

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

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,

Defendant.

Civil No. 1:16-cv-8

Plaintiffs' Second Motion for Preliminary Injunction and Response to Defendant's Motion to Dissolve Preliminary Injunction

Consistent with this Court's January 29, 2018 Order, Plaintiffs Richard Brakebill, Dorothy Herman, Della Merrick, Elvis Norquay, Ray Norquay, and Lucille Vivier (collectively "Plaintiffs") hereby move for a second preliminary injunction and respond to Defendant's Motion to Dissolve Preliminary Injunction. Plaintiffs seek an order that the Court: 1) deny Defendant's Motion to Dissolve and grant Plaintiffs' Motion for Preliminary Injunction; 2) find Defendant's enforcement of HB 1369 would violate Section 2 of the Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; 3) find Defendant's enforcement of HB 1369 requirements relating to residency would be facially unconstitutional as well as unconstitutional as applied to Plaintiffs; 4) and enjoin Defendant from enforcing HB 1369 without adequate fail-safe provisions, such as an affidavit for voters who cannot obtain qualifying ID, supplemental documents, or a residential address with reasonable effort.

Plaintiffs' Second Motion is supported by Plaintiffs' Memorandum, the declarations of Dr. Daniel McCool, Ph.D., Matthew A. Barreto, Ph.D., Gabriel R. Sanchez, Ph.D., Dr. Gerald R. Webster, Michael C. Herron, Ph.D., Lucille Vivier, Richard Brakebill, Elvis Norquay, Carol Davis, Louis Fredericks, Chairman Mike Faith, any other papers Plaintiffs submit, the files on record in this action, matters of which the Court may take judicial notice, and any argument the Court may hear.

Dated: February 16, 2018

Respectfully submitted,

By: /s Matthew Campbell
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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2018, the document titled "**Plaintiffs' Second Motion for Preliminary Injunction and Response to Defendant's Motion to Dissolve Preliminary Injunction**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

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