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SENATE STATE & LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIRMAN

HOUSE BILL 1431
MARCH 16, 2023

TESTIMONY PRESENTED BY

MICHAEL HOWE, SECRETARY OF STATE

Madam Chair, our office stands in support of HB 1431 which comes to you from the North Dakota House with broad bipartisan support after a 90-4 vote on January 30th.

I want to stress this bill ensures all voters are treated the same regarding inaccurate information on their identification card. If you go to the polls with an outdated identification card that lists your old North Dakota address and you haven't updated your new address on your ID, you can fill out a set-aside ballot. You have 13 days before the canvassing board meets to provide the accurate address and update your identification card.

If you've become a naturalized United States citizen and your ID still indicates you are a non-citizen, this bill allows you to fill out a set aside ballot and gives you 13 days to update your identification card.

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 voting in a North Dakota election. In an October 2022 opinion, North Dakota Attorney General Drew Wrigley said election workers cannot legally ask voters to prove their citizenship status.

This bill is intended to treat the identification card issued by the Department of Transportation as the official record of a voter's citizenship status. Whether you recently moved from Grand Forks to Bismarck and no longer have a correct address or you are a new citizen who hasn't yet updated your identification card, this bill creates a process where you would be allowed to vote using a set-aside ballot.

Our office is bringing forth a proposed amendment to page 3, in section 6 of the bill, for clarity and proposes replacement language. A Christmas tree version is also included for your reference.

The language provided directs the voter to update their identification card with the Department of Transportation and then cure their ballot with the county canvassing officials.

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. This bill supports that your identification card remains the official voter identification method.

I urge you to support the proposed amendment and then give this bill a do pass.

CHRISTMAS TREE VERSION OF CHANGES – PAGE 3, SECTION 6

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.