Election Integrity Project® California
EVERY LAWFULLY CAST VOTE ACCURATELY COUNTED

DEMYSTIFYING THE MYSTERIOUS: CALIFORNIA'S ELECTION LAWS

Part 1: Active vs. Inactive Voters

In 2020, under cover of "COVID emergency", California legislators mandated the sending of a ballot to every voter on the "active voter" rolls. In 2021, they made the mandate permanent for all future election.

EIPCa strongly opposed that measure in 2020, and even more so in 2021, as a reckless facilitation of potential vote fraud and ballot manipulation. There were several reasons. Let's examine the most obvious.

The definition of an "active" voter is not what it would appear on the surface. There are thousands of individuals still on the active list who have shown no electoral activity in decades, some never.

In 1993, the federal government implemented the National Voter Registration Act (NVRA).

Prior to that, California's voter rolls remained relatively up to date and clear of voters who were deceased or had relocated. The California law required anyone on the voter rolls who failed to vote in two successive federal elections to be removed. Re-registration was always an option for those who wished to reactivate their participation.

The NVRA superseded such laws, creating a complicated system of voter roll maintenance. It mandated two voter rolls: active and inactive.

- Voters may not be removed from the voter rolls for failing to vote.
- Voters who fail to vote in two successive federal elections *should* be mailed a special card to verify their address and their desire to remain on the voter rolls.
- If a card is returned undeliverable or not returned at all, the corresponding voter is to be moved from the "active" to the "inactive" voter list.
    - "Inactive" voters must remain on the list another two federal election cycles and then *should* be permanently removed.
    - During the time voters are on the "inactive" list, ***they are eligible to vote***. All they need do is show up at a polling location or make a phone call to request a ballot.
        - NOTE: Since California does not require any voter ID, unscrupulous individuals have no impediment to impersonating ***any person*** on either of the two lists by claiming and casting their ballots.
        - Moreover, the action of voting moves an inactive registration back to

the active list, and the impersonation can continue unchecked indefinitely.

- After two more election cycles of electoral inactivity, registrations are then to be canceled.

That's how it's supposed to work.

In reality, compliance with the law is spotty at best. Nationwide, organizations regularly threaten lawsuits against states and counties that are falling behind on voter roll maintenance. Occasionally those suits do get filed, such as the EIPCa lawsuit of 2017 against the Secretary of State and the Registrar of Voters in Los Angeles County.

By the way, we achieved a settlement in that lawsuit in January of 2019, and 1.5 million registrations were canceled from the Los Angeles inactive list, while another 1.5 million were finally sent cards preparatory to moving them from active to inactive.

Sadly, that great victory represents just the tip of the iceberg. The organization that should be enforcing a federal law, the Department of Justice, is MIA regarding the voter roll maintenance issue.

Bottom line: California's voter rolls are so miserably maintained that mailing ballots to all "active" voters, rather than just to those who have specifically requested them, has resulted in conservatively half a million ballots going to the last known address of those who are deceased or relocated to another state.

Enabling unrestricted ballot harvesting and virtually eliminating any meaningful signature verification on ballots returned in the envelope have opened the door for potentially rampant and undetectable fraud and manipulation of electoral results using those "floating" ballots.

As always, EIPCa reminds voters to VOTE IN PERSON at a polling location, and submit their ballot WITHOUT THE ENVELOPE. (See https://www.eip-ca.com/articles/vote_safe_4.htm; for details)

In addition:

- Report and properly handle extra or misdirected ballots to the proper authorities and to EIPCa.
  (See https://www.eip-ca.com/articles/vote_safe_5.htm; for details)
- Show your ID at the polls as a way of making a statement that California needs to pass a mandatory Photo Voter ID law.
- Harvest VOTERS, not votes. Give people a ride to the polls, explain why voting in person is so important.

Learn more about the NVRA, and communicate with your federal representative regarding the need to update and clean up that law.