



FACTSHEET | The Sixth Circuit Court of Appeals Will Decide What is “Reasonable” Under the National Voter Registration Act (NVRA)

Michigan Secretary of State, Jocelyn Benson, is violating the NVRA by failing to remove more than 25,000 deceased registrants from the voter roll.

- Before the 2020 election, PILF notified Secretary Benson about the deceased registrants on the voter roll.
- In 2021, PILF filed a federal lawsuit over the more than 25,000 deceased registrants on the state’s voter roll. Of those:
 - 23,663 registrants have been dead for five years or more.
 - 17,479 registrants have been dead for at least a decade.
 - 3,956 registrants have been dead for at least 20 years.
- PILF has even provided Secretary Benson with obituaries and pictures of gravestones of many of these registrants.
- Secretary Benson has ignored the data and [called](#) our lawsuit a “thinly veiled attempt to undermine voter’s faith in their voice, their vote, and our democracy.”

This precedent-setting case will decide the standard for what is “reasonable” under the NVRA.

- The NVRA requires states to make a “reasonable effort” to remove deceased registrants from the voter roll.
- This is the first time this Circuit Court will have a chance to rule on what “reasonable” means under the NVRA.
- It is not enough for a state to merely have a voter list maintenance program. It must be effective.
- Registrants remaining on the voter roll for two decades after their death proves Michigan’s program is not effective.
- Additionally, the Michigan State Auditor independently criticized the effectiveness of the state’s voter list maintenance programs in a report, finding approximately 27,000 deceased registrants on the voter roll.
- Michigan’s defense that they have a program, no matter how shoddy, is not what Congress enacted or intended.

Secretary Benson and the Electronic Registration Information Center (ERIC) need to answer questions about why Michigan is failing to identify and remove deceased registrants from the voter roll.

- Secretary Benson received a protective order from the lower court that allowed her not to sit for a deposition to answer key questions about the state’s voter list maintenance process. The Sixth Circuit should reverse this decision.
- ERIC, an organization that examines voter rolls, is the only source of death information that Michigan uses directly against its voter roll.
- Because of ERIC’s prominent role in the state’s voter list maintenance process, the organization needs to answer key questions about how it identifies deceased individuals who need to be removed.