

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Spirit Lake Tribe, on its own behalf and
on behalf of its members,
Dion Jackson, Kara Longie, Kim Twinn,
Terry Yellow Fat, Leslie Peltier, and
Clark Peltier,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the
Secretary of State,

Defendant.

**STIPULATION REGARDING
INDIVIDUAL PLAINTIFFS'
ELIGIBILITY TO VOTE IN
NOVEMBER 2018 GENERAL
ELECTION**

Case No. 1:18-cv-00222

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JOINT STIPULATION

1. Plaintiffs Dion Jackson, Kara Longie, Kim Twinn, Terry Yellow Fat, Leslie Peltier, and Clark Peltier will be permitted to vote in the November 6, 2018 General Election. The State of North Dakota’s position is that they will be permitted to vote pursuant to the “current residential address” requirements of N.D. Cent. Code § 16.1-01-04.1.

2. The Benson County Auditor has issued supplemental documentation to plaintiffs Dion Jackson and Kara Longie that lists their current residential address, according to the State of North Dakota, for voting purposes. See Exhibits A & B attached. The State of North Dakota’s position is that these letters were sent pursuant to N.D. Cent. Code § 16.1-01-04.1(3)(b)(5) and that North Dakota law permits them to vote with this supplemental documentation and their state-issued IDs. Dion Jackson and Kara Longie will be permitted to cast a ballot with this supplemental documentation and their state-issued IDs at Benson County Precinct 4 – Warwick Fire Hall, Warwick, North Dakota;

3. Defendant Jaeger will instruct the Sioux County Auditor to permit Plaintiff Kim Twinn, upon presentation of her Northern Cheyenne Tribe enrollment certificate, to cast a ballot at Sioux County Courthouse (FY East), Fort Yates, North Dakota;

4. The Sioux County Auditor has issued supplemental documentation to plaintiff Terry Yellow Fat that lists his current residential address, according to the State of North Dakota, for voting purposes as 1392 92nd St., Fort Yates, ND 58538. See Exhibit C attached. The State of North Dakota's position is that this letter was sent pursuant to N.D. Cent. Code § 16.1-01-04.1(3)(b)(5) and that North Dakota law permits him to vote with this supplemental documentation and his current tribal ID. Plaintiff Yellow Fat will be permitted to cast a ballot with this supplemental documentation and his tribal ID at Sioux County Courthouse (FY West), Fort Yates, North Dakota;

5. According to the State of North Dakota, Plaintiffs Leslie Peltier and Clark Peltier have a current residential address of 10296 40th Ave. NE, St. John, ND, 58369. That address is currently listed in the State's Central Voter File and will be reflected in the poll books of Rolette County. Plaintiffs Leslie Peltier and Clark Peltier will be permitted to cast ballots upon presentation of their North Dakota driver's licenses, and will be permitted to cast ballots at St. John Senior Center, St. John, North Dakota;

6. It is the State's position that no court order is required to permit the plaintiffs to vote in the November 6, 2018 General Election. Notwithstanding this position, the State stipulates to having this order entered to ensure the plaintiffs have the ability to vote in the November 2018 General Election. In exchange, plaintiffs agree to waive any and all claims for attorney's fees based solely on this Stipulation and Order for the plaintiffs. Plaintiffs do not waive entitlement to fees that might arise from future court orders, including for all attorney hours to date.

7. Plaintiffs do not agree with the State's representations in the foregoing paragraphs but agree that all individual Plaintiffs are entitled to vote in the November 6, 2018 General Elections and will be permitted to do so with the documentation listed above. Plaintiffs do not agree that this documentation can be constitutionally required as applied to them.

Dated this 2nd day of November, 2018.

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