

MICHAEL C. HOWE  
SECRETARY OF STATE

WEBSITE [sos.nd.gov](http://sos.nd.gov)



PHONE (701) 328-2900  
E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

**SECRETARY OF STATE**  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

**HOUSE POLITICAL SUBS COMMITTEE**  
**REPRESENTATIVE DONALD LONGMUIR, CHAIRMAN**

**HOUSE BILL 1431**  
**JANUARY 26, 2023**

**TESTIMONY PRESENTED BY**

**BRIAN NEWBY, SECRETARY OF STATE**

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Chairman Longmuir and members of the committee. I am Brian Newby, and I am the Elections Director for the Office of Secretary of State. I am here today in support of House Bill 1431 which we believe best addresses issues related to the verification that electors are United States citizens.

We have been working collaboratively with the bill's sponsor and the Attorney General's office to develop language that creates a process that is least burdensome to the voter and works to ensure only qualified citizens are allowed to vote in a North Dakota election.

This bill is intended to treat the license issued by the Department of Transportation as the official record of a voter's citizenship status. If a voter comes to vote and the license denotes that the voter is not a U.S. citizen, the voter would be provided a set-aside ballot with the opportunity to cure the ballot by providing proof of citizenship prior to the meeting of the canvassing board 13 days following the election. It allows proof of citizenship to occur either by paper or digital means. The canvassing board would make the final decision regarding all votes cast in this manner. Upon providing valid proof of citizenship, the Central Voter file would be corrected.

Our office does suggest some modifications to section 6 of the bill for clarity and proposes replacement language for Page 3, item 6, attached.

The suggestions clarify that the identification provided by the voter is the item used to assert citizenship and clarifies what is intended as "satisfactory evidence of citizenship." The suggestion also ensures that the cure is conducted with the county election office and approved by the canvassing board, rather than the cure occurring at the polling place.

We also want to clarify, that this bill and language proposed involves voters' proof of citizenship, not the Identification required at the polls or by mail.

Suggested Modification to HB 1431, page 3, item 6:

If an individual presents a nondriver identification card issued under subsection 2 of section 39 - 06 - 03.1 or an operator's license issued under section 39 - 06 - 14, **and this card or license reflects that the individual is a non-citizen, but yet the individual** asserts valid citizenship, 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, **defined as a nondriver identification card issued under subsection 2 of section 39 - 06 - 03.1 or an operator's license issued under section 39 - 06 - 14 that no longer reflects that the individual is a non-citizen, 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. After an individual has submitted satisfactory evidence of citizenship, the proper election official shall update this information in the central voter file.

Satisfactory proof of citizenship under this subsection may be presented via paper or electronic means.

**Nothing in this section shall be interpreted as impacting NDCC voter identification laws (16.1-01-04.1. Identification verifying eligibility as an elector.) or procedures related to those laws, associated consent decrees, or administrative rules related to any consent decree.**