



CITIZEN OUTREACH FOUNDATION

Putting the Public Back in Public Policy

Special Report

Why "Personal Knowledge" Doesn't Belong in Nevada Law

By Chuck Muth

Executive Summary

Nevada Secretary of State Cisco Aguilar is proposing to enshrine in Nevada law his own definition of "personal knowledge" when it comes to filing election challenges to voters who have moved from where they're registered.

If passed with this provision in it, AB534 will essentially bar citizens from participating in efforts to clean up Nevada's "dirty" voter rolls.

While Nevada law currently permits eligibility challenges, the rejection of such challenges in 2024 was based on an administrative interpretation of "personal knowledge" by the Secretary of State rather than a statutory definition. And the interpretation excluded the use of data analytics, witness testimony about another person's residency, photographic evidence of abandonment of residence, and social media posts.

And while some will argue against citizens using social media posts as evidence that a voter may have moved, the government has no problem with using such information.

Katie Williams, a former Clark County School Board trustee, resigned in September 2024 after an investigation revealed she had moved out of Nevada, violating state residency requirements for elected officials – the same residency requirement that applies to voters.

And a key part of the investigation involved her activity on social media.

Police and investigators cited social media posts from April 2024 showing Williams working with a Nebraska-based law firm - one that does not have offices in Nevada - as evidence

she was living in Nebraska. Additionally, Williams posted a TikTok video in which she referred to living in Nevada in the past tense and made other posts referencing Nebraska.

These public posts, combined with other evidence - such as her daughter's enrollment in a Nebraska school, a change-of-address filing with the U.S. Postal Service, and a notarized letter from her fiancé indicating their Nebraska residence - led authorities to conclude she had relocated.

Despite Williams' assertion that she remained a Nevada resident, District Attorney Steve Wolfson filed a petition to declare her seat vacant, citing an "abundance of evidence," including her social media activity.

None of that would comport with Secretary Aguilar's definition of personal knowledge. Yet it was accepted and used for the purpose of disqualifying a duly elected official.

Current statutes do not specify evidentiary standards for accepting or rejecting challenges. The Secretary of State's office – in collaboration with the Attorney General's office – has interpreted existing law to require firsthand evidence for actionable complaints.

The argument that someone must have personal knowledge of a voter's ineligibility – such as knowing firsthand that a person moved or no longer lives at the address where they're registered – made sense 30 years ago. Not so any longer.

The original justification for the personal knowledge rule was based on an old system where you had to vote in your local neighborhood precinct; where people saw each other face-to-face on Election Day and a neighbor might actually notice, "Hey, Jane moved two years ago. She doesn't live here anymore."

But today, with how, where, and when we vote having changed dramatically - including early voting, countywide vote centers, and mail-in balloting - that standard is not just outdated, *it's a barrier* to effective voter list maintenance.

Requiring a voter (or candidate) to "personally know" that someone has moved while ignoring a legal *permanent* change-of-address filing with the U.S. Postal Service (USPS) is absurd. If the data is credible and government-sourced, it should be enough to initiate a follow-up by election officials.

This report details not only why this personal knowledge provision should not be added to NRS (Nevada Revised Statute), but why it should be eliminated entirely.

Introduction

The purpose of various federal and state election laws is to balance the prevention of voter fraud by keeping voter rolls accurate and current with protecting individuals' right to vote.

Nevada law currently allows citizens to "challenge" voter registrations if they suspect the voter is ineligible due to residency issues.

However, the current Secretary of State's office has administratively imposed a rigid requirement that any challenge must be based on "personal knowledge" – defined by him as firsthand observation or experience.

This report presents a thorough argument against codifying that strict definition into Nevada Revised Statutes (NRS), highlighting the outdated roots of the standard, its incompatibility with modern voting practices, and the unnecessary barriers it places on legitimate election integrity efforts.

Shortly after the November 2024 general election, I was speaking with a former senior Democrat state senator about the ongoing problem of Nevada's "dirty" voter rolls.

She told me that when she was campaigning door-to-door she would often come to an address where the current resident advised that the voter on her walk list no longer lived there.

That sounds like pretty reliable information, right?

So she would file a "challenge" to the voter's eligibility to vote from that address since their residency had changed.

However, under new rules instituted under current Nevada Secretary of State Cisco Aguilar's strict interpretation of "personal knowledge," citizens – including candidates - **are no longer allowed** to file a challenge of that voter to flag his/her registration as potentially outdated.

According to Secretary Aguilar, the current resident telling you the registered voter no longer lives there doesn't count as "personal knowledge." He characterizes it as "hearsay" evidence. This doesn't just hurt election integrity, *it hurts candidates* regardless of partisan persuasion:

- They're wasting time campaigning to people who no longer live in their district – or even the state.
- They're wasting money mailing to bad addresses.
- Taxpayer-funded election mail is also going to the wrong place.

It's inefficient, costly, and completely avoidable if the law allowed modern, reliable data to prompt simple address verifications.

And here's an even greater danger:

If a voter moves from the address where they are registered – and a mail ballot is sent to their old address – someone else can obtain that voter's ballot and vote it unlawfully.

And that could result in the voter being recorded as voting unlawfully in two different elections and open them up to a voting fraud investigation that they were completely unaware of.

A Challenge is NOT a Cancellation

In talking and writing about his decisions to impede citizen-led efforts to clean up Nevada's voter rolls, Secretary Aguilar argues that challenges may result in an eligible voter being wrongly removed – for various reasons - from the voter rolls.

But just as an arrest doesn't automatically mean a conviction, neither does a challenge automatically result in a voter's registration being cancelled. There's a well-established process in law that must be followed.

Contrary to some misconceptions, a voter challenge does not result in immediate removal from the voter rolls. Instead, the challenge triggers a multi-step confirmation process that provides ample protection against wrongful disenfranchisement:

1. The election official sends a postcard to the voter in question, requesting confirmation of their address.
2. If the voter responds and confirms residency, no action is taken.
3. If the voter does not respond, they are marked as inactive — not removed.
4. An inactive voter can still vote. They simply must update their address or confirm their identity when voting.

This process reflects the procedures required by the National Voter Registration Act (NVRA) to ensure that voter roll maintenance is fair, transparent, and does not result in accidental disenfranchisement.

As such, relaxing the personal knowledge requirement imposes little to no risk on valid voters but *significantly enhances* that state's ability to identify and remove incorrect registrations.

This process reflects the procedures required by the National Voter Registration Act (NVRA) to ensure that voter roll maintenance is fair, transparent, and does not result in accidental disenfranchisement.

A system requiring "personal knowledge" before acting on publicly verifiable government data establishes a LOWER standard in today's data-driven world, not a higher one.

And to repeat: No one gets removed just because of a data match or challenge. The voter is notified by mail. They are not deleted, only marked as "Inactive" – meaning they won't automatically be mailed a ballot – if they fail to respond. And they can still vote by simply confirming their eligibility.

The process is careful, legal, and fair. The only thing the Secretary of State's personal knowledge requirement does is slow down the process or stop it altogether.

And that helps...who? Voters who moved years ago but never re-registered? That's not protecting voting rights. It's undermining faith and trust in the system.

The personal knowledge requirement belongs to a time when people voted on Election Day at the church or school around the corner and poll workers knew everyone on a first-name basis.

But today we vote early, we vote by mail, and we vote at vote centers anywhere in the county. Indeed, more than half of voters today never see a poll watcher or poll worker or even another voter.

This destroys the basis for the old argument that "neighbors will know" if someone moved. In today's system, they don't – and can't.

Bottom Line: Our communities are bigger and our systems are smarter. It's time the law caught up, not remain stuck in the distant past.

Nevada's "Dirty" Little Problem is Actually Pretty BIG

The problem exists in every legislative district in the state.

For example, we did research on my own Senate District 21, represented by Sen. James Ohrenschall, to see what was missed even after last summer's "purge" of some 160,000 voters and the post-election removal of another 160,000 voters.

According to our data research, 10 Active registered voters had moved out of the district to another county in Nevada, 743 moved out of the district and into a different Senate district within Clark County, and 588 moved out of state. Others moved within the same district.

Why should voters who have moved out of the district continue to be allowed to vote for the representative of Sen. Ohrenschall's district if they no longer live in the district – regardless of partisan affiliation?

And it's not just Senate District 21.

The chart below shows how many people are currently registered in each legislative district despite the fact that they've filed a change of address with the post office and have moved into a different district or out of state as of April 2025.

Assembly				Senate	
District	Moved Out	District	Moved Out	District	Moved Out
1	1,060	22	1,062	1	1,903
2	1,179	23	950	2	1,584
3	748	24	988	3	1,881
4	1,130	25	1,097	4	2,094
5	1,062	26	1,231	5	1,599
6	542	27	1,021	6	1,584
7	767	28	499	7	1,914
8	997	29	1,166	8	1,931
9	1,031	30	794	9	2,169
10	711	31	1,036	10	2,191
11	450	32	670	11	1,621
12	727	33	508	12	895
13	1,229	34	970	13	1,673
14	580	35	1,070	14	1,232
15	758	36	1,170	15	1,410
16	872	37	1,106	16	1,226
17	991	38	1,240	17	2,053
18	785	39	1,030	18	1,967
19	753	40	797	19	1,490
20	790	41	1,101	20	2,128
21	1,144	42	961	21	1,883
			38,773		36,428

And the converse is true, as well. Thousands of voters have moved into a particular legislative district who remain registered in a different legislative district.

If, let's say, you're a Democrat candidate and there are hundreds of Democrats currently living in your district but are registered to vote in another district...well, *they can't vote for you.*

How can Nevadans trust that election results reflect the true will of the voters in a district when there are so many inaccuracies in the voter registration lists and so many people voting in districts where they no longer live?

And if the county clerks/registrars are unable to keep up with list maintenance due to time, budget, or staffing limitations, why shouldn't they be allowed to work with responsible third parties using credible data who are ready, willing, and able to assist them?

Frankly, the only thing stopping them is Secretary Aguilar's insistence on using "personal knowledge" to block such assistance.

And if his strict definition of personal knowledge is enshrined into law, candidates who come across vacant homes or instances where the current resident reports the voter on your walk list has moved, **there won't be a thing you can do about it.**

How Did We Get Here?

The problem of "dirty" voter files in Nevada has been around ever since the federal "motor voter" law was passed in the 1990s - thanks in no small part to the fact that Nevada is a highly transient state, with thousands moving in and out every month.

However, those dirty voter rolls became a huge issue in 2020 after the Nevada Legislature passed an "emergency" bill mandating that all Active registered voters be automatically sent a mail-in ballot due to COVID.

That was a major game-changer which opened up a Pandora's box of new problems that dramatically heightened suspicions about the integrity of our elections.

These are legitimate concerns. And raising them does not automatically make someone an "election denier." A more accurate term would be "election questioner."

The mistake made by some of the more vocal critics of the decision to go with universal mail-in balloting was (a) focusing on the 2020 presidential election race, (b) not fully understanding the complexities of the state and federal election laws, and (c) making "fraud" allegations without being able to substantiate them.

The race those concerned about election integrity *should* have focused on was the Clark County District C race between Democrat Ross Miller and Republican Stavros Anthony.

The initial vote results showed Miller defeating Anthony by just 10 votes. After the recount, the lead was extended to 15 – still a razor-tight race in which over 153,000 voters cast ballots.

Making the matter worse, the Clark County Registrar of Voters reported to the Clark County Commission that there were 139 "discrepancies" in the election that he couldn't account for. Those discrepancies were far more than enough to affect the outcome of the race.

How many of the voters who cast ballots in that race no longer lived in District C – and maybe not even in the state – and should have been ineligible to vote in that contest? We don't know because no one looked into it.

They should have. But that's water under the bridge now.

The purpose of this report isn't to rehash 2020 history but to assure that steps are taken to clean up the voter rolls so such a controversy and the "conspiracy theories" about election security doesn't occur again in future elections, especially if we're going to keep universal mail-in balloting.

That was the purpose of Citizen Outreach Foundation creating the "Pigpen Project" in early 2023 to assist Nevada's county clerks and registrars in identifying suspicious voter registrations and having their eligibility to vote confirmed through the processes and procedures established by law.

Indeed, our trained volunteers who want to clean up Nevada's dirty voter rolls aren't relying on guesswork. They're using the same government data as local election officials.

In addition, if a current resident – who happens to receive a ballot addressed to a voter who no longer lives there – files a challenge, that's OK.

But if a trained volunteer from an election integrity group personally speaks with that same resident - who confirms the voter has moved - and files a challenge under penalty of perjury, that evidence is tossed as "hearsay."

Does that make any sense?

Opponents to modern voter roll clean-up efforts maintain that the resident can and should file the challenge, not the trained election integrity volunteer. And while that sounds good on paper, it ignores reality.

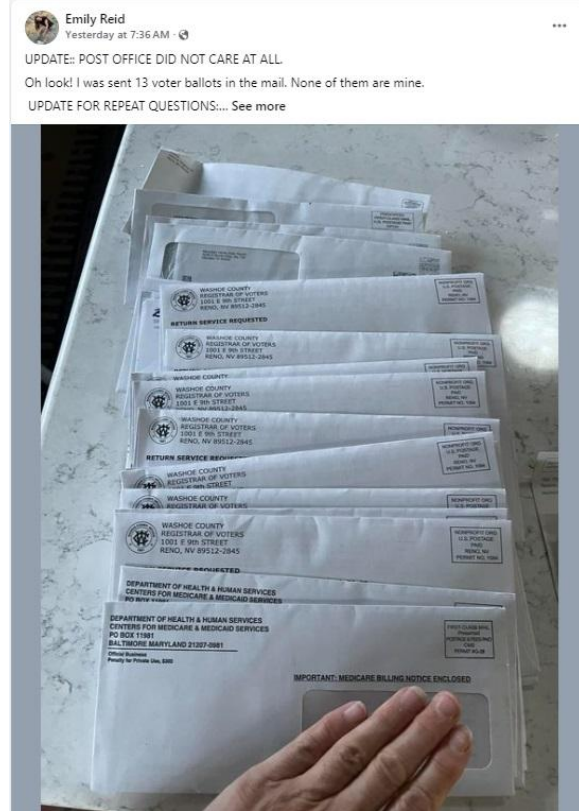
The reality is that most people who receive a former resident's election mail won't proactively call election officials to report the problem.

They simply throw it away – which is why you see so many photos of ballots that have been mailed to incorrect addresses and piling up in apartment complex mail rooms or in trash dumpsters.

The fact is many people will tell the volunteer that a voter has moved but simply will not sign anything to that effect – and for understandable reasons.

They don't want to get dragged into an election dispute and don't want to risk being "doxxed" or harassed. They just want the ballot for the person who no longer lives there to stop showing up in their mailbox.

By rejecting challenges from trained election integrity volunteers, the "ghost" registration remains active and the voter rolls stay dirty.



Unfortunately, Secretary Aguilar has been using his strict interpretation of "personal knowledge" – which does not currently exist in law - to obstruct the citizen-led project's efforts.

Worse, Secretary Aguilar has not only used his definition of personal knowledge to block legitimate "challenges" of voters who have moved – again, many to other states – but is now using the personal knowledge rationale to reject, without authority, legitimate reports of potential election FRAUD!

The Secretary is using the personal knowledge requirement, not as a shield to protect voters' rights, but as a sword to strike down legitimate citizen efforts to clean the voter rolls.

And now, knowing that his opinion on what constitutes personal knowledge isn't codified in statute, he's trying to formalize his definition in NRS (Nevada Revised Statute) through Assembly Bill 534. The exact language reads:

"For the purposes of this section, 'personal knowledge' means firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based. The term does not include knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information."

The purpose of this report is to explain in common-sense, layman's terms why this "personal knowledge" requirement should be eliminated entirely, and especially why it should not be added to NRS.

The National Voter Registration Act

Article I, Section 4, Clause 1 of the U.S. Constitution grants state legislatures the authority to establish "The Times, Places and Manner of holding Elections for Senators and Representatives."

However, while states have primary responsibility for running their own elections, Congress retains the ultimate authority to intervene and set uniform rules for federal elections if necessary.

Congress did exactly that in 1993 with passage of the National Voter Registration Act (NVRA) to enhance the participation of eligible citizens as voters while simultaneously protecting the integrity of the electoral process by ensuring "that accurate and current voter registration rolls are maintained."

It was an effort to balance election integrity with voter access. And it doesn't just allow states to clean up their voter rolls, it *requires* them to do so.

The NVRA mandates that states maintain accurate and current voter registration lists and implement procedures to keep voter rolls up to date by removing ineligible voters due to a change of residence by following certain safeguards and procedures.

This requirement was further affirmed via Executive Order #14248 issued by President Trump on March 25, 2025.

"Under the Constitution," the EO reads, "State governments must safeguard American elections in compliance with Federal laws that protect Americans' voting rights and guard against dilution by illegal voting, discrimination, fraud, and other forms of malfeasance and error."

"Federal laws," the order continues, "require States to maintain an accurate and current Statewide list of every legally registered voter in the state. . . . Maintaining accurate voter registration lists is a fundamental requirement in protecting voters from having their ballots voided or diluted by fraudulent votes."

Indeed, the NVRA requires states to "conduct a general program that makes a reasonable effort to remove the names of ineligible voter from the official lists of eligible voters by reason of the death of the registrant or a change in the residence of the registrant."

The law goes on to specify that a state may meet this requirement "by establishing a program under which change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed."

So why are Nevada's voter lists still so dirty?

Because the law mandates a totally subjective "reasonable effort." And Nevada election officials meet that threshold by doing the bare minimum to be in compliance. Here's the general process...

A county mails out election mail, including sample and mail-in ballots. And if the post office returns that mail, the voter is sent the confirmation postcard and the process for inactivating or cancelling that voter's registration begins.

But that bare-minimum process leaves thousands of moved voters on the list because change-of-address filings are only good for 12 months. So if you move and the election department doesn't send you any mail during those 12 months, the post office doesn't return the mail to the election department.

So election officials have no way of knowing that you've moved, and you remain on the voter registration list at your old address. This is why so many people report that they're receiving someone else's ballot who no longer lives there.

The good news, however, is that the NCOA database keeps your address change on file for up to four years.

So by using the NCOA database, election officials *could* catch the thousands of moved voters who were missed during the normal list maintenance process. But they don't. It's more work – and they are meeting their "reasonable effort" requirement by doing the bare minimum without doing the NCOA data research.

Now, it's critically important to note that FEDERAL LAW recognizes the reliability of the change-of-address information provided by the United States Postal Service for the purpose of maintaining accurate and up-to-date voter registration lists.

Using NCOA data to identify potential moved voters and sending a simple postcard notice to the voter is exactly what the NVRA envisions. So why block this process with a "personal knowledge" rule that no longer fits the way people live, vote, and interact?

In addition, Nevada law (NRS 293.5303) also allows the county clerk or registrar "to obtain the data compiled by the United States Postal Service concerning changes of address of its postal patrons for use by the county clerk to correct the portions of the statewide voter registration list relevant to the county clerk."

How is use of that data considered acceptable by a county clerk but not by a citizen using the exact same data? Makes no sense. Data is data.

It's at the heart of the controversy surrounding Secretary Aguilar's obstruction of citizen-initiated list maintenance reports as well as lawfully prescribed voter challenges.

Another example:

I personally went to the address of a suspected "moved" voter in my precinct - who had filed a permanent change-of-address with the post office but was still on the Active list - a couple weeks before the election.

There was a "For Sale" sign on the front lawn, a realtor's lock on the door, and in looking through the windows, no furniture in the house. The voter clearly wasn't living there. In addition, I was able to find a phone number for the voter and called. She told me she had, indeed, moved out of state.

I filed a "Section 547" challenge – signed under penalty of perjury – with the Clark County Elections Department, stating simply that "The voter does not reside at the address listed above."

However, the challenge was subsequently rejected by the election department because it was "not based on personal knowledge" - without even bothering to ask what personal knowledge I was basing my challenge on!

It gets worse.

After Secretary Aguilar directed county election officials to reject our 33,000+ challenges last summer, we did a test mailing to a couple thousand of them on our own, at our own expense.

The letter explained that post office records indicated they had moved from the address where they were registered to another state.

We advised that if the records were accurate, they probably forgot to change their existing Nevada registration and included the form to fill out in order to cancel their registration.

And we also included a self-addressed envelope to return their cancellation request to Citizen Outreach. In response, we received a large number back and forwarded them to the county election officials for processing.



How many times do I have to let you know I moved???

REQUEST FOR REMOVAL OF NAME FROM VOTING RECORDS
(Registration Cancellation)

You may only cancel your own registration and your handwritten signature is required. You **CANNOT** cancel another voter's registration (relative, friend, neighbor, etc.)

TO: THE CLARK COUNTY, NV, ELECTION DEPARTMENT
Please remove my name from the Clark County, NV, registration records:

My Full Name: [REDACTED]
(print last, first, and middle names)

My Date of Birth: [REDACTED]
(print month/day/year)

Identification Number: [REDACTED]
(NV Driver's License No., NV ID Card No., or Last 4 Digits of Your Social Security No.)

My Address: (print Clark County residential address where currently registered):
[REDACTED]

Reason: (OPTIONAL: example would be "moved out of Clark County")
[REDACTED]

My Signature: [REDACTED]
(handwrite your signature)

Date: 10/9/2023
(print today's date)

HOW TO SUBMIT YOUR REQUEST

- Postal Mail: Clark County Election Dept., P.O. Box 3908, Las Vegas, NV 89127-3908; or
- In-Person: Clark County Election Dept., 3655 Trade Dr., Suite A, North Las Vegas; or
- E-Mail (attached PDF preferred): ELMIS@ClarkCountyNV.gov; or
- Fax: (702) 455-2833.

FOR OFFICE USE ONLY

Accepted By: _____ Date: _____
Election Official

In one case, we found that a moved voter who submitted a cancellation request nonetheless was recorded as having voted in the November general election in Nevada.

That's a big red flag that someone else may have obtained their mail-in ballot and cast it fraudulently. So we filed an Election Integrity Violation Report (EIVR) with the Secretary of State's office.

However, **that report was rejected** on the ground that we lacked personal knowledge – *even though no such requirement exists in law or code for EIVRs.*

Other citizen volunteers have reported similar rejections.

In other words, election officials are now using Aguilar's "personal knowledge" excuse to routinely reject challenges in knee-jerk fashion rather than doing the jobs they were elected or hired to do.

What makes these rejections even more egregious is that NRS specifically states the challenger must have personal knowledge of the FACTS related to the challenge, not necessarily of the voter himself or herself.

In thousands of cases, we not only confirmed that the voter filed a permanent change-of-address with the post office but had re-registered in another state. In some cases, government records also showed they had actually VOTED in their new state.

Yet Secretary Aguilar rejected those challenges for lack of personal knowledge.

In another case, an apartment owner compared the current voter registration list and matched it to his records on whether they had moved out. However, his reports were rejected because he was the *owner* of the building and not the unit *resident*, thereby not having personal knowledge.

That's absurd. Of course the owner of the building knows when a voter has moved out

The facts as stated above clearly justify triggering the confirmation process of the voters' eligibility to vote in Nevada by election officials. However, Secretary Aguilar rejected our challenges anyway.

Strict Interpretation vs. Common Sense

The core purpose of Title 24 of the Nevada Revised Statutes (NRS) is to conduct elections fairly and accurately. NRS 293.127 specifically addresses the matter of strict interpretation of Title 24:

"This title must be liberally construed to the end that . . . the real will of the electors is not defeated by any informality or by failure substantially to comply with the provisions of this title with respect to the giving of any notice or the conducting of an election or certifying the results thereof."

The source of knowledge – personal vs. documentary – is an "informality." The substance is whether the challenge is credible. An overly strict personal knowledge requirement elevates informality over the substance of a credible challenge, thus subverting the law's intent.

Strict interpretation of personal knowledge – when reliable data suggests ineligibility - undermines public confidence in election integrity. If citizens believe the system isn't making genuine efforts to clean up voter rolls, their real will to participate is suppressed, thus defeating the intent of NRS 293.127.

Even if "personal knowledge" were to continue to be used as a requirement for challenges, by law the definition is required to be "liberally construed" so that the will of the voters (not to mention federal law) to have clean voter rolls is protected.

Allowing ineligible voters to remain on the rolls due to overly-restrictive challenge rules dilute the votes of eligible voters. Every fraudulent or mistaken ballot casts a shadow of doubt on the legitimate votes of citizens, thus defeating the real will of the electorate.

By imposing an outdated and impractical personal knowledge requirement, the Secretary of State is effectively obstructing ordinary citizens from flagging obvious voter roll errors that undermine electoral integrity.

This strict definition creates a disincentive for citizens to actively engage in ensuring accurate voter rolls as they are likely to be dismissed for lacking personal knowledge, diminishing participation and disenfranchising them from the process.

Texas courts, and other authorities in various contexts, define personal knowledge as information which is based on one's observations and/or experience and can include "logical conclusions based on underlying facts" and knowledge derived from various sources.

Indeed, there are multiple reliable legal definitions of "personal knowledge" beyond Black's Law Dictionary.

These definitions - found in the Federal Rules of Evidence, state evidence rules, legal dictionaries, and case law - consistently allow personal knowledge to include logical conclusions or inferences, provided they are reasonably based.

Under a liberal interpretation of personal knowledge as proscribed by NRS, a witness who identifies a possibly moved voter from the NCOA data, and is also told by a current resident that someone has moved out and no longer lives there, can come to the logical, common-sense conclusion and inference that...the voter no longer lives there.

Historical Origins of "Personal Knowledge" in Voter Challenges

The principle of "personal knowledge" aimed to ensure that challenges were grounded in verifiable facts rather than hearsay or speculation. However, this well-meaning safeguard has a darker history when examined more closely.

Challenger laws originated in a time when voting qualifications were often tied to observable characteristics such as race or gender, making it easier for challengers to claim "knowledge" of ineligibility for minorities and women.

In the post-Reconstruction South, voter challenge laws were commonly used to suppress the black vote. In the late 1800's, some states enacted laws allowing private citizens to challenge voter eligibility, often without stringent evidence requirements. Unfortunately,

these laws were sometimes misused to suppress votes, particularly among women and minority communities.

Similarly, after the 19th Amendment granted women the right to vote, opponents used challenge laws to target female voters under the guise of questioning their residency or marital status. For example, during a 1918 special election in Lisle, New York, every woman attempting to vote was challenged, reflecting resistance to women's suffrage.

These abuses prompted later reforms to ensure challenges weren't based on frivolous, malicious, or discriminatory motives. The personal knowledge requirement emerged as a reform intended to limit such abuse.

A necessary safeguard then, but not now.

The personal knowledge requirement helped reduce racial and gender-based voter suppression in the past, but the conditions that once justified it no longer exist in the same form.

Discrimination at the polls is now prohibited under state and federal law, and challenges must be made under oath and for clearly defined reasons.

As voting rights were expanded and discriminatory practices were outlawed, these laws became increasingly obsolete.

The Voting Rights Act of 1965 prohibited discriminatory practices such as literacy tests and other devices that were historically used to disenfranchise voters, particularly African Americans.

Why the Personal Knowledge Requirement No Longer Makes Sense

The concept of requiring "personal knowledge" for voter challenges dates back to the era when elections were conducted within small, tightly-knit local precincts. In these settings, it was reasonable to assume that neighbors or community members might know if someone had moved away or was ineligible to vote.

But recent reforms to Nevada's election laws have changed that dynamic dramatically.

The old justification for personal knowledge relied on neighbors seeing each other at the polls. But Nevada no longer uses precinct-based voting in the traditional sense:

- Vote centers allow voters to cast ballots at any location in the county.
- Every active voter receives a mail-in ballot.
- Many voters never interact in person with election workers or other voters.

Since so many voters no longer cast ballots exclusively in their local precincts where neighbors might know each other, it's less likely that challengers will have first-hand knowledge of the voter's eligibility.

In this new environment, it's unreasonable to expect that a challenger will have "personal" knowledge about another voter's eligibility. People don't vote alongside their neighbors anymore, and many citizens move frequently or live in large, impersonal communities.

Under Nevada Revised Statute 293.535, any person may challenge a registered voter if they believe the voter has moved away and abandoned their residence in the county.

Importantly, this law does not define or require "personal knowledge" of the voter as the basis for such a challenge – unlike challenges closer to Election Day filed under NRS 293.547.

Another reason for requiring personal knowledge was to avoid long delays and confusion at a precinct polling location. However, more than half of Nevada voters no longer vote at the precinct level; opting instead to vote by mail or to vote at an out-of-precinct voting center.

The personal knowledge standard imposed by the Secretary of State presumes voters are known within their immediate physical community, a notion increasingly irrelevant given modern mobility and the rise of vote centers and mail-in balloting.

Holding fast to antiquated rules actively thwarts the use of technology to enhance the accuracy of voter rolls. By disregarding verifiable data available, the current interpretation fails to modernize election administration.

Modern Reality

Today, we have access to powerful tools like the National Change of Address (NCOA) database, used by the U.S. Postal Service. This data is considered reliable enough for election officials, government agencies, and businesses to verify moves.

Indeed, these tools are considered more reliable than individual challengers' personal observations.

Nevada election officials themselves rely on similar documentary evidence (NCOA data, DMV records, etc.) to maintain voter rolls and make administrative decisions. It's inconsistent and irrational to reject citizen challenges based on the same data.

If clerks and registrars can rely on such data for voter roll maintenance, challengers should be allowed to use similar evidence rather than being limited to personal knowledge.

This creates a double standard where election officials are allowed to use modern data for routine list maintenance while blocking citizens from filing challenges based on equivalent evidence.

Indeed, if a citizen-initiated challenge is based on NCOA records — even combined with a statement from the current resident — it's rejected by the Secretary of State because it's deemed "hearsay" and not "personal knowledge."

This requirement – as defined by Secretary Aguilar – is preventing legitimate challenges in cases where a voter has moved or otherwise becomes ineligible but remains on the rolls due to administrative delays or errors.

In effect, we are turning away better evidence in favor of weaker, outdated standards.

Lawmakers should weigh the need for robust protections against voter suppression with the realities of ensuring accurate voter rolls in today's electoral environment.

By enforcing a strict personal knowledge rule, the state is making it virtually impossible for citizens to flag outdated or incorrect registrations. For example:

- A trained volunteer checks NCOA and confirms the voter filed a permanent change of address to another state.
- The volunteer speaks to the new tenant at the address, who says the registered voter moved out years ago.
- Despite this corroborated evidence, the challenge is rejected for lack of personal knowledge.

This policy blocks serious, well-documented efforts to keep rolls clean. Other states, such as Colorado and Michigan, allow challenges based on multi-sourced evidence.

Legal and Policy Risks of Codifying "Personal Knowledge"

If Nevada enshrines the Secretary of State's narrow definition of personal knowledge into statute, it may face significant legal challenges on multiple fronts.

The NVRA requires states to use "reliable information" to maintain accurate rolls. If the statute defines "personal knowledge" so narrowly that it excludes verifiable evidence - such as NCOA data paired with corroborating evidence - plaintiffs might argue that it creates an unreasonable barrier to correcting voter roll inaccuracies.

The personal knowledge requirement could be challenged for arbitrarily restricting legitimate challenges while failing to account for modern evidence-gathering methods.

Rejecting challenges based on official USPS data or other government records may be viewed as exceeding federal requirements and a violation of the intent of the NVRA.

Courts would have to consider whether the personal knowledge requirement, as proposed, denies challengers a meaningful opportunity to present credible evidence. In fact, an argument could be made that the requirement unconstitutionally restricts free speech by preventing voters from raising legitimate concerns about voter eligibility.

In addition, a candidate could argue that being denied the ability to challenge a voter using verifiable, credible evidence infringes on their right to participate meaningfully in election oversight.

Overly rigid rules that prevent the submission of valid evidence may also violate the due process rights of citizens and organizations trying to assist with roll maintenance who are denied a fair opportunity to submit legitimate concerns.

Misplaced Focus on Volume Instead of Accuracy

Some critics of voter challenges argue that too many challenges are being submitted. But the number of challenges should not be the deciding factor. The only thing that matters is whether the registration is accurate.

The NCOA database is managed by the U.S. Postal Service and is widely used by government agencies and businesses alike to track permanent address changes.

The voter registration lists are public records. So if a citizen spots what appears to be a discrepancy - such as someone still be registered at an old address – they should be able to raise a red flag.

This citizen participation protects election integrity. The goal isn't to kick people off the rolls unfairly – an accusation often raised by opponents – but to make sure each voter is registered only in the right place and only voting once.

If 10,000 voters have moved and are no longer eligible to vote from their old address, there should be 10,000 challenges. If 100,000 have moved, there should be 100,000. Clean rolls aren't about optics; they're about accuracy.

The mere scale of challenges is not a sign of abuse — it may simply reflect the scale of the problem. It is the evidence behind the challenge that should matter, not the volume.

We're not talking about someone guessing or snooping on their neighbors. We're talking about someone filing a permanent change-of-address with the U.S. Postal Service. These are not temporary holds or forwarding requests. These are legal notices attesting to their move.

That's stronger evidence than personal knowledge, which is vague and subjective. Frankly, a database that tracks 160+ million addresses nationally is more reliable than someone's memory or neighborhood gossip.

Most importantly, a challenge isn't a cancellation. Challengers are NOT asking that anyone be deleted from the voter rolls just because of the challenge.

And yes, it's certainly possible that a voter may accidentally file a "permanent" change of address when they meant to file a "temporary" change of address. But that's a problem caused by the voter, not the challenger, and is no excuse not to clean the voter files of others who properly filed the notice.

Challengers are simply asking election officials to take a reasonable, proactive step – such as mailing the confirmation postcard – when there's strong, independent, and reliable evidence that a voter no longer lives where they're registered.

That's not voter suppression. That's list maintenance. And federal law requires it.

The idea that a citizen or third-party group needs "personal knowledge" in order to request a mailer be sent is bureaucratic overkill. It's like demanding a police officer personally witness a crime in order to run a license plate that matches a wanted car.

Lastly, some election officials cite lack of staffing or funding in order to process large lists of suspected ineligible voters.

But that's their job. And while it may be an argument for providing additional resources to election departments, it is NOT an argument for imposing a strict personal knowledge requirement and not taking advantage of tools to better clean the voter rolls.

If election officials are overwhelmed by the magnitude of the problem, that's an argument FOR enlisting the assistance of citizens and responsible outside third party organizations, not against it.

Recommendations: A Better Path Forward

Nevada can protect voters from discrimination AND keep voter rolls clean without requiring outdated standards. Here's how:

1. Do not codify in statute Secretary Aguilar's strict personal knowledge rule. Leave the law flexible to allow a variety of credible evidence sources. Replace the strict "personal knowledge" standard with a requirement for objective, verifiable evidence from at least two independent sources.

2. Accept corroborated documentary evidence. Permit the use of NCOA records, voter registration records in other states, DMV changes, and utility records when more than one source indicates a voter has moved. This should also include time-stamped photographic evidence, such as a voter's abandoned residence with mail piling up.
3. Maintain the postcard verification process. This is a proven safeguard that ensures no voter is removed without notice and an opportunity to respond.
4. Continue to require affidavits under penalty of perjury. This existing requirement already discourages frivolous challenges. If election officials think someone is abusing the process, simply enforce EXISTING law.
5. Improve guidance for election officials. Standardize procedures for evaluating challenges based on a totality of the evidence, not a single outdated standard.
6. Extend the challenge window. Currently, Section 547 challenges can only be filed between 25 and 30 days before an election. That window often doesn't open until after mail-in ballots have already gone out. Section 547 challenges should be allowed at least 90 days before an election to give election officials time to process them before ballots are mailed out.

These reforms would address Nevada's needs while maintaining voter protections.

Conclusion

The personal knowledge requirement may have once served a noble purpose, but in today's world, it has become a roadblock to legitimate voter roll maintenance.

If we want to restore confidence in elections, we need laws and standards that reflect reality, not nostalgia. Nevada's laws already provide ample protection against disenfranchisement through a multi-step verification process.

The best evidence that someone has moved isn't whether their neighbor saw a moving truck. It's whether they filed an official, permanent change-of-address with the U.S. Postal Service.

By relying on modern, reliable data and common sense, we can strike the right balance between election integrity and voter protection — without cementing an obsolete standard into law.