

List *maintenance* is not the same as removal by design

One mechanism of elections, examined in depth — the federally required process for keeping voter rolls accurate, and its legal limits.

BEFORE YOU BEGIN

How This Guide Works

This is part of **Incognati Civics**, applying the field-guide format to election administration and mechanics — the procedural layer beneath the outcome, examined the same way regardless of which party or candidate it involves. Each specimen goes deep on one mechanism, with official records, court citations, and peer-reviewed or nonpartisan scholarship listed in full on the references page.

INCOGNATI CIVICS – ELECTIONS

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Voter Roll Maintenance Called “Purging”

Emendatio Non Eiectio

Governing precedent / case 2018 **Status** Upheld process still requires specific statutory safeguards

OBSERVED SPECIMEN

HUSTED V. A. PHILIP RANDOLPH INSTITUTE, 584 U.S. ___ (2018)

*Ohio removed voters from its rolls through a **supplemental process**: after two years of no voting activity, the state mailed a confirmation notice, and only removed the registrant after a further four years of continued inactivity and no response. The Supreme Court ruled 5–4 that this process complied with the National Voter Registration Act, which requires accurate list maintenance but forbids removing someone for the failure to vote alone, without the additional notice-and-waiting-period safeguards Ohio's law included.*

THE HOOK

Any removal from a voter roll gets described with the same word, “purge,” whether it follows years of required notice-and-waiting procedure or is done arbitrarily.

THE MECHANISM

Federal law (the NVRA) both requires states to maintain accurate rolls and constrains how they can do it — removal for inactivity alone is illegal, but removal after inactivity plus unanswered notice, as in Ohio's process, was upheld.

Field mark: when a voter-roll removal is reported, check whether it followed the NVRA's required notice-and-waiting-period process — that procedural detail is what separates lawful maintenance from an unlawful purge.

See the full references page for complete citations.

References

every source checkable at the link provided; DOIs given where the source has one

PRIMARY SOURCE · SUPREME COURT

Husted v. A. Philip Randolph Institute, 584 U.S. ____ (2018).

<https://supreme.justia.com/cases/federal/us/584/16-980/>

5–4 decision upholding Ohio's supplemental removal process under the NVRA.

PRIMARY SOURCE · STATUTE

National Voter Registration Act of 1993, 52 U.S.C. § 20507.

<https://www.govinfo.gov/content/pkg/USCODE-2020-title52/pdf/USCODE-2020-title52-subtitleII-chap205-subchapI-sect20507.pdf>

Official statutory text of the removal safeguards at issue in Husted.

REFERENCE SOURCE

Brennan Center for Justice, "Husted v. A. Philip Randolph Institute" case summary.

<https://www.brennancenter.org/our-work/court-cases/husted-v-philip-randolph-institute>

Nonpartisan case background and procedural history.

Reading This Mechanism: A Gut Check

four questions before a headline changes what you think happened at the polls

1 Check for the notice step

Lawful removal under the NVRA requires a mailed notice and a waiting period — not removal for inactivity alone.

2 Ask how long the process took

Ohio's upheld process took six years and two elections before any removal — check the timeline.

3 Distinguish list maintenance from suppression

Federal law requires accurate rolls; it also constrains exactly how removal can happen.

4 Check who's affected

Removals based on confirmed moves or deaths are a different category from removals based on inactivity plus non-response.

INCOGNATI CIVICS

The Series Continues

This is Specimen No. 7 of the Elections section within Incognati Civics. The full queue of twelve specimens is listed on the cover. This section joins "How Federal Laws Actually Get Created" within Civics, with local government, official data reporting, and institutional communications planned beyond it. The Incognati Atlas catalogs the underlying patterns across all of it.

Civics Field Edition · Elections · Specimen No. 7

All specimens independently sourced