

SENATE BILL NO. 2353

Introduced by

Senator Schneider

Representatives Mock, Oversen

1 A BILL for an Act to amend and reenact section 16.1-05-07 of the North Dakota Century Code,
2 relating to casting of provisional ballots; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-05-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-05-07. Poll clerks to check identification and verify eligibility - Poll clerks to**
7 **request, correct, and update incorrect information contained in the pollbook - Provisional**
8 **ballot.**

- 9 1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll
10 clerks shall require the individual to show identification, which includes the individual's
11 residential address and date of birth. The identification may include:
- 12 a. A driver's license or nondriver identification card issued by the department of
13 transportation or other official form of identification issued by the state;
 - 14 b. An official form of identification issued by a tribal government;
 - 15 c. An alternative form of identification prescribed by the secretary of state, if the
16 individual does not possess an official form of identification provided for under
17 subdivision a or b; or
 - 18 d. A combination of any of the forms of identification under subdivisions a through c.
- 19 2. a. When verifying an individual's eligibility or when entering the name of an
20 individual into the pollbook, poll clerks shall request, correct, and update any
21 incorrect or incomplete information about an individual required to be included in
22 the pollbook generated from the central voter file.

- 1 b. If the individual's name is contained in the pollbook generated from the central
2 voter file, the poll clerks shall verify the individual's residential address and
3 mailing address, if different from the individual's residential address.
- 4 c. If the individual's name is not contained in the pollbook generated from the
5 central voter file but the individual is determined eligible to vote, the poll clerks
6 shall record the individual's name in the pollbook. The poll clerks shall request
7 and obtain any additional information for the individual required to be included in
8 the pollbook.
- 9 3. An individual who lacks an approved form of identification under subsection 1 must be
10 offered the opportunity to complete a provisional ballot application, which must contain
11 the individual's full legal name, date of birth, and residential address in the precinct.
12 Upon completion of the provisional ballot application by the individual, the poll clerks
13 shall deliver to the individual a provisional ballot which must be identified by the words
14 "provisional ballot" being clearly and prominently printed on the ballot. Notwithstanding
15 sections 16.1-13-23 and 16.1-13-24, all provisional ballots cast must be held
16 separately from other ballots cast at that voting location. On the day after the election,
17 to confirm the residence of each individual who cast a provisional ballot, the county
18 auditor shall mail a postcard to the address listed by each individual who cast a
19 provisional ballot. The postcard must include a form through which the individual may
20 certify under oath that the individual had resided in the precinct for thirty days
21 preceding the election and that the individual was qualified to vote in the precinct. For
22 the provisional ballot to be counted, the individual must confirm the individual's
23 qualification to vote by delivering the postcard and certification under oath required by
24 this subsection to the county auditor in person or by mail before the canvassing board
25 meets. If an individual fails to confirm the individual's qualification to vote before the
26 canvassing board meets, the ballot may not be counted. If an individual who cast a
27 provisional ballot is found to have fraudulently cast a ballot or fraudulently certified that
28 the individual was qualified to vote in the precinct, the county auditor shall report the
29 individual to the state's attorney for prosecution under section 16.1-01-12.
- 30 4. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct
31 to the proper precinct and voting location.