

Purging Voter Registrations Because of Registration in Other States

*Democratic Party of Virginia v. Virginia State Board
of Elections (Claude M. Hilton, E.D. Va. 1:13-cv-1218)*

A federal complaint challenged the purging of voter registrations for persons that appeared to have registered in other states since the last time they voted in Virginia, alleging an excess of errors. The district judge denied the plaintiffs relief, finding several mechanisms in place to correct errors.

Subject: Nullifying registrations. *Topic:* Registration challenges.

Five weeks before the 2013 gubernatorial election in Virginia, the commonwealth’s Democratic Party filed a federal complaint in the Eastern District of Virginia’s Alexandria courthouse seeking an immediate halt to a program of purging voter registrations for persons who appeared to have registered in other states since the last time they voted in Virginia, alleging an excess of errors.¹ Two days later, the party filed a motion for a preliminary injunction.² Five days after that, the plaintiffs notified the defendants of a hearing on the matter in ten days.³

On October 21, three days after the hearing, Judge Claude M. Hilton denied the party immediate relief.⁴ “If a voter is removed from the voter rolls in error, there are several mechanisms in place to protect that voter’s rights, including provisional ballots and registration reinstatement.”⁵ On election day, Judge Hilton granted the parties a stipulated dismissal.⁶

1. Complaint, Democratic Party of Va. v. Va. State Bd. of Elections, No. 1:13-cv-1218 (E.D. Va. Oct. 1, 2013), D.E. 1; see Antonio Olivo, *Democrats File Lawsuit to Stop Use of Voter “Purge List,”* Wash. Post, Oct. 3, 2013, at B5.

2. Preliminary-Injunction Motion, *Democratic Party of Va.*, No. 1:13-cv-1218 (E.D. Va. Oct. 3, 2013), D.E. 6.

3. Notice, *id.* (Oct. 8, 2013), D.E. 12.

4. Opinion, *id.* (Oct. 21, 2013), D.E. 34, 2013 WL 5741486; see Matt Zapotosky, *Democrats Lose Suit Over Voter Rolls*, Wash. Post, Oct. 19, 2013, at B3.

Judge Hilton granted leave for two interest groups to file amicus curiae briefs. Order, *Democratic Party of Va.*, No. 1:13-cv-1218 (E.D. Va. Oct. 18, 2013), D.E. 33.

5. Opinion, *supra* note 4, at 4–5.

6. Order, *Democratic Party of Va.*, No. 1:13-cv-1218 (E.D. Va. Nov. 5, 2013), D.E. 41.