



Project Vote

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Voter List Maintenance Model Bill

Section 1. Title

This act is called the Voter Registration List Maintenance Act

Section 2. Definitions

- (a) A unique identifier is the last four digits of a voter's social security number, driver's license number or a permanent, unique number assigned to the voter by an election authority;
- (b) A voter registration database is the official database maintained by the chief election official of the state.
- (c) List maintenance is a program to remove ineligible voters from the statewide voter registration list in a uniform, nondiscriminatory manner and to ensure that the names of eligible voters are not removed.

Section 3. Cancellation of registration, voter list maintenance.

- (a) Election officials shall conduct a program to ensure the maintenance of an accurate and current voter registration list and to ensure that eligible voters are not removed from the list. Any list maintenance activity shall be conducted in a manner that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.). Election officials shall cancel the registration of a voter only upon any of the following events:
 - (1) Upon receipt of the voter's signed, written request;
 - (2) When the voter has been adjudged to be incompetent to vote by a court of this state;
 - (3) When the voter has lost the right to vote as a result of a felony conviction according to [cite state statute];
 - (4) Upon the death of the voter;
 - (5) Upon notification from an election official in an another jurisdiction that an individual voter has registered in that jurisdiction;
 - (6) Upon a determination that the voter's registration is an exact duplicate of a prior registration;
 - (7) Upon notice of a change of address.

- (b) To determine whether a voter may have changed his or her residence, election authorities shall compare the registration records to the United States Post Office National Change of Address service and the records of the state motor vehicle agency. In addition, the determination that a voter may have changed his or her residence shall be made upon the return of any election authority document as undeliverable. Upon making a determination that a voter may have changed his or her residence, an election authority shall not cancel a voter's registration until:
- (1) The voter confirms in writing that the voter has changed residence; or
 - (2) The voter fails to respond to a notice of pending cancellation for reasons of a change of address and the voter has not voted 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; and
 - (3) The notice described in this section shall be sent by forwardable mail and with a pre-paid and pre-addressed return card on which the voter may confirm his or her current address or provide a new address;
- (c) A voter shall receive the notice described in Subsection (d) if or her registration is to be cancelled for any one of the following reasons:
- (1) When the voter has been adjudged to be incompetent by a court of this state;
 - (2) When the voter has lost the right to vote as a result of a felony conviction according to [cite state]
 - (3) Upon the death of the voter;
 - (4) Upon notification from an election official in an another jurisdiction that an individual voter has registered in that jurisdiction;
- (d) The notice of cancellation for reasons set forth in Subsection (c) shall be mailed to the voter's last known address by a forwardable postage paid and preaddressed return card on which the voter may indicate the voter's current address or request a review of the determination that his or her registration is subject to cancellation. The notice shall include the following information:
- (1) That the voter must respond to the within 28 days from the date of mailing or the voter's registration will be cancelled;
 - (2) The reason for the cancellation and the source of the information on which the cancellation is based;
 - (3) Any additional information that the election authority requires to determine the voter's eligibility;
 - (4) The contact address and telephone number of the election authority in the voter's jurisdiction;
 - (5) The voter's right to request a review of the determination;
- (e) Upon receipt of the notice described in Subsection (d) a voter may request an informal review of the decision to cancel his or her registration. In conducting the review, the election authority shall review any additional information that the voter has provided and manually check the voter's information with the information in two

- or more external databases. The voter may appear before the election authority or answer by mail, stating the reasons why his or her registration should not be cancelled. The election authority shall notify the voter of its decision within 14 days of the voter's request for review.
- (f) An election authority shall cancel a voter's registration for any of the reasons related to change of address as described in Subsection (c), if:
- (1) The voter fails to respond to the notice required in Subsection (d) within 28 days, or
 - (2) The election authority determines after review of any additional information provided by the voter or found during the election authority's review of available information that the voter's registration is subject to cancellation under this section;
 - (3) Notwithstanding any other provision of this Section, a voter's registration shall not be cancelled due to a change of address less than 90 days before an election;
- (h) The standards for database matching with the voter registration database and an external database under this section shall conform to the standards set forth below in Section 4(c).

Section 4. Database Matching Standards for List Maintenance.

- (a) The chief election officer to be responsible for overseeing list maintenance statewide and in each election jurisdiction as stated [cite state statute].
- (b) In making the initial determination that a voter's registration is to be cancelled pursuant to Section 3, election authorities shall match the voter registration record contained in the statewide voter registration system with:
- (1) Government databases for felons; or
 - (2) Government databases for deaths; or
 - (3) Court reports of persons adjudicated to be incompetent to vote; or
 - (4) Any other database generated by a federal or state governmental authority;
- (c) The standards for database matching under this section are as follows:
- (1) A positive match must be based on multiple fields including but not limited to the voter's first and last name, birth date, and the unique identifier;
 - (2) The match of the voter's name shall include the voter's first name and any surname or pre-name, and any suffix such as junior or senior;
 - (3) Any database used for purposes of this section shall contain all of the fields on which the match is based;
 - (4) In no event shall an external database derived from a non-governmental source be used in database matching.

- (d) The chief election official shall biannually produce a manual to establish list maintenance matching procedures and shall invite public comment.

Section 5. Schedule for conducting list maintenance program, public access to records of list maintenance.

- (a) Elections authorities shall conduct list maintenance programs at least annually. Public notice of scheduled list maintenance shall be provided 28 days in advance of the scheduled commencement date.
- (b) All list maintenance records, whether in electronic or paper form, shall be retained by election authorities for a minimum of two years.
- (c) List maintenance records shall be made available to the public in paper or electronic form, subject to redaction of the voter's social security number, telephone number, driver's license number, or state identification number. If the voter has been subject to domestic violence the voter may request the election authority to withhold information regarding the voter's address. The election authority shall comply with the request if it is satisfied that the facts averred by the voter are true.