

**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.