

**HOUSE BILL NO. 1431  
with Senate Amendments  
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Introduced by

Representatives Louser, Bosch, D. Johnson, Kasper, Klemin, Lefor, Schatz, Schauer,  
Wagner

Senators Hogue, Vedaa

1 A BILL for an Act to amend and reenact section 16.1-01-04.1 and subsection 2 of section  
2 16.1-15-08 of the North Dakota Century Code, relating to proof of citizenship.

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

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

6 **16.1-01-04.1. Identification verifying eligibility as an elector.**

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

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

10 a. Legal name;

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

12 c. Date of birth.

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

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

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

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21 to the individual which provides the missing or outdated information:

22 (1) A current utility bill;

23 (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, the
- 25           individual may mark a ballot that must be ~~securely~~ securely set aside securely in a sealed
- 26           envelope designed by the secretary of state. After the ballot is set aside, the individual
- 27           may show a valid form of identification to ~~either a polling place election board member~~
- 28           ~~if the individual returns to the polling place before the polls close, or to an employee of~~
- 29           ~~the office of the election official responsible for the administration of the election~~ via
- 30           print or electronic means before the meeting of the canvassing board occurring on the
- 31           thirteenth day after the election. Each ballot set aside under this subsection must be

1 presented to the members of the canvassing board for proper inclusion or exclusion  
2 from the tally.

3 6. If an individual presents a nondriver identification card issued under subsection 2 of  
4 section 39-06-03.1 or an operator's license issued under section 39-06-14, and the  
5 card or license indicates the individual is a noncitizen, but the individual asserts valid  
6 citizenship, the individual may mark a ballot that must be set aside securely in a  
7 sealed envelope designed by the secretary of state. After the ballot is set aside, the  
8 individual may present a nondriver identification card issued under subsection 2 of  
9 section 39-06-03.1 or an operator's license issued under section 39-06-14 that no  
10 longer reflects that the individual is a noncitizen, to the election official responsible for  
11 the administration of the election via print or electronic means before the meeting of  
12 the canvassing board occurring on the thirteenth day after the election. Each ballot set  
13 aside under this subsection must be presented to the members of the canvassing  
14 board for proper inclusion in or exclusion from the tally. This section does not effect  
15 any associated consent decree or administrative rules adopted related to a consent  
16 decree consented to or enacted before August 1, 2023.

17 7. The secretary of state shall develop uniform procedures for the requirements of  
18 ~~subsections~~ subsections 5 and 6 which must be followed by the election official  
19 responsible for the administration of the election.

20 **SECTION 2. AMENDMENT.** Subsection 2 of section 16.1-15-08 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22 2. Each ballot within a sealed envelope set aside for an individual ~~who was unable to~~  
23 ~~provide a valid form of identification when appearing to vote in the election~~ as outlined  
24 in subsections 5 and 6 of section 16.1-01-04.1 must be delivered to the election official  
25 responsible for the administration of the election so the envelope containing the ballot  
26 is available if the individual for whom the ballot was set aside appears in the official's  
27 office to verify the individual's eligibility as an elector. The verified and unverified  
28 ballots set aside must be delivered to the members of the canvassing board for proper  
29 inclusion in or exclusion from the canvass of votes.