A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to documentary proof of citizenship in elections; and to amend and reenact section 16.1-01-04.1, subsection 2 of section 39-06-03.1, subsection 5 of section 39-06-14, and subsection 1 of section 39-06-14.2 of the North Dakota Century Code, relating to nondriver photo identification cards and operator licenses for noncitizens.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

   a. Legal name;

   b. Current residential street address in North Dakota; and

   c. Date of birth.

3. a. A valid form of identification is:

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

   (2) An official form of identification issued by a tribal government to a tribal member residing in this state; or

   (3) An unexpired, United States passport.

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must be supplemented by presenting any of the following issued to the individual which provides the missing or outdated information:

(1) A current utility bill;
(2) A current bank statement;
(3) A check issued by a federal, state, or local government;
(4) A paycheck;
(5) A document issued by a federal, state, or local government; or
(6) A printed document containing all of the information required by subsection 2 issued by an institution of higher education for an enrolled student residing in the state and containing the institution's letterhead or seal, along with a student photo identification card issued by the institution and containing the student's photograph and legal name.

4. The following forms of identification are valid for the specified individuals living under special circumstances who do not possess a valid form of identification under subsection 3.
   a. For an individual living in a long-term care facility, a long-term care certificate prescribed by the secretary of state and issued by a long-term care facility in this state;
   b. For a uniformed service member or immediate family member temporarily stationed away from the individual's residence in this state, or a resident of the state temporarily living outside the country, a current military identification card or passport; and
   c. For an individual living with a disability that prevents the individual from traveling away from the individual's home, the signature on an absentee or mail ballot application from another qualified elector who, by signing, certifies the applicant is a qualified elector.

5. If an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct in which the individual desires to vote and has provided satisfactory proof of citizenship pursuant to section 2 of this Act, the individual may mark a ballot that must be securely set aside securely in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual
Sixty-eighth
Legislative Assembly

may show a valid form of identification to either a polling place election board member
if the individual returns to the polling place before the polls close, or to an employee of
the office of the election official responsible for the administration of the election before
the meeting of the canvassing board occurring on the thirteenth day after the election.
Each ballot set aside under this subsection must be presented to the members of the
canvassing board for proper inclusion or exclusion from the tally.

6. The secretary of state shall develop uniform procedures for the requirements of
subsection 5 which must be followed by the election official responsible for the
administration of the election.

SECTION 2. A new section to chapter 16.1-01 of the North Dakota Century Code is created
and enacted as follows:

Proof of citizenship verifying eligibility as an elector.

1. A qualified elector shall provide satisfactory proof of citizenship to the proper election
   official before receiving a ballot to vote.

2. Satisfactory proof of citizenship includes:
   a. A driver's license or nondriver's identification card issued by the department of
      transportation which indicates the cardholder is a citizen;
   b. A legible photocopy of the individual's birth certificate that verifies citizenship;
   c. An unexpired United States passport or a legible photocopy of pertinent pages of
      the individual's United States passport identifying the individual and the
      individual's passport number;
   d. The individual's United States naturalization documents or the number of the
      certificate of naturalization. If only the number of the certificate of naturalization is
      provided, the individual's ballot must be held pursuant to the procedure described
      in subsection 3 until the proper election official can verify with the United States
      citizenship and immigration services that naturalization is complete;
   e. Other documents or methods of proof established pursuant to the Immigration
      Reform and Control Act of 1986 [Pub. L. 99-603; 100 Stat. 3359]; or
   f. The applicant's bureau of Indian affairs card number, tribal treaty card number, or
      tribal enrollment number.
Sixty-eighth
Legislative Assembly

3. If an individual is not able to show satisfactory proof of citizenship but asserts valid citizenship status and possesses a valid identification pursuant to section 16.1-01-04.1, the individual may mark a ballot that must be set aside securely in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may show satisfactory proof of citizenship to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election before the meeting of the canvassing board occurring on the thirteenth day after the election. Each ballot set aside under this subsection must be presented to the members of the canvassing board for proper inclusion in or exclusion from the tally.

4. After an individual has submitted satisfactory evidence of citizenship, the proper election official shall update this information in the central voter file.

SECTION 3. AMENDMENT. Subsection 2 of section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The director shall issue a nondriver color photo identification card to any resident who at the time of application is not a citizen of the United States and who fulfills the requirements of this section. The identification card must be designed in a manner to clearly make the card distinguishable from a similar card issued to a citizen of the United States and resident of this state. Upon the issuance of an identification card, the department of transportation shall provide a written notice that indicates within the forty-five days following naturalization, the naturalized individual shall contact the department of transportation to update the individual's citizenship status. The director shall replace the card may be replaced with a card issued to a citizen of this country and resident of this state only when proof of United States citizenship is provided by the individual and any applicable replacement fee listed in section 39-06-49 is paid. For identification cards issued before August 1, 2023, the department of transportation shall provide by mail to each identification cardholder a written notice that indicates within the forty-five days following naturalization, the naturalized individual shall contact the department of transportation to update the individual's citizenship status.
SECTION 4. AMENDMENT. Subsection 5 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

5. The director shall issue an operator's license to any resident who at the time of application is not a citizen of the United States and who fulfills the requirements of this section. The license must be designed in a manner to distinguish the license clearly from a similar license issued to a citizen of the United States and resident of this state. Upon the issuance of a license, the department of transportation shall provide a written notice that indicates within the forty-five days following naturalization, the naturalized individual shall contact the department of transportation to update the individual's citizenship status. The director shall replace the license issued under this subsection may be replaced with a card issued to a citizen of this country and resident of this state only when proof of United States citizenship is provided by the individual and the replacement fee listed in section 39-06-49 is paid. For licenses issued before August 1, 2023, the department of transportation shall provide by mail to each licenseholder a written notice that indicates within the forty-five days following naturalization, the naturalized individual shall contact the department of transportation to update the individual's citizenship status.

SECTION 5. AMENDMENT. Subsection 1 of section 39-06-14.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The director shall provide central identity management for all state agencies for citizens who possess a nondriver photo identification card or driver's license utilizing driver record data. Upon an individual's change in citizenship status under section 39-06-03.1 or 39-06-14, the director shall report to the secretary of state the individual's updated information as required under section 16.1-02-09.