EXHIBIT 18
Part 3
affirmative responsibility of adding all eligible citizens in its records to the voter lists. Under such a system, there would be far fewer unregistered voters who show up at the polls on Election Day since virtually all eligible citizens would be registered. In addition to providing a fail-safe for those voters wrongly purged, universal voter registration would increase confidence in the accuracy of voter registration lists since they would have been assembled by election officials rather than by voters.

Universal voter registration has other benefits as well: it would add up to 50 million unregistered Americans to the voter rolls; eliminate the opportunity for partisan or other gamesmanship with voter registration rules and procedures; reduce fears of potential voter fraud, as those derive largely from the potential for fraudulent registrations; and reduce burdens on election officials, who currently devote substantial resources to processing voter registration forms in the months and days leading up to an election. The elements of a system of universal registration are as follows:

- The government takes affirmative responsibility to build clean voter lists consisting of all eligible citizens.
- Each eligible citizen only has to register once within a state; the government ensures that voters stay on the lists when they move within state.
- Election Day registration is available as a fail-safe for those eligible citizens whose names are erroneously not added to or erroneously purged from the voter rolls.

V. EMERGING ISSUES WITH RESPECT TO PURGES

There are numerous blemishes in our country’s voting history. Since the end of Reconstruction in the late nineteenth century, the voting rights of poor and minority citizens have been restricted through a complex system of laws enacted by state legislatures and intended to limit or ignore the commands of the 14th and 15th Amendments. In the immediate aftermath of the Civil War and the Reconstruction Amendments, voting among African American men briefly soared in the former slave states. In Louisiana in 1867, for example, approximately 90% of the eligible black male population had registered to vote. However, by the end of the Reconstruction era in 1877, most Southern states had erected significant new barriers to minority voting that re-established control by the white Democratic Party, eliminating these hard-won rights from the vast majority of non-white voters. At first glance, these new voting laws appeared race-neutral, so as not to violate the 14th and 15th Amendments, but in effect they purposely excluded many African Americans from the polls. Poll taxes, literacy tests, and grandfather clauses, for example, proved to be effective barriers to African American voting. Though these new restrictions did not, on face, target one group of voters over another, they were discriminatorily applied to African American voters.

Some commentators argue that voter purges are simply a variation of older, more overt methods of disenfranchisement intended to reduce minority participation. Courts have agreed: one court overturned the aforementioned Louisiana purge, finding it “massively discriminatory in
purpose and effect,” and another referred to a Texas statute requiring yearly re-registration as a “direct descendant of the poll tax” that unconstitutionally disenfranchised voters. Although other courts differ on the motivations of purges, they do not deny that their effect can be discriminatory.

Irrespective of whether purging officials act with racial animus, if done without adequate protections, voter purges can have the same disenfranchising effect as the overt voter restrictions used in earlier decades. While new nuances to problematic purges are always emerging, there are at least two relatively new issues for which problems are predictable.

A. VOTER CAGING

In the later half of the twentieth century, a category of voter purges known as “voter caging” arose as a new tactic to generate lists of voters to be purged from voter registration lists or challenged at the polls. Adapted from a direct mail marketing practice of sorting mailing addresses, voter caging is a controversial method of targeting voters in which non-forwardable mail is sent to registered voters at their voter registration address. Some percentage of that mail is returned to the sender as undeliverable for a variety of reasons, many unrelated to the recipient’s status as a voter. On this basis alone, the sender (typically a political operative) uses the list of returned mail to either request election officials to purge the names from the registration list or later challenge the validity of the voter’s registration at the polls on Election Day, or both.

Voter caging has been demonstrated to produce grossly inaccurate results and has threatened to disenfranchise thousands of legitimately registered voters. The history of voter caging is littered with examples of political operatives targeting poor and minority neighborhoods where mail delivery might be less reliable or where voters are believed to be threatening to certain political interests. First uncovered in 1958, the practice has frequently been used to generate purges of thousands of voters. In 1986, for example, the Republican National Committee (“RNC”) hired a vendor to conduct a voter caging effort in at least three states, intending to purge voters residing in primarily African American neighborhoods. Unearthed in subsequent litigation, an RNC internal memorandum discussing the targeting of Louisiana voters stated the goal of the voter caging program:

I would guess that this program will eliminate at least 60-80,000 folks from the rolls . . . If it’s a close race, which I’m assuming it is, this could really keep the black vote down considerably.

Computerized voter registration lists now make it possible for thousands of voters to be disenfranchised with a single keystroke.
In more modern times, reports of intended voter caging efforts have surfaced in Ohio, Michigan, and Virginia.\textsuperscript{179} Because voters who are victims of caging cannot cast a regular ballot, purges of this kind pose a significant threat to the completeness of voter registration lists, and ultimately, to the legitimacy of our nation’s elections.

B. COMPARING DATABASES WITHIN AND ACROSS STATE LINES

HAVA’s requirement of centralized computer voter registration databases has allowed election officials to maintain their voter lists with greater ease as states move away from many separate voter lists, but it also significantly amplifies the potential for large-scale disenfranchisement.\textsuperscript{180} Indeed, computerized voter registration lists now make it possible for thousands of voters to be disenfranchised with a single keystroke.

Officials have increasingly focused attention on ways of making state databases “interoperable” with other databases that may contain relevant information on registered voters. “Interoperability” is generally defined as a method of connecting or integrating multiple databases so that changes in one database can be recognized and mirrored in a second database automatically. Seizing on language in HAVA which requires or recommends states to “coordinate” voter registration databases with felony conviction databases, death records, and records of voter moves through state DMV databases,\textsuperscript{181} several groups of states have started to compare voter registration lists among each other and initiate voter purges based on matches between records on different states’ lists, presuming that individuals who have moved from one state to another have neglected to notify the original state before registering to vote in the new state.\textsuperscript{182}

The problem is that there are not always sufficient protections to ensure that the same individuals are identified as opposed to two different individuals with similar identifying information. In 2006, for example, the Kentucky State Board of Elections attempted to match names on its registration database against lists of voters in Tennessee and South Carolina, and purged 8,000 voters as a result of the match — without notifying the voters, and in violation of specific provisions of federal law.

Interoperability technology grants many opportunities to improve election administration and the maintenance of voter registration databases. Yet because of the speed and scale at which information can be shared, interoperability in many ways poses a greater threat to the right to vote than traditional methods of record coordination. State and local officials should strive to use existing computer and electronic technology in a way that enhances the experiences of voters and minimizes disenfranchising errors during the voter registration processes.

VI. CONCLUSION

Purges should be a carefully calibrated process designed to account for the complications that invariably arise. Without adequate safeguards, voters experience an unreasonable risk of disenfranchisement, and purges are vulnerable to manipulation. The above recommendations will go far in minimizing unnecessary risks to voters and should be implemented without delay.


3 Id.


6 Id.


9 Id.


11 See United States v. McElveen, 180 F. Supp. 10, 11-14 (E.D. La. 1960) (ruling that the removals were in violation of the Fifteenth Amendment and that the voters taken off the registration rolls were illegally removed) Id. at 14.


13 Id.


16 Although, it was not too long ago in which a political operative involved in a voter caging effort noted, “I would guess that this program will eliminate at least 60-80,000 folks from the rolls. . . . If it’s a close race, which I’m assuming it is, this could really keep the black vote down considerably.” See Martin Tolchin, G.O.P. Memo Tells of Black Vote Cut, N.Y. TIMES, Oct. 25, 1986, at 7.


ENDNOTES
25  Confirmed by interviews with local boards of election officials in Missouri and Washington conducted in 2007. All interviews are on file at the Brennan Center.
26  Confirmed by interviews with local boards of election officials in Kentucky, Missouri, and Washington conducted in 2007. All interviews are on file at the Brennan Center.
27  While the NVRA does not specifically raise the issue of duplicates, and instead clarifies that the limitations imposed by the NVRA are not interpretable as precluding “correction of registration records,” 42 U.S.C. § 1973gg-6(c)(2)(B)(ii), (2008) HAVA instructs states to conduct list maintenance “in a manner that ensures that . . . duplicate names are eliminated from the computerized list,” 42 U.S.C. § 15483(a)(2)(B)(iii). Some states, like Washington, Wash. Rev. Code Ann. § 29A.08.610 (2008) and Florida, Fla. Stat. Ann. §§ 98.075, 98.073 (2008), have codified some guidance for addressing the problem of duplicate registrations, albeit with varying degrees of helpfulness. Election statutes in other states, for example, Ohio, and Wisconsin, however, remain silent on the topic of duplicate registration. A number of local officials indicated that duplicates are generally the result of change of addresses, and as such, their processes for responding to duplicates are essentially the purge practices with respect to change of addresses.
28  The NVRA makes clear that no person is to be removed from the statewide registration list solely on account of failure to vote. 42 U.S.C. § 1973gg-6(b)(2). The NVRA does permit, however, the removal of a name from the registration list if a person does not respond to an address confirmation notice AND does not vote in the subsequent two federal elections. Id.
29  A problem occurred in Travis County, Texas whereby individuals believed to have moved because of returned mail were purged despite having voted in at least one of the two subsequent federal elections after the mail was returned. Any update or information needed by election officials should have occurred while the person was at the polls voting. But for reasons not entirely clear, these voters were purged despite their having voted. See Marty Toohey, Glen Maxey TV Ads Allege Voter Disenfranchisement, AUSTIN AMERICAN-STATESMAN, Feb. 3, 2008.
37 Jon Margolis, GOP Sued Over Voters Tactic, Chi. Tribune, Oct. 8, 1986, at C9. There are many other examples of voters who are temporarily away from their permanent residences. A college student may legally reside at her parents’ home address and register to vote there while she is away at school, even though she does not receive mail at her parents’ house. A voter may be on an extended vacation and have canceled or transferred mail service, or may have done the same for a temporary job transfer. See Steve Suo, Some Inactive Voters Aren’t, THE OREGONIAN, Aug. 27, 2000, at C1. A citizen living overseas, but registered to vote at her last domestic residence, might also receive no mail at her registered address; for example, mail sent to one such voter in New Hampshire was returned undelivered despite the fact that the voter was eligible to vote. Memorandum from Bud Fitch, Deputy At’ty Gen., N.H. Dep’t of Justice, to Robert Boyce, Chairman, N.H. Sen. Internal Aff. Comm., et al. 3 (Apr. 6, 2006), available at http://doj.nh.gov/publications/nreleases/pdf/040606wrongful_voting.pdf. Similarly, a member of the armed forces, stationed away from his voting residence, could illegitimately get caught up in the purge process.
38 More Mail Undelivered, Ft. Lauderdale Sun-Sentinel, Apr. 16, 1994, at 3A.
39 Felicity Barringer, Cities Seek Bush’s Backing to Avert Census ‘Crisis,’ N.Y. Times, Apr. 18, 1990, at A17. See also, e.g., James Barron, Sign of Approval, But Will It Bring Mail?, N.Y. Times, Aug. 2, 2004, at B1. Also, in larger group residential homes, the voting residence may quite properly list the street address, but mail will not be delivered without a unit number.
43 42 U.S.C. § 1973gg-6(e)(1)(2008). Similarly, a voter who has moved within the same registrar's jurisdiction and congressional district may return to vote at her former polling place without re-registering. 42 U.S.C. § 1973gg-6(e)(2)(A)(i)(2008). Especially in urban areas where there is high mobility within a particular neighborhood, undeliverable mail may simply reflect the recent move of a voter who remains fully eligible to vote.


47 For example, one Kentucky election official reported that the information compiled by the Postal Service does not match the criteria his county uses to identify voters.

48 Indiana and Florida are examples of states that use jury notices and information from other government agencies to identify people who may have moved. Ind. Code Ann. § 3-7-38.2-2(c) (2), (4) (2008) (permitting the use of information from a court regarding jury notices and from the bureau of motor vehicles regarding the surrender of a person's Indiana license for the operation of a motor vehicle to another jurisdiction); Fla. Stat. Ann. § 98.065(4) (2008) (permitting the use of information regarding jury notices signed by a voter and returned to the courts and information from the Department of Highway Safety and Motor Vehicles indicating that the legal address of a registered voter might have changed).

49 Unless another authority is otherwise cited, information in this report about Kentucky was derived from interviews with county clerks conducted in April 2007 and an interview with an official from the State Board of Election conducted in September 2008. All interviews are on file at the Brennan Center.


52 This was reported to us by an interviewee from Nevada in March 2007. Unless another authority is cited, information in this report about Nevada was derived from interviews conducted with county clerks and registrars in March, 2007.


54 Wash. Rev. Code Ann. § 29A.08.620(1) (2008) (designating voters as inactive if certain pieces of mail are returned to sender as undeliverable); N.Y. Elec. Law § 5-712(5) (Consol. 2008) (designating all voters who are sent an address confirmation notice as inactive); Or. Rev. Stat. § 247.563(3) (2007) (designating the registration of voters sent address confirmation notices as inactive until further determination).

55 Fla. Stat. Ann. § 98.065 (4)(c) (2008) (designating as inactive all voters who have been sent an address confirmation notice and who have not returned the postage prepaid, preaddressed return form
within 30 days or for which an address confirmation notice has been returned as undeliverable); Mo. Rev. Stat. § 115.193(5) (2008) (designating any voter as an inactive voter if . . . the voter fails to respond to the notice . . . within thirty days after the election authority sends such notice).


60 See e.g. Fla. Stat. Ann. § 98.093(2)(a) (2008) (requiring the Department of Health to furnish monthly to the department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older); Ind. Code Ann. § 3-7-45-2.1(b)(1) (2008) (stating that the state department of health provides election officials with information on decedents); N.Y. Elec. Law § 5-708(1) (Consol. 2008) (stating that state health department must deliver to the state board of elections monthly records of the names of all persons of voting age for whom death certificates were issued); Ohio Rev. Code Ann. § 3503.18 (2008) (directing the chief health officer and director of health to file list of decedents with board of elections); 4 Pa. Code § 183.6(d)(1) (2008) (stating that death notices are received from the department of health for the purposes of removing records).


62 Nevada statute does not specify what state agency provides the names of Nevada residents who have died. In fact, the statute permits local officials to cancel the registration of a voter only if the county clerk “has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in his office.” Nev. Rev. Stat. § 293.540(1) (2008).


66 For more information on the voting rights of persons with criminal convictions, please visit the Brennan Center’s website at: http://www.brennancenter.org/content/section/category/voting_after_criminal_conviction/. See also Erika Wood, RESTORING THE RIGHT TO VOTE (Brennan Center for Justice ed., 2008) available at http://www.brennancenter.org/content/resource/restoring_the_right_to_vote/ for a discussion of why voting rights should be restored to persons with criminal convictions upon release from prison.

67 The thirteen states are Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah.

68 Those eight states are Alabama, Arizona, Delaware, Florida, Mississippi, Nevada, Tennessee, and Wyoming.
The five states are California, Colorado, Connecticut, New York, and South Dakota.

These twenty states are Alaska, Arkansas, Georgia, Idaho, Indiana, Kansas, Louisiana, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Washington, West Virginia, Wisconsin. (Nebraska imposes a two-year waiting period after completion of sentence.)


Unless otherwise cited, information pertaining to Washington was derived from interviews with four county board of elections officials as well as with staff from the Secretary of State's office conducted during February-April, 2007. All interviews are on file with the Brennan Center.


For example, the Missouri statute specifically requires the county’s election authority, which is generally the county auditor, to remove registrants reported dead or adjudged incapacitated, but with respect to those with criminal convictions, the statute only directs that the election authority to determine the voting qualifications of those reported convicted or pardoned. Mo. Rev. Stat. § 115.199 (2008). Some local officials in Missouri indicated that it is not their practice to purge persons convicted of disenfranchising crimes from the rolls. Instead, the registrant is placed in a particular status indicating current ineligibility. When the registrant’s sentence has been completed, the person’s eligibility is reactivated upon a showing of the appropriate documentation. See interviews with officials from city boards of election in Missouri conducted in 2007. Also, Pennsylvania, which automatically restores voting rights upon release from prison, does not indicate in its election statutes that individuals are removed because of incarceration — instead, the statute specifies that incarcerated persons are not eligible for absentee ballots. See 25 Pa. Cons. Stat. Ann. § 2602(w) (2008).


Fla. Stat. Ann. § 98.093(2)(c)-(f) (2008) (stating that the department of law enforcement, board of executive clemency, and department of corrections, in addition to the U.S. Attorney, will provide information about people with criminal convictions to election officials); Ind. Code Ann. §§ 3-7-46-4.1, 3-7-46-6 (2008) (stating that department of correction and county sheriffs will provide information about people with criminal convictions).

For example, in Nevada, the state statute does not specify where the purging officials are to receive information on who has been convicted of disqualifying convictions. Nev. Rev. Stat. Ann. § 293.540(3) (2008). Note, however that Nevada statutes do require the Director of the Department of Corrections to submit monthly to each county clerk in this state a list which provides the name of each persons released from prison by expiration of term of imprisonment during the previous month or who was discharged from parole during the previous month. See Nev. Rev. Stat. Ann. § 209.134 (2008).

In Nevada, local election officials reported varying practices with respect to the removal of individuals with criminal convictions. One local official reported a practice of obtaining information on disqualifying convictions from jury questionnaires. Another stated that he receives such information from the state Department of Corrections. A third reported finding information on disqualifying convictions by reviewing courts’ judgments.

Nevada officials offered examples of this assumption.

Interview with a county election official in Michigan conducted in September 2008 is on file at the Brennan Center. A county official in Washington similarly reported that the newer registration record is removed when faced with a known duplicate.

_E.g._, Missouri’s statewide voter registration database creates a duplicate list on a monthly basis, and local election officials are responsible for working through the list. (Confirmed by a Missouri county board of election official.) Washington’s statewide voter registration list produces a potential duplicate report that local election officials check daily. (Confirmed by a Washington county board of elections official.) The Ohio Secretary of State’s office creates a daily duplicate list that is accessed by county elections officials. (Confirmed by a Ohio county board of elections officials.)


Unless another authority is otherwise cited, information in this report about Missouri was derived from interviews with staff from the Secretary of State’s office, officials from city boards of election, a county election official, and voter protection advocates conducted in 2007. All interviews are on file with the Brennan Center.

See, _e.g._, _Nev. Rev. Stat. Ann. § 293.540(9) (2008) (authorizing removal of duplicate records, but providing no criteria for identifying matching records). But see _Wash. Rev. Code Ann. § 29A.08.610 (2008) (providing required criteria of identical date of birth, similar names and compared signatures; the only statute of those surveyed to provide such detailed criteria)._

Unless another otherwise cited, information in this report about Ohio was derived from interviews with county board of elections officials conducted during February-March, 2007. All interviews are on file with the Brennan Center.

A Missouri board of election official attested to the consequences of these periods of heightened activity.

This has been the case, for instance, in Missouri and Ohio according to local elections officials there.


This scenario reportedly occurred in both 2000 and 2006 in precincts in St. Louis, Missouri according to voter protection advocates working in the state.

Interviews with voter protection advocates in Missouri conducted in 2007.

_Ohio Rev. Code Ann. § 3503.21(B) (2008)._  

Ohio boards of election officials confirmed this practice.

_Wis. Stat. Ann. § 6.50(1)-(3) (2007). Note that Wisconsin, a state with Election Day registration, is exempt from the NVRA._

While the NVRA and some state laws contemplate the removal of persons from voter registration rolls for the reason of mental incapacitation in accordance with state law, our interviews with local officials indicate that very few registrants are purged from voter rolls on this basis.


See id. § 3-5-5-17 (2008) (specifying that individuals who are committed to institutions for the mentally ill do not gain residency in the precinct of the institution).

Or. Const. art. 2, § 3 (2007).

Mo. Rev. Stat. §§ 115.199, 115.133 (2) (2008); N.Y. ELEC. LAW § 5-400(1)(c) (Consol. 2008) (cancelling a voter's registration, including the registration of a voter in inactive status, if he has been adjudicated incompetent).


Confirmed by interviews with local boards of election officials in Kentucky, Nevada, and Ohio conducted in 2007. All interviews are on file at the Brennan Center.


Washington's statutes strongly suggest as much. The text of the statute indicates that the computerized statewide voter registration list must be coordinated with other agency databases within the state, including the office of the administrator for the courts. See Wash. Rev. Code Ann. § 29A.08.651(5) (2008). However, the statute is not more explicit than the county auditor will receive official notice that a court has imposed a guardianship for an incapacitated person and has determined that the person is incompetent for the purpose of rationally exercising the right to vote. See id. § 29A.08.515.

See N.Y. ELEC. LAW §§ 5-614(5), 5-106(6) (Consol. 2008). Note that lists can be also be supplied by any court with jurisdiction over such matters. Id. § 5-708(3).

This was confirmed by county boards of election officials in Washington; Press Release, Wash. Sec'y of State, State's First Consolidated List of Registered Voters Combats Voter Fraud (Feb. 20, 2007), available at http://www.secstate.wa.gov/office/osos_news.aspx?i=FenKylLcm7/pnROOP0keR9kA%3d%3d.


An Ohio election official reported that entire households were removed when an address appeared in the national change of address list on account of one individual associated with that address moving. A
Kentucky county official similarly reported that the National Change of Address database is unreliable and that the postal service is incapable of differentiating which person in a household has moved.

119 An Ohio county official reported that the list he received with the names of deceased residents sometimes contained records without dates of birth, making it hard to use to guide the removal of deceased registrants. A Nevada official opined that the lists from the Department of Vital Statistics were of an adequate quality, but sometimes hard to use because they provided a decedent’s age instead of providing the decedent’s date of birth.

120 Id.
121 Id.
126 See Fla. Stat. Ann. § 98.075(3) (2008); N.Y. ELEC. LAW § 5-402(2) (Consol. 2008). Interestingly, Florida’s decision to exempt persons presumed deceased from notice requirements is in contrast to its statute squarely requiring that a registrant be given notice and the opportunity to respond to the charge of ineligibility on account of mental incapacitation prior to removal from the registration rolls, FLA. STAT. ANN. § 98.075(4), (7) (2008), protections for which Florida is unique among the states studied in expressly providing.
127 IND. CODE ANN. § 3-7-46-9 (2008) (requiring notification after removal from the registration list, specifically sent to the last known address of all people disenfranchised on account of imprisonment not later than the day following the day that the registration has been canceled from the rolls).
128 FLA. STAT. ANN. § 98.075(7) (2008); WASH. REV. CODE ANN. § 29A.08.520(1) (2008) (requiring that if a registrant is found on a list of felons, the canceling authority must send a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote once all terms of sentencing have been completed; if the person fails to respond within thirty days, the registration is to be canceled).
129 IND. CODE ANN. § 3-7-46-9 (2008).

Election officials in Washington state reported only using a few fields to identify voters for removal.


Id.


Missouri’s statutes are an example of a wide grant of authority given to election officials regarding the sources and methods permitted to verify a person’s address, reading “[t]he election authority may investigate the residence or other qualifications of any voter at any time it deems necessary. The election authority shall investigate material affecting any voter’s qualifications brought to its attention from any source, and such investigations shall be conducted in the manner it directs.” Mo. ANN. STAT. § 115.191 (2008).


Confirmed by county boards of election officials in Ohio.

42 U.S.C. § 1973g et. seq.

42 U.S.C. § 1973gg-4(a)(1) (2006); see Charles H. Wesley Educ. Found. v. Cox, 408 F.3d 1349, 1355 (11th Cir. 2005) (holding that NVRA prohibited state from rejecting voter registration applications postmarked by correct date under state law); see also Assoc. of Cmty. Organizations for Reform Now v. Edgar, 56 F.3d 791, 792-3, 795 (7th Cir. 1995) (overriding state law to the extent that it conflicts with the NVRA).

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156 Id. § 15483(a)(2)(B)(i) & (ii).

157 The New York Board of Elections must notify voters by mail and wait 14 days prior to cancellation for any reason except request to be removed (which includes registering in another state), death, or inactivity for two general elections. N.Y. Election Law § 5-402(2) (McKinney 2007).

159 Id. § 1505(c) (2006).

160 Lucy Weber, Purged Voter Rolls To Be Fixed, CLARION-LEDGER, Mar. 6, 2008 at 1A.


162 See Letter from C. Delbert Hosemann, Mississippi Secretary of State (Mar. 31, 2008) (on file with the Brennan Center). A later conversation with staff from the Secretary of State’s office clarified this feature.


164 Of the twelve states covered in this report, for example, the following ten provide readily accessible voter portal functions on their websites: Indiana, Kentucky, Michigan, Missouri, Nevada, New York, Ohio, Pennsylvania, Washington, and Wisconsin.


166 See Robert M. Goldman, Reconstruction And Black Suffrage: Losing The Vote In Reese And Cruikshank 13 (Univ. Press of Kansas 2001).


168 Id. at 105.

169 Id.

171 United States v. McElveen, 180 F.Supp. 10, 11-13 (E.D. La. 1960) (finding that purges for errors in voter registration affected 85% of black voters and only 0.07% of white voters, despite similar errors among half of white registrations).


173 See, e.g., Toney v. White, 488 F.2d 310, 312 (5th Cir. 1973) (voiding the results of an election on the ground that a voter purge conducted 30 days prior to the election had a racially discriminatory effect, notwithstanding a lack of evidence suggesting the purge was racially motivated).


176 Id.


180 At the time of publication, most, but not all, states have implemented centralized statewide voter registration databases. For example, California’s VoteCal system is not expected to be fully deployed until 2010. See http://www.sos.ca.gov/elections/bidders_library/q_a_rfp_regional_co.pdf.


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