



Combatting Wrongful Voter Purges: A Toolkit

I. Introduction

When a state or county systematically removes people from its list of registered voters, this is called a “voter purge.” Sometimes this is a harmless process for removing people who pass away or no longer live in the state. But in the past decade wrongful purges have become a key strategy for some politicians and political operatives to suppress the vote and disenfranchise voters they think will oppose them.

Wrongful purges undermine our right to vote and can even decide the fate of an entire election: Some elections are decided by only a handful of votes, but a purge may strike tens of thousands of voters from the rolls. What’s more, purges often disproportionately affect voters of color.

The challenge to combatting wrongful purges is that they are done with little or no fanfare. The result is that many voters don’t find out they have been purged until they try to vote. At that point, it is usually too late to fix the problem.

This toolkit aims to help local leaders and communities identify and combat these wrongful purges. The toolkit explains (1) warning signs of a wrongful purge; (2) how you can find out about purges before they happen; (3) what to do if you think voters in your community are being purged; and (4) how federal law restricts purges.

II. How to Spot a Wrongful Purge

A. Warning Signs

Here are some warning signs that a wrongful purge may be coming or may have already occurred in your community. If you notice any of these warning signs, see the “How to Fight Back” section below for action steps.

Voters believe they are registered, but a check of their registration status shows they are not.

- Voters sometimes mistakenly believe they are registered. For example, maybe they moved and forgot to reregister, or maybe they never registered in the first place. But if you find an unusually large number of voters who believe they are registered but aren't, this could indicate a purge.
- When this happens, consider asking voters for more information. Relevant information includes:
 - » When and where the person thinks they registered;
 - » When the person last voted;
 - » Whether the person recently moved;
 - » Whether the person recently changed their name (e.g., as a result of marriage);
 - » Whether the person had any recent interactions with the criminal justice system;
 - » Whether anyone else who lives in the house or recently lived in the house has a similar name to the voter (e.g., senior and junior);
 - » It can also be helpful to verify the registration status of other household members.
- This information can help you find out why people are being purged or if people who tried to register are not getting on the rolls in the first place.

Public statements about an upcoming purge or problems with the voter list.

- Statements by government officials or private parties on certain topics can indicate a wrongful purge is coming:

- » Claims of voter fraud, including threats to prosecute voter fraud;
- » Claims that noncitizens or nonresidents are voting;
- » Claims that dead people are registered to vote;
- » Claims that the voter rolls are a mess or that they need to be cleaned up;
- » Claims that more people are registered to vote than live in the area.
- National right-wing groups that have used inflammatory statements to try to force purges include:
 - » American Civil Rights Union (ACRU);
 - » Judicial Watch;
 - » The Public Interest Legal Foundation (PILF);
 - » True the Vote.
- Often, local critics will push for purges. You may know who these people are, and it's helpful to keep track of what they are saying. If you know of people who often make claims of voter fraud or other wrongdoing by local governments, it's worth occasionally checking to see if they've made recent statements about voter fraud, purges, poll-watching, or if they are promoting work by the groups listed above.

Mailed notices.

- Local boards or supervisors of elections will often send out notices to voters through the mail before or after a purge.
- The following notices may indicate a wrongful purge:
 - » A notice that a voter's eligibility has been challenged by another citizen;
 - » A notice confirming a voter's address or registration status;
 - » A notice that a voter has been removed from the voting rolls.
- However, these notices may also be a result of a lawful process. If someone in your community receives one, inquire with the office that sent it, ask other residents if they're encountering similar notices, and see the "How to Fight Back" section below.

Suspicious mail about elections.

- If community members receive unexpected mail about elections or voter registration from someone other than your elected officials,

this may be a sign that the sender is trying to concoct evidence to support their demand for a voter purge.

- Such mail may also indicate that the sender is looking for people whose mail is returned undeliverable so that they can challenge those voters and stop them from being allowed to vote.

B. Proactive Steps to Check for Wrongful Purges

A purge might affect your community without you knowing it happened. Here are a few ways to look for harmful purges before they prevent people from voting. If you turn up anything that worries you, see the “How to Fight Back” section below for action steps.

Set a Google Alert or other news alert for the public warning signs listed above.

Follow your local elections office and right-wing activists on Twitter and other social media platforms so you can keep track of what they are saying and doing.

Determine the timeline for any scheduled voting list maintenance in your state or county.

- For state-level purges, call the office of the chief elections official (usually the Secretary of State or state board of elections) and ask about the timing and process for their “list maintenance” and “voter removal” procedures.
- For local purges, call your local county board of registrars, county clerk, or circuit judge.
- When you learn the schedule, compare this against the elections calendar—if any of the scheduled purges are within 90 days of a federal election (primary or general), this is improper; see the “How to Fight Back” section for action steps.

Check registrations.

- Occasionally checking your voter registration status, as well as the status of friends and family (or encouraging them to check), can help you find out if people have been incorrectly removed.
- Consider checking registration status 4 months before the election, and again 6 weeks before the election. These intervals will help you find out if an invalid purge has occurred and ensure you have enough time to re-register before the election.

- Registration resources include:
 - » RockTheVote.org/how-to-vote/am-i-registered-to-vote/;
 - » Vote.org;
 - » Restorethevote.org (which can help formerly incarcerated people assess their eligibility to vote);
 - » Your state Secretary of State’s website may also let you check your registration.

Review public lists of voters placed on a “suspension” or “inactive” list, which may indicate a future purge.

- Some states place voters on a suspension or inactive list when they neither vote nor reply to a confirmation mailing. If a voter remains on the list too long, their registration may be cancelled.
- Review a public suspension list, if it’s available.
 - » Some Secretaries of State provide the list online or publish it in newspapers. In other states, you can get the list if you request it.
 - » Review the list to see if you or people you know have been added to it. If so, check in with them to confirm that they were added correctly and to encourage them to update their information so they remain eligible to vote.

Incorporate a registration check in your voter registration drives, GOTV, or canvassing activities.

- When doing voter outreach or registration drives, check the registration status for people you speak to, even if they think they are already registered. Verify the person is registered and that their registration is up to date (e.g., with their current address).
- Keep a tally of voters whose status is not what they expected.

Train election protection volunteers or poll monitors on voter purges.

- Volunteers conducting election protection activities during early voting or on Election Day should identify voters who were unable to vote or who had to vote a provisional ballot and ask if they expected to be on the voting rolls but were told they were not.
- If your elections are mostly being conducted by mail, volunteers should reach out to your constituents during the early vote period to see if anyone has received notices that their ballots have been rejected, or has received a provisional rather than regular ballot unexpectedly, or didn’t receive their ballot at all.

Submit a records request to your state Secretary of State or your local elections clerk.

- Most states have “Freedom of Information” or “Open Records” laws that give you the right to see government records, and federal law requires certain voter registration documents be made available on request.
- Use this right to ask for records explaining how the state or local government updates the voter rolls and removes stale registrations, as well as lists of voters who have been removed from the rolls or who are going to be removed during the next purge. You can find template requests and more information at: [Demos.org/voter-purge-toolkit](https://demos.org/voter-purge-toolkit).
- Demos may be able to help you analyze these records, so please reach out at Voting@Demos.org or through the intake form listed below.

Share what you learn.

- Demos and other voter protection groups are always looking to learn as much as possible about purge activity across the country, even if the purge is valid. Whatever you learn about timing of purges, procedures, lists of purged voters, etc. is helpful!
- Go to [Demos.org/voting-intake](https://demos.org/voting-intake) to share what you’ve learned.

Join Demos’ Voter Purge Table.

- Demos has brought together dozens of national and local grassroots groups to be on the lookout for wrongful purges this year, and joining this group is a great way to keep up on the latest purge news and get real-time help with questions.
- Reach out to Voting@Demos.org to join.

III. How to Fight Back

If you suspect an invalid purge has occurred or will occur, here are some steps you can take.

First, if you find a pattern of incorrect removals or other evidence of a wrongful purge, contact Demos or another legal organization that can look into the issue and help stop it. Even if you're not sure if something is a problem, please let us know—sometimes problematic patterns are easier to spot when many people share information. We especially want to know about bad actors in your community, whether politicians, elections officials, or outside organizations.

- Fill out an intake form at Demos.org/voting-intake. Demos consistently review reports submitted here and will follow up with you.
- Email Voting@Demos.org.
- Call Demos at 212.633.1405.
- In addition, you may also call Election Protection at: 1-866-OUR-VOTE.

Second, ask the official in charge of the voter registration list (at the county board of elections) whether voters have been removed and why.

- You can also send a formal records request.
- See the “Proactive Steps” section above for more information, and you can find template records requests at: Demos.org/voter-purge-toolkit.

Third, tell people in your community so that they know they may have been incorrectly removed and urge them to check their own voter registration.

- If you can, alert reporters and spread the word on social media.
- But be sure to verify that the purge is problematic before spreading the word so you don't raise unnecessary alarm or inadvertently scare people away from trying to vote.

Fourth, if you encounter threats or intimidation related to an election, whether at the polls or before Election Day, please (1) notify others in your community, and (2) reach out to a social justice organization like Demos that can help you fight back.

Issues On Voting Day

People sometimes encounter poll watchers on Election Day or during early voting who challenge their right to vote, or other obstacles to casting their ballot. Here is a quick list of common issues and how to address them:

Intimidation and harassment – The Voting Rights Act and other federal laws prohibit intimidation, threats or coercion targeting a person’s right to vote. In addition, many states restrict who can appear near polling places or monitor voting inside them. If you encounter intimidation or harassment, contact local law enforcement and elections officials if you think they can help. Also contact the Department of Justice Voting Section (1-800-253-3931) and the Election Protection hotline: 1-866-OUR-VOTE for assistance in English, 888-VE-Y-VOTA for assistance in Spanish, 1-888-API-VOTE for assistance in Asian languages, and 844-YALLA-US for assistance in Arabic.

Unexpected removal – If you find members of your community are not listed on the rolls at their polling places, try to check their registrations online. If a voter’s registration is still active, inquire with poll workers and your local elections official about how to proceed. If a voter is not registered, ask what is necessary to reactivate their registration or cast a ballot. In some states, they may be able to cast a provisional ballot, but need to provide further documents to the local elections officer after Election Day.

Challenge to voter registration – If you learn that someone has challenged a voter’s registration, this may be an indication of a widespread effort to block or intimidate voters. Find out what procedures your state provides to defend registrations. Often, a state provides a hearing in which you can present evidence and argue your case. In addition, contact Election Protection at 1-866-OUR-VOTE.

Continued

Limited English proficiency – If members of your community are not completely comfortable speaking English but you find that voting materials are only available in English and not available in other languages, this may be a violation of federal legal protections. You can contact Election Protection at 1-866-OUR-VOTE for assistance in English, 888-VE-Y-VOTA for assistance in Spanish, 1-888-API-VOTE for assistance in Asian languages, and 844-YALLA-US for assistance in Arabic.

Inactive voter lists – Voters may be listed as “inactive” for many different reasons, but typically these voters should be able to vote a regular ballot (rather than a provisional ballot) and update any information necessary at the polls. If community members are finding themselves listed as “inactive” despite having voted recently or are being asked to vote a provisional ballot, contact Election Protection at 1-866-OUR VOTE.

IV. Key Legal Protections

The National Voter Registration Act (NVRA) limits why and when a state or county can remove someone from the voter rolls.

First, any program for updating the voter rolls must be “uniform, non-discriminatory and in compliance with the Voting Rights Act,” which prohibits removals that have a disparate impact on voters of color.

Second, the NVRA prohibits state and local governments from doing anything “to systematically remove” voters less than 90 days before a federal primary or general election. This includes programs that would be legal if conducted further out from the election. Within the 90-day window, a jurisdiction can still remove a person in a one-off act (e.g., based on a person’s request to be removed). However, the jurisdiction cannot run a program to remove large numbers of people.

Third, the NVRA requires each state “make available for public inspection” all records related to voter list maintenance, including “lists of names and address of all persons” who were mailed address confirmation notices.

Fourth, the NVRA permits removal based on: (1) the request of the voter; (2) death; (3) change of residence; (4) criminal conviction; or (5) adjudication of mental incapacity. A state may also remove someone if it sends them an address confirmation notice, the voter does not respond, and the person subsequently does not vote at all during the time period that includes the next two federal general elections.

In addition, a person can be removed if they are not a U.S. citizen.

V. Reach Out

If you encounter a wrongful or suspicious purge—or think you might have but are not sure—please reach out for more help.

- Fill out an intake form at Demos.org/voting-intake. Demos consistently review reports submitted here and will follow up with you.
- Email Voting@Demos.org.
- Call Demos at 212.633.1405.
- Access an electronic version of this toolkit at Demos.org/voter-purge-toolkit.

For help with records requests:

- Find a template records request for inquiring about a purge at: Demos.org/voter-purge-toolkit.
- If you have received information from a request you submitted and would like help assessing it, reach Demos at: Voting@Demos.org.



We are a dynamic “think-and-do” tank that powers the movement for a just, inclusive, multiracial democracy.

Through cutting-edge policy research, inspiring litigation and deep relationships with grassroots organizations, Dēmos champions solutions that will create a democracy and economy rooted in racial equity.

Our name means “the people.” It is the root word of democracy, and it reminds us that in America, the true source of our greatness is the diversity of our people.

Media Contact

media@demos.org

demos.org

80 Broad St., 4th Fl.
New York, NY 10004

740 6th St. NW., 2nd Fl.
Washington, DC 20001