

Introduced by

Senators Lee, Paulson, Rummel

Representatives Beltz, Jonas, Wagner

1 A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota
2 Century Code, relating to documentary proof of citizenship in elections; and to amend and
3 reenact section 16.1-01-04.1, subsection 2 of section 39-06-03.1, subsection 5 of section
4 39-06-14, and subsection 1 of section 39-06-14.2 of the North Dakota Century Code, relating to
5 nondriver photo identification cards and operator licenses for noncitizens.

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

7 **SECTION 1. AMENDMENT.** Section 16.1-01-04.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-01-04.1. Identification verifying eligibility as an elector.**

- 10 1. A qualified elector shall provide a valid form of identification to the proper election
11 official before receiving a ballot for voting.
- 12 2. The identification must provide the following information regarding the elector:
- 13 a. Legal name;
- 14 b. Current residential street address in North Dakota; and
- 15 c. Date of birth.
- 16 3. a. A valid form of identification is:
- 17 (1) A driver's license or nondriver's identification card issued by the North
18 Dakota department of transportation; ~~or~~
- 19 (2) An official form of identification issued by a tribal government to a tribal
20 member residing in this state; or
- 21 (3) An unexpired, United States passport.
- 22 b. If an individual's valid form of identification does not include all the information
23 required under subsection 2 or the information on the identification is not current,

1 the identification must be supplemented by presenting any of the following issued
2 to the individual which provides the missing or outdated information:

3 (1) A current utility bill;

4 (2) A current bank statement;

5 (3) A check issued by a federal, state, or local government;

6 (4) A paycheck;

7 (5) A document issued by a federal, state, or local government; or

8 (6) A printed document containing all of the information required by

9 subsection 2 issued by an institution of higher education for an enrolled
10 student residing in the state and containing the institution's letterhead or

11 seal, along with a student photo identification card issued by the institution

12 and containing the student's photograph and legal name.

13 4. The following forms of identification are valid for the specified individuals living under
14 special circumstances who do not possess a valid form of identification under
15 subsection 3.

16 a. For an individual living in a long-term care facility, a long-term care certificate
17 prescribed by the secretary of state and issued by a long-term care facility in this
18 state;

19 b. For a uniformed service member or immediate family member temporarily
20 stationed away from the individual's residence in this state, or a resident of the
21 state temporarily living outside the country, a current military identification card or
22 passport; and

23 c. For an individual living with a disability that prevents the individual from traveling
24 away from the individual's home, the signature on an absentee or mail ballot
25 application from another qualified elector who, by signing, certifies the applicant
26 is a qualified elector.

27 5. If an individual is not able to show a valid form of identification but asserts
28 qualifications as an elector in the precinct in which the individual desires to vote and
29 has provided satisfactory proof of citizenship pursuant to section 2 of this Act, the
30 individual may mark a ballot that must be securely set aside securely in a sealed
31 envelope designed by the secretary of state. After the ballot is set aside, the individual

1 may show a valid form of identification to either a polling place election board member
2 if the individual returns to the polling place before the polls close, or to an employee of
3 the office of the election official responsible for the administration of the election before
4 the meeting of the canvassing board occurring on the thirteenth day after the election.
5 Each ballot set aside under this subsection must be presented to the members of the
6 canvassing board for proper inclusion or exclusion from the tally.

7 6. The secretary of state shall develop uniform procedures for the requirements of
8 subsection 5 which must be followed by the election official responsible for the
9 administration of the election.

10 **SECTION 2.** A new section to chapter 16.1-01 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Proof of citizenship verifying eligibility as an elector.**

- 13 1. A qualified elector shall provide satisfactory proof of citizenship to the proper election
14 official before receiving a ballot to vote.
- 15 2. Satisfactory proof of citizenship includes:
- 16 a. A driver's license or nondriver's identification card issued by the department of
17 transportation which indicates the cardholder is a citizen;
- 18 b. A legible photocopy of the individual's birth certificate that verifies citizenship;
- 19 c. An unexpired United States passport or a legible photocopy of pertinent pages of
20 the individual's United States passport identifying the individual and the
21 individual's passport number;
- 22 d. The individual's United States naturalization documents or the number of the
23 certificate of naturalization. If only the number of the certificate of naturalization is
24 provided, the individual's ballot must be held pursuant to the procedure described
25 in subsection 3 until the proper election official can verify with the United States
26 citizenship and immigration services that naturalization is complete;
- 27 e. Other documents or methods of proof established pursuant to the Immigration
28 Reform and Control Act of 1986 [Pub. L. 99-603; 100 Stat. 3359]; or
- 29 f. The applicant's bureau of Indian affairs card number, tribal treaty card number, or
30 tribal enrollment number.

- 1 3. If an individual is not able to show satisfactory proof of citizenship but asserts valid
2 citizenship status and possesses a valid identification pursuant to section
3 16.1-01-04.1, the individual may mark a ballot that must be set aside securely in a
4 sealed envelope designed by the secretary of state. After the ballot is set aside, the
5 individual may show satisfactory proof of citizenship to either a polling place election
6 board member if the individual returns to the polling place before the polls close, or to
7 an employee of the office of the election official responsible for the administration of
8 the election before the meeting of the canvassing board occurring on the thirteenth
9 day after the election. Each ballot set aside under this subsection must be presented
10 to the members of the canvassing board for proper inclusion in or exclusion from the
11 tally.
- 12 4. After an individual has submitted satisfactory evidence of citizenship, the proper
13 election official shall update this information in the central voter file.

14 **SECTION 3. AMENDMENT.** Subsection 2 of section 39-06-03.1 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 2. The director shall issue a nondriver color photo identification card to any resident who
17 at the time of application is not a citizen of the United States and who fulfills the
18 requirements of this section. The identification card must be designed in a manner to
19 clearly make the card distinguishable from a similar card issued to a citizen of the
20 United States and resident of this state. Upon the issuance of an identification card,
21 the department of transportation shall provide a written notice that indicates within the
22 forty-five days following naturalization, the naturalized individual shall contact the
23 department of transportation to update the individual's citizenship status. The director
24 shall replace the card ~~may be replaced~~ with a card issued to a citizen of this country
25 and resident of this state only when proof of United States citizenship is provided by
26 the individual and any applicable replacement fee listed in section 39-06-49 is paid.
27 For identification cards issued before August 1, 2023, the department of transportation
28 shall provide by mail to each identification cardholder a written notice that indicates
29 within the forty-five days following naturalization, the naturalized individual shall
30 contact the department of transportation to update the individual's citizenship status.

1 **SECTION 4. AMENDMENT.** Subsection 5 of section 39-06-14 of the North Dakota Century
2 Code is amended and reenacted as follows:

3 5. The director shall issue an operator's license to any resident who at the time of
4 application is not a citizen of the United States and who fulfills the requirements of this
5 section. The license must be designed in a manner to distinguish the license clearly
6 from a similar license issued to a citizen of the United States and resident of this state.
7 Upon the issuance of a license, the department of transportation shall provide a
8 written notice that indicates within the forty-five days following naturalization, the
9 naturalized individual shall contact the department of transportation to update the
10 individual's citizenship status. The director shall replace the license issued under this
11 subsection may be replaced with a card issued to a citizen of this country and resident
12 of this state only when proof of United States citizenship is provided by the individual
13 and the replacement fee listed in section 39-06-49 is paid. For licenses issued before
14 August 1, 2023, the department of transportation shall provide by mail to each
15 licenseholder a written notice that indicates within the forty-five days following
16 naturalization, the naturalized individual shall contact the department of transportation
17 to update the individual's citizenship status.

18 **SECTION 5. AMENDMENT.** Subsection 1 of section 39-06-14.2 of the North Dakota
19 Century Code is amended and reenacted as follows:

20 1. The director shall provide central identity management for all state agencies for
21 citizens who possess a nondriver photo identification card or driver's license
22 utilizing using driver record data. Upon an individual's change in citizenship status
23 under section 39-06-03.1 or 39-06-14, the director shall report to the secretary of state
24 the individual's updated information as required under section 16.1-02-09.