



## VOTER PURGING

It's one thing to get citizens on the voter rolls. But, it's equally important that we make sure eligible voters stay on the rolls.

Under the Help America Vote Act (HMVA), states are tasked with maintaining current and accurate voter registration databases. However, the lack of clear and uniform standards for list maintenance has resulted in inconsistent standards from state to state, and poorly developed "voter purge" programs have often led to the mass disenfranchisement of eligible voters. Frequently, such ill conceived purge programs have had a disproportionate impact on minority populations.

The removal of voters from the rolls needs to be undertaken with the greatest of care, and in complete compliance with the standards established by federal law, including the National Voter Registration Act (NVRA), which contains a number of procedural protections to protect eligible voters from wrongful removals.

The NVRA states:

1. **Under the NVRA, what are the circumstances under which a State can remove a person's name from the voter registration rolls?**

Section 8 permits States to remove the name of a person from the voter registration rolls upon the request of the registrant, and, if State law so provides, for mental incapacity or for criminal conviction. The Act also requires States to conduct a general voter registration list maintenance program that makes a reasonable effort to remove ineligible persons from the voter rolls by reason of the person's death, or a change in the residence of the registrant outside of the jurisdiction, in accordance with procedures set forth in the NVRA. The list maintenance program must be uniform, nondiscriminatory and in compliance with the Voting Rights Act.

2. **Does the NVRA contain any prohibitions on removal of persons' names from the voter registration list?**

Yes. Section 8 of the NVRA prohibits removing registrants from the voter registration list solely because of a failure to vote. It also places restrictions of notice and timing on removals from the voter registration list based on a change of residence.

In Texas, under State law, each voter registrar is required to provide the Secretary of State with an updated list of registered voters in their county. This is how the statewide list was created, and how it is maintained. And once registered, a voter remains a registered voter on this list until a qualifying event occurs that causes removal from the list.

To maintain the integrity of the state's voter registration records, State law requires both the Secretary of State and the local voter registrar to regularly review the voter registration lists and compare them with information received from other government agencies to ensure that the state is maintaining an accurate list. Voter registrars work to verify the accuracy of the lists on a regular basis.

Under State law, when the Secretary of State or the local voter registrar receives the following items, they are required to cancel a voter's registration:

1. Notice that the voter resides in a county outside the county they are registered in.
2. Notice that a voter is deceased.
3. An abstract of final judgment regarding the voter's mental incapacity to vote.
4. An abstract of final judgment regarding a voter's felony conviction.
5. Notice that a voter is not a citizen of the United States.

To ensure that properly registered voters are not removed from registration lists, the State of Texas has come up with a process to verify whether or not a registered voter is eligible to vote. In addition, State law also provides a process for local voter registrars to investigate and verify a voter's eligibility when the voter registrar is given information that would call that voter's eligibility into question. <https://www.sos.state.tx.us/elections/vr/index.shtml>

The suspense list, as detailed in Section 15.081, is a list maintained by the voter registrar of each county that contains the names of (1) voters that failed to respond to the confirmation notice, (2) voters whose renewal certificate was returned to the registrar as undeliverable, and (3) those individuals that were excused or disqualified from jury service because they were not a resident of that county, state on the juror summons notice that the individual no longer resides in the county, or whose jury summons were returned to the district clerk as undeliverable.

An individual on the suspense list is still a registered voter and has the same rights as a non-suspense list voter. If a suspense list voter lives in the same residence, shows up at the same precinct location, shows proof of identification and fills out a statement of residence, then the individual will be able to vote, and the voter's name will be removed from the suspense list. If the voter has moved to a different residence located in the same county, the voter will also fill out a Statement of Residence and be permitted to vote, provided the voter is living in the political subdivision or territory covered by that election. The Statement of Residence will be used to update the voter's registration and remove the voter's name from the suspense list. If the suspense list voter has moved outside of the county, the voter will be given the option to vote provisionally in accordance with Section 63.011.

If a voter's name is still on the Suspense list on November 30th following the second general election for state and county officers that occurs after the date the voter's name is entered on the suspense list, then the voter registrar is required by State law to cancel the voter's registration.

**ELECTION LAWS AND VOTING RIGHTS, 1999 (revised), 2010 The League of Women Voters of Texas supports every citizen's right to vote, improvement in voter registration procedures, uniformly enforced election procedures, clearly stated election laws that facilitate citizen participation, and the right to a secret ballot.**

**Specific measures include:**

Adequate safeguards against fraud (voter's personal signature on the registration application as well as on the registration card; signature identification at the polls; and accurate and current registration lists periodically revised)

## Discussion Questions:

- 1) What do you think about purging voter rolls? How often should it be done? What do you think the process should be?  
<https://www.chron.com/news/politics/article/Texas-voter-purge-made-repeated-errors-4001767.php>  
<https://votingwars.news21.com/america-scrubs-millions-from-the-voter-rolls-is-it-fair/>
- 2) Do you think that voters should be purged from the rolls after not voting for a certain number of years or after a certain number of elections? Why or why not?
- 3) Whose job should it be to make sure that the voting rolls are up to date? State government? Other interested groups? Should private organizations be able to sue state and local officials for not maintaining voter rolls?

### CASE STUDY:

The American Civil Rights Union (ACRU), a Virginia based group, has sought to force election commissioners to purge voter roles claiming that more people are registered to vote in their jurisdiction than there were voting age citizens in the county. The ACRU alleges that the election commissioners are violating federal law that requires states to keep their roles up to date. In 2013, the ACRU sent letters to small, rural counties across Mississippi, Texas, Kentucky, Alabama and Arizona requesting purging of the voter rolls and if they didn't, the counties were threatened with a lawsuit.

In 2014, the ACRU and the Public Interest Legal Foundation targeted largely Hispanic counties in southern Texas. The first two cases were against Terrell County, a community of fewer than 1,000 people, about half of them Hispanic, and Zavala County, population 12,000 and 94 percent Hispanic. Both counties lie within Texas' 23rd Congressional District, the only swing district in the state.

Terrell County's sheriff signed a consent decree. But Zavala County, which sits on one of the largest oil fields in Texas history, had the money to go to court. The county hired a small team of lawyers in response to the ACRU lawsuit. Ultimately, the county and the ACRU agreed to a much weaker consent decree than other counties had. In November 2016, the ACRU, by then under Coates' leadership, sent letters to eight more Texas counties. Four of them lie in the 23rd district, including two counties that are overwhelmingly Hispanic.

"I can't tell you what Mr. Christian Adams thinks, but I can tell you that he is going around to places with a history of racial discrimination and seeking to have legitimate voters stricken from the list," says Lloyd Leonard, director of advocacy at the League of Women Voters, which opposed Adams in several voting rights cases. "Draw your own conclusions." (full article found here:

<https://www.motherjones.com/politics/2017/07/these-three-lawyers-are-quietly-purging-voter-rolls-across-the-country/>

- 4) What do you think about the actions of the ACRU? Should partisan groups be able to target specific counties? What happens when counties don't have the resources to hire an attorney for representation to oppose these requests? The ACRU has sued election commissioners if they do not sign the proposed consent decrees.