

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

Questions Involving General Voting Requirements in North Dakota:

1. Am I eligible to vote in North Dakota?

To be eligible to vote in North Dakota you must be:

- a U.S. citizen;
- at least eighteen (18) years old on the day of election;
- a resident of North Dakota; and
- a resident of the precinct in which you vote for 30 days preceding the election.

2. How do I determine where I am a “resident”?

You can only have one residence and this is your actual fixed permanent dwelling, or other abode. It is the place where you remain when not at work or not on a special or temporary excursion.

3. Do I need to register to vote in North Dakota?

No. North Dakota is the only state without voter registration. North Dakota voters have no pre-election day registration requirements for voting.

4. What is the process for voting in North Dakota?

Precincts in North Dakota maintain a list of voters who have voted in previous elections. When a voter approaches a polling location they are asked to provide an acceptable form of identification. Then the election board will attempt to locate the voter’s name on the voting list. If the voter’s name is on the list, the voter’s name and address are verified and the voter is then allowed to vote.

If the voter is NOT on the list, but has an appropriate form of identification that indicates residence in the precinct for 30 days or more, the voter’s name and address will be added to the voter list and the voter will be allowed to vote.

If a voter is on the list but does NOT have proper identification, the voter will be allowed to vote if a poll worker can vouch for the voter’s residence AND identity or if the voter signs a voter’s affidavit.

If the voter is not on the list and does not have valid identification, but a poll worker is willing to verify that the voter is a qualified elector of the precinct, the poll worker may vouch for the voter's eligibility. The voter is then given the right to vote.

If the voter is not on the list, does not have valid identification, and no poll worker is able to vouch for the voter's eligibility, the voter may be challenged. As part of the challenge, the voter is asked to sign an affidavit swearing to the fact that he or she is a qualified elector of the precinct and therefore qualified to vote in the precinct. If the voter refuses to sign the affidavit, the voter is choosing not to vote.

Questions Involving Access to the Ballot:

1. It is after 9:00 AM and the polling place is not open. What should I do?

Immediately contact the County Elections Officials to report the problem. You can find information at <http://www.nd.gov/sos/forms/doc/county-elec-officials.rtf> .

If the polling place is open at 9:00 a.m. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available. Provisional ballots are a LAST resort.

2. It is 7:00 PM and my precinct is closed or closing and they will not let me vote. What should I do?

Immediately contact the County Elections Officials to report the problem. You can find information at <http://www.nd.gov/sos/forms/doc/county-elec-officials.rtf> .

3. There are equipment problems in my precinct and I cannot vote. What should I do?

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

Identification and Provisional Ballots:

1. What forms of identification are acceptable?

Identification should show a residential address. The forms of identification that will be accepted are: (a) a valid North Dakota Driver's License; (b) a valid State Identification Card; (c) a valid Federally Issued Identification Card (e.g. passport, agency identification card); (d) a valid Tribal Government Issued Identification Card; (e) a valid Student Identification Card; (f) a valid United States Military Identification Card; (g) a utility bill dated 30 or more days prior to Election Day with name and residential address; or (h) a change of address verification letter from the U.S. Postal Service.

2. I do not have any identification with me. Can I vote?

Yes. If possible, though, go and get an I.D. If not possible, you may be allowed to vote if you provide your date of birth and if a member of the election board or clerk knows you and can personally vouch that you are a qualified elector of the precinct. Alternatively, you may complete a Voter's Affidavit before an election inspector, whereby you certify your identity under oath, and certify that you are a resident of the precinct.

3. I wish to vote but my name does not appear on the list of voters in the precinct in which I reside. Can I vote?

Yes. If your name is not on the list, either because you are new to the precinct or for some other reason, a poll clerk may ask you for a valid voter identification (see above) to verify your name and address and will then enter that information into the poll book. If you are suspected of not being a qualified elector of the precinct, poll clerks may, in their discretion, challenge your vote. As part of the challenge, you will be asked to sign an affidavit swearing to the fact you are a qualified elector of the precinct and therefore qualified to vote in the precinct. If you agree to sign the affidavit, you must be allowed to vote. If you refuse to sign the affidavit, you may be denied the right to vote.

4. Poll workers are turning voters away if they do not have photo identification. What should be done?

Alert a commander immediately to report the problem.

5. When may a provisional ballot be issued?

Provisional ballots are a LAST resort. Provisional ballots are only issued in limited circumstances where an individual has voted after regular poll closing time in an election where a court has extended the time for closing voting polls. Call your County Auditor to check whether provisional ballots may appropriately be issued (numbers listed on the Secretary of State website: <http://www.nd.gov/sos/electvote/voting/index.html>).

Where to Vote:

1. Where do I vote (for voters who have not moved)?

You should vote in the County Precinct in which you reside. Polling locations in different precincts are listed at <http://www.nd.gov/sos>. If you need help to determine where the polling locations are according to your residential address, call your County Auditor (numbers listed on the Secretary of State website <http://www.nd.gov/sos/electvote/voting/index.html>).

2. I have moved within the same County Precinct. Where should I vote?

If you have moved within the same County Precinct, you should go to the appropriate polling place for that precinct (see above). Poll clerks may request and obtain your new address to be included in the poll book. If the updated address is within the precinct, you must be permitted to vote.

3. I have moved from one County Precinct to another. Where should I vote?

You are entitled to vote in the County Precinct in which you reside. If you have permanently moved to another County Precinct, you vote in that precinct to which you have moved.

4. I have moved to North Dakota from out of state. Where do I vote?

You are entitled to vote in the County Precinct in which you reside, so long as you have been a resident in the precinct for 30 days preceding the election. If you have permanently moved from outside North Dakota to a County Precinct within North Dakota 30 days or more before the election, you vote in that precinct to which you have moved. If you are still a resident of another state (having been resident in North Dakota less than 30 days), but you are otherwise qualified to vote in North Dakota, you may vote for presidential and vice presidential offices but none other. To cast a ballot for the presidential and vice presidential offices you must make a proper application to the County Auditor not less than ten days before the election. The list of County Auditors is available online at <http://www.nd.gov/sos/electvote/voting/index.html>).

5. I recently moved from North Dakota to a different state. Can I still vote in North Dakota?

If you are a former resident of North Dakota qualified to vote in North Dakota immediately before establishing residency in another state and you have not qualified for voting purposes due to the residency requirements of that other state, you may vote in North Dakota for presidential and vice presidential elections only by applying for a separate ballot at least one day before the election. This ballot is available through County Auditors. The list of County Auditors is available online at <http://www.nd.gov/sos/electvote/voting/index.html>).

6. I am a college student in North Dakota and a resident of North Dakota. Where should I vote?

As a college student, who is a North Dakota resident, you may vote in North Dakota on election day if you meet the general voting eligibility requirements (see (I) under “Questions Involving General Voting Requirements in North Dakota”).

If you are attending college in your hometown and still reside at home, you vote in the precinct of your residency.

If you are attending college outside of your hometown in North Dakota and you live on or off campus, you may vote at the polling location in the neighborhood where your college residence is located, as long as you reside there.

If you are attending college outside your hometown but you still maintain a residence in your hometown, you may vote in your hometown elections, either by absentee voting or by voting in person at Election Day at your local precinct polling location.

7. I am attending college in North Dakota but am a resident of another state. Can I vote in North Dakota?

No. You should contact the state election official in your home state for information about the voter qualifications and procedures for absentee voting in your home state. Access to the Secretary of State’s offices around the country can be found through the National Association of Secretary of State’s website: www.nass.org/ (see also <http://www.nd.gov/sos/electvote/voting/index.html> (College Student Voter’s link)). For further assistance call the Election Protection hotline at 1-866-OUR-VOTE.

Absentee Voting:

I. I am a North Dakota resident who will be out of state on Election Day. Am I still able to vote in North Dakota?

Yes. Absentee ballots will be made available to those who are qualified electors wishing to vote absentee prior to the date of the election. In addition, all members of the armed forces of the United States and members of the Merchant Marine may vote by absentee ballot. The steps for absentee voting are as follows:

- Voters fill out an absentee ballot application. These may be found at the following website: <http://www.nd.gov/sos/electvote/voting/voting-absentee.html>. Election officials of the county, city, or school district may also furnish absentee ballot applications to qualified electors.
- Voters should then deliver applications for absentee ballots to the appropriate County Auditor by mail, in person, or by fax. To determine the appropriate County Auditor, see: <http://www.nd.gov/sos/electvote/voting/voting-absentee.html>
- Voters will then receive an absentee voter's ballot on which to vote.
- Voters should then return the absentee ballots. Absentee ballots must be returned with a postmark or date stamp by the day before the election.

Assistance at the polls:

1. I am physically disabled and need assistance; will my polling place be accessible?

North Dakota law requires all polling places, and parking facilities at polling places, to be accessible to the elderly and physically disabled. If you find that a polling place is not accessible, call your County Auditor for immediate assistance (numbers listed on the Secretary of State website <http://www.nd.gov/sos/electvote/voting/index.html>).

Note also that physically disabled voters are also qualified to vote by absentee ballot (see <http://www.nd.gov/sos/electvote/voting/voting-absentee.html>).

2. I am blind; physically disabled or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?

If you are a voter requiring assistance at the polls for any of the reasons stated above, you can take a person of your choice into the voting booth for assistance. That person however, may not be your employer, an officer or agent of your union, a candidate running in that election, or a relative of a candidate. If you request the assistance of a member of the election board, you should receive the assistance of two election judges in the marking of your ballot.

If you are disabled or a language minority voter and a poll worker refuses to allow you to bring a person of your choice into the voting booth, contact your County Auditor (numbers listed on the Secretary of State website <http://www.nd.gov/sos/electvote/voting/index.html>) or call the Election Protection hotline (1-866-OUR-VOTE) .

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls, is this allowed?

It is an offense under North Dakota law for people to ask, solicit, or in any manner try to induce or persuade any voter on an election day to vote or refrain from voting for any:

candidate; political party; organization; or any measure submitted to the people. In addition, on the day of an election, no person may buy, sell, give, or provide any political badge, button, or any insignia to be worn at or about the polls, nor may any person wear such badges, buttons, or insignia at the polls on any election day.

If you have concerns that these rules are being breached, alert a commander.

2. There are people at the polls trying to intimidate voters. What should I do?

Intimidation of voters is an offense in North Dakota. Alert a commander.

3. I have a felony conviction. Can I vote?

Yes. North Dakota law permits convicted felons to vote so long as they are not currently serving a felony sentence of incarceration. This includes those who are on probation, on parole, or who have completed a felony sentence of incarceration in the past.

4. On what basis may my vote be challenged?

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

- The individual wanting to vote does not meet the age or citizenship requirements;
- The individual wanting to vote has never voted in the precinct before, the name of the individual does not appear in the poll book, and the individual fails to provide reasonable evidence of residency in the precinct;
- The individual wanting to vote physically resides outside of the precinct (except for those who have moved recently);
- The individual wanting to vote does not meet the residency requirements;
- The individual wanting to vote fails or refuses to provide an appropriate form of identification.

5. What happens if I spoil my voting ballot?

Alert a poll worker. You have the right to return a spoiled ballot and receive another one. You may not receive more than three ballots in total.

6. To whom should I make a complaint about the conduct of elections?

Voters can alert a commander for immediate assistance. The County Auditor of each County is the person to receive and handle all complaints involving the conduct of elections, actions of election officials, or irregularities of any kind in voting. Voters can complain to the County Auditor directly (numbers listed on the Secretary of State website <http://www.nd.gov/sos/electvote/voting/index.html>) or through any precinct official.

