

to confirm whether or not the registrant continues to reside in the jurisdiction. (Note: This appears to exclude notices mailed in accordance with Section 8(c)(1)(B)(i) for the purpose of confirming information provided by the Postal Service concerning a change of address *within* the jurisdiction.)

Indeed, the House specifically notes that “Within the official list of eligible voters, notations (such as an asterisk or “I” for inactive status) may be made of those eligible voters who have failed to respond to a notice under Section 8(d)(2).” Such a procedure “permits the State to decline to use these names in performing the type of routine, administrative responsibilities that do not impair the right of such voters to vote as set forth in the Act, and as protected by the Voting Rights Act. For example, those who have failed to respond to a Section 8(d)(2) notice need not be included for administrative purposes in determining the number of signatures that may be required under State law for ballot access, the number of precincts that may be needed to service voters, or the number of ballots or voting machines that may be required in the administration of the voting process” [Hse. Rpt., Section 8, pages 16 and 17]. States should consider carefully the full impact of including or ignoring “inactive” voters for each of these purposes.

States will have to decide *when* to designate recipients of such confirmation mailings as “Inactive.” There appear to be at least three possibilities:

- upon the date of the outgoing confirmation mailing — to be restored to active status (or removed as appropriate) upon receipt of a response to the confirmation notice,
- at some arbitrary date (such as thirty days) after the outgoing confirmation notice if no response has been received — again to be restored to active status (or removed as appropriate) upon receipt of a response to the confirmation return notice, or
- after the closing date for receiving voter registration applications before the next election.

It should be noted that none of these possibilities has any practical consequence on the registrant who either will or will not respond.

States must also decide whether to send the names of “inactive” voters to the polling places. Not sending them, as a cost saving strategy, might complicate and delay the fail-safe voting procedures described in Chapter 6. If they are sent, States then must decide whether they should be on a separate list or should be combined with the “active” voters using an asterisk or “I” as a designation. The decisions here are likely to be driven by the technology available to local jurisdictions.

Election officials at either the State or local level will need to consider how to track the names of individuals who have failed to respond to an 8(d)(2) confirmation

notice during the intervening period prior to removal from the list. During this tracking period, jurisdictions must be alert to:

- any appearance to vote;
- any changes of address subsequently received from the registrant either directly or through the Department of Motor Vehicles or another agency, or from another jurisdiction in which the individual re-registered; and
- any attempt to reregister in the same jurisdiction.

States may want to consider whether or not the signature of an “inactive” registrant on a petition for a candidate or ballot issue would be sufficient to return the individual to active status, provided the registrant continues to reside in the same registrar’s jurisdiction. States may also want to consider the costs and benefits of sending a final notice of removal (which is not required under the Act, but may result in less voter confusion) upon the expiration of the “inactive” period. Some States have found it helpful to publish in area newspapers a list of names scheduled to be deleted.

#### *Identifying Duplicate Registrations*

Duplicate registrations (as opposed to registrations submitted to report changes of name, address, or political party affiliation) can threaten the integrity of the election process and increase the cost of administering elections. Therefore, although not specifically mentioned in the Act, States may want to require the establishment of programs to identify and remove duplicate registrations.

Research suggests that States with the most effective programs for identifying duplicate registrations require the State as well as local jurisdictions play a part in the process. The local jurisdictions check for duplicates within their jurisdiction and the State checks for duplicates across jurisdictional boundaries within the State. Such State involvement is only possible, however, where registries have been computerized within the State and the State election official has access to these records on electronic media.

Approaches to identifying duplicate registrations include:

- manual review of hard copy files either on a regularly scheduled basis or, if workload permits, as applications are received;
- review of computer files as applications are received and being logged into the system, as workload permits;
- regularly scheduled review of computer-generated lists of possible duplicate registrations; or
- a combination of these methods.

States might want to require that a notice be sent when duplicates are identified, explaining that the applicant need not continue to reregister. When duplicates are identified upon receipt of the application, this notice could be incorporated in the acknowledgment notice. When duplicates are identified after they have been added to the voter registry, a separate notice would have to be sent. In the case of duplicate registrations across jurisdictional boundaries, the notice should explain which registration is scheduled to be deleted and why. (An example of a notice based on duplicate registration across jurisdictional boundaries is provided in Figure 5D.)

States should consider requiring local jurisdictions to maintain records of duplicate registrations, regardless of whether the duplicates are discovered upon receipt of the application or after being added to the list of voters. (See the discussion of recordkeeping and reporting requirements in Chapter 7.)

#### *The Deadline for Completing List Maintenance Activities*

The Act requires States to “complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the lists of eligible voters” [Section 8(c)(2)(A)]. This would apply to confirmation notices mailed on the basis of the NCOA or other list maintenance programs. And according to the House, this requirement also applies to any “State outreach activity such as a mailing or a door to door canvas and requires that such activity be completed by the 90-day deadline” [Hse. Rpt., page 16].

The Act does *not*, however, apply this 90-day deadline to removing names from the voter registration list at the request of the registrant, by reason of criminal conviction or mental incapacity (as provided by State law), or by reason of the registrant’s death [Section 8(c)(2)(B)(i)]. Nor does the Act apply the deadline to changing the address information of a registrant who has changed voting residence within the registrar’s jurisdiction [Section 8(c)(2)(B)(ii)]. The Act also would not prohibit verifying incoming voter registration applications within the 90-day period before the election.

Finally, the Act does not appear to prohibit using routine mailings sent out within 90 days before a federal election (sample ballots, voter pamphlets, etc.) and returned undeliverable to the election office as a trigger for sending out a confirmation mailing *provided* that the confirmation mailing is sent out (and any subsequent removal of a name is performed) *after* the election and not within the 90 days prior to it. But States contemplating such a strategy might first want to obtain the opinion of their Attorney General.

#### *The Accountability of List Maintenance Activities*

The Act requires voter registration officials to maintain and to make available for public inspection (and, where available, for photocopying at a reasonable cost), “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters” *for*

at least 2 years [Section 8(i)(1)]. And according to Section 8(i)(2), these records are to include:

- lists of the names and addresses of all persons to whom confirmation mailings were sent, and
- information concerning whether or not each such person responded to the mailing as of the date that the records are inspected.

As a matter of prudence, though not as a requirement of the Act, States might also want to retain for the same time period all records of removals from the voter registration list — the date and the reason. (See the reporting requirements outlined in Chapter 7.)

Similarly, States might want to consider retaining the information provided to them by the NCOA (either on tape or printout copies) in order to demonstrate, if challenged, the source of change-of-address information.

#### *Putting Someone in Charge*

Experience suggests that tasks are better accomplished when carried out under the authority and control of a single person. This is especially true for the complex task of voter registration list maintenance and record keeping.

Election offices might want to consider designating one individual to be in charge of and responsible for all list maintenance activities. Such a designation might facilitate meeting the reporting requirements discussed in Chapter 7.

#### *Training Local Registration Officials*

Because this portion of the Act will fundamentally alter the way in which most jurisdictions maintain their voter registration lists, States may want to consider developing a training program for local registration officials — including job aids or procedures manuals for daily reference. These may prove crucial during the first few years of implementation.

## **APPROACHES TO DESIGNING A PROGRAM FOR MAINTAINING AN ACCURATE AND CURRENT VOTER REGISTRATION LIST**

---

The Act requires States to “conduct a general program that makes a reasonable effort to remove that names of ineligible voters from the official lists of eligible voters...” [Section 8(a)(4)].

It further requires that such a program “shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.)” [Section 8(b)(1)]. “This requirement may not be avoided by a registrar conducting a purge program or activity based on lists provided by other parties where such lists were compiled as the result of a selective, non-uniform, or discriminatory program or activity” [Hse. Rpt., Section 8, page 15.]

And finally, it requires that States “complete not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters” [Section 8(c)(2)(A)]. This 90-day deadline does not, however, apply to the removal of names from the voter registration list at the request of registrants, by reason of criminal conviction or mental incapacity (as provided for in State law), or by reason of a registrant’s death [Section 8(c)(2)(B)(i)]. Nor does the 90-day deadline apply to changing a registrant’s address information [Section 8(c)(2)(B)(ii)].

Except for establishing this deadline, the Act does not specify either how or when list maintenance activities are to be undertaken. These decisions are left to the States.

In designing a program for maintaining an accurate and current voter registration list, States may want to review the costs and benefits of the following approaches:

- making individual or “spot” changes to the voter registration list
- conducting mass confirmation mailings
- conducting targeted confirmation mailings
- conducting a door-to-door canvass.

For several reasons, States may want to consider adopting a combination of the first three approaches.

### **Making Individual or “Spot” Changes to the Voter Registration List**

One approach to maintaining a voter registration list is to rely solely on incoming information whenever it arrives, as a basis for making changes to the voter registry. Such sporadic incoming information would include:

- direct requests from registrants to be removed from the list
- change-of-address notices from driver’s license or other designated agency offices
- information on driver’s licenses surrendered in other states (followed by a confirmation mailing)
- mailings returned to the election office (followed by a confirmation mailing)

- declarations of mental incapacity (depending on State law)
- notices of criminal conviction (depending on State law)
- death notices
- information from courts regarding returned jury duty notices (followed by a confirmation mailing)
- notices of cancellation of registration from other jurisdictions, and
- election day changes

NOTE: Caution is advised when considering the use of lists provided by candidates, political parties, or certain other persons as sources of information for updating the registry. There have been incidents in which such lists were compiled on a selective, non-uniform, or discriminatory basis.

Although this approach captures some important information, there are problems with relying solely on it.

It may not meet the requirements of the Act to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters” [Section 8(a)(4)]. It will not, for example, capture information on registrants who have moved without filing a change-of-address with the Postal Service. And it may not even capture information on those who have filed a change of address (since local post offices do not maintain records of these changes longer than 12 to 18 months, and most election mailings are not first class and are thus not entitled to “return if undeliverable — address correction requested” services from the Post Office).

Moreover, notices of death, criminal conviction, or mental incapacity tend to be irregular and are seldom timely. And, as a practical matter, few jurisdictions send notices of cancellation of registration to the new registrant’s former jurisdiction.

For these reasons, States would be well advised to combine this “spot changes” approach with a more active mass confirmation approach. And States or local jurisdictions that do not already do so may want to adopt the practice of routinely notifying the registrant’s former jurisdiction (both within and outside the State) of new registrations. This can be accomplished by either mailing a photocopy of the new registration (if it contains information on the former address) or sending a cancellation notice to the State election official or local registrar in the jurisdiction of former residence. (See an example of a cancellation notice that may be used when an individual registers in person in Figure 5A.)

States may also want to consider establishing a statewide computerized voter registry to help account for intrastate re-registrations and cancellations of prior registrations.

## Mass Confirmation Mailings

The idea behind mass confirmation mailings is to identify all persons who have changed address with the Postal Service and then to send each such person one of the confirmation notices described previously in this chapter. There are two ways to identify those persons who have filed a change of address with the Postal Service:

- by using the Postal Service's National Change of Address files (NCOA), or
- by a direct, non-forwardable, first class, "return if undeliverable — address correction requested" mailing to all registrants.

### *The National Change of Address (NCOA) Program*

The Postal Service's National Change of Address (NCOA) program is specifically permitted by the Act as a means of updating the voter registry [Section 8(c)(1)(A)].

Using the NCOA files, however, presupposes a computerized voter registry and a list of no less than 100 names. States should consider giving local jurisdictions the option of using NCOA when some, but not all local jurisdictions, have computerized registries. As an alternative, States might require all local jurisdictions to computerize their registries and employ the NCOA program. As another alternative, States might choose to develop a statewide computerized voter registration list and regularly compare this list against NCOA files.

Under the NCOA program, all changes of address submitted by Postal customers are telecommunicated daily to the U.S. Postal Service National Customer Support Center (NCSC) in Memphis, Tennessee. The NCSC consolidates and standardizes the information. The resulting NCOA master file is provided to 24 private companies operating under a licensing agreement with the U.S. Postal Service. These licensees receive master file updates from the NCSC every two weeks. Prices of the service and the formats required vary by licensee. Jurisdictions would do well to obtain format information and price quotes from many vendors before choosing one.

The objectives of the NCOA program are: to reduce the volume of undeliverable mail, improve address quality on mail, encourage timely and accurate address list updates, and provide cost avoidance for the U.S. Postal Service and its customers. The program features the following:

- All change-of-address actions are maintained on the computer files for *three years* rather than for the twelve to eighteen months normally available from the local postmaster's records.
- All addresses submitted for matching are standardized and ZIP+4 coded.
- Change-of-address information is provided whenever a match is made between addresses submitted and addresses maintained on the NCOA files.

- Address lists may be submitted in virtually any electronic medium (disk, tape, etc.) and virtually any format, depending on the licensee.
- A uniform method for delivering address lists is provided.

Jurisdictions that have employed the NCOA program (such as the Kentucky, Louisiana, and several local jurisdictions in California) found it helpful in maintaining clean, up-to-date voter lists because the program:

- is less expensive than a mass mailing to all registrants;
- permits voter registration files to be updated by computer rather than by hand for changes of address within the jurisdiction;
- provides new addresses for many voters who have moved outside the jurisdiction which can then be used when sending the required Section 8(d)(2) confirmation mailing; and
- provides a standardized, ZIP+4 mailing list that can be used for informational mailings to all eligible voters in the jurisdiction.

Jurisdictions using the NCOA program should, however, understand the logic that the program uses to match names. There are rigid standards for what is considered a match when the names and addresses in the registry are compared against the NCOA file. Even small variations in name or address can result in a failure to match. Some NCOA vendors have a secondary NIXIE file of possible matches which applies looser standards, but this file may also result in many that are not true matches. (Sacramento County ran a test of a NIXIE file and sampled 100 matches. None of them were true matches.)

Jurisdictions should also bear in mind that the NCOA data file will be flawed because:

- the data provided by the public may not correctly note whether just one individual or whether the whole family moved;
- the data provided by the public may not correctly note whether the move is temporary or permanent;
- occasionally errors in entering data from the change of address forms can occur; and
- the date of the change of address (which can be as old as 36 months) may pre-date the latest transaction on the voter registration file.

States or local jurisdictions employing the NCOA program will need their own software to translate the input from the NCOA licensee. This software should provide for the automatic updating of addresses for registrants who have moved within

the jurisdiction. States or local jurisdictions should be sure that this software compares the date of the NCOA address change with the last address transaction date on the voter registry and that it defaults to the later date.

Confirmation notices to both those who have changed address within the jurisdiction and those who appear to have moved outside the jurisdiction should be sent soon after the lists have been compared since the information can quickly become outdated.

States or local jurisdictions should consider providing a telephone number (preferably toll-free) or an address on the confirmation mailing so that registrants can contact the election office to discuss any errors.

Finally, it should be said that the NCOA program is not useful in identifying those who have died, those who have moved without filing a change of address, or those who may be ineligible because of criminal conviction or mental incapacity.

For further information on the NCOA program, refer to *Innovations in Elections 4: Using NCOA Files for Verifying Voter Registration Lists*, authored by Charlotte G. Mullins for the Federal Election Commission's National Clearinghouse on Election Administration. This publication is available by contacting the FEC Clearinghouse. Also contact the Postal Service's National Address Information Center in Memphis, Tennessee on 1-800-238-3150 or 1-800-331-5746.

#### ***A First Class Mailing to All Registrants***

There is an alternative to using the NCOA files for identifying persons who have filed a change of address with the postal service. The procedure is to send a direct, non-forwardable, first class, "return if undeliverable — address correction requested" mailing to all registrants. As a practical matter, however, such a mailing should be sent well before the 90 day deadline. This allows sufficient time for a confirmation mailing to those whose first mailing was returned. (The FEC has been advised by the Postal Service that, because of the relatively low volume of mail in January and February, these would be ideal months to mail.)

Instead of a preliminary non-forwardable mailing, some States have considered sending just the forwardable Section 8(d)(2) confirmation notice to all registrants. The problem with such an approach is that many are not likely to respond in writing. As a consequence, many people will be designated as inactive even though they have not changed their address. And this, in turn, could create serious problems at the polls on election day when they avail themselves of the fail-safe voting procedures described in Chapter 6. Moreover, those who do not attempt to vote over an extended time period will be removed from the registry, even when they continue to reside in the jurisdiction. Such a procedure would run afoul of the provisions of the Act, and might also violate Section 2 of the Voting Rights Act. States might therefore want to ponder the practical and legal consequences of such a strategy.

There are several disadvantages to using the first class mailing approach:

- Although the cost of this process might be somewhat alleviated by combining the initial mailing with some sort of informational mailing, a direct first class mailing is still likely to be considerably more expensive than the NCOA program — not only in terms of printing and mailing costs, but also in terms of staff time and record keeping.
- The Postal Service is likely to deliver mail marked “nonforwardable” to bona fide addresses even though the individual no longer lives there, unless the individual filed a change of address with the post office within the past year or so. To account for this practice, States might want to consider requiring a check box on the front of the initial mailing encouraging the current resident to return the card to the registrar when the addressee either has passed away or otherwise no longer lives there. (An example of such a notice is provided in Figure 5B.)
- Post offices usually maintain records of address changes for only twelve to eighteen months (compared to the 36 months under NCOA). Thus, mass mailings would have to be conducted at least annually.

Finally, it should be noted that a mass mailing would not identify those who have moved but not filed a change of address with the post office, those who have died, or those who are ineligible due to criminal conviction or mental incapacity.

### **Targeted Confirmation Mailings**

Neither the passive approach nor the mass confirmation approach identify those who have moved without filing a change of address with the post office. Nor, as a practical matter, are the death notices obtained in the passive approach likely to be complete and timely. As a result, “deadwood” in the voter registration list is bound to accumulate over time.

For this reason, some States have considered targeting confirmation efforts on individuals who have failed to vote over an extended period of time — either by:

- Sending the list of non-voters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those who appear to have moved from their address of record;
- Running the list of non-voters against the NCOA files, followed by the appropriate confirmation notices to those who appear to have moved from their address of record; or
- Sending the forwardable confirmation notice provided for in Section 8(d)(2) based on the assumption that failure to vote over an extended period of time may indicate that the registrant no longer lives in the jurisdiction.

States should note that the last of these three options is considered by some advocates to violate the provisions of the Act because the ultimate effect of the action would be to remove people for failure to vote, including those who may still reside in the same jurisdiction. And the second of the above options is not useful in identifying registrants who have failed to file a change of address or have died.

The use of the non-voters list also would not identify those who are ineligible by reason of criminal conviction or mental incapacity. It will not assist in the removal of names of those who have died if another person continues to vote in the name of the deceased. Furthermore, targeting those who have failed to vote may disproportionately affect minority groups, the poor, and illiterate. Thus if States rely solely on "failure to vote" as the trigger for confirmation mailings, they may run afoul of the non-discriminatory provisions of the National Voter Registration Act as well as of Section 2 of the Voting Rights Act.

States that permit such targeted confirmation mailings may therefore want to consider combining it with the other methods of confirming the voter registry described above. States permitting this approach should consider establishing a period of time for non-voting (i.e. within four years, eight years, or the like) before any notice to the registrant is triggered. And States might want to determine whether or not other indicia of activity (e.g.; changes of address within the jurisdiction received from the motor vehicle department or designated agencies, changes in name or party affiliation submitted by the registrant, signatures on petitions, attempts to reregister) occurring during this time period are valid reasons not to follow-up on non-voters.

### **Door-to-Door Canvass**

Some jurisdictions prefer to rely on a door-to-door canvass to confirm the voter registration list. In doing so, they hope to account for those who may no longer reside at a listed address and for those who may have died.

Door-to-door canvassing may be helpful to some jurisdictions; however, the approach does not yield accurate results if canvassers are not thorough, persistent, and non-partisan (or at least bipartisan). In addition, door-to-door canvassing does not identify registrants who are ineligible to vote due to criminal conviction or declaration of mental incompetence, and it may not reliably account for deaths.

Furthermore, because the information on those who may no longer reside in the jurisdiction is received "second hand", it appears that registrars would have to verify reported deaths and follow up with a forwardable confirmation notice to registrants who appear to have moved. Most jurisdictions will therefore find this approach to be both costly and impractical.

## FORMS NEEDED FOR VOTER REGISTRATION LIST MAINTENANCE

---

The Act requires that States employ at least three forms in the list maintenance process: the acknowledgment notice reporting the disposition of each application, the outgoing confirmation notices, and the return notice for responding to confirmation mailings. In addition, although not required by the Act, States may want to require a final notice of removal for those whose names have been deleted from the registry.

In developing these forms, States should consider the following:

- the format and content of the acknowledgment notice to all applicants;
- the format and content of the outgoing confirmation mailing(s);
- the format and content of the confirmation return notices; and
- the format and content of the final notice of removal.

States will also want to be sure to take into account the needs of certain special populations noted in Chapter 1 when designing these notices.

### The Format and Content of the Acknowledgment Notice to All Applicants

The Act requires voter registration officials to “send notice to each applicant of the disposition of the application” [Section 8(a)(2)]. As noted in the definitions portion of the Introduction and in Chapter 3 above, we at the FEC have come to call this notice the “acknowledgment notice” even though in some cases it may inform the applicant that the application is incomplete or, for some reason, denied. Please also note in Chapter 3 the important distinction between what we term a “verification mailing” and the acknowledgment notice — a distinction that hinges on whether the applicant is added to the voter registration list before or after the item is mailed.

The following are important aspects of the acknowledgment notice:

- the *format* of the notice, and
- the *content* of the notice.

#### *The Format of the Acknowledgment Notice*

The Act does not specify the format of the acknowledgment notice — leaving this to the discretion of the States. But as a practical matter, States might want to consider a standard, preprinted, first class, “return if undeliverable - address correction requested”, 12 x 6 inch with a fold crease four inches from the top, a perforation eight inches from the top, and perhaps a fold-over sealing flap at the top. (See postal

specifications in Appendix F below). This would provide a 6 x 8 inch field for the message to the registrant, as well as a 6 x 4 inch detachable pre-addressed response card, if needed.

This approach would permit registrants to use the response card to indicate the following:

- their need for information on the accessibility of their polling place
- their need for voting assistance
- their need for materials in a language other than English
- their willingness to work as a poll worker

All this valuable information (and possibly more) could thus be gathered on an acknowledgment return card without burdening the registration form.

States should consider allowing the chief State election official to design the form. Local offices could then print the form, adding their own return addresses and telephone numbers to a camera-ready copy. Alternatively, States may want to permit local jurisdictions to use simple postcards or letters for the acknowledgment notice.

***The Content of the Acknowledgment Notice***

The Act does not specify the content of the acknowledgment form except to state that it should advise the applicant of the "disposition" of their application. But as a practical matter, States might want to consider pre-printing messages that the local registration official can check off as appropriate. Perhaps something like:

.....

\_\_\_\_ Your application to register to vote has been received and accepted.  
Your polling place is located at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Your application to register to vote has been received incomplete.  
Please contact our office at the telephone number or address listed below.

\_\_\_\_ Your application to register to vote has been rejected because  
(and list here the standard reasons why applications are rejected)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Other \_\_\_\_\_

If you have any questions about this notice, please contact (*local election official's title and phone number*).

.....

Alternatively, local jurisdictions could program their computers to provide acknowledgment notices with responses appropriate to the individual applicant. This information could occupy the top two thirds of the card.

At a minimum, the form should provide the telephone number and address of the election office so recipients can contact the office in the event that either the second or third items above are checked. The form could also provide additional information regarding, for example, the political districts the person is eligible to vote in, the availability of services to persons with disabilities, how to request an absentee ballot, or the like.

## **The Format and Content of the Outgoing Confirmation Mailing(s)**

If a registrant notifies the registrar of a change of voting residence either directly, or else indirectly through the Department of Motor Vehicles or other designated agency, the Act permits the registrar to take appropriate action without further confirmation (whether removing the registrant's name from the voter registration list or changing the registrant's address information) [Sections 8(a)(3)(A) and 8(f)].

If, on the other hand, the registrar only has reason to believe (either through information supplied by the Postal Service or because of some other uniformly applied measure) that the registrant *may* have changed address, then the Act requires the registrar to seek, *by forwardable mail*, address confirmation in writing from the registrant [Sections 8(c) and 8(d)].

Remember, the Act requires registrars to maintain for two years a record of all outgoing confirmation mailings [Section 8(i)(2)]. (See Chapter 7 for further record keeping requirements.)

The following are important elements of these outgoing confirmation mailings:

- the *format* of the mailing, and
- the *content* of the mailing.

### ***The Format of the Outgoing Confirmation Mailing***

The format of the outgoing confirmation mailing is left to the discretion of the States. But States might want to consider using a standard, preprinted, first class, forwardable, 12 x 6 inch format with a fold crease four inches from the top, a perforation eight inches from the top, and perhaps a fold-over sealing flap at the top. (See postal specifications in Appendix F below).

Such a format would accommodate enclosing the confirmation return notice (as a 4 x 6 inch postcard constituting the perforated bottom third of the mailing that could be folded up into the outgoing mailing). It would also provide a 6 x 8 inch field for the message to the registrant.

States should consider allowing the chief State election official to design the form. Local offices could then print the form, adding their own return addresses and telephone numbers to a camera-ready copy.

### ***The Content of the Outgoing Confirmation Mailing***

The content of the outgoing confirmation mailing may vary depending on the reason for the mailing. There are two scenarios:

- the registrar has received information from the Postal Service indicating that a registrant has moved to a different residence address within the same registrar's jurisdiction.

- the registrar questions whether or not the registrant continues to reside in the same jurisdiction (i.e.; either the Postal Service has disclosed that the registrant has moved outside of the jurisdiction or the registrant's continued residence within the jurisdiction otherwise needs to be confirmed).

When the Postal Service provides information indicating that the registrant has moved *within* the same jurisdiction, the Act requires the registrar to send a "form by which the registrant may verify or correct the address information" [Section 8(c)(B)(i)]. The Act does not specify the content of this outgoing mailing.

The Act, however, does require that the confirmation mailing to those whose continued residence within the jurisdiction is in question contain words to the effect that:

- if the registrant has *not* changed address or changed address within the jurisdiction, then they should return the response card not later than the close of registration (See Date by Which Valid Voter Registration Applications Must Be Accepted at the beginning of this chapter).
- if the card is not returned, then affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in any subsequent federal election up to the second general federal election after the confirmation mailing
- if the card is not returned and the registrant does not offer to vote by the second general federal election, then the registrant's name will be removed from the voter registration list
- if the registrant has changed address to a location outside the voter registrar's jurisdiction, information on how the registrant may register in their new jurisdiction [all above in Section 8(d)(2), also referenced in Section 8(c)(B)(ii)].

As a practical matter, in accordance with Section 8(f), States also may want to consider adding:

- a note that if the registrant has changed address within the registrar's jurisdiction, that change will be made in the voter registration list and (if it is the courteous practice of the registration office) the registrant will be informed of their new polling place.

In order to satisfy both categories of registrants who will be receiving confirmation mailings, States might want to consider adopting a single, all-purpose confirmation form such as:



\_\_\_\_\_ IF, IN THE PAST \_\_\_\_ YEAR(S), YOU HAVE PERMANENTLY CHANGED THE ADDRESS WHERE YOU LIVE TO A LOCATION **WITHIN** (*jurisdiction*)

- Please detach, complete, and return the postcard at the bottom not later than \_\_\_\_\_ **even if this notice was mailed to your correct current address.** This change will be recorded in the voter registration list and you will be informed by mail of your correct polling place.
- If this card is not returned, affirmation or confirmation of your current address may be required at the polls on election day.
- If this card is not returned and you do not vote by the (*month and year*) general election, then your name may be removed from the voter registration list.

\_\_\_\_\_ IF YOU HAVE PERMANENTLY MOVED TO AN ADDRESS **OUTSIDE** (*jurisdiction*) WITHIN THE PAST \_\_\_\_ YEAR(S)

- Please detach, complete, and return the postcard at the bottom **even if this notice was mailed to your correct current address.**
- Please note that in order to vote, you will have to register with the voter registration office in your new location (Consult your telephone directory).

\_\_\_\_\_ IF YOU HAVE **NOT** PERMANENTLY MOVED TO A NEW ADDRESS WITHIN THE PAST \_\_\_\_ YEAR(S)

- Please detach, complete, and return the postcard at the bottom not later than \_\_\_\_\_.
- If this card is not returned, affirmation or confirmation of your current address may be required at the polls on election day.
- If this card is not returned and you do not vote by the (*month and year*) general election, then your name may be removed from the voter registration list.

If you have any questions about this notice, please contact (*local election official's title and phone number*).



Such an all-purpose approach would reduce costs. Election office records, however, would have to differentiate between notices sent to registrants who appear to have moved within the jurisdiction versus those sent to persons whose continued residence within the jurisdiction is questioned and whose name will be removed from the registry if they neither respond nor vote within the time period specified by the Act.

Alternatively, States may choose to develop two different notices to reflect the two different purposes for the confirmation mailing.

### **The Format and Content of Confirmation Return Notices**

The Act requires that the confirmation mailings discussed above contain a *postage prepaid pre-addressed return form* [Sections 8(c)(B) and 8(d)(2)].

It should also be noted that the Act requires registrars to maintain for two years a record of all responses to confirmation mailings [Section 8(i)(2)]. (See Chapter 7 for further record keeping requirements).

Important aspects of the confirmation return notice include:

- the *format* of the card, and
- the *content* of the card.

#### ***The Format of the Confirmation Return Notice***

Other than requiring that the confirmation return notice be a postage paid, pre-addressed card, the Act does not specify the format of the notice. Yet if States opt for something resembling the format of the confirmation mailing as described immediately above, then the confirmation return notice would take the form of a standard 4 x 6 inch postcard that, as a practical matter, seems the least expensive and most easily filed option. Its front side should, of course, be within postal specifications (See Appendix F).

***The Content of the Confirmation Return Notice***

Although the reasons for the confirmation mailing may vary according to the two scenarios described above, the content of the confirmation return notice could be standardized to satisfy both purposes. States may therefore want to consider adopting a single, all-purpose confirmation return notice containing something like the following:

.....

FULL NAME \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_  
IDENTIFICATION NUMBER (optional) \_\_\_\_\_  
TELEPHONE NUMBER (optional) \_\_\_\_\_

THE ADDRESS WHERE I LIVE IS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE ADDRESS WHERE I RECEIVE MY MAIL IS (only needed if different from address where you live)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

.....

The receiving registrar could then use this information according to either purpose of the confirmation mailing.

States might also include a reminder of the penalties for providing false voter registration information.

## **The Format and Content of the Final Notice of Removal**

Although not required by the Act, States may want to require a final notice of removal from the voter registry:

- upon expiration of the “inactive” period;
- when information is received from the motor vehicle department or designated agencies that a person has moved from the registrar’s jurisdiction;
- when information is received from another election official that a registrant has subsequently registered in another jurisdiction;
- when information is received from a program to identify duplicate registrations that cross local jurisdictional boundaries; and
- upon request from the voter.

Such a notice may help avoid voter confusion on election day. This is so especially when an individual is removed based on change of address information obtained through the motor vehicle department or designated agency because the registrant may not know that they have crossed jurisdictional boundaries and must reregister.

As with other notices, important aspects of the final notice of removal include:

- the format of the notice, and
- the content of the notice.

### ***The Format of the Final Notice of Removal***

Jurisdictions that provide a final notice of removal have used either a standard preprinted or computer-generated letter, foldover mailer, or postcard format. Many jurisdictions courteously provide a means by which a registrant may respond to the notice in cases of error. This response section may be a detachable section of the letter or a pre-addressed response card or, at the very least, the telephone number of the local election official. (Examples of final notices are provided in Figures 5C and 5D.)

***The Content of the Final Notice of Removal***

The content of the notice of removal may vary depending upon the reason for the mailing. Alternatively, States may want to consider preprinting messages that the local registration official can check off as appropriate. Possibly something like:

.....

This is to let you know that your name has been removed from the list of voters who may vote in (*jurisdiction*) because:

- \_\_\_\_\_ You have requested that we remove your name from the list. If you continue to live in (*jurisdiction*) and wish to vote in future elections, you must reregister. Contact (*local election official*.)
- \_\_\_\_\_ We have received information from the (*motor vehicle department or agency*) that you have moved from (*jurisdiction*). If this is in error and you continue to live in (*jurisdiction*), please contact (*local election official*).
- \_\_\_\_\_ You have registered to vote in another jurisdiction. If this is in error and you continue to live in (*jurisdiction*), please contact (*local election official*).
- \_\_\_\_\_ You have not responded to our notice asking you if you still live in (*jurisdiction*) and you have not voted since we sent you that letter. If you continue to live in (*jurisdiction*) and wish to vote in future elections, you must reregister. Contact (*local election official*.) If you have moved from (*jurisdiction*) and wish to vote in future elections, you must register with the registration office where you live. (Look for the number in your telephone directory.)

If you have any questions, please contact (*local election official's title and phone number*).

.....

And perhaps also in a perforated response section:

.....

Dear (*Title of Local Registration Official*)

Please replace my name on the voting list of (*jurisdiction*) for the following reason:

\_\_\_\_\_  
\_\_\_\_\_

I swear that the reason stated above is true.

Signature \_\_\_\_\_

Address \_\_\_\_\_

.....

(

(

(