
North Dakota

*Voter Registration &
Voter List Maintenance Guide*

Provided by

VOTER
REFERENCE 
FOUNDATION

Disclaimer: This is a guide to Arizona's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in this guide or the information linked to on the state site.

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Who can I contact with election related questions?

CHIEF STATE ELECTION OFFICER:
SECRETARY OF STATE

Physical Address:

Division of Elections
600 East Boulevard Avenue, Dept 108
Bismarck, ND 58505

Mailing Address:

Division of Elections
600 East Boulevard Avenue, Dept 108
Bismarck, ND 58505

Phone Number:

701-328-2900

Email Address:

sos@nd.gov

Website:

<https://www.sos.nd.gov/elections>

How do I register to vote?

[Link to Voting Information](#)

(North Dakota does not require registration as a qualification to vote.)

[16.1-01-04. Qualifications of electors- Voting requirements.](#)

1. To qualify as an elector of this state, an individual must be:
 - a. A citizen of the United States;
 - b. Eighteen years or older; and
 - c. A resident of this state who has resided in the precinct at least thirty days immediately preceding any election.
2. Pursuant to section 2 of article II of the Constitution of North Dakota, voting by individuals convicted and sentenced for a felony must be limited according to chapter 12.1-33.
3. A qualified elector may not authorize an attorney in fact, guardian, or other individual to apply for any ballot or to vote in any election on behalf of or in the place of the qualified elector.
4. An elector seeking to vote in an election must meet the identification requirements specified in section 16.1-01-04.1.

How do I cancel my voter registration?

North Dakota does not require registration to vote. For questions or concerns about your name appearing on the central voter file, contact your [county auditor](#) or the [secretary of state's office](#).

How is voter list maintenance handled?

16.1-02-01. Permanent central voter file.

A permanent, centralized electronic database of voters, to be known as the central voter file, is established with the offices of the secretary of state and county auditors linked together by a centralized statewide system. The county auditor is chief custodian of the central voter file records in each county. The secretary of state shall maintain the central voter file and provide training and documentation that users who have been granted access to the system shall follow. The central voter file must be accessible by the secretary of state and all county auditors for purposes of preventing and determining voter fraud, making changes and updates, and generating information, including pollbooks, reports, inquiries, forms, and voter lists.

16.1-02-03. Secretary of state to establish the central voter file with department of transportation and county auditors.

1. Not later than the primary election in 2008, the secretary of state shall establish the central voter file in cooperation with the department of transportation and county auditors.
2. The secretary of state shall establish the initial central voter file from records maintained by the department of transportation. Each county auditor shall compare the initial central voter file against all precinct pollbooks used in the auditor's county during and created from the general elections in the two previous election years and any reasonably reliable updates made by the county auditor since the general elections in the two previous election years. Any individual contained in the initial central voter file who voted at either of the general elections in the two previous election years must be designated as "active" in the initial central voter file. Any individual contained in the initial central voter file who did not vote at either of the general elections in the two previous election years must be designated as "inactive" in the initial central voter file.
3. Each individual contained in the initial central voter file must be assigned a unique identifier. An individual's unique identifier must be randomly generated and assigned to the individual.
4. When establishing the initial central voter file from the records maintained by the department of transportation and the pollbooks from the general elections in the two previous election years, the secretary of state and county auditors shall attempt to correct address errors and misspellings of names.

16.1-02-04. Precinct boundaries changed- Change to the central voter file.

When the boundaries of a precinct are changed, the county auditor shall immediately update the voter records for that precinct in the central voter file to accurately reflect those changes. The county auditor shall provide to the secretary of state all materials requested for existing precincts or to assist in making or verifying the required changes.

16.1-02-05. Entry of new voters into the central voter file- Query of the central voter file for double voting- Postelection verification.

1. Before the meeting of the county canvassing board following an election, the county auditor shall enter the name and required information of each individual who voted at the last election who is not already contained in the central voter file and update any required information requested and obtained at the last election for any individual contained in the central voter file.

2. The secretary of state, with the assistance of the county auditors, before the meeting of the state canvassing board, shall query the central voter file to determine if any individual voted more than once during the preceding election. The secretary of state shall immediately notify the county auditor and state's attorney in each affected county for further investigation.

3. Upon return of any nonforwardable mail from an election official, the county auditor shall ascertain the name and address of that individual. If the individual is no longer at the address recorded in the central voter file, the county auditor shall transfer the voter to the correct precinct in the central voter file or notify the county of the voter's new residence so the voter record can be transferred to the correct county. If a notice mailed at least sixty days after the return of the first nonforwardable mail is also returned by the postal service, the county auditor shall designate the individual as "inactive" in the central voter file.

16.1-02-06. Reporting deceased individuals and changes of names- Changes to records in the central voter file.

1. The department of health and human services shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older who has died while maintaining residence in this state since the last report. Within thirty days after receiving a report, the secretary of state shall designate each individual included in the report as "deceased" in the central voter file.

2. The department of health and human services shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by marriage since the last report.

16.1-02-06. CONTINUED

3. After receiving notice of death of an individual who has died outside the county, the county auditor shall designate that individual as "deceased" in the central voter file. Notice must be in the form of a printed obituary or a written statement signed by an individual having knowledge of the death of the individual.

16.1-02-07. Reporting changes of names- Changes to records in the central voter file.

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. Any individual who has obtained a protection order under section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section 12.1-31.2-01 must be listed in the central voter file with a "secured active" designation. A "secured active" designation means a record maintained as an active voter for pollbook purposes, but otherwise is an exempt record. The state court administrator or the bureau of criminal investigation shall make available upon request of the secretary of state the name of each individual who has obtained such an order.

16.1-02-08.1. Reporting incarcerations- Changes to records in the central voter file.

1. The director of the department of corrections and rehabilitation shall provide a report to the secretary of state, including the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred, if available, of each individual who has been convicted of a felony and incarcerated under the legal and physical custody of the department of corrections and rehabilitation since the last report. The report must be provided every Monday morning. The secretary of state shall designate each individual in the report with an ineligible voter status in the central voter file.

2. The director of the department of corrections and rehabilitation shall provide a report to the secretary of state, including the name, address, and date of birth, if available, of each individual previously convicted of and incarcerated for a felony whose civil rights have been restored as provided in chapter 12.1-33 since the last report. The report must be provided every Monday morning. The secretary of state shall change the ineligible voter status of the individual in the central voter file to the appropriate status.

3. An individual who has been convicted of and incarcerated for a felony and whose civil rights have been restored as provided under chapter 12.1-33 must be allowed to vote if the individual meets the qualifications of an elector under section 16.1-01-04.

16.1-02-08.1. CONTINUED

The county auditor shall change the status of the individual's record in the central voter file as necessary.

16.1-02-09. Department of transportation to report updates to the secretary of state.

The department of transportation shall report regularly to the secretary of state any relevant changes and updates to records maintained by the department of transportation which may require changes and updates to be made to records of individuals contained in the central voter file. The report must include the individual's:

1. Complete legal name, including both previous and current names if changed;
2. Complete residential address, including both previous and current residential addresses if changed;
3. Complete mailing address, including both previous and current mailing addresses if changed;
4. Driver's license or nondriver identification number, including both previous and current numbers if changed; and
5. Citizenship status, including both previous and current citizenship status if changed.

16.1-02-10. Posting voting history- Failure to vote- Individuals designated inactive.

Before the end of the contest period allowed under section 16.1-16-04, each county auditor shall post the voting history for each individual who voted in the election. After the close of each even numbered calendar year, the secretary of state shall determine if any individual has not voted during the preceding four years and shall change the status of each such individual to "inactive" in the central voter file. Although not counted in an election, a late absentee ballot from an individual may not be used to designate an individual as "inactive" in the central voter file.

16.1-02-11. Secretary of state to adopt rules for the purpose of maintaining the central voter file.

The secretary of state may adopt rules and procedures according to subsection 3 of section 16.1-01-01 to implement this chapter and to update and maintain the central voter file. The rules may:

1. Provide for the establishment and maintenance of a central voter file.
2. Provide for the generation and assignment of a unique identifier to each individual contained in the central voter file.
3. Provide procedures for entering data into the central voter file.
4. Provide for any additional information to be requested of and obtained from an individual which is to be maintained in the central voter file, not already provided by law, but necessary for the proper administration of the central voter file.

16.1-02-11. CONTINUED

5. Provide for the exchange of records maintained by the appropriate state and county agencies and officials for receiving regular reports regarding individuals and records of individuals contained in the central voter file.
6. Allow each county auditor and the secretary of state to add, modify, and delete information from the central voter file to ensure accurate and up-to-date records.
7. Allow each county auditor and the secretary of state to have access to the central voter file for review, search, and inquiry capabilities.
8. Provide security and protection of all information contained in the central voter file and ensure unauthorized access and entry is prohibited.
9. Provide a system for each county to identify the precinct to which an individual should be assigned for voting purposes.

16.1-02-12. Information contained and maintained in the central voter file.

The central voter file must contain the following information for each individual included in the file:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. A status designation of the individual's eligibility to vote in a precinct.
6. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides.
7. Beginning in 2008, four years of an individual's voting history, if applicable.
8. Date of birth.
9. The individual's driver's license or nondriver identification card number issued by the department of transportation, or the unique identifier from an official form of identification issued by a tribal government to a tribal member residing in this state.
10. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the central voter file.

16.1-02-13. Information contained in pollbooks generated from the central voter file.

The county auditor shall generate a pollbook for each precinct in the county from the central voter file by the day before an election.

16.1-02-13. CONTINUED

With the exception of a record designated "secured active" and the voter's birth date and driver's license or nondriver identification card number issued by the department of transportation, which are exempt records, the precinct pollbooks are open records under section 44-04-18. When providing access to or a copy of a pollbook, the election official administering the election shall redact from the pollbook any voter records designated as secured active along with the voter's date of birth and identification numbers listed on the paper pollbook used in an election. If an electronic pollbook is used, the election official, upon request for a copy of the pollbook, shall generate a list including the allowable information detailed in this section for the individuals who voted in the election. The list provided from an electronic pollbook may be requested by precinct or county. The secretary of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks to the poll clerks for use on election day. Electronic pollbooks may have a secure connection from the polling place to the data maintained in the central voter file to ensure the integrity of the election. Each pollbook generated from the central voter file must contain the following information for each individual contained in the pollbook:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides. A ballot-style code identifying this information may be used in place of the information required by this subsection.
6. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the pollbook.

16.1-02-14. Voter lists and reports to be made available for jury management.

1. By February first of each year, the secretary of state shall transmit information from the central voter file to the state court administrator for the purpose of compiling the master list of jurors under chapter 27-09.1.
2. After each general election at which the president of the United States is elected, the secretary of state shall transmit information from the central voter file to the jury administrator for the federal court in North Dakota.

16.1-02-15. Voter lists and reports may be made available for election-related purposes - Funds received.

Except as otherwise provided by law, a voter list or a report generated from the central voter file may be made available to a candidate, political party, or a political committee for election-related purposes. Any information obtained by a candidate, political party, or political committee for election related purposes from a list or report generated from the central voter file may not be sold or distributed for a purpose that is not election-related. Except for information identified in the central voter file under subsections 1, 2, 3, 4, 5, 6, 7, and 10 of section 16.1-02-12, which may be made available to a candidate, political party, or political committee for election-related purposes, information in the central voter file is an exempt record. An individual's record that is designated as "secured active" is an exempt record and is not available to any candidate, political party, or political committee for any purpose. Any funds received by the secretary of state to pay the cost of producing a report or list of voters contained in the central voter file must be deposited in the secretary of state's general services operating fund.

16.1-02-15.1. Voter lists and reports- Availability for voter list maintenance.

The secretary of state may generate a voter list or a report generated from the central voter file to be transmitted to other states, or a consortium of states, for maintaining the integrity of elections.

16.1-02-16. Violations- Penalties.

1. An individual may not intentionally:
 - a. Remove an individual from the central voter file or change a record of an individual contained in the central voter file in a manner or for a purpose not authorized by law; or
 - b. Add a name of an individual to the central voter file or add a record of an individual contained in the central voter file in a manner or for a purpose not authorized by law.
2. A deputy, clerk, employee, or other subordinate of a county auditor who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county auditor, except if the suspected violation may have been committed by the county auditor, in which case the report must be immediately transmitted to the state's attorney, together with any evidence of the violation. A county auditor who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the state's attorney of the county where the violation is believed to have occurred, together with any evidence of the violation. The county auditor shall also immediately send a copy of the report to the secretary of state.

16.1-02-16. CONTINUED

3. An individual who intentionally violates any provision of this chapter is guilty of a class A misdemeanor, unless a different penalty is specifically provided by law.

The National Voter Registration Act of 1993

Congress enacted the National Voter Registration Act of 1993 (also known as the "NVRA" and the "Motor Voter Act"), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).

List of voter registration statuses and their definitions

Registration Status	Statute
<p>Active - Any individual contained in the initial central voter file who voted at either of the general elections in the two previous election years must be designated as "active" in the initial central voter file.</p>	<p>16.1-02-03</p>
<p>Inactive - After the close of each even-numbered calendar year, the secretary of state shall determine if any individual has not voted during the preceding four years and shall change the status of each such individual to "inactive" in the central voter file. If a notice mailed at least sixty days after the return of the first nonforwardable mail is also returned by the postal service, the county auditor shall designate the individual as "inactive" in the central voter file.</p>	<p>16.1-02-10</p>
<p>Ineligible - The director of the department of corrections and rehabilitation shall provide a report to the secretary of state, including the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred, if available, of each individual who has been convicted of a felony and incarcerated under the legal and physical custody of the department of corrections and rehabilitation since the last report. The secretary of state shall designate each individual in the report with an ineligible voter status in the central voter file.</p>	<p>16.1-02-08.1</p>
<p>Deceased - The department of health and human services shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older who has died while maintaining residence in this state since the last report. Within thirty days after receiving a report, the secretary of state shall designate each individual included in the report as "deceased" in the central voter file.</p>	<p>16.1-02-06</p>
<p>Secured Active- A record maintained as an active voter for pollbook purposes, but otherwise is an exempt record.</p>	<p>16.1-02-07</p>

How do I file a HAVA complaint?

[Link to HAVA Complaint Form](#)

According to Title IV of the Help America Vote Act (HAVA), all states are required to provide a uniform and nondiscriminatory administrative process for filing a complaint related to any violation of Title III of HAVA such as denial of or difficulty casting a ballot for a federal election, including access to a polling place, information available in accessible formats, and independent and secret access to the ballot for persons with a full range of disabilities. If you wish to file a complaint, you are encouraged to fill out this complaint form, have it notarized, and submit your complaint to the North Dakota Secretary of State. The Secretary of State has 90 days from the date of submission to determine a complaint, unless you agree to a longer period of time. North Dakota has implemented this provision in N.D.C.C. § 16.1-01-16.

How do I file a non-HAVA election complaint?

[Link to non-HAVA Election Complaint Webform](#)

Report illegal or fraudulent activity to an election officer or to the Secretary of State's Office. The Attorney General does not initiate investigations at the request of members of the public.

Who can I contact regarding an election related complaint?

Secretary of State, Elections Division

Physical/Mailing Address:

Elections Division
600 East Boulevard Avenue, Dept 108
Bismarck, ND 58505-0500

Phone Number:

701-328-4146

Email Address:

soselect@nd.gov

Website:

<https://sos.nd.gov/office-secretary-state/contact-us/office-contact-information.html>