

**HOUSE BILL NO. 1389**

Introduced by

Representative Rick C. Becker

1 A BILL for an Act to create and enact a new section to chapter 16.1-05 of the North Dakota  
2 Century Code, relating to forms of voter identification; and to amend and reenact  
3 section 16.1-05-07 of the North Dakota Century Code, relating to eligibility to vote.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-05-07 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **16.1-05-07. Poll clerks to check identification and verify eligibility - Poll clerks to**  
8 **request, correct, and update incorrect information contained in the pollbook.**

9 1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll  
10 clerks shall require the individual to show identification, which includes the individual's  
11 residential address and date of birth. A poll clerk may not issue a ballot to an  
12 individual, or allow the individual to vote, who presents identification that is prominently  
13 marked "non-U.S. citizen". The identification may include:

- 14 a. A driver's license or nondriver identification card issued by the department of  
15 transportation or other official form of identification issued by the state;  
16 b. An official form of identification issued by a tribal government;  
17 c. An alternative form of identification prescribed by the secretary of state, if the  
18 individual does not possess an official form of identification provided for under  
19 subdivision a or b; or  
20 d. A combination of any of the forms of identification under subdivisions a through c.

21 2. a. When verifying an individual's eligibility or when entering the name of an  
22 individual into the pollbook, poll clerks shall request, correct, and update any  
23 incorrect or incomplete information about an individual required to be included in  
24 the pollbook generated from the central voter file.

- 1           b. If the individual's name is contained in the pollbook generated from the central  
2           voter file, the poll clerks shall verify the individual's residential address and  
3           mailing address, if different from the individual's residential address.
- 4           c. If the individual's name is not contained in the pollbook generated from the  
5           central voter file but the individual is determined eligible to vote, the poll clerks  
6           shall record the individual's name in the pollbook. The poll clerks shall request  
7           and obtain any additional information for the individual required to be included in  
8           the pollbook.
- 9           3. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct  
10          to the proper precinct and voting location.

11          **SECTION 2.** A new section to chapter 16.1-05 of the North Dakota Century Code is created  
12 and enacted as follows:

13          **Voter identification - Citizenship status on acceptable forms of identification.**

- 14          1. Any form of official identification issued by the state and which is an approved form of  
15          identification to verify eligibility to vote under section 16.1-05-07 must be prominently  
16          marked "non-U.S. citizen" if the individual issued the identification is not a citizen of  
17          the United States. The "non-U.S. citizen" designation must replace any other  
18          designation that has been used to indicate that an individual is not a citizen of the  
19          United States.
- 20          2. The secretary of state shall ensure that any entity that issues an alternative form of  
21          identification approved by the secretary of state as an approved form of identification  
22          to verify eligibility to vote under section 16.1-05-07 verifies that any individual seeking  
23          the alternative form of identification is a citizen of the United States before the entity  
24          issues the identification. The secretary of state shall ensure the issuing entity marks  
25          any approved form of identification in a prominent and permanent manner "non-U.S.  
26          citizen" if the individual who is otherwise eligible to receive the form of identification is  
27          not a citizen of the United States.
- 28          3. The marking of a form of identification "non-U.S. citizen" as provided in this section  
29          may not be construed as a sanction to deny the individual any right, privilege, or  
30          entitlement the individual otherwise would possess regardless of the individual's  
31          citizenship status.