

## **CHAPTER 72-06-03**

### **TRIBAL IDENTIFICATION FOR VOTING**

Section	
72-06-03-01	Definitions
72-06-03-02	Tribal Identification
72-06-03-03	Central Voter File and Tribal Identification
72-06-03-04	Supplemental Documentation
72-06-03-05	Tribal Members Voting a Set Aside Ballot

#### **72-06-03-01. Definitions.**

1. "Federal" as used in paragraphs three and five of subdivision b of subsection 3 of North Dakota Century Code section 16.1-01-04.1 includes tribal governments within the state.
2. "Supplemental documentation", for the purpose of voting, means documents provided by the sources listed in subdivision b of subsection 3 of North Dakota Century Code section 16.1-01-04.1, including tribal governments in North Dakota, that correct, explain, or add to the information included on an individual's current identification relating to name, date of birth, and residential street address.
3. "Tribal government" means the officially recognized government of any Indian tribe, nation, or other organized group or community located in North Dakota exercising self-government powers and recognized as eligible for services provided by the United States. The term includes:
  - a. The bureau of Indian affairs working on behalf of a tribal government located in North Dakota; or
  - b. A tribal agency or entity of any tribal government located in North Dakota.

**History:** Effective February 5, 2020.

**General Authority:** NDCC 16.1-02-11

**Law Implemented:** NDCC 16.1-01-04.1

#### **72-06-03-02. Tribal identification.**

A valid tribal identification for the purposes of voting may be any document deemed official by a tribal government, issued by a tribal government in this state to a tribal member residing in North Dakota, and listing the tribal member's name, date of birth, and residential street address. The secretary of state shall provide a form that a tribal government may use to provide a valid form of voting identification to any tribal members that do not already have a tribal identification, North Dakota driver's license, or North Dakota nondriver's identification. A tribal government may use any form prescribed by the tribal government instead of the form provided by the secretary of state, so long as the form is consistent with this section and North Dakota Century Code section 16.1-01-04.1.

**History:** Effective February 5, 2020.

**General Authority:** NDCC 16.1-02-11

**Law Implemented:** NDCC 16.1-01-04.1

#### **72-06-03-03. Central voter file and tribal identification.**

To expedite the use of tribal identification for tribal members residing in North Dakota, the secretary of state shall enter into a memorandum of agreement at the request of any tribal government located in North Dakota for the purposes of receiving tribal identification information regarding tribal members for entry and secure storage in the central voter file. The information provided must be added to a record that already exists in the central voter file or must be used to create a new record if no record for the

individual exists in the file. On a regular basis, which must be outlined in the memorandum of agreement, the tribal government shall provide to the secretary of state any changes to a record that have been received from tribal members, which the secretary of state shall use to update the records in the central voter file.

The information provided from tribal governments to the secretary of state for the central voter file must include the tribal member's:

1. Full legal name;
2. Date of birth;
3. Current residential street address in North Dakota;
4. Current mailing address;
5. Tribal identification number;
6. If applicable, the North Dakota driver's license or nondriver's identification number issued to the individual from the department of transportation; and
7. If necessary, any other information that would assist the secretary of state in assigning the tribal member to the proper precinct in which the member resides.

Any memorandum of agreement entered into pursuant to this section must comply with requirements of North Dakota Century Code chapter 54-40.2.

**History:** Effective February 5, 2020.

**General Authority:** NDCC 16.1-02-11

**Law Implemented:** NDCC 16.1-01-04.1

#### **72-06-03-04. Supplemental documentation.**

The secretary of state shall provide a form that a tribal government may use for the purpose of providing supplemental documentation to a tribal member whose identification does not provide the tribal member's current name, date of birth, or residential street address. The supplemental documentation provided by a tribal government to a tribal member must be brought by the member to the polling place along with the identification and presented to the poll worker for the correct ballot to be issued. For tribal members voting by absentee or mail ballot, a copy of the supplemental documentation must be provided along with the application for the ballot. A tribal government may use any form prescribed by the tribal government instead of the form provided by the secretary of state, so long as the form is consistent with this section and North Dakota Century Code section 16.1-01-04.1.

The secretary of state shall provide a form that may be used by a federal, state, or local government to provide supplemental documentation to an individual for the purpose of voting.

**History:** Effective February 5, 2020.

**General Authority:** NDCC 16.1-02-11

**Law Implemented:** NDCC 16.1-01-04.1

#### **72-06-03-05. Tribal members voting a set aside ballot.**

In counties that include tribal reservation land, immediately after the election, the secretary of state shall send to the applicable tribal government by electronic mail the names of all individuals whose marked ballot was set aside because the identification provided did not contain current information. Prior to the meeting of the county canvassing board occurring on the sixth day after the election, the tribal government may respond to the secretary of state with correct information that was missing or not current for any tribal member included in the list of individuals who marked a set aside ballot. The

secretary of state shall provide a form for the tribal government to use to respond with correct or missing information. A tribal government may use any form prescribed by the tribal government instead of the form provided by the secretary of state, so long as the form is consistent with this section and North Dakota Century Code section 16.1-01-04.1.

Upon receipt of the information provided by the tribal government, the secretary of state shall update the central voter file with the correct or current information and shall notify the county auditor of the county in which the tribal member resides that the set aside ballot for the member must be counted at the meeting of the canvassing board.

**History:** Effective February 5, 2020.

**General Authority:** NDCC 16.1-02-11

**Law Implemented:** NDCC 16.1-01-04.1