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## Coates' Canons Blog: Cleaning Up the Voter Rolls

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You didn't vote in the presidential election in 2008 and let's say you don't vote in the presidential election of 2012. You don't vote in any election in between, for mayor or sheriff or state legislature or school board or anything. The way the law used to work, you would be removed from the voter rolls. The assumption would have been that you must have moved away or died. You were caught in what was indelicately called the "purge."

That was a chief way that voter rolls were kept up-to-date and scrubbed of ineligible names for many years, until the middle of the 1990s. Congress in 1993 passed the National Voter Registration Act (NVRA), effective in 1995, which outlawed the removal of voters from the registration books merely for not voting. That made it much harder to keep the rolls accurate.

The NVRA was commonly referred to as the Motor Voter Law, because it required that states allow citizens to apply to register to vote at drivers license offices and other governmental agencies, such as unemployment and public assistance offices. In its biggest change, it required states to allow citizens to register by mail.

All of the NVRA's changes technically applied only to registration for federal elections—voting for President, Vice-President, Senator, and U. S. Representative. So, theoretically at least, North Carolina or any other state could have continued to maintain one set of voter rolls for state and local elections, using the old methods of voter registration and purging, and a different set for federal elections, meeting the new requirements. Such a two-registration system would, of course, have been completely impractical, so the legislature in 1994 changed North Carolina's voter registration and purge laws to comply with the new federal mandates, continuing to have one voter registration list for all elections.

Under the new voter registration laws, a voter could be removed from the voter rolls only for the following reasons: (a) she dies; (b) she is convicted of a felony; (3) she moves out of the county; (d) she requests to be removed; or (e) the county board of elections determines, through a new procedure (which replaced the old purge), that it can no longer confirm where the voter lives.

The new procedure came to be called "list maintenance." Here's how it works.

*Deaths.* Once a month, the State Board of Elections (SBE) receives from the Department of Health and Human Services a list of all people who have died in the previous month. The SBE folks check the names on this list against names in the statewide list that the SBE maintains. It notifies the county boards of elections (CBEs) about possible matches (and in addition it sends to each county the names from the DHHS list of people who died in that county). The CBEs then research their records and verify that the deceased individuals are actually individuals who are on the rolls and who should be removed. Sometimes CBEs learn of deaths from family members or by other local communication and are able to initiate the removal process, with written confirmation of a near relative.

*Felons.* Once a month, the SBE receives from the Department of Correction a list of all people who have been convicted of felonies in the past month. The SBE staff checks these names against names in their statewide list and notifies the counties. The CBEs then, just as with deaths, determine which of these felons are on the voter rolls and should be removed. The federal courts in North Carolina report felony convictions on a quarterly basis.

*Residence moves.* If a registered voter moves within a county, she remains a registered voter of the county—only her address and perhaps her voting precinct change. If she moves to another county in North Carolina and registers to vote there, the new registration is checked at the SBE against their statewide list, and she is removed from the rolls of her

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prior county. If she moves out of state and registers in her new state, that new state may or may not notify North Carolina. If it does, she is removed here. If it does not, the “no-contact” process described below should eventually catch her.

*No-contact voters.* This is the closest thing to the old purge. Remember that with the old purge, if you did not vote over the required period you were simply removed. The NVRA outlawed that approach. Now, in every odd-numbered year, the SBE’s statewide system identifies voters on the rolls who have not voted over two federal election periods (that is, a total of four years) and who have had no other contact with the CBE.

The CBEs then send a mailing out to those voters. If the mailing does not come back, it is presumed that the voter is alive and continuing to live at the address of the mailing, and her registration is continued. If, however, the mailing is returned undeliverable, then the CBE sends a second mailing, this time forwardable. If the voter returns that second mailing to the CBE, her registration is continued. If she does not and this second mailing comes back as undeliverable, her status is changed on the statewide list to “inactive.” When two more federal elections cycles pass (a total now of eight years) and the voter does not vote or have other contact, she is removed from the rolls.

The NVRA imposed one additional requirement—that states maintain a statewide, computerized voter registration list. North Carolina had already started on that path, but the NVRA energized the state’s efforts. Now, under state law, the SBE’s list is the official voter registration list. The state and the counties work together, as described above, to maintain its accuracy.

The purge used to be automatic after four years of not voting. Now it is not automatic—the CBEs must make the two-mailing effort to contact the voter—and it takes eight years, not four. And if the first mailing does not come back as undeliverable, a voter who long ago moved to Kansas or died may stay on the rolls until a subsequent list maintenance effort succeeds in removing her.

Maintaining an accurate voter registration list is very difficult. The NVRA made it more difficult. The difficulty is compounded by the sheer size of the undertaking. In North Carolina right now there are 6,155,455 voters on the SBE’s statewide list. If you have ever tried to maintain a PTA mailing list or a Kiwanis Club list, you can appreciate the difficulty of the task. But in the case of the voter registration list, the difficulty is matched by its importance.