

**HOUSE BILL NO. 1299**

Introduced by

Representatives Louser, Kasper, Klemin, Lefor, Schauer, Wagner

Senators Burckhard, Hogue, Vedaa

1 A BILL for an Act 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 of the North Dakota Century Code, regarding proof of citizenship.

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

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

7 **16.1-01-04.1. Identification verifying eligibility as an elector.**

8 1. A qualified elector shall provide a valid form of identification to the proper election  
9 official before receiving a ballot for voting.

10 2. The identification must provide the following information regarding the elector:

11 a. Legal name;

12 b. Current residential street address in North Dakota; and

13 c. Date of birth.

14 3. a. A valid form of identification is:

15 (1) A driver's license or nondriver's identification card issued by the North  
16 Dakota department of transportation; or

17 (2) An official form of identification issued by a tribal government to a tribal  
18 member residing in this state.

19 b. If an individual's valid form of identification does not include all the information  
20 required under subsection 2 or the information on the identification is not current,  
21 the identification must be supplemented by presenting any of the following issued  
22 to the individual which provides the missing or outdated information:

23 (1) A current utility bill;

24 (2) A current bank statement;

- 1 (3) A check issued by a federal, state, or local government;
- 2 (4) A paycheck;
- 3 (5) A document issued by a federal, state, or local government; or
- 4 (6) A printed document containing all of the information required by
- 5 subsection 2 issued by an institution of higher education for an enrolled
- 6 student residing in the state and containing the institution's letterhead or
- 7 seal, along with a student photo identification card issued by the institution
- 8 and containing the student's photograph and legal name.
- 9 4. The following forms of identification are valid for the specified individuals living under
- 10 special circumstances who do not possess a valid form of identification under
- 11 subsection 3.
- 12 a. For an individual living in a long-term care facility, a long-term care certificate
- 13 prescribed by the secretary of state and issued by a long-term care facility in this
- 14 state;
- 15 b. For a uniformed service member or immediate family member temporarily
- 16 stationed away from the individual's residence in this state, or a resident of the
- 17 state temporarily living outside the country, a current military identification card or
- 18 passport; and
- 19 c. For an individual living with a disability that prevents the individual from traveling
- 20 away from the individual's home, the signature on an absentee or mail ballot
- 21 application from another qualified elector who, by signing, certifies the applicant
- 22 is a qualified elector.
- 23 5. If an individual is not able to show a valid form of identification but asserts
- 24 qualifications as an elector in the precinct in which the individual desires to vote and
- 25 has provided satisfactory proof of citizenship pursuant to section 2 of this Act, the
- 26 individual may mark a ballot that must be ~~securely~~ set aside securely in a sealed
- 27 envelope designed by the secretary of state. After the ballot is set aside, the individual
- 28 may show a valid form of identification to either a polling place election board member
- 29 if the individual returns to the polling place before the polls close, or to an employee of
- 30 the office of the election official responsible for the administration of the election before
- 31 the meeting of the canvassing board occurring on the thirteenth day after the election.

1 Each ballot set aside under this subsection must be presented to the members of the  
2 canvassing board for proper inclusion or exclusion from the tally.

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

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

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

9 1. A qualified elector shall provide satisfactory proof of citizenship to the proper election  
10 official before receiving a ballot to vote.

11 2. Satisfactory proof of citizenship includes:

12 a. A driver's license or nondriver's identification card issued by the department of  
13 transportation which indicates the cardholder is a citizen;

14 b. A legible photocopy of the individual's birth certificate that verifies citizenship;

15 c. An unexpired United States passport or a legible photocopy of pertinent pages of  
16 the individual's United States passport identifying the individual and the  
17 individual's passport number;

18 d. The individual's United States naturalization documents or the number of the  
19 certificate of naturalization. If only the number of the certificate of naturalization is  
20 provided, the individual's ballot must be held pursuant to the procedure described  
21 in subsection 4 until the proper election official can verify with the United States  
22 citizenship and immigration services that naturalization is complete;

23 e. Other documents or methods of proof established pursuant to the Immigration  
24 Reform and Control Act of 1986 [Pub. L. 99-603; 100 Stat. 3359]; or

25 f. The applicant's bureau of Indian affairs card number, tribal treaty card number, or  
26 tribal enrollment number.

27 3. Satisfactory proof of citizenship may be provided by physical or electronic means.

28 4. If an individual is not able to show satisfactory proof of citizenship but asserts valid  
29 citizenship status and possesses a valid identification under section 16.1-01-04.1, the  
30 individual may mark a ballot that must be set aside securely in a sealed envelope  
31 designed by the secretary of state. After the ballot is set aside, the individual may

- 1           show satisfactory proof of citizenship to either a polling place election board member if  
2           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 in or exclusion from the tally.  
7           5. After an individual has submitted satisfactory evidence of citizenship, the proper  
8           election official shall update this information in the central voter file.