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OFFICE OF THE  
SECRETARY OF STATE

# MEMORANDUM

To: Nevada County Clerks & Registrars

From: Mark Wlaschin

Date: March 3, 2023

Subject: Memo 2023-001 – Voter Registration List Maintenance

The following guidance is provided regarding voter list maintenance activities. States are required by Federal law to establish a general program subject to restrictions and requirements and make a reasonable effort to keep eligible voters on the rolls and to remove ineligible voters.

## National Voter Registration Act (NVRA)

- In accordance with [Section 8 of the National Voter Registration Act \(NVRA\)](#), states are required to maintain voter rolls and requires that registered voters remain registered until they become ineligible.
- Removal or cancellation of registered voters is permitted for the following reasons:
  - At the request of the person,
  - Criminal conviction,
  - Mental incapacity,
  - Judgment of any court directing the cancellation,
  - Duplicates,
  - Deceased, or
  - Change in residence.

## Deceased Voters

- There must be a general program to remove voters who are deceased. Sources include:
  - State department of health records
  - Social Security death index
  - Electronic Registration Information Center (ERIC)

### Change in Residence

- There must be evidence that a voter has moved and you must receive confirmation from the voter in order to update a voter's address or to remove that voter for a change in residency outside the jurisdiction. **The move must be confirmed by the voter by sending a forwardable, return postage prepaid, confirmation notice.** The next permissible action will depend on the voter's response (or lack of) to the notice.

<b>Voter's Response or No Response</b>	<b>Action</b>
Voter indicates address has not changed.	Do not remove/cancel.
Voter has moved within the jurisdiction.	Do not remove/cancel; update the voter's address.
Voter has moved to another jurisdiction or state.	Remove/cancel the voter.
Notice is undeliverable.	Inactivate the voter <b>not less than 33 days</b> after the notice is mailed.
Voter does not respond.	Inactivate the voter <b>not less than 33 days</b> after the notice is mailed.

- A voter's registration may be cancelled **only** if inactive for two federal general election cycles during which there has been no voter-initiated activity. Any update or voter-initiated activity instantly exempts the voter's registration from being cancelled.

### National Change of Address (NCOA) "Safe Harbor"

- NCOA "Safe Harbor" identifies voters who have filed a change of address with the United States Postal Service (USPS) and matches those records with voter files.
  - If the move is within the same jurisdiction, update the voter's registration record, which must be done pursuant to [NRS 293.5307](#). It requires us to mail a notice to the voter; we cannot just update the voter's address even though NVRA allows this.
  - If the move is outside of the jurisdiction or out of state, we must send an address confirmation notice.
- States are not required to use "Safe Harbor" and are not limited to the NCOA process.
- Other reliable sources are:
  - Motor vehicle records,
  - Returned mail, and
  - ERIC.

### Restrictions and Requirements

- Voters do not become ineligible due to failing to vote and the NVRA prohibits removing voters for this reason. **Removing voters for failing to vote removes eligible voters.**

- The general program must be uniform, non-discriminatory, and in compliance with the Voting Rights Act.
- Systemic removal must occur **not later than 90 days** before an election. This is referred to as the “90-day blackout period.”
- Additional circumstances outlined in [NRS 293.541](#).

Respectfully,

Francisco V. Aguilar  
Secretary of State

By: Mark Wlaschin  
Mark Wlaschin, Deputy Secretary for Elections