

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

TURTLE MOUNTAIN BAND OF CHIPPEWA
INDIANS, et al.,

Plaintiffs,

v.

MICHAEL HOWE, in his official capacity as
Secretary of State of North Dakota, et al.,

Defendant.

Civil No. 3:22-cv-00022-PDW-ARS

PLAINTIFFS' MOTION FOR REMEDIAL ORDER

Plaintiffs respectfully move the Court for an order imposing Plaintiffs' Demonstrative Plan 2 to remedy the violation of Section 2 the Court found in its November 17, 2023 decision. For the reasons explained in Plaintiffs' memorandum in support of this motion, the motion should be granted.

December 22, 2023

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CERTIFICATE OF SERVICE

I certify that the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Mark P. Gaber

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[PROPOSED] ORDER

The Court permanently enjoined the Secretary, pursuant to Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, from implementing North Dakota legislative districts 9, 9A, 9B, and 15, on November 17, 2023. Doc. 125. The Court provided the North Dakota Legislative Assembly (“the Assembly”) until December 22, 2023 to adopt and file with the Court a remedial plan. The Assembly has not done so. The Court is thus faced with the task of imposing a remedial plan. *See Wise v. Lipscomb*, 437 U.S. 535, 540 (1978).

Plaintiffs have moved the Court to impose Plaintiffs’ Demonstrative Plan 2 to remedy the Section 2 violation. Having reviewed the plan and the expert testimony regarding it, Plaintiffs’ motion is **GRANTED**. The Secretary is **ORDERED** to implement Plaintiffs’ Demonstrative Plan 2, to take effect beginning with the 2024 elections.

IT IS SO ORDERED.

Dated: December __, 2023

Hon. Peter Welte
Chief United States District Judge