COMPLETE, PRINT AND SIGN IN FRONT OF AN ELECTION BOARD MEMBER

VOTER'S AFFIDAVIT

SECRETARY OF STATE

SFN 17343 (10-2012)

Provisions for challenging a voter may be found in Chapter 16.1-05 of the North Dakota Century Code.

Any member of the election board may challenge the right of an individual to vote or a poll challenger may request members of the election board to challenge the right of an individual to vote if they have knowledge or have reason to believe the individual is not a qualified elector of the precinct. A challenge may be based upon any one of the following:

- The individual offering to vote does not meet the age or citizenship requirements.
- The individual offering to vote has never voted in the precinct before, the name of the individual offering to vote does not appear in the pollbook generated from the central voter file, and the individual fails to provide reasonable evidence of residency in the precinct.
- Except as provided in Section 16.1-01-05, the individual offering to vote physically resides outside of the precinct.
- The individual offering to vote does not meet the residency requirements provided in section 16.1-01-04.
- The individual offering to vote fails or refuses to provide an appropriate form of identification as requested under subsection 3.

If after an election board member has requested that the individual offering to vote provide an appropriate form of identification to address any of the voting eligibility concerns listed above and the identification is not provided or does not adequately confirm the eligibility of the challenged individual, the challenged individual may not vote unless the challenged individual executes an affidavit, known as a Voter's Affidavit, acknowledged before an election board member, that the challenged individual is a legally qualified elector of the precinct.

This affidavit is not an open record, but information identifying who voted after executing an affidavit is an open record as part of the pollbook.

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PERSONS OFFERING TO VOTE MUST REVIEW AND COMPLETE THE FOLLOWING IN ITS ENTIRETY

The following requirements for voting are taken from Sections 16.1-01-04 and 54-01-26 of the North Dakota Century Code and Article III of the Constitution of North Dakota.

- Every citizen of the United States who is: eighteen years old on the day of election; a North Dakota resident; and has resided in the precinct at least 30 days prior to the date of any election, except as otherwise provided in regard to residency in Chapter 16.1-14 is a qualified elector.
- Every qualified elector of the state may only have one voting residence.
- A person's voting residence must be determined in accordance with the rules for determining residency as provided in Section 54-01-26.
- Pursuant to Section 2 of Article II of the Constitution of North Dakota, voting by persons convicted and sentenced for treason or 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.
- No person convicted of a felony shall be qualified to vote until his or her civil rights are restored.

Remember, your place of residence for voting purposes must be determined based on the rules defined in North Dakota Century Code, Section 54-01-26, which states:

Every person has in law a residence. In determining the place of residence, the following rules must be observed:

- It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
- There can be only one residence.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.

Name of Person Offering to Vote	Date of Birth	Contact Telephone Number	
Current Residential Address	City	State	ZIP Code
Current Mailing Address (if different from residential address)	City	State	ZIP Code
Residential address where you last voted (if different from current address)	City	State	ZIP Code
If your name was different when you last voted due to marriage, divorce, etc., please enter your previous name.			
Identification number and state of any state-issued identification regardless of the state issued, if available.			

(continue on reverse side)

IMPORTANT: READ BEFORE SIGNING

I understand that by signing this affidavit, I am declaring:

- I am a qualified elector (as defined in North Dakota Century Code Section 16.1-01-04); and
- I am a resident of this voting precinct in which I am about to vote in (as defined in North Dakota Century Code Section 54-01-26).

I also understand that under state law (North Dakota Century Code Sections 16.1-02-05(4) and 16.1-05-06(5):

16.1-02-05(4)

- Within forty-five days after an election, the county auditor shall send a notice to each individual who was challenged on election day according to section 16.1-05-06. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the state's attorney to conduct an investigation of the individual's eligibility to vote in that election.

16.1-05-06(5)

- An individual who falsely swears in order to vote is guilty of a Class A misdemeanor and must be punished pursuant to Chapter 16.1-01.
- A Class A misdemeanor carries a maximum penalty of one year's imprisonment, a fine of $2,000, or both.

I, _____, do solemnly swear and affirm I am a qualified elector of this
name of person offering to vote
voting precinct and as such: I am eighteen (18) years of age; that I am a citizen of the United States; that I have been a resident of this precinct for thirty days, next preceding this election; and that I have not already voted in this election.

_____
Signature of person offering to vote

State of North Dakota)
)ss.
County of _____)

Subscribed in my presence and sworn to before me, this ____day of _____, _____.

Precinct Number

_____
Signature of election board member