



North Dakota Native Vote
919 S 7th Street
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Testimony of Nicole Donaghy
North Dakota Native Vote
In opposition to Senate Concurrent Resolution 4014

Chairwoman Roers and members of the Senate State and Local Government Committee, my name is Nicole Donaghy and I'm the Executive Director of North Dakota Native Vote. While the resolution is framed as an attempt to improve electoral fairness, it carries significant risks of undermining vital protections that ensure Native American communities can elect representatives of their choice and maintain a meaningful voice in the legislative process.

Since 2018, North Dakota Native Vote has been committed to advocating for the rights of Native voters and ensuring that tribal communities are included in decision making processes that impact our communities. Our work has included active participation in the 2021 legislative redistricting process, where we focused on protecting the voting rights of Native communities in the reapportionment of legislative districts, and ensuring that tribal nations were notified and included in the process. We have supported the implementation of subdistricts as an essential tool for guaranteeing that Native American voters—especially those in rural tribal communities—can elect candidates who represent their interests. The use of subdistricts has been instrumental in preserving communities of interest and ensuring that Native voters are not diluted or fragmented across districts where their collective influence would be minimized. Any attempt to weaken or eliminate subdistricts would undermine these protections and harm the political representation of Native communities, limiting their ability to engage in the legislature in a fair manner.

Subdistricts serve as a vital mechanism that respects the unique political, cultural, and geographical characteristics of Native communities. The creation of subdistricts ensures that communities of interest—which include Native American communities with shared political, cultural, and social concerns—are kept intact and can elect candidates who truly represent their collective needs. Without this safeguard, there is a risk that Native communities could be left with representatives who do not reflect their interests, thereby diminishing their political power and representation.

SCR 4014 presents a potential threat to the protections that have been affirmed through recent legal rulings. These rulings have specifically upheld the use of subdistricts to protect tribal representation, and any attempt to reconsider or alter the current structure risks weakening these protections. The Voting Rights Act of 1965, particularly its provisions concerning the protection of minority voting rights, guarantees that every citizen has the right to participate in the electoral process and elect candidates of their choice. The use of subdistricts has been a critical tool in ensuring that Native voters are not disenfranchised and that their voting rights, as guaranteed by the Voting Rights Act, are fully protected.

Additionally, SCR 4014 raises fundamental concerns related to the principle of one person, one vote—the constitutional guarantee that every voter's vote should carry the same weight. Any



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modifications to the electoral system that result in Native communities being fragmented or their votes diluted would violate this fundamental principle. If Native voters are divided into districts that fail to preserve their political strength, their ability to elect candidates of their choice would be diminished, effectively undermining the fairness and accessibility of elections. A fair electoral system must ensure that all voters, regardless of race, ethnicity, or geographic location, can participate in free, fair, and accessible elections. Any effort to alter the current districting structure in a way that harms the political influence of Native communities would directly threaten these core democratic values.

There are several risks associated with the proposed study that must be carefully considered. First, there is the potential for gerrymandering, where district boundaries could be manipulated to reduce the concentration of Native voters in a given area, thus diluting their voting power. This could result in the fragmentation of Native communities, undermining their ability to elect representatives who are fully attuned to their needs. Second, the study could pave the way for voter suppression policies that unintentionally create barriers to voting, such as reducing access to polling places or making it more difficult for Native voters to participate in elections. Any such policies would disproportionately impact tribal communities and further disenfranchise Native voters. Third, the resolution could be seen as an attempt to diminish tribal sovereignty, especially if electoral modifications are made without adequate consultation with tribal governments. Tribal nations are sovereign entities with the right to self-determination, and any changes to electoral practices that impact their communities should respect and uphold that sovereignty. Finally, modifying the system of subdistricts could lead to the fragmentation of Native voters, dispersing their collective voting power across multiple districts, thereby weakening their overall political influence.

For these reasons, we strongly urge the rejection of SCR 4014.

North Dakota Native Vote asks for a do not pass recommendation and urge the Legislature to reject this resolution and continue to uphold the protections that ensure Native American communities can exercise their right to vote and participate in the democratic process.

Thank you for your time and attention.