

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

<p>RICHARD BRAKEBILL, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>ALVIN JAEGER, in his official capacity as the North Dakota Secretary of State,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 1:16-CV-008 (DLH)</p> <p>MOTION FOR LEAVE TO FILE STATEMENT OF INTEREST OF THE UNITED STATES OF AMERICA</p>
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The United States respectfully moves under Local Civil Rule 7.1(G)(2) for leave to file the attached Statement of Interest in response to Defendant's Motion to Dismiss (ECF No. 14). 28 U.S.C. § 517 authorizes the Attorney General to attend to the interests of the United States in any suit pending in a court of the United States. Congress has conferred on the Attorney General broad authority to enforce the federal voting rights laws, including the Voting Rights Act, on behalf of the United States. 52 U.S.C. § 10308(d). The Attorney General has filed numerous statements of interest in cases to which the United States was not a party to address important questions of federal law, including questions that implicate the Voting Rights Act, 52 U.S.C. §§ 10301-10702. *See, e.g.*, Statement of Interest, *Montes v. City of Yakima*, No. 2:12-cv-3108 (E.D. Wash. Aug. 18, 2014) (ECF No. 99); Statement of Interest, *Ohio State Conf. NAACP v. Husted*, No. 2:14-cv-00404 (S.D. Ohio, July 30, 2014) (ECF No. 49); Statement of Interest, *Toyukak v. Treadwell*, No. 3:13-cv-137 (D. Alaska, June 3, 2014) (ECF No. 121); Statement of Interest, *Wandering Medicine v. McCulloch*, No. 1:12-cv-135 (D. Mont., Apr. 25, 2014) (ECF No. 194).

The United States has a substantial interest in ensuring federal voting rights laws are properly interpreted and both vigorously and uniformly enforced. Defendant's pending motion to dismiss raises important questions regarding the appropriate legal standard to adjudicate a vote denial or abridgment claim under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. Mot. to Dismiss (ECF No. 14); Def. Mem. 7-9 (ECF No. 16); Def. Reply Mem. (ECF No. 23). The United States respectfully moves to submit the attached Statement of Interest for the limited purpose of addressing questions of federal law necessary to resolve the pending motion to dismiss.

Counsel for the United States have conferred with counsel for Plaintiffs and Defendant regarding this motion. Plaintiffs do not oppose its filing. Defendant also does not oppose its filing, provided he is permitted an opportunity to respond to the proposed Statement of Interest.

Pursuant to Local Civil Rule 5.1(C), a copy of the United States' proposed Statement of Interest is attached hereto.

Date: April 1, 2016

Respectfully submitted,

VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

/s/ Victor J. Williamson
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Permission to File Statement of Interest was filed electronically with the Clerk of Court, and that the Clerk of Court will send a Notice of Electronic Filing (NEF) to all attorneys of record through ECF.

Dated: April 1, 2016

By: /s/Victor J. Williamson
Victor J. Williamson