Testimony HB 1397
Senate Political Subdivisions Committee
Don Morrison, North Dakota Voters First ● March 26, 2021

Mr. Chairman and members of the Senate 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 together to strengthen our democracy and to help make our elections and public policy more open, ethical, and accountable to the people and values of our state.

Thank you for the opportunity to address our concerns about the redistricting process as it is currently 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's been a lot of thinking and work going on in North Dakota as well as around the country to do a better job of redrawing 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. At the outset, let's be very clear. Efforts to avoid that type of manipulation for political advantage are not partisan. 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. This is a voter issue.

North Dakota Voters First believes 2021 redistricting in North Dakota should be as understandable and representative as possible. As you make decisions about the redistricting process, we would ask that you approve a process that is open to public participation, keeps communities intact, and avoids partisan manipulation.

In 2011, the Redistricting Committee held meetings in Bismarck, Fargo and Devils Lake. In 2021 we would suggest that public meetings be held in each quadrant of the state and on one or more Native American reservations. These public sessions should include both in-person and virtual opportunities. After the excellent technology that went into your virtual hearings during this regular legislative session, I have high hopes for the redistricting meetings.

However, to participate, the public needs to have the information the committee is using. Section 1, number 4 of the bill exempts from our state's open records law everything but the completed plan. In conversations with legislators, we understand some legislators have a concern that work product and legislative counsel-legislator privilege needs to be protected. However, they already are protected in state law. N.D.C.C. 44-04-18.6, which covers access to legislative records and information, specifically exempts "a record that is legislative council

work product or is legislative council-client communication" [see attached]. Therefore, the secrecy provision of HB 1397 is not necessary and should be removed.

Voters' representation is of primary concern in redistricting. It is difficult to participate in the process when information and considerations are not available in a timely manner. Therefore, we would ask you to make certain that voters can have information to participate in the process by requiring maps and information to be reviewed at a meeting be provided to the public at least three days before the redistricting body meets. When constituents can see the process and have information, they are much less likely to make things up to fill in the blanks.

Districts that keep communities intact have greater voter connection to the process. Therefore, district lines should follow boundaries of counties, cities, school districts and townships as much as possible. Boundaries of Native American reservations must be followed. Leaders of the five tribal nations within the state need to be involved in the redistricting process. Consultations with communities of interest should be included in the process. Again, the interests of voters should be the priority.

With these priorities in mind, North Dakota Voters First is pleased to support the amendments proposed today by North Dakota Native Vote (NDNV).

First, my testimony already has covered many reasons for the changes made by the NDNV amendments.

Second, an independent redistricting committee is much more likely to use the criteria we discussed and less likely to use incumbency and partisan manipulation. That is why more states are moving to independent commissions. This is not a new idea. When North Dakotans think of their legislative districts, they often wonder about how the lines got so convoluted. People in North Dakota would like fewer districts with squiggly borders, obviously drawn to make sure certain candidates, incumbents, or party has greater advantages.

Third, I have not yet addressed the advantages of single-member House districts. Rural districts in North Dakota have become incredibly large geographic areas. As you know, one district goes from northern McKenzie County to South Dakota. Another goes from Kenmare to Twin Buttes. With the 2020 Census, these distances are going to become worse as is the difficulty of drawing rural district boundaries. Single-member House districts are nothing new in the United States. In the 1960s half of the legislators were in single-member districts and by 1984, 74 percent of representatives were. Today only 10 states still have multiple-member districts with West Virginia going to single-member next year. Most states have already found single-member House districts to work better for voters and constituents because smaller areas help representatives cover their territory better and bring representatives and constituents closer.

If you adopt the North Dakota Native Vote amendments, we would recommend a DO PASS. Without the amendment North Dakota Voters First recommends a DO NOT PASS. Thank you.