

Appendix C: Excerpts from the National Voter Registration Act (NVRA)

Introduction

The National Voter Registration Act of 1993 (NVRA) was enacted to enhance election integrity by ensuring accurate and updated voter registration rolls while protecting eligible voters' rights. Judicial Watch has successfully used the NVRA to compel multiple jurisdictions, including Pennsylvania, to clean their voter rolls, removing ineligible registrations that could lead to election fraud. Below are relevant excerpts and descriptions of NVRA provisions that underscore the DOJ's obligation to enforce these standards promptly, without deferral.

1. NVRA Section 8 – Requirements for Voter Registration List Maintenance

52 U.S.C. § 20507(a) – Duty to Maintain Accurate Voter Rolls

“Each State shall...conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of... a change in residence of the registrant outside the jurisdiction.”

Purpose: This provision mandates that states regularly update voter registration lists to maintain accuracy. Inadequate maintenance increases the risk of ineligible individuals appearing on voter rolls, potentially leading to fraudulent votes.

2. NVRA Section 8(b) – Prohibition on Unreasonable Restrictions for Voter Roll Updates

52 U.S.C. § 20507(b) – Protection Against Voter Roll Manipulation

“Any program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office...shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.”

Purpose: This clause prohibits discriminatory practices in voter roll maintenance, mandating transparency and fairness. Delayed investigations into voter registration inaccuracies could contravene this standard by permitting non-compliance to persist through the election cycle.

3. NVRA Section 8(c) – Addressing Registrants Who Have Moved or Become Ineligible

52 U.S.C. § 20507(c) – Requirement for Programs Addressing Ineligibility

“A State shall not remove the name of a registrant from the official list of eligible voters except... as provided by State law, by reason of criminal conviction or mental incapacity, or as authorized under section (a)(3), regarding registrants who have moved.”

Purpose: The NVRA requires prompt action by states to address ineligibility, particularly for voters who have moved out of the jurisdiction. Delaying investigation or enforcement undermines the Act’s intent to maintain accurate, lawful voter rolls.

4. NVRA Section 8(i) – Public Disclosure of Voter Roll Maintenance Practices

52 U.S.C. § 20507(i) – Transparency and Public Confidence

“Each State shall maintain for at least 2 years and shall make available for public inspection... 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.”

Purpose: This provision mandates transparency in the voter roll maintenance process, allowing public oversight to deter fraud and enhance confidence. The DOJ’s deferral policy, by delaying intervention and enforcement, impedes the public’s ability to monitor these processes effectively.

5. NVRA Enforcement Mechanisms and Judicial Review

52 U.S.C. § 20510 – Civil Enforcement and Compliance

“The Attorney General may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to any violation of this chapter.”

Purpose: The NVRA empowers the Attorney General to enforce compliance through immediate legal action. The DOJ’s deferral of election investigations until post-certification effectively undermines this enforcement provision by postponing necessary actions that could prevent or remedy non-compliance before an election’s outcome is finalized.

Conclusion

The NVRA's provisions collectively establish an urgent federal interest in accurate and updated voter rolls to safeguard election integrity. Judicial Watch has consistently used the NVRA to enforce lawful voter roll maintenance practices across the United States, achieving significant reforms. The DOJ's current policy of deferring investigations until post-certification contradicts the NVRA's purpose and enforcement mechanisms, delaying crucial corrective actions until they may be ineffectual.

This appendix highlights the DOJ's duty under the NVRA to act promptly and underscores the importance of Judicial Watch's intervention to ensure immediate compliance with federal election standards.