

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.~~ for an Act to
4 provide for a legislative management study relating to verification of citizenship status for voting
5 and for obtaining driver's licenses and nondriver photo identification cards.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 16.1-05-07 of the North Dakota Century Code is-~~
8 ~~amended and reenacted as follows:~~

9 ~~— **16.1-05-07. Poll clerks to check identification and verify eligibility – Poll clerks to**~~
10 ~~**request, correct, and update incorrect information contained in the pollbook.**~~

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

16 ~~— a. A driver's license or nondriver identification card issued by the department of~~
17 ~~transportation or other official form of identification issued by the state;~~

18 ~~— b. An official form of identification issued by a tribal government;~~

19 ~~— c. An alternative form of identification prescribed by the secretary of state, if the~~
20 ~~individual does not possess an official form of identification provided for under~~
21 ~~subdivision a or b; or~~

22 ~~— d. A combination of any of the forms of identification under subdivisions a through c.~~

23 ~~— 2. a. When verifying an individual's eligibility or when entering the name of an~~
24 ~~individual into the pollbook, poll clerks shall request, correct, and update any~~

1 incorrect or incomplete information about an individual required to be included in
2 the pollbook generated from the central voter file.

3 ~~b. If the individual's name is contained in the pollbook generated from the central
4 voter file, the poll clerks shall verify the individual's residential address and
5 mailing address, if different from the individual's residential address.~~

6 ~~c. If the individual's name is not contained in the pollbook generated from the
7 central voter file but the individual is determined eligible to vote, the poll clerks
8 shall record the individual's name in the pollbook. The poll clerks shall request
9 and obtain any additional information for the individual required to be included in
10 the pollbook.~~

11 ~~3. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct
12 to the proper precinct and voting location.~~

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

15 ~~**Voter identification – Citizenship status on acceptable forms of identification.**~~

16 ~~1. Any form of official identification issued by the state and which is an approved form of
17 identification to verify eligibility to vote under section 16.1-05-07 must be prominently
18 marked "non-U.S. citizen" if the individual issued the identification is not a citizen of
19 the United States. The "non-U.S. citizen" designation must replace any other
20 designation that has been used to indicate that an individual is not a citizen of the
21 United States.~~

22 ~~2. The secretary of state shall ensure that any entity that issues an alternative form of
23 identification approved by the secretary of state as an approved form of identification
24 to verify eligibility to vote under section 16.1-05-07 verifies that any individual seeking
25 the alternative form of identification is a citizen of the United States before the entity
26 issues the identification. The secretary of state shall ensure the issuing entity marks
27 any approved form of identification in a prominent and permanent manner "non-U.S.
28 citizen" if the individual who is otherwise eligible to receive the form of identification is
29 not a citizen of the United States.~~

30 ~~3. The marking of a form of identification "non-U.S. citizen" as provided in this
31 section may not be construed as a sanction to deny the individual any right, privilege,~~

1 ~~or entitlement the individual otherwise would possess regardless of the individual's~~
2 ~~citizenship status.~~

3 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VERIFICATION OF CITIZENSHIP**
4 **STATUS FOR VOTING AND FOR OBTAINING DRIVER'S LICENSES AND NONDRIVER**

5 **IDENTIFICATION CARDS.** During the 2015-16 interim, the legislative management shall
6 consider studying issues relating to verification of citizenship status for the purpose of voting,
7 including absentee and mail ballot voting. The study also must address the process through
8 which the department of transportation verifies citizenship status in the issuance of driver's
9 licenses and nondriver identification cards and the feasibility and desirability of requiring the
10 department of transportation to include on a driver's license or nondriver identification card of a
11 noncitizen a notation indicating the individual is not a citizen of the United States. The legislative
12 management shall report its findings and recommendations, together with any legislation
13 required to implement the recommendations, to the sixty-fifth legislative assembly.