Testimony HB 1397
Senate Political Subdivisions Committee
March 26, 2021

Mr. Chairman and members of the House Political Subdivisions 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 of North Dakota Native Vote. I am providing testimony for NDNV today. North Dakota Native Vote is a non-profit, non-partisan grassroots organization that initially formed in response to the 2018 United States Supreme Court decision to uphold 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 present our concerns about the process proposed in HB 1397.

North Dakota Native Vote's position is to keep our communities intact during the redistricting process, to maintain transparency with opportunity for community input that gives tribes an equal opportunity to elect representatives of their choosing, and to employ fairness and common sense in the reapportionment of State Legislative Districts. We understand the growing concern of governmental dysfunction has a direct link to the gerrymandering of our legislative districts. The people should choose their elected officials and not be subjected to partisan bias.

According to Section 2 of the 1965 voting rights act, voting practices or procedures that discriminate on the basis of race, color, or membership of an identified minority language group is prohibited this would include redistricting plans. As we have seen in our early beginning as an organization, tribal citizens in North Dakota have been disenfranchised due to policy that is created by decision makers without input from their constituents. Native American voters have been harmed through discriminatory redistricting practices such as: vote dilution, intimidation at polling places, distances to voting locations, and forms of voter suppression tactics such as restrictive voter identification requirements.

There are 5 federally recognized tribes in North Dakota. Each tribe has its own unique history, traditions, customs, and languages. Additionally, each has democratically elected governments that provide leadership and services to their people. As with any population, Native American communities have differences in social, economic, and geographic conditions. Since the redistricting process focuses on where populations reside, we believe it's important for decision makers to understand both historical and contemporary experiences of Native Americans in North Dakota — specifically how federal relocation, allotment, termination, and assimilation initiatives have determined where and how we live today.

For these reasons we deem it important to not only include tribes in public community input sessions but also actively involve each of the individual 5 federally recognized tribes and their leaders in an engaging and transparent process. The redistricting process should provide Native Americans with as much opportunity to elect candidates of their choice, recognizing that past apportionment decisions make that objective impossible. The redistricting process should also reflect the specific wishes of the individual tribes.

We believe it is important that the redistricting process recognize both the reservations and urban populations and incorporate to the greatest extent. NDNV's goal is to see stronger Native American communities of interest that are no longer subjected to strong partisan district lines.

The process should take into account Native American tribes' historic and contemporary relationship with each other, with the State of North Dakota honoring our cultural preservation, sovereignty, and economic development objectives.

We recommend that Ruth Buffalo be appointed to the Redistricting Committee. As the first Native American Democratic woman elected to the North Dakota Legislature and a member of the MHA Nation, we believe that she will adequately represent the interests of Native Americans in North Dakota and ensure the legislative redistricting plan is legally and constitutionally compliant.

We also recommend amendments to develop an independent redistricting committee to create a redistricting plan that is transparent and representative of all North Dakotans. And that the committee host community forums, in a safe manner, to provide public comment either in-person or virtually.

Finally, we recommend single-member House districts. At-large elections dilute Native voting strength and deny us of any meaningful opportunity to participate in elections.

North Dakota Native Vote does not support HB 1397 as it is proposed, but through these recommendations, I hope we can accomplish a fair method that will recognize Native American people and our unique role that we play in the political discourse of this State and Country. We encourage policymakers to act with a good heart and good mind so that all North Dakotans can fairly and openly exercise their right as citizens in this process. Thank you.

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