

Memorandum: Mass Voter Eligibility Challenges

October 2026

This memo provides information for local election officials and their attorneys to consider when preparing for mass third party challenges to voter eligibility.

Important note

This memo is for information purposes only. It is not intended to be legal advice or to create an attorney-client relationship.

If you have questions about your particular circumstances, please contact [Public Rights Project](#) or consult your own legal counsel.

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1. Introduction

This memo is intended to provide local election officials and their attorneys with sufficient factual and legal background to anticipate, prepare for, and engage with mass challenges to the eligibility of voters in their jurisdictions.¹

The memo begins by describing the history of mass challenges and contextualizes the recent nationwide increase in frequency and scale of these challenges. Next, it provides an overview of federal law that attorneys advising local election officials should consider when evaluating mass challenges. It then provides information about the data analyses that have become common in these challenges to help understand what kind of analysis may have been conducted and why it may be deficient. Next, two case studies provide examples of what local election officials might expect when receiving challenges. Lastly, it concludes with practical recommendations for responding to voter challenges in a way that minimizes the burden on eligible voters.

2. Background

With growing frequency since 2020, groups and individuals who do not believe that state voter rolls are accurate have been filing challenges to voters' eligibility or their ballots' validity by comparing voter rolls to various datasets and taking advantage of state voter challenge laws to attempt to force local election officials to investigate or remove voters from the rolls. Because the challengers file against large groups of voters with whom they have no personal connection, these kinds of challenges have come to be known as "mass voter challenges."² Without sufficient knowledge of voter list maintenance and state and federal laws about voter rolls, these challenges rarely identify voters who are actually ineligible. They instead cause significant administrative hurdles and resource drain for local election officials who are tasked with responding to them, often on tight timelines. Additionally, challenged voters may feel intimidated or burdened with paperwork or hearing requirements; and in some cases, these challenges have resulted in the removal of eligible voters from the rolls.³

Almost all state election codes contain provisions that create a process for individuals to challenge the eligibility of voters to be on the rolls or cast a ballot. Most challenge laws were written to allow challenges by voters who had personal knowledge of the voter they were

¹ This memo does not reach ballots that are challenged for procedural reasons (e.g., the omission of required signatures on a mail ballot return envelope), but some of the practical considerations may be relevant.

² Andrew Garber, *Mass Voter Challenges*, Brennan Center for Justice (July 2026), <https://perma.cc/M4PW-7RLX>.

³ See, e.g., Doug Bock Clark, *Close to 100,000 Voter Registrations Were Challenged in Georgia — Almost All by Just Six Right-Wing Activists*, ProPublica (July 13, 2023), <https://perma.cc/H9RT-H255> (a voter who was unhoused was removed from the rolls).

challenging and that voter's eligibility.⁴ The process and limitations on challenges vary by state. Depending on each state's statutes, the challengers can be election officials, poll workers, political party designees, or individual citizens who do not otherwise have a formal role in elections.⁵ In some states, the challenge can be filed only against the voter's registration or only the voter's ballot in a particular election, while almost twenty states allow challenges to both.⁶ The permitted timing of the challenges varies, with some states only allowing challenges at polling places while others allow them at almost any time.⁷ Each state's challenge laws set out mechanisms for the challenge to be evaluated, typically by local election officials, but sometimes by others, like courts.⁸ Procedural requirements also vary by state, including the form of the challenge,⁹ what kind of evidence is required of the challenger or voter,¹⁰ which party has the burden of proof,¹¹ the procedure required,¹² and any appeals process. Generally written before the advent of technology enabling mass challenges at scale, many of these statutes contain significant gaps about whether or how mass challenges should be reviewed, and may conflict with state and federal voter protection laws, depending on the circumstances of the challenges.

The use of voter challenge laws to attempt to suppress voters is not new. They have been harnessed as a racist tool to suppress voters throughout their history, from their origins through

⁴ Garber, *Mass Voter Challenges*, *supra* note 2, at 4. In some cases, the "personal knowledge" requirement is written directly into the statute. Memorandum from Mark Wlaschin, Nevada Dep. Sec. for Elections, to Nevada County Clerks & Registrars (Aug. 27, 2024), <https://perma.cc/Y294-U2UT> (explaining the personal knowledge requirement to county officials). In others, the fact that the statute existed before electronic database comparisons were available, and the case law that demonstrates review of testimony based on personal knowledge, show that such individualized challenges were the standard. See, e.g., *Appeal of Petrucci*, 38 Pa. D. & C.2d 675 (Luz. Ct. Com. Pl. 1965) (weighing live testimony of witnesses with direct evidence that the voters had not been out of town on Election Day, and therefore qualified to cast the absentee ballots they voted).

⁵ Garber, *Mass Voter Challenges*, *supra* note 2, at 4 ("In almost half of all states, any registered voter can file a challenge. Some states impose limitations, however, such as requiring challengers to be registered voters in the county of the challenge. Around one-third of the states require challengers to be appointed by political parties. And about five states allow only election workers to lodge challenges.")

⁶ *Id.* ("A little more than half of the states only allow challenges to a voter's ballot. Nearly 20 allow challenges to both ballots and registrations. Texas and Washington allow them only to registrations.").

⁷ *Id.*

⁸ For example, one kind of challenge to voter registration in Virginia is made before the local registrar, Va. Code Ann. § 24.2-429, while the other is made before the local Circuit Court. Va. Code Ann. § 24.2-431.

⁹ In Michigan, a challenge to a voter's registration requires a written affidavit that must "specify the grounds upon which the challenged elector is disqualified." MCL 168.512.

¹⁰ An Election Day challenge in Arizona must be made with "clear and convincing evidence." A.R.S. § 16-121.01(B).

¹¹ For one form of challenge in Virginia, a challenged voter must attend a hearing or their registration is automatically canceled, Va. Code Ann. § 24.2-429, and that challenged voter has the burden of proof in showing that they meet registration requirements once challenged. *Sachs v. Horan*, 252 Va. 247, 250 (1996). In contrast, in one kind of statute in Pennsylvania, the burden of proof is on the challenger to show that the challenged voter is not eligible. *Appeal of Petrucci*, 38 Pa. D. & C. 2d 675, 677 (Pa Ct. Com. Pl. 1965).

¹² See, e.g., 25 Pa.C.S.A. § 1602(d) (requiring board of elections in Pennsylvania to hold a hearing to consider challenges).

today.¹³ It is also not new to harness these laws to challenge groups of voters without any personal knowledge about them; such mass challenges existed on a smaller scale before 2020.¹⁴ However, beginning in 2020, as misinformation spread about elections and technology made public datasets like voter rolls more widely accessible to the public, mass challenges became more common.¹⁵ Individuals and organizations became concerned that rolls included large numbers of ineligible voters and began to organize to address the perceived problem, including by attending conferences and hosting training sessions on how to challenge a voter's eligibility.¹⁶ Using publicly available datasets and comparing them to voter rolls, challengers became convinced that many voters were ineligible to be on the rolls, and issued challenges through state challenge laws.¹⁷ Activists developed software like EagleAI to facilitate the process.¹⁸ As misinformation about noncitizen voting spread, some challenges have been driven by racism.¹⁹

Mass challenges based on databases, rather than personal knowledge of the challenged voters, are prone to error, and action to remove voters from rolls based on these challenges may conflict with state and federal law. For those reasons, local election officials tasked with evaluating these challenges have largely rejected them.²⁰ But rejection of these challenges does not eliminate the harm. They can require significant process, drawing time and resources away from local election officials and their staff, often during particularly busy periods for election administration. And they

¹³ Justin Lam, *The Racist History of Voter Challenge Laws*, Brennan Ctr. for Just. (July 21, 2026), <https://perma.cc/77DQ-3V5R> (“[B]etween 1867 and 1880, three years after the end of Reconstruction, at least 21 states enacted or expanded laws that enabled voters to challenge other voters’ eligibility, often targeting Black communities.”). Instances of racist challenges persisted throughout the nineteenth and twentieth century. *Id.* For example, in New Jersey in 1981 and in Louisiana in 1987, the RNC sent letters to Black voters, recorded whose mail was returned as undeliverable, and challenged those voters. *Democratic Nat. Comm. v. Republican Nat. Comm.*, 671 F. Supp. 2d 575, 580 (D.N.J. 2009), *aff’d*, 673 F.3d 192 (3d Cir. 2012). Discovery showed that in a letter between political directors for the RNC, one wrote, “I would guess that this program will eliminate at least 60,000–80,000 folks from the rolls ... If it’s a close race ... which I’m assuming it is, this could keep the black vote down considerably.” *Id.* In 2004, a resident of Atkinson County, Georgia, asked for a list of “all Hispanic voters” and challenged most of them. Pam Fessler, *Hispanic Voter Registrations Challenged in Georgia*, NPR (Oct. 27, 2004), <https://perma.cc/YZT5-EUK8>. Madeleine May, Chrissy Hallowell & Katrina Kaufman, “Election Protection” Activist Says He Plans to Flag Voters With “Hispanic-Sounding” Names as “Suspicious,” CBS News (Oct. 21, 2024), <https://perma.cc/8VJD-LFB8> (documenting an activist’s intention to challenge voters with “Hispanic-sounding” names).

¹⁴ See, e.g., *Miller v. Blackwell*, 348 F. Supp. 2d 916, 918 (S.D. Ohio 2004) (describing an effort by the RNC to send mail to addresses of newly registered voters, and then challenge about 35,000 whose mail was returned as undeliverable); Nicolas Riley, *A Lesson from North Carolina on Challengers*, Brennan Center for Justice (July 2, 2012), <https://perma.cc/ENNN-RBKZ> (documenting a challenge to 500 voters in North Carolina in 2012).

¹⁵ Garber, *Mass Voter Challenges*, *supra* note 2, at 4 (“In 2020, challengers began to contest voter eligibility on unprecedented scales.”)

¹⁶ See, e.g., Laura Lee & Jordan Wilkie, *Inside the ‘Election Integrity’ Efforts Targeting North Carolina*, The Assembly (Oct. 11, 2022), <https://perma.cc/6D4F-Z2KY>.

¹⁷ Henry Keating, *Board of Elections Staves Off Over 700 Voter Challenges From Local GOP Chair*, Macon Newsroom (May 1, 2024), <https://perma.cc/WHM3-QEH6> (Challenging voters based on change-of-address forms purportedly submitted by voters, concerns that over a hundred voters were registered at the same address—which turned out to be a university mail room, where students received all of their mail—and registrations that used a P.O. box as an address.)

¹⁸ Jane Timm, *Inside the right’s effort to build a voter fraud hunting tool*, NBC News (Aug 17, 2023) <https://perma.cc/VTM4-CEAT> (“EagleAI flags certain voter registrations for review, such as registrations tied to commercial addresses or those in which mail forwarding suggests an individual has moved.”).

¹⁹ May et al., *supra* note 13.

²⁰ Garber, *Mass Voter Challenges*, *supra* note 2, at 4-5. See, e.g., *Fair Fight Inc. v. True the Vote*, 710 F. Supp. 3d 1237, 1287-88 (N.D. Ga. 2024); Keating, *supra* note 17.

can intimidate, frustrate, or burden voters, who may have to take time to find documentation or appear at hearings, and may feel threatened by their eligibility being scrutinized.

Because mass voter challenges are scaling and reaching new jurisdictions, local election officials and their attorneys may face them for the first time, or may face unprecedented numbers of challenges.²¹ When they do, they may have limited case law or guidance on how to evaluate them using the parameters set out in statutes that were not designed with third-party database-matching in mind. In some cases, secretaries of state have attempted to fill in the gaps with formal guidance.²² In others, county attorneys will have to conduct research on very short turnarounds to enable their local election officials to lawfully evaluate novel challenges. The next section of this memo provides an overview of relevant federal law to aid in that process.

3. Federal Law

While eligibility challenges are created and largely governed by state law, federal laws can place limitations on how those challenges are handled by local election officials. The National Voter Registration Act, principles of due process, and the Voting Rights Act all contain provisions relevant to consider when reviewing mass challenges.

3.1. National Voter Registration Act

The National Voter Registration Act (NVRA) created voter registration and list maintenance requirements for most states.²³ The purpose of the NVRA is: (1) increasing the number of registered voters, (2) increasing voter participation in federal elections, (3) maintaining current and accurate voter rolls, and (4) ensuring the integrity of the voting process.²⁴ The Supreme Court has distilled these purposes into “two main objectives: increasing voter registration and removing ineligible persons from the States’ voter registration rolls.”²⁵ “These twin objectives—easing barriers to registration and voting, while at the same time protecting electoral integrity and the maintenance of accurate voter rolls—naturally create some tension.”²⁶

The NVRA restricts who may be removed from voter rolls. Generally, voters “may not be removed from the official list of eligible voters except” when the voter requests such removal, when the voter has been convicted of a crime, when the voter is mentally incapacitated;²⁷ or as part of a

²¹ Those facing these challenges for the first time may find it helpful to review examples of how they have unfolded. See *infra* Section 6, Case Studies.

²² See, e.g., Letter from Jonathan Brater, Director of the Michigan Bureau of Elections, to Clerks and Election Directors (Feb. 12, 2024), <https://perma.cc/Y6EC-RD6Q>.

²³ The NVRA does not apply to states that have election-day registration systems or no voter registration requirements. 52 U.S.C. § 20503(b). Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming are the six exempt states. *Pub. Int. Legal Found., Inc. v. Simon*, No. 25-1703, 2026 WL 2545322, at *1 n.1 (8th Cir. 2026).

²⁴ 52 U.S.C. § 20501(b).

²⁵ *Husted v. A. Philip Randolph Inst.*, 584 U.S. 756, 761 (2018).

²⁶ *Bellitto v. Snipes*, 935 F.3d 1192, 1198 (11th Cir. 2019).

²⁷ 52 U.S.C. §20507(a)(3).

“general program that makes a reasonable effort to remove the names of ineligible voters” by reason of the death of the registrant or change of address of the resident.²⁸

Importantly for mass voter challenges, the NVRA places restrictions on how and when voters may be removed from the rolls under a state’s general program of list maintenance. In relevant part, the NVRA prohibits:

- Removals of voters on the basis of changing residency without following a specific process that lasts through two federal election cycles.²⁹
- Systematic removals of voters from the rolls conducted less than 90 days before Election Day.³⁰
- Programs of list maintenance that are not uniform and nondiscriminatory.³¹

Ensuring that voters are not removed from rolls in violation of the NVRA is an obligation of local election officials. In passing the NVRA, Congress included language codifying that, “(1) the right of citizens of the United States to vote is a fundamental right; [and] (2) it is the duty of the Federal, State, and *local* governments to promote the exercise of that right.”³² It is vital, then, to consider whether taking action to remove voters from the rolls as the result of a mass challenge might violate the NVRA or other federal law.

3.1.1. Change in Residency

The NVRA both requires that states conduct a program to remove voters from the rolls when they have moved away, and also prohibits such removals without following certain processes and a waiting period laid out in the statute.

To begin, the NVRA requires a program to remove voters by reason of death or change of address.³³ It “sets forth an explicit safe-harbor procedure by which the states may fulfill their list-maintenance obligations as to voters who move.”³⁴ Under the safe harbor process, election officials may use change-of-address information provided by the U.S. Postal Service to identify registrants who appear to have moved out of the jurisdiction.³⁵ But whether election officials are using the safe harbor process or a different method to identify a change in residency, election officials “*shall not* remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless,” 1)

²⁸ Id. § 20507(a)(4).

²⁹ 52 U.S.C. § 20507(d).

³⁰ 52 U.S.C. § 20507(c)(2)(A).

³¹ 52 U.S.C. § 20507(b)(1).

³² Pub. Int. Legal Found. v. Boockvar, 431 F. Supp. 3d 553, 558 (M.D. Pa. 2019) (quoting 52 U.S.C. § 20501(a)) (emphasis added).

³³ 52 U.S.C. § 20507(a)(4).

³⁴ *Snipes*, 935 F.3d at 1195.

³⁵ 52 U.S.C. § 20507(c)(1).

the registrant confirms the change of address in writing, or 2) the registrant does not respond to a mailing to their registered address and then does not vote in two federal election cycles.³⁶

Many mass voter challenges are based on third-party review of address data.³⁷ Not only is such review duplicative of work that election officials already do, but removing voters from the rolls as a result of challenges to voters identified by third parties also runs a significant risk of violating the NVRA's restrictions on how and when election officials may remove voters from the lists as a result of an apparent change of address.

There is one exception identified in case law: at least one circuit court has approved of removals based on challenges to a voter's residency when they were never eligible residents to begin with. In that case, some residents of the small community of Kelly's Island, a largely seasonal community in Lake Erie,³⁸ challenged nearly one hundred voter registrations on the island.³⁹ The local election officials held hearings devoted to investigations of the challenged registrants' residences, including review of evidence like driver's licenses, employment history, time spent on the island, and the residence and voting precinct of each challenged voter's spouse.⁴⁰ Seven registrants who were removed from the rolls filed a lawsuit arguing that because the local election officials had not followed NVRA processes for the removal of voters based on change in residence, the voters should not have been removed.⁴¹ The Sixth Circuit rejected their argument, finding that "[i]n creating a list of justifications for removal, Congress did not intend to bar the removal of names from the official list of persons who were ineligible and improperly registered to vote in the first place."⁴²

3.1.2. Quiet Period

The NVRA also prohibits systematic removals within 90 days of an election, a timespan commonly called the "quiet period." The text of the statute is: "[a] State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, *any* program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters."⁴³

Local election officials responsible for maintaining voter rolls and hearing challenges have rejected challenges on the basis that sustaining them could violate the quiet period.⁴⁴ The quiet period—and in particular, as discussed below, its application to potential noncitizens on the

³⁶ *Id.* § 20507(d) (emphasis added).

³⁷ See *infra*, Information about Data Used for Challenges.

³⁸ About Us, Kelleys Island, <https://perma.cc/YQ5D-8PCT>.

³⁹ *Bell v. Marinko*, 367 F.3d 588, 589 (6th Cir. 2004).

⁴⁰ *Id.* at 590.

⁴¹ *Id.*

⁴² *Id.* at 591–92.

⁴³ *Id.* at § 20507(c)(2)(A) (emphasis added).

⁴⁴ For example, election officials in Macon, Georgia rejected 700 challenges in 2024 for this reason. Keating, *supra* note 17.

rolls—is being considered by the Supreme Court later this year.⁴⁵ However, oral arguments will not be held until December 9, meaning that for the November 2026 election, existing circuit caselaw is the only available precedent that is on point.

3.1.2.1. Systematic review compared to individualized review

While the NVRA places restrictions on the *systematic* removal of voters within the 90-day quiet period, that does not mean that *no* person may be removed from voter rolls within the quiet period. Because the text defining the NVRA’s quiet period specifically prohibits *systematic* removals, courts have found that the NVRA “permits removals based on individualized information at any time.”⁴⁶ This distinction between systematic programs of removal and individualized removals protects eligible voters from being removed erroneously: “[i]ndividualized removals do not present the same risks as systematic removals because they are ‘based on individual correspondence or rigorous individualized inquiry, leading to a smaller chance for mistakes.’”⁴⁷

The key question is what makes a removal program “systematic” rather than “individualized.” Several circuit courts have agreed that “[a] process is systematic if it uses a ‘mass computerized data-matching process’ to identify and confirm names for removal without ‘individualized information or investigation.’”⁴⁸ More specifically, the Ninth and Eleventh Circuits, both considering state laws that created procedures to identify and remove noncitizens on the rolls after checking government databases, agreed that “us[ing] a mass computerized data-matching process to compare the voter rolls with other state and federal databases, followed by the mailing of notices” is systematic and voters cannot be removed under such a program within the 90-day quiet period.⁴⁹ In both the Ninth and Eleventh Circuits, the SAVE system was among the databases that local officials were instructed to check,⁵⁰ although it is worth noting that the SAVE system has undergone changes since the cases were decided.⁵¹ The Ninth Circuit also wrote in *Mi Familia Vota* that, more broadly, “[c]ancellation of batches of registered voters based on a set procedure is systematic . . .”⁵² As described more fully below, the appellants in *Mi Familia Vota* have been granted cert at the U.S. Supreme Court.

While *Arcia* and *Mi Familia Vota* concern list maintenance programs mandated under state law, at least one federal court has issued a preliminary injunction specifically preventing a board from

⁴⁵ *Republican Nat’l Comm. v. Mi Familia Vota*, No. 25-1017 (Pet. Granted June 29, 2026), <https://perma.cc/BFT9-LDAG>.

⁴⁶ *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014); *Mi Familia Vota v. Fontes*, 129 F.4th 691, 716 (9th Cir. 2025).

⁴⁷ *N.C. State Conf. of the NAACP v. The N.C. State Bd. of Elections*, 2016 WL 6581284, at *5 (M.D. N.C. 2016) (quoting *Arcia*, 772 F.3d at 1346).

⁴⁸ *VACIR v. Beals*, 2024 WL 4601052, at *1 (4th Cir. 2024) (quoting *Arcia*, 772 F.3d at 1344).

⁴⁹ *Mi Familia Vota*, 129 F.4th at 716 (9th Cir. 2025) (quoting *Arcia v. Fla. Sec’y of State*, 772 F.3d at 1344).

⁵⁰ *Mi Familia Vota*, 129 F.4th at 705; *Arcia*, 772 F.3d at 1344 (“Certainly, it is telling that the database that Secretary Detzner used before the general election—SAVE—stands for Systematic Alien Verification for Entitlements.”).

⁵¹ *DHS, USCIS, DOGE Overhaul Systematic Alien Verification for Entitlements Database*, Dep’t Homeland Security (Apr. 22, 2025), <https://perma.cc/MM47-2M7J>. See *infra* Section 4.5 for discussion of the current status of the SAVE system.

⁵² *Mi Familia Vota*, 129 F.4th at 716.

sustaining mass challenges, basing its decision in part on the NVRA's quiet period.⁵³ In that case, the Ben Hill County board of elections in Georgia sustained a mass challenge to voters based on the National Change of Address ("NCOA")⁵⁴ database in the month before a Senate runoff election in January 2021.⁵⁵ The court found that the challenged voter plaintiffs had "demonstrated a substantial likelihood of success on the merits of establishing that [the Ben Hill board of elections] violated the NVRA by failing to conduct the requisite individualized inquiry required for challenges made within 90 days of a federal election."⁵⁶ The court considered the testimony of the Ben Hill election director that the rushed circumstances contributed to her recommendation to sustain the challenge to the voters, and that "the data in the challenge was unverified and of unknown reliability."⁵⁷

In a case in 2004, a district court enjoined state and local election officials from sustaining mass challenges to around 35,000 voters in Ohio based on the fact that the timing of the notice and hearing voters would be required to attend was likely to violate their due process rights.⁵⁸ When the Sixth Circuit declined to stay the district court's order, the decision noted that the county would encounter difficulties in evaluating the challenges in line with both due process *and* NVRA requirements.⁵⁹ However, the Sixth Circuit's consideration of the issue was brief.

More recently, in 2024, the Department of Justice issued guidance that explicitly addressed the quiet period and third-party challenges, writing that the quiet period restrictions against removals apply "to list maintenance programs based on third-party challenges derived from any large, computerized datamatching process."⁶⁰ However, the DOJ has since removed that guidance,⁶¹ and today's DOJ has written in letters to state election officials that the quiet period specifically "does not apply to the removal of non-citizens who were never eligible to register in the first place."⁶² And in July 2026 the DOJ asserted that, "any removal of ineligible voters from the [state voter registration list] based on an individualized recommendation or alert from the United States is not a 'systematic' removal by the State and thus does not implicate the NVRA's 90-day quiet period."⁶³

⁵³ *Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1369 (M.D. Ga. 2021).

⁵⁴ See *infra* Section 4.2 for discussion of the NCOA database and its use in challenges.

⁵⁵ *Id.* at 1363.

⁵⁶ *Id.* at 1369.

⁵⁷ *Id.*

⁵⁸ *Miller*, 348 F. Supp. 2d at 921.

⁵⁹ *Miller v. Blackwell*, 388 F.3d 546, 547 (6th Cir. 2004).

⁶⁰ U.S. Dep't of Justice, Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507 (Sept. 2024), <https://perma.cc/UU2S-3JKX>.

⁶¹ <https://perma.cc/6N6J-VAV7> (website as of Oct. 5, 2026).

⁶² Letter from Harmeet Dhillon, Assistant Attorney General, to Jared Demarinis, Maryland State Administrator of Elections (July 7, 2026), <https://perma.cc/E3ZA-5W9F>. To support that statement, they cite *Bell v. Marinko*, 367 F.3d 588 (6th Cir. 2002), although that case considered neither the quiet period nor noncitizens. *Id.* at 2.

⁶³ Reply to Opp'n to Mot. to Expedite at 8, *United States v. DeMarinis*, No. 26-1878 (4th Cir. filed July 29, 2026), Dkt. No. 24 (citations omitted).

3.1.2.2. U.S. Supreme Court consideration

The question of whether the quiet period applies to state list maintenance programs aimed at identifying noncitizens is now before the U.S. Supreme Court. The RNC successfully petitioned for certiorari in the U.S. Supreme Court in *Mi Familia Vota*.⁶⁴ The case will be fully briefed by October 13, 2026, and argued on December 8, 2026.⁶⁵ Decisions come out on a rolling basis and almost always by the end of the term, so this decision is expected by June 2027.

The question the petitioners presented concerning the quiet period is, “Does the National Voter Registration Act prohibit Arizona from implementing a program within 90 days of a federal election to cancel the registrations of voters who are not U.S. citizens?” The case concerns a state noncitizen removal program with a particular procedure for local election officials to follow,⁶⁶ and not the decisions that any local election officials may make about third party challenges. But the decision may have implications for third-party challenges based on citizenship.

Lower courts have reasoned that the quiet period is intended to protect eligible voters, due to the risks of mistakes in systematic processes.⁶⁷ Under that logic, the quiet period should apply to removal programs associated with noncitizens, because the quiet period is meant to protect eligible voters from mistaken removals—the risks of a systematic process close to the election exist whether the targeted group is ineligible due to citizenship or for some other reason. And indeed, the risk of mistake when carrying out systematic processes to remove suspected noncitizens from voter rolls using the federal government’s citizenship lists in 2026 seems to be high, given that the data in those systems has proven to be unreliable.⁶⁸

But the majority of the U.S. Supreme Court may not see the question of noncitizen removals during the quiet period that way. In October 2024, the Supreme Court stayed a lower court’s injunction against the state of Virginia’s attempt—during the quiet period—to purge 1,600 voters

⁶⁴ *Republican Nat’l Comm. v. Mi Familia Vota*, No. 25-1017 (Pet. Granted June 29, 2026), <https://perma.cc/6UT2-HZ26>.

⁶⁵ *Id.*

⁶⁶ Under the program, the state local election official—the county recorder—was required to cancel a registration “[w]hen the county recorder obtains information pursuant to this section and confirms that the person registered is not a United States citizen” and before cancelling the registration, the “county recorder shall send the person notice by forwardable mail that the person’s registration will be cancelled in thirty-five days unless the person provides satisfactory evidence within thirty-five days.” Arizona Revised Statute § 16-165(A)(10). The program “provides that the county recorder shall obtain such information by periodically checking available databases including the ADOT, Social Security Administration, SAVE, NAPH SIS, and city, town, county, state, and federal databases to research the citizenship status of registered voters and, if they are not confirmed to be citizens, cancel their registrations.” *Mi Familia Vota v. Fontes*, 129 F.4th at 716.

⁶⁷ *N.C. State Conf. of the NAACP*, 2016 WL 6581284, at *5 (quoting *Arcia*, 772 F.3d at 1346).

⁶⁸ See *infra* Section 4.5.

that the state had identified as noncitizens through a data-matching program.⁶⁹ That case ended in a settlement in 2026, under which the state agreed not to use certain processes to remove registered voters during the NVRA quiet period.⁷⁰

3.1.3. Uniform and Nondiscriminatory Program

The NVRA requires that state list maintenance efforts are “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.”⁷¹ The NVRA does not define the term “nondiscriminatory,” “nor does it appear to require discriminatory intent in assessing whether a program or activity is discriminatory.”⁷²

Database-matching programs that seek to remove noncitizens can run afoul of the “uniform and nondiscriminatory” provision because they tend to disproportionately impact naturalized citizens.⁷³ This is because database matching programs generally do not compare two current databases, but rather use data from different points in time. A database purporting to identify noncitizens, like a list of people who had declined jury duty due to lack of citizenship, or a list of driver’s license applicants that had indicated lack of citizenship at the time of the license application, does not account for anyone who has become naturalized in the period since the data entered the system. Therefore, comparisons of those kinds of lists against current voter registration rolls are likely to identify naturalized citizens in particular, and challenges based on such database comparisons are more likely to disproportionately impact them compared to citizens born in the United States.

For example, in 2012, a state list maintenance program aimed at identifying and removing noncitizens in Florida included matching voter rolls to DMV records of those who had at some point indicated that they were not a citizen.⁷⁴ The District Court examining the program found that the methodology “made it likely that the properly registered citizens who would be required to respond and provide documentation would be primarily newly naturalized citizens,” and because it was therefore “likely to have a discriminatory impact on these new citizens,” the program “likely

⁶⁹ *Beals et al. v. Va. Coal. for Immigrant Rts., et al.*, 2024 WL 4608863, at *1, — U.S. — (2024). In that case, on August 7, 2024, exactly ninety days before the November 2024 general election, Virginia Governor Glenn Youngkin issued an executive order that directed the Department of Elections to identify registered voters who the state Department of Motor Vehicles had at some point identified as noncitizens. On appeal, the Fourth Circuit affirmed, agreeing with the Ninth and Eleventh Circuits “[a] process is systematic if it uses a ‘mass computerized data-matching process’ to identify and confirm names for removal without ‘individualized information or investigation.’” *VACIR v. Beals*, 2024 WL 4601052, at *1 (4th Cir. 2024) (quoting *Arcia*, 772 F.3d at 1344). When it issued the stay of the preliminary injunction three days after the Fourth Circuit’s affirmance, the U.S. Supreme Court did not explain the decision to stay the injunction; Justices Sotomayor, Kagan, and Jackson would have denied the application for the stay. *Id.*

⁷⁰ Settlement Agreement, *Virginia Coalition for Immigrant Rights v. Susan Beals*, No. 24-cv-01778 (Apr. 17, 2026), <https://perma.cc/97FJ-J7CL>.

⁷¹ 52 U.S.C. § 20507(b)(1).

⁷² *Virginia Coal. for Immigrant Rts. v. Beals*, 803 F. Supp. 3d 454, 474 (E.D. Va. 2025).

⁷³ *Mi Familia Vota v. Fontes*, 129 F.4th at 714-15 (Arizona’s program was “likely to have a discriminatory impact on [naturalized] citizens” and so violated the “uniform and nondiscriminatory” provision).

⁷⁴ *United States v. Fla.*, 870 F. Supp. 2d 1346, 1347 (N.D. Fla. 2012).

ran afoul” of the uniform and nondiscriminatory provision.⁷⁵ However, the court also noted that, “A program that accurately identifies noncitizens who are registered to vote without unnecessarily challenging citizens could meet the requirement of uniformity and nondiscrimination [and] such a program could be pursued even within 90 days of an election...”⁷⁶

3.1.4. The NVRA and Challenges to Mail Ballots or Mail Ballot Applications

At least one case has considered the question of whether the NVRA can restrict state voter challenges that are directed at ballots (as opposed to registrations), because a successful challenge does not technically remove the voter from the rolls in those circumstances. Instead, it might invalidate the ballot, while leaving the registrant eligible to vote. One district court has considered this challenge and determined that for the purposes of NVRA protections, challenges to voter registrations compared to the ballots themselves are “a distinction without a difference...a voter for whom a challenge is ultimately upheld will not be allowed to cast a ballot in the [election].”⁷⁷ In any given challenge circumstance, this analysis would depend on the broader state statutory challenge and provisional ballot scheme and consider whether voters whose ballots have been challenged and disqualified have sufficient opportunity to cast a ballot.

3.2. Constitutional Protections

3.2.1. Right to Vote

Severe burdens on the right to vote can violate the First and Fourteenth Amendments. The general right to vote is “implicit in our constitutional system.”⁷⁸ “Specifically, voters have a First Amendment right ‘to associate for the advancement of political beliefs’—a freedom likewise protected by the Fourteenth Amendment ‘from infringement by the states.’”⁷⁹ And voters have a “Fourteenth Amendment right ‘to participate equally in the electoral process.’”⁸⁰

Analyses of such violations are analyzed using the *Anderson-Burdick* balancing test. Under that test, courts to “weigh ‘the character and magnitude of the asserted injury to the rights . . . that the plaintiff seeks to vindicate’ against ‘the precise interests put forward by the State as justifications for the burden imposed by its rule,’” considering “the extent to which those interests make it

⁷⁵ *Id.* at 1350.

⁷⁶ *Id.* at 1351.

⁷⁷ *Majority Forward*, 512 F. Supp. 3d at 1368 (M.D. Ga. 2021).

⁷⁸ *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 35 n.78 (1973).

⁷⁹ *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1319 (11th Cir. 2019) (quoting *Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968)).

⁸⁰ *Lee*, 915 F.3d at 1319 (quoting *Swanson v. Worley*, 490 F.3d 894, 902 (11th Cir. 2007)).

necessary to burden the plaintiff's rights.”⁸¹ Courts apply a “flexible standard.”⁸² “The more a challenged law burdens the right to vote, the stricter the scrutiny to which we subject that law.”⁸³

Were a local election official to sustain mass challenges, voters who were removed from the rolls or whose ballots were not counted on the basis of the challenge could file a lawsuit alleging a violation of their right to vote. The court would analyze how severe the burden on the voter is against the state's interest in sustaining the challenge. The bar for what constitutes a sufficient interest is low; “[t]hat [preventing fraud] is a legitimate interest is beyond cavil.”⁸⁴ An interest in preventing ineligible voters would be sufficient. The severity of the burden, then, would be the primary subject of the litigation. The more difficult it would be for a challenged voter to respond—for example, by providing for a very short turnaround to rebut the challenge, by requiring physical attendance at a hearing for a person who was voting by mail because getting to the polling place was difficult, or by cancelling registrations close to the election without time to re-register—the more likely that the court would find a violation of the right to vote.

Indeed, the district court in Georgia that enjoined a county's decision to sustain a mass challenge leading up to a 2021 runoff election in part on the basis of the likelihood that it would violate the quiet period also enjoined it on the basis of the likelihood that it would violate the right to vote.⁸⁵

3.2.2. Due Process

The Due Process clause of the Constitution requires notice that is “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”⁸⁶ It is possible that the timing and circumstances of a mass challenge might violate the principles of due process, should they limit that notice and opportunity. However, it is important to review the status of due process challenges to election laws in the federal circuit where the challenges are being made before making that determination.⁸⁷

Courts have considered due process in the context of mass challenges. In 2004, when the Ohio RNC challenged 35,000 voters close to an election, a district court issued a preliminary injunction preventing local and state election officials from sustaining the challenges given that the short period of time between notice and the hearing that voters were required to attend was likely to violate due process, including because the timing and manner of the notice “may discourage

⁸¹ *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 788–89 (1983)).

⁸² *Id.*

⁸³ *Democratic Exec. Comm. of Fla.*, 915 F.3d at 1319.

⁸⁴ *Eakin v. Adams Cnty. Bd. of Elections*, 149 F.4th 291, 316 (3d Cir. 2025) (citing *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 196 (2008)).

⁸⁵ *Majority Forward*, 512 F. Supp. 3d at 1370.

⁸⁶ *Dusenbery v. United States*, 534 U.S. 161 (2002) (quoting *Mulane v. Central Hanover Bank*, 339 U.S., at 314, 319(1950)).

⁸⁷ The framework for reviewing procedural due process challenges to voting rights is not the same across circuits. For example, the Ninth Circuit and at least two others use the *Anderson/Burdick* test for such analyses. *Arizona Democratic Party v. Hobbs*, 18 F.4th 1179, 1195 (9th Cir. 2021) (adopting the *Anderson/Burdick* framework such analyses at the preliminary injunction stage, and noting that the Eleventh and Fifth circuits do the same).

Plaintiff Voters from exercising [the] fundamental right [to vote] by leading them to believe that they are not eligible to vote.”⁸⁸ The Sixth Circuit agreed, writing, “This Court is mindful of the practical difficulty of the County Boards of Elections arranging and conducting literally thousands of hearings for all challenged voters between today’s date and November 2, 2004 in a manner that complies with all legal prerequisites of county and state election laws without contravening the requirements of the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the National Voter Registration Act.”⁸⁹ Additionally, the Georgia court that enjoined a board’s attempt to sustain a mass challenge in 2021 considered due process in its analysis of the potential violation of the right to vote, though did not decide the issue on due process.⁹⁰

3.3. Voting Rights Act (Residency)

Section 202 of the Voting Rights Act requires that otherwise eligible voters must be allowed to vote for president and vice president when they fail to meet a state’s durational residency requirement.⁹¹ As part of that protection, it requires states to allow voters who have moved to a new state within thirty days of an election to vote in their previous state, if they do not meet their new state’s registration requirements due to residency in presidential election years.⁹² Under Section 202 of the VRA, then, “Congress outlawed state durational residence requirements for presidential and vice-presidential elections, and prohibited the States from closing registration more than 30 days before such elections.”⁹³ In effect, then, the VRA limited state durational residency requirements during presidential election years to thirty days.

⁸⁸ *Miller*, 348 F. Supp. 2d at 921.

⁸⁹ *Miller*, 388 F.3d at 547.

⁹⁰ *Majority Forward*, 512 F. Supp. 3d at 1371 (“[T]he rush to act without due process led to erroneous challenges being sustained.”)

⁹¹ 52 U.S.C. § 10502(c) (“No citizen... who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision...”)

⁹² 52 U.S.C. § 10502(e). (“If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election [either in person or by mail].”)

⁹³ *Dunn v. Blumstein*, 405 U.S. 330, 344 (1972).

4. Information about Data Used for Challenges

Mass voter challengers across the county have used all of the following methods to identify groups of voters to challenge. This section explains what each data source is and its reliability or lack thereof. The public information about these data sources, including examples of errors in third party challenge analyses in recent years, are important considerations for local election officials and their attorneys who are tasked with evaluating mass challenges.

4.1. Database Comparisons, Generally

Those who organize and file mass challenges to voters have increasingly harnessed database comparisons since 2020, using technology to compare voter registration lists with various datasets that they believe indicate ineligibility. The particular challenges of identifying ineligible voters using specific kinds of datasets are outlined below, but many database comparisons share similar inherent flaws. For example:

Datasets may not be up to date. Comparing the current voter registration list to another database does not provide useful information if the database does not provide the most current information. For example, state department of motor vehicle databases can include information about whether an individual was a citizen when they obtained their driver's license, but driver's licenses can take years to expire, and the license holder may have become a naturalized citizen in the interim.⁹⁴ Likewise, voter registration lists themselves are dynamic, constantly being updated by state and local election officials; because third parties do not have access to a live version of the lists, they have to use a snapshot in time of the list in their comparison. That snapshot of the list will not reflect removals or other changes in voter status since the third party obtained the list.

Close matches may cause false positives. Voters have been challenged because of false matches between the challenged voter and a person who shares the same name. For example, a challenger attempting to analyze a dataset of voters who moved out of state may confuse a father who has not moved with his namesake son, who moved out-of-state. While in theory, other identifiers like dates of birth would solve this problem, not all databases have such identifiers, or may be missing information for individuals, so this problem persists.⁹⁵

The underlying data often cannot be verified by challengers—so it cannot be verified by local election officials considering those challenges. Any database with hundreds of thousands of

⁹⁴ *Mi Familia Vota Educ. Fund v. Detzner*, 891 F. Supp. 2d 1326, 1330 (M.D. Fla. 2012) (state's citizenship checks against its DMV databases did not account for naturalization); *Virginia Coal. for Immigrant Rts. v. Beals*, 803 F. Supp. 3d at 475 (same).

⁹⁵ Kayla James, *Challenges to more than 1,000 Polk Co. voter registrations set aside until after November election*, KCCI Des Moines (Sept. 9, 2026), <https://perma.cc/K2U7-7V69> (“[Challenged voter Gerard] Neugent said two challenges alleged that he was no longer an Iowa resident because he had moved to Wisconsin and registered to vote there. He said the claims apparently confused him with his son and grandson, Gerard Neugent II and Gerard Neugent III, who live and vote in Wisconsin.”)

entries is likely to contain some errors or missing information, especially dynamic datasets like voter rolls. Challengers—especially those accessing databases via software like those detailed below—typically cannot personally verify the accuracy of the underlying data, and may not understand it to begin with.

First, the technology used to maintain voter rolls can change many times over the course of a voter's lifetime of voter registration due to changes in law and developments in software. Migrating data to new systems might result in errors or placeholders—for example, an update to Michigan's system introduced a "registration date" field that had not existed in the database before, and the system generated a placeholder of Jan. 1, 1900, for people who registered before new software was introduced and for whom local election officials did not have a birth date.⁹⁶ Third parties may assume that this date indicates that the voter must have died before voting without understanding that it is a placeholder.⁹⁷ Similarly, in Nevada, a transition from a county-run system to a state-run system resulted in some voters sharing a "voter case number," and confusion over that number may have caused DHS to misidentify voter registration records it reviewed as belonging to noncitizens.⁹⁸

Second, data input by humans can contain human error—whether from an election worker misreading a handwritten form when entering the information into the state registration system or for some other reason. For example, voters have been challenged because of an error in their street suffix.⁹⁹ Finally, changes outside of both voters' and election officials' control can result in database matching errors. For example, in 2018, after Atlanta, Georgia changed the name of a street called Confederate Court; a voter who lived there for more than a decade was challenged.¹⁰⁰

Challengers may not understand the data. Third parties may see patterns that they think are suspicious, but are in fact completely normal. For example, they may think that it is suspicious that multiple voters have the same birth date, when in fact statistics demonstrate that voter registration lists in a state *will* contain different voters who share the same name and birthdate.¹⁰¹

Software programs designed for mass challenges compound these problems. Activists who do not believe that voter rolls are accurate have developed software meant to enable challengers to

⁹⁶ Nick Corasaniti & Alexandra Berzon, *Activists Flood Election Offices With Baseless Voter Challenges*, N.Y. Times (Sept. 28, 2022), <https://perma.cc/C8V6-KSTJ>.

⁹⁷ Third parties have assumed that registrants with a listed birthday of January 1, 1900 were deceased. But they did not understand the placeholder, and the Associated Press was able to find that flagged individuals were indeed alive. Tom Perkins, *The dead voter conspiracy theory peddled by Trump voters, debunked*, The Guardian (Nov. 18, 2020), <https://perma.cc/JFS4-JTKG> ("Among [voters with a birthdate listed as January 1, 1900] was Donna Brydges, a 75-year-old Hamlin Township resident. In a phone call with the Associated Press this week, she confirmed she's alive.").

⁹⁸ 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://perma.cc/5NM3-QX8N>.

⁹⁹ Abby Vesoulis, *A MAGA Activist Flooded Georgia With Voter Challenges. Now He Works for the State Election Board.*, Mother Jones (Sept. 9, 2026), <https://perma.cc/7ATG-EG35>. ("[The challenger] also targeted a police sergeant whose street was listed as Boulevard Boulevard, when its actual name is Boulevard Drive.")

¹⁰⁰ Vesoulis, *supra* note 99.

¹⁰¹ Michael P. McDonald & Justin Levitt, *Seeing Double Voting: An Extension of the Birthday Problem*, 7 Election L. J. 111, 122 (2008), <https://perma.cc/EYP7-9FYK>.

identify potentially ineligible voters. They may cross-reference voter rolls from some point in time with one or more other databases—often including a change-of-address database from some point in time. But these software programs are often black boxes: it is not always clear what data they use, or what time period is associated with the data. And by the time someone uses the software, it could be that both the voter roll and the comparison database are long out of date. Three known programs are:

- **EagleAI** (pronounced “eagle eye”): EagleAI may include comparisons to other state voter rolls at some point in time,¹⁰² registrations associated with commercial addresses,¹⁰³ the NCOA database¹⁰⁴, and property tax records.¹⁰⁵
- **ELLY**: In 2026, the developer of EagleAI began to pitch a computer program called ELLY to election officials.¹⁰⁶ According to an NBC News report, “It’s unclear how ELLY differs from EAGLEAI,” but a leader in the voter challenge movement said that “ELLY was derived from EAGLEAI and includes ‘modifications and enhancements.’”¹⁰⁷ It allows individuals to compare datasets that include property taxes and online obituaries.¹⁰⁸
- **IV3**: True the Vote, an organization that has pushed voter fraud conspiracy claims, developed a web-based app called IV3 that, like EagleAI, cross-references state voter rolls with the NCOA database.¹⁰⁹

4.2. National Change of Address Database and Residency Investigations

Many mass voter challenges in recent years have involved comparisons between voter rolls and the United States Postal Service’s NCOA database. Individuals end up in this database when they file a change-of-address form with the USPS. The form enables people to have their mail forwarded to their new address for 15 days to 6 months, with the option to extend forwarding up to 1 year.¹¹⁰ Challengers see the filing of this form as evidence to at least suspect that the voter is no longer a resident of the jurisdiction.

¹⁰² Mark Niesse, *Voter challenges based on EagleAI spreadsheets dismissed in Forsyth*, Atlanta Journal-Constitution (June 29, 2024), <https://perma.cc/7BZM-6RXU> (“EagleAI CEO Rick Richards said his data is accurate — based on voter lists showing someone had registered in another state after they last participated in elections in Georgia — and the board should have accepted the challenges without demanding more details.”)

¹⁰³ Jane Timm, *supra* note 18 (“EagleAI flags certain voter registrations for review, such as registrations tied to commercial addresses or those in which mail forwarding suggests an individual has moved.”)

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Lynn Bonner, *Conservative activists want to use software with controversial origins to check NC’s voter rolls*, NC Newsline (Feb. 13, 2026), <https://perma.cc/NA5X-RYD9>.

¹⁰⁷ *Id.*

¹⁰⁸ Vesoulis, *supra* note 99.

¹⁰⁹ Dhruv Mehrotra, *Inside the ‘Election Integrity’ App Built to Purge US Voter Rolls*, Wired (Nov. 8, 2022), <https://perma.cc/EJ3N-YJ9J>.

¹¹⁰ USPS Change-of-Address, USPS.com, <https://perma.cc/VH6K-SC79>.

Residency-based challenges are not new; before technology became available to assist with database reviews, those seeking to challenge voters based on residency sent out mass-mailers to certain groups and then challenged voters whose mailers were returned as undeliverable.¹¹¹ But the availability of the NCOA database, along with the technology to make it easier for users to attempt to find matches, has made these challenges much less labor intensive, and enabled challengers to scale.

A registered voter's appearance in the NCOA database is not a confirmation that they are not eligible to vote at their previous address. Filing a change-of-address form is not a formal declaration of a change of residence—people may do it to attend school, temporarily care for a family member, take a long travel work assignment or deployment, or take a vacation.¹¹² Challengers in Georgia in 2020, for example, erroneously challenged a military contractor who had filed a change-of-address form for a temporary assignment out of state; a grad student; and a person who lost her wallet while visiting her friend out-of-state and filed a change-of-address form so that she could get her replacement debit card forwarded to her.¹¹³ Challenges based on a change-of-address form to a location out of state may reflect that the voter did move at some point, but later moved back.¹¹⁴ And of course, comparisons to the NCOA database have problems common to all database comparisons, including that similar or matching names for different individuals can create a false positive.

Third-party NCOA database comparisons are especially likely to burden election administrators with duplicative work. Since many states use some version of the NVRA's safe harbor process for list maintenance based on residency, which may include a check against the NCOA database, the county may have already sent the registered voters the required mailing to confirm their residence.¹¹⁵ But removing those voters requires either confirmation from the voter that they have moved, or a waiting period of two federal election cycles after the voter failed to return an address confirmation.¹¹⁶ It is possible that this four-year waiting period could be extended further if special elections throughout the year add 90-day quiet periods to removal calendars after that four-year period.¹¹⁷

¹¹¹ Lee & Wilkie, *supra* note 16 (“In 2016, volunteers [from the] Voter Integrity Project, sent hundreds of postcards to voters in Cumberland and Moore Counties. When many were returned as undeliverable, the group pointed to that as evidence that the voters were no longer at the addresses, and convinced county boards of elections to remove them from the rolls. A federal judge found that the process violated federal law.”); In New Jersey in 1981 and in Louisiana in 1987, the RNC sent letters to Black voters, recorded whose mail was returned as undeliverable, and challenged those voters. *Democratic Nat. Comm. v. Republican Nat. Comm.*, 671 F. Supp. 2d at 580.

¹¹² One local election official who received mass challenges saw a personal friend on the list, and knew immediately that she was challenged because she was a “snow bird,” who spent part of the summer in Florida and so forwarded her mail. Corasaniti & Berzon, *supra* note 96.

¹¹³ *Majority Forward*, 512 F. Supp. 3d at 1363-65.

¹¹⁴ For example, in 2024, when groups in Pennsylvania filed challenges against individuals who had filed change-of-address forms at some point, one challenge to a voter “cited a years-old change of address to a home in Chicago, but didn’t acknowledge a more recent record changing his address to his current Delaware County home in August.” Carter Walker, *Efforts to Challenge Pennsylvania Voters’ Mail Ballot Applications Fizzle*, Spotlight PA (Nov. 8, 2024), <https://perma.cc/2RSP-LACH>.

¹¹⁵ 52 U.S.C. § 20507(c)(1).

¹¹⁶ *Id.* § 20507(d).

¹¹⁷ *Id.* § 20507(c)(2)(A).

In some cases, challengers have attempted to supplement NCOA comparisons with investigations into individuals' social media or public background check services to attempt to trace voters' recent residential history. For example, the challengers in Chester County, Pennsylvania in 2024 identified a group of voters who had also registered in another state years prior to their registration in PA, and in some cases conducted additional "investigations" like checking LinkedIn profiles.¹¹⁸

There are many conceivable reasons that a person's social media, including their work history on LinkedIn, does not reflect a permanent change of address or intent to remain out-of-state. First, there is, of course, no legal requirement that people maintain up-to-date social media profiles, and a LinkedIn profile that has not been updated with a new job will continue to display their most recent job as their "present" job. Second, in an era of remote work, the headquarters of a job listed on a person's LinkedIn profile is not conclusive evidence of their physical location.

4.3. Disqualified Juror Lists

Some challengers have tried to use lists of people who have been excluded from jury duty to identify noncitizens and compare them against voter rolls.¹¹⁹ But there are many issues that make these lists—sometimes called nonjuror or non-jury lists—unsuitable to identify noncitizens.

First, the way courts maintain these lists might not contain nearly enough information to reliably identify individuals. For example, the Pennsylvania Department of State has said that juror lists from the Administrative Office of the Pennsylvania Courts "do not contain the personally identifiable information needed to match with individuals on the voter rolls" and concluded that "[n]onjuror lists are not a useful tool to verify the accuracy of voter rolls."¹²⁰ Second, they create significant gaps in the timing of data being compared, because data is only generated when a potential juror appears in court and is not updated after that point. Third, the individuals called to jury duty do not fill out forms understanding that they may have implications for their voting rights—accidentally or intentionally, people called to jury duty may falsely indicate that they are not citizens.¹²¹ And finally, the data is entered by a third party—the court clerk—who did not fill in the information knowing that it could impact prospective jurors' voting rights, who could make errors, and who may not be available to election officials to verify the accuracy of the data.

Given these problems, it is no surprise that attempts to use juror lists as proof of lack of citizenship have generated false positives.¹²²

¹¹⁸ Election Board Hearing, Chester County (Nov. 1, 2024), <https://chestercopa.portal.civicclerk.com/event/852/media>.

¹¹⁹ Tom Riese, *Conservative activists turn to Pa. juror records to purge non-citizens from voter rolls*, WESA (Aug. 3, 2026), <https://perma.cc/VY6H-NVN8>.

¹²⁰ Penn. Dep't. of State, *Fact-Checking Pennsylvania-Related Election Claims*, <https://perma.cc/F9AZ-SUKE>.

¹²¹ See, e.g., Letter from Jocelyn Benson, Secretary of State of Michigan, to County Clerks and Election Directors (March 11, 2026), <https://perma.cc/GZY5-YFSA>.

¹²² *Fish v. Kobach*, 309 F. Supp. 3d 1048, 1083 (D. Kan. 2018) (of 100 people identified by an expert witness as potential noncitizens due to their appearance on a jury-related list, an NBC report found that at least 35 of them had proof of citizenship).

4.4. Commercial Addresses or P.O. Box Registrations

Some challengers have challenged voters when multiple voters are registered to the same address, voters appear to be registered to commercial addresses, or voters have been registered to a P.O. Box. There are a number of reasons that many people might register to vote from a single address, or at a commercial address. Churches, for example, may house clergy or nuns who live and work on the premises.¹²³ Nursing homes and assisted living facilities may have one address for dozens or hundreds of residents.¹²⁴ And college students similarly may have one centralized address when they live in student dorms that do not have unique numbered addresses.

Challenges to voters in at least one state have resulted in voters experiencing homelessness being removed from the rolls because they used a P.O. Box to receive mail.¹²⁵ State elections offices generally provide guidance on how those individuals should register to vote.¹²⁶

4.5. Federal Lists

Since 2025, at the direction of the White House, different agencies of the federal government have been involved in efforts to create databases and lists for the purposes of verifying citizenship. These efforts have faced legal challenges and have not resulted in reliable systems to evaluate citizenship, and the federal government has not been transparent about how these databases and lists are being created and used. Given the public information about the unreliability of the data, local election officials should not presume that these lists are accurate if presented with them.¹²⁷

First, the March 2025 executive order entitled, “Preserving and Protecting the Integrity of American Elections” directed the Department of Homeland Security and DOGE to both make systems available to state and local election officials to check citizenship of their voters, and also to conduct their own review of state voter rolls to identify any noncitizens on the rolls.¹²⁸ Since then, the Department of Homeland Security has worked to transform the Systematic Alien Verification for Entitlements (SAVE) system — a tool designed and used primarily to conduct

¹²³ Praveena Somasundaram, *A GOP Operative Accused a Monastery of Voter Fraud. Nuns Fought Back.*, Wash. Post (Oct. 24, 2024), <https://perma.cc/V35K-ZWWH>.

¹²⁴ Curt Devine, et. al, *A half-million records and one app: The group behind a massive effort to ‘clean’ voter rolls*, CNN (Jul. 29, 2024), <https://perma.cc/7RJD-DW4P>.

¹²⁵ See Clark, *supra* note 3.

¹²⁶ See, e.g., *Housing insecure voting rights*, Michigan Department of State, <https://perma.cc/5YJQ-ZYPX>.

¹²⁷ There has been no public statement that the federal government will attempt to use state challenge processes to challenge voters. Indeed, it has been more common for various agencies to simply threaten prosecution if voters they deem are ineligible are not removed from the voter registration lists. Nick Corasaniti and Dustin Volz, *Mullin Threatens Local Election Officials With Jail Time*, N.Y. Times (July 20, 2026), <https://perma.cc/K3AJ-KJLX>. And agents of the federal government have no special authority to issue challenges—state law governs who may issue challenges. There are feasible scenarios, though, that could result in federal lists being used as challenges. For example, if the federal government sends a state a list of voters it deems are ineligible, it might consider that list to be available for public review under the Freedom of Information Act, with or without privacy redactions.

¹²⁸ Executive Order No. 14248, 90 Fed. Reg. 14005, 14006-07 (Mar. 25, 2025).

individual searches on immigrants to confirm their eligibility for public benefits — into a system that references a large pool of individuals’ data that can accommodate bulk data searches.¹²⁹

However, just because it gained the technical ability to parse through bulk uploads of voter data does not mean that the returns are useful for the purpose of voter eligibility checks. In the words of one district court judge who determined that the way the administration has harnessed the SAVE system for this purpose was illegal, “several federal agencies have joined forces to create a centralized federal database that contains the private information of United States citizens, including Social Security numbers, citizenship status, and other sensitive data,” and in order to follow the directive of the executive order quickly, “haphazardly combined and repurposed the private information of millions of Americans, including citizenship data that they knew to be unreliable.”¹³⁰ The result has been a system that vastly overstates the number of potential noncitizens on its lists. Notably, after that district court set aside and vacated the federal government’s operation of the SAVE system, and the D.C. Circuit affirmed, the U.S. Supreme Court issued a stay of the decision, allowing DHS to continue to operate the SAVE system for voter eligibility checks.¹³¹ The Supreme Court did not comment on the district court’s factual findings about the unreliability of the data.¹³²

These problems with the data have been persistent. In the initial rollout over the course of 2025, when some states entered into agreements with the federal government to run their rolls against the SAVE system, the results of the checks returned very small “noncitizen” results, and even those results proved to be an overstatement. The New York Times reported:

In Charlotte County, Fla., for instance, the elections supervisor Leah Valenti, an appointee of Ron DeSantis, the Republican governor, said she found that just 15 out of 176,000 names she uploaded to D.H.S. came back as noncitizens. Of those, she found that three were people mistakenly added to the rolls who never intended to register to vote; they have since been removed. Two others already sent in documentation to prove their naturalized citizenship, she said... [and in] Missouri, 70 county clerks in December [2025] signed a letter sent to state House and Senate leadership describing the system as flawed, saying it regularly included “individuals we know to be U.S. citizens — our neighbors, colleagues and even voters we have personally registered at naturalization ceremonies.”¹³³

In another example, Texas willingly ran its voter rolls through the SAVE database with the intention of identifying noncitizens.¹³⁴ The state gave counties a list of voters flagged by the SAVE

¹²⁹ Jen Fifield & Zach Despart, *A Federal Tool to Check Voter Citizenship Keeps Making Mistakes. It Led to Confusion in Texas*, Tex. Trib. (Feb. 13, 2026), <https://perma.cc/2LCT-5QC9>.

¹³⁰ *League of Women Voters v. U.S. Dep’t of Homeland Sec.*, 835 F. Supp. 3d 79, 95 (D.D.C. 2026).

¹³¹ *Dep’t of Homeland Security v. League of Women Voters*, 609 U. S. ____ (2026).

¹³² *Id.*

¹³³ Alexandra Berzon & Nick Corasaniti, *Initial Review Finds No Widespread Illegal Voting by Migrants, Puncturing a Trump Claim*, N.Y. Times (Jan. 14, 2026), <https://perma.cc/D2PA-MRN4>.

¹³⁴ Travis Cnty. Clerk, Travis Cnty. Tax Collector & Travis Cnty., Comment on Oct. 31, 2025 DHS Systems of Records Notice, USCIS-2025-0337-0002, at 5–6 (Dec. 1, 2025), <https://perma.cc/3Z64-84CV>; Jen Fifield & Zach Despart, A

system and instructed them to follow a process by which voters would be removed from rolls in thirty days if they did not provide proof of citizenship.¹³⁵ Travis County, Texas researched its list and found “strong indicators” that almost 70 percent of the 97 flagged Travis County voters had already provided proof of citizenship to the state at an earlier point.¹³⁶

The state of Utah also discovered that the SAVE system does not reliably confirm lack of citizenship. There, chief state election official Lieutenant Governor Deidre Henderson cross-checked more than two million state voter records against both the SAVE system and the state driver license database.¹³⁷ The state released a comprehensive report on its review and findings, and determined that “[w]hile we found information obtained from the [driver license database] or SAVE to be reliable in confirming whether an individual is a citizen, it was not reliable in indicating an individual *was not* a citizen, without considering other factors.”¹³⁸

There may also be other federal lists built from, or separate from, the SAVE system, though information about those lists is less available. The March 2026 executive order entitled “Ensuring Citizenship Verification and Integrity in Federal Elections,” issued a year after the March 2025 executive order concerning elections, directed the Secretary of Homeland Security, with the Director of United States Citizenship and Immigration Services and the Commissioner of Social Security Administration, to use federal citizenship and naturalization records, social security records, and SAVE system data, along with “other relevant federal databases,” to compile a “list of individuals confirmed to be United States citizens who will be above the age of 18 at the time of an upcoming Federal election” for each state, and transmit the relevant list to the chief election official in each state.¹³⁹

The administration may have used these lists to conduct its own reviews of state citizenship rolls but has been inconsistent about describing the results of that review, first announcing a large number of registered noncitizens before rolling the claim back significantly. First, the White House announced that “[a]ccording to a D.H.S. review of state voter rolls and public records, they identified approximately 278,000 non-citizens who are registered to vote in federal elections.”¹⁴⁰ But DHS has since “effectively admitted that its initial claim had not been substantiated,” and the large numbers it initially cited were only the initial returns of the checks—those registrants that the federal government could not verify with its own data.¹⁴¹ For example, that number of 278,000 included DHS’s claim that there were 15,903 noncitizens registered in Nevada.¹⁴² But during a

federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas., Tex. Tribune (Feb. 13, 2026), <https://perma.cc/JNK9-V6YN>.

¹³⁵ See Travis Cnty. Clerk, *supra* n. 134.

¹³⁶ See *id.* at 7–8.

¹³⁷ *Utah Voter Registration Citizenship Review*, State of Utah Office of the Lieutenant Governor (May 27, 2026), <https://perma.cc/25N2-3DHR>.

¹³⁸ *Id.* at 1.

¹³⁹ Exec. Order No. 14399, 91 Fed. Reg. 17125 (Mar. 31, 2026) (emphasis added).

¹⁴⁰ Election Integrity, White House, <https://perma.cc/G2HA-WVXU>.

¹⁴¹ Nick Corasaniti, *Homeland Security Made a Big Claim About Noncitizen Voting. Now It Can’t Prove It.*, N.Y. Times (Aug. 20, 2026), <https://perma.cc/995Q-9CYL>.

¹⁴² *Id.*

meeting with Nevada officials in August 2026, officials from DHS only expressed confidence that 185 people on the rolls were not citizens, with another 6,000 that is described as “high confidence” but needing further review—far short of the almost 16,000 it initially claimed in the state.¹⁴³

In addition to its vast overstatements of noncitizens on rolls, the federal government has refused to answer questions about how it arrived at its determinations—from the small groups of registrants it identified with confidence as being noncitizens, like the 185 it identified in Nevada, to the larger numbers, like the 15,903 it originally identified in Nevada.¹⁴⁴ State election officials have repeatedly asked the administration to explain its numbers, and it has not.¹⁴⁵

Additionally, on September 8, 2026, a whistleblower from DHS filed a report with the office of Senator Alex Padilla alleging that personnel from the United States Citizenship and Immigration Services offices are reviewing citizenship records with limited training and on extremely rushed deadlines, using unexplained systems.¹⁴⁶ In most relevant part, the whistleblower alleged that “[w]ith minimal training, agency leadership is imposing reckless quotas that demand USCIS personnel investigate 40 subjects per day, a rate of roughly 12 minutes per subject,” and “USCIS personnel are being tasked with unreliable DHS voter data of dubious origins, that is compiled with ‘supplemental magic,’ which they are required to accept as accurate.”¹⁴⁷ The term “supplemental magic” was not the whistleblower’s own invention—the report stated that the official training video described that the data used in these investigations was created with “supplemental magic.”¹⁴⁸

Despite the inaccuracy of the data and the federal government’s refusal to explain what goes into a match, in July 2026 the DOJ asserted that, “any removal of ineligible voters from the [state voter registration list] based on an individualized recommendation or alert from the United States is not a ‘systematic’ removal by the State and thus does not implicate the NVRA’s 90-day quiet period.” Reply to Opp’n to Mot. to Expedite at 8, *United States v. DeMarinis*, No. 26-1878 (4th Cir. filed July 29, 2026), Dkt. No. 24 (citations omitted).

¹⁴³ Jude Joffe-Block & Miles Parks, *DHS acknowledges the noncitizen numbers it touted on voter rolls were inflated*, NPR (Aug. 25, 2025), <https://perma.cc/SLJ5-NRN8>.

¹⁴⁴ *Id.* (“Nevada asked for more information on that smaller group of 185 voters, and the data points used to match them to noncitizens. DHS declined to provide that.”)

¹⁴⁵ Jane Timm, *States push DHS to explain its noncitizen voter claims*, NBC News (July 30, 2026), <https://perma.cc/VTM4-CEAT>.

¹⁴⁶ Letter from Alex Padilla, U.S. Senator, to Markwayne Mullin, Sec. of Dep’t. of Homeland Security, and Joseph Edlow, Dir. U.S. Citizenship and Immigration Services (Sept. 13, 2026), <https://perma.cc/RN5T-CDU3>.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.* at 3.

5. Evaluating Mass Challenges under Federal Law

The way that local election officials handle mass challenges can violate voters' statutory and constitutional rights. Each set of challenges requires its own legal analysis under the state challenge law, state voting protections, federal voting protections, and the circumstances of the challenge to come to a determination.

In combination with the above overview of federal voting protections that may be relevant to mass challenges, the matrix in [Appendix A](#) provides a starting point for attorneys to analyze types of mass challenges for legal risk as to federal law.

6. Case Studies

The below case studies illustrate how recent challenges unfolded in counties in Pennsylvania and Georgia, and how election officials responded. They can give those who have not experienced mass challenges an idea of what they might expect, though the process and state law will vary by state.

6.1. Pennsylvania

Note: Uncited statements about what happened at the hearing come from the publicly available recording of the hearing.¹⁴⁹

In 2024, a group called Pennsylvania Fair Elections organized challenges to thousands of mail ballots across a number of Pennsylvania counties.¹⁵⁰ They called into question the eligibility of two groups of voters: those who had filed a change-of-address form with the United States Postal Service, and those voters who lived outside of the United States but were eligible to vote under the Uniformed And Overseas Citizens Absentee Voting Act (“UOCAVA”).¹⁵¹ The process governing these kinds of challenges to absentee and mail ballots is codified at 25 P.S. §§ 3146.2b(c), 3150.12b(a), and 3146.8(f).¹⁵² Ultimately, all challenges that boards of elections considered at hearings were dismissed, and the remaining challengers withdrew their challenges, but the challenges alarmed voters and tied up local boards of elections during the busy election week as they learned how to understand challenges and hold hearings, many for the first time.¹⁵³

¹⁴⁹ Election Board Hearing, *supra* note 118.

¹⁵⁰ Walker, *supra* note 114.

¹⁵¹ *Id.*

¹⁵² There are also other voter challenge statutes in Pennsylvania. See *infra* Pennsylvania State Law.

¹⁵³ *Id.*

In many counties, Pennsylvania challengers submitted their challenges on the statutory deadline of the Friday before the general election.¹⁵⁴ By the time the challenge window had closed in 2024, more than 4,000 mail ballot applications had been challenged across 14 Pennsylvania counties.¹⁵⁵ The challenges triggered a statutory requirement that county boards of elections hold hearings within a week of the deadline to file the challenges—the same week as the election.¹⁵⁶ The research and preparation, therefore, had to happen on an urgent timeline, in the midst of one of the busiest periods of election administration.

The voter services department of Chester County, Pennsylvania, was one of a few counties that received challenges around a week before the deadline. The Board of Elections there decided to hold its hearing before Election Day and was the first county to hold a hearing. Staff pulled each individuals' voter record and prepared them to be presented at the hearing. They notified voters who had been challenged, invited them to submit a written response and attend the hearing, and ensured not only that the hearing was accessible to the public on Zoom, but also that challenged voters could speak at the hearing.¹⁵⁷ These efforts in reviewing records, communicating with voters, and preparing for the hearing took considerable time and effort. (See *infra*, *Practical Steps and Best Practices*, when deciding whether to take these kinds of steps.) They also recorded the hearing and made that recording available to the public online.

The petitioner who had signed the challenges had filed 212 challenges against mail-in voters' ballots.¹⁵⁸ She arrived at the hearing with a lawyer and another colleague, and they submitted several additional challenges at the beginning of the hearing. In addition to the Board of Elections, attorneys for the county and the county's election director were also present, along with the public and some of the challenged voters.

The Board questioned the challengers about how they had come up with the list and who had helped them prepare the list. The starting point for the challengers' list was the National Change of Address database. At the hearing, the challengers highlighted two groups of the challenged voters in particular, because they seemed to believe that they had strong claims about those two groups. First, they identified 13 voters allegedly registered to vote in another state. Second, they identified 21 voters who the challengers believed had not lived in Pennsylvania for 90 days prior to the election, apparently based on investigations of their social media. The challengers stated that the data about registrations came from EagleAI,¹⁵⁹ and other location data came from

¹⁵⁴ Tierney Sneed, Fredreka Schouten & Annie Grayer, *Last-Minute Challenges in Battleground Pennsylvania Target Thousands of Mail-In Ballots*, ABC7 N.Y. (Nov. 4, 2024), <https://perma.cc/7HSD-L2E2>. 25 P.S. § 3150.12b(a)(3) (“Challenges must be made to the county board of elections prior to five o'clock p.m. on the Friday prior to the election...”).

¹⁵⁵ Marc Levy and Mark Scolforo, *Pennsylvania election officials weighing in on challenges to 4,300 mail ballot applications*, AP News (Nov. 5, 2024), <https://perma.cc/U5NP-YCXQ>.

¹⁵⁶ 25 P.S. § 3146.8(g)(5).

¹⁵⁷ At the same time, voting rights organizations were also attempting to contact voters and prepare them for the hearing.

¹⁵⁸ Under this challenge statute in Pennsylvania, challenges are issued against the voter's ballot based on the voter's eligibility. 5 P.S. §§ 3146.2b(c), 3150.12b(a).

¹⁵⁹ EagleAI has been criticized as a flawed database used to fuel mass challenges to voter registrations. <https://perma.cc/YX4P-K7QH>. See *infra* Section 4.1.

Truthfinder,¹⁶⁰ which was then used to identify other sources for the social media investigation, like Facebook and LinkedIn.

When asked about who else was involved, the petitioner was often guarded about her group's work leading up to the challenges, saying that she should not or did not want to disclose names of those involved. Eventually, though, she named the group, "Pennsylvania Fair Elections."¹⁶¹ When asked who paid for the challenges, the petitioner said that donors paid, and she did not know whether they were from Chester County.

Challenged voters testified in person and on Zoom about why they had filed change-of-address forms, and how they felt angry or intimidated by the challenges. One voter had been renting his house out while traveling; one was a military spouse who relocates every three years; one couple had moved to California and registered there, but moved back to Pennsylvania the August before the election; one was in graduate school so did not live in Pennsylvania full time, but was planning to return home to live in Pennsylvania following her graduation; one had moved to Chester from one county over, and that voter's registration was transferred by the county voter services departments. None of these circumstances invalidated their right to apply for and vote via a mail-in ballot in Chester County under Pennsylvania law.

During voter testimony, it came out that the petitioner's group sent letters to the voters they identified prior to issuing the challenges. Testimony indicated that some, if not all, of the letters included a postage-paid return envelope addressed to Chester County's elections office and a voter registration cancellation form. One voter testified that someone receiving the letter could think that the registration cancellation form was official mail from the Chester County Board of Elections. Voter testimony noted that the letter contained a statement that if the voter is properly registered, they should ignore the letter.

When questioned, the petitioner said that she did not write the letter, and she could not name an individual drafter. She said the Pennsylvania Fair Elections group sent them. The return address was a PO Box—which, as one board of elections commissioner noted after looking up the address online, was registered to a "Robert E. Lee."¹⁶²

The Chester County Solicitor's Office also had the opportunity to present a legal analysis to the board. In preparation for the hearings, the office had conducted extensive research on the relevant state and federal law. Relying on this foundational understanding, they explained to the board Pennsylvania's eligibility and residency requirements and the protections that the NVRA extended to voters' registrations.

¹⁶⁰ Truthfinder was the subject of an FTC investigation and settlement for the inaccuracy of its data. FTC, *FTC Says TruthFinder, Instant Checkmate Deceived Users About Background Report Accuracy, Violated FCRA While Marketing Reports for Employee and Tenant Screening*, FTC.gov (Sept. 11, 2023), <https://perma.cc/HW7X-RP8P>.

¹⁶¹ Heather Honey, who ran Pennsylvania Fair Elections, and the group itself both denied involvement in the challenges. Walker, *supra* note 114. Honey is now in DHS. Joffe-Block & Parks, *supra* note 143.

¹⁶² In addition to the recording of the hearing, see Jeremy Roebuck & Katie Bernard, 'I can't think of anything less American': Right-wing activists' effort to nullify hundreds of Pa. votes met with skepticism, *The Philadelphia Inquirer* (Nov. 1, 2024), <https://perma.cc/UF3U-H2VS>.

The hearing took three hours. Following the legal explanations, the voter testimony, and the challengers' responses to questions about their methodology, the Board unanimously voted to reject the challenges. Other counties that held hearings also dismissed the challenges, and then other challengers across the state withdrew the challenges.¹⁶³

6.2. Georgia

In December 2020, leading up to the January 2021 United States Senate runoff in Georgia, the organization True the Vote filed hundreds of thousands of voter challenges in the state. While they were all dismissed by local election officials, they have been followed by years of persistent attempts to challenge voters across the state.

Georgia's Section 230 governs one category of voter challenges in the state.¹⁶⁴ The challenge mechanism has been in place since 1994, though the Georgia legislature has revised it several times since 2019.¹⁶⁵ At the end of 2020, when the challenges were filed, Section 230 allowed any registered voter to challenge any other registered voter.¹⁶⁶ Challengers were required to "specify distinctly the grounds of such challenge."¹⁶⁷ The statute required county boards of elections to "immediately" consider such challenges to "determine whether probable cause exists to sustain such challenge[s]."¹⁶⁸

In December 2020, True the Vote announced an intent to challenge 364,541 Georgia voters ahead of the January 2021 Senate runoff, based on a National Change of Address (NCOA) review.¹⁶⁹ In that same time period, unaffiliated individuals also used the NCOA database as a starting point and then conducted their own investigations into individual voters to narrow down the list to 39,000 registered voters they believed were likely to be ineligible, and distributed these lists to county volunteers that could file the challenges in their own counties.¹⁷⁰ In Cobb County, the chairman of the county Republican party and a realtor each separately filed challenges, to more than 16,000 voters and more than 3,000 voters, respectively.¹⁷¹ The realtor's challenge stated that the list was, "processed by qualified professionals against the US Postal Service's NCOA database" and "performed uniformly across the entirety of Georgia's list of qualified electors without regard to political affiliation or prior voter history. Care was taken to identify and remove addresses for military personnel."¹⁷² In the larger list provided by the realtor, many addresses appeared to include denotations for military and diplomatic post offices.¹⁷³

¹⁶³ Walker, *supra* Note 114.

¹⁶⁴ O.C.G. § 21-2-230 ("Section 230").

¹⁶⁵ *Id.*

¹⁶⁶ *Fair Fight*, 710 F. Supp. 3d at 1243 (internal citations omitted).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.* at 1249–51, 1269–70.

¹⁷⁰ *Id.* at 1254–59.

¹⁷¹ Jonathan Raymond, *Cobb County Election Board Denies Hearing for Challenges Against Thousands of Voters*, 11Alive (Dec. 18, 2020), <https://perma.cc/GF5G-QCA4>.

¹⁷² *Id.*

¹⁷³ *Id.*

Despite the challenger’s characterization of the analysis, challenged voters included many eligible and active voters, some of whom later filed a lawsuit. Voters caught up in the challenges included a military contractor who had filed a change-of-address form for a temporary assignment out of state; a grad student; and a person who lost her wallet while visiting her friend out of state and filed a change-of-address form so that she could get her replacement debit card forwarded to her.¹⁷⁴

Nearly all of these challenges were rejected or never acted on by the relevant county boards.¹⁷⁵ For example, Cobb County’s attorney advised the board of elections that the challenges did not show the probable cause required by the challenge statute to trigger a full hearing, and noted that an NCOA analysis was similar to “massive list maintenance during an election”—likely referring to the NVRA quiet period—and the board voted not to pursue a full hearing.¹⁷⁶ Two counties sustained the challenges, but a federal court issued an injunction after challenged voters filed a lawsuit, saying that the county boards has “violated the NVRA by failing to conduct the requisite individualized inquiry required for challenges made within 90 days of a federal election.”¹⁷⁷ Ultimately, following the board dismissals and the lawsuit, no voter was removed from the rolls as a result.¹⁷⁸

In 2021, despite the experience of the over-broad challenges, the Georgia General Assembly revised Section 230 to clarify that there were no limits on the amount of challenges an individual could make.¹⁷⁹ Voter challenges have since become a fixture in Georgia, with tens of thousands of challenges filed in federal election years.¹⁸⁰ And in 2025, the Georgia State Election Board hired one prominent challenger into a paid position whose responsibilities include investigating voters.¹⁸¹

¹⁷⁴ *Majority Forward*, 512 F. Supp. 3d at 1363-65.

¹⁷⁵ *Fair Fight*, 710 F. Supp. 3d at 1287-88.

¹⁷⁶ Raymond, *supra* note 171; Ga. Code Ann. § 21-2-230. (“Upon the filing of such challenge, the board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied.”)

¹⁷⁷ *Majority Forward*, 512 F. Supp. 3d at 1369.

¹⁷⁸ *Fair Fight*, 710 F. Supp. 3d at 1287.

¹⁷⁹ O.C.G.A. § 21-2-230(a) (2021) (“There shall not be a limit on the number of persons whose qualifications such elector may challenge.”).

¹⁸⁰ See Clark, *supra* note 3; Jeff Amy & Charlotte Kramon, *Republicans challenge more than 63,000 voters in Georgia, but few removed, AP finds*, AP (Oct. 16, 2024), <https://perma.cc/C5K7-UNF4> (By July 1, 2024, 63,000 voters in Georgia had been challenged since the beginning of the year.)

¹⁸¹ Vesoulis, *supra* note 99.

7. Practical Steps and Best Practices

The following section provides a starting point for practical steps that local election officials or their attorneys could consider taking to prepare for or respond to mass voter challenges. Because state challenge laws vary, not all of the ideas below will be applicable to each state.

7.1. Policies and Processes

For each type of challenge in your state, identify gaps in state law and state guidance that might create uncertainties and controversy after challenges have been filed. Consider developing policies and procedures that fill those gaps and give the public notice of how these challenges will be handled. Written policies and procedures may also be considered by a court if any decisions about challenges are appealed.

- ☐ Consider filling in gaps in state law by developing procedures for the filing of challenges, where local officials have the authority to do so.¹⁸² For example, to make processing challenges easier, you might consider developing procedures that regulate the method of filing challenges. Requiring challengers to submit an individual form for each challenge can both ensure that the challenger must treat each individual challenge separately, and also can enable easier processing by the elections office by digitizing it.¹⁸³
- ☐ **When using a challenge form, design them to capture all information you want and are able to request under state law.** If either allowed or required by state law, that form should include space for the reason for the challenge, including the steps that the challenger took to verify the information. If state law requires personal knowledge that the challenger knows the challenged voter is ineligible, consider adding a certification that the challenge is based on personal knowledge, and clarifying how the county defines “personal knowledge.”
- ☐ If the challenge law requires a hearing and does not set out clear standards for that hearing, establish processes that election officials will implement and evidentiary standards that election officials will follow at any hearings about challenges. For example, a county may require that without individualized evidence, the board will presume that evidence based on data-comparison is systematic and thus cannot be considered to remove voters from rolls where the NVRA’s 90-day quiet period is in effect.
- ☐ **Make policies and processes clear to election workers.** Challenge statutes and their interactions with other state and federal law can be confusing. Where election workers

¹⁸² See, e.g., Board of Voter Registrations, Gwinnett County, <https://perma.cc/SGB3-2ZHS> (Posting policies under BRE-701 229 Voter Challenges and BRE-702 230 Voter Challenges.)

¹⁸³ See, e.g., Absentee or Mail Ballot Application Challenge, Montgomery County, <https://perma.cc/43B8-9M3G>.

have responsibility to manage part of the process, consider developing quick reference documents or flow charts.¹⁸⁴

7.2. Legal Considerations

Attorneys should ensure that they are prepared to evaluate the range of legal questions that they may face. Those questions may involve:

- ☐ **State challenge laws**, including the process that is required by them;
- ☐ State voter registration and list maintenance laws;
- ☐ State voter residency requirements;
- ☐ **State voter protections** in statutes and state constitutions, and how they might interact with mass challenges; and
- ☐ **Federal voter protections** and how they might interact with mass challenges.

7.3. Communication with Challenged Voters

After challenges have been filed, the way local election officials communicate with voters about the challenge can shape their experience. Clear, timely communicating helps avoid voter confusion and build confidence in election administration. The goal is for voters to clearly understand deadlines as soon as possible and learn information directly from election officials first.

- ☐ **Decide and confirm which channels you will use to alert voters and the public to the challenges.** These can be mailed notifications, email alerts, or direct phone calls, or may need to be a combination of multiple attempts. Things to consider when deciding:
 - If statutory deadlines give you a narrow window to notify challenged voters of the challenge to their ballot, mailing the notice of the hearing may not be your fastest option.
 - Email can be a good tool for rapid communication, but may not be possible if not supplied at the time of the application, and mass emails could get filtered to voters' spam folders or mistaken for spam.

¹⁸⁴ See, e.g., Guide for Philadelphia County Election Board Officials, City of Philadelphia, at 30, <https://perma.cc/NE78-6YKE>.

- Some counties that have experienced voter challenges have opted to post lists of the challenged voters online, which can enable third parties to reach out to them to help them secure their right to vote. Other counties may have voter privacy concerns about this method.
- ☐ **Develop template communications with challenged voters** for each challenge in your state, and template press releases across different mediums. Have these templates go through legal review before receiving a challenge to speed up the time between receiving challenges and reaching out to voters.¹⁸⁵
 - Templates and FAQs should be prepared for whichever method of communication the office will use to contact voters, including letters, emails, or scripts election workers can use when making phone calls.
 - Be clear with voters about the statutory authority governing challenges, what the process will be, whether they have to respond to the challenge, and how they can respond to the challenge. Provide contact information for questions, and ensure that any phone lines or email inboxes are properly staffed to quickly answer questions.
 - If voters receive letters from the challengers encouraging them to cancel their registrations—as has been the case with some challenges in different states—be clear that the challengers’ letter did not come from local election officials.

7.4. Communication with Partners

You may not be alone in receiving challenges and are certainly not alone in wanting to ensure that all eligible voters in your jurisdiction can cast their ballots and have them counted.

- ☐ **Talk to other counties.** Have they received the same challenges? What are they doing about it? It may be helpful to understand the statewide scope of challenges, and possibly align on responses.
- ☐ **Report the challenges to your state election officials** as appropriate.
- ☐ **Consider talking to organizations that represent or support voters.** They may have additional capacity to reach out to challenged voters, organize them to attend hearings, and prepare them to provide testimony. Conversely, not talking to such organizations can result in voters hearing about the challenges from them or other third parties before hearing about them from the elections office—which could cause voters to mistrust election officials.

¹⁸⁵ The State of Washington provides template letters that county election officials can use to contact challenged voters. See *Voter Registration Challenges*, Washington Secretary of State, <https://perma.cc/3Y2B-E9S6>.

7.5. Gathering Facts and Building a Record

When hearings are required by state challenge law, they can be used to develop facts about the challenges and the county list maintenance process to help voters and the public better understand what happened, and to build a record if any decision about the challenges is appealed to state or federal court.

- ☐ If county counsel is presenting at a hearing, consider how you will present evidence and prepare accordingly. These decisions should be informed by what evidential record will be most beneficial on appeal.
- ☐ If local election officials have the opportunity to ask challengers about their process in a hearing, they should take it. Questions might include:
 - What sources of data did the challengers use?
 - When was the data for the comparison generated? Did all compared databases come from the same time period?
 - How did the challengers verify that the sources of data were accurate?
 - Who worked on the challenge analysis, including and in addition to any challengers present at the hearing?
 - What laws did the challengers consider? What do they think the law says about these challenges?
 - Did the challengers have any individual communication with any of the challenged voters? Did they send mass mailers to them?
 - How long did the challengers spend analyzing each individual voter record?
- ☐ **Questions for elections directors might depend on the types of data used in the challenge,** but should give the election director the opportunity to explain all of the procedures that the election office follows to maintain accurate and up-to-date voter rolls.
- ☐ **Consider recording any hearings and making them available online.** Public access supports journalism that can spread awareness about challenges and can provide a detailed reference for litigators.
- ☐ **Consider recording the hearing stenographically if your state law does not require it.** This decision will depend on appellate laws in your state.

Appendix A. Mass Challenge Risk Matrix

Match a type of challenge (in the rows) with a federal law or right that sustaining such a challenge might violate (in the columns). The corresponding square provides a starting point for issue-spotting.

This matrix is a starting point, and is not exhaustive.

	NVRA Change in Residency	NVRA Quiet Period	NVRA Uniform & Nondiscriminatory	Constitutional Protections	Voting Rights Act - Residency
Software program challenges	Removals could violate. If the software incorporates a search of an NCOA dataset or other dataset that flags residency changes, removals could circumvent the required process for removals based on change of address.	Potential violation. Any database matching could qualify as a “systematic program” under existing circuit court holdings, and while the software programs are often a black box, most are publicly described as a way to compare datasets.	Potential violation. Without the ability to independently verify the data and process used by challengers and the software, local election officials could not guarantee that the removals are uniform and nondiscriminatory.	Potential violation. Without sufficient time to handle each challenge before an election, large numbers of challenges could be impossible for local election officials to evaluate individually while complying with all applicable laws without contravening due process requirements.	Potential violation. Congress restricted states’ durational residency requirements for voting. To the extent that software programs flag voters who moved out of state temporarily, and then moved back, removing such voters could violate the Voting Rights Act.

	NVRA Change in Residency	NVRA Quiet Period	NVRA Uniform & Nondiscriminatory	Constitutional Protections	Voting Rights Act - Residency
NCOA-based challenges	Potential violation. Removing voters based on a third-party NCOA comparison could circumvent the waiting period required by the NVRA when removing voters for apparent change of address.	Potential violation. Any database matching could qualify as a “systematic program” under existing circuit court holdings, and comparisons of voter rolls against the NCOA database could certainly qualify.	Potential violation. Without the ability to independently verify the data and process used by challengers, local election officials cannot guarantee that the removals are uniform and nondiscriminatory.	Potential violation. NCOA challenges are often made against a high volume of voters. Without sufficient time to handle each challenge before an election, large numbers of challenges could be impossible for local election officials to evaluate individually while complying with all applicable laws without contravening due process requirements.	Potential violation. Congress restricted states’ durational residency requirements for voting. NCOA challenges can flag voters who moved out of state temporarily, and then moved back.

	NVRA Change in Residency	NVRA Quiet Period	NVRA Uniform & Nondiscriminatory	Constitutional Protections	Voting Rights Act - Residency
Residential Address Investigation	Potential violation. Any removals based on suspected change of address could circumvent the required process for apparent change of address.	Potential violation. Any database matching could qualify as a “systematic program” under existing circuit court holdings, and if challengers used databases of residential information—like property records or general public records databases, such comparisons could qualify as systematic.	Potential violation. Challenges against numerous voters registered at the same address can result in challenges against particular groups of people, like young voters registered to a college address and older voters registered at elder care facilities.	Potential violation. Without sufficient time to handle each challenge before an election, large numbers of challenges could be impossible for local election officials to evaluate individually while complying with all applicable laws without contravening due process.	Potential violation. Congress restricted states’ durational residency requirements for voting. To the extent that investigations might flag voters who moved out of state temporarily, and then moved back, removing such voters could violate the Voting Rights Act.

	NVRA Change in Residency	NVRA Quiet Period	NVRA Uniform & Nondiscriminatory	Constitutional Protections	Voting Rights Act - Residency
Disqualified Juror Lists	Likely not applicable. Most attempts to compare voter lists against disqualified juror lists seem to focus on citizenship, not residency.	Potential violation. Any database matching could qualify as a “systematic program” under existing circuit court holdings. Comparing a juror list against voter rolls may qualify.	Potential violation. Eligible voters who were disqualified from jury duty due to lack of citizenship at some point but then became naturalized may be more likely to be identified and challenged.	Potential violation. Without sufficient time to handle each challenge before an election, large numbers of challenges could be impossible for local election officials to evaluate individually while complying with all applicable laws without contravening due process.	Likely not applicable. Most attempts to compare voter lists against disqualified juror lists seem to focus on citizenship, not residency.

	NVRA Change in Residency	NVRA Quiet Period	NVRA Uniform & Nondiscriminatory	Constitutional Protections	Voting Rights Act - Residency
Federal Citizenship Lists	Likely not applicable. A final determination would depend on the facts and circumstances.	Potential violation. Any database matching could qualify as a “systematic program” under existing circuit court holdings. While the DOJ has asserted at least once that recommendations from the federal government should be treated as “individualized,” the federal government has not explained how it has put together any particular lists of suspected noncitizens on voter rolls, and has admitted to using database matching in this effort more broadly.	Potential violation. Because many federal lists have focused on citizenship, naturalized citizens could be disproportionately targeted for removal.	Potential violation. Without sufficient time to handle each challenge before an election, large numbers of challenges could be impossible for local election officials to evaluate individually while complying with all applicable laws without contravening due process. Additionally, if the federal government continues to threaten criminal prosecution against election officials who do not remove voters flagged by the federal government, local election officials may face pressure to circumvent due process.	Likely not applicable. A final determination would depend on the facts and circumstances.