

Testimony HB 1289
House Government and Veterans Affairs Committee
February 12, 2021

Mr. Chairman and members of the House Government and Veterans Affairs Committee, my name is Nicole Donaghy, I live in Lincoln, and am an enrolled citizen of Standing Rock Sioux Tribe. I am the Executive Director for North Dakota Native Vote. North Dakota Native Vote is a non-profit, non-partisan social justice organization that initially formed in response to the 2018 US Supreme Court decision to uphold the voter identification law that had the potential to disenfranchise over 5,000 voters in North Dakota.

Our mission is to create and affect policy to promote equitable representation for the Native people of North Dakota. We do this by fostering sustainable positive social change in our communities through community organizing, mobilization, leadership development, and policy advocacy.

Thank you for the opportunity to speak before the Committee, North Dakota Native Vote submits comments on our concerns about HB 1289.

NDNV is an organization that is representative of the communities that we serve. Our board is composed of a diverse group of tribal citizens from across the state. Many of us were raised on and continue to live on our respective reservations. We have an understanding of the social disparities that affect our communities daily. Which is why North Dakota Native Vote is opposed to HB 1289.

HB 1289 places undue burden on voters that come from communities like ours. HB 1289 will have a disproportionate effect on the Native American right to vote when our communities already face social disparities such as addressing issues, having little to no income, redlining of basic services, and inadequate access to housing that has forced many of our relatives to live a transient lifestyle. Many of these disparities have been magnified by the COVID-19 pandemic.

The durational residency requirements outlined HB 1289 are an unconstitutional restriction on the right to travel and the right to vote. The United States Supreme Court in *Dunn v. Blumstein* found that state laws requiring voters to have been residents in the State for a year and the county for three months did not further any compelling state interest and violated the equal protection clause of the Fourteenth Amendment. I am providing a copy of the United States Supreme Court case *Dunn v. Blumstein*, 405 U.S. 330 (1972) for inclusion in the record. This durational residency requirement has been struck down as a violation of the equal protection clause and there for is unconstitutional.

The ability to have free, fair, and accessible elections is the premise that North Dakota Native Vote was founded upon. North Dakota Native vote strongly urges a Do Not Pass recommendation on HB 1298.

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