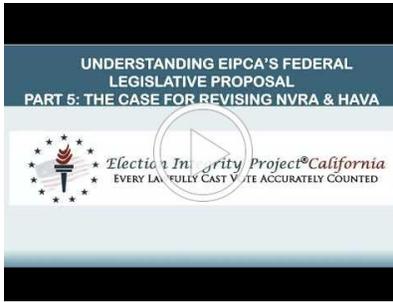




Understanding EIPCa's Federal Legislative Proposal Part 5: The Case for Revising NVRA and HAVA



This article series will provide you with the information you need to be instrumental in EIPCa's initiative to reverse the demise of election integrity nationwide.

Please do not miss a single article in this series designed to foster your understanding of our [Proposal](#). If you do, you may [access them here](#). While you are on the website, [sign up to receive all future articles](#) directly to your inbox.

As mentioned in a previous article, there are two federal laws that are out of date and in desperate need of either revocation or severe revision. Left as they are, they actually inhibit the states' ability to impose better integrity in their electoral process.

Congress must repair the substantial weaknesses in the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA)

There are four specific weaknesses of the NVRA addressed by the asks in EIPCa's Proposal.

- 1. Limit the states' voter registration responsibility to facilitating voter registration only, and specifically prohibit expansion of that function for state and federal facilities.**

The NVRA requires that all state and federal offices provide the opportunity for eligible individuals to register to vote. This mandate was designed to make voter registration easily accessible, and is the origin of the NVRA's nickname, "The Motor Voter Act," since the most widely used governmental office is the DMV.

Many states, California among them, have taken great liberty with that mandate, incrementally expanding the reach of the State to the point that people's right to choose NOT to register has almost disappeared.

California quickly incorporated voter registration forms into the required forms for Driver License applications and renewal forms.

Recently, California made mandatory the uploading of applicants' information to the Secretary of State for the purpose of voter registration.

Individuals must know to proactively pre-empt that action to avoid the transfer of their information. Very few Californians have any awareness of this requirement, and the DMV does not alert customers to their options.

2. Automatic registration carries several negative consequences:

- People become registered without their knowledge. Some of those individuals are not eligible, and once registered they become accountable for a felony over which they had no control.

This situation especially impacts legal immigrants on a path to citizenship. Their record of voter registration will become available to the federal government when they officially apply for naturalization, and the commission of a felony, however inadvertent, will cause their application to be rejected permanently and likely subject them to deportation.

It also bloats the voter rolls with individuals who cannot or choose not to be engaged in the electoral process. The liberality of California's voter ID laws (currently asking for ID is prohibited) and the mandates for signature verification that render the process virtually useless create the environment for voter impersonation (basically, vote theft) to be the perfect, undetectable crime.

In addition, many registrations become duplicated, and the state is inept at detecting and merging those duplicates. In a state that universally mails ballots to all registrants, many people receive 2, 3, 4 or more ballots as a result.

Automatic registration has also been responsible for altering voters' record of party affiliation, and in Presidential Primary years, members of closed primary parties have been rendered ineligible to vote for their preferred candidate.

- The DMV is not the only culprit. Every agency that handles any public benefits - social security, housing, disability, welfare, unemployment, etc. - is required by the NVRA to provide voter registration opportunities. Again, going far beyond the intent of the law, these agencies now include a voter registration form in the packet of paperwork provided to applicants.

Applicants can easily assume that filling out that form is not optional, and will do it in order to ensure they qualify for their benefits. Many applicants are not

literate in English and may not be aware they are signing a form that will make them a felon and a pawn for voter fraud.

3. Include in the update of Section 7 a mandate for proof of citizenship upon registration, and reflect that mandate in an updated Federal Voter Registration Form.

4. Make it easier and mandatory for states to remove ineligible and inactive voters from the voter rolls.

- There are sections of the NVRA that contradict one another, making it impossible for states to comply in all aspects with the law. One of those contradictions involves the cancellation of inactive registrations, which has given rise to the voter roll crisis in this country.

The NVRA must be updated and the contradictions reconciled to mandate swifter action in cancelling inactive registrations. As the law currently dictates, it takes eight (8) years to remove a voter from the moment of becoming inactive: two election cycles to move the individual from the active rolls to the inactive rolls, and another two election cycles to cancel the registration.

Inactive registrants are still eligible to vote by simply showing up or making a phone call requesting a ballot.

In states like California, someone wishing to re-activate a registration is not even required to show ID to do so. Therefore, every inactive registration is a huge risk for fraud, and the law should facilitate their removal as soon as possible, perhaps even eliminating the inactive list step altogether.

A voter who has been remiss enough to become inactive for two election cycles and then not respond to efforts to communicate should be immediately cancelled. If that voter were to decide later to re-engage with the process, re-registration is simple.

One enormous weakness of both NVRA and HAVA is the lack of enforcement by the DOJ, who bears the responsibility of enforcing federal law. No law, however wonderfully it reads, is worth the paper it is written on if it is not enforced.

One major aspect of HAVA is to provide federal monies for the purpose of training elections officials, including citizen poll workers. Yet the EIPCa's 2015 Civil Rights hearing revealed that most or all of those federal funds provided to California had not been expended.

EIPCa™ County Coordination Teams and trained observers report significant disparities in the training and readiness of poll workers from county to county. Most of the money is spent on updating voting technology (the use of which is daily being more and more exposed as a threat to election integrity), leaving little to no funding for training.

Both NVRA and HAVA must be updated to include strong enforcement language.

Severe penalties should be implemented for elections officials and DOJ officials who neglect their responsibility to follow their dictates.

If you agree, help to make it happen.

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