

OVERVIEW OF VOTER LIST MAINTENANCE

Orange County, Florida

List maintenance is required by both State and Federal laws.

- NVRA of 1993 was the first major piece of legislation to mandate specific list maintenance procedures besides opening up the voter registration process.
 - Required states to keep voter lists accurate and current, prohibited states from doing list maintenance within 90 days prior to a federal election, and set standards for removing voters from the rolls.
- HAVA of 2002 set requirements for list maintenance aimed at removing duplicate and ineligible names.
 - Required the establishment of a statewide database, which is cross checked against other databases (Vital Statistics, FDLE, and Clemency).

List maintenance is happening 24/7:

Daily List Maintenance

- Communications from voters – letters, emails, applications.
- Returned mail with change of address information from USPS. If there is a forwarding address, the record is updated and a voter info card is sent. If there is no forwarding information, a second mailing is required and the voter has 30 days to respond. If there's no response, the record is inactivated however; the voter is given two federal election cycles to contact the Supervisor for reactivation. If there's no response after two federal elections, the voter record is removed.
- Updates from FVRS and Third Parties, such as death matches from Vital Statistics, felon matches from FDLE, mentally incapacitated matches from the Clerks of Courts, self-declared non-citizenship information provided to Jury Administration, and address changes from DHSMV and other SOEs.
- Inactivation of records stops 90 days prior to a federal election.

Biennial List Maintenance (F.S. 98.065)

- SOE is required to do at least one special list maintenance project every odd number year. Three methods are allowed – NCOA the whole file, mail to the whole file, or mail to voters who have had no contact or voting history within the last two calendar years. Orange County typically uses this last method and conducts the project as late in the odd numbered year as practicable.
- A mailer is sent which basically says, "Are you still there? Do you want to remain a voter?" If no answer from the voter, SOE is required to maintain the record.
- This type of list maintenance project must be completed no later than 90 days prior to a federal election.

Removing voter records is very difficult (contrary to popular belief)

- Elector's request for removal
- Notification from another state that the person is now registered there
- Death notice (Vital Statistics via FVRS)
- Notice of Felony Conviction or Adjudication of Mental Incapacitation – only after credible and reliable information has been obtained and a lengthy set of procedures have been followed.
- Inactive status records are removed at the end of each even numbered year if the voter was inactive through the previous two General elections. On 12/31/2014, Orange County removed 21,850 voter records – their mail was undeliverable and they had no contact with the Supervisor's office and did no voting activity in 2012 and 2014.

Myths about list maintenance:

- Voters with an inactive status may vote after updating their residence address information. These voters will receive a regular (not provisional) ballot.
- The only way a voter record becomes "inactive" is if we receive undeliverable mail AND the voter doesn't respond within 30 days to a follow-up mailing.
- There is no "purge" of voter lists. Voters are not removed simply because they don't vote. (The purge process was eliminated with the passage of NVRA.)
- SOEs do not have access citizenship information. The voter is obligated to truthfully answer the citizenship questions on the registration application.
- SOEs are not mind readers – even with all of the list maintenance procedures in place, we still have a significant number of voters updating their registrations as late as Election Day.

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