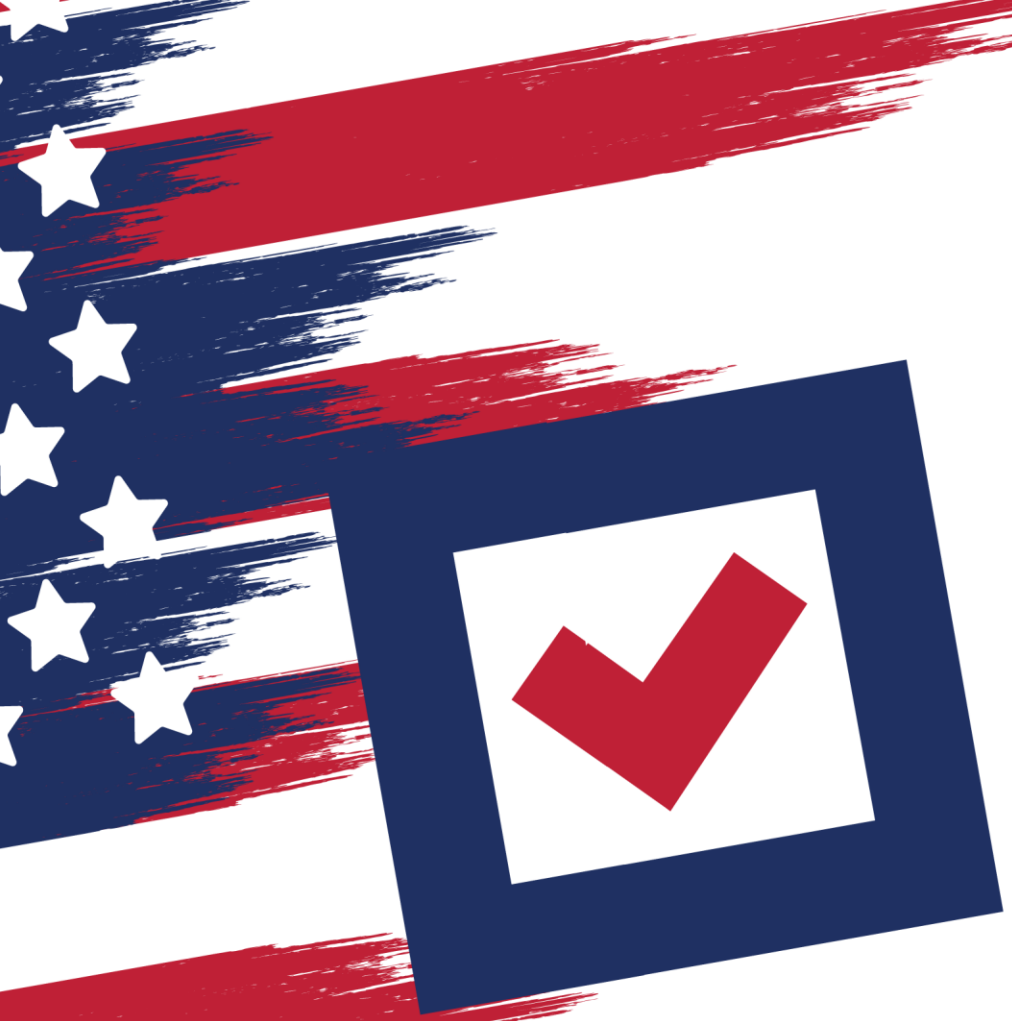


U.S. Election Assistance Commission

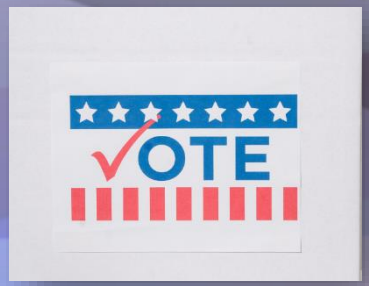
National Conference of State Legislatures

Election Accuracy: Voter List Maintenance

April 2023

EAC Mission

The U.S. Election Assistance Commission helps election officials improve the administration of elections and helps Americans participate in the voting process.



About the EAC

ASSISTING ELECTION OFFICIALS AND VOTERS

- Distributes, administers and audits the use of HAVA funds
- Adopts Voluntary Voting System Guidelines (Standards) and Accredits Testing Labs for Certification
- Serves as a national clearinghouse of information on election administration

Challenges of Voter List Maintenance

- Keeping pace with moving voters to maintain accuracy of voter rolls
- Meeting expectations of voters
- How increase **notification** to election officials of address updates changes and life events
- Cost of upgrading list maintenance processes to latest technologies and available data

Solutions in Voter List Maintenance

- Focused legislation, line-item funding, and personnel dedicated to maintaining accuracy of official voter lists.
- Interstate comparison of voter registrations and voter history
- Encourage and Request Voters to Update Address on Moving
- Utilize new technology and new list maintenance tools.
- Update and upgrade voter registration databases
- Reports to the Legislature

State and National Problem

To Assure Pride and Confidence in the Electoral Process, National Commission on Federal Election Reform (2001)

Going back to 2001, the National Commission of Federal Election Reform, led by Former Presidents Ford and Carter, Robert Michel and Lloyd Cutler, released a report that highlighted the ***developing problem of inaccurate voter lists and the need for an accurate voter registration list of eligible citizens qualified to vote.*** *One of the principal recommendations of that Commission was to create a democratic process that would maintain an accurate list of citizens who were qualified to vote.*

State and National Problem

Building Confidence in U.S. Elections, Report of the Commission on Federal Election Reform - Carter-Baker Commission (2005) –

Recommendations on Quality in Voter Registration Lists

- *Complete, Accurate Valid Lists of Citizens Eligible to vote*
- *States need to effectively maintain and update their voter registration lists. The EAC should provide voluntary guidelines to the states for quality* ***audits to test voter registration databases for accuracy*** *(correct and up-to-date information on individuals), completeness (inclusion of all eligible voters), and security (protection against unauthorized access).* ***When an eligible voter moves from one state to another, the state to which the voter is moving should be required to notify the state which the voter is leaving to eliminate that voter from its registration list****.*
- *All states should have procedures for maintaining accurate lists such as electronic matching of death records, driver's licenses, local tax rolls, and felon records.*
- ***Federal and state courts should provide state election offices with the lists of individuals who declare they are non-citizens when they are summoned for jury duty***

State and National Problem

- **The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration (2014)**

*"**Accurate voter lists are essential to the management of elections**. Keeping track is a Herculean task. On Election Day 2012, the registration system had 191.8 million records and 130.3 million voters managed by officials in 50 states and approximately 8,000 local election offices, with the lists used at 186,000 precincts. **The quality of the list can affect the ability of people to vote, of election offices to detect problems, and of courts and others monitoring elections to detect election fraud or irregularities.** Election officials across the political spectrum recognize the value of accurate and manageable voter rolls. A list with many incorrect records can slow down the processing of voters at polling places resulting in longer lines."*

National Voter Registration Act (NVRA)

- Primary federal law governing voter address list maintenance, registration.
- Requires states to conduct general list maintenance.
- Regular, ongoing program of list maintenance
- Establishes a process for states to keep voter registration lists accurate.

National Voter Registration Act (NVRA)

- 90-day window prohibiting removal prior to federal elections complicates calendar for list maintenance.
- Chief Election Official responsible for compliance, sometimes doesn't have authority or direct oversight.

HAVA and Voter List Maintenance

- Requires states to develop lists of registered voters and coordinate voter record with state entities.
- Clarifies when voters can and cannot be removed from a registration list.
- Mandates EAC to submit report to Congress accessing impact of NVRA every two years.

Help America Vote Act (HAVA)

- Modernize state registration databases to develop official lists of registered voters and coordinate with driver's license agency, vital statistics, and courts
- Coordinate with local election databases, provide list maintenance information to localities through the state database connectivity with local offices

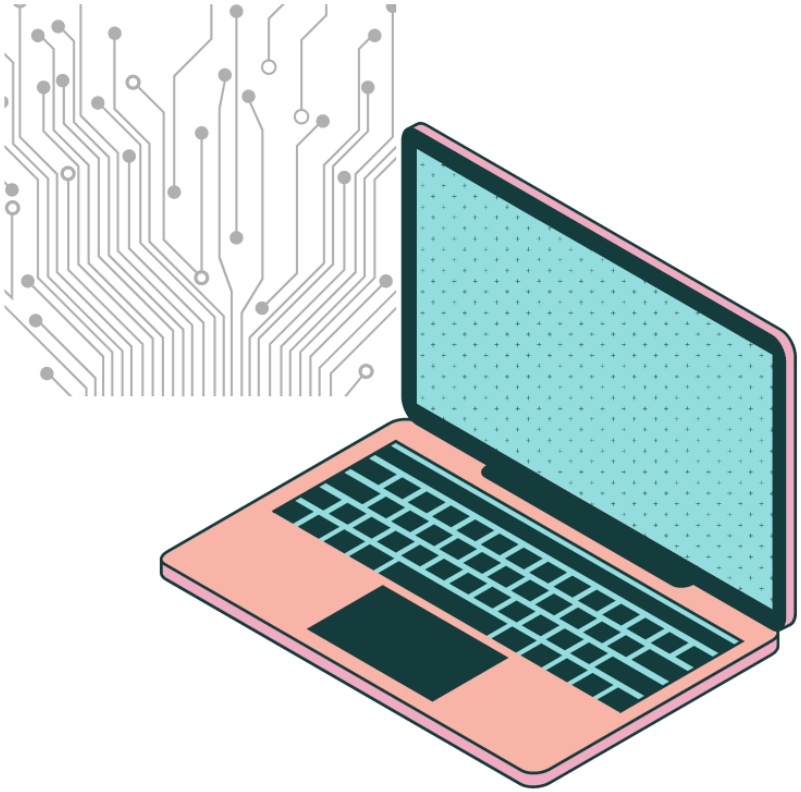
About Voter Registration Databases

- Databases should track a voter's registration through time, including:
  - Initial registrations
  - Verification of DL/SSN
  - Changes
  - Inactivity
  - Duplicate Registrations
  - Cancellations

Voter Registration Data Resources

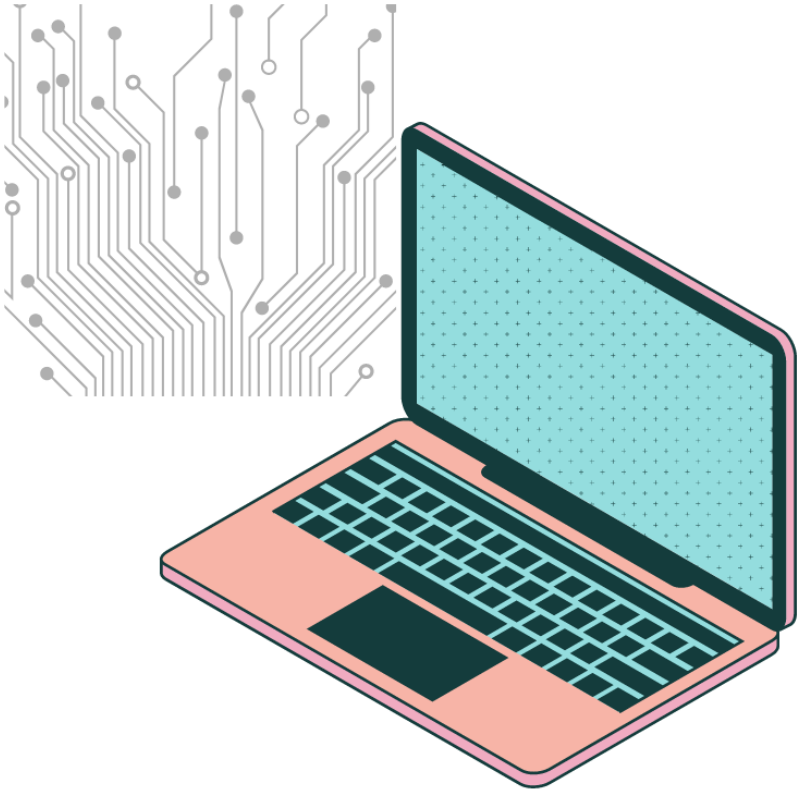
Information Type	Third-party Source
Death Records	• Vital Statistics • Health Department • Social Security Administration • Other Government Entities • Personal Knowledge Reports
Address Changes	• Reports from Other Election Officials • Returned Undeliverable Election Mail • USPS though the NCOA Program
Declarations of Mental Incapacitation (if applicable)	• Courts
Convictions of Specific Disqualifying Crimes (if applicable)	• Courts • Regional U.S. Attorney's Offices Government Prosecutors • Departments of Correction

Data-Sharing and Use of Databases



- National Change of Address (NCOA)
- Electronic Registration Information Center (ERIC)
- Credible commercial third-party data providers

Electronic Registration Information Center



- **Interstate Comparisons**: *Voter Registration Lists, Voter History, Driver's Licensing Agency, National Change of Address (NCOA)*
- **Quarterly Reports**: *In-State Movers, Out of State Movers, Deceased, Duplicate Registrations – List maintenance mailings*
- **Registration:** *Identify eligible but unregistered voters (EBU) and mailings*

Use of Commercial Data (Experian)

- Orange County bi-annually sends names, addresses to Experian for analysis.
- Experian returns updated “Best Address” on voters.
- The county sends postcards to those new addresses to confirm the update with a returned, signed postcard.
- Experian delivers 99.9% data accuracy. Data looking at: traditional credit, rental information, public records, alternative financial services, consumer permissioned information, property information, social security, income and employer information, deceased records, reverse phone number, NCOA

Use of Experian Commercial Data

- Experian 95% of addresses can be verified or updated which is well above NCOA accuracy rate.
- Experian can produce results with name address SSN (if available) within seconds - provide phone numbers, email addresses that could be helpful in reaching out to voters.
- Has no affect on credit score and doesn't include below the line credit information.
- Other departments using them: County tax collectors, IRS, Veteran Affairs, USDA, Centers for Medicare & Medicaid

Use of Experian Commercial Data

- OC analyzed 250,000 voters who had not participate in election over 4 years.
- Experian provided updated best addresses for over 122,000 voters.
- Voters were able to correct, confirm or update their address.
- OC saved $60,000 in future mailings and administrative costs with that one review.
- OC has used this data for over 10 years; provided ability to reach voters who moved outside county because nationwide reach of database.

List Maintenance Policy Choices

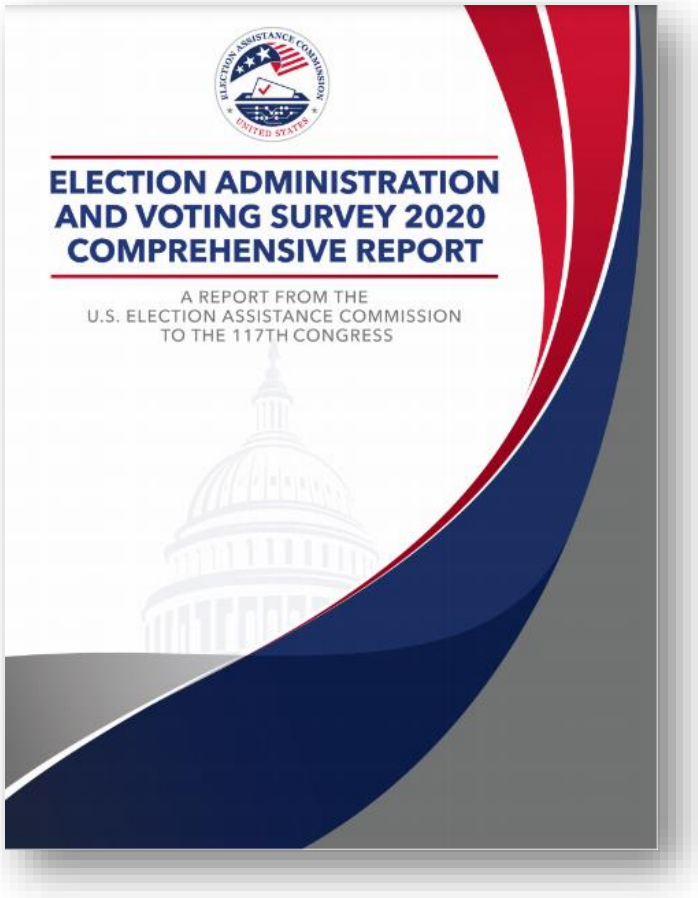
- **Online Registration Portal** – *register to vote or update registration with new address*
- **List Maintenance Portal**: *allow voters to request removal after receipt of post card*
- **Interstate data-sharing** – *sharing of voter list information with other states*
- **State, Local Partnership –** *statewide mailings, audit accuracy of voter registration databases and oversight/audit of list maintenance activities*

List Maintenance Accuracy

- **Husted v. Randolph County** Supreme Court case – *critique on NCOA, non-voting can trigger confirmation process*
- **NCOA***: Require county use or in conjunction with state.*
- **Commercial Data**: *Identify Best Address for Movers or Dead Weight, incorporates NCOA and non-NCOA info on movers.*
- **Public Ed Campaigns**: *Encourage voters to inform election officials of moves and changes*

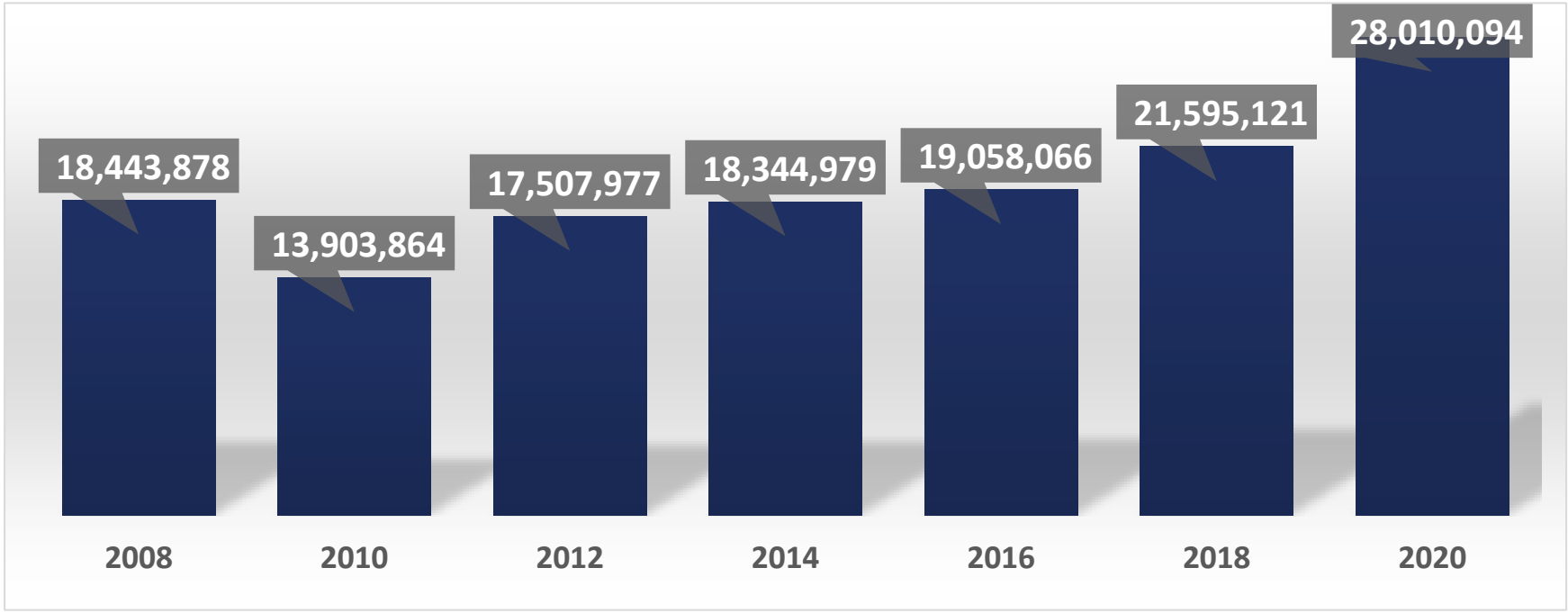
List Maintenance Historical Trends from the EAVS Survey 2008-2020

Historical EAVS Data on List Maintenance



- Goes to all **50 states, DC,** and **U.S. territories**.
- Creates the nation's **most comprehensive report** on election administration, registration, and voting.
- It includes **national, state, and county-level** data.

Number of Confirmation Notices Sent



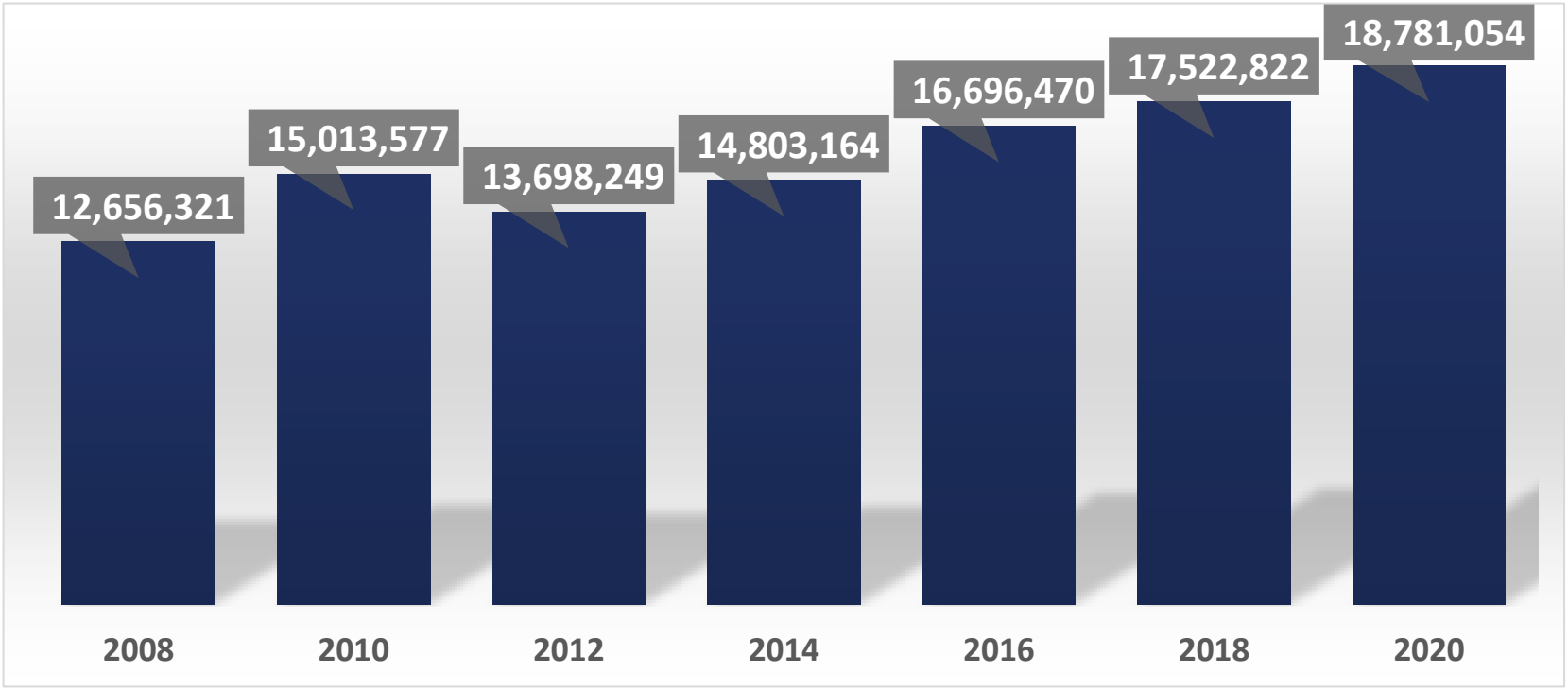
EAVS Survey 2008-2020

Number of Confirmation Notices Sent

Year	Number of Confirmation Notices Unreturned	Percentage of Confirmation Notices Sent
2008	4,919,516	**45.2%**
2010	4,615,615	**48.8%**
2012	6,784,892	**50.1%**
2014	8,390,177	**54.5%**
2016	8,955,111	**58.6%**
2018	11,926,275	**61.9%**
2020	16,909,911	**66.0%**

EAVS Survey 2008-2020

Number of Voters Removed



EAVS Survey 2008-2020

Latest EAC Resources and Programs

EAC Resources

EAC released **40** guides, toolkits, and more in 2022.

Checklist for Securing Election Night Results Reporting

Best Practices: Election Results Reporting,

Guide to the Canvass

Guide to Election Certification

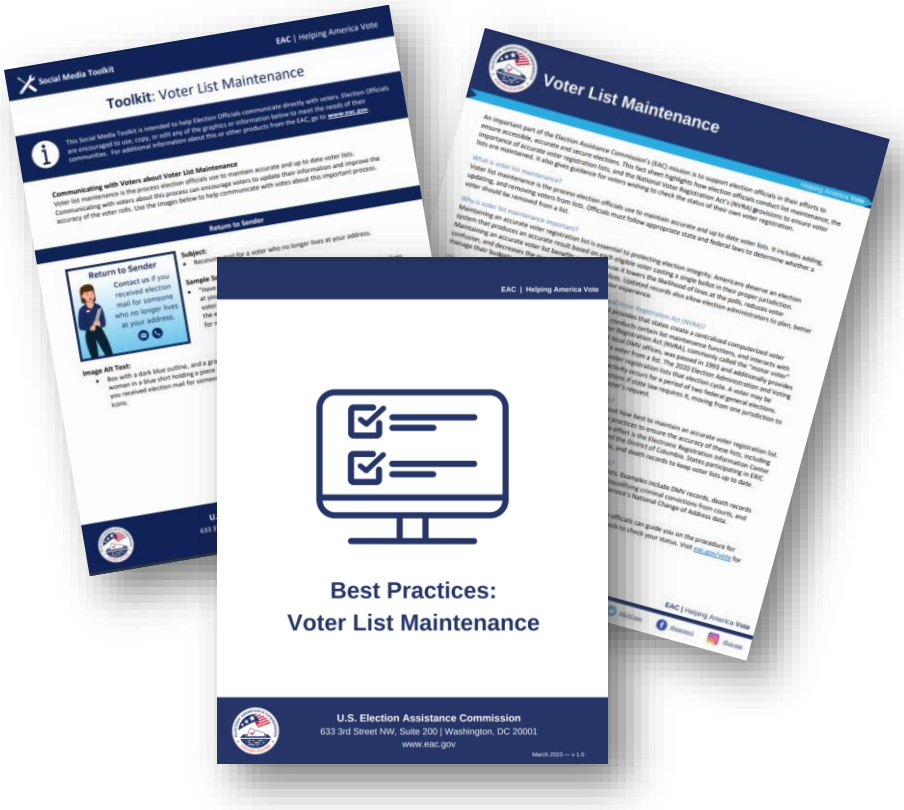
Election Audits Across the United States

Communicating Election and Post-Election Processes Toolkit

Latest EAC Resources

Voter List Maintenance Resources

- Best Practices Guide
- Fact Sheet
- Toolkit for Election Officials



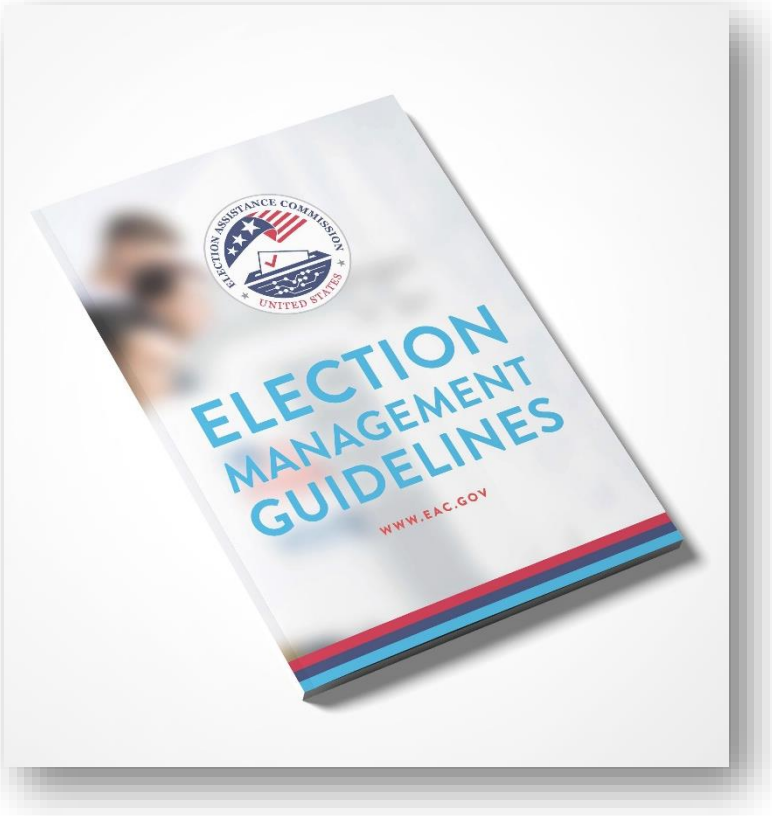
Latest EAC Resources

- Dedicated personnel understanding federal and state list maintenance requirements.
- Issues arise with address validation, duplicates, voters over 100 years old, and processing information from third parties.
- Email list maintenance needs to be done for military, overseas voters.
- HAVA funds may train staff.
- Public engagement through websites social media, community partners, election day activities, media engagement
- Working with realtors who deal with relocations encouraging the voters themselves to make sure they are properly registered to vote.

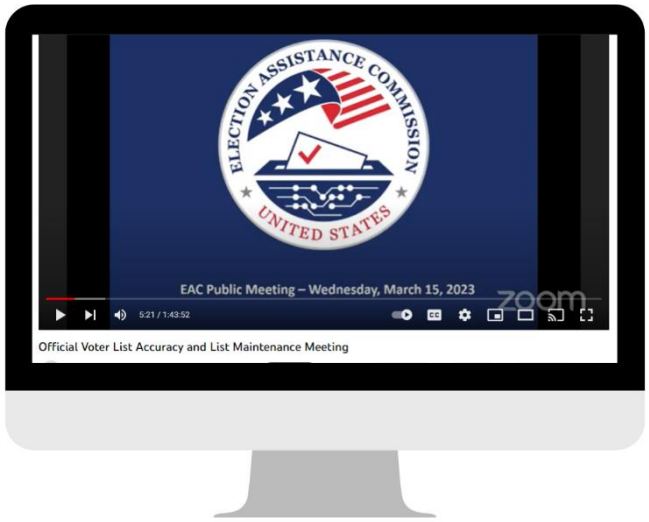
Latest EAC Resources

Second Edition of Election Management Guidelines

- Includes 19 chapters on topics such as **list maintenance,** accessibility, voting system certification, system security, audits, ballot building, absentee voting, and recounts.

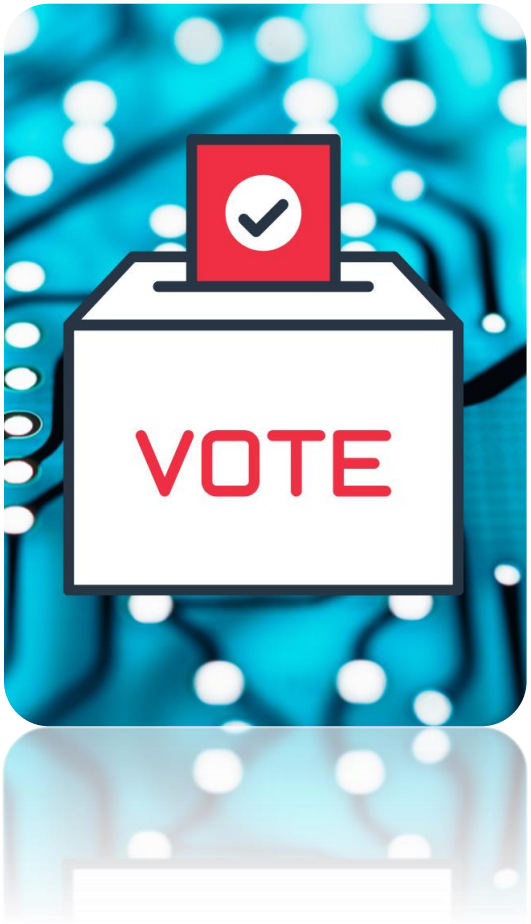


List Maintenance EAC Public Meeting



- Meeting held in March 2023
- Panelists included:
  - The Honorable Michael G. Adams, Kentucky Secretary of State
  - Monica Evans, the Executive Director of the DC Board of Elections
  - Neal Kelley, the Former Registrar of Voters, Orange County, California.
  - Shane Hamlin, Executive Director, ERIC
- Available on the EAC's YouTube channel

NCSL Webinar on Voter Registration/List Maintenance



- **Join the NCSL webinars on Voter Registration and List Maintenance on April 13.**

Contact

Commissioner Donald Palmer
Email: dpalmer@eac.gov
Twitter: @VotingGuy

Questions?