

**WRITTEN TESTIMONY IN OPPOSITION**  
**TO SB 2157**

Senate Judiciary Committee on SB 2157

Date of Hearing: February 3, 2023

Denise Ann Dykeman 1840 12<sup>th</sup> St SW, Minot, ND 58701

My name is Denise Ann Dykeman. I am a resident of North Dakota, a parent, a practicing attorney, and a Lutheran. I am also a member of the League of Women Voters, North Dakota. I write in opposition to SB 2157 for the following reasons:

1. North Dakota voters are already required to confirm that they are qualified electors to cast a ballot, and this bill would unnecessarily preempt that process and create barriers for eligible voters casting their ballot.
2. Voting is the backbone of our democracy, and this bill would undermine efforts to increase civic participation in North Dakota.
3. This bill would impact voters who cannot easily get updated identification or proof of citizenship due to financial burden, time burden, transportation burden, or the distance to or limited hours of the driver's license sites in rural areas.
4. This bill creates a chilling effect on diverse populations of voters in North Dakota and may deter eligible voters from casting a ballot even if they are US citizens.
5. This bill creates undue barriers to voting in communities across the state, not limited to:
  1. New American and immigrant voters who would have an additional barrier of proving their citizenship while also opening them up to discrimination at the polls.
  2. Voters in long-term care facilities who vote with [a long-term care certificate](#) and who may not have access to a birth certificate, passport, or other satisfactory proof of citizenship.
  3. Voters who are serving in the military outside of the state.
  4. Voters with disabilities and elderly voters who are unable to leave their homes in order to apply for the documents needed to prove their citizenship.
6. This bill would impact the accessibility of absentee voting and create more work for county election officials. When processing absentee ballots, county election offices simply check that the driver's license or nondriver's card number is in the pollbook, and they rely on the applicant's [absentee ballot application](#) signature attesting that they are a qualified elector. This bill may create an administrative burden on county election officials to gather further proof of citizenship before mailing absentee ballots, and many rural counties heavily rely on absentee ballots for their elections.
7. Noncitizens voting illegally is extremely rare, and The Heritage Foundation reports that there have been zero cases of ineligible voting or fraudulent use of absentee ballots in North Dakota.
8. This bill is unnecessary, since ND state law has a process to prosecute individuals who vote illegally. If an election official believes a person is not a qualified elector, the official may forward that voter's information to the state's attorney's office for review. An ineligible voter in a North Dakota election is committing a class C felony, punishable by up to five years in jail and a fine of up to \$10,000.
9. The bill would open the state up to litigation for creating an undue burden on voters. From [the ND Attorney General's October 2022 proof of citizenship opinion](#): "I caution that any legislative action to require voters to provide documentary proof of citizenship here in North Dakota will need to be guided by an analysis of the *Fish v. Schwab* opinion..." which set precedent in a case where a new Kansas state law required individuals to provide proof of citizenship documents when registering to vote. The courts ruled that the Kansas law violated the Equal Protection Clause and could not be enforced.

Please Oppose Senate Bill 2157.

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