

HOUSE BILL NO. 1431

Introduced by

Representatives Louser, Bosch, D. Johnson, Kasper, Klemin, Lefor, Schatz, Schauer,
Wagner

Senators Hogue, Vedaa

1 A BILL for an Act to amend and reenact section 16.1-01-04.1 of the North Dakota Century
2 Code, relating to proof of citizenship.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 16.1-01-04.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-01-04.1. Identification verifying eligibility as an elector.**

7 1. A qualified elector shall provide a valid form of identification to the proper election
8 official before receiving a ballot for voting.

9 2. The identification must provide the following information regarding the elector:

10 a. Legal name;

11 b. Current residential street address in North Dakota; and

12 c. Date of birth.

13 3. a. A valid form of identification is:

14 (1) A driver's license or nondriver's identification card issued by the North
15 Dakota department of transportation; or

16 (2) An official form of identification issued by a tribal government to a tribal
17 member residing in this state.

18 b. If an individual's valid form of identification does not include all the information
19 required under subsection 2 or the information on the identification is not current,
20 the identification must be supplemented by presenting any of the following issued
21 to the individual which provides the missing or outdated information:

22 (1) A current utility bill;

23 (2) A current bank statement;

- 1 (3) A check issued by a federal, state, or local government;
- 2 (4) A paycheck;
- 3 (5) A document issued by a federal, state, or local government; or
- 4 (6) A printed document containing all of the information required by
- 5 subsection 2 issued by an institution of higher education for an enrolled
- 6 student residing in the state and containing the institution's letterhead or
- 7 seal, along with a student photo identification card issued by the institution
- 8 and containing the student's photograph and legal name.
- 9 4. The following forms of identification are valid for the specified individuals living under
- 10 special circumstances who do not possess a valid form of identification under
- 11 subsection 3.
- 12 a. For an individual living in a long-term care facility, a long-term care certificate
- 13 prescribed by the secretary of state and issued by a long-term care facility in this
- 14 state;
- 15 b. For a uniformed service member or immediate family member temporarily
- 16 stationed away from the individual's residence in this state, or a resident of the
- 17 state temporarily living outside the country, a current military identification card or
- 18 passport; and
- 19 c. For an individual living with a disability that prevents the individual from traveling
- 20 away from the individual's home, the signature on an absentee or mail ballot
- 21 application from another qualified elector who, by signing, certifies the applicant
- 22 is a qualified elector.
- 23 5. If an individual is not able to show a valid form of identification but asserts
- 24 qualifications as an elector in the precinct in which the individual desires to vote, the
- 25 individual may mark a ballot that must be ~~securely~~ set aside securely in a sealed
- 26 envelope designed by the secretary of state. After the ballot is set aside, the individual
- 27 may show a valid form of identification to either a polling place election board member
- 28 if the individual returns to the polling place before the polls close, or to an employee of
- 29 the office of the election official responsible for the administration of the election before
- 30 the meeting of the canvassing board occurring on the thirteenth day after the election.

- 1 Each ballot set aside under this subsection must be presented to the members of the
2 canvassing board for proper inclusion or exclusion from the tally.
- 3 6. If an individual presents a nondriver identification card issued under subsection 2 of
4 section 39-06-03.1 or an operator's license issued under section 39-06-14, but asserts
5 valid citizenship, the individual may mark a ballot that must be set aside securely in a
6 sealed envelope designed by the secretary of state. After the ballot is set aside, the
7 individual may show satisfactory proof of citizenship to either a polling place election
8 board member if the individual returns to the polling place before the polls close or to
9 an employee of the office of the election official responsible for the administration of
10 the election before the meeting of the canvassing board occurring on the thirteenth
11 day after the election. Each ballot set aside under this subsection must be presented
12 to the members of the canvassing board for proper inclusion in or exclusion from the
13 tally. After an individual has submitted satisfactory evidence of citizenship, the proper
14 election official shall update this information in the central voter file. Satisfactory proof
15 of citizenship under this subsection may be presented via paper or electronic means.
- 16 7. The secretary of state shall develop uniform procedures for the requirements of
17 subsections 5 and 6 which must be followed by the election official
18 responsible for the administration of the election.