



## Frequently Asked Questions

### North Dakota – General Election 2022

*Last Updated: September 1, 2022*

**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. **ELIGIBILITY:** Can I register to vote?

In North Dakota, the voter does not need to register to vote.<sup>1</sup> In order to vote in North Dakota, the voter must be (1) a U.S. citizen, (2) at least 18 years old the day of an election, (3) a North Dakota resident, and (3) a resident in the precinct for 30 days preceding the election. Thus, an eligible voter may vote in an election if the voter provides acceptable identification.

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<sup>1</sup> See <https://vip.sos.nd.gov/pdfs/Portals/votereg.pdf>

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.

A voter may vote in an election if the voter provides the required identification.

2. **PRIMARY ELECTION:** [Can I vote in the primary election? Do I have to be a member of a party to vote in its primary?](#)

In North Dakota, congressional and state primary elections are open to all voters regardless of their party affiliation.<sup>2</sup>

3. **STATUS:** [Am I registered to vote?](#)

Not applicable, North Dakota does not require voter registration.

4. **HOW:** [How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?](#)

Not applicable, North Dakota does not require voter registration.

5. **IDENTIFICATION:** [What ID is required to register to vote?](#)

Voters in North Dakota do not need to register to vote. However, voters will need to provide one of the following:<sup>3</sup>

- North Dakota driver's license;
- North Dakota non driver'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);

If the voter's acceptable form of identification does not include the North Dakota residential address or the voter's date of birth, or the North Dakota residential address is not current, the voter 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); a paycheck; or a printed document containing the voter's legal name, current North Dakota residential address, and date of birth issued by an institution of higher education for an enrolled student residing in North Dakota with the institution's letterhead or seal, and a student identification card, with a photo, issued by the institution and containing the student's legal name.<sup>4</sup>

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<sup>2</sup> Note that these rules **do not** apply to the presidential primaries. Democrats hold a closed primary in which Democrats and Independents only are permitted to participate.

<sup>3</sup> NDCC § 16.1-01-04.1

<sup>4</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>

**The North Dakota address must be a residential street address; IDs with P.O. Boxes and rural route addresses will need supplemental identification.**<sup>5</sup> 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, the voter 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 poll worker for the location) within six days of the election.

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

Not applicable, North Dakota does not require voter registration.

**7. SAME DAY:** *Does my state have Same Day Registration? If so, what is the process?*

Not applicable, North Dakota does not require voter registration.

**8. PERMANENT MOVE:** *I have moved permanently and I didn’t update my voter registration, can I vote?*

North Dakota does not require voter registration. However, since North Dakota voters must provide an ID to vote (see above), the voter must make sure that their ID reflects their current North Dakota address.<sup>6</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>7</sup> If the voter has moved, the voter is entitled to vote in the precinct they moved from until they have established a new residence.<sup>8</sup>

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 the voter moved but stayed within the same precinct, continue to vote at the same location. Poll clerks will obtain the voter’s new address for an update in the poll book.	The voter must vote at the prior precinct if the voter moved less than 30 days before Election Day.	The voter must vote at the prior precinct if the voter moved less than 30 days prior to Election Day.	If the voter recently moved to North Dakota and has been a resident for less than 30 days, the voter may vote for president but no other offices in the election. <sup>9</sup> In addition, voting for president will require the voter to: (1) submit a sworn statement in the presence of the county auditor, the

<sup>5</sup> See NDCC § 16.1-11-16(2)(b).

<sup>6</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>.

<sup>7</sup> NDCC § 16.1-01-04(1)(c).

<sup>8</sup> NDCC § 16.1-01-05.

<sup>9</sup> NDCC §§ 16.1-13-35.

			sworn statement is called an “application for presidential elector ballot” <sup>10</sup> ; and (2) mark the ballot in front of the county auditor (in a way that conceals who the voter chose) and then fold it, place it in an envelope, and write a certification on the outside <sup>11</sup> . Additionally, the voter is subject to all of the laws relating to absent voters’ ballots, except those superseded by those explicitly governing this situation. <sup>12</sup> You should request an absentee ballot from your home state instead.
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**9. TEMPORARY MOVE: I have moved temporarily. How 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>13</sup> If the voter has moved, the voter is entitled to vote in the precinct they moved from until they have established a new residence.<sup>14</sup> See the table in question 8 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>15</sup> See section regarding absentee voting below.

**10. 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 the voter attends college in their hometown and still resides at home, the voter votes in the precinct (voting area) of their residence. If the voter attends school away from their North Dakota residence and the voter lives on or off campus, the voter may still vote in their hometown elections if the address is still associated with that residence. The voter can do this either by absentee voting or by voting in person on Election Day at the voter’s hometown precinct polling place.<sup>16</sup>

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<sup>10</sup> NDCC §§ 16.1-13-37.

<sup>11</sup> NDCC §§ 16.1-13-41.

<sup>12</sup> NDCC §§ 16.1-13-44.

<sup>13</sup> NDCC § 16.1-01-04

<sup>14</sup> NDCC § 16.1-01-05

<sup>15</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-MailBallotAbsentee.pdf>; NDCC § 16.1-07-05

<sup>16</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-CollegeStudents.pdf>

**Voting in College Town.** The voter may vote in the voter’s college town by updating their identification to reflect the address at which the voter resides while attending school. The voter must reside at the address for at least 30 days immediately preceding the election in order to be a resident of the precinct.<sup>17</sup>

**Voting Absentee in Home State.** If the voter attends college in North Dakota, but is a resident of another state, the voter should contact the state election official in their home state for information about the voter qualifications and procedures for voting absentee in the voter’s home state. In most cases, if the voter votes in an election in North Dakota, the voter’s residency will change from their home state to North Dakota.<sup>18</sup>

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

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

Voters living abroad<sup>19</sup> or serving in the military<sup>20</sup> may vote by mail. A voter may vote absentee for any reason.<sup>21</sup> A voter may submit an application for an absentee ballot anytime within the calendar year of an election.<sup>22</sup> See questions regarding absentee voting below.

**12. CRIMINAL CONVICTION: I have a criminal conviction. Can I register to vote?**

North Dakota permits convicted felons to vote as long as they are not currently serving a felony sentence of incarceration.<sup>23</sup> Convicted felons lose their right to vote while sentenced to imprisonment, but this right is reinstated upon release.<sup>24</sup> You do not need to register to vote in North Dakota.

**13. INCARCERATED: I am currently incarcerated. Can I register to vote?**

No, convicted felons lose their right to vote while sentenced to imprisonment.<sup>25</sup>

## HOW TO VOTE: ELECTION DAY

**14. HOURS: When do the polls open/close on Election Day?**

The voting hours in North Dakota vary by county. Polling place voting hours are available online through the Polling Place Search. The polls must be opened at 9:00 am or earlier, but not earlier than 7:00 am. The polls must remain open continuously until 7:00 pm or a later hour, but not later than 9:00 pm.

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<sup>17</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-CollegeStudents.pdf>

<sup>18</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-CollegeStudents.pdf>

<sup>19</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-NDResidentsLivingOutsidetheUS.pdf>

<sup>20</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-UniformedServiceMem-StationedAwayfromHome.pdf>

<sup>21</sup> NDCC § 16.1-07-01

<sup>22</sup> See <https://vip.sos.nd.gov/pdfs/Portals/Voting-MailBallotAbsentee.pdf>; NDCC § 16.1-07-05

<sup>23</sup> NDCC § 12.1-33-01

<sup>24</sup> NDCC §§ 12.1-33-01, 12.1-33-02

<sup>25</sup> NDCC § 12.1-33-01

Voters can find their polling location and hours by visiting:

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

**15. 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>

**16. CLOSING: What if the polls close when I am already in line?**

Any voters standing in line to vote at the time the polls are set to close must be allowed to vote.<sup>26</sup>

**17. IDENTIFICATION: What identification is required to vote?**

Voters will need to provide one of the following:<sup>27</sup>

- North Dakota driver's license;
- North Dakota non driver'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);

If a voter's valid form of identification does not include the North Dakota residential address or the voter's date of birth, or the North Dakota residential address is not current, the voter 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); a paycheck; or a printed document containing the individual's legal name, current North Dakota residential address, and date of birth issued by an institution of higher education for an enrolled student residing in North Dakota with the institution's letterhead or seal, and a student identification card, with a photo, issued by the institution and containing the student's legal name.<sup>28</sup>

**The North Dakota address must be a residential street address; IDs with P.O. Boxes and rural route addresses will need supplemental identification.**<sup>29</sup> 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, the voter 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 poll worker for the location) within six days of the election.

**18. NO IDENTIFICATION: Can I vote without providing identification?**

If the voter is unable to provide supplemental identification, the voter 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 poll worker for the location) within six days of the election.

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<sup>26</sup> NDCC § 16.1-01-03

<sup>27</sup> NDCC § 16.1-01-04.1

<sup>28</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>

<sup>29</sup> See NDCC § 16.1-11-16(2)(b).



19. **NOT ON ROLLS AT MY POLLING PLACE:** I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?

Not Applicable, North Dakota does not require voter registration.

20. **PROVISIONAL BALLOT:** If I don't have an ID, can I request a provisional ballot? My name is not on the rolls at my polling place, can I request a provisional ballot?

Not applicable. Since North Dakota does not have voter registration, provisional ballots are not necessary.<sup>30</sup>

## **HOW TO VOTE: EARLY VOTING** **(in some states called "in-person absentee")**

21. **AVAILABILITY:** Is there early voting in my state (whether called early voting or in person absentee voting)?

Early in-person voting is available in some counties. Contact the voter's county auditor for information about early voting (contact numbers listed at <https://vip.sos.nd.gov/CountyAuditors.aspx>).<sup>31</sup>

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

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

No.

23. **WHEN:** When does early voting begin/end?

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

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

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

25. **IDENTIFICATION:** What identification is required for early voting? What if I don't have an ID?

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>32</sup>

- North Dakota driver's license;<sup>33</sup>

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<sup>30</sup> See <https://vip.sos.nd.gov/PortalListDetails.aspx?ptlhPKID=94&ptlPKID=7>.

<sup>31</sup> NDCC § 16.1-07-15.

<sup>32</sup> NDCC § 16.1-01-04.1

<sup>33</sup> NDCC § 16.1-01-04.1(3)(a)(1)

- North Dakota non driver's identification card;<sup>34</sup>
- 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);<sup>35</sup>
- Long-term care identification certificate provided by a North Dakota facility (if the voter does not have another form of identifications listed above, and the voter is an individual living in a long-term care facility);<sup>36</sup>
- A current military identification card or passport, for a uniformed service member or immediate family member temporarily stationed away from their residence in North Dakota, or for a resident of North Dakota temporarily living outside the country (if the voter does not have any of the first three forms of identification);<sup>37</sup>
- The signature on an absentee or mail ballot application from another qualified elector (voter) who, by signing, certifies the applicant is a qualified elector, only for voters living with a disability that prevents the voter from traveling away from the voter's home (if the voter does not have any of the first three forms of identification);<sup>38</sup> or
- If the voter'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);
  - a paycheck; or
  - a printed document containing the voter's legal name, current residential street address in North Dakota, and date of birth issued by an institution of higher education for an enrolled student residing in the state and containing the institution's letterhead or seal, along with a student photo identification and issued by the institution and containing the student's photograph and legal name.<sup>39</sup>

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

### 26. **ELIGIBILITY:** Am I eligible to request an absentee ballot?

All eligible voters in North Dakota have the option to request a ballot before the day of an election in a process known as absentee voting. The voter does not need to provide a reason for why they are requesting an absentee ballot, however, the voter will be required to complete an application and sign an affidavit (sworn statement). To request an absentee ballot:

<sup>34</sup> NDCC § 16.1-01-04.1(3)(a)(1)

<sup>35</sup> NDCC § 16.1-01-04.1(3)(a)(2)

<sup>36</sup> NDCC § 16.1-01-04.1(4)(a)

<sup>37</sup> NDCC § 16.1-01-04.1(d)(b)

<sup>38</sup> NDCC § 16.1-01-04.1(4)(c)

<sup>39</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>; NDCC § 16.1-01-04.1(3)(b)(1)-(6)

- 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 the voter; mark it and return it as instructed to the County Auditor no later than the day before the election.

In counties that use mail ballot elections, a ballot application is required to be sent to every active voter between the 50<sup>th</sup> and 40<sup>th</sup> day before the election. The application is also printed in the county official newspaper for two consecutive weeks.

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

**The voter may submit an application anytime during the calendar year of an election, however, ballots are not available until the 40th day before an election.** Different county auditors have different deadlines, but EARLIER IS BETTER. Completed ballots must be postmarked no later than November 7, 2022 (the day before the election).<sup>40</sup> However, voters prevented from voting the day of the election or requesting an absentee ballot on the day of the election—*due to an emergency that prevented the individual from voting on the day of the election*—must do so through an agent. In the event the absentee ballot is granted to a voter experiencing an emergency, the absentee ballot *must* be returned to the county auditor’s office by 4 p.m. on the day of the election.<sup>41</sup>

### 28. IDENTIFICATION: Are there any identification requirements?

A valid form of identification is required to vote absentee or by mail.<sup>42</sup> Acceptable forms of identification include: a North Dakota driver’s license; North Dakota non driver’s identification cards; 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); and long term care identification certificate (provided by North Dakota facility).

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, if available;
- 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;

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<sup>40</sup> NDCC § 16.1-07-05(2)

<sup>41</sup> NDCC § 16.1-07-05(2)

<sup>42</sup> See <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>.

- 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 full date of birth (month, 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>.

**29. EMERGENCY: Is there an emergency absentee ballot? If so, am I eligible?**

If a voter experiences an emergency that prevents them from requesting an absentee ballot or voting on the day of the election, the voter may request an absentee ballot through an agent. If such an emergency absentee ballot is granted, the ballot must be returned to the county auditor’s office by 4:00 pm on the day of the election.<sup>43</sup>

**30. APPLICATION RETURN: Where and 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, available at <https://vip.sos.nd.gov/CountyAuditors.aspx>.

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

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

**32. APPLICATION OR BALLOT REJECTED: I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?**

If the voter has sufficient time to correct the error and receive a new absentee ballot prior to the November 7, 2022 deadline, they may do so. Otherwise, the voter will need to vote in person at your local polling place.

**33. COMPLETING BALLOT: How do I complete the absentee ballot?**

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> .

Note, 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;

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<sup>43</sup> NDCC § 16.1-07-05(2)

- voter's current contact telephone number, if available;
- 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 full date of birth (month, 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)

**34. ASSISTANCE COMPLETING BALLOT: Can someone assist me filling out the ballot?**

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 both election judges in marking a ballot.<sup>44</sup>

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

Whether the voter votes absentee or by mail ballot their return envelope must be postmarked no later than the day before the election.<sup>45</sup> If the voter is unable to meet this deadline then they will have to go to their appropriate polling place on Election Day to cast their ballot.

**36. BALLOT DROP OF LOCATIONS: Where can I drop off a ballot (instead of mailing it)?**

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

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

Yes, as long as the voter has signed and sealed the ballot.<sup>46</sup>

**38. 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 auditor or appropriate election officer. The voter must request the replacement ballot by 4PM the day before the election.<sup>47</sup>

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<sup>44</sup> NDCC § 16.1-13-27; 52 U.S.C.A. § 10508

<sup>45</sup> NDCC §§ 16.1-11.1-07; 16.1-11.1-08

<sup>46</sup> See NDCC §§ 16.1-11.1-08

<sup>47</sup> NDCC §§ 16.1-11.1-05; 16.1-11.1-08

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

Yes, just like a voter whose ballot is destroyed, lost, or spoiled, a voter who requests but does not receive an absentee ballot, may request a replacement ballot from the county auditor or appropriate election officer. The request *must* be made by 4:00 pm the day before the election.<sup>48</sup> Otherwise, the voter may vote in person on Election Day.

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

An individual may vote in person on Election Day if they have not already submitted an absentee ballot.

**41. IN PERSON ABSENTEE:** Where do I vote in-person absentee? When can I do this?

Not applicable.

## POLLING PLACE ISSUES

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

Polling places should be open from 9:00 am to 7:00 pm on election day. If the polling place is not open during those designated hours, the voter should check the following website for the nearest polling location <https://vip.sos.nd.gov/PortalListDetails.aspx?ptlhPKID=50&ptlPKID=7#content-start>.

**\*Note to hotline volunteer:** If you learn of a polling place not opening on time or is closed, notify your hotline captain immediately. Direct voter to the nearest polling location that volunteers can confirm is open.

**43. LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while 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.<sup>49</sup>

**44. 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:

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<sup>48</sup> NDCC §§ 16.1-11.1-05; 16.1-11.1-08

<sup>49</sup> NDCC § 16.1-01-03

<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.

45. **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.

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>50</sup>

46. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?

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>51</sup>

47. **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.

48. **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 (30.48 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>52</sup>

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<sup>50</sup> NDCC § 16.1-13-27; 52 U.S.C.A. § 10508

<sup>51</sup> NDCC § 16.1-04-02

<sup>52</sup> NDCC § 16.1-10-06

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 (30.48 meters) from any entrance leading into a polling place while it is open for voting.<sup>53</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.

49. **CHALLENGE:** Someone is formally challenging my vote. What should I do?

North Dakota contains very limited provisions for someone to challenge a ballot. The only provision explicitly covering challenging a ballot involves a recount, and, in that situation, individuals authorized to participate in the recount may challenge ballots. The ballots are still counted, but are set aside and a notation is placed including the grounds for their challenge at law. At the end of the recount, the county auditor, or the relevant election official, will present them to the recount board, composed of lawyers, to make a decision on the ballots. There is nothing for you to do but allow the process to play out.<sup>54</sup>

North Dakota's general voter challenge statute was repealed and replaced in favor of the voter identification requirements discussed at length in other places in this document. A poll clerk will request a prospective voter present that identification, if the voter does so successfully there should not be an issue.

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

If there are police / members of the military at the polling place, the voter should notify the election official immediately, and the voter should still cast their ballot. Election officials are well-trained and are there to help.

51. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?

Not applicable, North Dakota does not require voter registration.

52. **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>55</sup> A provisional ballot should be a last resort.

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<sup>53</sup> NDCC § 16.1-10-06.2

<sup>54</sup> NDCC § 16.1-16-01(6)(b)

<sup>55</sup> NDCC § 16.1-13-34



## ACCESSIBILITY/ASSISTANCE

53. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?

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.

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.

54. **CURBSIDE VOTING:** Is curbside voting available? How do I request it?

North Dakota does not offer curbside voting.

55. **VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

Yes.

## QUESTIONS

56. **QUESTIONS:** 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>