

# Who Can Vote and How

## VOTER QUALIFICATIONS

### A qualified voter of the state is a person who:

- Is a citizen of the United States;
- Is eighteen years or older on the day of election;
- Is a resident of North Dakota; and
- Is a resident who has resided in the precinct at least thirty days immediately preceding any election; and
- Is able to provide a North Dakota driver's license, nondriver ID, or tribal ID that includes your current residential address and date of birth. If an individual's valid form of identification does not include all the information required in NDCC § 16.1-01-04.1(2), or the information is not current, the identification must be supplemented by presenting any of the documents as outlined in NDCC § 16.1-01-04.1(3)(b).

### The following rules for voting eligibility also apply.

- Every qualified elector may have only one residence, shown by an actual fixed permanent dwelling, establishment, or any other abode to which the individual returns when not called elsewhere for labor or other special or temporary purposes.
- A person's voting residence must be determined in accordance with the rules for determining residency as provided in NDCC § 16.1-01-04.2.
- Pursuant to Section 2 of Article II of the Constitution of North Dakota, voting by persons convicted and sentenced for a felony must be limited according to Chapter 12.1-33.
- No person who has been declared mentally incompetent by order of a court or other authority having jurisdiction, which order has not been rescinded, shall be qualified to vote. NDCC § 16.1-01-04 and Section 2 of Article II of the Constitution of North Dakota.

### To determine residence for voting, the conditions from the North Dakota Century Code Section 16.1-01-04.2 must be met.

- Every qualified elector may have only one residence, shown by an actual fixed permanent dwelling, establishment, or any other abode to which the individual returns when not called elsewhere for labor or other special or temporary purposes.
- The street address verified by the individual as provided in NDCC § 16.1 - 01 - 04.1 when requesting a ballot to vote must be the address of residence for the individual.
- An individual retains a residence in this state until another has been gained. The acts of residing at a new address for thirty days and verifying that address as provided under NDCC § 16.1 - 01 - 04.1 constitute a change in the individual's voting residence

## VOTER DISQUALIFICATIONS

### Voting rights are lost if a person has been:

1. Convicted of a felony and sentenced to a term of imprisonment. However, the person's voting rights are lost only during the time of actual incarceration. NDCC § 12.1-33-01(1)
2. Declared mentally incompetent by order of a court. Article II, § 2, Constitution of North Dakota

## VOTER DISABILITY

Any voter who requires assistance to vote may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. Moreover, a candidate or a relative of a candidate may not provide assistance to a voter. If the voter requests the assistance of a member of the election board, both election judges are required to assist the voter. NDCC § 16.1-13-27

A person who assists a voter may not discuss issues involving a candidate or a ballot measure. NDCC § 16.1-13-27

Any person chosen to assist a voter who requests the voter to vote for or against any person or issue shall be guilty of a class B misdemeanor. NDCC § 16.1-13-28

## VOTING PROCEDURES

When a qualified voter moves from one precinct to another within this state, the voter is entitled to vote in the precinct from which he or she moved until the voter has established a new residence. NDCC § 16.1-01-05

Example: A person may continue voting in his or her former precinct if the person has not yet gained residence in his or her new precinct by residing in the new precinct for thirty days.

A new resident and former resident of this state who have failed to meet voting residence requirements in their new location, but are otherwise eligible to vote, may

cast their vote only for presidential candidates.

NDCC §§ 16.1-14-18 and 16.1-14-19

Before delivering a ballot to an individual, the poll clerks shall require the individual to show identification, which includes the individual's name, residential address, and date of birth. Acceptable forms of identification are a valid North Dakota: driver's license; nondriver's identification card; tribal government issued identification card; or a long term care identification certificate. NDCC § 16.1-05-07. If an individual's valid form of identification does not include all the information required in NDCC § 16.1-01-04.1(2), or the information is not current, the identification must be supplemented by presenting any of the documents as outlined in NDCC § 16.1-01-04.1(3)(b). In the instance of an individual who is unable to show a valid form of identification but asserts qualifications as an elector in the precinct in which they desire to vote, the individual may mark a ballot that must be securely set aside in a sealed envelope. After the ballot is set aside, the individual may show a valid form of identification to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election before the meeting of the canvassing board occurring on the sixth day after the election. Each ballot set aside must be presented to the members of the canvassing board for proper inclusion or exclusion from the tally.

Before delivering any ballot to a qualified voter, official ballots must be initialed by the inspector or judge in the text box provided on the ballot. Moreover, the inspector or judge must inform each voter that if the ballot is not initialed by an election official, it will be invalidated and to protect the voter's right to vote, the voter should make sure the ballot is initialed. In the instance of an individual who is unable to show a valid form of identification and is marking a set aside ballot, the judge does not initial the ballot. The ballot is initialed by the canvassing board only after the individual shows a valid form of identification to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election before the meeting of the canvassing board occurring on the sixth day after the election. NDCC §§ 16.1-06-04(7) and 16.1-13-22

Voters may only vote for candidates of one political party in the primary election. If a voter casts votes in more than one political party section, the votes on the party ballot will be rejected. NDCC §§ 16.1-11-22

If a voter spoils the ballot, a new ballot may be given to the voter after returning the spoiled ballot to an election official. However, an individual is not allowed more than three (3) ballots. NDCC § 16.1-13-32

Upon receipt of a ballot within the provided secrecy sleeve, the voter, forthwith and without leaving the polling place, shall retire alone to one of the voting booths or compartments to prepare the voter's ballot by darkening the oval opposite the name of each person for whom the voter wishes to vote. In the case of a ballot containing a constitutional amendment, an initiated or referred measure, or any other question to be submitted to a vote of the people, the voter shall darken the oval opposite the word or words expressing the voter's wish. After preparing the ballot, the voter shall place the ballot back in the provided secrecy sleeve so it is concealed and so the endorsement of the inspector or election judge may be seen. The voter then shall deposit the ballot in the optical scanning device and wait to determine if the ballot is deposited into the ballot box or if the optical scanning device has indicated a possibility for a second-chance voting condition. If a second-chance voting condition is indicated, a voter may spoil and receive up to two additional ballots. The voter's third ballot must be cast as is even if errors exist causing certain votes not to be counted. NDCC § 16.1-13-23

Voters may write in names of candidates for office and must also darken the oval for write-in candidates. NDCC § 16.1-15-01

No more than one voter can be in a voting booth at one time except when providing lawful assistance. NDCC § 16.1-13-30

No political badges, buttons, or insignias may be worn within a polling place or within one hundred feet from the entrance to the room containing the polling place while it is open for voting. NDCC § 16.1-10-03

Within the polling place, no one, other than a voter requesting assistance in the marking of his or her ballot, may reveal the name of a candidate that the voter is supporting. NDCC § 16.1-13-27