

**Senate State & Local Government Committee**  
**March 16th, 2023**  
**HB 1431 - Testimony in Opposition**

Chair Roers and members of the Senate State and Local Government Committee, my name is Whitney Oxendahl and I am writing in opposition to HB 1431. The bill would require eligible voters who have received a North Dakota ID before they were citizens - indicated by "permanent resident" printed on the card - to show documentary proof of citizenship for their vote to count in North Dakota elections.

It is my understanding that this bill may be amended to require "permanent resident" ID card holders to get a whole new ID to prove their citizenship instead of presenting documentary proof of citizenship to election officials. Based upon that understanding, an amended HB 1431 would allow those voters to vote a set aside ballot, but for their vote to count, they would have to schedule a DMV appointment, gather all the paperwork needed, go get a new ID, and then bring that ID to the courthouse before the canvassing board meets 13 days later. This is a big ask for new Americans to navigate within that time frame.

Under current law and with the ND Attorney General's 2022 opinion, there is no requirement for these eligible voters to provide documentary proof of citizenship in order to vote or get a new ID to prove their citizenship. In the November 2022 election due to the AG's opinion, the "Not a US citizen" popup on the poll workers' poll pad tablets were disregarded, voters attested verbally that they were US citizens, and they were able to vote a regular ballot.

Here are some of my concerns with implementing House Bill 1431:

- 1) When someone becomes a naturalized US citizen, there has been no one asking these eligible voters to apply for a new North Dakota ID that reflects their citizenship credentials.
- 2) There has been no outreach to the new American community on this issue, either by the NDDOT or the secretary of state's office.
- 3) There are more than 15,000 individuals with "permanent resident" credentials in the NDDOT database, and no one knows how many of these ID card holders have become naturalized citizens.
- 4) In the June 2022 Primary Election, there were voters incorrectly marked as noncitizens on the poll pads when their North Dakota ID was scanned at the polls due to NDDOT database issues. Has the Legislature confirmed these database

issues have been corrected? If this bill passes, will something like what happened in June happen again during a future election?

I fear that passing this bill could place a burden on eligible voters who don't hear about the law change before the 2024 elections. They would head to vote without an updated ID and may be dissuaded from casting a ballot due to the additional steps needed for their vote to count.

**I urge you to consider making this bill a study instead.** Find out how many eligible voters would be impacted by a law change. Direct the executive branch to start reaching out to new American voters in advance and connecting with them at naturalization ceremonies. We don't want our new voters to have a poor experience when they head to the polls for the first time.

I urge the committee to advocate for due diligence on behalf of our eligible voters. Thank you for the opportunity to share my testimony.