ACLU

Iowa

505 Fifth Ave., Ste. 808
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August 5, 2026

To: The County Auditors of all 99 Counties in the State of Iowa
Individual Addresses Listed in Appendix A
Via email

Re: Today is the Beginning of the federal NVRA 90-day Quiet Period

Dear County Auditors:

As of today, August 5, 2026, there are only 90 days until the November 3, 2026 General Election. That means the "quiet period" required by section 8 of the National Voter Registration Act of 1993 ("NVRA") is now in effect. At this point, systematic voter list maintenance is generally prohibited by federal law. Iowa law additionally specifically prohibits voter challenges under Section 48A.14 as of August 26, 2026, which is 70 days before the Election.

During the quiet period prior to the 2024 Election, a large number of improper challenges to Iowa voters' registrations occurred across the state, ostensibly pursuant to Iowa Code section 48A.14. Unfortunately, some auditors processed these challenges despite federal and state law. As a result, some voters had their registrations wrongfully cancelled based upon these mass challenges and some auditors had to take corrective action after the fact to restore those voters.

To head off any similar problems this year, we are sending this proactive reminder to all Iowa county auditors that acting upon these challenges to remove voters from the rolls is very likely a violation of state and federal law. Any county auditor receiving mass voter challenges ahead of the November 3, 2026 election should refrain from processing the challenges until after the Election.

Relatedly, and in the same spirit, we wanted to let you know that over the course of this next month the ACLU of Iowa will be updating our Know-Your-Rights Voting in Iowa materials on our website and in print, as we do each election. Our website is www.aclu-ia.org. We appreciate the feedback that we've received over the years that these materials are helpful to Iowa voters.

If you would like to discuss anything, or if we at the ACLU of Iowa can be a resource to you as you work to run the November 3, 2026 election in your county, please don't hesitate to contact us.

More information about the federal and state "quiet periods" is below.

Federal law (The National Voter Registration Act, 52 U.S.C. § 20501 *et seq.*)

Section 8 of the NVRA, 52 U.S.C. § 20507, includes key protections against improper removals of voters from the rolls.

Under Section 8(c) of the NVRA, beginning 90 days before the election—which is today, on August 5, 2026—systematic voter list maintenance is generally prohibited. This includes "*any* program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters." 52 U.S.C. § 20507(c)(2) (emphasis added). The only exceptions are for removals "at the request of the registrant," or those based on "criminal conviction or mental incapacity," death, or "correction of registration records." *Id*. § 20507(c)(2)(B). The 90-day pause applies to "*any*" and all list maintenance programs, including list maintenance "based on third-party challenges," particularly challenges "derived from any large, computerized data-matching process." In the past, these processes have been used by third parties, including state election officials[1] and private individuals,[2] to make wrongful voter challenges on a large scale.[3] The mandated 90-day quiet period addresses the significant risk of mistakenly removing and disenfranchising eligible voters close in time to an upcoming election.[4]

Additionally, both during and outside of the 90-day quiet period, Section 8(d) of the NVRA sets out the exclusive procedure for removing registered voters based on a purported change of residence and requires that certain notice and waiting period procedures be followed before removing any voters from the rolls on this basis. *Id*. § 20507(d). To help ensure voters are

[1] For example, the Eleventh Circuit found a Secretary of State's program to be "systematic" because it "did not rely upon individualized information or investigation to determine which names from the voter registry to remove," but rather "used a mass computerized data-matching process to compare the voter rolls with other state and federal databases." *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1344 (11th Cir. 2014).
[2] *See, e.g.*, *Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 512 F.Supp.3d 1354 (M.D. Ga. 2021); *N. Carolina State Conf. of NAACP v. Bipartisan Bd. of Elections & Ethics Enf't*, No. 1:16CV1274, 2018 WL 3748172 (M.D.N.C. Aug. 7, 2018).
[3] *See, e.g.,* U.S. Dep't of Justice, Civil Rights Division, *Voter Registration List Maintenance: Guidance Under Section 8 of the National Voter Registration Act*, 52 U.S.C. § 20507 (Sept. 2024), https://www.justice.gov/crt/nvra-list-maintenance-guidance (providing that this 90-day deadline applies to "list maintenance programs based on third-party challenges").
[4] *See Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1346 ("[T]he 90 Day Provision strikes a careful balance: It permits systematic removal programs at any time except for the 90 days before an election because that is when the risk of disenfranchising eligible voters is the greatest.").

not mistakenly disenfranchised, Section 8(d) specifies that "[a] State 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" the following notice and multi-year waiting period procedures are followed:

> [T]he registrant—(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or (B)(i) has failed to respond to a notice described in paragraph (2)[5]; and (ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

52 U.S.C. § 20507(d)(1). Unless these notice and waiting procedures are followed, any removal based on a purported change of residence is unlawful.

State law (Iowa Code § 48A.14 *et seq.*)

While Iowa Code section 48A.14 authorizes some voter registration challenges, it specifies that they must be made more than 70 days before the next election. Iowa Code § 48A.14(4). If a challenge is made within the 70 days before the election, which this year begins August 25, 2026, it cannot be processed until after the election. *Id.* The only exception to this clear rule is for a voter challenge "filed within twenty days of the commissioner's receipt of the challenged registrant's registration form or notice of change to an existing registration." *Id.*

In the event a challenge is made within twenty days of the voter's registration pursuant to this exception, and if the challenge is made by a permitted individual and properly follows the form and content requirements of section 48A.14(1) through (3), Iowa law additionally imposes strict requirements for notice and hearing to help guard against mistaken disenfranchisement. *See* Iowa Code §§ 48A.15, 16. A notice meeting the requirements of Iowa law must be sent within five working days of a valid challenge and must advise both the challenged voter and the challenger of the date, time, and place of a hearing that must occur between twenty and thirty days of the challenge. Iowa Code § 48A.15(3). At the hearing, either party may submit evidence and documents relating to the challenge, and "[o]n the basis of the evidence submitted" at the

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[5] Section 8(d)(2) of the NVRA provides that an adequate notice:

> is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect: (A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters. (B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

52 U.S.C. § 20507(d)(2).

hearing, "the commissioner shall either reject the challenge or cancel the registration of the challenged registrant." Iowa Code § 48A.16(1). If the challenged registrant does not appear at the hearing and that challenged registrant's registration is canceled, "the commissioner shall immediately notify the challenged registrant of the cancellation by first class forwardable mail sent to the challenged registrant's most recent mailing address according to the registration records." *Id.* § 48A.16(2). Either party may appeal the commissioner's decision to the county district court. *Id.* § 48A.16(1).

* * * * *

Thank you for your attention to this important matter, and if it would be helpful to you, please don't hesitate to contact us.

Respectfully,

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