

119TH CONGRESS
1ST SESSION

S. _____

To amend the National Voter Registration Act of 1993 to clarify that a State may not use an individual's failure to vote as the basis for initiating the procedures provided under such Act for the removal of the individual from the official list of registered voters in the State on the grounds that the individual has changed residence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA (for himself, Ms. KLOBUCHAR, Mr. MURPHY, Mr. VAN HOLLEN, Ms. SMITH, Mr. SANDERS, Mrs. GILLIBRAND, Mr. KING, Mr. KAINE, Mr. SCHIFF, Ms. ALSOBROOKS, Ms. HIRONO, Mrs. SHAHEEN, Mr. BLUMENTHAL, Ms. WARREN, Mr. BOOKER, Mr. MERKLEY, Ms. DUCKWORTH, Mr. FETTERMAN, Mr. WYDEN, Mr. MARKEY, Mr. KIM, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the National Voter Registration Act of 1993 to clarify that a State may not use an individual's failure to vote as the basis for initiating the procedures provided under such Act for the removal of the individual from the official list of registered voters in the State on the grounds that the individual has changed residence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Voter Purge Protection
3 Act”.

4 **SEC. 2. PURPOSE.**

5 The purposes of this Act are—

6 (1) to prohibit States from removing individuals
7 from an official list of registered voters due to
8 changes in residence; and

9 (2) to protect the right to vote by allowing vot-
10 ers who are automatically registered or had pre-
11 viously registered to vote in a State to update their
12 address through the day of the election.

13 **SEC. 3. CONDITIONS FOR REMOVAL OF VOTERS FROM LIST**
14 **OF REGISTERED VOTERS.**

15 (a) CONDITIONS DESCRIBED.—The National Voter
16 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
17 amended by inserting after section 8 the following new
18 section:

19 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
20 **OFFICIAL LIST OF REGISTERED VOTERS.**

21 “(a) VERIFICATION ON BASIS OF OBJECTIVE AND
22 RELIABLE EVIDENCE OF INELIGIBILITY.—

23 “(1) REQUIRING VERIFICATION.—Notwith-
24 standing any other provision of this Act, a State
25 may not remove the name of any registrant from the
26 official list of voters eligible to vote in elections for

1 Federal office in the State unless the State verifies,
2 on the basis of objective and reliable evidence, that
3 the registrant is ineligible to vote in such elections.

4 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
5 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
6 purposes of paragraph (1), except as permitted
7 under section 8(d) after a notice described in para-
8 graph (2) of such section has been sent, the fol-
9 lowing factors, or any combination thereof, shall not
10 be treated as objective and reliable evidence of a reg-
11 istrant’s ineligibility to vote:

12 “(A) The failure of the registrant to vote
13 in any election.

14 “(B) The failure of the registrant to re-
15 spond to any election mail, unless the election
16 mail has been returned as undeliverable.

17 “(C) The failure of the registrant to take
18 any other action with respect to voting in any
19 election or with respect to the registrant’s sta-
20 tus as a registrant.

21 “(3) REMOVAL BASED ON OFFICIAL
22 RECORDS.—

23 “(A) IN GENERAL.—Nothing in this sec-
24 tion shall prohibit a State from removing a reg-
25 istrant from the official list of eligible voters in

elections for Federal office if, on the basis of official records maintained by the State, a State or local election official knows, on the basis of objective and reliable evidence, that the registrant has—

“(i) died; or

“(ii) permanently moved out of the State and is no longer eligible to vote in the State.

“(B) OPPORTUNITY TO DEMONSTRATE ELIGIBILITY.—The State shall provide a voter removed from the official list of eligible voters in elections for Federal office under this paragraph an opportunity to demonstrate that the registrant is eligible to vote and be reinstated on the official list of eligible voters in elections for Federal office in the State.

“(b) NOTICE AFTER REMOVAL.—

“(1) NOTICE TO INDIVIDUAL REMOVED.—

“(A) IN GENERAL.—Not later than 48 hours after a State removes the name of a registrant from the official list of eligible voters, the State shall send notice of the removal to the former registrant, and shall include in the notice the grounds for the removal and informa-

1 tion on how the former registrant may contest
2 the removal or be reinstated, including a tele-
3 phone number for the appropriate election offi-
4 cial.

5 “(B) EXCEPTIONS.—Subparagraph (A)
6 does not apply in the case of a registrant—

7 “(i) who sends written confirmation to
8 the State that the registrant is no longer
9 eligible to vote in the registrar’s jurisdic-
10 tion in which the registrant was registered;
11 or

12 “(ii) who is removed from the official
13 list of eligible voters by reason of the death
14 of the registrant.

15 “(2) PUBLIC NOTICE.—Not later than 48 hours
16 after conducting any general program to remove the
17 names of ineligible voters from the official list of eli-
18 gible voters (as described in section 8(a)(4)), the
19 State shall disseminate a public notice through such
20 methods as may be reasonable to reach the general
21 public (including by publishing the notice in a news-
22 paper of wide circulation and posting the notice on
23 the websites of the appropriate election officials)
24 that list maintenance is taking place and that reg-
25 istrants should check their registration status to en-

1 sure no errors or mistakes have been made. The
2 State shall ensure that the public notice dissemi-
3 nated under this paragraph is in a format that is
4 reasonably convenient and accessible to voters with
5 disabilities, including voters who have low vision or
6 are blind.”.

7 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
8 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
9 20507(d)) is amended by adding at the end the following
10 new paragraph:

11 “(4) A State may not transmit a notice to a
12 registrant under this subsection unless the State ob-
13 tains objective and reliable evidence (in accordance
14 with the standards for such evidence which are de-
15 scribed in section 8A(a)(2)) that the registrant has
16 changed residence to a place outside the registrar’s
17 jurisdiction in which the registrant is registered.”.

18 (c) CONFORMING AMENDMENTS.—

19 (1) NATIONAL VOTER REGISTRATION ACT OF
20 1993.—Section 8(a) of such Act (52 U.S.C.
21 20507(a)) is amended—

22 (A) in paragraph (3), by striking “pro-
23 vide” and inserting “subject to section 8A, pro-
24 vide”; and

1 (B) in paragraph (4), by striking “con-
2 duct” and inserting “subject to section 8A, con-
3 duct”.

4 (2) HELP AMERICA VOTE ACT OF 2002.—Section
5 303(a)(4)(A) of the Help America Vote Act of 2002
6 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
7 “registrants” the second place it appears and insert-
8 ing “and subject to section 8A of such Act, reg-
9 istrants”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of the enactment
12 of this Act.

13 **SEC. 4. STATE REGISTRATION PORTABILITY.**

14 (a) IN GENERAL.—Section 8(e) of the National Voter
15 Registration Act of 1993 (52 U.S.C. 20507(e)) is amend-
16 ed to read as follows:

17 “(e) PROCEDURE FOR VOTING FOLLOWING FAILURE
18 TO RETURN CARD.—Notwithstanding failure to notify the
19 registrar of the change of address prior to the date of an
20 election, a registrant who has moved from an address in
21 the State to an address in the same State shall, upon oral
22 or written affirmation by the registrant of the change of
23 address before an election official, be permitted to vote
24 (at the option of the voter)—

1 “(1) at the polling place of the registrant’s cur-
2 rent address; or

3 “(2) at a central location within the same reg-
4 istrar’s jurisdiction.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 this section shall take effect on the date of the enactment
7 of this Act.