DATE: October 25, 2004

TO: County Auditors

FROM: Chris Nelson, Secretary of State

RE: Incomplete Voter Registration Cards

You might have seen some media coverage over the weekend regarding the ACLU’s complaint that we were rejecting “hundreds, if not thousands” of voter registrations cards because the top two questions were not completed. We were requested to change our policy of requiring these questions to be completed in order for the person to be registered to vote.

The Attorney General and myself have reviewed the state and federal law on this matter. The federal law is clear that if a card comes in without the two boxes marked, you must attempt to contact the voter and get the boxes marked. However, it is our conclusion that if the voter does not mark these boxes prior to the voter registration deadline but all of the rest of the required information is provided on the registration form, the voter should be registered. You would continue to try to contact the voter to get the boxes marked.

You are probably wondering why these two questions were put on the form if they are not required to be answered in order to register to vote. I can’t answer that. This would be a good question for the Congressional authors of this bill.

If you add any voters to the voter registration file due to this determination, you don’t need to send your whole file but please do transport the additions. Please also fax Kea an updated voter registration numbers report if you add any new voters.

If you have any questions, please contact me.