

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*)

Approximately one month before election day, a tribe filed a federal complaint challenging a county decision the previous year to close seven out of eight polling places to promote voting by mail. The district judge issued a preliminary injunction reopening the two polling places on the tribe's reservation on evidence that both traveling to the remaining polling place and voting by mail were especially difficult for members of the tribe. The parties converted the preliminary injunction into a consent decree.

Subject: Voting procedures. *Topics:* Poll locations; section 2 discrimination.

An American 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 was especially difficult and voting by mail was especially impractical for transient tribe members.⁵ Judge Erickson issued a preliminary injunction reopening two polling places within the reservation, but he 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, *Spirit Lake Tribe*, No. 2:10-cv-95 (D.N.D. Oct. 10, 2010), D.E. 10.

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

Judge Erickson was elevated to the court of appeals on October 12, 2017. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

4. Opinion at 2, *Spirit Lake Tribe*, No. 2:10-cv-95 (D.N.D. Oct. 21, 2010), D.E. 38, 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).