

February 21, 2025

Madam Chair Roers and Members of the State and Local Government Committee,

I am writing to express my strong opposition to Senate Concurrent Resolution No. 4014, which proposes a study on election and political party activities in legislative districts containing tribal lands and whether modifications to electoral practices are necessary to ensure every qualified elector can freely participate in voting in North Dakota.

A concurrent resolution directing the Legislative Management to consider studying election and political party activities in a legislative district containing tribal lands may appear neutral in its intent, but it is unnecessary and could serve to undermine the progress made toward fair representation for Native American voters in North Dakota.

North Dakota has a long and complex history regarding Native American voting rights, with Native voters facing barriers to full participation in the electoral process. Until 1922, most Native people were not allowed to vote in North Dakota. Even after gaining the right to vote, Native voters encountered challenges due to state laws and practices that made it more difficult to cast their ballots. For example, voter ID laws passed in 2013 and 2017 disproportionately impacted Native communities, particularly those living on reservations, by imposing requirements that created obstacles to voting access.

This history is also reflected in the makeup of the state legislature, where unfair voting maps have limited Native representation. Based on relative population size, Native Americans should hold three state senate seats and six state house seats. However, under the 2021 redistricting plan, for the first time since 1990, there were no Native American state senators, and only two Native American representatives served in the state house.

Over the past five years, Native law organizations have fought to ensure fair representation for Native voters in North Dakota. In *Turtle Mountain Chippewa et al v. Howe* and *Walen v. Burgum*, these organizations, along with other legal counsel, successfully challenged unfair redistricting that diluted Native voting power.

In *Turtle Mountain*, a federal court found that North Dakota's 2021 redistricting plan discriminated against Native voters by employing "cracking" and "packing" strategies that diluted Native electoral influence. The Eighth Circuit Court of Appeals denied the state's request to pause the injunction pending appeal, ensuring that a fair map will be in effect for the 2024 election.

Similarly, in *Walen v. Burgum*, non-Native voters attempted to challenge the creation of a state house subdistrict that provided Native voters on the Fort Berthold Reservation a fair opportunity to elect representatives. With legal advocacy from Native Rights groups, the challenge was defeated, preserving equitable representation for Native voters.

These cases resulted in historic victories for Native voters, securing fair maps and ensuring Native communities have a fair chance to elect their preferred candidates. The proposed study under SCR 4014 seeks to reopen and undermine this progress, serving no legitimate purpose other than to call into question the rights that have already been upheld by the courts. The courts have already ruled in favor of equitable maps, and revisiting this settled issue is both unnecessary and counterproductive.

Rather than using state resources on a study that revisits a matter already decided, efforts should focus on ensuring that all North Dakotans have fair and equal access to the ballot box. This study risks creating division rather than advancing democratic participation.

For these reasons, I respectfully urge this Committee to vote no on SCR 4014.

Thank you for your time and consideration.

Janet Alkire  
Chairwoman  
Standing Rock Sioux Tribe