Testimony HB 1397
House Political Subdivisions Committee
February 11, 2021

Mr. Chairman and members of the House Political Subdivisions Committee, my name is Don Morrison. I live in Bismarck and am providing testimony as a volunteer for North Dakota Voters First. We are a non-partisan group of North Dakotans working to strengthen our democracy, help make our elections and public policy more open, ethical, and accountable to the people of our state.

Thank you for the opportunity to speak to our concerns about the redistricting process as it currently is proposed in HB 1397.

Re-drawing the boundaries of legislative districts is one of the most important tasks required to maintain a well-functioning, understandable, and representative decision-making process in our state. We believe that the goal of redistricting should be to work as much as we can to ensure that everyone's vote matters as much as anyone else's. Towards that end, there is a lot of thinking and work around the country to do a better job of redrawing the district lines.

One of the major problems to avoid is gerrymandered districts that are designed to produce electoral advantages for the political party in power. Let's look at the graphic on page 3 of this testimony to see how much difference partisan considerations in redistricting can meet or undermine the goal of every vote matters.

As one piece of evidence showing how party considerations have been important in the North Dakota Legislative Assembly's redistricting, here is a quote in the *Bismarck Tribune* from Majority Leader Al Carlson in 2011 after the current district plan was approved. Carlson said, "This is a Republican plan for the next 10 years. Those new districts should be Republican, and I believe they're very Republican. There should be six new Republican members (of the Legislature) as we go into the next election cycle."

Let's be very clear. Trying to avoid that type of manipulation is not a partisan issue. According to one report, the top two states for gerrymandering for greater party power are Democratic Maryland and Republican North Carolina. This is not an issue for or against Democrats or Republicans. It's a voter issue.

North Dakota Voters First would like to help make 2021 redistricting in North Dakota do better at being understandable and representative and would like to propose

amendments to Section 1 of HB 1397. These amendments are intended to help the process more likely be:

1. Bipartisan
2. Open to public input
3. In tune with goals and criteria
4. Less secret

I will briefly review each amendment to Section 1.

In number 1, add the word "bipartisan" and add public committee meetings in each quadrant of the state. These public sessions would include both in-person and virtual opportunities. In 2011, the Redistricting Committee held meetings in Bismarck, Fargo and Devils Lake.

In number 2, add a report that identifies and describes deviations from criteria and goals. In 2011, the report described deviations from the norm for population conformity. This year, we would like the report to also include further explanations of deviations from the state's current requirements of compactness and contiguous territory. Compact in this sense means that constituents should live as near to one another as possible. This happens when districts are closer to being squares with straight borders or when there is a shared culture within the district. So, for example, in the report squiggly lines would need to be explained.

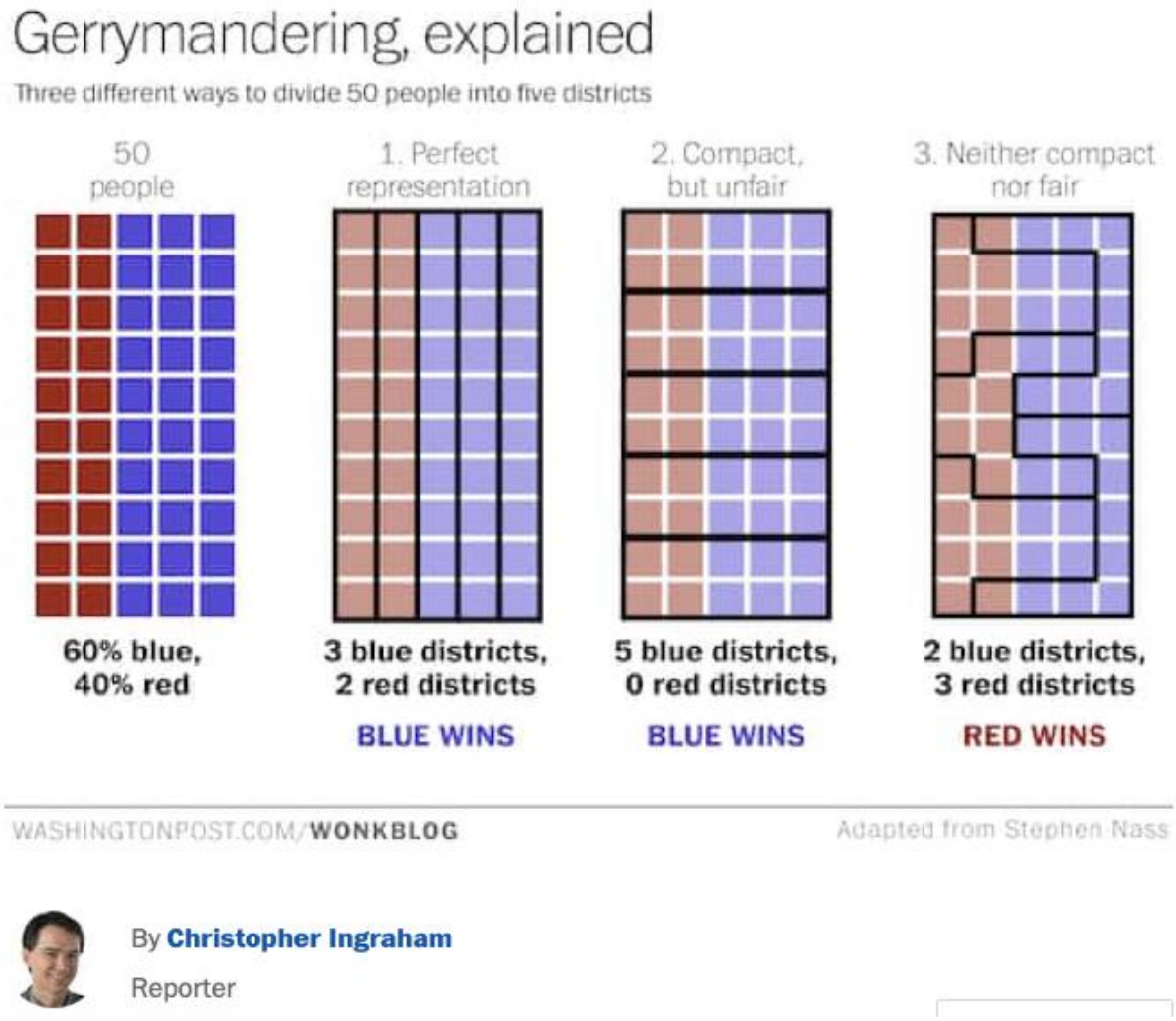
Also, add four goals:

1. More likely keep counties, cities, townships and tribal communities intact.
2. Include consultation with leaders of tribal, racial or minority language groups. This is related to the 1965 Voting Rights Act.
3. Equal opportunity of all candidates without considering their address or incumbency.
4. Representation for communities of interest, but not for common relationships with parties or candidates.

In number 4, remove the last sentence that exempts everything but the completed plan from our state's open records law. The partnership should be between the legislature and the voters. It is difficult to do that when the information and considerations are secret. We would work with you to make this as open as possible.

We propose these amendments to help improve the redistricting process. If amended in this way, North Dakota Voters First would recommend a DO PASS. Thank you.

NOTE: This page is in color and may not show very well in black and white print.



By **Christopher Ingraham**

Reporter

NDVF Amendments to HB 1397, Section 1

1. The chairman of the legislative management shall appoint a bipartisan committee to develop a legislative redistricting plan to be implemented in time for use in the 2022 primary election. The committee must consist of an equal number of members from the senate and the house of representatives appointed by the chairman of the legislative management. Public safety permitting, the committee shall meet in each quadrant of the state, and all meetings shall provide for public comment both in-person and virtually.

2. The committee shall ensure any legislative redistricting plan submitted to the legislative assembly for consideration must be of compact and contiguous territory and conform to all constitutional requirements with respect to population equality. The committee may adopt additional constitutionally recognized redistricting guidelines and principles to implement in preparing a legislative redistricting plan for submission to the legislative assembly. Before the committee adopts a final recommended statewide plan, the committee will publish with its agenda, review in open session, and invite public comment on a written analysis of its recommended statewide map that identifies any deviations from the following required criteria:
   - Compact and contiguous territory;
   - Conformity to population equality requirements.

   And from the following goals:
   - No unnecessary division of city, county, township, or tribal boundaries;
   - Consultation with leaders of tribal, racial, or minority language groups during the redistricting process;
   - Equal opportunity for all candidates without consideration of their address or incumbency;
   - Representation for communities of interest, meaning areas with recognized similarities of interest such as tribal, racial, ethnic, economic, social, cultural, geographic, and historic identities and not including common relationships with political parties or political candidates.

3. The committee shall submit a redistricting plan and legislation to implement the plan to the legislative management by October 31, 2021.

4. A draft of the legislative redistricting plan created by the legislative council or a member of the legislative assembly is an exempt record as defined in section 44-04-17.1 until presented or distributed at a meeting of the legislative management or the legislative assembly. ~~Any version of a redistricting plan created before the completion of the plan is an exempt record regardless of whether the completed plan is presented or distributed subsequently at a meeting.~~

5. 5. The chairman of the legislative management shall request the governor to call a special session of the legislative assembly pursuant to section 7 of article V of the Constitution of North Dakota to allow the legislative assembly to adopt a redistricting plan to be implemented in time for use in the 2022 primary election and to address any other issue that may be necessary.