

HOW DOES NORTH DAKOTA STACK UP AGAINST the Requirements of the National Voter Registration Act (NVRA)

North Dakota is a leader in election integrity efforts across the nation and has been proactive in safeguarding elections while ensuring only qualified North Dakotans are able to vote. This proactive stance has made North Dakota unique in that it does not require voter registration, exempting us from the National Voter Registration Act (NVRA); however, robust Voter ID laws and the NVRA exemption allow for better integrity measures to protect North Dakota voter information.

North Dakota's approach to voter roll maintenance is more proactive and more effective than the requirements put in place through NVRA and voter registration. North Dakota's voter verification process aligns with federal requirements and exceeds them without the need for voter registration.

Compare the requirements of NVRA and how North Dakota's voter verification processes stack up.

NVRA § 20503 (b) – National procedures for voter registration for election for Federal Office

(b) Nonapplicability to certain States

*This chapter does not apply to a State described
in either or both of the following paragraphs:*

- (1) A State in which, under law that is in effect
continuously on and after August 1, 1994,
there is no voter registration requirement for
any voter in the State with respect to an
election for Federal office.*



NORTH DAKOTA COMPLIES (AND EXCEEDS REQUIREMENTS OF THE ACT)

North Dakota is exempt from NVRA requirements; however our laws are more robust than NVRA requirements.

North Dakota is one of 6 states with an exemption, along with Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming.

NVRA § 20504 (c) – Simultaneous Application for voter registration and application for motor vehicle driver's license

(c) Forms and procedures

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(B) may require **only the minimum amount of information necessary** to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;



NORTH DAKOTA HAS A CENTRALIZED VOTER VERIFICATION PROCESS USING DRIVER'S LICENSES AND NON-DRIVER IDS AS VOTER IDENTIFICATION

North Dakota has been proactive and has statutes and processes in place that exceed the NVRA requirements. The North Dakota Department of Transportation (NDDOT) acts as our centralized voter verification agency which prevents duplication and verifies voter eligibility, including citizenship status and residency. (NVRA Forms do not include citizenship, residency or birthdate verification.)

The NDDOT passes all information to the North Dakota Secretary of State (NDSOS) who marks the voter as eligible or ineligible, dependent on the information verified by the NDDOT. This information exchange takes place DAILY ensuring the voter data integrity of the central voter file.

- All voter verification is centralized through NDDOT who connects previous voter information to current voter information. This process prevents voter duplication as voter information is verified through one central agency.
- NDDOT requires that all individuals obtaining North Dakota identification provide one of the following to verify date of birth and citizenship:
 - Birth Certificate
 - U.S. Passport
 - Social Security Card
- NDDOT requires non-citizens, who are in the U.S. legally, who obtain a North Dakota license to provide verification of legal presence. A non-citizen indicator is noted on the NDDOT issued identification card and the indicator is passed to the NDSOS and election officials across the state to prohibit non-citizens from voting. Verification of legal presence documentation includes:
 - Valid, Unexpired Permanent Resident Card
 - Valid, Unexpired Employment Authorization Card
 - Valid, Unexpired Foreign Passport with I-94
 - I-94 Card Stamped Refugee or Asylee
- Individuals who obtain United States Citizenship status must present the below documentation in order for their North Dakota identification to be updated and status passed to the NDSOS, who then updates the voter record to an eligible voter.
 - Certificate of Naturalization
 - Certificate of Citizenship

NVRA § 20504 (d) – Simultaneous Application for voter registration and application for motor vehicle driver's license

(d) Change of address

Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.



NORTH DAKOTA HAS A CENTRALIZED VOTER VERIFICATION PROCESS USING DRIVER'S LICENSES AND NON-DRIVER IDS AS VOTER IDENTIFICATION

NDDOT verifies voter residency with documentation showing the voter resides at the address provided when they obtain their ND identification. The voter does not have the option to choose if a change of address is for voting purposes. North Dakota law states their residence address is their voting residence address.

NDSOS receives updates from the NDDOT *DAILY* to ensure voter records are up to date.

NVRA § 20505 – Mail registration

This section outlines the National Voter Registration Form and its contents.

Requires applicants to attest that they are residents and U.S. citizens; however does not require them to provide any information for verification purposes.



NORTH DAKOTA VOTER VERIFICATION PROCESSES EXCEED REQUIREMENTS AND ENSURE ELIGIBILITY

North Dakota voter verification process through the NDDOT *exceeds* the verification and requirements outlined in the National Voter Registration Form.

The form adopted and utilized in voter registration states lacks key components that North Dakota practices when verifying voter eligibility. The National Voter Registration Form contains NO requirement for the voter to provide documentation to verify citizenship, residency, or date of birth. North Dakota statute requires voters to provide documentation, verifying eligibility, when obtaining their ND identification.

NVRA § 20506 – Voter registration agencies

This section outlines which agencies must serve as voter registration offices and includes:

(a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.



NORTH DAKOTA EXCEEDS REQUIREMENTS OUR PRACTICES ENSURE CITIZENSHIP, RESIDENCY, AND ELIGIBILITY OF ALL VOTERS

North Dakota exceeds the requirements outlined in this section by having a centralized voter verification agency in the NDDOT. Implementing a decentralized model as outlined in this section would jeopardize the robust verification process the NDDOT completes. Having multiple agencies and individuals completing voter verification and determining eligibility will lead to increased errors, lack of verification, and duplication. The centralized model North Dakota practices ensures citizenship, residency, and eligibility are being met while simultaneously mitigating duplicate registrations.

NVRA § 20507 (d) – Requirements with respect to administration of voter registration

This section outlines voter list maintenance and notices required to remove a voter from the voter registration list including:

(d) Removal of names from voting rolls

(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.



NORTH DAKOTA MAINTENANCE PROCESSES HAPPEN DAILY AND ENSURE WE HAVE CLEAN, UPDATED, AND ACCURATE VOTER ROLLS.

The State of North Dakota is diligent with list maintenance practices to ensure only qualified electors are able to cast a ballot. However, North Dakota does not have to follow arbitrary deadlines, receive confirmation from the voter, or wait multiple election cycles to maintain the North Dakota voter rolls. North Dakota's list maintenance practices are robust and happen on a daily basis, ensuring we have clean and updated rolls.

- **Address Updates:** The Office of the Secretary of State receives address changes from North Dakota Department of Transportation (NDDOT) daily. These address changes are reflected in the Central Voter File to ensure voters are placed in the correct precinct.
- **Citizenship Updates:** NDDOT requires all individuals who are obtaining identification to provide proof of identification – birth certificate, passport, certificate of naturalization, valid permanent resident card – to identify if individuals are United States citizens. Non-citizens have special indicators on their identification and the Central Voter File reflects citizenship status. The Office of the Secretary of State is notified if a non-citizen obtains citizenship, and the Central Voter File is updated accordingly. This ensures only United States citizens are voting in North Dakota elections. NDDOT and NDSOS both have the ability to access SAVE data as well for further confirmation of citizenship statuses.
- **Moved Out of State:** NDDOT is a member of the Interstate Crosscheck Program which notifies participants when a voter obtains and surrenders identification out of state. NDDOT shares this information with the Office of the Secretary of State. Our office is also notified when a voter registers to vote in a different state. In these circumstances, the Central Voter File is updated to reflect that the individual no longer resides in North Dakota, preventing them from voting in North Dakota elections.

- **Incarcerated Felons:** North Dakota statute does not allow incarcerated felons to vote. The North Dakota Department of Corrections and Rehabilitation shares admission and release files with the Office of the Secretary of State and the Central Voter File is updated to indicate if an individual is incarcerated. These individuals have their voting rights restored upon release from prison.
- **Deceased Records:** North Dakota Vital Records shares death records with the Office of the Secretary of State. Additionally, our office utilizes obituaries and other public records to update the Central Voter File and indicate whether an individual is deceased, preventing them from participating in North Dakota elections.