

Chapter 6

Recordkeeping and Reporting Requirements

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I. Overview

Section 8¹ of the NVRA requires states to keep and make available for public inspection for a period of two years, all records concerning the implementation of accurate and current voter registration lists. However, the NVRA requires records relating to a person's decision not to register to vote or the specific agency through which a person registered to vote to be kept confidential.

The records each state keeps under the NVRA must include lists of the names and addresses of voters who are sent confirmation notices and whether or not each voter responded to the confirmation notice.

Under the NVRA, as originally passed by Congress, states had reporting responsibilities to the Federal Elections Commission, which in turn reported biennially to Congress on the impact of the NVRA. With the passage of the Help America Vote Act (HAVA) of 2002, these reporting responsibilities were transferred from the Federal Election Commission to the United States Election Assistance Commission (EAC).

In order to meet its Congressional reporting responsibilities, the EAC has developed a state survey and requires the Secretary of State's office to submit its statewide report by March 31st of each odd-numbered year. The EAC survey gathers data on the number of voter registration applications by mail from motor vehicle offices, public assistance offices, offices providing state-funded programs primarily serving people with disabilities, Armed Forces recruitment offices, and other offices designated by states under the NVRA as voter registration agencies. States also report voter registration list maintenance information in response to the EAC survey every two years.

II. Information Collected and Reported

Federal regulations require the information below to be included in state reports to the EAC. The Secretary of State gathers this information from the counties and compiles one comprehensive report for the state of California. California's biennial reports to the EAC are found on the Secretary of State's website at www.sos.ca.gov/elections/voter-registration/nvra/reports/. Some of the categories of reporting include:

- A. The total number of registered voters statewide, including both active and inactive voters, in the federal general election two years prior to the most recent federal general election. HAVA requires that both are reported for those states that make a distinction between active and inactive voters.
- B. The total number of registered voters statewide, including both active and inactive voters, in the most recent federal election.
- C. The total number of new valid registrations accepted between the past two federal general elections, including all registrations that are new to the county

¹ Throughout this chapter, "Section 8" refers to 52 U.S.C. § 20507.

and re-registrations across county lines, but excluding all applications that are duplicates, rejected, or report only a change of name, address, or party preference within the same jurisdiction.

- D. The total number of registrants that were considered inactive at the close of the most recent federal general election.

County elections officials report to the Secretary of State the total number of voters who remain on the inactive section of the voter roll after the federal general election preceding their report. For example, this would be the number of voters in the inactive portion of the voter roll after re-activation of those inactive voters who voted a provisional ballot in that federal general election. (See Chapter 5 on provisional voting.)

- E. The total number of registrations that were cancelled from the registration list, including both active and inactive voters between the past two federal general elections.

County elections officials report to the Secretary of State the total number of voters removed from the voter rolls for any of the following reasons:

1. Death;
 2. Currently in state or federal prison or on parole for the conviction of a felony;
 3. Currently found to be mentally incompetent to vote by a court;
 4. Moved outside the state;
 5. Direct notice by the voter to the elections office, DMV, or other agency regarding a change of address outside the state or requesting removal from the voter roll; or
 6. NVRA Section 8(d)(2) notice and removal process. (See Chapter 4 on list maintenance.)
- F. The number of registration applications received (regardless of whether they were valid, rejected, duplicative, or indicated address, name or party preference changes) from or generated by each of the following categories:
1. Mailed VRCs - County elections officials report to the Secretary of State the number of Voter Registration Cards (VRC) from applicants residing in the county. The total number includes those VRCs forwarded from other county elections offices and the Secretary of State. This number does not include VRCs generated by the Department of Motor Vehicles (DMV) or other NVRA-designated voter registration agencies (VRAs).
 2. In-person
 3. Internet (via California's Online Voter Registration Application)

4. DMV - County elections officials report voter registrations received through DMV (See Chapter 2 for information on voter registrations completed at DMV.)
 5. Public Assistance Agencies (See Chapter 3 for listing of these VRAs.)
 6. State-Funded Agencies Primarily Serving Persons with Disabilities (See Chapter 3 for listing of these VRAs.)
 7. Armed Forces Recruitment Offices
 8. Other Agencies Designated by the State under NVRA
 - Franchise Tax Board offices
 - Department of Tax and Fees Administration offices
- G. The total number of duplicate registration applications received between the past two federal general elections in the appropriate elections office broken down by category.

For NVRA purposes, “duplicate” registration application means a VRC from a person already registered to vote at the same address, under the same name, and with the same political party preference.

- H. The number of confirmation notices mailed out between the past two federal general elections and the number of responses received to these notices during the same period. (See Chapter 4 on list maintenance.)

III. Tracking and Reporting Registrations at Voter Registration Agency Offices

- A. County elections officials distribute VRCs to the Voter Registration Agency (VRA) Offices. (Elec. Code, § 2405(b)(1).)
- B. County elections officials are responsible for tracking ranges of the serial numbers on the VRCs assigned to each VRA office. (Elec. Code, § 2405(b)(2).) The VRAs, in turn, may want to track which batch they provide to each of their programs or sites.
- C. County elections officials track the number of these completed cards that are returned from each VRA office and report those numbers to the Secretary of State’s office on a monthly basis. (Elec. Code, §§ 2405(b)(2), 2407.) This helps identify those VRAs that are doing well, and those that might need further training in providing the voter registration opportunity to their clients and/or assisting applicants to properly complete VRCs.

The NVRA requires that States ensure that the identity of the voter registration agency through which a voter is registered is not disclosed to the public. This provision requires that local elections officials and VRAs establish procedures to ensure that such disclosure does not take place. As authorized by state law,

voter records are provided to campaigns, journalists, academic institutions, or others upon request; however, information regarding the VRA a voter used to register to vote through is never provided.

- D. The Secretary of State's office completes the county elections officials' duties with respect to the following VRAs: offices serving students with disabilities at the campuses of University of California, California State University, and California Community Colleges, and the office of Services to the Blind, Assistance Dog Special Allowance Program.

Additionally, the Secretary of State complies a report of online registrations generated by unique URLs provided to VRAs.

IV. Information Maintained and Disclosed to the Public

The NVRA requires states to maintain for a minimum of two years and "make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official list of eligible voters, except to the extent that such records relate to a declination to register to vote or to identify a voter registration agency through which any particular voter is registered." The NVRA provides that these records shall include "lists of the names and addresses" of all persons to whom NVRA Section 8(d)(2) notices have been sent and information concerning whether the person has responded to such notice. (For information on Section 8(d)(2) notices, see Chapter 4, Section V, "Address Confirmation Notices; Updating, Inactivating, and Cancelling Voter Registration Records.")

V. Additional Information

In addition to the above information, the Secretary of State asks county elections officials to report, in narrative form, any comments or suggestions they may have for improving NVRA efforts to meet the goals and intent of the NVRA.