

New State Law Concerning County Voter List Maintenance Programs

To: County Voter Registration Offices
From: J. Bradley King and Kristi Robertson, Co-Directors
Date: June 7, 2004

Public Law 14-2004, SECTION 49, took effect on March 16, 2004 when the governor signed Senate Enrolled Act 72. This new law authorizes a county voter registration office (the circuit court clerk or board of registration) to conduct a "voter list maintenance program" to maintain voter registration lists at the county level. Before now, state law only allowed the state to perform these voter list maintenance programs. The county voter list maintenance programs under this new state law are optional, not required.

Even though a county may conduct its own voter list maintenance program, the program **must still comply with both state and federal laws.**

In general, the first step in a county administered voter list maintenance program is for the county to determine that a voter's residence address, as listed in the voter registration record, is not current. To make this determination, the county can only use the following information:

1. returned notices sent to *all* voters in the county;
2. returned jury duty notices;
3. information from the Postal Service National Change of Address (NCOA) program; or
4. information from the BMV that a voter has turned in their driver's license in another state to obtain a license there.

Other sources concerning voter addresses (such as returned mail from other governmental offices, returned mail received by political parties or candidates as a result of campaign activity, or information provided by precinct committeemen or poll workers) **cannot** be used for county voter list maintenance under Public Law 14.

Any program that a county chooses to implement under this new law will require the county to send the voter a postcard that complies with the National Voter Registration Act (NVRA). The precise format of the postcard, and how postcard is used in the overall

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voter list maintenance program, will depend on which type of information is used to determine that a voter's residence address, as listed in the voter registration record, is not current and whether or not the voter responds to the postcard.

A. Return Notices Sent to all Voters in the County

This is the simplest voter list maintenance program to administer. However, it is also the most costly. To conduct this program the county would take the following steps:

- A1. Mail a postcard to every voter in the county at the voter's residence address, as listed in the county voter registration record.

Below is a model for the design and layout of the postcard for the county to use for this type of program. A county may consult with a vendor to adapt this design, however, before sending the postcards, the county should consult with the Indiana Election Division to make sure that the final revision of the design complies with the NVRA.

The postcard must 1) be forwardable to the voter so that if a voter has filed a forwarding order with the postal service, this notice will reach the voter at the new address; 2) contain an attached prepaid postage return card addressed to the county voter registration office on which the voter may state his or her current address; and 3) contain a NVRA notice that explains the consequences to the voter's registration if the voter fails to respond to the postcard. Although there is no specific deadline for a voter's response set forth in state law, the voter should be given at least one month to respond to the postcard.

The model postcard for this type of voter list maintenance is as follows:

Below is the instruction side of first card. The reverse side will contain the address of the voter with a return address being the county voter registration office. This card must be postage pre-paid and be attached to, but detachable from, the return postcard.

THE INDIANA SECRETARY OF STATE'S OFFICE OF VOTER REGISTRATION

Dear Voter:

We have mailed this postcard to every voter in *(Name)* County to make sure that we have an accurate and up-to-date voter registration address for everyone. Please help us make sure we have **your** correct registration address by filling out, **signing**, and returning the attached addressed **postage prepaid** return postcard.

Here is how this postcard works:

If you mark that this address is your **current address**, we will *keep* that record as your current voter registration address.

- o If you mark **previous address**, your registration at that address will be *removed* from the voter registration list.
- o If you mark **never lived at this address**, we will *keep* that registration on record because it is probably the registration of someone else with a similar name.
- o **You must sign the return postcard for it to be effective.**

Please return the attached return postcard within one month from the date of this mailing (by *Month Day, 2004*.) If you do not return the postcard, then your voter registration at the address identified on the return postcard will be placed on "inactive status."

"Inactive status" means you will still be allowed to vote if:

1. You go to the polls to vote (or cast an absentee ballot) during 2004, 2005 or 2006; OR
2. You confirm with the county voter registration office that you still live at the address listed on your voter registration and you are otherwise still qualified to vote.

If you do not vote in 2004, 2005 or 2006, or confirm your address on your voter registration, then your voter registration at the address identified on the attached return card will be cancelled after the November 2006 election.

This is the information side of the second card. This will be attached to, but detachable from, the first card. The reverse side of this card will contain the return address of the post office box designated by the county voter registration office. The postage will be prepaid for the return card.

<p>For the address listed to the right, please mark one box to indicate whether it is your current address, a previous address, or an address where you have never lived.</p>	<p style="text-align: right;">RETURN POSTCARD</p> <p>John Mellencamp 960 East Berwyn Street, Indianapolis Marion County Voter Reg. 317-787-9999</p> <p>Check One: <input type="checkbox"/> Current Address <input type="checkbox"/> Previous Address <input type="checkbox"/> Never Lived at this Address</p>
<p>You may use the space below only to change your name or address for the registration above that you marked as a "Current Address" or "Previous Address" if your residence is within the same county as the Previous or Current Address marked above.</p> <p>If you have moved to a new county from this address, then you must contact your new county to re-register.</p>	
<p><small>Name Change (Initials)</small></p> <hr/> <p>Are you a citizen of the United States of America?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><small>Current Address Change (If different from your current address listed above)</small></p> <hr/> <p>Will you be at least 18 years of age on or before election day?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

[Redacted]		
Your Signature	Telephone Number with Area Code	Date
_____	() _____	_____

- A2. The second step in this type of voter list maintenance program depends upon whether or not the voter responds to the postcard.
- a. If the voter responds to the postcard by providing a different residence address, the county voter registration office shall update the voter's record if the address is in the county, and shall cancel the voter's record if the address is outside the county.
 - b. If the voter fails to respond to the postcard by the deadline specified in the postcard, the county voter registration office then designates voter's registration at that address as "inactive." The voter's inactive registration is either:
 - cancelled by the county voter registration office if the voter fails to vote at any primary, special or general election, or otherwise confirm the voter's registration address, at the voter's registration address during the time period starting with sending the postcard and ending after the next two general elections (On December 1, 2006, after the general elections in 2004 and 2006, for example); or
 - reactivated (that is, the "inactive" designation is removed from the voter's registration record and the voter's registration becomes "active") if the voter votes, or otherwise confirm the voter's registration address, during the time period starting with sending the postcard and ending after the next two general elections (2004 and 2006, for example).

Federal law requires that any county voter list maintenance program must be completed no later than 90 days before an election (August 6, 2004 before the 2004 general election)

B. Notices Sent in Response to Returned Jury Notices

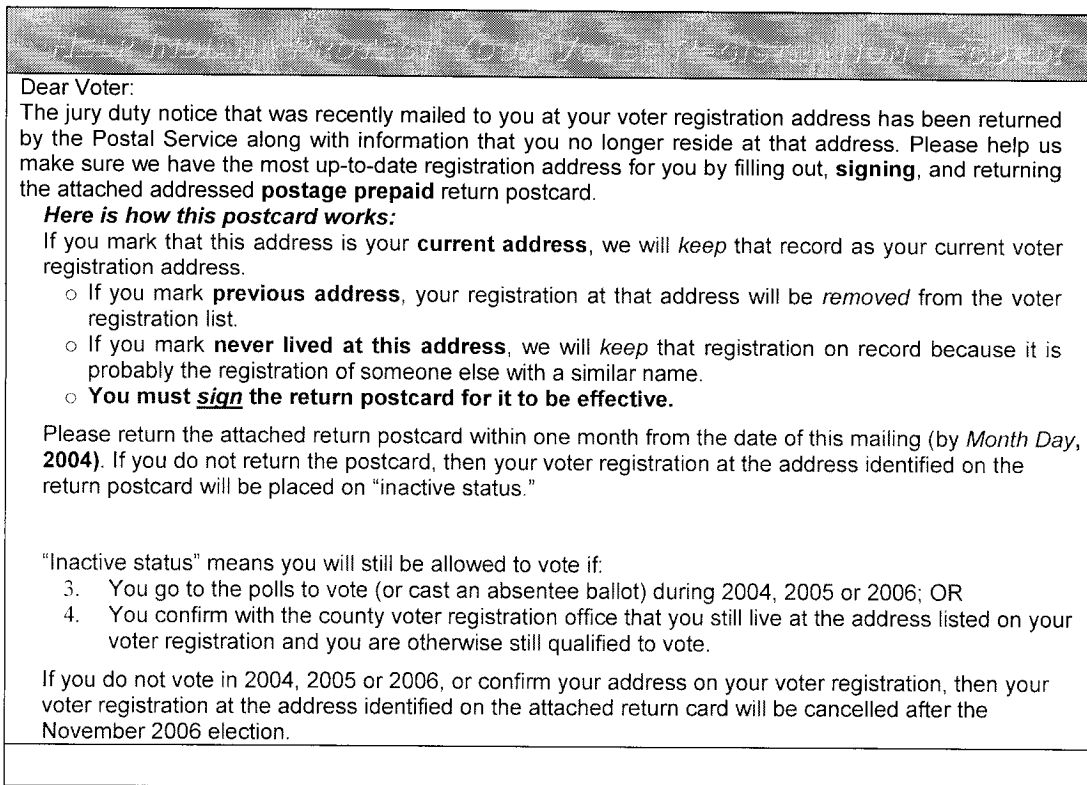
If a county chooses to conduct a voter list maintenance program based upon returned jury notices, the county must take the following steps:

B1. If a jury notice is mailed to a voter at the voter's residence address, as listed on the county voter registration record, and this jury notice is returned by the post office as undeliverable, then the county mails a follow-up postcard to the voter at the voter's residence address as listed on the county voter registration record. The voter should be given at least one month to respond to the follow-up postcard.

To encourage voter responses, a return postcard must also be included with the follow-up postcard. The return postcard will be pre-addressed to the county voter registration office, and will be in the same format as the return postcard described in (A) above.

The instruction side of the follow-up post card for this voter list maintenance program is as follows:

Below is the instruction side of the first card. The reverse side will contain the address of the voter with a return address being the county voter registration office. This card must be postage pre-paid and be attached to, but detachable from, the return postcard.



- B2. The second step in this type of voter list maintenance program depends upon whether or not the voter responds to the postcard.
- a. If the voter responds to the postcard by providing a different residence address, the county voter registration office shall update the voter's record if the address is in the county, and shall cancel the voter's record if the address is outside the county.
 - b. If the voter fails to respond to the postcard by the deadline specified in the postcard, the county voter registration office then designates voter's registration at that address as "inactive." The voter's inactive registration is either:
 - cancelled by the county voter registration office if the voter fails to vote at any primary, special or general election, or otherwise confirm the voter's registration address, at the voter's registration address during the time period starting with sending the postcard and ending after the next

two general elections (On December 1, 2006, after the general elections in 2004 and 2006, for example); or

- reactivated (that is, the “inactive” designation is removed from the voter’s registration record and the voter’s registration becomes “active”) if the voter votes, or otherwise confirm the voter’s registration address, during the time period starting with sending the postcard and ending after the next two general elections (2004 and 2006, for example).

Federal law requires that any county voter list maintenance program must be completed no later than 90 days before an election (August 6, 2004 before the 2004 general election)

C. Notices Sent in Response to Returned Mail or Address Information Obtained from NCOA

The United States Postal Service maintains a database containing information provided by persons who file a change of address notice with the Postal Service. This database is called the “National Change of Address program” or “NCOA.”

A county may conduct a voter list maintenance program by submitting all the voter registration addresses in the county to an NCOA licensed address-matching service. These licensees charge a fee for conducting either a one-time matching service, or for providing ongoing address matching. For more information on this type of NCOA address matching service, see the following USPS web page:

<http://www.usps.com/nesc/services/ncoa.html>

The NCOA database is also used to help the post office identify individual pieces of mail that cannot be delivered as addressed. If, for example, a voter filed a forwarding order for the voter’s mail and that forwarding order has now expired, or the address where the voter resided can no longer receive mail deliveries (due to a building being demolished, for example), then the post office returns the mailing to the sender with one of several types of “yellow stickers”, indicating that the mailing is undeliverable as addressed.

A county can conduct a voter list maintenance program under Public Law 14-2004 using NCOA information obtained either from a comprehensive address-matching program, or from individual pieces of mail returned as undeliverable.

If the county chooses to conduct the program based on the return of individual pieces of mail, then the program must be conducted in a “uniform and nondiscriminatory” manner to comply with federal law. For example, if the county notifies voters in a precinct that the precinct’s polling place has changed, and some of these notices are returned as undeliverable, then the county may send voter list maintenance notices to those voters. However, to be uniform and nondiscriminatory, the county must follow the same procedures in sending notices to voters in other precincts.

If a county chooses to conduct a voter list maintenance program using NCOA information, the county would take the following steps:

C.1. If a notice was mailed in the ordinary course of business to the voter at the voter's residence address as listed on the county voter registration record (a notice of the change in the voter's precinct or polling place, for example), and this notice was returned by the post office with a "yellow sticker" attached by the USPS using National Change of Address NCOA information indicating that the notice is undeliverable for some reason (e.g. "forwarding address expired"), then the county mails a follow-up postcard to the voter at the voter's residence address as listed on the county voter registration record. The voter should be given at least one month to respond to the follow-up postcard.

To encourage voter responses, a return postcard must also be included with the follow-up postcard. The return postcard will be pre-addressed to the county voter registration office, and will be in the same format as the return postcard described in (A) above.

NOTE: The same procedure would be followed if an NCOA address matching program was performed by a licensee, and the voter was identified as having filed a change of address order with the post office)

The instruction side of the follow-up postcard for this type of voter list maintenance is as follows:

Below is the instruction side of the first card. The reverse side will contain the address of the voter with a return address being the county voter registration office. This card must be postage pre-paid and be attached to, but detachable from, the return postcard.

THE CALIFORNIA REGISTRATOR GENERAL CIVIL RIGHTS DIVISION

Dear Voter:

We have received information from the United States Postal Service National Change of Address Program indicating that you no longer reside at the address shown on your voter registration record. Please help us make sure we have the most up-to-date registration address for you by filling out, **signing**, and returning the attached addressed **postage prepaid** return postcard.

Here is how this postcard works:

If you mark that this address is your **current address**, we will *keep* that record as your current voter registration address.

- If you mark **previous address**, your registration at that address will be *removed* from the voter registration list.
- If you mark **never lived at this address**, we will *keep* that registration on record because it is probably the registration of someone else with a similar name.
- **You must sign the return postcard for it to be effective.**

Please return the attached return postcard within one month from the date of this mailing (by *Month Day, 2004*). If you do not return the postcard, then your voter registration at the address identified on the return postcard will be placed on "inactive status."

"Inactive status" means you will still be allowed to vote if:

5. You go to the polls to vote (or cast an absentee ballot) during 2004, 2005 or 2006; OR
6. You confirm with the county voter registration office that you still live at the address listed on your voter registration and you are otherwise still qualified to vote.

If you do not vote in 2004, 2005 or 2006, or confirm your address on your voter registration, then your voter registration at the address identified on the attached return card will be cancelled after the November 2006 election.

- C2. The second step in this type of voter list maintenance program depends upon whether or not the voter responds to the postcard.
- a. If the voter responds to the postcard by providing a different residence address, the county voter registration office shall update the voter's record if the address is in the county, and shall cancel the voter's record if the address is outside the county.
 - b. If the voter fails to respond to the postcard by the deadline specified in the postcard, the county voter registration office then designates voter's registration at that address as "inactive." The voter's inactive registration is either:
 - cancelled by the county voter registration office if the voter fails to vote at any primary, special or general election, or otherwise confirm the voter's registration address, at the voter's registration address during the time period starting with sending the postcard and ending after the next two general elections (On December 1, 2006, after the general elections in 2004 and 2006, for example); or
 - reactivated (that is, the "inactive" designation is removed from the voter's registration record and the voter's registration becomes "active") if the voter votes, or otherwise confirm the voter's registration address, during the time period starting with sending the postcard and ending after the next two general elections (2004 and 2006, for example).

Federal law requires that any county voter list maintenance program must be completed no later than 90 days before an election (August 6, 2004 before the 2004 general election)

If you would like to receive an electronic version of any of the postcards or you have further questions regarding county voter registration maintenance programs, please contact us.