

H.R.3835

Title: To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to strengthen protections against the wrongful removal of individuals from the official list of eligible voters and the wrongful denial of applications for voter registration, and for other purposes.

Sponsor: [Rep Holt, Rush D.](#) [NJ-12] (introduced 10/15/2009) Cosponsors (None)

Latest Major Action: 10/15/2009 Referred to House committee. Status: Referred to the House Committee on House Administration.

SUMMARY AS OF:

10/15/2009--Introduced.

Protection Against Wrongful Voter Purges Act - Amends the National Voter Registration Act to establish notice and review requirements for removal of individuals from a list of eligible voters by reason other than death or a change of residence, including removal by reason of mental incapacity.

Requires the Federal Election Commission (FEC) to adopt voluntary guidance with respect to audits of the statewide computerized voter registration list so that each state will be able to ensure that the list: (1) reflects an accurate and complete count of all individuals validly registered to vote in federal elections; and (2) is secure against unauthorized uses.

Revises requirements for removal of individuals from the official list of eligible voters by reason of change of residence. Permits removal upon state verification that the registrant has registered in a new jurisdiction. Specifies requirements for verification procedures.

Declares that, if any registrant who is subject to removal from the official list of eligible voters requests that the appropriate election official review the removal, the removal shall not take effect unless the official demonstrates by clear and convincing evidence that the registrant was properly removed.

Amends the Help America Vote Act of 2002 to prohibit a state from refusing to register any applicant who has completed the national voter registration application form.

Prohibits delay or denial of registration on grounds of failure to match the applicant's driver's license or Social Security information with related information in the databases of state or federal governmental entities.

HR 3835 IH

111th CONGRESS
1st Session
H. R. 3835

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to strengthen protections against the wrongful removal of individuals from the

official list of eligible voters and the wrongful denial of applications for voter registration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

October 15, 2009

Mr. HOLT introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to strengthen protections against the wrongful removal of individuals from the official list of eligible voters and the wrongful denial of applications for voter registration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Protection Against Wrongful Voter Purges Act'.

SEC. 2. NOTICE AND REVIEW REQUIREMENTS FOR REMOVAL OF INDIVIDUALS FROM OFFICIAL LIST OF ELIGIBLE VOTERS BY REASON OTHER THAN CHANGE OF RESIDENCE.

(a) In General- Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6) is amended--

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

`(j) Notice and Review Requirements for Removal of Individuals From List of Eligible Voters by Reason Other Than Change of Residence-

`(1) MINIMUM NOTICE PRIOR TO REMOVAL-

`(A) IN GENERAL- In addition to any other requirements applicable under this section, a State may not remove a registrant from the official list of eligible voters for an election for Federal office by reason other than death or a change of residence unless the State provides the registrant with a notice of removal meeting the requirements of subparagraph (B) not later than 30 days before the date of the election.

` (B) REQUIREMENTS FOR NOTICE- The notice required under this subparagraph shall be sent by forwardable mail, and shall include the following:

` (i) A statement that the State intends to remove the registrant from the official list of eligible voters for elections for Federal office.

` (ii) A description of the reasons for removal, including (in the case of an individual proposed to be removed by reason of criminal conviction) sufficient identifying information on the criminal conviction alleged to be the basis for removal to enable the registrant to determine whether the registrant was convicted of the offense cited in the notice, or (in the case of an individual proposed to be removed by reason of mental incapacity) sufficient identifying information on the judicial determination of mental incapacity alleged to be the basis for removal to enable to registrant to determine whether the registrant was adjudged to be mentally incapacitated.

` (iii) A statement that the registrant may obtain a review of the removal from an appropriate State election official in accordance with paragraph (2).

` (iv) A postage pre-paid and pre-addressed envelope and a clear list of contact information for the appropriate State election official that includes a mailing address, telephone number, and fax number.

` (2) REVIEW OF DECISION TO REMOVE-

` (A) IN GENERAL- A registrant who receives a notice of removal under paragraph (1) may submit a written request to a designated State election official to withdraw the notice and retain the registrant on the official list of eligible voters, and may include in the request such information and evidence as the registrant considers appropriate to show that the registrant is not subject to removal from the list under State law, including information and evidence showing that the registrant was not convicted of the criminal offense cited in the notice or that the period of ineligibility imposed as the result of a conviction of a criminal offense has expired (in the case of an individual proposed to be removed by reason of criminal conviction) or that the registrant was not adjudged to be mentally incapacitated as cited in the notice or that the incapacity has since been invalidated, withdrawn, or rescinded (in the case of an individual proposed to be removed by reason of mental incapacity).

` (B) RESPONSE BY STATE- Not later than 10 days after receiving a request from a registrant under subparagraph (A), the State shall review the information and evidence included and accept or reject the request, and shall notify the registrant in writing of its decision.

` (3) SPECIAL RULES FOR REMOVAL BY REASON OF DEATH OF REGISTRANT- In the case of an individual proposed to be removed by reason of death--

` (A) the notice of removal under paragraph (1) shall be addressed to the occupant of the most recent address of the registrant in the records of the appropriate State election official;

` (B) the notice shall include a statement that the occupant should notify the appropriate State election official immediately if the notice of the registrant's death is in error;

` (C) if the notice of removal was issued in error, the registrant may submit a written request under paragraph (2) to withdraw the notice and retain the registrant on the official list of eligible voters; and

` (D) if the registrant submits such a written request, the State shall notify the registrant of the decision made under paragraph (2)(B) with respect to the request.

` (4) OPPORTUNITY TO CAST PROVISIONAL BALLOT- Any registrant who receives a notice of removal under paragraph (1) and believes that the removal decision was made in error shall be permitted to cast a provisional ballot in an election for Federal office in accordance with section 302(a) of the Help America Vote Act of 2002, and the vote cast by such a ballot shall be counted in the election (in accordance with the standards and procedures of such section) if it is determined that the removal decision was made in error.

` (5) NO EXPANSION OF GROUNDS FOR REMOVAL- Nothing in this subsection may be construed to require or authorize the establishment of any grounds for the removal of a registrant from the official list of eligible voters for an election for Federal office which were not in effect prior to the enactment of this subsection.'

(b) Adoption of Voluntary Guidance Regarding Audits of Computerized List- Section 311 of the Help America Vote Act of 2002 (42 U.S.C. 15501) is amended by adding at the end the following new subsection:

` (d) Voluntary Guidance Regarding Audits of Computerized List- Not later than October 1, 2010, the Commission shall adopt voluntary guidance with respect to audits of the Statewide computerized voter registration list required to be maintained under section 303 so that each State will be able to ensure that the list reflects an accurate and complete count of all individuals who are validly registered to vote in elections for Federal office in the State and is secure against unauthorized uses.'

(c) Conforming Amendments-

(1) NATIONAL VOTER REGISTRATION ACT OF 1993- Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6) is amended--

(A) in subsection (a)(3)(B), by striking `State law,' and inserting `State law and consistent with the requirements of subsection (j),';

(B) in subsection (a)(4)(A), by striking the semicolon at the end and inserting and `, consistent with the requirements of subsection (j),';

(C) in the heading for subsection (d), by inserting after `Rolls' the following: `by Reason of Change of Residence'; and
(D) in subsection (i)(2), by inserting after `subsection (d)(2)' the following: `and all persons to whom notices described in subsection (j)'.

(2) HELP AMERICA VOTE ACT OF 2002- Section 303(a) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)) is amended--

(A) in paragraph (2)(A)(i), by striking `and (e)' and inserting `(e), and (j)'; and

(B) in paragraph (4)(B), by striking `Safeguards' and inserting `In addition to meeting the applicable notice and review requirements of section 8 of the National Voter Registration Act of 1993, safeguards'.

(d) Rule of Construction- Nothing in this section or any amendment made by this section may be construed--

(1) to affect the right of any individual to cast a provisional ballot under section 302(a) of the Help America Vote Act of 2002; or

(2) to prohibit any State from providing individuals threatened with removal from the official list of eligible voters in the State with greater protections than those required under section 8(j) of the National Voter Registration Act of 1993 (as added by subsection (a)).

(e) Effective Date- The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office in November 2010 and each succeeding election for Federal office.

SEC. 3. PROCEDURES FOR REMOVAL OF INDIVIDUALS FROM OFFICIAL LIST OF ELIGIBLE VOTERS BY REASON OF CHANGE OF RESIDENCE.

(a) Permitting Removal at Request of Individual Only in Case of Specific Written Request or Verified Registration in a New Jurisdiction- Section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(a)(3)) is amended--

(1) in subparagraph (A), by striking `the request' and inserting `the specific written request';

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:
` (C) upon verification by the State that the registrant has registered in a new jurisdiction (in accordance with subsection (d)(3)).'.

(b) Requiring Match of Registration Information in New Jurisdiction- Section 8(d) of such Act (42 U.S.C. 1973gg-6(d)) is amended--

(1) in paragraph (1), by striking `unless' and inserting `unless (subject to paragraph (4))';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

` (3) A State may not remove the name of a registrant on the ground that the registrant has registered in a new jurisdiction unless the State verifies the

registration in the new jurisdiction by matching the registrant's existing registration information with the registrant's registration information from the new jurisdiction, including matching the registrant's full name (taking into account common variations in first names, middle initials and middle names, and documented differences in a maiden name), date of birth, and the unique number used to identify the registrant for purposes of section 303(a)(5) of the Help America Vote Act of 2002.'

(c) Procedure for Handling Returned Registration Mailings- Section 8 of such Act (42 U.S.C. 1973gg-6), as amended by section 2(a), is amended--

- (1) by redesignating subsection (k) as subsection (l); and
- (2) by inserting after subsection (j) the following new subsection:

` (k) Procedure for Handling Returned Registration Mailings-

` (1) EVIDENCE OF CHANGE TO RESIDENCE IN NEW JURISDICTION- If a disposition notice described in subsection (a)(2), a voter registration card, a notice of location of a polling place or notice of precinct assignment, or any other voter registration or voting information mailed by the registrar to the registrant is returned to the registrar as undeliverable with no forwarding address or with a permanent forwarding address outside of the registrar's jurisdiction, the registrar shall deem such returned mailing as evidence that the registrant may have changed residence to a place outside the registrar's jurisdiction, and shall use the notice procedure described in subsection (d)(2) to confirm the change of address.

` (2) EVIDENCE OF CHANGE TO RESIDENCE IN SAME JURISDICTION- If any mailing described in paragraph (1) is returned to the registrar with a permanent forwarding address inside the registrar's jurisdiction, the registrar shall deem such returned mailing as evidence that the registrant may have changed residence to a place within the registrar's jurisdiction, and shall correct the registration records in accordance with subsections (c)(1)(B)(i) and (f).'

(d) Effective Date- The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office in November 2010 and each succeeding election for Federal office.

SEC. 4. STANDARD FOR REVIEW OF REMOVAL ACTIONS.

(a) Standard- Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6), as amended by sections 2(a) and 3(c), is amended--

- (1) by redesignating subsection (l) as subsection (m); and
- (2) by inserting after subsection (k) the following new subsection:

` (l) Standard for Review of Removal Actions- If any registrant who is subject to removal from the official list of eligible voters requests that the appropriate election official review the removal, the removal shall not take effect unless the official demonstrates by clear and convincing evidence that the registrant was properly removed under this Act.'

(b) Effective Date- The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office in November 2010 and each succeeding election for Federal office.

SEC. 5. CONTENTS AND TREATMENT OF VOTER REGISTRATION FORMS.

(a) Opportunity to Correct Incomplete Forms- Section 303(b)(4)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended by striking `to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i)' and all that follows and inserting the following: `to provide any information required on any voter registration form used by the State under section 6 of the National Voter Registration Act of 1993, the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office.'

(b) Prohibiting Requirement To Provide Additional Information Relating to Age and Citizenship- Section 303(b)(4) of such Act (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

`(C) PROHIBITING REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION- A State must accept, in lieu of requiring an applicant to provide any documentation of citizenship or age as a condition of registering to vote, the applicant's checking of the applicable boxes required under clauses (i) and (ii) of subparagraph (A) and attesting under penalty of perjury to all applicable eligibility requirements (including age and citizenship), as required by section 9(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(b)(2)).'

(c) Completed National Form Deemed Complete For All States- Section 303(b) of such Act (42 U.S.C. 15483(b)) is amended--

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

`(5) COMPLETED NATIONAL FORM DEEMED COMPLETE FOR ALL STATES- If an applicant for voter registration in a State submits a voter registration application form which contains all of the information required to be provided under the mail voter registration form developed by the Commission under section 9(a)(2) of the National Voter Registration Act of 1993 (whether the form submitted by the applicant is the form developed by the Commission or another form developed and used by the State under section 6(a) of the National Voter Registration Act of 1993), the State may not refuse to register the applicant as a voter on the ground that the applicant failed to complete the form.'

SEC. 6. PROHIBITING DELAY OR DENIAL OF REGISTRATION ON GROUNDS OF FAILURE TO MATCH INFORMATION.

(a) Information Required To Be Provided in Application- Section 303(a)(5)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(5)(A)) is amended--

(1) by amending clause (i) to read as follows:

`(i) IN GENERAL- Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office shall require the applicant to include--

`(I) in the case of an applicant who has been issued and has available at the time of registration a current and valid driver's license, the applicant's driver's license number; or

`(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.'; and

(2) by striking clause (iii).

(b) No Effect on Registration Due to Failure To Match- Section 303(a)(5)(B) of such Act (42 U.S.C. 15483(a)(5)(B)) is amended by adding at the end the following new clause:

`(iii) NO EFFECT ON REGISTRATION DUE TO FAILURE TO MATCH- A State may not refuse to accept an individual's application for voter registration, delay the processing of such an application, or refuse to register the individual solely on the grounds that the information provided by the individual for purposes of the database of the Statewide voter registration system under this paragraph does not match information contained with respect to the individual in the database of the State motor vehicle authority, the Commissioner of Social Security, or any other governmental entity, except that the State may require (in a uniform and nondiscriminatory manner) the individual to meet the requirements of subsection (b)(2) in the same manner as an individual described in subsection (b)(1).'

SEC. 7. EFFECTIVE DATE.

Section 303(d)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(2)) is amended--

(1) in subparagraph (A), by striking `Each State' and inserting `Except as provided in subparagraph (C), each State';

(2) in subparagraph (B), by striking `The provisions' and inserting `Except as provided in subparagraph (C), the provisions'; and

(3) by adding at the end the following new subparagraph:

`(C) DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS- To the extent that any provision of subsection (a) or subsection (b) was amended by the Protection Against Wrongful Voter Purges Act, such provision shall apply with respect to the regularly scheduled general

election for Federal office held in November 2010 and each succeeding election for Federal office.'.

END