



MANDAN, HIDATSA & ARIKARA NATION

Three Affiliated Tribes * Fort Berthold Indian Reservation

307 5th Avenue New Town, ND 58763

Tribal Business Council

Office of the Chairman
Mark N. Fox

69th Legislative Assembly Senate State and Local Government Committee February 19, 2025

Testimony of Chairman Mark Fox

Madam Chair Roers and members of the State and Local Government Committee, I am Mark Fox, Chairman of the Tribal Business Council of the Mandan, Hidatsa, and Arikara Nation. The MHA Nation opposes Senate Concurrent Resolution No. 4014, which would “consider studying election and political party activities in a legislative district containing tribal lands and whether modification of electoral practices are necessary to ensure every qualified elector is able to freely participate in voting in an election in this state.”

As you are aware, *Walen v Burgum* was recently decided in favor of redrawing legislative district boundaries to allow for proper representation for all citizens of North Dakota, including Native Americans.¹ The case was appealed, but the Supreme Court dismissed the appeal believing that the matter had already been properly decided in the U.S. District Court for the District of North Dakota which held that the redistricting was done for good reason and supported by strong evidence.²

The State legislature has already passed the redistricting measures. The proposed study is entirely unnecessary and a waste of state resources that could be spent on matters which the Legislature has not already addressed.

¹ *Walen v. Burgum*, 700 F. Supp. 3d 759 (D.N.D. 2023).

² *Id* at 4.

The proposal of this study in and of itself feels both discriminatory and retaliatory against those voters that stood for their right to fair and equal representation. It makes me wonder about the actual motives of CR 4014's sponsors. One of the sponsors, Senator Walen, was the lead plaintiff in the *Walen* case, where he was unsuccessful in his attempt to undo the redistricting legislation this body adopted just two years ago. Senator Walen represents our District. Yet he has not even talked to the MHA Nation about CR 4014 or offered any justification for the study.

Historical progress was made through the recent redistricting efforts. It ensured the right of qualified voters to “freely participate in voting in an election in this state.”³ The proposed study wishes to evaluate this very question which has already been conclusively decided. It is my belief that the aim of this study is not to answer a legitimate question but to divide North Dakotans and attempt to stir up resentment unnecessarily. This study would serve absolutely no legitimate purpose and as such I respectfully ask that the Committee vote no on CR 4014.

Respectfully submitted,

Mark N. Fox, Tribal Chairman

³ Directing the Legislative Management to Consider Studying Election and Political Party Activities in a Legislative District Containing Tribal Lands, S. Con. Res. 4014, 69th Leg., (ND 2025).