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February 12, 2021

TO: Chairman Kasper and Members of the House Government and Veterans Affairs Committee
FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger
RE: HB 1289 – Increasing residency requirement to 1 year

This bill amends the durational requirements necessary for an individual to be a qualified elector of this state from 30 days in the precinct to one year in the state and 90 days in the precinct.

This bill is a violation of the Equal Protection clause of the Fourteenth Amendment to the United States Constitution. In *Dunn v. Blumstein*, the Supreme Court of the United States in 1972 ruled, "A period of 30 days appears to be ample to complete whatever administrative tasks are needed to prevent fraud and insure the purity of the ballot box."

As a result of that ruling and the passage of the 26th Amendment to the United States Constitution, the 1973 Legislative Assembly in HB 1079 lowered the voting age in North Dakota from 21 to 18 years of age and reduced the residency requirement to 30 days within a precinct. Before the passage of that bill, North Dakota law required an individual to reside in the state for one year, in the county for 90 days, and the precinct for 30 days to be eligible to vote.

On behalf of the Secretary of State and his election team, we request the committee to vote for a **DO NOT PASS** recommendation.