

FISCAL NOTE
Requested by Legislative Council
01/16/2017

Amendment to: HB 1369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill requires the NDDOT to report the legal name, residential address, mailing address, DL/ID number, and the status of citizenship and changes.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill only requires the NDDOT to report the legal name, residential address, mailing address, DL/ID number, and the status of citizenship and changes. Systems and reporting already exist for this purpose. Determination of residential address is based on individual self-reporting. Based on review, no fiscal impact results from this bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Glenn Jackson

Agency: ND Dept of Transportation

Telephone: 328-4792

Date Prepared: 01/17/2017

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2017 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1369

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1369
1/27/2017
27530

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to identification and residency requirements for electors and identification cards; relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; to provide a penalty

Minutes:

Attachments 1-3

Chairman Kasper opened the hearing on HB 1369.

Rep. Al Carlson appeared in support of HB 1369. He handed out Attachment 1. This bill deals with how to handle those affidavits. (1:14-9:00)

Rep. P. Anderson: Do you think we ought to forget all this and have voter registration?

Rep. Carlson: I would like that idea, and over the years that discussion has come up. The hardest sell is not in Fargo or Grand Forks, North Dakota. The hardest sell is in the rural areas, because everyone knows everyone and they don't want to vote for registration.

Al Jaeger, Secretary of State, appeared in support. There has been a study done and voter registration wouldn't solve a problem.

Jim Silrum, Deputy Secretary of State, appeared in support. Attachment 2. (10:39-30:56)

Rep. P. Anderson: Is there any way that people that voted last time by affidavit that it was the first time they ever voted?

Jim Silrum: Yes, it is entirely possible that people who voted by affidavit that it was their first time.

Rep. P. Anderson: Any idea, how many?

Jim Silrum: The counties are still working through the post-election verification process that was implemented prior to the election to determine those things, and they have not finished

that at this point. I can tell you there will be plenty of those that would have been their first time voting in North Dakota, because we already know that many of them chose that manner of voting because they only had an out of state driver's license to use. This bill will prevent double voting and voting more than once in multiple states.

Rep. B. Koppelman: Can you explain how the vote that came in for the DAPL protest may or may not be eligible to vote under this bill and also for somebody who is living on the ND side of bridge?

Jim Silrum: Under current law, somebody who is residing in this state and precinct for 30 days prior to an election is a qualified elector. Under the affidavit system that was utilized, that would mean those individuals could have been considered qualified electors, because they could have marked an affidavit and be allowed to vote. There is still the possibility for those people who live on this side of the bridge to vote by getting a free non-driver's ID card which was authorized in the 2013 session. If they are residing at a homeless shelter, they could use that as their residential address, because we do allow for nontraditional addresses in our central voter file.

Rep. Schneider: Could you give us some idea of the background of this bill?

Jim Silrum: This past summer and fall I had contacts from many legislators asking what could be done, because it was the federal judge's order on the preliminary injunction in August that upturned everything else that you had decided upon in the last two sessions. It was that we were going back to a situation where there were going to be ballots inserted into the system that weren't going to be verified but counted. Concerned citizens also contacted me.

Rep. Schneider: I asked what the process was for input. Did you solicit input? Were there meetings involved in this and with whom?

Jim Silrum: This bill came about from direct requests from various legislators, your chairman being one. There were not official meetings that were held. It was communication that existed between those legislators and myself.

Chairman Kasper: Did you visit with auditors as well?

Jim Silrum: We did, but there were no official meetings.

Chairman Kasper: Did the auditors contact you to express concern about some things that needed to be addressed?

Jim Silrum: Yes.

Rep. Schneider: Whose idea was it to increase the penalties to this severity level, and how many people have we had in the history of the state that have been convicted of voter fraud?

Jim Silrum: The idea of increasing the penalties came about from a bill that your chairman and vice chairman put forward but since withdrawn from consideration this session. Looking

through all of this, it became obvious that ND lagged behind in what other states and the federal government do with regard to penalty for voting.

Rep. Schneider: How many people in the history of the state have been convicted of voter fraud that is justified by the acceleration of this penalty?

Jim Silrum: I can't give you an answer to how many have been.

Rep. Schneider: Do you know of anyone convicted of voter fraud in the state?

Jim Silrum: Yes, I do. I do not have the exact number.

Rep. Schneider: Would that number be under three?

Jim Silrum: That number will not be under three for this election.

Chairman Kasper: I think Mr. Silrum has answered to the best of his ability. We have 50 some jurisdictions in ND that would or would not prosecute. Under the system we have, if a voter appears to have voted improperly, it is always up to the state's attorney to take action or not. In many cases over the years, we have been told that state's attorneys do not take action even though they have been given the information. A pretty good indication of who had input on a bill is by looking at the sponsors and cosponsors of the bill. Remember we have an opportunity to make amendments, so if we want to change any penalties, we can do so.

Rep. B. Koppelman: Did we go back to the way we use to verify the affidavits with the green card, etc. after the judge's order?

Jim Silrum: Correct. When we had affidavits in the past, everyone who voted by affidavit was sent a response card. This time around the Secretary of State's Office became more involved in that process, and we created all of the cards that would go out to all of the voters who voted by affidavit. We paid for the printing of those and the postage going out to the voter and the postage for sending it back to the county auditor. What we know so far, a number of cards did not come back and that is why this process is still continuing. The auditors are having a hard time getting in touch with those people, and it just has not been possible to complete in the time that they have had.

Al Jaeger, Secretary of State, appeared. We cannot without any degree of certainty prove that everybody was a qualified elector. All of this bill was designed to be able to assure that every qualified elector is given that opportunity to cast a ballot and that all of us have the insurances that only the people who are qualified electors have that opportunity.

Kevin Glatt, Burleigh County Auditor, appeared. I think this bill is a step in the right direction. I do have some concerns related to the precinct election workers. Every election since 2008, there have been changes to the ID requirements, the procedures, and the law. That has taken a toll on election workers on election day. The hardest part of elections today is finding, training, and retaining precinct election workers. This will add to the duties, responsibilities, and will make it more difficult to find election workers especially without any

new election equipment. I think the county auditors are more than capable of developing the procedures that will work in their county. I do not think one size fits all. I am somewhat confused if the legislation requires all provisional ballots to the canvass. If I vote at 10:00 in the morning and I don't have sufficient ID, can I come back later, show sufficient ID, and then will that ballot be cast and counted at the precinct level or does it have to go the canvass board? If I come in at 10:00 in the morning and vote, it becomes a provisional ballot, and if I show up at 5:15, one of the busiest times of the day, what effect is that going to have on the whole voting process? I know it is going to be difficult for the election workers.

Chairman Kasper: Other than those concerns, do you support the bill?

Kevin Glatt: I think it is a step in the right direction.

Rep. Schneider: Did you support the affidavit system the last election?

Kevin Glatt: My issues were after the election and the follow up that was required. The input I received from the election workers in Burleigh County was they liked the way how it used to be where you could show an ID, you could supplement that with a utility bill or one of those other supplemental forms, and if that didn't work, then an affidavit.

Rep. Dockter: If we pass this bill, the training you give poll workers will insure that they follow the law that we pass?

Kevin Glatt: Training is done every election which lasts almost three hours. Finding, training, and retaining is getting to be the most difficult piece of election administration, and this is just going to add to that.

Rep. P. Anderson: Were you contacted by the Secretary of State for your input into this bill?

Kevin Glatt: No.

Donnell Preskey, North Dakota Association of Counties, appeared in support. The affidavits were very difficult for our auditors to process and follow up on. There was no way to insure that person who filled out an affidavit was a qualified elector. As a poll worker, I saw many people come in with out of state IDs, and you had to take their word that they lived in that precinct that they were voting. We do know that there have been cases of voter fraud as has been stated. Rep. Schneider, I can query my counties to see how many of those instances they have forwarded on and try to give the committee a number. A majority of the auditors believe this would solve a lot of the issues. They don't like that there is no proof that this person is qualified to vote at this precinct, so this puts that burden on that voter. If they are going to say that they live in that precinct since they vote there, they need to prove it. Again, many of the issues that our auditors experience with voter ID are the result of the vagueness with our residency definition. We tried to have a study this interim, but I don't think the auditors were very pleased with the depth of that study. The affidavits were not in code, and they are not in code now. We would offer a suggestion that your proof of residency should also be provided when you go to get an ID. E poll books are the root of getting to how you catch those people before they vote twice.

Chairman Kasper: How would an E poll book solve the problem.

Donnell Preskey: I would rather have one of my auditors in the room answer that.

Neutral:

Glenn Jackson, Department of Transportation, appeared in a neutral position.
Attachment 3. (1:03:20-1:06:22)

Rep. Laning: DOT was reluctant to take on any citizenship confirmation role. When did that change?

Glenn Jackson: What we are doing is identifying those individuals we know not to be citizens and we are identifying them clearly. We are not going back to everyone else and have everyone bring in additional documentation and go through a process to verify citizenship.

Rep. Laning: It is just a going forward type of thing?

Glenn Jackson: Yes.

Rep. B. Koppelman: Do you have them show proof of residency now?

Glenn Jackson: Years ago, we didn't have a lot of people coming from other places into our state, and we established our processes based on trust. They fill out the application, tell us what their address is, and sign saying this is a true fingerprinted perjury. We accept that at face value, and that is what we have used for years. That is still the process today. As we move towards the implementation of real ID which is basically a process that prevents fraud, and it still keeps the data here in our state, the requirement is to get two forms of valid information to prove a residential address such as a utility bill or cable TV bill.

Rep. B. Koppelman: Do you see it as a huge imposition whether we require it or you just do it on your own?

Glenn Jackson: The question would be would that be a requirement we would implement going forward for new residents or would that be a requirement we would have to do for all current residents? If we did it for all current residents, that would affect every person in the state. If we only did it for people going forward from this point, it wouldn't. How would we implement it that would determine the greatest level of impact?

Rep. B. Koppelman: Do you think the biggest difficulty with doing it for everybody upon renewal would be a staffing issue or the concern about notifying the public that they have to bring in proof when they come in to renew?

Glenn Jackson: We have about 69,000 address changes a year, so if we require everyone to bring or submit us a document for our review to update their address, you are either adding another 69,000 people to the workflow in the offices or you are adding that workflow in the

backend for somebody to evaluate this and make sure it is a residential address and update that driver record.

Rep. Olson: When the real ID is fully implemented and you have the alternative license, wouldn't that require at the time that you obtained that ID the verification of address just like we are describing as well as whenever you change an address for real ID, would it also require the same type of verification that we are discussing just now?

Glenn Jackson: Yes, correct.

Rep. Olson: As time goes forward, this 69,000 address changes per year will eventually become an issue for your department?

Glenn Jackson: Thinking ahead, we have already taken staff out of hide to put into the central office so that we will be able to deal with not only processing real ID documents but also processing those address changes that will come into the system so that we can functionally handle that without increasing staff. I think we are ready for that process when that occurs.

Rep. Schneider: How could a student who had a valid ND driver's license could vote if they were living in a dorm?

Glenn Jackson: That is a voting requirement question, and I just deal with identification and drivers' licenses and ID cards.

Rep. Schneider: Would a student who wanted to get an ID card to show their address, would they have what they needed to that?

Glenn Jackson: You have only one credential for identification, and it has to have the address that you choose as your residential address.

Rep. Schneider: Would a student ID work for that?

Glenn Jackson: I can't answer that. That would be up to the Secretary of State.

Michael Montplaisir, Cass County Auditor, appeared in a neutral position. I think the ID requirements and that sort of thing should come from the legislature and not necessarily a county auditor. Rep. Schneider, the student who is living in the dorm currently can go online at DOT and quickly change their address on their driver's license to the dorm. We did an advertising campaign before this last election encouraging them to do that. Unfortunately, most of those people chose, instead of doing that, filling out an affidavit. He expressed some of the difficulties with the affidavits. We would like a system that puts the burden on the voter to provide us with adequate documentation whether that is at the polling site or following. Our concern is we want every eligible voter to be able to vote, and, of course, we want only the eligible voters able to vote.

Rep. P. Anderson: As the largest voting county, were you contacted by the Secretary of State for input into this bill?

Michael Montplaisir: I was not, but once I saw a copy of the bill, I did ask some questions and get some answers from the Secretary of State's Office.

Rep. Schneider: Is there anything you would change in here?

Michael Montplaisir: My problem is how do we get the voter to take responsibility for making sure that they can cast their ballot? I like something that puts the voter in a more responsible position of providing the documentation.

Rep. Olson: Do you have any idea when you are going to be done processing all the research related to the affidavits, and are you going to be able to share that with us when you do have it done?

Michael Montplaisir: I do not think we will ever get done. We are trying to track down 5,000 people and at some point we have to say we have put enough resources into it. There isn't any real follow up. Those people have already voted. Their ballots have already been cast. The issue is can you contact them?

Rep. Olson: Would it be possible for you to take a snapshot of the work you have accomplished thus far that could be forwarded to the committee?

Michael Montplaisir: We can certainly do that.

Rep. Steiner: Is there anything in the law that would help you as far as if we said if the handwriting is ineligible, that a certain board could determine it is an unworkable affidavit?

Michael Montplaisir: I think that is already in the bill in that it puts the burden on the voter to come back in and provide an ID.

Chairman Kasper: Tell us about the E poll books.

Michael Montplaisir: E poll books work very well. The voter has their ID and if it is updated, it literally takes less than a minute for a person to walk in, they swipe their driver's license, their record comes up, they know what precinct they live in, we push a button, it prints out a receipt, they take that receipt to the judge's table, and they get their ballot.

Chairman Kasper: Mr. Silrum, would you talk about the ruling of the judge, and what your office feels is your responsibility and obligation as far as the administration of the election law based upon that judge's ruling?

Jim Silrum: I was very involved in the writing of this bill, but it came from conversations that were had with legislators, and I was responding to those questions. In August the federal judge simply said that rather than making a decision on the lawsuit at that time, he needed to impose a temporary order that ND could not run any other elections until the case was decided without providing some sort of fail-safe option for those who do not have any form of ID. Because in the past we have had in the law voters' affidavits or poll worker verification, those are the two that he sought to be valid forms of fail-safe voting. We evaluated these options and did not feel poll worker verification was fail-safe, because poll workers don't know

everyone who might show up to vote especially those people who don't have an ID. The only thing left was the affidavit under the way it used to be in the law.

Chairman Kasper: Do you recall any discussion where you were asked and suggested that we draft legislation that would prohibit legitimate electors from being able to vote in a ND election?

Jim Silrum: I have never had anyone ask me to craft legislation that prevents a qualified elector from voting.

Rep. Schneider: Did the judge explain that there be an avenue for someone to vote if they didn't have an ID? Isn't that still an issue with this because you are allowing them to execute that provisional ballot, but then they have to come in with an ID? Is there a way in this that I am not seeing that a person who does not have an ID can actually have that set aside ballot counted?

Jim Silrum: You are correct. There is not a way. Everyone will be verified prior to their ballot being counted under this bill. We believe this bill, however, does comply with what the judge requested, because essentially that is what is done in every other state that makes use of provisional ballots. We believe the judge will say that this more than satisfies the requirement.

Chairman Kasper closed the hearing and recessed.

Rep. Steiner made a motion for a DO PASS on HB 1369.

Rep. Olson seconded the motion.

Rep. Steiner: There are some things in here I really like. I like that the voter does have responsibility to get the address, come back and verify it so that we don't have fraud. I think there has been some good cleanup in this bill and well thought out. I think it is good to let people know that it is a very serious infraction to vote fraudulently.

A roll call vote was taken. 11 Yeas, 2 Nays, 1 Absent.

Vice Chair Louser will carry the bill.

Date: 1-27-17
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1369

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Steiner Seconded By Olson

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<input checked="" type="checkbox"/>		Pamela Anderson		<input checked="" type="checkbox"/>
Scott Louser-Vice Chairman	<input checked="" type="checkbox"/>		Mary Schneider		<input checked="" type="checkbox"/>
Jason Dockter	<input checked="" type="checkbox"/>				
Craig A. Johnson	<input checked="" type="checkbox"/>				
Daniel Johnston	<input checked="" type="checkbox"/>				
Karen Karls	<input checked="" type="checkbox"/>				
Ben Koppelman	<input checked="" type="checkbox"/>				
Vernon Laning	<input checked="" type="checkbox"/>				
Christopher D. Olson	<input checked="" type="checkbox"/>				
Karen M. Rohr	<input checked="" type="checkbox"/>				
Vicky Steiner	<input checked="" type="checkbox"/>				
Steve Vetter	<input checked="" type="checkbox"/>				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Louser

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1369: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).
HB 1369 was placed on the Eleventh order on the calendar.

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1369

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

HB 1369

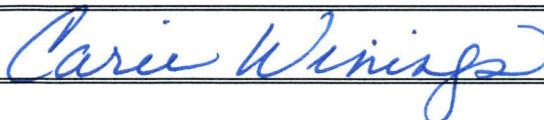
3/17/2017

Job Number 29395

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact sections 16.1-01-04.1 and 16.1-01-04.2, a new subsection to section 39-06-03.1, and a new subsection to section 39-06-14 of the North Dakota Century Code, relating to identification and residency requirements for electors and identification cards; to amend and reenact sections 16.1-01-04, 16.1-01-12, 16.1-02-09, 16.1-05-07, 16.1-07-06, 16.1-15-08, 16.1-15-19, and 39-06-07.1 of the North Dakota Century Code, relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; and to provide a penalty.

Minutes:

Attachments: 1-9

Chairman Poolman: Opened the hearing on HB 1369.

Representative Louser, District 5: Testified as sponsor and in support of the bill. When I carried this bill on the floor of the House. I referenced this voter ID bills as the voter integrity bill. It replaces the voter's affidavits in favor of a set aside ballot that would be excluded from the count until such time that the voter that voted without the proper identification returns to the polling place to prove their identity up to and until the canvassing board meets. Which is 6 days after the election. We would be allowing people to vote without the proper ID, and their vote would not be counted until they come back and provide the proper identification. That can happen prior to the election, if they vote early, up to 6 days after. Last November there were over 16,000 votes that were cast and counted using the affidavit system. As of the time that the bill was heard on the floor of the House, there is counting that is yet to be completed and may never be completed in the follow up system to the voter's addresses that they are sending the post cards to. This bill allows for supplemental documentation to be presented if the voters identification is not current or complete. The bill also requires that the North Dakota Department of Transportation provide clarity as to the non-citizen status for issued drivers licenses so that it will be easier for poll workers to identify individuals attempting to vote in elections where they are not qualified electors. DOT can make the marking on those cards at no additional expense to the state. This bill should assure that all voters identification was verified just as fairly as everyone else's identification was verified when they vote. It also achieves two things to the best that we can: 1. Everyone eligible in North Dakota elections shall be able to vote once, and 2. Everyone not eligible to vote in ND

elections shall not be able to vote. One concern on the House side were the students. Can they vote here? If they are 18 yrs. old, a US citizen, and an established resident of North Dakota. They need to face an adult decision. Do they want to maintain residency in their home state or establish residency in North Dakota? But they cannot have both. DOT will print on their license or a non-driver ID card their campus address if they do not have an off campus address. The marking of temporary or permanent would establish that the voter is a non-citizen.

(5:35) Senator Bekkedahl: I have some technical questions, who would be best to answer?

Representative Louser: The Secretary of State's office would be better to answer the technical questions.

(6:03) Representative Kasper, District 46: Testified in favor of the bill. I would echo what prior speaker stated. The concern that our committee had in the House is that all citizens in the state of North Dakota who are eligible to vote should be able to vote. And on the other hand, those who are not residents should not be able to vote. We did have 16,000 affidavits in the last election, and as we all know the affidavits are signed but the ballot is counted immediately. So any ballot that is illegitimate get counted. In Cass County alone we had over 5000 affidavit ballots that were cast. We had some elections that were very close including one in my own district that was 37 votes. How do we know if our elections are being decided by citizens of North Dakota if we do not have a method to follow up on people who do sign affidavits, which the bill allows?

(7:35) Jim Silrum, Deputy Secretary of State: See Attachment #1 for testimony in favor of the bill. Walks through the bill.

(18:02) Senator Bekkedahl: Say a student or a worker is here in a transient basis and there is an election process going on and they have an address they can vote with, what prevents me from voting here in North Dakota with that address and then voting absentee in the state they permanently live? There is no national data base to sort this out is there?

Jim Silrum: That is a good question. We attempt to address that all of the time. There is another bill that is being considered currently. It is the Real ID Act. In that bill, it specifically says that when an individual gets their license or ID in North Dakota they must give up their driver's license from the other state. Whether that bill passes or not, when an individual does obtain their new ID, the former state is notified that individual is no longer considered a driver or ID card holder in that previous state. In the past election, for example, with all of those affidavits that were filled, for all of those people that filled out an affidavit that said their last residential address was Minnesota for example – there were 2000 of those that listed that, we are going through a process to send notifications to those state and tell them they voted in North Dakota and are claiming North Dakota as their residential state. Presumably that state would nullify their voter registration. If they discovered that person voted in that same election, then they would contact the US Attorney's office because voting in more than one state in the same election is a federal offense.

Senator Bekkedahl: Is it possible that was occurring in the past in North Dakota and we just did not have processes to track that through?

Jim Silrum: Absolutely. We have done our level best to try and notify those. If it were not for the budget crisis that we are in right now, there are a couple of consortiums of states that have been working together to share voter data bases so that we can do cross checks of those voters to make sure they are not registered in more than one state, but in our case we want to make sure they are not voting in more than one state. We are contemplating going into the consortium that would be known as the Kansas Crosscheck. Simply because that is a free crosscheck. That is only a crosscheck of those states that have agreed to be a part of that compact. There is another one that is called ERIC, and that is also a substantive crosscheck over many other states, but the membership has an initial outlay of \$50,000 and \$15,000 a year to participate. I think that would be a wonderful opportunity for the future.

Senator Bekkedahl: Under current affidavit system, the affidavits give a marker for you to try and track down or make sure of the voting status, how did it work or didn't it work?

Jim Silrum: It did work to some extent, but not in 100% of the cases because when a person executes an affidavit they are asked a series of questions and under the law as it was, only the voters name, current residential address, and date of birth were the only real required fields. Unfortunately, a number of people that filled out those affidavits only put those bits of information on there so we were not able to do that. A number of them did complete that information and from those we are doing the crosscheck work with the other states. Unless we change the affidavit process as it stands right now, it would not stand the test of restoring integrity to the election process. The 53 counties are still in the process of processing those affidavits because they need to send out postcards to those individual who voted by affidavit. Many of those postcards have come back as undeliverable or were not responded to at all. It doesn't necessarily say that the person was not a qualified elector, it just says that we don't know. The person may have used the address they had at the time but they have moved and did not leave a forwarding address. We are a transient society. Under North Dakota law you don't have to update your physical card but you have to notify DOT within 10 days of moving.

(26:46) Jim Silrum: Returns to testimony – Page 2, Section 4.

(33:45) Senator Marcellais: I know there was some confusion on the last election in our district. I was in the paper and on the radio that if you wanted to vote in the next election you could pick up a letter from our tribal government to authorize you to vote. Was that coordinated with the Secretary of State's office or was that something the tribal government did on their own?

Jim Silrum: We have had this discussion several times over several years. The tribal chair from your tribe was in our office some time ago and we discussed the tribal ID and whether the state of North Dakota regulates it. Our answer is that we do not. We can only mandate what must be included on the ID in order for it to be considered valid. As long as it contained their name, current residential address, and date of birth, it would be sufficient even if that was a letter from the tribal office listing those things. That would have been accepted as a valid form of identification. We drove and met with your tribal council and expressed that. Whether that was communicated to all of your tribal members is not something of which we were in control.

Senator Marcellais: My tribal ID prior did not have address, but since then the tribe has come out with a new ID. The first ID DOT gave out free with a picture on it. It conforms to the requirements. Hopefully this will clear it up.

Jim Silrum: Whether it is a tribal ID or a card from the Bureau of Indian Affairs, it is the same thing in our understanding. From what we were told in meeting with your tribal council, whether it is a tribal ID produced by the tribe itself or an ID produced by Bureau of Indian Affairs, it should be the same thing. Your new card does have a cost to it?

Senator Marcellais: The first one is free, but if you lose it you have to pay for it.

Jim Silrum: We were told that new tribal IDs could cost something, and we did not want anything standing in the way of a qualified elector being able to cast their vote, so therefore what is changed in law makes them both acceptable.

Senator Marcellais: We have over 30,000 members in the tribe and if they want to vote for the tribal election all they have to do is show their tribal ID, but they cannot do that for the state because they have a 30-day residency in order to vote in the state election. That might be confusing to my constituents.

Jim Silrum: Are you saying that someone that currently lives in MT can come home to vote in a tribal election, and because you are a sovereign country you can establish those criteria. In North Dakota, and in every other state in the country, residence is in laws. In order to be registered to vote, you must live in that jurisdiction for a specified period of time in order to be qualified. I think you understand that is in an attempt in law to make sure that we don't have the possibility of ballot box stuffing. What is to say that individual is not also voting in their home state? I don't think I solved your problem but I tried to answer your question.

Senator Marcellais: We have more problems than that. We also have tribal elections every 2 years and the state is every 4 years. The precincts are not in the same locations for both elections. It would be a better turnout if precinct locations were the same.

Jim Silrum: Establishment of the precincts is totally under local control. The only thing that state law says about precincts is that no precinct in that state can have more than 1 legislative district in it. The counties and cities establish the precincts by December 31st of the year prior to an election year, so I would encourage you to have those conversations.

Senator Marcellais: Under item 4 of your testimony, it says a long term care certificate for the residents of a long term care facility; there were a lot of questions that came up in the last election regarding that. Is it authorizing a family member to assist that long term care patient to vote?

Jim Silrum: The long term care certificate is only a form of identification for that individual who wants to say that they live at the long term care facility and that it is there residential address and they don't have a driver's license or a non-driver's ID. Who assists them in filling out their ballot is governed by sections of law that are not currently within this bill, but there are very specific rules that address that.

(44:38) Mike Montplaisir, Cass County Auditor: Testified in favor of the bill. The current system is not working. Affidavits don't work. As you have heard, we had over 5000 in Cass county in this last general election. Yes, we sent out all of the postcards, but some of them came back undeliverable. There are people that don't know how to put their mailing address on a piece of paper. We got a lot of them back that said they voted in the election but their permanent address is in Minnesota. We even got some back attesting that they live at the address and yesterday I took a picture of that address and it happens to be the UPS store. They don't understand that what they are filling out is a legal document, and that they can be prosecuted by falsely swearing to that legal document. We have very large precincts in Cass County with a lot of voters. We have consolidated a lot of our precincts so that we may have 3000-5000 people vote in a precinct on election day. We want to run an efficient election. If people have their ID's updated it is great. We had lines in two places on election day in November. One was at the Fargo Dome and the other was the Fargo Library. The reason we had lines was because everyone was filling out affidavits. Something needs to be done. I think this is a step in the right direction. I have always been against provisional or set aside ballots because to me it is like a bait and switch type of operation, but I think we have to put the voter in a responsible position to make sure they have planned for voting just like they do for a trip. You have to have proper ID to get on an airplane. It is the same thing with voting because that is more important than taking a trip.

(47:15) Senator Bekkedahl: In the instances where you sent out verification, those ballots were counted and canvased weren't they?

Mike Montplaisir: Yes, those ballots have been counted. In some districts we had an awful lot of affidavits. In some areas we had more affidavits then the margin of what the vote total was.

Senator Bekkedahl: Did you have any processes where affidavits in the canvassing were not allowed into the final vote tally?

Mike Montplaisir: No, because the ballots are counted before we get to canvassing. There really isn't any check. We sent out over 5000 postcards following the election, and we have gotten back about 60%. How much additional work can we do on those? It is difficult because we have already held one election this year. We have another one next week. We have another one in April, and we will probably have a recall election for a City Commissioner later this summer. We are about elected out.

Senator Bekkedahl: The votes happen, the canvassing happens, and everyone has been sworn into office and there is no recourse at this point. Even though you send out the postcards, it looks like the system doesn't work very well. If you have things wrong, everything is already determined at that point. I would agree this bill helps. My question about that is if you think this or voter registration is a better answer?

Mike Montplaisir: Voter registration does not solve the ID issue. It just simply moves it to a different time. Voter registration puts another roadblock between the voter and the ballot. If you forget to register, then you don't vote. It is a lot more work and expense. Who is going to pay that expense?

Renee Stromme, North Dakota Women's Network: Testified in support of the bill with some concerns about the set aside.

(50:55) Laurie Freid, Intern, North Dakota Women's Network: See Attachment #2 for testimony in support of the bill.

(53:30) Jennifer Cook, Policy Director, ACLU of North Dakota: Testified in opposition to the bill. It is an improvement on the current statute in that it allows more documentation for voters to bring to the polling place to verify their residential address and verify the eligibility of the qualified elector. However, we have serious concerns about the use of provisional ballots. There is a current case in the courts that allows an affidavit in place because a federal judge temporarily enjoined the current statute and voter ID law in North Dakota. In particular, the judge said that North Dakota's current law does not provide for a fail-safe, and we do not feel that a provisional ballot is an adequate fail-safe. I understand that the Native American rights argue a similar point. The reason a provisional ballot does not provide an appropriate fail-safe is because it still requires the voter to provide some type of photo identification. As we know, the Native American population in North Dakota is at 23.5% that do not have a qualifying ID. The non-native is at 12%. There will still be a portion of North Dakota citizens that do not have a qualifying ID and they will not be able to meet the requirements even under this bill to cast a provisional ballot. The provisional ballot system in itself is not an adequate solution in itself because that also can be ripe for error. Even though a provisional ballot should be counted, for several reasons it could be excluded. The time allowed for response for a voter is less than other states have. We would urge the committee to extend the time for a voter to respond to the provisional ballot. We also suggest that the committee consider further amendments that would put in place an affidavit system in code instead of required by the court. We ask that the state offer an ID at no cost for individuals that claim they are unable to afford it. The ID is not free due to the fact that the underlying documentation required for an ID is not free as we understand it. So we would suggest that the state consider amending the bill to also allow that they underlying documentation for an ID to be free as well.

(57:59) Senator Bekkedahl: I think the days they have to provide the documentation are with our canvassing schedule. That is an issue. It does not mean it is insurmountable. Relating to the affidavits, you have already heard testimony that by the time the affidavits are even looked at for the security side of things to make sure there is integrity, the votes have happened, the canvassing has already occurred, and the swearing in of office has already occurred as well. Understanding that, other than just taking the word of anyone that shows up to vote, how would you design integrity for our system?

(58:55) Jennifer Cook: We are all interested in a free and fair election. It is a non-partisan issue. I think one solution, out of states that have had their voter ID laws challenged, (Wisconsin, Texas, North Carolina), those states have allowed more ID's to be presented at the polling place than North Dakota allows currently in statute. That is one area that the body could look at is adding a few more ID's that are acceptable. We, as it stands, have the strictest requirements on ID's that are allowed to be presented at the polling place out of any state. Even the states that I mentioned allowed gun licenses, game and fish licenses – I can provide a list for you if you are interested. I think that might be one solution. I would also mention that courts often side on the favor of the voter, while I appreciate very hard work that poll workers

and election officials put into making sure that elections are run efficiently, freely, and fairly, a court generally sides with the voter. If there is any question as to the legitimacy of the ballots, then the court will error on the side of the voter. When it comes down to it, voting is a fundamental right. It is not like getting on an airplane. We have heard for similar uses for our ID's and we do use them to get around in life in this modern day and age, but this voting right is enshrined in our Constitution. When you think about whether we have fair and free elections, while the affidavits are cumbersome, given time and more education it may be an opportunity for people to present more ID at the ballot box to avoid the heavy use of affidavits, it would ensure that people without ID that are required in statute now have the opportunity to vote. Which is a fundamental right.

(1:02:00) Chairman Poolman: Is it your testimony that the bill before still is the most restrictive in the country in terms of what we can offer? That is what you just said.

Jennifer Cook: Yes. Specifically, when we are talking about the ID's accepted at the ballot box.

Chairman Poolman: Even though we take a utility bill and all of those other things, we are still the most restrictive state? With that whole list? Current utility bill, bank statement, check issued by the federal, state, or local government, a paycheck, a document issued by a federal, state or local government – all of that counts, and that is still the most restrictive in the country?

Jennifer Cook: As a supplement, but as a primary ID accepted in code we are the most restrictive, yes.

Chairman Poolman: This bill with all of these other options?

Jennifer Cook: Yes. Because there is only three government issued ID's accepted.

Chairman Poolman: I have 5 listed in the bill here.

Jennifer Cook: As I see it there is a tribal ID, a non-driver ID, and a driver's license accepted.

Chairman Poolman: Driver's license and non-driver ID when we passed it we made those free. Senator Marcellais has testified that they are free on the reservation as well, and current utility bill, current bank statement, check issued by the federal, state, or local government, a paycheck, a document issued by the federal, state, or local government, a long term care certificate, anyone who has a current military ID card or passport if they are overseas, and an individual living with a disability has someone who can come in. You are saying that all of that makes us the most restrictive state in the country if we pass this?

Jennifer Cook: I am because the primary ID list is shorter.

Chairman Poolman: The primary ID can be supplemented by any of these options. These are all other options that count.

Jennifer Cook: Yes but the difference is that the primary ID's accepted by other states is longer.

Chairman Poolman: I think that we are not going to agree on that. So we are going to keep going, but I would appreciate if you would stop saying that we are the most restrictive with this bill because we clearly have lots of other options. 40% of those 5000 affidavits in Cass County never came back. How is that a good system?

Jennifer Cook: That is a good question. I know if it is the best system.

Chairman Poolman: Your testimony stated that we should have affidavits.

Jennifer Cook: I did because we at least error on the side of the voter. It favors the voter. Evidence shows that there is not necessarily a large amount of voter fraud. What we do know is that people are disenfranchised when they don't have an affidavit option.

Senator Bekkedahl: Can you show us any studies that show us that there is not much voter fraud going on?

Jennifer Cook: Specifically, in North Dakota, there are not studies done. But nationwide I can provide them for the committee.

Senator Bekkedahl: I know you are focused on the rights of the voter in this process, and I think we are too. We are elected officials. Where are the rights of the electorate in having a fair election coming into this? That is my concern. We have a small voting populous here. It does not take many people to skew an election. Even elections as small as ours are affected. 37 votes decided an election and 4000 affidavits did not come back. That could have made an impact. That is my concern as well. I believe in the free franchise of voting but I also believe in fair elections. I think we are at a stalemate on that. You are taking one side and we are taking both.

Jennifer Cook: I appreciate that we both agree that free and fair elections are important. I think that the issue would be - I agree that North Dakota is a small state and that 50 votes one way or another can effect an election in a significant manner, but the evidence that voter fraud is a significant problem in North Dakota is just not substantial. The excitement around the last election led to the results. There could be a number of reasons the affidavits were used heavily in the election here in North Dakota. I think that voters were turning out and we are interested in having that vote counted. It is concerning to us if the provisional ballots are not counted if they do not respond back in the time allotted.

Chairman Poolman: Asked for neutral testimony on the bill.

(1:09:15) Glenn Jackson, Director, Driver's License, NDDOT: See Attachment #3 for testimony in neutral capacity on the bill. The temporary driver's license and non-driver ID card is issued to someone who we know, through the documents they give us to prove who they are, that they are not a US citizen. We have about 7000 of those issued in the state. The permanent ID would comply with the requirement of this bill to provide a means to identify individuals who are not yet citizen but who are here on a permanent basis. It will say that

until they get their certificate of naturalization and then they will be issued an ID with no indicator. If someone goes into vote and they have the one that says temporary or permanent they should not vote.

(1:12:33) Chairman Poolman: Asked Jim Silrum to answer some additional questions. The 10 days that some have referenced, what is the significance of the 6 days that we have chosen? What would be the possibilities of extending it to 10?

Jim Silrum: The 6 days was decided because that is the date that the law requires the votes to be officially certified. Under previous law, several sessions ago, the legislature amended the fact that county canvassing boards could occur on either the 3rd or 6th day after the election to only say the 6th day to make sure that all those who are military and overseas voters would have time to get the ballots back. The reason for the short window of time in there is most critically know for your offices. If the election occurs on November 8th, and 6 days after that the votes are certified, the state must certify the election within 17 days of the election, and after that happens any recounts that must take place must take place at that point. All of that is directly impacted by the fact that legislators take office on Dec. 1st of every election year. There is a substantial amount of work that needs to be done in order to get the process rolling. Could it be changed? Yes, but there would be other sections of law that would need to be changed to extend when the county canvassing board would happen and you understand that would extend when the state canvassing board could happen and that has a spillover effect.

Chairman Poolman: But it could be done?

Jim Silrum: Not and seat you all by December 1st. It would be incredibly difficult, especially, any time there is a recount. If I may say, there was testimony that said that we are the most restrictive. It is important for the committee to understand that in every other state where ID is required, ID is to prove identity only, and in North Dakota our ID, because we do not have voter registration, proves identity, date of birth to make sure we are old enough, and where we live. The other thing I would encourage the committee to remember that there were considerations about a longer list of ID's that might be acceptable since we don't have voter registration ... there was consideration on a longer list of id's accepted, but the list is as it is because that is easier for the poll workers to manage and also to get other things like a concealed weapons license or a hunting license you have to provide in many of those cases a driver's or non-driver's ID card already. What is the point in duplicating that? It adds conflict to the whole thing.

Vice Chairman Davison: Is there potential in section 8, line 22, page 11, for individuals to scan a document and send to county auditor instead of having to appear in the office?

Jim Silrum: No there was not any consideration to that.

Vice Chairman Davison: Would that be possible?

Jim Silrum: It is a possibility. Some may not have the ability to do that. We are trying to move in the direction of equal protection for everyone. I would have to think on that. The best

of all scenarios is when an individual comes to vote they come prepared to vote. That is why we have spent so much time and resources in educating the public in being prepared to vote.

Chairman Poolman: When they give reference to idea that rural voters have a tough time getting back, I am sympathetic to that, but I do know that a lot of those rural counties are mail in ballots. How many counties are mail in?

Jim Silrum: In 2016 there were over 30 counties that were considered mail ballot election administration counties. However, under law, it requires them to still have one poll location open in each of those areas.

(1:22:43) Representative Mock, District 18: Testified in neutral capacity on the bill. Whether this bill passes as it is written or with amendment, there are some additional challenges that we as a legislature need to be aware of and make sure that we are including or considering in our rule of law. (Gave a personal experience at a polling location in Grand Forks.) North Dakota remains the only state in the country that does not have voter registration. We were one of the first to enact and in the 50's we removed the provision for voter registration. Over the course of time we have amended and changed how we as a state operate our elections. We were exempt from the National Voter Registration Act of 1993 along with 6 other states that had same day registration provisions because we did not have registration. Over the course of time we have amended our laws so that that person cannot show up on election day without doing prior work. There are some provisions in this bill that change that and I think that is a positive move forward, but there are still some questions regarding voter registration that is in place for the other 49 states that I think North Dakota needs to consider. That is regarding accessibility and ability to opt in or to register. The only place that you can obtain a state issued ID is through the DOT.

(1:26:52) Chairman Poolman: I think that is great that you can do that where you have voter registration anytime you have contact with government, but one of our options that you can show up with on the day of the election is a check or document issued by a federal, state, or local government.

Representative Mock: I want to be careful to not state that we are or are not in compliance with the federal law. That is decided through the courts. I raise it only as a question as to whether we have created a defacto voter registration system by having a central voter file, and if we have, are we compliant with the applications of law consistent with the National Voter Registration Act of 1993.

See Attachments #4 for information provided to the committee.

The other issue that we are not solving with this bill is regarding the use of a central voter file and DOT records. When I look at my driver's license, we know that you cannot use a PO box as residency. The issues that we run into is that there have been cases that individuals have on their driver's license a commercial address that they receive their mail at, and others have used an address of a commercially available PO Box addresses such as a UPS store.

Senator Bekkedahl: Wouldn't it be better to have some type of education process when getting a driver's license or ID? Where I am informed that, if I am going to use as a voting document, I should know that I need to put my physical address that I live at. Wouldn't that solve that problem? It is all about communication and education.

(1:32:05) Representative Mock: See Attachment #5 for information provided committee on examples of individuals using a commercial address as voting address.

(1:37:50) Representative Mock: I wish I had an easy solution for this. See Attachments #6, #7, and #8 for proposed amendments to the committee.

(1:41:00) Senator Bekkedahl: We had testimony that the courts will error on the side of the voter, while I agree with that, there is also the premise that I don't want to disenfranchise my or any other votes in the election process that is not fair. We have a balance here. We have to make sure that we take care of the people that truly want to vote that may be disenfranchised but we also have to protect the other voters that have voted that we don't disenfranchise their votes in the process.

Representative Mock: I absolutely agree. This issue is complex. I think this is a matter of degrees of imperfection and making sure that it is as few as possible.

Chairman Poolman: I think we all want the same thing, but it is just a matter of how we get there.

Senator Meyer: Asked Jim Silrum to return to the podium.

Jim Silrum: I am sorry that Mr. Jackson has left the room, but I would encourage the committee to question him more before deciding on this bill as to what process they go through to prove the residential address before they put it on a driver's license or a non-driver ID.

(1:43:48) Representative Al Carlson, District 41: Testified as sponsor and in favor of the bill. There is nothing more important in this representative republic than the integrity of our elections. Before the last election I asked for the affidavit ballots to be held but there was no legal foundation to do so. You cannot go anywhere in the world without an ID. I do not want to offset someone else's vote because I did not verify the integrity of someone else's. This is complicated and there is a lot of stuff in the bill. Based on the court rulings, I believe we need to go forward on this. When there are 500 affidavits counted in one of my precincts and there was few of those that they received postcards back that they were there – 500 votes sway elections. The integrity of that election is important. It is not hard in our state to vote. We need to make sure the integrity it there. When you are in doubt, verify. If it needs modification, fine, but I think there has been a tremendous amount of work done on this already to try and take the bumps out of the road and I hope you pass this through.

Chairman Poolman: Closed the hearing on HB 1369.

See Attachment #9 for additional testimony provided to the committee.

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

HB 1369

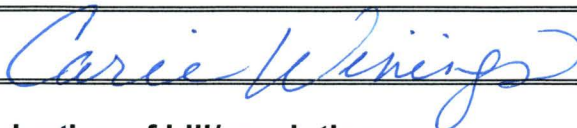
3/23/2017

Job Number 29620

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact sections 16.1-01-04.1 and 16.1-01-04.2, a new subsection to section 39-06-03.1, and a new subsection to section 39-06-14 of the North Dakota Century Code, relating to identification and residency requirements for electors and identification cards; to amend and reenact sections 16.1-01-04, 16.1-01-12, 16.1-02-09, 16.1-05-07, 16.1-07-06, 16.1-15-08, 16.1-15-19, and 39-06-07.1 of the North Dakota Century Code, relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; and to provide a penalty.

Minutes:

Attachments: 1A – 1C, 2

(0:55) Chairman Poolman: Opened HB 1369 for committee discussion. (Asked Jim Silrum to come and give the committee additional information.)

(1:20) Jim Silrum, Deputy Secretary of State: Representative Mock presented to you in his testimony that in the four largest population counties there were people who had on their driver's license residential addresses that were for UPS stores. See Attachments #1A for the entire list of all of those people who are in the central voter file that have addresses listed at that address – about 300 individuals. See Attachment #1B for the list of people at those addresses who voted in the 2016 election-approximately 30 individuals. See Attachment #1C for a list of those who voted by affidavit – 3 individuals.

(2:52) Senator Bekkedahl: What does CVF mean on the top of these lists?

Jim Silrum: That is Central Voter File. It is the database from which poll books are generated prior to each election.

(3:28) Returns to explaining lists. It is an issue that needs to be addressed and I would encourage you to have a discussion with Glenn Jackson from the Department of Transportation regarding the REAL ID Act and the changes that will already be happening.

(5:50) Chairman Poolman: So in the case of the 30, they were allowed to vote just because they presented an address. They were not asked to provide an affidavit.

Jim Silrum: Yes, because the poll workers would not have any way of knowing that the address is not a residential address. It is something that election officials would desire greatly. That everyone votes at the polling location associated with the address where they actually live, but the reality is that because these do exist and if ID were the order of the day, whether before or after you vote, the beauty of that is that at least these people would only be able to vote once. They would not be voting in the precinct for the address on their driver's license, but also at the address where they reside. If we don't have ID, and we have affidavits, a person who has one of these addresses could go into a polling location and show their address to vote and then go into another polling location associated to their home address and fill out an affidavit using their home address. The election official would not know whether or not that John Smith voting at both of those locations was the same individual or a different individual. There is no way to tell.

Senator Bekkedahl: So the column that says affidavit, that is an affidavit required by the poll workers at the time of voting, correct?

Jim Silrum: Yes.

Senator Bekkedahl: That is different than affidavits that we do when we vote by mail or absentee?

Jim Silrum: It is both. Under the 2016 election, for anyone without ID an affidavit was required whether they were voting in person or voting absentee.

Senator Bekkedahl: These are not indicating absentee ballots correct?

Jim Silrum: They could be.

Senator Bekkedahl: Do we not have the technology at the polling sites, currently under our system, that would have told the poll worker on entry of an address that the address is a PO Box site of a UPS store?

Jim Silrum: We do not in all counties. We can identify them, but we see as a companion to this our request of the legislature for electronic poll books to be utilized statewide. If every jurisdiction had electronic poll books, then that data would be able to be there for everyone. However, since only 8 of the counties have electronic poll books right now and even many of those are outdated, that means that the rest of the counties just have paper poll books and there is no way that all of that information can be maintained in a paper poll book.

Senator Bekkedahl: I just thought even if they have a paper list at the polling places that these addresses are not residential, but I know that gives more work for the counties in the election.

Jim Silrum: It should be remembered that not only are there these types of addresses, but in the past some people have chosen to put the address of their business on their driver's license. That, I believe as well, will be identified in the REAL ID compliance. I don't know why people have done that in the past. In the past, DOT just makes sure that the address that is

given by a driver for their ID is a deliverable address via the mail. They don't make sure it is residential. Some counties have done a better job of identifying the industrial areas but not all of them. We are working on that.

Senator Bekkedahl: I understand why some might use their business addresses for deliveries, but I still wish DOT would tell them it has to be their home address and not just a deliverable address.

Jim Silrum: I think that is what they are moving to now.

Senator Bekkedahl: Can you give us again how many votes that we had submitted by affidavit last election and how many were confirmed as people that lived at the address by the postcards sent out?

Jim Silrum: There were just under 16,300 people that voted by way of affidavit. The counties have not been able to finish their research yet and some have told us that they are not going to be completing their research on that. What we are hearing is that on average only half are able to be confirmed. Let me be clear on that, but because 8,000 are unable to be confirmed does not mean that they are not a voter that lived there or a valid voter. (Gave examples.) In the half that have not been confirmed just leads to the questions that you have asked so appropriately – where is the confidence that lies with that.

Senator Bekkedahl: What were the total votes in the general election.

Jim Silrum: Just shy of 350,000.

Senator Vedaa: Why is our Social Security Number not used in voting?

Jim Silrum: I would like it if we could, however, the SSN is one of those three key elements of privatized information so there has been a big movement away, especially in the area of elections. The Department of Transportation has had to spend considerable dollars to secure their spaces so that none of us can get in and inadvertently see the SSN of an individual. Election offices are much more open to the public and that is why there has been movement away from that. What I would like to consider for the future, if possible, is if we could have a good and solid working relationship with the Department of Transportation and if the law would provide it. There are some wonderful matching capabilities that can be done with the last four numbers of a SSN and with the information that we have on file for an individual. If we could match those one to one based on that last four with the Department of Transportation, we could utilize that to a certain extent. At this point it is not authorized under law in North Dakota and we would have to authorize that. I would not be opposed to such an agreement in the future.

(17:55) Vice Chairman Davison: Looking on Page 10, Section 7, Lines 14-16 and Page 11, Section 8, Line 22 where it states that an individual has to appear in the office, why can we not allow for scanning or faxing to the county office? Why is that not a good or reasonable idea?

Jim Silrum: We don't disagree with you. I will be willing to say that it is an oversight on my part as I crafted this. If you would like to add that as an amendment for that we could work on that.

John Arnold, Elections Director, Secretary of State's Office: Just to be sure we are clear of one thing first, that section on page 10 are military and overseas voters. That is their ability to get the ballot and return the ballot. That section on page 11 is for those individuals that were not able to provide IDs at the polls who had to set aside their ballot. We are talking about two different groups of people.

Vice Chairman Davison: I understand that. In the discussion, based on the timeline, there is no way to make more time for this. So, if there are people that have to drive a way to do this and they want to verify their identification, then why can't they just scan or fax in.

Jim Silrum: I do not think there would be a problem. The only thing that we would want to do with that is just to provide some sort of a notice to an individual that they are welcome to do that, however, it would be better if they fax them because faxes are far more secure than email is, but not many people have fax machines any more. I think we should give fair warning to them. That does not have to be in law but election officials should encourage those people to understand that their information could get stolen.

Vice Chairman Davison: I will visit with the chairman and maybe bring something forward as well as run it by your office.

Jim Silrum: Thank you. I agree with that wholeheartedly.

Vice Chairman Davison: Someone could have honestly forgotten their ID.

(22:57) Jim Silrum: See Attachment #2 for voting information that is addressed in the US Constitution and its Amendments.

(27:30) We are governed by not only North Dakota Century Code but also by the US Constitution and code on certain things for elections.

Senator Vedaa: In our previous voting laws that we had, I know you could bring a bill in to verify where you lived, correct?

Jim Silrum: Under a previous previous law you could. In 2014 that was removed at the last minute. We advised against that but it was removed.

Senator Vedaa: How did they prove their age at that time? Or didn't they have to?

Jim Silrum: They did so by the other forms of identification that they provided. Back at that time the utility bill was primarily there. If their driver's license or their tribal ID was missing that information or it was out of date, they could provide that to prove address.

Chairman Poolman: We had testimony submitted by the Native American Rights Fund, and of course they are the ones responsible for the lawsuit. We are interested in making the best public policy here in terms of election law, but we also want to address some of the concerns

of the previous lawsuit that caused the injunction and the law in the first place. Can you just talk a little bit about their testimony and how this bill can address those concerns; know it is just your opinion and that you are not a lawyer.

Jim Silrum: I can only respond as to what I think. As I read through the testimony that was offered by the Native American Rights Fund attorneys, much of their conversation throughout here focused solely on driver's licenses and non-driver's ID. It does not address in any way shape, or form the fact that still under HB 1369 the tribal ID continues to be a valid form of identification. And, under HB 1369, with the fact that identification can be supplemented by the documents listed, suddenly a tribal ID that does not contain the voters residential address becomes a valid form of identification as long as they supplement that with one of those documents. Nor does it address that the new tribal ID's that are being offered are initially free and then the only time there is a cost to them is when it is lost and a replacement is necessary. It is possible for Native Americans to obtain a tribal ID as a valid form of identification. They do not have to have a driver's license or a non-driver's ID provided by DOT in order to vote. That is completely absent from their testimony, but still they say that this disenfranchises the people of tribal nations for that reason.

Senator Marcellais: That tribal ID is also our passport to Canada. Homeland security recognizes that tribal ID as a passport. The first one is free and it is a \$10 replacement fee at the motor vehicle department at the tribe. In the past they were produced by the Bureau of Indian Affairs.

Jim Silrum: Whether the tribal ID is provided by the tribe itself as in your case, or by the Bureau of Indian Affairs state law has nothing to say about which is appropriate. If someone provided a BIA card, that would be considered ok by a poll worker, also a letter from the tribal government saying the necessary information as well.

Senator Marcellais: We have overcrowded homes with possibly as many as 20 people that have common names so it is hard to identify. Most of our poll workers that work up there know all of these individuals.

Chairman Poolman: In my conversation with Scott Davis, I thought it was important for us to point out here that they keep talking about the underlying documents. In order to get a driver's license, you have to have birth certificate and you have to pay money to get a copy of that birth certificate. Scott Davis explained to me that as far as the tribes are concerned it is very different. When you are born your paperwork is enrolled at the tribe and they don't ever have to submit supplemental or underlying documents to get that tribal ID. So, it is free and there are no underlying document costs and like we have said, whatever the tribe deems appropriate we cannot tell them what to do.

Jim Silrum: As long as it contains the three pieces of information.

Senator Vedaa: Senator Marcellais, are you aware of any members of your tribe living off of the reservation that are having trouble voting? Is that a problem?

Senator Marcellais: Not to my knowledge. For our tribal elections they can live anywhere and they can come home to vote. They are authorized to vote as long as they are a tribal enrolled member. They can fly in from California if they wanted to.

Chairman Poolman: That is interesting because Scott Davis mentioned that it is different for his tribe. Each nation is totally different. In his nation he is not allowed to come on the reservation and vote for tribal elections because he does not live there. He called himself disenfranchised. I think that is an important thing for us to remember too. That is why we allow them to identify what is appropriate for themselves without telling them exactly what that ID needs to look like. As long as it has that information on it.

Jim Silrum: I would also point out to you that the testimony submitted to you by the Native American Rights Fund was 189 pages in length and all but six of those were studies that were submitted as a part of the current lawsuit that is going on. For the record, it is not a prior lawsuit because it has not been settled yet in court. It was truly the hope of this legislation that it would address this issue because it opens the door for other supplemental documents. It provides a failsafe for if you have forgotten your ID, you can provide it at a later point; that it would be acceptable to everyone and of course we hope the plaintiffs would be happy with that and withdraw the lawsuit. We don't know if that will be the case but we had hoped it would be that way. This legislation was written with that possibility in mind, but also in a broad sense it was written in mind for every person within the state. Because, as it was mentioned, someone might forget their wallet, they would be in the same situation and they would need to cast a set aside ballot that they later verify. It also takes into account what we found, as an unbelievable reality, of how many of us as citizens of the state refuse, or are ignorant of the law that says that within 10 days of moving to a new location that you have to update the DOT with your new address. It does not turn them back out the door if they haven't done that.

Senator Marcellais: I brought this bill home with the testimony. My brother is the vice-chairman of the tribe right now and I shared it with him and asked him to have the attorney look it over. I have not heard anything so that must be a good indication.

Chairman Poolman: Closed the committee discussion on HB 1369.

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

HB 1369

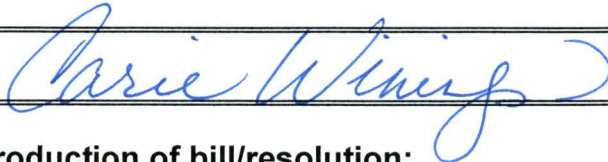
3/24/2017

Job Number 29678

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact sections 16.1-01-04.1 and 16.1-01-04.2, a new subsection to section 39-06-03.1, and a new subsection to section 39-06-14 of the North Dakota Century Code, relating to identification and residency requirements for electors and identification cards; to amend and reenact sections 16.1-01-04, 16.1-01-12, 16.1-02-09, 16.1-05-07, 16.1-07-06, 16.1-15-08, 16.1-15-19, and 39-06-07.1 of the North Dakota Century Code, relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; and to provide a penalty.

Minutes:

Attachments: 1

Chairman Poolman: Opened HB 1369 for committee discussion. We are trying to make this bill as good as we can. One of the things that has continued to come up is the address being accurate on the Driver's License and Non-Driver ID. We hear that maybe REAL ID will help that and then we hear that maybe it won't. Can you talk about what is coming and how we might fix that?

Glenn Jackson, Director, Driver's License Division, North Dakota Department of Transportation: Currently, you come in and fill out a form and put your address on there. We do not verify that it is a residential address, and you sign on the bottom saying that under perjury it is correct. We take that address at face value. We don't ask you for a piece of paper to validate that address and tie it to a residential address. We do run it through the US Postal Service and if it comes back as a valid address, we use it. That is just a valid address. It does not mean that it is your residential address. Real ID will require you to provide us two pieces of information that ties you to that physical location. We will be verifying residential addresses. We will only be doing that for REAL ID licensing. If someone does not have a REAL ID or license, and you will have the option of choosing which one you want, you will not have to do that. That is the way it stands today.

Senator Bekkedahl: Can you explain the difference between a REAL ID and a regular driver's license.

Glenn Jackson: In 2001 we had a terrorist attack, and as they went to investigate the background of this attack they discovered the individuals' credentials used were issued by states, driver's licenses etc. When they looked further, they could not find any documentation to verify the information that had been given to those states who issued those licenses. Part of READ ID is to require us to get information, primary documents, and scan those to the system so that if any one does something again, they can come to us and get the primary documents that tie them to a physical residential address. They would have more places they can go to and try to find out who they were. It helps them with their investigation process. One aspect of this is that our security has to be increased. If you go in today, you will notice that there is glass and a wall that you cannot get behind. There are security cameras. We have alarm systems. We have safes in every place to store our collateral. All of the staff have had FBI fingerprint background check. There are a lot of things that we have done that make sense for preventing fraud, but they also requirements for REAL ID. REAL ID is a set of steps or a process to get to a document. If you have a REAL ID, whoever you hand it to can be pretty sure that you are who that document says you are. We have taken a lot of steps over the past few years so that we would not have a large cost at the very end. Now it is a minimal cost to complete the process. I am hoping that by this time next year we will start issuing REAL ID credentials. If you want one, you have to do it by October of 2020. On that date, if you don't have a REAL ID credential, you cannot enter a federal facility. You cannot go on an aircraft, military facilities, and things like that. We are trying to be ahead of the ballgame. We are behind, but we are trying not to get further behind, so we are trying to finalize that this year.

Chairman Poolman: By 2020, if I want to get on an airplane, I have to have a REAL ID.

Glenn Jackson: That is correct. If you are due to renew between the time we go active and October of 2020, you can make that choice during that time, but if you have already renewed and you don't fit that window, you will have to schedule an appointment with us to come in and get it during that limited time frame.

Senator Bekkedahl: I have a license expiring in November of 2017, so I will be one of those people that will have to come back. Is there a cost to that REAL ID?

Glenn Jackson: You will renew your license in November and it is good for six years. After we go live with REAL ID, you will have to come in with all of the documentation we require in order to get a REAL ID. At that time, we will process it as a duplicate, just as if you you're your license, and we will charge you that much to get your new license. There is no fee increase for this. We will take an additional loss on the process.

Senator Bekkedahl: If I were someone lucky enough to fall in that window, there would be what for a charge?

Glenn Jackson: It would be the normal \$15 renewal fee.

Senator Vedaa: If you bring a passport in, will that qualify you to get a REAL ID?

Glenn Jackson: What we have for primary documents, is a US birth certificate, valid unexpired US passport, a report of birth abroad, certification of naturalization, or certificate

of citizenship. Those are the documents that are primary documents that we use to begin to establish residency.

Chairman Poolman: This will not be required of everyone, but it will be for those that want to enter federal facilities or get on a plane?

Glenn Jackson: That is correct.

Senator Marcellais: So a tribal ID is not used for a REAL ID?

Glenn Jackson: That is true, because this is the federal list and they have not added that.

Senator Marcellais: Homeland Security accepts our tribal ID to go to Canada.

Glenn Jackson: It is two different processes and to issue a REAL ID, according to law, these are the only documents that are allowed to establish primary identity.

Chairman Poolman: (Asked Glenn Jackson to look at an amendment possibility.) It is in terms of all of our driver's licenses. Let me know if you think that would be helpful to us as we try to make all of our documents more accurate in terms of where people live. Would this be something that would be helpful to this bill?

Glenn Jackson: I will look it over.

(10:32) Chairman Poolman: See Attachment #1 for proposed amendment idea.

(11:45) Glenn Jackson: If I understand the intent, is the intent that you would expect us to validate the residential address of every person who gets a driver's license ID card or provides a change of address for those cards, regardless of whether it is REAL ID or not REAL ID.

Chairman Poolman: That would be the intent of this particular amendment.

Glenn Jackson: I believe if you were to take this and say "provide the director documentation acceptable to the director to validate all new address or name changes of individuals" that would be even further clarification of your intent. To say "all" and not just "the new". That is inclusive of REAL ID and non-REAL ID. At present time, the way the language is phrased, "notify the director in writing or in person", we interpret that – today we do not require people to bring us documentary evidence. With REAL ID, because of the other requirements in other sections, we will require that. If you were to say "provide all new address changes" that would be comprehensive. I believe that would be a very simple change and that would, I think, achieve your goal.

(13:24) Senator Vedaa: Did you say that the REAL ID will be needed to go into a federal building?

Glenn Jackson: Into federal facilities. Where they draw the line inside of a federal facility, for example post office, you can still get into a post office. It has been military installations

and nuclear power plants and things like that. As that list continues to grow, they may add more places. I know in Washington DC, many of the offices you cannot get into unless you have a REAL ID.

Chairman Poolman: Asked Jim Silrum to come to the podium and give his opinion on the amendment.

Jim Silrum, Deputy Secretary of State: This would not mandate people to obtain a REAL ID, but it would just mandate that whenever they come in to get a driver's license or update it, they would have to provide documentation, is that correct?

Chairman Poolman: Correct, that is my understanding of what we are trying to do here.

Jim Silrum: (Asked Glenn Jackson if that was his understanding as well.)

Glenn Jackson: That would just deal with address changes and if this were to be an amendment to HB 1369, it would not affect anything under REAL ID.

Jim Silrum: So, if a person comes in and chooses to not obtain a REAL ID, they still will have to provide documentation about that. That is a good clarification.

Chairman Poolman: I throw it out there for the committee to consider because we do not have voter registration so these lists that the DOT has, that is essentially how we keep track of voters. It is our defacto voter registration. I do worry about the practical application when people come just to renew. How will they know that they need this? That is the one thing that makes me a little bit nervous. Is there going to be education on REAL ID generally? What will we need to do?

Glenn Jackson: We will have to do a huge marketing campaign once we get ready for that. There will be print advertising. Flyers will be mailed out to every driver and ID card holder with information. We have to do a lot to inform the public. If this were to change as well, that would mean that will have to be included. Not only will you have to have these various pieces of information if you desire a REAL ID, you will also have to provide evidence of an address for non-REAL ID. It would go in the renewal flyers. We would have it on our website and we would be talking to the press and advertising etc. It will create angst. There will be people that don't bring something in and we will have to say that we are sorry and they will have to bring something in. The nice thing for going for the option of REAL ID, if you don't bring it and you don't want it, you don't have to do anything different. Now you are saying if you want everyone to do it, then anyone that want any type of a credential will have to bring something. There will be some angst about that. We will get rather upset people in the lobby that won't be happy that we are requiring them to do something different from what they have done. That is essentially the reason that we did not want that in the REAL ID bill. We did not want to create that angst for non-REAL ID participants.

Chairman Poolman: I understand.

Senator Veda: In doing loans for homes there is all that paperwork, is there anything in there that says that you have to notify for an address change?

Senator Meyer: Not really. We have nothing there. The only thing that we have is a FBI occupancy document that basically states that your intent of the house was a purchase of a primary, second home, or investment property and if it changes you are supposed to let them know. It is combat mortgage fraud.

Senator Vedaa: Is there something that can be put in code that during a closing of a house or renting an apartment that they are required to check that box that says that they have been notified to change their address on their license.

Senator Meyer: That is probably a pretty good idea. I don't know if you can make it a requirement but you could notify.

Chairman Poolman: Just a requirement that it is on the sheet of things that they check off in terms of what they have been told. I wanted to throw that out there for people to think about. We are not acting on this bill today. I think Senator Davison is working on some amendments as well. We will hold on to this. (Asked the committee if they had any further questions for the experts.) The committee had no further questions. Closed the committee discussion on HB 1369.

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HB 1369
3/30/2017
Job Number 29821

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact sections 16.1-01-04.1 and 16.1-01-04.2, a new subsection to section 39-06-03.1, and a new subsection to section 39-06-14 of the North Dakota Century Code, relating to identification and residency requirements for electors and identification cards; to amend and reenact sections 16.1-01-04, 16.1-01-12, 16.1-02-09, 16.1-05-07, 16.1-07-06, 16.1-15-08, 16.1-15-19, and 39-06-07.1 of the North Dakota Century Code, relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; and to provide a penalty.

Minutes:

Attachments: 1

Chairman Poolman: Opened HB 1369 for committee discussion.

Vice Chairman Davison: See Attachment #1 for a proposed amendment. Explained amendment. This allows for them to send proof of ID in by electronic mail or fax as an alternative to having to go into the County Auditor's office or the office responsible for the administration of the election. The day of the election they can return with the proper identification only, and the remaining days until the canvassing board meets the identification can be brought in person or by electronic mail or fax.

(3:39) Senator Bekkedahl: It doesn't change any timelines within this structure. I guess understanding that, does that mean that it is already in here that these need to be done by the close of business on the 5th or 6th day, or by midnight of the recorded day? How does that work?

Vice Chairman Davison: From my standpoint, that is a good question. I would assume if it is the close of business, you would need to do it in person. What if someone sends it after close of business electronically? I guess that is not identified.

Chairman Poolman: Asked Jim Silrum to come and give an answer to the question.

Jim Silrum, Deputy Secretary of State: It is covered. On Page 4, Line 3, it says that it needs to be before the meeting of the canvassing board. Whether it is done in person or whether it is done by electronic mail or fax, it just has to happen before the meeting of the canvassing board. We generally recommend to those administering the elections that the canvassing board be held in the afternoon of the 6th day if possible, because the whole reason for that is to give military and overseas voters the longest period of time for the ballots to

return. We want them to be able to make sure that the mail from that day has been included in that. It occurs in both places where that is talked about.

Chairman Poolman: In looking at the practical application of this, when the polls open, are we going to have county auditors with a card or something so that the contact information is available for those that have a set aside ballot.

Jim Silrum: On Page 4, Line 7, Subsection 6 of that new section of law says that the Secretary of State shall develop uniform procedures for the requirements of Subsection 5, the set aside ballot. That is all on us to make sure that procedure is created properly and then all of the election authorities will need to follow those per our instructions. We are envisioning that the set aside ballot would be placed in an envelope, and that envelope will be sealed and on the outside of the envelope they will provide their information so the secrecy of their ballot can be maintained. When the poll worker takes possession of that set aside ballot, they will in turn give the instructions to follow. Rather than specify it in law, it just gives us the authority to create those uniform procedures. We do strongly recommend that one office be responsible for creating those procedures to be used in any election because we don't want 53 versions of this occurring across the state.

Senator Bekkedahl: I appreciate your comments on standardizing this.

Vice Chairman Davison: Moved Amendment 17.0750.05005.

Senator Marcellais: Seconded.

Chairman Poolman: Is there any further discussion? I think this is a very creative solution to the question of the 6 days being enough time for someone who lives further away from the polls. This is a way for us to maintain that 6 days. It certainly gives an alternative to those folks.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Vice Chairman Davison: Moved a Do Pass As Amended.

Senator Meyer: Seconded.

Chairman Poolman: We want to make sure that it is as easy for our citizens to vote as possible while maintaining the integrity of those votes. I really think this bill gives us that balance.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Chairman Poolman will carry the bill.

March 30, 2017

CM
3/30/17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1369

Page 4, line 2, after "or" insert "in person or by electronic mail or fax"

Page 11, line 26, after "office" insert ", or provides the necessary documentation by electronic mail or fax,"

Renumber accordingly

Date: 3/30
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1369

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 17.0750.05005

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Davison Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	✓				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1369

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
 Other Actions: ☐ Reconsider ☐ _____

Motion Made By Davison Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<input checked="" type="checkbox"/>		Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Davison	<input checked="" type="checkbox"/>				
Senator Bekkedahl	<input checked="" type="checkbox"/>				
Senator Meyer	<input checked="" type="checkbox"/>				
Senator Vedaa	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Poolman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1369: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1369 was placed
on the Sixth order on the calendar.

Page 4, line 2, after "or" insert "in person or by electronic mail or fax"

Page 11, line 26, after "office" insert ", or provides the necessary documentation by
electronic mail or fax,"

Renumber accordingly

2017 CONFERENCE COMMITTEE

HB 1369

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1369

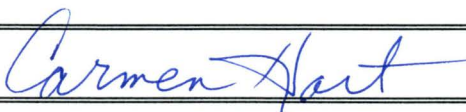
4/13/2017

30112

☐ Subcommittee

☒ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to identification and residency requirements for electors and identification cards; relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; to provide a penalty

Minutes:

Chairman Kasper opened the conference committee meeting on HB 1369. He asked for explanation of the purpose of the Senate amendments.

Senator Davison: We were in agreement with almost everything in there. Once the ballot goes into that envelope, it is not counted until they get the proper IDs. The discussion was that many people have to drive a long way to their polling place and may have forgotten something or have not had something available to them that they needed. Similar to how we allow the military to do things, the suggestion was that they would be able to electronic mail or fax the documentation within that day or before those six days they have to do that to the county office so their ballot could be counted. We are trying to offer a little more convenience to get that done. We had discussions with the Secretary of State's Office, and they felt that was a reasonable amendment. We are interested in your feedback on it.

Vice Chair Louser: My comments are on the practicality. When we have somebody identify themselves and show their ID, the person asking for the ID, looks at the ID, and then the person. In this case, how do we know that the emailed or faxed version came from that person? How do you identify the person sending it if you can't see them?

Senator Davison: Good question. It wasn't brought up in our committee. If somebody has no identification at all with them, they are still able to vote. Correct?

Chairman Kasper: Correct. Mr. Montplaisir, the Cass County auditor recently gave me some information about the follow up of the affidavits in Cass County in the last election. Mr. Montplaisir points out how difficult it is to verify these affidavits, because obviously as we know, they were counted. His data shows that out of 5,005 total affidavits that were utilized, they still have not verified or have any return for 1,837 of them. We believe the ballot is one

of the most sacred parts of our republic, and people who are legitimate voters should always be able to vote, but there goes with that, responsibility of citizenship and proof of who you are. I think the military is a little different situation. With the military you are dealing with people that you know that you are emailing or mailing the ballot to.

Senator Davison: We agree with you. We like the form of the bill. As there was some discussion about the length where people have to drive and those kinds of things, it was an amendment brought forward. It was a good question you asked about it. I don't have a good answer for it, and I just need to go back and ponder about what the answer to that is. I don't see any reason why we can't meet later.

Chairman Kasper: I will try to schedule for tomorrow morning.

Vice Chair Louser: Was that idea brought to you by a constituent?

Senator Davison: We just had discussion about how far people traveled to vote and forgot something. We asked the Secretary of State's Office what their thought was on that. They said it sounded reasonable, and so we put it in there.

Rep. P. Anderson: Did you talk about texts or sending pictures on your phone?

Senator Davison: It would be my understanding that electronic mail would include phones.

Chairman Kasper: We will try to reschedule for tomorrow morning and adjourned.

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1369

4/14/2017

30145

☐ Subcommittee

☒ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to identification and residency requirements for electors and identification cards; relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; to provide a penalty

Minutes:

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Chairman Kasper opened the conference committee meeting on HB 1369.

Senator Davison: Rep. Louser had asked a good question. We know when someone comes to the polls, signs some kind of affidavit saying they can vote and they don't have the necessary documentation with them, that affidavit will go into some kind of envelope and put aside and won't be counted unless they get the necessary paperwork or identification to the county courthouse within six days of the election. The question was how are you able to see that is the person that cast the ballot when they go back and electronically send the necessary ID information? I printed out the absentee ballot application and the absentee ballot application for the agent authorization. In neither of those cases do you have to show any kind of ID. The ballot is simply mailed back to them, or the authorization comes and gets the ballot and takes it to that person. There is no way for the county to identify a picture that that is the person who is actually marking the ballot. This language is similar to that process and is consistent with what we currently are doing as a state. I think there is some responsibility for voters to come prepared, but in the case where somebody may have forgot something or not have something or needed additional information and if you are driving 40 or 50 miles from the polls, this would make it more convenient for them to get that information to the proper place without having to go too much out of their way. The intent of the amendment was to recognize the difference between those of us that vote in Cass County and those that might be voting in a county in a rural district.

Rep. P. Anderson: I still would like to say necessary documentation by electronic means or fax. I still like the text message idea.

Senator Davison: It is more important that we agree that the terminology should be in there at all. Then we should decide on the terminology.

Chairman Kasper: In regard to the absentee ballot scenario, we have a record of a voter living at an address. The absentee ballot is sent to the address and is mailed back. There is really more verification I think at the point of an absentee ballot than simply someone faxing or emailing some proof of identification back, but I understand the correlation you are making.

Vice Chair Louser: My understanding is that in the event where somebody comes to the polling place and doesn't have the proper ID, they are given a ballot instead of an affidavit. They will fill out the ballot and have it set aside. We aren't going to have affidavits as I understand.

Senator Davison: I don't believe that process has been determined, though. I think they have to sign some kind of documentation saying they are a qualified voter and will get the identification back to you.

Chairman Kasper: It is my understanding that in the intent of this bill there would be an affidavit signed by the person who shows up and does not have an ID, cast their ballot, bring their ballot back and it would be sealed in the envelope and set aside. Then they would need to prove identification before it would be counted. Currently, anyone who shows up without an ID can sign an affidavit, go vote, the ballot is counted, and if they never show up, it is still counted. Obviously the key point of this bill is to make sure that all eligible voters have the right to vote and do vote so long as they prove that they are eligible.

Senator Davison: I don't think this amendment impacts that process at all.

Rep. P. Anderson: It says the ballot is set aside, so I think it is a provisional ballot versus an affidavit.

Chairman Kasper: They sign an affidavit on the provisional ballot. They are saying I am this person even though I don't have my identification. The idea is they come back and prove who they are with the proper identification that is acceptable.

Rep. P. Anderson: Just a comment. There is an attorney that looked at both the 2015 and 2017 bills with the court case. It is her opinion that this bill isn't going to make it through court either.

Senator Meyer made a motion to recede from Senate amendments on HB 1369.

Senator Marcellais seconded the motion.

A roll call vote was taken. 6 Yeas, 0 Nays, 0 Absent.

The meeting was adjourned.

Date: 4-14-17
Roll Call Vote #: 1

2017 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1369 as (re) engrossed

House Government and Veterans Affairs Committee

- Action Taken ☐ HOUSE accede to Senate Amendments
☐ HOUSE accede to Senate Amendments and further amend
☒ SENATE recede from Senate amendments
☐ SENATE recede from Senate amendments and amend as follows
- ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Meyer Seconded by: Sen. Marcellais

Representatives	4/13	4/14		Yes	No		Senators	4/13	4/14		Yes	No
J. Kasper, Chair	X	X		X			K. Davison, Chair	X	X		X	
S. Louser	X	X		X			S. Meyer	X	X		X	
D. Anderson	X	X		X			R. Marcellais	X	X		X	
Total Rep. Vote				3			Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1369: Your conference committee (Sens. Davison, Meyer, Marcellais and Reps. Kasper, Louser, P. Anderson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1277 and place HB 1369 on the Seventh order.

HB 1369 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

HB 1369

Section 1 – Moves the information about residency out of the section pertaining to qualifications of electors and makes the law clear as to the elements that must be met to qualify to vote.

Section 2 – Creates a new section in Ch. 1 of Title 16.1 outlining the six aspects for voter ID.

1. A valid ID must be provided before voting.
2. The ID must contain the individual's legal name, current residential street address, and date of birth.
3. The three main forms of ID for voting are a driver's license, nondriver's ID card, and tribal ID. If an individual's ID is out-of-date or incomplete, it may be supplemented with any of the five specific types of documents that provide the current or missing information.

Note: These are the same five supplemental documents, according to federal law, that an individual might use in any other state to register to vote if his or her ID is out-of-date or missing the required information. This portion of the bill is critical to the lawsuit since it will make all tribal ID cards valid when supplemented.

4. Additional forms of identification are available for individuals living under special circumstances. For individuals living abroad and military service members along with immediate family members stationed away from home, passports and military ID cards are valid. For individuals living with a disability that prevents them from leaving their home, the certification of another qualified elector is valid.
5. Outlines the set-aside ballot process for individuals without an ID when requesting to vote. The individual marks the ballot, secures it in an envelope, and returns it to the election official who keeps it for the individual until he or she returns with a valid form of ID prior to the meeting of the canvassing board. The ballots from these verified voters are then canvassed at the meeting of the canvassing board on the sixth day after the election.
6. Mandates the Secretary of State to develop the procedures for set-aside ballots.

Note: It might be tempting to name these set-aside ballots as "provisional ballots," but this would not be proper since "provisional ballots" is a term already used for something else in section 16.1-13-34. And, although set-aside ballots may seem the same as provisional ballots in other states, the term in other states always refers to whether or not the individual who marked the provisional ballot is a registered voter and we do not register voters.

Section 3 – Creates a new section in Ch. 1 of Title 16.1 outlining the requirements for determining residency for the purposes of voting in North Dakota.

Section 4 – Raises the penalty for voting more than once in an election and similar offenses to a class C felony, which carries a fine up to \$10,000, five years in prison, or both.

Section 5 – Details the list DOT provides for the Central Voter File when an individual updates his or her driver's license or nondriver's ID card. Citizenship status is included.

Section 6 – Removes the voter ID requirements from the chapter pertaining to poll workers since a new section for the ID requirements is added to Ch. 1 of Title 16.1 in section 2 of this bill.

Section 7 – Amends the absentee/mail ballot application to comply with the voter ID requirements.

Sections 8 and 9 – Describe what is to be done with the set-aside ballots after the election.

Sections 10, 11, and 12 – Require that the driver's licenses and nondriver ID cards provided by DOT for noncitizens be clearly distinguishable from those provided to US citizens. A noncitizen may replace his or her driver's license or nondriver ID card with one that is issued to a US citizen only when proof of US citizenship is provided to DOT.

HB 1369 – Voter ID, Residency, and Citizenship Bill

The intent of this bill is to navigate a path to a voter ID requirement that both ensures the integrity of our elections and is accessible to all qualified electors of North Dakota. The fact that some are not satisfied with the current voter ID law is evidenced by the lawsuit that was filed against the Secretary of State in his capacity as the state's chief election official in January of 2016.

That lawsuit is still pending. The federal judge assigned to the case ordered a preliminary injunction necessitating the return of Voter's Affidavits for the general election in 2016 since there were no other options under previous law to which the state could return to comply with the order. Voter's Affidavits were eliminated by the 2013 Legislative Assembly because if an affiant was subsequently determined to be not qualified to vote, that voter's ballot was already combined with the other ballots and could not be removed because of the secrecy of all ballots cast. That unnecessary reality was reintroduced with the return of Voter's Affidavits and will remain a part of future elections until an acceptable solution is established. The federal judge stated to both the Plaintiffs and Defendants that he is looking to the 2017 Legislative Assembly to develop the satisfactory solution. We believe this bill does just that.

Briefly, the bill eliminates Voter's Affidavits in favor of a set-aside ballot that will be counted when the voter returns to the proper election official with one of the valid forms of ID prior to the meeting of the county canvassing board held on the sixth day after the election. It allows for supplemental documentation to be presented if the ID provided is not current or is incomplete as is the case with older tribal ID cards. Under this bill, the North Dakota Department of Transportation (DOT) will provide driver's licenses and nondriver ID cards to noncitizens that are visibly different from those provided to US citizens. And finally, it raises the penalty for voting more than once in an election and other similar offenses to a class C felony as a greater deterrent.

I encourage your favorable consideration of this bill since it would be beneficial for all voters in our great state of North Dakota.

	2010 General Election		2012 General Election		2014 General Election		2016 General Election	
	Total Voter Turnout	Voter Affidavits Executed	Total Voter Turnout	Voter Affidavits Executed	Total Voter Turnout	Voter Affidavits Executed	Total Voter Turnout	Voter Affidavits Executed
Adams	1,203	1	1,304	4	1,065	0	1,238	17
Barnes	4,801	21	5,594	119	4,406	0	5,451	411
Benson	1,810	17	2,193	12	1,488	0	2,068	47
Billings	512	41	581	37	534	0	610	13
Bottineau	2,998	46	3,593	55	2,865	0	3,550	116
Bowman	1,472	38	1,753	21	1,483	0	1,816	18
Burke	796	0	1,037	18	916	0	1,068	26
Burleigh	32,831	574	43,680	818	36,685	0	48,737	1,732
Cass	48,791	1,725	74,210	4,589	54,390	0	81,791	5,005
Cavalier	1,868	0	2,115	3	1,858	0	2,096	7
Dickey	2,043	2	2,568	2	2,115	0	2,469	40
Divide	912	0	1,184	24	1,060	0	1,254	57
Dunn	1,574	25	2,058	57	1,723	0	2,277	84
Eddy	1,028	0	1,176	2	1,112	0	1,262	4
Emmons	1,580	0	1,909	0	1,687	0	2,015	10
Foster	1,479	1	1,708	1	1,662	0	1,773	7
Golden Valley	751	3	946	4	773	0	970	24
Grand Forks	20,481	987	30,177	2,169	20,935	0	30,709	3,226
Gross	1,173	11	1,444	0	1,252	0	1,417	14
Hettinger	1,147	0	1,358	0	1,280	0	1,299	14
Kidder	1,179	13	1,382	1	1,211	0	1,327	24
LaMoure	1,171	0	1,351	2	1,183	0	1,410	43
Logan	2,105	2	2,231	5	1,982	0	2,204	11
McHenry	981	3	1,099	6	1,001	0	1,110	13
McIntosh	2,374	1	2,772	75	2,389	0	2,899	17
McKenzie	1,401	20	1,560	8	1,427	0	1,488	14
McLean	2,193	7	3,464	96	2,612	0	4,724	357
Mercer	3,987	12	5,000	27	4,481	0	5,424	73
Morton	3,676	0	4,513	20	3,782	0	4,756	105
Mountrail	9,975	25	13,762	112	11,452	0	16,073	194
Nelson	2,189	32	3,481	150	2,466	0	4,174	342
Oliver	1,590	0	1,696	0	1,499	0	1,779	15
Pembina	910	0	1,023	11	858	0	1,033	23
Pierce	2,693	5	3,319	6	2,765	0	3,228	70
Ramsey	1,955	5	2,215	6	1,949	0	2,125	13
Ransom	4,249	31	5,075	57	4,271	0	5,458	101
Renville	1,901	27	2,456	4	2,007	0	2,417	27
Sioux	1,064	3	1,291	2	1,087	0	1,314	12
South Dakota	5,690	40	7,691	56	6,035	0	7,705	379
Teton	4,087	3	4,635	12	3,119	0	3,855	209
Sargent	1,624	7	2,037	6	1,696	0	2,064	17
Sheridan	786	2	838	9	722	0	811	11
Sioux	807	25	1,156	27	694	0	1,257	134

	2010 General Election		2012 General Election		2014 General Election		2016 General Election	
	Total Voter Turnout	Voter Affidavits Executed	Total Voter Turnout	Voter Affidavits Executed	Total Voter Turnout	Voter Affidavits Executed	Total Voter Turnout	Voter Affidavits Executed
Slope	343	1	452	1	380	0	441	17
Stark	7,793	0	11,738	119	9,207	0	12,500	712
Steele	911	0	1,050	0	924	0	1,042	4
Stutsman	7,853	400	9,680	671	7,808	0	10,345	606
Towner	1,044	0	1,199	2	1,066	0	1,199	18
Traill	3,100	0	3,958	33	3,120	0	4,023	86
Walsh	4,120	0	5,211	4	4,114	0	4,776	27
Ward	19,296	87	25,649	560	19,266	0	27,708	1,040
Wells	2,206	8	2,406	1	2,164	0	2,437	6
Williams	6,373	86	9,884	495	7,102	0	12,969	588
Totals	240,876	4,337	325,862	10,519	255,128	0	349,945	16,180

ALVIN A. JAEGER
SECRETARY OF STATE

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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

Attachment 2
1369
1-27-17

PHONE (701) 328-2900
FAX (701) 328-2992
E-MAIL sos@nd.gov

January 27, 2017

TO: Chairman Kasper and members of the House Government and Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Secretary of State Al Jaeger

RE: HB 1369 – Voter ID, Residency for Voting, and Citizenship

House Bill 1369 replaces Voter's Affidavits in favor of a set-aside ballot that will be counted when the voter returns to the proper election official with one of the valid forms of ID prior to the meeting of the county canvassing board held on the sixth day after the election. It allows for supplemental documentation to be presented if the ID provided is not current or is incomplete as is the case with some tribal ID cards. Under this bill, the North Dakota Department of Transportation (DOT) will provide driver's licenses and nondriver ID cards to noncitizens that are visibly different from those provided to US citizens so that it will be easier for poll workers to know if the individual appearing to vote is a citizen of this country. And finally, it raises the penalty for voting more than once in an election and other similar offenses to a class C felony as a greater deterrent.

Section 1 – Moves the information about residency out of the section pertaining to qualifications of electors and makes the law clear as to the elements that must be met to qualify to vote. The deleted text at the bottom of page 1 and on lines 4 through 14 of page 2 are moved to new sections of law later in the bill.

Section 2 – Creates a new section in Ch. 1 of Title 16.1 outlining the six aspects, found in the six subsections of this new section, relating to the voter ID requirement in our state.

1. A valid ID must be provided before voting.
2. The ID must contain the individual's legal name, current residential street address, and date of birth.
3. a. The three main forms of ID for voting are:
 - 1) A North Dakota driver's license or nondriver's ID card; or
 - 2) A tribal ID.
- b. If an individual's ID is out-of-date or incomplete, it may be supplemented with any of the five specific types of documents that provide the current or missing information.

Note: These are the same five supplemental documents, according to federal law, that an individual might use in any other state to register to vote if his or her ID is out-of-date or missing the required information. This portion of the bill is valuable to the Native Americans of our state since it will make all tribal ID cards valid when supplemented.
4. For those residents of our state living under special circumstances, additional forms of identification are available.
 - a. A long-term care certificate for the residents of a facility;
 - b. A passport or military ID for individuals living abroad and military service members along with immediate family members stationed away from home; and
 - c. The certification of another qualified elector for individuals living with a disability that prevents them from leaving their home.

5. Outlines the set-aside ballot process for individuals without an ID when requesting to vote. The individual marks the ballot, secures it in an envelope, and returns it to the election official who keeps it for the individual until he or she returns with a valid form of ID prior to the meeting of the canvassing board. The ballots from these verified voters are then canvassed at the meeting of the canvassing board on the sixth day after the election.
6. Mandates the Secretary of State to develop the procedures for set-aside ballots.
Note: It might be tempting to name these set-aside ballots as "provisional ballots," but this would not be proper since "provisional ballots" is a term already used for something else in section 16.1-13-34. And, although set-aside ballots may seem the same as provisional ballots in other states, the term in other states always refers to whether or not the individual who marked the provisional ballot is a registered voter and we do not register voters.

Section 3 – Creates a new section in Ch. 1 of Title 16.1 outlining the requirements for determining residency for the purposes of voting in North Dakota. Under current law, residency is determined by N.D.C.C. § 54-01-26; however, the wording of that section of law has made it difficult in recent years to determine who is and is not a resident for voting purposes because of how frequently our residents move from one location to another. The four rules for determining voting residence are:

1. We can have only one voting residence.
2. The address verified by identification when voting is that residence.
3. A residence is retained until another is gained.
4. Residing at a new address for thirty days and being able to verify that new address with ID for voting is the manner in which a new residential address is gained.

Section 4 – Raises the penalty for voting more than once in an election and similar offenses to a class C felony, which carries a fine up to \$10,000, five years in prison, or both. The actions that would call for the stronger penalty under this bill are:

1. Altering the votes on another individual's ballot – page 4, lines 28 and 29
2. Voting more than once in an election – page 4, line 31
3. Intentionally voting in the wrong precinct or district – page 5, line 1
4. Intentionally voting when not qualified – page 5, line 5

Section 5 – The deleted text on page 7, lines 9 through 17 are unnecessary in relation to the information that is provided by DOT for the Central Voter File when an individual updates his or her driver's license or nondriver's ID card. Of the items listed on lines 17 through 25, DOT already provide us with this information with the exception that citizenship status will now be included.

Section 6 – Removes the voter ID requirements from the chapter pertaining to poll workers since a new section for the ID requirements is added to Ch. 1 of Title 16.1 in section 2 of this bill.

Section 7 – Amends the absentee/mail ballot application to comply with the voter ID requirements.

Sections 8 and 9 – Describe the safe-keeping of the set-aside ballots by the election official in order that they are available when the individual who marked the ballot returns to verify his or her qualifications as an elector. All verified ballots will be counted by the Canvassing Board.

Sections 10, 11, and 12 – Require that the driver's licenses and nondriver ID cards provided by DOT for noncitizens be clearly distinguishable from those provided to US citizens. A noncitizen may replace his or her driver's license or nondriver ID card with one that is issued to a US citizen only when proof of US citizenship is provided to DOT.

We encourage your favorable consideration and a do pass recommendation.

Attachment 3
1369
1-27-17

Determination of legal presence by the Driver's License Division

All individuals applying for a permit, license, or Identification card **must** show proof of identity, date of birth, legal presence in the United States, by presenting **one** of the documents listed below:

- Evidence of citizenship:
 - U.S. birth certificate (state certified; Government issued)
 - Valid, unexpired U.S. passport
 - Report of Birth Abroad issued by the U.S. Department of State
 - Certificate of Naturalization
 - Certificate of Citizenship
- Legal presence only:
 - Valid, unexpired Permanent Resident Card
 - Valid, unexpired Employment Authorization Card
 - Valid, unexpired Foreign Passport with I-94
 - I-94 Card stamped Refugee or Asylee

No photocopies. No hospital certificates. All documents must be original or certified copies only.

FDR Synopsis

- Fraudulent Document Training (FDR) training is provided for examiners to teach them what to look for and how to evaluate documents presented as identification proof. Some of the actions in the training include:
- Review definitions that are pertinent to documents that are presented
- Review specific security features in the actual documents we are presented including paper documents and plastic documents. Some of example of these documents include birth certificates, driver's licenses, and employment authorization cards.
- Review items we are looking at on Driver's Licenses.
- Discuss specifically the international driving permit and out of country driver's licenses and what their purpose is and what these applicants are eligible for.
- Review red flags on plastic documents such as laminate and verbiage that communicates a counterfeit document.
- Review social security cards and their security features, red flags, and specifically the different versions. Many samples are provided and we discuss legitimate versus counterfeit or altered social security cards.
 - Review the behavior of the people that we assist and proper actions to be taken.
- Review a triangle of recognition and what features in a photo should be recognized in order to prevent fraudulent activity.
- Revisit office procedures of how to handle what is believed to be fraudulent activity.
 - Review additional primary documents that we often encounter. We review their purpose and features.
 - Review how to implement the SAVE application and what documents are required for this process.
 - Discuss the purpose of facial recognition and any experiences the examiner have had up to now.
- Conduct a short review and end the training with a quiz that covers the material that was reviewed and these are scored on site and sent to their supervisor for their employee files.

Modify Font size and color for enhanced visibility.

North Dakota DRIVER LICENSE USA ND

1 **DISCOVER**
2 **THE SPIRIT**
3 608 E BOULEVARD AVE
BISMARCK, ND 58505

4d LIC# **DIS-91-0911**
5 DOB **06/07/1991** 15 SEX **F**
6 ISS **05/14/2014** 16 HGT **5'-04"**
7 EXP **06/07/2015** 18 EYES **BRO**

5 DD 9DIS910911DT515071A64NDZ REV 01-06-2014

North Dakota NON-DRIVER IDENTIFICATION CARD USA ND

1 **DISCOVER**
2 **SCOTT**
3 4407 CHAMBERLAIN DR
BISMARCK, ND 58503

4d ID# **DIS-81-1746**
5 DOB **04/18/1981** 15 SEX **M**
6 ISS **05/14/2014** 16 HGT **6'-02"**
7 EXP **05/14/2022** 18 EYES **GRN**

5 DD 8DIS811746DS12214eE74NYZ REV 01-06-2014

North Dakota PERMANENT DRIVER LICENSE USA ND

1 **DISCOVER**
2 **THE SPIRIT**
3 608 E BOULEVARD AVE
BISMARCK, ND 58505

4d LIC# **DIS-91-0911**
5 DOB **06/07/1991** 15 SEX **F**
6 ISS **05/14/2014** 16 HGT **5'-04"**
7 EXP **06/07/2015** 18 EYES **BRO**

5 DD 9DIS910911DT515071A64NDZ REV 01-06-2014

North Dakota PERMANENT NON-DRIVER IDENTIFICATION CARD USA ND

1 **DISCOVER**
2 **SCOTT**
3 4407 CHAMBERLAIN DR
BISMARCK, ND 58503

4d ID# **DIS-81-1746**
5 DOB **04/18/1981** 15 SEX **M**
6 ISS **05/14/2014** 16 HGT **6'-02"**
7 EXP **05/14/2022** 18 EYES **GRN**

5 DD 8DIS811746DS12214eE74NYZ REV 01-06-2014

North Dakota TEMPORARY DRIVER LICENSE USA ND

1 **DLDUE**
2 **SSISI**
3 123 HERE ST
BISMARCK, ND 58501

4d LIC# **DLD-85-0065**
5 DOB **12/03/1985** 15 SEX **M**
6 ISS **12/02/2014** 16 HGT **5'-00"**
7 EXP **02/22/2015** 18 EYES **BLU**

5 DD 8DLD850065DS11522bE60NDZ REV 01-06-2014

North Dakota TEMPORARY NON-DRIVER IDENTIFICATION CARD USA ND

1 **DLDUE**
2 **SSISI**
3 123 HERE ST
BISMARCK, ND 58501

4d ID# **DLD-85-0065**
5 DOB **12/03/1985** 15 SEX **M**
6 ISS **12/02/2014** 16 HGT **5'-00"**
7 EXP **02/22/2015** 18 EYES **BLU**

5 DD 8DLD850065DS11522bE60NYZ REV 01-06-2014

P. 3

ALVIN A. JAEGER
SECRETARY OF STATE

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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

March 17, 2017

TO: Chairman Poolman and members of the Senate Government & Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Secretary of State Al Jaeger

RE: HB 1369 – Voter ID, Residency for Voting, and Citizenship

House Bill 1369 replaces Voter's Affidavits in favor of a set-aside ballot that will be counted when the voter returns to the proper election official with one of the valid forms of ID prior to the meeting of the county canvassing board held on the sixth day after the election. It allows for supplemental documentation to be presented if the ID provided is not current or is incomplete as is the case with some tribal IDs. Under this bill, the North Dakota Department of Transportation (DOT) will provide driver's licenses and nondriver ID cards to noncitizens that are visibly different from those provided to US citizens so that it will be easier for poll workers to know if the individual appearing to vote is a citizen of this country. And finally, it raises the penalty for voting more than once in an election and other similar offenses to a class C felony as a greater deterrent and to make the law in North Dakota consistent with federal law.

Section 1 – Moves the information regarding residency out of this section to make it solely about the qualifications of electors. The text with overstrike at the bottom of page 1 and on lines 4 through 14 of page 2 are moved to new sections of law later in the bill.

Section 2 – Creates a new section in Chapter 16.1-01 outlining the six aspects, found in the six subsections of this new section of law, relating to the voter ID requirement.

1. A valid ID must be provided before voting.
 2. The ID must contain the individual's legal name, current residential street address, and date of birth.
 3. a. The three main forms of ID for voting are a:
 - 1) North Dakota driver's license;
 - 2) North Dakota nondriver's ID card (free to those without a driver's license); or
 - 3) Tribal ID.
 - b. If an individual's ID is out-of-date or incomplete, it may be supplemented with any of the five specified documents that provide the current or missing information.
- Note:** These are the same five supplemental documents, per federal law, that an individual can use in any other state to register to vote if his or her ID is out-of-date or missing the required information. This portion of the bill is of exceptional value to the Native Americans of our state since it will make all tribal IDs valid when supplemented.
4. Additional forms of identification are available for residents under special circumstances.
 - a. A long-term care certificate for the residents of a long-term care facility;
 - b. A passport or military ID for individuals living abroad and military service members along with immediate family members stationed away from home; and
 - c. The certification of another qualified elector for individuals living with a disability that prevents them from leaving Their home.

5. Outlines the set-aside ballot process for individuals without an ID when requesting to vote. The individual marks the ballot, secures it in an envelope, and returns it to the election official who keeps it for the individual until he or she returns with a valid form of ID prior to the meeting of the canvassing board. The ballots from these verified voters are then canvassed at the meeting of the canvassing board on the sixth day after the election.
6. Mandates the Secretary of State to develop the procedures for set-aside ballots.
Note: It might be tempting to name these set-aside ballots as "provisional ballots," but this would not be proper since "provisional ballots" is a term already used for something else in section 16.1-13-34. And, although set-aside ballots may seem the same as provisional ballots in other states, the term in other states always refers to whether or not the individual who marked the provisional ballot is a registered voter and we do not register voters.

Section 3 – Creates a new section in Ch. 16.1-01 outlining the residency requirements for the purposes of voting in North Dakota. Under current law, residency is determined by N.D.C.C. § 54-01-26; however, that section's wording makes it difficult to determine who is and is not a resident of a precinct for voting purposes because of how frequently individuals move from one location to another in the state. The four rules for determining voting residence would be:

1. Voters can have only one voting residence.
2. The address verified by identification when voting is that voter's residence.
3. A residence is retained until another is gained.
4. Residing at a new address for thirty days and being able to verify that new address with ID for voting is the manner in which a new residential address is gained.

Section 4 – Raises the penalty for voting more than once in an election and similar offenses to a class C felony, which carries a fine up to \$10,000, five years in prison, or both, which is consistent with federal law (Title 52 §10307). The actions that would call for the stronger penalty under this bill are:

1. Altering the votes on another individual's ballot – page 4, lines 28 and 29
2. Voting more than once in an election – page 4, line 31
3. Intentionally voting in the wrong precinct or district – page 5, line 1
4. Intentionally voting when not qualified – page 5, line 5

Section 5 – The deleted text on page 7, lines 9 through 17 are unnecessary in relation to the information that is provided by DOT for the Central Voter File when an individual updates his or her driver's license or nondriver's ID card. Of the items listed on lines 17 through 25, DOT already provides us with this information with the exception that citizenship status will now be included.

Section 6 – Removes the voter ID requirements from the chapter pertaining to poll workers since a new section for the ID requirements is added to Ch. 1 of Title 16.1 in section 2 of this bill.

Section 7 – Amends the absentee/mail ballot application to comply with the voter ID requirements.

Sections 8 and 9 – Describe the safe-keeping of the set-aside ballots by the election official to ensure they are available when the individual who marked the ballot returns to verify his or her qualifications as an elector. All verified ballots will be counted by the canvassing board.

Sections 10, 11, and 12 – Require that the driver's licenses and nondriver ID cards provided by DOT for noncitizens be clearly distinguishable from those provided to US citizens. A noncitizen may replace his or her driver's license or nondriver ID card with one that is issued to a US citizen only when proof of US citizenship is provided to DOT.

We encourage your favorable consideration and a do pass recommendation.

Addendum:

The voter ID lawsuit brought against the Secretary of State in January of 2016 by seven members of the Turtle Mountain Band of Chippewa Tribe is still pending. The preliminary injunction granted to the plaintiffs in August by Judge Hovland in the United States federal district court is a temporary order until the case is decided by the court. Judge Hovland's order states that until the case is decided, no election in North Dakota may be administered without providing what he referred to as a "fail-safe" voting option for those who do not have an acceptable form of ID.

Judge Hovland further indicated that the state could decide which "fail-safe" options, under previous law, would be utilized while the preliminary injunction was in place. Those "fail-safe" options to which he was referring were the Voter's Affidavit in which the individual self-certifies that he or she is a qualified elector and the ability for a poll worker to vouch for the qualifications of an individual without ID. The Secretary of State determined that of those two options, the Voter's Affidavit would be the only option that would apply equally to anyone without ID because a poll worker can only vouch for the qualifications of individuals he or she knows personally. The judge agreed with this plan.

During conversations between Judge Hovland, the Secretary of State, and the attorneys for the plaintiffs, the Secretary of State described to the judge the problem caused by Voter's Affidavits under the previous law. The ballots cast by the voters who execute a Voter's Affidavit are cast and counted with all other ballots before the qualifications of these individuals can be verified by the election officials. And, if it is determined that a voter was not qualified, the ballot from that individual could not be removed. Judge Hovland's response was that he was hoping that the North Dakota Legislative Assembly would craft a solution in law to address the situation appropriately. HB 1369 is the solution being considered this session and it provides options so that all qualified electors will be able to vote.

Voter's Affidavits need to be replaced with better options for the individuals of our state to restore confidence in the integrity of the elections for every North Dakotan. After the election is over, it is impossible for election officials to verify the qualifications of those who executed the affidavits prior to the results being finalized. The state's 53 County Auditors still haven't been able to complete that task and four months have passed since the election. Those contests that had a narrow margin of victory in the November election provide examples of where the integrity of the outcomes could be called into question.

Legislative Contests with a Margin of Victory Less than the Number of Voter's Affidavits Executed:

2016 General Election - November 8, 2016			
Legislative District #	Voter's Affidavits Executed	Margin of Victory Senate Contests – Winning Party	Margin of Victory House Contests – Winning Party
District 12	519		231 – GOP
District 16	608		113 – GOP
District 18	317		188 – DEM-NPL & GOP
District 24	432	160 – DEM-NPL	347 – GOP
District 44	462		292 – DEM-NPL
District 46	217	37 – GOP	

Restoring the integrity of elections is not a partisan issue. The solution proposed in HB 1369 should not be looked upon as a benefit to one party over the other either.

Senate Government and Veterans Affairs Committee

March 17th, 2017

HB 1369

Laurie Freid

North Dakota Women's Network

Chair Poolman and members of the Government and Veterans Affairs committee, my name is Laurie Freid. I am a graduate student at the University of North Dakota (UND) and currently intern with the North Dakota Women's Network. During the fall term I provided education on the UND campus regarding North Dakota's voting process and gained hands-on experience with understanding North Dakotans' concerns about voting. Thank you for the opportunity to testify on HB 1369 today. HB 1369 should be amended to address concerns regarding provisional ballots.

HB 1369 is an improvement in terms of allowing voters to bring in more forms of identification beyond the few options in law now. The concern in the bill is the use of provisional ballots and the limited time to return with correct information.

The concept of a provisional ballot, though, in HB 1369 is mediocre, with less than a full business week for voters to return with the correct identification. Instead, many other states allow citizens 10 plus days to prove their provisional ballot. For example, Colorado allows 10 days after a primary election, and 14 days after a general election. HB 1369 does not consider some of the realities for travelers from rural communities coming to urban centers to vote who might have inadvertently failed to bring the proper ID with them. Some of our polling places cover large geographic areas and returning in person could be a significant challenge and expense.

Voting is a right granted to all citizens; it is a cornerstone of our democracy and a constitutional right. I thank you for your work in attempting to make voting simpler for North Dakotans, but the use of provisional ballots needs to be reconsidered. The integrity of the ballot is important. The best route to ensure that integrity is to not add additional hurdles to all voters, but to prosecute those who abuse our voting system. Instead of moving from affidavits to provisional ballots, there should be a stronger accountability for illegal affidavits or invalid forms of identification.

I encourage you to consider 1369 carefully. The majority of suggested changes are valuable, but I hope the committee can address the problems with provisional ballots before passing. At minimum, extend the length of time for a voter to return with valid ID or establish ways to provide proof that does not require additional travel to the auditor's office.

Thank you, and I will stand for questions.

Determination of legal presence by the Driver's License Division

All individuals applying for a permit, license, or Identification card **must** show proof of identity, date of birth, legal presence in the United States, by presenting **one** of the documents listed below:

- Evidence of citizenship:
 - U.S. birth certificate (state certified; Government issued)
 - Valid, unexpired U.S. passport
 - Report of Birth Abroad issued by the U.S. Department of State
 - Certificate of Naturalization
 - Certificate of Citizenship
- Legal presence only:
 - Valid, unexpired Permanent Resident Card
 - Valid, unexpired Employment Authorization Card
 - Valid, unexpired Foreign Passport with I-94
 - I-94 Card stamped Refugee or Asylee

No photocopies. No hospital certificates. All documents must be original or certified copies only.

FDR Synopsis

- Fraudulent Document Training (FDR) training is provided for examiners to teach them what to look for and how to evaluate documents presented as identification proof. Some of the actions in the training include:
- Review definitions that are pertinent to documents that are presented
- Review specific security features in the actual documents we are presented including paper documents and plastic documents. Some of example of these documents include birth certificates, driver's licenses, and employment authorization cards.
- Review items we are looking at on Driver's Licenses.
- Discuss specifically the international driving permit and out of country driver's licenses and what their purpose is and what these applicants are eligible for.
- Review red flags on plastic documents such as laminate and verbiage that communicates a counterfeit document.
- Review social security cards and their security features, red flags, and specifically the different versions. Many samples are provided and we discuss legitimate versus counterfeit or altered social security cards.
 - Review the behavior of the people that we assist and proper actions to be taken.
- Review a triangle of recognition and what features in a photo should be recognized in order to prevent fraudulent activity.
- Revisit office procedures of how to handle what is believed to be fraudulent activity.
 - Review additional primary documents that we often encounter. We review their purpose and features.
 - Review how to implement the SAVE application and what documents are required for this process.
 - Discuss the purpose of facial recognition and any experiences the examiner have had up to now.
- Conduct a short review and end the training with a quiz that covers the material that was reviewed and these are scored on site and sent to their supervisor for their employee files.

Modify Font size and color for enhanced visibility.

North Dakota
DRIVER LICENSE

USA ND

1 DISCOVER
2 THE SPIRIT
3 608 E BOULEVARD AVE
BISMARCK, ND 58505

4d LIC# DIS-91-0911

5 DOB 06/07/1991 15 SEX F
4e ISS 05/14/2014 16 HGT 5'-04"
4b EXP 06/07/2015 18 EYES BRO

5 DD 9DIS910911DTS15071A64NDZ REV 01-06-2014

North Dakota
NON-DRIVER IDENTIFICATION CARD

USA ND

1 DISCOVER
2 SCOTT
3 4407 CHAMBERLAIN DR
BISMARCK, ND 58503

4d ID# DIS-81-1746

5 DOB 04/18/1981 15 SEX M
4e ISS 05/14/2014 16 HGT 6'-02"
4b EXP 05/14/2022 18 EYES GRN

5 DD 8DIS811746DS12214eE74NYZ REV 01-06-2014

North Dakota
PERMANENT DRIVER LICENSE

USA ND

1 DISCOVER
2 THE SPIRIT
3 608 E BOULEVARD AVE
BISMARCK, ND 58505

4d LIC# DIS-91-0911

5 DOB 06/07/1991 15 SEX F
4e ISS 05/14/2014 16 HGT 5'-04"
4b EXP 06/07/2015 18 EYES BRO

5 DD 9DIS910911DTS15071A64NDZ REV 01-06-2014

North Dakota
PERMANENT NON-DRIVER IDENTIFICATION CARD

USA ND

1 DISCOVER
2 SCOTT
3 4407 CHAMBERLAIN DR
BISMARCK, ND 58503

4d ID# DIS-81-1746

5 DOB 04/18/1981 15 SEX M
4e ISS 05/14/2014 16 HGT 6'-02"
4b EXP 05/14/2022 18 EYES GRN

5 DD 8DIS811746DS12214eE74NYZ REV 01-06-2014

North Dakota
TEMPORARY DRIVER LICENSE

USA ND

1 DLDUE
2 SSISI
3 123 HERE ST
BISMARCK, ND 58501

4d LIC# DLD-85-0065

5 DOB 12/03/1985 15 SEX M
4e ISS 12/02/2014 16 HGT 5'-00"
4b EXP 02/22/2015 18 EYES BLU

5 DD 8DLD850065DS115220A60NDZ REV 01-06-2014

North Dakota
TEMPORARY NON-DRIVER IDENTIFICATION CARD

USA ND

1 DLDUE
2 SSISI
3 123 HERE ST
BISMARCK, ND 58501

4d ID# DLD-85-0065

5 DOB 12/03/1985 15 SEX M
4e ISS 12/02/2014 16 HGT 5'-00"
4b EXP 02/22/2015 18 EYES BLU

5 DD 8DLD850065DS115220E60NYZ REV 01-06-2014

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pg 1

THE NATIONAL VOTER REGISTRATION ACT OF 1993 (NVRA)

These questions and answers are designed to provide information and guidance to state and local officials as well as the general public concerning the provisions of the NVRA and its interaction with the other statutes enforced by the Department. The Department welcomes comments concerning this document.

QUESTIONS AND ANSWERS

OVERVIEW

1. What is the NVRA?

The National Voter Registration Act of 1993 (also known as the "NVRA" or "motor voter law") sets forth certain voter registration requirements with respect to elections for federal office. Section 5 of the NVRA requires that States offer voter registration opportunities at State motor vehicle agencies. Section 6 of the NVRA requires that States offer voter registration opportunities by mail-in application. Section 7 of the NVRA requires that States offer voter registration opportunities at certain State and local offices, including public assistance and disability offices. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States.

2. What States are covered by the NVRA's requirements?

The requirements of the NVRA apply to 44 States and the District of Columbia. Six States (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are exempt from the NVRA because, on and after August 1, 1994, they either had no voter-registration requirements or had election-day voter registration at polling places with respect to elections for federal office. Likewise, the territories are not covered by the NVRA (Puerto Rico, Guam, Virgin Islands, American Samoa). While the NVRA applies to elections for federal office, States have extended its procedures to all elections.

SECTION 5 – MOTOR VEHICLE AGENCIES

3. What voter registration opportunity is required by Section 5 of the NVRA?

Each State motor vehicle driver's license application (including any renewal application) submitted to a State motor vehicle authority must serve as a simultaneous voter registration application unless the applicant fails to sign the voter registration application. This application for voter registration must be considered as updating any previous voter registration by the applicant.

In addition, any change of address form submitted for State driver's license purposes must also serve as notification of change of address for voter registration purposes unless the registrant states on the form that the change of address is not for voter registration purposes. This means that all changes of address submitted to State motor vehicle offices must be forwarded to election authorities unless the registrant affirmatively requests otherwise by opting out on the form.

4. Do the voter registration requirements of Section 5 of the NVRA apply to all license transactions with driver's license offices?

Yes. The NVRA defines the term "motor vehicle driver's license" to include "any personal identification document issued by a State motor vehicle authority." Hence, the NVRA voter registration opportunity applies to applications, renewals, and change of address transactions regarding any personal identification document issued by a State motor vehicle authority.

Moreover, to the extent that the State provides for remote applications for driver's licenses, driver's license renewals, or driver's license changes of address, via mail, telephone, or internet or other means, then provision must be made to include the required voter registration opportunity as well.

5. Does Section 5 of the NVRA mandate the use by States of any particular forms or procedures?

Yes. Each State must include a voter registration form as part of an application for a State driver's license and any application for driver's license renewal.

The voter registration portion of the application may not require any information that duplicates information required on the driver's license portion of the application and may require only the minimum amount of information necessary to prevent duplicate voter registrations and permit State officials both to determine the eligibility of the applicant to vote and to administer the voting process.

The voter registration application must state each voter eligibility requirement (including citizenship), contain an attestation that the applicant meets each requirement, state the penalties provided by law for submission of a false voter registration application and require the signature of the applicant under penalty of perjury. In addition, the application shall also include statements specifying that: 1) if an applicant declines to register to vote, the fact that the applicant has declined to register will

remain confidential and will be used only for voter registration purposes; and 2) if an applicant does register to vote, the identity of the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

When a state contracts with a private entity to administer services in an agency that is required to offer voter registration, the ultimate responsibility for ensuring provision of voter registration services remains with the state, and the voter registration requirements under the NVRA remain the same.

6. What is a motor vehicle agency required to do with completed voter registration applications accepted at its offices?

Completed voter registration applications accepted at a motor vehicle agency must be transmitted to the appropriate State election official no later than ten days after acceptance. However, if an application is accepted at a motor vehicle agency within five days of a voter registration deadline for an election, the application must be transmitted to election officials no later than five days after acceptance. The agency providing voter-registration services may not require a registrant to mail in the form himself or herself or discourage him or her in any manner from submitting the form to the agency. Similarly, if it is agency practice to make sure that agency forms are completed and signed when submitted by an applicant, the same practice should apply to a voter registration application submitted by that applicant.

SECTION 6 – MAIL REGISTRATION

7. What are the requirements for voter registration by mail provided by Section 6 of the NVRA?

Section 6 of the NVRA requires each State to accept and use the federal mail voter registration application form developed by the U.S. Election Assistance Commission. This form is available on the EAC's web site at <http://www.eac.gov/program-areas/national-voter-registration-form>. In addition to containing a voter-registration application, this EAC application booklet describes certain state-specific requirements. The national form and booklet have been developed by the EAC in consultation with the States.

8. Can a State develop its own mail voter registration application?

Yes. Section 6 of the NVRA also provides that, in addition to accepting and using the federal mail application, a State may develop and use its own mail voter registration form, if it meets all of the same criteria the NVRA requires for the EAC's national mail voter registration application.

9. What are the requirements for the national mail voter registration application?

Section 9 of the NVRA provides that the national mail voter registration application may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.

The application also must include a statement that specifies each eligibility requirement (including citizenship), contain an attestation that the applicant meets each such requirement and require the signature of the applicant under penalty of perjury. The mail application must also include a statement of the penalties provided by law for submission of a false voter registration application.

The mail application must also include statements specifying that: 1) if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and 2) if an applicant does register to vote, the identity of the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes. The mail application may not include any requirement for notarization or other formal authentication.

Section 303(b) of the Help America Vote Act of 2002 (HAVA) also requires that the national mail application include certain additional information: First, the question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States. Second, the question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day. Third, the statement, "If you checked 'no' in response to either of these questions, do not complete this form." Fourth, a statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate identification required by HAVA must be submitted with the mail-in registration form to avoid the additional identification requirements upon voting for the first time. (See Question 11 below for a list of these forms of identification).

10. Does the NVRA require States to make mail voter registration applications available?

Yes. The chief election official of each State must make mail voter registration applications available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs. Most states satisfy these requirements by, among other things, making applications available at local registrar offices, driver license offices, public assistance offices and disability-service offices, to groups doing voter registration drives, and through

the internet on the website of the chief election official. These forms are also available on the website of the U.S. Election Assistance Commission.

11. What requirements does federal law place on first-time voters who register to vote by mail?

If a person registers to vote by mail and has not previously voted in a federal election in a State, Section 303(b) of the Help America Vote Act of 2002 established new requirements.

Where a person registers to vote by mail and has not previously voted in a federal election in a State, if the voter does not qualify for one of the exemptions in Section 303(b)(3) of HAVA (described below), then he or she must submit one of the forms of identification required by Section 303(b)(2)(A) of HAVA the first time that he or she votes in a federal election. These forms of identification are: 1) a current and valid photo identification; or 2) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If the voter does not present the required identification, Section 303(b)(2)(B) of HAVA provides that he or she may nonetheless cast a provisional ballot.

Sections 303(b)(3)(A)-(C) of HAVA create certain exemptions from these identification requirements. An applicant who provides the specified identification documents with his or her registration application (or otherwise provides such documentation to election officials before Election Day), is exempt from the requirement to show identification the first time he or she votes in a federal election. Likewise, an applicant who provides his or her driver's license number or last four digits of his or her social security number, and the State is able to match this information against an existing State record, is exempt from the requirement to show identification the first time he or she votes in a federal election. In addition, persons entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, or entitled to vote other than in person under the Voting Accessibility for the Elderly and Handicapped Act or other federal law, are exempt from HAVA's identification requirements.

SECTION 7 – VOTER REGISTRATION AGENCIES

12. Under Section 7 of the NVRA, which offices must offer voter-registration services?

Any office in a covered State that provides either public assistance or state-funded programs primarily engaged in providing services to persons with disabilities must offer voter-registration services. Armed Forces recruitment offices must also provide voter registration services. In addition, a State must designate other offices in the State as voter-registration agencies. (See Question 15 below for a description of these other offices).

13. What is an office that provides public assistance under Section 7?

"Public assistance" offices that must offer voter-registration services under Section 7 of the NVRA include each agency and office in a State that administers or provides services or assistance under any public assistance programs. This includes any of the following federal public assistance programs: the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program), the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the Temporary Assistance for Needy Families (TANF) program (formerly the Aid to Families with Dependent Children or AFDC program), the Medicaid program, and the State Children's Health Insurance Program (SCHIP). This also includes state public assistance programs.

14. What is an office that provides state-funded programs primarily engaged in providing services to persons with disabilities?

Offices that provide state-funded programs primarily engaged in providing services to persons with disabilities include offices providing vocational rehabilitation, transportation, job training, education counseling, rehabilitation, or independent-living services for persons with disabilities. Because States vary greatly in the manner in which they provide services to persons with disabilities, each State must identify the specific offices and agencies that fit this definition. In doing so, States may want to consult with offices that deal with issues related to persons with disabilities, such as the protection and advocacy offices and client assistance program offices within that State. A list of such offices for each State is available at:

http://www.napas.org/aboutus/PA_CAP.htm. Section 7 also requires that if an office provides services to a person with disabilities at the person's home, the office must provide the opportunity to register to vote at home. Offices serving persons with disabilities often offer specialized assistance in completing the agency service or benefit application forms, and Section 7 requires such offices to offer voter registration applicants the same degree of assistance in completing voter registration forms as is offered in completing the agency's own application forms.

15. Does Section 7 require designation of other offices as voter registration agencies?

Yes. In addition to offices providing public assistance and services to persons with disabilities, States are also required by Section 7 to designate "other offices" within a State as voter-registration agencies. A State is free to determine which other agencies/offices should be designated, according to its needs and preferences, but it must make additional designations. Such other agency designations may include State or local government offices such as public libraries, public schools, State colleges, universities and community colleges, city and county clerks offices, marriage license offices, fishing and hunting license offices, government revenue offices, and unemployment compensation offices. Offices not otherwise covered under the NVRA that provide services to persons with disabilities may also be designated. In addition, with the agreement of such

entities, States may designate as voter-registration agencies nongovernmental offices (such as private colleges) or Federal government offices.

16. Do armed forces recruitment offices have to provide voter-registration services?

Yes. The NVRA provides that all federal Armed Forces recruitment offices in each State subject to the NVRA must provide voter registration services. Within the Department of Defense, the Federal Voting Assistance Program (FVAP) maintains a web site that contains information concerning voter registration at Armed Forces recruitment offices:

<http://www.fvap.gov/reference/laws/nat-vote-reg-act.html> and <http://www.fvap.gov/reference/milinfo.html>.

17. What voter-registration services must be made available?

Each office designated as a voter registration agency under Section 7 that provides service or assistance in addition to conducting voter registration must do the following:

1. distribute voter-registration application forms;
2. provide an "information" form that contains information on the voter-registration process (see Question 21 below for a description of the "information" form);
3. provide the same level of assistance to all applicants in completing voter-registration application forms as is provided with respect to every other service or application for benefits (unless the applicant specifically refuses such assistance);
4. accept completed voter-registration forms from applicants; and
5. transmit each completed voter-registration application to the appropriate State election official within a prescribed time frame.

18. What persons must be provided the opportunity to register to vote by Section 7 designated offices and agencies?

Designated agencies must provide the opportunity to register to vote to persons when: (1) applying for the agency's assistance or services; (2) seeking recertification or renewal of those services; and (3) changing address for the assistance or services.

19. What does Section 7 require with regard to distribution of voter registration forms and information forms?

Each office designated under Section 7 that provides services or assistance must distribute to each applicant for services or assistance, and each applicant for recertification, renewal or change of address with respect to such services or assistance, one of the voter registration application forms described in Question 20 below. In addition, each such office also must distribute to each applicant a form, known as an information form, described in Question 21 below.

20. What types of voter-registration forms can be distributed to applicants?

Section 7 agencies must distribute one of the three voter-registration forms listed below:

1. National Mail Voter Registration Form — The agency may use this federal form, which has been developed by the U.S. Election Assistance Commission. This form is available on the EAC's web site at <http://www.eac.gov/program-areas/national-voter-registration-form>. In addition to containing a voter-registration application, this document lists certain state-specific voting requirements.
2. State mail voter-registration form — The agency may use its State mail voter-registration form, so long as it meets the requirements of Section 9 of the NVRA. This State form would not be as lengthy as the federal form, which contains information about voter registration in each state. Such a form should be easier for applicants to navigate and easier for agencies and election officials to process.
3. Designated agency's own form — The agency also may use its own version of a voter-registration form, if it is equivalent to the federal form and has been approved by the State. This type of form may lead to more efficient voter-registration transactions at designated agencies that provide services or assistance, since it could be made a seamless part of the forms normally used by the designated agency. As an example, where agency assistance/services forms are generated by computer during the process of interviewing the applicant, the voter-registration form likewise might be generated during this same process, pre-populated with information already provided by the applicant. Or a perforated voter-registration application might be attached at the bottom of a State services form, so that it can be easily completed, detached, and transmitted to the appropriate election official.

21. What is the "information form," and what should States put on it?

Section 7 requires that designated offices provide each applicant for services or assistance an information form containing specific information concerning the individual's opportunity to register to vote. This form, which may be part of or separate from the voter-registration form, must include the following information:

1. the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
2. if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";
3. boxes for the applicant to check to indicate whether the applicant would like to register to vote or declines to register to vote, together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME." (Failure to

check either box is deemed a declination to register for purposes of receiving assistance in registration but is not deemed a written declination to receive an application);

4. the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
5. the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____. The blank should be filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed.

No information relating to a declination to register to vote may be used for any purpose other than voter registration. If the information form is separate from the voter-registration form, it is recommended that a statement regarding this non-use of declination information be included on the voter-registration form, as well as a statement that if the applicant registers to vote, information submitted will be used only for voter-registration purposes.

22. Are Section 7 agencies required to assist persons in completing a voter-registration application?

Yes. Section 7 agencies must provide to each applicant the same degree of assistance in completing the voter-registration application form as is provided by the office in completing its own agency forms, unless the applicant declines to register to vote or declines such assistance.

As an example, if it is the practice of a Section 7 agency for its employees to take time to explain to each applicant the various forms involved in the agency application, recertification or other process and answer applicant questions before the applicant completes the forms, this type of assistance must also be given at that time to such applicants with regard to the voter registration application process. Similarly, if it is agency practice to make sure that agency forms are completed and signed when submitted by an applicant, the same practice should apply to a voter registration application submitted by that applicant.

Offices serving persons with disabilities often offer specialized assistance in completing the agency service or benefit application forms. Section 7 requires such offices to offer voter registration applicants the same degree of assistance in completing voter registration forms as is offered in completing the agency's own application forms.

23. Does Section 7 put any restrictions on how office staff may interact with applicants?

Yes. Any person who provides voter-registration services at a Section 7 agency is prohibited from: 1) seeking to influence an applicant's political preference or party registration; 2) displaying any political preference or party allegiance; 3) taking any action or making any statement to an applicant to discourage the applicant from registering to vote; or 4) taking any action or making any statement that may lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

24. Do the voter registration requirements of Section 7 of the NVRA apply to all application, renewal, recertification and change of address transactions with designated offices?

Yes. The NVRA requires that voter registration opportunities be provided with respect to all application, renewal, recertification and change of address transactions regarding service and assistance with Section 7 offices. Many Section 7 designated agencies/offices routinely provide services/assistance such as application for, or renewal of, services or change-of-address notification through the internet, by telephone, or by mail. States should ensure the availability of voter-registration opportunities to individuals using such remote service/assistance opportunities from designated agencies. Thus, for all such internet transactions, States should advise of the opportunity to register to vote, and should provide some online capability to download or request a voter-registration form. For phone transactions, designated-agency personnel should advise applicants of the opportunity to register to vote and to request a voter registration form. Materials sent by mail to individuals completing phone or internet transactions (such as statements confirming a phone transaction, or renewal or change-of-address forms) should contain a voter-registration form.

In all such internet, phone, and mail transactions, individuals should be given a toll-free phone number, where possible, to call for information and instruction on how to complete the voter-registration process. Where feasible, as is done at many motor-vehicle agencies, States may consider providing for a simultaneous voter-registration opportunity through the electronic portal when individuals apply for services or assistance at a designated agency by that means. In addition, where possible, agencies may consider assisting the applicant in registering to vote by automatically filling in appropriate fields on voter-registration applications with information previously provided by the applicant in order to make the registration process easier and more efficient.

When upgrading technology related to the application/recertification/change of address process at Section 7 agencies, States should ensure that such upgrade includes the voter registration process.

When a state contracts with a private entity to administer services in an agency that is required to offer voter registration, the ultimate responsibility for ensuring provision of voter registration services remains with the state, and the voter registration requirements under the NVRA remain the same.

25. What is a Section 7 agency required to do with completed voter registration applications accepted at its offices?

The designated agency must submit the completed voter-registration application to the appropriate State or local election official within a prescribed period of time unless the applicant desires to submit it himself or herself. The agency providing voter-registration services may not require a registrant to mail in the form himself or herself or discourage him or her in any manner from submitting the form to the agency. When an applicant submits a completed voter-registration application to an agency, the agency must transmit the form to the appropriate State or local election official within ten days. However, if the agency receives a completed voter-registration application within five days before the last day to register to vote in an election, the application must be transmitted to the appropriate State or local election official within five days.

SECTION 8 – ADMINISTRATION OF VOTER REGISTRATION**26. What does Section 8 of the NVRA require States to do?**

Section 8 mandates certain action by States concerning the administration of voter registration for elections for federal office. These requirements involve important issues such as the date by which valid voter registration applications must be accepted and eligible persons registered, rules for changing a registrant's address information, rules for removing names from the voter registration list, and administration of a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act.

27. Does Section 8 impose a time deadline on States for accepting voter registration applications and registering eligible applicants?

Yes. States must set a voter registration cutoff for federal elections of no more than 30 days before the election. A valid voter registration application from an eligible applicant is considered timely and the State has to ensure that the applicant is registered to vote if it is: 1) submitted not later than the lesser of 30 days, or the period provided by State law, before the date of a federal election to a driver's license office, designated public assistance or disability office, other designated office, or an appropriate State or local election official, or 2) postmarked not later than the lesser of 30 days, or the period provided by State law, before a federal election when submitted by mail. **States can set a voter registration deadline for federal elections shorter than 30 days, and a number of States do so, but cannot set a longer deadline.**

28. Are States required to let an applicant know what has happened to his or her application?

Yes. Section 8 requires State election officials to notify each applicant of the disposition of his or her registration application, e.g., a voter registration card if the application is accepted or a notice of rejection if the application is not accepted.

Where a notice of disposition for a mail voter registration application is sent by nonforwardable mail and returned as undeliverable, Section 6 of the NVRA provides that local election officials may proceed in accordance with the provisions of Section 8(d) of the NVRA (see Question 35 below).

29. Under the NVRA, what are the circumstances under which a State can remove a person's name from the voter registration rolls?

Section 8 permits States to remove the name of a person from the voter registration rolls upon the request of the registrant, and, if State law so provides, for mental incapacity or for criminal conviction. The Act also requires States to conduct a general voter registration list maintenance program that makes a reasonable effort to remove ineligible persons from the voter rolls by reason of the person's death, or a change in the residence of the registrant outside of the jurisdiction, in accordance with procedures set forth in the NVRA. The list maintenance program must be uniform, nondiscriminatory and in compliance with the Voting Rights Act.

30. Does the NVRA contain any prohibitions on removal of persons' names from the voter registration list?

Yes. Section 8 of the NVRA contains several restrictions on removals from the voter registration list. It prohibits removing registrants from the voter registration list solely because of the failure to vote. It also prohibits removing registrants from the registration list due to a change of address to another location within the same registrar's jurisdiction, even if the voter has failed to notify the registrar of the move within the jurisdiction. It also places restrictions of notice and timing on removals from the voter registration list when second-hand information is received, such as returned mail, which suggests a registrant may have moved outside of the registrar's jurisdiction.

31. What is "removal at the request of the registrant" under Section 8?

A "removal at the request of the registrant" under the NVRA involves first-hand information from a registrant that can originate in at least three ways: 1) an unsolicited direct request from the registrant to remove his or her name from the voting registration list, 2) a registrant completing and returning a confirmation card indicating an address change outside the jurisdiction, or 3) a registrant submitting a new application registering to vote a second time in a new jurisdiction, and providing information regarding the registrant's prior voter registration address on the new application, which the State can treat as a request to cancel or transfer his or her prior registration. A registrant advising of a new address within the same jurisdiction, or registering to vote a second time at a new address within the same jurisdiction, should trigger an updating of the original registration, rather than its cancellation.

32. Are there any required procedures in the NVRA concerning removal of a person's name from the voter registration rolls for mental incapacity, criminal conviction or death?

The NVRA does not require any particular process for removing persons who have been disqualified from voting pursuant to State law based upon a criminal conviction or an adjudication of mental incapacity. Moreover, while the NVRA requires States to make reasonable efforts to remove persons who have died, it does not require any particular process for doing so. States can follow whatever State law process exists for doing this. Section 303(a) of HAVA adds an additional requirement for NVRA covered States to coordinate the statewide voter registration database with State records on felony status and death. HAVA provides that list maintenance on the statewide database shall be done on a regular basis in accordance with the requirements of the NVRA.

In those States where state law provides for removals from the voter rolls based on mental incapacity or criminal conviction, state laws generally provide for election officials to rely on court determinations to identify the individuals who are subject to removal. Section 8 of the NVRA also provides for the U.S. Attorney Offices to forward information regarding felony criminal convictions in federal courts to chief state election officials.

33. Is there a "safe harbor" program for list maintenance which a State can implement to satisfy the NVRA's requirements?

Yes. The NVRA gives one example of such a safe harbor program for list maintenance: a) the NVRA provides that a State may utilize change of address information supplied by the United States Postal Service through its National Change of Address program (NCOA) to identify registrants whose addresses may have changed; b) because this is second-hand information, not directly from the registrant, the NVRA prescribes a subsequent confirmation notice procedure that States must follow to verify possible address changes outside the jurisdiction generated from the NCOA program; and c) the NVRA specifies a subsequent waiting period after the confirmation notice is sent before a State can remove voters from the rolls for address changes outside the jurisdiction absent written confirmation from the voter. Other possible examples of a general list maintenance program could include States undertaking a uniform mailing of a voter registration card, sample ballot, or other election mailing to all voters in a jurisdiction, for which the State could use information obtained from returned non-deliverable mail as the basis for correcting voter registration records (for apparent moves within a jurisdiction) or for sending a forwardable confirmation notice and beginning the two federal general election waiting period before removal (for apparent moves outside a jurisdiction or non-deliverable mail with no forwarding address noted).

34. Under what circumstances does the NVRA allow States to remove the names of persons from the voting rolls based on change of residence?

A State can only remove the name of a person from the voter registration list on grounds of change of residence upon: 1) the voter's written first-hand confirmation of a change of address to a location outside of the registrar's jurisdiction, or 2) reliable second-hand information indicating a change of address outside of the jurisdiction from a source such as the NCOA program, or a general mailing to all voters, **plus** the subsequent failure of the person to respond to a specific forwardable confirmation mailing sent by the State **and** the failure of the person to vote or appear to vote during the period ending on the day after the second federal general election subsequent to the confirmation notice being sent.

35. What is the NVRA confirmation mailing/notice process to which States must adhere to verify a registrant's change of residence?

Where a State that has obtained reliable information indicating a possible change of residence for a registrant through the NCOA program (or another uniform list maintenance program like a general mailing to all registrants), it must take certain steps to confirm such address change since it is second-hand information not coming directly from the registrant. These steps differ depending on whether the apparent change of address is inside or outside a registrar's jurisdiction:

1. In the case of a person who appears to have moved to a new address **inside** the same registrar's jurisdiction, the registrar shall not remove the voter's name from the list, but must update the registration records to show the new address and send a forwardable mail notice of the address change to the registrant along with a prepaid pre-addressed return form for the registrant to verify or correct the residence information. If such person fails to return this form, however, the registrant cannot be removed from the voter rolls by reason of this apparent change of residence within the jurisdiction and should not be designated as inactive;
2. In the case of a person who appears to have moved to a new address **outside** the registrar's jurisdiction, the registrar must initiate an address confirmation procedure before removing the voter. This entails sending a forwardable notice, in the form of a postage-prepaid and pre-addressed return card, on which the registrant may state his or her current address. The notice must track the specific language in Section 8(d)(2) of the NVRA, i.e., it must advise that if the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the voter registration deadline, and that if the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters. The jurisdiction may

designate the registrant as inactive if the registrant fails to return the confirmation notice by the voter registration deadline for the next election after the confirmation notice is sent. If the registrant subsequently provides written confirmation of a change of address to outside of the jurisdiction, the registrant can be immediately removed from the rolls. If the registrant has not moved outside the jurisdiction and subsequently votes or appears to vote in an election before the second general election for Federal office after the confirmation notice is sent, the registrant should be restored to active status.

36. If this confirmation notice card is not returned within the specified time, can the State then remove the voter from the registration rolls for an apparent address change?

No. A voter can be removed from the voter rolls for an apparent address change **only** if he or she has not responded to the confirmation notice sent by forwardable mail with a postage prepaid and pre-addressed return card, **and** if she or she has not voted or appeared to vote in an election beginning on the date the notice is sent and ending on the day after the date of the second federal general election after the date of the confirmation notice.

37. Does Section 8 impose any time restrictions on States as to when a general list maintenance program can be conducted?

Yes. Section 8 requires States to **complete** any program the purpose of which is to systematically remove the names of ineligible voters from the official list of eligible voters not later than **90 days** prior to the date of a primary election or general election for federal office. This 90 day deadline applies to state list maintenance verification activities such as general mailings and door to door canvasses. This 90 day deadline does not, however, preclude removal of names at the request of the registrant, removal due to death of the registrant, removal due to criminal conviction or mental incapacity of the registrant as provided by State law, nor does the deadline preclude correction of a registrant's information.

38. Are there any protections in the NVRA for those eligible registered voters who have changed address to another location within a registrar's jurisdiction, or are otherwise on an inactive voter list, but have not notified the registrar prior to the date of a federal election?

Yes. The NVRA contains fail-safe provisions to enable such persons who show up to vote on a federal election day to update their registration and to vote in that election even though they have not notified the registrar of the address change:

1. An eligible registered voter who has moved to an address in an area covered by the same polling place as his or her previous address is permitted to vote at that same polling place upon oral or written affirmation by the registrant of the change of address at the polling place;
2. An eligible registered voter who has moved to an address in an area covered by a different polling place from the polling place for his or her previous address, **but within the same registrar's jurisdiction and the same congressional district**, at the option of the registrant:
 1. shall be permitted to correct the voting records and vote at the old polling place upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or
 2. shall be permitted to correct the voting records and vote at a designated central location within the same registrar's jurisdiction, upon written affirmation by the registrant of the new address on a standard form provided by the registrar; or
 3. shall be permitted to correct the voting records for purposes of future elections at the new polling place, and shall be permitted vote in the current election at that polling place if allowed under State law, upon confirmation by the registrant of the new address by such means as are required by law.

A central voting location need not be made available by the registrar if State law allows the person to vote at either the old or new polling place in the current election upon oral or written affirmation of the address change.

The failsafe provisions of Section 8 draw a distinction between the registrant's need for "affirmation" or "confirmation" of a new address, depending upon the circumstances in which the failsafe voting occurs.

39. What if a mistake has been made, and registration records indicate that a person has moved from an address covered by a polling place when that person has in fact not moved?

If a person has not moved, but the registration records indicate that a person has moved from an address covered by a polling place, that person shall be permitted to vote at that polling place upon oral or written affirmation by the registrant that the registrant continues to reside at his or her address previously known to the registrar.

40. Are States required to keep records of their voter registration activities under the NVRA?

Yes. Section 8 of the NVRA requires that States keep and make available for public inspection, for a period of at least two years, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote to the identity of a voter registration agency through which any particular voter is registered. The records to be kept shall include lists of the names and addresses of all persons to whom confirmation notices are sent, and information concerning whether or not each such person has responded to the notice, as of the date that inspection of the records is made.

In addition, an independent requirement in 42 U.S.C. 1974 mandates that all records and papers relating to any application, registration, or other act requisite to voting in any election for federal office, be preserved for a period of twenty-two months from that federal election. Since voter registration is unitary and permanent, this obligation is ongoing, such that registration records must be preserved as long as the voter registration to which they pertain is considered an "active" one under local law and practice, and those records cannot be disposed of until the expiration of twenty-two months following the date on which the registration ceased to be "active." Hence, States should maintain all written records related to applications to register to vote as well as declinations to register to vote. The Department of Justice can require that such records be produced for inspection and copying through a written demand, and a lawsuit to enforce such demand.

COORDINATION, REPORTING, AND ENFORCEMENT

41. What are the State's obligations to coordinate voter registration activities?

The State is responsible for ensuring compliance with the NVRA. The NVRA requires each State to designate a State officer or employee as the chief State election official to be responsible for coordinating State responsibilities under the Act. Because of the importance of monitoring compliance with the NVRA's voter registration requirements, States should consider employing a person at the State level to serve as the NVRA coordinator for the State. This person could be responsible for coordinating and overseeing all NVRA activity at designated voter-registration agencies/offices in the State. In addition, States may consider employing a person at each designated voter-registration agency, and at each designated agency office, whose ongoing responsibility would be coordinating and overseeing the conduct of all voter registration activities in that agency/office. This person's responsibilities could include ensuring that the voter registration responsibilities are carried out, ensuring that the voter registration system is administered in a uniform and non-discriminatory manner, reviewing monthly data of voter-registration activity at voter registration offices, monitoring voter-registration activities, training new employees and providing for training updates at periodic intervals, ensuring an adequate supply of forms, and resolving voter-registration coordination issues that arise between State and local officials.

42. Are States required to report on their NVRA voter-registration and list maintenance efforts?

Yes. States must report various voter registration information to the U.S. Election Assistance Commission (EAC), in response to the EAC survey, every two years. This includes the number of voter-registration applications by mail and from motor vehicle offices, public-assistance offices, offices providing state-funded programs primarily serving persons with disabilities, Armed Forces recruitment offices, and other state-designated offices and agencies. Likewise, States must report voter registration list maintenance information in response to the EAC survey every two years.

These biennial NVRA reports are available on the EAC web site at the following link: <http://www.eac.gov/program-areas/research-resources-and-reports/completed-research-and-reports/national-voter-registration-act-studies>.

States should ensure that the NVRA data provided to the EAC is complete and accurate. The Department of Justice carefully considers this data, among other information, in determining how it will carry out its enforcement responsibilities.

To facilitate accurate NVRA data reporting to the EAC, states should consider having a system in place to track the number of voter registration applications from each designated voter registration agency. Barcodes or other coding could be included on voter registration applications to designate the agency from which the form originated. Such coding can be implemented in such a way that also allows states to comply with the obligation not to disclose the office at which any particular individual has registered to vote.

43. For jurisdictions covered by the language minority provisions of the Voting Rights Act, what obligations do such jurisdictions have to ensure voter registration access under the NVRA to covered limited-English proficient citizens?

Certain States and local jurisdictions are covered by the language minority requirements of the Voting Rights Act (VRA) for specific language minority groups. The VRA requires that when covered states and jurisdictions provide voter registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, they must provide them in the language of the applicable minority group as well as in the English language. The NVRA provides that its requirements do not supersede, restrict, or limit the application of the requirements of the VRA. Thus, each State or jurisdiction covered by the language minority requirements of the VRA should consider how to ensure that NVRA voter registration opportunities are conducted so as to provide language access to covered limited-English proficient language minority citizens so that they have equal access to the voter registration process.

To assist covered States and jurisdictions, extensive information regarding the language minority requirements is available on the Voting Section's website: http://www.justice.gov/crt/voting/sec_203/activ_203.php. Various language resources are also available on the EAC website. These include versions of the national mail voter registration form translated into Spanish, Chinese, Japanese, Korean, Tagalog, and Vietnamese. <http://www.eac.gov/voter/Register to Vote>. These resources also include translated versions of a voter's guide to federal elections. <http://www.eac.gov/voter/voters-guides>. And these resources also include a glossary of election terms in six languages. <http://www.eac.gov/voter/language-accessibility-program-1>.

44. What agency is responsible for enforcement of the NVRA?

The U.S. Department of Justice has enforcement responsibility under the NVRA. The Department undertakes activities designed to ensure compliance with the NVRA, including monitoring state compliance, conducting investigations and, filing litigation in federal court to enforce the NVRA's requirements. Private parties may also bring litigation in federal court to enforce the NVRA. The U.S. Election Assistance Commission is responsible for administration of the national voter registration form, as well as State reporting under the NVRA.

45. What are some examples of the Department's activities to enforce the provisions of the NVRA?

An extensive description of the Department's NVRA enforcement activities can be found on the Voting Section's website: http://www.justice.gov/crt/voting/litigation/caselist.php#nvra_cases.

In particular, significant NVRA decisions or settlements have been obtained by the Department in litigation with the State of Tennessee (Sections 5 and 7 of the NVRA) http://www.justice.gov/crt/voting/nvra/tn_cd.pdf; Cibola County, New Mexico (Section 8 of the NVRA), http://www.justice.gov/crt/voting/sec_203/documents/cibola_stip_3.pdf; and the State of New York (Section 7 of the NVRA), http://www.justice.gov/crt/voting/nvra/nynvra_order.pdf.

46. How can I contact the Department of Justice about the NVRA's voter registration requirements?

As a general matter, the Department of Justice does not issue advisory opinions concerning the statutes that it enforces. The Department will certainly consider inquiries from State officials concerning the NVRA, however, in the hope of providing assistance. Within the Department of Justice, the responsibility for NVRA enforcement is committed to the Voting Section of the Civil Rights Division. You may reach the Voting Section at its toll-free telephone number, 800-253-3931.

Updated September 1, 2016

ND VOICES

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Last Name

First Name

B

Start:	Stop:	Precinct Part
<input type="text"/>	<input type="text"/>	Select a Precinct Part 
		(odd)
<input type="text"/>	<input type="text"/>	Select a Precinct Part 
		(even)
Range	Split Odd/Even	

Merge

From Street ID: To Street ID:

Precinct Part:

Utilities

- [View segments ml](#)
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+ Add New Segment										
SM ID	Precinct Part	Start	Stop	Odd/Even	Pre Direction	Street Name	Street Type	Post Direction	City	Zip
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53757	3203.1	547	547	Odd	S	7th	St		Bismarck	58504
View Voter	First	Last	Middle	Address				City		
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765193	██████████	██████████	██████████	547 S 7TH ST # 103				BISMARCK		
799078	██████████	██████████	██████████	547 S 7TH ST # 265				BISMARCK		
809590	██████████	██████████	██████████	547 S 7TH ST # 265				BISMARCK		
821258	██████████	██████████	██████████	547 S 7TH ST APT 265				BISMARCK		
155248	██████████	██████████	██████████	547 S 7TH ST				BISMARCK		
838370	██████████	██████████	██████████	547 S 7TH ST APT 224				BISMARCK		
219793	██████████	██████████	██████████	547 S 7TH ST APT 130				BISMARCK		
117081	██████████	██████████	██████████	547 S 7TH ST				BISMARCK		
809579	██████████	██████████	██████████	547 S 7TH ST # 381				BISMARCK		
57407	██████████	██████████	██████████	547 S 7TH ST # 170				BISMARCK		
793462	██████████	██████████	██████████	547 S 7TH ST # 232				BISMARCK		
40048	██████████	██████████	██████████	547 S 7TH ST APT 107				BISMARCK		

#5 PG2

3-17-17

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Voter ID	Name	DL/State ID	DOB	Age	Last Updated Date
[REDACTED]	< Previous [REDACTED] Next > [REDACTED]	[REDACTED]	[REDACTED]	75	1/1/2001

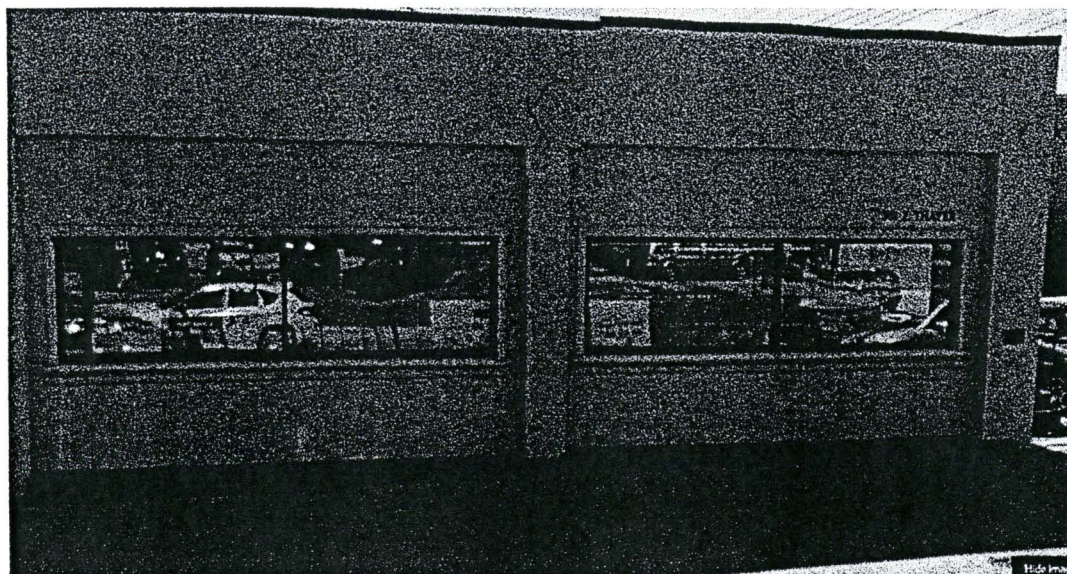
Voter Info	Edit Voter	Absentee	Voter History	Validate	Imaging	Change Log	Add To Contest
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VOTED 11/8/2016

Close	Dymo Label	Absentee Request	In Person Absentee	Absentee Application	Agent Authorization
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Residence Address	City	State	Zip	County
301 E THAYER AVE	BISMARCK	ND	58501-4017	Burleigh
Mailing Address	City	State	Zip	
Personal Email	Home Phone	Cell Phone	Precinct Part	
	[REDACTED]	[REDACTED]	08350201	
Source of Information	Poll Worker	Protected Status		
DMV	Notes:			

District Name
Burleigh County
Garrison Diversion
South Central
District 35
City of Bismarck
City of Bismarck
ND State Capitol Building
Bismarck Public School Dist. 1
Polling Place
State Capital Building
Early Voting -
Ballot
No records to display.



Grand Forks County: Email dated 3/14/17

We had 6 individuals that voted in 2016 using the address of 1395 S Columbia Rd.

Deana Mayotte
Assistant Treasurer II/
Election Assistant
GF County Finance & Tax
701-780-8295

1395 S. Columbia Road:



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Mock, Corey R.

From: Devra Smestad <Devra.Smestad@co.ward.nd.us>
Sent: Tuesday, March 14, 2017 9:08 AM
To: Mock, Corey R.
Subject: FW: 1940 S BROADWAY
Attachments: 1940 S BROADWAY.jpg

Corey,

Attached is a roster showing how many people (109) use the UPS Store at 1940 S. Bdwy in Minot as their residence on their ID. Many who use this address have not been able to vote since it is not their residence and left the precinct angry. This is just one example that was simple to find.

If we can find the name(s) of some recent addresses which were businesses rather than residences, I'll send those, but right now, this is what we have. Hope its helps.

Devra Smestad
Ward County Auditor/Treasurer
PO Box 5005
Minot ND 58702
701-857-6420

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Ward County: Email dated 3/14/17

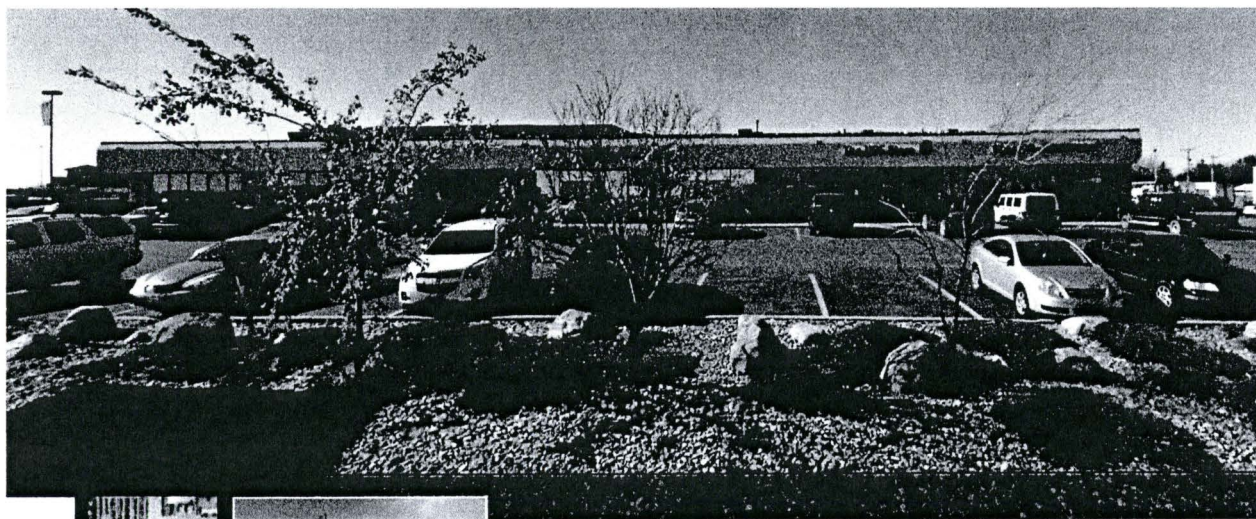
Corey,

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Devra Smestad
Ward County Auditor/Treasurer
PO Box 5005
Minot ND 58702
701-857-6420

1940 S. Broadway, Minot, ND:



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Ward County

Suggested Sites
https://vip.sos.nd.gov/pdf...
https://trn.npspos.com.pa...
https://vip.sos.nd.gov/pdf...
Justice Dept. has until...
Voter

Page Safety Tools

ND VOICES

North Dakota VOTing Information & Central Election Systems

mhester [Log Out]
Ward
34,756 Active Voters
2016 General Election - General
Election - 11/3/2016

Home Voter Reports Elections County Utilities Checklists and Materials

Quick Search
Last Name First Name Bar Code/Voter ID Go

Split

Start Stop: Precinct Part
Range 1: (odd)
Range 2: (even)
Split Range Split Odd/Even

Merge

From Street ID To Street ID: Precinct Part
Merge Merge Odd/Even

Utilities

View segments missing a precinct part, city, or zip code
View segments that are overlapping
View all segments for your county

View Bad Segments

View Overlapping Segments

+ Add New Segment

Refresh 1

SM ID	Precinct Part	Start	Stop	Odd/Even	Pre Direction	Street Name	Street Type	Post Direction	City	Zip	Alternate Street Name	# of Voters
	All					broadway		s	minot			
> 3952	999.1	425	831	Both		Broadway		S	Minot	58701	Broadway	2
> 3955	25.1 Ward 6	1416	1416	Both		Broadway		S	Minot	58701	Broadway	7
> 3956	999.1	1516	1524	Both		Broadway		S	Minot	58701	Broadway	0
> 3954	999.1	1906	1914	Both		Broadway		S	Minot	58701	Broadway	0
> 3957	25.1 Ward 6	1940	1940	Both		Broadway		S	Minot	58701	Broadway	109
> 1772	26.2 Ward 7	4001	4121	Both		Broadway		S	Minot	58701	Broadway	0
> 3074	01.1 - Afton Rural	4315	4315	Both		Broadway		S	Minot	58701	Broadway	1
> 3114	01.1 - Afton Rural	5119	5313	Both		Broadway		S	Minot	58701	Broadway	16
> 3467	999.1	1900	1900	Even		Broadway		S	Minot	58701	Broadway	0
> 3710	999.1	1631	1701	Odd		Broadway		S	Minot	58701	Broadway	10
> 3481	25.5 Ward 7	1901	1901	Odd		Broadway		S	Minot	58701	Broadway	23

Representative Mock,

In searching our central voter file, I found 16 individuals who voted in the 2016 General Election using the addresses you listed below. I have provided you with a list of the addresses that were used and a record of those who used a voter's affidavit or signed an absentee ballot application swearing to their residence. Let me know if you have any questions.

4302 13th Ave S Ste 4/181

4302 13th Ave S Ste 208

4302 13th Ave S Affidavit

4302 13th Ave S Apt D

3120 25th St S Ste 113 Absentee

3120 25th St S Apt 210

3120 25th St S Apt 210

3120 25th St S Unit 125Z Absentee

3120 25th St S Unit 125Z Absentee

1100 19th Ave N Ste J Absentee

1100 19th Ave N Apt 289

1100 19th Ave N Apt 125 Absentee

1100 19th Ave N Apt 169 Absentee

1100 19th Ave N Affidavit

1100 19th Ave N Ste J Absentee

3155 Blue Stem Dr Apt 309

DeAnn

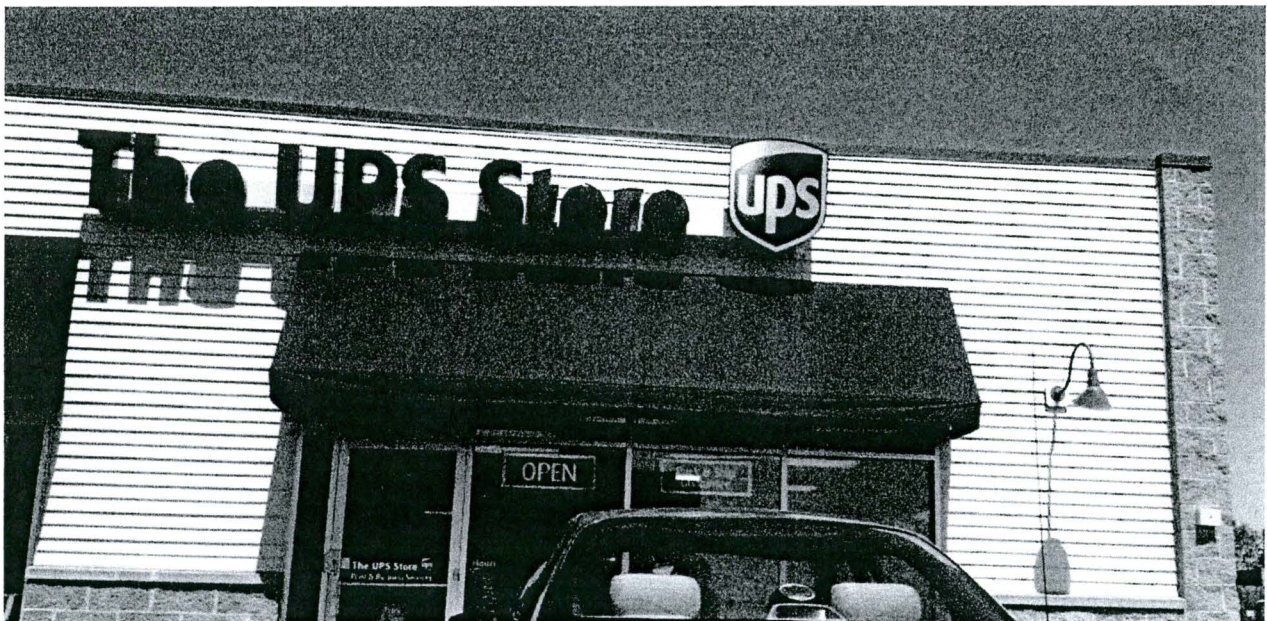
Election Coordinator

HB 1369 3-17-17 #5
pg 8

4302 13th Ave South Fargo

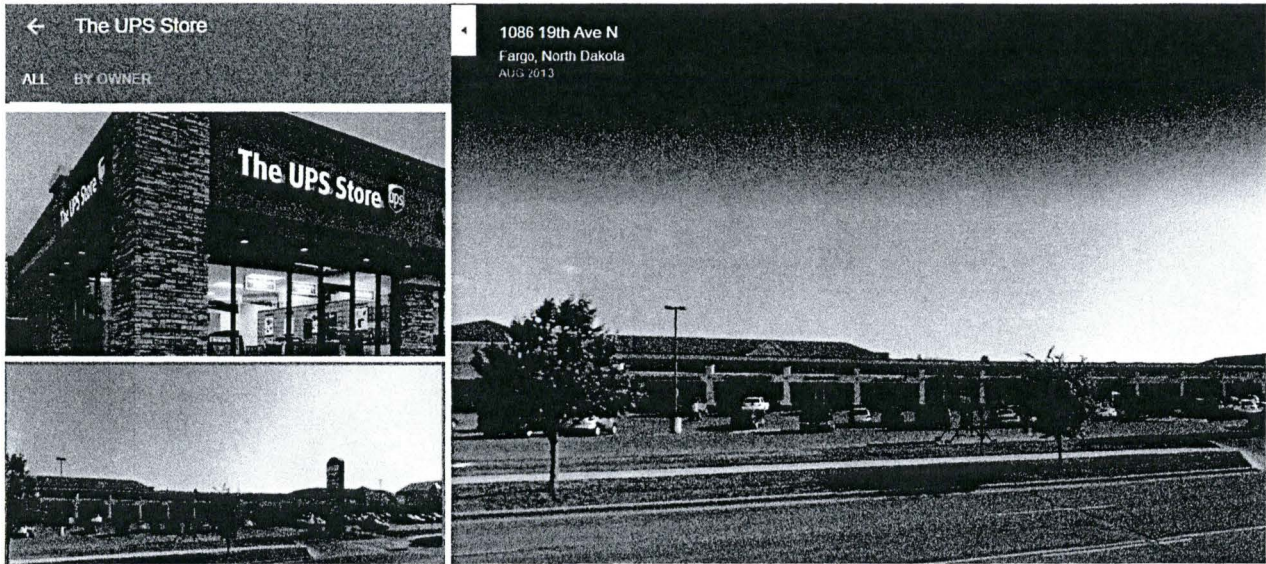


3120 25th Street S., Fargo, ND



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pg 9

1100 19th Ave. N, Fargo, ND



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1369

Page 1, line 5, remove "16.1-15-08, 16.1-15-19,"

Page 3, line 30, remove "mark a ballot that must be securely set aside in a sealed envelope"

Page 3, remove line 31

Page 4, replace lines 1 through 9 with "execute an affidavit, acknowledged before an election board member, that the individual is a legally qualified elector of the precinct. The affidavit must include:

- a. The name of the affiant;
 - b. The address of the affiant;
 - c. The birth date of the affiant;
 - d. The contact telephone number of the affiant;
 - e. The address of the affiant at the time the affiant last voted;
 - f. The previous last name of the affiant if it was different when the affiant last voted;
 - g. The identification number and state of any state-issued identification regardless of the state in which the identification was issued, if available;
 - h. A recitation of the qualifications for voting as set forth in section 16.1-01-04 and the rules for determining residence;
 - i. Notice of the penalty for making a false affidavit and that the county auditor is required to verify the affidavit;
 - j. A notice indicating that the affidavit is not an open record, but that information identifying who voted after executing an affidavit is an open record as part of the pollbook, except for any individual listed as secured active in the central voter file under section 16.1-02-13; and
 - k. A place for the affiant to sign and swear to the affiant's qualifications as a voter.
6. Written notice of the penalty for making a false affidavit and that the county auditor is required to verify the affidavits must be prominently displayed at the polling place in a form prescribed by the secretary of state. An individual who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished under chapter 16.1-01."

Page 8, line 14, after "16.1-01-04.1" insert "or execute an affidavit as permitted under that section"

Page 10, remove lines 26 through 31

Page 11, remove lines 1 through 30

Page 12, remove lines 1 through 17

Renumber accordingly

HB 1369 3-17-17 #6
pg 2

17.0750.05003
Title.

Prepared by the Legislative Council staff for
Representative Mock
March 16, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1369

Page 1, line 7, after the semicolon insert "to provide for a legislative management study;"

Page 13, after line 18, insert:

**"SECTION 13. LEGISLATIVE MANAGEMENT STUDY - VOTER
REGISTRATION.** During the 2017-18 interim, the legislative management shall
consider studying the implementation of a voter registration system in North Dakota
and possible legislation to establish a voter registration system in the state. The
legislative management shall report its findings and recommendations, including any
legislation necessary to implement the recommendations, to the sixty-sixth legislative
assembly."

Renumber accordingly

March 16, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1369

Page 1, line 7, after the semicolon insert "to provide for a legislative management study;"

Page 13, after line 18, insert:

"SECTION 13. LEGISLATIVE MANAGEMENT STUDY - ELECTION AND VOTING LAWS. During the 2017-18 interim, the legislative management shall consider studying whether existing state voter identification and election laws comply with the National Voter Registration Act of 1993 [52 U.S.C. 20501 et seq.]. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

HB 1369 3-17-17 #9
cover letter

Native American Rights Fund

EXECUTIVE DIRECTOR

John E. Echohawk

LITIGATION MANAGEMENT COMMITTEE

K. Jerome Gottschalk
Natalie A. Landreth
Melody L. McCoy

ATTORNEYS

Matthew L. Campbell
K. Jerome Gottschalk
David L. Gover
Melody L. McCoy
Steven C. Moore
Susan Y. Noe
Brett Lee Shelton
Donald R. Wharton
Heather D. Whiteman Runs Him

CHIEF FINANCIAL OFFICER

Michael Kennedy

DIRECTOR OF DEVELOPEMENT

Don Ragona

CORPORATE SECRETARY

Ray Ramirez

1514 P Street, NW (Rear), Suite D, Washington, D.C. 20005

(202) 785-4166 • FAX (202) 822-0068

www.narf.org

ATTORNEYS

Richard A. Guest
Joel W. Williams

BOULDER OFFICE

1506 Broadway St.
Boulder, CO 80302-6296

Ph. (303) 447-8760

FAX (303) 443-7776

ANCHORAGE OFFICE

745 W. 4th Avenue, Ste. 502
Anchorage, AK 99501-1736

Ph. (907) 276-0680

FAX (907) 276-2466

ATTORNEYS

Heather R. Kendall-Miller
Natalie A. Landreth
Erin C. Dougherty
Matthew L. Newman

March 16, 2017

Chairman Nicole Poolman
Senate Government and Veteran Affairs Committee
State Capitol
600 East Boulevard
Bismarck, ND 58505-0360
Sent via email

RE: H.B. 1369

Dear Mrs. Poolman:

Please find attached the written testimony of the Native American Rights Fund regarding HB 1369. I respectfully request that our written testimony and the reports attached thereto be made part of the record.

Sincerely,



Joel West Williams
Staff Attorney
Native American Rights Fund

CC: Senator Kyle Davison
Senator Brad Bekkedahl
Senator Richard Marcellais
Senator Scott Meyer
Senator Shawn Vedaa

Written Testimony of the Native American Rights Fund Regarding H.B. 1369

House Committee on Veterans and Government Affairs

March 17, 2017

Introduction

The Native American Rights Fund (NARF) very much appreciates the opportunity to comment on H.B. 1369. Founded in 1970, NARF is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations and individuals nationwide. Along with the Dickson Law Office and Morgan, Lewis & Bockius LLP, NARF represents a group of Native American voters who have challenged North Dakota's voter ID requirements in federal court under the U.S. Constitution, the Voting Rights Act and the North Dakota Constitution and obtained a preliminary injunction relating to the 2016 election. We are deeply concerned that North Dakota's voter ID laws disproportionately impact and unlawfully abridge the voting rights of Native Americans in North Dakota. While H.B. 1369 appears to make some improvements, it still does not provide any fail-safe mechanisms for Native Americans and other voters who cannot satisfy North Dakota's strict voter ID requirements, which are likely the most restrictive in the United States. The lack of fail-safe mechanisms was one of the main reasons the federal court granted a preliminary injunction relating to the 2016 election.

Before 2013, North Dakota was a voter-friendly state that allowed its citizens to vote based on a poll worker vouching for their identity, or by the voter executing an affidavit, under penalty of perjury, declaring they are an eligible voter. H.B. 1332 and 1333 mandated that voters present an ID from a narrow list of acceptable IDs and eliminated the voucher and affidavit fail-safe mechanisms that previously existed. Although North Dakota's election system was once

lauded as one of the best in the United States, these laws made it one of the most restrictive. Unfortunately, H.B. 1369 does not relieve the abridgement of Native American voting rights in North Dakota.

There is no evidence of voter fraud in North Dakota.

The underlying premise of the voter ID laws is flawed. Proponents claim North Dakota's new, restrictive voting laws are needed to address voter fraud. However, North Dakota's long-standing voting procedures prior to passage of H.B. 1331 and 1332 did not result in voter fraud. In the 1970s, former North Dakota Governor Lloyd Omdahl surveyed election officials about the issue. The officials reported only one case of voter fraud, involving a farmer who voted in his old precinct after he had moved. In 2013, when North Dakota was considering new voter ID laws, the Secretary of State reported that in the 2012 elections, out of 325,862 total votes cast (10,517 of which were cast after voters submitted affidavits of eligibility), there were only nine cases of potential voter fraud. A 2012 study on voter fraud alleged only three cases of people voting twice in North Dakota, a mere .000921% of the votes cast.

In a 2006 letter, North Dakota Secretary of State Alvin Jaeger pointed out that "during my fourteen years as Secretary of State and the state's chief election officer, my office has not referred any cases of voter fraud to the United States Attorney, the North Dakota Attorney General, or to local prosecutors. We haven't had any to refer." Similarly, in 2008, former Governor Omdahl stated: "North Dakota conducted elections without voter registration for 56 years without fraud. Voting fraud is not in our blood."

As discussed more fully below, in seeking to cure a purported "voter fraud problem" that really does not exist, the legislature has placed an undue burden on Native American voters, which a federal court held to violate the U.S. Constitution.

Thousands of Native Americans in North Dakota Lack Qualifying Voter ID and Obtaining One is Disproportionately More Burdensome for Native Voters.

According to a statistical survey of North Dakota voters performed by Drs. Matthew A. Barreto and Gabriel R. Sanchez (hereafter, “Barreto/Sanchez Survey”), more than 72,500 voting-eligible citizens in North Dakota lack a qualifying voter ID under H.B. 1332 and 1333. This includes an estimated 7,984 Native Americans, or 23.5 percent of the total voting-eligible Native American population. (In contrast, only 12.0 percent of non-Native Americans lack a qualifying ID). In addition, 15.4 percent of the Native Americans in North Dakota who voted in the 2012 presidential election lack a valid voter ID under the new laws (as compared to only 6.9 percent of non-Native Americans).

For Native Americans lacking qualifying voter ID, obtaining one is more burdensome than for non-Native voters. One reason is that state Driver’s License Sites are less accessible for Native Americans. 73.9% of Native Americans in North Dakota lacking a voter ID own or lease a car, compared to 88% of non-Native Americans. Additionally, there are no Driver’s License Sites on a reservation in North Dakota, and Native Americans must travel further to access a Driver’s License Site – on average, 20 miles, compared to 11 miles for non-Native Americans. It is also more difficult for Native Americans to get time off from work – 44.1%, compared to 26.2% for non-Native Americans. The combination of lack of transportation, long distances and the limited operating hours for most locations closest to Native American population areas, make it much more difficult for Native Americans to obtain a state ID that may be used for voting.

Moreover, 47.7% of Native Americans in North Dakota who do not have a qualifying voter ID lack the underlying documents needed to obtain a qualifying ID. To get a non-driver’s ID in North Dakota, “PROOF OF IDENTIFICATION IS REQUIRED.” In other words, you need an ID to get an ID. For example, North Dakota’s Department of Transportation website lists

nine “[a]cceptable forms of identification.” The first listed item is a “U.S. birth certificate (state certified; Government issued).” The Barreto/Sanchez Survey found that 32.9 percent of Native Americans who presently lack a qualifying voter ID do not have a birth certificate.

Further, obtaining any one of the approved forms of ID almost always involves a fee or charge, either for the ID itself or to obtain one or more documents necessary to obtain the ID. This, too, disproportionately burdens Native Americans. According to the American Community Survey conducted by the U.S. Census Bureau, median household income for Native Americans in North Dakota is \$29,909, compared to \$56,566 for non-Native Americans. And Native Americans in North Dakota have extremely high unemployment rates: on the Standing Rock and Turtle Mountain reservations, for example, unemployment is nearly 70%.

Moreover, to obtain the documents and ID needed for voting, it can be important to have a computer with Internet access, a credit card, a car and gas money, and a flexible work schedule. Native Americans, who have disproportionately greater economic hardships, are much less likely to possess these assets.

The combination of these factors means that imposition of strict voter ID requirements in North Dakota abridges the voting rights of its Native American citizens. Professor Daniel McCool, a leading expert who studied North Dakota’s voter ID laws concluded:

Given historical trends, socio-economic conditions, troubled Indian-Anglo relations, geographical isolation, and the unique political position of Indian tribes in the American polity, voter ID requirements have placed an especially difficult burden on American Indian people living in North Dakota. The large body of information I have collected supports the conclusion that North Dakota’s voter ID laws have directly and demonstrably impaired the ability of some American Indians to participate in the electoral process and elect candidates of their choice.

H.B. 1369 Lacks Necessary Fail-Safe Provisions.

Prior to the passage of H.B. 1332 in 2013, North Dakota provided two important fail-safe provisions for voters who lacked a qualifying ID: (1) another qualified elector or poll worker could vouch for their qualifications, or (2) the voter could sign an affidavit, swearing under penalty of perjury that he or she was a qualified elector.

The United States District Court for the District of North Dakota found “the lack of any current ‘fail-safe’ provisions in the North Dakota Century Code to be unacceptable and violative of the Equal Protection Clause of the 14th Amendment.” The U.S. District Court further found: “[I]t is clear that a safety net is needed for those voters who simply cannot obtain a qualifying voter ID with reasonable effort.” Accordingly, for the 2016 general election, the Court required North Dakota to permit voters without a qualifying ID to sign an affidavit swearing to their qualifications.

H.B. 1369 does not contain this or any other fail-safe mechanism. Although H.B. 1369 allows for provisional balloting, it nevertheless requires each voter to present a qualifying ID to an election official within six days in order for his or her vote to be counted. Although the law appears to make allowance for voters who left their IDs at home, it does not address the problem of voters who, although qualified to vote, cannot obtain one of the narrow set of permitted IDs because of their financial or other circumstances. In this respect, H.B. 1369 is very similar to the laws the U.S. District Court enjoined in 2016, and it places an unduly burdensome ID requirement on Native American voters. If the law is not modified, Native Americans without qualifying ID will still not have their vote counted.

The fact that H.B. 1369 allows voters to supplement an ID that does not contain all the required information with other documentation does not cure the problem. It is a positive step that H.B. 1359 allows individuals whose ID does not contain all the required information to

supplement it by presenting a current utility bill, bank statement, a check or document issued by a federal state or local government, or a paycheck. Yet, most Native Americans living on reservations in North Dakota do not have residential mail delivery. Therefore, if they possess any of the documents allowed for supplementation, these documents will likely contain a post office box mailing address, which does not meet the law's requirements.

Because H.B. 1369 contains no fail-safe provisions, if it is not modified, North Dakota will stand alone as having the most restrictive voter ID law in the United States, and it will suffer from the same deficiencies that led the U.S. District Court to issue an injunction in 2016. Without fail-safe provisions, H.B. 1369 does nothing to change this unfortunate situation.

Conclusion

We urge the Committee to carefully consider the disproportionate burdens North Dakota's voter ID requirements place on Native Americans. North Dakota does not have a voter fraud problem, let alone one that would justify abridging the right to vote for thousands of Native Americans. Nevertheless, even if the North Dakota legislature chooses to continue the requirement for voter ID, we urge it to add a fail-safe mechanism, such as the voucher or affidavit process that previously existed.

I have attached hereto a report by Drs. Matthew A. Barreto and Gabriel R. Sanchez as well as one prepared by Professor Daniel McCool. Both of these contain important data and information regarding the issues that we have raised.

Should you have any questions, please contact Joel West Williams, Staff Attorney, Native American Rights Fund, at (202) 785-4166 or Williams@narf.org.

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Richard Brakebill, Deloris Baker, Dorothy
Herman, Della Merrick, Elvis Norquay, Ray
Norquay, and Lucille Vivier, on behalf of
themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the
North Dakota Secretary of State,

Defendants.

Civil No. 1:16-cv-8

Declaration of Matthew A. Barreto, Ph.D.

I, Matthew A. Barreto, declare as follows:

1. I am currently a Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles. I know of the facts set forth in this declaration of my own personal knowledge, and could and would competently testify to those facts if asked to do so.

I. Qualifications.

2. I am the co-founder of the research firm Latino Decisions. Before I joined UCLA in 2015, I was a Professor at the University of Washington for more than nine years. At the University of Washington, I was an affiliated faculty member of the Center for Statistics and the Social Sciences (CSSS), and an adjunct Associate Professor of Law at the University's law school.

3. I have taught courses on the Voting Rights Act, Racial and Ethnic Politics, Electoral Politics, Public Opinion, Immigration, and Introduction to Statistical Analysis and Advanced Statistical Analysis for Ph.D. students.

4. I earned a Ph.D. in Political Science at the University of California, Irvine in 2005, with an emphasis on racial and ethnic politics in the United States, political behavior, and public opinion. Professor Bernard Grofman, a well-known expert in voting rights research, served as my principal dissertation advisor.

5. I have published a peer-reviewed academic research paper on voter ID laws.

6. I have conducted statewide public opinion surveys in Wisconsin, Pennsylvania, and Texas to assess rates of possession of voter identification. Previous courts have accepted these surveys as viable and accurate methods for determining ID possession rates by race and ethnicity. In 2014, in *Veasey v. Perry* (No. 13-CV-00193), the District Court, and later the Fifth Circuit Court of Appeals, found that my survey was statistically accurate and reported clear evidence that Hispanics and African Americans were disproportionately impacted by the Texas voter ID law.

7. My full professional qualifications and activities are set forth fully in my curriculum vitae, a true and correct copy of which I have attached as Exhibit A.

II. Scope of Work.

8. The Plaintiffs retained me to examine and analyze the possession rates of valid voter identification in North Dakota. More specifically, Plaintiffs asked me to assess whether there were any differences in possession rates between the Native American eligible voting population and the non-Native American eligible voting population.

9. I worked on this project with Dr. Gabriel R. Sanchez. I have worked with Dr. Sanchez on similar projects in the past.

10. To complete our analysis, Dr. Sanchez and I implemented a statewide survey of eligible voters in North Dakota to assess possession rates of voter ID as required by HB 1332 and HB 1333 to cast an in-person ballot.

III. Summary of Findings.

11. Dr. Sanchez and I found:

- Native American eligible voters in North Dakota are less likely to possess a qualifying voter ID under current North Dakota law, as compared to non-Native Americans. The difference is statistically significant at the 99 percent level, the most rigorous level of social science testing.
- 23.5 percent of Native American eligible voters do not possess a qualifying voter ID. In contrast, 12.0 percent of non-Native Americans do not possess a valid ID.
- Native Americans are significantly less likely to possess the most common type of ID—a driver's license. Only 78.2 percent of Native Americans indicated they have a driver's license. In contrast, 94.4 percent of non-Native Americans indicated they have a driver's license.
- Native Americans face burdens in obtaining a state-issued ID. Many Native Americans lack the required underlying documents: 32.9 percent do not have a birth certificate; 21.6 percent do not have two documents showing a physical address; 5.6 percent lack a social security card or W2 showing a social security number. In total, 47.7 percent of Native Americans that currently do not have a valid voter ID do not have all three types of the underlying documents they would need to obtain a voter ID.
- Native Americans who currently lack a qualifying voter ID face logistical and financial burdens in obtaining a qualifying ID. Our survey results indicate: 29 percent will face a problem getting a ride to the nearest North Dakota Department of Transportation ("DOT") office; 44 percent will face a problem getting time off to visit the DOT during business hours; 36 percent will face a problem if they have to travel six miles each way to the nearest DOT office; and 47 percent state they will face a problem paying for public transit to get to the

nearest DOT office.

- Knowledge levels regarding the law are very low in North Dakota, especially among Native Americans. In fact, 21.4 percent of Native Americans are not aware that a voter ID law exists, and only 20.8 percent of Native Americans reported they had heard or seen an official announcement or advertisement by the State of North Dakota about the new voter ID law.

IV. Survey Design and Methodology.

A. General Outline of the Study.

12. We designed a survey to specifically focus on the North Dakota voter ID law which went into effect in 2013. This research approach has three critical advantages for the purpose of identifying potential disparities in access to accepted forms of identification: 1) the use of a survey provides the opportunity to directly ask residents of North Dakota whether they are in possession of accepted voter ID and the underlying documents that may be used to obtain an accepted ID, 2) this study is focused on eligible voters and has sizable samples of Native Americans and non-Native Americans appropriate for statistical analysis, and 3) the survey also measured knowledge among respondents of the North Dakota identification law, and other potential barriers to access to obtaining accepted identification. This approach is an ideal way to assess rates of possession of accepted voter ID because eligible voters were contacted directly and asked what types of identification and other documents they currently possess. Other methods, such as examining existing large public databases, might also be used to provide information on the types of ID that individuals possess, depending on factors such as whether each type of relevant ID is recorded in a database and whether the relevant databases are available for review. While very useful, a database review may be limited to assessing ID possession among individuals included on the most recent roster of voters,

whereas our research was able to assess how the North Dakota voter ID law affects all eligible voters, and across all types of ID. Finally, a survey can ask more specifically about current physical possession of the relevant ID to capture any instances where IDs has been lost, stolen, misplaced, destroyed, etc. When combined with other approaches aimed at identifying the impact of the new law, the survey research discussed in this report helps provide a clear picture of the individuals across race, ethnicity, and other demographic factors who lack accepted ID.

13. In sum, the data obtained through this survey provides an accurate and reliable depiction of the rates of possession of accepted voter ID in North Dakota, and of certain related matters. Because the percentage figures set forth in this report were obtained from a survey, these figures should be interpreted as estimates, which do contain a margin of error, or confidence interval. However, using standard and well-accepted statistical techniques, the margins of error associated with the percentage estimates were all evaluated and determined to be well within conventional standards, and we likewise determined whether the differential rates between groups (most importantly, between non-Native eligible voters and Native eligible voters) are statistically significant.

14. Survey Methodology.

- a. **Survey research is a reliable and trusted method in the social sciences.** Within social science research, public opinion and political behavior have been longstanding areas of significant consequence and interest. The primary reason for using survey research to study possession of accepted voter ID is simple: if you want to know if the population has the required ID, just ask them. Early on, “pollsters” learned that you could learn a great deal about voter attitudes, and possibly even predict election results, through large quantitative surveys of the public. Over the past decades, the science of public opinion surveys

has expanded greatly and great expertise has been developed in how to accurately sample, construct, implement and analyze survey data.

- b. Survey research has become a hallmark of social science research, such that at a typical Political Science academic conference more than 500 different research papers using survey data are regularly presented. When surveys are implemented accurately, results generated from a sample of the population can be inferred to the larger population from which the sample is drawn, given the appropriate sampling error, or confidence interval that must always be accounted for.
- c. Survey research is a standard and widely accepted practice in social science and government research. The U.S. government regularly relies on survey methodology exactly like that relied upon in this expert report, in its collection of data and statistics, such as the U.S. Census American Community Survey and Current Population Survey, the Bureau of Labor Statistics Unemployment Survey, and surveys by the National Institutes of Health, the Department of Defense, and the Internal Revenue Service. In fact, the Office of Management and Budget has a division called the "Federal Committee on Statistical Methodology" which has reviewed best practices in survey research and recommended random digit dial ("RDD") as a method to avoid non-coverage bias because it samples all known telephone numbers. According to Michael Link, formerly a research scientist for the Centers for Disease Control and Prevention, "For more than three decades, RDD telephone surveys have been the predominant method for conducting surveys of the general public."
- d. The most important starting point for sound survey research is to acquire an accurate sample frame from which to draw the eventual sample of people interviewed. If the sample is reflective of the larger population,

and the survey is administered randomly, without bias, and with an adequate sample size and response rate the results of the eventual survey can be considered as statistically reliable estimate, at least for those questions directed at all persons sampled. According to Henry Brady, Professor of Political Science at the University of California, Berkeley, "Scientific surveys are one of these tools, and they have been widely used in the social sciences since the 1940s. No other method for understanding politics is used more, and no other method has so consistently illuminated political science theories with political facts... They provided the gold standard for measuring citizen opinions... No other social science method has proven so valuable."

- e. Mixed mode surveys that incorporate telephone and mail are considered highly accurate. Harvard Political Scientist Stephen Ansolabehere and University of Massachusetts Political Scientist Brian Schaffner conducted a study that used both telephone and mail surveys and concluded that using both methods is highly reliable.¹ Moreover, a large body of interdisciplinary research demonstrates that a mixed-mode approach to the collection of survey data enhances the reliability of the data,

¹ Ansolabehere, Stephen, and Schaffner, Brian F. 2014. "Reexamining the validity of different survey modes for measuring public opinion in the U.S.: Findings from a 2010 Multi-Mode Comparison" *Political Analysis*, 22: 285-303; Atkeson, Lonna Rae, Adams, Alex, and Alvarez, Michael. 2014. "Non-Response and Mode Effects in Self-and-Interviewer-Administered Surveys." *Political Analysis*, 23: 304-320; Rao, Kumar, Kaminska, Olena, McCutcheon, Allan. 2010. "Recruiting Probability Samples for a Multi-Mode Research Panel with Internet and Mail Components." *Public Opinion Quarterly*, 74(1): 68-84; Ngo-Metzger, Kaplan, Sherrie, Sorkin, Dara, Clarridge, Brian, and Phillips, Russell. 2004. "Surveying Minorities with Limited English Proficiency: Does Data Collection Method Affect Data Quality Among Asian Americans?" *Medical Care*, 42(9): 893-900.

mitigating response bias and increasing sample representativeness.²

Telephone surveys are more prone to partial responses, missing data and increasingly low response rates. Carefully executed mail surveys, and multi-mode surveys with multiple contacts promise to mitigate problems that arise from telephone only samples.³ Methodologically speaking, survey experts advise the use of multi-mode designs to sample hard-to-reach populations more generally.⁴ Researchers frequently combine mail and telephone to reach small and marginalized populations that may not have regular access to a telephone, and findings derived from this strategy are widely published across the social sciences.⁵ Native

² Fowler, Floyd Jackson, Roman, Anthony, Di, Zhu Xiao. 1998. "Mode Effects in a Survey of Medicare Prostate Surgery Patients." *Public Opinion Quarterly*, 62: 29-46; Sakshaug, Joseph W., Ting, Yan, Tourangeau, Roger. 2010. "Non-response Error, Measurement Error, and Mode of Data Collection: Tradeoffs in a Multi-Mode Survey of Sensitive and Non-Sensitive Items." *Public Opinion Quarterly*, 74(5): 907-933. Leeuw, Edith. 2005. "To Mix or Not to Mix Data Collection Modes in Surveys." *Journal of Official Statistics*, 21(2): 233-255; Chang, Linchiat, and Krosnick, Jon. 2009. "National Surveys via RDD Telephone Interviewing versus the Internet." *Public Opinion Quarterly*, 73(4): 641-678.

³ Hayashi, Takuya. 2007. "The Possibility of Mixed -Mode Surveys in Sociological Studies." *International Journal of Japanese Sociology*, 16: 51-63; Rao, Kumar, Kaminska, Olena, McCutcheon, Allan. 2010. "Recruiting Probability Samples for a Multi-Mode Research Panel with Internet and Mail Components." *Public Opinion Quarterly*, 74(1): 68-84.

⁴ Czaja, Ronald, and Blair, Johnny. 2004. *Designing Surveys: A guide to Decisions and procedures*. 2nd edition. Thousand Oaks: Pine Forge Press; Atkeson, Lonna Rae, Lisa A. Bryant, Alex N. Adams, Luciana Zilberman, and Kyle L. Saunders. 2011. Considering mixed mode surveys for questions in political behavior: Using the Internet and mail to get quality data at reasonable costs. *Political Behavior* 33:161-78.

⁵ Dillman, Don, Lesser, Virginia, Mason, Robert, Carlson, John, Willits, Fern, Robertson, Rob, and Burke, Bryan. 2007. "Personalization of Mail Surveys for General Public and Populations with a Group Identity: Results from Nine Studies." *Rural Sociology*, 72(4): 632-646; Leeuw, Edith. 2005. "To Mix or Not to Mix Data Collection Modes in Surveys." *Journal of Official Statistics*, 21(2): 233-255; Harris, Lisa, Weinberger, Morris, and Tierney, William. 1997. "Assessing Inner-City Patients' Hospital Experiences: A Controlled Trial of Telephone Interviews Versus Mailed Surveys." *Medical Care*, 35(1): 70-76; Ngo-Metzger, Kaplan, Sherrie, Sorkin, Dara, Clarridge, Brian, and Phillips, Russell. 2004. "Surveying

Americans are considered hard to reach due to the fact that they are numerically small, geographically dispersed, more likely to lack telephones relative to other populations, and language and cultural barriers decrease trust in the interviewer and the surveying organization.⁶ Thus, multiple modes of contact, including mail, is the best strategy for collecting data that accurately represent the population. This is the strategy developed by the U.S. Census Bureau in an effort to mitigate undercounting the population, thus constituting the most rigorous means of sampling Native Americans available to researchers.⁷

15. Principal Focus: Racial disparities in possession of ID in North Dakota. The current study is focused on whether eligible Native and eligible non-Native voters in North Dakota have statistically different rates of possession of accepted voter ID, and the survey was designed to address the provisions of the North Dakota law. For example, when respondents were asked to confirm that they had an “up-to-date” driver’s license or other accepted form of voter ID, survey interviewers confirmed that, for those types of ID that expire, the ID was either current or had expired – to match the provision in the law. Respondents were also asked to indicate whether they were in possession of any of the accepted forms of voter ID: a North Dakota driver’s license, a North Dakota non-driver

Minorities with Limited English Proficiency: Does Data Collection Method Affect Data Quality Among Asian Americans?” *Medical Care*, 42(9): 893-900; Ansolabehere, Stephen, and Schaffner, Brian F. 2014. “Reexamining the validity of different survey modes for measuring public opinion in the U.S.: Findings from a 2010 Multi-Mode Comparison” *Political Analysis*, 22: 285-303.

⁶ Lavell, Bridget, Larsen, Michael D., and Gunderson, Craig. 2009. “Research Synthesis: Strategies for Surveys of American Indians.” *Public Opinion Quarterly*, 73(2): 385-403.

⁷ Lavell, Bridget, Larsen, Michael D., and Gunderson, Craig. 2009. “Research Synthesis: Strategies for Surveys of American Indians.” *Public Opinion Quarterly*, 73(2): 385-403; Hatcher, William W. Jr. 2002. “Conducting the Decennial Census on the Navajo Indian Reservation 1990 and 2000.” Proceedings of the Survey Research Methods Section, American Statistical Association, 1400-5.

identification card that was issued by the North Dakota Department of Transportation, a Tribal government-issued identification card or one issued by the Bureau of Indian Affairs, or a long-term care identification certificate issued by a North Dakota facility. This information provided directly by respondents was utilized to create our measure of accepted ID that is used throughout the report⁸.

16. This study was designed to assess if there were any statistically significant differences in rates of possession, or lack of possession, of accepted voter ID based on race and ethnicity. To assess this, the survey started by asking respondents to provide their race/ethnicity (see Exhibit B for full survey questionnaire).

17. Respondents could self-report their racial or ethnic group, and like the Census, respondents were allowed to select one or more racial groups. After establishing eligibility to participate in the survey, all respondents were asked: "We want to make sure we get a correct and accurate sample of all people here in North Dakota. Do you consider any part of your family ancestry to be Native American or American Indian?" Anyone who indicated "yes" was counted as Native American. Following this question, respondents were asked a standard Census question on race and ethnicity and could select White or Anglo, Native American or American Indian, Black or African American, Hispanic or Latino, Asian American, or Other. For both of these questions the interviewers were provided with a list of possible tribe names that a respondent might indicate, so that they could be appropriately recorded as Native American. This list can be found on the bottom of page 1 of Exhibit B, the survey questionnaire. At the close of the survey, we asked additional demographic question such as whether respondents are currently an enrolled member of any Native American tribe, and if so, which tribe, as well as whether or not they currently live on a designated Native American reservation or Tribal government area.

⁸ The survey also asked about a student identification certificate issued by an accredited North Dakota college or university, but this was not considered an accepted ID as per HB 1332/1333.

18. To assess the differential rates of possession of accepted voter ID, in-group percentages are presented for individuals who do not possess the various forms of voter ID as well as for potential burdens faced for non-Native and Native respondents to the survey. In addition to the frequencies associated with possession of accepted forms of ID, results from a series of statistical tests are presented to determine whether eligible Native voters in North Dakota are disproportionately impacted by the North Dakota voter ID law. In this case, logistic regression was utilized to determine whether or not different groups (racial groups in this case) are distinct from each other when observing binary outcomes, such as possession of acceptable voter ID. Logistic regression is the most appropriate statistical analysis to test these relationships for two reasons: first, because the outcome variable of interest, possession of an accepted voter ID, is binary and logistic regression is best at estimating a 0,1 binary dependent variable, and second, because the regression provides a more precise, accurate, and strict test of statistical significance than does a chi-square or t-test comparison of means. Although we find similar results for the chi-square and t-tests in our analysis, the results of the regression analysis provide a direct test of whether possession rates of acceptable ID vary in a statistically significant manner for Native Americans, as compared to non-Native Americans.

19. As is the norm in the social sciences, standard levels of significance are utilized of .001, .010, .050, and .100 to determine if a result is statistically significant. For example, if a relationship is statistically significant at 99 percent certainty – that is, we have 99 percent statistical certainty that the difference we observe is real and not the result of sampling error. Similarly, if the p value is .050, then we can say that the observed difference would achieve statistical significance at 95 percent certainty. The statistical significance, or confidence interval, essentially takes into account the survey margin of error, and degree of difference in results to determine if the differences observed are real and true.

20. We also occasionally present raw number estimates of the number of

persons affected. These estimates are included to provide further insight into the scope of the effects of HB 1332 and 1333, and are not used to assess the presence or extent of differential effects by group since that differential analysis necessarily depends upon comparisons of the rates among the different groups. The raw number estimates are extrapolations based on applying the survey's percentage estimates to the Census data for the citizen voting age population of North Dakota.

21. Finally, it was critical that respondents to the survey were both residents of North Dakota and eligible to vote. The survey therefore started with the following question that was used as a screener for eligibility to participate in the study: "Okay, just to make sure you are eligible to take part in our survey about voting, can you confirm that you are 18 or over, and currently a U.S. citizen, and have lived here in North Dakota for more than 30 days?" Therefore, any relationships between race and ethnicity and possession of accepted voter identification are specific to the voting eligible population of the state.

22. Survey Design. In designing a survey, researchers must consider three important topics to ensure their project is of the highest quality and follows social scientific standards. Two of the three relate to the design of the survey, and are discussed in this subsection of the report.

23. The first issue concerns the population for which inferences will be made and the method of interacting with that population. In this case, inferences will be made about the rates of possession of accepted voter identification for the eligible voting population in the state of North Dakota (and related matters). With this in mind, the most accurate and efficient way to contact this population should be determined. The most common approaches are through the use of (1) random digit dial, (2) household listed phone samples, and (3) address-based mail samples.

24. Random digit dial, or RDD, takes the known area codes and prefixes for a given geographic area, and randomly generates the last four digits of phone numbers and

calls those numbers entirely at random. This increases the likelihood that every possible phone number in North Dakota has an equal chance of being called.

25. A second approach that is also used quite extensively is randomly calling listed household samples. Rather than calling randomly generated phone numbers (some of which may not exist), a listed sample starts with the known universe of actual phone numbers for landline and/or cell phone subscribers that currently reside in a geographic area (North Dakota in this case). Listed samples are far more efficient than pure RDD because they greatly reduce the number of "dead numbers" dialed and allow interviewers to focus on known working phone numbers. Listed samples are especially useful if researchers are interested in drilling down into a particular sub-group within the population such as racial or ethnic minorities, or registered voters. Sample vendors can sell a listed sample of all households in a particular area, or they can provide sample records for just Native households. Likewise, sample vendors sell lists of known cell phone/wireless phone numbers for particular geographic areas, and those can then be randomly dialed as part of a survey. One of the advantages of using a survey firm with extensive experience purchasing lists is that the firm is able to secure these lists from the most reputable vendors available. This includes being able to secure cell-phone users who may have cell-phone numbers from outside of North Dakota but who actually reside within the state.

26. Finally, drawing on the social science literature, we implemented an address-based mail survey to addresses and P.O. boxes for part of the Native American oversample. This allowed us to reach respondents who may not have regular landline or cellphone access, and also to more accurately reach Native Americans across the state of North Dakota.

27. For this particular survey, several sample components were used. First, a statewide sample of 900 eligible voters, representative of the full demographics of North Dakota was targeted. Respondents were randomly contacted by cell phone and landline.

This initial sample provides the survey power to analyze internal variation within the state's overall population. Second, in order to reach a reliable sample of Native eligible voters, two separate listed-sample oversamples were undertaken to provide a larger sample from which we can draw more accurate generalizations. A total of 456 additional Native American respondents were interviewed in the telephone and mail targeted samples. These robust samples provide the ability to explore variation within each population as needed, and ensure that the margins of error associated with our results are well within accepted levels. In both instances, the survey reached eligible voters in landline and cell-phone-only households. Sample sizes and configurations are set forth in Table A, and further discussed below.

28. Table A: Sample Composition

	Landline	Cell phone	Mail	Total
Native American	110	56	290	456
White, non-Native	521	243	23	787
Other	56	32	0	88
Total	687	331	313	1,331

29. The second issue to ensure that a survey meets all social science standards concerns the design and construction of the survey questionnaire itself. In designing the questionnaire, researchers should follow best practices established by existing social science research, as well as groups such as the American Association of Public Opinion Research (AAPOR). It is important that questions are direct, objective, and neutral, not meant to lead respondents to give one particular answer over another, and should give respondents an appropriate range of available answer choices. With modern survey technology, CATI questionnaires should always be programmed to rotate question wording, randomize answer choices, rotate options forward-to-back and more, to ensure that no priming takes place whereby respondents lean towards one type of answer

because it is always read as the first option. For this project, we strictly followed the best social science practices for designing and implementing a survey.

30. The full questionnaire is included as an appendix to this document (Exhibit B) so that readers can see that all of these criteria were followed in designing and implementing this survey. In this instance, the survey questionnaire contained five main sections: first, screening questions to establish eligibility to participate in the study; second, questions focused on accepted voter ID; third, questions that probed rates of possession of documentary proof of citizenship, identity, and residency; fourth, questions about possible burdens to acquire an ID; and fifth, demographic questions concerning the sample.

31. Telephone Survey Execution. The third issue to ensure that a survey meets social science standards concerns the implementation of the survey instrument. In executing a survey, all possible respondents must have an equal chance to respond, participate, and be included. For example, if potential respondents were only called at home at 1:00 pm in the afternoon on Fridays, this would result in a sample that would be distinct from the overall population of North Dakota since many would not be able to participate in the study because they would have been at work during the call time. Instead, researchers should take an approach that gives each potential respondent an equal opportunity to be included in the survey.

32. The actual phone calls and implementation of the current survey was handled by Pacific Market Research (PMR), a market research firm in Renton, Washington, under our supervision and direction. This is a highly reputable survey firm that has implemented many surveys for applied, legal and academic research including surveys implementing similar designs as that used here for the purposes of exploring differences in public opinion and voting behavior. Further, Pacific Market Research implemented the surveys we performed for similar voter ID studies in the litigation noted above in Pennsylvania, Wisconsin, and Texas, and the courts in those cases found the survey data to

be reliable and consistent with accepted social science practices.

33. As discussed above, two sampling approaches were used in this survey. First, PMR implemented a pure RDD approach obtaining an overall sample of 900 eligible voters. Numbers were randomly generated, and then randomly selected phone numbers were dialed. To target Native American eligible voters for the telephone oversample, PMR procured a listed sample of high-density Native American census tracts, and then randomly selected phone numbers to be dialed. An additional sample list, of known cell/wireless-only households, also was used to ensure that residents who do not have a landline telephone were still included in the survey. This step was important, as more and more people are moving toward cell phone usage and cancelling their land-line telephones. Adding a cell-phone sample ensures that the data can speak to all aspects of the population. In all cases, calls were made from 4pm – 9pm local time Monday through Friday, and 12pm – 8pm local time Saturday and Sunday, beginning on July 30, 2015, and continuing until August 31, 2015. Landline numbers were auto-dialed and wireless numbers were manually dialed. If a respondent completed the survey, or refused to participate, that respondent was taken off the call list for future calls. Phone numbers were dialed and re-dialed up to five times in order to avoid any possible non-response bias that may result from only making one or two attempts per number. A full analysis of the data indicates that non-response bias did not present any problems in this study, given that up to five call-back attempts were used, and thus did yield hard-to-reach respondents. Phone numbers were “released” in batches of 100, and dialed until all numbers were exhausted, and then a second batch was made available, and so on.

34. Overall, Pacific Market Research reported a Response Rate-3 of 23.9 percent and a Cooperation Rate-3 of 37.4 percent, calculated as per the American Association of Public Opinion Research (AAPOR) guidelines⁹. In the field of survey research, response

⁹ For more on AAPOR guidelines: <http://www.aapor.org/Response Rates An Overview1.htm>. The response rate refers to

rates between 20 and 30 percent and considered to be accurate and in an accepted range, and this project falls within that range.¹⁰

35. Mail Survey Execution. In addition to the telephone survey, Pacific Market Research implemented an address and post office box sampling procedure to obtain 313 completed surveys via the mail. Surveys were printed on hard copy and sent to randomly selected addresses, or P.O. boxes in and around Native American reservations between August 13, 2015 and November 30, 2015. Some address listed samples also included non-reservation addresses for enrolled tribal members. The survey also included a cover letter from the Native American Rights Fund explaining that they had contracted with PMR to implement the survey, and to make clear that the survey was voluntary and that all responses would be kept strictly confidential. In both the telephone and mail survey, respondents were also provided with a contact name and telephone number at PMR if they had any questions

36. With respect to the mail survey, Pacific Market Research reported a Response Rate of 5.5 percent.

37. After collecting the data for the main North Dakota sample, and the Native American oversample, the underlying demographic characteristics of the respective samples were examined and compared to the known universe estimates for each from the 2014 U.S. Census, *American Community Survey* (ACS) for North Dakota. Where there were any discrepancies, a weighting algorithm was applied to balance the sample, called raking

percent of individuals who agreed to take the survey out of the overall number of cases in the sample. In contrast, the cooperation rate refers the percent of individuals who agreed to take the survey out of the overall number of individuals reached by researchers.

¹⁰ Scott Keeter et. al. 2006. "Gauging the Impact of Growing Nonresponse on Estimates from a National RDD Telephone Survey," *Public Opinion Quarterly*. 70(5)

ratio estimation,¹¹ so that the final samples that were tabulated for the analysis were in line with the U.S. Census estimates for the state. For example, it is well known in survey research that younger people, say under 25 years old, are harder to reach than older people who are over age 65. If 8 percent of survey respondents are age 18-24 years old, but census data tells us they are actually 14 percent of the eligible voting population, then each young person needs to be “up-weighted” so that collectively they represent 14 percent of the sample. Overall, the discrepancies between the collected data and the Census population estimates were quite small and the resulting weights that were employed were also quite small. Still, by weighting the data to known Census ACS demographics for each group, or for the state at large, we can ensure that the results are reflective of the eligible voting population in North Dakota. This helps to ensure that the sample generated for the report is reflective of the overall population, and consequently, that the inferences made regarding possession rates of accepted ID are reflective of that target population as well. Weighting of survey data is a very common and accepted approach in social science research when inferences are made to the larger population.¹²

V. Under North Dakota’s Current Voter ID Laws, Thousands of Native Americans Do Not Possess Qualifying ID, and Therefore Will Not be Able to Vote.

38. I understand that, as of 2013, North Dakota law requires individuals to produce voter identification when seeking to vote in person on Election Day or as part of in-person early voting. I further understand that if a person fails to produce qualifying ID, they will not receive a ballot and cannot vote. My understanding is that the following

¹¹ Michael Battaglia et. al. 2004. “Tips and Tricks for Raking Survey Data (a.k.a. Sample Balancing)” Proceedings of the Survey Research Methods Section, American Statistical Association.

¹² Eun Sul Lee and Ronald Forthofer. 2006. *Analyzing Complex Survey Data*. Sage Publications.

forms of identification satisfy the new Voter ID law:

- A North Dakota driver's license.
- A North Dakota non-driver ID card issued by North Dakota's DOT.
- A Tribal government-issued ID card.
- A long-term care ID card issued by a North Dakota facility.

To satisfy the law, these forms of identification must be current, and must show the prospective voter's name, current physical address and birthdate.

39. Among the overall population of eligible voters in North Dakota, a sizeable number of citizens do not currently possess an acceptable form of voter ID. From our survey, we estimate that Native Americans are almost **twice more likely** to lack a valid ID than non-Native Americans in North Dakota:

- 23.5 percent of the Native American population that is eligible to vote does not have a valid voter ID.
- 12.0 percent of the non-Native population that is eligible to vote does not have a valid voter ID.

This difference is statistically significant at the 98 percent confidence level in the chi-square test, and at over the 99 percent confidence level in logistic regression.

40. In terms of raw numbers, approximately 72,501 eligible voters currently do not possess qualifying voter ID in North Dakota. This includes 7,984 Native Americans out of the estimated 33,974 Native Americans eligible to vote in North Dakota as of 2014.

41. The disparity is also present among North Dakotans who voted in 2012 presidential election:

- 15.4 percent of Native Americans living in North Dakota who indicated they voted in the 2012 presidential election now lack a valid voter ID.
- Only 6.9 percent of non-Native Americans living in North Dakota who indicated they voted in the 2012 presidential election now lack a valid voter ID.

This difference is statistically significant in the chi-square test at the 93 percent confidence level and at 99 percent confidence level in the logistic regression.

42. The data compel the conclusion that a racial disparity exists in possession rates of qualifying voter ID between Native Americans and non-Native Americans among both eligible voters generally, and also among those who voted in the previous presidential election, with Native American voters significantly less likely to have a qualifying voter ID.

43. Our survey further found that a lack of accurate information might affect the ability of eligible voters lacking a qualifying voter ID to ever obtain qualifying voter ID:

- 89.3 percent of Native Americans believe they currently do have an acceptable voter ID, even though only 76.5 percent of them actually do have an acceptable voter ID.
- 21.4 percent of Native Americans living in North Dakota are not at all aware of the state's new voter ID law and associated requirements.
- When asked if they have seen or heard any official announcements or advertisements concerning the new voter ID law, just 20.8 percent of Native Americans reported they had seen or heard something. This suggests outreach is anemic.

These results suggest that many potential voters who currently lack a qualifying voter ID will be less likely to even attempt to secure the required ID simply because they believe they are already complying with the law.

A. Native Americans Disproportionately Lack the Documents They Need to Obtain Qualifying ID.

44. Our survey results indicate a large number of eligible individuals do not possess documentary proof of citizenship and documentary proof of identity needed to acquire an accepted form of voter ID. As the table below shows, high percentages of Native Americans who currently lack voter ID do not currently possess the documents they would need to

obtain a qualifying ID (*i.e.*, birth certificate with their current legal name, documents showing residential address, and documents showing social security number). Indeed, based on our survey results, we estimate that **3,808 Native Americans lack both a valid ID and lack the underlying documents to be able to obtain a valid ID.**

Percentage of Native Americans who do not have voter ID who do not possess the three types of documents needed to obtain voter ID..... **47.7%**

Percentage of Native Americans who do not have voter ID who do not possess a birth certificate showing their current legal name **32.9%**

Percentage of Native Americans who do not have voter ID who lack two documents showing their address **21.6%**

Percentage of Native Americans who do not have voter ID who do not have a social security card or a W2 evidencing their social security number **5.6%**

Estimated number of Native Americans who do not have voter ID and who lack the documents to obtain voter ID **3,808**

45. The percentage of Native Americans who lack the underlying documents and will be unable to obtain a valid voter ID—47.7 percent—is significantly higher in North Dakota than we have observed in other states where it was still a problem. In Texas, 30.4 percent of African Americans who lacked a photo ID also lacked underlying documents and 23.4 percent of Latinos who lacked a photo ID also lacked underlying documents.

B. Native Americans Disproportionately Lack the Resources Needed to Obtain Qualifying ID.

46. For those who lack an acceptable voter ID, some amount of resources are likely needed to obtain a qualifying ID. For example, citizens will need to have the proper information and know-how to navigate bureaucratic systems to obtain copies of birth certificates, naturalization records, social security cards, marriage or divorce certificates,

etc. In addition, they might have to take time off work or school to visit the appropriate state or county office, and find a means of transportation. Under any scenario, eligible voters who lack ID will face some potential burdens in attempting to obtain an accepted ID.

47. As the figures below demonstrate, Native Americans face greater financial challenges than non-Native Americans in obtaining qualifying voter ID. They make less money, they do not have the same amount of education, they are less likely to own their own home, and they have less access to transportation. The conclusion is stark and straightforward: isolating the population who currently lacks a valid ID, Native Americans are far lower resourced than non-Native Americans in North Dakota.

	Native Americans	Non-Native Americans
Percentage of citizens lacking voter ID who have household incomes under \$10,000	22.3%	12.3%
Percentage of citizens lacking voter ID who own their own homes	42.3%	63.1%
Percentage of citizens lacking voter ID who own or lease a car	73.9%	88.0%
Percentage of citizens lacking voter ID who have not finished High School	34.5%	5.7%
Percentage of citizens lacking voter ID who graduated from college	8.7%	32.9%

C. Native Americans Disproportionately Face Burdens in Trying to Obtain Qualifying ID.

48. In our survey, we focused on whether those respondents who lacked a valid voter ID would encounter burdens in attempting to obtain qualifying ID. More specifically, we wanted to find out whether eligible voters who lack qualifying ID may face expenses and other burdens in (1) learning where to go to obtain an ID; (2) gathering all necessary

documents to present to the issuing official; (3) obtaining transportation to get to a place where they can get an ID; and (4) taking time to visit an appropriate office during business hours. We asked a battery of questions aimed at assessing whether respondents who lack a valid ID card feel as though they would face increased costs or burdens to obtain an ID. In our empirical analysis, Native American face burdens at a statistically disproportionate rate than do non-Natives.

49. As the table below indicates, we found that Native Americans disproportionately face burdens in knowing where to go to get a qualifying ID, in getting to an office where they can obtain an ID, and in being able to get time off to travel to an office to get an ID.

	Native Americans	Non-Native Americans
Percentage of citizens lacking voter ID who know the location of the nearest DOT office	64.9%	85.2%
Percentage of citizens lacking voter ID who reported it would be a hardship to have to get a ride get to the nearest DOT office	29%	19.3%
Percentage of citizens lacking voter ID who reported it would be problem getting off work to go to a DOT office to obtain ID	44.1%	26.2%
Percentage of citizens lacking voter ID who reported it would be a problem to travel six miles each way to a DOT office to obtain ID	36.7%	17.3%
Percentage of citizens lacking voter ID who reported it would not be a problem at all to travel six miles each way to a DOT office to obtain ID	44.4%	79.0%
Percentage of citizens lacking voter ID who reported it would be a definite problem to travel 30 miles each way to a DOT office to obtain ID	31.3%	23.1%

Percentage of citizens lacking voter ID who reported it would not be a problem at all to travel 30 miles each way to a DOT office to obtain ID	34.2%	50.3%
Percentage of citizens lacking voter ID who reported it would be a hardship if they had to rely on public transportation to travel to a DOT office to get ID	47.3%	23.1%

50. Other potential issues which those who lack a valid ID reported would be a problem include: tracking down or paying for documents such as their original birth certificate, making it to the DOT office if it is only open during normal business hours, such as 8 a.m. to 5 p.m., and finally, the anticipated long lines and wait times at the DOT.

VI. Implications for Electoral Outcomes.

51. The disparate impact of the North Dakota Voter ID law has important implications for electoral outcomes. The implication for those who lack a valid voter ID on Election Day is that they will not be able to vote. Thus, the law has the potential to dilute the vote of certain protected classes of citizens. Our survey findings regarding the political preferences of Native Americans and non-Natives in North Dakota indicates a political environment characterized by racially divergent voting interests.

52. As set forth in the table below, Native Americans are much more likely to identify as Democrats than non-Native Americans. These differences are statistically significant at greater than 99 percent confidence level in both chi-square tests and regression analysis.

	Native Americans	Non-Native Americans
Percentage identifying as Republicans	17.0%	33.1%

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Percentage identifying as Democrats	37.7%	16.9%
Percentage of citizens who voted in the 2012 presidential election who identify as Democrats	48.8%	18.9%

53. In addition, recent important elections demonstrate considerable differences between the voting patterns of Native Americans and non-Native Americans in North Dakota. The 2012 U.S. Senate contest between Democrat Heidi Heitkamp and Republican Rick Berg provides an example of racially polarized voting in a close election. Heitkamp defeated Berg by less than 3,000 votes—less than 1 percent of all ballots cast. Official election results can be found on the North Dakota Secretary of State website.¹³ Looking at the election results by county reveals that Native Americans had different voting preferences than non-Natives. While Heitkamp won 50.2 percent of the statewide vote, she dominated in counties heavily populated by Native Americans:

- In Sioux County, which is more than 80 percent Native American, Heitkamp won 83 percent of the vote.
- In Rolette County, which is 77 percent Native American, Heitkamp won 80 percent of the vote.
- In Benson County, which is majority Native American, she won 67 percent of the vote.

Conversely, Heitkamp did relatively poorly in counties with almost no Native American voters. For example, in Billings County and Golden Valley County, which are both less than 1 percent Native American, Heitkamp won less than 30 percent of the vote.

54. Going lower to the precinct level further shows the pattern of racially polarized voting. In Sioux County precinct Fort Yates West (a precinct that is more than 90 percent Native American), Heitkamp won 96.3 percent of the vote. Further West in the Selfridge

¹³

<http://results.sos.nd.gov/resultsCTY.aspx?eid=35&text=Race&type=SW&rid=5002&osn=110&map=CTY>

precinct of Sioux County (which is 53 percent Native American), Heitkamp won only 59.7 percent of the vote. This same pattern can be found in Rolette County. The Turtle Mountain Reservation voting precinct, which is more than 90 percent Native American, voted 92.6 percent for Heitkamp, while the Rolla city voting precinct which is just 48 percent Native American voted 59.2 percent for Heitkamp.

55. These same patterns of racially polarized voting are also apparent in North Dakota state legislative elections. For example, legislative district 31 overlaps with the Standing Rock Reservation and Sioux County.¹⁴ In 2014, Republican Donald Schaible defeated Democrat Kristen Vesledahl districtwide. But Vesledahl prevailed in the most heavily Native American precincts. In the two Fort Yates precincts of Sioux County, Vesledahl won more than 80 percent of the vote. However, in Hettinger County, in the Mott precinct (which is less than two percent Native American), Vesledahl won just 9.6 percent of the vote. There are dozens and dozens of similar election result patterns that show a very high degree of correlation between the race and ethnicity of the voters within a precinct and their candidates of choice. Across almost any election in North Dakota, it is clear that Native American and non-Native American voters have different candidate preferences which amount to racially polarized voting.

56. The question here is just simply whether Native Americans—who are less likely to possess a valid photo ID—have different voting preferences than Non-Native Americans, or Whites. The reason for their preferences are not relevant. In *Teague v. Attala County*, 92 F.3d 283, 285 (5th Cir. 1996), the court held that the plaintiffs did not have to disprove other factors other than race affected voting patterns. The court just focused on the results of elections and evidence showing that Blacks and Whites had substantially different voting patterns was enough to meet the *Gingles* standards. That is, other factors can be associated

¹⁴

<http://results.sos.nd.gov/resultsCTY.aspx?eid=126&text=Race&type=LG&rid=8016&osn=200&map=DIST>

with voting, but the only standard is whether different racial groups are voting differently. This ideal is based in the key opinion by Justice Brennan in *Thornburg v. Gingles*, 478 U.S. 30, 44-45 (1986). Specifically, Justice Brennan wrote “it is the difference between the choices made by black and white voters and not the reason for the difference that leads to blacks having less opportunity to elect their candidates of choice.” Justice Brennan advanced his evidentiary standard regarding racially polarized voting by repudiating certain arguments made by the state of North Carolina (and the United States as amicus). The state argued that statistical evidence must demonstrate not only that there is a correlation between the race of the voters and their choice of candidates, but also that race (as opposed to other factors such as socioeconomic status or party affiliation) is the principal reason for the voters' selections. According to the plurality, however, the proper inquiry under Section 2 is to ask whether voters of different race favor different candidates, not why they do so. Exploring the reasons for the relationship between race and votes cast interjects intent into the analysis, and “the legal concept of racially polarized voting incorporates neither causation nor intent,” according to Justice Brennan (p. 62).

VII. Conclusion.

57. Through a statewide survey of eligible voters across North Dakota Dr. Gabriel Sanchez and I have found clear racial disparities in possession of an acceptable voter ID between Native Americans and non-Native Americans. Native American eligible voters are statistically less likely to possess a valid ID. Furthermore, we have found that a large percentage of Native Americans who lack qualifying voter ID also lack the necessary underlying documents needed to obtain such an ID. Due to considerable resources deficits, Native Americans who lack a valid ID will face numerous barriers and burdens if they want to vote and try to obtain an ID. Finally, Native Americans have different political and partisan preferences than non-Natives in North Dakota and if Native Americans are disproportionately excluded from voting their vote will be diluted.

Executed on June 19, 2016 at Agoura Hills, CA.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Matt A. Barreto", written in a cursive style.

Matthew A. Barreto

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled "**Declaration of Matthew A. Barreto, Ph.D.**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

Christopher S. Joseph
Assistant Attorney General
State Bar ID No. 07450
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Facsimile (701) 328-4300
Email csjoseph@nd.gov

DATED: June 20, 2016

By: /s Matthew Campbell
Matthew Campbell

Matthew Campbell, NM Bar No. 138207, CO Bar No. 40808
mcampbell@narf.org

NATIVE AMERICAN RIGHTS FUND

1506 Broadway
Boulder, Colorado 80302
Phone: (303) 447-8760
Fax: (303) 443-7776

EXHIBIT A

MATT A. BARRETO – BARRETOM@UCLA.EDU
DEPT OF POLITICAL SCIENCE, 3284 BUNCHE HALL, LOS ANGELES CA 90095 / 909.489.2955

EMPLOYMENT:

Professor, Political Science, University of California Los Angeles (2015 – present)
Professor, Chicana/o Studies, University of California Los Angeles (2015 – present)

Dept. Political Science, University of Washington
Professor (2014 – 2015)

Associate Professor (2009 – 2014)

Assistant Professor (2005 – 2009)

Director, Washington Institute for the Study of Ethnicity and Race

Director, Center for Democracy and Voting Rights, UW School of Law

Affiliated Research Centers

Chicano Studies Research Center (CSRC)
University of California, Los Angeles

Politics of Race, Immigration, and Ethnicity Consortium (PRIEC)
University of California, Riverside

Center for the Study of Los Angeles (CSLA)
Loyola Marymount University

PERSONAL:

Born: June 6, 1976
San Juan, Puerto Rico

High School: 1994, Washburn Rural HS, Topeka, KS

EDUCATION:

Ph.D., Political Science, June 2005

University of California – Irvine

Sub Fields: American Politics / Race, Ethnicity and Politics / Methodology

Thesis: Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation

Thesis Committee: Bernard Grofman (chair), Louis DeSipio, Katherine Tate, Carole Uhlaner

Thesis Awards: *Ford Foundation Dissertation Fellowship for Minorities, 04-05*

University of California President's Dissertation Fellowship, 04-05

University of California Institute for Mexico & the U.S. Dissertation Grant, 04-05

Master of Science, Social Science, March 2003

University of California – Irvine

Bachelor of Science, Political Science, May 1998

Eastern New Mexico University, Portales, NM

Minor: English. Cumulative GPA: 3.9, *Summa Cum Laude*

PUBLICATION RECORD

Google Scholar citation indices: Cites: 1,706 h-index: 21 i10-index: 32 Years post-PhD: 11 Cites/year: 155

BOOK MANUSCRIPTS:

Barreto, Matt and Gary Segura. 2014. Latino America: How America's Most Dynamic Population is Poised to Transform the Politics of the Nation. Public Affairs Books. (Sept)

Barreto, Matt and David Leal, editors. 2015. Race, Class, and Precinct Quality in American Cities. Springer Press.

Christopher Parker and Matt Barreto. 2013. Change They Can't Believe In: The Tea Party and Reactionary Politics in America. Princeton University Press. *Winner: APSA Best Book Award for Race, Ethnicity, Politics, 2014*

Barreto, Matt. 2010. Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation. University of Michigan Press

PEER-REVIEWED ARTICLES

49. Barreto, Matt, Collingwood, Loren, Christopher Parker, and Francisco Pedraza. 2015. "Racial Attitudes and Race of Interviewer Item Non-Response." *Survey Practice*. 8:3.

48. Barreto, Matt and Gary Segura 2015. "Obama y la seducción del voto Latino." *Foreign Affairs Latinoamérica*. 15:2 (Jul).

47. Barreto, Matt and Loren Collingwood 2015. "Group-based appeals and the Latino vote in 2012: How immigration became a mobilizing issue." *Electoral Studies*. 37 (Mar).

46. Collingwood, Loren, Matt Barreto and Sergio García-Rios. 2014. "Revisiting Latino Voting: Cross-Racial Mobilization in the 2012 Election" *Political Research Quarterly*. 67:4 (Sep).

45. Bergman, Elizabeth, Gary Segura and Matt Barreto. 2014. "Immigration Politics and Electoral Consequences: Anticipating the Dynamics of Latino Vote in the 2014 Election" *California Journal of Politics and Policy*. (Feb)

44. Barreto, Matt and Sergio García-Rios. 2012. "El poder del voto latino en Estados Unidos en 2012" *Foreign Affairs Latinoamérica*. 12:4 (Nov).

43. Collingwood, Loren, Matt Barreto and Todd Donovan. 2012. "Early Primaries, Viability and Changing Preferences for Presidential Candidates." *Presidential Studies Quarterly*. 42:1(Mar).

42. Barreto, Matt, Betsy Cooper, Ben Gonzalez, Chris Towler, and Christopher Parker. 2012. "The Tea Party in the Age of Obama: Mainstream Conservatism or Out-Group Anxiety?." *Political Power and Social Theory*. 22:1(Jan).

41. Dana, Karam, Matt Barreto and Kassra Oskoi. 2011. "Mosques as American Institutions: Mosque Attendance, Religiosity and Integration into the American Political System." *Religions*. 2:2 (Sept).

40. Barreto, Matt, Christian Grose and Ana Henderson. 2011. "Redistricting: Coalition Districts and the Voting Rights Act." *Warren Institute on Law and Social Policy*. (May)

39. Barreto, Matt and Stephen Nuño. 2011. "The Effectiveness of Co-Ethnic Contact on Latino Political Recruitment." *Political Research Quarterly*. 64 (June). 448-459.

38. Garcia-Castañón, Marcela, Allison Rank and Matt Barreto. 2011 "Plugged in or tuned out? Youth, Race, and Internet Usage in the 2008 Election." *Journal of Political Marketing*. 10:2 115-138.

37. Barreto, Matt, Victoria DeFrancesco, and Jennifer Merolla. 2011 "Multiple Dimensions of Mobilization: The Impact of Direct Contact and Political Ads on Latino Turnout in the 2000 Presidential Election." *Journal of Political Marketing*. 10:1

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36. Barreto, Matt, Loren Collingwood, and Sylvia Manzano. 2010. "Measuring Latino Political Influence in National Elections" *Political Research Quarterly*. 63:4 (Dec)
35. Barreto, Matt, and Francisco Pedraza. 2009. "The Renewal and Persistence of Group Identification in American Politics." *Electoral Studies*. 28 (Dec) 595-605
34. Barreto, Matt and Dino Bozonelos. 2009. "Democrat, Republican, or None of the Above? Religiosity and the Partisan Identification of Muslim Americans" *Politics & Religion* 2 (Aug). 1-31
33. Barreto, Matt, Sylvia Manzano, Ricardo Ramírez and Kathy Rim. 2009. "Immigrant Social Movement Participation: Understanding Involvement in the 2006 Immigration Protest Rallies." *Urban Affairs Review*. 44: (5) 736-764
32. Grofman, Bernard and Matt Barreto. 2009. "A Reply to Zax's (2002) Critique of Grofman and Migalski (1988): Double Equation Approaches to Ecological Inferences." *Sociological Methods and Research*. 37 (May)
31. Barreto, Matt, Stephen Nuño and Gabriel Sanchez. 2009. "The Disproportionate Impact of Voter-ID Requirements on the Electorate – New Evidence from Indiana." *PS: Political Science & Politics*. 42 (Jan)
30. Barreto, Matt, Luis Fraga, Sylvia Manzano, Valerie Martinez-Ebers, and Gary Segura. 2008. "Should they dance with the one who brung 'em? Latinos and the 2008 Presidential election" *PS: Political Science & Politics*. 41 (Oct).
29. Barreto, Matt, Mara Marks and Nathan Woods. 2008. "Are All Precincts Created Equal? The Prevalence of Low- Quality Precincts in Low-Income and Minority Communities." *Political Research Quarterly*. 62
28. Barreto, Matt. 2007. "Sí Se Puede! Latino Candidates and the Mobilization of Latino Voters." *American Political Science Review*. 101 (August): 425-441.
27. Barreto, Matt and David Leal. 2007. "Latinos, Military Service, and Support for Bush and Kerry in 2004." *American Politics Research*. 35 (March): 224-251.
26. Barreto, Matt, Mara Marks and Nathan Woods. 2007. "Homeownership: Southern California's New Political Fault Line?" *Urban Affairs Review*. 42 (January). 315-341.
25. Barreto, Matt, Matt Streb, Fernando Guerra, and Mara Marks. 2006. "Do Absentee Voters Differ From Polling Place Voters? New Evidence From California." *Public Opinion Quarterly*. 70 (Summer): 224-34.
24. Barreto, Matt, Fernando Guerra, Mara Marks, Stephen Nuño, and Nathan Woods. 2006. "Controversies in Exit Polling: Implementing a racially stratified homogenous precinct approach." *PS: Political Science & Politics*. 39 (July) 477-83.
23. Barreto, Matt, Ricardo Ramírez, and Nathan Woods. 2005. "Are Naturalized Voters Driving the California Latino Electorate? Measuring the Impact of IRCA Citizens on Latino Voting." *Social Science Quarterly*. 86 (December): 792-811.
22. Barreto, Matt. 2005. "Latino Immigrants at the Polls: Foreign-born Voter Turnout in the 2002 Election." *Political Research Quarterly*. 58 (March): 79-86.
21. Barreto, Matt, Mario Villarreal and Nathan Woods. 2005. "Metropolitan Latino Political Behavior: Turnout and Candidate Preference in Los Angeles." *Journal of Urban Affairs*. 27(February): 71-91.
20. Leal, David, Matt Barreto, Jongho Lee and Rodolfo de la Garza. 2005. "The Latino Vote in the 2004 Election." *PS: Political Science & Politics*. 38 (January): 41-49.
19. Marks, Mara, Matt Barreto and Nathan Woods. 2004. "Harmony and Bliss in LA? Race and Racial Attitudes a Decade After the 1992 Riots." *Urban Affairs Review*. 40 (September): 3-18.
18. Barreto, Matt, Gary Segura and Nathan Woods. 2004. "The Effects of Overlapping Majority-Minority Districts on Latino Turnout." *American Political Science Review*. 98 (February): 65-75.

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17. Barreto, Matt and Ricardo Ramírez. 2004. "Minority Participation and the California Recall: Latino, Black, and Asian Voting Trends 1990 – 2003." *PS: Political Science & Politics*. 37 (January): 11-14.
16. Barreto, Matt and José Muñoz. 2003. "Reexamining the 'politics of in-between': political participation among Mexican immigrants in the United States." *Hispanic Journal of Behavioral Sciences*. 25 (November): 427-447.
15. Barreto, Matt. 2003. "National Origin (Mis)Identification Among Latinos in the 2000 Census: The Growth of the "Other Hispanic or Latino" Category." *Harvard Journal of Hispanic Policy*. 15 (June): 39-63.

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Edited Volume Book Chapters

14. Barreto, Matt and Christopher Parker. 2015. "Public Opinion and Reactionary Movements: From the Klan to the Tea Party" In Adam Berinsky (ed.) New Directions in Public Opinion. 2nd edition. New York: Routledge Press.
13. Barreto, Matt and Gabriel Sanchez. 2014. "A 'Southern Exception' in Black-Latino Attitudes?." In Anthony Affigne, Evelyn Hu-Dehart, Marion Orr (eds.) Latino Politics en Ciencia Política. New York: New York University Press.
12. Barreto, Matt, Ben Gonzalez, and Gabriel Sanchez. 2014. "Rainbow Coalition in the Golden State? Exposing Myths, Uncovering New Realities in Latino Attitudes Towards Blacks." In Josh Kun and Laura Pulido (eds.) Black and Brown in Los Angeles: Beyond Conflict and Coalition. Berkeley, CA: University of California Press.
11. Barreto, Matt, Loren Collingwood, Ben Gonzalez, and Christopher Parker. 2011. "Tea Party Politics in a Blue State: Dino Rossi and the 2010 Washington Senate Election" In William Miller and Jeremy Walling (eds.) Stuck in the Middle to Lose: Tea Party Effects on 2010 U.S. Senate Elections. Rowman & Littlefield Publishing Group.
10. Jason Morin, Gabriel Sanchez and Matt Barreto. 2011. "Perceptions of Competition Between Latinos and Blacks: The Development of a Relative Measure of Inter-Group Competition." In Edward Telles, Gaspar Rivera-Salgado and Mark Sawyer (eds.) Just Neighbors? Research on African American and Latino Relations in the US. New York: Russell Sage Foundation.
9. Grofman, Bernard, Frank Wayman and Matt Barreto. 2009. "Rethinking partisanship: Some thoughts on a unified theory." In John Bartle and Paolo Bellucci (eds.) Political Parties and Partisanship: Social identity and individual attitudes. New York: Routledge Press.
8. Barreto, Matt, Ricardo Ramírez, Luis Fraga and Fernando Guerra. 2009. "Why California Matters: How California Latinos Influence the Presidential Election." In Rodolfo de la Garza, Louis DeSipio and David Leal (eds.) Beyond the Barrio: Latinos in the 2004 Elections. South Bend, ID: University of Notre Dame Press..
7. Francisco Pedraza and Matt Barreto. 2008. "Exit Polls and Ethnic Diversity: How to Improve Estimates and Reduce Bias Among Minority Voters." In Wendy Alvey and Fritz Scheuren (eds.) Elections and Exit Polling. Hoboken, NJ: Wiley and Sons, Inc..
6. Adrian Pantoja, Matt Barreto and Richard Anderson. 2008. "Politics y la Iglesia: Attitudes Toward the Role of Religion in Politics Among Latino Catholics" In Michael Genovese, Kristin Hayer and Mark J. Rozell (eds.) Catholics and Politics. Washington, D.C: Georgetown University Press..
5. Barreto, Matt. 2007. "The Role of Latino Candidates in Mobilizing Latino Voters: Revisiting Latino Vote Choice." In Rodolfo Espino, David Leal and Kenneth Meier (eds.) Latino Politics: Identity, Mobilization, and Representation. Charlottesville: University of Virginia Press.
4. Abosch, Yishaiya, Matt Barreto and Nathan Woods. 2007. "An Assessment of Racially Polarized Voting For and Against Latinos Candidates in California." In Ana Henderson (ed.) Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power. Berkeley, CA: UC Berkeley Public Policy Press.
3. Barreto, Matt and Ricardo Ramírez. 2005. "The Race Card and California Politics: Minority Voters and Racial Cues in the 2003 Recall Election." In Shaun Bowler and Bruce Cain (eds.) Clicker Politics: Essays on the California Recall. Englewood-Cliffs: Prentice-Hall.
2. Barreto, Matt and Nathan Woods. 2005. "The Anti-Latino Political Context and its Impact on GOP Detachment and Increasing Latino Voter Turnout in Los Angeles County." In Gary Segura and Shawn Bowler (eds.) Diversity in Democracy: Minority Representation in the United States. Charlottesville: University of Virginia Press.
1. Pachon, Harry, Matt Barreto and Frances Marquez. 2004. "Latino Politics Comes of Age in the Golden State." In Rodolfo de la Garza and Louis DeSipio (eds.) Muted Voices: Latino Politics in the 2000 Election. New York: Rowman & Littlefield

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RESEARCH AWARDS AND FELLOWSHIPS

July 2013	Ford Foundation Center for Democracy and Voting Rights	\$200,000 – 12 months
April 2012	American Values Institute [With Ben Gonzalez] Racial Narratives and Public Response to Racialized Moments	\$40,000 – 3 months
Jan 2012	American Civil Liberties Union Foundation [With Gabriel Sanchez] Voter Identification Laws in Wisconsin	\$60,000 – 6 months
June 2011	State of California Citizens Redistricting Commission An Analysis of Racial Bloc Voting in California Elections	\$60,000 – 3 months
Apr 2011	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? A national conference on the political and social incorporation of American Muslims	\$50,000 – 18 months
Jan 2011	impreMedia [With Gary Segura] Latino public opinion tracking poll of voter attitudes in 2011	\$30,000 – 6 months
Oct 2010	National Council of La Raza (NCLR) [With Gary Segura] Measuring Latino Influence in the 2010 Elections	\$128,000 – 6 months
Oct 2010	We Are America Alliance (WAAA) [With Gary Segura] Latino and Asian American Immigrant Community Voter Study	\$79,000 – 3 months
May 2010	National Council of La Raza (NCLR) [With Gary Segura] A Study of Latino Views Towards Arizona SB1070	\$25,000 – 3 months
Apr 2010	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? The influence of religiosity in Muslim political incorporation	\$50,000 – 18 months
Oct 2009	American Association of Retired Persons (AARP) [With Gary Segura] Health care reform and Latino public opinion	\$25,000 – 3 months
Nov 2008	impreMedia & National Association of Latino Elected Officials (NALEO) [With Gary Segura] 2008 National Latino Post-Election Survey, Presidential Election	\$46,000 – 3 months
July 2008	National Association of Latino Elected Officials (NALEO) [With Gary Segura] Latino voter outreach survey – an evaluation of Obama and McCain	\$72,000 – 3 months
June 2008	The Pew Charitable Trusts, Make Voting Work Project [with Karin MacDonald and Bonnie Glaser] Evaluating Online Voter Registration (OVR) Systems in Arizona and Washington	\$220,000 – 10 months
April 2008	National Association of Latino Elected Officials (NALEO) & National Council of La Raza (NCLR), 2008 Latino voter messaging survey	\$95,000 – 6 months
Dec. 2007	Research Royalty Fund, University of Washington 2008 Latino national post-election survey	\$39,000 – 12 months
Oct. 2007	Brenan Center for Justice, New York University [with Stephen Nuño and Gabriel Sanchez] Indiana Voter Identification Study	\$40,000 – 6 months
June 2007	National Science Foundation, Political Science Division [with Gary Segura] American National Election Study – Spanish translation and Latino oversample	\$750,000 – 24 months

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RESEARCH GRANTS AND FELLOWSHIPS CONTINUED...

Oct. 2006	University of Washington, Vice Provost for Undergraduate Education Absentee voter study during the November 2006 election in King County, WA	\$12,000 – 6 months
Mar. 2006	Latino Policy Coalition Public Opinion Research Grant [with Gary Segura] Awarded to the Washington Institute for the Study of Ethnicity and Race	\$40,000 – 18 months
2005 – 2006	University of Washington, Institute for Ethnic Studies, Research Grant	\$8,000 – 12 months
Mar. 2005	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Conduct Exit Poll during Los Angeles Mayoral Election, Mar. 8 & May 17, 2005 Awarded to the Center for the Study of Los Angeles	\$30,000 – 6 months
2004 – 2005	Ford Foundation Dissertation Fellowship for Minorities	\$21,000 – 12 months
2004 – 2005	University of California President's Dissertation Fellowship	\$14,700 – 9 months
2004 – 2005	University of California Mexico-US (UC MEXUS) Dissertation Grant	\$12,000 – 9 months
Apr – 2004	UC Regents pre-dissertation fellowship, University of California, Irvine,	\$4,700 – 3 months
2003 – 2004	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Awarded to the Center for the Study of Los Angeles	\$20,000 – 12 months
2002 – 2003	Ford Foundation Grant on Institutional Inequality [with Harry Pachon] Conducted longitudinal study of Prop 209 on Latino and Black college admittance Awarded to Tomás Rivera Policy Institute	\$150,000 – 12 months
2002 – 2003	Haynes Foundation Grant on Economic Development [with Louis Tornatzky] Knowledge Economy in the Inland Empire region of Southern California Awarded to Tomás Rivera Policy Institute	\$150,000 – 18 months
2001 – 2002	William F Podlich Graduate Fellowship, Center for the Study of Democracy, University of California, Irvine	\$24,000 – 9 months

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ARTICLES UNDER REVIEW/WORKING PAPERS:

Garcia-Rios, Sergio and Matt A. Barreto. "Politicized Immigrant Identity, Spanish Language Media and Immigrant Political Mobilization in 2012." Revise and Resubmit.

Barreto, Matt, Natalie Masuoka and Gabe Sanchez. "Religiosity, Discrimination and Group Identity Among Muslim Americans" Revise and Resubmit

Dana, Karam, Matt Barreto and Bryan Wilcox-Archuleta. "Religiosity and Muslim American Political Incorporation" [Under review]

Barreto, Matt, Stephen Nuño, and Gabriel Sanchez, Hannah Walker. "Race, Class and Barriers to Voting in the 21st Century: The Unequal Impact of Voter ID Laws." [Under review]

Barreto, Matt Karam Dana, and Kassra Oskooii. "No Sharia, No Mosque: Orientalist Notions of Islam and Intolerance Toward Muslims in the United States" [Under review]

Barreto, Matt, David Redlawsk and Caroline Tolbert. "Framing Barack Obama: Muslim, Christian or Black?" [Under review]

Barreto, Matt and Adrian Pantoja. "Politics and Religion in the Schoolhouse: Latino religiosity and attitudes towards education policies." [Under review]

Barreto, Matt and Gabe Sanchez. "Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" [Under review]

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CONSULTING EXPERT:

- Texas, 2014, Testifying Expert for Plaintiffs in Texas voter ID lawsuit, *Veasey v. Perry* 2:13-cv-00193
- Galveston County, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, vote dilution analysis, and racially polarized voting analysis for Section 2 lawsuit Galveston County JP/Constable districting
- Pasadena, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Pasadena School District
- Harris County, TX Redistricting, 2011, Testifying Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Harris County
- Pennsylvania, 2012, Testifying Expert for ACLU Foundation of Pennsylvania in voter ID lawsuit, *Applewhite v. Commonwealth of Pennsylvania* No. 330 MD 2012
- Milwaukee County, WI, 2012, Testifying Expert for ACLU Foundation of Wisconsin in voter ID lawsuit, *Frank v. Walker* 2:11-cv-01128(LA)
- Orange County, FL, 2012, Consulting Expert for Latino Justice/PRLDEF, Racially polarized voting analysis in Orange County, Florida
- Anaheim, CA, 2012, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for CVRA redistricting case Anaheim, CA
- Los Angeles County, CA, 2011, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for three redistricting cases in L.A.: Cerritos Community College Board; ABC Unified Schools; City of West Covina
- Harris County, TX Redistricting, 2011, Consulting Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, for Section 5 objection within Harris County
- Monterey County, CA Redistricting, 2011, Consulting Expert for City of Salinas, Demographic analysis, creation of alternative maps, and racially polarized Voting analysis within Monterey County
- Los Angeles County Redistricting Commission, 2011, Consulting Expert for Supervisor Gloria Molina, Racially Polarized voting analysis within L.A. County
- State of California, Citizens Redistricting Commission, 2011, Consulting Expert, Racially Polarized Voting analysis throughout state of California
- Asian Pacific American Legal Center, 2011, Racially Polarized Voting analysis of Asian American candidates in Los Angeles for APALC redistricting brief
- Lawyers' Committee for Civil Rights and Arnold & Porter, LLP, 2010-12, Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County, concerning San Mateo County Board of Supervisors
- ACLU of Washington, 2010-11, preliminary analysis of Latino population patterns in Yakima, Washington, to assess ability to draw majority Latino council districts
- State of Washington, 2010-11, provided expert analysis and research for *State of Washington v. MacLean* in case regarding election misconduct and voting patterns
- Los Angeles County Chicano Employees Association, 2008-10, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (6 reports issued 08-10)
- Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10 Amicus Brief submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower resource citizens
- State of New Mexico, consulting expert for state in *AAPD v. New Mexico*, 2008,
- District of Columbia Public Schools (DCPS), statistical consultant for survey methodology of opinion survey of parents in DCPS district (for pending suit), 2008,
- Brennan Center for Justice, 2007-08, Amicus Brief submitted to U.S. Supreme Court, and cited in Supreme Court decision, *Crawford v. Marion County*, regarding access to voter identification among minority and lower-resource citizens
- Los Angeles County Chicano Employees Association, 2002-07, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (12 + reports issued during 5 years)
- Monterey County School Board, 2007, demographic and population analysis for VRA case
- Sweetwater Union School District, 2007-08, Racially Polarized Voting analysis, and demographic and population analysis for VRA case
- Mexican American Legal Defense Fund, 2007-08, Racially Polarized Voting analysis for Latino candidates, for City of Whittier city council races, for VRA case
- ACLU of Washington, 2008, preliminary analysis of voting patterns in Eastern Washington, related to electability of Latino candidates
- Nielsen Media Research, 2005-08, with Willie C. Velasquez Institute, assessed the methodology of Latino household recruitment in Nielsen sample

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**TEACHING
EXPERIENCE:**

UCLA & UW

2005 – Present

- Minority Political Behavior (Grad Seminar)
- Politics of Immigration in the U.S. (Grad Seminar)
- Introduction to Empirical/Regression Analysis (Grad Seminar)
- Advanced Empirical/Regression Analysis (Grad Seminar)
- Political Participation & Elections (Grad Seminar)
- The Voting Rights Act (Law School seminar)
- Research methodology II (Law School Ph.D. program seminar)
- U.S. Latino Politics
- Racial and Ethnic Politics in the U.S.
- Politics of Immigration in the U.S.
- Introduction to American Government
- Public Opinion Research
- Campaigns and Elections in the U.S.
- Presidential Primary Elections

Teaching Assistant

University of California, Irvine

2002 – 2005

- Intro to American Politics (K. Tate)
- Intro to Minority Politics (L. DeSipio)
- **Recognized as Outstanding Teaching Assistant, Winter 2002**
- Statistics and Research Methods (B. Grofman)
- **Recognized as Outstanding Teaching Assistant, Winter 2003**

**BOARD &
RESEARCH
APPOINTMENTS**

Founding Partner

Latino Decisions

2007 – Present

Senior Research Fellow

Center for the Study of Los Angeles, Loyola Marymount University

2002 – Present

Board of Advisors

American National Election Study, University of Michigan

2010 – Present

Research Advisor

American Values Institute / Perception Institute

2009 – Present

Advisory Board

States of Change: Demographics & Democracy Project
CAP, AEI, Brookings Collaborative Project

2014 – Present

Expert Consultant

State of California, Citizens Redistricting Committee

2011 – 2012

Senior Scholar & Advisory Council

Latino Policy Coalition, San Francisco, CA

2006 – 2008

Board of Directors

CASA Latina, Seattle, WA

2006 – 2009

Faculty Research Scholar

Tomás Rivera Policy Institute, University of Southern California

1999 – 2009

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PHD STUDENTS

UCLA & UW

Committee Chair or Co-Chair

- Francisco I. Pedraza – Texas A&M University (UW Ph.D. 2008)
- Loren Collingwood – University of California, Riverside (UW Ph.D. 2012)
- Betsy Cooper – Public Religion Research Institute, Washington DC (UW Ph.D. 2014)
- Sergio I. Garcia-Rios – Cornell University (UW Ph.D. 2015)
- Hannah Walker – Rutgers University (UW Ph.D. 2016)
- Kassra Oskooii – *in progress* (UW ABD)
- Angela Ocampo – *in progress* (UCLA ABD)
- Ayobami Laniyonu – *in progress* (UCLA ABD)

Committee Member

- Raynee Gutting – Loyola Marymount University (Stony Brook Ph.D. 2015)
- Christopher Towler – Western Washington University (UW Ph.D. 2014)
- Benjamin F. Gonzalez – Highland College (UW Ph.D. 2014)
- Marcela Garcia-Castañon – San Francisco State University (UW Ph.D. 2013)
- Justin Reedy (Communications) – University of Oklahoma (UW Ph.D. 2012)
- Dino Bozonelos – Cal State San Marcos (UC Riverside Ph.D. 2012)
- Brandon Bosch – University of Nebraska (UW Ph.D. 2012)
- Karam Dana (Middle East Studies) – UW Bothell (UW Ph.D. 2010)
- Jessica Stewart – *in progress* (UCLA ABD)
- Jonathan Collins – *in progress* (UCLA ABD)
- Patrick Rock (Social Psychology) – *in progress* (UCLA ABD)
- Nazita Lajevardi – *in progress* (UC San Diego ABD)
- Kiku Huckle – *in progress* (UW ABD)

EXHIBIT B

HB 1369 3-17-17 #9A

MODE = TELEPHONE SURVEY

S0. Type of Sample

RDD / Landline.....1
 RDD / Wireless.....2
 Household Listed..... 3

S1. [IF LISTED] Hello, may I please speak with Mr./Ms. [INPUT THE NAME OF RESPONDENT]?

RESPONDENT AVAILABLE ... CONTINUE ... 1
 RESPONDENT IS NOT AVAILABLE ... CALL-BACK SCHEDULED ... 2
DON'T KNOW/NO OPINION (DK)/ REFUSED TO ANSWER (RF) ... TERMINATE ... 9

Hello, my name is _____. This is not a sales call. I am calling on behalf of Pacific Market Research, as part of a non-partisan, university research project. We are conducting a short public opinion survey about important issues in the state of North Dakota.

S2. Okay, just to make sure you are eligible to take part in our survey about voting, can you confirm that you are 18 or over, and currently a U.S. citizen, and have lived here in North Dakota for more than 30 days?

Yes..... 1
 No – not eligible.....TERMINATE 2
 Don't Know / Refused....TERMINATE..... 99

S3. In talking to people about voting, we often find that many people are not on the current voting list because they have not voted in a recent election. How about you? Would the official voter records at the Secretary of State's office indicate that you are listed on the current central voter file, or not?

Yes..... 1
 No..... 2
 Don't Know / Refused..... 99

S4. We want to make sure we get a correct and accurate sample of all people here in North Dakota. Do you consider any part of your family ancestry to be Native American or American Indian?

Yes..... 1
 No..... 2
 Don't Know / Refused..... 99

S5. Okay, and what do you consider your race or ethnicity to be? [ALLOW MULTIPLE RESPONSES, RECORD ORDER]

White / Anglo 1
 Native American / American Indian.....2
 Black / African American..... 3
 Hispanic / Latino..... 4
 Asian American..... 5
 Other [SPECIFY]..... 6
 Don't know...88
 Refused..... 99

Note to interviewer – possible specific tribe names include: Mandan Hidatsa, Arikara, Yanktonia, Sisseton, Wahpeton, Oyate, Hunkpapa, Dakotah, Nakotah, Lakotah, Sioux, Pembina Chippewa, Cree, Metis

Other tribal names may include: Sisseton-Wahpeton Oyate Tribe, Spirit Lake Nation, Standing Rock Nation, Three Affiliated Tribes, Turtle Mountain Band of Chippewa

START MAIN QUESTIONNAIRE

1. [IF S3=1] Here in North Dakota, some people vote in person at a polling place, and some have a mail or absentee ballot sent to them. How about you, when you have voted is it usually: in-person at a polling place, do you sometimes vote by mail or absentee ballot, or do you always vote by mail or absentee ballot?

Polling place..... 1
 Sometimes by mail/absentee ballot 2
 Always by mail/absentee ballot 3
 Do not vote (VOL)..... 4
 Don't Know/Not Sure 88
 Refused 99

1B. [IF Q1=1 or 2] When you vote in person at a polling place, do you always vote on Election Day, do you sometimes vote early before election day, or do you ALWAYS vote early before election day?

Usually vote on Election Day 1
 Sometimes before Election Day 2
 Always vote early..... 3
 Do not vote (VOL)..... 5
 Don't Know/Not Sure 88
 Refused 99

2. Different states have different rules on what a voter needs to show the poll worker before they can vote at the polling place. As far as you know, does North Dakota have a law that **REQUIRES** voters to show a valid ID before they can vote in-person at their polling place either early or on Election Day, or is this not required in North Dakota to vote in-person?

Yes, North Dakota requires ID 1
 No, they do NOT require ID 2
 Something else..... 3
 Don't Know/Not Sure 88
 Refused 99

3. And if a poll worker did happen to ask you to show a valid ID in order to vote, as far as you know, do you currently possess a valid ID required to vote?

Yes..... 1
 No..... 2
 Maybe / Depends 3
 Don't Know/Not Sure 4
 Refused 99

4. In prior years, if a person's name was not found on the voter list, you could still sign-in and vote as long as you signed an affidavit swearing that you were in fact an eligible voter in North Dakota. In any past elections, did you ever have to sign a paper to vote because your name was not already on the voter list?

Yes..... 1
 No..... 2
 Don't Know/Not Sure 4
 Refused 99

Possession of Valid ID

4. Switching topics, do you happen to have a North Dakota driver's license? [If Respondent asks: This must be a driver's license from the state of North Dakota]

Yes 1
No 2
Don't know/Not Sure 88
Refused 99

4A. [IF Q4 = 1] Is your license currently valid, or is it suspended or revoked? Or maybe it was lost or stolen and you don't currently have it in your possession?

None of these – it is valid 1
Suspended 2
Revoked 3
Lost or stolen 4
Don't Know/Not Sure 88
Refused 99

4B. [IF Q4 = 1] If you can, take your driver's license out real quick and check the expiration date? Is the expiration date after July 1, 2015, or like some people we've talked to, did it expire before July 1, 2015?

If don't know or don't have license: "Well, when was the last time you went and had your driver's license updated? Was it in the last 6 years, since June 2009, or was it sometime BEFORE that?"

Yes, it expires after July 1, 2015 1
Yes, in the last 6 years since 2009 2
No, it expired BEFORE July 2015 3
No, not updated in last 6 years 4
Maybe / not sure / can't remember 5
Don't know 88
Refused 99

4C. [IF Q4=1] Okay, and does your driver's license have your current and accurate full residential address listed? ... Or does your license contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address 1
It has a P.O. Box 2
It has an old address 3
None, no address listed 4
Don't know 88
Refused 99

5. [IF Q4 = 2-99 or Q4A=2/99 or Q4B=3/99 or Q4C=2/99] Okay, instead of a driver's license, do you happen to have a North Dakota non-driver identification card that was issued by North Dakota Department of Transportation?

Yes 1
No 2
Don't know/Not Sure 88
Refused 99

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5A. [IF Q5 = 1] If you can, take your ID card out real quick and check the expiration date? Is the expiration date after July 1, 2015, or like some people we've talked to, did it expire before July 1, 2015?

If don't know or don't have your ID card: "Well, when was the last time you went and had your ID card updated? Was it in the last 6 years, since June 2009, or was it sometime BEFORE that?"

Yes, it expires after July 1, 2015..... 1
 Yes, in the last 6 years since 2009..... 2
 No, it expired BEFORE July 2015..... 3
 No, not updated in last 6 years 4
 Maybe / not sure / can't remember 5
 Don't know 88
 Refused..... 99

5B. [IF Q5=1] Okay, and does your non-driver ID card have your current and accurate full residential address listed? ... Or does your ID card contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address..... 1
 It has a P.O. Box..... 2
 It has an old address..... 3
 None, no address listed..... 4
 Don't know 88
 Refused..... 99

6. [IF ENTERED Q5 SERIES, AND Q5=2/99 or Q5A=3/99 or Q5B=2/99] Okay, do you have any of these other types of identification? Please tell me yes or no for each type: [Check all that apply]

A. Tribal government issued identification card or Bureau of Indian Affairs issued ID card

Yes, Tribal government issued..... 1
 Yes, BIA issued..... 2
 No..... 3
 Don't know 88
 Refused..... 99

B. Student identification certificate issued by a North Dakota college or university

NOTE TO INTERVIEWER: Verify this is a certificate and not just a student ID card

Yes..... 1
 No..... 2
 Don't know 88
 Refused..... 99

C. [If 6B = 1] What is the name of the university or college you are attending that has issued you an identification certificate?

(Please record the exact name identified by the respondent)

D. Long-term care identification certificate provided by a North Dakota facility

NOTE TO INTERVIEWER: Verify this is a certificate and not just an ID card

Yes 1
No 2
Don't know 88
Refused 99

7A. [IF Q6B = 1] Does your tribal government or BIA issued identification card have an expiration date printed on it, and is it currently up-to-date and non-expired?

Yes, it is current 1
No, it is expired 2
Does not have expiration date printed on it 3
Don't know 88
Refused 99

7B. [IF Q6B = 1] Does your student ID certificate have an expiration date printed on it, and is it currently up-to-date and non-expired?

Yes, it current 1
No, it is expired 2
Does not have expiration date printed on it 3
Don't know 88
Refused 99

7C. [IF Q6C = 1] Does your long-term care ID certificate have an expiration date printed on it, and is it currently up-to-date and non-expired?

Yes, it current 1
No, it is expired 2
Does not have expiration date printed on it 3
Don't know 88
Refused 99

8A. [IF Q6A=1] Okay, and does your Tribal government or BIA issued ID card have your current and accurate full residential address listed? ... Or does your Tribal ID contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address 1
It has a P.O. Box 2
It has an old address 3
None, no address listed 4
Don't know 88
Refused 99

8B. [IF Q6B=1] Okay, and does your student ID certificate have your current and accurate full residential address listed? ... Or does your student certificate contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address.....	1
It has a P.O. Box.....	2
It has an old address.....	3
None, no address listed.....	4
Don't know.....	88
Refused.....	99

8C. [IF Q6C=1] Okay, and does your long-term care ID certificate have your current and accurate full residential address listed? ... Or does your certificate contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address.....	1
It has a P.O. Box.....	2
It has an old address.....	3
None, no address listed.....	4
Don't know.....	88
Refused.....	99

Underlying Documents Needed for ID

9. Okay, and were you born in the United States, Puerto Rico, or another country?

United States.....	1
Puerto Rico.....	2
Another country.....SKIP TO Q14.....	3
(Don't know).....	88
(Refused).....	99

10. [If Q9=1] And which state were you born in? {MENU WITH ALL STATES+PR AND OTHER US TERRITORY, LIST NORTH DAKOTA 1st}

RECORD SPECIFIC STATE _____

11. [SKIP IF Q9=3] Think about the last time you had to use or show your birth certificate? Some of the people we've talked to have lost or misplaced their official birth certificate. How about you? Do you have your original, or an official certified copy - NOT A PHOTOCOPY - of your birth certificate with you - or like some people, do you NOT have your original or certified copy of your birth certificate?

Yes, has birth certificate.....	1
No, does not have birth certificate.....	2
Don't know/Not Sure.....	88
Refused.....	99

12. [If Q11=1] Does your birth certificate reflect your current legal name, or has your legal name changed since birth due to adoption, marriage, divorce, or some other reason? {PROBE: Why did it change}

Yes, reflects current legal name 1
No, name changed: marriage..... 2
No, name changed: divorce..... 3
No, name changed: adoption..... 4
No, name changed: other reason..... 5
Don't know/Not Sure 88
Refused 99

13A. [IF Q12=2] If your name changed due to marriage, do you have a certified copy of your marriage license?

Yes, I have a marriage license.....1
No, do not have a marriage license.....2
Don't know/Not Sure.....88
Refused.....99

13B. [IF Q12=3/99] If your name changed, do you have a certified copy of a court order indicating your name change?

Yes, I have a copy of court order.....1
No, do not have a copy of court order.....2
Don't know/Not Sure.....88
Refused.....99

14. Do you happen to have a U.S. passport or passport card?

Yes..... 1
No..... 2
Don't know/Not Sure 88
Refused 99

15A. [IF Q14=1] Is the expiration date on your passport after July 1, 2015, or like some people we've talked to, did it expire before July 1, 2015? [IF NECESSARY: Prompt: "Most U.S. passports are valid for 10 years after they have been issued, and then they expire"]

Yes, it current 1
No, it is expired..... 2
Maybe / not sure / can't remember 3
Don't know 88
Refused 99

15B.[If Q15A=1] Does your passport reflect your current legal name, or has your legal name changed since birth due to adoption, marriage, divorce, or some other reason? {PROBE: Why did it change}

Yes, reflects current legal name 1
No, name changed: marriage..... 2
No, name changed: divorce..... 3
No, name changed: adoption..... 4
No, name changed: other reason..... 5
Don't know/Not Sure 88
Refused 99

16. [IF Q9=3] Okay, do you happen to have your U.S. certificate of citizenship or a U.S. certificate of naturalization, a certification of birth issued by the State Department, or like some people we have talked to, have you lost or misplaced it? [IF NECESSARY: "This would be if you were born outside the United States"]

Yes, I have it 1
No, do not have 2
Don't know 88
Refused 99

17. And how about a social security card? Do you currently have your actual Social Security Card, not a print out or photocopy?

Yes, has social security card 1
No, does not have 2
Don't know 88
Refused 99

18. [IF Q17=2/99] Instead of a social security card, do you have a W-2 or 1099 Tax form, or a pay stub which has your name and social security number listed on it?

Yes, has one of these documents 1
No, does not have 2
Don't know 88
Refused 99

19. Often times when you go to get a driver's license or state ID card you need to show proof of address. Here in North Dakota you need to show 2 types of documents with your current residential address. This question is completely anonymous and confidential, but important for research purposes.

For each document that I read, just tell me yes or no, if you have that document with YOUR NAME and **full current residential address, not a P.O. Box** and you could produce it at the North Dakota DOT if you were going to get a driver's license or non-driver ID card.

How about _____

NOTE TO INTERVIEWER: CONFIRM DOCUMENT HAS PHYSICAL ADDRESS, NOT PO BOX

- 19.1 A government issued tax form
- 19.2 Bank statement
- 19.3 Mortgage document
- 19.4 Home owners or renters insurance policy
- 19.5 Utility bill
- 19.6 Credit card statement
- 19.7 Pay stub or earnings statement
- 19.8 Rent receipt
- 19.9 Phone bill
- 19.10 Transcript or report card from accredited school

Yes 1
No 2
Don't know / not sure / can't remember 88
Refused 99

20. It's hard to vote in every single election, and some people we've talked to say they didn't vote in some recent elections. Thinking back to the 2012 presidential election on November 6th 2012, try to remember as accurately as possible if you voted in the 2012 presidential election between Barack Obama and Mitt Romney, here in North Dakota. Did you vote in the November 2012 election or not?

Yes 1
 No 2
 Don't know / not sure / can't remember 88
 Refused 99

Section on Possible Barriers to Obtaining ID Card

21. [IF NO VALID LICENSE OR ID CARD] Do you happen to know where the nearest North Dakota Department of Transportation office is in relation to your home, work or school?

Yes 1
 No 2
 Don't know / not sure / can't remember 88
 Refused 99

22. [IF NO VALID LICENSE OR ID CARD] Have you ever been to the North Dakota Department of Transportation office, either to try and get a license or non-driver ID card?

Yes 1
 No 2
 Don't know / not sure / can't remember 88
 Refused 99

23. [IF NO VALID LICENSE OR ID CARD] Of the following list, please tell me if any of the items would, or would not pose a problem for you, if you needed to go to the North Dakota Department of Transportation office, called the "DOT office" on Monday through Friday during normal business hours to obtain, or update your driver's license or state ID card?

Would it be [rotate front/back] a definite problem, somewhat of a problem, only a little problem, or not at all a problem?

	Degree of a problem				Don't know	Refused
	Definite	Some	Little	None		
A. Finding out where the nearest DOT office is	1	2	3	4	88	99
B. Getting a ride to the DOT office	1	2	3	4	88	99
C. Getting time off from work or school	1	2	3	4	88	99
D. Getting the necessary documents in order, such as my original birth certificate	1	2	3	4	88	99
E. Having to travel about 6 miles each way to the nearest DOT office in your community	1	2	3	4	88	99
F. Having to travel about 30 miles each way to the nearest DOT office in your community	1	2	3	4	88	99
G. Having to wait in line at the DOT office for about one hour to get your ID	1	2	3	4	88	99

H. Having to wait in line at the DOT office for about two hours to get your ID	1	2	3	4	88	99
I. Using or paying for public transit to get there	1	2	3	4	88	99
J. Paying for any required documents you may not have, such as original birth certificate	1	2	3	4	88	99
K. Making it to the required office during their normal business hours <u>such as 8am to 5pm only</u>	1	2	3	4	88	99
L. Making it to the required office during their normal business hours <u>Monday through Friday only</u>	1	2	3	4	88	99

24. Over the past few months, have you seen or heard any official announcements or advertisements by the state of North Dakota about the new voter identification law on the radio, TV, newspaper, Twitter, Facebook or the Internet?

Yes, I have heard information 1
 No, I have not heard any information..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

25. Of the following list, please tell me yes or no, if you believe each type of identification can be used to establish proof of identity for purposes of voting in North Dakota

- A. North Dakota driver's license
- B. United States Military identification card
- C. Employment or work identification from a State of North Dakota agency
- D. Employment or work identification from a Federal agency such as the FBI or Department of Justice
- E. United States Passport
- F. University or College issued identification card

Yes..... 1
 No..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

DEMOGRAPHICS

D1. How long have you lived in North Dakota? [FOLLOW UP: "How many years"]

[RECORD NUMBER OF YEARS: _____; REFUSED=999,
0=LESS THAN ONE YEAR – ASK FOLLOW UP "How many
months?"]

D2. And how long have you lived at your current address? [FOLLOW UP: "How many years"]

[RECORD NUMBER OF YEARS: _____; REFUSED=999,
0=LESS THAN ONE YEAR – ASK FOLLOW UP "How many
months?"]

D3. [IF S4=1 or S5=2] Are you currently an enrolled member of any Native American tribe? Which Tribe?

No..... 0
Turtle Mountain..... 1
Standing Rock..... 2
Three Affiliated Tribes..... 3
Sisseton-Wahpeton Oyate..... 4
Spirit Lake Nation..... 5
Other Tribe [RECORD NAME]..... 6
Don't know / not sure / can't remember..... 88
Refused..... 99

D4. Do you currently live on a designated Native American reservation or Tribal government area?

Yes..... 1
No..... 2
Don't know / not sure / can't remember..... 88
Refused..... 99

D5. What is the name of the county you currently live in?

[If they don't know county name, "How about the name of the city?"] _____

DROP DOWN LIST OF ALL COUNTIES
IF DK COUNTY, RECORD CITY NAME

D6. What is the highest level of education you completed? Just stop me when I read the correct category.

Grades 1 – 8..... 1
Some High School..... 2
High School graduate or GED..... 3
Some College/Technical School..... 4
College graduate..... 5
Post-graduate education..... 6
(Don't know)..... 88
(Refused)..... 99

D7. In what year were you born? [_ _ _ _]

D8. Do you currently own your own home, are you renting, or something else?

Own.....	1
Rent	2
Something else.....	3
Don't know	88
Refused	99

D9. Do you own or lease a car, or does someone in your household own or lease a car that you have regular access to?

Yes, I own or lease.....	1
Yes, someone in my house does.....	2
No.....	3
Don't know	88
Refused	99

D9B. [IF D9=3-99] Do you have regular access to some other form of reliable transportation or mass transit including the bus or the train?

Yes.....	1
No.....	2
Don't know	88
Refused	99

D10. Generally speaking, do you think of yourself as a Republican, a Democrat, an independent, or something else?

Republican.....	1
Democrat.....	2
Independent.....	3
Other party.....	4
Don't know	88
Refused	99

D11. This final question is just for statistical purposes, to help us better classify the answers. Your response is completely anonymous, but extremely important to our research. What was your total combined household income in 2014 before taxes. Just stop me when I read the correct category.

Less than \$10,000.....	1
\$10,000 to less than \$20,000.....	2
\$20,000 to less than \$30,000.....	3
\$30,000 to less than \$40,000.....	4
\$40,000 to less than \$50,000.....	5
\$50,000 to less than \$60,000.....	6
\$60,000 to less than \$80,000.....	7
\$80,000 to less than \$100,000	8
\$100,000 to less than \$150,000	9
More than \$150,000.....	10
(Don't know)	88
(Refused)	99

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D11B. [IF D10=88/99] Okay, how about something a little different. Was your household income below \$20,000 or above \$20,000 in 2014? Again, this information is confidential, but very important to the survey.

Less than \$20,000.....	1
More than \$20,000.....	2
(Don't know)	88
(Refused)	99

Thank you for your time.

[IF RESPONDENT ASKS FOR MORE INFORMATION ABOUT SURVEY: "This survey was conducted by Pacific Market Research and is completely anonymous and confidential. If you have any questions or concerns you can contact Pacific at phone number 425-271-2300"]

D12. [DO NOT READ ALOUD] Record respondent's gender

Male.....	1
Female.....	2

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Richard Brakebill, Deloris Baker, Dorothy
Herman, Della Merrick, Elvis Norquay, Ray
Norquay, and Lucille Vivier, on behalf of
themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the
North Dakota Secretary of State,

Defendants.

Civil No. 1:16-cv-8

Declaration of Gabriel R. Sanchez, Ph.D.

I, Gabriel R. Sanchez, declare as follows:

1. I am currently a Professor of Political Science and Executive Director of the Robert Wood Johnson Foundation Center for Health Policy at the University of New Mexico ("UNM"). I have personal knowledge of the facts set forth in this declaration and could and would competently testify to those facts if asked to do so.

I. Qualifications.

2. I have been on the faculty at UNM for the past 11 years. I also direct the Institute for Policy, Evaluation, and Applied Research (IPEAR) at UNM and have served as the American Economic Association's Minority Summer Training Program.

3. I am a Principal at the research firm Latino Decisions.

4. I have taught courses on American Politics, Racial and Ethnic Politics, Research Methodologies, Public Opinion and Survey Research, Health Policy, and more. I completed my Ph.D. in Political Science at the University of Arizona in 2005, with an emphasis on racial

and ethnic politics and survey research methods. Professor John Garcia, a well-known expert in survey research methodology and minority politics, served as my principal dissertation advisor.

5. I have conducted statewide public opinion surveys in Wisconsin, Pennsylvania, and Texas to assess rates of possession of voter identification. Previous courts have accepted these surveys as viable and accurate methods for determining ID possession rates by race and ethnicity. In 2014, in *Veasey v. Perry* (No. 13-CV-00193), the District Court, and later the Fifth Circuit Court of Appeals, that my survey was statistically accurate and reported clear evidence that Hispanics and African Americans were disproportionately impacted by the Texas voter ID law.

6. My full professional qualifications and activities are set forth fully in my curriculum vitae, a true and correct copy of which I have attached as Exhibit A.

II. Scope of Work.

7. The Plaintiffs retained me to examine and analyze the possession rates of valid voter identification in North Dakota. More specifically, Plaintiffs asked me to assess whether there were any differences in possession rates between the Native American eligible voting population and the non-Native American eligible voting population.

8. I worked on this project with Dr. Matt A. Barreto. I have worked with Dr. Barreto on similar projects in the past. I understand that Dr. Barreto is submitting a declaration concurrently with mine that details our methodology and findings. I hereby incorporate paragraphs 11-57 of Dr. Barreto's declaration as if set forth in full.

Executed on June 20, 2016 at Albuquerque, New Mexico.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'G. Sanchez', with a long horizontal flourish extending to the right.

Gabriel R. Sanchez

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled "**Declaration of Gabriel R. Sanchez, Ph.D.**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

Christopher S. Joseph
Assistant Attorney General
State Bar ID No. 07450
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Facsimile (701) 328-4300
Email csjoseph@nd.gov

DATED: June 20, 2016

By: /s Matthew Campbell
Matthew Campbell

Matthew Campbell, NM Bar No. 138207, CO Bar No. 40808
mcampbell@narf.org

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1506 Broadway
Boulder, Colorado 80302
Phone: (303) 447-8760
Fax: (303) 443-7776

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#9B

EXHIBIT A

Gabriel R. Sanchez

Political Science

June 2016

Educational History

Ph.D. May 2005. University of Arizona. Tucson, AZ. Political Science. Fields: American Politics, Research Methods, Public Policy. "The Role of Group Consciousness in Latino Political Behavior". John Garcia, Dissertation Advisor.

M.A. December 2002. University of Arizona. Tucson, AZ. Political Science.

B.A. May 2001. St. Mary's University. San Antonio. TX. Political Science. Minor, Mexican American Studies. *Cum Laude*.

Employment History Part I

Faculty Positions

Associate Professor. July 2011-Present. Department of Political Science. The University of New Mexico. Albuquerque, NM.

Assistant Professor. August 2005 – June 2011. Department of Political Science. The University of New Mexico. Albuquerque, NM.

Administrative Positions

Executive Director. April 2014-Present. Robert Wood Johnson Foundation Center for Health Policy at the University of New Mexico. Albuquerque, NM.

Co-Director. August 2015-Present. Institute of Policy and Evaluation Research at the University of New Mexico. Albuquerque, NM.

Principal. January 2016-Present. Latino Decisions.

Director. March 2013-August 2015. American Economic Association Summer Training Program. Housed at the University of New Mexico, Albuquerque, NM.

Director of Research. May 2011-December 2015. Latino Decisions.

Assistant Director. July 2011-February 2013. Robert Wood Johnson Foundation Center for Health Policy at the University of New Mexico. Albuquerque, NM.

Employment History Part II

Consultant/Expert Witness Research

Co-Author of Expert Report (with Matt Barreto). 2014. For the prosecution in Texas voter ID lawsuit, *Veasey v. Perry* 2:13-cv-00193 [Referral: Chad Dunn]. Corpus Christi, TX.

Co-Author of Expert Report (with Matt Barreto). 2012. For the ACLU Foundation of Pennsylvania in voter ID lawsuit, *Applewhite v. Commonwealth of Pennsylvania* No. 330 MD 2012 [Referral: Vic Walczak]. Pennsylvania, PA.

Co-Author of Expert Report (With Matt Barreto). 2012. For the ACLU Foundation of Wisconsin in voter ID lawsuit, *Frank v. Walker* 2:11-cv-01128(LA) [Referral: Jon Sherman]. Milwaukee County, WI.

Testifying Expert for LULAC in Redistricting lawsuit. 2011. *NM LULAC et al. vs. Duran et al.* [Referral: Pablo Martinez]. New Mexico.

Author of Amicus Brief. 2009-2010. Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10. Submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower- resource citizens [Referral: Myrna Perez]. Indiana.

Author of Amicus Brief. 2007-2008. Brennan Center for Justice. Submitted to U.S. Supreme Court and cited in Supreme Court decision, *Crawford v. Marion County*, regarding access to voter identification among minority and lower-resource citizens [Referral: Justin Levitt]. Indiana.

Affiliated Departments/Research Centers

Department of Family and Community Medicine, University of New Mexico. Albuquerque, NM.

Southwest Hispanic Research Institute, University of New Mexico. Albuquerque, NM.

Politics of Race, Immigration, and Ethnicity Consortium (PRIEC), University of California, Riverside.

Strategy Scholars Network (SSN) Cambridge, MA.

Professional Recognition and Honors

"Faculty Excellence Award" 2015-2016 / 2007-2008. Faculty of Color Awards.

Community Leadership Network Fellow. 2014-2017. W. K. Kellogg Foundation.

"Service Award." 2015. American Society of Hispanic Economists.

"Top 40 Under 40 Leader in New Mexico". *Albuquerque Business Week Magazine*.

"Best Paper on Latino Politics Award." 2013. Western Political Science Association.

"Best Article Published in *Political Research Quarterly* in 2011 Award." 2012. *Political Research Quarterly*.

"Luminaria." 2010. UNM Presidential Award for Commitment to Diversity.

"Best Paper on State Politics and Policy." 2009. American Political Science Association.

Best Paper on Latino Politics Award. 2009 Western Political Science Association.

Short Narrative Description of Research, Teaching, and Service Interests

Research: My research agenda focuses on understanding the impact of racial and ethnic diversity on the U.S. political system. I currently have published one co-authored book, an edited volume, nine solo or co-authored book chapters, nineteen research articles in print in peer reviewed journals, and have eleven manuscripts accepted for publication in peer reviewed journals. My initial research program examined the role of group identity in Latino political behavior. Subsequent research has expanded on these themes, exploring the foundations of group identity across multiple racial/ethnic groups. My pursuit of group identity among racial/ethnic groups will continue to be the core of my research agenda, as reflected in the working papers I have at various stages. I have also engaged in a major research program with my colleague Michael Rocca on the dynamics of minority congressional representation. We have five manuscripts accepted for publication with multiple manuscripts in development within this area. Following tenure and promotion, I also initiated a third major research agenda focused on how race and ethnicity influence public attitudes toward health policy, as well as racial and ethnic health outcomes. This new research program has produced three published articles, and I have three additional papers accepted for publication. There are several additional manuscripts at various stages of the research process focused on health policy with junior scholars under my mentorship. I have also been very active in sponsored research, serving as PI or Co-PI on 17 grants/contracts with a total of \$5,894,352 in direct funding, \$525,104.73 in in-direct funding, \$6,419,456.73 overall. I also direct a vibrant research center at UNM that has generated \$7,518,762 in direct and \$1,198,059 in in-direct funding under my leadership.

Teaching: My teaching at UNM has included eleven sections of American Politics (PS 200), including two sections of Freshman Learning Community versions, courses that are designed with collaborative learning methods intended to engage students through active learning. I have also led six sections of Racial and Ethnic Politics (PS 307), three sections of Public Opinion and Electoral Behavior (PS 305), and two graduate Research Seminars in Racial and Ethnic Politics (PS 511). I have received strong evaluations from students across all courses. I have also developed and taught two sections of a "Job Market Preparation" course that has had a marked impact on the placements of graduate students in the social sciences at UNM, and have given multiple workshops at the ICPSR Summer Program at the University of Michigan. I have chaired two PhD committees, and have several doctoral and masters students under my supervision as chair or committee member. I have published several manuscripts (many more in development) with PhD students from UNM and other institutions, and I have mentored several promising undergraduates. Finally, I have mentored multiple post-docs and junior faculty associated with the RWJF Center for Health Policy, as well as junior faculty outside of UNM. I have emphasized mentoring heavily in my career, and I have been recognized for my efforts with multiple UNM Faculty of Color Awards and the inaugural "Luminaria" Presidential award for commitment to diversity in mentoring.

Scholarly Achievements

Books Authored or Co-authored

Garcia, Chris, and Gabriel R. Sanchez. 2008. *Hispanics and the U.S. Political System: Moving Into the Mainstream*. Upper Saddle River, NJ: Pearson: Prentice Hall. 462 pages.

Garcia, John A., Gabriel R. Sanchez, and J. Salvador Peralta. 2009. *Latino Politics: A Growing and Evolving Political Community (A Reference Guide)*. Tucson, Arizona: The University of Arizona Libraries. Published Electronically: http://uair.library.arizona.edu/.../latinopolitics/Latino_Politics_Full_eBook.pdf.

Books Edited or Co-edited

Fraga, Luis, Ricardo Ramirez, and Gabriel R Sanchez. Latinos and the 2016 Election. Lansing, MI: Michigan State University Press. Under Contract.

Sanchez, Gabriel R. (Editor). 2015. *Latinos and the 2012 Election: The new face of the American voter*. Lansing, MI: Michigan State University Press. 248 Pages.

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Sanchez, Gabriel R, and Shannon Sanchez-Youngman. 2013. "The Politics of the Health Care Reform Debate: Public Support of Including Undocumented Immigrants and Their Children in Reform Efforts." *International Migration Review* 47(2): 442-473.

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Manzano, Sylvia, and Gabriel R. Sanchez. 2010. "Take One for The Team: Ethnic Identity, Candidate Qualification and Co-Ethnic Voting." *Political Research Quarterly* 63(3): 568-580.

Lavariega-Monforti, Jessica, and Gabriel R. Sanchez. 2010. "The Politics of Perception: An Investigation of the Presence and Source of Perceived Discrimination Toward and Among Latinos." *Social Science Quarterly* 90(1): 245-265.

Sanchez, Gabriel R. Amy Sue-Goodin, Amelia Rousse, and Richard Santos. 2010. "The Impact of Ethnicity on Attitudes Toward Health Care Reform in New Mexico." *The Social Science Journal* 47(2): 326-343.

Rocca, Michael, Gabriel R. Sanchez, Uscinski, Joe, and Marina Brenden. 2009. "Congress and Foreign Policy: Congressional Action on the Darfur Genocide." *PS: Political Science and Politics* 42(3): 489-496.

Marks, Mara, Stephen Nuno, and Gabriel R. Sanchez. 2009. "Look Back in Anger: Voter Opinions of Mexican Immigrants in the Aftermath of the 2006 Immigration Demonstrations." *Urban Affairs Review* 44(5): 695-717. [Article was part of a special Issue on Immigration Protests].

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Barreto, Matt, Stephen Nuno, and Gabriel R. Sanchez. 2009. "The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate." *PS: Political Science and Politics* 42(2): 111-116. [Article was part of a symposium in this issue].

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Works in Progress

Accepted for publication

Vargas, Eduardo, Gabriel R Sanchez, and Melina Juarez. "Investigation of Latinos' Perceptions of Immigrant Policy and Health Outcomes." Forthcoming at the *Journal of Health Politics, Policy and Law*.

Huyser, Kimberly, Gabriel R. Sanchez, and Edward Vargas. "Civic Engagement and Political Participation among American Indians and Alaska Natives in the United States." Forthcoming at *Politics of Groups and Identities*.

Garcia, John, Gabriel R. Sanchez, Edward Vargas, and Nadia Winston. "Latino or Mexicano?: The Relationship between Socially Assigned Race and Experiences with Discrimination." Forthcoming at *Sociology of Race and Ethnicity*.

Sanchez, Gabriel R, and Eduardo Vargas. "Taking a Closer Look at Group Identity: The Link Between Theory and Measurement of Group Consciousness and Linked Fate." Forthcoming at *Political Research Quarterly*.

Sanchez, Gabriel R, Vickie Ybarra, and Lisa Sanchez. "Racialized Nativism in State Policy: The Great Recession and Punitive Immigration Policy in the American States, 2005-2010." Forthcoming at *State Politics and Policy Quarterly*.

Sanchez, Gabriel R, and Patricia Rodriguez Espinosa. "Revisiting Discrimination Theory: The Relationship Between Co-Ethnic Discrimination and Linked Fate Among Latinos in the United States." Forthcoming at *Sociology of Race and Ethnicity*.

Sanchez, Gabriel R, Edward Vargas, Vickie Ybarra, and Hannah Walker. "Stuck between a Rock and a Hard Place: The Relationship Between Latino/A's Personal Connections to Immigrants and Issue Salience and Presidential Approval." Forthcoming at *Politics of Groups and Identities*.

Vargas, Edward, Gabriel R. Sanchez, and Ballington L. Kinlock. "The Enhanced Self-Reported Health Outcome Observed in Hispanics/Latinos Who Are Socially-Assigned as White is Dependent on Nativity." Forthcoming *Journal of Immigrant and Minority Health* and available on-line here: <http://link.springer.com/article/10.1007/s10903-014-0134-4>

Garcia, John, Gabriel R. Sanchez, Edward Vargas, Shannon Sanchez-Youngman, and Vickie Ybarra. "Race as Lived Experience: The Impact of Multi-Dimensional Measures of Race/Ethnicity on the Self-Reported Health Status of Latinos." Forthcoming at the *DuBois Review*.

Sanchez, Gabriel R, and Edward Vargas. "Language Bias and Self-Rated Health Status among Latino Populations: Evidence of the Influence of Translation in a Wording Experiment." Forthcoming at *Quality of Life Research*.

Sanchez, Gabriel R, and Jillian Medeiros. "Linked Fate and Latino Attitudes Regarding Health Care Reform Policy." Forthcoming at *Social Science Quarterly*.

Submitted for publication

Sanchez, Gabriel R, Eduardo Vargas, and Juan Diaz. "Immigration Policies and Group Identity: How Immigrant Laws affect Linked Fate." Being revised for resubmission at *Journal of Racial and Ethnic Politics*.

Sanchez, Gabriel R, Kimberly Huyser, Carmela Roybal, and Jillian Medeiros-Perez. "Do Racial Attitudes Matter? A Look at Racial Attitudes Toward Latinos and African-Americans and Their Effect on Public Policy." Being revised for resubmission at *The Social Science Journal*.

Barreto, Matt, Natalie Mosouka, and Gabriel R. Sanchez. "Discrimination and Group Consciousness Among Muslim Americans." Being Revised for Resubmission at *Politics of Groups and Identities*.

Barreto, Matt, Stephen Nuno, and Gabriel R. Sanchez. "Rates of Possession of Valid Photo ID by Racial Group and the Right to Vote." Under Review at *Journal of Politics*.

Barreto, Matt, and Gabriel R. Sanchez. "The Importance of State and Local Variation in Black-Brown Attitudes: How Latinos View Blacks, and How Blacks Effect Their Views." Under Review at *Journal of Racial and Ethnic Politics*.

Sanchez, Gabriel R, Francisco Pedraza, Edward Vargas, and Melina Juarez. "The Impact of the Affordable Care Act on Latino Access to Health Insurance." Under Review at *American Journal of Public Health*.

Vargas, Edward D, Melina Juarez, Gabriel R. Sanchez, and Mia Livaudais. "Latinos' Connections to Immigrations: How Knowing a Deportee Impacts Latino Health." Under Review at the *Journal of Health and Social Behavior*.

In preparation

Vargas, Edward D, Gabriel R. Sanchez, and Yajaira Pena "Does What Other People Think I Am, Impact My Health? The Role of Socially-Assigned Race on Multiple Dimensions of Health." To be submitted to peer-reviewed journal in Spring, 2016.

Ramirez, Ricardo, Gabriel R. Sanchez, and Shannon Sanchez-Youngman. "House of Mirrors?: The Effects of Overlapping Descriptive Representation on Political Attitudes." To be submitted to peer-reviewed journal in Spring, 2016.

Sanchez, Gabriel R, and Estela Vasquez Guzman. "Revisiting the Hispanic Paradox: Definitions of Acculturation and Self-Rated Health Status among Latino Citizens." To be submitted to peer-reviewed journal in Spring, 2016.

Juarez, Melina, and Gabriel R. Sanchez. "DACAmended and Healthy: Legal Status as a Social Determinant of Health." To be submitted to peer-reviewed journal in Spring, 2016.

Invited or Refereed Abstracts and/or Presentations at Professional Meetings

"The Impact of Open Voter Registration on the Latino Electorate." Brennan Center for Justice Conference, New York, New York. May 17, 2016.

"The Relationship Between Immigration Policy and Health Outcomes Among Latinos in the United States." National Scholars' in Health Policy Lecture Series, RWJF Center for Health Policy, Meharry Medical College. Nashville, Tennessee. April, 2016.

"Utilizing research to inform policy: Best practices for working with policymakers". Community and Advocacy in Pediatrics Symposium, University of New Mexico Medical School, Albuquerque, New Mexico. December 2015.

"Voter ID Laws and the Disenfranchisement of Latino and Black Voters in Texas" (With Matt Barreto). Latinos, the Voting Rights Act and Political Engagement Conference, University of Texas at Austin, Austin, Texas. November 2015.

"Opening Plenary – Latino Growth and Engagement: How the Changing Demographics are Impacting America". Congressional Hispanic Caucus Institute Policy Conference. October 2015.

"Keynote Address- Latino Population Growth Yielding Increased Electoral influence." Association of Public Land-Grant Universities Council of Governmental Affairs Conference, Albuquerque, NM, August 2015.

"An Assessment of Hispanic's Relationship With the Affordable Care Act: Implications for Public Policy." Joint Session Conference of the RWJF Center for Health Policy (UNM), NMCARES-HD, and Preventative Research Center (UNM), Albuquerque, NM, August 2015.

"Living at the Intersection of Immigration and Health Policy: Latinos' Attitudes and Experiences." Webinar presentation for the Robert Wood Johnson Foundation Human Capital Network. April 2015.

"Voter Identification Laws and the Minority Electorate." National Undergraduate Conference on Voting Rights and Democratic Participation, Allegheny College, Meadville, PA, March 2015.

"Establishing a Sense of Place: An Overview of Hispanic Politics." Invited presentation during opening session of the Environmental Grantmakers Association Annual Retreat. Hyatt Regency Tamaya Resort and Spa, Bernalillo, NM, October 2014.

"The Changing Face of the American Electorate." Invited presentation to the New Mexico Hispanic Bar Association, May 2014.

"Latino/Hispanic Attitudes Toward Land Conservation and Public Land Use." Invited talk by Hispanics Enjoying Camping, Hunting and the Outdoors, National Press Club, Washington, DC, June 2014.

"The Changing Face of the American Electorate." Invited presentation before the Board of Regents of the University of New Mexico, Albuquerque, NM, November 2013.

"Implications for Electoral and Party Alignments." Invited lecture during the Galbraith Conference on Immigration convened by the Miller Center of the University of Virginia, October 2013.

"Creating a More Diverse and Representative Health Professional Workforce." Panelist during the Practices and Policies that Promote Health Justice Congressional Health Disparities Summit at UNM, September 2013.

"Investigating Internal Variation Among Hard to Research Populations." Invited lecture to the Robert Wood Johnson's ICPSR Workshop at the University of Michigan, August 2013.

"Latino Knowledge of the ACA and Best Practices for Outreach." Invited Presentation to the Legislative Health and Human Services Committee of the New Mexico State Legislature, August 2013.

"The Role of the Latino Electorate in the 2012 Election and Electoral Power in Years to Come." Invited Presentation to the United Way of Central New Mexico, March 2013.

"The Role of the Latino Electorate in the 2012 Election and Electoral Power in Years to Come." Invited Presentation to the United States Hispanic Leadership Institute National Conference, Chicago, IL, March 2013.

"The Role of the Latino Electorate in the 2012 Elections." Invited Presentation to the UNM Board of Regents Academic Affairs Committee, December 2012.

"The Politics of Racial and Ethnic Health Disparities." Invited talk at Texas A&M University, College Station, TX, November 2012.

"What we have learned about Latino Politics from the 2012 Election." Invited talk to the Coalition for Interdisciplinary Research on Latino Issues at the University of Michigan, November 2012.

"Multi-Dimensional Measures of Race and Health Disparities." Invited talk to the Robert Wood Johnson's Scholars Program at the University of Michigan, November 2012.

Contributed (un-refereed) Abstracts and/or Oral Presentations at Professional Meetings

"The Relevance of the Latino Electorate in the 2016 Election." Latin American Studies Association, New York, New York, May, 2016.

"Do Perceptions Match Reality? Analysis of Latinos' Perceived Views of State Immigrant Policy Compared to Enacted Legislation". Western Political Science Association, San Diego, California, April, 2016.

"Latinos and the 2016 Election". Southern Political Science Association, San Juan, Puerto Rico, January, 2016.

"Inter-Group Attitudes Among Multiple Populations: Competition and Context." Co-Authored with Matt A. Barreto, University of California, Benjamin Fontaine Gonzalez, and Kiku Huckle, American Political Science Association, San Francisco, CA, September, 2015.

"Survey of Hispanics Regarding Their Understanding of and Experiences with the ACA: Towards Informing Efforts to Increase Hispanics' Access to Healthcare in a Post ACA World." Co-Authoring with Samuel Howarth and Mia Livaudais, Association for Public Policy Analysis and Management, Miami, FL, November 2015.

"DACamented and Healthy: Legal Status as a Social Determinant of Health." Co-Authoring with Melina Juarez, American Public Health Association, Chicago, IL, October 2015.

"Updating the Descriptive/Substantive Representation Debate." Co-authored with Michael Rocca, Rudolfo Espino, and Lisa Sanchez, Western Political Science Association, Las Vegas, NV, April 2015.

"The Role of the Latino Electorate in State and Federal Immigration Policy." Plenary Panel: Association for Public Policy Analysis and Management Annual Meeting, Albuquerque, NM, November 2014.

"Investigation of Latino's Perceptions of Immigration Policy and Health Outcomes." Co-authored with Edward Vargas and Melina Juarez, Western Political Science Association, Las Vegas, NV, April 2015.

"Does What Other People Think I Am, Impact My Health? The Role of Socially-Assigned Race on Multiple Dimensions of Health." Co-authored with Edward Vargas and Yajaira Pena, Southwestern Social Science Association, Denver, CO, April 2015.

"The Impact of Punitive Immigrant Laws on the Health of Latinos." Co-authored with Edward Vargas and Melina Juarez, Western Social Science Association, Albuquerque, NM, April 2014; Politics of Race Immigration and Ethnicity Consortium, Albuquerque, NM, October 2014; Women's Health and Health Equity Symposium, Madison, WI, September 2014; Association for Public Policy Analysis and Management, Albuquerque, NM, November 2014.

"Socially-Assigned Race: How Being Racially Misclassified as Mexican Impacts Experiences with Discrimination." Co-authored with Edward Vargas. Southwestern Social Science Association, San Antonio, TX, April 2014.

"American Indians and Voting." Co-authored with Edward Vargas and Kimberly Huyser, Southwestern Social Science Association, San Antonio, TX, April 2014.

"Stuck Between a Rock and a Hard Place: The Relationship Between Latino's Personal Connections to Immigrants and Issue Salience and Presidential Approval." Co-authored with Edward Vargas, Vickie Ybarra, and Hannah Walker, Western Political Science Association, Seattle, WA, April 2014.

"Taking a Closer Look at Group Identity: The Link Between Theory and Measurement of Group Consciousness and Linked Fate." Co-authored with Edward Vargas. Politics of Race Immigration and Ethnicity Consortium, Seattle, WA, May 2013; Western Political Science Association, Hollywood, CA, March 2013.

"Illegal or Undocumented? Effects of Immigration Rhetoric on Immigration Attitudes among Blacks, Whites and Latinos in the U.S." Co-authored with Ali Valenzuela and Vickie Ybarra. Annual Meeting of the American Political Science Association, Chicago, IL, September 2013.

"Rates of Possession of Valid Photo ID and the Right to Vote." Co-authored with Matt Barreto and Stephen Nuño. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2013.

"Language of Democracy." Co-authored with Chris Mann. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2013.

"Taking a Closer Look at Group Identity: The Link Between Theory and Measurement of Group Consciousness and Linked Fate." Co-authored with Eduardo Vargas. Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"An Examination of Inter-Group Attitudes Among Multiple Populations: The Role of Neighborhood Context and Group-Based Threat." Co-authored with Matt Barreto. Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"The Latino Vote in the 2012 Battleground States." Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"The Political Consequences of the Great Recession." Co-authored with Jillian Medieros, Julia Hellwegge, Lisa Sanchez, and Vickie Ybarra. Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"Public Intellectualism: Academics who Engage in Real-Time Politics Through New Media." Panel Discussion of the Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"Multi-Dimensional Measures of Race and Health Disparities." Co-authored with John Garcia, Vickie Ybarra, Shannon Sanchez-Youngman, and Eduardo Vargas. Annual Meeting of the American Political Science Association, New Orleans, LA, September 2012.

"House of Mirrors?: The Effects of Overlapping Descriptive Representation on Political Attitudes." Co-authored with Ricardo Ramirez and Shannon Sanchez-Youngman. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2012.

"Filling the Void: Factors Leading to Punitive Immigration Policy Across the American States." Co-authored with Lisa Sanchez and Vickie Ybarra. Annual Meeting of the Western Political Science Association, Portland, OR, April 2012.

"Message Received? Public Perceptions of Anti-Immigrant State Legislation by Race and Ethnicity." Co-authored with Sylvia Manzano. Annual Meeting of the Western Political Science Association, Portland, OR, April 2012.

"House of Mirrors?: The Effects of Overlapping Descriptive Representation on Political Attitudes." Co-authored with Ricardo Ramirez and Shannon Sanchez-Youngman. Annual Meeting of the Western Political Science Association, Portland, OR, April 2012.

"Multi-Racial and Multi-Ethnic Attitudes Toward Health Care Reform Policy." Co-authored with Jillian Medieros. Annual Meeting of the Western Political Science Association, San Antonio, TX, April 2011.

"The Presence of Linked Fate and the Impact of Linked Fate on Political Behavior" Co-authored with Jason Morin and Shannon Sanchez-Youngman. Annual Meeting of the Western Political Science Association, San Antonio, TX, April 2011.

"The Missing Link in the Social Determinants Literature: The Impact of Political Factors on Health Status and Health Disparities in the United States." Co-authored with Jillian Medeiros and Vickie Ybarra. Annual Meeting of the American Political Science Association, Seattle, WA, September 2011.

"The Legislative Effectiveness of Minority Members of Congress." Co-authored with Michael Rocca. Annual Meeting of the American Political Science Association, Seattle, WA, September 2011.

"They're All Out to Get Me? An Examination of Inter-Group Competition Among Multiple Populations." Annual Meeting of the American Political Science Association, Seattle, WA, September, 2011.

"Multi-Racial and Multi-Ethnic Attitudes Toward Health Care Reform Policy." Co-authored with Jillian Medeiros. Annual Meeting of the Politics of Race, Immigration, and Ethnicity Conference, Stanford University, Stanford, CA, May 2010.

"The Substantive Effects of Congressional Earmarks: The Case of Health Spending." Co-authored with Michael Rocca and Angelina Gonzalez-Aller, Annual Meeting of the Western Political Science Association, San Francisco, CA, April 2010.

"The Effect of Pan-Ethnic and National Origin Specific Descriptive Representation on Latino's Views of Government and of Themselves." Co-authored with Jason Morin. Annual Meeting of the Western Political Science Association, San Francisco, CA, April 2010.

"An Examination of Inter-Group Attitudes Among Multiple Populations: New Trends from the Collaborative Multi-Racial Political Study." Co-authored with Matt Barreto and Ben Gonzalez. Annual Meeting of the Midwestern Political Science Association, Chicago, IL, April 2010.

"The Impact of Latino's Perceptions of Competition and Commonality with Whites and African Americans on Latino Political Behavior." Co-authored with Betina Wilkinson. Annual Meeting of the Midwestern Political Science Association, Chicago, IL, April 2010.

"Public Support for Expanding Health Care Coverage in New Mexico." Co-authored with German Izon and Richard Santos. Annual Meeting of the Western Social Science Association, Albuquerque, NM, April 2009.

"Factors that Determine Health Care Coverage in New Mexico." Co-authored with Antonio Barreras and Richard Santos, Annual Meeting of the Western Social Science Association, Albuquerque, NM, April 2009.

"En Fuego: Latinos and the 2008 Presidential Campaign." Co-authored with Sylvia Manzano and Matt Barreto. Annual meeting of the Western Political Science Association, Vancouver, BC, March 2009.

"The Firewall: Latino Voters in the 2008 Primaries and General Election." Co-authored with Sylvia Manzano and Matt Barreto. Annual Meeting of the Midwestern Political Science Association, Chicago, IL, March 2009.

"Voter ID Requirements and the Disenfranchisement of Latino, Black, and Asian Voters." Co-authored with Matt Barreto and Stephen Nuno. Annual Meeting of the Politics of Race, Immigration, and Ethnicity Conference, UC Irvine, Irvine, CA, November 2009.

"Black Brown Relations in the New South." Co-authored with Matt Barreto. National Conference on Latino Politics, Power, and Policy, Brown University, Providence, RI, October 2009.

"Racial Attitudes Across Four Major Racial Groups: Results From the Multi-Racial Post-Election Survey." Annual Meeting of the Politics of Race, Immigration, and Ethnicity Conference, University of Washington, WA, September 2009.

"The Disproportionate Impact of Photo Identification Requirements on the Indiana Electorate" Co-authored with Matt Barreto and Stephen Nuño. Annual Meeting of the American Political Science Association, Boston, MA, August 2008.

"To Shirk or Not to Shirk From the Chief Justice: Associate Justices and Separate Opinion Behavior." Co-authored with Laura Langer and Teena Willhelm. Annual Meeting of the American Political Science Association, Boston, MA, August 2008.

"Discrimination and Group Consciousness Among Muslim Americans." Co-authored with Matt Barreto and Natalie Mosouka. Annual Meeting of the American Political Science Association, Boston, MA, August 2008.

"The Impact of Ethnicity on Attitudes Toward Health Care Reform in New Mexico." Co-authored with Richard Santos. WISER Conference on Latino Public Policy, University of Washington, Seattle, WA, April 2008

"Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" Co-authored with Matt Barreto. Invited Presentation, Texas A&M University, College Station, TX, April 2008.

"Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" Co-authored with Matt Barreto. Latino National Survey Conference, Cornell University, Ithaca, NY, November 2007.

"Voter ID Requirements and the Disenfranchisement of Latino, Black and Asian Voters." Co-authored with Matt Barreto and Stephen Nuño. Annual Meeting of the American Political Science Association, Chicago, IL, September 2007.

"Is Perception Reality? An Investigation of the Presence and Source of Perceived Discrimination Toward and Among Latinos." Co-authored with Jessica Lavariega Monforti. Annual Meeting of the American Political Science Association, Chicago, IL, September 2007.

"The Role of Health Policy in Latino Political Behavior at both the State and National Levels." Co-authored with Jason Morin. Conference of the Inter-University Program for Latino Research, Austin, TX, March 2007.

"Explaining African American Congressional Behavior: The Role of Personal Attributes in African American Roll-Call Voting Behavior." Co-authored with Mike Rocca and Ron Nikora. Annual Meeting of the Southwestern Political Science Association, Albuquerque, NM, March 2007.

"The Legislative Success of Minority Members of Congress." Co-authored with Mike Rocca. Annual Meeting of the Southwestern Political Science Association, Albuquerque, NM, March 2007.

"The Role of Health Policy in Latino Political Behavior." Co-authored with Jason Morin. Annual Meeting of the Southwestern Political Science Association, Albuquerque, NM, March 2007.

"The Institutional Mobility of Minorities in Congress." Co-authored with Mike Rocca and Jason Morin. Annual Meeting of the Western Political Science Association, Las Vegas, NV, March 2007.

"Preferable Descriptive Representatives? Investigating the Impact of Demographic Attributes of Descriptive Representatives on Substantive Representation." Co-authored with Joseph E. Uscinski. 2006 Annual Meeting of the American Political Science Association, Chicago, IL, August 2006.

"Take One For The Team: Latinos Support and Perceptions of Descriptive Representation." Co-authored with Sylvia Manzano. American Political Science Association Conference, Philadelphia, PA, August 2006.

"Latinos and African Americans Post-Katrina: A Rainbow After the Storm?" Co-authored with Sylvia Manzano. Southwestern Social Science Association Conference, San Antonio, TX, April 2006.

"Latinos in Congress: The Impact of Descriptive Attributes on Substantive Representation." Co-authored with Mike Rocca. Western Political Science Association, Albuquerque, NM, March 2006.

"Friends or Foes? Determinants of Latino Internal Discrimination." Western Political Science Association, Albuquerque, NM, March 2006.

"Factors Leading to Group Consciousness Formation Among Latinos." Western Political Science Association, Oakland, CA, March 2005.

"Building a Foundation For Coalitions Among Latinos and African Americans: The Impact of Latino Group Consciousness on Perceptions of Commonality With African Americans." American Political Science Association, Washington DC, August 2005.

"The Size of Majority Opinion Coalitions on State Supreme Courts: A Test of Threat Hypothesis." Co-authored with Laura Langer and Jeffrey Williams. American Political Science Association, Chicago, IL, August 2004.

"The Impact of District Demographics and Party Support on Minority Representation." Co-authored with Jeffrey Williams. Southern Political Science Association, New Orleans, LA, January 2003.

"The Effect of Group Cohesion on Political Participation and Political Behavior Among Latinos and African-Americans." Western Political Science Association, Denver, CO, March 2003.

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"The Effect of Congressional District Demographics on Minority Representation and Political Participation During the 2000 Election." Co-authored with Jeffrey Williams. Western Political Science Association, Denver, CO, March 2003.

"The Impact of Group Identity on Political Participation Among Latinos: A Probit Analysis." Conference on Political Minorities and Political Boundaries Yale University, Hartford, CT, May 2002.

"United We Stand Divided We Fall, Group Cohesion in the Latino Community." American Political Science Association, Washington, DC, August 2001

Research

Research Funding

Scan of Research Regarding Health Care Costs. PIs Gabriel R Sanchez and Lisa Cacari-Stone. Colorado Health Foundation. 10/27/2015 – 1/28/2016. \$29, 479.73 (\$19,523 Direct / \$9,956.73 Indirect)

Evaluation of the Impact of Closed Primaries and Redistricting on the Electorate of New Mexico. PI Gabriel R Sanchez. Thornburg Foundation. 10/1/2015- 1/ 1 /2016. \$5,582 (All Direct).

BUILDing Scholars Research Enrichment Core. PI Gabriel R. Sanchez. National Institute of Health. 0/01/2015 – 8/31/2016. \$34,926 (All Direct).

Native American Health Policy Institute Concept Paper. PI Gabriel R. Sanchez. W.K. Kellogg Foundation. 7/01/2015 – 6/30/2016. \$99,017 (All Direct).

New Mexico Center for the Advancement of Research, Engagement and Science on Health Disparities Pilot Research Projects. PI: Robert L. Williams. Includes pilot project: New Mexico Hispanic Survey of Affordable Care Act. Project Lead: Gabriel R. Sanchez. National Institute of Minority Health and Health Disparities, National Institute of Health National Institute of Minority Health and Health Disparities, National Institute of Health. 9/25/2014-9/25/2015; \$90,187 (\$65,805 Direct/\$24,381 Indirect).

Robert Wood Johnson Foundation Center for Health Policy at UNM Operating Grant. PI Gabriel R. Sanchez. Robert Wood Johnson Foundation. 7/1/2014 – 6/30/2015. \$1,811,758 (1,747,472 Direct/\$64,286 Indirect)

Robert Wood Johnson Foundation Center for Health Policy at UNM Operating Grant. PI Gabriel R. Sanchez. Robert Wood Johnson Foundation. 7/1/2013-6/30/2014. \$1,507,328 (\$1,345,829 Direct/\$161,499 Indirect).

Robert Wood Johnson Foundation Center for Health Policy at UNM Operating Grant. PI Gabriel R. Sanchez. Robert Wood Johnson Foundation. 7/1/2012-6/30/2013. \$1,322,748 (\$1,181,025 Direct/\$141,723 Indirect).

American Economic Association Summer Training Program (AEASP). PI Gabriel R. Sanchez. American Economic Association. 10/1/2011-9/30/2014. \$890,542 (All Direct).

Broadening Participation of Graduate Students in Economics. PI Gabriel R. Sanchez. National Science Foundation. National Science Foundation. September 1, 2014; August 31, 2016. \$402, 348 (\$294,911 Direct / \$107,357 Indirect).

The Great Recession: Implications for Minority and Immigrant Communities. Co-PIs Gabriel R. Sanchez, Jillian Medieros, and Kimberly Huyser. Russell Sage Foundation. 4/1/2012 -2/28/2014. \$100,353 (\$87,263 Direct / \$13,090 Indirect).

2013 Congressional Summit on Health Disparities. PI Gabriel R. Sanchez. W.K. Kellogg Foundation. 9/1/2013 – 10/31/2013. \$15,000 (All Direct)

Developing Race as Multi-dimensional and Health Disparities. Co-PIs Gabriel R. Sanchez and John Garcia. Robert Wood Johnson Foundation Health and Society Scholars Program, University of Michigan. 05/10/2011 – 05/10/2012. \$26,244 (\$23,457 Direct/ \$2,812 Indirect).

Exploring the Views of the Latino Population Toward Healthcare Reform in New Mexico. Co-PIs Gabriel R. Sanchez, Richard Santos, and Amelia Rousse. Robert Wood Johnson Foundation Interdisciplinary Research Grant, University of New Mexico. 2008. \$20,000 (All Direct).

2008 Multi-Racial Post-Election Survey. PI Gabriel R. Sanchez. Research Allocation Committee, University of New Mexico. 2008. \$4,000 (All Direct).

Public Opinion of New Mexicans Toward Healthcare Reform in New Mexico. Co-PIs Gabriel R. Sanchez, Richard Santos, and Amelia Rousse. Robert Wood Johnson Foundation Interdisciplinary Research Grant, University of New Mexico. 2007. \$20,000 (All Direct).

Indiana Voter Identification Study. Co-PIs Gabriel R. Sanchez, Stephen Nuño, and Matt Barreto. Brennan Center for Justice, New York University. 2007. \$40,000 (All Direct).

Teaching

Doctoral Advisement

Patricia Rodriguez-Espinosa (Psychology); Fall 2016 Expected Graduation Date; "Can Psychological Factors Explain the Relation Between Neighborhood Effects on Latino Health"; Member of Dissertation Committee.

Lisa Sanchez (Political Science); Spring 2016 Expected Graduation Date; "Congress, Polarization, and Latino Demography"; Assistant Professor, University of Arizona. Member of Dissertation Committee.

Hannah Walker (Political Science: University of Washington); Spring 2016 Expected Graduation Date; "Mobilized by Injustice: The Impact of Criminal Justice Contact and ICE on the Political Participation of Latina/o Communities"; Assistant Professor, Rutgers University; Member of Dissertation Committee.

Shannon Sanchez-Youngman (Political Science); Spring 2016 Expected Graduation Date; "At the Crossroads of TANF and Early Childhood Policy: The Impact of Devolution and Health Advocacy Networks on Progressive Policy Choices"; Co-Chair of Dissertation Committee.

Yajaira Pena-Esparza (Psychology); Spring 2015; "Do Ethnic Identity and Family Support Protect Against Ethnic Discrimination?"; Member of Dissertation Committee.

Tunay Oguz (Economics); Spring 2015; "Essays on Gender, Race, and Ethnicity in the United States and Turkey"; Assistant Professor, Lenoir-Rhyne University; Member of Dissertation Committee.

Elena Windsong (Sociology); Spring 2015; "Neighborhood Experiences and the Co-Construction of Neighborhoods, Race and Gender"; Visiting Professor, Colorado College; Member of Dissertation Committee.

Vickie Ybarra (Political Science); Spring 2015; (Earned Distinction); "The Impact of State Immigration Policy on Immigrant Communities: Political Engagement and Child Well-Being"; Currently interviewing for administrative positions; Chair of Dissertation Committee.

Ron Nikora (Political Science); Spring 2012; "The Political Determinants of Health: The Impact of Political Factors on Black and White Infant Mortality Rates in the United States"; Assistant Professor, Beloit College; Member of Dissertation Committee.

Jason Morin (Political Science); Fall 2012; "A Different Voice: African American and Latino Representation in the US Court of Appeals"; Assistant Professor, California State at Northridge; Chair of Dissertation Committee.

Lisa A. Bryant (Political Science); Fall 2010; "Voter Confidence and the Use of Absentee Ballots and Voter Assist Terminals: An Experimental Study"; Assistant Professor, Fresno State University; Member of Dissertation Committee.

German Izon, PhD (Economics); Spring 2008; "Valuing Changes in the Provision of a Public Good: Empirical Applications in Environmental and Health Economics"; Assistant Professor, Department of Economics, Eastern Washington University; Member of Ph.D. Dissertation Committee.

Masters Advisement

Eric Griego (Political Science); Fall 2016 Expected MA Graduation Date.

Mia Livaudais (Political Science); Fall 2016 Expected MA Graduation Date.

Melina Juarez (Political Science); Fall 2015 Expected MA Graduation Date.

Patricia Rodriguez-Espinosa (Psychology); Spring 2014; "Can Psychological Factors Explain the Relation Between Neighborhood Effects on Latino Health".

Lisa Sanchez (Political Science); MA Awarded 2011

Shannon Sanchez-Youngman (Political Science); MA Awarded

Jason Morin (Political Science); MA Awarded Fall 2010.

Antonio Barreras (Public Administration); MA Awarded Spring 2012.

Bachelor's Honors Advisement

Adelina Gomez; Fall 2015; BA.

Barbara Gomez-Aguinaga; Fall 2012; BA.

Julian Benavidez; Fall 2012; BA.

Charles Mathews; Spring 2011; BA.

Taylor Watrous; Fall 2009; BA.

Jaime Gonzalez; Fall 2006; BA.

Undergraduate Student Mentoring

Juan Valdez; Summer 2014; BA, research Intern from St. Mary's University, San Antonio, TX.

Rebeca Gurrola; Fall 2011; BA, research support/advising for McNair Program.

Robert Alanis; Fall 2011; BA, research support/advising for McNair Program.

Myra Perez; Spring 2012; BA, research support/advising for McNair Program.

Mabel Arrelanas; Fall 2011; BA, research support/advising for McNair Program.

Sarah Melendez; Fall 2010; BA, research support/advising for McNair Program.

Antonio Barreras; Fall 2010; BA, co-authorship of article manuscript, research support/advising for McNair Program.

Donna Marlow; Spring 2008; BA, mentorship and preparation for Ralph Bunche Summer Institute.

Glenda Kodaseet; Fall 2008; BA, research support/advising for McNair Program.

Steven Saveedra; Spring 2007; B.A., research support/advising for McNair Program.

Nina Gardea; Spring 2006; B.A., research support/advising for McNair Program.

Classroom Teaching

2015; Spring; Graduate Research Seminar in American Minority and Group Politics; 9 graduate students, 1 undergraduate Honors student.

2015; Spring; Graduate Seminar Job Market Preparation; 7 graduate students.

2013; Fall; Hispanic Politics in the US; PS 308; 45 undergraduate students.

2013; Spring; Junior Honors Seminar; PS 495; 9 undergraduate students.

2012; Fall; Introduction to American Politics (FLC); PS 200; 24 undergraduate students.

2012; Spring; Introduction to American Politics; PS 200; 50 undergraduate students.

2011; Spring; Introduction to American Politics; PS 200; 100 undergraduate students.

2011; Spring; Politics of Ethnic Groups; PS 307; 46 undergraduate students.

2011; Summer; Quantitative Approaches to the Study of Race; 11 graduate students.

2010; Fall; Introduction to American Politics; PS 200; 87 undergraduate students.

2010; Spring; Graduate Seminar in Racial and Ethnic Politics; 8 graduate students.

2010; Spring; Introduction to American Politics; PS 200; 97 undergraduate students.

2009; Fall; Public Opinion and Electoral Behavior; PS 305; 49 undergraduate students.

2009; Fall; Introduction to American Politics; PS 200; 114 undergraduate students.

2009; Spring; The Politics of Ethnic Groups; PS 307; 53 undergraduate students.

2009; Spring; Introduction to American Politics; 100 undergraduate students.

2008; Fall; PS 496-003 Pro-Seminar in American Government and Politics: Fred Harris Congressional Internship Program; 5 undergraduate students.

2008; Fall; PS 200 Introduction to American Politics; 123 undergraduate students.

2008; Spring; PS 200; Introduction to American Politics; 123 undergraduate students.

2008; Spring; PS 307: The Politics of Ethnic Groups; 48 undergraduate students.

2007; Fall; PS 511 Graduate Seminar in Racial and Ethnic Politics; 15 graduate students.

2007; Summer; PS307: The Politics of Ethnic Groups; 16 undergraduate students.

2007; Spring; PS307: The Politics of Ethnic Groups; 45 undergraduate students.

2007; Spring; PS305: Public Opinion and Electoral Behavior; 49 undergraduate and 1 graduate student.

2006; Fall; PS 200/FLC 640: Connecting Political Theory to Political Reality? An Inside Look at American Politics; 22 undergraduate students.

2006; Fall; PS 200: Introduction to American Politics, 114 undergraduate students.

2006; Spring; PS200: Introduction to American Politics, 61 undergraduate students.

2006; Spring; PS305: Public Opinion and Electoral Behavior: 49 undergraduate and 1 graduate student.

2005; Fall; PS307: The Politics of Ethnic Groups, 49 undergraduate students.

2005; Fall; PS200: Introduction to American Politics, 44 undergraduate students.

Curriculum Development or Teaching Administrative Positions

Developed curriculum for RWJF Center For Health Policy Fellowship Program, 2011-Current.

Developed curriculum for a new course entitled "Job Market Preparation for Advanced Graduate Students." Offered in Summer 2014 and Spring 2015.

Developed curriculum for the Political Science portion of the Freshman Learning Community course, PS200/Eng 101: Connecting Political Theory to Political Reality? An Inside Look at American Politics, Summer 2006 for Fall 2006.

Service

Reviews

Journal of Elections, Public Opinion & Parties

Politics of Groups and Identities (2015) <twice>

American Political Science Review (2015)

Journal of Race, Ethnicity, and Politics (2015)

Political Research Quarterly (2015) <twice>

American Politics Research (2015)

American Journal of Political Science (2015)

I have reviewed regularly for the following outlets from 2012-2015:

American Political Science Review

American Journal of Political Science (Member of Editorial Board)

Political Research Quarterly

Social Science Quarterly

American Politics Research

Journal of Politics

Political Research Quarterly (2011)

American Politics Research (2011)

Social Science Quarterly (2011)

Extensive Reviews for *American Journal of Political Science* as Member of Editorial Board (2011)

American Journal of Political Science (2010) <twice>

Journal of Politics (2010)

Political Behavior (2010)

Political Communication (2010)

American Sociological Quarterly (2010)

American Review of Politics (2010)

Social Science Journal (2010)

Social Science Quarterly (2010) <twice>

Public Opinion Quarterly (2010)

Legislative Studies Quarterly (2009)

American Journal of Political Science (2009)

Political Research Quarterly (2009) <twice>

American Politics Research (2008)

American Political Science Review (2008)

Political Research Quarterly (2008)

American Politics Research (2008)

Social Science Quarterly (2007)

American Journal of Political Science (2007)

Political Behavior (2007)

SUNY Press – Book Manuscript (2007)

American Politics Research (2006)

Conferences

Chair, "Latino Immigration: Policy and Outcomes" panel at the American Public Policy and Management National Conference, November 2015.

Section Chair, Latino Politics/Media and Society Track, Latin American Studies Association, 2016.

Chair and Discussant, "The State and Local Context for Immigrant Reception in the US" panel at the American Public Policy and Management Conference, November 2014.

Chair and Discussant, "Presidential Approval" panel at the Western Social Science Association Conference, April 2013.

Chair and Discussant, "New Issues on Behavior, Identification and Discrimination" panel at the Western Social Science Association Conference, April 2013.

Chair and Discussant, "The Systematic Study of Race and Public Policy From the UNM RWJF Center For Health Policy" panel at Southwestern Social Science Association Conference, April 2010.

Discussant, "Race and Electoral Politics in America" panel at the American Political Science Association Conference, September 2009.

Chair and Discussant, "An Interdisciplinary Examination of Health Policy From the UNM RWJF Center For Health Policy" panel at Western Social Science Association Conference, April 2009.

Section Chair, "Voting and Elections" for Western Political Science Association Conference, March 2009.

Discussant, "Ethnicity and Elections: American and Comparative Perspectives" panel at Western Political Science Association Conference, March 2009.

Chair and Discussant, "Changing the Rules: Causes and Consequences" panel at Western Political Science Association Conference, March 2008.

Chair and Discussion, "Latino and Latino Political Incorporation and Mobilization" panel at the Southwestern Political Science Association Conference, March 2008

Discussant, "Race, Ethnicity, and Electoral Politics" panel at the Western Political Science Association Conference, March 2007.

Served on the Ted Robinson Dissertation Award for the Southwestern Political Science Association, March 2007.

Committees/ Professional Association Positions

Member, Midwest Political Science Association's Best Paper by an Emerging Scholar Award Committee, 2015-2016.

Member, University of New Mexico Higher Learning Commission Accreditation Committee, 2015-2016.

Member, UNM Department of Psychology Academic Program Review Committee, 2015.

Member, Center for Education Policy Research (CEPR) Executive Director Search Committee, 2015.

Member, UNM Evaluation Lab Advisory Board, 2015.

Member, APSA Ralph Bunche Summer Institute Advisory Committee, 2014-2016.

Member, Department of Political Science Health Policy Faculty Search Committee, 2015.

Member, College of Public Policy Implementation Committee, University of New Mexico, 2015.

Liaison (Ex-Officio Member), Executive Committee of the Western Political Science Association, 2015-2016.

Member, Executive Committee of the Western Political Science Association, 2012-2015.

Member, Department of Political Science Executive Committee, 2014-2015.

Member, College/Institute of Public Policy Feasibility Committee, University of New Mexico, Fall 2013.

Member, School of Public Health University Committee, University of New Mexico, Fall 2013.

Member, Administrative Support Staff Search Committee, Department of Political Science, UNM, Fall 2011

Member, Vice Provost Search Committee, University of New Mexico, Spring, 2011.

Member, WPSA Committee On the Status of Latinas/os in the Profession, 2010-2012.

Secretary, Latino Caucus of the American Political Science Association Executive Committee, 2008-2010.

Member, Department of Political Science Executive Committee, 2010-2011.

Member, Division of Diversity, Equity, and Inclusion (UNM) Post-Doctoral Fellowship Committee, Summer 2010.

Board Member, Common Cause of New Mexico, 2009-Present.

Member, UNM First-Generation Student Success Task Force, 2010-2011.

Member, UNM Institute for Higher Education Policy Committee, 2010-2011.

Member, Racial and Ethnic Politics Executive Committee of APSA, 2008-2010.

Member, Department of Political Science Executive Committee, 2010-2011.

Member, Title-V at UNM Faculty Steering Committee, Fall 2008-Present.

Faculty Fellow, El Centro de La Raza at UNM, Fall 2008-Present.

Member, Hispanic Heritage Month Committee, 2007-2008.

Chair, Robert Wood Johnson Foundation Strategic Communication Committee, Fall 2007.

Member, Robert Wood Johnson Foundation Student Recruitment Committee, 2006-2007, 2007-2008.

Member, Law School Minority Pipeline Committee, 2007.

Member, Department of Political Science Executive Committee, 2006-2007.

Member, Political Science Department Public Policy/IPP Director Search Committee, 2006.

Member, Political Science Department IPP Summer Working Group, Summer 2006.

Member, American Political Science Association Latino Caucus Nominating Committee 2005-2006.

Member, American Political Science Association Latino Caucus Outreach Committee 2005-2006.

Member, the Political Science Department Undergraduate Committee, August 2005-May 2006.

Other Professional Service

Numerous Television, Radio, and Newspaper Interviews, including live television commentary for KRQE-NM, for 2006, 2010, 2012, 2014 Election Seasons.

Board Member, Hispanic Philanthropic Society of the United Way, January, 2010-Present.

Faculty Fellow, UNM El Centro de la Raza, 2007-2014.

Presentation "Effectively Working With Graduate Students" given to Robert Wood Johnson Foundation Center for Health Policy at UNM brown bag series, November 10, 2010.

Co-Chair, UNM El Centro de la Raza Graduate Student Fellowship Program, 2009-2010, 2010-2011.

Faculty Adviser, UNM "Bigs" Student Organization, Fall 2009-Present.

Ralph Bunche Summer Institute Recruitment for Department, Duke University (2005-2009).

Conducted television interview with Channel 13 News (Super Tuesday Segment), February 5, 2008.

Presentation "Social Inequalities in US" given to the pre-Medical Student Organization, February 19, 2008.

Participated on Round Table sponsored by Peer Mentoring of Graduate Students of Color titled "First Critical Issues Roundtable: First Generation Graduates of Color and Mentoring." January 23, 2007.

Conducted television interview with Channel 13 News (US Attorney General Political Pressure Issue) March 5, 2007.

Invited research talk at the University of Arizona "Upward Mobility of Minority Members of Congress." March 23, 2007.

Moderator, ASUNM Spring Election Candidate Debate, 2007.

Talk given to APS students on careers in political science, April 6, 2007.

Co-presented, "Health Policy and Political Science" discussion in RWJF Pro-Seminar, Spring 2007.

Talk titled "Demographics of UNM Students" given during New Faculty Orientation, Fall 2007.

Faculty Steering Committee Member, Peer Mentoring of Graduate Students of Color, Fall 2007.

Faculty Advisor, UNM student group, UNM Bigs (Affiliate of Big Brothers and Sisters of New Mexico), Summer 2007-Present.

Co-Chair, RWJF and McNair Undergraduate Research Conference, November 19-21, Fall 2007.

Compiled information regarding Hispanic facts and trends to create "Hispanic Facts and Figures for the Nation" report as part of Hispanic Heritage Month Committee duties.

Talk Given to First Year Graduate Students, 2005-2007.

Talk given to McNair and Research Opportunity Program Students January 17, 2007 titled "Research Types: The Quantitative, Qualitative Debate."

Served on Panel entitled "Academic Job Search" sponsored by Career Services, Fall 2006 and 2007.

Report drafted in preparation for Expert Witness Testimony in ACLU, et al. v. HERRERA, Fall 2006.

Talk given at the "How About Grad School" Panel Sponsored by Graduate College, September 21, 2006.

Presented "Developing a Research Question" talk to McNair and Research Opportunity Program Students, June 14, 2006.

Talk Given at the "How About Grad School" program on September 21 sponsored by Graduate College.

Mentored Freshman Learning Community Students who won Best Poster at Research Symposium, Fall 2006.

Quoted in several Albuquerque Tribune articles regarding Congressional Elections, Fall 2006 and in feature article "Is America Ready for a Hispanic President?"

Phone Interview 770 KOB, "State Treasurer an Appointed Position?" September 26, 2005.

HB 1369 3-17-17

#9B

Community Service

Mentor, Children's Court, 2014-current.

Mentor, Big Brothers and Sisters of Central New Mexico, 2006-2014.

Mentor, Southwest Organizing Project (SWOP).

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Richard Brakebill, Deloris Baker, Dorothy
Herman, Della Merrick, Elvis Norquay, Ray
Norquay, and Lucille Vivier, on behalf of
themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the
North Dakota Secretary of State,

Defendants.

Civil No. 1:16-cv-8

Declaration of Daniel McCool, Ph.D.

I, Daniel McCool, Ph.D., declare as follows:

1. I am a professor of Political Science at the University of Utah. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to those facts if asked to do so.

I. Qualifications.

2. I received a B.A. in Sociology from Purdue University, and a Ph.D. in Political Science from the University of Arizona. I have a doctoral minor in Latin American History.

3. For more than 30 years I have conducted research regarding the political relationship between American Indians and Anglos.¹ One of my first publications, while still

¹ Throughout this Declaration I will use the term, "Anglo" to refer to people who are not American Indian. Even though that term is not entirely accurate—it includes people who are not of European descent—it is preferable to referencing people in the negative as "Non-Natives" or "Non-Indians." "Anglo" is also a fairly standard term in the academic literature. I use the terms "American Indian" and "Native American" interchangeably.

in graduate school in 1982, was on Indian voting patterns. Many of my publications focus on Indian voting, land, water, and environmental issues.

4. All of my research has a strong historical context. From 1998 to 2007 I was the director of the American West Center, where I administered several grants and contracts dealing with Indian land, water, and sovereignty issues. In 2007 I co-authored *Native Vote: American Indians, The Voting Rights Act, and the Right to Vote* (Cambridge University Press). My most recent edited book is *The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act* (Indiana University Press, 2012).

5. I have served as an expert witness in six Voting Rights Act cases:

- *U. S. v. South Dakota*
- *U.S. v. Blaine County*
- *Bone Shirt v. Hazeltine*
- *Cottier v. City of Martin*
- *Koyukak v. Treadwell*
- *Navajo Nation v. San Juan County, UT*

All of these cases were Section 2 cases except *Koyukak*, which was a Section 203 case. The plaintiffs in all of these cases were American Indians or Alaska Natives.

6. My vita is attached as Exhibit A. A list of the references I have used in preparing this Declaration is attached as Exhibit B. The citations in this Declaration are to those references.

II. Methodology and Approach.

7. Plaintiffs engaged me to address this fundamental research question: Given the political, sociological, and economic conditions in North Dakota, and the new requirements for a state-recognized identification to vote, do American Indians in North Dakota have an equal opportunity to participate in the political process?

A. Guiding Sources.

8. My analysis, and choice of research questions, is guided by three sources. The first source is the three factors enunciated by the U. S. Supreme Court in the 1986 case of *Thornburg v Gingles*. These factors are commonly referred to as the “Gingles Factors.” These factors are:

- A minority group is sufficiently compact geographically that a district in which the group constitutes a majority can be drawn.
- The minority group has a history of political cohesiveness and bloc voting.
- The white majority has a history of voting as a group to usually defeat the minority group's preferred candidate.

9. The second source is the “Senate Factors.” The Senate report that accompanied the 1982 amendments to the Voting Rights Act identified these factors as important indices of racially troubled jurisdictions. The nine “Senate Factors” are:

1. A history of official voting-related discrimination in the state or political subdivision.
2. The extent to which voting in the elections of the state or political subdivision is racially polarized.
3. The extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority-vote requirements, and prohibitions against bullet voting.
4. The exclusion of members of the minority group from candidate slating processes.
5. The extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process.
6. The use of overt or subtle racial appeals in political campaigns.
7. The extent to which members of the minority group have been elected to public office in the jurisdiction.
8. The responsiveness of state and local officials to the needs of minorities.

9. The tenuousness of the policy underlying voting laws, standards, and practices.²

I consider these factors because they are “for courts to use when assessing whether a particular practice or procedure results in prohibited discrimination in violation of Section 2 [of the Voting Rights Act].”³ They represent various “tools,” practices, and socio-economic and historic conditions that are indicative of problematic relationships between minority and majority populations, based on the preponderance of the evidence.⁴

10. The third source is the factors identified in the 1977 case of *Village of Arlington Heights v. Metropolitan Housing Development Corporation* as being indicators of intentional discrimination. These factors are:

- The impact of the redistricting plan.
- The historical background of the redistricting plan, particularly if it reveals a series of decisions undertaken with discriminatory intent.
- The sequence of events leading up to the enactment of the redistricting plan.
- Whether the redistricting plan departs, either procedurally or substantively, from the normal practice.
- Contemporaneous statements and viewpoints held by members of the adopting body or others who may play a significant role in the process.

11. There is considerable overlap in some of these factors, and not all of them are relevant to this case, so I have combined some of them in my analysis, and excluded those that are irrelevant.

B. Use of Qualitative Methods.

12. My analysis relies on a well-recognized methodology known as Qualitative

² Senate Report 1982: 28-29.

³ Katz 2005: 3. Also see: *Pope v. Albany* 2015.

⁴ Senate Report 1982: 29.

Methods.⁵ I employ this methodology by using data and information gleaned from multiple and overlapping sources, including: in-person interviews, newspapers (including editorials and letters to the editor), past court cases, interest group publications, oral histories, secondary published sources such as books and articles, online sources (chat rooms, websites, blogs), business advertising and business policies, campaign flyers and publicity, church records, and documents and studies created by tribal, local, state, and federal governments, including voting data and census data. I also review photographs, videos, and other visual “data.” I examine these multiple sources for significant long-term trends across multiple sources of information and data. Confidence levels increase when consistent patterns of responses appear across multiple sources over a sustained period of time. Reliability is achieved by utilizing a very large number of documents that represent many different types of sources, and finding consistent patterns across these diverse sources.

13. Qualitative Methods is well recognized in the social sciences. The Consortium on Qualitative Research Methods was established in 2001.⁶ The American Political Science Association organized a section on Qualitative Methods in 2003.⁷ By 2003 almost half of all peer-reviewed articles in Political Science journals utilized Qualitative Methods.⁸ Syracuse University, with funding from the National Science Foundation, established a “Qualitative Data Repository” to assist researchers who utilize this method.⁹ There are many methodology textbooks that focus on Qualitative Methods; most are written by political scientists but others are by authors in fields such as public health, anthropology, sociology, and increasingly the humanities.

14. Qualitative Methods is well-suited for analyzing voting rights cases because it is

⁵ Denzin and Lincoln, 2000, 2011.

⁶ Consortium on Qualitative Research Methods, n.d.

⁷ American Political Science Association, n.d.

⁸ Bennett, Barth, and Rutherford 2003.

⁹ Qualitative Data Repository, n.d.

adept at analyzing phenomena that are complex, long-term, multi-dimensional, and subject to rapid change. Lamont and White note that Qualitative Methods is “particularly useful for studying timely topics such as group identities and boundaries [and] race, class, gender...”¹⁰ It is also particularly useful to study phenomena that occur over long periods of time, due to the large number of variables and factors that change over time.¹¹

15. In preparing this declaration, I have relied on a standard approach to Qualitative Methods that utilizes large amounts of data to reach robust and reliable conclusions. For this Declaration I have read or reviewed thousands of pages of documents from 115 sources. I also interviewed 27 people who live in North Dakota, whom I refer to in this Declaration as “interviewees.” With just a few exceptions, I asked each interviewee the same set of questions.¹² Those questions are:

1. Do you think racial discrimination is a problem in North Dakota?
2. Have you experienced difficulties attempting to vote?
3. Have there been efforts to discourage or prevent American Indians from voting?
4. Is there an atmosphere of racial polarization in the state?
5. In elections where an Indian ran against an Anglo, do the Indians tend to vote for the Indian candidate, and the Anglos vote for the Anglo candidate? Is race a factor in such elections?
6. Have the new requirements for an ID made it more difficult to vote? Have you personally experienced difficulties? Do you know of anyone who has?
7. Is it more difficult for American Indians to vote because of long distances, poor

¹⁰ 2009: 5.

¹¹ See: Bartolini 2013.

¹² I asked different questions when talking with subject-matter experts such as academics, administrators, and people involved in policy-making; those questions reflected the particular expertise of the person I was interviewing.

roads, or the location of polling places, long distances to the state offices that issue IDs?

8. Is state government and county government responsive to the needs of American Indians?
9. Do American Indians have an equal opportunity to elect candidates of their choice in North Dakota elections?

As I mentioned above, a full list of the references I used in preparing this declaration is attached as Exhibit B.

III. American Indians Historically Have Been Discriminated Against And Voting in North Dakota Has Been Racially Polarized (Senate Factors 1, 2).

16. North Dakota has a long and troubled history with its American Indian citizens.¹³ The conflict between Anglos and Indians goes back to territorial days, when the *Bismarck Tribune* editorialized: "The American people need the country the Indians now occupy.... An Indian war would do no harm, for it must come, sooner or later."¹⁴

17. More than 100 years later, that troubled history was still evident in a 1999 report by the North Dakota Advisory Committee to the U.S. Commission on Civil Rights. The Committee report noted the testimony of state officials:

- "[S]ince 1957, as a member of the North Dakota legislature and from his involvement with other organizations," a former state senator said, "the question of discrimination has always been one of the chief topics of ... discussion."¹⁵
- A member of the House commented on one of the many problems confronting Native Americans in his urban district: "Within that district, about 600 people are Native American, which is the largest number of Native Americans in any

¹³ See, for example: *Turtle Mountain Band of Chippewa Indians v. United States* 1974; North Dakota Legislative Council 1997; Richardson 2011.

¹⁴ Karolevitz, 1975: 99. (quoting June 17, 1874 editorial)

¹⁵ North Dakota Advisory Committee 1999: 7.

district in the State, except those districts that have reservations within them. There are also 1,400 mobile homes and 1,800 apartments constituting some of the poorest people in the district What I'm really saying is that we have a very high percentage of very vulnerable people, people who have less voice, people who have less power, people who have less mobility."¹⁶

- A member of the House noted that "discrimination occurs on a regular basis against Native Americans."¹⁷

18. American Indian leaders also gave testimony to the Advisory Committee:

- The chairman of the Three Affiliated Tribes noted: "For our tribal populations, civil rights enforcement has been infrequent, at best, in North Dakota."¹⁸
- The President of United Tribes Technical College stated that discrimination ranged from "'we do not rent to Indians' notices that appeared over 20 years ago in a Bismarck hotel, to United Tribes Technical College students being followed today by security personnel at the local malls and stores in Bismarck."¹⁹
- The Director of the state Indian Affairs Commission said this about a case of employment discrimination: "an individual was passed over for promotions and was subject to racial slurs in the workplace. Some comments included, 'go back to the reservation to your squaw,' 'go back to the reservation and eat dog,' and 'all Indian women are whores.'"²⁰
- A native woman who was a columnist for the *Bismarck Tribune* said that "[Native] people are angry, frustrated, and have a sense of hopelessness," and described a recent ad referred through the state Job Service that attached instructions saying "Do not send Native Americans."²¹

19. Additional testimony was given by a Methodist minister, who noted:

"An American Indian [was] treated differently from whites at a business establishment when she attempted to write a personal check," and an

¹⁶ Advisory Committee 1999: 35-36

¹⁷ Advisory Committee 1999: 37.

¹⁸ p. 38.

¹⁹ p. 38.

²⁰ p. 40.

²¹ p. 64.

assistant U. S. Attorney said she witnessed “discrimination toward women and other minority groups, most notably Native Americans, all the time.”²²

20. The Advisory Committee Report concluded: “Many forms of discrimination have been ongoing in the State for several decades, and it appears that limited accomplishments have been realized to solve those issues.... Systemic discrimination continues to occur....”²³ That report was issued 17 years ago, but my research indicates discrimination against American Indians in North Dakota continues to be a problem.

21. In the past, overt statements of racial discrimination were common; it was an accepted practice and an accurate reflection of prevailing belief systems. More recently, discrimination has become much more subtle, with people using certain code words or phrases in place of explicitly racist language—although there are exceptions as we shall see below.²⁴ A recent study of the North Dakota court system reiterated this distinction: “Research has identified two kinds of bias: overt and implicit.... Most racial and ethnic bias occurs in a pervasive yet subtle manner, referred to as implicit bias.”²⁵ As a tribal college administrator put it, “there is a lot of self-censoring that goes on in the mainstream media; there is no need to say something bigoted to deny service; just do it.”²⁶ Another observer described discrimination in North Dakota this way: “it’s not open and outright. I think the Native community would likely say yes. Do I hear background talk from white people about this? Sure.”²⁷ However, there are still plenty of examples of discrimination and allegations of discrimination.

22. Some cases of discrimination involved violations of the Voting Rights Act. In *U.S.*

²² p. 66.

²³ p. 75.

²⁴ Dick and Wirtz 2011; Hill 2008.

²⁵ North Dakota Commission 2012: 3

²⁶ Neumann interview.

²⁷ Cook interview.

v. Benson County, Native voters claimed the at-large method of electing county commissioners had prevented them from having an equal opportunity to elect candidates of their choice; indeed, no American Indian had been elected to the county commission. The District Court agreed, and the resulting consent decree ordered the county to change to a district system and noted:

“Racially polarized voting patterns prevail in elections for the Benson County Commission, and Native American voters in Benson County are politically cohesive. In elections involving Native American candidates and white candidates for the Benson County Commission, Native American voters vote consistently for Native American candidates and white voters vote sufficiently as a bloc to defeat the Native American voters’ candidates of choice.... Native American citizens within Benson County have suffered from a history of official racial discrimination.”²⁸

23. In the case of *Spirit Lake Tribe v. Benson County*, the American Indian plaintiffs argued that the closure of three voting places made voting more difficult for tribal members to vote. The District Court agreed that closing two of those voting places, which were on the reservation, would create a “disparate impact,”²⁹ and must be kept open. The Court noted: “The historic pattern of discrimination suffered by members of the Spirit Lake Tribe is well-documented.”³⁰

24. Tensions rose again at Spirit Lake in 2013 when Congressman Kevin Cramer made controversial comments to a group called the North Dakota Council on Abused Women. This group deals with problems associated with violence against women, especially on Indian reservations. According to some people at the meeting, Congressman Cramer referred to all tribal governments as “dysfunctional,” disparaged tribal judicial systems, and then reportedly said: “I want to ring the Tribal Council’s neck and slam them

²⁸ *U. S. v. Benson County* 2000: 4.

²⁹ 2010: 6.

³⁰ 2010: 5.

against the wall.”³¹ Congressman Cramer later claimed he was “misunderstood,” explaining:

“This may have been the result of my tone and rhetoric, better suited for active debate in Congress rather than in addressing the protectors of our most vulnerable citizens. I apologize, and welcome future discussion to address my meaning, and to further our common cause.”³²

25. Another event that provoked accusations of racism and discrimination was the conflict over the “Fighting Sioux” team mascot—what the *Wall Street Journal* described as the “contentious nickname” for the University of North Dakota (“UND”).³³ Numerous Native groups and other advocacy organizations conducted a prolonged campaign to stop UND from using this mascot. They met with fierce resistance, and the conflict dragged on for more than 20 years. The National Congress of American Indians, the NAACP, most of the Sioux tribes, the Mandan/Hidatsa/Arikara Affiliated Tribes, and the Turtle Mountain Chippewa Tribe demanded an end to the mascot.³⁴

26. The mascot controversy was an emotional issue, and some people expressed their opinions in an overtly racist manner. According to a group of students formed to lobby UND to change the mascot, a local store displayed a sign reading: “Redskins, go back to the reservations, leave their name alone.”³⁵ Some t-shirts produced at that time conveyed racist messages. One displayed obscene images of Indian people engaging in sex acts with bison (the team mascot of UND rival North Dakota State University). Another available-for-sale t-shirt read: “If they were called the drunken, lazy, welfare collecting, free cheese eating, whiny ass Sioux, then you would have something to complain about.”

³¹ Merrick n.d.; Spirit Lake Tribe 29 Mar. 2013; Ecoffey 2013

³² Schilling 1 April 2013; Dickinson Press Staff 29 Mar. 2013.

³³ Futterman 26 Mar. 2015.

³⁴ University of North Dakota Graduates n.d.

³⁵ University of North Dakota Graduates n.d.

Another t-shirt depicted the head of an Indian in full headdress under the words: "Siouxper Drunk."³⁶

27. During the controversy, someone taped posters to the doors of the Indian Studies Program at UND expressing racist insults:

- "If the name has to go, so should your funding"
- "Wish I could go to school for free"
- "Go back to the res, or work @ the Casino, prairie nigga"
- "Drink 'em lots o' fire water"
- "if you get rid of the "Fighting Sioux" then we get rid of your FREE schooling!"
- "Find something better for time 'like a job'"
- "You lost the war. Sorry."³⁷

28. The issue became so big that the state actually held a referendum and voters approved changing the mascot. That did not stop some people from filing a lawsuit in an effort to stop the name change. The NCAA finally forced the change in 2012 because it considered the name "hostile and abusive."³⁸

29. Nearly all of the people I interviewed felt that discrimination is a problem in North Dakota, and described many of the typical attributes of a racially polarized society. Here are some of their comments:

- "When I ran... on a statewide ballot, I really got a flavor of that [discrimination]. People would say to me 'we don't vote for Indians.'.... It [being perceived as an Indian—he actually is not an enrolled member] was stuck in my face quite a few times."³⁹
- "We live with it [discrimination] all the time. I don't observe it, I live it. Let me give you an example. I was invited to go to a conference on tourism in North

³⁶ ICTMN Staff 14 May 2014.

³⁷ University of North Dakota Graduates n.d.

³⁸ Kolpack 18 Nov. 2015; Walsh 19 Oct. 2015; Houska 20 Nov. 2015.

³⁹ Boucher interview.

Dakota; it was about making people feel welcome. I went to the desk to register and give the woman my registration fee, but the woman at the desk refused my money and told me I was not allowed to attend the conference. I went away but decided to go back in and another lady came up to me. She apologized and took my conference fee. She explained to me that the first woman at the desk 'doesn't like Indians.' This is common."⁴⁰

- "I've had it [discrimination] pulled on me all the time, especially by law enforcement.... I've been stopped for 'DWI'—driving while Indian.⁴¹ They don't pull over white people for little things or no reason."⁴²
- "Yes [discrimination is a problem]. I talk to enough people during the day and I've heard enough complaints. And, I've experienced it myself."⁴³
- "Discrimination is not only White-to-Native, it's Native-to-Native, family-to-family. I grew up in Colorado. I have never experienced as much racism in my life as there is here...."⁴⁴
- "You see it [discrimination] everywhere. At a recent basketball tournament even the referees were, well, with questionable calls. And you see it in the vandalism in our area. I see writings on bathroom stalls that say 'prairie nigger,' and 'white power,' and the swastika."⁴⁵
- "Our children have to work with the white man and they pay taxes. Every place they work there has been discrimination."⁴⁶
- "Yes I do [think discrimination is a problem]. ... there are preconceived notions and collective judgments out there..... Natives also have a stereotype of whites."⁴⁷

⁴⁰ Allard interview.

⁴¹ There is evidence that "Driving While Indian," and other disparate treatment of American Indians in the criminal justice system, does indeed occur. See: North Dakota Commission 2012: 67, 90-91). As a focus group in the study put it, "White courts are designed for White society" (p. 140).

⁴² J. Turcotte interview.

⁴³ Kary interview.

⁴⁴ C. Turcotte interview.

⁴⁵ Taft interview.

⁴⁶ A. McCloud and E. McCloud interviews.

⁴⁷ Nordmark interview.

- “Absolutely, there is no question about it [that racial discrimination is a problem].... Part of the problem is that tribal entities are resistant to collaborating with ‘white’ organizations. My theory on that is that historical ‘rules’ and structure have been used against them, so the Natives do not want to work with them [Whites].”⁴⁸
- “We used to ride with the sports teams [from Standing Rock] to some of those small towns in the 1980s. I would see signs calling us ‘prairie niggers.’”⁴⁹
- “We live here, it’s non-stop, every day. We experience it in public life, driving down the highway, shopping, filling out forms. I brought a friend here who is a Jew. He is quite dark and looks like he could be Native. We don’t have many Jews in North Dakota, so I told him he would be mistaken for an Indian. I took him into a store, and they followed us all around the store. He immediately noticed it. Just for fun we decided to walk down an aisle and I turned left and he turned right just to see what the clerk would do. At another store no one would wait on him, but they would wait on all the white people around him. It was very obvious to him that he was getting treated that way. It’s non-stop.”⁵⁰
- “Yes [racial discrimination is a problem], because of the history of North Dakota, and there are still very deep-seated alliances that are cultural, familial, community-based. North Dakota is a very racist state.”⁵¹
- “We heard the former sheriff say the Indians around here are about as smart as the ridge-runnin’ niggers we have down south. He said that while he was sheriff.”⁵²
- “Yes, we are strongly segregated, not only on reservations, but even in the urban community. Our schools are segregated.... And I think people are racist.”⁵³
- “They call us names; if we’re at sports events, the kids on the opposing team will tell our team to go back to the rez, things like that. If they are in a group—the Caucasians—that’s when they say things. My mom was trying to write a check for her purchase at a store, but the clerk would not take her check because she’s from the reservation. My mom has never been on welfare; she’s

⁴⁸ Carbone interview.

⁴⁹ Eagle interview.

⁵⁰ Anonymous3 interview.

⁵¹ Morgan interview.

⁵² anonymous2 interview.

⁵³ Stromme interview.

worked all her life.”⁵⁴

- “I [an enrolled member at Fort Berthold] was born and raised in Bismarck. Growing up here in Bismarck was an intentional move by our parents because they didn’t want us to experience the discrimination on the reservation and the rural anti-Indian mentality.... There is a mentality across the board that my people are less.”⁵⁵

30. The interviewees also commented repeatedly about the polarized nature of voting when an Indian and an Anglo run against each other:

- “When I ran [a Lakota woman running for a House district] I took all of Sioux County and none of Morton County. I took Grant County—there are tribal members there. Whites voted for my opponent.”⁵⁶
- “Do Native Americans have a propensity to vote for their own? Yes, the same is true with whites.”⁵⁷
- “My brother [an American Indian] ran for sheriff [Rolette County].... He came out ahead because he got all the Indian votes. The last two sheriff races the Indians won; the Native voters elected him.”⁵⁸
- “There was discrimination against Turcotte [Native American sheriff in Rolette County]. They made it so miserable for him as sheriff that he quit.... Some of them just couldn’t see an Indian being sheriff.”⁵⁹
- “Yes [Indians vote for Indians and Anglos vote for Anglos] in the city council races [in Rolla].”⁶⁰
- “...racism would create barriers for any non-white candidate for state office. Natives can elect Natives, but for larger offices [beyond local] I don’t see a Native candidate gaining traction.”⁶¹

⁵⁴ Agard interview.

⁵⁵ Jones interview.

⁵⁶ Allard interview.

⁵⁷ Boucher interview.

⁵⁸ J. Turcotte interview.

⁵⁹ A. McCloud, E. McCloud interviews.

⁶⁰ Nordmark interview.

⁶¹ Carbone interview.

- “Mike Faith was one of our [Standing Rock] council members. He received a large vote from the Indian community when he ran [for non-tribal office].”⁶²
- “Yes they definitely do [Indians vote for Indians, Anglos for Anglos]. I can tell you we’ve had enrolled members run for county commissioner; there’s been four or five of them. They ran against Whites that had college degrees and are well-known, and the Indian had maybe a fifth or sixth grade or high school education. But you can see the voting is so one-sided on the reservation they just put an x there. The Whites vote for the best candidates, but there’s that cultural divide here. The Indians vote for Indians.”⁶³

31. Of course, exceptions do exist. The Voting Rights Act is about having an equal opportunity to elect candidates of choice, not necessarily of race. For example, many interviewees (as well as other sources) commented on how Indian voters came out forcefully for Heidi Heitkamp because they felt she cared about them, and had spent time on the reservations. And, as will be seen below, many Indian areas are represented by Anglos, so obviously Indians are voting for Anglos when there are few or no alternatives.

32. It is quite clear that race plays a role in elections in North Dakota, especially when an Anglo runs against an Indian. This may simply be a reflection of a larger racial divide in the state. Some Anglo people in North Dakota may not feel that racism is a problem, but the American Indians I interviewed—and most of the Anglos—certainly do. Indeed, differing perceptions regarding the existence or extent of discrimination is a symptom of polarization. Among the people I interviewed, only Anglos claimed discrimination did not exist. For example, in Sioux County, auditor Barb Hettich told me discrimination is not a problem in North Dakota, and that no racial polarization exists.⁶⁴ An Anglo Sioux County Commissioner told me that racial polarization was a problem in *other* places in the state and the country.⁶⁵ This is in contrast to the American Indian people I

⁶² Eagle interview.

⁶³ anonymous1 interview.

⁶⁴ Hettich interview.

⁶⁵ Silbernagel interview.

interviewed at Standing Rock Sioux Tribal headquarters.⁶⁶ Thus, there is certainly a polarization in perception of how American Indians are treated. An administrator at the United Tribes Technical College succinctly made this point:

“Yes, discrimination exists in North Dakota, and it’s my perception that race matters are not perceived by people in the mainstream, but they are very much in the forefront of Native people’s thinking. There are all sorts of problems that come from that, both problems, and perceptions of problems.”⁶⁷

Perhaps this explains why, in a recent survey of American Indians living in Bismarck/Mandan, nearly half of the respondents rated the friendliness of their community as “poor to fair.”⁶⁸

IV. North Dakota’s New Voter ID Laws Have Adversely Affected The Ability of American Indians To Exercise Their Right To Vote (Senate Factors 3, 8, 9).

33. A government-mandated procedure that makes it difficult for citizens to exercise their fundamental rights does not fit the model of a responsive government. North Dakota’s new Voter ID Laws have established a cumbersome, labyrinthine process for obtaining an acceptable form of identification that has had an adverse impact on the ability of American Indians (and other citizens) to exercise their right to vote.

A. The North Dakota Legislature Resorted To Unusual Procedures To Adopt The New Voter ID Law.

34. HB 1332 departed from normal procedures in a significant way; the entire bill was introduced as a “hog house” amendment. This procedure is usually reserved for incremental amendments to bills that have been introduced, but in this case the entire bill

⁶⁶ Morgan interview, Eagle interview, Agard interview.

⁶⁷ Neumann interview.

⁶⁸ Sacred Pipe Resource Center 2014.

was introduced as an amendment by Representative Randy Boehning.⁶⁹ As a result, there was no requirement to hold hearings on the bill because it was merely an amendment.⁷⁰ One former legislator characterized the hog house procedure as “a way to hide things that have already had a hearing.”⁷¹ Another critic of the new law suspected proponents used the hog house procedure “to avoid a public hearing. It was controversial and hearings would have been quite contentious.”⁷²

B. There was a Tenuous Basis for Enacting the new Voter ID Laws (Senate Factor 9).

35. The word “tenuous” is defined as “lacking a sound basis, as reasoning; unsubstantiated; weak... of slight importance or significance.”⁷³ Perhaps the best example of “tenuous” policy as it was described in the 1982 Senate Report would be a policy that is designed to solve a problem that does not exist. There is virtually no evidence that “voter fraud” is a problem in North Dakota, especially the kind of fraud—voter impersonation—that would be prevented by new ID laws. This theme—that the voter ID laws solve a problem that does not exist—runs through all the debates over election laws.

1. North Dakota has not had a voter fraud problem.

36. A former governor of North Dakota, Lloyd Omdahl, surveyed election officials in the 1970s, and asked if they had encountered any cases of voter fraud. They could only recall one instance of a prosecution for voter fraud, and this was a case where a farmer voted in his old precinct after he had re-located; he was acquitted of any wrong-doing.⁷⁴ In

⁶⁹ House Standing Committee 2013.

⁷⁰ Sorensen 2013; North Dakota Democratic Caucus 19 Feb. 2013.

⁷¹ Boucher interview.

⁷² Cook interview.

⁷³ dictionary.com.

⁷⁴ Omdahl 1971; 5 Nov. 2006; 1 May 2011.

2008 former Governor Omdahl stated that “North Dakota conducted elections without voter registration for 56 years without fraud. Voting fraud is not in our blood.”⁷⁵ And in October 2006, Secretary of State Alvin A. Jaeger wrote to a professor: “While you might not believe this, during my fourteen years as Secretary of State and the state’s chief election officer, my office has not referred any cases of voter fraud to the United States Attorney, the North Dakota Attorney General, or to local prosecutors. We haven’t had any to refer. We are also the only state in the union that doesn’t have voter registration. What we have works and works very well.” He further said that North Dakota “has had an excellent history of conducting elections that are accurate and trustworthy. Our citizens respect the voting process.”⁷⁶

37. In 2008, when some legislators evinced an interest in implementing a voter registration system, the *Bismarck Tribune* opined that voter registration was not necessary because the “apparent lack of voter fraud in the state suggests there’s no need for additional rules and regulations.”⁷⁷ In 2009, when a new ID law was first being considered, Representative Stacy Dahl of Grand Forks claimed there was no proof that voter fraud was a problem in the state.⁷⁸

38. When the imposition of a new voter ID requirement was being considered in 2013, the *Bismarck Tribune* said in an op-ed, “Talk about a solution looking for a problem... Republican House members see a threat that no one has clearly stated.”⁷⁹ When HB 1332 was first introduced in 2013, Representative Marie Strinden asked: “I am wondering if this is a bill that is a solution looking for a problem?”⁸⁰ Another member, Representative Gail

⁷⁵ Omdahl 13 Jan. 2008.

⁷⁶ 10/9/2006 Jaeger letter to Lorraine C. Minnite.

⁷⁷ Opinion 3 Sept. 2008.

⁷⁸ *Bismarck Tribune* 10 Feb. 2009.

⁷⁹ *The Bismarck Tribune* 25 Mar. 2013.

⁸⁰ House Standing Committee 7 Feb. 2013.

Mooney, noted that even the Secretary of State had some concerns, and that he “made a mention that he felt this was a solution looking for a problem. I think this is looking for more problems going forward.”⁸¹ Even one of the bill’s sponsors, Representative Kasper, tacitly acknowledged there was no evidence of voter fraud: “*If* [emphasis mine] there are people out there who are abusing the privilege of voting, that they are stopped.”⁸² During the debate over voter IDs in 2013, the auditor from Cass County testified that voter fraud was not a problem, but that, with the new restrictions on voting, there was a “very real possibility of disenfranchising thousands of eligible voters.”⁸³

39. While the North Dakota Sentate was considering HB 1332, Senator Pollman asked the Deputy Secretary of State, Jim Silrum, “Out of the 10,517 people that voted by affidavit, how many are determined to be fraudulent?” Mr. Silrum answered: “I cannot give you an exact response on that.”⁸⁴ Thus, even though the bill would abolish the affidavit option, there was no knowledge of whether anyone had actually abused that process. In a later hearing, the bill’s sponsor was asked if there was any evidence of voter fraud. He replied: “There are currently 9 cases that the Secretary has found in the state that have voted twice.”⁸⁵ The Secretary of State then clarified that: “In the last election, there were 10,517 voter affidavits; in 2010 we had approximately 4,000..... We had nine cases. They voted absentee in one county and then went to where they lived and voted again.”⁸⁶ An opponent of the measure noted that these nine potential cases of voter fraud were out of 325,862 votes cast, or 0.0000276 percent.⁸⁷ Another legislator pointed out that there had

⁸¹ House Standing Committee 8 Feb. 2013.

⁸² House Standing Committee 2 Feb. 2013.

⁸³ North Dakota Democratic Caucus 13 Feb. 2013.

⁸⁴ Senate Standing Committee 21 Mar. 2013.

⁸⁵ Senate Standing Committee 2 April 2013.

⁸⁶ Senate Standing Committee 2 April 2013.

⁸⁷ Smith 3 April 2013.

been only one case of actual voter fraud in the last decade—out of more than two million votes cast, and only two or three cases in the last twenty years.⁸⁸ The Senate then heard testimony from the Associate Director of the AARP of North Dakota, who succinctly summarized the record:

“There is virtually no evidence of actual in-person voter fraud in North Dakota. In fact published reports show that in North Dakota in the last ten years there has only been one instance of voter fraud that has been prosecuted. The real problem is not people trying to vote who should not—it’s all the people who should vote and want to vote but cannot because of the rules that make it difficult....”⁸⁹

40. A national study of “voter fraud” completed in 2012 provided a state-by-state breakdown. That database reported three cases of people who voted twice in North Dakota (it is not clear if they were among the nine cases identified above). One of these cases resulted in a plea deal. The outcome of the other two is not known.⁹⁰

41. The debate continued when the state considered additional voter ID requirements in 2014. The Democratic candidate for Secretary of State in 2014, April Fairfield, argued that voter fraud had never been a problem in North Dakota.⁹¹ Even some of those who supported the changes wrought by HB 1332 and 1333 could not identify any need for the measures. For example, the Grand Forks County auditor opposed the return of the affidavit process because some people might abuse it and vote multiple times, even though she admitted she was unaware of that *ever* happening.⁹²

42. When the Legislature discussed creating a voter registration system in 2015, some legislators noted that voter fraud was not a problem and that, therefore, voter

⁸⁸ Smith 4 April 2013.

⁸⁹ Askvig 2013.

⁹⁰ News21, 2012.

⁹¹ Faulx 2014.

⁹² Hageman 23 Jan. 2015 (emphasis added).

registration was not necessary.⁹³

43. Even the state's own website admits there is no significant problem with voter fraud. This Q&A is found on the state's "Voice Your Vote" website:

"Is voter fraud possible in North Dakota? Yes."

"Have there been incidents of widespread voter fraud in North Dakota?
No."⁹⁴

44. There are three important factors to consider about the alleged cases of "voter fraud." First, the nine cases referenced above concerned absentee voting, not people showing up at the polls and pretending to be qualified when they were not. Second, the existing centralized system of voter records caught all of these—without any new voter ID requirements. Third, to my knowledge, none of the "nine cases" was prosecuted, even though voting twice is a crime. That is probably because their error was due to a misunderstanding of the voting system rather than malicious law-breaking. And the single case of the farmer voting where he was not supposed to vote did not lead to a conviction. Indeed, it appears that, at most, one person has possibly been convicted of voter fraud at the ballot box over several decades when millions of votes were cast. The type of crime that the new voter ID laws were designed to eliminate simply does not exist.⁹⁵ And yet, despite the lack of evidence of any voter fraud, the state legislature refused to re-instate the voter affidavit process in 2015.⁹⁶

⁹³ Smith 18 Sept. 2015.

⁹⁴ North Dakota Voice Your Vote (July 2015).

⁹⁵ This absence of voter fraud is not limited to North Dakota. For complete nation-wide analyses see: Chapter 2 of *The Voting Wars*, by Richard Hasen (2012); chapter 6 of *Stealing Democracy*, by Spencer Overton (2006); and *The Myth of Voter Fraud*, by Lorraine Minnite (2010). Also see: Urbina (26 Oct. 2010). Even the U. S. Justice Department under President George W. Bush could not find evidence of significant voter fraud; see: Lipton and Urbina 12 April 2007).

⁹⁶ Hageman 23 Jan. 2015.

2. Laws already existed to deal with voter fraud in North Dakota.

45. Another aspect of tenuousness is that voter fraud was already illegal under state law—before HB 1332 and HB 1333 became law. The kind of voter fraud that the newly restrictive ID laws would prevent—someone impersonating a qualified voter at the polls when in fact they are not qualified—was already illegal: “It is unlawful for an individual to ... knowingly vote when not qualified to do so.”⁹⁷

46. In sum, there does not appear to be a legitimate, substantiated need for the new voter ID laws. They have created a burden on people who face difficulty in obtaining one of the required IDs, they created a burden on the taxpayer, and they are redundant with existing law.

3. The cost of implementing the new Voter ID Law further reflects the tenuousness of the policy.

47. Another aspect of the tenuousness of the policy is the substantial cost. Despite the near complete absence of any voter fraud, the fiscally conservative state legislature was willing to expend significant amounts of money to implement the voter ID requirements. The fiscal note attached to HB 1332 was over a quarter of a million dollars.⁹⁸ The DOT estimated that it would cost them \$12,966 to issue the “free” non-driver IDs, and they would then lose \$245,888 on license fees that they would have been collected if a free alternative were not available.⁹⁹

4. Partisan political explanations exist for the adoption of the new voter ID laws.

48. In the near total absence of any actual voter fraud, we must ponder the motives of the North Dakota legislature in passing such restrictive voting laws. We may find clues

⁹⁷ North Dakota Election Laws 2015-2017: 38.

⁹⁸ Smith 22 Mar. 2013.

⁹⁹ House Standing Committee 2 Feb. 2013; Fiscal Note 12 Feb. 2013.

by examining the larger debate over the passage of newly restrictive voter ID laws.

49. At the national level, proponents of strict ID laws claim their motivations have nothing to do with race or ethnicity or partisan advantage. However, there are several examples of partisan operatives who have openly admitted that voter ID laws help Republicans win elections by disenfranchising groups of people who typically vote for Democrats—and Indian voters would fall into that category. The push for strict ID laws appears to have its roots in efforts made by the American Legislative Exchange Council (ALEC). ALEC's founder, Paul Weyrich, explained in 1980 why he favored constricting the electorate: "Elections are not won by a majority of people. They never have been from the beginning of our country, and they are not now. As a matter of fact our leverage in elections quite candidly goes up as the voting populace goes down."¹⁰⁰ In 2009, ALEC proposed a "model" voter ID law and began a campaign to encourage its membership, which included many state legislators, to adopt some form of a strict ID law in their state. Many did so, which resulted in a wave of new voter ID laws. According to a recent investigation, of the 62 voter ID laws proposed in 37 state legislatures in 2011 and 2012, more than half were sponsored by legislators who had attended ALEC conferences.¹⁰¹ A website that tracks ALEC membership claims that 25 members of the North Dakota House, and seven members of the North Dakota Senate, are members of ALEC, including the sponsor of HB 1332.¹⁰²

50. ALEC's strict "model" voter ID law provides for an affidavit process if the voter does not have an ID (Center for Media and Democracy 2016). Thus, the North Dakota law is even more restrictive than the one suggested by ALEC.

51. Following the push by Weyrich and ALEC, a number of Republicans have

¹⁰⁰ Weyrich 1980.

¹⁰¹ Magoc 21 Aug. 2012.

¹⁰² Sourcewatch 2016.

candidly admitted they don't want some people—who usually vote Democrat—to vote. Don Yelton, a GOP party operative in North Carolina (which passed a strict voter ID law), recently said: "The law is going to kick the Democrats in the butt...if it hurts a bunch of lazy blacks that want the government to give them everything, so be it."¹⁰³ Another North Carolina Republican, running as a candidate in the Republican primary for a seat in the U. S. Congress, freely admitted the voter ID law was discriminatory, but used language to describe it that would be inappropriate to quote in this report.¹⁰⁴

52. In Pennsylvania, the state House Republican leader commented during the 2012 elections that the state's new voter ID law would "allow" Mitt Romney to win the state.¹⁰⁵ In Texas, the former political director of the Republican Party explained that Republicans like voter ID laws because it is an "article of religious faith that voter fraud is causing us to lose elections," even though there was no evidence of voter impersonation in Texas.¹⁰⁶

53. The new voter ID law in Indiana was upheld at the appellate level by Judge Richard Posner. In later comments, Judge Posner was quite candid about the law's purpose: "I plead guilty to having written the majority opinion (affirmed by the Supreme Court) upholding Indiana's requirement that prospective voters prove their identity with a photo ID—a type of law now widely regarded as a means of voter suppression rather than of fraud prevention."¹⁰⁷

54. Several of the new voter ID laws were accompanied by sharp restrictions on early voting. These provisions may also have been motivated by partisan gain. Phyllis Schlafly, the widely-known conservative, candidly said that the North Carolina legislature (dominated by Republicans) cut back on early voting because it favored Democrats: "The

¹⁰³ Farley 26 Oct. 2013.

¹⁰⁴ Reilly 28 Aug. 2013.

¹⁰⁵ Weinger 25 June 2012.

¹⁰⁶ Quoted in Mack 18 May 2007

¹⁰⁷ Posner 2013: 84-85.

reduction in the number of days allowed for early voting is particularly important because early voting plays a major role in Obama's ground game.... early voting is an essential component of the Democrats' get-out-the-vote campaign."¹⁰⁸ In Florida, a former GOP chairman explained the motive behind reducing early voting:

"The Republican Party, the strategists, the consultants, they firmly believe that early voting is bad for Republican Party candidates.... It's done for one reason and one reason only.... 'We've got to cut down on early voting because early voting is not good for us,' Greer said he was told by those staffers and consultants. 'They never came in to see me and tell me we had a (voter) fraud issue... It's all a marketing ploy.'"¹⁰⁹

Chris Christie, the Republican governor of New Jersey, vetoed a bill that would have expanded early voting, then noted it was important to elect Republic governors so they could "oversee the voting mechanism."¹¹⁰ In Georgia, a Republican state senator complained that early voting (on a Sunday) made voting too convenient for Black voters: "Now we are to have Sunday voting at South DeKalb Mall just prior to the election... this location is dominated by African American shoppers and it is near several large African American mega churches."¹¹¹

55. The academic literature on the impact of voter ID laws supports the contention that voter ID laws have nearly always been passed by legislatures dominated by one party (Republicans) and have had a negative impact on the turnout of voters of another party (Democrats), especially minority voters.¹¹² A recent book on voter suppression summarized the latest literature:

¹⁰⁸ Schlafly 19 Aug. 2013.

¹⁰⁹ Quigley 25 Nov. 2012.

¹¹⁰ Hayes and Jackson 21 Oct. 2014.

¹¹¹ Quoted in Malloy and Galloway 9 Sept. 2014.

¹¹² See, for example: Hasen 2012: 32; Minnite 2010: 148-49, 153; Alth 2009; Atkeson et. al. 2010; Bentele and O'Brien 2014; GAO 2014; Brennan Center 2006; Pawasarat 2005.

"The potential for strict ID laws to skew election outcomes is huge. About 11 percent of Americans do not have a driver's license or non-driver's government ID. Voters without such documentation are far more likely to be among these demographics: African Americans, immigrants, the poor, people with disabilities, and senior citizens. Academic study after study has shown this connection between demographics and ID Possession."¹¹³

56. Some of those academic studies examine specific jurisdictions. One recent analysis in the city of Boston found "strong evidence that Hispanic and black voters were asked for identification at higher rates than white voters.... The magnitudes of the differences are significant."¹¹⁴ A study in New Mexico concluded that "on some level discrimination at the polls is occurring, even if only in an unbalanced application of the voter identification law...."¹¹⁵

57. Studies that cover the entire United States have found similar results. One analysis concluded that "strict voter identification laws do, in fact, substantially alter the makeup of who votes and ultimately do skew democracy in favor of whites and those on the political right. These laws significantly impact the representativeness of the vote and the fairness of democracy."¹¹⁶ A wide-ranging survey of voter ID laws published in the scholarly journal, *Political Research Quarterly*, reached this conclusion: "the GOP appears to have opted for coalition maintenance instead of coalition expansion... by embracing several restrictive voting reforms whose true purpose is to marginally curtail the participation of voters typically aligned with the Democratic Party."¹¹⁷ Another comprehensive survey concluded:

"Our results indicate that proposal and passage [of voter ID laws] are highly partisan, strategic, and racialized affairs. These findings are consistent with a

¹¹³ Wang 2012: 83

¹¹⁴ Cobb, Greiner, and Quinn 2012: 2

¹¹⁵ Atkeson. et. al. 2010: 70

¹¹⁶ Hajnal, Lajevardi, and Nielson 2014

¹¹⁷ Hicks, et. al. 2014: 12.

scenario in which the targeted demobilization of minority voters and African Americans is a central driver of recent legislative developments.... Recent legislative efforts to restrict voter access [are] pursued in order to demobilize and suppress particular categories of voters for partisan gain.”¹¹⁸

A study by the Brennan Center found that the people most likely not to have proper identification were the elderly, minorities, and low-income people.¹¹⁹ The Government Accountability Office (GAO) recently analyzed the research on the relationship between race and possession of a voter ID, and concluded that possession of an ID “varied by racial and ethnic groups,” with Black and Hispanic voters less likely to have the appropriate ID.¹²⁰ Political Science Professor Lorraine Minnite suggests that voter ID laws are a “throwback to the post-Reconstruction era when the newly enfranchised freedmen of the South were often forced to carry their registration papers with them to the polls.”¹²¹

58. In sum, the “debate” over voter ID laws may be an example of what political scientist Henry Flores calls a “racial shield... best described as a device used in the policy process allowing decision makers to divert the attention of others from issues having to do with discriminatory practices.”¹²² In North Dakota, the reality revealed by these studies has significant negative implications for Native American voters. As one interviewee put it, “...the case in point is the voter ID; people of color feel targeted.”¹²³

C. North Dakota’s new Voter ID Laws Have Made It More Difficult For American Indians To Vote.

59. Under the new voter ID laws, there are several ways to obtain a valid ID, but each option carries with it expenses and access problems. According to the state’s website,

¹¹⁸ Bentele and O’Brien 2013: 1104

¹¹⁹ Brennan Center 2006.

¹²⁰ GAO 2015: 1.

¹²¹ Minnite 2010: 152.

¹²² Flores 2015: 26.

¹²³ B. Nelson interview.

the “ID required for voting,” identifies the acceptable forms of ID.¹²⁴ There are problems with each one.

1. Current driver’s license.

60. The state website indicates that, if the address on a driver’s license or a non-driver’s ID card is not current, the potential voter can update it in three ways. Each way presents potential problems for some voting-eligible citizens.

- #1. Update the address online. This requires that the voter have access to a computer and an Internet connection.
- #2. Travel to a DOT Driver’s License Site (DLS) to update a current license with a new address. This requires a car and sufficient money to cover fuel costs. Distances from reservation communities to DLSs can be quite significant, resulting in a costly trip to the DOT.
- #3. Travel to a DOT DLS to get a new driver’s license. Many American Natives in North Dakota do not have a driver’s license. A recent survey of Indians in the Bismarck/Mandan area found that 19 percent of the respondents did not have one.¹²⁵ Getting a new license costs \$15, plus \$5 for the written test, and \$5 for the road test. The applicant must already have proof of identification to get this form of ID.¹²⁶ This also requires a car and travel expenses.¹²⁷

2. Non-driver’s identification card.

61. There is an \$8 charge to obtain a non-driver’s ID if you have a driver’s license, or to renew a non-driver’s ID if you have a driver’s license, or to replace a lost, stolen or destroyed ID card.

62. According to the state’s website, to obtain a “non-driver photo identification card,” “you must visit one of the ND Drivers License Sites.” This requires a car and travel expenses. But there appears to be a “catch-22” to the ID. The website says “proof of

¹²⁴ North Dakota Voice Your Vote 2015.

¹²⁵ Sacred Pipe Resource Center 2014.

¹²⁶ <http://www.dot.nd.gov/divisions/driverslicense/dlrequirements.htm>.

¹²⁷ North Dakota 2016b.

identification is required." In other words, like a new drivers license, one must have an ID to get an ID. There is an \$8 fee for every form of ID, except for the non-Driver's license if you do not have a driver's license, and "Renewal of ID card and you do not possess a ND Driver's License," which are free.¹²⁸ Thus, to avoid having to pay for an ID required for voting, the procedure for obtaining the non-driver ID must be truly free. But this is not the case. The website indicates that "You will not be allowed to test or obtain a North Dakota Permit, license, or non-driver identification card without proper identification." It then lists the acceptable forms of ID that can be used to obtain an ID:¹²⁹

- "Valid, unexpired U. S. Passport." A passport application costs \$110.
- "Report of a Birth Abroad issued by the U. S. Department of State." This is irrelevant and unobtainable to Native Americans born in the United States.
- "Certificate of Naturalization." This is irrelevant and unobtainable to Native Americans born in the United States.
- "Certificate of Citizenship." This is irrelevant and unobtainable to Native Americans born in the United States.
- "Valid, unexpired Permanent Resident Card." This is irrelevant and unobtainable to Native Americans born in the United States.
- "Unexpired Employment Authorization Card." This is irrelevant and unobtainable to Native Americans born in the United States.
- "Unexpired Foreign Passport with I-94." This is irrelevant and unobtainable to Native Americans born in the United States.
- "I-94 Card Stamped Refugee or Asylee." This is irrelevant and unobtainable to Native Americans born in the United States.
- "U. S. birth certificate (state certified; Government issued)." This is the only form of ID that is relevant to American Indians born in the United States who do not already have a passport. Many American Indian people, especially those of an advanced age, were born on reservations and were not issued birth

¹²⁸ www.dot.nd.gov/divisions/driverslicense/idrequirements.htm.

¹²⁹ <http://www.dot.nd.gov/divisions/driverslicense/docs/proof-of-identification-documents.pdf>.

certificates. North Dakota will issue a birth certificate for \$7.

63. So, what does it take to obtain a birth certificate in North Dakota? According to the website of the North Dakota Department of Health, the applicant must first provide "proof of identity."¹³⁰ In other words, it takes a form of identification to get a birth certificate to use as an ID to get a state ID to vote. Ironically, the ID requirements for getting a birth certificate are considerably more liberal than the requirements for a voting ID. Acceptable forms of ID are:

- "State Government issued photo ID or Driver's License." As noted above, all of these cost money, and cannot be obtained without additional ID—such as a birth certificate.
- "Bureau of Indian Affairs issued tribal ID card." Unlike the voter ID law, this does not require that a person's residential address be listed on the card.
- "U.S. government issued Military ID card." This is irrelevant to American Indians unless they served in the military.
- "U. S. Government Passport or Visa." This costs \$110.
- "U.S. Government issued Permanent Resident Card." This is irrelevant and unobtainable to Native Americans born in the United States.

64. However, if the applicant does not have any of these, the applicant can provide two of the following:

- "Social Security card."
- "Utility bill with current address (can not be more than 3 months old)."
- "Bank statement with current address (can not be more than 3 months old)."
- "Pay stub (must include your name, SSN and the name and address of your employer)."
- "Car registration with current address (for the current registration year)."
- "IRS Tax Return (from the prior year)."

65. The website then states that, if the applicant cannot provide any of these, they

¹³⁰ www.ndhealth.gov/vital/birth/htm.

can call their office or email them. This is an admirable attempt at providing flexibility but of course requires that the applicant have either a phone or a computer with an Internet connection. Once the applicant has achieved the required “proof of identity,” they have four ways of submitting their application for a birth certificate:

- “Internet (Credit Card Only).” This requires a computer, an Internet connection, and a credit card.
- “FAX (Credit Card Only).” This requires a FAX machine and a credit card.
- “Mail (do not send cash).” To use this option, the applicant must “download and completely fill out request form.” This requires a computer with an Internet connection and a printer. The fee can be paid by credit card, or with a check (which requires that the applicant have a bank account), or a money order.
- “Stopping by our Office.” There is only one office—in the state capitol in Bismarck. This requires that applicants from Indian reservations travel a considerable distance.

3. Tribal government issued identification card.

66. All forms of identification must have the “applicant’s current or most recent North Dakota residential address.” Such an address does not appear on many tribal IDs. Indeed, houses on Indian reservations may not have a residential address.¹³¹ Several American Indians I interviewed showed me their tribal ID cards, and none had a residential street address. There is also a charge for a tribal ID in nearly all cases. Here are the parameters for getting a tribal ID:

- At Standing Rock Sioux, the first tribal ID is free, but a replacement card within five years is \$5. Only some of the newer IDs have a residential address. So, if a voter wanted to use their tribal ID to vote but had an old card that did not have an address and was issued within the last five years, they would have to travel to Fort Yates and pay \$5 for a new one.
- At Spirit Lake, a tribal ID costs \$11. They are distributed by the tribe’s Motor Vehicle Department. Only some of them have a residential address.

¹³¹ Woodard 18 July 2014.

- At Turtle Mountain, a tribal ID costs \$10. They are distributed by the tribe's Motor Vehicle Department. Only some of the newer IDs have a residential address.
- At Three Affiliated Tribes, a tribal ID costs \$10 up to age 59; members who are 60 and over are not charged. Only some of the tribal IDs have a residential address.

67. Thus, with few exceptions, there is a charge for tribal IDs, and to obtain an ID the applicant must travel to tribal headquarters.

4. Long term care identification certificate (provided by a North Dakota facility).

68. This, of course, is only available to a small portion of the population.

69. In sum, obtaining one of the forms of ID approved by the new voter ID laws almost always involves a fee or charge of some kind, and in nearly all cases requires travel. It also helps to have a computer with Internet access, a credit card, a car, and the ability to take time off work. Also helpful is a familiarity with the system of government and its bureaucracy. Thus, the voter ID requirement works best for people who live in urban areas, have a good income, are computer-literate and have a printer and/or FAX, have a good car and gas money, have a flexible schedule, and understand how to navigate the state's administrative procedures. For others, it places a significant burden on their ability to vote.

D. The New Voter ID Law Represented A Switch From A Liberal Voting System And Resulted In The Disenfranchisement Of Native American Voters.

70. The imposition of new voter ID requirements was, in itself, a departure from normal procedures. North Dakota traditionally had a very open voting system. There was no voter registration—the only state in the country without that. Prior to the 2014 law there was no requirement of any kind for a voter ID, and a voter had an option to sign an affidavit in order to vote. In the 2012 election—the last election to take place before the voter ID requirements were instituted—10,517 voters took advantage of the affidavit

option.¹³² In other words, the voting system was open and welcoming—and it worked well. Indeed, the state’s election process was rated number one in a 2012 survey of all 50 states—before the new ID requirements were implemented.¹³³

71. That changed with the election in 2014, due to problems with the new voter ID requirements. In the 2014 election, “Some had problems casting a ballot in November,”¹³⁴ and some were “turned away.”¹³⁵ Secretary of State Jaeger admitted that “a handful of voters’ information” had not been updated in the central voter file.¹³⁶ Some members of the Spirit Lake Reservation were not allowed to vote because their tribal IDs did not include sufficient information.¹³⁷ The North Dakota Association of Counties surveyed the state’s 53 counties to assess how many voters were turned away as a result of the new ID requirements. Only 30 counties responded, so the results are incomplete, but they revealed that 22 had failed to update their driver’s license and 66 did not have an acceptable form of ID.¹³⁸

72. Some of the disenfranchised people were students at the state’s public universities. A 2014 survey conducted by two professors from North Dakota State University found that “3.2 percent of respondents who attempted to vote in the 2014 midterm elections were unable to participate due to confusion over residency requirements Extrapolating the results of this survey to the general population indicates that 689 students were unable to vote due to residency issues.”¹³⁹ According to

¹³² Smith 3 April 2013; House Standing Committee 14 Feb. 2013.

¹³³ PEW 7 April 2014.

¹³⁴ Hageman 23 Jan. 2015.

¹³⁵ Smith 7 Nov. 2014.

¹³⁶ Smith 7 Nov. 2014.

¹³⁷ Monk 10 June 2014.

¹³⁸ Smith 10 July 2014.

¹³⁹ Bauroth and Nelson 2014.

the *United Tribes News*, some of the students who experienced problems were American Indians who were attending the United Tribes Technical College. However, the students did manage to vote after obtaining the proper ID from the registrar's office and returning to the poll a second time before it closed.¹⁴⁰

73. The sponsor of the second voter ID bill (HB 1333) admitted that the previous law, HB 1332, resulted in some voters who may have "fallen through the cracks."¹⁴¹ Some of the problems may have been due to a voter information campaign the state designed (using \$700,000 in federal money) to inform voters about the new requirements.¹⁴² One county auditor admitted there may have been some "mixed messages" regarding the new requirements.¹⁴³ A tribal college administrator made reference to this problem:

"When they changed the voter ID laws—which IDs are okay or not okay, or how it was affecting students, there wasn't enough public information out there to get that information to the people. That was the case two years ago for students on college campuses."¹⁴⁴

74. HB 1333 made the ID requirements for students even more cumbersome; it eliminated the use of student certificates as a viable form of identification.¹⁴⁵ As a consequence, some students at North Dakota's colleges and universities were prevented from voting by the new ID procedures.¹⁴⁶ Despite this, a bill introduced in 2015 to ease the ID restrictions on students was defeated.¹⁴⁷

75. Several interviewees experienced difficulties voting due to the new ID laws, or

¹⁴⁰ Neumann 2015.

¹⁴¹ Hageman 22 Jan. 2015.

¹⁴² Smith 10 July 2014.

¹⁴³ Hageman 21 April 2015.

¹⁴⁴ Neumann interview.

¹⁴⁵ Smith 7 April 2015.

¹⁴⁶ Hageman 21 April 2015.

¹⁴⁷ Hageman 11 Mar. 2015.

knew other people who had problems. Here are some of their comments:

- “The issue is the physical address. The Secretary of State Jaeger led the charge; he said you don’t live at a P.O. box, you live at an address, so that needs to be there. They don’t realize that, for many Indian families, you have multiple generations living in a house without door-to-door delivery. Their mail goes to a P. O. box—even here in Rolette. I have to go to the Post Office to get my mail. So a lot of people don’t have a physical address.”¹⁴⁸
- “For a lot of our people we have a tribal ID; they [the state] said they would take those, but only if it has an address. Even for me I don’t have an address; we are rural people, we have P.O. boxes. When I told them I don’t have a physical address, they told me to GPS the location of my home—state officials told me that. People don’t have GPS; a lot don’t even have phones. It just doesn’t happen because we don’t have the equipment. When I told them we don’t have a GPS, I never got a response from them.”¹⁴⁹
- “A couple of times [I have had problems voting]. We don’t have a physical address, only a P. O. box in St. John. And my tribal ID does not have an address on it [he showed me his tribal ID; there was no address on it].”¹⁵⁰
- “Most of the difficulties came from the Elders, who have a hard time getting a ride, and their ID doesn’t have a physical address. So they come in to vote, but are turned away and have to go all the way home; I have seen that myself. One of our Elder ladies didn’t have the right ID, but she said to the people at the voting: you know me, but they said: we can’t let you vote because of the new laws. I saw that myself—people being turned away due to the ID law. That lady had a walker. I remember that.”¹⁵¹
- “I’d gone to work at the Peace Gardens (which straddles the Canadian-U.S. border). My voting poll is in St. John. My husband picked me up from work because my truck was in the shop. I don’t normally take a purse to work because I work outside. But I had my passport because I work in both Canada and the U.S. So I always have my passport so I can get back into the U.S. On the way home we went to the polling station. They would not allow me to use my passport. My comment was, it’s an official ID issued by the federal government. They said you can’t use it because it does not have your physical address on it. It says I live in St. John, North Dakota, but it does not have my street address, so they said no. By then it was too late to go home, get my purse, and go back to

¹⁴⁸ Boucher interview.

¹⁴⁹ Allard interview.

¹⁵⁰ J. Turcotte interview.

¹⁵¹ Allard interview.

the poll; it would have been closed.”¹⁵²

- “There were people turned down if they only had their tribal ID without the address on it. People would even have their birth certificate, but they wouldn’t let them use that either.”¹⁵³
- “A lot of people have been turned away because of that ID thing—probably 8 to 10 that they wouldn’t let vote that I saw.”¹⁵⁴
- “Remember when we voted for the school district and they wouldn’t let me vote. The poll worker was my niece. She knew me, but she would not let me vote even though she’s known me all her life. She said it was against the rules.”¹⁵⁵
- “I was born and raised here, but I haven’t changed my driver’s license. I worked in Minot but I vote here, this is my home. The woman at the polls said I’m sorry, you can’t vote. And there were people there at the polls saying they knew me, but she still would not let me vote. I’d lived in Minot for a short while. Maybe she was just doing her job and following the rules; I can’t call it racism. The people in line said hi Matt; they knew me. I didn’t get to vote.”¹⁵⁶
- “...people who are “doubling up” [Native Americans who live in the homes or apartments of family members] don’t want to give an address that could lead to an eviction notice for their family members who are housing them. That proof of address is really the problem.”¹⁵⁷
- “We didn’t see a lot... Some people got turned away. Residency issues need to be addressed; it is an ill-defined term.”¹⁵⁸
- “Some tribal IDs have physical addresses, but quite a few just have a P.O. box. People don’t know street addresses; there are no street signs here [Fort Berthold] in many places.”¹⁵⁹
- “People who have tribal IDs; lots of them were turned away because they

¹⁵² C. Turcotte interview.

¹⁵³ C. Turcotte interview.

¹⁵⁴ A. McCloud interview. (Note: Mr. McCloud has been a poll worker for ten years.)

¹⁵⁵ E. McCloud interview.

¹⁵⁶ M. McCloud interview.

¹⁵⁷ Carbone interview.

¹⁵⁸ interview with five people from the North Dakota Association of Counties.

¹⁵⁹ Taft interview.

didn't have a current address. We are still nomadic. Some of our tribal IDs just have a P. O. box, or they don't have a house. Many people sometimes live in the same household. There are all these socially-based parameters that limit people to having an ID."¹⁶⁰

- "Most Native people didn't realize that [that they needed a physical address on their tribal ID] until they showed up to vote because the publications all said it was easy as pie, and the options included a student certificate and tribal ID. But nobody really clarified what had to be on the ID."¹⁶¹
- "I have a brother-in-law who said his 911 address was wrong, so they wouldn't let him vote. He has a tribal ID, but it didn't have an address. His driver's license had the wrong 911 address so he did not vote as a result."¹⁶²
- "Some people said they had ID problems, but it's the law."¹⁶³
- "The top reason [why American Indians experienced difficulty voting] is IDs, not being able to get a state ID. The tribal IDs don't have addresses on them."¹⁶⁴

76. Problems with the ID are not the only challenges facing American Indians who want to vote. The location of polling places can also present a problem. Two of the people I interviewed commented on this:

- "The polling locations [at Fort Berthold] that Natives can access; they'll put a squad car out there, targeting Native Americans. They [Native Americans] can be threatened; you need a heightened level of awareness."¹⁶⁵
- "They changed the polling place in my district (in Bismarck). It used to be closer to where the Natives live, at a golf course with three apartment buildings close by. They moved it to the civic center which is further away."¹⁶⁶

¹⁶⁰ Morgan interview.

¹⁶¹ Stromme interview.

¹⁶² anonymous1 interview.

¹⁶³ Silbernagel interview.

¹⁶⁴ Kary interview.

¹⁶⁵ Jones interview.

¹⁶⁶ Kary interview.

V. North Dakota Officials Have Failed To Responsively Act to Address the Needs of American Indians (Senate Factor 8).

77. The ability to obtain an ID to vote, and the act of voting itself, are greatly affected by both education and income. Indeed, it is well-recognized in political science that income and education correlate with voting turnout.¹⁶⁷

78. One of the hallmarks of “good” government is a government’s ability to serve the needs of the people—all the people. One aspect of responsive government is its ability to provide for the public education of its citizens. Another type of responsiveness concerns the ability of a government to assist those in the lowest rungs of the economic ladder. In North Dakota, there are significant differences between Anglos and American Indians in regard to education and poverty.

A. American Indians Suffer From A Lack Of Educational Resources In North Dakota (Senate Factors 8, 5).

79. North Dakota officials have failed to respond to the educational needs of American Indians. The lack of top-quality educational resources is reflected in ACT test scores. In a 2000 survey of ACT scores, white high school students in North Dakota scored an average of 21.6 (which is above the national average), but the state’s Indian students scored an average of 17.1.¹⁶⁸

80. The latest data comes from the American Community Survey (ACS), 2011-13, and it demonstrates significant differences between Anglos and Indians. Only 8 percent of Anglos have less than a high school education, but the figure for Indians is 18.1 percent. And 20.2 percent of Anglos have a Bachelor’s degree, while only 10.6 percent of Indians have that degree.¹⁶⁹

¹⁶⁷ Lien 2000; Verba and Schlozman 1995; Wolfinger and Rosenstone 1980.

¹⁶⁸ Nicholson 16 Aug. 2001.

¹⁶⁹ ACS: 3.

B. American Indians Living In North Dakota Suffer From The Effects Of Poverty (Senate Factors 8, 5).

81. North Dakota officials have failed to address the dire poverty of American Indians living in North Dakota. Data from the American Community Survey demonstrates the sharp contrast between the social and economic well-being of Anglos with that of American Indians living in North Dakota.¹⁷⁰ The rate of employment in the labor force for Anglos is 71 percent; for Indians it is 58 percent.¹⁷¹ Another indicator of potential economic difficulties is the percentage of households headed by a female with no husband present. For Anglos, that rate is only 6.7 percent, but for Indians it is 29.5 percent.¹⁷² Also, Indians tend to be employed in the lowest-paying jobs; 30.5 percent work in service occupations while only 16 percent of Anglos are in service jobs. At the other end of the spectrum, 35.2 percent of Anglos work in “management, business, science and arts,” but only 25.6 percent of Indians have such jobs.¹⁷³ It is not surprising then, that there is a big difference in income. The median annual household income for Anglos is \$56,566; for Indians it is not much more than half of that—\$29,909.¹⁷⁴ The data for “mean earnings” also reflects a large gap: for Anglos it is \$73,313, for Indians it is 48,763.¹⁷⁵ The low pay, lack of jobs, and inadequate education have led to stark differences in poverty rates. Only 5.3 percent of Anglos families live below the poverty line, compared to 37.7 percent for American Indians.¹⁷⁶

82. These differences in economic circumstances are reflected in differential rates of

¹⁷⁰ ACS 2011-2013.

¹⁷¹ ACS: 5.

¹⁷² ACS: 2.

¹⁷³ ACS: 6.

¹⁷⁴ ACS: 7.

¹⁷⁵ ACS: 7.

¹⁷⁶ ACS: 7.

home ownership versus rentals. In a state where a physical street address is a prerequisite for voting, this difference becomes very important. 67.2 percent of Anglos live in owner-occupied housing, compared to just 46.3 percent for Indians. Conversely, only about a third of Anglos (32.8 percent) live in rentals, compared to over half (53.7 percent) of the Indian people in the state.¹⁷⁷ Also, the value of these homes are quite different. The average value of a home for Anglos is \$144,400; the same figure for Indians is about half of that (\$74,700).¹⁷⁸ Home ownership among urban Indians is also low. According to a 2014 study of Natives in the Bismarck/Mandan area, 46 percent of Indians live in a rented apartment, and 18 percent live in a rented trailer. This means that the residential address of these citizens may change more frequently than people who own their own homes.¹⁷⁹ Indeed, this population appears to be fairly transitory; the same survey found that 12 percent of the respondents had lived in the Bismarck/Mandan area for less than one year; and 31 percent for one-to-five years. That makes it more difficult to obtain an ID with the most current residential address.

83. Another result of low income and lack of jobs is the inability to afford vehicles and phone service. Nearly all of the ID options described above require the potential voter to either travel long distances, or in a few options, call various state offices. Yet 13 percent of Indians do not have a vehicle, whereas only 5.1 percent of Anglos lack a vehicle. A recent survey of urban Indians in Bismarck/Mandan found that 19 percent of respondents did not own a vehicle.¹⁸⁰ And 3.6 percent of Indians do not have a phone, compared to 2.2 percent for Anglos.¹⁸¹

84. Another important aspect of poverty is the extent to which low-income people

¹⁷⁷ ACS: 8.

¹⁷⁸ ACS: 9.

¹⁷⁹ Sacred Pipe Resource Center 2014.

¹⁸⁰ Sacred Pipe Resource Center 2014.

¹⁸¹ ACS: 8.

have Internet access—required for many of the procedures described above. According to the chairman of the Federal Communications Commission, only between 5 and 10 percent of low-income households have broadband.¹⁸² A recent survey of Indians in the Bismarck/Mandan area also found a low proportion with connectivity; only 61 percent own their own computers, and only half have their own Internet access. The rest have to access it through some other way.¹⁸³ It is probably a safe assumption that these figures are considerably lower for rural areas on Indian reservations in North Dakota.

85. Poverty also results in less access to the legal system, and the need to rely on assistance: “Minorities constitute disproportionately large percentages of those using Legal Services North Dakota compared to minority populations in the state.”¹⁸⁴

86. We can also examine data from particular reservations to get a clearer picture of the poverty that afflicts American Indians in North Dakota. Data from the 2000 census revealed that the poverty rate among tribal members of the Turtle Mountain Band was three times higher than the state average, and the unemployment rate was 65 percent, compared to 2.8 percent for the state as a whole.¹⁸⁵ At Standing Rock (North Dakota), data from that same time period indicated a poverty rate of 61.3 percent and an unemployment level of 50.2 percent.¹⁸⁶ Today, unemployment at Standing Rock is 69 percent.¹⁸⁷

87. The website for the Turtle Mountain Tribe provides data from 2010 on poverty rates among its members. They estimated unemployment on the reservation at 69.25 percent, with 40 percent of tribal families living below the poverty level. These dismal statistics are reflected in the high poverty levels of local towns. In Rolla, 18.9 percent of the

¹⁸² Genachowski 2010.

¹⁸³ Sacred Pipe Resource Center 2014.

¹⁸⁴ North Dakota Commission 2012: 169.

¹⁸⁵ LJP & Associates 2008.

¹⁸⁶ Standing Rock Statistics.

¹⁸⁷ Standing Rock Sioux Tribe n.d.

people live below the poverty level; in St. John it is 16.2 percent, 32 percent in Dunseth, and 13.4 percent in Rolette.¹⁸⁸

88. Homelessness is also a significant problem on the Turtle Mountain reservation. According to a report by the Turtle Mountain Housing Authority, there are approximately 150 homeless people on the reservation.¹⁸⁹ This is especially relevant to this case because of the requirement that all voters have a residential address listed on their ID. This is obviously impossible for people without a home.

89. Most of these data were collected before the decline in oil prices and the sudden economic collapse in the oil fields of North Dakota. The oil boom brought a great deal of money to some Indian communities in North Dakota, but it also brought a panoply of social problems and infrastructure problems that still plague American Indians in the region, even though the money and the boom have since departed.¹⁹⁰ Thus, the poverty, economic dislocation, and accompanying social problems are even worse today than they were when the data cited above were collected.

90. The relationship between poverty and the ability to get an ID and vote was a theme in many of the interviews:

- "Take someone like X, a kid that I got through school. He has no car. He worked hard, got hurt, and they won't help him. So he's living on welfare. He's got no money."¹⁹¹
- "The problem is that the poverty is so high on the reservation that people can't afford to go and get a state ID, just a driver's license or state ID; they just can't afford it...everything falls back to poverty. They have no cars, no gas money, they have no resources to get to a state office."¹⁹²

¹⁸⁸ Turtle Mountain Tribe n.d.

¹⁸⁹ LJP & Associates Feb. 2008.

¹⁹⁰ Horwitz 28 Sept. 2014; Horwitz 5 June 2014; Frank 14 Mar. 2016.

¹⁹¹ J. Turcotte interview.

¹⁹² M. McCloud interview.

- "I think poverty has a lot to do with it. It's having the gas to get there, having a car that runs. Living on benefits doesn't get you transportation."¹⁹³
- "We have to travel long distances... it is an obstacle for people on fixed incomes, and some people do not have their own vehicle."¹⁹⁴
- "Long distances are a challenge because you have poor people. Even if they have a car, they need gas. One loophole in the voter ID; on a tribal ID, you have to go to the tribal office. That can be a two-hour drive one-way here at Fort Berthold."¹⁹⁵

91. There are four counties in North Dakota with Native populations that exceed 30 percent of the total population: Benson, Sioux, Rolette, and Mountrail. Each of them is a significant distance from Bismarck. Thus, any procedure that requires residents of these reservations to travel to Bismarck imposes significant travel costs.

92. In sum, poverty, less education, and the requirements of the new voter ID laws conspire to make it difficult for many Indian people to vote.

C. American Indians Living In North Dakota Suffer From The Effects Of Poor Health And Health Care (Senate Factors 8, 5).

93. The dominant society does a poor job of providing adequate health care to Native Americans. The Indian Health Service explains that:

"The American Indian and Alaska Native people have long experienced lower health status when compared with other Americans. Lower life expectancy and the disproportionate disease burden exist perhaps because of inadequate education, disproportionate poverty, discrimination in the delivery of health services, and cultural differences."¹⁹⁶

As a result, the mortality rate for American Indians in the United States is 943/10,000, whereas the average for all races is 774/10,000.¹⁹⁷ Infant mortality is especially high

¹⁹³ Nordmark interview.

¹⁹⁴ Eagle interview.

¹⁹⁵ Jones interview.

¹⁹⁶ Indian Health Service 2016.

¹⁹⁷ Indian Health Service 2016.

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among American Indians (13.5) compared to Anglos nationally (7.5).¹⁹⁸

94. One of the problems that affect health care for American Indians is a presumption sometimes made by states that the Indian Health Service can provide for all the health care needs of Indian people. But in North Dakota, there are only two IHS hospitals (among the total of 50 hospitals)—one at Fort Yates and one at Belcourt—so Native people must rely on other sources of health care. However, American Indians are three times more likely to not have health insurance in the state, and nearly twice as many American Indians report that they needed a doctor in the past year but could not afford it.¹⁹⁹

95. For these and many other reasons, the health of American Indians in North Dakota is significantly compromised. The percentage of American Indians in the state with a disability, age 18-64, is 17.5 percent (for the state as a whole it is only 8.6 percent).²⁰⁰ This is especially relevant to this case because a disability makes it even more difficult to obtain an ID.

96. The health of Native people in North Dakota is also threatened by environmental variables. On the Standing Rock Reservation, "Problems with water quality and inadequate supply are common throughout the reservation and have a detrimental effect on health and quality of life."²⁰¹ Tribal members at Fort Berthold are dealing with the negative health impacts of the massive drilling boom in that area.²⁰²

97. Another aspect of health is mental health. A survey of high school students found that 8.2 percent of white students had attempted suicide; the figure for American Indians is

¹⁹⁸ North Dakota Department of Health 2016, Table 14B

¹⁹⁹ North Dakota Department of Health 2016, Table 22

²⁰⁰ North Dakota Department of Health 2016: Table 8.

²⁰¹ Standing Rock Environmental Profile 2016.

²⁰² Brown 30 Nov. 2013.

nearly twice that—14.3 percent.²⁰³ The data are even more depressing for middle school kids: 5.2 percent of white students have tried to kill themselves, while 18.7 percent of American Indian kids have done so.²⁰⁴

98. These demographic variables—inadequate education, poverty, and poor health care—tend to combine in a vicious cycle. The University of North Dakota's Center for Rural Health notes that:

"People in poverty tend to have a lower health status. Poor housing, sanitation, and water supply can contribute to disease and ill health. Access to adequate and quality food sources is limited. Poverty is associated with greater rates of illness and shorter life spans."²⁰⁵

When people are dealing with survival, they are much less likely to have the time, energy, expertise, and desire to expend those resources on civic affairs. This is a very clear demonstration of Abraham Maslow's famous "hierarchy of needs." At the most basic level are physiological/biological needs—food, shelter, warmth. The next level is safety, including economic security and health. These needs must be met before the individual can aspire to higher levels of needs, such as political participation and civic engagement.²⁰⁶ It is clear from the data cited above that many Indian people in North Dakota are struggling desperately to achieve their most basic needs; this condition automatically reduces their opportunities to vote and elect candidates of their choice.

VI. The Minimal Extent to Which American Indians are Elected to Office in North Dakota Reflects Discrimination (Senate Factor 7).

99. American Indians in North Dakota are equal citizens of the county in which they

²⁰³ North Dakota High School Survey 2015, QN29.

²⁰⁴ North Dakota Middle School 2015, QN17.

²⁰⁵ Center for Rural Health 2014: 8.

²⁰⁶ Maslow 1954

reside, and the state, and for urban Indians, the city. Yet they have little or no voice in the governance and administration of these institutions of state.

A. Lack Of Representation In The State Legislature.

100. One of the most basic elements of representative government is the right to be represented by people who are “like-minded.” This, in many situations, means people from similar socio-economic, cultural, and racial backgrounds. But the American Indians of North Dakota are almost exclusively represented in the state legislature by Anglos. The state’s website for the Indian Affairs commission contains a list of the representatives from districts characterized as “Tribal Districts.” Of the 24 listed legislators, only one is an American Indian—Senator Richard Marcellais from Turtle Mountain.²⁰⁷ Another list, produced by the state legislature, lists districts “on/around” Indian reservations. This list names 42 representatives, and only one (Senator Marcellais again) is Native American.²⁰⁸

101. The legislature has a “Tribal and State Relations Committee.” It has seven members—all of them Anglos.²⁰⁹

102. Senator Marcellais represents the area of Turtle Mountain (Rolette County). There are three other significant areas of the state with concentrations of American Indians: Sioux County (Standing Rock), Benson County (Spirit Lake), and the five counties that contain parts of the Fort Berthold Reservation. According to my sources, no American Indian enrolled in one of those tribes has ever been elected to the state legislature from these areas.

B. Lack Of Representation In County And Local Elective Offices.

103. American Indians are also very rare among elected officials at the county level.

²⁰⁷ North Dakota Indian Affairs 2015.

²⁰⁸ North Dakota 64th Legislative Assembly 2016.

²⁰⁹ North Dakota State Government 2016a.

There are three counties with Indian populations that exceed 50 percent: Rolette, Benson, and Sioux. Rolette County (77 percent American Indian) has five county commissioners; only one is an enrolled member at Turtle Mountain. Sioux County (84 percent American Indian) has three commissioners; none is an enrolled member at Standing Rock. Benson County (55 percent American Indian) has five commissioners; one is American Indian.

104. At the local level, there is a considerable American Indian population in the Bismarck/Mandan area (2,973 according to the 2010 Census). Bismarck, which is 4.5 percent Indian, is governed by a city commission consisting of four commissioners and a mayor; none is American Indian. Mandan has a similar governing structure; it is 4.6 percent Indian, but no one on the city commission is American Indian. Fargo is 1.4 percent Indian, and has an all-white city commission.²¹⁰

105. I also attempted to assess the extent to which American Indians have been elected to school boards in North Dakota. There are American Indians serving on school boards for districts on or near reservations (examples: Belcourt and St. John at Turtle Mountain, Parshall and New Town at Three Affiliated Tribes). As for the other areas of the state where reservations are located or there are significant concentrations of Indian people, I could not find evidence of American Indians serving on school boards

106. As for county sheriffs, there was a Native county sheriff in McLean County (Three Affiliated Tribes), but he retired. There also has been at least one American Indian sheriff in Rolette County. I do not believe there are any elected American Indian sheriffs at present.

107. It is clear that a Native American running for public office faces tremendous hurdles—unless the electorate is completely dominated by Indian voters. An Indian woman who ran for a House district was told by a more experienced politico that she would do

²¹⁰ U.S. Census 2010.

much better if she changed her name to “something sounding Scandinavian.”²¹¹ And I cited above the comments made to Merle Boucher when he ran for state-wide office; he is not an enrolled member of any tribe, but has Indian/Metí blood and an Indian-sounding name, and thus was mistaken for being Native. When handing out campaign literature he was told by one man: “You f_____ Indians are all communists.”²¹² Another interviewee tried to explain why there are so few American Indians involved in governance: “It’s systemic. We are not really a part of the system; it has been built around us.”²¹³

C. Lack Of Representation In Civil Service And On Commissions/Boards.

108. Many important decisions in government are made by civil service administrators. Although data is difficult to obtain, there are some relevant examples. A 2012 analysis of state employees found that only 1.23 percent of state employees identify themselves as American Indians.²¹⁴ A 2012 analysis discovered that minorities, including American Indians, were “not proportionally represented in North Dakota’s legal profession or as state court employees.”²¹⁵

109. At the county level, it appears that there are very few administrative directors that are American Indian. The North Dakota Association of Counties produces a roster of elective officials and administrative heads in each county. Of all the names on that roster for Sioux County (84 percent American Indian), none is American Indian.²¹⁶ For Benson County (55 percent American Indian), the results are the same—no American Indians as

²¹¹ Jones interview.

²¹² Boucher interview.

²¹³ Kary interview.

²¹⁴ United Tribes Network 2013.

²¹⁵ North Dakota Commission: ix, 149. American Indians are 5.4 percent of the population, but only 0.8 percent of the state bar (North Dakota Commission (2012): 127.

²¹⁶ Hettich interview.

directors.²¹⁷ Rolette County (77 percent American Indian), however, is quite different: there are several Native people serving as county directors.

110. There also appears to be very few American Indians serving as appointed members of advisory boards and commissions. According to one source, "There is so much segregation we don't have representation on boards and advisory commissions. Just ask anybody and they'll know; they can't name a single Native American board member."²¹⁸ There are 137 commissions and boards listed on the state's website, and the race of the members is not denoted, so I have no way of independently verifying Ms. Kary's statement. The obvious exception is the state Indian Affairs Commission; of its ten members, most are American Indian. There is also a state Board of Indian Scholarships, chaired by the same individual as the Indian Affairs Commission, with two other voting members who appear to be non-Indian. The only other Indian commission I could find was for the city of Fargo, which has a Native American Commission composed mostly of American Indians. Apparently Fargo is the only city in North Dakota with such a commission.

VII. Conclusion

111. In the *Spirit Lake v. Benson County* case, cited above, the judge noted that "there simply is no more essential duty of a democratic government than to provide open, fair elections that are accessible to all eligible voters."²¹⁹ American Indians constitute an important part of North Dakota's electorate, comprising 5.4 percent of the population, according to the 2010 census.²²⁰ But turnout in areas predominantly American Indian is low; I compared the turnout rates for three counties that are predominately American Indian, and the forty counties that have virtually no American Indians. The three

²¹⁷ Weed interview.

²¹⁸ Kary interview.

²¹⁹ 2010: 7.

²²⁰ U.S. Census Bureau 2010a.

predominantly Indian counties are: Benson with 55 percent; Rolette with 77 percent; and Sioux with 84 percent. The average turnout for those three counties in the 2014 general election was 30.58 percent. The average for the forty "Anglo" counties was 52.8 percent.²²¹

112. This difference in turnout between Anglos and American Indians, and the impact of the voter ID laws, can be placed in the larger context of research on the impact of requiring voter ID. Although this body of literature is quite recent, and some results are mixed,²²² there is evidence that requiring an ID to vote lowers turnout rates among voters with less education and less income.²²³ One study found that states that imposed a non-photo ID law, such as North Dakota, lowered turnout by an average of 2.2 percent.²²⁴ In the 2012 general election, 325,862 people voted in North Dakota;²²⁵ 2.2 percent of that would be 7,168 voters. This should not be surprising, given recent research that indicates that perhaps 11 percent of U.S. citizens do not have a government issued photo ID. This percentage is even higher for Blacks, Hispanics, and low-income people.²²⁶

113. Obviously there is a great disparity in the level of electoral participation of

²²¹ Office of the North Dakota Secretary of State, n.d. This is an imperfect measure because there are significant numbers of Anglo people in these counties; thus, the real difference is probably higher. There is evidence that Native turnout is increasing. See: North Dakota Commission to Study Racial and Ethnic Bias in Courts (2012): 22.

²²² Some studies indicate that ID requirements only prevent a small percentage (1 to 1.2%) from voting; however, that is still thousands of voters at the state level, and the figure is almost certainly higher for American Indians due to the factors discussed in this report. For a survey of this complex literature, see: Pastor, Santos, Prevost, and Stoilov (2010). Part of the problem with this literature is that many of the studies pre-date the imposition of the latest voter ID laws. For example, nearly all of them pre-date the 2013 and 2015 laws passed in North Dakota. Also, they do not contain separate data for American Indians.

²²³ Alvarez, Bailey, and Katz 2007; Vercellotti and Andersen 2006.

²²⁴ Alth 2009.

²²⁵ 2012 General Election-Official Results.

²²⁶ Brennan Center 2006. It is probably a safe assumption that the same is true for American Indians, but the Brennan Center study did not separate out that group.

Anglos and American Indians. An American Indian woman, after encountering considerable difficulties in voting due to the new ID law, succinctly summarized some of the reasons why Native turnout may be low:

“There is an inherent level of distrust between Native people and the government. Many Natives avoid state elections altogether because we’ve been screwed over by both Democrats and Republicans, at every point in history, on just about every issue. So when we do choose to participate, we should at least be treated with the same level of respect as our non-Native counterparts.”²²⁷

114. Despite the great challenges to providing Indians an equal opportunity to vote, the state still chose to enact some of the strictest voter ID requirements in the nation. A survey by the National Conference of State Legislatures (NCSL) found that 36 states have recently passed some form of voter ID law (three of which have been struck down by the courts). North Dakota is classified in the NCSL survey as a “strict” non-photo ID state (with five other states). Thus, North Dakota has some of the most stringent requirements of any state in the nation. The NCSL definition of “strict” includes states that have an affidavit process or that allow for a provisional ballot. North Dakota allows neither, and thus might best be characterized as a “super-strict” state. Also, the NCSL analysis came out prior to the passage of HB 1333, which made the voter ID laws even stricter. The NCSL analysis notes that, in North Dakota, “If an individual offering to vote does not have or refuses to show an appropriate form of identification, he or she will not be able to vote.”²²⁸

115. The American Indian people who live in North Dakota have, in the words of the state’s Indian Affairs Commission, “endured and survived many oppressive federal policies.”²²⁹ Many of these oppressive policies were in response to the demands of local

²²⁷ Luger 6 Nov. 2014.

²²⁸ National Conference of State Legislatures 2015.

²²⁹ North Dakota Indian Affairs Commission.

settlers and encroaching Anglos.²³⁰ These demands from Anglos living close to Indian reservations was typical of that era, and clearly reflected in the language of the landmark U.S. Supreme Court case, *U. S. v. Kagama*: “They [Indian tribes] owe no allegiance to the states, and receive from them no protection. Because of the local ill feeling, the people of the states where they are found are often their deadliest enemies.”²³¹

116. And yet, the Native tribes of the northern Plains have managed to survive. As one Lakota woman put it, “Just being alive is a political act for Native people.”²³² In recent years, that survival has hinged in large part on their ability to protect themselves and promote their interests through the political process. And the most basic element in that process—the most fundamental right in a democracy—is the right to vote. Yet that right has clearly been affected by the new voter ID laws. It is my professional opinion that these laws have made it more difficult for American Indians in North Dakota to vote, and the extent of that difficulty is not shared by most non-Indian voters. When asked if American Indians in North Dakota have an equal opportunity to elect candidates of their choice, a tribal college administrator said: “No, it can’t be, it’s not balanced, there is no equity; the restrictions on their ID documents make it less than equal.”²³³ One of the American Indian people I interviewed summarized the situation this way: “Overall the state of North Dakota can do more. We’re not asking them to pick us up and carry us to the poll, but just assist us, and don’t ask questions about our IDs. Natives should be able to vote without the hardship of a state ID.”²³⁴

117. Given historical trends, socio-economic conditions, troubled Indian-Anglo relations, geographical isolation, and the unique political position of Indian tribes in the

²³⁰ Poitra and Poitra 1997; MHA Nation n.d.

²³¹ 1886.

²³² Morgan interview.

²³³ Neumann interview.

²³⁴ M. McCloud interview.

American polity, voter ID requirements have placed an especially difficult burden on American Indian people living in North Dakota. The large body of information I have collected supports the conclusion that North Dakota's voter ID laws have directly and demonstrably impaired the ability of some American Indians to participate in the electoral process and elect candidates of their choice.

Executed at Ogden, Utah, on June 17, 2016.

I declare under penalty of perjury that the foregoing is true and correct.



Dr. Daniel McCool

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled "**Declaration of Daniel McCool, Ph.D.**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

Christopher S. Joseph
Assistant Attorney General
State Bar ID No. 07450
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Facsimile (701) 328-4300
Email csjoseph@nd.gov

Dated: June 20, 2016

By: /s Matthew Campbell
Matthew Campbell

Matthew Campbell, NM Bar No. 138207, CO Bar No. 40808
mcampbell@narf.org

NATIVE AMERICAN RIGHTS FUND

1506 Broadway
Boulder, Colorado 80302
Phone: (303) 447-8760
Fax: (303) 443-7776

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EXHIBIT A

VITA

Daniel Craig McCool

Political Science Department
University of Utah
260 S. Central Campus Drive, Rm 252
Salt Lake City, UT 84112
(801) 585-6455
email: dan.mccool@poli-sci.utah.edu

May 2016

EDUCATION

Ph.D. (1983) University of Arizona (Political Science)
Dissertation: "Indian and Non-Indian Water Development."

Independent Doctoral Minor: Latin American Studies, awarded by the Latin American Area Center, University of Arizona.

M.A. (1978) University of Arizona (Political Science)
M.A. Thesis: "The Budgeting Problems of the National Park Service."

B.A. (1973) Purdue University (Sociology).

Major Fields of Research: voting rights, water resources, public lands, American Indian policy

Language Training: Spanish

WORK EXPERIENCE

1996-present	Professor of Political Science, University of Utah
2003-2015	Director, Environmental and Sustainability Studies Program
2011-2014	Co-Director, University of Utah Sustainability Curriculum Development
1998-2007	Director, American West Center
1989-1996	Associate Professor of Political Science, University of Utah
1990-1993	Associate Dean, College of Social and Behavioral Science
1987-1990	Director of Public Administration Education, Center for Public Policy and Administration, University of Utah
1987-1989	Assistant Professor of Political Science, University of Utah
1983-1987:	Assistant Professor, Texas A&M University
1982-1983:	Visiting Lecturer, Texas A&M University
Spring, 1981:	Lecturer for the American Indian Education Program, University of Arizona

1978-1982:	Research and Teaching Associate, Political Science Department, University of Arizona
June 1978-Oct., 1978:	Volunteer English Instructor for Project Ayuda in Cunen, Guatemala (7th, 8th, and 9th grade Mayan Indian students).
1976-1978:	Research Assistant, Political Science Department, University of Arizona.
1973-1974:	Research Assistant, Southwest Indian Youth Center, Tucson, Arizona.

PUBLICATIONS

Books:

River Republic: The Fall and Rise of America's Rivers. Columbia University Press, 2012 (paperback 2014). This book tells the story of America's rivers and the movement to bring them back to health and vigor. I develop the theme of a "river republic" by focusing on citizens who become politically active to save a local river. Runner-up, Science Category, Green Book Festival.

The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act. Edited. Indiana University Press, 2012. The book is a "debate in print" over the future of the Voting Rights Act. The chapter authors are the leading voices in that debate.

Native Vote: American Indians, the Voting Rights Act, and the Right to Vote, with Susan Olson and Jennifer Robinson. Cambridge University Press, 2007. This book provides a history and analysis of Indian voting rights, with emphasis on cases brought under the Voting Rights Act. Three case studies are used to illustrate the legal issues in such cases. The final chapter describes contemporary efforts by American Indians to participate in the political system.

Native Waters: Contemporary Indian Water Settlements and the Second Treaty Era. University of Arizona Press, 2002. This book analyzes the first fourteen negotiated settlements that attempted to resolve conflicts over Indian water rights. I argue that these water settlements constitute a second treaty era, analogous to the first treaty era of the Nineteenth Century.

Contested Landscape: The Politics of Wilderness in Utah and the West (with Doug Goodman). University of Utah Press, 1999. This edited book consists of chapters written by graduate and undergraduate students from the University of Utah. My contributions include the Preface, co-authorship of the final chapter ("The Community Context Approach"), and an introduction to each of the four sections of the book.

Staking Out the Terrain: Power Differentials Among Natural Resource Management Agencies, second edition, with Jeanne Nienaber Clarke. SUNY Press, 1996. This book formulates a model of agency power focusing on the ability of agencies to expand resources and jurisdiction. A detailed analysis of seven federal agencies provides support for the model. They are: the Army Corps of Engineers, the Forest Service, the Bureau of Reclamation, the National Park Service, the Fish and Wildlife Service, the Natural Resource Conservation Service, and the Bureau of Land Management.

Public Policy Theory, Concepts, and Models: An Anthology. Englewood Cliffs, NJ: Prentice Hall, 1995. This semi-edited book provides a comprehensive overview of the most influential theories, concepts, and approaches in policy studies. It is an anthology of previously published work arranged into conceptual categories. My contributions include: Section One: "The Theoretical Foundation of Policy Studies;" Section 6: "Conflict and Choice in Policy Theory;" and an "Introduction" and "Discussion" to accompany Sections Two through Five.

The Waters of Zion: The Law, Policy, and Politics of Water in Utah. University of Utah Press, 1995. This edited book consists of chapters written by graduate and undergraduate students from the University of Utah. My contributions include: Chapter One: "Politics, Water And Utah;" Chapter Nine: "The CUP Completion Act of 1992;" and an "Introduction" to each of the four sections of the book.

Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water . University of California Press, 1987, re-issued in paperback with a new chapter, 1994, by the University of Arizona Press. This book is concerned with differential rates of water development on Indian and non-Indian lands. Chapter one identifies factors that affect the political viability of iron triangles. The book then examines a traditionally weak iron triangle -- the water development program of the Bureau of Indian Affairs, and a traditionally powerful iron triangle-- the federal water development program.

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"Evolving Political Institutions: A New Water Policy and Its Impact on the Border Region.." In *The U. S. Mexican Border Environment*, edited by Suzanne Michel. San Diego State University Press, 2003: 363-394

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"Negotiated Water Settlements: Environmentalists and American Indians," with Laura Kirwan. In *Trusteeship in Change: Toward Tribal Autonomy in Resource Management*, edited by Richmond Clow and Imre Sutton. University Press of Colorado (2001): 265-280.

"Native Americans, Who Were Forced to Give Up Most of their Land, Should Exercise Jurisdictional Sovereignty over Their Reservations." In *History in Dispute: Water and the Environment Since 1945*, edited by Char Miller. Manly, Inc. (2001): 171-173.

"The CUP: A Project in Search of a Purpose," "Welcome, Floaters, to River City," and "The Northern Utes Long Water Ordeal." In *Water in the West*, edited by Char Miller. Oregon State University Press (2001).

"Contemporary Treaties: Indian Water Settlements." In *Fluid Arguments: Water in the American West*, edited by Char Miller. University of Arizona Press (2001): 120-138.

"Negotiating Water Settlements: Ten Common Themes," in *Indian Water in the New West*, edited by Thomas McGuire, William Lord, and Mary Wallace. University of Arizona Press (1993): 88-102.

"The Watering of the Reservation: Native Americans and their Water," in *Environmental Politics and Policy in the West*, edited by Zachary Smith. Kendall-Hunt Publishers (1993): 219-236.

"Water and the Future of Non-Indian Federal Lands in the Southwest," in *Water and the Future of the Southwest*, edited by Zachary Smith. University of New Mexico Press (1989): 113-32.

"Indian Voting," in *American Indian Policy in the Twentieth Century*, edited by Vine Deloria, Jr. University of Oklahoma Press (1985): 105-134.

"The Relevance of Management Information Systems to Policy Choices: Lessons for the Bureau of Land Management" with Helen Ingram, in *Developing Strategies for Rangeland Management*, edited by the National Research Council and the National Academy of Science, Westview Press, Boulder, Colorado (1984): 1785-1809.

ENCYCLOPEDIA ARTICLES

"American Indians, 1975-Present." *Encyclopedia of US Political History*, CQ Press, 2011.

"Dam Removal and River Restoration." *Encyclopedia of Water Politics and Policy in the United States*. CQ Press, 2011.

"Applied Behavioral Science." *The International Encyclopedia of Public Policy and Administration*., edited by Jay Shafritz. Westview Press (1997).

MEDIA PUBLICATIONS

"The Solution to Utah's Water Problems." Op-Ed, *Deseret News* (Jan. 5, 2016).
<http://www.deseretnews.com/article/865646997/The-solution-to-Utahs-water-problems.html>

"Utah Rules of the Road." *Salt Lake City Weekly* (Oct. 28, 2015).
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"3 Myths Power Effort to Give Federal Lands to Utah." Op-Ed, *Salt Lake Tribune* (July 3, 2014)
<http://www.sltrib.com/csp/cms/sites/sltrib/pages/printerfriendly.csp?id=58143192>

"What Gettysburg Means to America Today." Op-Ed, *Salt Lake Tribune* (July 12, 2013).

"The Big Shakeout and a New Water Ethic. *RMS Journal* 26, No. 3 (Fall, 2013): 18-19.
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"A Coalition to Stop Water Grab." Op-Ed, *Salt Lake Tribune* (April 2, 2013).

"Saving for the Future: Making a Commitment Now to Preserve Great Salt Lake." *Friends of Great Salt Lake Newsletter* (Fall, 2011, # 4): 7.

"Warning: Water Policy Faces an Age of Limits." *High Country News* (April 22, 2010), Reprinted in the *Salt Lake Tribune*, the *Summit Daily News*, the *Aspen Times*, and the *Cortez Journal*.

"Fall Creek." *American Rivers* (Fall, 2009): 13.

"If I Were President...." *The Canyon Country Zephyr* vol. 20, no. 4 (Oct/Nov 2008): 18.

"Native Vote in 2008." ACLU Blog of Rights, Voting Rights Symposium, October 17, 2008.

- "Perfect Moments." *The Canyon Country Zephyr* vol. 19, no. 5 (Dec/Jan): 14.
- "A Walking Tour of Washington's Civil War Statuary." *Civil War Historian* 3 (March/April 2007): 20-25.
- "As Dams Fall, a Chance for Redemption." *High Country News* (June 21, 2004): 12.
- "Funding the Water System with Property Taxes Is Unfair." *Salt Lake Tribune*, editorial (Sept. 2, 2001): AA2.
- "Indian Reservations: Environmental Refuge or Homeland?" *High Country News* (10 April 2000): 10.
- "Learning Vision." *Continuum* (Winter, 1998-99): 54.
- "Want Less Government and Lower Taxes? Stop the Spanish Fork-Nephi Irrigation Project." *The Salt Lake Observer* (July 17-30, 1998): 6.
- "Wasteful Irrigation Subsidies Are All Wet." *Salt Lake Tribune*, editorial (February 15, 1998): AA8.
- "A River Between Two Cultures." *Catalyst* (August, 1997): 14-15. (Awarded second place, "Excellence in Journalism Award," by the Utah Society of Professional Journalists, 1998).
- "Salt Lake's Water Needs are Real, but Let's Think Before Paying More." *Salt Lake Tribune*, editorial (August 3, 1997): AA6.
- "Indian Water Settlements: Negotiating Tribal Claims to Water." *Red Ink* (Spring, 1996): 10-14.
- "Utah and the Ute Tribe are at War." *High Country News* (June 27, 1994): 12. Reprinted in the *Ute Bulletin* (July 26, 1994): 5, and again (September 5, 1995): 4.
- "Return to Bittersweet Memories: A Family Vacation to WWII." *The Purdue Alumnus*, (Summer, 1993): 24-29.
- "Welcome Floaters, to River City." *High Country News* (Dec. 30, 1991): 15.
- "The Northern Utes' Long Water Ordeal." *High Country News* (July 15, 1991): 8-9. Reprinted in the *Ute Bulletin* (Aug. 13, 1991): 6.
- "The New Politics of the Environment and the Rise of 'Green Pork'." *Free Perspectives* IV(Dec., 1990): 5-7.
- "Indians Defend Tribes from Attack," *High Country News* (May 21, 1990): 14. Reprinted in the *Ute Bulletin* (June 27, 1990): 4.
- "New Coalition Lobbies for Indians," *High Country News* (Feb. 26, 1990): 3.
- "Pilgrimage to the Sacred Mountain," *Ascent: The Mountain Experience in Word and Image*, Sierra Club Books, 1989.
- "Let Taxpayers Devise Budget," *Salt Lake Tribune*, Common Carrier column (Mar. 26, 1989): A18.
- "Who's to Blame for \$3.12 Trillion Debt Limit? Look in Mirror," *Salt Lake Tribune*, editorial (Dec. 16, 1989): A14. Also published in *The Park Record* as "The Debt-Makers: Who Are Those Guys?" (Dec. 28, 1989): A20.
- "To Save a Sacred Mountain," *The Canyon Echo* (April, 1982): 4.
- "Climbing Tongue-in-Cheek," *Summit* (April-May, 1980).
- "Baboquivari Endures as Center of World," with Richard Harding, *The Indian Trader* (Aug., 1979): 3, 16.
- "Orizaba: The Other Side of the Mountain," *Summit* (June-July, 1979).

EXPERT WITNESS IN VOTING RIGHTS ACT CASES

U. S. V. South Dakota, 615 NW 2d 590 Dist. Court, South Dakota (2000) [mooted]. Sec. 2 case

U.S. v. Blaine County, 157 F. Supp. 2d 1145 - Dist. Court, D. Montana (2001). Sec. 2 case

Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 Dist. Court, D. South Dakota (2004). Sec. 2 case

Cottier v. City of Martin, No. CIV. 2002-5021 Dist. Court, D. South Dakota, (2005). Sec. 2 case

Koyukak v. Treadwell, Case No. 3:13-cv-00137-JWS Dist. Court, D. Alaska (2014). Sec. 203 case

Navajo Nation v. San Juan County, UT. Case. No. 2:12-cv-00039-DS (2016). Sec. 2 case

Brakebill v. Jaeger, Civ. 1: 16-CV-08 Dist. Court, North Dakota (current). Sec. 2 case

BOOK REVIEWS

The Blue, The Gray, and the Green, edited by Brian Allen Drake. *Journal of American History*, 2015.

Integrating Climate, Energy, and Air Pollution Policies, by Gary Bryner with Robert Duffy. *Perspectives in Politics*, 2013.

The New Politics of Indian Gaming. *American Review of Politics*. 2012.

Stealing the Gila, by David DeJong. *Pacific Historical Review*, Vol. 80, No. 1, 2010.

Dividing Western Waters, by Jack August. *Western Historical Quarterly*, 2009.

The Silver Fox of the Rockies: Delphus E. Carpenter and the Western Water Compacts, by Daniel Tyler. *The Journal of American History*. June 2004.

Fuel for Growth: Water and Arizona's Urban Environment, by Douglas Kupel. *The Journal of American History*. June 2004.

Indian Reserved Water Rights: The Winters Doctrine in Its Social and Legal Context, by John Shurts. *Pacific Historical Review* (Nov. 2001).

The Struggle for Water: Politics, Rationality, and Identity in the American Southwest, by Wendy Nelson Espeland. In *The American Political Science Review*, (Fall, 1999).

A Sense of the American West: An Anthology of Environmental History. Edited by James E. Sherow. In *Utah Historical Quarterly*, (1999).

The Weber River Basin: Grass Roots Democracy and Water Development, by Richard Sadler and Richard Roberts. In *The Journal of American History*, (Sept., 1995).

The Last Water Hole in the West, by Daniel Tyler. In *Western Historical Quarterly*, (Aug., 1993).

Senate Elections and Campaign Intensity, by Mark Westlye. In *Political Studies*, (1993).

Water Resources Management, by David Feldman. In *Policy Currents* (Aug., 1992).

American Indian Water Rights and the Limits of Law, by Lloyd Burton. In *Pacific Historical Quarterly* (May, 1992).

The Logic of Congressional Action, by R. Douglas Arnold. In *Political Studies* (1992).

Breaking the Iron Bonds, by Marjane Ambler. In *Natural Resources and Environmental Administration* (June, 1991): 6-7.

Environmental Politics and Policy: Theories and Evidence, edited by James P. Lester. In *Journal of Politics* (Aug., 1991): 889.

A Budget Quartet: Critical Policy and Management Issues, by Donald Axelrod. In *Western Governmental Researcher* (1990).

Envisioning a Sustainable Society, by Lester Milbrath. In *Rivers*, (1991).

Native American Estate: The Struggle Over Indian and Hawaiian Lands, by Linda S. Parker. In *The National Political Science Review* (1992).

A Life of Its Own: The Politics and Power of Water, by Robert Gottlieb. In *American Political Science Review* (Dec., 1989): 1382-83.

As Long as the Rivers Run: Hydroelectric Development and Native Communities in Western Canada, by James B. Waldrum. In *Western Historical Quarterly* (Feb., 1989): 87-88.

Controversies in Environmental Policy, edited by Sheldon Kamieniecki, Robert O'Brien, and Michael Clarke. In *The American Review of Public Administration* (June, 1988).

Water in New Mexico, by Ira G. Clark. In *New Mexico Historical Review* (1989).

INVITED TALKS

Speaker, Utah History Symposium, Salt Lake City, UT, May 12, 2016.

Speaker, Great Salt Lake Issues Forum, Salt Lake City, UT, May 11, 2016.

Speaker, Interagency Regional Wilderness Stewardship Training, St. George, UT, April 26, 2016.

Speaker, Spring Runoff Conference, Utah State University, Logan, UT, April 5, 2016.

Speaker, State of the Rockies Annual Speaker Series, Colorado College, Colorado Springs, CO, Mar. 28, 2016.

Speaker, Intermountain Sustainability Summit, Weber State University, Nov. 24, 2016.

Keynote speaker, Salt Lake County Water Symposium, Nov. 18-19, 2015

Speaker, Native Symposium, Weber State University, Ogden UT. Nov. 4, 2015.

Plenary Speaker, National Congress of American Indians, National Conference, San Diego, CA. Oct. 2015.

Keynote Speaker, Native American Rights Fund, Indian Voting Rights Symposium. Washington, D.C. May 27-28, 2015.

Debate on Public Lands. Speaker of the House Rebecca Lockhart and Representative Ken Ivory vs. Robert Keiter and Daniel McCool. Southern Utah University, Sept. 18, 2014.

<https://www.youtube.com/watch?v=1m631pbW6iU&feature=youtu.be>

Debate on "Who Should Manage Utah's Public Lands?" Speaker of the House Rebecca Lockhart and Representative Ken Ivory vs. Pat Shea and Daniel McCool. Salt Lake City, May 14, 2014.

<https://www.youtube.com/watch?v=GEoEgBkotvA>

Speaker, National Commission on Voting Rights, Las Vegas, NV, April 26, 2014.

Speaker, River Rendezvous, Moab, UT Nov. 9, 2013.

Speaker, Upper Colorado River Conference, Colorado Mesa University, Nov. 7, 2013.

Guest Speaker, Texas Tech University, Lubbock, TX, April 17, 2013.

Keynote Speaker, River Management Society annual conference, Grand Junction, CO, Mar. 12, 2013.

Guest Speaker, the Wild and Scenic Film Festival, Nevada City, CA. Jan. 11-13, 2013.

Guest Lecturer, Carleton College, April 19-20, 2011.

Speaker, League of Women Voters, Panel on the proposed Las Vegas Pipeline, Salt Lake City, UT, Sept. 15, 2010

Speaker, Utah State History Conference, panel on Oral History, Salt Lake City, UT, Sept. 10, 2010.

Speaker, Redistricting Institute, Duke University, July 28, 2010.

Census and Redistricting Institute, Participating Scholar, Atlanta, GA, July 20, 2009

Spring Runoff Conference, Keynote Speaker, Utah State University, April 3, 2009.

Law and Justice Center, Salt Lake City, UT, Feb. 5, 2009.

Special Collections Omnibus Lecture, Brigham Young University, Provo, UT, Nov. 5, 2008

Salt Lake Countywide Watershed Symposium, Salt Lake City, Oct. 29, 2008.

The *Winters* Centennial, Tamaya Resort, Santa Ana Pueblo, NM June 11, 2008.

Panel on Indian voting rights, National Indian Gaming Association, annual conference, San Diego, CA, April 22, 2008.

Panel on "Voting Rights in Indian Country," at the Indigenous Law and Policy Center, Michigan State University College of Law, Jan. 31, 2008.

Conference, "Overview of the Reauthorization and Amendment of the Federal Voting Rights Act." University of California, Los Angeles, Jan. 25-26, 2008.

Symposium on the future of the Colorado River, College of Law, University of Utah, Oct. 25, 2007

Water Resources Seminar, Oregon State University, Corvallis, OR, Oct. 10, 2007.

American Comenius, University of Groningen, the Netherlands, U. S. program, Oct. 2, 2007.

"Native Water Law & Public Policy: Critical Issues in the Great Lakes and St. Lawrence Watersheds." Keynote Speaker, Cornell University, School of Law, Ithaca, NY, Nov. 17-18, 2006.

American Comenius, University of Groningen, the Netherlands, U. S. program, 2006.

Harvard University Law School symposium, "Preserving and Promoting the Native American Vote: A New Look at the Voting Rights Act Renewal Process." Cambridge, MA, April 5, 2006.

American Comenius, University of Groningen, the Netherlands, U. S program, 2005.

Testimony before the National Committee for the Voting Rights Act, Rapid City, SD, September 9, 2005.

River Management Society, annual conference, Keynote speaker, Salt Lake City, UT May 10, 2005.

Colorado Plateau River Guides, annual conference. Cataract Canyon, May 2-5, 2005.

Invited speaker, National Congress of American Indians, national convention , panel on Native Voting Rights, Tulsa, OK, November 2005.

Invited speaker, Biannual Symposium on the Colorado River, sponsored by the Water Education Foundation. Bishop's Lodge, Santa Fe, NM. Sept. 29, 2005.

Symposium: "Changing Directions in Water Law." University of Texas School of Law. Feb. 4-5, 2005.

Mni-Sose Intertribal Water Coalition, board of directors meeting, Rapid City, SD. September 2004

"Water in Utah," sponsored by the Utah Science Center, Public Dialogue Series, September 2004 (aired on KCPW radio, September 20, 2004).

BLM Recreation/Wilderness/Cultural/VRM Workshop, Moab, Utah. September 2004.

Utah State Historical Society, annual meeting, panel on Lake Powell. September 2004.

Mni-Sose Intertribal Water Coalition, Annual conference, Denver, CO. January 2004.

The Utah Environmental Symposium, Salt Lake City, UT, Nov. 2003.

Utah State University, Natural Resources and Environmental Policy Program, November 28, 2001.

U. S. Department of the Interior, Office of Indian Water Rights, annual negotiation teams meeting, Seattle, WA, November, 2000.

Conference on "Rivers, Dams and the Future of the West." Sponsored by the Utah Wetlands and Riparian Center, Salt Lake City, UT, November, 1999.

Symposium on "Where the Rivers Flow," sponsored by the Wallace Stegner Center, Salt Lake City, Utah, April, 1999.

Symposium on Tribal Survival, sponsored by Dine' College, Flagstaff, Arizona, April, 1999.

Symposium on "Changing Water Regimes in Drylands," sponsored by the Desert Research Institute. June 10-12, 1997, Lake Tahoe, CA.

Indian Water Rights Symposium sponsored by the All-Indian Pueblo Council, Indian Pueblo Cultural Center, Albuquerque, NM, April, 1994.

Symposium on the Future of the Colorado River Plateau, University of Utah School of Law, Sept., 1993.

"Arizona Water 2000," sponsored by the Commission on the Arizona Environment, Sedona, Arizona, Sept. 1992.

Invited Speaker, conference titled "A River Too Far: Water in the Arid West." Sponsored by the Nevada Humanities Committee, Reno, Nevada, 1991.

Symposium on "Water in the 20th Century," Phoenix, Arizona, 1990.

Bureau of Land Management, "Image Enhancement Seminar," Park City, Utah, 1989.

Workshop on Indian Land and Water Rights sponsored by the American Indian Lawyer Training Program, Albuquerque, N. M., 1987.

CONFERENCE PAPERS

"The Voting Rights Act and the Potential for 'Bail-in' After *Shelby County v. Holder*." The Midwest Political Science Association, Chicago, IL, April 2016.

"Pockets of Discrimination: The Voting Rights Act and the Role of 'Bail-in' After *Shelby County v. Holder*." The International Social Sciences Conference, Split, Croatia, June 2015.

"Creating a 'Water BRAC' Commission to Evaluate Existing Water Projects." American Water Resources Association, Vienna, VA, November, 2014.

"River Policy in Crisis: the Klamath River." American Political Science Association, Washington, D. C. August, 2014.

"Social Science Expert Witness Testimony in Voting Rights Act Cases." With Richard Engstrom, Jorge Chapa, and Gerald Webster. Eighth International Conference on Interdisciplinary Social Science, Charles University, Prague, The Czech Republic, August, 2013.

"Campus Sustainability in the U. S.: A Comparison of a Research and a Teaching University," with Janet Winniford. 2010 Conference on Environmental, Cultural, Economic and Social Sustainability University of Cuenca, Cuenca, Ecuador January 5-7.

"Rivers of the Homeland: River Restoration on Indian Reservations." International Congress of Americanists, Sevilla, Spain, July, 2006.

"From Insanity to Enlightenment: Changing Perceptions of River Restoration and River Restorationists." Transatlantic Workshop on "Restoring or Renaturing." Zurich, Switzerland, July, 2006.

"The Community Context Approach: Cross-Boundary Management and the Protection of Parks and Wild Lands." International Symposium on Society and Resource Management, Sardinia, Italy, 2002.

"The Wilderness Debate in Utah: Using Community Values and Education to Resolve Conflict." International Symposium on Society and Resource Management. Indiana University, 2002.

"Evolving Political Institutions: A New Water Policy and its Impact on the Border Region" Southwest Center for Environmental Research and Policy, Bi-National Water Program. Rio Rico, AZ, 2002.

"Indian Water Rights in the Settlement Era." American Political Science Association, Washington, D. C. 2000.

"Land Use, Borders, and Environmental Policy: Tribal Autonomy and Ecosystem Management." International Conference on "Nature, Society and History," Vienna, Austria, 1999.

"Two Cultures, Two Communities, One County: Devolution and Retrenchment in Indian Country." With F. Ted Hebert and Doug Goodman. American Political Science Association, 1998.

"Subsystem Theory and the Hierarchy of Conflict." Western Political Science Association, 1997.

"Environmentalists, Tribes, and Negotiated Water Settlements," with Laura Kirwan. American Political Science Association, 1995

"Successes and Failures of Policy Theory." Western Political Science Association, 1992.

"Indian Water Rights: The End of the Negotiation Era?" Western Political Science Association, 1991.

"Indian Water Rights: Negotiation; Agreement; Legislative Settlement." American Water Resources Association, 1989.

"Using Measures of Budgetary Success to Evaluate Subgovernment Theory: The Case of Federal Water Resource Development." Western Political Science Association, 1988.

"Policy Theory, Policy Typologies, and Decision-making." Midwestern Political Science Association, 1987.

"Federal Water Development: Changing Theoretical Assumptions." Western Political Science Association, 1987.

"Subgovernments, Political Viability, and Budgetary Constraints." Western Political Science Association, 1986.

"Subgovernments, Autonomy, and Stability: The Case of Federal Water Resource Development." Western Social Science Association, 1986.

"Western Water Policy and Federalism: Two Conflicting Doctrines." Southwestern Social Science Association, 1984.

"Contemporary Federal Water Policy: The Battle Over Water Project Expenditures During the Carter and Reagan Administrations." Western Social Science Association, 1983.

"Indian and Non-Indian Water Development: Competition for Water and Water Projects." Western Social Science Association, 1983.

"The Theoretical Origins of the *Winters* Doctrine." Southwestern Social Science Association, 1982.

"For Richer or for Poorer: A Comparative Approach to the Study of Bureaucracy," with Jeanne Nienaber. Western Political Science Association, 1981.

"Indian Water Rights: The Bureaucratic Response." Arizona Section of the American Water Resources Association, 1981.

"Indian Water Rights, The Central Arizona Project, and Water Policy in the Lower Colorado River Basin." Western Social Science Association, 1980.

"Federal Indian Policy and the Sacred Mountain of the Papago Indians." Southwestern Social Science Association, 1980.

OTHER CONFERENCE ROLES

Discussant, panel on "The Most Fundamental Right: Voting Now and Then, Here and There." The Midwest Political Science Association, Chicago, IL, April 2016.

Moderator, panel on "Flood Management." American Water Resources Association, Vienna, VA, November 2014.

Delegate, NASPA Exchange Program with Deutsches Studentenwerk (Germany), February 2014, focusing on campus sustainability.

Presenter, American Water Resources Association, annual meeting, panel on dam removal and river restoration, Seattle, WA, November 2005.

Discussant, panel on "Native Americans in the Twenty First Century." Western Social Science Association. April 2005.

Chair, panel on "Revisions in Policy Subsystem Theory." Western Political Science Association, 1997.

Invited Participant, Moscow State University Symposium on Training Public Administrators, Moscow, Russia, March 1993.

Chair, panel on "Public Policy Theory: Past, Present, Future." Western Political Science Association, 1992.

Invited Discussant, conference on "Innovation in Western Water Law and Management," University of Colorado School of Law, 1991.

Delegate, Citizen Ambassador Program, Environmental Technology Delegation to the Soviet Union, 1990.

Organizer and Moderator, panel on "Hosting the Olympics," National Association of Schools of Public Affairs and Administration, 1990.

Invited Discussant, Symposium on "Indian Water Rights," University of Colorado School of Law, 1990.

Invited Discussant, Arizona Historical Society, symposium on Water, Tucson, Arizona, 1989.

Chair, panel on "Executive MPA Programs," National Association of Schools of Public Affairs and Administration, 1989.

Discussant, Sixth Annual Women in Public Administration Conference, Salt Lake City, Utah, 1989.

Chair, panel on "Models of Policy Analysis." Western Political Science Association, 1989.

Discussant, panel on "Natural Resource Management in the Post-Reagan Era." American Society for Public Administration, 1989.

Convener and discussant, panel on "Administrative Practice and Organization Theory." Public Administration Theory Symposium, American Society for Public Administration, 1989.

Participant, Minnowbrook II Conference on the Future of Public Administration, Syracuse University, Sept., 1988.

Discussant, panel on "Limited Perspectives: Traditional Methods and Models and the Study of Native American Political Participation." American Political Science Association, 1988.

Chair, panel on "Alternative Models of Environmental Policy Formulation and Implementation." Western Political Science Association, 1988.

Chair, panel on "Policy Models and Theories." American Political Science Association, 1986.

Chair, panel on "Environmental Policy," Western Political Science Association, 1986.

Chair, panel on "Subsystems and Natural Resource Policy." Western Social Science Association, 1986.

Discussant, panel on "Environmental Politics and Policy: A Synthesis and Critique." Western Political Science Association, 1985.

Discussant, panel on "The Political Context of Environmental Policy." Western Political Science Association, 1984.

Chair, panel on "Indian Water Rights and Water Development." Western Political Science Association, 1982.

PUBLIC COMMUNICATIONS

Quoted interview, *Mother Jones*, Mar. 25, 2016 (topic: Indian voting rights)

NPR, All Things Considered, recorded interview, Jan. 18, 2016 (topic: Marketing Indian water)
<http://www.npr.org/2016/01/18/463503934/arizona-tribes-wade-into-the-water-business>

Market Place, Oregon Public Broadcasting, quoted interview, Jan. 4, 2016 (topic: public lands)
<http://www.marketplace.org/2016/01/04/world/how-feds-came-own-west>

KRCL, Radioactive Show, on-air interview, Sept. 20, 2015 (topic: Navajo water)
<http://www.krcl.org/tag/dan-mccool/>

CBS Sunday Morning, on-camera interview Aug. 15, 2015 (topic: Navajo water)
<http://www.cbsnews.com/news/the-water-lady-a-savior-among-the-navajo/>

BYU Radio, on-air interview. May 15, 2015 (topic: river restoration and water management)
<http://www.byuradio.org/episode/b98b846e-feca-4401-a14f-c288370763f4/top-of-mind-with-julie-rose-the-river-republic-straight-talk-parenting>

KSRW Radio, Santa Monica, CA. on-air guest, April 3, 2015 (topic: western water)
<http://kcrw.com/news-culture/shows/to-the-point/a-parched-west-struggles-to-adapt-to-the-realities-of-drought>

Trib Talk, on-air interview. Mar. 10, 2015 (topic: Utah water policy).
<http://www.sltrib.com/blogs/tribtalk/2270151-155/trib-talk-is-bear-river-project>

Quoted interview, *Salt Lake Tribune*, March 9, 2015 (topic: The Bear River Project).
<http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=2230808>

Environment, quoted interview, Dec. 11, 2014 (topic: Utah water)

KSUB, Cedar City, UT, Sept. 18, 2014 (topic: public lands)

KUER, Radio West, Salt Lake City, on-air guest, April 23, 2014 (topic: public lands grazing)
<http://radiowest.kuer.org/post/cliven-bundys-range-war>

On-film interview for movie, "Black Hawk." Mar. 2014.
<https://www.youtube.com/watch?v=liLXujigjPY>

KUER, Radio West, Salt Lake City, on-air guest, Sept. 3, 2013 (topic: Colorado River)
<http://radiowest.kuer.org/post/sharing-colorado>

Quoted interview, *Anchorage Press*, July 18, 2013 (topic: The Voting Rights Act).

Blog post for Indiana University Press, June 28, 2013 (topic: The Voting Rights Act)
<http://iupress.typepad.com/blog/2013/06/how-does-shelby-county-v-holder-impact-the-voting-rights-act.html>

Indian Country Today, quoted interview, June 28, 2013 (topic: The Voting Rights Act)

Quoted interview, *DebtWire*, May 1, 2013 (topic: Las Vegas pipeline)

Quoted interview, *Huffington Post*, April 8, 2013 (topic: Las Vegas pipeline)
http://www.huffingtonpost.com/mobileweb/2013/04/08/utah-nevada-water-deal-colorado-river_n_3038477.html

KUER, Radio West, Salt Lake City, on-air guest, April 4, 2013 (topic: Las Vegas pipeline)
<http://radiowest.kuer.org/post/protecting-snake-valley>

New York Times, quoted interview, Mar. 26, 2013 (topic: the Pecos River and western drought).
http://www.nytimes.com/2013/03/27/us/new-mexico-farmers-push-to-be-made-a-priority-in-drought.html?pagewanted=all&_r=0

New Books in Political Science, blog, interview with Heath Brown. Feb. 26, 2012 (topic: *The Most Fundamental Right*).
<http://newbooksinpoliticalscience.com/2013/02/27/daniel-mccool-the-most-fundamental-right-contrasting-perspectives-on-the-voting-rights-act-indiana-up-2012/>

Albuquerque Journal, quoted interview, Feb. 10, 2013 (Topic: Navajo water settlement)

River Management Society Journal, book review of *River Republic*, Winter, 2012 (Topic: *River Republic*):
<http://www.river-management.org/assets/Journals-Newsletters/2012%20winter.pdf>

Suburban Wildlife Magazine Blog, interview, January 13, 2013. (topic: *River Republic*):
<http://blog.suburbanwildlifemagazine.com/2013/01/13/daniel-mccool.aspx>

KDVS Radio, Davis, CA, interview, Jan. 5, 2013 (topic: The Wild and Scenic Film Festival)

Western Water, quoted interview, Nov/Dec 2012 (topic: the Colorado River)

Salt Lake Tribune, Editorial, "Protect our Rivers." Dec. 22, 2012.

KSFR Radio, interview with Diego Mulligan on the "Journey Home" Show, Albuquerque, NM, Dec. 11, 2012 (topic: *River Republic*)

KCPW Radio, interview, Oct. 23, 2012 (topic: *The Most Fundamental Right*)
<http://redthread.utah.edu/take-a-longer-view-of-election-day/7780>

The King's English Bookstore, reading, Oct. 18, 2012 (topic: *River Republic*)

Salt Lake Tribune, featured column, Oct. 4, 2012 (topic: *River Republic*)
<http://www.sltrib.com/sltrib/entertainment2/54996363-223/rivers-america-mccool-utah.html.csp>

Interview, KUER Radio, Sept. 10, 2012 (topic: *River Republic*):
<http://www.kuer.org/post/u-professor-optimistic-about-americas-rivers>

Interview, The Park Visitor, Sept. 10, 2012 (topic: *River Republic*):
<http://parkvisitor.com/blog/2012/09/10/daniel-craig-mccools-outdoor-adventure-and-conservation-tips/>

Page 99 Blog, September, 2012 (topic: *River Republic*):
<http://page99test.blogspot.com/2012/09/daniel-mccools-river-republic.html>

KCPW Radio, interview, Aug. 20, 2012 (topic: *River Republic*)

Indian Country Today, quoted interview, June 15, 2012 (topic: Indian voters)

Salt Lake City Weekly, quoted interview, May 9, 2012 (topic: Las Vegas Pipeline).

The New York Times, quoted interview, April 11, 2011 (topic: Indian water rights)

KSL TV News, interview, April 1, 2011 (topic: Colorado River)

Associated Press, quoted statement, Sept. 29, 2010 (topic: Navajo water settlement)

Salt Lake Tribune, quoted statement, Sept. 17, 2010 (topic: proposed Green River pipeline)

Tooele Transcript Bulletin, quoted statement, Sept. 16, 2010 (topic: proposed Las Vegas pipeline)

USA Today, quoted statement, Aug. 24, 2010 (topic: Grand Canyon). This article was picked up by 75 newspapers.

The Salt Lake Tribune, quoted statement, Aug. 24, 2010 (topic: Grand Canyon)

KUER Radio, quoted statement, Aug. 23, 2010 (topic: Grand Canyon)

KSL TV news, interview. April 21, 2010 (topic: reservoirs in Utah)

Fox News Utah, news coverage, Feb. 14, 2010 (topic: climate change)

Indian Country Today, quoted interview, Feb. 4, 2010 (topic: Indian voting rights)

Indian Country Today, quoted interview, Oct. 20, 2009 (topic: Indian voting rights)

High Country News blog, quoted interview. Oct. 15, 2009 (topic: Indian voting rights)

KUED "Utah Now" television program, August 21, 2009 (topic: western water policy)

Salt Lake Tribune, quoted interview, Nov. 28, 2008 (topic: Navajo water rights)

Indian Country Today, quoted interview, Oct. 26, 2008 (topic: American Indian voting)

KCPW Radio, interview, Oct. 22, 2007 (topic: western water policy)

KUER Radio, interview, Oct. 2, 2007 (topic: water policy in Utah)

Calibre, quoted interview, June 11, 2007 (topic: Indian voting rights)

Los Angeles Times, quoted interview, April 22, 2007 (topic: federal public lands)

The New Standard (national on-line news publication), quoted interview, January 22, 2007 (topic: American Indian water rights)

Salt Lake Tribune, quoted interview, Oct. 30, 2006 (topic: global warming and water)

KUSU Radio interview, August 31, 2006. (topic: Utah water).

Salt Lake Tribune, quoted interview, August 8, 2006. (topic: Utah water).

KUER, Radio West program, live interview, March 7, 2006 (topic: Women war veterans).

KCPW Radio, live interview, March 7, 2006 (topic: Women war veterans).

Salt Lake Tribune, quoted interview, February 16, 2006 (topic: American Indian voting rights).

Native American Times, secondary quote, November 1, 2005 (topic: American Indian voting).

Time Magazine, quoted interview, July 18, 2005 (topic: dam removal)

Salt Lake Tribune, quoted interview, June 23, 2005 (topic: river restoration)

Los Angeles Times, quoted interview, April 26, 2005 (topic: National Park Service)

Associated Press, quoted interview, October 25, 2004 (Nov. 2 in *Tri-Valley Central*) (topic: dam removal).

Deseret Morning News, quoted interview, Aug. 8, 2004 (topic: the law of the river)

East Valley Times (Arizona Tribune), secondary quote, June 4, 2004 (topic: the drought)

Los Angeles Times, quoted interview, May 22, 2004 (topic: American Indian voting rights)

Weather Notebook, Public Radio program, Boise, ID, interview, May 24, 2004 (topic: the impact of drought on western water policy)

Airtalk, KPCC Southern California Public Radio, interview, May 6, 2004 (topic: western water policy)

New York Times, quoted interview, May 2, 2004 (Topic: western water policy)

Rapid City Journal, quoted interview, April 12, 2004 (Topic: Indian voting rights)

High Country News, quoted interview, March 2004 (Topic: Indian water settlements)

Fox News, interview, Sept. 2, 2003 (Topic: Leavitt's appointment to EPA)

KUED Public Affairs Television presentation, "The Price of Water," April 22, 2003

AP Wire Service, interview, Aug. 29, 2003 (Topic: Leavitt's appointment to EPA)

KSL TV News, interview, Aug. 28, 2003 (Topic: water use in Salt Lake City)

City Weekly, interview, Feb. 13, 2003 (Topic: water policy)

High Country News Radio, interview, Aug. 19, 2002 (Topic: wilderness policy)

Associated Press, June 1, 2002, feature story (Topic: irrigation subsidies)

KSL TV News, May 6, 2002, interview (Topic: water use in Salt Lake City)

KUED Radio interview, April 17, 2002 (Topic: water policy in the Salt Lake Valley)

KUED Radio interview, Nov. 19, 2001 ("Radio West" special program on water policy in Utah)

KRCL Radio interview, Sept. 13, 2001 (topic: Utah water policy)

KCPW Radio interview, Aug. 23, 2001 (topic: Utah water policy)

KCPW Radio interview, August 27, 1999 (topic: BLM wilderness policy)

KUER Radio interview, August 20, 1999 (topic: Utah water policy)

KUED, Civic Dialogue, televised interview, June 20, 1997 (topic: Utah water policy)

ABC Evening News, televised interview, June 4, 1997 (topic: The CUP)

KUER Radio interview, May 23, 1997 (topic: Poverty on Indian reservations)

KRCL Radio interview, January 8, 1996 (topic: Utah water policy)

KCPW Radio interview, January 2, 1996 (topic: Utah water policy)

KRCL Radio interview, August 20, 1995 (topic: American Indian Resource Center)

KUER Radio interview, August 14, 1995 (topic: Northern Ute tribal government)

KTALK Radio interview, May 6, 1995 (topic: taxes)

KCPW Radio interview, July 6, 1994 (topic: the Northern Ute jurisdiction case).

KUER Radio interview, Feb. 16, 1994 (topic: the Northern Ute jurisdiction case).

Special Feature article in the *Utah Government Connection* titled: "The Moscow Kremlin: Closed for Cleaning." Oct., 1993.

Deseret News, quoted interview. April 18, 1993 (topic: Russia).

The Public's Capital, quoted interview, April, 1993 (topic: federal water policy).

Las Vegas Review -Journal, quoted interview, Oct. 31, 1992 (topic: Western Water Policy).

Testimony before the State and Local Affairs Interim Committee of the Utah State Legislature, Jan. 8, 1992 (topic: Utah Navajo Royalty Trust Fund).

Los Angeles Times, quoted interview, Aug. 27, 1990 (topic: Navajo voting rights).

Congressional Quarterly Weekly Report, quoted interview, Jan. 13, 1990 (topic: federal Indian policy).

High Country News, quoted interview, July 30, 1990 (topic: Navajo voting rights).

"The Central Utah Project: A Legacy of Promise and Controversy." *Public Policy Perspective* (newsletter of the Center for Public Policy and Administration, University of Utah), Spring, 1990.

"Recent Events in Treaty Rights." *Native American Policy Network Newsletter*, July, 1990.

KRCL Radio interview, June 5, 1990 (topic: The Central Utah Project).

KSL Radio interview, Sept. 5, 1989 (topic: Indian water rights).

KTKT Radio interview, Dec. 27, 1989 (topic: taxes).

KUED Television, "Civic Dialogue," Dec. 19, 1989 (topic: Indian water rights).

COURSES TAUGHT

Graduate Level:

- Water Policy
- Public Policy: Analysis and Theory
- Environmental and Sustainability Policy
- Administrative Theory
- American Institutions Seminar: Subsystem Theory
- Survey of American Politics and Government
- The Politics of Western Water
- Special Topics: Wilderness Policy in Utah and the West
- The Politics of Public Lands Management

Undergraduate Level:

- Water Policy
- Bureaucracy and Politics
- Environmental and Sustainability Policy
- Minority Group Politics
- Introduction to American Government
- Introduction to Public Administration

Senior Seminar: Who Rules America?
 Introduction to Environmental and Sustainability Studies
 Public Land Management in Costa Rica
 Environmental and Sustainability Studies Field Seminar
 Environmental and Sustainability Studies Capstone

GRANTS

Senior Consultant, USAID-funded Pakistan Centers for Advanced Studies in Water, 2014--present.

Faculty Consultant, "The Western Waters Digital Library: The Foundations of American Water Policy." National Endowment for the Humanities, 2007-2009. Funding = 5% time

Tanner Humanities Center, University of Utah. Research Interest Group grant to create a "Nuclear Utah" educational forum, 2006-07. Funding = \$1,200.

Applied Ethics and Human Values, University of Utah. 2005-06. Grant proposal: "Environmental Ethics and the Costa Rican Model of Ecotourism." \$6,200. With Professor Anya Plutynski.

National Endowment for the Humanities, program to create and preserve access to Humanities Collections, to digitize and archive 1,814 oral history interviews of American Indians, 2005-06. \$127,518 matching grant.

Quality Initiative Grant, University of Utah. To perform a complete program assessment of the Environmental Studies Program. 2003-2004. Funding = \$14,200.

Southwest Center for Environmental Research and Policy, Border Tribes Program. Co-P.I. This federally funded project developed a GIS Environmental Baseline for the Tohono O'odham Nation. 1999-2002. Funding = \$140,000.

Quality Initiative Grant, University of Utah. To create a new curriculum and program for the Red Rock Institute. 2001-2002. Funding = \$17,000.

U.S. Geological Survey, Water Resources Research Act Grant Program. Principle Investigator. "Negotiating Indian Water Rights Settlements: The Efficacy of Negotiation as a Dispute Resolution Strategy." 1992-1995. Funding = \$189,394.

University of Utah Teaching Committee. Awarded in 1996 to fund field trip for Wilderness Policy Class, \$1,200.

College of Social and Behavioral Science, University of Utah. Proposal Initiative Grant. \$4,000. Awarded summer, 1995.

University of Utah Research Committee. Grant to facilitate research on Indian Water Settlements: \$4,409. Awarded 1992.

Rural Utah Grant Program, Center for Public Policy and Administration, University of Utah. Project Title: "Ute and Navajo Water Rights: The Impact on Rural Utah." \$10,000. Awarded 1992-1993.

National Institute for Dispute Resolution, Higher and Professional Education Program, research grant for comparing negotiation and litigation as dispute resolution forums for Indian water rights: \$4,000. Awarded 1990.

University Teaching Grant to develop new course on water policy. University of Utah. Awarded 1989.

The Dean's R&D Fund. Project Title: "Conflict over Western Water: The Impact of 'Landmark' Decisions." College of Social and Behavioral Science, University of Utah. Awarded 1988.

Texas A&M University, Summer Research Grant, for project entitled "Water on the Hill: Subcommittees, Subgovernments, and Federal Water Development": \$5,000. Awarded 1986.

AWARDS

Runner-up, Science Category, Green Book Festival, for *River Republic: The Fall and Rise of America's Rivers*, 2013.

Finalist, College of Social and Behavioral Science, Superior Research Award, 2008, 2009

Finalist, College of Social and Behavioral Science Superior Teaching Award, 2011

Indigenous Day Dinner, Annual Awards, 2007, for "providing leadership for the American West Center on behalf of American Indians in the State of Utah."

University of Utah 2004 Diversity Award, presented to the American West Center.

Second place, "Excellence in Journalism Award," by the Utah Society of Professional Journalists, 1998 for "A River Between Two Cultures." *Catalyst* (August, 1997): 14-15.

Superior Research Award for Junior Faculty, College of Social and Behavioral Science, University of Utah, 1989.

ADMINISTRATIVE INITIATIVES

As co-Director of Sustainability Curriculum Development at the University of Utah:

Created, with my co-directors, the Undergraduate Certificate in Sustainability

Created, with my co-directors, the Graduate Certificate in Sustainability

As Director of the Environmental and Sustainability Studies Program:

Created a new Environmental and Sustainability Studies Minor

Directed the administration of an extensive program assessment and evaluation

Redesigned the Introductory course, ENVST 2100, required of all majors

Designed a new introductory field course, ENVST 2000, now required of all majors

Initiated the first Study Abroad program (Costa Rica) for Environmental and Sustainability Studies

Developed a new teaching curriculum, the Red Rock Institute, which explores environmental issues in the West.

Led the development of five new courses that focus on: sustainability science, environmental justice, global sustainability, leadership, and a senior capstone course

As Director of the American West Center:

Organized the 2006 Siciliano Forum. Topic: The Reauthorization of the Voting Rights Act

Negotiated numerous contracts for studies of Indian hunting and fishing rights and tribal archives.

Organized an annual conference called "Women at War," that featured female veterans.

Initiated a new oral history project of Utah's veterans, "Saving the Legacy," with over 500 interviews completed.

Wrote a successful NEH grant application to digitize the entire oral history collection of the Center—approximately 3,000 tapes.

As Associate Dean:

Initiated the effort that led to the establishment of the American Indian Resource Center on campus.

Created a new College grants program, the Proposal Initiative Grant, to help generate externally funded grants for College faculty.

Implemented a computerized search process to help College faculty find potential sources of external funding.

Created a Faculty Research Compendium that identified the major research activities of college faculty.

As Director of Public Administration Education:

Executive MPA: designed a new MPA program for middle- and upper-level administrators.

Public Administration Workshop for the Ute Indian Tribe: designed and implemented an annual intensive-session workshop for Ute tribal administrators.

Conference for Minority Public Administrators: designed and implemented Salt Lake City's first conference for minorities in the public sector work force.

COMMUNITY SERVICE AND CONSULTING

Member, Governor's Water Strategy Advisory Team, 2014-15.

Advisory Board, National Parks Conservation Association, Southwest Regional Office, 2009-present.

Co-author, *amicus* brief, in *Northwest Austin Municipal Utility District Number One v. Holder*, U. S. Supreme Court, No. 08-322, 2009.

Volunteer Tutor, Guadalupe Schools, 2007-2009.

Advisor, Rocky Mountain American Indian Economic and Education Foundation, 2003-2006.

Member, National Council of Scholars, Presidents Park, Williamsburg, VA. 2002-2004.

Consultant, National Oceanic and Atmospheric Administration, research project investigating the use of long-range weather data in water management planning for water conservancy districts and Indian reservations, 1999-2002.

Participating author and consultant, contract to facilitate meetings and research a proposal to divide San Juan County, UT. Final Report titled: "San Juan County Division Study," Prepared by the Center for Public Policy and Administration, University of Utah, 1997.

Member, Board of Directors, the Indian Walk-In Center, Salt Lake City, Utah, 1994 - 2000.

Advisory Committee for the American Indian Resource Center, University of Utah, 1990 -2000.

HB 1369 3-17-17 #9c

EXHIBIT B

Reference Materials for Daniel McCool, Ph.D.

Sources

Alth, Shelley de (2009). "ID at the Polls: Assessing the Impact of Recent State Voter ID Laws on Voter Turnout." *Harvard Law and Policy Review* 3 (1) 185-202.

Alvarez, Michael, Delia Bailey, and Jonathan Katz (2007). "The Effect of Voter identification Laws on Turnout. California State Institute of Technology, Scientific Working Paper No. 1267.

American Community Survey (ACS) 2011-2013. "Selected Population Profile in the United States, 3-Year Estimates, North Dakota. U. S. Census Bureau.

American Political Science Association (n.d.). Section on Qualitative Methods (<http://www.apsanet.org/content/57139.cfm>).

Askvig, Josh. (2013). Testimony to the Senate Government and Veterans Affairs Committee, in opposition to HB 1332. 21 Mar.

Atkeson, Lonna Rae, et. al. 2014. "A New Barrier to Participation: Heterogenous Application of Voter Identification Policies." *Electoral Studies* 29 (1): 66-73.

Bartolini, Stefano. 2013. "The Temporal Dynamics of the Franchise Expansion: Timing, Tempo, and Reversals." *Qualitative & Multi-Method Research* 11 (Fall, No. 2): 3-7.

Bauroth, Nick, and Kjersten Nelson (2014). "Results of a Survey of North Dakota College Students on Their Voting Experiences in the 2014 Election." https://www.ndsu.edu/fileadmin/centers/publicpolicy/2014_North_Dakota_Student_Voter_study_report.pdf

Bennett, Andrew, Aaron Barth, and Kenneth Rutherford. 2003. "Do We Preach What We Practice? A Survey of Methods in Journals and Graduate Curricula." *PS: Political Science and Politics*, 36 (3), 372-376.

Bismarck Tribune (10 Feb. 2009). "Closer Checking of Voters Defeated in N. D. House."

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Bentele, Keith, and Erin O'Brien (2013). "Jim Crow 2.0? Why States Consider and Adopt Restrictive Voter Access Policies." *Perspectives on Politics*. 11 (04) Dec: 1088-1116.

Bouie, Jamelle (28 Aug. 2013). "Republicans Admit Voter-ID Laws are Aimed at Democratic Voters." *The Daily Beast*.

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Brady, H., S. Verba, and K. Schlozman (1995). "Beyond SES: A Resource Model of Political Participation." *American Political Science Review* 89 (June): 272.

Brennan Center for Justice. 2006. "Citizens Without Proof: A Survey of American's Possession of Documentary Proof of Citizenship and Photo Identification." New York: Brennan Center for Justice.

Consortium on Qualitative Research Methods (n.d.).
<http://www.maxwell.syr.edu/moynihan/programs/cqrm/>

Denzin and Lincoln (2000, 2011). *The SAGE Handbook of Qualitative Research*, 1st ed., 4th ed. SAGE Publications.

Dick, Hilary, and Kristina Wirtz (2011). "Racializing Discourses: A Special Issue of the *Journal of Linguistic Anthropology*." *Journal of Linguistic Anthropology* 21 (S1).

Dickinson Press Staff (29 Mar. 2013). "Spirit Lake Tribe Denounces Remarks by Representative Kevin Cramer." *The Dickinson Press*.

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Ecoffey, Brandon (4 April 2013). "Rep. Cramer Verbally Attacks Indian Woman." *Native Sun News*.

Faulx, Nadya (2014). "General Election Will Bring New Voters: Officials Fear Regulation Will Deter Participation." *The Dickinson Press*. 1 Nov.

Fiscal Note (12 Feb. 2013). North Dakota Legislative Council. Amendment to HB 1332.

Frank, Matthew (14 Mar. 2016). "Over a Barrel: The Boom and Bust, the Promise and Peril, of the Bakken." *Mountain West News*.

Futterman, Matthew (26 Mar. 2015). "North Dakota Needs a Nickname (And No, 'Fighting Sioux' Won't Do)." *Wall Street Journal*.

Genachowski, Julius (2 Mar. 2010). "Remarks of the FCC Chairman to the National Congress of American Indians."

Government Accountability Office (Sept. 2014). "Elections: Issues Related to State Voter Identification Laws." Report to Congressional Requesters. GAO-14-634.

Hageman, John (23 Nov. 2014). "Voter ID Proposals in the Works to Tweak N.D. Law." *Grand Forks Herald*.

____ (22 Jan. 2015). "Lawmakers Float Changes to North Dakota's Voter ID Law." *Inforum.com*.

____ (23 Jan. 2015). "Lawmakers Float Voter ID Proposals." *Forum News Service*.

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____ (11 Mar. 2015). "ND House Defeats Student ID Bill Intended to Make Voting Easier." *Grand Forks Herald*.

____ (21 April 2015). "Legislature Passes Voter ID Bill." *Forum News Service*.

Hajnal, Zoltan, Nazita Lajevardi, and Lindsay Nielson (2014). "Voter Identification Law and Suppression of Minority Voters."

<http://pages.ucsd.edu/~zhajnal/page5/documents/voterIDhajnaletal.pdf>

Hayes, Melissa, and Herb Jackson (21 Oct. 2014). "Christie Says GOP Gubernatorial Candidates Need to Win so They Control 'Voting Mechanisms.'" *NorthJersey.com*.

Hasen, Richard (2012). *The Voting Wars: From Florida 2000 to the Next Election Meltdown*. Yale University Press.

Hicks, William, et. al. (2014). "A Principle or a Strategy? Voter Identification Laws and Partisan Competition in the American States." *Political Research Quarterly* 68 (21): 1-16.

Hill, Jane (2008). *The Everyday Language of Racism*. Wiley-Blackwell.

Horwitz, Sari (5 June 2014). "Attorney General Eric Holder Talks with Native American Teenage Boys in North Dakota." *The Washington Post*.

____ (28 Sept. 2014). "North Dakota's Oil Rush Brings Cash and Promise to Reservation, Along with Drug-fueled Crime." *The Washington Post*.

House Standing Committee (2 Feb. 2013). "Minutes." House Government and Veterans Affairs Committee. HB 1332, Job # 19351. North Dakota State Legislature.

____ (7 Feb. 2013). "Minutes." House Government and Veterans Affairs Committee. HB 1332, HB 18506. North Dakota State Legislature.

____ (8 Feb. 2013).). "Minutes." House Government and Veterans Affairs Committee. HB 1332, HB 18629. North Dakota State Legislature.

____ (14 Feb. 2013). "Minutes." House Appropriations Committee. HB 1332, 18984. North Dakota State Legislature.

Houska, Tara (20 Nov. 2015). "Legislation, Litigation, and the Kitchen Sink, But the Fighting Sioux Mascot is Done." *Indian Country Today*.

ICTMN Staff (14 May 2014). "Super Dumb at UND: It's Hard to Shake the Racism You've Enabled for So Long." *Indian Country Today Media Network*.

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Kamp, Karin (24 Oct. 2014). "Unbelievable GOP Statements on Voter Suppression." Bill Moyers & Company.

Karolevitz, Robert (1975). *Challenge: The South Dakota Story*. Sioux Falls: Brevet Press.

Katz, Ellen (2005). "Documenting Discrimination in Voting: Judicial Findings Under Section 2 of the Voting Rights Act Since 1982." Final Report of the Voting Rights Initiative, University of Michigan Law School.

Kolpack, Dave (18 Nov. 2015). "Fighting Hawks: New Mascot for UND." Associated Press, reported in *U. S. News and World Report*.

Lamont, Michèle, and Patricia White. 2009. Workshop on Interdisciplinary Standards for Systematic Qualitative Research. Washington, DC: National Science Foundation, Cultural Anthropology, Law and Social Science, Political Science, and Sociology Programs.

www.nsf.gov/sbe/ses/soc/ISSQR_workshop_rpt.pdf.

Lien, Pei-te (2000). "Who Votes in Multiracial America? An Analysis of Voting Registration and Turnout by Race and Ethnicity, 1990-1996." In *Black Politics in Multiracial America*, edited by Yvette Alex-Assensoh and Lawrence Hanks. New York: New York University Press.

Lipton, Eric, and Ian Urbina (12 April 2007). "In 5-Year Effort, Scant Evidence of Voter Fraud." *The New York Times*.

LJP & Associates (Feb. 2008). "Preliminary Ten-Year Strategic Plan to End Homelessness." Prepared for the Turtle Mountain Housing Authority.

Luger, Chelsey (6 Nov. 2014). "Turned Away from Voting with a Tribal ID: Why This Matters." *Indian Country Today Media Network*.

Mathews, Kevin (28 Oct. 2013). "5 Republicans Who are Getting Honest About Voter ID Laws." *Care2*.

Merrick, Melissa (n.d.). "North Dakota Congressman Kevin Cramer Verbally Attacks Native Victims' Assistance Program Director at State Meeting, Threatens to Ring Spirit Lake Tribal Council's Necks."

Minnite, Lorraine (2010). *The Myth of Voter Fraud*. Cornell University Press.

MHA Nation (n.d.). "MHA History." Mandan, Hidatsa & Arikara Nation. Home of the Three Affiliated Tribes. <http://mhanation.com/main2/history/html>

Monk, Jim (10 June 2014). "Voter ID Law Causes Some to be Turned Away at ND Polls." KFGO Radio.

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National Conference of State Legislatures (2015). "Voter Identification Requirements/Voter ID Laws." Wendy Underhill, Sept. 10.

News21 (12 Aug. 2012). <http://votingrights.news21.com/interactive/election-fraud-database/>

Neumann, Dennis (2015). "Student Voters Turned Away at UTTC Polling Site." *United Tribes News* (Winter): 26.

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<http://demcaucus.areavoices.com/tag/disenfranchisement>

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www.dot.nd.gov/divisions/driverslicense/idrequirements.htm).

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<http://www.dot.nd.gov/divisions/driverslicense/docs/proof-of-identification-documents.pdf>

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www.nd.gov/indianaffairs/?id=32

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North Dakota State Government (2016a). "Tribal and State Relations Committee."

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<http://www.legis.nd.gov/assembly/64-2015/committees/interim/tribal-and-state-relations-committee>

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North Dakota Voice Your Vote (July 2015). Secretary of State Elections Division.

<http://vip.sos.nd.gov/PortalListDetails.aspx?plhPKID=71&ptlPKID=7>

Office of the North Dakota Secretary of State (n.d.). Voter Turnout (North Dakota). Precincts Reporting: 427/427—Total Ballots Cast: 255128. 2014 General Election—Official Results.

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____ (5 Nov. 2006). "Opinion: N.D. Voters an Honest Lot." *The Bismarck Tribune*.

____ (13 Jan. 2008). "Voting by Mail Will Get a True Test in N.D." *The Bismarck Tribune*.

____ (1 May 2011). "Senate Defends N.D. Voters' Integrity." *The Bismarck Tribune*.

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Pope v. Albany (2015). 1:11-cv-0736 (LEK/CFH). Memorandum Decision and Order (Dist. Ct. N. Dist. NY) 24 Mar.

Reilly, Ryan (25 June 2012). "Pennsylvania GOP Leaders: Voter ID Will Help Romney Win State." PM Muckraker.

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Richardson, Heather Cox (2011). *Wounded Knee: Party Politics and the Road to an American Massacre*. Basic Books.

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<http://indiancountrytodaymedianetwork.com/2013/04/01/north-dakota-congressman-kevin-cramer-allegedly-verbally-attacks-abused-native-womens>

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____ (4 April 2013). "Dakota Wire." *The Bismarck Tribune*.

____ (7 Nov. 2014). No headline. *The Bismarck Tribune*.

____ (10 July 2014). "Candidates Differ on Voter ID Law." *The Bismarck Tribune*.

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Reference Materials for Declaration of Daniel McCool, Ph.D.

October 9, 2006 letter from North Dakota Secretary of State Alvin A. Jaeger to Lorraine C. Minnite, Assistant Professor in the Department of Political Science at Barnard College.

Interviewees

Agard, Jamie. Tribal Enrollment Technician for the Standing Rock Sioux Tribe. Telephone interview. 14 Mar. 2016.

Allard, LaDonna. Section 106 Coordinator for Tribal Preservation, Tribal Historian, and Tribal Genealogist. Telephone interview. 22 Mar. 2016.

Anonymous1

Anonymous2

Anonymous3

Askvig, Josh. Director AARP of North Dakota. In-person interview, Bismarck, ND. 3 Mar. 2016.

Bauroth, Nicholas. Professor of Political Science. Telephone interview. 8 Mar. 2016.

Birst, Aaron. Legal Counsel, North Dakota Association of Counties. In-person interview, Bismarck, ND. 4 Mar. 2016.

Boucher, Merle. Rolette County Commissioner. In-person interview, Rolette, ND. 5 Mar. 2016.

Carbone, Michael. Director, North Dakota Coalition for Homeless People. In-person interview, Bismarck, ND. 4 Mar. 2016.

Cook, Jennifer. North Dakota Director of the American Civil Liberties Union. Telephone interview. 7 Mar. 2016.

Doherty, Steven. Professor of Political Science, Dickinson State University. Telephone interview. 1 Mar. 2016.

Eagle, John, Sr. Director, Tribal Historic Preservation Office, Standing Rock Sioux Tribe. In-person interview, Fort Yates, ND. 3 Mar. 2016.

Hettich, Barb. Sioux County Auditor. Telephone interview. 14 Mar. 2016.

Hushka, Donnell. Legislative Liaison, North Dakota Association of Counties. In-person interview, Bismarck, ND. 4 Mar. 2016.

Johnson, Mark. Director, North Dakota Association of Counties. In-person interview,

Reference Materials for Declaration of Daniel McCool, Ph.D.

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Bismarck, ND. 4 Mar. 2016.

Kary, Cheryl. Executive Director, Sacred Pipe Resource Center. Telephone interview. 21 Mar. 2016.

McCloud, Alvin. Retired. Poll worker. In-person interview, Belcourt, ND. 5 Mar. 2016.

McCloud, Ella. Retired. In-person interview, Belcourt, ND. 5 Mar. 2016.

McCloud, Matthew. Retired. In-person interview, Sky Dancer Casino, 5 Mar. 2016.

Morgan, Kelly. Tribal Archaeologist. In-person interview, Fort Yates, ND. 3 Mar. 2016.

Nordmark, Jason. Owner and Editor, *Turtle Mountain Star*. In-person interview, Rolla, ND. 4 Mar. 2016.

Nelson, Barry. Organizer for the North Dakota Human Rights Coalition. Telephone interview. 14 Mar. 2016.

Nelson, Kjersten. Professor of Political Science, North Dakota State University. Telephone interview. 8 Mar. 2016.

Neumann, Dennis J., Public Information Director at United Tribes Technical College, Bismarck. Telephone interview. 15 Mar. 2016.

Silbernagel, Larry. County Commissioner, Sioux County. Telephone interview. 15 Mar. 2016.

Stromme, Renee. Director, North Dakota Women's Network. In-person interview, Bismarck, ND. 3 Mar. 2016.

Taft, Sevant. Enrollment Director, Three Affiliated Tribes. Telephone interview. 23 Mar. 2016.

Traynor, Terry. Assistant Director, North Dakota Association of Counties. In-person interview, Bismarck, ND. 4 Mar. 2016.

Turcotte, John. Retired policeman. In-person interview, St. John, ND. 5 Mar. 2016.

Turcotte, Catherine. Small business owner. In-person interview, Rolla, ND. 5 Mar. 2016.

Weed, Shelly. Deputy Auditor, Benson County. Telephone interview (brief). 22 Mar. 2016.

The individuals highlighted in Rep. Mock's testimony - HB 1369

County	CVF Record #	CVF Status	Voter Address in CVF	Voter Address in DOT	DOT Address Verification Date	Voted?	Affidavit?
Burleigh	765193	Inactive	547 S 7th St #103, Bismarck, ND	547 S 7TH ST APT 103, Bismarck, ND	02/28/17	No	
Burleigh	799078	Inactive	547 S 7th St #265, Bismarck, ND	547 S 7TH ST UNIT 265, Bismarck, ND	05/10/16	No	
Burleigh	809590	Inactive	547 S 7th St #265, Bismarck, ND	547 S 7TH ST APT 265, Bismarck, ND	07/19/16	No	
Burleigh	821258	Moved Out of State	547 S 7th St #265, Bismarck, ND	547 S 7TH ST APT 265, Bismarck, ND	02/14/13	No	
Burleigh	155248	Inactive	547 S 7th St, Bismarck, ND	547 S 7TH ST, Bismarck, ND	12/30/16	No	
Burleigh	838370	Inactive	547 S 7th St Apt 224, Bismarck, ND	547 S 7TH ST APT 224, Bismarck, ND	03/14/17	No	
Burleigh	219793	Inactive	547 S 7th St Apt 130, Bismarck, ND	547 S 7TH ST APT 130, Bismarck, ND	08/17/16	No	
Burleigh	117081	Inactive	547 S 7th St, Bismarck, ND	547 S 7TH ST, Bismarck, ND	11/22/16	No	
Burleigh	809579	Under 18	547 S 7th St #381, Bismarck, ND	547 S 7TH ST APT 381, Bismarck, ND	07/18/16	No	
Burleigh	57407	Inactive	547 S 7th St #170, Bismarck, ND	No record on file		No	
Burleigh	793462	Moved Out of State	547 S 7th St #232, Bismarck, ND	547 S 7TH ST APT 232, Bismarck, ND	03/08/16	No	
Burleigh	40048	Inactive	547 S 7th St Apt 107, Bismarck, ND	547 S 7TH ST APT 107, Bismarck, ND	01/31/17	No	
Cass	750776	Inactive	4302 13th Ave S, Fargo, ND	4302 13TH AVE S APT 4 174, Fargo, ND	09/08/17	No	
Cass	419916	Active	4302 13th Ave S Ste 4/181, Fargo, ND	4302 13TH AVE S STE 4/181, Fargo, ND	02/09/15	Yes	No
Cass	690723	Inactive	4302 13th Ave S Unit 4 155, Fargo, ND	4302 13TH AVE UNIT 4 155, Fargo, ND	08/10/16	No	
Cass	81743	Inactive	4302 13th Ave S Apt 184, Fargo, ND	4302 13TH AVE S APT 184, Fargo, ND	04/23/13	No	
Cass	157057	Inactive	4302 13th Ave S Apt 186, Fargo, ND	4302 13TH AVE S APT 186, Fargo, ND	01/11/12	No	
Cass	227319	Inactive	4302 13th Ave S Apt 171, Fargo, ND	4302 13TH AVE S APT 171, Fargo, ND	08/24/12	No	
Cass	227320	Inactive	4302 13th Ave S Apt 171, Fargo, ND	4302 13TH AVE S APT 171, Fargo, ND	11/01/16	No	
Cass	171647	Inactive	4302 13th Ave S Ste 4162, Fargo, ND	4302 13TH AVE S STE 4162, Fargo, ND	02/14/17	No	
Cass	81083	Inactive	4302 13th Ave S Apt 162, Fargo, ND	4302 13TH AVE S APT 162, Fargo, ND	05/03/16	No	
Cass	58504	Inactive	4302 13th Ave S Apt 171, Fargo, ND	4302 13TH AVE S APT 171, Fargo, ND	09/17/12	No	
Cass	205618	Inactive	4302 13th Ave S Ste 4236, Fargo, ND	4302 13TH AVE S STE 4236, Fargo, ND	01/31/17	No	
Cass	109014	Moved Out of State	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4, Fargo, ND	05/10/11	No	
Cass	240653	Inactive	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4, Fargo, ND	05/15/12	No	
Cass	256451	Active	4302 13th Ave S Ste 208, Fargo, ND	4302 13TH AVE S STE 208, Fargo, ND	04/15/16	Yes	No
Cass	61182	Active	4302 13th Ave S, Fargo, ND	547 S 7TH ST APT 309, Bismarck, ND	11/13/12	Yes	Yes
Cass	167310	Inactive	4302 13th Ave S Unit 222, Fargo, ND	4302 13TH AVE S BLD4 222, Fargo, ND	02/07/17	No	
Cass	359817	Moved Out of State	4302 13th Ave S Ste 4153, Fargo, ND	4302 13TH AVE S STE 4153, Fargo, ND	06/28/13	No	
Cass	640138	Under 18	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4, Fargo, ND	03/24/16	No	
Cass	364069	Inactive	4302 13th Ave S Ste 4-203, Fargo, ND	4302 13TH AVE S STE 4 203, Fargo, ND	07/02/13	No	
Cass	55791	Moved Out of State	4302 13th Ave S Apt 4165, Fargo, ND	4302 13TH AVE S APT 4165, Fargo, ND	07/24/15	No	
Cass	228052	Inactive	4302 13th Ave S, Fargo, ND	4302 13TH AVE SOUTH, Fargo, ND	08/26/16	No	
Cass	760480	Inactive	4302 13th Ave S Ste 4-112, Fargo, ND	4302 13TH AVE S STE 4 112, Fargo, ND	03/18/14	No	
Cass	377097	Inactive	4302 13th Ave S Ste 4 196, Fargo, ND	4302 13TH AVE S STE 4 196, Fargo, ND	03/02/17	No	
Cass	697751	Active	4302 13th Ave S Ste 4154, Fargo, ND	4302 13TH AVE S STE 4154, Fargo, ND	02/23/17	No	
Cass	627483	Inactive	4302 13th Ave S Unit 127, Fargo, ND	4302 13TH AVE S 217, Fargo, ND	01/31/14	No	
Cass	790936	Active	4302 13th Ave S Apt 4227, Fargo, ND	4302 13TH AVE S APT 4227, Fargo, ND	02/26/16	No	
Cass	184352	Inactive	4302 13th Ave S Apt 188, Fargo, ND	4302 13TH AVE S APT 188, Fargo, ND	02/22/11	No	

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County	CVF Record #	CVF Status	Voter Address in CVF	Voter Address in DOT	DOT Address Verification Date	Voted?	Affidavit?
Cass	129953	Inactive	4302 13th Ave S, Fargo, ND	1405 14TH ST S, Fargo, ND	03/20/17	No	
Cass	345105	Moved Out of State	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4 , Fargo, ND	06/02/14	No	
Cass	43100	Inactive	4302 13th Ave S, Fargo, ND	4302 13TH AVE S, Fargo, ND	12/20/16	No	
Cass	4038	Inactive	4302 13th Ave S, Fargo, ND	4302 13TH AVE S, Fargo, ND	06/21/16	No	
Cass	119425	Inactive	4302 13th Ave S Ste 140, Fargo, ND	4302 13TH AVE S STE 140, Fargo, ND	10/03/16	No	
Cass	779271	Active	4302 13th Ave S Unit 4-216, Fargo, ND	4302 13TH AVE S S4 216, Fargo, ND	03/15/16	No	
Cass	3443	Inactive	4302 13th Ave S Apt 161, Fargo, ND	4302 13TH AVE S APT 161, Fargo, ND	05/16/14	No	
Cass	23169	Inactive	4302 13th Ave S Apt 283, Fargo, ND	4302 13TH AVE S APT 283, Fargo, ND	01/12/16	No	
Cass	26943	Inactive	4302 13th Ave S Ste 4, Fargo, ND	709 17TH AVE W, West Fargo, ND	08/16/16	No	
Cass	110191	Inactive	4302 13th Ave S Apt 305, Fargo, ND	4302 13TH AVE S APT 305, Fargo, ND	01/12/16	No	
Cass	188406	Inactive	4302 13th Ave S Apt 4305, Fargo, ND	4302 13TH AVE S APT 4305, Fargo, ND		No	
Cass	643989	Inactive	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4, Fargo, ND	12/12/13	No	
Cass	26646	Inactive	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4, Fargo, ND	11/24/15	No	
Cass	67162	Active	4302 13th Ave S Apt 174, Fargo, ND	4302 13TH AVE S APT 174, Fargo, ND	01/31/17	No	
Cass	131177	Inactive	4302 13th Ave S, Fargo, ND	4302 13TH AVE S STE 4 149, Fargo, ND		No	
Cass	130637	Active	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4 , Fargo, ND	06/26/15	No	
Cass	45867	Moved Out of State	4302 13th Ave S Apt 121, Fargo, ND	4302 13TH AVE S APT 121, Fargo, ND	06/13/16	No	
Cass	265368	Inactive	4302 13th Ave S Ste 4199, Fargo, ND	4302 13TH AVE S STE 4199, Fargo, ND	03/21/17	No	
Cass	592546	Inactive	4302 13th Ave S Ste 4189, Fargo, ND	4302 13TH AVE S STE 4189, Fargo, ND	06/07/13	No	
Cass	177131	Inactive	4302 13th Ave S Apt 4227, Fargo, ND	4302 13TH AVE S APT 4227, Fargo, ND	01/04/16	No	
Cass	177844	Inactive	4302 13th Ave S Apt 4, Fargo, ND	4302 13TH AVE S APT 4, Fargo, ND		No	
Cass	648388	Inactive	4302 13th Ave S Ste 4-124, Fargo, ND	4302 13TH AVE S STE 4124, Fargo, ND	10/04/16	No	
Cass	173990	Inactive	4302 13th Ave S Ste 4-110, Fargo, ND	No record on file		No	
Cass	794246	Inactive	4302 13th Ave S Ste 4-250, Fargo, ND	4302 13TH AVE S STE4 250, Fargo, ND	08/12/16	No	
Cass	60283	Inactive	4302 13th Ave S Ste 4, Fargo, ND	4302 13TH AVE S STE 4, Fargo, ND	09/09/16	No	
Cass	711759	Inactive	4302 13th Ave S Ste 4-139, Fargo, ND	4302 13TH AVE S STE 4 139, Fargo, ND	05/23/14	No	
Cass	95121	Inactive	4302 13th Ave S Ste 4-127, Fargo, ND	4302 13TH AVE S STE 4 127, Fargo, ND	08/27/10	No	
Cass	184050	Inactive	3120 25th St S Apt 164, Fargo, ND	3120 25TH ST S APT 164, Fargo, ND	06/10/15	No	
Cass	524198	Inactive	3120 25th St S Apt 365, Fargo, ND	3120Z 25TH ST S APT 365, Fargo, ND	09/29/14	No	
Cass	524217	Inactive	3120 25th St S Ste 2, Fargo, ND	3120 25TH ST S STE 2, Fargo, ND	12/08/14	No	
Cass	370102	Inactive	3120 25th St S Apt 188, Fargo, ND	3120 25TH ST S APT 188, Fargo, ND	05/19/11	No	
Cass	370103	Inactive	3120 25th St S Apt 188, Fargo, ND	3120 25TH ST S APT 188, Fargo, ND	05/19/11	No	
Cass	300286	Inactive	3120 25th St S Unit Z-190, Fargo, ND	3120 25TH ST S UNIT Z-190, Fargo, ND	07/10/15	No	
Cass	114879	Moved Out of State	3120 25th St S Unit 205, Fargo, ND	3120 25TH ST S 205, Fargo, ND	03/01/11	No	
Cass	558372	Inactive	3120 25th St S, Fargo, ND	3120 25TH ST S, Fargo, ND	04/24/15	No	
Cass	18602	Inactive	3120 25th St S Apt 202, Fargo, ND	3120 25TH ST S APT 202, Fargo, ND	06/22/12	No	
Cass	129382	Inactive	3120 25th St S Apt 360, Fargo, ND	3120 25TH ST S APT 360, Fargo, ND	11/08/10	No	
Cass	489476	Inactive	3120 25th St S Apt 124, Fargo, ND	3120 25TH ST S APT 124, Fargo, ND	02/19/15	No	
Cass	29355	Inactive	3120 25th St S Apt 204, Fargo, ND	3120 25TH ST S APT 204, Fargo, ND	11/10/15	No	
Cass	418047	Active	3120 25th St S Apt 204, Fargo, ND	3120 25TH ST S APT 204, Fargo, ND	12/15/15	No	
Cass	2843	Inactive	3120 25th St S Apt 202, Fargo, ND	3120 25TH ST S APT 202, Fargo, ND	05/06/13	No	

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County	CVF Record #	CVF Status	Voter Address in CVF	Voter Address in DOT	DOT Address Verification Date	Voted?	Affidavit?
Cass	95077	Inactive	3120 25th St S Apt 179, Fargo, ND	3120 25TH ST S APT 179, Fargo, ND	08/25/10	No	
Cass	177111	Active	3120Z 25th St S Apt 191, Fargo, ND	3120Z 25TH ST S APT 191, Fargo, ND	11/06/15	Yes	No
Cass	44242	Inactive	3120 25th St S Apt 126, Fargo, ND	3120 25TH ST S APT 126, Fargo, ND	05/17/16	No	
Cass	547506	Inactive	3120 25th St S, Fargo, ND	3120 25TH ST S, Fargo, ND	01/24/17	No	
Cass	11640	Moved Out of State	3120 25th St S Ste 2, Fargo, ND	3120 25TH ST S STE 2, Fargo, ND	03/07/16	No	
Cass	96391	Inactive	3120 25th St S Ste Z, Fargo, ND	3120 25TH ST S STE Z, Fargo, ND	04/26/16	No	
Cass	58960	Active	3120 25th St S Ste 113, Fargo, ND	3120 25TH ST S STE 113, Fargo, ND	06/09/15	Yes	No
Cass	376580	Under 18	3120 25th St S, Fargo, ND	3120 25TH ST S, Fargo, ND	09/12/13	No	
Cass	193490	Inactive	3120 25th St S Apt 217, Fargo, ND	3120 25TH ST S APT 217, Fargo, ND	07/12/15	No	
Cass	236021	Inactive	3120 25th St S Apt 114, Fargo, ND	No record on file		No	
Cass	76088	Inactive	3120 25th St S Apt 168, Fargo, ND	3120 25TH ST S APT 168, Fargo, ND	10/16/12	No	
Cass	27000	Inactive	3120 25th St S Apt 168, Fargo, ND	3120 25TH ST S APT 168, Fargo, ND	09/10/12	No	
Cass	20799	Inactive	3120 25th St S Apt 123, Fargo, ND	3120 25TH ST S APT 123, Fargo, ND	09/15/11	No	
Cass	311214	Active	3120 25th St S Apt 127, Fargo, ND	3120Z 25TH ST S APT 127, Fargo, ND	06/26/14	Yes	No
Cass	147380	Inactive	3120 25th St S Ste Z, Fargo, ND	3120 25TH ST S STE Z, Fargo, ND	01/15/09	No	
Cass	45426	Inactive	3120 25th St S Ste Z, Fargo, ND	3120 25TH ST S STE Z, Fargo, ND	05/09/16	No	
Cass	745651	Inactive	3120 25th St S Apt 155, Fargo, ND	3120 25TH ST S APT 155, Fargo, ND	09/06/16	No	
Cass	153479	Moved Out of State	3120 25th St S, Fargo, ND	3120 25TH ST S, Fargo, ND	01/13/10	No	
Cass	5794	Removeable	3120 Z 25th St S Unit 187, Fargo, ND	No record on file		No	
Cass	5795	Inactive	3120 Z 25th St S Unit 187, Fargo, ND	3120Z 25TH ST S APT 187, Fargo, ND	01/03/17	No	
Cass	538781	Active	3120 25th St S Apt 210, Fargo, ND	3120 25TH ST S APT 210, Fargo, ND	08/16/16	Yes	No
Cass	251014	Active	3120 25th St S Apt 210, Fargo, ND	3120 25TH ST S APT 210, Fargo, ND	08/16/16	Yes	No
Cass	202231	Active	3120 25th St S Unit 125Z, Fargo, ND	3120 25TH ST S UNIT 125Z, Fargo, ND	05/28/15	Yes	No
Cass	219435	Active	3120 25th St S Unit 125Z, Fargo, ND	3120 25TH ST S APT 125Z, Fargo, ND	02/07/17	Yes	No
Cass	95499	Inactive	3120 25th St S Ste Z140, Fargo, ND	3120 25TH ST S STE Z140, Fargo, ND	04/09/13	No	
Cass	94529	Inactive	3120 25th St S Ste Z173, Fargo, ND	3120 25TH ST S STE Z173, Fargo, ND	10/22/12	No	
Cass	225024	Inactive	3120 25TH St S Apt 321, Fargo, ND	3120 25TH ST S APT 321, Fargo, ND	04/21/09	No	
Cass	42888	Inactive	3120 25th St S Apt 212	3120 25TH ST S APT 212, Fargo, ND	11/29/11	No	
Cass	114922	Inactive	1100 19th Ave N Apt 210, Fargo, ND	No record on file		No	
Cass	475552	Inactive	1100 19th Ave N Apt 125, Fargo, ND	1100 19TH AVE N APT 125, Fargo, ND	09/11/13	No	
Cass	348348	Active	1100 19th Ave N Ste J163, Fargo, ND	1100 19TH AVE N STE J163, Fargo, ND	07/27/15	No	
Cass	161995	Active	1100 19th Ave N Ste J, Fargo, ND	1100 19TH AVE N STE J, Fargo, ND	06/08/10	Yes	No
Cass	46804	Inactive	1100 19th Ave N Unit 132, Fargo, ND	1100 19TH AVE N UNIT 132, Fargo, ND	03/02/17	No	
Cass	146779	Inactive	1100 19th Ave N Unit 134, Fargo, ND	1100 19TH AVE N 134, Fargo, ND	12/31/12	No	
Cass	147287	Inactive	1100 19th Ave N Apt 264, Fargo, ND	No record on file		No	
Cass	24156	Active	1100 19th Ave N Apt 289, Fargo ND	1100 19TH AVE N APT 289, Fargo, ND	05/06/08	Yes	No
Cass	88674	Inactive	1100 19th Ave N Apt 127, Fargo, ND	1100 19TH AVE N APT 127, Fargo, ND	05/12/15	No	
Cass	309798	Inactive	1100 19th Ave N Apt 218, Fargo, ND	1100 19TH AVE N APT 218, Fargo, ND	06/18/14	No	
Cass	12761	Inactive	1100 19th Ave N Unit 111, Fargo, ND	No record on file		No	
Cass	37857	Inactive	1100 19th Ave N Unit 162, Fargo, ND	1100 19TH AVE N UNIT 162, Fargo, ND	04/16/14	No	
Cass	151722	Inactive	1100 19th Ave N Ste J1, Fargo, ND	1100 19TH AVE N STE J1, Fargo, ND	07/19/16	No	

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County	CVF Record #	CVF Status	Voter Address in CVF	Voter Address in DOT	DOT Address Verification Date	Voted?	Affidavit?
Cass	173869	Moved Out of State	1100 19th Ave N Apt 131, Fargo, ND	1100 19TH AVE N APT 131, Fargo, ND	05/02/11	No	
Cass	676359	Inactive	1100 19th Ave N Apt 124, Fargo, ND	1100 19TH AVE N APT 124, Fargo, ND	03/30/11	No	
Cass	236822	Inactive	1100 19th Ave N Ste J #1, Fargo, ND	1100 19TH AVE N STE J # 1, Fargo, ND	01/01/16	No	
Cass	76593	Active	1100 19th Ave N Apt 125, Fargo, ND	1100 19TH AVE N APT 125, Fargo, ND	03/11/13	Yes	No
Cass	555380	Inactive	1100 19th Ave N Apt J169, Fargo, ND	1100 19TH AVE N APT J169, Fargo, ND	07/18/16	No	
Cass	211036	Active	1100 19th Ave N #169, Fargo, ND	241 30TH AVE N, Fargo, ND	11/24/15	Yes	No
Cass	554891	Active	1100 19th Ave N, Fargo, ND	408 5TH AVE W, Ray, ND	06/16/14	Yes	Yes
Cass	46840	Inactive	1100 19th Ave N Apt 130, Fargo, ND	1100 19TH AVE N APT 130, Fargo, ND	11/25/11	No	
Cass	483717	Inactive	1100 19th Ave N Apt 224, Fargo, ND	No record on file		No	
Cass	620624	Inactive	1100 19th Ave N, Fargo, ND	No record on file		No	
Cass	139511	Inactive	1100 19th Ave N, Fargo, ND	1100 19TH AVE N, Fargo, ND	03/07/17	No	
Cass	410520	Inactive	1100 19th Ave N Ste J, Fargo, ND	1100 19TH AVE N STE J, Fargo, ND	03/23/15	No	
Cass	293159	Active	1100 19th Ave N Apt 107, Fargo, ND	1100 19TH AVE N APT 107, Fargo, ND	12/29/16	No	
Cass	714408	Inactive	1100 19th Ave N Apt J140, Fargo, ND	1100 19TH AVE N UNIT J140, Fargo, ND	03/15/04	No	
Cass	420631	Inactive	1100 19th Ave N Ste J, Fargo, ND	1100 19TH AVE N STE J, Fargo, ND	01/03/17	No	
Cass	143481	Inactive	1100 19th Ave N Unit J167, Fargo, ND	1100 19TH AVE N UNIT J167, Fargo, ND	05/14/16	No	
Cass	537667	Inactive	1100 19th Ave N Unit B, Fargo, ND	1100 19TH AVE N UNIT B, Fargo, ND	03/19/09	No	
Cass	158080	Active	1100 19th Ave N Ste J, Fargo, ND	1100 19TH AVE N STE J, Fargo, ND	10/06/15	Yes	No
Cass	215474	Inactive	1100 19th Ave N Apt 200, Fargo, ND	502 WASHINGTON ST, Northwood, ND	11/07/12	No	
Cass	839937	Inactive	3155 Blue Stem Dr Apt 269, West Fargo, ND	3155 BLUESTEM DR APT 269, West Fargo, ND		No	
Cass	282251	Inactive	3155 Blue Stem Dr Apt 400, West Fargo, ND	3155 BLUE STEM DR APT 400, West Fargo, ND	03/06/17	No	
Cass	528388	Active	3155 Blue Stem Dr Apt 309, West Fargo, ND	3155 BLUE STEM DR APT 309, West Fargo, ND	10/07/16	Yes	No
Grand Forks	420516	Inactive	1395 A S Columbia Rd, Grand Forks, ND	No record on file		No	
Grand Forks	466840	Inactive	1395 A S Columbia Rd Apt 218, Grand Forks, ND	No record on file		No	
Grand Forks	659430	Inactive	1395 S Columbia Rd, Grand Forks, ND	1395 S COLUMBIA RD, Grand Forks, ND		No	
Grand Forks	535815	Active	1395 S Columbia Rd Ste A, Grand Forks, ND	No record on file		Yes	No
Grand Forks	493681	Inactive	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	12/14/15	No	
Grand Forks	586869	Active	1395 A S Columbia Rd Unit 164, Grand Forks, ND	1395A S COLUMBIA RD 164, Grand Forks, ND	08/25/15	Yes	No
Grand Forks	639358	Active	1395 A S Columbia Rd, Grand Forks, ND	1395A S COLUMBIA RD 164, Grand Forks, ND	08/25/15	Yes	No
Grand Forks	515331	Deceased	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	03/03/11	No	
Grand Forks	557332	Moved Out of State	1395 S Columbia Rd, Grand Forks, ND	1395 S COLUMBIA RD, Grand Forks, ND	03/14/17	No	
Grand Forks	371551	Active	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	11/22/16	Yes	No
Grand Forks	355880	Inactive	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	11/01/16	No	
Grand Forks	467458	Inactive	1395 S Columbia Rd Apt 225A, Grand Forks, ND	1395 S COLUMBIA RD A225, Grand Forks, ND	02/17/09	No	
Grand Forks	628966	Inactive	1395 S Columbia Rd, Grand Forks, ND	No record on file		No	
Grand Forks	357725	Inactive	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	11/19/12	No	
Grand Forks	771722	Active	1395 S Columbia Rd 158, Grand Forks, ND	1395 S COLUMBIA RD 158, Grand Forks, ND	11/01/16	Yes	No
Grand Forks	323983	Inactive	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	11/28/16	No	
Grand Forks	310396	Active	1395 S Columbia Rd Apt 193, Grand Forks, ND	1395 S COLUMBIA RD A193, Grand Forks, ND	06/17/13	Yes	No
Grand Forks	470922	Active	1395 S Columbia Rd Apt 242, Grand Forks, ND	1395 S COLUMBIA RD A242, Grand Forks, ND	05/25/12	Yes	No
Grand Forks	719967	Active	1395 S Columbia Rd Unit 106, Grand Forks, ND	1395 S COLUMBIA RD 106, Grand Forks, ND	07/08/13	Yes	No

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Grand Forks	673911	Inactive	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	10/10/12	No	
Grand Forks	676255	Inactive	1395 S Columbia Rd, Grand Forks, ND	1395 S COLUMBIA RD, Grand Forks, ND		No	
Grand Forks	608457	Inactive	1395 S Columbia Rd Apt 23, Grand Forks, ND	1395 S COLUMBIA RD APT 23, Grand Forks, ND	06/30/16	No	
Grand Forks	546668	Inactive	1395 S Columbia Rd, Grand Forks, ND	1395 S COLUMBIA RD, Grand Forks, ND	02/01/12	No	
Grand Forks	391849	Inactive	1395 A S Columbia Rd Unit 131, Grand Forks, ND	1395 A S COLUMBIA RD 131, Grand Forks, ND	03/24/03	No	
Grand Forks	378265	Inactive	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	01/13/17	No	
Grand Forks	453364	Inactive	1395 S Columbia Rd Unit 192, Grand Forks, ND	272 SKYLINE DR, Fort Totten, ND	01/31/17	No	
Grand Forks	462452	Inactive	1395 S Columbia Rd, Grand Forks, ND	1395 S COLUMBIA RD 192, Grand Forks, ND	10/16/15	No	
Grand Forks	571453	Moved Out of State	1395 S Columbia Rd Unit 194, Grand Forks, ND	1395 S COLUMBIA RD 194, Grand Forks, ND	03/26/15	No	
Grand Forks	498169	Inactive	1395 S Columbia Rd Ste A, Grand Forks, ND	No record on file		No	
Grand Forks	273053	Inactive	1395 S Columbia Rd Apt 110, Grand Forks, ND	1395 S COLUMBIA RD APT 110, Grand Forks, ND	04/13/15	No	
Grand Forks	393948	Active	1395 S Columbia Rd, Grand Forks, ND	1395 S COLUMBIA RD STE 333, Grand Forks, ND	08/23/16	No	
Grand Forks	649875	Inactive	1395 S Columbia Rd Unit 123, Grand Forks, ND	1395 S COLUMBIA RD 123, Grand Forks, ND	08/11/15	No	
Grand Forks	468129	Inactive	1395 S Columbia Rd Unit 207, Grand Forks, ND	1395 S COLUMBIA RD 207, Grand Forks, ND	03/14/17	No	
Ward	753987	Inactive	1940 Broadway S Apt 256, Minot, ND	1940 S BDWY APT 256, Minot, ND	08/18/10	No	
Ward	666651	Inactive	1940 Broadway S Apt 256, Minot, ND	1940 S BROADWAY APT 256, Minot, ND	07/30/10	No	
Ward	428468	Inactive	1940 Broadway S Apt 248, Minot, ND	1940 S BROADWAY APT 248, Minot, ND	10/10/13	No	
Ward	356163	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	07/02/13	No	
Ward	480152	Inactive	1940 Broadway S Apt 506, Minot, ND	1940 S BRDWAY APT 506, Minot, ND	01/03/14	No	
Ward	512134	Inactive	1940 Broadway S Apt 262, Minot, ND	1940 S BROADWAY APT 262, Minot, ND	07/11/14	No	
Ward	309122	Inactive	1940 Broadway S Apt 246, Minot, ND	1940 S BROADWAY APT 246, Minot, ND	10/19/07	No	
Ward	791135	Inactive	1940 S Broadway #334, Minot, ND	1940 S BROADWAY APT 334, Minot, ND	12/27/16	No	
Ward	477179	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	11/05/13	No	
Ward	711651	Inactive	1940 Broadway S Box 361, Minot, ND	1940 S BROADWAY BOX 361, Minot, ND	02/28/12	No	
Ward	641503	Merged	1940 Broadway S Apt 361, Minot, ND	1940 S BROADWAY BOX 361, Minot, ND	02/28/12	No	
Ward	641504	Merged	1940 Broadway S Apt 361, Minot, ND	1940 S BROADWAY BOX 361, Minot, ND	02/28/12	No	
Ward	621751	Moved Out of State	1940 S Broadway #272, Minot, ND	1940 S BROADWAY STE 272, Minot, ND	09/06/16	No	
Ward	775797	Inactive	1940 Broadway S Apt 425, Minot, ND	1940 S BROADWAY APT 425, Minot, ND	08/09/12	No	
		Moved Out of State					
Ward	616580	(2/11/17)	1940 Broadway S Apt 205, Minot, ND	1940 S BROADWAY APT 205, Minot, ND	01/10/17	Yes	No
Ward	295921	Moved Out of State	1940 Broadway S Apt 331, Minot, ND	1940 S BROADWAY APT 331, Minot, ND	12/26/12	No	
Ward	442785	Active	1940 Broadway S Apt 506, Minot, ND	1940 S BROADWAY APT 506, Minot, ND	01/15/14	Yes	No
Ward	683225	Moved Out of State	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	08/07/15	No	
Ward	249794	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	01/09/13	No	
Ward	569855	Inactive	1940 Broadway S Apt 496, Minot, ND	1940 S BROADWAY APT 496, Minot, ND	05/31/16	No	
Ward	534860	Inactive	1940 Broadway S Apt 496, Minot, ND	1940 S BROADWAY APT 496, Minot, ND	09/12/14	No	
Ward	781130	Inactive	1940 Broadway S Apt 383, Minot, ND	1940 S BROADWAY APT 383, Minot, ND	07/29/14	No	
Ward	311674	Moved Out of State	1940 Broadway S Apt 201, Minot, ND	1940 S BROADWAY APT 201, Minot, ND	08/02/16	No	
Ward	389863	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	07/31/13	No	
Ward	714363	Moved Out of State	1940 Broadway S Ste 460, Minot, ND	1940 S BROADWAY STE 460, Minot, ND	11/08/16	No	
Ward	454170	Inactive	1940 Broadway S Apt 302, Minot, ND	1940 S BROADWAY APT 302, Minot, ND	09/27/16	No	

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Ward	359236	Inactive	1940 Broadway S Apt 213, Minot, ND	1940 S BROADWAY APT 213, Minot, ND	04/25/08	No	
Ward	376266	Inactive	1940 Broadway S Apt 319, Minot, ND	1940 S BROADWAY APT 319, Minot, ND	05/03/11	No	
Ward	641549	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	05/12/14	No	
Ward	641550	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	10/02/13	No	
Ward	408299	Inactive	1940 S Broadway, Minot, ND	1940 S BROADWAY, Minot, ND	11/03/16	No	
Ward	598648	Inactive	1940 Broadway S Apt 342, Minot, ND	1940 S BROADWAY APT 342, Minot, ND	03/30/15	No	
Ward	622828	Inactive	1940 Broadway S Unit 201, Minot, ND	1940 SOUTH BROADWAY 201, Minot, ND	06/06/13	No	
Ward	567305	Inactive	1940 Broadway S, Minot, ND	1940 S BRD WY, Minot, ND	08/18/10	No	
Ward	341903	Inactive	1940 Broadway S Apt 237, Minot, ND	1940 S BROADWAY APT 237, Minot, ND	10/18/16	No	
Ward	505973	Inactive	1940 Broadway S Apt 242, Minot, ND	1940 S BROADWAY APT 242, Minot, ND	09/03/13	No	
Ward	550747	Inactive	1940 Broadway S Rm 211, Minot, ND	1940 S BDWY RM 211, Minot, ND	09/08/10	No	
Ward	489275	Moved Out of State	1940 Broadway S Ste 345, Minot, ND	1940 S BROADWAY STE 345, Minot, ND	06/16/14	No	
Ward	497149	Moved Out of State	1940 Broadway S Apt 210, Minot, ND	1940 S BROADWAY APT 210, Minot, ND	05/31/11	No	
Ward	775995	Inactive	1940 Broadway S Rm 210, Minot, ND	1940 S BROADWAY RM 210, Minot, ND	05/31/11	No	
Ward	743368	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY RM 242, Minot, ND	10/20/15	No	
Ward	675351	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	10/21/08	No	
Ward	474845	Moved Out of State	1940 Broadway S Unit 358, Minot, ND	1940 S BROADWAY PW 358, Minot, ND	10/23/14	No	
Ward	764618	Moved Out of State	1940 Broadway S Unit 161, Minot, ND	1940 S BROADWAY UNIT 161, Minot, ND	02/23/16	No	
Ward	584232	Moved Out of State	1940 Broadway S Apt 324, Minot, ND	1940 S BROADWAY APT 324, Minot, ND	06/28/16	No	
Ward	602224	Moved Out of State	1940 Broadway S Apt 324, Minot, ND	1940 S BROADWAY APT 324, Minot, ND	06/28/16	No	
Ward	614458	Inactive	1940 Broadway S Ste 492, Minot, ND	1940 S BRD WY SUITE 492, Minot, ND	06/07/13	No	
Ward	509146	Inactive	1940 Broadway S Apt 181, Minot, ND	1940 S BROADWAY APT 181, Minot, ND	07/11/14	No	
Ward	714774	Inactive	1940 Broadway S Apt 279, Minot, ND	1940 S BROADWAY APT 279, Minot, ND	10/15/15	No	
Ward	534838	Under 18	1940 S Broadway #279, Minot, ND	1940 S BROADWAY APT 279, Minot, ND	07/26/16	No	
Ward	706535	Inactive	1940 Broadway S Apt 420, Minot, ND	1940 S BROADWAY APT 420, Minot, ND	09/10/13	No	
Ward	743377	Active	1940 Broadway S Apt 387, Minot, ND	1940 S BROADWAY APT 387, Minot, ND	08/07/15	Yes	No
Ward	281346	Inactive	1940 Broadway S Apt 448, Minot, ND	1940 S BROADWAY APT 448, Minot, ND	02/04/14	No	
Ward	492003	Under 18	1940 Broadway S Ste 242, Minot, ND	1940 S BROADWAY STE 242, Minot, ND	07/29/14	No	
Ward	728549	Inactive	1940 S Broadway #388, Minot, ND	1940 S BROADWAY 388, Minot, ND	05/17/16	No	
Ward	669821	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY PMB 154, Minot, ND	04/04/12	No	
Ward	307142	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	02/11/15	No	
Ward	658592	Inactive	1940 S Broadway, Minot, ND	1940 S BROADWAY, Minot, ND	12/31/15	No	
Ward	680639	Inactive	1940 S Broadway Ste 312, Minot, ND	1940 S BROADWAY STE 312, Minot, ND	01/24/17	No	
Ward	387992	Inactive	1940 S Broadway #497, Minot, ND	1940 S BROADWAY APT 497, Minot, ND	01/24/17	No	
Ward	744925	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	02/21/17	No	
Ward	784508	Inactive	1940 S Broadway #329, Minot, ND	1940 S BROADWAY APT 329, Minot, ND		No	
Ward	645421	Inactive	1940 Broadway S, Minot, ND	No record on file		No	
Ward	645419	Inactive	1940 Broadway S, Minot, ND	No record on file		No	
Ward	717122	Inactive	1940 Broadway S Unit 164, Minot, ND	No record on file		No	
Ward	526319	Moved Out of State	1940 Broadway S Apt 377, Minot, ND	1940 S BROADWAY APT 377, Minot, ND		No	
Ward	689374	Inactive	1940 Broadway S Apt 403, Minot, ND	1940 S BROADWAY APT 403, Minot, ND	04/13/12	No	

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Ward	358974	Inactive	1940 Broadway S Apt 403, Minot, ND	1940 S BRDWAY APT 403, Minot, ND	05/01/13	No	
Ward	703448	Inactive	1940 Broadway S Apt 323, Minot, ND	1940 S BROADWAY APT 323, Minot, ND	02/16/12	No	
Ward	534888	Inactive	1940 Broadway S Apt 336, Minot, ND	1940 S BROADWAY APT 336, Minot, ND	09/18/14	No	
Ward	587484	Active	1940 S Broadway Apt 310, Minot, ND	1940 S BROADWAY APT 310, Minot, ND	02/28/17	Yes	Yes
Ward	633393	Active	1940 Broadway S Apt 310, Minot, ND	1940 S BROADWAY APT 310, Minot, ND	01/14/15	Yes	No
Ward	322497	Inactive	1940 Broadway S Apt 103, Minot, ND	1940 S BROADWAY APT 103, Minot, ND		No	
Ward	761778	Inactive	1940 Broadway S Unit 442, Minot, ND	1940 S BROADWAY 442, Minot, ND		No	
Ward	747642	Inactive	1940 Broadway S Unit 508, Minot, ND	1940 S BROADWAY UNIT 508, Minot, ND	10/05/12	No	
Ward	759919	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	06/29/15	No	
Ward	379244	Inactive	1940 Broadway S Unit 240, Minot, ND	1940 S BROADWAY 240, Minot, ND	08/15/13	No	
Ward	516999	Inactive	1940 Broadway S Apt 241, Minot, ND	No record on file		No	
Ward	419816	Moved Out of State	1940 Broadway S Ste 223, Minot, ND	1940 S BROADWAY STE 223, Minot, ND	12/09/13	No	
Ward	439681	Inactive	1940 Broadway S Ste 336, Minot, ND	1940 S BRDWAY STE 336, Minot, ND	01/10/14	No	
Ward	512146	Inactive	1940 Broadway S Apt 205, Minot, ND	1940 S BROADWAY APT 205, Minot, ND	05/20/14	No	
Ward	272686	Inactive	1940 Broadway S Apt 212, Minot, ND	No record on file		No	
Ward	401580	Inactive	1940 Broadway S Apt 237, Minot, ND	No record on file		No	
Ward	610811	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	11/14/14	No	
Ward	457221	Inactive	1940 Broadway S Apt 402, Minot, ND	1940 S BROADWAY APT 402, Minot, ND	04/23/14	No	
Ward	415455	Inactive	1940 Broadway S Apt 105B, Minot, ND	1940 S BROADWAY APT 105B, Minot, ND	08/08/11	No	
Ward	677338	Inactive	1940 Broadway S Ste 112, Minot, ND	1940 S BROADWAY STE 112, Minot, ND	08/05/15	No	
Ward	750432	Inactive	1940 Broadway S Apt 474, Minot, ND	1940 S BROADWAY APT 474, Minot, ND	06/14/13	No	
Ward	511400	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	05/31/11	No	
Ward	570262	Inactive	1940 Broadway S Rm 283, Minot, ND	1940 S BDWY RM 283, Minot, ND	05/31/11	No	
Ward	836234	Inactive	1940 S Broadway Ste 427, Minot, ND	1940 S BROADWAY STE 427, Minot, ND		No	
Ward	726857	Inactive	1940 S Broadway PMB 461, Minot, ND	1940 S BROADWAY PMB 461, Minot, ND	11/22/16	No	
Ward	523643	Inactive	1940 Broadway S Apt 262, Minot, ND	1940 S BROADWAY APT 262, Minot, ND	06/23/14	No	
Ward	634288	Deceased	1940 Broadway S Unit 224, Minot, ND	No record on file		No	
Ward	681114	Moved Out of State	1940 S Broadway #112, Minot, ND	1940 S BROADWAY APT 112, Minot, ND	06/21/16	No	
Ward	517671	Inactive	1940 Broadway S Apt 409, Minot, ND	1940 S BROADWAY APT 409, Minot, ND	06/12/14	No	
Ward	543803	Inactive	1940 Broadway S Apt 409, Minot, ND	1940 S BROADWAY APT 409, Minot, ND		No	
Ward	462594	Inactive	1940 Broadway S Apt 418, Minot, ND	1940 S BROADWAY APT 418, Minot, ND	11/24/15	No	
Ward	249848	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	10/23/12	No	
Ward	413831	Inactive	1940 Broadway S Apt 409, Minot, ND	1940 S BROADWAY APT 409, Minot, ND	06/04/13	No	
Ward	520765	Inactive	1940 Broadway S Apt 409, Minot, ND	1940 S BROADWAY APT 409, Minot, ND		No	
Ward	310939	Inactive	1940 Broadway S Ste 500, Minot, ND	1940 S BROADWAY STE 500, Minot, ND	09/09/14	No	
Ward	572321	Under 18	1940 Broadway S Apt 409, Minot, ND	1940 S BROADWAY APT 409, Minot, ND	06/10/14	No	
Ward	581744	Inactive	1940 Broadway S Apt 458, Minot, ND	1940 S BROADWAY APT 458, Minot, ND	03/07/17	No	
Ward	294387	Inactive	1940 Broadway S Apt 409, Minot, ND	1940 S BROADWAY APT 409, Minot, ND	04/12/16	No	
Ward	572366	Inactive	1940 Broadway S Apt 418, Minot, ND	1940 S BROADWAY APT 418, Minot, ND	8/15/20104	No	
Ward	804972	Inactive	1940 S Broadway #409, Minot, ND	1940 S BROADWAY APT 409, Minot, ND	06/21/16	No	
Ward	736832	Inactive	1940 Broadway S Ste 500, Minot, ND	1940 S BROADWAY STE 500, Minot, ND	01/19/16	No	

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Ward	747671	Inactive	1940 Broadway S Apt 257, Minot, ND	1940 S BROADWAY APT 257, Minot, ND	07/20/12	No	
Ward	750488	Inactive	1940 Broadway S Box 384, Minot, ND	1940 S BROADWAY BOX 384, Minot, ND	07/23/12	No	
Ward	434027	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY, Minot, ND	10/21/13	No	
Ward	523645	Inactive	1940 Broadway S Ste 214, Minot, ND	1940 S BROADWAY STE 214, Minot, ND	06/24/14	No	
Ward	364824	Inactive	1940 Broadway S Apt 214, Minot, ND	1940 S BROADWAY 214, Minot, ND	05/29/14	No	
Ward	252715	Inactive	1940 Broadway S Unit 214, Minot, ND	1940 S BROADWAY 214, Minot, ND	07/05/06	No	
Ward	289610	Inactive	1940 Broadway S Apt 214, Minot, ND	1940 S BROADWAY APT 214, Minot, ND	10/24/12	No	
Ward	731084	Inactive	1940 Broadway S Apt 483, Minot, ND	1940 S BROADWAY APT 483, Minot, ND	08/17/12	No	
Ward	338889	Inactive	1940 Broadway S Apt 257, Minot, ND	1940 S BROADWAY APT 257, Minot, ND	02/12/13	No	
Ward	278359	Moved Out of State	1940 Broadway S Apt 375, Minot, ND	547 S 7TH ST APT 102, Bismarck, ND	08/20/13	No	
Ward	519806	Inactive	1940 Broadway S Apt 351, Minot, ND	1940 S BROADWAY APT 351, Minot, ND	01/10/11	No	
Ward	681089	Inactive	1940 Broadway S Apt 305, Minot, ND	1940 S BROADWAY APT 305, Minot, ND	12/02/11	No	
Ward	249860	Inactive	1940 Broadway S, Minot, ND	1940 SOUTH BROADWAY 249, Minot, ND	05/27/15	No	
Ward	765022	Inactive	1940 Broadway S, Minot, ND	No record on file		No	
Ward	407255	Moved Out of State	1940 Broadway S, Minot, ND	1940 S BROADWAY 235, Minot, ND	05/27/09	No	
Ward	407256	Inactive	1940 Broadway S Lot 237, Minot, ND	1940 S BROADWAY LOT 237, Minot, ND	10/03/12	No	
Ward	411038	Inactive	1940 Broadway S Ste 237, Minot, ND	1940 S BROADWAY STE 237, Minot, ND		No	
Ward	465578	Inactive	1940 Broadway S Apt 103, Minot, ND	1940 S BROADWAY APT 103, Minot, ND	04/16/14	No	
Ward	783807	Inactive	1940 S Broadway #411, Minot, ND	1940 S BROADWAY APT 411, Minot, ND	03/14/17	No	
Ward	739856	Moved Out of State	1940 Broadway S Unit 466, Minot, ND	1940 S BROADWAY PMB 466, Minot, ND	04/15/13	No	
Ward	590860	Inactive	1940 Broadway S, Minot, ND	1940 S BROADWAY PMB 255, Minot, ND	01/16/15	No	
Ward	252894	Moved Out of State	1940 Broadway S Unit 174, Minot, ND	1940 S BDWY 174, Minot, ND	10/22/12	No	
Ward	561844	Inactive	1940 Broadway S Apt 314, Minot, ND	547 S 7TH ST APT 209, Bismarck, ND	01/03/17	No	
Ward	816734	Under 18	1940 S Broadway PMB 262, Minot, ND	1940 S BROADWAY PMB 262, Minot, ND	10/24/16	No	
Ward	550350	Inactive	1940 Broadway S Ste 492, Minot, ND	1940 S BDWY SUITE 492, Minot, ND	06/04/13	No	
Ward	775527	Inactive	1940 Broadway S Unit 159, Minot, ND	4302 13TH AVE S STE 4, Fargo, ND	10/21/11	No	
Ward	635936	Inactive	1940 Broadway S Apt 276, Minot, ND	1940 S BROADWAY APT 276, Minot, ND	03/21/12	No	

The individuals highlighted in Rep. Mock's testimony - HB 1369

County	CVF Record #	CVF Status	Voter Address in CVF	Voter Address in DOT	DOT Address Verification Date	Voted?	Affidavit?
Cass	419916	Active	4302 13th Ave S Ste 4/181, Fargo, ND	4302 13TH AVE S STE 4/181, Fargo, ND	02/09/15	Yes	No
Cass	256451	Active	4302 13th Ave S Ste 208, Fargo, ND	4302 13TH AVE S STE 208, Fargo, ND	04/15/16	Yes	No
Cass	61182	Active	4302 13th Ave S, Fargo, ND	547 S 7TH ST APT 309, Bismarck, ND	11/13/12	Yes	Yes
Cass	177111	Active	3120Z 25th St S Apt 191, Fargo, ND	3120Z 25TH ST S APT 191, Fargo, ND	11/06/15	Yes	No
Cass	58960	Active	3120 25th St S Ste 113, Fargo, ND	3120 25TH ST S STE 113, Fargo, ND	06/09/15	Yes	No
Cass	311214	Active	3120 25th St S Apt 127, Fargo, ND	3120Z 25TH ST S APT 127, Fargo, ND	06/26/14	Yes	No
Cass	538781	Active	3120 25th St S Apt 210, Fargo, ND	3120 25TH ST S APT 210, Fargo, ND	08/16/16	Yes	No
Cass	251014	Active	3120 25th St S Apt 210, Fargo, ND	3120 25TH ST S APT 210, Fargo, ND	08/16/16	Yes	No
Cass	202231	Active	3120 25th St S Unit 125Z, Fargo, ND	3120 25TH ST S UNIT 125Z, Fargo, ND	05/28/15	Yes	No
Cass	219435	Active	3120 25th St S Unit 125Z, Fargo, ND	3120 25TH ST S APT 125Z, Fargo, ND	02/07/17	Yes	No
Cass	161995	Active	1100 19th Ave N Ste J, Fargo, ND	1100 19TH AVE N STE J, Fargo, ND	06/08/10	Yes	No
Cass	24156	Active	1100 19th Ave N Apt 289, Fargo ND	1100 19TH AVE N APT 289, Fargo, ND	05/06/08	Yes	No
Cass	76593	Active	1100 19th Ave N Apt 125, Fargo, ND	1100 19TH AVE N APT 125, Fargo, ND	03/11/13	Yes	No
Cass	211036	Active	1100 19th Ave N #169, Fargo, ND	241 30TH AVE N, Fargo, ND	11/24/15	Yes	No
Cass	554891	Active	1100 19th Ave N, Fargo, ND	408 5TH AVE W, Ray, ND	06/16/14	Yes	Yes
Cass	158080	Active	1100 19th Ave N Ste J, Fargo, ND	1100 19TH AVE N STE J, Fargo, ND	10/06/15	Yes	No
Cass	528388	Active	3155 Blue Stem Dr Apt 309, West Fargo, ND	3155 BLUE STEM DR APT 309, West Fargo, ND	10/07/16	Yes	No
Grand Forks	535815	Active	1395 S Columbia Rd Ste A, Grand Forks, ND	No record on file		Yes	No
Grand Forks	586869	Active	1395 A S Columbia Rd Unit 164, Grand Forks, ND	1395A S COLUMBIA RD 164, Grand Forks, ND	08/25/15	Yes	No
Grand Forks	639358	Active	1395 A S Columbia Rd, Grand Forks, ND	1395A S COLUMBIA RD 164, Grand Forks, ND	08/25/15	Yes	No
Grand Forks	371551	Active	1395 S Columbia Rd Ste A, Grand Forks, ND	1395 S COLUMBIA RD STE A, Grand Forks, ND	11/22/16	Yes	No
Grand Forks	771722	Active	1395 S Columbia Rd 158, Grand Forks, ND	1395 S COLUMBIA RD 158, Grand Forks, ND	11/01/16	Yes	No
Grand Forks	310396	Active	1395 S Columbia Rd Apt 193, Grand Forks, ND	1395 S COLUMBIA RD A193, Grand Forks, ND	06/17/13	Yes	No
Grand Forks	470922	Active	1395 S Columbia Rd Apt 242, Grand Forks, ND	1395 S COLUMBIA RD A242, Grand Forks, ND	05/25/12	Yes	No
Grand Forks	719967	Active	1395 S Columbia Rd Unit 106, Grand Forks, ND	1395 S COLUMBIA RD 106, Grand Forks, ND	07/08/13	Yes	No
	Moved Out of State						
Ward	616580	(2/11/17)	1940 Broadway S Apt 205, Minot, ND	1940 S BROADWAY APT 205, Minot, ND	01/10/17	Yes	No
Ward	442785	Active	1940 Broadway S Apt 506, Minot, ND	1940 S BROADWAY APT 506, Minot, ND	01/15/14	Yes	No
Ward	743377	Active	1940 Broadway S Apt 387, Minot, ND	1940 S BROADWAY APT 387, Minot, ND	08/07/15	Yes	No
Ward	587484	Active	1940 S Broadway Apt 310, Minot, ND	1940 S BROADWAY APT 310, Minot, ND	02/28/17	Yes	Yes
Ward	633393	Active	1940 Broadway S Apt 310, Minot, ND	1940 S BROADWAY APT 310, Minot, ND	01/14/15	Yes	No

HB 1369

3-23-17

#1C

The individuals highlighted in Rep. Mock's testimony - HB 1369

County	CVF Record #	CVF Status	Voter Address in CVF	Voter Address in DOT	DOT Address Verification Date	Voted?	Affidavit?
Cass	61182	Active	4302 13th Ave S, Fargo, ND	547 S 7TH ST APT 309, Bismarck, ND	11/13/12	Yes	Yes
Cass	554891	Active	1100 19th Ave N, Fargo, ND	408 5TH AVE W, Ray, ND	06/16/14	Yes	Yes
Ward	587484	Active	1940 S Broadway Apt 310, Minot, ND	1940 S BROADWAY APT 310, Minot, ND	02/28/17	Yes	Yes

Voting Topics Addressed in the U.S. Constitution and its Amendments

With the exception of the details for the voting by the members of the Electoral College for President and Vice President of the United States in Article II, nothing is specifically mentioned in the Constitution about voting. What exists is found in the Amendments to the Constitution. Those Amendments are:

- 14th Amendment – Section 1 – Equal Protection Clause – Ratified in 1868

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

- 15th Amendment – Race, Color, Previous Condition of Servitude – Ratified 1870

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

- 19th Amendment – Women's Right to Vote – Ratified in 1920

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

- 24th Amendment – Poll Taxes – Ratified in 1964

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

- 26th Amendment – Voting Age Set at 18 Years and Older – Ratified in 1971

SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or any State on account of age.

SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation.

United States Code Title 52

In the United States Code, all election and voting laws are located within Title 52, which covers three major subtitles:

- Voting Rights
 - General Provisions
 - Enforcement of Voting Rights (Voting Rights Act (VRA) of 1964)
 - Supplemental Provisions (Amendments to VRA)
 - Right to Vote at Age Eighteen (Further Amendments to VRA)
- Voting Assistance and Election Administration
 - Voting Accessibility for the Elderly and Handicapped (Help America Vote Act (HAVA) of 2002)
 - Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office (Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1973)
 - National Voter Registration (National Voter Registration Act (NVRA) of 1993)
 - Federal Election Records
 - Election Administration Improvement (HAVA)
- Federal Campaign Finance
 - Federal Election Campaigns (Bipartisan Campaign Reform Act (BICRA) of 2002)

39-06-20. Notice of change of address or name.

If an individual after applying for or receiving an operator's license or identification card moves from the address named in the application or on the license or identification card, or if the name of a licensee is changed by marriage or otherwise, that individual within ten days after moving or the name change shall notify the director in writing or in person of that individual's old and new addresses or of the individual's former and new names and of the number of any operator's license or identification card then held by that person. provide the director documentation acceptable to the director to validate the new address or name change of the individual. An individual may obtain a corrected operator's license or identification card for address only changes, but must obtain a new operator's license or identification card for a name change, by making an application as provided for in section 39-06-18. The department may change the address based on information received from any authorized address correction service of the United States postal service. The department may also develop procedures for receiving notification of address changes by telephone or electronic means.

17.0750.05005
Title.

Prepared by the Legislative Council staff for
Senator Davison
March 29, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1369

Page 4, line 2, after "or" insert "in person or by electronic mail or fax"

Page 11, line 26, after "office" insert ", or provides the necessary documentation by electronic mail or fax,"

Renumber accordingly