

Suit to Reopen Polling Places on an Indian Reservation

Spirit Lake Tribe v. Benson County
(*Ralph R. Erickson, D.N.D. 2:10-cv-95*)

An Indian tribe and a voter filed a federal complaint against Benson County in the District of North Dakota on October 8, 2010, challenging the elimination of three polling places serving the tribe's reservation.¹ Four days later, the tribe filed a motion for a preliminary injunction.² Judge Ralph R. Erickson set the case for hearing on October 19.³

The county eliminated seven of its eight polling places in December 2009 as part of a move to voting by mail.⁴ Judge Erickson heard evidence that travel to the remaining polling place is especially difficult and voting by mail is especially impractical for transient tribe members.⁵ Judge Erickson issued a preliminary injunction reopening two polling places within the reservation, but denied the request to reopen a third polling place near the reservation.⁶ An agreement to keep the two reservation polling places open was established by a consent decree approved on October 6, 2011.⁷

1. [Complaint](#), *Spirit Lake Tribe v. Benson County*, No. 2:10-cv-95 (D.N.D. Oct. 8, 2010), D.E. 1; *see Tribe Going to Court in Polling Site Dispute*, Bismarck Trib., Oct. 12, 2010, at B1.

2. [Preliminary Injunction Motion](#), *id.* (Oct. 10, 2010), D.E. 10.

3. [Order](#), *id.* (Oct. 13, 2010), D.E. 13; *see Minutes*, *id.* (Oct. 19, 2010), D.E. 35.

4. [Opinion](#) at 2, *id.* (Oct. 21, 2010), D.E. 38, *available at* [2010 WL 4226614](#).

5. *Id.* at 3.

6. *Id.* at 1, 3, 10–11.

7. [Consent Decree](#), *id.* (Oct. 6, 2011), D.E. 61; *see Dismissal*, *id.* (May 21, 2012), D.E. 70 (dismissing the action on the parties' settling the matter of attorney fees).