



**Statement of the North Dakota Advisory Committee  
Concerned by Potential for Voter Suppression  
October 26, 2018**

Herein, the North Dakota Advisory Committee informs the U.S. Commission on Civil Rights about recent developments regarding a voter ID law in North Dakota. The North Dakota Advisory Committee believes that voting is the foundation of our government, our society, and our way of life. Without the right to vote, we have no say in the decisions that affect our lives every day. This month, just weeks before the election, the U.S. Supreme Court allowed a new North Dakota voter identification requirement to take effect. The new law requires voters to present an ID that includes a residential address. This decision may adversely affect many voters throughout the state, especially Native Americans living on reservations, because many of them do not have residential addresses.

Prior to the primaries this year, the District Court had stopped the law from taking effect because it would have a disproportionate and discriminatory effect on Native Americans, many of whom live on reservations and do not have residential addresses. The Appeals Court, however, removed the hold. The consequence is that North Dakota voters will be voting under different rules than in the primary election. There is likely to be voter confusion since those eligible to vote in the primary may presume that the IDs allowing them to vote just months ago would remain valid for general election on November 6.

The North Dakota Advisory Committee is troubled that this restrictive voter ID law targets Native Americans, the largest minority group in the state, constituting 5.5 percent of the population. The Committee's primary concern is that the law may deny eligible voters access to the ballot. The District Court found that (1) 70,000 North Dakota residents—almost 20 percent of the turnout in a regular quadrennial election—lack a qualifying ID; and (2) approximately 18,000 North Dakota residents also lack supplemental documentation sufficient to permit them to vote without a qualifying ID.

As a consequence of the new law, there may be serious risk of large-scale disfranchisement when North Dakota voters arrive at their polling place on November 6, only to find that they cannot vote because their formerly valid ID is now insufficient.

In September, the Commission on Civil Rights, noting that voter access issues continue to challenge the country, observed that the "right to vote is the bedrock of American democracy." We agree and echo the Commission's call for robust protections of a right that has proven fragile.

In signing the Voting Rights Act, President Johnson said the right to vote is the basic right "without which all others are meaningless." We strongly urge all eligible North Dakota voters to check with the Elections Board in their area or to seek advice on whether their ID complies with current law in order to vote in the November election.

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*The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7<sup>th</sup> decade, a continuing legacy of influence in civil rights. For more information about the Commission and our Committees, please visit [www.usccr.gov](http://www.usccr.gov) and follow us on [Twitter](#) and [Facebook](#).*