



North Dakota Native Vote
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**Statement of Nicole Donaghy Regarding SB 2157
Executive Director of North Dakota Native Vote
January 19, 2023
Senate Transportation Committee**

Mr. Chairman and members of the Senate Transportation Committee, my name is Nicole Donaghy, I am an enrolled citizen of Standing Rock Sioux Tribe, and I am the Executive Director of North Dakota Native Vote. I am sending my testimony in opposition to SB 2157.

North Dakota Native Vote is a non-profit, non-partisan grassroots 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 Native American voters in North Dakota. Our mission is to create and affect policy to promote equitable representation for the Native people of North Dakota. North Dakota Native Vote believes in free, fair, and accessible elections.

North Dakota Native Vote opposes this bill for multiple reasons.

- SB 2157 would create an undue hardship for qualified voters by creating redundancy in the electoral process; voters are already required to verify their identity through the Secretary of State and Department of Transportation.
- North Dakota already has one of the most complex election processes in the Union and this bill has the potential to adversely affect voter confidence by adding another requirement in voter identification, a de facto voter registration requirement.
- SB 2157 also creates extra processes for every election cycle for electors and poll workers by requiring electors to verify their citizenship every election cycle.
- SB 2157 contradicts the Brakebill Consent Decree entered by the State in 2020, which provides a process for tribal members who lack identification and residential addresses to vote. The Consent Decree was a result of the Legislature's prior attempts to curtail Native American voting rights.
- North Dakota Native Vote opposes the tracking of Native American enrollment and tribal identification numbers. These federally assigned numbers are utilized for tribal program qualifications and are also tied to Individual Indian Money accounts. Tribes must be consulted on how this bill would impact tribal member voters.

We are further concerned that the added requirement to verify qualified electors will be invalidated by a court. Over the years, citizenship requirements have been repeatedly rejected by



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the courts after States such as Kansas, Arizona, Alabama, and Georgia tried attempted to require documentary proof of citizenship to vote. In the most recent case, a Kansas court found the Kansas law unconstitutional in *Fish vs. Swab* (10th Circuit Court of Appeals, 2020). Kansas taxpayers ended up paying \$2 million in legal fees.

As I have done before, I again implore you to begin crafting laws that take into account the hardships faced by communities that choose to exercise their right to vote. Ignoring those hardships fails the obligations each of you must serve all of your constituents fairly and equitably.

We strongly oppose adoption of SB 2157.

Please feel free to reach out to me with questions at ndonaghy@ndnativevote.org