

**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.

**Note:** This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter's contact information should follow-up be necessary.

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## REGISTERING TO VOTE

### 1. STATUS: Am I registered to vote?

In North Dakota, you DO NOT NEED TO REGISTER TO VOTE in most elections.<sup>i</sup> Although North Dakota was one of the first states to adopt voter registration prior to 1900, it abolished it in 1951. North Dakota voters have no pre-election day voter registration requirements except in the case of certain municipal elections. For those municipal elections that do require voter registration, the requirements vary by municipality.

### 2. HOW: How do I register to vote? What if I don't have access to a computer and/or printer?

N/A.

### 3. IDENTIFICATION: What ID is required to register to vote?

N/A. But note that North Dakota does require ID to vote (see below).

### 4. DEADLINES: When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?

N/A.

### 5. SAME DAY: Does my state have Same Day Registration (i.e. I can register to vote the same day I vote)? If so, what is the process?

N/A.

### 6. PERMANENT MOVE: I have moved permanently and I didn't update my voter registration, can I vote?

North Dakota voters have no pre-election day voter registration requirements. However, since North Dakota voters must provide a ID to vote (see below), you must make sure your ID reflects your current North Dakota address.<sup>ii</sup>

In order to vote in a precinct, the voter must be a resident within the same precinct for at least 30 days prior to any election.<sup>iii</sup> If the voter has moved, the voter is entitled to vote in the precinct from which he or she moved until he or she has established a new residence.<sup>iv</sup>

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Refer to the table below. The answer to this question depends on whether the voter moved within the same county/election jurisdiction or moved to a new county.

<b>Moved within the same precinct</b>	<b>Moved to a different precinct but within the same county</b>	<b>Moved to a different election jurisdiction (typically county)</b>	<b>Moved from a different state</b>
If you have moved but stayed within the same precinct, continue to vote at the same location. Poll clerks will obtain your new address for an update in the poll book.	You must vote at the prior precinct if you moved less than 30 days before Election Day.	You must vote at the prior precinct if you moved less than 30 days prior to Election Day.	If you have recently moved to North Dakota and have been a resident for less than 30 days, you may vote for president but no other offices in the election. <sup>v</sup> You should request an absentee ballot from your home state instead.

**7. TEMPORARY MOVE: I have moved temporarily due to Covid-19 or some other reason. Where can I vote?**

In order to vote in a precinct, the voter must be a resident within the same precinct for at least 30 days prior to any election.<sup>vi</sup> If the voter has moved, the voter is entitled to vote in the precinct from which he or she moved until he or she has established a new residence.<sup>vii</sup> See the table in question 6 above for more detail.

In addition, a voter may vote absentee for any reason. A voter may submit an application for an absentee ballot anytime within the calendar year of an election.<sup>viii</sup> See section regarding absentee voting below.

**8. STUDENT: I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?**

- Voting in Your Hometown. If you attend college in your hometown and still reside at home, you vote in the precinct (voting area) of your residence. If you attend school away from your North Dakota residence and you live on or off campus, you may still vote in your hometown elections if your address is still associated to that residence. You can do this either by absentee voting or by voting in person on Election Day at your hometown precinct polling place.<sup>ix</sup>
- Voting in Your College Town. You may vote in your college town by updating your identification to reflect the address at which you reside while attending school. You must reside at the address for at least 30 days immediately preceding the election in order to be a resident of the precinct.<sup>x</sup>

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- **Voting Absentee in Your Home State.** If you attend college in North Dakota, but are a resident of another state, contact the state election official in your home state for information about the voter qualifications and procedures for voting absentee in your home state. In most cases, if you vote in an election in North Dakota, your residency will change from your home state to North Dakota.<sup>xi</sup>

The above guidelines all apply to those engaged in remote learning, as well.

**9. LIVING ABROAD: I am living abroad and/or am serving in the military. How can I register and/or vote?**

Voters living abroad<sup>xiii</sup> or serving in the military<sup>xiii</sup> may vote by mail. A voter may vote absentee for any reason. A voter may submit an application for an absentee ballot anytime within the calendar year of an election.<sup>xiv</sup> See questions regarding absentee voting below.

**9. CRIMINAL CONVICTION: I have a criminal conviction. Can I vote?**

North Dakota permits convicted felons to vote as long as they are not currently serving a felony sentence of incarceration. Convicted felons lose their right to vote while sentenced to imprisonment, but this right is reinstated upon release.<sup>xv</sup>

**10. INCARCERATED: I am currently in jail. Can I vote?**

No, convicted felons lose their right to vote while sentenced to imprisonment.<sup>xvi</sup>

**12. NOT ON ROLLS AT POLLING PLACE: I am at my polling place and am not on the voter registration roll. Can I vote where I am?**

N/A. In North Dakota, you do not need to register to vote. See voter ID requirements below.

**13. THOUGHT WAS REGISTERED: My name isn't on the voter registration roll but I thought I was registered. Could it have been removed? What do I do?**

N/A. In North Dakota, you do not need to register to vote. See voter ID requirements below.

## **HOW TO VOTE: EARLY VOTING**

**14. AVAILABILITY: Is there early voting in my state (whether called early voting or in person absentee voting)? When is it?**

Early in-person voting is available in some counties. Contact your county auditor for information about early voting (contact numbers listed at <https://vip.sos.nd.gov/CountyAuditors.aspx>).

Otherwise, voters may vote early by absentee ballot. See the section on absentee voting / and voting by mail below.

**15. ELIGIBILITY: Do I have to have a reason to vote early?**

No.

**16. WHEN: When do the polls open/close during early voting?**

Contact your county auditor for information about early voting (contact numbers listed at <https://vip.sos.nd.gov/CountyAuditors.aspx>).

**17. WHERE: Where do I vote during early voting?**

Contact your county auditor for information about early voting (contact numbers listed at <https://vip.sos.nd.gov/CountyAuditors.aspx>).

**18. IDENTIFICATION: What identification is required for early voting? Can I vote without providing identification?**

For those counties where early in-person voting is available, the ID requirements are the same as on election day. Voters will need to provide one of the following:<sup>xvii</sup>

- North Dakota driver's license;
- North Dakota nondriver's identification card;
- Tribal government issued identification (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address)
- Long-term care identification certificate provided by a North Dakota facility (if the voter does not have another form of identifications listed above);
- Other ID that must include the voter's name, current North Dakota address and date of birth, such as a U.S. Passport or Military ID.

If an individual's valid form of identification does not include the North Dakota residential address or date of birth, or the North Dakota residential address is not current, the individual may supplement the identification with a current utility bill; a current bank statement; a check or a document issued by a federal, state, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address); or a paycheck.<sup>xviii</sup>

## HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL

### **19. AUTOMATIC: Do I have to request an absentee ballot or will my state mail me one automatically? How do I request one?**

Voters must request an absentee ballot.<sup>xix</sup> All eligible North Dakotans have the option to request a ballot before the day of an election in a process known as absentee voting. You do not need to provide a reason for why you are requesting an absentee; however, you will be required to complete an application and sign an affidavit. You may submit an application anytime during the calendar year of an election; however, ballots are not available until the 40<sup>th</sup> day before an election. To request an absentee ballot:

- Answer the questions on the absentee or mail ballot application (available at <https://vip.sos.nd.gov/absentee/Default.aspx>)
- Print out the form generated
- Sign and date the form
- Send the form to your County Auditor (can be delivered by mail, in person, by fax or as a scanned attachment to an email)
- If necessary, include a copy of the qualifying supplemental documentation verifying your new residential address or the alternative ID for voting provided by a tribal government in North Dakota
- The ballot will be sent to you; mark it and return it as instructed to the County Auditor no later than the day before the election.<sup>xx</sup>

### **20. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?**

Different county auditors have different deadlines, but EARLIER IS BETTER. Completed ballots must be postmarked no later than November 2, 2020.

### **21. APPLICATION RETURN: Where and/or how can I return my absentee ballot application? Can someone return it for me?**

Absentee ballot applications are to be delivered to the appropriate election official by mail, in person, by fax or as a scanned attachment to an email.

### **22. DIDN'T REQUEST IN TIME: What if I have not requested an absentee ballot by the deadline?**

You will need to vote in person at your local polling place.

### **23. ELIGIBILITY: Do I have to have a specific reason for requesting to vote by absentee ballot?**

No.

**24. STATUS OF APPLICATION AND/OR BALLOT: How can I check the status of my application and/or absentee ballot?**

You can check the status of an absentee ballot at <https://vip.sos.nd.gov/AbsenteeTracker.aspx>.

**25. APPLICATION AND/OR BALLOT REJECTED: I learned my absentee ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?**

If you have sufficient time to correct the error and receive a new absentee ballot prior to the November 2, 2020 deadline, you may do so. Otherwise, you will need to vote in person at your local polling place.

**26. COMPLETING BALLOT: How do I complete the absentee ballot? Are there any identification requirements?**

There are identification requirements associated with requesting an absentee ballot, but not with completing the ballot itself. The application will request the following information from each voter desiring to vote absentee:

- voter's name;
- voter's current or most recent ND residential address;
- voter's mailing address;
- voter's current contact telephone number;
- the election for which the ballot is being requested;
- the date of the request;
- the voter's affirmation of residence in the precinct for at least thirty days immediately prior to the election;
- voter's signature;
- the voter's status as a citizen living outside the United States, a uniformed service member living away from the voter's North Dakota residence, or a family member of the uniformed service member living away from the voter's North Dakota residence;
- voter's birth date and year;
- The identification number from one of the applicant's valid forms of identification, a copy of the applicant's long-term care certificate, and, if necessary, a copy of the applicant's supplemental identification under section 16.1-01-04.1.
- voter's fax number (if voting materials are to be sent using this manner of transmission)
- voter's email address (if voting materials are to be sent using this manner of transmission)

The simplest method to apply is by electronically filling out the application using North Dakota's Absentee Ballot Application Wizard, available at: <https://vip.sos.nd.gov/absentee>

**27. LOST OR SPOILED: What if I lost my absentee ballot or it is spoiled or I received an incorrect one?**

If a voter makes a mistake or "spoils" his or her ballot and has not cast the ballot, the voter has the right to receive a replacement ballot after returning the spoiled ballot to the county recorder.

**28. NON-RECEIPT OF BALLOT: What if I requested an absentee ballot but have not received it? Can I do anything?**

A voter who has received but not submitted an absentee ballot may vote in person on Election Day.

**29. IN PERSON OPTION: What if I requested an absentee ballot but I want to vote in person on Election Day?**

A voter who has received but not submitted an absentee ballot may vote in person on Election Day.

**30. BALLOT DEADLINES: What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?**

Whether you vote absentee or by mail ballot your return envelope must be postmarked no later than the day before the election. If you are unable to meet this deadline then you will have to go to your appropriate polling place on Election Day to cast your ballot.

**31. BALLOT DROP OFF LOCATIONS: What are the locations for dropping off a completed ballot (instead of mailing it)?**

See <https://vip.sos.nd.gov/Precincts.aspx?eid=313> for a list of dropbox locations.

**32. ASSISTANCE DROPPING OFF: Can someone drop off my completed ballot for me?**

Yes, as long as the voter has signed and sealed the ballot.

**33. IN PERSON ABSENTEE: Where do I vote in-person absentee?**

N/A.

## HOW TO VOTE: ELECTION DAY

### 34. HOURS: When do the polls open and close on Election Day? What if the polls are closing but I'm in line?

North Dakota's minimum poll hours are 9:00 am to 7:00 pm, but individual polling locations can have hours extended, up to 7:00 am to 9:00 pm. Anyone in line by 7:00 pm must be allowed to vote.

Voters can find their polling location and hours by visiting:

<https://vip.sos.nd.gov/PortalListDetails.aspx?ptlhPKID=50&ptlPKID=7#content-start>

### 35. POLLING LOCATION: Where do I vote on Election Day?

Voters can find their polling location and hours by visiting:

<https://vip.sos.nd.gov/PortalListDetails.aspx?ptlhPKID=50&ptlPKID=7#content-start>

### 36. IDENTIFICATION: What identification is required to vote on Election Day? Can I vote without providing identification?

Voters will need to provide one of the following:<sup>xxi</sup>

- North Dakota driver's license;
- North Dakota nondriver's identification card;
- Tribal government issued identification (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address)
- Long-term care identification certificate provided by a North Dakota facility (if the voter does not have another form of identifications listed above);
- Other ID that must include the voter's name, current North Dakota address and date of birth, such as a U.S. Passport or Military ID.

If an individual's valid form of identification does not include the North Dakota residential address or date of birth, or the North Dakota residential address is not current, the individual may supplement the identification with a current utility bill; a current bank statement; a check or a document issued by a federal, state, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address); or a paycheck.<sup>xxii</sup>

**The North Dakota address must be a residential street address; IDs with P.O. Boxes and rural route addresses will need supplemental identification.** The supplemental identification MUST contain a North Dakota residential street address. If the voter does not provide supplemental identification with a North Dakota residential street address, he/she can cast a "set aside" ballot. The voter will then have the opportunity to return to the polling place with proper identification or can go to a designated election office (ask a pollworker for the location) within six days of the election.

## POLLING PLACE ISSUES

### **37. POLLING PLACE NOT OPEN: The polling place is not open. What do I do?**

**\*Note to hotline volunteer:** If you learn of a polling place not opening on time or is closed, notify your hotline captain immediately.

### **38. LONG LINES: There are long lines at the polling place. What do I do? What if the polls are closing while I'm in line?**

See Question 34 for answer, if voter is in line when polls are closing. Anyone in line by 7:00 PM must be allowed to vote.

**\*Note to hotline volunteer:** If you learn of long lines, notify your hotline captain immediately.

### **39. EQUIPMENT FAILURE: What should I do if there are equipment problems at my precinct?**

Voters should immediately notify the election officers if the voting equipment breaks down while the polls are open. Additionally, a voter should ask if an emergency paper ballot is available.

**\*Note to hotline volunteer:** If you are a hotline volunteer and learn of equipment not working properly at a polling place, notify your hotline captain, who will notify a voting machine expert or speak with the appropriate County Elections Officials (numbers listed on the Secretary of State website: <https://vip.sos.nd.gov/CountyAuditors.aspx>). If you are a field volunteer at a polling place and the equipment is not working properly, notify the command center, which will notify a voting machine expert.

### **40. NO PPE/COVID: What if my polling place is not enforcing COVID-19 precautions or has run out of supplies?**

**\*Note to hotline volunteer:** If you learn of COVID-related issues at a certain polling place, notify your hotline captain immediately.

### **41. EQUIPMENT ASSISTANCE: I don't know how to use the voting equipment. Can I get help?**

Yes. The election inspector and judges must provide the voter with adequate instructions on how to use the electronic voting equipment before entering the voting booth. Instructions must all be posted in large print within the polling location.

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Any voter who needs assistance in voting is entitled to have a person of his or her choice—other than the voter’s employer, an agent of the employer, an officer or agent of the voter’s union, a candidate running in that election, or a relative of a candidate—mark the voter’s choices or assist the voter in marking his or her choices on the ballot. If a voter requests the assistance of a member of the election board, the voter should receive the assistance of both election judges in marking a ballot.<sup>xxiii</sup>

**42. PHYSICAL DISABILITY: I have a physical disability 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 a polling place is not accessible, a voter should call the County Auditor for immediate assistance (contact numbers listed at <https://vip.sos.nd.gov/CountyAuditors.aspx>).<sup>xxiv</sup>

**43. READING/LANGUAGE ASSISTANCE: I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?**

Yes. Any voter who needs assistance in voting is entitled to have a person of his or her choice—other than the voter’s employer, an agent of the employer, an officer or agent of the voter’s union, a candidate running in that election, or a relative of a candidate—mark the voter’s choices or assist the voter in marking his or her choices on the ballot. If a voter requests the assistance of a member of the election board, the voter should receive the assistance of two election judges in marking a ballot.

Absentee Ballot Assistance: Each individual requesting to submit an absentee ballot who cannot read the English language or who, because of blindness or other disability, is unable to mark the voter's ballot, upon request, may receive the assistance of any individual of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate.

**44. CURBSIDE VOTING: When can I request curbside voting?**

While some states offer curbside voting, North Dakota does not.

**45. CAMPAIGNING: What rules apply to people campaigning or “hanging around” my polling place? Can people approach me?**

An individual may not ask, solicit, or in any manner try to induce or persuade, any voter within a polling place or within one hundred feet (30.5 meters) from the entrance to the room containing a polling place while it is open for voting to vote or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people.<sup>xxv</sup>

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A person may not approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing any merchandise, product, literature, or service. A person may not approach a person attempting to enter a polling place, who is in a polling place, or who is leaving a polling place for the purpose of gathering signatures for any reason. These prohibitions apply in any polling place or within one hundred feet (30.5 meters) from any entrance leading into a polling place while it is open for voting.<sup>xxvi</sup>

Voters have the right to wait to vote (or to vote) without anyone electioneering or trying to influence their vote in any other way within 100 feet of the entrance of the polling place or room.

**46. CHALLENGES: Someone is formally challenging my vote. What do I do?**

See below regarding provisional ballots.

**47. POLICE/MILITARY PRESENCE: There are police/members of the military at the polling place. Is this okay? What do I do?**

This is unusual, but okay. Follow instructions; continue to vote.

**48. PROVISIONAL BALLOT: I have been offered a provisional ballot. What should I do?**

Provisional ballots are typically not available because North Dakota does not require voter registration. However, provisional ballots may be used in a very limited circumstance where an individual has voted after regular poll closing time in an election where a court has extended the time for closing voting polls. Voters may ask their County Elections Official whether provisional ballots will be issued (contact numbers listed at <https://vip.sos.nd.gov/CountyAuditors.aspx>).<sup>xxvii</sup>  
A provisional ballot should be a last resort.

## QUESTIONS

**49. Who should I contact if I have questions about any of the above?**

For Secretary of State:

Secretary of State  
State of North Dakota  
600 E Boulevard Avenue Dept 108  
Bismarck ND 58505-0500  
Telephone: 701-328-2900  
Toll Free: 800-352-0867  
TTY: 800-366-6888  
Fax: 701-328-2992

For specific counties, see:

<https://vip.sos.nd.gov/CountyAuditors.aspx>

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- <sup>i</sup> See <https://vip.sos.nd.gov/pdfs/Portals/votereg.pdf>
- <sup>ii</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>
- <sup>iii</sup> NDCC § 16.1-01-04
- <sup>iv</sup> NDCC § 16.1-01-05
- <sup>v</sup> NDCC §§ 16.1-14-18
- <sup>vi</sup> NDCC § 16.1-01-04
- <sup>vii</sup> NDCC § 16.1-01-05
- <sup>viii</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-MailBallotAbsentee.pdf>
- <sup>ix</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-CollegeStudents.pdf>
- <sup>x</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-CollegeStudents.pdf>
- <sup>xi</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-CollegeStudents.pdf>
- <sup>xii</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-NDResidentsLivingOutsidetheUS.pdf>
- <sup>xiii</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-UniformedServiceMem-StationedAwayfromHome.pdf>
- <sup>xiv</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-MailBallotAbsentee.pdf>
- <sup>xv</sup> NDCC § 12.1-33-01
- <sup>xvi</sup> NDCC § 12.1-33-01
- <sup>xvii</sup> NDCC § 16.1-01-04.1
- <sup>xviii</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>
- <sup>xix</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-MailBallotAbsentee.pdf>
- <sup>xx</sup> See <https://vip.sos.nd.gov/civics101.aspx?ptlhPKID=126&ptlPKID=7>
- <sup>xxi</sup> NDCC § 16.1-01-04.1
- <sup>xxii</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>
- <sup>xxiii</sup> NDCC § 16.1-13-27; 52 U.S.C.A. § 10508
- <sup>xxiv</sup> NDCC § 16.1-04-02
- <sup>xxv</sup> NDCC § 16.1-10-06
- <sup>xxvi</sup> NDCC § 16.1-10-06.2
- <sup>xxvii</sup> NDCC § 16.1-13-34