



VOTER REGISTRATION LIST INTEGRITY

Ensuring voter registration lists are accurate is one of the foundational first steps to protecting the integrity of America’s electoral system. The 2020 general election had a record-breaking 228 million registered voters.¹ This magnifies the need to properly maintain voter registration lists, since more registered voters increase the possibility for lists to include duplicate registrations, deceased voters, and other ineligible registrants. The impact of poorly managed voter rolls is compounded as more states adopt policies to automatically mail vote-by-mail ballot applications and actual ballots to their full registration lists.

BACKGROUND

Although the U.S. Constitution² gives states the responsibility of overseeing federal elections—including registration—two federal laws, the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA), established minimum standards states must follow to maintain voter rolls.

National Voter Registration Act of 1993³

- Commonly called the Motor Voter Act.
- Requires states to offer voter registration at state agencies, such as their department of motor vehicles (DMV), public assistance, and disability offices.
- Specifies that states must offer mail-in applications.
- Addresses cleaning voter rolls and restricts states from removing a registrant solely because they fail to vote.
- Stipulates states must make reasonable efforts to remove deceased voters from their registration lists, but does not specify the procedures.
- Establishes processes to remove voters based on change of residency.
- Imposes a cut-off date for general list maintenance of 90 days prior to the date of a federal primary or general election.

Help America Vote Act of 2002⁴

- Requires states to maintain a statewide voter registration list, either by adopting a single statewide platform that local jurisdictions can access or by gathering and aggregating local voter-registration databases.
- Directs states to coordinate their registration lists with state agency records on felony status and deaths, along with sharing certain data with the state’s DMV.
- Instructs states to have a voter-registration applicant provide a driver’s license number, the last four digits of his or her Social Security number, or a state-assigned ID number.
- Clarifies some of the maintenance provisions in NVRA, namely laying out a process by which states may remove registrants if they don’t respond to an address confirmation mailer and fail to vote in the two following federal elections.

Impact of Poor Maintenance

The importance of clean voter rolls is magnified as more states adopt policies to automatically mail every registered voter a vote-by-mail application or the actual ballot. Eleven states adopted emergency COVID-19 procedures⁵ to either directly mail or authorize counties to mail vote-by-mail ballot applications to every registered voter. A total of nine states and the District of Columbia automatically mailed ballots.⁶ Several states made those temporary COVID-era policies permanent, for a total of eight states and the District of Columbia⁷ to continue automatically mailing ballots.

Even though federal law requires states to make a “reasonable effort” to maintain accurate voter rolls, many ignore the requirements or do the bare minimum of maintenance. Some examples of poorly maintained registration lists include:

- A “system error” was cited by election officials as the reason why 83 ballots for the 2016 general election were sent to a single apartment address in San Pedro, California.⁸
- In 2019, California settled a federal lawsuit with Judicial Watch and began the process of removing 1.6 million inactive names from the Los Angeles County voter rolls.⁹
- The nonpartisan Wisconsin Legislative Audit Bureau identified that between 2016 and 2020 the Wisconsin Election Commission never compared voter rolls against a national database that tracks deaths and registrations in other states.¹⁰
- A September 2020 Judicial Watch study¹¹ found that Michigan’s voter registration rate was 105% of eligible voting-age citizens and 16 counties had registration rates at or about 110%.
- Pew Center on the States’ Election Initiatives research in 2012 concluded that one of every eight voter registrations in the United States is no longer valid or has significant inaccuracies.¹²

Enforcement is mainly reliant upon the U.S. Department of Justice (DOJ) through monitoring compliance, conducting investigations, and litigating in federal court. Private parties can also challenge maintenance issues in federal court.¹³ Unfortunately, DOJ rarely addresses these types of issues, with most of their litigation driven by progressive staff focused on challenging state voter registration clean-up efforts and addressing lack of access to registration.¹⁴ Recently, DOJ sued the State of Arizona over their House Bill 2492 that requires proof of citizenship to register to vote, claiming it violates the NVRA.¹⁵

Voter Roll Maintenance Best Practices^{16, 17, 18}

Given the massive influx of illegal immigrants into the country, states need the ability to ensure only citizens are registered to vote. The NVRA should be amended so states can verify citizenship and not be accused of violating federal law. Legislation such as the Citizen Ballot Protection Act¹⁹ and the American Confidence in Elections Act²⁰ add the option for states to require a proof of citizenship as part of the mail voter registration form.

In addition to citizenship requirements, voter roll maintenance needs to address issues caused by a highly mobile society. Approximately 23 million American adults changing residences in 2020,²¹ therefore, the task of keeping voter rolls accurate and up to date is an ongoing effort that requires adhering to comprehensive data management best practices. The NVRA was developed in a paper-based world, so although the Act could be modernized to reflect new technology, many states have moved beyond those minimum standards and use automation and a wide variety of data sources to regularly update voter rolls. Best practices include:

- **Database interoperability** - Designing statewide voter registration lists to be interoperable with other state databases, such as the DMV, so election officials can be notified when a registered voter changes his or her address at the DMV.
- **Multiple sources of data** - Requiring the use of multiple sources of state data on a frequent basis, such as tax records, corrections departments, returned jury notifications, and public assistance agencies.

- **Residential verification** - States can use county tax records to ensure an address in the voter rolls is a residential property, and to flag multiple registrations going to the same address for additional investigation.
- **Interstate data-sharing** - Additional multistate data should be used to track individuals who move outside a jurisdiction or die. Examples include the U.S. Postal Service’s National Change of Address system, Social Security Death index, Social Security Administration’s Master Death File, and commercial data companies such as credit agencies.
- **Cooperative agreements** – States can enter agreements with other states to compare voter lists.
- **List transparency** – Since many voter roll anomalies have been identified by independent research organizations, rather than mainly relying on the Department of Justice to enforce NVRA list-maintenance requirements,²² voter registration lists should be accessible to the public with confidential information redacted.
- **Adherence to state law** – For states that have local voter-registration databases, additional oversight of local clerks to adhere to maintenance processes may be justified.

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¹ Election Administration and Voting Survey 2020 Comprehensive Report. A Report from the U.S. Election Assistance Commission to the 117th Congress. https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf#page10

² Jacob Schallus. The Constitution of the United States: A Transcription. National Archives. May 4, 2020. <https://www.archives.gov/founding-docs/constitution-transcript>

³ National Voter Registration Act of 1993, H.R. 2, 103rd Cong. (1993). <https://www.congress.gov/bill/103rd-congress/house-bill/2>

⁴ Help America Vote Act of 2002, H.R. 3295, 107th Cong. (2001). <https://www.congress.gov/bill/107th-congress/house-bill/3295>

⁵ Changes to election dates, procedures, and administration in response to the coronavirus (COVID-19) pandemic, 2020. Ballotpedia. (Updated November 19, 2020).

[https://ballotpedia.org/Changes_to_election_dates,_procedures,_and_administration_in_response_to_the_coronavirus_\(COVID-19\)_pandemic,_2020](https://ballotpedia.org/Changes_to_election_dates,_procedures,_and_administration_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020)

⁶ *Id.*

⁷ All-mail voting. Ballotpedia. https://ballotpedia.org/All-mail_voting

⁸ More Than 80 Ballots Mailed to San Pedro Apartment. NBC Los Angeles. November 4, 2016.

<https://www.nbclosangeles.com/news/politics/more-than-80-ballots-sent-to-san-pedro-apartment/106443/>

⁹ California Begins Massive Voter Roll Clean-Up – Notifies Up to 1.5 Million ‘Inactive Voters as Part of Judicial Watch Lawsuit Settlement.

<https://www.judicialwatch.org/california-begins-massive-voter-roll-clean-up-notifies-up-to-1-5-million-inactive-voters-as-part-of-judicial-watch-lawsuit-settlement/>

¹⁰ Elections Administration. Report 21-19. State of Wisconsin Legislative Audit Bureau. October 2021.

<https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf>

¹¹ Judicial Watch Study: 1.8 Million Extra Registered Voters. Judicial Watch. October 16, 2020. <https://www.judicialwatch.org/judicial-watch-study/>

¹² Inaccurate, Costly, and Inefficient: Evidence That America’s Voter Registration System Needs an Upgrade. PEW Charitable Trusts. February 14, 2012. <https://www.pewtrusts.org/en/research-and-analysis/reports/2012/02/14/inaccurate-costly-and-inefficient-evidence-that-americas-voter-registration-system-needs-an-upgrade>

¹³ The National Voter Registration Act of 1993 (NVRA). The United States Department of Justice. (Updated July 20, 2022).

<https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>

¹⁴ Cases Raising Claims Under the National Voter Registration Act. The United States Department of Justice. (Updated July 7, 2022).

<https://www.justice.gov/crt/cases-raising-claims-under-national-voter-registration-act#kynvra2018>

¹⁵ Justice Department Files Lawsuit Against the State of Arizona Over Restrictive Voter Registration Requirements. The United States Department of Justice. July 5, 2022. <https://www.justice.gov/opa/pr/justice-department-files-lawsuit-against-state-arizona-over-restrictive-voter-registration>

¹⁶ The Facts About Election Integrity and the Need for States to Fix the Election Systems. The Heritage Foundation. February 1, 2021.

<https://www.heritage.org/election-integrity-facts>

¹⁷ Matthew Weil, Charles Stewart III, Tim Harper, Christopher Thomas, and Rachel Orey. Logical Election Policy. Bipartisan Policy Center.

January 16, 2020. <https://bipartisanpolicy.org/report/logical-election-policy/>

¹⁸ Spring Cleaning Voter List Maintenance Best Practices, Tools and Success Stories – Webcast. U.S. Election Assistance Commission. April 10, 2018. <https://youtu.be/qALL3dNKghs>

¹⁹ Citizen Ballot Protection Act, H.R. 8223, 117th Cong. (2022). <https://www.congress.gov/bill/117th-congress/house-bill/8223/text?r=7&s=1>

²⁰ ACE Act, H.R. 8528, 117th Cong. (2022). <https://www.congress.gov/bill/117th-congress/house-bill/8528?s=1&r=19>

²¹ Census Bureau Releases 2020 CPS ASEC Geographic Mobility Data. United States Census Bureau. December 15, 2020.
<https://www.census.gov/newsroom/press-releases/2020/cps-asec-geographic-mobility.html>

²² Cases Raising Claims Under the National Voter Registration Act. The United States Department of Justice. (Updated July 7, 2022).
<https://www.justice.gov/crt/cases-raising-claims-under-national-voter-registration-act#kynvra2018>