

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Richard Brakebill, Deloris Baker, Dorothy)
Herman, Della Merrick, Elvis Norquay,)
Ray Norquay, and Lucille Vivier, on behalf)
of themselves,)

Plaintiffs,)

vs.)

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

Defendants.)

**ORDER REGARDING
PRELIMINARY INJUNCTION**

Case No. 1:16-cv-008

Whereas, this Court entered its Order Granting Plaintiffs’ Motion For Preliminary Injunction (Docket No. 50) on August 1, 2016;

Whereas the Defendant wants to establish clear guidelines and procedures for implementing the Court’s August 1 Order in connection with the November 2016 elections in sufficient time to make preparations for the elections and conduct training of all 53 counties so that the counties will have time to train election workers in advance;

The Court Orders the following:

1. For an election that occurs while this Order is in effect, qualified electors may utilize either of the two following identification methods in order to receive, vote, and cast a ballot in an election:
 - a. Voter Identification – Showing the poll clerks a valid form of identification, which includes the individual’s residential address and date of birth; or

- b. Voter's Affidavit – If a voter is not able to provide a valid form of identification, the voter may execute a Voter's Affidavit.

2. **Valid Forms of Identification are:**

- a. A current North Dakota issued driver's license;
- b. A current North Dakota non-driver's identification card;
- c. A Tribal government issued identification card; or
- d. Long-term care certificate (provided by a North Dakota facility).

3. **Voter's Affidavit:** The Voter's Affidavit is a statement in which the voter swears (or affirms) to the fact of being a qualified elector of the precinct. The form contains a warning to the voter that a voter who falsely swears is committing a class A misdemeanor.

- a. After an election worker requests a valid form of identification and the identification is not provided or does not adequately confirm the eligibility of the voter, the voter may not vote unless the voter executes an affidavit, known as a Voter's Affidavit, acknowledged before an election worker, that the voter is a legally qualified elector. The Voter's Affidavit can be found at Docket No. 60, p. 7.
- b. To uphold uniform identification requirements for persons voting via absentee/mail ballot, the Absentee/Mail Ballot Application Form shall include a copy of the Voter's Affidavit on the second page of the form and may be utilized by individuals who are unable to provide one of the valid forms of identification.

4. **Notification to Voters:** Defendant shall develop and provide election materials for voters explaining the valid forms of voter identification and the availability of the Voter's Affidavit if a voter is not able to provide a valid form of identification. If a voter at the polls cannot provide a valid form of identification as specified above, the poll workers shall notify the person of the right to complete a Voter's Affidavit in order to receive, vote, and cast a ballot. The poll workers shall assist all voters in completing the Voter's Affidavit and shall ensure that no person is denied the right to vote if he/she has inadvertently failed to complete any portion of the Affidavit.
5. **Training:** Defendant shall develop training materials and train the 53 counties regarding these changes for the November 2016 elections. The training will occur in time to effectively administer the election. The Court recognizes that the Secretary of State's office does not, and never has, trained poll workers directly; poll worker training is the responsibility of each individual county.
6. **Duration:** These procedures shall remain in place until further order of this Court.

IT IS SO ORDERED.

Dated this 20th day of September, 2016.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court