DEMOCRACY 101: UNDERSTANDING VOTER LIST MAINTENANCE

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MAP

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What is Democracy 101?

With new legislative sessions kicking off in states across the country, MAP's Democracy program is releasing a series of policy briefs focused on educating communities about emerging trends in election and voting-related legislation.

The policies detailed in this series are among the 50+ laws we track in real time with our Democracy Maps, which can be viewed <u>here</u>.

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Introduction

Voter registration lists (or "voter rolls") and their maintenance are an essential component of a well-functioning election administration system. Voter lists are essentially a state's database of all registered voters. Voter list maintenance is the process by which election officials update and manage voter lists to ensure their ongoing accuracy and integrity.

All states must perform voter list maintenance, but states vary widely in their individual list maintenance practices. While there are routine methods for maintaining these lists, like removing voters who have moved or have passed away, many states have recently begun

adopting overly aggressive and flawed policies which result in "purges" that can disenfranchise otherwise eligible voters.

While voter list maintenance policies have long been a subject of debate, recent developments at the state and federal level threaten to further increase the risk of overly broad purges. This brief examines the history and development of voter list maintenance policies, the current landscape, legislative proposals, and it contrasts accepted best practices with policies that lead to problematic — and often targeted or discriminatory — voter purges.

Understanding Voter List Maintenance Policies and Their History

The Constitution gives states <u>primary authority</u> <u>over election administration</u>, resulting in a <u>patchwork of election laws</u> nationwide, including when it comes to voter list maintenance policies. Although voter list maintenance has become more of a focus in recent decades, the federal government has <u>historically intervened on multiple occasions</u> to combat problematic voter purges.

For example, after the Voting Rights Act of 1965 required states with a history of discrimination to submit to federal oversight, many egregious and racially discriminatory purging practices were temporarily curbed. However, since the 2013 Supreme Court decision in *Shelby County*, many of the states previously under federal oversight renewed aggressive purge efforts, continuing the long and troubling history of voter suppression. These issues persist today, as federal and state authorities continue to justify purges by citing, for example, false claims of widespread non-citizen voting.

While state laws primarily govern voter list maintenance policies, two key federal laws set important limits. The <u>National Voter</u> <u>Registration Act</u> of 1993 (NVRA or "Motor Voter")

- best known for requiring opportunities for voters to register at DMVs and other agencies also established the primary federal framework for regulating voter list maintenance. Among other provisions, the NVRA:
 - Requires states to make "reasonable efforts" to remove ineligible voters.
 - Requires list maintenance programs to be uniform, nondiscriminatory, and in compliance with the Voting Rights Act.
 - Outlines permissible reasons for removal of voters, including death, change of residence, criminal conviction, and incapacity.
 - Prohibits removal solely based on failing to vote¹.
 - Mandates specific notice requirements before removing voters.
 - Establishes a 90-day "quiet period" before federal elections when systematic removals are prohibited.

In addition to the NVRA, the Help America Vote Act of 2002 (HAVA) also required states to establish centralized, computerized voter databases. At the time the legislation was passed, almost all states had decentralized systems where databases were housed at the local level, which led to delays and inaccuracies. The establishment of centralized databases allowed faster, more reliable, and coordinated state registration systems.

¹ HAVA maintains this requirement but allows a voter to be removed if they do not respond to a notice and then do not vote in two consecutive federal elections.

Standard Practices for Voter List Maintenance

Voter list maintenance is an essential and necessary function of election administration. Unlike voting and other election-related activities, list maintenance is a continuous process that tracks various life events occurring daily, such as moving, dying, or becoming eligible to vote. States use several standard methods to keep voter rolls accurate:

Monitoring Address Changes

One of the most frequent actions that trigger list maintenance activities is when a voter moves to a new address. States utilize several sources to keep track of these changes, the most common being the Postal Service's National Change of Address database. Other commonly used sources include DMV data that indicate changes to driver's license or other IDs, as well as official mail such as jury notices that are returned as undeliverable.

Death Records

Federal law requires election administrators to coordinate with state agencies maintaining death records to remove deceased voters. States also utilize other sources to identify deceased voters, the most common being data from the Social Security Administration, as well as obituaries and court records.

Notice Requirements

The NVRA requires that voters identified as potentially having moved must be sent a forwardable notice and given an opportunity to confirm or update their address. Voters who fail to respond to notices can be marked as inactive, and federal law then allows their removal if they do not respond or vote over the next two federal election cycles.

Felony Disenfranchisement

In <u>almost all states</u>, voters convicted of a felony offense lose their voting rights during imprisonment, and often for a period after. States coordinate with corrections departments and courts to obtain conviction records. The NVRA also requires federal prosecutors to report federal felony convictions to state authorities. It should be noted that while it is a standard part. of list maintenance to remove individuals with felony convictions, the laws that require disenfranchisement for felony convictions are based in a history of voter suppression and were often originally motivated by racial discrimination.

Membership in ERIC

The Electronic Registration Information Center (ERIC) is a nonprofit organization created to assist states in improving the accuracy of their voter rolls. Member states share data through ERIC to help identify voters who have moved, find duplicate registrations, and remove ineligible voters. Experts recognize ERIC as the best available tool for maintaining accurate

voter lists. However, as shown in Figure 1, nine conservative states have withdrawn from ERIC since 2021, and no new states have joined. These departures impact the efficiency and effectiveness of ERIC, as the design of the organization relies on the sharing of information between states. In addition, the states that have left the organization have struggled to find adequate replacements and instead have come to rely on unreliable new databases and one-to-one data sharing agreements with other states.

Problematic Voter Purge Practices and Their Impact

While voter list maintenance is necessary, many states have adopted aggressive policies that erroneously remove eligible voters. These purges <u>disproportionately impact</u> communities of color, lower-income voters, and young voters. In states without <u>same-day registration</u>, which would allow removed voters to reregister and still vote, these problematic purges can prevent otherwise eligible voters from being able to cast their ballots.

Examples of problematic purge practices include:

Use of Flawed Data Systems

Unlike reliable systems such as the Postal Service address database, some states utilize flawed databases to conduct list maintenance,

FIGURE 1. SINCE 2021, NINE STATES HAVE LEFT ERIC

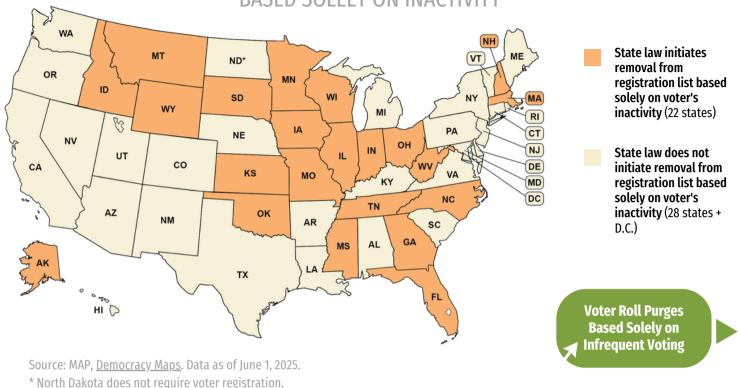


leading to a high rate of error. One prominent example is the Interstate Voter Registration Crosscheck Program, which uses exact matching criteria based on first and last names and birthdates to identify voters to purge. This creates frequent errors, especially for people with common names and/or shared birth dates. In Virginia, shortly after the Shelby County decision, officials used the Crosscheck program to purge almost 40,000 voters, but some counties had up to 20% error rates — meaning nearly one in five purged voters were valid registrants.

Removals Based Solely on Inactivity

Despite the NVRA's original intent to prevent such purges, almost half of states now initiate removal based solely on voting inactivity. Ohio's law, which targeted voters who had not voted in two years with address confirmation notices, was challenged but <u>narrowly upheld</u> by the U.S. Supreme Court in 2018. <u>Research has shown</u> that





these purges disproportionately impact lower income voters, Black voters, students, and others who face additional obstacles to the ballot box; as these obstacles contribute to these groups being more likely, on average, to be infrequent voters.

Allowing Mass Challenges

Most states allow ordinary citizens to challenge the eligibility of other voters. These laws date back to the Reconstruction era, when they were used primarily to disenfranchise Black voters. After the 2020 election, election deniers and other conservative activists began using these laws for mass challenges, often employing dubious technology that pulls unverified data from the internet and automatically completes online voter challenge forms. In 2023, one

individual in Fulton County, Georgia <u>filed over</u> <u>10,000 challenges</u>.

Purges Based on False Claims of Non-Citizen Voting

As false claims about non-citizen voting have spread, some states have used these narratives to justify overly broad purges. Weeks prior to the 2024 election, Alabama and Virginia unilaterally purged thousands of supposed non-citizens, despite clear violations of the federal 90-day quiet period, when systematic voter removals prohibited. The are Supreme Court's conservative majority nonetheless allowed these purges to proceed. Like other flawed practices, these politically motivated purges often target racial minorities and remove otherwise eligible voters.

Recent Voter Purges Impact Millions of Voters

According to research by Demos, <u>more</u> than 19 million voters were removed from state voter rolls between 2020 and 2022 — equivalent to 8.5% of registered voters at the time of the 2022 election. <u>Texas alone reported purging over one million voters</u> since 2021. In 2023, almost <u>750,000 voters were removed</u> in North Carolina.

While many of these removals were routine and necessary, data indicate that more than 25% of these removals were based on inactivity and failure to respond to address confirmation notices, rather than an affirmative indication that the voter should be removed.

Additionally, states have recently begun to cite, without evidence, that supposed non-citizen voting is another reason to implement overly broad purges. These purges are undertaken using unreliable database matching to flag supposed non-citizens, who are then sent removal notices. Alabama, Virginia, and Texas have used this justification to purge tens of thousands of voters in the past two years, inevitably removing many otherwise eligible voters in the process.

Recent Legislative Proposals and Enactments

Voter list maintenance policies continue to be a focus for debate in state legislative sessions in 2025. As of June 10, 44 states have introduced 182 bills related to voter list maintenance. Notable proposals and enactments include:

Membership in ERIC

- Arizona's governor vetoed <u>legislation</u> which would have required the state to withdraw from the <u>Electronic Registration Information</u> <u>Center</u> (ERIC), of which Arizona is one of 24 current member states.
- <u>Legislation</u> enacted in <u>Alabama</u> prohibits the state from rejoining ERIC in the future.
- <u>Legislation</u> in <u>Georgia</u> that would require the state to withdraw from ERIC has passed the senate and now heads to the house.
- In <u>New York</u>, <u>legislation</u> to join ERIC has passed the senate.

Purges Based on Inactivity

 Both <u>Indiana</u> and <u>Tennessee</u> enacted legislation that allows <u>voter purges</u> to be initiated based solely on a voter's inactivity, while <u>West Virginia</u> enacted legislation to increase the frequency of these purges.

Other Notable Proposals

- Legislation that passed the senate in <u>Virginia</u> would implement stricter standards for disqualification from voting based on mental incapacity.
- Legislation that has passed the senate in <u>Texas</u> would loosen standards for mass voter challenges.
- Legislation that has passed the senate in Oklahoma would expand purges based on supposed evidence of non-citizenship.

Democracy Docket NEWS | VOTING The DOJ Accelerates Its Hunt For Voter Fraud — With DOGE's Help By Matt Cohen | May 23, 2025

Beyond state-level policies, recent actions at the federal level have enabled aggressive purges. The President's executive order on elections purports to grant Elon Musk's Department of Government Efficiency (DOGE) full access to state voter files. This raises significant privacy concerns and risks data misuse to spread misinformation and interference with state list maintenance processes. Additionally, the restructuring of the Department of Justice has led to withdrawal from two cases challenging voter purges in Alabama and Virginia. These actions mark a significant shift in federal involvement and oversight of list maintenance, threatening the removal of even more eligible voters.



Conclusion

Maintaining accurate voter rolls is an essential part of election administration. Election officials must keep track of the wide range of events that occur in daily life to keep voter rolls up to date. These practices are routine and transparent, based on clear and confirmed evidence and specific cases, with multiple safeguards against erroneous removal. However, some states have begun utilizing more aggressive methods that result in overbroad and unwarranted voter purges, based on misinformation or flawed data and targeting sweeping numbers of otherwise eligible voters.

As states navigate the complex landscape of list maintenance, they should prioritize evidence-based best practices that fulfill the core function of maintaining accurate rolls while minimizing the risk of disenfranchising eligible voters.

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This report was authored by:

Movement Advancement Project

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