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# MEMORANDUM

To: Nevada County Clerks & Registrars  
From: Mark Wlaschin, Deputy Secretary of State for Elections  
Date: May 13, 2024  
Subject: Memo 2024-011 - Guidance Regarding Written Challenges (NRS 293.547)

The following guidance is provided pursuant to the Secretary of State's authority in NRS 293.247 to take actions necessary for the effective administration of elections in Nevada. This specific guidance is provided to clarify the recommended procedures to be conducted in regard to NRS 293.547 Written Challenges; NAC 293.416 Written challenge: oath or affirmation of challenged person; and NAC 293.418 Written challenge: Notice to person challenged.

**STEP 1: A written challenge may be filed after the 30<sup>th</sup> day but not later than the 25<sup>th</sup> day before any election. [NRS 293.547(1)]**

- For the 2024 election cycle, this equates to a filing period of May 13-17, 2024 for the primary election and October 7-11, 2024 for the general election.
  - Clerks who received a written challenge pursuant to NRS 293.547 should report the number of late written challenges to the Secretary of State prior to county certification.
  - All written challenges must be maintained by the clerk for 22 months.
- A written challenge must be submitted on the form provided by the Secretary of State (form EL613)
  - Additional information may be provided on a separate document, but not in lieu of the form EL613.
- Each form EL613 must not contain the name of more than one person whose right to vote is challenged [NRS 293.547(4)].
  - The county clerk shall not accept for filing any challenge which contains more than one such name on a form EL613 [NRS 293.547(4)].
    - A challenger may submit multiple written challenges, but each challenge must be on a separate form EL613, and each must be evaluated separately for compliance with the provisions of NRS 293.547.
- The challenger must submit form EL613, fill out all available information as indicated, and sign.
  - The challenger does not have to personally submit each form EL613.
  - Other individuals besides the challenger (i.e., a third party) may gather multiple written challenges on form EL613 and submit them to a clerk in a single submission.
    - If an EL613 form is submitted late or without information required pursuant to NRS 293.547 or NAC 293.416, the form will not be considered timely or complete.

- If an EL613 form is submitted without complete information, the clerk is not required to contact the challenger to correct the form or to request additional information.
  - If the submitted EL613 form does not include the phone number of the voter who is being challenged, the challenge must still be accepted.
- The challenger must be a registered voter from the same precinct as the challenged voter, and the basis of the challenge and statement of facts must be made upon personal knowledge [NRS 293.547(2)].
- The challenge must be signed and verified by the registered voter [NRS 293.547(3)].

**STEP 2: Upon receipt of a written challenge by the clerk, the following steps must be taken. [NRS 293.547(5)]**

- The clerk must first verify the information on the form EL613.
  - The name, precinct, and address of the challenger must be first verified against the current county voter registration list.
    - If the name, precinct, or address is incorrect, the clerk may contact the challenger to re-submit the challenge with corrected information.
      - Any attempt to cure a challenge submitted pursuant to NRS 293.547 must be conducted prior to the end of the 25<sup>th</sup> day before any election.
    - If the challenger is not registered in the same precinct as the challenged voter, the challenge process should stop.
    - Once verified, the first box on form EL613 next to “Verified by Clerk” should be checked.
  - The name, precinct, and address of the voter being challenged, as provided on the EL613 form bearing their name, must then be verified against the current county voter registration list.
    - **If the voter being challenged has moved out of the precinct, updated their voter registration within the county, previously been inactivated, or previously been cancelled, then the challenge is not valid and the challenge process should stop.**
    - If the name, address, and precinct of the voter being challenged is valid and the voter’s information matches what is on the current county voter registration list, then the second box on form EL613 next to “Verified by Clerk” should be checked.
    - If the voter being challenged has moved out of the precinct or within the county, previously been inactivated, or previously been cancelled, the clerk should write one of the following below the empty “Verified by Clerk” box:
      - Voter moved to another precinct within the county.
      - Invalid voter address provided by challenger Voter updated registration and is a valid voter.
      - Voter registration was inactivated.
      - Voter registration was cancelled.
- Once the information of both the challenger and the voter being challenged has been validated, the clerk must file a copy of the challenge to the challenged registration in the roster.
- Upon the filing of a challenge in the registrar of voter’s register, the clerk should immediately notify the district attorney with a copy of the challenge accompanying the notice.
- Within five days after a challenge is filed, the clerk must mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to NRS 293.547 informing the person of the challenge. A copy of the challenge and information describing how to

resolve the challenge, properly reregister, or update the voter's registration must accompany the notice.

- The notice to the voter being challenged must be mailed within five days of receipt of the written challenge, not within five days of the challenge period.
- The notice to the voter being challenged must comply with the requirements of NAC 293.418 which states:
  - The notice required by subsection 5 of NRS 293.547 must include a statement in substantially the following form:
  - *Even though your right to vote has been challenged, you are still registered and eligible to vote. Please contact this office immediately for information concerning how you may respond to the challenge. A failure to respond to this notice could result in your voter registration being inactivated or cancelled.*
- If the person fails to respond or appear to vote within the required time by NRS 293.530(c), the county clerk shall cancel the person's registration. Further, if the district attorney causes proceedings to be instituted and prosecuted in a court of competent jurisdiction, and the court orders the voter's registration to be canceled, the county clerk shall cancel the person's registration.
- If a voter who was successfully challenged under the provisions of NRS 293.547 appears at a polling location with information indicating they are eligible to vote pursuant to Article 2, Section 1 of the Nevada Constitution, then that voter must be allowed to cast a ballot.

Clerks who receive a challenge pursuant to NRS 293.547 should submit their finalized lists to the Secretary of State no more than 30 days after each election. If there are any questions about this guidance, please call or email the Deputy for Elections at (775) 684-5705 or [mwaschin@sos.nv.gov](mailto:mwaschin@sos.nv.gov).

Respectfully,

Francisco V. Aguilar  
Secretary of State

By: Mark Wlaschin  
Mark Wlaschin, Deputy Secretary for Elections