

HOUSE BILL NO. 1333

Introduced by

Representatives Boehning, Rick C. Becker, Kasper

Senators Heckaman, Laffen, Larsen, J. Lee

1 A BILL for an Act to amend and reenact sections 16.1-01-04, 16.1-05-07, and 16.1-07-06 of the
2 North Dakota Century Code, relating to voting requirements, qualifications of electors, and voter
3 identification.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-01-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-01-04. Qualifications of electors - Voting requirements.**

- 8 1. Every citizen of the United States who is eighteen years or older; a resident of this
9 state; and has resided in the precinct at least thirty days next preceding any election,
10 except as otherwise provided in regard to residency in chapter 16.1-14, is a qualified
11 elector.
- 12 2. For the purposes of this title, every qualified elector may have only one residence,
13 shown by an actual fixed permanent dwelling, establishment, or any other abode.
- 14 3. Except as otherwise provided in this section, an individual's residence must be
15 determined in accordance with the rules for determining residency as provided in
16 section 54-01-26.
- 17 4. Pursuant to section 2 of article II of the Constitution of North Dakota, voting by
18 individuals convicted and sentenced for a felony must be limited according to chapter
19 12.1-33.
- 20 5. For the purposes of this title, an individual may not be deemed to have gained or lost a
21 residence solely by reason of the individual's presence or absence while enrolled as a
22 student at a college, university, or other postsecondary institution of learning in this
23 state.

1 6. For the purposes of this title, a member of the armed forces of the United States may
2 not be deemed to have gained or lost a residence in this state solely by reason of the
3 member being stationed on duty in this state.

4 7. For the purposes of this title, an individual may not be deemed to have lost residence
5 in the individual's precinct or in the state by reason of the individual engaging in
6 temporary government service or private employment outside the individual's precinct
7 or outside the state.

8 8. For purposes of this title, a qualified elector may not authorize an attorney in fact,
9 guardian, or other individual to apply for any ballot or to vote in any election on behalf
10 of or in the place of the qualified elector.

11 9. For purposes of this title, an elector seeking to vote in an election must meet the
12 identification requirements specified in sections 16.1-05-07 and 16.1-07-06.

13 **SECTION 2. AMENDMENT.** Section 16.1-05-07 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **16.1-05-07. Poll clerks to check identification and verify eligibility - Poll clerks to**
16 **request, correct, and update incorrect information contained in the pollbook.**

17 1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll
18 clerks shall require the individual to show identification, which includes the individual's
19 residential address and date of birth. If the identification provided does not verify that
20 the individual has resided at the address for thirty days before the election, the
21 individual may not receive a ballot unless the individual shows a copy of a change of
22 address form from the United States postal service which was completed by the
23 individual thirty or more days before the election or shows a copy of a bill or bank
24 statement in the individual's name which includes the individual's residential address
25 and which is from a date thirty or more days before the election. The valid forms of
26 identification may include are:

27 a. A current or expired driver's license or nondriver identification card issued by the
28 department of transportation ~~or other official form of identification issued by the~~
29 state;

30 b. An official form of identification issued by a tribal government;

- 1 c. ~~An alternative form of identification~~A long-term care certificate prescribed by the
2 secretary of state, if the individual does not possess an official form of
3 identification provided for under subdivision a or b; or
- 4 d. ~~A combination of any of the forms of identification under subdivisions a through~~
5 ~~e~~For a uniformed service member or a qualifying family member temporarily
6 stationed away from the individual's residence in the state or a qualified elector
7 temporarily living outside the country, a current military identification card or
8 passport if the individual does not possess an official form of identification
9 provided for under subdivision a or b.
- 10 2. a. When verifying an individual's eligibility or when entering the name of an
11 individual into the pollbook, poll clerks shall request, correct, and update any
12 incorrect or incomplete information about an individual required to be included in
13 the pollbook generated from the central voter file.
- 14 b. If the individual's name is contained in the pollbook generated from the central
15 voter file, the poll clerks shall verify the individual's residential address and
16 mailing address, if different from the individual's residential address.
- 17 c. If the individual's name is not contained in the pollbook generated from the
18 central voter file but the individual is determined eligible to vote, the poll clerks
19 shall record the individual's name in the pollbook. The poll clerks shall request
20 and obtain any additional information for the individual required to be included in
21 the pollbook.
- 22 3. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct
23 or who does not meet the thirty-day residency requirement to the proper precinct and
24 voting location.

25 **SECTION 3. AMENDMENT.** Section 16.1-07-06 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-07-06. Application form.**

- 28 1. Application for an absent voter's ballot must be made on a form, prescribed by the
29 secretary of state, to be furnished by the proper officer of the county, city, or school
30 district in which the applicant is an elector, on any form, approved by the secretary of
31 state, or any blank containing the following:

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- 1 a. The applicant's name.
- 2 b. The applicant's current or most recent North Dakota residential address.
- 3 c. The applicant's mailing address.
- 4 d. The applicant's current contact telephone number.
- 5 e. The election for which the ballot is being requested.
- 6 f. The date of the request.
- 7 g. An affirmation that the applicant has resided, or will reside, in the precinct for at
- 8 least thirty days next preceding the election and will be a qualified elector of the
- 9 precinct.
- 10 h. The applicant's signature.
- 11 i. A space for the voter to indicate the voter's status as a citizen living outside the
- 12 United States, a uniformed service member living away from the voter's North
- 13 Dakota residence, or a family member of the uniformed service member living
- 14 away from the voter's North Dakota residence.
- 15 j. The applicant's birth date and year.
- 16 k. ~~The applicant's motor vehicle operator's license or nondriver identification-~~
- 17 ~~number or tribal~~As provided in subsection 1 of section 16.1-05-07, the
- 18 identification number from one of the applicant's valid forms of identification or a
- 19 copy of the voter's alternate form of identification approved by the secretary of
- 20 state under subdivision c of subsection 1 of section 16.1-05-07applicant's
- 21 long-term care certificate.
- 22 2. If the applicant is unable to sign the applicant's name to the application, the applicant
- 23 shall mark (X) or use the applicant's signature stamp on the application in the
- 24 presence of a disinterested individual. The disinterested individual shall print the name
- 25 of the individual marking the X or using the signature stamp below the X or signature
- 26 stamp and shall sign the disinterested individual's own name following the printed
- 27 name together with the notation "witness to the mark".
- 28 3. If the applicant does not possess or cannot secure an approved form of identification
- 29 as provided for under subsection 1 of section 16.1-05-07 due to a disability with which
- 30 the individual lives and which prevents the individual from traveling to obtain, the
- 31 application also must be signed by another qualified elector who, by signing, certifies

- 1 that the applicant is a qualified elector. The secretary of state shall prescribe the form
2 of the certification required under this subsection. An individual may not certify the
3 qualifications of more than four applicants in an election.
- 4 4. The application for a qualified elector serving on active duty as a uniformed service
5 member or a family member who is a qualified elector and stationed at a location other
6 than that individual's voting residential address must include the following additional
7 information if the voter desires to vote by facsimile or electronic mail:
- 8 a. Facsimile telephone number; or
9 b. Electronic mail address.
- 10 5. The application for a qualified elector living outside the United States must include a
11 facsimile telephone number or electronic mail address if the voter desires to vote by
12 facsimile or electronic mail.
- 13 6. Except for the applicant's date of birth and motor vehicle driver's license or nondriver
14 identification card number, the application is an open record under section 44-04-18.