

# Senate State & Local Committee

## Senate Concurrent Resolution 4014

Andrew Alexis Varvel

Written Testimony

February 21, 2025

Madame Chairman Roers  
& Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

Please give a resounding yes to Senate Concurrent Resolution 4014.

As a non-attorney, it would appear that Judge Welte's decision of November 17, 2023, and his subsequent decision of January 8, 2024, make it abundantly clear that increasing minority participation in the North Dakota political system is an overarching goal, not merely a matter of dealing with Indian reservations.

So, given that this resolution makes reference to “recent litigation” – that is, Judge Welte's decisions – let's make this a starting point.

I had been prepared to make a major presentation to the Interim Redistricting Committee on January 9, 2024.

After Judge Welte's decision on January 8, 2024, that meeting was postponed indefinitely. And effectively canceled.

Bummer. All dressed up and nowhere to go.

We face two possibilities. We can either (1) draw serpentine and squiggly district boundaries to conform to race-conscious bean counting, or (2) reform our electoral system to allow for increasing diversity of all kinds at the legislature in a nonracial, colorblind way.

For the record, I personally prefer the latter over the former.

I went through exercises, using Dave's Redistricting, to amplify the voices of racial minorities. One technique is to amplify minority voices within cities. Another technique is to pair an Indian reservation with an air force base, as military bases and prisons (since their residents typically have a lower rate of voting) are well known ways to amplify the power of one constituency or another.

Please don't talk about gerrymandering anymore. They should now be called “varvelmanders” – after my glorious self, of course.

A varvelmander called “The Tadpole” attempts to pair the Turtle Mountain Indian Reservation with Minot Air Force Base.

“Pac-Man” starts with the Mandan Hidatsa Arikara Nation, but rather than push its frontier northward and eastward, its boundaries encompass their treaty territory to the south.

The “Moai” attempts to connect the Spirit Lake Nation and Devils Lake with Grand Forks Air Force Base.

The “Fargo Griffin” creates a district where white and non-white demographics are approximately at parity.

The “Bismarck Violin Scroll” attempts to connect the Standing Rock Sioux Tribe with United Tribes Technical College, the North Dakota State Penitentiary, and other strongly Indian parts of Bismarck.

Then, the “Pregnant Snake” illustrates Transit Time Compactness.

“Compact” districts, as required by Article IV, Section 2 of the North Dakota Constitution, are historically determined by spatial sphericity. Yet, there is another form of measurement – transit time compactness – which measures compactness in terms of time.

Transit time compactness is affected by speed limits, road width, and road quality.

For example, the present dimensions of District 9 are connected internally by State Highway 30, which is a gravel road in Pierce County, would not score well in terms of transit time compactness.

(I also find it peculiar that, according to the map provided to me by Legislative Council last year, Churchs Ferry is within District 9.)

As an alternative to creating weird shapes with increasingly varied sizes, I would like to propose a set of constitutional reforms which would not only increase diversity of all kinds in the House, but also differentiate between selection methods for the Senate and House.

1. Permit a maximum 0.5% population deviation between districts. Using Dave's Redistricting, I have been able to bring the deviation down to 0.12%, so don't tell me that it can't be done!

2. Mandate subdistricts where a district comprises all or part of at least five counties. This way, the travel time for representatives to meet with constituents becomes reduced. Require rural districts to be divided into subdistricts if at least 5% of the electors request it.

3. Create superdistricts where a federal facility or city contains at least two-thirds of the population of a senatorial district for the purpose of electing representatives. During the 1980's, I lived in District 17-18 which included Grand Forks Air Force Base. It worked. Two senators and four representatives would be on the ballot.

Under this reform, each senator would come from a single district. Each representative would be elected from a larger group, but that would be counterbalanced with an extra vote for an elector's favorite candidate. This idea is inspired by (and a warmed down version of) Lani Guinier's book Tyranny of the Majority.

4. Change the length of a House term back to two years.

So yes, I support Senate Concurrent Resolution 4014 as written, as it gives me an opening to present ideas on how to redo redistricting.

And as the interim committee works on this, let's have fun doing it.

Please give a **DO PASS** to Senate Concurrent Resolution 4014.

Thank you. I am open for questions from the committee.

## APPENDIX A

If you have time to look at these imaginative redistricting maps, they provide illustrations of ideas I have been working on.

The Amplified Minority Map includes imaginative flora and fauna such as the Tadpole, the Pac-Man, the Moai, the Pregnant Snake, and the Violin Scroll. And who could forget the Griffin?

Here is a map (dated from early 2024) which would illustrate districts partitioned according to the “Five County Rule”.

<https://www.davesredistricting.org/join/820e8055-7065-440f-abe6-e3f90a1bb626>

Here is a map (dated from early 2024) which illustrates implementing the “Five County Rule” in a manner which rigidly adheres to the principle of equal representation by population.

<https://www.davesredistricting.org/join/50fa6e9f-1ff6-42b6-800a-88fed652bf61>

Here is an Amplified Minority Map.

<https://www.davesredistricting.org/join/fd923456-e8ce-4aa1-a7b3-234ee878de1a>

Here is an Amplified Minority Map with 11 subdistricts.

<https://www.davesredistricting.org/join/48ce45e6-213c-4f6c-a8d4-239ef3713237>

## APPENDIX B

# POSSIBLE CONSTITUTIONAL AMENDMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

### SENATE CONCURRENT RESOLUTION NO.

Introduced by XXXX

A concurrent resolution to amend and reenact sections 2, 3 and 4 of article IV of the Constitution of North Dakota, relating to terms and districts for electing members of the House.

### STATEMENT OF INTENT

This measure would promote equality among legislative districts, reform how subdistricts and superdistricts function for electing members of the House, and change the length of House terms.

### BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendment to sections 2, 3, and 4 of article IV of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2028, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Section 2 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

**Section 2.** The legislative assembly shall fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators. The districts thus ascertained and determined after the 1990 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census, or until changed by law.

The legislative assembly shall guarantee, as nearly as is practicable within a 0.5 percent deviation from the mathematical mean average population per district, that every elector is equal to every other elector in the power to cast ballots for legislative candidates. A senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts from those districts which include all or part of five or more counties, or have a petition with signatures from least five percent of the electors in that district. The legislative assembly ~~may~~ shall combine two senatorial districts into a superdistrict

for the purpose of electing representatives only when a single member senatorial district includes a federal facility or, federal installation, or city, containing over two-thirds of the population of a single member senatorial district, and may shall provide for the election of senators at large and representatives at large or from subdistricts from those districts where an elector casts one vote for up to four representatives and casts one additional vote to select the elector's overall favorite candidate. The number of districts which are divided into subdistricts shall be equal to the number of superdistricts.

**SECTION 2. AMENDMENT.** Section 3 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

**Section 3.** The legislative assembly shall establish by law a procedure whereby one-half of the members of the senate and ~~one-half~~ all of the members of the house of representatives, as nearly as is practicable, are elected biennially.

**SECTION 3. AMENDMENT.** Section 4 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

**Section 4.** ~~Senators and representatives~~ must be elected for terms of four years. Representatives must be elected for terms of two years.