

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 92<sup>nd</sup> 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 40<sup>th</sup> 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 2<sup>nd</sup> day of November, 2018.

State of North Dakota  
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Attorney General

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Attorneys for Plaintiffs.

# Benson County Auditor/Treasurer

PO Box 206  
Minnewaukan, ND 58351-0206

Phone: 701-473-5340

E-mail: bserickson@nd.gov

Fax: 701-473-5571



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Bonnie Erickson, Auditor/Treasurer

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November 1, 2018

Ms. Kara Longie  
PO Box 198  
Tokio, ND 58379

Re:    DOB: [REDACTED]  
      ID #: [REDACTED]

Dear Ms. Longie:

This letter is to serve as supplemental documentation that your current North Dakota residential address for voting purposes is 8226 35<sup>th</sup> St NE #208, Tokio, ND 58379. This address was supplied to my office by the 911 Coordinator for Benson County. I ask that you bring this letter with you to the polls on election day along with your other valid ID showing name and DOB.

If you have any questions, please contact my office. Thank you.

Sincerely,

Bonnie Erickson  
Benson County Auditor/Treasurer



# Benson County Auditor/Treasurer

PO Box 206  
Minnewaukan, ND 58351-0206

Phone: 701-473-5340

E-mail: bserickson@nd.gov

Fax: 701-473-5571



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Bonnie Erickson, Auditor/Treasurer

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November 1, 2018

Mr. Dion Jackson  
PO Box 198  
Tokio, ND 58379

Re:    DOB: [REDACTED]  
      ID #: [REDACTED]

Dear Mr. Jackson:

This letter is to serve as supplemental documentation that your current North Dakota residential address for voting purposes is 8226 35<sup>th</sup> St NE #208, Tokio, ND 58379. This address was supplied to my office by the 911 Coordinator for Benson County. I ask that you bring this letter with you to the polls on election day along with your other valid ID showing name and DOB.

If you have any questions, please contact my office. Thank you.

Sincerely,

Bonnie Erickson  
Benson County Auditor/Treasurer

EXHIBIT

B

November 2, 2018

Mr. Terrance "Terry" Yellow Fat  
PO Box 426  
Fort Yates, ND 58538

Dear Mr. Yellow Fat:

The attached document is to serve as supplemental documentation that your current North Dakota residential address for voting purposes is 1392 92<sup>nd</sup> Street, Fort Yates, ND 58538. This address was supplied to my office by the 911 Coordinator for Sioux County. I ask that you bring this supplemental document with you to the polls on Election Day along with your other valid ID showing name and DOB.

If you have any questions, please contact my office. Thank you.

Sincerely,



Barb Hettich  
Sioux County Auditor

Enc.



## SUPPLEMENTAL DOCUMENT FOR VOTING

This document is being issued pursuant to Section 16.1-01-04.1(3)(b)(5) of the North Dakota Century Code.

This certifies that

1392 92<sup>nd</sup> Street, Fort Yates, ND, 58538

qualifies under North Dakota law as a voting residence for

Terrance "Terry" Yellow Fat, DOB: [REDACTED]

for purposes of voting in the

November 6, 2018

North Dakota statewide election.

This document can be used for voting purposes to supplement information that may be missing from the valid forms of identification recognized by North Dakota law.

Please bring this supplemental document with you to vote on the day of the election and present it to a poll worker at:

Precinct Fort Yates West, located at the Sioux County Courthouse. This is the polling place associated with the address noted above

along with your valid form of identification to obtain a ballot.

ISSUED BY:



Barb Hettich  
Sioux County Auditor

STATE OF NORTH DAKOTA  
COUNTY OF Sioux

IN DISTRICT COURT  
SOUTH CENTRAL JUDICIAL COURT

PLAINTIFF

VS.

SHERIFF'S RETURN

Terry Yellow Fat  
DEFENDANT

STATE OF NORTH DAKOTA  
COUNTY OF SIOUX

DATE RECEIVED-----: 11-02-2018

ACTION-----: Supplemental Document for Voting

TYPE OF SERVICE-----: Dwelling

ON WHOM SERVED-----: Mrs Terry Yellow Fat

DATE AND TIME SERVED-----: 11-02-2018 10:55am

LOCATION-----: 1392 92nd St Fort Yates ND

TODAY'S DATE-----: 11-02-2018

SERVICE FEE-----: \$

MILEAGE-----: \$

TOTAL FEE-----: \$

  
FRANK LANDEIS, SHERIFF