

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1302

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1302
2/12/2015
23784

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to eligibility to vote; and to provide a penalty

Minutes:

Attachments 1-5

Chairman Kasper opened the hearing on HB 1302.

Rep. Corey Mock appeared in support of HB 1302. This bill would return our election laws to the pre 2013 election laws. He presented Attachment 1 which is an amendment. We were the first state to have voter registration nearly 100 years ago. Now we are the only state that does not have voter registration. We have a central voter file, records that we receive from the Department of Motor Vehicles. The amendment would direct legislative management to study a voter registration system, to review our laws in 16.1 and the policies that would be needed to implement a voter registration system including provisions related to same day voter registration, and report its findings to the next legislative assembly. Attachments 2 & 3 were received from the National Conference of State Legislatures and describe a little bit more about voter registration. Attachment 4 is a brief side by side synopsis between what North Dakota and Minnesota's election laws look like. Prior to 2013 a person could come in and could prove they are who they say are and live where they say live on election day. Attachment 5 is the screen shot of DOT's website where you can change your driver's license address which must be done within 10 days of when you changed. I found out, though, there is no verification.

Chairman Kasper Did you have to give any kind of password on this website?

Rep. Mock No, as long as you have my driver's license number and my date of birth, you could very easily do that. PO boxes if they are on your driver's license are not an address that you can use to determine voter eligibility. 547 South 7th Street in Bismarck is a mailing center. In essence this is a PO box in disguise. There are a lot of things we need to look at. When a person shows up on election day and they are casting a ballot, they need to prove two things. They are who they say are and they live where they say they live and are a qualified elector.

Chairman Kasper This committee chairman will do everything I can to add your amendment to your bill.

Rep. Louser I was genuinely shocked to learn that there were over 10,000 people that voted without an identification and hadn't signed an affidavit in the 2012 election and saw a lot of potential fraud and abuse in that system. Is it your intent to change our identification laws?

Rep. Mock It may be required. More than anything, it is knowing how we are receiving that information, how we are purging the information, how we are verifying the information, and knowing that there are 49 states that have a voter registration system, all 49 states seem to have a few nuances that are a little bit different. I think it behooves us to work with other states about what laws we need to have a good system and to see whether voter registration is a part of that system.

Vice Chair Rohr In these areas that have proclaimed to have voter registration, have you done any research on what kinds of issues they have?

Rep. Mock All other states have voter registration, and voter registration does not prescribe the methods used to determine eligibility. That is merely the system by which you establish intent. Voter registration and verification of eligibility are two different beasts. You are right that there is no one perfect system.

Rep. Louser I want to echo the chairman's sentiment. Do you see an advantage to North Dakota being the last state of registration but having a strong identification system as opposed to the other way around?

Rep. Mock I don't know because we are coming about it from a different angle.

Rep. B. Koppelman Looking over the list of states that have voter ID and don't have same day registration and say 30 days before, if you didn't register 30 days before in those states, you are out of luck. The effort has always been to allow even up to election day methods for qualifying to vote as long as you lived there 30 days. Is that your understanding of how voter registration works?

Rep. Mock 9 or 10 states have same day voter registration. That is why I included that provision in the study. We had the equivalent of same day voter registration for every election with the exception of the 2014 primary and general. In those elections there was no way that a person could show up if they weren't in the central voter file and did not have an ID that had their picture and their valid address unless it was done 30 days prior. Voter registration is how we collect, maintain, and manage that data.

Rep. Amerman Your bill and proposed amendment is for a study. Right now we don't have voter registration but we actually do in a sense. In other states do you register every election cycle?

Rep. Mock In most states if you are registered to vote, you do not need to register for every election. That registration is good as long as you remain a state qualified elector of that area. I do believe the spirit of voter registration is alive and well in ND.

Donnell Preskey, ND Association of Counties, appeared in support after reading the amendment. The Cass County, Burleigh County, and Stutsman County auditors liked this amendment. I do feel the group as a whole is supportive of a study on this. One of the biggest concerns that auditors have had in running their elections is the many loopholes that there are in the central voter system and the dependency on DOT to provide that information so people can vote.

No opposition or neutral.

The hearing was closed.

Rep. Louser moved the amendment.

Rep. Dockter seconded the motion.

Voice vote. Motion carries.

Rep. Dockter made a motion for a DO PASS AS AMENDED.

Rep. Wallman seconded the motion.

Rep. Louser A couple things that I think are crucial to be considered in this study would be party affiliation and the purging of records from somebody out of state.

Chairman Kasper One of the other things that would affect our state is once you do have voter registration, you have certain other parameters that you fall into.

A roll call vote was taken. 12 Yeas, 0 Nays, 2 Absent.

Rep. Louser will carry the bill.

AM
2-13-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1302

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of voter registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOTER

REGISTRATION. During the 2015-16 interim, the legislative management shall consider studying voter registration and policies to implement a system of voter registration, including provisions necessary to allow same day voter registration. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

Date: 2-12-15
Roll Call Vote #: 7

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1302

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 15.0681.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Louser Seconded By Dockter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chair Karen Rohr			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Mary Schneider		
Rep. Mary C. Johnson			Rep. Kris Wallman		
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Jay Seibel					
Rep. Vicky Steiner					

Vote motion carries

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-12-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1302

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Dockter Seconded By Wallman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson	X		Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman					
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner					

Total (Yes) 12 No 0

Absent 2

Floor Assignment Louser

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

REPORT OF STANDING COMMITTEE

HB 1302: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1302 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 provide for a legislative management study of voter registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOTER REGISTRATION. During the 2015-16 interim, the legislative management shall consider studying voter registration and policies to implement a system of voter registration, including provisions necessary to allow same day voter registration. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1302

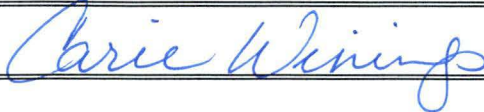
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1302
3/6/2015
Job # 24418

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for a legislative management study of voter registration.

Minutes:

Attachments 1 - 3

Chairman Dever: Opened the hearing on HB 1302.

Kevin Glatt, Burleigh County Auditor/Treasurer: See Attachment #1 for testimony in support of the bill and to explain the bill.

(5:05)Donnell Presky, North Dakota Association of Counties: See Attachment #2 for testimony in support of the bill.

(6:20)Senator Cook: I did not see the original bill that was introduced, did you? Is it safe for me to assume that the original bill created voter registration?

Donnell Presky: This was pretty much a hog house amendment and it changed the bill completely. I am not sure how to answer that question.

Senator Cook: This creates a study. If we are going to create voter registration, we know how to draft the bill. We know what needs to happen. It is just a matter of getting it passed if that is what the people want. We know how to do it don't we?

Chairman Dever: (Reads from original bill.) It does not have as a title voter registration.

Donnell Presky: I believe the bill went back to the way voting was handled prior to the 2013 changes.

Chairman Dever: It seems to me that resistance to registration has more to do with the fact that is nice that we are the only state that does not do this than it has to do with what is practical.

Donnell Presky: The main concern from our auditors is just the ease of voting for voters. The comments that I heard when I enquired about this bill, was should they have to travel

in to register and then later come in to vote. That is one issue that the study would take a look at is same day registration on the Election Day.

Chairman Dever: We lived in Montana where we had to register and I think the registration carried forward until the next presidential election. If you did not vote in that your registration was dropped. I think the point is that you do not have to register before every election. I think on absentee voting, if you request an absentee vote, you do that each cycle and if you request it for the primary it is good for the general. Mail in ballots are sent out to each person that voted in the most previous election correct?

Donnell Presky: I cannot answer that question since I am not a mail in county auditor.

(10:55)Jim Silrum, Deputy Secretary of State: See Attachment #3 in opposition to the bill. North Dakota was one of the first states to implement voter registration and we are the only one to get rid of it so far. The century code does reference registration in North Dakota because under the Century Code the cities are still able to have voter registration if they would like. To my knowledge Medora is the only one that maintains that. If the problem is that DOT is the gate keeper of our addresses, if North Dakota implements voter registration, we fall under the national voter registration act and the motor voter act and that requires that registration offices be the Department of Transportation also Health and Human Services and other social service agencies. There is no way that if we implement voter registration in this state that election officials would be the gate keepers of who can and cannot vote. I think it would be interesting and with my association of working with the National Association of State Election Directors and the National Association of Secretaries of State, it would be interesting but I bet there would be 49 other states that would like to come and say not to do it because of how much trouble they experience with the difficulties. For example, the Department of Justice not allowing the purging of voter record rolls. It may have been simpler when the records could be purged but there are extremely bloated voter registration data bases across the country because of their inability to purge records from the system. There are many difficulties with voter registration.

(15:55)Chairman Dever: So you are saying that other states might want to be where we are?

Jim Silrum: I believe that not every state would because some people still hold true and fast to that voter registration is the panacea for deciding who can and cannot vote. In our search of that question, if the discussion of whether or not somebody can vote is done like we do it or is at the time you register to vote, we still have that issue. What happens if that voter moves and they fail to update their voter registration? Are they still not going to complain that they did not know that they are supposed to update it? There are plenty of other states that agree with us that a solid voter ID act in the state is a much better replacement for any form of voter registration at all. I would not say that we have a solid voter ID act right now but I say that is a better effort than anything with voter registration.

Chairman Dever: You make reference to SCR 4022 and you are saying that study could include voter registration.

Jim Silrum: Yes. It seems if there is a comprehensive study it would have to include that question. This bill did not get a dissenting vote in the other chamber. I was not able to testify on the House side but I would have given the same exact testimony.

Chairman Dever: Let me clarify that a study in a resolution cannot be mandatory but a study in a bill may or may not be mandatory. It would say "shall study" or "shall consider studying" but in a resolution it is optional however you say it.

Jim Silrum: I did not realize that. SCR 4022 does not seem to give an option but with that it would be optional.

Chairman Dever: Every session we have to think about that. Closed the hearing on HB 1302.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1302
3/26/2015
Job # 25512

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

Attachments 1 - 2

Chairman Dever: Opened HB 1302 for committee discussion. See Attachments #1 and #2 for additional information for the committee from Jim Silrum, Deputy Secretary of State.

Committee Discussion: The committee reviewed the bill and talked about the testimony that was brought to the committee. The committee also felt that there is already a bill out there that is intended to study elections and the topic of this bill could be included in that study. The other study is in the form of a resolution so it may be studied.

(4:00) Senator Cook: What is it that we would learn from a study on voter registration.

Chairman Dever: According to the Secretary of State I think we would learn that some other states would prefer to be like we are. We are the only state that does not have voter registration. Some states that have it you register to vote and in some you register under your party. The state of New York has multiple parties and my understanding is that you can register under more than one. I think if you have voter registration by party then the parties kind of know where they are at. I am not so sure that people like to reveal what their party affiliation is. I could be said that we have voter registration that is same day registration because you register when you arrive at the poles. Some would argue that this last election because county auditors quit updating their record from DOT 30 days before the election that we had a defacto registration through the Department of Transportation.

Senator Davison: So when the sponsor came in were they still in favor of the study even though obviously this was not the original bill?

Chairman Dever: The prime sponsor was out of town that day and he said that if we wanted him to, he could come down to talk to us about why it was important.

Senator Davison: Moved a Do Pass.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Motion Carried.

Senator Marcellais will carry the bill.

Date: 3/24
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE

ROLL CALL VOTES
BILL/RESOLUTION NO. 1302

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Davison Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Dever		✓	Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook		✓			
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Marcellais

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

REPORT OF STANDING COMMITTEE

HB 1302, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1302 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1302

February 12, 2015

#1 1302
2-12-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1302

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of voter registration."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOTER

REGISTRATION. During the 2015-16 interim, the legislative management shall consider studying voter registration and policies to implement a system of voter registration, including provisions necessary to allow same day voter registration. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

#2
1302
2-12-15

Process for Same-Day Voter Registration

Note: Information in this document was obtained in November 2012 from conversations with state election directors, and updated in April 2014 with information on Connecticut and Colorado.

All states required proof of identify (some with a photo) AND proof of residency to register and vote on the same day.

Typical process for regular registration:

- The local election official mails out a confirmation card to the voter at the stated address, a card that will not be forwarded.
- If that card comes back to the office as undeliverable, then there is a question about whether the voter really lives there, and the registration is not considered complete.
- If the card is not returned to the office by the postal service, then that is taken to mean that the newly registered voter does in fact live there.

Typical process for same-day registration:

- When a voter wishes to register and vote in the same day, there isn't time to mail out a card so the person must prove two things:
 - Proof of residency
 - Proof of identity
- A current driver's license with the correct address may serve both purposes, or an out-of-state license might prove identity and a current utility bill with the name and address on it could be used to prove residency.

Source: National Conference of State Legislatures

April 2014

For questions or updates, contact NCSL's elections team at 303-364-7700

- Each state has its own variations of exactly what documents are accepted as proof of identity or residency.

Post-election process:

- If a voter can't provide the required identification to register and vote, some states will permit the voter to vote provisionally and return within a certain number of days after the election to show valid identification in order for the ballot to be counted.
- Administrators typically send a letter to the address listed on Election Day registrants' forms to ensure that the voter does in fact live at the address indicated. If the letter comes back undeliverable, the voter's information may be forwarded to law enforcement.

	Acceptable identification for SDR	Process if documentation is insufficient	Location of SDR	Post-election process
Colorado	Proof of identity: Same ID required for registration Proof of residency: A document listing current address	Vote a provisional ballot	At any voter service and polling center	If a voter voted provisionally due to lack of identification, he must show ID in days following election
<u>Connecticut</u>	Proof of identity: Photo ID Proof of residency: Document showing current address (if not included on ID)	Vote a provisional ballot	Designated locations in the municipality (not at the polls)	
<u>Idaho</u>	Proof of identity: Photo ID Proof of residency: A document which contains a valid address in the precinct. A registered voter from that person's precinct can vouch for residency.	Without adequate proof of both ID and residency, there is no registration and no vote is cast. Provisional voting is not provided.	At the polls	
<u>Iowa</u>	Proof of identity: A photo ID with an expiration date. Proof of residency: A document containing name and current address.	A registered voter from that person's precinct can sign an oath vouching for identity and residency.	At the correct precinct polling place	All same-day registrants are sent 2 notices to the stated address; if these are returned as undeliverable, the case will be forwarded to law enforcement
<u>Maine</u>	Proof of ID: Photo ID Proof of residency: A document containing name and current address	Vote a provisional ballot	Town office or city hall	
<u>Minnesota</u>	Proof of ID: Photo ID (may be expired) Proof of residency: A document showing current address. A registered voter can vouch for residency		At the polls	If "usual checks and balances" are questionable, forwarded to law enforcement
<u>Montana</u>	Proof of ID: State ID	Vote a provisional	Office of	If a voter voted

Source: National Conference of State Legislatures
April 2014

For questions or updates, contact NCSL's elections team at 303-364-7700

	number or the last 4 digits of the SSN Proof of residency: Self-affirmation	ballot	local election official	provisionally due to lack of identification, he must return within three days after the election to provide the required proof. A confirmation of registration card is sent to the mailing address of all registrants.
New Hampshire	Proof of ID: Photo ID Proof of residency: A document showing name and current address	If either the ID or proof of residency is lacking, a registrant can sign an <u>affidavit</u> for self for him- or herself and then vote.	At the polls	Sent letter after Election Day, and if no response, forwarded to law enforcement
<u>Wisconsin</u>	Proof of ID: Must include complete name Proof of residency: document containing a complete residential address	If the registrant does not have the required ID or proof of residency, he or she votes on a provisional ballot and must return to show that ID within a few days of the election. Otherwise the vote is not counted.	At the polls	If a voter voted provisionally due to lack of identification, he must show ID in days following election
<u>Wyoming</u>	Proof of identity: Valid driver's license or last four of SSN Proof of residency: Document that shows current address	If the registrant does not have the required ID or proof of residency, he or she votes on a provisional ballot and must return to show that ID by the close of business on the following day. Otherwise the vote is not counted.	At the polls	If a voter voted provisionally due to lack of identification, he must show ID in days following election

Source: National Conference of State Legislatures
April 2014

For questions or updates, contact NCSL's elections team at 303-364-7700



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Voter Registration Deadlines

Last updated Feb. 12, 2015

	Registration Deadline
Alabama	17 days before an election (AL Code 17-3-50)
Alaska	30 days before an election (AK Stat. 15.07.070(c))
Arizona	29 days before an election (verified on SOS website)
Arkansas	30 days before an election (verified on SOS website)
California	15 days before an election (CA Elec. Code §2102(a)); same day registration will be available when a statewide registration database is completed
Colorado	22 days before an election (CRS 1-2-201(3)); same day registration permitted
Connecticut	14 days before an election or 5 days before a primary if mailed; 7 days before an election or noon on the last business day before a primary if registering in person (verified on SOS website); same day registration permitted
Delaware	4 th Saturday before any presidential primary, primary or general election; 10 days before a special election (Del. Code Tit. 15 §2036 and 2037)
D.C.	30 days before an election by mail; up to and including Election Day in person (verified on BOE website) same day registration permitted
Florida	29 days before an election (Fla. Stat. 97.055)
Georgia	The fifth Monday before a general primary, general election, or presidential preference primary; the fifth day after the date of the call for all other special primaries and special elections (verified on SOS website)
Hawaii	30 days before an election (HRS §11-24)
Idaho	25 days before an election if mailed, or on Election Day at the polls (ID Code §34-408)
Illinois	28 days before a general and primary election
Indiana	29 days before an election (IN Code §3-7-13-10)
Iowa	Must be delivered by 5 pm 10 days before a state primary or general election, 11 days before all others, or postmarked 15 or more days before an election; Election Day registration also available (IA Code §48A.9)
Kansas	15 days before an election (KS Stat. §25-2311)
Kentucky	28 days before an election
Louisiana	30 days before an election
Maine	21 business days before an election day (§5. 21-A MRSA §121-A); same day registration permitted

#3 1302
2-12-15

P. 2

Voter Registration Deadlines

Last updated Feb. 12, 2015

	Registration Deadline
Maryland	Registration is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election. (Md. Election Code §3-302); in 2016, §3-305 takes effect, allowing voters to register during early voting
Massachusetts	20 days before an election
Michigan	30 days before an election
Minnesota	Delivered by 5 pm 21 days before an election; also election day registration at polling places
Mississippi	30 days before an election
Missouri	28 days before an election
Montana	30 days before an election; same day registration permitted
Nebraska	Received by 6 pm on the second Friday before the election or postmarked by the third Friday before the election
Nevada	By 9 pm on the fifth Saturday before any primary or general election; By 9 pm on the third Saturday before any recall or special election unless held on the same day as a primary or general election and then it remains the fifth Saturday (NRS 293.2725)
New Hampshire	Must be received by city or town clerk 10 days before an election or registration at the polls on election day
New Jersey	29 days before an election
New Mexico	28 days before an election
New York	25 days before an election
North Carolina	Postmarked 25 days before an election or received 25 days before an election in the elections office or designated voter registration agency by 5 pm
North Dakota	North Dakota does not have voter registration
Ohio	Postmarked 30 days before an election or received 30 days before the election. If received by mail without a postmark or with an illegible postmark, the application is valid if received no later than 25 days prior to the day of the election.
Oklahoma	24 days before an election
Oregon	Postmarked or received 21 days before an election
Pennsylvania	30 days before an election
Rhode Island	30 days before an election
South Carolina	30 days before an election
South Dakota	Postmarked 30 days before an election or delivered 15 days before an election

Voter Registration Deadlines

Last updated Feb. 12, 2015

	Registration Deadline
Tennessee	Postmarked or received 30 days before an election
Texas	30 days before an election
Utah	Postmarked 20 days before an election; in person or "satellite" 8 days before an election
Vermont	Postmarked, submitted, or accepted by noon second Saturday before an election
Virginia	Delivered 29 days before an election
Washington	30 days before an election or delivered in-person up to 15 days before an election at a location designated by the county elections officer
West Virginia	30 days before an election
Wisconsin	Postmarked or accepted by the second Wednesday preceding election, or completed in the local voter registration office one day before the election, or completed at the polling place on election day
Wyoming	30 days before an election or register at the polling place on election day

Source: National Conference of State Legislatures, February 2015

MINNESOTA

Registration Deadline

- 21 days before E-Day, OR
- On E-Day at polling place

Party Affiliation

- Registration does not include voters' party affiliation

Voter Registration Qualifications

- **Residency:** Must be resident of MN for 20 days immediately preceding E-Day
- **ID Requirements:** If not registered to vote, or if update to registration information is necessary, may do so at polling place on E-Day with proof of residence in precinct (not required at poll if registered before deadline)
- One of following:
 - Valid MN driver's license, learner's permit, MN ID card, or receipt of any of the above
 - Valid student ID including photo (if school has provided student housing list to election officials)
 - Tribal ID that contains photo and signature
 - Valid registration in same precinct under different name or address
 - Notice of late registration sent to individual by county auditor or city clerk
 - Oath signed by voter registered in same precinct who can confirm your address
 - Oath signed by employee of residential facility where you live who can confirm your address

Absentee Ballot Qualifications

- Every voter may vote absentee (including at the August primary) (no excuse)
- General Election Absentee Voting begins 46 days before most elections

Early Voting

- MN does not offer early vote; in-person is available for some groups 46 days before E-Day

NORTH DAKOTA

#4 1302
2-12-15

Qualifications of Voters

- **Residency:** Must be resident of precinct for 30 days immediately preceding E-Day
- **ID Requirements:** Identification must include residential address and date of birth. May include:
 - Valid ND driver's license; non-driver ID card issued by DOT; or other official form of ID issued by the state
 - Official form of ID issued by tribal government
 - Alternative form of ID prescribed by secretary of state if individual does not possess official form of ID above
 - Any combination of any of the forms above

Absentee Ballot Qualifications

- Every qualified voter may vote absentee (no-excuse)
- Begins 40 days before most elections

Early Voting

- No-excuse early voting

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Drivers License Online Services# 5
1302
2-12-15
The logo for the North Dakota Legislature, featuring the text "North Dakota" in a script font and "LEGISLATURE" in a smaller, bold font below it.**Change Resident Address****Resident Address Details**

*Name: MOCK,COREY RAY

*Resident Address: Enter a street address.

*City: GRAND FORKS

*State/Prov: ND

*Postal/Zip: -

*Required

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**TESTIMONY TO THE
SENATE GOVERNMENT and VETERANS AFFAIRS COMMITTEE**
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
3/6/15

HOUSE BILL 1302

Mr. Chairman and members of the committee, this testimony is in **support** of HB1302 I firmly believe that we should start addressing the real issues we have with voting in ND – residency and Registration.

The primary source of election difficulties that ND has recently experienced are directly related to the fact that we have made the ND DOT the gate keeper of elections in ND.

We have made the Central Voter file a quasi- voter registration system (see attached). Current law requires potential voters to show ID which includes the residential address and date of birth – for most people this is a driver's license. One of the issues with the current system is that the Driver's License Division does not verify residential addresses – I have attached examples of Driver's License Address Changes in Burleigh County that are not for residential addresses and for some addresses that do (or did) not exist at the time of the election.

Residency is a companion to registration. Voting residence in ND is defined as the union of act and intent. I may move to another residence, but if my intent is to return I can continue to vote at the former precinct. Furthermore, I do not lose my voting precinct until I vote in a new precinct (action). If I move but do not vote in my new precinct, I can continue voting in my former precinct. Mr. Chairman and members of the Committee, a clear and concise definition of voting residence needs to be studied.

Mr. Chairman and members of the committee, every session brings different proposals for solving voter qualification questions (ID, affidavits, Long-term care certificates, student certificates, student ID, poll challengers, etc. etc.).

Mr. Chairman and members of the committee I respectfully request a DO PASS for HB1302 as I am hoping the topics of residency & Registration can be thoroughly reviewed and studied for the betterment of elections in ND – and until that is done we will accomplish nothing in election reform - but a lot of talking.

NORTH DAKOTA CENTURY CODE

ANNOTATED

REPLACEMENT

VOLUME 14

2013 GENERAL INDEX

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W

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Voter Detail for Marcis, David Edward (18: Grand_Forks)

Voter ID: 908857 ☐ Secure ☐ Signature ☐ Permanent Absentee

Name
 Title: Last: Marcis First: David Middle: Edward Suffix:

Address ☒ Standard ☐ Non-Standard
 Street No: 515 Sfx: Dir Prefix: Street: Hamline Type: St Dir Suffix:
 Unit Type: Unit No: City: Grand Forks State: ND Zip: 58203 CR:
 Military: ☐ Precinct Part: 21.01 Email:

Voter Data
 SSN:
 DL or ID #:
 Date Of Birth: Gender: Male
 Place of Birth:
 Phone: ☐ Unlisted Language:
 Work: ☒ Race:

Federal Data
 Entry Date: 11/20/2012
 Status: A Reason:
 Source: ES&S Electronic PollBook Interface
 How Entered: ID Required: ☐
 Assistance:
 ID Exempt: ☐ Citizenship Verified? ☐

☒ Precinct ☐ Additional ☐ Addresses ☒ Prev/Alt ☐ Assistant ☒ Voting History ☒ Activity ☐ Attachments ☐ Early Voter ☐ Notes

Precinct Part: 21.01 UND Wellness Center 21 21.1

Districts
 City: Grand Forks
 Conservation: Soil Conservation
 Garrison Diversion: Garrison Diversion
 Judicial: Northeast Central
 Legislative: District 42
 Park: Grand Forks Park
 School: Grand Forks School Dist
 Ward: Grand Forks Ward 2

Polling Places
 For Election: ADA:
 Default: UND Wellness Center ADA: N
 801 Princeton Street
 ND 58203

Address is correct in DOT (see attached)
 License issued in 2013 (see attached)
 Still shows Grand Forks in Power
 Poll worker had to add to poll book

#1093

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North Dakota

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LEGENDARY**NDDOT**
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Department of Transportation**Drivers License Status System**
Drivers License Online Services**Search Drivers License Status**


Driver License Number

*ND DL Number: (no hyphens or spaces) **Search Results as of 11/19/2014 04:34:42 PM**Driver Id: Exp Date: Status: **CURRENT LICENSE**Class: **D**

This service **ONLY** gives the current status of your driving privileges. In order to protect your driving record information, any further questions regarding violations, suspensions, or endorsements will require you to request a copy of your driving record. You may request a limited copy of your driving record to print or request a complete copy to print and mail in.

*Required

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LEGENDARY**NDDOT**
North Dakota
Department of Transportation**Drivers License Address Change**
Drivers License Online Services**Address Change**

Name	Address	Action
MARCIS, DAVID EDWARD	1982 N 20TH ST BISMARCK, ND 585012368	Change Resident Address Add Mailing Address

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Burleigh County - Robert Miller School
14GND - 2014 General Election - 11/04/2014

Line Init	AB/EV	Voter Name	Residential Address	Mailing Address	Ballot Precinct Part	DOB DL or ID # Tribal ID	Voter ID #
199		Murphy Steven James	2100 Grant Dr Bismarck, ND 58501		Robert Miller Scho 3505.01		
200		Murphy Tad Kelly	2112 E Divide Ave Apt 103 Bismarck, ND 58501-2320		Robert Miller Scho 3505.01		
201		Murray Brianne Marissa	2017 Pacific Pl Bismarck, ND 58501		Robert Miller Scho 3505.01		
202		Murray Bryce Darren	2017 Pacific Pl Bismarck, ND 58501-2522		Robert Miller Scho 3505.01		
203		Murray Daniel Frank	1998 N 20th St Bismarck, ND 58501-2368		Robert Miller Scho 3505.01		
204		Murray Jennifer Alane	1998 N 20th St Bismarck, ND 58501-2368		Robert Miller Scho 3505.01		
205		Mutzenberger Tony Lee	1907 Pacific Ln Bismarck, ND 58501-2529		Robert Miller Scho 3505.01		
206		Myers Austin Dean	1930 E Capitol Ave Apt 112 Bismarck, ND 58501		Robert Miller Scho 3505.01		
207		Myers Jennifer Lynn	1930 E Capitol Ave Bismarck, ND 58501-2314		Robert Miller Scho 3505.01		
		Marcus, David Edward	1982 N. 20 th St Bismarck, N.D 58501		Robert Miller 3505.01		
		Caleb Mehlhoff ↑ Duane	2022 E Divide Ave Bismarck, ND 58501		Robert Miller 3505.01		

#1096

NEW VOTER / ERROR LOG

2014 General Election — November 4, 2014

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EW = Election Worker Initials

North Dakota

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North Dakota State Government**NDDOT**
North Dakota
Department of Transportation**Drivers License Address Change
Drivers License Online Services**

Address Change

Name	Address	Action
SEIM, MIRANDA KAY	7950 PLEASANTVIEW RD BISMARCK, ND 58504	Change Resident Address Add Mailing Address

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Voter Detail for Seim, Miranda Kay (53 : Williams)

Voter ID: ☐ Secure ☐ Signature ☐ Permanent Absentee

Name
 Title: Last: First: Middle: Suffix:

Address - ☒ Standard ☐ Non-Standard
 Street No: Sfx: Dir Prefix: Street: Type: Dir Suffix:
 Unit Type: Unit No: City: State: Zip: - CR:
 Military: ☐ Precinct Part: Email:

Voter Data
 SSN:
 DL or ID#:
 Date Of Birth: Gender:
 Place of Birth:
 Phone: - - ☐ Unlisted Language:
 Work: - - x: Race:

Federal Data
 Entry Date:
 Status: Reason:
 Source:
 How Entered: ID Required: ☐
 Assistance:
 ID Exempt: ☐ Citizenship Verified? ☐

☒ Precinct ☐ Additional ☐ Addresses ☒ Prev/Alt ☐ Assistant ☒ Voting History ☒ Activity ☐ Attachments ☐ Early Voter ☐ Notes

Precinct Part:

Districts

City	Williston
Commissioner	District 4
Conservation	Soil Conservation
Garrison Diversion	Garrison Diversion
Judicial	Northwest
Legislative	District 01
Park	Williston Park
School	Williston School District
Vector	Vector Control

Polling Places
 For Election:
 ADA:
 Default: Raymond Family Community Center
 1002 11th Street W
 Williston, ND 58801
 ADA: N

#1999

4-11

NEW VOTER / ERROR LOG

2014 General Election — November 4, 2014

EW Init.	New or Error	Voter Name	Residential Address	ID# and Type	Birth Date	Ballot Precinct Part	Notes
	New	Julie Boyer	6417 Whitney Court Bis. 58504	DL		Already entered credit	Says changed address on DOT website in Aug. But didn't show up in system.
		Adam Thoele	6745 Sarah Pt. Bismarck 58504			11	
		Laura Thoele	6745 Sarah Pt. Bismarck 58504			11	
	New	Sean Bryan Forster	6813 Woodrow Ct. Bismarck 58504			11	
	Update	Gary Fetti's	401 Dutchess Dr 58504	DL		US 12/1/14	
	New	Jameson Seim	7950 Pleasantview Rd Bismarck ND 58504	DL			
			↓				
			not a valid address				
		Update a few addresses in beginning of voting. forgot to add to list.					

EW = Election Worker Initials

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North Dakota

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LEGISLATURE**NDDOT**
North Dakota
Department of Transportation**Drivers License Address Change**
Drivers License Online Services**Address Change**

Name	Address	Action
SEIM, JAMESON JOEL OSCAR	7950 PLEASANTVIEW RD BISMARCK, ND 58504	Change Resident Address Add Mailing Address

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Voter Detail for Seim, Jameson Joel Oscar (53 Willfarms)

Voter ID: 5030823 ☐ Secure ☐ Signature ☐ Permanent Absentee

Linked Voter

Name Title: Last: Seim First: Jameson Middle: Joel Oscar Suffix:

Address Standard Non-Standard
 Street No: 1011 Sfx: Dir Prefix: Street: 18th Type: St Dir Suffix: E
 Unit Type: Unit No: City: Williston State: ND Zip: 58801 - 4410 CR:
 Clear Military: Precinct Part: 74.01 Email:

Voter Data
 SSN: DL or ID#: Date Of Birth: Gender: Place of Birth: Phone: Unlisted Language: Work: Race:

Federal Data
 Entry Date: 5/11/2011 Status: A Reason: Source: DMV How Entered: ID Required: Assistance: ID Exempt: Citizenship Verified?

☒ Precinct ☒ Additional Addresses ☒ Prev/Alt Assistant ☒ Voting History ☒ Activity Attachments Early Voter Notes

Precinct Part: 74.01 Precinct 74 74.1 - 74

Districts
 City Williston
 Commissioner District 4
 Conservation Soil Conservation
 Garrison Diversion Garrison Diversion
 Judicial Northwest
 Legislative District 01
 Park Williston Park
 School Williston School District
 Vector Vector Control

Polling Places
 For Election: ADA:
 Default: Raymond Family Community Center ADA: N
 1002 11th Street W
 Williston, ND 58801

#10912

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VOTER REGISTRATION - BACKGROUND MEMORANDUM

Senate Concurrent Resolution No. 4043 (copy attached as an appendix) directs the Legislative Council to study voter registration.

The testimony received during the hearing on Senate Concurrent Resolution No. 4043 indicated North Dakota is the only state that does not have voter registration. The testimony further indicated there is some evidence of voter fraud in the state. A study of voter registration was encouraged to address how the provisions of federal voter registration legislation impact North Dakota.

Senate Bill No. 2311, which would have provided for voter registration, failed to pass the Senate. Testimony in opposition to the bill indicated that the present system of having no voter registration has served the voters of North Dakota for 48 years and has worked well during that period of time. In the testimony it was estimated that the costs to implement a voter registration program during the 1999-2001 biennium could range up to \$875,000 and would impact the budgets of three state agencies.

BACKGROUND

North Dakota is the only state in the United States which does not require some form of voter registration. A number of states, however, do provide for same day registration.

The North Dakota Legislative Assembly enacted a bill requiring voter registration in 1895. The bill provided for voter registration two weeks before every general or municipal election in all cities and villages exceeding 1,000 in population. Voters who failed to have their names properly registered on the first day were permitted to have their names added by the local election board, which also served as the registration board, one week before the election. Even then, an unregistered voter could still appear at the polls and vote by filing an affidavit supported by the oath of a householder or registered voter attesting that the prospective voter was in fact a resident entitled to vote.

The North Dakota Legislative Research Committee, predecessor of the Legislative Council, studied the state's voter registration laws during the 1949-50 interim. As a result of the study, Senate Bill No. 61 was introduced during the 1951 legislative session. The bill repealed mandatory voter registration and left registration optional with the governing boards of the municipalities. The 1951 Legislative Research Committee report stated "[t]he present system is cumbersome and of limited effect since it does not apply to primary elections, usually the most important elections in the state." A report issued in 1974 by the Bureau of Governmental Affairs entitled *Fraud-Free*

Elections Are Possible Without Voter Registration explained:

At that time, North Dakota was a 1-party Republican state in which major electoral contests occurred in the June party primaries between two major factions of the Republican party. Typical of 1-party states, the final decisions were really being made in the primaries. Apparently, the study committee felt there was so little merit to continuing registration that no serious consideration was given the idea of including the primary elections in the registration system.

Senate Bill No. 61 passed unanimously in the Senate and passed in the House with a vote of 95 to 5. Since that time, North Dakota Century Code (NDCC) Section 40-21-10 has provided for optional registration of voters within municipalities.

In the majority of the legislative sessions between 1957 and 1975, unsuccessful attempts were made to pass legislation again requiring mandatory statewide registration. In 1975 a bill requiring registration passed by a vote of 56 to 41 in the House and 27 to 19 in the Senate. Governor Arthur Link vetoed the bill and in the communiqué to the Secretary of State said:

House Bill 1101 requires the registration of voters in North Dakota. Initial registration would be conducted at both the primary and general elections in 1976. Subsequently, registration would be open until five days prior to any statewide primary, general, or special election. The bill provides that the registration would be permanent, although names would be purged from the registration lists if a person did not vote in two consecutive general elections. Such registration lists would be available to the public, but only for political and not for commercial purposes.

This legislation offers no improvement in our election law. Rather, it appears to be a significant movement away from securing more active participation of the electorate. The low percentage of eligible voters who actually vote clearly indicates we do not need complicated registration legislation which will tend to reduce even further the number of citizens who vote.

A need for voter registration could exist if there were irregularities or fraud in North Dakota elections. There has been no indication or evidence of such election problems to justify this legislation.

We need legislation to make the ballot more accessible to the citizen. We do not need

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additional roadblocks to keep voters from the polls. Therefore, I veto House Bill 1101.

NORTH DAKOTA VOTER REGISTRATION LAWS

North Dakota Century Code Section 40-21-10, which allows a city to institute voter registration, provides:

Registration of voters. The governing body of any city may require the registration of voters in any election held or conducted within the municipality at such time and place or places as the governing body may designate.

North Dakota's election laws are contained in NDCC Title 16.1 and one of the 18 chapters in that title, Chapter 16.1-02, is reserved for electors registration.

PREVIOUS STUDIES AND LEGISLATION

During the 1975-76 interim, the Legislative Council's Judiciary "A" Committee was directed to revise and modernize the state's election laws. The Legislative Council report in 1977 said, in reference to voter registration:

The subject of voter registration was thoroughly discussed by the committee many times during the interim. There was no general consensus on the need for a voter registration system, so the committee is submitting a bill on the subject as part of its responsibility to review all areas of the election process. It is submitted to the Legislative Council without specific approval or recommendation. The committee believes the subject will arise during the 1977 Legislature, and that a basis from which to work will be necessary.

The committee heard proposals on voter registration ranging from a completely voter-initiated system to a completely government-initiated system. The government-initiated system involves door-to-door canvassing of every household in the state to determine qualified electors. The committee also considered proposals to provide branch offices for registration and to allow registration by mail. Committee members were concerned that voter registration might become a deterrent to voting, especially in rural areas where voter identification is a minor problem. Other members believe the existing affidavit system does not prove whether or not there is fraudulent voting in the state, and believe a system of voter identification is necessary.

As a compromise measure, the bill provides for statewide voter registration, but allows any county containing no city with a population of 5,000 or more to be exempt from the system by resolution of the board of county commissioners. The requirements of registration under the

bill would first apply to the 1978 statewide primary election.

The bill (House Bill No. 1050) failed to pass the House with a vote of 47 to 50.

Since the 1975-76 interim, several voter registration bills have been introduced. In 1987 Senate Bill No. 2522 would have required all electors to be registered before being permitted to vote in any statewide special, primary, or general election. The bill failed in the Senate by a vote of 24 to 27. A similar bill, Senate Bill No. 2413, was introduced in 1991. The bill failed to pass the Senate by a vote of 18 to 30. In 1997 Senate Concurrent Resolution No. 4039 proposed a study of the feasibility and desirability of implementing voter registration. The resolution failed to pass the House.

Several recent interim committees have been assigned studies relating to the state's election laws. During the 1989-90 interim, the Elections Committee was assigned to study all aspects of the election process with an emphasis on new voting concepts that would make the process more timely and cost-effective and a study of the primary election process. The 1991-92 interim Legislative Redistricting and Elections Committee was assigned a study of North Dakota election laws. Neither interim committee addressed the issue of voter registration or voter residency requirements.

FEDERAL VOTER REGISTRATION LAWS

The National Voter Registration Act of 1993 (42 U.S.C. § 1973gg) requires that individuals be given an opportunity to register to vote in elections for federal office when applying for or renewing a driver's license or other personal identification document issued by a state motor vehicle authority; when applying for or receiving certain types of public assistance and other services; by mail, using either an appropriate state form or a national form; and at military recruiting offices. The individual may decline the opportunity simply by failing to sign the voter registration application. Information regarding an individual's failure to sign the voter registration application cannot be used for any purposes other than voter registration.

Federal legislation passed in 1998 requires all institutions of higher learning to "make a good faith effort" to offer voter registration to students enrolled in a degree or certificate program.

Provisions of the Act include Section 1973gg-4(a)(1), which provides that all states must accept and use the mail voter registration forms prescribed by the Federal Election Commission and Section 1973gg-4(a)(2), which provides that states are also allowed to use their own form provided it meets the requirements of the Act. The Act limits the data elements that can be required on mail voter registration forms to those that are "necessary to enable the appropriate state election official to assess

the eligibility of the applicant. . . ." Section 1973gg-5(a) requires that states establish agency-based registration by designating various public and private agencies for registration of voters for federal elections; Section 1973gg-5(a)(2)-(3) of the Act requires that all public offices in the states that provide public assistance, unemployment compensation or related services and all agencies and offices in the states that provide state-funded programs primarily engaged in providing services to persons with disabilities offer registration of voters; and Section 1973gg-5(a)(3)(B)(i) provides that discretionary agency programs may include public libraries, public schools, hunting and fishing license bureaus, offices of city and county clerks, government revenue offices, and any other nonmandated agency or office that provides services to persons with disabilities.

The Act does not mandate "same day registration" that allows people to register on the day of the election. Maine, Minnesota, and Wisconsin allow for some form of same day registration.

SUGGESTED STUDY APPROACH

A possible approach to the study of voter registration and voter residency requirements in the state would be to:

1. Specifically review the federal National Voter Registration Act and its impact on North Dakota if voter registration was implemented;
2. Receive testimony from the Secretary of State, the Department of Human Services, Job Service North Dakota, the Department of Transportation, the State Board of Higher Education, county auditors, and other state and local election officials on the impact of voter registration in the state;
3. Receive testimony on the voter registration laws and registration costs of other states;
4. Receive testimony from interested groups, such as political parties and voter advocacy groups; and
5. Receive information on whether North Dakota, if voter registration is enacted, can later repeal voter registration without approval by Congress.

ATTACH:1

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

**SENATE CONCURRENT RESOLUTION NO. 4043
(Senators Watne, St. Aubyn)**

A concurrent resolution directing the Legislative Council to study voter registration.

WHEREAS, North Dakota is the only state that does not require qualified electors to register to vote; and

WHEREAS, proponents of voter registration contend that the likelihood of voter fraud would be reduced if electors were required to register prior to elections; and

WHEREAS, because North Dakota has no voter registration requirements, the state is currently exempt from the National Voter Registration Act of 1993, commonly referred to as the motor voter law; and

WHEREAS, because the benefits and detriments to implementing voter registration are not easily identified, a comprehensive study of voter registration should be undertaken before the Legislative Assembly attempts to implement a program of voter registration;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Council study voter registration; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-seventh Legislative Assembly.

Testimony to the
Senate Government & Veterans Affairs Committee
3/6/15
Prepared by
ND Association of Counties

Relating to HB 1302: Voter Registration Study

Chairman Dever & Committee members I'm Donnell Preskey with the North Dakota Association of Counties. In my role with NDACo I serve as the executive director for the Auditors Association. The county auditors support this study and that given the climate this legislative session with much discussion focused on election related issues now is a good time.

As I'm sure you are well aware, North Dakota is the only state where voter registration is not necessary to vote. While our auditors have mixed feelings on registration, we acknowledge a study would be able to dedicate the time to give the proper thought and deliberation to this complex and controversial issue.

Since we have reached the halfway point of the session, you probably recognize the volume of election related bills filed this session. There is a lot of interest in improving our election process and part of that equation may be this discussion on the possibility of voter registration. Auditors say it's worth exploring.

#3

ALVIN A. JAEGER
SECRETARY OF STATE

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

March 6, 2015

TO: Chairman Dick Dever and members of the Senate Government and Veteran's Affairs Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Secretary of State Al Jaeger

RE: HB 1302 – Voter Registration Study

The Secretary of State and his election staff members have witnessed the great expense and the extra work experienced in all other states utilizing any form of voter registration. All of the extra work and expense for voter registration actually produces a voting process that is less efficient than what North Dakotans have experienced since 1951 when the Legislative Assembly voted to repeal voter registration laws in our state.

We approve of the desire of some in the 2015 Legislative Assembly to make a comprehensive study of election laws during the upcoming interim. Since SCR 4022 would mandate the comprehensive study of election laws rather than only suggest consideration of a study as this bill would, we believe SCR 4022 would provide the best path forward.

We request your consideration for a do not pass recommendation for HB 1302 in favor of the do pass recommendation already given by the Senate to SCR 4022.



SECRETARY OF STATE
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March 13, 2015

TO: Chairman Dick Dever and members of the Senate Government and Veteran's Affairs Committee

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1302 – Voter Registration Study – Additional Information

It has been brought to my attention that my testimony on Friday, March 6 regarding the impact of voter registration has been called into question as to whether I told you the truth. I am OK with that because I can let the federal law attest to the truth of my words on the record before your committee.

The National Voter Registration Act (NVRA) can be found at:
<http://uscode.house.gov/view.xhtml?path=/prelim@title52/subtitle2/chapter205&edition=prelim>, but I have also provided this in paper copy for you to review. The following is a short list of some of the facts that would be true for us if we were to implement it again.

- 1) Provisions of the NVRA apply to all states that have registration unless the state has same-day registration. (§20503 (b)) – The same would be true for North Dakota if we were to implement voter registration again.
- 2) A registration application must be simultaneously made, without requiring duplicate entry of data, for all motor vehicle license transactions, including all renewal and changes of address unless the applicant specifically opts out of registering/updating their registration. (§20503 (a), Section 3 subsection (a), § 20504 (c)(2)(A), §20504 (d)) – A report from the Election Assistance Commission says that the largest percent of all voter registrations from individuals came through each state's equivalent of North Dakota's Department of Transportation Licensing Division.
- 3) All offices in the state providing public assistance or programs that provide services to persons with disabilities must provide registration forms and offer the same level of assistance given for filing out the agencies own forms. (§20506 (a)(2), §20506 (a)(4)(A)(ii)) – In North Dakota, the following agencies and programs are just a few that would be required to register voters:
 1. SNAP (food stamps)
 2. WIC (Supplemental nutrition for Women, Infants, and Children)
 3. Medicaid
 4. Temporary Assistance for Needy Families (TANF)
 5. Children's Health Insurance Program (CHIP)
 6. Basic Care Assistance Program (BCAP)
 7. Child Care Assistance Program (CCAP)
 8. Crossroads Program
 9. Low Income Home Energy Assistance Program
 10. Vocational Rehabilitation
 11. Protection and Advocacy
- 4) State election official to send notice to all applicants informing them as to the disposition of their application (§20507 (a)(2))

We would welcome a study of voter registration as we are sure that the drawbacks of this process would be revealed to all those participating in the study.

52 USC Ch. 205: NATIONAL VOTER REGISTRATION**From Title 52—VOTING AND ELECTIONS**

Subtitle II—Voting Assistance and Election Administration

CHAPTER 205—NATIONAL VOTER REGISTRATION

Sec.

20501.

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20511.

Criminal penalties.

§20501. Findings and purposes**(a) Findings**

The Congress finds that—

- (1) the right of citizens of the United States to vote is a fundamental right;
- (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and
- (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) Purposes

The purposes of this chapter are—

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this chapter in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.

(Pub. L. 103–31, §2, May 20, 1993, 107 Stat. 77.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 103–31, May 20, 1993, 107 Stat. 77, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973gg of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

Pub. L. 103–31, §13, May 20, 1993, 107 Stat. 89, provided that: "This Act [see Tables for classification] shall take effect—

"(1) with respect to a State that on the date of enactment of this Act [May 20, 1993] has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

"(A) January 1, 1996; or

"(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

"(2) with respect to any State not described in paragraph (1), on January 1, 1995."

PROOF OF CITIZENSHIP

Pub. L. 104–132, title IX, §902, Apr. 24, 1996, 110 Stat. 1317, provided that: "Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship."

Similar provisions were contained in section 117 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104–91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104–99, title II, §211, Jan. 26, 1996, 110 Stat. 37.

§20502. Definitions

As used in this chapter—

- (1) the term "election" has the meaning stated in section 30101(1) of this title;
- (2) the term "Federal office" has the meaning stated in section 30101(3) of this title;
- (3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;
- (4) the term "State" means a State of the United States and the District of Columbia; and
- (5) the term "voter registration agency" means an office designated under section 20506(a)(1) of this title to perform voter registration activities.

(Pub. L. 103–31, §3, May 20, 1993, 107 Stat. 77.)

CODIFICATION

Section was formerly classified to section 1973gg–1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§20503. National procedures for voter registration for elections for Federal office

(a) In general

Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

- (1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 20504 of this title;
- (2) by mail application pursuant to section 20505 of this title; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 20506 of this title.

(b) Nonapplicability to certain States

This chapter does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after August 1, 1994, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after August 1, 1994, or that was enacted on or prior to August 1, 1994, and by its terms is to come into effect upon the enactment of this chapter, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

(Pub. L. 103–31, §4, May 20, 1993, 107 Stat. 78; Pub. L. 104–91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104–99, title II, §211, Jan. 26, 1996, 110 Stat. 37.)

REFERENCES IN TEXT

Upon the enactment of this chapter, referred to in subsec. (b)(2), means the date of enactment of Pub. L. 103–31, which was approved May 20, 1993.

CODIFICATION

Section was formerly classified to section 1973gg–2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Amendment by Pub. L. 104–91 is based on section 116(a) of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104–91.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–91, as amended by Pub. L. 104–99, substituted "August 1, 1994" for "March 11, 1993" wherever appearing.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 116(b) of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104–91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104–99, title II, §211, Jan. 26, 1996, 110 Stat. 37, provided that: "The amendments made by subsection (a) [amending this section] shall take effect as if included in the provisions of the National Voter Registration Act of 1993 [Pub. L. 103–31, see Tables for classification]."

§20504. Simultaneous application for voter registration and application for motor vehicle driver's license

(a) In general

(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) Limitation on use of information

No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) Forms and procedures

(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

- (i) prevent duplicate voter registrations; and
- (ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

- (i) states each eligibility requirement (including citizenship);
- (ii) contains an attestation that the applicant meets each such requirement; and
- (iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

- (i) the information required in section 20507(a)(5)(A) and (B) of this title;
- (ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
- (iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) Change of address

Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) Transmittal deadline

(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(Pub. L. 103–31, §5, May 20, 1993, 107 Stat. 78.)

CODIFICATION

Section was formerly classified to section 1973gg–3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§20505. Mail registration

(a) Form

(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 20508(a)(2) of this title for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 20508(b) of this title for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) Availability of forms

The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) First-time voters

(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

- (A) the person was registered to vote in a jurisdiction by mail; and
- (B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C. 20301 et seq.];

(B) who is provided the right to vote otherwise than in person under section 20102(b)(2)(B)(ii) of this title; or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) Undelivered notices

If a notice of the disposition of a mail voter registration application under section 20507(a)(2) of this title is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 20507(d) of this title.

(Pub. L. 103–31, §6, May 20, 1993, 107 Stat. 79.)

REFERENCES IN TEXT

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (c)(2)(A), is Pub. L. 99–410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to chapter 203 (§20301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973gg–4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§20506. Voter registration agencies

(a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of

services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 20508(a)(2) of this title, including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 20508(a)(2) of this title,

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____," the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) Federal Government and private sector cooperation

All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) Armed Forces recruitment offices

(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this chapter.

(d) Transmittal deadline

(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(Pub. L. 103-31, §7, May 20, 1993, 107 Stat. 80.)

CODIFICATION

Section was formerly classified to section 1973gg-5 of Title 42, The Public Health and

Welfare, prior to editorial reclassification and renumbering as this section.

EX. ORD. NO. 12926. IMPLEMENTATION OF NATIONAL VOTER REGISTRATION ACT OF 1993

Ex. Ord. No. 12926, Sept. 12, 1994, 59 F.R. 47227, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to ensure, as required by section 7(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg [sic] [52 U.S.C. 20506(b)]) ("the Act"), that departments, agencies, and other entities of the executive branch of the Federal Government cooperate with the States in carrying out the Act's requirements, it is hereby ordered as follows:

Section 1. *Assistance to States.* To the greatest extent practicable, departments, agencies, and other entities of the executive branch of the Federal Government that provide, in whole or in part, funding, grants, or assistance for, or with respect to the administration of, any program of public assistance or services to persons with disabilities within the meaning of section 7(a) of the Act shall: (a) provide, to State agencies administering any such program, guidance for the implementation of the requirements of section 7 of the Act, including guidance for use and distribution of voter registration forms in connection with applications for service;

(b) assist each such State agency administering any such program with the costs of implementation of the Act [52 U.S.C. 20501 et seq.], consistent with legal authority and the availability of funds, and promptly indicate to each State agency the extent to which such assistance will be made available; and

(c) designate an office or staff to be available to provide technical assistance to such State agencies.

Sec. 2. *Armed Forces Recruitment Offices.* The Secretary of Defense is directed to work with the appropriate State elections authorities in each State to develop procedures for persons to apply to register to vote at Armed Forces recruitment offices as required by section 7(c) of the Act.

Sec. 3. *Acceptance of Designation.* To the greatest extent practicable, departments, agencies, or other entities of the executive branch of the Federal Government, if requested to be designated as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the Act, shall: (a) agree to such a designation if agreement is consistent with the department's, agency's, or entity's legal authority and availability of funds; and

(b) ensure that all of its offices that are located in a particular State will have available to the public at least one of the national voter registration forms that are required under the Act to be available in that State.

WILLIAM J. CLINTON.

§20507. Requirements with respect to administration of voter registration

(a) In general

In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 20504 of this title, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 20505 of this title, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the

application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

- (A) at the request of the registrant;
- (B) as provided by State law, by reason of criminal conviction or mental incapacity; or
- (C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

- (A) the death of the registrant; or
- (B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 20504, 20505, and 20506 of this title of—

- (A) voter eligibility requirements; and
- (B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) Confirmation of voter registration

Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.]; and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

- (A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then
- (B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.

(c) Voter removal programs

(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

- (i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or
- (ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

- (i) the removal of names from official lists of voters on a basis described in paragraph (3)(A) or (B) or (4) of subsection (a); or
- (ii) correction of registration records pursuant to this chapter.

(d) Removal of names from voting rolls

(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by

forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) Procedure for voting following failure to return card

(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) Change of voting address within a jurisdiction

In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) Conviction in Federal court

(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 20509 of this title of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States

attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) Omitted

(i) Public disclosure of voter registration activities

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) "Registrar's jurisdiction" defined

For the purposes of this section, the term "registrar's jurisdiction" means—

- (1) an incorporated city, town, borough, or other form of municipality;
- (2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or
- (3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

(Pub. L. 103–31, §8, May 20, 1993, 107 Stat. 82; Pub. L. 107–252, title IX, §903, Oct. 29, 2002, 116 Stat. 1728.)

REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in subsec. (b)(1), is Pub. L. 89–110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973gg–6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 8 of Pub. L. 103–31. Subsec. (h) of section 8 of Pub. L. 103–31 enacted section 3629 of Title 39, Postal Service, and amended sections 2401 and 3627 of Title 39.

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107–252 inserted before period at end ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

"(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

"(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office".

§20508. Federal coordination and regulations

(a) In general

The Election Assistance Commission—

- (1) in consultation with the chief election officers of the States, shall prescribe such regulations as are

necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this chapter on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this chapter; and

(4) shall provide information to the States with respect to the responsibilities of the States under this chapter.

(b) Contents of mail voter registration form

The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 20507(a)(5)(A) and (B) of this title;

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(Pub. L. 103–31, §9, May 20, 1993, 107 Stat. 87; Pub. L. 107–252, title VIII, §802(b), Oct. 29, 2002, 116 Stat. 1726.)

CODIFICATION

Section was formerly classified to section 1973gg–7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–252 substituted "Election Assistance Commission" for "Federal Election Commission" in introductory provisions.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–252 effective upon appointment of all members of the Election Assistance Commission under section 20923 of this title, see section 21134(a) of this title.

§20509. Designation of chief State election official

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this chapter.

(Pub. L. 103–31, §10, May 20, 1993, 107 Stat. 87.)

CODIFICATION

Section was formerly classified to section 1973gg–8 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§20510. Civil enforcement and private right of action

(a) Attorney General

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this chapter.

(b) Private right of action

(1) A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) Attorney's fees

In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) Relation to other laws

(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this chapter shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.].

(2) Nothing in this chapter authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.].

(Pub. L. 103–31, §11, May 20, 1993, 107 Stat. 88.)

REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in subsec. (d), is Pub. L. 89–110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973gg–9 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§20511. Criminal penalties

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this chapter; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

(Pub. L. 103–31, §12, May 20, 1993, 107 Stat. 88.)

CODIFICATION

Section was formerly classified to section 1973gg–10 of Title 42, The Public Health and

Welfare, prior to editorial reclassification and renumbering as this section.