

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1254

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1254

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1/28/05

Tape Number	Side A	Side B	Meter #
1	x		36.6-54.4

Committee Clerk Signature

Minutes: HB 1254 A Bill for an Act to amend and reenact subsection 1 of section 16.1-05-07 of North Dakota Century Code, relating to approved forms.

13 members, 1 absent.

**Rep. Onstad-District 4-For-Minor** change to voter identification requirements, it allows for a Tribal ID to be used as identification, similar to your drivers license. Tribal IDs are issued to all Native Americans, picture, there name, address, they might resemble a college ID, it is an official document. A number of Native Americans did not have a drivers license, they don't have a water bill, depending on there age, if they had just turned 19, or if they are an elder, quite frankly it was a little bit disappointing that they could have voted, they could have been provided an affidavit, many voters just walked away. Many voters saw that deterrent not to vote, that was really do bad. It basically allows a Tribal ID to be used as registration or identification.

**Rep. Froseth:** We heard a bill yesterday to clarify identification at the polls and we are going to amend that bill, so it is a little clearer and a little more concise, and not specifically saying you

need a drivers license. I have the amendment hear and I can give you a copy of it and if you think it is proper, we could amend your proposal right into this amendment.

**Rep. Onstead:** These amendments are good to clarify that whole portion of that, as far as the workers go, it wasn't clear, they were not provided an affidavit, it was not clear that someone could consent, if they knew them, it was not clear at the polling place. They looked at it, like they were putting up barriers.

**Tex G. Hall-Chairman Mandan, Hidatsa, and Arikara Nation-For-Attached Testimony**

**Rep. Boehning:** Do all of the Tribes in North Dakota have similar ID for that and is that standard know.

**Tex Hall:** I would say the majority of the Tribes have an ID just like you see. We have had that for the last 20 years.

**Rep. Boehning:** Are the reservations not in the 911 system?

**Tex Hall:** No not on the west side of the Fort Riffle Reservation.

**Rep. Froseth:** How about your mailing address?

**Tex Hall:** It is a box number.

**Rep. Froseth:** Do you have any rural delivery?

**Tex Hall:** Yes, many of the folks have a mail box.

**Rep. Froseth:** They use rural route number, no street number.

**Tex Hall:** Rural route 4, general delivery. That is all if is. We have no street addresses. Just in town, like New Town. We don't have 911.

**Rep. Galvin:** Do you have any suggestions how we could fulfill the requirements on the addresses?

**Tex Hall:** The way the law reads, this amendment would allow a tribal ID and they could still have an affidavit with someone else, that would verify that they are living at that residence.

**Rep. Boehning:** In Minnesota the first three that are stated on the sheet of paper you gave us, if you follow the Minnesota statute you wouldn't have any problems.

**Tex Hall:** Most tribes have a photo ID and I think not having a photo ID could easily accomplish that.

**Rep. Conrad:** Do you have some way to describe a particular piece of land?

**Tex Hall:** Yes we do.

**Rep. Grande:** On the current list we have, it does say valid Tribal Government issued IDs, is this different then the one we have.

**Tex Hall:** The key is the actual street address, that is not present on the ID and it is not present in the law, so therefore the Tribal ID goes and it doesn't have street address, they can be denied the right to vote and it has to go to the next step.

**Rep. Grande:** We discussed something similar to this and it was considered OK if they just said, I live three blocks from the mini mart, that would validate a residence. The election workers could vouch for that, would that then satisfy.

**Tex Hall:** I don't think it would go far enough, again you have a segment of the population that doesn't have a driver license so there only form of ID would be there Tribal ID. The families that are living three families in one house, the other families don't have a utility bill, do not have a telephone bill, they are waiting for a job, waiting for a house. They are in one house.

**Chairman Haas:** Is it possible for a member of the three affiliated Tribes to have a Tribal ID card from the three affiliated Tribes and be living out of state.

**Tex Hall:** Yes, we have members living in Billings, Montana.

**Chairman Haas:** They carry valid ID cards?

**Tex Hall:** Yes.

**Chairman Haas:** How do we differentiate those votes, if they are not residents of the state and they still carry a Tribal ID card, they really shouldn't be voting. They can live off the reservation, or on the reservation, but not out of state, how would you identify those?

**Tex Hall:** The Tribal election board will use the enrollment number to verify, they will use the Tribal ID and then they will say what district and there six districts, they can't jump around to different districts.

**Rep. Kasper:** If we look at the current law, which is on the bill, no where on here does it require an address. It requires an identification and the requirement is the date of birth and if the member of the election board or clerk knows the individual and vouches for the individual.

**Tex Hall:** We agree with you, if you look at the Secretary of States letter that went out page 10, paragraph two, must include the voters name and his or her address and it must identify physical location where the voter lives. I agree with you on that on that bill, but the interpretation is not there.

#### **Opposition to HB 1254**

**Al Jaeger-Secretary of State-Attached Testimony-Neutral-**It is critical that maintaining the integrity, the uniformity, and the nondiscriminatory procedures for elections in North Dakota. This is applied equally to everyone. There is no single group that is singled out. I am concerned that in this particular case, if a Tribal identification card is accepted on its face, which may or may not have a reference to an address, that we have established a different standard for that

group, then we have for any other group and so we have worked with the Indian Affairs commission, we have a contact on every reservation with our HAVA coordinator, an effort has been made. We have covered this ground already, I don't know why this bill is necessary.

**Chairman Haas:** Many years ago I did not have a 911 address, I do have an address now. Prior to the 911 system, if the new border laws were in, prior to the 911 address, I went to vote and gave them my old address, which was HCR 2 Box 40, would that have been an acceptable address?

**AL:** I would have accepted it as that, because that had identified where you received mail by your resident, not a POBox downtown in the Post Office.

**Chairman Haas:** Range, township and section, that certainly would be acceptable.

**AL:** What we told our election workers, that if they use any type of means of identifying, from a commonly known land mark, off of a BIA road or any combination there of, that is acceptable. We were very broad, as long as they could establish residence.

**Rep. Froseth:** Just to get it on record, on the amendment it says form of identification prescribed by the Secretary of State, which includes the individuals residential address and date of birth. If they use there physical location of there property, like range, township, section, would that qualify then as there residential address.

**AL:** Isn't there also language that says, a combination thereof, I wanted you to read that also on the record, because that says a combination thereof.

**Rep. Klemin:** General delivery would not be sufficient under that amendment?

**AL:** I don't believe that establishes a place of residence. It is to establish a place of residency. Even in the poll book they could list some kind of location.

**Rep. Kasper:** I agree with the Secretary about his concern about residents, because that is the essence of the validity of the ballot and so I agree with these amendments, because we have to verify the residence and we heard Chairman Hall say that these ID cards are relatively easy to be issued and they could in fact if they don't have a street address they can put a descriptive address. To protect the integrity of the ballot in North Dakota, I agree with what you are doing, but we need to educate the poll workers, so they don't turn someone away if they are willing to vouch for them.

**AL:** We just received are funding, there are many programs to educate the poll people and educate the voters.

**Rep. Galvin:** The reason you ask for an address, is so they vote in the right precinct.

**AL:** I have no idea what my precinct number is. What is the main concern? People who are voting, that are not who they say they are and people voting in areas that they are not residence of, that is all we are trying to do and through all of our efforts and through such a broad means of how you indicate that, I think we have been broad and we are willing to do more.

**Chairman Haas:** Prior to the Federal Act that we are implementing now, that when you went to vote, when the poll workers wrote your name down in the poll books, they also wrote down your address.

**AL:** That has always been the case.

**Chairman Haas:** Providing an address to establish residency is not something new.

**AL:** No, where we get concerned, is when they put down a POBox as an address.

**Chairman Haas:** Thank you very much. Any more questions?

**The hearing will be closed on HB 1254.**



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House Government and Veterans Affairs Committee  
Bill/Resolution Number HB1254  
Hearing Date 1/28/05

**Rep. Horter: I second.**

**VOTE 13 NO 0 ABSENT 1 DO PASS AS AMENDED.**

**REP. GRANDE WILL CARRY THE BILL.**

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/10/05

Tape Number	Side A	Side B	Meter #
6	x		0-8.2

Committee Clerk Signature



Minutes: A bill for an Act to amend and reenact subsection 1 of section 16.1-05-07 of the North Dakota Century Code, relating to approved forms.

**Chairman Haas:** We will open the hearing on HB 1254, Rep. Klemin.

**Rep. Klemin:** Subsection 3, the last three lines don't appear to be necessary, when you get down to that last and on the third page from the bottom I think it is very confusing language and if you don't need it, because you have to have this voters affidavit in as divided in section 16.1-05-06 and then it goes on. It just doesn't read right. If we go to 16.1-05-06 subsection 3 it says that the affidavits has to be acknowledged before the election inspector, so if you put a period after that 16.1-05-06 and then strike the rest of it.

**Chairman Haas:** Rep. Klemin moved to amend the amendment by striking everything on page 1 after 16.1-05-06 at the bottom and then we put a period. Is there a second to that amendment.

**Rep. Sitte:** I second.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1254

2/10/05

**Chairman Haas: Is there any further discussion on HB 1254, if not we will take a voice vote on the motion to amend, all in favor signify by saying I, all oppose say no, amendment carries. We now have the amended bill before us. The chair will entertain a motion.**

**Rep. Grande: I move a DO PASS as Amended on HB 1254.**

**Chairman Haas: Rep. Grande moves a DO PASS AS AMENDED**

**Rep. Horter: I second the motion.**

**Chairman Haas: Seconded by Rep. Horter is there any discussion, if not we will ask the clerk to take the roll.**

**VOTE: YES 13 NO 0 ABSENT 1 DO PASS AS AMENDED**

**REP. GRANDE WILL CARRY THE BILL.**

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/10/05

Tape Number	Side A	Side B	Meter #
7	x		0-16.4

Committee Clerk Signature



Minutes: HB 1254 A bill for an Act to amend and reenact subsection 1 of section 16.1-05-07 of North Dakota Century Code, relating to approved forms.

13 members present, 0 absent.

Discussion and voting.

**Chairman Haas: Rep. Grande, Rep. Kasper and Rep. Conrad subcommittee-on this bill and they have amendments. If you recall this is a companion bill to HB 1405 and we passed 1405 out of here with a DO NOT PASS, with the understanding with what was desired in 1405 is now incorporated in this amendment. These two bills will be on the eleventh order. Motion to have the amendments put on. Rep. Grande moves to attach the amendments, is there a second, seconded by Rep. Conrad. Is there any additional discussion on the amendment, if not we will take a voice vote on the amendments. All in favor of the amendments signify by saying I, oppose say no. Motion carried. What are the wishes of the committee?**

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1254

Hearing Date 2/10/05

**Rep. Grande: I move a DO PASS AS AMENDED.**

**Chairman Haas: A DO PASS as AMENDED by Rep. Grande. Is there a second, seconded**

**by Rep. Horter. Is there any discussion, if not I will ask the clerk to take the roll.**

**VOTE: YES 13 NO 0 ABSENT 1 DO PASS AS AMENDED**

**REP. GRANDE WILL CARRY THE BILL.**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-05-07 of the North Dakota Century Code, relating to approved forms of identification for voting purposes.

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

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

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

1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll clerks shall request the individual to show a driver's license issued by the state, another form of identification displaying a photograph of the individual and the individual's date of birth, or another appropriate form of identification prescribed by the secretary of state, which includes the individual's residential address and date of birth. The identification may include:
  - a. An official form of identification issued by the state;
  - b. An official form of identification issued by a tribal government;
  - c. A form of identification prescribed by the secretary of state; or
  - d. A combination of any of the forms of identification under subdivisions a through c.
2. If an individual offering to vote ~~fails~~ does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. After verifying that the individual's name is contained in the pollbook generated from the central voter file, poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.
2. If the individual's name is not contained in the pollbook generated from the central voter file, the individual may be challenged according to section 16.1-05-06 and the individual's name must be recorded in the pollbook. The poll clerks shall request and obtain any additional information for the individual required to be included in the pollbook.
3. If an individual offering to vote does not meet either of the options set forth in subsection 1 or 2, the election board shall challenge the individual's right to vote and the individual may not vote unless the individual executes a voter's affidavit, as provided in section 16.1-05-06 and which is acknowledged before the election inspector that the challenged individual is a qualified elector of the precinct.

- 4. a.** When verifying an individual's eligibility or when entering the name of an individual into the pollbook, poll clerks shall request, correct, and update any incorrect or incomplete information about an individual ~~that~~ is required to be ~~contained~~ included in the pollbook generated from the central voter file.
  - b.** If the individual's name is contained in the pollbook generated from the central voter file, the poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.
  - c.** If the individual's name is not contained in the pollbook generated from the central voter file but the individual is determined eligible to vote, the poll clerks shall record the individual's name in the pollbook. The poll clerks shall request and obtain any additional information for the individual required to be included in the pollbook.
- 4- 5.** Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct to the proper precinct and voting location."

Renumber accordingly

February 11, 2005

**House Amendments to HB 1254 - Government and Veterans Affairs Committee  
02/11/2005**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-05-07 of the North Dakota Century Code, relating to approved forms of identification for voting purposes.

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Renumber accordingly

Date: 2/10/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1254

House House Government and Veterans Affairs

Committee

Check here for Conference Committee

Legislative Council Amendment Number 50476.0102

Action Taken Do Pass As Amended

Motion Made By Rep Grande Seconded By Rep Horter

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	AB	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	✓	
Rep. Randy Boehning	✓		Rep. Louise Potter	✓	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep Grande

If the vote is on an amendment, briefly indicate intent:

Klemin moved to move the amendment  
Sitte second motion  
Voice vote Amendment motion carried.

Grande - attach Amendments  
Conrad - 2nd - motion

**REPORT OF STANDING COMMITTEE**

**HB 1254: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1254 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-05-07 of the North Dakota Century Code, relating to approved forms of identification for voting purposes.

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3. If an individual offering to vote does not meet either of the options set forth in subsection 1 or 2, the election board shall challenge the individual's right to vote and the individual may not vote unless the individual executes a voter's affidavit, as provided in section 16.1-05-06.

4.
    - a. When verifying an individual's eligibility or when entering the name of an individual into the pollbook, poll clerks shall request, correct, and update any incorrect or incomplete information about an individual ~~that is required to be contained~~ included in the pollbook generated from the central voter file.
    - b. If the individual's name is contained in the pollbook generated from the central voter file, the poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.
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  4. 5. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct to the proper precinct and voting location."

Renumber accordingly

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1254

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

**Senate Government and Veterans Affairs**

Business and Conference Committee

Hearing Date March 11, 2005

Tape Number	Side A	Side B	Meter #
1		x	1750-6238
2	x		0-300

Committee Clerk Signature



**Chairman Krebsbach opens hearing on HB 1254**

**Relating to approved forms of identification for voting purposes.**

**(Tape 1, side B, meter #1750)**

**Representative Kenton Onstad** - District 4, Parshall - Introduced the bill - See written testimony.

In addition he stated that although Tribal ID's are accepted they do have a problem with an address, some have addresses others do not and they are looking to correct that problem. Also it wasn't clear to the poll workers in his district that they could accept an affidavit. It was never the intention not to let them vote but they feel it was another hurdle. He feels now the bill clearly states all procedures involved.

**Senator Krebsbach** - Stated that the intent was never not to allow anyone to vote, it was a matter of letting them vote but holding it until such identification could be made.

**Senator Nelson** - Stated in the last election we allowed photo ID's that had the wrong address but they could bring in a utility bill showing that they lived at a particular address. She wondered if taking out lines 11 and 12 we are eliminating the possibility that we can update.

**Onstad** - Said that they have multiple families living at the same residence and they do not necessarily have access to a utility bill, but they do have a Tribal ID, it might have a P.O. Box. If it is clearly stated to the workers upon that condition of that person that they will verify a voucher for that particular person that takes time to vote. He thinks it is covered in the bill.

**Representative Grande** - Speaking in favor of the bill on behalf of House GVA. She gave a handout that was used with the HAVA Act in this last election and it is part of the information that is distributed to the county auditors as to what types of identification is necessary or proper for a person to vote. This bill takes you through that promotional piece. She said she also had to bring in a utility bill for proper identification in her precinct. In the rural communities where they know each other very well and are identified by a poll worker you do not need to produce things. These are all different options. They will work over the next two years to make sure everyone is educated and has the opportunity to vote.

**Senator Nelson** - Thought this handout would have been great to give to the election workers.

**Senator Krebsbach** - Believes over all the entire election process we had the problems were very minimal.

**Senator Brown** - Said being an election worker is a very difficult job. He thought this handout should go to every household. He said in his district they saw a lot of utility bills used for identification.

**Rep. Grande** - Said she is working with the Tribal representatives and they are working on how to get some of the tribal areas that are not 911 numbered and have that taken care of by the next election. They would be willing to put that type of address on the tribal ID's.

(meter #3100)

**Richard Mayer** - Chief Executive Officer for the Three Affiliated Tribes - See written testimony that he read on behalf on Tex Hall.

**Mayer** - Added his own comments. He is concerned with the ability of his tribal members to vote. Not only with tribal government but also State, County and the US. Believes the right to vote should never be disallowed. He had concern in the last election that people were turned away at the polls. He stated his brother was turned away because there was a sign on the door that said must have valid state ID to vote. He explained to his brother that he could have an affidavit. He said the poll workers argued whether they could accept an affidavit or not. He said it is a serious concern of his. He said they have tribal members in some very rural areas, they have some disparaging rates related to unemployment and other related economic deficiency items.

The right to vote should not be denied to them because they do not have a state ID or because of the lack of training by the poll workers. Urges the passing of this bill.

**Senator Krebsbach** - Wanted him to know that the intent of this committee and others involved with voting is very much to allow each and every person to vote. She apologized for the



confusion. She questioned the article from Minnesota and asked if Minnesota has voter registration.

**Mayer** - Said he believes it does. Thought the people had registered but were still trying to use their Tribal ID's and that was the issue.

**Senator Krebsbach** - Said an area of concern is still the address. What would preclude someone from going precinct to precinct to vote without having some sort of tracking.

**Mayer** - Understands the concern. That is an administrative issue, how is the state going to verify that, that is tribal members, that is non- Indian members that can do that also. That is a statewide problem. That is not a racial issue.

**Senator Krebsbach** - Said that it is not a racial issue but if you have an address that can be tracked and you can only vote in your precinct in that case.

**Al Jaeger** - Secretary of State - In favor of bill 1254. He does take exception with Tex Hall's comments. He pointed out on the card that it says they accept Tribal ID cards also affidavits. He said this information was put out in the polling places. They ran full page information ads in every newspaper across the state twice before the election. He said they have done everything possible plus part of the HAVA money is to be used for education and United Tribes Technical College submitted an application for a grant to educate on the reservation. He gave them a grant of \$54,000, he has the report. The issues with the poll workers is beyond his control. They provided the information to them. State law requires the Secretary of State to give an individual manual to every poll worker in the state of ND.

**Senator Brown** - Asked how far can they go in assisting voters with their ballots. He said they were well trained in Fargo Poll Districts but they did sometimes go over the 3rd ballot when messed up.

**Sec. Jaeger** - Said there are provisions in the state law that allow assistance. He said he is very frustrated when he hears people were turned away because they have provided the information. He said it is all covered in state law. He said on election day they had over 3000 people working. The law of percentages says their not all going to get it but when its all said in done our election went very well. He can document everything that has been done. In the last two years they have set up an education committee for voter education and poll worker education.

**Mayer** - In response, said it is wrong to deny any people the right to vote and someone has to take responsibility for that.

**Senator Krebsbach** - Said that there has been some strong misunderstanding, some of it may be the policy of the poll workers in your precinct. She asked if they have had problems in the past voting.

**Mayer** - Said they have had problems in the past with their membership having the ability to vote. He said in what he has seen a lot of it goes with the precinct workers being non-Indian workers and a level of discrimination that has always been there, ever since there has been interaction with Indians and non-Indians. His concern is that the voting precinct workers were all non-Indian were discriminating against people that either would be intimidated by the poll worker asking for some form of identification or having the process explained to them. Some of the people may need to be educated and informed at the poll. They argument is that they have

already faced discrimination at the polling places and now with these new rules that it would get worse and discourage more people voting. He believes very deeply in the right to vote.

**Senator Krebsbach** - Asked if objected to showing a valid tribal card.

**Mayer** - No, they don't.

**Senator Lee** - Took umbrage at the innuendo that this was intended anything racial. She has no doubt that it is not that kind of situation for anybody that has tried to improve this. She said the addresses are very important to verify where people live. Said it is unreasonable to expect us to have some personal responsibility with bill boards and all the kinds of things that are out there. Senior citizen groups have educated their members. She assumes there is some tribal responsibilities to educated the enrolled members about what they have to do. She does not think tribal members should be exempted from providing address verification anymore than students or anybody else. She is offended that they would turn this into something that it is not.

She said they can work on the problem with poll workers.

**Mayer** - Apologized, said it was a personal experience that he had had in the past.

**(Tape 1, side B, Meter #6238)**

**(Tape 2, side A)**

**Mayer** continues.

**Senator Krebsbach** - Asked if he had any of the education that was provided through the grant through the tribal college.

**Mayer** - Stated no he wasn't involved in that. He talked with Bill Baird at United Tribes, and said he expressed some of the same concerns. He said with it being out at United Tribes the actual impact it had on the reservation for education was very limited. His concern is for his

tribal membership having the opportunity to vote.

**(meter #161)**

Closed the hearing on 1254.

**(meter #1820)**

Discussion on 1254

**Senator Lee** moved for do pass

**Senator Syverson** seconded

**Senator Nelson** - Said that some work needs to be done with some auditors that need to get the word out.

**Senator Krebsbach** - Said there has to be a certain amount of local responsibility and the individual.

**Senator Lee** will carry

**(meter #300)**

Date: *3/11/05*  
Roll Call Vote #:

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1254**

Senate **Government and Veterans Affairs**

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *No Pass*

Motion Made By *Senator Lee* Seconded By *Senator Syverson*

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	<i>X</i>		Carolyn Nelson	<i>X</i>	
Richard L. Brown, Vice Chairman	<i>X</i>				
Judy Lee	<i>X</i>				
John O. Syverson	<i>X</i>				

Total (Yes) *5* No *0*

Absent *0*

Floor Assignment *Senator Lee*

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 11, 2005 1:19 p.m.

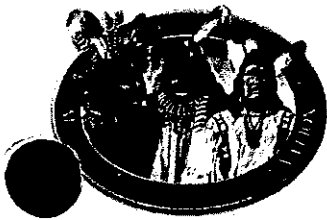
**Module No: SR-45-4776**  
**Carrier: J. Lee**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1254, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1254 was placed on the Fourteenth order on the calendar.**

**2005 TESTIMONY**

HB 1254



**MANDAN, HIDATSA & ARIKARA NATION**  
Three Affiliated Tribes • Ft. Berthold Reservation  
404 Frontage Road • New Town, ND 58763-9402

**59<sup>th</sup> LEGISLATIVE ASSEMBLY  
HOUSE COMMITTEE ON  
GOVERNMENT AND VETERANS AFFAIRS  
HONORABLE C.B. HAAS, CHAIRMAN & COMMITTEE MEMBERS**

**TESTIMONY OF TEX G. HALL, CHAIRMAN  
MANDAN, HIDATSA & ARIKARA NATION  
ON HOUSE BILL 1254**

Chairman Haas and Committee Members, my name is Tex Hall and I am the Chairman of the Mandan, Hidatsa & Arikara Nation. Thank you for allowing me to testify before you today.

House Bill 1254 would amend Subsection 1 of Section 16.1-05-07 of the North Dakota Century Code to allow members of North Dakota Tribes to use official identification cards issued by our respective Tribal Governments to vote.

Our Tribal Identification cards are very similar to a State driver's license or State identification card. For instance, our Tribal I.D. at the Mandan, Hidatsa & Arikara Nation has the individual's name, photograph, birth date, enrollment number, social security number, and degree of Indian blood, the individual's signature and, in most cases, the residential address of the person.

The Secretary of State has refused to accept Tribal I.D. if it does not have the individual's residential address on the card. Because many of our Tribal members live in remote areas that do not have addresses, this creates a hardship to these Tribal members and dissuades them from voting because some of them—especially our elders—do not have State Driver's licenses or other forms of identification. Thus, I believe it is necessary for the State to specifically recognize Tribal I.D.'s as a valid form of identification under Section 16.1-05-07 so that our Tribal members can rest assured that their Tribal I.D.'s will be recognized when they go to vote.

I understand that the voter's residential address must be verified at the poll and that a Tribal I.D. that does not contain a residential address would not provide proper verification. To resolve this problem, the Secretary of State could simply accept a current utility bill or, as the law presently provides, allow a poll clerk or a member of the election board to vouch that the Tribal member resides in the precinct in which they are voting or sign a voter's affidavit. Thus, because there are alternative methods to verify an individual's residential address, Tribal I.D.'s that do not contain a residential address should not be rejected as a valid form of identification at the polls. This is what is happening too many of our Tribal members and the result is that they have been wrongly prohibited from exercising their right to vote.



I believe if you read Section 16.1-05-07 as it is presently written, Tribal I.D.'s are a valid form of identification whether or not they contain a residential address. However, the law is not being applied in this manner. Consequently, the State legislature should rectify any misunderstanding that the Secretary of State or any other individual may have with respect to Tribal I.D.'s by specifically recognizing Tribal I.D.'s under Section 16.1-05-07.

Lastly, I would like to point out that the use of Tribal I.D.'s to register to vote was an issue in the State of Minnesota just previous to the 2004 election. The State of Minnesota refused to recognize Tribal I.D.'s from Tribal members that lived off of an Indian reservation. The State was sued by some Indian residents of Minnesota claiming that the State was effectively denying them their right to vote by failing to recognize their Tribal I.D. The United States District Court in Minneapolis found in favor of the Indian plaintiffs and ordered the State to recognize Tribal I.D.'s as sufficient proof of identity even if the I.D. did not contain an address as long as it was used in combination with a current utility bill. I have attached a copy of a Press Release issued by the National Congress of American Indians to my testimony that provides a summary of the case and the judge's ruling.

In summary, HB 1254 is needed to prevent the continued misapplication of the law and to make it crystal clear that Tribal I.D.'s are acceptable forms of identification at the polls whether or not these I.D.'s have the individual's residential address on them. Because a person's residential address can be verified by other means, the lack of a residential address on the Tribal I.D. in and of itself should not preclude recognition of the Tribal I.D.

For these reasons, I urge this committee to recommend a DO PASS on HB 1254. Again, thank you for allowing me to testify.

1301 CONNECTICUT AVE, NW  
SUITE 200  
WASHINGTON, DC 20036  
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# NCAI NEWS

**FOR IMMEDIATE RELEASE**

**CONTACT: Jason McCarty - 202.466.7767**

**Judy Hanks - 218.444.6686 or 218.556.1650**

## **Indians Win Voting Rights Case in Minnesota Filed by National Congress of American Indians and the MN ACLU**

On Friday, October 29<sup>th</sup> Judge James Rosenbaum in the U.S. District Court in Minneapolis ordered Minnesota's Secretary of State Mary Kiffmeyer to accept tribal government issued identification cards for voting in the November 2<sup>nd</sup> election. The National Congress of American Indians and the Minnesota ACLU combined with American Indian plaintiffs to file this lawsuit against the state for discriminating against American Indian voters by denying them the right to vote using tribal ID cards.

The federal court ordered that:

- 1) Tribal identification cards that contain name, address, signature and photo will have the same status as a Minnesota drivers license as sufficient proof of identity and residency and can be used to register to vote on election day.
- 2) Photographic tribal identification cards that do not contain an address (or a current address) can be used in combination with a current utility bill to register to vote on election day.
- 3) Tribal identification cards can be used to register to vote on election day as described above for tribal members living on or off reservation.

As many as 32,000 American Indians in Minnesota live off-reservation in the greater St. Paul/Minneapolis area, and many have only a tribal identification card for government-issued ID. The Secretary of State had ruled that Minnesota law required her to accept tribal ID cards only if the person lives on an Indian reservation.

"This is the right decision," said NCAI President Tex G. Hall in response to the federal court order. "Requiring more stringent rules for one group of people and limiting their ability to vote violates the United States Constitution. We teamed up with the American Civil Liberties Union, and we greatly appreciate their support of Indian voting rights."

Hall continued. "Politicians pay attention to voters. Now it is time to take your tribal ID card and go vote. The election is on Tuesday, so forget about everything else -- it is time to get our tribal members out to vote. Radio, phone calls, and door to door canvassing -- get the word out that we have to vote. We can provide drivers and vans. We can give time off to go vote. It is time to celebrate our right to vote."

NCAI and the MN ACLU were represented by a team of lawyers from Dorsey & Whitney LLP, an international law firm headquartered in Minneapolis. According to Dorsey attorney Skip Durocher "The Secretary of State drew an arbitrary line between tribal members who live on the reservations and those who live elsewhere. We are very pleased with the decision and glad to have this opportunity to help protect the fundamental voting rights of American Indians."

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE [www.state.nd.us/sec](http://www.state.nd.us/sec)



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

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

January 28, 2005

TO: Rep. Haas, Chairman,  
and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1254 – Approved forms of identification for voting purposes

When the 2003 Legislative Assembly adopted SB 2394 and this section of law, its purpose was to ensure the identity of the voter and to verify that the voter was a qualified elector of the precinct in which he or she intends to vote.

To achieve this goal, the present law requires a voter to provide one of many approved forms of identification, which can identify the voter and provide the voter's residential address.

As SB 2394 was initially introduced in the last session, it required photo identification. However, tribal representatives alerted us to the fact that tribal ID cards did not have a photo. Therefore, the bill was amended to how it now exists in N.D.C.C. § 16.1-05-07(1).

In addition to the types of identification provided for in this section of law, it allowed the Secretary of State to prescribe other forms of acceptable identification. On the reverse side of this testimony, I have photocopied the various forms of identification that were considered acceptable. The list includes a valid tribal government issued ID card. The acceptance of a tribal ID card is consistent with the assurances given to tribal representatives in 2003.

By adding tribal identification to the law, it implies that it must be accepted regardless of whether it contains a residential address. This would be contrary to the intent of the law to confirm the voter's identity and residential voter address.

As currently prescribed and if by chance the tribal issued identification card does not contain a residential address, the holder of the card has several other options to provide the election board with identification that reveals a residential address.

For maintaining the integrity, uniformity, and non-discriminatory procedures for elections in North Dakota, it is important that all prescribed forms of identification are applied fairly and equally to all of the state's residents. I believe this bill would change that uniformity as it makes special allowances to one portion of the state's population if the tribal identification must be accepted even if it does not have a residential address.



**NORTH DAKOTA VOICES COUNT**  
As a resident, you have the right to:

- ✱ Vote free from interference in a private and secret manner.
- ✓ Ask for and receive assistance in voting.
- ✱ Written instructions to use when voting, and, upon request, oral instructions in voting from election officers.
- ✓ Cast a vote if in line at the official closing of the polls.
- ✱ Correct your ballot. You may receive up to two replacement ballots prior to casting your ballot if you believe you've made a mistake. The third ballot must be cast.
- ✓ An explanation if your residency or identity is in question.
- ✱ Prove your residency or identity by signing a voter's affidavit.
- ✓ Vote by absentee ballot.
- ✱ Report illegal or fraudulent activity to an election officer or the Secretary of State's Office.

**Voice Your VOTE**  
NORTH DAKOTA VOICES COUNT  
Secretary of State Elections Division

Printed May 2004

## VOTE. HAVE YOUR ID READY

### TAKE YOUR ID WITH YOU

*Showing identification at your polling location is the law.*

*Acceptable forms of ID must include a residential address.*

- ✱ Valid Driver's License
- ✱ Valid State ID Card
- ✱ Valid Federally Issued ID Card (such as...)
  - Passport
  - Agency ID Card
- ✱ Valid Tribal Government Issued ID Card
- ✱ Valid Student ID Card
- ✱ Valid United States Military ID Card
- ✱ Utility bill dated 30 days prior to election day with name and residential address
- ✱ Change of address verification letter from the US Postal Service

*What if I have none of the ID listed above? Can I still vote?*

You still have the right to vote using one of the options below:

- ✓ An election worker vouches for your identity and residence.
- ✓ You complete a Voter's Affidavit certifying your right to vote in the precinct

www.ndliving.com



*It's the new law.*

**Voice Your VOTE**  
NORTH DAKOTA VOICES COUNT

NORTH DAKOTA LIVING ■ OCTOBER 2004 31

# Left. Right.

## No matter how you vote, bring your I.D.

When you prepare to vote this year, you'll need to know about a small but important change: You need to bring your I.D. This new law is intended to ensure that only you can voice your vote. It's simple: just show any of the following forms of identification:

- ✓ Valid North Dakota drivers license
- ✓ Valid North Dakota issued State I.D. card
- ✓ Valid Federally issued I.D. card – passport or agency I.D. card
- ✓ Valid Tribal Government issued I.D. card (in combination with document listing address)
- ✓ Valid Student I.D. card (in combination with document listing address)
- ✓ Valid U.S. Military I.D. card (in combination with document listing address)
- ✓ Utility bill dated within 30 days prior to election day, with your name and street address
- ✓ Change of address verification letter from U.S. Postal Service

If you do not have any form of I.D., you can still vote if a poll worker can vouch for your identity or if you complete a Voter's Affidavit.

For more information about this important new legislation, contact your county auditor, North Dakota Secretary of State's Office or visit [www.discovernd.com/nava](http://www.discovernd.com/nava).

1254

**PRESS RELEASE**  
For Immediate Release  
May 10, 2004

For More Information:  
Jim Silrum  
Deputy Secretary of State  
(W) 701-328-2900

**SECRETARY OF STATE ANNOUNCES  
LAUNCHING OF VOTER ID EDUCATION CAMPAIGN**

Bismarck, N.D. – The Election Division of the Secretary of State's office and the Education Committee for the Help America Vote Act of 2002 have unveiled a statewide campaign to educate voters about a new requirement when they come to vote on June 8. According to Secretary of State Al Jaeger, voters in North Dakota will be asked to present identification, as the result of a new law passed by the 2003 Legislative Assembly.

Acceptable forms of identification must include the voter's name and his or her residential address, which must identify a physical location where the voter lives. The identification cannot just list a post office box as the voter's address. A post office box only indicates where the voter receives his or her mail and not the residence where they actually live.

Forms of identification that will be accepted by poll workers are:

- Valid North Dakota Drivers License
- Valid State Identification Card
- Valid Federally Issued Identification Card: e.g., passport, agency identification card
- Valid Tribal Government Issued Identification Card
- Valid Student Identification Card
- Valid United States Military Identification Card
- Utility bill dated 30 days prior to Election day with name and residential address
- Change of address verification letter from the US postal Service

However, even without identification, no eligible voter will be denied the right to vote. "Eligible voters without identification have two options," Jaeger states. "If an election poll worker knows that the voter is a qualified elector of the precinct, they can vouch for that person and allow them to vote. Or, a person can complete a Voter's Affidavit in which the voter, under oath, certifies his or her identity and that they are a resident of that precinct."

For those persons that might need an identification card, a state non-driver card can be obtained through the North Dakota Department of Transportation or one of their automated driver's license sites.

The statewide education campaign will include handouts, bookmarks, posters, billboards, and radio and newspaper advertising.

Voters can also contact their county auditor, the Secretary of State's Election Division, or access Secretary of State websites at [www.state.nd.us/sec](http://www.state.nd.us/sec) or [www.discovernd.com/hava](http://www.discovernd.com/hava).

1254  
Madam Chair Krebsbach and Members of the Senate Government and Veterans Affairs Committee

I am Representative Kenton Onstad, District 4, Parshall. I stand here in support of HB 1254.

HB 1254 is a result of our newly enacted voter identification. The original HB 1254 asked for Tribal ID's to be used as a means of identification.

It was quickly identified in the House committee hearing that several problems existed in the law, mostly identified with the workers at the various election precincts.

You now have an engrossed version of HB 1254 that, I believe, clearly identifies the procedure and what can be used as a means of identification for voters.

HB 1254 clearly states procedures to follow if:

- voter does not have identification.
- voter is already in the poll books
- voter is not in the poll books
- executing a voter's affidavit.

It is not uncommon a new procedure is enacted, problems and corrections are identified to fully implement the program. You surely do not want to discourage anyone from voting.

Members of the Senate Government and Veterans Affairs Committee I urge your support of HB 1254.

A1254



**MANDAN, HIDATSA & ARIKARA NATION**  
Three Affiliated Tribes • Ft. Berthold Reservation  
404 Frontage Road • New Town, ND 58763-9402

**59<sup>th</sup> LEGISLATIVE ASSEMBLY  
SENATE COMMITTEE ON  
GOVERNMENT AND VETERANS AFFAIRS  
HONORABLE KAREN KREBSBACH, CHAIR**

**TESTIMONY OF TEX G. HALL, CHAIRMAN  
MANDAN, HIDATSA & ARIKARA NATION  
ON HOUSE BILL 1254**

Chairman Krebsbach and Committee Members my name is Tex Hall and I am the Chairman of the Mandan, Hidatsa & Arikara Nation. I apologize for not being able to testify in person before you today but preexisting commitments prohibit me from being here. I have asked the Tribe's Chief Executive Officer, Rich Mayer, to provide this testimony on behalf of the Mandan, Hidatsa & Arikara Nation.

Senate Bill 1254 would amend Subsection 1 of Section 16.1-05-07 of the North Dakota Century Code to allow members of North Dakota Tribes to use official identification cards issued by our respective Tribal Governments to vote.

Our Tribal Identification cards are very similar to a State driver's license or State identification card. For instance, our the Tribal I.D. at the Mandan, Hidatsa & Arikara Nation has the individual's name, photograph, birth date, enrollment number, social security number, degree of Indian blood, the individual's signature and, in most cases, the residential address of the person.

The Secretary of State has refused to accept Tribal I.D. if it does not have the individual's residential address on the card. Because many of our Tribal members live in remote areas that do not have addresses, this creates a hardship to these Tribal members and dissuades them from voting because some of them – especially our elders – do not have State Driver's licenses or other forms of identification. Thus, I believe it is necessary for the State to specifically recognize Tribal I.D.'s as a valid form of identification under Section 16.1-05-07 so that our Tribal members can rest assured that their Tribal I.D.'s will be recognized when they go to vote.

I understand that the voter's residential address must be verified at the poll and that a Tribal I.D. that does not contain a residential address would not be able to provide verification. To resolve this problem, the Secretary of State could simply accept a current utility bill or, as the law presently provides, allow a poll clerk or a member of the election board to vouch that the Tribal member resides in the precinct in which they are voting or sign a voter's affidavit. Thus, because there are alternative methods to verify an individual's residential address, Tribal I.D.'s that do not contain a residential address should not be rejected as a valid form of identification at the polls. This is what is happening to many of our Tribal members and the result is that they have been wrongly prohibited from exercising their right to vote.

I believe if you read Section 16.1-05-07 as it is presently written, Tribal I.D.'s are a valid form of identification whether or not they contain a residential address. However, the law is not being applied in this manner. Consequently, the State legislature should rectify any misunderstanding that the Secretary of State or any other individual may have with respect to Tribal I.D.'s by specifically recognizing Tribal I.D.'s under Section 16.1-05-07.

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In summary, HB 1254 is needed to prevent the continued misapplication of the law and to make it crystal clear that Tribal I.D.'s are acceptable forms of identification at the polls whether or not these I.D.'s have the individual's residential address on them. Because a person's residential address can be verified by other means, the lack of a residential address on the Tribal I.D. in and of itself should not preclude recognition of the Tribal I.D.

For these reasons, I urge this committee to recommend a DO PASS on SB 1254. Again, thank you for allowing me to testify.