

Nevada: Limits on Voter Eligibility Challenges

This resource details state and federal laws that guard voters against unfounded challenges to their eligibility.

Nevada, like most states, allows private individuals to challenge another person's eligibility to vote. This resource details state and federal laws that govern this process and protect challenged voters. Nevada's strong voter protections include requirements that challenges be based upon specific personal knowledge and be lodged in writing and under penalty of perjury.

Nevada law allows challenges before and during in-person voting, but only under limited circumstances.

- County clerks only accept pre-election challenges during a short, 5-day window that starts 30 days and ends 25 days before an election.¹ Only a registered voter from the same precinct as the voter in question can bring a challenge.² Challenges must be individualized and cannot list more than one voter.³
- The cut-off for pre-election challenges based on citizenship is earlier: 30 days before an election.⁴
- During in-person voting, only a registered voter from the same precinct may bring a challenge, and only on the following grounds: the voter's party affiliation is not as stated, the voter does not live at the address listed on the roster, the voter already voted, or the voter is not the person listed in the roster.⁵

Challenges must be based on firsthand, personal knowledge.

All challenges, regardless of when they are brought or on what grounds, must be based on "personal knowledge."⁶ Personal knowledge is defined as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."⁷

The following are examples of what is *not* firsthand knowledge:

¹ Nev. Rev. Stat. § 293.547(1).

² Nev. Rev. Stat. § 293.547(2)(a).

³ Nev. Rev. Stat. § 293.547(4).

⁴ Nev. Rev. Stat. § 293.535(3).

⁵ Nev. Rev. Stat. § 293.303(1)(a).

⁶ Nev. Rev. Stat. §§ 293.303(1)(a), 293.547(2)(b), 293.535(1).

⁷ Nev. Admin. Code §293.416(3).

- Information from someone other than the voter, including family members, roommates, or anyone else purporting to have information about the voter.
- Information obtained from a newspaper or other media sources.
- Information obtained from a database or data matching program. In addition, any removal of voters based solely on data matching programs would be systematic removals that are strictly prohibited by the National Voter Registration Act within 90 days of a federal election.⁸

Challenges must be in writing and signed or sworn under penalty of perjury.

Challengers must complete and sign, under penalty of perjury, a challenge affirmation that indicates the ground and the specific facts in support of the challenge.⁹ Nevada law contemplates that such challenges will include supporting documentation.¹⁰

A person challenging a voter’s citizenship must use a separate process that requires the challenge to be submitted by sworn affidavit.¹¹

Almost no challenge should result in immediate removal of the voter from the voter rolls.

County clerks are required to mail notice to a voter who has been challenged.¹² For most pre-election challenges, county clerks are required to immediately notify the district attorney and cannot cancel a voter’s registration before the election unless ordered to do so by a court.¹³

The National Voter Registration Act further limits when and how voters can be removed from the rolls. Under the act, states and counties are permitted to remove a voter in just five circumstances: if the voter affirms the change; if state law requires, for a criminal conviction or mental incapacity; for the death of the voter; if the voter confirms a change of residence in writing; and based on other evidence of a change of residence, *but only* after the state sends a notice and the voter both fails to respond *and* fails to vote in the next two federal general elections.¹⁴ These restrictions apply regardless of whether clerks are conducting their own list maintenance or responding to challenges.

During in-person voting, a challenged voter who takes an oath can vote using a regular ballot.

⁸ 52 U.S.C. § 20507(c)(2)(a).

⁹ Nev. Rev. Stat. §§ 293.303(1)(a), 293.547(3). See <https://www.nvsos.gov/sos/sos-information/forms-all-divisions/election-forms> for copies of the affirmation forms used for challenges made during in person voting (Form EL612) and challenges made during the 5-day pre-election window (Form EL613).

¹⁰ Nev. Admin. Code § 293.416(1).

¹¹ Nev. Rev. Stat. § 293.535(1)(a).

¹² Nev. Rev. Stat. §§ 293.535(3), 293.547(5).

¹³ Nev. Rev. Stat. § 293.547(5), (6).

¹⁴ 52 U.S.C. § 20507(a)(3), (d).

When a voter is challenged during in-person voting, the voter can vote using a regular ballot if they take an oath swearing to their eligibility. If their identity is challenged, they must also show photo identification. If their residence is challenged, they must provide documentary proof of residence.¹⁵



Voters in Nevada have the right to vote free from intimidation under federal and state law. Baseless challenges to a voter’s eligibility can harass and intimidate the voter being challenged, as well as other voters waiting to vote at the polls. More information on the federal and state laws that protect Nevada voters from intimidation can be found [here](#).

If voters discover they’ve been mistakenly removed from the rolls, they can re-register and vote during early voting and on Election Day.¹⁶

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¹⁵ Nev. Rev. Stat. § 293.303.

¹⁶ Nev. Rev. Stat. §§ 293.5842, 293.5847.