

# County of Santa Clara

## Registrar of Voters

1555 Berger Drive, Bldg. 2  
San Jose, CA 95112  
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360  
(408) 299-VOTE (8683) (866) 430-VOTE (8683) FAX: (408) 998-7314  
www.sccvote.org



September 5, 2023

Matthew J. Wendt, Esq.  
Santa Clara County Central Committee

Shane Patrick Connolly  
Chairman, Santa Clara County Republican Party

RE: SVGOP's Follow-Up on Removal of Inactive Voters Per Law

Good afternoon Mr. Wendt and Mr. Connolly:

The Registrar of Voters (ROV) for the County of Santa Clara (County) is in receipt of your August 10, 2023 letter regarding the removal of inactive voters from the registration rolls. As previously described in our August 8, 2020 correspondence, the County has been in compliance with state and federal law and remains so.

In compliance with Section 8(d)(2) of the National Voter Registration Act (NVRA) and with California Elections Code section 2225(c), the County sent approximately 249,000 residency confirmation notices to voters marked inactive on voter registration rolls in December 2019 and has updated the voter database with information received in response to these notices.<sup>1</sup> Pursuant to the NVRA, a voter may be removed from the voter registration rolls after they fail to confirm their residential address and fail to vote in the two subsequent Federal elections. The November 2020 and November 2022 General Elections were the two Federal elections after the County mailed the 249,000 residency confirmation notices in December 2019. Subsequently, in March 2023 the County removed from the voter registration rolls approximately 204,000 inactive voters who failed to confirm their residence and did not offer to vote in either the 2020 or 2022 Federal elections.

In compliance with the California Elections Code and the NVRA, the County continues to send on a monthly basis residency confirmation notices to voters who have become inactive.<sup>2</sup> The County's sending of the notice begins the timeline for potential registration cancellation, which occurs if the voter does not confirm their residence, does not vote or offer to vote for two Federal general elections, and does not notify a County elections official of continued California residency. Cal. Elections Code § 2226(b)-(c). Following each Federal general election, the County applies voting history

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<sup>1</sup> Our August 8, 2020 correspondence contained a typographical error as to the number of residency confirmation notices sent in December 2019. The correct number was 249,000 notices, not 280,000 as previously stated.

<sup>2</sup> Inactive voters do not receive election materials and are not included in calculations to determine signature requirements for candidate and measure qualification, precinct size, or other election administration-related processes. Cal. Election Code § 2225(a)(2).

to the voter database and then determines which inactive voters must be removed from the registration rolls as per the NVRA removal criteria described above. At present, approximately 62,000 inactive voters sit on the registered voter list who have not yet met the NVRA criteria to be removed. The County is and will remain in full compliance with the NVRA and state law.

Sincerely,



Shannon Bushey  
Registrar of Voters

Enclosure:

Attachment A – Santa Clara County Registrar of Voters’ August 8, 2020 Correspondence with SVGOP

# County of Santa Clara

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August 8, 2020

Sent via email

Dr. Alexander D. Glew  
Co-Chair Santa Clara County Republican Party  
240 Pamela Drive  
Mountain View, CA 94040

Dear Dr. Glew:

The Registrar of Voters (ROV) for the County of Santa Clara (County) is in receipt of your July 7, 2020 letter regarding alleged violations of the National Voter Registration Act (NVRA) pursuant to 52 U.S.C. §§ 20510(b)(1), (2). As explained below, the County is not in violation of the NVRA because the ROV remains in full compliance with state and federal laws relating to list maintenance.

As you know, Judicial Watch entered into a settlement with the Secretary of State that resulted in a revised NVRA Manual that was released in March 2019.<sup>1</sup> Previously, the County had been using the alternative residency confirmation card authorized under California Elections Code § 2224. That confirmation card was insufficient to trigger the timeline for removal under Section 8 of the NVRA. The County also used a combination residency confirmation notice that incorporated language from both California Elections Code § 2225(b) and (c), which similarly was insufficient to trigger the timeline for removal from the voting roll. The prior State law framework did not enable the County to remove inactive voters due to failure to vote for two consecutive federal elections. However, with the new California NVRA Manual and the removal of the alternate residency confirmation notice from the California Elections Code, the County created a new residency confirmation notice that complies with California Elections Code § 2225(c) and with Section 8(d)(2) of the NVRA.

The County sent approximately 280,000 residency confirmation notices on December 23, 2019 and has been updating the County database with information received in response to those notices. This work has included:

- If the voter confirmed residence at the same address or at a different address in the County, the voter registration information is updated, and the voter becomes an active voter.
- If the voter provides an address outside of the County, but within California, the ROV transmits information to the appropriate county through the VoteCal database and the receiving county should update the voter's record including making the record active. Once the voter's record is accepted by the appropriate county, VoteCal cancels the record in the County's database.

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<sup>1</sup> The Secretary of State regularly updates the NVRA Manual and the current version is available here:  
<https://www.sos.ca.gov/elections/voter-registration/nvra/laws-standards/nvra-manual/>



- If the voter returned the card with a current out-of-state address, the voter registration was canceled.
- If notice was returned as undeliverable, the notice is scanned and uploaded into the voter's record as supporting documentation of voter's inactive status, which starts the clock for cancelling after two federal general elections.

Since December 23, 2019, the County has received information and updates resulting in the number of inactive voters remaining on the voter registration list in the County decreasing by approximately 20,000. All voters who were mailed a card had a "Last Update" date applied to their voting record reflecting the date of the mailing. Therefore, the County anticipates that inactive voters who were sent the updated residency confirmation notice in December 2019 that have not voted, offered to vote, or otherwise updated their voter registration information will begin to be removed from the voter registration rolls subsequent to the November 2022 federal general election, in accordance with law.

The following are various types of Section 8(d)(2), residency confirmation notices that the Registrar sends to voters daily:

- **Voter Notification Card (VNC)**, is a non-forwardable notice to notify the voter that they are registered and to confirm the voter's address and voter preference information.
- **Voter Action Request Form (VARF)** is a form that is used to update a voter's address, phone number, email address, language preference, report clerical errors, or cancel a voter's registration record in Santa Clara County.
- **Residency Confirmation Notices** are mailed to voters and to confirm or correct the voter's address.
  - **In State Address Change Notice** is a residency confirmation notice that is used to manage the voter registration file and confirm or correct addresses of voters who we have received third party address information from.
  - **Undeliverable and Out of State Notice** is a residency confirmation notice that is used to manage the voter registration file and confirm or correct addresses of voters who may have moved out of state or who have no forwarding address.

Additionally, the County has cancelled voter registrations pursuant to regular list maintenance activity that is reflected in the most recent Election Administration Voting Survey (EAVS) data, which is from the 2018 EAVS, including the following cancellations:

- Cancelled due to death: 16,411
- Cancelled due to move out of County: 6,492
- Cancelled due to felony convictions: 1,108
- Cancelled due to other reasons: 14,573

Further, since the EAVS 2018 report, as of July 29, 2020, the County has cancelled 24,494 voter registrations in its database and added 27,822 inactive voters.<sup>2</sup> As of the same date, the County's database reflects 970,483 active voter registrations and 255,941 inactive voter registrations.

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<sup>2</sup> Data extracted from the Registrar of Voters Election Information System on July 29, 2020.

For the reasons explained in this letter, the claim that the County is not removing inactive voter registrations in accordance with state and federal law is incorrect. We believe this letter provides the information you have requested. If you need any additional information or would like clarification on any points raised in this letter, please contact me. The County prides itself on maintaining the integrity of each individual voter record. County representatives are available to meet with representatives of the Santa Clara County Republican Party to discuss the above-mentioned list maintenance activities.

Sincerely,

A handwritten signature in cursive script that reads "Shannon Bushey". The signature is written in black ink and is positioned above the printed name and title.

Shannon Bushey  
Registrar of Voters