intimidate an election officer or prevent an election official from performing the official’s duties,” or “loiter[ing] in or about a registration or polling place during registration or the casting and counting of ballots so as to hinder, delay, or interfere with the conduct of the registration or election.”⁶⁷ Accordingly, election officials should be aware that challenges at polling locations by persons other than precinct election officials, may be considered voter intimidation in violation of federal and Ohio law.

To that end, we encourage you and the county boards of election to review the relevant laws and standards defining voter intimidation and promptly report any incidents of voter intimidation to the Ohio Attorney General’s Office and the U.S. Department of Justice (DOJ).⁶⁸

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.⁶⁹ 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.⁷⁰ 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[.]”⁷¹ including “any list maintenance activity based on third party submissions.”⁷² 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.”⁷³

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.⁷⁴ This restriction “applies

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 (Sept. 2024) (see attached) [hereinafter “DOJ Guidance”].

⁶⁶ 42 U.S.C. § 1985(3).

⁶⁷ Ohio Rev. Code Ann. § 3599.24.

⁶⁸ The DOJ Civil Rights Division Voting Section 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://www.justice.gov/opa/pr/justice-department-releases-information-efforts-protect-right-vote>.

⁶⁹ 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).

⁷⁰ *Id.* at 107.

⁷¹ 52 U.S.C. § 20507(b).

⁷² DOJ Guidance at 3.

⁷³ *Id.*

⁷⁴ 52 U.S.C. § 20507(b)(1).

to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.”⁷⁵ 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.”⁷⁶ This includes programs even where individual notice is provided to the voter.⁷⁷

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.**⁷⁸ According to the U.S. Supreme Court, this “moratorium” applies to programs that rely on data generated using the federal government’s SAVE system.⁷⁹

Ohio 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, Ohio’s voter challenge processes can avoid the “arbitrary and disparate treatment” of challenged ballots that violates the U.S. Constitution.⁸⁰

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.⁸¹ 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.⁸² 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.”⁸³ 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.**⁸⁴

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⁷⁵ DOJ Guidance at 4; *League of Women Voters, et al. v. Dep’t of Homeland Security*, 26A308, Order on Application for Stay, 609 U.S. ____ (2026) (per curiam), available at https://www.supremecourt.gov/opinions/25pdf/26a308_pok0.pdf (holding that the NVRA’s prohibition on systematic removals during the 90 days preceding a federal election limits the use of the SAVE database during that time period).

⁷⁶ *Va. Coal for Immigrant Rts. v. Beals*, No. 24-2071, 2024 WL 4601052, at *1 (4th Cir. Oct. 27, 2024).

⁷⁷ 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).

⁷⁸ 52 U.S.C. § 20507(c)(2)(A).

⁷⁹ *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.

⁸⁰ *Bush*, 531 U.S. at 104-05.

⁸¹ See 52 U.S.C. § 20507(b); DOJ Guidance at 4-6.

⁸² 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).

⁸³ *Id.* at 4.

⁸⁴ *Id.* at 4-5.



By ensuring compliance with the processes, requirements, and limitations of Ohio'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 Ohio 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 Ohioans' freedom to vote.

Sincerely,

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

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

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

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

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

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



List Maintenance

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

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

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

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

Restrictions on List Maintenance

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



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

Removal at the Request of the Registrant

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

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

Discrimination, Intimidation, Threats, and Coercion

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

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

The 90-Day Quiet Period Before Federal Elections

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



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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)