



**OCTOBER 07, 2026**

**VIA EMAIL**

Dear Virginia Election Officials:

Campaign Legal Center (CLC) writes to provide you with information regarding how Virginia Electoral Boards, registrars, and officers of election can properly respond to frivolous challenges to voter eligibility under Va. Code Ann. § 24.2-431 to minimize the burden on election administration and protect the rights of voters, including important guidance on limitations imposed by federal law.<sup>1</sup>

This document compiles available information from existing state 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.<sup>2</sup> In recent election cycles, partisan actors have relied on faulty databases to bring hundreds of thousands of challenges to voter eligibility across the nation.<sup>3</sup> 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voter registration records with publicly available information, but that information is almost always incomplete or out of date, making the database matches unreliable.<sup>4</sup> 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.<sup>5</sup> As

---

<sup>1</sup> This letter is not legal advice; it is intended to present a summary of relevant Virginia and federal law.

<sup>2</sup> 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 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>.

<sup>3</sup> 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>.

<sup>4</sup> See Sanders & Clapman, *supra* note 3.

<sup>5</sup> See *id.*

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

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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup> In fact, multiple federal courts have determined that the SAVE program is not a reliable source for verifying voters' current citizenship status or eligibility.<sup>11</sup> 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 General Election.

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 General Election—particularly in counties with fewer veteran election officials. Reminding your staff and volunteers of the rules for voter challenges and their responsibilities in dismissing challenges lodged without cause will ensure a fair and orderly election, safeguard voters from intimidation, and minimize administrative disruption.

---

<sup>6</sup> See *id.*

<sup>7</sup> 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>; 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>.

<sup>8</sup> *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>.

<sup>9</sup> 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>.

<sup>10</sup> 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>.

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

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

## VOTER CHALLENGES IN VIRGINIA

As you are likely aware, Virginia amended its election code in 2026 to require all voter registration challenges to be filed in circuit court.<sup>12</sup> This means that **voter registration challenges can no longer be performed at the general registrar's office, nor can challenges to one's eligibility to cast a ballot be performed at a polling location.**<sup>13</sup>

The Virginia Department of Elections ("ELECT") maintains a voter list that is regularly and periodically reviewed to remove any voters whose addresses may have changed.<sup>14</sup> Since H.B. 640 took effect in July 2026, challenges to a voter's eligibility for any reason other than a change in residency outside of the precinct may be made only by filing a petition in circuit court.<sup>15</sup>

Specifically, any three qualified voters may challenge the registration of another voter in their city or county by filing a petition stating their objections with the circuit court of their city or county.<sup>16</sup> This petition must be filed within six months of the challenged person's registration date.<sup>17</sup> The petitioners must also give the challenged voter fifteen days' notice to respond, unless otherwise ordered by the court.<sup>18</sup> As noted above, no petition may be filed if the only objection raised is based on removal of residence from the precinct.<sup>19</sup> The court will proceed to determine the challenged voter's right to be registered on an expedited schedule, when possible.<sup>20</sup> Once the circuit court has issued a final order, this order can be appealed within seven days and will likewise be expedited on the appellate court's docket.<sup>21</sup>

\* \* \*

By ensuring compliance with the processes, requirements, and limitations of Virginia's voter challenge laws, you can mitigate the potential harm and disruption caused by frivolous voter eligibility challenges. This summary of the relevant law should help you to prepare proactively to develop written procedures

---

<sup>12</sup> Virginia Dep't of Election, 2026 Changes to Virginia's Election Laws, available at [https://www.elections.virginia.gov/media/electionadministration/electionlaw/2026-Summary-of-Election-Law-Changes\\_FINAL.pdf](https://www.elections.virginia.gov/media/electionadministration/electionlaw/2026-Summary-of-Election-Law-Changes_FINAL.pdf); Va. Code Ann. § 24.2-431.

<sup>13</sup> *Id.*

<sup>14</sup> Va. Code Ann. § 24.2-404(A)(4).

<sup>15</sup> *Id.* § 24.2-431.

<sup>16</sup> *Id.* § 24.2-431(A).

<sup>17</sup> *Id.* § 24.2-434.

<sup>18</sup> *Id.* § 24.2-431(A).

<sup>19</sup> *Id.*

<sup>20</sup> Va. Code Ann. § 24.2-431(B).

<sup>21</sup> *Id.* § 24.2-431(C).



and policies for adjudicating such challenges and train your staff and volunteers on the requirements of Virginia 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 Virginians' freedom to vote.

Sincerely,

Jonathan Diaz  
Director, Voting Advocacy and  
Partnerships  
Campaign Legal Center  
1101 14<sup>th</sup> Street NW, Suite 400  
Washington, DC 20005  
[jdiaz@campaignlegalcenter.org](mailto:jdiaz@campaignlegalcenter.org)

