



# VOTER ROLLS

*August 19, 2021*

The Center for Election Integrity's goal is to ensure each American citizen's legal vote has the same value as any other American citizen's legal vote. No more, no less.

In order to achieve this, the process must start with clean, current, and accurate voter rolls.

- If an individual is given more than one chance to vote, the door is opened for fraud.
- If an individual who is not eligible to vote gets a ballot and votes, fraud has occurred.
- If an individual votes in more than one state, fraud has occurred.

Every instance of fraudulent voting eliminates the voice of a legitimate voter. The casting of even one unlawful vote is one too many.

Our Republic rests on free, fair, and secure elections. Keeping this integrity in our elections starts with a clean voter roll in every state, ensuring transparency, which goes to instill confidence in the integrity of our electoral system.

As authorized by Article I of the Constitution, each state has its own set of rules regarding voter registration. Since its inception in 1789, four Constitutional amendments—the 15th Amendment granting African Americans the right to vote; the 19th Amendment giving women the right to vote; the 24th Amendment eliminating poll taxes; and the 26th Amendment lowering the voting age to 18—have made voting accessible for and inclusive of all U.S. citizens.

Since then, the intent behind most election legislation has been to make it easier to vote and hard to cheat. Every time voting laws are changed, new guardrails need to be established, because sadly, bad actors always have and always will seek to game the system.

In line with this, Congress has passed 10 federal laws on elections, starting with the Civil Rights Act of 1870 and ending with the Military and Overseas Voting Empowerment (MOVE) Act of 2009, intending to protect and secure Americans' right to vote. Much of this legislation, however, has insufficiently fixed our system, as nearly every election comes with debate over voter rights and disenfranchisement, fraud, or other tampering. One of the most chronic and still unresolved issues each election cycle is that of voter roll management.

For example, think of voter rolls like a payroll at a company. If an employee joins an organization, that individual must fill out paperwork to be added to the payroll. Once the individual leaves the company, the company takes proactive measures immediately to update the payroll, so the employee is no longer being compensated. In the same manner, states must proactively keep their voter rolls current and accurate to maintain the integrity of our elections. This can be accomplished by ensuring voter rolls are constantly cleaned, updated, and only include U. S. citizens. Moreover, this means they only include individuals with verified state and precinct residency and individuals over 18.

## FEDERAL LEGISLATION REGARDING VOTER ROLL MANAGEMENT:

While states are given broad authority with how they run their elections, Congress feared that low voter turnout in the late 1980s resulted from undue difficulties and viewed it necessary that voting be a simple but accurate process. In response, Congress passed the National Voter Registration Act of 1993 (NVRA). Also known as the “Motor Voter Law,” NVRA passed broad changes focusing on voter rolls, voter registration, and established the following pertaining to federal elections:

- *Uniform federal registration form;*
- *Require motor vehicle bureaus and public assistance offices to offer voter registration;*
- *Prohibit states from cleaning voter rolls within 90 days of an election; and*
- *Require states to maintain clean voter rolls.*

Under NVRA, one had to register to vote using an official registration form transmitted to state election officials who, in turn, after a verification process, notified applicants they were successfully added to the list of eligible voters. Notably, pursuant to [52 U.S.C. §20507\(3-4\)](#), NVRA specifies the only way a voter is removed from a state’s voter rolls is by individual request, criminal conviction, mental incapacity, death, or change in residence, and voters must be notified of these decisions. The bill provides that to ensure voter rolls are up to date, states may send postcard notices to individuals who have not voted in the last two federal elections (generally 4 years), notifying them that without response, they will be removed from state voter rolls.

These notices are vastly crucial to maintaining clean rolls—though not done often enough—and are effective at eliminating ineligible voters, leading the practice to be adopted by states that are [not](#) subject to NVRA. For instance, the [Wisconsin Elections Commission](#) is required by state law to send postcards to registered voters who have not voted in the last 4 years who then have 30 days to respond to their clerk or otherwise will be deemed inactive on the Wisconsin State voter rolls. According to the Commission, 84 percent of the recipients of the postcards were later made inactive as they were undeliverable, unresponsive, or actively wished to be removed. This equated to more than 95,000 people in 2019.

Under NVRA, states are required to be transparent with their voter rolls, making them available for public inspection while maintaining privacy, such as residential addresses, of registered individuals. While some states make this information readily available to anyone (such as Colorado and Florida), others require access fees, only allowing access to political parties, media, or other officials. Despite this, the transparency required under NVRA has led to [numerous lawsuits](#) by independent organizations finding discrepancies and likely ineligible voters registered on state voter rolls.

With these new requirements, lawmakers expected to increase voter turnout by 50 million. Interestingly enough, quite the opposite happened as subsequent [reports](#) have shown that in the 1996 election, the first election following the implementation of the law, voter turnout declined despite 27.5 million new registration applications. It soon became apparent that voter roll maintenance remained a subject of discussion each election cycle, even with new requirements. With more voters and advancements in technology, states had to develop new ways to maintain their rolls, leading to the impetus for the Help America Vote Act of 2002 (HAVA).

HAVA [required](#) states to assign a unique identifier to each registered voter in the state, giving identification provisions for those deemed eligible to vote but do not have a driver's license or social security number and required states to maintain this list digitally. To keep records up to date, HAVA also required these databases to be coordinated with other agencies within the state, such as the motor vehicle database or the Department of Corrections, which maintains lists of convicted criminals who are ineligible to vote, as well as federal agencies like the Social Security Administration before an individual could be added to the state's voter roll. This was intended to refine the process and make it more efficient, all the while allowing each state to define what was considered a match.

To reduce the likelihood of fraud, we need to start with a base voter roll that is clean and accurately reflects the number of people eligible to vote in a state, district, and precinct. No one interested in a fair election would be against this. The question is, how do we get there?

## **ISSUES:**

Despite multiple pieces of federal legislation addressing the maintenance of voter rolls, the enforcement mechanisms by which NVRA's provisions mandating this maintenance are insufficient.

This is clear as independent watchdogs, organizations, and individuals have generally been the ones to catch these errors. The effort to do so, however, is a process that takes time and money, worsened by negligence from state and federal entities. For instance, a 2012 [study](#) found that around 24 million voter registrations were invalid or grossly inaccurate, partially due to an increasingly transient populace. Due to this, duplicate registrations, inaccurate addresses, or clerical errors contributed to the massive number of fraudulent registrations in voter rolls. The study reported that because of these issues, it was not out of the ordinary in an election for there to be between 8 and 12 percent of registration records containing errors and identified this as a chronic issue requiring solutions.

The study notes that because most states allow independent organizations to register individuals to vote, there is an everlasting issue that massive influxes of ballot applications occur right before an election, requiring limited and an already busy staff to ensure the veracity of these applications. Moreover, they report that it is standard for officials not to learn of any changes in the voter's status until the next election, often 2 years later. Even then, it is an imperfect process as states must rely on someone to submit a new registration or else risk errors through multiple registrations.

This becomes increasingly important in absentee or mail-in ballots, as inaccurate voter rolls lead to duplicate ballots sent out by the state, increasing the risk of fraud. For example, in 2020, the Public Interest Legal Foundation found that [92,000](#) ballots were sent to incorrect addresses in Nevada alone.

In 2014, an Election Administration and Voting [Survey](#) found that in just that election cycle, states removed more than 14.8 million ineligible or latent voters who had not responded to a confirmation notice from an election's office. Despite this, the federal watchdog group Judicial Watch uncovered nearly 2.5 million extra registrants on voter rolls in [2020](#)—registration rates over 100 percent of a county's eligible voting population.

## **IMMEDIATE AND SUSTAINABLE CORRECTIONS TO PRESERVE THE INTEGRITY OF OUR ELECTIONS:**

Because the issue of voter roll management has been chronic throughout the history of U.S. elections, some states have taken steps to mitigate this issue and the subsequent risk of fraud resulting from it. In Ohio, the legislature refined a provision of NVRA that allowed them to clean voter rolls more regularly than the legislation initially provided. While NVRA dictates that states are permitted to remove individuals who do not confirm their registration after being sent notices due to a lack of activity, Ohio included other voting activities in order to clean their rolls—a practice later upheld by the Supreme Court in *Husted v. A. Philip Randolph Institute*.

In the case, respondents contended that Ohio's process for removing voters on change-of-residence grounds violates federal law. The Ohio process at issue relied on the failure to vote for 2 years as a proxy for identifying voters who may have moved. It sent the nonvoters a pre-addressed, prepaid return card and asked them to verify that they still resided at the same address. Voters who did not return the card *and* failed to vote in any election for 4 years were presumed to have moved and were removed from the voter rolls. The argument that purging voter rolls after an individual is given notice and fails to participate in several elections (in Ohio, it is 6 cycles) somehow disenfranchises voters does not hold up when balanced with the need for accuracy and integrity. Loopholes for fraud are closed by ensuring voters have been notified before being removed. By implementing intentional processes that comply with NVRA, rolls will be accurate, creating a solid foundation for election integrity.

Moreover, interstate information sharing has become increasingly important as people move and change addresses. One way states have identified duplicate registrations is through systems like the Electronic Registration Information Center ([ERIC](#)). While ERIC is used by more than half of all states in the Nation, its usefulness is only partially sufficient until all states notify where there may be duplicate records. In part, the system works by providing states with reports detailing “voters who have moved within their state, voters who have moved out of the state, voters who have died, duplicate registrations in the same state, and individuals who are potentially eligible to vote but are not yet registered.” This database works in partnership with the Social Security Death Index and the National Change of Address registry maintained by the U.S. Postal Service to provide these reports to states.

Due to advanced technology, coupled with the goal of ensuring only eligible voters are on the voter rolls, we can expand the verification process to something more than mailings, National Change of Address, and Social Security information.

With new technology, we can now do phone matches to voter files, which would allow a new component permitting states to take returned mail, phone match, and then take an extra verification step by calling those with phone numbers to verify their proper registration. We also have text capabilities as well as emails on many voter files around the country. If these tools are used together regularly, one can ensure that the base document of our elections, the voter rolls, are as clean as possible.

## **CONCLUSION:**

States must act now as ballots become quickly and readily accessible, the importance of accurate voter files, which correctly reflect who is eligible to vote and where, becomes greater.

Many states now are sending live ballots to all voters regardless of whether the voter asked for them or not, opening the door to fraud. More egregiously, however, is that in order to do this, states use the same antiquated, unclean, and inaccurate voting rolls. In practice, it means people end up with multiple live ballots mailed to them at their home (without requesting them) and being able to vote numerous times at multiple in-person or drop-box locations.

This very action undermines the integrity of our elections.

States should face more significant consequences for not fulfilling their role of cleaning voter rolls and failing to follow federal mandates that seek to protect and preserve our Republic. This is such an important issue that we should consider withholding new funding programmed to states until they are in place and execute a voter roll maintenance process.

It is that important to the integrity of American elections.

For the unity of the country and the fulfillment of our founding promises, it is imperative the integrity of our electoral system is restored by ensuring states operate with clean voter rolls. If one fraudulent vote is counted, it eliminates the vote of a legitimate voter, and is a direct disenfranchisement to American citizens everywhere. One fraudulent vote is one too many. This highlights our objective of making it easy to vote, but hard to cheat, that more important.