TRANSCRIPTION OF VIDEO FILE

NORTH DAKOTA LEGISLATIVE ASSEMBLY

REDISTRICTING COMMITTEE

SEPTEMBER 15, 2021

Exhibit 39

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CHAIRMAN DEVLIN: We'll call the Redistricting Committee to order.

Emily, if you would take the roll, I would appreciate that.

MS. THOMPSON: And Chairman Devlin.

CHAIRMAN DEVLIN: Here.

MS. THOMPSON: Representative Bellew.

REPRESENTATIVE BELLEW: Here.

MS. THOMPSON: Representative Boschee.

REPRESENTATIVE BOSCHEE: Here.

MS. THOMPSON: Representative Headland.

REPRESENTATIVE HEADLAND: Here.

MS. THOMPSON: Representative Lefor.

REPRESENTATIVE LEFOR: Here.

MS. THOMPSON: Representative Monson.

REPRESENTATIVE MONSON: Here.

MS. THOMPSON: Representative Nathe.

REPRESENTATIVE NATHE: Here.

MS. THOMPSON: Representative Schauer.

REPRESENTATIVE SCHAUER: Here.

MS. THOMPSON: And Senator Holmberg.

VICE CHAIR HOLMBERG: Here.

MS. THOMPSON: Senator Bekkedahl.

SENATOR BEKKEDAHL: Here.

MS. THOMPSON: Senator Burckhard.

SENATOR BURCKHARD: Here.

MS. THOMPSON: Senator Erbele.

SENATOR ERBELE: Here.

MS. THOMPSON: Senator Klein.

SENATOR KLEIN: Here.

MS. THOMPSON: Senator Oban.

SENATOR OBAN: Here.

MS. THOMPSON: Senator Poolman.

SENATOR Poolman: Here.

MS. THOMPSON: And Senator Sorvaag.

SENATOR SORVAAG: Here.

MS. THOMPSON: Mr. Chairman, we have a quorum.

CHAIRMAN DEVLIN: Thank you.

Representative Monson, as we can see, is joining us by Teams today.

We will -- what are your wishes for the minutes from our September 8th meeting?

UNIDENTIFIED MEMBER: Motion to approve, Your Honor.

UNIDENTIFIED MEMBER: Second.

CHAIRMAN DEVLIN: Motion has been moved and approved. Motion has been moved and seconded to approve the minutes.

1 Any discussion?
2 Seeing none, all those in favor of the
3 minutes, say aye.
4 (Unanimous ayes)
5 CHAIRMAN DEVLIN: Nay?
6 (No audible response)
7 Motion carries.
8 Well, we are going to start today with
9 the -- some comments from representatives of the
10 Tribal Nations. I think Commissioner Davis is
11 maybe going to lead this off, and I may be wrong
12 on that.
13 Are you going to introduce tribal
14 members that are here today, or what is your
15 wishes?
16 COMMISSIONER DAVIS: Yes, I can.
17 CHAIRMAN DEVLIN: Okay. Thank you very
18 much.
19 COMMISSIONER DAVIS: Chairman, Committee
20 members. Just for the record, my name is Nathan
21 Davis. I'm the commissioner of North Dakota
22 Indian Affairs.
23 As was discussed the last meeting that
24 was here, I had reached out to the Tribal Nations
25 to ensure that there is that conversation, that

1 back and forth. And I think it will be a nice
2 build up with some of them on the Travel State
3 Relation Committee meetings that we touched on
4 some of the redistricting issues to really start
5 that conversation on that front as well.
6 But with me today we have some
7 representative from NARF. We do have Chairman
8 Faith. We do have Collette Brown, who is here
9 representing Spirit Lake. And we also have
10 Mr. Charles Walker from Standing Rock here as
11 well today.
12 So just to put on the record as well,
13 too, Chairman Fox sends his apologies. He was
14 not able to be here today due to a prior
15 commitment, but a testimony will be forthcoming
16 to the Committee. So I just want to put that on
17 the record, and I will let the -- I will let the
18 tribes give their testimonies; and I will just
19 hand it off. Thank you.
20 CHAIRMAN DEVLIN: Thank you,
21 Commissioner.
22 Was there any questions for Commissioner
23 Davis?
24 Seeing none, thank you.
25 COMMISSIONER DAVIS: Thank you.

CHAIRMAN DEVLIN: It was our intent, as you know, Commissioner, to have the Tribal Relations Committee members meet with the each of the tribes and discuss redistricting, and then we wanted also to have an opportunity for them to address us directly in this Committee members. And I thank you for helping to facilitate that. I appreciate that very much.

COMMISSIONER DAVIS: Yes. Thank you, Chairman. And I do what to reciprocate that thanks for you making that a point to consult with the tribes on this matter.

CHAIRMAN DEVLIN: Yeah.

COMMISSIONER DAVIS: So, thank you.

CHAIRMAN DEVLIN: So who is going to speak first; do you know?

COMMISSIONER DAVIS: I will call Chairman Faith to the stand to speak first. Thank you.

CHAIRMAN FAITH: (Indiscernible) My friends, relatives, (Indiscernible) Buffalo soldier, studied law, Chairman, Mike Faith. I just greeted everybody as a relative and friend.

I want to take this time to thank you for very, very short notice to come up and

1 testify. I think it's so important that we get
2 our point across, and again, I can't speak for
3 other tribal nations, but again, everybody, good
4 morning (indiscernible).
5 I just want -- I'm going to be brief. I
6 probably will have Matthew Campbell come up, one
7 of our legals to broaden the picture of what our
8 ask is. And again, the census does show a growth
9 in Native, but again, unfortunately, in Sioux
10 County, will contest that every time, that the
11 other county is there. For whatever reasons, we
12 run into that.
13 Again, this one, COVID. You try to get
14 a true count up there with numbers, and you have
15 a pandemic going on. It's pretty hard to do
16 anything.
17 So the concern today is the
18 redistricting. And I want to thank the Committee
19 for allowing us to throw some ideas out, you
20 know. One of them would be -- I'm going to speak
21 on behalf of District 31,again, which is right
22 south of us, part of -- it splits Mandan, I
23 guess, the train tracks south to Sioux County,
24 Grant County, and I see there's addition of a
25 little bit of Hettinger County on there.

But our ask is pretty simple today, and we know it is allowable. But a lot of the issue at hand depend on percentages, and what we're going to do is just ask for special understanding of the uniqueness. You know, when you turn around over the years we're at court. We're challenging this, challenging that. I think a lot of that could be curved with a Committee such as yours understanding the uniqueness.

I know Chairman Fox has five segments up there. Of course, ours runs into North and South Dakota - Corset County of South Dakota and Sioux County of North Dakota, consist of 2.3 million acres of identified Standing Rock.

And I'll just get to the point today of why I ask this. We ask that you seriously look at sub-districting District 31. The purpose of it is this: is that Morton County along, Mandan even using the train tracks splitting Mandan, North Dakota to the south is part of District 31.

And you'll hear from the other reservations or the other Native countries that we have to also -- we want a voice in there. And we're not looking at affiliate of if you're Republican or Democrat or independent. If you

1 ask that, I think more so a lot of people are
2 looking at being independents.
3 With our structure and uniqueness, we
4 have to work with the federal, state, county,
5 townships, so many jurisdictions, that looking at
6 a favorable party. I think the tribe over the
7 years worked with Republicans, Democrats, alike,
8 both.
9 So I guess I'm not here today to try to
10 push any party. I'm here today to do an ask, and
11 I know you're -- it's going to be difficult
12 because you -- sentry code sometimes goes off of
13 policies of percentages.
14 But over the years, like I said, I don't
15 want to be seeing us going at each other in court
16 or challenging each other. I think working
17 together and getting representation with the
18 state structure -- you know, North Dakota is a
19 beautiful place. It's got a lot, a lot of
20 history. We have a lot of different areas from
21 German Russians, you know it. It's here. The
22 heritage is here. It's a strong, good heritage
23 of hard workers.
24 So again, working together and
25 understanding each other's ask, you know. We

1 don't want it to be a one-way street. There's
2 times where the State comes down in our county.
3 We have a multi-hazard mitigation plan at
4 Standing Rock. Sioux County signed off on that
5 right away.
6 The county commissioners, the townships
7 of South Ridge, Solen, and Fort Yates, the
8 federal government, the Bureau of Indian Affairs,
9 the colleges, the schools, the tribe. So the
10 state emergency manager down there would be our
11 county sheriff. Again, opens the door for state
12 need.
13 So we do things working together for the
14 protection of all. Unfortunately, you can't
15 prepare for all of them under that, you know. We
16 do have pandemic on there, but who would think
17 that we would have this kind of pandemic. It's
18 something that we have to fight something that's
19 not there; we can't see. So it's pretty touch
20 sometimes.
21 But here's what I'm going to ask today,
22 and I'll get right to the point. We're going to
23 talk about sub-districting District 31 is that --
24 just for the house. I'm only talking about the
25 House now because there's two positions there.

1 And looking at the sub-districting would be Grant
2 and Sioux, Grant and Sioux Counties. And maybe
3 making the southern part of Morton the other sub-
4 district A and B.
5 So you'll have one representative from A
6 and one representative from B. I guess I can't
7 get any simpler than that. You have the
8 authority to sub-district. Like I said, I think
9 we're all probably tired of challenging each
10 other, and going to court, and getting opinions.
11 I think today our ask is pretty simple. It's to
12 ask you that in a good way.
13 Look at 31, just the House, where you
14 would have sub A and sub B. Morton County alone
15 numbers outweigh. You could probably put three
16 counties together and still outweigh the number-
17 wise.
18 So again, I know the question of
19 percentage is going to come up, but it's a true
20 and honest ask from Standing Rock. We would
21 definitely have different numbers if we could use
22 South Dakota Corset County in ours. We're
23 unique. So you know, it is what it is. We're
24 only discussing Sioux County today along with
25 Grant.

1 Back in the day in 2014, I did run, and
2 again, I truly believe that portion of 31, the
3 northern part of it, which is the Mandan and
4 Morton County, it is playing a factor. It will
5 continue to play a factor on date of votes and
6 the local farmer/rancher adjoining that we have
7 and also Grant County.
8 So you know, it would be great if they
9 have -- competition is good, but all we want is
10 an equal chance to have representation in the
11 House of 31, District 31.
12 So again, the sub-district that I'm
13 talking about is A and B, which would be -- if
14 you want to put A as the Morton County portion of
15 it. We do have draft maps. It actually just
16 took out Mandan, but I think in talking with our
17 legal counsel, I think just taking out Morton and
18 making it a sub-district of District 31 would be
19 more favorable to us. And hopefully --
20 Again, we're throwing this out at you
21 knowing that it does state, you know, 50 percent.
22 I think we're around close to 40. But again,
23 it's this Committee that could recommend it. And
24 I think the purpose of the whole thing is
25 representation and better communications for the

1 Native nations within our state.
2 And keep in mind, we are citizens of the
3 state of North Dakota from Sioux County. We're
4 also citizens of the United States, but we're
5 unique by treaty. So we're here today as
6 government to government asking a Committee to
7 seriously look at giving us that opportunity.
8 And it's no guarantee that we would get a Native
9 in there, but at least to give us a better
10 fighting chance to get representation into the
11 state.
12 And I think right now with my
13 administration -- you know, after 21 years of
14 being on the council, vice chairman and chairman
15 on and off since 1984, I decided not to run this
16 year. I don’t wish this pandemic on anybody, any
17 administration, any nation. And of course, my
18 back kind of helped me. I got to go into surgery
19 on the 28th, finally.
20 But that's my ask today, Committee,
21 please. You're going to have some other
22 testimony behind me, but it's pretty simple and
23 to the point. We're not going to try to mislead
24 you, do any deception tactics. It's just getting
25 straight to the point of, you know, it's okay to

1 do that, to recommend a sub-district. And again,
2 it's just a House. We're not looking at the
3 Senate. So again, that would be my ask from
4 Standing Rock, and I ask for your blessing for it
5 to look at it seriously. It's not about party,
6 but it's true representation from within our
7 state of North Dakota.
8 So again, I wish you a good morning.
9 And any comments or questions?
10 Go ahead.
11 CHAIRMAN DEVLIN: Mr. Chairman, if I
12 could. The population you gave us of, I think,
13 Grant and Sioux is about, say, 6200. So you
14 would need another 2300 people roughly to make,
15 you know, the district that's required under the
16 Constitution, one person, one vote. Where would
17 you see that other 2300 people coming from? Is
18 there a certain area that you're looking at?
19 CHAIRMAN FAITH: Well, again, thank you,
20 sir. The area that we did map out actually had
21 Morton, and again, maybe not. It's still going
22 to probably come up to close to 40 percent, and
23 that's what I mentioned earlier. Our percentages
24 are what they are.
25 CHAIRMAN DEVLIN: Yeah.

1 CHAIRMAN FAITH: But it's a special ask
2 today for the purpose of representation. So
3 you're looking at -- if the map that we
4 originally put out was just taking Mandan out of
5 the picture. But realistically, it doesn't
6 really make sense to make just a half a city a
7 sub-district. Taking out Morton, that part that
8 we just talked about, does drop our percentages,
9 our numbers.
10 Hettinger County, there's a portion of
11 that that's still on there. Number wise I don't
12 know what that would come up to, but right now if
13 you look at the map, it shows a portion of
14 Hettinger, Grant, Sioux, and then, of course,
15 Morton and not total, but a portion of Morton.
16 And again, I knew that when I did my
17 discussion that percentage is going to come up.
18 The other tribes are going to be probably maybe
19 asking. I heard Chairman Fox on a news statement
20 last week I believe it was. He was looking at
21 five segments.
22 Again, it's an ask. We know that
23 there's -- it says 50 percent. We know that, but
24 we're here today in a good way to seriously ask,
25 take a look at that. I mean, are you going to

1 get recalled if you go below 50? I doubt it.
2 The people leave it up to you to do -- to make
3 the right decision, and I know sometimes the
4 rules or policy are questions of -- you know,
5 again, like I said, that's why we're here today.
6 We're asking in a good way, knowing in advance
7 that percentage is going to be the question. But
8 true representation from all the nations
9 within North Dakota, I think, is what we want to
10 look at into the future.
11 Any others?
12 CHAIRMAN DEVLIN: Representative Schauer
13 has a question.
14 REPRESENTATIVE SCHAUER: Thank you,
15 Mr. Chairman.
16 Chairman Faith, thank you for being here
17 today, and hopefully your back heals properly and
18 quickly. The question is for you: you mentioned
19 a couple times, true representation and better
20 communication, but when I look at this sub-
21 district idea, I'm thinking to myself, well,
22 okay, 31A has one representative and one senator.
23 That's two people. In the past they would have
24 three people; 31B would have one representative
25 and one senator. That would be two people.

1 So in my mind -- and I'm not familiar
2 with your area -- how does that make for better
3 representation when you're losing 33 percent of
4 your representation?
5 CHAIRMAN FAITH: I guess I look at this
6 this way: the A and B is still two people.
7 You're not gaining or losing. You're still going
8 to have two House and one Senate. So I don't --
9 I guess looking at true representation, I guess
10 standing here today as a chairman and a leader of
11 a nation, tribal, I guess that's what I'm
12 referencing is that we also would like to have an
13 advantage.
14 And again, I don't want to get into
15 party affiliate. I just want to stay to the
16 point of the ask, which is a sub-district of just
17 the House. So it's still two people, but it's
18 also -- it’s not adding or deleting any. But I
19 think tribal representation needs to be given a
20 good honest chance.
21 If you look at back in the past of '14,
22 I myself, I did run. But I don't want to get
23 into the party affiliated areas from Republican,
24 Democrat, or independent. So I want to leave it
25 at -- pretty much open as that. And other

1 statements coming up may have a different outlook
2 of you're thinking, but it's -- when Mr. Campbell
3 gets up, he could probably explain a little more.
4 But I think what we're asking from a
5 Native point of view is at least give us that
6 fighting chance. When you got a heavy party
7 affiliate in the northern part of 31, it doesn't
8 really make sense for us. We just -- we want to
9 have true representation on the state level also.
10 So again, it's an ask. It's not --
11 I guess I'm saying that we're tired of
12 going to court and challenging the State or the
13 counties. I think we're working well in a good
14 way for the betterment of all our people within
15 the state of North Dakota, and I'll leave it at
16 that. But thank you. But true representation, I
17 guess I speak it from the tribal perspective.
18 That's why I'm here today, that the Native voice
19 should be also within the great state of North
20 Dakota.
21 CHAIRMAN DEVLIN: Mr. Chairman, I
22 believe Representative Nathe had a question.
23 REPRESENTATIVE NATHE: Thank you,
24 Mr. Chairman.
25 Chairman Faith, that's for coming today.

1 CHAIRMAN FAITH: Sure.
2 REPRESENTATIVE NATHE: Appreciate it.
3 So you had mentioned in your testimony talking
4 about we just want to have an opportunity. We
5 just want to have a chance. So when we discussed
6 some of this in Fargo last week, sir, are you
7 saying the current system right now doesn't give
8 you the opportunity or chance?
9 CHAIRMAN FAITH: The word chance is
10 this: the percentage is there. We know that in
11 black and white. And we're asking face to face
12 to be given a chance to Redistrict 31 in a good
13 way.
14 REPRESENTATIVE NATHE: But that's a good
15 way that would benefit the reservation.
16 CHAIRMAN FAITH: It will represent -- it
17 will benefit southern, rural North Dakota better,
18 I think, because of the farmer/rancher areas.
19 When you got a population of Mandan, which isn't
20 a city, you know, you don't really see those
21 people until time comes for voting. The rural
22 area of Sioux and Grant Counties, excuse me. But
23 I'm just saying that the farmer/rancher and
24 citizens of the southern part of District 31 need
25 a chance of representation, especially with --

1 you know, with the drought conditions being what
2 they are now, you got city people that are -- I
3 don't know -- are they boots on the ground out
4 there, fighting for water for cattle operators
5 and farmers? I don't -- to be honest with you, I
6 don't think that so.
7 REPRESENTATIVE NATHE: If I may,
8 Mr. Chairman.
9 CHAIRMAN DEVLIN: You may condition.
10 REPRESENTATIVE NATHE: I know that
11 representatives of 31 have been elected three or
12 four times, so obviously, the people out there
13 think they're representing that.
14 So I mean, you're saying right now the
15 representation they have in that district or,
16 say, any of the other districts, they're not
17 properly representing the reservation?
18 CHAIRMAN FAITH: I guess, you know, you
19 could take it from our point of view. We want
20 true representation like I'm saying. And we just
21 want -- we want to look at the redistricting
22 here. We're looking at a sub-district, which is
23 allowable.
24 But again, like I said earlier, the
25 percentages are going to be what they are. You

1 guys are going to look at it and say, well,
2 here's what it says, 50 percent. It's already
3 been brought up. It's just something that we
4 want to bring forth, and I think that -- I don't
5 want to get into the affiliate of where those
6 individuals, which party they're on.
7 REPRESENTATIVE NATHE: Well, this whole
8 thing is politics. I know you mentioned that
9 several times, Chairman.
10 CHAIRMAN FAITH: Yeah.
11 REPRESENTATIVE NATHE: But it's politics
12 on both sides of the aisle.
13 So I have one other question, if I may,
14 Mr. Chairman.
15 CHAIRMAN DEVLIN: You may continue.
16 REPRESENTATIVE NATHE: And I had
17 mentioned this in Fargo. And my question is to
18 you: why wasn't this brought up, say, last
19 redistricting or the last other redistricting?
20 Because I had never heard anything about this
21 until July, until some national group from D.C.
22 started kicking this up. We haven't heard from
23 anything from the reservations the previous 10
24 years. I was on the committee back in 2011,
25 never once came up, and these districts have not

1 really changed in the last probably 10 to 20
2 years. So why all of a sudden now we need
3 subdivisions, other than it being pushed by a
4 national group by the D.C.?
5 CHAIRMAN FAITH: Well, you know, again,
6 you talk about '11. That's quite a while back.
7 I think I was vice chairman with Murphy then.
8 But you know, like we just got this meeting
9 information here, when I'm standing here today,
10 probably a day or two ago. I can't answer
11 anybody, any other tribes why it's just now
12 coming up today. But when we got the invite, it
13 talked about redistricting. I can't speak for
14 former administrations, but I would say this:
15 that it's time to be brought up and asked if it's
16 a possibility. That's why we're here today.
17 And as far as meetings at Fargo and
18 wherever, you know, with this pandemic going on,
19 we're not traveling as much as probably a lot
20 are, and the numbers are skyrocketing again.
21 They're spiking here and there. So safety, not
22 only for myself but for the people that -- the
23 council people and whoever else comes up.
24 So I can't answer for previous years,
25 but right now it's an ask today. We're looking

1 for the Committee to actually take a look at it
2 and give us a true response one way or the other.
3 Because like I said, under my administration, I
4 think we've been working well with the State, the
5 counties of both states, trying to come to a
6 positive future for who we represent, the people
7 of North Dakota in this case. Thank you.
8 CHAIRMAN DEVLIN: Couple more questions,
9 Mr. Chairman.
10 Senator Holmberg.
11 VICE CHAIR HOLMBERG: First of all, I'll
12 put just a little correction on what
13 Representative Nathe said. This has always been
14 part of it. In fact, back in 1991, the bill that
15 came to the legislature had some division of some
16 Native populations, and I can't remember. I know
17 Fort Berthold was divided in that particular
18 bill. That was taken out. That was a
19 legislative decision.
20 But, yeah, it has been there. It has
21 been discussed. The legislature has,
22 historically, been somewhat -- obviously,
23 somewhat reluctant. They have never passed it,
24 but this has to balance between what the justice
25 department of the federal government says is

1 required, et cetera.
2 But we have such a huge division amongst
3 the reservations. I mean, you have Fort
4 Berthold, which 50 percent of a subdivided
5 district lives on the reservation. So that,
6 clearly, is different than if you get -- and I'll
7 just go to Lake Travis. Of course, that's 206
8 people in North Dakota. And that would be pretty
9 tough to do anything with it. Then you have the
10 other three with Turtle Mountain with 31 percent
11 of an ideal.
12 So we are faced with a vastly different
13 geography on each one of those reservations that
14 we have to deal with too. But thank you for
15 bringing that and having some suggestions as far
16 as how those lines could be drawn.
17 CHAIRMAN FAITH: And thank you.
18 CHAIRMAN DEVLIN: Chairman, I think
19 Representative Monson is online with us today and
20 had a question, and then Representative Headland
21 had a question.
22 CHAIRMAN FAITH: Sure.
23 REPRESENTATIVE MONSON: Yeah.
24 Mr. Chairman, thank you.
25 Senator Holmberg pretty much brought up

1 what I was going to mention. But you know, one
2 person, one vote means that those subdistricts,
3 if we were to do it, really to be constitutional,
4 have to be relatively even, and 6000 in one sub-
5 district and 10,000 in another sub-district
6 really doesn't make it constitutional.
7 So you understand that we have to go by
8 the percentages and numbers. You brought that
9 up, but you know, we'd have to add some other
10 people in order to make it roughly equal, one
11 person, one vote. And it would mean some of
12 Morton County and probably Hettinger County would
13 end up in that sub-district with Grant and Sioux
14 County. So not really a question there, just a
15 comment, but it was already mentioned pretty much
16 by Senator Holmberg.
17 CHAIRMAN FAITH: And thank you for that.
18 I think I did say our original map does still
19 keep that percentage of Morton and, again,
20 Hettinger County, just taking out the city
21 portion of Mandan, which our original map looked
22 like. So again, thank you.
23 And I said from the start, it's going to
24 be questioned as far as percentages, and we knew
25 that. But you know, we want to be heard, for the

record.

CHAIRMAN DEVLIN: Representative Headland had a question.

REPRESENTATIVE MONSON: If I might continue, just one comment, if I could.

You brought up that rural, the ranchers and issues with water were not probably always addressed. And I chair the education and environment section of House appropriations. And my vice chairman, actually, is your representative, and he is an advocate for water like you would not believe. So when it comes to representation dealing with water, you probably have the best in the state.

CHAIRMAN DEVLIN: Representative Headland.

REPRESENTATIVE HEADLAND: Thank you, Mr. Chairman.

Mr. Chairman, a couple of things. You had mentioned earlier that after the comment by representative Schauer, you feel you would still have two representatives, even though you would be supportive of other districts.

I wonder if you understand. I just want to be clear. That when you divide districts into

1 sub-districts, you only vote in the sub-
2 districts. So you don't get the vote in the
3 other. So, in fact, it is true that you will be
4 losing one representative.
5 And the other thing that I -- you know,
6 I have my interpretation of what I believe you're
7 talking about when you talk about true
8 representation. But for the Committee, so we all
9 understand exactly what you're talking about, can
10 you define what you mean as true representation.
11 CHAIRMAN FAITH: I guess -- and I'll be
12 upfront with you. You know, we're here as a
13 trial nation, and as far as the vote, I
14 understand that you'd only vote in A or B
15 depending on your location, if there's a sub-
16 district.
17 But as far as true representation, I
18 think on a sub-district, it's up to the people.
19 Let's just say we did the division or the -- the
20 people of Grant, Sioux, and southern Morton would
21 have that opportunity. I'm just saying that a
22 city added onto a rural district like 31 does
23 make a heck of a difference number wise. And if
24 you want to look at it realistically -- party
25 wise.

So I think just taking out the Mandan portion and letting them be their own Sub-district 31 would be fine with us. But it's just -- like the numbers he's talking about, to me is -- if you look at our map, it does just take out Mandan, the southern part of Mandan. It still leaves that portion of 31 on there. I was just throwing out ideas, but also Hettinger, a portion of Hettinger County.

So that would -- it's not going to bring it up to what we want. Like I said, it would be very close to 40 percent, and knowing coming up here 50 percent is the bottom line. So it's just an ask for the Committee, and we'll take it at that.

CHAIRMAN DEVLIN: Further questions from the Committee?

(No audible response)

Thank you, Chairman, for making time to participate.

CHAIRMAN FAITH: And again, I'll thank everybody for the opportunity for this and, you know, the very short notice. We appreciate that. Thank you.

CHAIRMAN DEVLIN: Who is going to

1 present next? I'm sorry. I missed it.
2 CHAIRMAN FAITH: Councilman Walker.
3 CHAIRMAN DEVLIN: Councilman Walker.
4 COUNCILMAN WALKER: Chairman Devlin,
5 members of the Redistricting Committee, good
6 morning. My name is Charles Walker, councilman
7 at large, Standing Rock Sioux Tribe.
8 I do have written testimony. I'll read
9 directly from that, but I know that there is a
10 question about true representation. I'll get
11 straight to it. I'll say that part of it. When
12 we talk about representation, from what I have
13 heard, responses and comments from the Committee
14 is that, yes, it is politics. Is there a
15 workaround? I guess in my experience, in my
16 opinion, first and foremost I would say, the
17 representation isn't adequate because there is no
18 -- what's the word I want to say without being
19 disrespectful or being misinterpreted? There is
20 no -- I'll just say. There's no communication
21 between them, the representatives that are in
22 there in the past years.
23 And I'll say that -- and even though I'm
24 on the record, everything -- to me the party
25 lines, they do matter. The Democrats do cater to

1 the Native vote. We all know that. That's a
2 fact. The Republicans, not so much.
3 And I will say that because,
4 understandably, I would consider myself a
5 centrist, maybe a little bit more right leaning.
6 But I do believe in the Republican ideals that in
7 a republic you have a nation of laws. And in
8 democracy, whoever gets the majority wins, and I
9 don't think that's always the right decision.
10 What I say in a republic -- the reason
11 I'm saying that -- is that we live in these
12 states that exist here, North and South Dakota,
13 probably some of the deepest red states we know
14 in this nation. And one of the things that
15 really is dumbfounding to me is the lack of
16 respect and the lack of acknowledgment of our
17 Constitution when comes to that. It's always
18 paraphrased, taken out of context, not taken
19 straightforward.
20 But within that we talk about
21 Constitution. We talk about rules, laws. We
22 talk about republics. We talk about all these
23 different things. But yet when it comes to being
24 equal, doing all these other things, you know, it
25 doesn't count, and it does matter.

1 And I'll say it right now - the factor
2 in this is race, and we don't think of ourselves
3 as being a race. In our language, we are wicha
4 (phonetic) is the word, wicha. Those titles have
5 come across from the federal government. All the
6 way back to the Constitution we are identified
7 as, you know, noble savages, those types of
8 things. We're also only two-thirds human being.
9 And the black population is only three-fifths
10 human being, you know, that type of stuff.
11 Those are tangible things you can go
12 into the Federal Registry. You can go in and you
13 can see those things.
14 So it is. It's politics. It's race.
15 I'll say it. I won't dance around the subject.
16 But I do understand. I would say the
17 fix, the easiest way to do it is if we had some
18 Republican representation that would engage with
19 the communities in Sioux County. And I do know
20 they're probably over in South Ridge. They're
21 probably over in Solen. I don't think they're in
22 Cannonball. I know they're not in Porcupine, and
23 I know they're not in Fort Yates, maybe a bit.
24 But you know, beyond that, the Republican ideals
25 shouldn't go against their own beliefs also, I

1 believe.
2 That's why I call myself a centrist. If
3 I didn't see the hypocrisy in the party, I myself
4 would be registered Republican.
5 The state of South Dakota is where I
6 reside. And you guys are probably scratching
7 your head, but I'm elected at large on Standing
8 Rock. I was a North Dakota resident, eight
9 years, and in that time I have never been engaged
10 by a Republican representation for the state.
11 You know, at one point I was a citizen
12 of North Dakota, but yet we had the Democrats
13 pounding on our door every time there's an
14 election, you know, coming. But there's never
15 any engagement, so the representation isn't
16 there. That's a fact.
17 And speaking of national groups, I
18 agree. When these outside entities come into our
19 local affairs, it does disrupt and does cause
20 disruptions. But you have a new -- and I'm -- I
21 guess I would say in comparison to some of you
22 who have been in politics for decades, you know,
23 I'm getting my feet wet. I'm going on six years
24 now.
25 You have individuals like myself,

1 critical thinkers, who want to take a step back
2 and say, let's look at all the facts. Let's just
3 tell it how it is. Let's deal with it that way,
4 but also we need to be straightforward. That --
5 those are some of the reasons why this hasn't
6 been brought up in the past.
7 You know, it would be -- it would be
8 better just to have an engagement of those -- of
9 those officials who are elected. And you know, I
10 know there was a statement saying one of the best
11 representatives, but you could ask probably 99
12 percent of the people in Sioux County who is
13 their representative. They wouldn't even know,
14 and that's a cold hard fact right there.
15 So I'll read my testimony. I guess I'm
16 not here to debate. I'm not here to argue. I'm
17 not trying to persuade anybody anything. I'm
18 here to speak for the record, and I know that we
19 -- understandably, we would probably agree on
20 more things than what you probably think.
21 Let me see. Standing Rock Sioux Tribe,
22 federally recognized tribe located in the states
23 of North Dakota and South Dakota. In North
24 Dakota the reservation makes up Sioux County and
25 has 4373 residents, 3644 of whom are Native

1 American. Sioux County has a Native American
2 border age population of 86 percent. That's a
3 pretty high percentage right there.
4 Standing Rock is a sovereign nation
5 governed by its tribal council. Our tribal
6 members are the Dakota and Dakota Nations. I'm
7 here to advocate on behalf of the tribe and its
8 members, and that's straightforward right there.
9 It is. We're here as part of membership, the
10 Native vote. It does matter. It does have an
11 effect. Otherwise, we wouldn't have the whole ID
12 issue that had come up, and that's a fact. That
13 is politics. There's no ifs, ands about it. I'm
14 not reading in between lines. The information is
15 there, and anybody with a logical half a brain
16 would see it.
17 Our tribal use of single member
18 districts elect representatives to State House.
19 Tribe's communities to be considered a community
20 of interest that should not be split into
21 multiple legislative districts.
22 We request North Dakota Redistricting
23 Committee listen to tribal input and hold
24 redistricting meetings in tribal consultations on
25 reservations.

1 That right there is a -- it's a request.
2 And I will say this: there was a question of why
3 hasn't this been -- why now?
4 Chairman Faith did let you now the
5 situation, and I will tell you. I served as a
6 councilperson under Chairman Orshambel (phonetic)
7 administration and Chairman Faith. Under
8 Chairman Faith, we have communication, and we
9 have working relationships in both states. And
10 that right there is -- we catch a lot of pushback
11 from our own membership, you know. And trying to
12 move forward in way that we address these issues
13 because if you just sit on the sidelines and
14 throw rocks and jabs and talk about the way other
15 places are governing where you basically don't
16 have a say anyway, it's going to be something
17 that -- it doesn't do anything. It's not a way
18 to move forward in any type of way, good, bad,
19 right or wrong.
20 Recent history - tribes fight for voting
21 rights, like I mentioned, the tribal IDs.
22 Physical street address, those types of things
23 come up.
24 Native American population grew by 29.7
25 percent the last decade, and that rate there is a

1 jump. You can take a look at it by referencing
2 our public school districts. You look at the
3 areas which are basically higher populations.
4 They have a growth. We have so many co-opts
5 within the state, within the schools because of
6 declining populations. But yet on the Indian
7 reservations you have the exploding population
8 for the school. You have that growth within
9 there.
10 You know, a lot of that I've taken out
11 of context and added my own point of view of the
12 information I have gathered, and I do have a
13 written testimony. And that's all I have for you
14 today, Committee.
15 CHAIRMAN DEVLIN: Thank you, Councilman.
16 Can we have a copy of your written testimony?
17 COUNCILMAN WALKER: Yes.
18 CHAIRMAN DEVLIN: I had just a follow-up
19 question of what you said. You mentioned
20 splitting up the reservations, and to my
21 knowledge in my lifetime, that has not been done
22 in North Dakota. And I'm wondering, being you
23 live in South Dakota, is that something that -- I
24 mean, that would be unconstitutional. So I'm
25 just wondering why they could split up a

reservation. Where did that happen?

COUNCILMAN WALKER: Split up a reservation?

CHAIRMAN DEVLIN: Yeah.

COUNCILMAN WALKER: What do you mean?

CHAIRMAN DEVLIN: You said you'd split a reservation to go to various districts is a comment you made.

COUNCILMAN WALKER: Oh, gerrymandering.

CHAIRMAN DEVLIN: No.

COUNCILMAN WALKER: That's the reference.

CHAIRMAN DEVLIN: Yeah. But you're not -- we're not -- nobody is splitting any reservation in the state of --

COUNCILMAN WALKER: No, no.

CHAIRMAN DEVLIN: Okay. We're on the same page.

COUNCILMAN WALKER: Yeah.

CHAIRMAN DEVLIN: I just misunderstood. Thank you.

COUNCILMAN WALKER: Yeah.

CHAIRMAN DEVLIN: Misinterpreted it.

COUNCILMAN WALKER: This copy?

CHAIRMAN DEVLIN: Just hand it down.

1 Thank you very much, Councilman.
2 REPRESENTATIVE MONSON: Mr. Chairman, I
3 had a question for Mr. Walker.
4 CHAIRMAN DEVLIN: I apologize,
5 Representative Monson. I didn't -- I didn't see
6 the note. I apologize, Representative Monson.
7 Go ahead.
8 REPRESENTATIVE MONSON: Thank you,
9 Mr. Chairman.
10 Mr. Walker, you used the word
11 communicate, communication, and communication
12 goes two ways. Have you tried to communicate
13 with your present representatives? You say you
14 don't see them, except when they are looking for
15 a vote. But have you reached our, or has the
16 tribe reached out to try to communicate with
17 them?
18 COUNCILMAN WALKER: Oh, yes. And we can
19 get that documentation if you need it. If you
20 need something -- if you can't take my word for
21 what it is, we'll get you the documentation.
22 REPRESENTATIVE MONSON: Beyond that, I
23 guess -- so what do you think would be different
24 if you had a Native representative in District 31
25 if it was subdivided. Do you think the results

1 from the legislature as a whole would be
2 significantly different?
3 COUNCILMAN WALKER: I believe that you
4 would have a representation that would be -- that
5 I would say it would not be along party lines.
6 We would have to take that party system on and
7 have an individual run as a total independent,
8 not independent ideals as in policy, but somebody
9 who is going to come in as a representative that
10 would gather all the information.
11 See if you're going to -- if you want to
12 quantify it and say, oh, yeah, well, this
13 information here; this is logical. This shifted
14 out. Bring it forward. There would be a voice,
15 which wouldn't be upon a certain set of ideals.
16 It would be a true representation of what
17 people's needs are.
18 CHAIRMAN DEVLIN: Thank you. We
19 appreciate it.
20 COUNCILMAN WALKER: And I'm not talking
21 socialism or communism.
22 CHAIRMAN DEVLIN: Thank you for being
23 here today, sir.
24 COUNCILMAN WALKER: Yeah.
25 MS. COLLETTE BROWN: Hi. Good morning,

1 Redistricting Committee. I was here last month.
2 Chairman Devlin and the members of the
3 Committee members, thank you for having me here
4 today. I am Collette Brown, Gaming Commission
5 Executive Director at Spirit Lake Casino and
6 Resort and will be testifying today on behalf of
7 the Spirit Lake Nation.
8 I previously testified before this
9 Committee on August 26th and appreciate the
10 Committee members allowing me this additional
11 opportunity to speak on behalf of the Spirit Lake
12 Nation.
13 As I informed during my prior testimony,
14 the Spirit Lake Nation is a federally recognized
15 tribe located in the state of North Dakota with
16 an enrolled membership of 7559 as of January
17 2021, according to the American Community Survey.
18 There are almost 4000 Native Americans currently
19 living on our reservation, and most of our
20 reservation is located within Benson County.
21 I'm here to advocate on behalf of the
22 tribe and its members for the single-use member
23 districts to elect representatives to the State
24 House, for this Committee members to account for
25 our voters in spite of the census undercount in

1 tribal communities, and to demand the North
2 Dakota Redistricting Committee members listen to
3 tribal input and hold redistricting meetings and
4 tribal consultations on reservations.
5 As I previously testified to, it is
6 critical that the legislature comply with the
7 Voting Rights Act. This includes moving away
8 from at-large districts for the state of the
9 House representatives, which has dilutive effect
10 on minority votes.
11 The Spirit Lake Reservation is located
12 in District 23. The voters on Spirit Lake
13 Reservation tend to support candidates who are
14 outvoted and opposed by voters in other districts
15 -- areas of the district.
16 In order to provide the Native American
17 voters residing in District 23 a better
18 opportunity to elect the representative of their
19 choice, the Spirit Lake Nation requests the
20 legislature create two single-member districts
21 for the state of the House of Representatives.
22 Failure to draw single-member districts can
23 dilute the Native vote and may violate the Voting
24 Rights Act.
25 Second, Spirit Lake Nation requests that

1 legislature consider a historical census
2 undercount among the tribal communities in North
3 Dakota. If this Committee members only looks at
4 the recorded number from the 2020 census, it will
5 be blinding itself to the true population of
6 these communities.
7 In a 2010 census, Native Americans
8 living on the reservation were undercounted by
9 almost five percent, much higher than any groups.
10 Given the coronavirus pandemic, we can
11 expect this undercount to be given higher for
12 2020 census. Only using the currently recorded
13 2020 census numbers in the redistricting process
14 disproportionately impacts Native American votes.
15 These undercounts should be accounted for by the
16 legislature, this Committee, and future
17 districting committees. The American Community
18 Survey may provide a more accurate number.
19 Third, given the extremely short notice
20 of the invitation to this hearing, which was sent
21 out on Monday night, Spirit Lake Nation Chairman,
22 Douglas Yankton, Senior, was unable to attend
23 this meeting. The Spirit Lake Nation considered
24 this notice to be far from adequate and shows a
25 lack of good faith on part of this Committee to

1 sincerely take the tribe's perspective into
2 account.
3 Additionally, failing to hold hearings
4 near tribal communities silences those tribal
5 member voters who lack resources to travel to
6 Bismarck or to attend these hearings online.
7 Tribes have continued to advocate for
8 more inclusivity in redistricting process, and
9 that advocacy has largely been ignored.
10 As I informed the Committee in my prior
11 testimony, the Spirit Lake Nation and its members
12 have fought hard for the right to vote, which has
13 included successful voting rights cases against a
14 state and county. Spirit Lake Nation will
15 continue to do so when necessary to protect the
16 rights of its members to vote.
17 I thank the Committee members for your
18 time today, and I'm happy to address any
19 questions or concerns with my best notice that I
20 have.
21 CHAIRMAN DEVLIN: I believe you said you
22 had 7759 enrolled members or something to that
23 effect but only 3787 live on the Spirit Lake
24 Reservation, so that's all the votes -- or the
25 count that we can look at. And I'm sure you

1 understand that. We can't pull in population
2 from outside of the reservation to move your
3 numbers up. Or am I misunderstanding what you're
4 saying?
5 MS. COLLETTE BROWN: I understand your
6 question, Chairman. However, I think our number
7 that was considered by the census is
8 undercounted.
9 CHAIRMAN DEVLIN: Yeah. I understand
10 that from you, and I've also heard that from some
11 college towns as well. But we have no choice but
12 to go by the numbers that were given.
13 So my question is, I guess: if you have
14 3700 people roughly out of 16,000, even if you
15 sub-districted, you're not going to have half of
16 the sub-district. Does that matter?
17 MS. COLLETTE BROWN: I am going to refer
18 your question to Native American Rights Fund
19 Representative Matt Campbell.
20 CHAIRMAN DEVLIN: Okay.
21 Any questions?
22 SENATOR BURCKHARD: Mr. Chairman. Over
23 here.
24 CHAIRMAN DEVLIN: Oh, I'm sorry.
25 Senator Burckhard.

1 SENATOR BURCKHARD: Collette, greetings.
2 You made reference to a short notice for this
3 meeting. How much notice do you think would be
4 more appropriate?
5 MS. COLLETTE BROWN: Chairman and
6 Senator Burckhard, I would consider a week's
7 notice because you're dealing with tribal
8 nations, who deal with the federal government and
9 the county and other tribal nations.
10 So currently right now my chairman is
11 Saskatoon handling a delicate situation. As you
12 all know, we've -- Canada, they have exhumed
13 bodies, and Saskatoon are bringing those people
14 home today and giving them the proper burial that
15 they need.
16 So a week at least would be considered
17 ample time, I believe.
18 SENATOR BURCKHARD: Okay. Thanks.
19 MS. COLLETTE BROWN: Thank you.
20 CHAIRMAN DEVLIN: Collette, I just want
21 to follow up on that a little bit. You know, it
22 was our hope that the tribal relations committee
23 would get to meet with every tribe because that's
24 the leadership of the House and Senate. And I
25 don't know if they completed all that, but that

1 was our understanding. They were going to
2 discuss redistricting.
3 When we met last Wednesday, we agreed we
4 wanted to give you an opportunity this week to
5 speak. According to our thing, we send our -- or
6 made the call to Commissioner Davis' office on
7 Friday with this invitation. Well, he was
8 apparently tied up with something else. So you
9 may have not got it from his office until Monday.
10 But our intent was to make it last week, and I
11 apologize if you got it late. Because our intent
12 wasn't to make it as quickly as possible, and we
13 did that.
14 MS. COLLETTE BROWN: Thank you,
15 Chairman.
16 Any questions?
17 Seeing none, thank you.
18 MR. MATT CAMPBELL: Good morning,
19 Mr. Chairman, members of the Committee members.
20 My name is Matt Campbell. I'm a staff attorney
21 at the Native American Rights Fund.
22 And I know Collette referred some
23 questions over to me. I have represented the
24 Spirit Lake Nation and the Standing Rock Sioux
25 Tribe in litigation before. I'm consulting with

1 them now, so I'm happy to answer any questions
2 you may have.
3 You know, I think what I've heard from
4 the tribal leaders today is they are certainly
5 very interested in sub-districting for their
6 districts to improve their opportunities for
7 representation. I've heard that they are
8 interested in being treated as communities of
9 interest that should not be divided, and I'm glad
10 to hear the Committee is not looking to do that
11 because that's something that's important. I
12 think they are communities of interest that have
13 shared cultural values, economic, political, and
14 there values as well within their reservation
15 area but also in the surrounding communities as
16 well.
17 And I would also recommend that the
18 Committee reach out to the tribal nations and
19 formally consult with them after you have a draft
20 plan to get their feedback on any draft plans you
21 may have. So I think that's a great opportunity
22 to provide that formal type of communication,
23 like Chairman Faith mentioned. Opening those
24 lines of communication, I think, is a wonderful
25 thing, to have that discussion and get feedback

1 from the tribal nations on that.
2 So you know, those are some of the main
3 points I've heard. I'm happy to answer any
4 questions that were raised as well.
5 CHAIRMAN DEVLIN: Representative Nathe.
6 REPRESENTATIVE NATHE: Thank you,
7 Mr. Chairman. I could have waited.
8 Thank you, Mr. Campbell for coming. One
9 of the speakers had mentioned earlier about their
10 frustration with their current representation,
11 and I get it. And he was really honest, and I
12 really did appreciate the -- it was refreshing to
13 hear. It came down between Republican and
14 Democrat, and they're not happy with the
15 Republican representation.
16 Is that enough reason to go down the
17 road of subdivision? I mean, we hear that in
18 other districts too. By the way, hey, there's
19 too many Democrats here. There's too many
20 Republicans here. It's kind of the same thing.
21 They're frustrated with the current leadership.
22 But is that a reason why we should go down the
23 road of subdivision because they're unhappy with
24 the current representation that's not been in
25 contact with them?

MR. MATT CAMPBELL: Well, I don't think that alone is enough reason. I think what I've heard today is, you know, we've heard a lot about representation and true representation or equitable representation.

As it stands right now, I think, essentially, the way the system is set up is there are three Senators for every district, and I think, you know, historically when you're looking at House of Representatives, it's a more local form of representation. And you know, the lack of hearing from your representative is one aspect of that in terms of why having a sub-district would be more beneficial and have that more equitable representation.

REPRESENTATIVE NATHE: But from a legal --

MR. MATT CAMPBELL: Because you would have a representative that may be more responsive to your local needs because it's a more local view of things because you're not considering, you know, voters the entire district. You're considering voters within that sub-district as your -- you know, who you are representing.

REPRESENTATIVE NATHE: But from a legal

1 standpoint, would that be enough to -- I mean, a
2 reason to have sub-districts because you're upset
3 with your current representation; you feel
4 they're not being in contact from a legal
5 standpoint?
6 MR. MATT CAMPBELL: Well, I think from a
7 legal standpoint, the North Dakota statutes
8 certainly allow the legislature to draw sub-
9 districts. So I don't think there's any question
10 about whether or not the legislature can draw
11 subdistricts in North Dakota.
12 REPRESENTATIVE NATHE: I guess I'm
13 looking at the reasoning, you know. The previous
14 speaker basically said, hey, they're not
15 listening to us. We want sub-districts because
16 we want to get people from our side of the aisle
17 in there. So it's almost like we're rigging the
18 system so they can at least get a better chance
19 of getting in there. There's no guarantee they
20 would get in there, but I guess I'm looking from
21 a legal angle. I mean, is that -- with your
22 experience, is that reason enough to have to do a
23 sub-district?
24 MR. MATT CAMPBELL: Well, I think there
25 are many considerations to look at when you're

1 thinking about sub-districts and, you know,
2 thinking about communities that are indicating
3 that they have shared interests in terms of their
4 identity, their cultural values, their economic
5 values. That they believe that they are entitled
6 to have a representative that's more responsive
7 to their needs. It's certainly a reason to
8 advocate for single-member districts. And of
9 course, the North Dakota statutes allow for that.
10 You know, I think under the Voting
11 Rights Act you can also consider things like
12 racially polarized voting, whether minorities --
13 the minority vote has been diluted, the history
14 of discrimination in the area, and things of that
15 nature as well.
16 But, you know, I think the North Dakota
17 statutes allow for single-member districts, and
18 you know, there are several criteria you can
19 consider in that consideration.
20 CHAIRMAN DEVLIN: Representative
21 Schauer, I believe.
22 REPRESENTATIVE SCHAUER: Thank you,
23 Mr. Chairman.
24 Mr. Campbell, do you have data to show
25 that the minority vote has been diluted in North

1 Dakota? And do you have data to show that if we
2 split a district, it improves representation?
3 And if so, can you provide this Committee members
4 with that data?
5 MR. MATT CAMPBELL: Yeah. We can
6 certainly provide that information. I think you
7 heard from Chairman Faith that, you know, he ran
8 for the House in 2014 and was unsuccessful. We
9 also know there was another Standing Rock member
10 that has run for the House as well, LaDonna
11 Allard, and was unsuccessful.
12 I think previously to 2014, we saw other
13 Standing Rock members that were also unsuccessful
14 in running for the House. And I think we've also
15 seen that for the three affiliated areas.
16 They've had several members in the last decade
17 run for the House of Representative that were
18 unsuccessful. And I think we also see that in
19 the Spirit Lake Nation region as well. So we can
20 certainly provide that information to the
21 committee.
22 CHAIRMAN DEVLIN: Representative Monson
23 had a question online, I believe.
24 REPRESENTATIVE MONSON: Thank you,
25 Mr. Chairman.

1 Mr. Campbell, you brought up the Voting
2 Rights Act. You did and so did the Chairman.
3 But you know, you're advocating, I believe, that
4 no matter what we should be having sub-districts,
5 but we still need to look at the one voter/one
6 vote, which I mean, the Constitution trumps
7 whatever they want to bring up in a Voting Rights
8 Act.
9 But are you advocating that we would
10 have sub-districts that would be not equal in
11 numbers just because -- I mean, we're talking
12 6000 versus 10,000. That's not constitutional
13 the way I understand it. And in the case of
14 Spirit Lake, it would be even farther off.
15 So what are you advocating here?
16 MR. MATT CAMPBELL: Yeah. Thank you for
17 the question, Representative Monson.
18 You're right. I think one person/one
19 vote is, of course, the top criteria that you
20 look at when thinking about redistricting. And I
21 don't think we're advocating to deviate from, you
22 know, certainly not more than 10 percent in
23 looking at the districts.
24 And what we can do is work with, you
25 know, Standing Rock and Spirit Lake to develop

1 some maps that they may prefer and provide those
2 to the Committee. But I do think they certainly
3 wouldn't deviate more than 10 percent, and they
4 would be much more equitable in terms of looking
5 at sub-districts that are around, I think, 8288
6 people within each sub-district.
7 So that's certainly not something we're
8 looking to abdicate the Constitution. I think,
9 you know, as communities that have shared
10 interests, that have shared valued, you know,
11 advocating for representation at the more local
12 level is what they're looking at.
13 CHAIRMAN DEVLIN: I know there's a
14 couple more questions, but I did want to -- you
15 know, I think it was Ms. Brown that brought up
16 the meetings. But we had a state Tribal
17 Relations Committee, which is leadership to the
18 legislature. We met with the Spirit Lake Nation
19 on September 1st, and Ms. Brown was there. So I
20 mean, there has been input before this. There
21 was input at that meeting as well.
22 And you know, we're kind of dealing with
23 the hand we were dealt. We were expecting
24 population figures in March, early April. We got
25 them in the middle of August. So there was

1 really, you know, nowhere to go at that point.
2 But we are trying everything we can to reach out
3 to the tribes, and like I said, they were on the
4 Spirit Lake Nation and had that meeting. And
5 then we still wanted to follow up with another
6 meeting. So that's what we're here today.
7 Representative Headland.
8 REPRESENTATIVE HEADLAND: Thank you, Mr.
9 Chairman.
10 CHAIRMAN DEVLIN: Thank you.
11 REPRESENTATIVE HEADLAND: You know, back
12 to the question that was referred to you by the
13 prior speaker and knowing that when you
14 subdivide, you lose the opportunity to vote for
15 two representatives. You will only be allowed to
16 vote for one. If the sub-district would still
17 constitute a minority for the reservation
18 population, does it still make sense in your mind
19 to subdivide that district? And I think that's
20 the question that she referred to you. Do you
21 still advocate for subdividing that district?
22 MR. MATT CAMPBELL: Well, I think -- the
23 question she had may have been more specific to
24 the numbers. But I do think that it is
25 beneficial to have sub-districts because when

1 you're thinking about communities at a local
2 level, having a greater opportunity to elect
3 representatives of your choice from your area is
4 much improved when you have sub-districts,
5 whether it's -- you know, we're talking about
6 reservations or other rural areas across the
7 state. Having sub-districts can be beneficial to
8 those local areas. And so I do think when you're
9 looking at that and when communities come
10 together and are advocating for their interest
11 and asking for subdistricts, it's certainly
12 something that is beneficial to them because you
13 would have representatives that are more
14 responsive to their needs when they're only
15 worried about votes from their areas.
16 CHAIRMAN DEVLIN: You may continue.
17 REPRESENTATIVE HEADLAND: Thank you,
18 Mr. Chairman.
19 So if I understand you correctly, you
20 believe it's advantageous and more beneficial to
21 only have the opportunity to vote and be
22 responsive from one representative versus being
23 represented and having the opportunity to vote
24 for two representatives? You think it's more
25 beneficial just to vote for one?

1 MR. MATT CAMPBELL: I can't --
2 (Cross talk)
3 I appreciate your question,
4 Representative Headland. I, obviously, can't
5 speak for the entire state. I can't speak for
6 all the tribal nations. What I've heard from the
7 Spirit Lake Nation today and the Standing Rock
8 Sioux Tribe is that they, specifically, are
9 interested in having single-member districts, and
10 they believe it would be beneficial to their
11 communities.
12 And so I think that's what we're seeking
13 and what we're talking about.
14 CHAIRMAN DEVLIN: Senator Poolman.
15 SENATOR POOLMAN: Thank you,
16 Mr. Chairman.
17 Mr. Campbell, you keep using the word
18 "equitable." And so as I think about Chairman
19 Faith's request that they have their own sub-
20 district, even though they only have 37 percent
21 of what would be necessary of that district, is
22 that really the request here that we're not
23 looking for equal representation, but we're
24 looking for equitable representation? Because as
25 we know, that's two different things.

MR. MATT CAMPBELL: And maybe you could just clarify the question a little bit. Maybe I'm not understanding. I can be dense. So I apologize for that.

SENATOR POOLMAN: Mr. Chairman and Mr. Campbell, you keep using the word "equitable," which doesn't mean equal, right. And so I'm just wanting to clarify that the request of your organization and most likely Chairman Faith is that we're setting up equitable districts not equal ones.

MR. MATT CAMPBELL: Thank you, Senator Poolman. I think what we're requesting is that they're -- you know, what Standing Rock has requested is that their district be divided into sub-districts. And they believe that it gives them a better opportunity to have representation that better represents them. And so I think that's what we're talking about.

CHAIRMAN DEVLIN: Was there any further questions for Matt?

Again, thank you very much for being here. We appreciate it.

MR. MATT CAMPBELL: Thank you, Mr. Chairman.

1 MS. DONAGHI: Good morning, Committee.
2 Good morning, Chairman Delvin -- Devlin, sorry,
3 and members of the Redistricting Committee. My
4 name is Nichole Donaghi (phonetic). I am a
5 citizen of the Standing Rock Sioux Tribe. I'm
6 also a descendant of the Turtle Mountain Band of
7 Chippewa and also a descendant on my grandpa's
8 side from the Manda (indiscernible) and people.
9 I live in Lincoln, North Dakota, and I'm
10 the executive director for North Dakota Native
11 Vote. And I understand you heard a lot about me
12 at the last hearing.
13 North Dakota Native Vote is a nonprofit
14 nonpartisan grassroots organization that
15 initially formed in response to the 2018 U.S.
16 Supreme Court decision to uphold the voter
17 identification law that had the potential to
18 disproportionately adversely affect over 5000
19 Native American voters in North Dakota. Our
20 mission is to create and effect policy to promote
21 equitable representation for the Native people in
22 North Dakota.
23 I joined North Dakota Native Vote in
24 2018 because of the imbalance of power in our
25 state that was very apparent to me after being a

1 community organizer for years. I work on
2 education issues, protection of land and water,
3 and now civic engagement.
4 I soon realized that the issues I was
5 working on often stemmed from a lack of inclusion
6 and representation in the decision-making
7 processes.
8 In North Dakota the Native American
9 population grew by 29.7 percent in the last
10 decade. It is North Dakota Native vote's ask
11 that the Committee take into consideration the
12 per perspectives of each of the tribes as well as
13 tribal members in the redistricting process, and
14 that is two different things. I'd like the
15 Committee to understand that we have a tribal
16 nation government, and then we have the tribal
17 citizens.
18 We are asking the Committee to adopt
19 single-member House districts to prevent the
20 dilution of Native American votes. Tribes and
21 tribal members in North Dakota have had to fight
22 for the right to vote, whether by defeating voter
23 ID laws, opposing district lines that dilute the
24 Native American vote, or by demanding on
25 reservation polling locations. And those are

1 things that we all -- we have advocated in the
2 past as North Dakota Native Vote.
3 As we have seen in our early beginning
4 as an organization, tribal citizens in North
5 Dakota have been overburdened by policy that is
6 created by decision makers with little input from
7 their tribal constituents. At large voting
8 systems like the currently one used for North
9 Dakota State House may violate the Voting Rights
10 Act when they dilute minority voting power by
11 preventing tribal members from electing
12 candidates of their choice.
13 Our state constitution in article 4,
14 subsection 2, paragraph 2, states -- and I'm
15 paraphrasing, the legislative assembly may
16 provide for the election of senators at large and
17 representatives at large or from sub-districts
18 from those districts.
19 North Dakota Sentry Code 55-301.5 states
20 that -- in subsection 2 that, "Representatives
21 may be elected at large or from sub-districts."
22 North Dakota law allows for the creation of sub-
23 districts, and that is what should be done.
24 Single-member House districts or sub-districts
25 within districts containing reservations would

1 allow tribal members to elect the candidate of
2 their choice, somebody that is more accessible.
3 And I heard the term "better
4 representation" being thrown out before. We
5 don't consider it better representation. It
6 would be somebody that's more accessible, that
7 knows the communities, that knows the issues, and
8 is in tune with the people that they represent.
9 Candidates are able to run but not get
10 elected because of the dilution of their vote by
11 being grouped in with adjacent communities that
12 do not share similar interests. One example is
13 in my homelands in Sioux County on the Standing
14 Rock Reservation.
15 Data form elections for legislative
16 seats over the past decade indicate that Native
17 American residents of District 31 are not
18 currently able to elect representatives of their
19 choice. For example, in 2014, two Standing Rock
20 tribal members, Mike Faith, Chairman Mike Faith,
21 and LaDonna Allard ran for the State House but
22 were outvoted in the at-large system.
23 In 2010, another Standing Rock tribal
24 member -- I believe it was Chad Harrison -- ran
25 for the State House, but was likewise outvoted in

1 the at-large system. Chase Aaronize (phonetic),
2 another Standing Rock member and candidate for
3 U.S. House earned 78 percent of the vote in Sioux
4 County but was defeated in each of the other
5 counties in District 31. This shows that the
6 Native American voters have not been able to
7 elect the candidate of their choice.
8 We also recommend that a community of
9 (indiscernible) be adopted by this Committee,
10 which takes into considerations communities that
11 have similar language, culture, an identity to
12 keep those communities together within a single
13 legislative district. And I understand that the
14 community has never split up reservations.
15 Lastly, the Committee should be holding
16 hearings on or near reservations so that tribal
17 members who are unable to travel to Bismarck, who
18 lack internet service, which is an issue on our
19 reservation, are able to participate in the
20 redistricting process. There are high levels of
21 poverty and a lack of access to transportation
22 and broadband internet on our reservations. This
23 Committee would be doing itself and the state a
24 disservice by failing to provide an opportunity
25 for all the state citizens to take part in this

1 important discussion. All voices must be heard.
2 North Dakota Native Vote was founded to
3 ensure that inclusion of Native voices in the
4 political discourse of our state. We support and
5 encourage our native people to engage in the
6 political process that is not always inclusive of
7 our people.
8 I thank you Redistricting Committee for
9 your time today and will stand for any questions.
10 Thank you.
11 CHAIRMAN DEVLIN: Senator Holmberg.
12 VICE CHAIR HOLMBERG: Yes, ma'am. Thank
13 you very much for your testimony, first of all.
14 Secondly, this -- I'm up here.
15 MS. DONAGHI: Yeah.
16 VICE CHAIR HOLMBERG: First of all, this
17 Committee is very sensitive to our duties under
18 the Voting Rights Act. We know that. We get
19 that. There are things we have to do, and there
20 are things we can do. And we certainly will take
21 care of the half to do, I believe, but there are
22 also, within that particular legislation, there
23 are certain thresholds; and I don't have them in
24 front of me. I mean, if you have a district that
25 has 50 percent -- if you subdivided a district

1 and the Native population was 50 percent, that's
2 pretty easy to argue. When you get down to 23
3 percent, that's less arguable. So in other
4 words, we know what -- I believe what we should
5 do, but there are also those thresholds that we
6 also have to consider.
7 MS. DONAGHI: Thank you, Senator
8 Holmberg. I would also like to refer back to
9 Matthew Campbell from NARF when he stated that
10 we're not asking for a deviation from the
11 criteria, you know. We would like you to
12 consider where it is doable, especially coming
13 from Standing Rock. I grew up in Standing Rock,
14 you know. My father was involved in the
15 political process, you know. He never ran for
16 office, but I think that was something that was
17 -- that he would have liked to do.
18 Our people are not prevented from
19 running for office. We just can't get elected,
20 and we do have -- we do have names of people over
21 the last decade at least. This past election,
22 Lisa DeBill (phonetic) in Fort Berthold ran for
23 Senate. Tomasina Mandan (phonetic) ran for House
24 this past election and was not able to get
25 elected. So there are cases that we see that our

1 people want to engage in the process but are
2 unable to.
3 VICE CHAIR HOLMBERG: What happens,
4 ma'am -- and this is a hypothetical. What
5 happens if you have a reservation that has a
6 quarter of the population, and they would like to
7 elect someone from that particular reservation,
8 who is of one political party. And one can look
9 up, you know, where the districts are, yet that
10 particular area is surrounded by areas that vote
11 70 percent in another way, shall we say,
12 politically. What do you think?
13 MS. DONAGHI: Well, I mean I --
14 VICE CHAIR HOLMBERG: Makes it tough.
15 MS. DONAGHI: That does make it tough.
16 I do agree, Senator Holmberg. I do think that is
17 something that has been thought about, and we
18 don't have an answer to at this point.
19 VICE CHAIR HOLMBERG: Yeah. We don't
20 have an answer either.
21 MS. DONAGHI: I understand.
22 CHAIRMAN DEVLIN: Senator Sorvaag.
23 SENATOR SORVAAG: Mr. Chairman.
24 Expanding a little, my question was: we
25 had an earlier speaker who said that he's a

1 centrist. That he doesn't really agree with what
2 Republicans do, and it should be about Democrats
3 present the data.
4 You said in your opening, you're
5 nonpartisan. So do you agree with this statement
6 or disagree? Is it about backing a certain
7 party, or are you truly nonpartisan; and it's
8 about just getting representation for the
9 members?
10 MS. DONAGHI: Senator Sorvaag, Chairman
11 Devlin. I thank you for that question.
12 Personally, I'm a moderate, you know. I don't
13 align with any political party. We all know that
14 the Native American population does lean toward
15 the left. We do support Native American
16 candidates, and so our organization is a
17 501(c)(4) organization. We do have the ability
18 to endorse -- represent our people that are
19 running for office. And we do support any Native
20 American as running for any office at any level.
21 And so Lisa Dabill was one of our candidates that
22 ran up in Fort Berthold, and we did support her.
23 SENATOR SORVAAG: Mr. Chairman, may I
24 continue?
25 CHAIRMAN DEVLIN: You may continue.

SENATOR SORVAAG: So you're for any Native American, no matter what party they would represent; you would support?

MS. DONAGHI: I would. We've sent questionnaires this last election to all of the candidates in the areas that we work in, that we focus on. Our priority is reservation areas.

SENATOR SORVAAG: Thank you.

CHAIRMAN DEVLIN: Representative Monson had another question.

REPRESENTATIVE MONSON: Thank you, Mr. Chairman.

And, ma'am, I'm not sure I got your name exactly, Bonabi; is that it?

MS. DONAGHI: Donaghi.

REPRESENTATIVE MONSON: You brought up the lack of computer access to get input at the meetings here and that they should be held actually on the reservation.

Are you aware that every school and every courthouse in the whole state has access to computers, which people that I'm sure at those locations would allow for folks on the reservations to give input at these meetings, just as I am doing from my home right now because

1 I'm a farmer, and I'm hoping to get some
2 combining done this afternoon. But there are
3 local access places where people on the
4 reservation can go, and I'm sure they would not
5 be turned down to get access to this. So I think
6 if you're not aware of it, you should become
7 aware of it, and the tribal leaders should be
8 reaching out in that regard.
9 MS. DONAGHI: Representative Monson,
10 thank you for that. I am aware that there is
11 public access to Wi-Fi systems at the
12 courthouses, the colleges on our reservations.
13 Those are only accessible during working hours,
14 and I know this because when we were working the
15 2018 election, we were outside of the Sioux
16 County Courthouse, which shuts their Wi-Fi off at
17 4 o'clock.
18 And so there's limited access. I would
19 also take into account the risk of contracting or
20 spreading COVID-19. Those offices usually do not
21 allow people in their office unless they have an
22 appointment because of the pandemic. Thank you.
23 CHAIRMAN DEVLIN: Representative Nathe.
24 REPRESENTATIVE NATHE: Thank you,
25 Mr. Chairman.

1 Thanks for coming today. So I think
2 there's some assumptions in some of the
3 discussion that, well, we haven't been able to
4 elect the people that we want who are on our side
5 of the aisle. And the assumption, at least I'm
6 getting -- correct me if I'm wrong -- is that
7 everybody -- all enrolled members are going to
8 vote for that Democrat.
9 I mean, there's been Republican enrolled
10 members in Standing Rock, Charlie Murphy and
11 others who have ran and lost. So wouldn't you
12 agree that even though some of your favorable
13 candidates, the members, also voted for the
14 Republicans and not them also. So it's not 100
15 percent voted for the Democrat, and they lost;
16 and they're upset? Would you agree that some of
17 the enrolled members also supported Republican
18 Democrats -- I mean, Republican candidates?
19 MS. DONAGHI: I think I was in high
20 school when Charlie Murphy ran, so I really
21 wouldn't recall that.
22 REPRESENTATIVE NATHE: That was --
23 MS. DONAGHI: Yes. So that may be the
24 case. I couldn't speculate.
25 REPRESENTATIVE NATHE: But I think the

1 assumption -- I mean, just from the discussions
2 -- that everybody on the reservation will vote
3 Democrat, and it's not. And I think a lot of
4 them do, as one of the previous speakers says,
5 hey, we agree on more things than you realize.
6 So my impression -- you can correct me
7 -- is that there is a number of people on all the
8 reservations that will vote for a Republican
9 candidate. Just the opposite, there is a Native
10 American with Buffalo who won in Fargo.
11 MS. DONAGHI: Uh-huh (affirmative).
12 REPRESENTATIVE NATHE: Not on the
13 reservation, and they voted her in along with her
14 Republican seatmate. So it goes both ways.
15 MS. DONAGHI: I do agree with that,
16 Representative Nathe. So I think that is
17 something that is, you know, calls for
18 speculation. Yes. That could be the assumption.
19 But, you know, having the choice whether they run
20 as a Republican or a Democrat, you know, at least
21 we would have the choice of somebody that knows
22 the community is what we're talking about. And
23 it's not -- it doesn't come down to, you know,
24 for lack of better word, a temper tantrum of not
25 being able to elect people we want. It comes

1 down to having the access to elect somebody or
2 the ability to elect somebody that comes from our
3 community.
4 REPRESENTATIVE NATHE: But you had that
5 access with Charlie Murphy when he ran, and yet
6 he lost.
7 MS. DONAGHI: He did lose. He did lose.
8 REPRESENTATIVE NATHE: He was
9 Republican.
10 MS. DONAGHI: He was Republican. And I
11 think that if we look back at the data, we could
12 see, you know, which communities did vote for
13 him.
14 REPRESENTATIVE NATHE: But they do have
15 the opportunity -- on either side of the aisle,
16 they do have the opportunity to put their name on
17 a ballot to run. So nothing that we do right now
18 is stopping any of that, correct?
19 MS. DONAGHI: Thank you. Yes. Nothing
20 is stopping that. It's just getting people
21 elected is the issue.
22 REPRESENTATIVE NATHE: Thank you.
23 CHAIRMAN DEVLIN: Any further questions?
24 Who am I listening to?
25 REPRESENTATIVE MONSON: Representative

Monson.

CHAIRMAN DEVLIN: Oh, Representative Monson. I'm sorry.

REPRESENTATIVE MONSON: I would like to point out that it has been a number of years now, but there was a Republican Native American in the House that I served with for several sessions, Dawn Charging from District 4.

I mean, she was quite effective too as a representative. So I mean, it's both sides of the aisle. It's been a while, but it's possible.

MS. DONAGHI: Thank you for that. I do believe as well that it is possible, whether they're Republican or Democrat, you know. We should be crossing that aisle more often as people rather than thinking along party lines.

CHAIRMAN DEVLIN: Anyone else?

Thank you for being here.

MS. DONAGHI: Thank you for your time.

CHAIRMAN DEVLIN: I apologize. Nicole, did you have written testimony? We would have a copy for our record. We would appreciate that.

(Pause)

COMMISSIONER DAVIS: I do believe that concludes our testimony and conversations with

1 tribal leadership. So I do, once again, thank
2 you for the opportunity to continue those
3 conversations that we also begin with the Tribal
4 State Relations Committee, and MHA, Turtle
5 Mountain, and in Spirit Lake the last few weeks.
6 One thing to just keep in mind, you
7 know, I think that just to really drive home -
8 Mr. Walker had said, you know, this shouldn't be
9 a matter of party as he said. It should be maybe
10 an independent.
11 We do know that Representative Nathe
12 made a good point that, you know, there is
13 Republican and there is Democrat representative
14 on each side. And I think just moving forward,
15 you know, as we continue to build those tribal
16 state relations that we have, I think, done so in
17 leaps and bounds in the last several years. I
18 will speak that from a tribal perspective as well
19 as now being a state representative, as I come
20 from a position of leadership on the tribal side.
21 And I think, you know, we're talking to
22 representation. We're talking equitability, you
23 know. A lot of times it gets lost in the
24 shuffle. It gets lost in the translation, the
25 true meaning of what a tribe is trying to bring

1 forward. I'm sure Mr. Boschee is very familiar
2 with a comment that was made by Chairman Yankton
3 during our time up in Spirit Lake. We were
4 talking about agreements and partnerships moving
5 forward, and one of the conversations led into
6 improved law enforcement presence within the
7 exterior boundaries of the Spirit Lake Nation.
8 And so Chairman Yankton had very clearly
9 said that historically -- and I think all tribes
10 can agree with this -- there has been a severe
11 underrepresentation and communication with the
12 federal government. There has been serious
13 issues with bureaucracy blocking progress and the
14 ability to serve constituents. So Chairman
15 Yankton openly said that, as a chosen leader of
16 his people, he is going to work with the form of
17 government that is going to best serve his
18 people, and that is the State of North Dakota to
19 build partnerships and to move forward.
20 So I think keeping that in mind that
21 tribal nations do have a duality. They are
22 recognized federally, but they have also
23 integrated into the state as citizens of the
24 state of North Dakota, largely in part to make
25 sure that they have access to congressional

1 representation at the federal level.
2 So keeping that in mind moving forward
3 too should be key. And if we're looking for, you
4 know -- how can I say it -- recommendations to
5 potentially explore our study moving forward. We
6 talk about equitable representation that was
7 alluded to earlier, you know, true understanding
8 of tribal issues, open lines of communication.
9 I will say this as a tribal leader
10 formerly: there are great champions in his
11 legislature on both sides of the aisle. I will
12 say that, and I've made many great partnerships
13 and friendships through the bienniums that I have
14 served.
15 But if you look at -- one example may
16 able to explore in the future is what happens in
17 Maine. So each tribal nation is allowed a
18 representation within the legislator of the state
19 of Maine, and that is within their constitution
20 that was passed into their code. And how it
21 works is there are four tribes, and I do believe
22 they are called, collectively, the Wabanaki
23 people of Dawnland.
24 So each tribe does have representation
25 within the state legislator, specifically to

1 their tribe. They do have all these same
2 incentives. They can sponsor, co-sponsor. They
3 can speak on the floor, so they are equal
4 partners in the way they conduct business. So I
5 think maybe moving forward, one thing to explore
6 would be maybe the composition that the State of
7 Maine uses in regards to tribal partnerships and
8 state representation.
9 And just with that, once again, I would
10 like to thank you for your time today, and I will
11 stand for any questions. If not, I will gladly
12 take my leave.
13 CHAIRMAN DEVLIN: Any questions for
14 Commissioner Davis?
15 Seeing none, thank you.
16 COMMISSIONER DAVIS: Thank you.
17 CHAIRMAN DEVLIN: Thank you for helping
18 to facilitate this. We appreciate it.
19 Was there anybody else from one of the
20 tribes to speak today?
21 Senator Oban has something she would
22 like to show the Committee at this time. I think
23 it's related.
24 SENATOR OBAN: It is, Mr. Chairman.
25 So the former math teacher in me can't

1 help but sit here and figure out how can we
2 remove -- because I think all of us sitting here
3 get a little bit tied up in the is this about
4 Republican versus Democrat? Is this about you
5 can't win, and you're throwing a fit, whatever?
6 So all I did was pull together the
7 election results from 2018 in District 31 as an
8 example of what subdivided districts might do.
9 So along the top -- and I took away the names of
10 the candidates, so we aren't distracted by that.
11 The person running for position A won District 31
12 --
13 I don't know if you can make that
14 bigger, Emily, for everybody
15 -- with 59 percent of the vote. In the
16 second, a different position race, they won 65
17 percent of the vote. In the next position, they
18 won 65 percent of the vote. This is all in
19 District 31.
20 You can see current District 31 is made
21 up of parts of Morton, and then Hettinger, Grant,
22 and Sioux.
23 So let's, for example, since we were all
24 distracted by Chairman Faith's suggestion of just
25 doing Sioux and Grant together. Let's add

1 Hettinger in there as well because we get closer
2 to half then.
3 Now given this is not total population.
4 This is the number of people who voted because
5 that's what I had easy access to. You can see if
6 Sioux, Grant, and Hettinger were a subdivided
7 district, position A election winner would have
8 actually gotten 49 percent of the vote in that
9 sub-district. But the other two elections
10 winners would have still won.
11 If you can't see how Sioux County's vote
12 is diluted by having this all be at-large, then
13 I'm not confident you understand numbers
14 generally. That is what the concept is. If you
15 take away partisanship, if you take away, you
16 know, the fact that our friends are serving, and
17 they might feel like the folks on Standing Rock
18 are being critical of our current friends, if you
19 take away all of that, you can still see that in
20 two of the three races, the person who won the
21 entire district, still won that sub-district. It
22 did change the outcome in one.
23 So that was just what I wanted to show
24 in numbers, and this was, you know, three races
25 in one year in one district. So just for

1 purposes of trying to get a better understanding
2 of how that changes things. It doesn't always
3 change the results, but it certainly dilutes the
4 vote of Sioux County.
5 That's it, Mr. Chairman.
6 CHAIRMAN DEVLIN: Thank you.
7 Were there any questions?
8 REPRESENTATIVE MONSON: Yes,
9 Mr. Chairman. Representative Monson.
10 CHAIRMAN DEVLIN: Representative Monson.
11 REPRESENTATIVE MONSON: Thank you,
12 Mr. Chairman.
13 And thank you for that very, very
14 interesting statistics.
15 Sioux, Grant and Hettinger still don't
16 come up to 40 percent when we start looking at
17 our expanded population overall in the state, you
18 know. So if you were to take even a sliver of
19 Morton County, probably all of the representation
20 would be the same, and we have to work within the
21 boundaries of our census. And the fact that
22 we've got to add an extra 3000 people per
23 district, that's going to skew that some. Are
24 you aware of that?
25 SENATOR OBAN: Representative Monson, I

1 made clear that this was not even based on
2 population. This is what numbers is had easy
3 access too, and it isn't even based on the most
4 recent census. It was just trying to show that
5 at least it gives them the opportunity to elect
6 the candidate of their choice. It doesn't mean
7 that candidate always wins. In fact, in two of
8 the three races, they still got 56 and 57 percent
9 of the vote.
10 REPRESENTATIVE NATHE: I'm thankful that
11 you brought this up. I'm actually surprised that
12 it was that -- at these numbers, but thank you
13 for that. It's very interesting.
14 SENATOR OBAN: Yep.
15 CHAIRMAN DEVLIN: Was there a question
16 for Senator Oban? I didn't see any other ones.
17 Committee, I think -- I greatly
18 appreciate the representatives from all the
19 tribes being here. We thank you. And,
20 Commissioner Davis, again, I thank you for
21 helping to facilitate this. I hope that members
22 of the tribes give the legislative committee
23 involving leadership, Tribal Relations Committee
24 hasn't been to a certain nation yet or
25 reservation. I hope that there's good

representation there. I looked at the numbers of the people that were at the one at Spirit Lake. I mean, it wasn't a big turnout, but certainly the opportunity was there. So I hope you'll --

Committee, we're going to break for an hour for noon. It's a little early, but that would be easier, I think, than trying to start something else at 20 too. So see you back roughly at 20 to 1:00, quarter to 1:00, quarter to 1:00 exactly.

(Recess taken)

CHAIRMAN DEVLIN: We'll call the Committee back to order. I believe we're going to take some time now and look at some different concepts.

Representative Lefor are you ready with yours first?

REPRESENTATIVE LEFOR: I am.

CHAIRMAN DEVLIN: Okay. Representative Lefor is presenting a concept developed there in Districts 39, 37, 36, and a new district, I believe.

(Pause)

REPRESENTATIVE LEFOR: Good afternoon, Chair Devlin, members of the Redistricting

1 Committee. For the record, my name is Mike
2 Lefor, and I serve in the House from District 37.
3 As we all know, redistricting is an
4 interesting experience, to say the least. I
5 think that, led by this Chairman, that this
6 Committee has been working very hard to be
7 transparent, open, and fair throughout this
8 process. And we have unique challenges in
9 different parts of the state.
10 As I have stated twice publicly, as have
11 other members of the Committee, we have a short
12 window of opportunity to discuss this subject due
13 to getting the census numbers later than normal,
14 which increases the challenges associated with
15 serving on this Committee.
16 We truly seek public input in this
17 process and, again, would urge you to contact
18 members of this Committee if you have to voice
19 any ideas or concerns. In directing this
20 conversation to southwest North Dakota, I wanted
21 to start with what our Committee vice chair
22 stated at a previous meeting, "This is not rocket
23 science. This is simply arithmetic." And that's
24 exactly what we've done here.
25 With that, I will give the Committee the

1 arithmetic. In existing boundaries of this area
2 is a population of nearly -- just over 61,000
3 people, which at the target rate of 16,576 people
4 per district would give us three full districts
5 for a total of 49,728, which would leave 12,000
6 individuals without a district.
7 So in order to form a fourth district,
8 you simply lower the populations of some
9 districts and add individuals to the new
10 district. I will start with District 39. And if
11 you take a look at the handout, you will note
12 that what was done there was to take the portions
13 of McKenzie and Dunn Counties, which are not,
14 excuse me, on the reservation and took a little
15 portion of Mercer County to the west.
16 And again, that was arithmetic. So if
17 you look at what's been done here, the population
18 would be 15,829.
19 REPRESENTATIVE MONSON: Mr. Chairman,
20 can I get you to have Emily turn on the sound for
21 teams members?
22 CHAIRMAN DEVLIN: Sorry. We will get
23 that right on.
24 Okay. We're with you now.
25 REPRESENTATIVE LEFOR: Start over?

1 Okay. No. Okay. So with even adding that
2 portion of Mercer County puts us at -4.51 percent
3 in population. Moving on to District 37,
4 Dickinson has 25,700 some people. And so
5 District 37 is contained within the city limits
6 of the city of Dickinson, although in a more
7 compressed way. And I am shedding some
8 population in north Dickinson.
9 I believe, if my memory serves me, it's
10 21stStreet, and then you'll see a little jog up
11 on Highway 22 and over. And the reason for that,
12 again, is population. So when you look at the
13 boundaries -- I'm looking at 18th Avenue East --
14 and then in some areas it does come out because
15 that's where the city comes out.
16 And if you look at some of those census
17 blocks, that open area in the -- is a census
18 block that would extend with too much population
19 for what I'm trying to accomplish with other
20 districts.
21 Next, in District 36, due to the tight
22 -- the tight boundary restrictions, because --
23 what I -- we had to do is twofold. Again, add
24 4000 people to a new district for a new districts
25 and compress the 36, 37, and 39 populations.

With District 36, you will see that Counsel has it at a -0.95 percent. Mine indicated -3.25. So I'm going to -- and so we -- this was -- the information I have is from last week. Obviously, very preliminary, there's some other work that -- that I think we need to take a look at.

Counsel did update this to make sure all the boundaries are correct and so forth, but again, before I would submit this as an, you know, official proposal, there's some more work that needs to be done in my mind in District 36, in District Y, to take a look at other potential options.

But basically, District 36 -- and understanding the need for population in District Y, and really with not any many directions to go other than east, I moved District 36 -- or we did in this rendering to and including the city of New Salem. And even with that, you still have under the ideal size district.

And so then with District Y, which is what I call this proposed new district, we have five -- excuse me, yes, five counties: Bowman, Adams, Slope, Golden Valley, Billings, that have

1 a total population of 8500. So we had to find
2 7000 more people, and you'll find that in
3 utilizing parts of Dunn that were not utilized
4 for District 39, a big chunk of western Stark
5 County and also a portion of Hettinger County to
6 get to the population that was needed.
7 So obviously, in this sector, you don't
8 have many options as you obviously can't go west,
9 you cannot go south, and there are -- you know,
10 you're budding up against other districts as
11 well. So I see -- there's been a tremendous
12 amount of time that's been spent on this.
13 I wanted to give a special shout out to
14 Samantha Cramer, Clair Ness, Emily Thompson, and
15 Carl Kuzman [phonetic]. Without their expertise,
16 this process would have been made much more
17 difficult.
18 And so, again, when we looked at this,
19 we had to compress some population in order --
20 and move to the -- mark further east than we were
21 before because of the limitations that we were
22 faced with, and for me this is still a
23 preliminary look at this part of the state.
24 There's still some things that I want to take a
25 further look at in District Y and District 36.

So it's a plan in progress, and I would reiterate that if there is anyone, again, that would like to talk about this part of the state or anything else, to please give me a call. And I'd be happy to discuss why those districts were laid out in the fashion that they were. And if there are other ideas out there, I certainly want to hear those.

So that is -- and Representative Nathe will be talking about Districts 31 and 33. And with that, I would stand for any questions you would have.

VICE CHAIR HOLMBERG: Mr. Chairman.

CHAIRMAN DEVLIN: Senator Holmberg.

VICE CHAIR HOLMBERG: Is Mandan going to be someone else's purview because I didn't notice a Mandan map here.

REPRESENTATIVE LEFOR: Representative Nathe.

VICE CHAIR HOLMBERG: Oh, okay.

REPRESENTATIVE LEFOR: Or Senator Poolman.

VICE CHAIR HOLMBERG: Okay.

REPRESENTATIVE LEFOR: And Senator Oban.

VICE CHAIR HOLMBERG: And then the --

one of the questions always comes up is that fishhook on the north side in 31, that -- I can't see it, but I'm assuming that's still there.

REPRESENTATIVE LEFOR: Are you -- you're referring to District 31?

VICE CHAIR HOLMBERG: 31, yeah.

REPRESENTATIVE LEFOR: Okay. That -- Representative Nathe will be discussing.

VICE CHAIR HOLMBERG: Okay.

CHAIRMAN DEVLIN: Senator Bekkedahl.

SENATOR BEKKEDAHL: Good day, Mr. Chairman.

And thanks for all the work here, Representative Lefor. I can see it's been a lot of work because I've looked at this as well.

The only concern I have with the map, I think things out west really fit together pretty well. But my concern is in District 33. You've kept the reservation intact. If we are going to keep District 4 similar to its current existing boundaries, taking that section of Dunn County that's south of the reservation, I think that's fine. But it's about 1100 people that you're moving from District 4 into that District with 39, I guess you tally it now.

REPRESENTATIVE LEFOR: You -- oh, you're referring to 39?

SENATOR BEKKEDAHL: Yeah. Yeah.

REPRESENTATIVE LEFOR: Okay.

SENATOR BEKKEDAHL: So this is -- the whole of 39 and 33 are impacting District 4.

REPRESENTATIVE LEFOR: Okay.

SENATOR BEKKEDAHL: Okay. And so -- just so you know, District 4 at its current boundaries, the reservation is about 8300 population. The full District 4 is a little -- about 16,700. So it's essentially a perfect district the way that it is right now.

REPRESENTATIVE LEFOR: Okay. Maybe we can meet on this Senator.

SENATOR BEKKEDAHL: So, yeah -- so you're carving into it.

And my point is if we -- if we were to sub-district the reservation, the area of Dunn County south to the reservation that you take into District 39 makes perfect sense because it would no longer be contiguous with the other sub-districts. You couldn't get around the reservation and have that contiguous sub --

REPRESENTATIVE LEFOR: I understand

that. Yes.

SENATOR BEKKEDAHL: That makes sense, but then there has to be some changes moving eastward or northward for District 4 to get back those numbers, and you've taken some out here. So if we can meet individually, that's fine.

REPRESENTATIVE LEFOR: I'd be happy to.

SENATOR BEKKEDAHL: I just want to bring it up as everything looks good here, except I think you're making some impacts on District 4, which is already a perfect district that we have to discuss as a Committee.

REPRESENTATIVE LEFOR: Sounds good. Thank you.

CHAIRMAN DEVLIN: Representative Schauer.

REPRESENTATIVE SCHAUER: Thank you, Mr. Chairman.

Representative Lefor, what was the biggest issue that you had with District 36?

REPRESENTATIVE LEFOR: I would say that moving some people that were currently in District 36 to District Y. And when I looked at the math, looked at the geography, if you were to take more and leave District 36 in the fashion

that it is currently, I don't know how you make the math work.

I've looked at it a few different times. I intend to continue to look at that, but I would say that some of the people from that area would like to remain in that district. And that's why I'm saying if there's other ideas or thoughts out there or potential mockups they would like us to look at, I would love to do that.

CHAIRMAN DEVLIN: Senator Oban.

SENATOR OBAN: Mr. Chairman and Representative Lefor, was there any consideration -- and I realize once you do something, it changes everything else. But Stark County itself divides perfectly almost into two districts.

REPRESENTATIVE LEFOR: It does.

SENATOR OBAN: And then, in one of your districts you're encompassing parts of three counties. And so that's where I'm always like -- I am -- as I'm doing this, I'm wondering what my fellow colleagues on this Committee are doing. And it seems to go back and forth depending on where you are.

If you are prioritizing current legislative lines, if you are prioritizing

1 current county lines. And I'm finding it
2 difficult for how we're going to eventually come
3 together. So I'm asking if there was any
4 consideration given to making Stark just two
5 districts.
6 REPRESENTATIVE LEFOR: That was my
7 initial inclination. However, if you do that,
8 then you are making what would be District Y go
9 further south and which would be budding up
10 against District 31. And so we looked at that,
11 and that would have been very nice, very easy.
12 But to me, the math doesn't add up.
13 Because even -- you know, if you look at District
14 37 on the latest rendering is a -- is 4.84
15 percent under. I've got District 39 4.5 percent
16 under. District 36, Counsel has it 0.95. I had
17 it at -3.25, so I'm going to have to research
18 what the differences there. In District Y, -2.
19 So I mean, could it be done? We had difficulty
20 making that happen.
21 CHAIRMAN DEVLIN: Further questions?
22 REPRESENTATIVE MONSON: Mr. Chairman,
23 Representative Monson.
24 CHAIRMAN DEVLIN: Representative Monson.
25 REPRESENTATIVE MONSON: Thank you,

Mr. Chairman.

So, Representative Lefor, I'm seeing that you added a District Y, correct?

REPRESENTATIVE LEFOR: That's correct.

REPRESENTATIVE MONSON: And if I recall from our last meeting, to the north of what you've been working on in Williams and Divide and those counties, they also would be adding a new district, correct?

REPRESENTATIVE LEFOR: That's correct.

REPRESENTATIVE MONSON: And if I recall, Cass County, are they adding a new district as well?

UNIDENTIFIED MEMBER: Yeah.

REPRESENTATIVE LEFOR: I'm seeing nodding head that -- that it's yes.

REPRESENTATIVE MONSON: So there's 3 new districts, and the math tells us that we have -- if we're going to do 47 districts, that means a couple of other ones are going to go away. and I've -- I'm just wondering what's happening in the middle. And this isn't a question for you necessarily, but we have to look at the big picture as Senator Oban just stated.

And I'm wondering what happens when we

fill in the middle part, and we need to have 47 districts in the end. We've added 3. That means we got to take away 3, and this is just something for us all to think about before we get all the edges done and we get to the middle and we got not enough people or not enough districts, whatever.

REPRESENTATIVE LEFOR: Representative Monson, I would agree with that statement. Each one of us has basically taken a portion of the state, and I had a conversation with other legislators that are bordering what I'm doing and working to make those mesh.

You heard that Senator Bekkedahl and I will be meeting on District 39/District 4, and we do need to have those discussions. However, it does come down to population. The simple fact of the matter is the existing boundaries of the -- the boundaries of existing district areas is 61,000 people.

So that's why I did what I did, because you would -- you'd still have 12,000 people too many after you have three full districts. So at the end of the day, you're going to have to have a partial new district even if you move things

1 further east. And so I thought by adding that
2 district, you're making the challenge less than
3 if you didn't add a fourth district -- I mean a
4 new district. And that's what the number showed
5 to me.
6 CHAIRMAN DEVLIN: Senator Holmberg?
7 VICE CHAIR HOLMBERG: Representative
8 Monson, I think that as other plans and other
9 concepts come forth, you will see that there are
10 other areas that are under populated where a
11 legislative district may disappear, including in
12 our area, just not to make you scared or
13 anything.
14 But -- so some of it's going to fit
15 together, and then it'd be interesting to see
16 what some of these other plans have. But there
17 clearly is a lack of population for the number of
18 districts in the north east. And, at least, in
19 one of the proposals that will come forth, you
20 will see where a district does, shall we say,
21 ascend away from the map.
22 CHAIRMAN DEVLIN: Any -- anyone else for
23 Representative Lefor?
24 Representative Nathe, are you next or
25 Senator Poolman? Okay. I'm guessing

1 Representative Nathe is.
2 (Pause)
3 REPRESENTATIVE NATHE: Are we ready,
4 Mr. Chairman?
5 CHAIRMAN DEVLIN: I am ready. Thank
6 you.
7 REPRESENTATIVE NATHE: All right. Thank
8 you, Mr. Chairman, members of Committee. For the
9 record, Representative Mike Nathe, District 30,
10 Bismarck.
11 I'm going to speak today about the five
12 districts in Bismarck. I'll speak to District 8.
13 And then I will show you District 33, how we worked
14 and how that meshes in and into Representative
15 Lefor's plan.
16 We also covered Mandan, which is 31 and 34,
17 and how that works again and what that Representative
18 Lefor just talked about. So on behalf of myself and
19 Nicole and Aaron, I want to say thanks to Sam,
20 Claire, and Emily for all the help they've been doing
21 with this. The two Senators and I have been talking,
22 and we've been working on this a bit.
23 And again, Mr. Chairman and members of the
24 Committee, this is just a general overview of the
25 plan right now. Some of this has changed a little

1 bit since this has been imprinted, but just a little
2 bit on the edges, nothing majorly. But when we have
3 a final plan, we'll see it.
4 So with that, Mr. Chairman, if it's okay
5 with you, let's go into Bismarck. Our biggest
6 challenge in Bismarck, quite frankly, was District 7.
7 It had experienced a huge amount of growth, one of
8 the biggest districts in the state at the end of the
9 census, almost 6000 people over the limit.
10 The other challenge we had in Bismarck were
11 two districts in the inner-city Bismarck, District 32
12 and District 35, who were deep in the hole with
13 numbers. So we had a dichotomy there, too high and
14 too low, and we had to try to balance that. And
15 that's what we've been trying to work on, and I think
16 you'll see where we're at.
17 So the first thing we did with -- well,
18 let's just go after the elephant in the room here,
19 District 7. So we had to push District 7 numbers out
20 and get them into districts that needed it. So what
21 we did was we pushed part of District 7, gave that to
22 District 8. And as you see, brings it down into
23 Lincoln. Lincoln was part of District 28.
24 Lincoln is roughly about 4500 people,
25 somewhere in that area. So you could see that number

1 right there helped us get pretty close to getting out
2 of the hole. So we wrapped -- we took 7's numbers
3 down there and put that into 8. The reason why I put
4 it into 8 is we already have a representative there
5 already in District 8, a couple of miles away from
6 Lincoln.
7 People around Lincoln identify with
8 Bismarck, identify with Bismarck politics. We have a
9 Bismarck public school in Lincoln. 10 years ago,
10 when some of these areas were pushed into a rural
11 district, we heard a lot of complaining about that,
12 so I was trying to be sensitive to the residents in
13 that general area.
14 So you'll see, we put it in there and went
15 down along 52nd on the west side, and then South
16 Lincoln, and then Lincoln road going to the east.
17 And we'll have Emily show that map, and you can kind
18 of see how far east that goes right there. So I'll
19 talk about District 8 in more detail a little bit
20 later.
21 But that's what we did with 7 first. 7 was
22 still a little bit over the number, so what we also
23 did is give District 47 some numbers because they
24 were low after what we had did previously. So we
25 gave them to Misty Waters area, which is on the west

side along the river. And you'll see that over there. I think Emily can show you that. So that got District 4 to -14.6 -- 0.16, excuse me.

The reason why 47 was so low is they had a piece in 35 which was -- it wasn't in 35, but it was just south in 94. It was -- it is currently in 47. We put that block in District 35. And that got District 5 roughly from -4 to +4.5, but yet shorted 47. So that was the reason why we gave Misty Waters back to 47 to get them within the range 32.

UNIDENTIFIED MEMBER: Where is Misty Waters?

REPRESENTATIVE NATHE: Misty Waters is --

You want to show them that, Emily, with the pointer? Yeah.

District 32 was another one in the inner core of Bismarck that was suffering -- did not grow. Because let's face it, it's inner-city, and there's not a whole lot of development going on. They needed numbers badly.

So District 30, where I reside, we were on the high plus number, so we gave them a piece of District 30, which runs along 26th. Quite frankly, goes from 9th Street north, over towards, 26 past -- if you're familiar with Bismarck, Richholt and Saxvik

and kind of goes through those streets to help get 32 within the range.

After doing that, District 30 was a bit low, so what we did is we brought -- in the lower part of District 30, you'll see there. We grabbed everything south of Lincoln Road there, which is known as Copper Ridge and went all the way down to the river. And by doing that, it's a nice clean line, got us some numbers, and we're able to get Bismarck able to get District 30 up to a +1.97.

So like I said, there are some things on here that we're still working on, just some of the edges, Mr. Chairman. And we'll talk about that when we get there. But that's where we're at when we made this.

If Emily will go to District 8 again so I can finish that off and work our way up.

Maybe zoom up there, Emily. Yeah. Yeah. Perfect. And can you show 33, Emily, alongside too? So they can see that.

So as she's doing that, Mr. Chairman, with District 8, we brought it up. I did not touch any of the eastern lines that are currently District 8 right now. So that is -- we left that alone.

Going up past Winger up on 418th Street

over the 461st Avenue going west and then north on 4th Avenue north west. So we brought it up there. And again, because of the numbers from District 7 that we brought in, 8 was way over and that was done on purpose. So what we did is take the top half of 8 off.

And you can see up there, District 6, there was -- 8 got townships, not a whole lot of population, but we put those into 6. And then what we did is currently take Garrison, Underwood, and Coal Harbor which resides in 8 right now, and we put those communities in that area into District 33. And by doing so, we got -- we were able to get District 8's numbers down to the 3.33.

And again, that's changed a little bit since we tweaked it. But you'll see 33. And we were able to get that number up. Because of the new district in the west side, 33 was then, all of a sudden, low in numbers. So we were able to transfer some of the population from the north west part of 8 into 33. And then we were also able to get some numbers into Mandan.

So Emily, if you're going to Mandan, and we can address Senator Holmberg's --

CHAIRMAN DEVLIN: Representative Boschee

has a question.

REPRESENTATIVE NATHE: Sure.

REPRESENTATIVE BOSCHEE: Thank you, Mr. Chairman.

Representative Nathe, as you talk about adding those communities at the other side of the river to District 33, can you also talk at least specific for people outside to hear -- I mean, what kind of connectivity happens because of the river.

REPRESENTATIVE NATHE: Yeah. I know exactly.

Emily, if you want to go up there.

Emily and I talked about that yesterday. So what we did is we worked on taking some more sub-districts up there and worked our way over to Highway 83. Because as you know, we have to be contiguous, and we have to have access to do that.

So yes, we're on the south side of the lake and then we worked it over till we got to 83 so they will have access to Garrison up in those communities up there. And I think Emily is going to show that.

In that general area right there, correct?

REPRESENTATIVE BOSCHEE: Yeah.

REPRESENTATIVE NATHE: Okay. Any questions on that area?

CHAIRMAN DEVLIN: Senator Bekkedahl.

SENATOR BEKKEDAHL: Thank you, Mr. Chairman.

So, Representative Nathe, does Mercer County and Oliver County both stay intact then in this line? Because I don't see the full lines.

REPRESENTATIVE NATHE: Mercer County does not. No. Because some of Mercer, I believe, is going into the -- I don't know, what was the other -- what was that other -- 39.

SENATOR BEKKEDAHL: But does Oliver County stay intact then? Those lines are --

REPRESENTATIVE NATHE: I do not believe so, because some of that is going into the new district, I believe. Is that true? Oliver.

SENATOR BEKKEDAHL: Oliver?

MS. THOMPSON: Yes. Oliver does stay intact.

(Cross talk)

If I turn the district layer off now, you can see just the blue lines and Oliver County. If I turn those districts back on, you can see that all of Oliver is, in fact, yellow.

REPRESENTATIVE NATHE: So, Emily, if you want to get down to Mandan there.

1 So you can see, Mr. Chairman, again what we
2 tried to do is push the numbers up to -- from 7 out
3 to 8, load up 8, and then transfer those numbers from
4 8 over to 33. So we're able to move those numbers,
5 kind of bleed those numbers over to get these
6 districts to where we need to be.
7 As we come down in 33, and Senator Holmberg
8 had alluded to it, it kind of fingers into North
9 Mandan. Currently, 33 has --
10 If you want to get closer to 94 there,
11 Emily.
12 33 has quite a bit north of 94. It shares
13 it with 31. Again, after what we did up north, it
14 was still low in numbers, so we took some of 31,
15 that's northern 94 and gave that to District 33 to
16 make sure we got those numbers to where they are
17 right now. That make sense?
18 So, Senator Holmberg, do you question about
19 33 coming into Mandan? We looked at different ways
20 to maybe try to get that to a 33. But it just blew
21 those numbers out of the water. And I agree. It
22 kind of -- it comes around there. It's apparently
23 been around there for a long time. And we tried to
24 work at a couple different ways. It just didn't work
25 out because there are so many people down in that

1 area. So we just -- I just thought for the time
2 being, leave it there, and let's see how it works.
3 And then getting into District 31.
4 District 31, again there is -- they have a number of
5 -- parts of their district north of 94. And as I
6 said we gave certain parts of that to 33. They still
7 have spots northern 94 that are in their district.
8 And then as you go down across the highway,
9 again 34 was in the hole. We had to get some more
10 population. So we went into the City of Mandan.
11 And if you go deeper into there, Emily.
12 We took some population from District 34.
13 And we took it from the north -- northwest side,
14 right where you see -- right where you see the number
15 34 on the screen, we took it from there in that
16 general area, and then we also went down a little bit
17 and took some more in the west side of there and gave
18 that to 31.
19 34 was above the number. 34 had a
20 population to give. So we gave that northwest part
21 of the 34's district and the far west of 34's
22 district to 31 to get them in better shape. As we go
23 west --
24 SENATOR BEKKEDAHL: Question, Mr. Chairman.
25 CHAIRMAN DEVLIN: I'm sorry. Senator

Bekkedahl.

SENATOR BEKKEDAHL: Thank you so much.

So, Representative Nathe, the little finger going down on the south end of 34, the 4th Lincoln Road that just butts up against river, there can't be much population there, is there?

REPRESENTATIVE NATHE: Emily, can you zip there?

SENATOR BEKKEDAHL: Is that a voting district or a census block? Is that why it's that way? Because --

REPRESENTATIVE NATHE: Senator Bekkedahl, I have to get on my computer and take a look on that. I can answer that question --

SENATOR BEKKEDAHL: I just wondered if there was a logical point north of there to just give that to 31 and not have that figure extension, but just because it looks strange on the map to me.

REPRESENTATIVE NATHE: Okay. Is there anything there, Emily? I mean, is that just -- is this just a matter of a shape we're looking at?

MS. THOMPSON: I can check the population really quick.

REPRESENTATIVE NATHE: Okay.

MS. THOMPSON: The population of the red

1 highlighted district you see is only 37 people. But
2 there are some very odd-shaped census blocks in this
3 area. You can see if I click that, turn it back
4 white. That's one census block odd shaped.
5 SENATOR BEKKEDAHL: I guess if I could
6 continue, Mr. Chairman, what I was looking at was: is
7 there a logical point where it could be cut off north
8 where you're had it there that -- so that you don't
9 have that finger going south? My point is, could we
10 take 31 all the way to the river there and not just
11 have that little extension coming down blocking the
12 river? Is that what I'm seeing?
13 MS. THOMPSON: This is as good as our
14 census blocks get for these three individual census
15 blocks. You can see that. Okay. That would be
16 possible. This one?
17 SENATOR BEKKEDAHL: No.
18 MS. THOMPSON: Unfortunately, it's -- no,
19 not contiguous.
20 UNIDENTIFIED MEMBER: (Indiscernible)
21 MS. THOMPSON: It will get very small once
22 you hit a larger population area.
23 REPRESENTATIVE NATHE: And then, I think
24 you strand part of 34, don't you?
25 MS. THOMPSON: Uh-huh (affirmative).

1 That's 34. Yes.
2 SENATOR BEKKEDAHL: Okay. Yeah. You can
3 see that where it goes on the right-hand side that --
4 up there. that doesn't go away then at any point.
5 right?
6 MS. THOMPSON: You can take that out.
7 SENATOR BEKKEDAHL: Okay. That's -- but
8 again. If there's not a logical road or something
9 there to block it off. I understand what you're
10 doing there. I just -- to me, it just made sense to
11 go all the way to the river into 31 and not have that
12 little extension.
13 MS. THOMPSON: Not a very pretty break
14 point with the census blocks in this particular area.
15 REPRESENTATIVE NATHE: And, Senator
16 Bekkedahl, we'll take a look at that. Okay.
17 So going down that line, so we did not
18 change anything along the river. Anything that goes
19 down to Standing Rock down to the South Dakota border
20 going west on the border, that is all left untouched.
21 You'll see --
22 Emily, go up by 94 there.
23 In the blue area there, that was all -- see
24 here. So that's all 31 still.
25 So we went over to the west on that. Those

1 borders are pretty much the same as you go along.
2 Really, the big difference as we go out west was the
3 far western part of 31. When you get out to
4 Hettinger County, just west of Mot, we added, I
5 believe, three new townships to square that off.
6 There were some -- wasn't a whole lot of numbers out
7 there just to do that.
8 The northern part of that boundary, I
9 believe -- Representative Lefor, did we give any of
10 that to the new district and 31 there, the stair
11 steps there?
12 REPRESENTATIVE LEFOR: We gave a portion of
13 31 to 39.
14 REPRESENTATIVE NATHE: Yeah. So you kind
15 of see the two stair steps there. We gave some of
16 that to 39 to help them out with their number there.
17 And again, Mr. Chairman, we've tweaked some
18 of this since then. So we'll -- the numbers will --
19 should be a little bit better than what you see right
20 now in front of you. With that, Mr. Chairman, that
21 concludes --
22 CHAIRMAN DEVLIN: Representative Schauer?
23 I'm sorry.
24 MR. SCHAUER: Thank you, Mr. Chairman.
25 Representative Nathe, in light of this

morning's discussion, if we can take a look at District 31 and the Sioux nation. Are you comfortable with those numbers? And are you comfortable that that voting block has not been disrupted for any purposes, including race?

REPRESENTATIVE NATHE: Mr. Chairman, Representative Schauer. I am. I'm very comfortable with it. This is what we basically drew 10 years ago. It worked very well 10 years ago. 31 was represented by two representatives on the other side of the aisle. We left it alone 10 years ago.

And really, other than tweaking some of the lines out west or into the north a little bit, we've left pretty much everything else the same in that southeast corner of the -- down by -- down by Cannonball in that area, we have not touched any of that at all.

CHAIRMAN DEVLIN: I believe Representative Monson had a question.

REPRESENTATIVE MONSON: Mr. Chairman, along the same lines as Representative Schauer asked and in light the discussion this morning, you know, I brought up this morning that part of the problem that we're facing is that the state's population has grown, and we have to add 3000 plus people to every

1 district. And that further exacerbates the problem
2 in 31 if they wanted to have a sub-district. Because
3 you've added more of the city of Mandan out of
4 necessity to get the numbers to match up; is that
5 correct?
6 REPRESENTATIVE NATHE: Mr. Chairman,
7 Representative Monson, we have. We had -- the one in
8 the northwest part, I do not believe, is in the city
9 limits. If it is, it's partial. And the one on the
10 west side that we did is in the city limits. But,
11 yes. We have done that.
12 And as you can see when you look at the
13 map, when you go west in 31, it's really hard to get
14 numbers. You got one here, five there, seven there.
15 You could cover a lot of ground and not gain a whole
16 lot of population. So yes. And it's the same method
17 that we use with Bismarck, with District 8 and other
18 -- and we've done around the state. Some of these
19 counties -- districts, excuse me, have to come into
20 the big city to get those numbers, to get them up to
21 where we need them to be.
22 CHAIRMAN DEVLIN: Anything else for
23 Representative Nathe? Thank you.
24 Senator Poolman, were you going to present
25 or not today?

SENATOR POOLMAN: I think after we see the eastern half of the state, that's when I should go.

CHAIRMAN DEVLIN: Senator Holmberg is going to present a little more in the city of Grand Forks; is that correct?

VICE CHAIR HOLMBERG: I guess. I mean, I guess.

CHAIRMAN DEVLIN: Would you prefer that you wait?

VICE CHAIR HOLMBERG: No, no. That's fine. I mean, we've got to skin the skunk. Someone has to.

Is there enough copies? These are all the same. right? Okay. This one seems thicker. This one seems thicker than this one. I've got two of them. Okay. That would mean it was thicker. This is the old -- this would be the one that was presented last week that the Yana was having conniption over. Thank you.

VICE CHAIR HOLMBERG: Change plans. I took over.

CHAIRMAN DEVLIN: There's been a coup of some type here. And I will present some of the concepts we laid out for the eastern part of the state. and then send -- then I think the Grand Forks thing will be clearer to what was done. So --

VICE CHAIR HOLMBERG: Right. We'll see. Okay.

(Pause)

CHAIRMAN DEVLIN: Another coup. Apparently, the Vice Chairman has now been abducted. So we're -- no. But thank you for offering.

VICE CHAIR HOLMBERG: Sorry about that. I had to tell them that, yes, I had gotten the bulb for the outside light.

Okay. Representative Devlin has something called Eastern Proposal 2.

CHAIRMAN DEVLIN: Right. Thank you, Mr. Chairman. And the smaller breakdown of each of these is in the packet. But essentially what we worked on was trying to get something that would work all the way from the Minnesota, South Dakota, Canadian border, all the way to essentially Bismarck or through District 14.

So if you look at just the top on District 9, Rolette County, of course, doesn't have room for -- or doesn't have enough population for their own district any longer. So part of Towner and Cavalier County were added to District 9.

District 10 now includes part of Cavalier and part of Walsh.

1 District 20 would run from the Cass County
2 line up through the area of Grand Forks they had
3 before up to just south or north of Minto. So when
4 you do that with district 20, that eliminates
5 District 19.
6 Cass County did not change at all or did
7 not change. It's within their borders as little four
8 things that's marked Dallas down there, that should
9 be in Cass County. That was my mistake.
10 District 29 essentially would pick up
11 Nelson -- under this concept under -- would pick up
12 Nelson, Greg Steel, Foster, and part of Stutsman and
13 the area around Jamestown that rural townships,
14 because 12 needed more people, the rural townships
15 would kind of be split there between 29 and 12.
16 And that area, we just did it by the
17 number. Somebody else would maybe use different
18 townships that was immaterial to us. District 14 is
19 essentially what it is now except Eddy County was
20 added to meet the population. There's part of the
21 Spirit Lake Reservation in Eddy County that has been
22 added to the rest of the reservation, and all of that
23 is now in 15.
24 So 15 would now include the Spirit Lake
25 Reservation, part of Towner County, and all of 15.

1 And that essentially eliminated District 23.
2 There's part of Benson County but none of
3 the reservation is also 14, and that's the way it
4 exists today. Really, the only change in 14 was the
5 addition of Eddy County and taking out that little
6 bit of the reservation because we want it to all be
7 together.
8 Then when you get down to 24. 24, if you
9 take Barnes and Ransom County, they make a perfect
10 district, so that's what was done here. Richland
11 County, we discussed the other day. Richland County
12 is another one that makes perfect district. So that
13 was what was done here.
14 There's a little bit of the reservation
15 from South Dakota done, and right now it's in the
16 bottom of Sargent. It can go into either county
17 there, but we just happen to put in the bottom of
18 Sargent.
19 Then the other counties, Logan, LaMoure,
20 McIntosh, Dickey, and Sargent, without the
21 reservation or with the reservation, would make
22 up 28. And Emmons County would stand alone and
23 go up into, we believe, Burleigh County.
24 Now, let me see if I got the other one
25 here so you can see the difference. I had some

1 requests that maybe we wouldn't have to put all
2 of 23 into 29. So we have a proposal where we
3 took Steele County out of it.
4 Let me see here, I can do this easy. So
5 if you look -- you look at the main map -- it'd
6 probably be a little easier to do it.
7 What this map does is puts a part of
8 LaMoure County back into 29 where it is now. It
9 takes Steele County out of 29, moves it in with
10 Barnes and part of Ransom. And the part showing
11 here, the townships in Cass County should not be
12 there. The Cass County border is whole.
13 So, you know, obviously, the county
14 lines don't stay whole under this, but this does
15 give that part of LaMoure County that was back --
16 was in 29 originally back into 29. And Steele
17 County moves south into Barnes. It still Nelson
18 and Griggs, which are new additions to 29.
19 Emmons County is still standalone, and
20 it will go up, I think, I believe into Burleigh
21 County. The colors are the same with -- kind of
22 the same with Kidder County, but it is not part
23 of 14. It will be part of Burleigh County. So
24 that was where we left it.
25 Everything works, like I said, from

1 Minnesota through District 14, to Burleigh County
2 based on either one of these maps you want to
3 start from. Or I know that some people are
4 either going to start over, and I'm fine with
5 that. We were charged with laying out a concept,
6 and we have done that, that makes Eastern North
7 Dakota.
8 VICE CHAIR HOLMBERG: And I believe when
9 you count -- I tried to count fast -- it was like
10 25 counties that are whole.
11 CHAIRMAN DEVLIN: Yeah.
12 VICE CHAIR HOLMBERG: And last time
13 there was a total of, I think, of 30 counties
14 whole, and we do at least ostensibly genuflect
15 whenever we hear the word county lines being
16 whole, but we don't always genuflect.
17 Representative Boschee.
18 REPRESENTATIVE BOSCHEE: Thank you,
19 Mr. Chairman.
20 Chairman Devlin, I was confused at
21 first. My initial question was going to be why
22 are we doing all the way from the South Dakota
23 border near the Canadian border, but now as I
24 look, there is a differentiation between Emmons
25 County and Southern Burleigh. So are you just

leaving that up to some place that can be used elsewhere where it needs to be used?

CHAIRMAN DEVLIN: Yeah. Because essentially, if you look at this line, you're essentially getting rid of three districts in the eastern part of the state.

REPRESENTATIVE BOSCHEE: Yeah.

CHAIRMAN DEVLIN: You're essentially getting rid of 19, because 20 takes all of that area in 19 between there and 10 in the city of Grand Forks. So 19 would be gone.

23 would be gone, because the reservation and the other counties that are in 23 either went into 15, 19, or under this one, 24; so that would be gone. And 26 would be gone, just because that was part of Richland County originally. So those would be the three.

And somebody asked that question earlier, where you would find three districts, and there's going to be three, I'm convinced, in Eastern North Dakota. Because every county around or every county or every district around us needs 3000 people and, you know, as like -- much as I'd like to take them all from Grand Forks and Fargo, that isn't just realistic.

1 VICE CHAIR HOLMBERG: You found you
2 might to mention that one of the struggles as we
3 dealt, or as you worked and dealt with Rolette
4 County is finding where do you get the people.
5 If you go to the south, then you'll make a big
6 difference into District 14. You want to stay
7 away from going east, because that -- I mean,
8 west, excuse me.
9 If you go east across there, it solves
10 the number problem, not the political -- I mean,
11 there is a political problem and there's a
12 numbers problem. It solves the numbers problem
13 clearly, and it also allows Traill your county to
14 find a home, otherwise, they were boxed in and
15 would have been out over close to Foster County.
16 So it's an alternative, right?
17 CHAIRMAN DEVLIN: Yeah. It's an
18 alternative, Senator. That's correct. And every
19 way we lay these things out, we would come up
20 with Nelson and Steele being the only two
21 counties left in the middle of the state. They
22 didn't fit anywhere. So that's how we got to
23 this.
24 Now somebody else may come up with a
25 better a better concept by tomorrow or next week.

I'm fine with that. But all I'm telling you that -- sent you -- the first one I gave you, that was the most -- or the least damaged to any of the county lines, makes everything work. I think just adding the Spirit Lake Reservation to Ramsey County makes a better community of interest to just because it's right along Devils Lake.

They have students and school there. They have -- they do a lot of their business together and so on. So if you have a reservation at Ramsey County, I think it works better.

You certainly can -- whether there's any interest in sub-districts or not, you could certainly look at one up in that district tying area that took part of District 10, but --

VICE CHAIR HOLMBERG: You might want to mention too that the southern part of Towner County has been with Ramsey County, that's Cando.

CHAIRMAN DEVLIN: Yeah, yeah. It absolutely has. Yeah.

VICE CHAIR HOLMBERG: And Towner County in the past, years ago, was part of Rolette County when they needed people.

CHAIRMAN DEVLIN: And District 23, I can tell you from experience, we used to have all the

way to Western Walsh County up to Edinburg, you know. And each time, you lose more people out in some of these rural districts. They have to go somewhere. They cannot be anywhere else.

CHAIRMAN: Are there any -- yes. Senator Oban and then Representative Nathe.

SENATOR OBAN: Mr. Chairman, how very generous of you to sacrifice yourself. That's rare.

CHAIRMAN DEVLIN: Rare for me, Senatory or rare for everyone?

SENATOR OBAN: Rare for legislators, generally.

CHAIRMAN DEVLIN: Okay. I just wanted to clarify.

SENATOR OBAN: A good clarification, yes. Certainly not targeting you.

Was there any consideration to just leaving 23 alone and adding in Foster, which makes it pretty much spot on?

CHAIRMAN DEVLIN: It would make it pretty much spot on if you -- I think you had to use Eddy too, but I'm not sure. But it had a real negative effect to 29 if you did that. You know, it just wasn't the way to make it work.

1 And we played with this forever.
2 You know, a big share of the population
3 in 23 was on the reservation, you know. That now
4 is going into 15, and I think after the
5 presentation we heard this morning, that is the
6 place for it because those communities should be
7 together.
8 SENATOR OBAN: Okay.
9 VICE CHAIR HOLMBERG: Representative
10 Nathe?
11 REPRESENTATIVE NATHE: Thank you,
12 Mr. Chairman and Representative Devlin.
13 I know we've talked about this. So
14 what's the thought process? I'm leaving Lincoln
15 out and putting him with Emmons. I think you
16 heard some of my comments about the Lincoln area
17 from 10 years ago, and now, from this we have it
18 in Emmons. What was the thought process on that?
19 What were you guys thinking?
20 SENATOR OBAN: I'm going to talk about
21 that next when he's done.
22 CHAIRMAN DEVLIN: Yeah. That was not
23 part of what we did.
24 REPRESENTATIVE NATHE: Okay.
25 CHAIRMAN DEVLIN: We ended it at the

1 Burleigh County border where just Emmons is
2 sitting out there when we left it, so.
3 REPRESENTATIVE NATHE: Okay. All right.
4 VICE CHAIR HOLMBERG: If you recall when
5 I presented the northeast a couple of week --
6 well, the other week, what that was, was all of
7 Cavalier, all of Pembina, the western half of
8 Walsh County and Nelson County. But that
9 presented problems with Steele, Traill, and the
10 Rolette County, kind of leaving both of them. So
11 I believe that Representative Devlin worked to
12 try to solve the problems, not only of that area,
13 but also of the other orphans that were hanging
14 around. Okay
15 CHAIRMAN DEVLIN: Okay. Thank you.
16 VICE CHAIR HOLMBERG: Now, should I do
17 the internals?
18 CHAIRMAN DEVLIN: Yes.
19 VICE CHAIR HOLMBERG: Okay. I will do
20 the internals.
21 REPRESENTATIVE MONSON: Before we move
22 on from there.
23 VICE CHAIR HOLMBERG: I don't know who's
24 talking.
25 CHAIRMAN DEVLIN: Representative Monson.

1 VICE CHAIR HOLMBERG: Yes.
2 Representative Monson.
3 REPRESENTATIVE MONSON: So, just for
4 fun, the other day when I was coming back from
5 Bismarck, I was basing it on Senator Holmberg's
6 plan where District 10 included Nelson County.
7 And I somewhat like that idea, except that it was
8 -- sorry, I get a phone call.
9 I somewhat liked it, except that it is a
10 long district. I started checking the odometer
11 when I crossed into Nelson County, and if you
12 went all the way up to Pembina, that's a long
13 district. It keeps the counties much more whole,
14 which I liked. I don't have a problem
15 necessarily with splitting. I mean Cavalier
16 County was split once before.
17 At one time, District 10 included most
18 of Towner County as well. So I mean, it's been
19 all over the board, but this is a compact one. I
20 don't know how many counties are intact, but I
21 mean Nelson County on Senator Holmberg's last
22 plan was part of District 10; and it did keep the
23 counties more whole. So just to comment, I --
24 you know, I'm not leaning one way or the other.
25 VICE CHAIR HOLMBERG: Okay. One of the

1 things, Representative Monson, was that was
2 extremely compact, et cetera, et cetera, but then
3 it leaves on its edges the question of Traill
4 County and the question of Rolette County. And
5 what do you do? So the --
6 CHAIRMAN DEVLIN: Senator Holmberg will
7 now present the inner workings of the city.
8 REPRESENTATIVE HEADLAND: Mr. Chairman,
9 while he's (indiscernible), can I ask a question?
10 CHAIRMAN DEVLIN: Certainly.
11 REPRESENTATIVE HEADLAND: Mr. Chairman,
12 when we're drawing out these districts and we
13 have tasks that we're supposed to try to follow,
14 like does one task have more leverage than the
15 next task? Like, we've been looking at trying to
16 keep counties whole.
17 Is that more important than trying to
18 keep existing districts the way they are?
19 Because that's -- in my mind, it's an equal task.
20 And I think at least some of the plans that I've
21 seen give more credence to keeping counties whole
22 than keeping existing legislative districts
23 whole.
24 CHAIRMAN DEVLIN: Representative, I
25 don't know that I rank one ahead of the other. I

1 just -- whenever we looked at this and worked
2 through it, you always ended up with one or two
3 counties that were orphans until you got to this.
4 I prefer to keep county lines whole if it's
5 possible, but I certainly understand down in 28
6 and some of that area that maybe not be possible.
7 And I believe you're going to have the computer,
8 so I look forward to next week.
9 UNIDENTIFIED MEMBER: Chairman, if I
10 may.
11 CHAIRMAN DEVLIN: Senator, yes.
12 UNIDENTIFIED MEMBER: I mean, in my
13 view, the county -- those governments, are set.
14 They've been there since statehood, and so I
15 think you ought to honor that.
16 We've changed these lines every 10
17 years. We're more fluid with this redistricting.
18 So I think counties, if possible, should have
19 precedence. Just my thought.
20 CHAIRMAN DEVLIN: Senator Bekkedahl.
21 SENATOR BEKKEDAHL: Thank you, Mr.
22 Chairman.
23 Just to follow up on that, I've had with
24 our area county officials and our auditors up in
25 the northwest, and they consistently remind me

1 that elections -- this is all for elections and
2 the prosecution elections. And they prefer
3 keeping county lines consistent because that's
4 easier and less chance for anything to go wrong
5 in their election processes. So just -- they
6 want me to pass law and that they prefer county
7 lines as well.
8 CHAIRMAN DEVLIN: Senator Bekkedahl,
9 just from past history, I can tell you that was
10 what I heard repeatedly, because we at one time
11 lived -- I lived in a split county, and I heard
12 that repeatedly from the county officials that it
13 was very, very difficult to work with that, but
14 they made it work.
15 VICE CHAIR HOLMBERG: And if you recall,
16 Mr. Chairman, 10 years ago, when we were in
17 Devils Lake, we still carry some scars from the
18 discussions from Walsh County.
19 CHAIRMAN DEVLIN: Senator Holmberg, I'm
20 not sure, but Representative Monson had a
21 question, and I don't know if it was to you or to
22 me. So let us have him ask that first, and then
23 we'll start.
24 VICE CHAIR HOLMBERG: Okay.
25 REPRESENTATIVE MONSON: Thank you,

1 Mr. Chairman.
2 I was just going to say the same thing
3 as Senator Bekkedahl just brought up. Keeping
4 the county lines are much preferable to the
5 county officials, especially the auditors that
6 are responsible for election because they really
7 don't like split counties when it comes to
8 elections.
9 So to me, that's a very important thing
10 to keep the counties full, much more so than our
11 lines of districts, although, you know, I like
12 keeping districts as stable as they can because
13 it keeps the continuity between the population
14 and the people. But so much -- so much has to
15 change when we have redistricting. Keeping
16 counties full are very high on the county's
17 priority.
18 REPRESENTATIVE HEADLAND: Well,
19 Mr. Chairman, since I asked the question, if I
20 can just respond.
21 CHAIRMAN DEVLIN: Yes, go ahead.
22 REPRESENTATIVE HEADLAND: You know,
23 that's easy to look at when you don't live in a
24 county that is too big for two districts. It's
25 too big for one district, but not big enough for

1 two. So you're dealing with split counties.
2 VICE CHAIR HOLMBERG: That has always
3 been the trouble in the northeast, for example
4 Pembina County and Wells County work fine, but
5 they're too big, the two of them together. So
6 someone's going to have to divide it up there.
7 So it kind of just bookends along.
8 Okay. The northeast -- this was
9 essentially presented last week. What we did is
10 took the current borders, boundaries, of the four
11 districts that are in Grand Forks, the city of
12 Grand Forks, and added a few people because we
13 needed a few people, but we wanted to keep that
14 addition to a minimum.
15 Therefore, we did not go over and add
16 the city of Thompson. That was a little too big,
17 and we added the other half of the Grand Forks
18 Air Force Base. A total of 2002 people live on
19 the base, total. And we added the city of
20 Manvel. And the other city one could look at
21 would have been Emerado, but in Emerado, they're
22 connected with the LaMoure School District.
23 That's where their high school students go
24 whereas -- most of them go, whereas in Manvel,
25 they all go to Central High School in Grand

1 Forks. So there is a commonality there along the
2 Manvel area.
3 The District 42 was short quite a few
4 folks, and the internal borders within the city
5 of Grand Fork on District 42 are identical to
6 what they are today.
7 The addition, as I mentioned, was
8 Brainerd Township, which used to be in 17. 17
9 had an excess population. And then, they took
10 over the Grand Forks Air Force Base because they
11 needed the people. They needed the population.
12 So that's why that looks kind of interesting with
13 that indentation into the city of Grand Forks.
14 That indentation is what has been there for a
15 number of years.
16 In fact, that indentation is identical
17 going back to 1993 with the exception of in 2003
18 the border was moved out to Washington Street and
19 then back 10 years later to 17th Street. So that
20 has been quite stable within the city of Grand
21 Forks.
22 District 43 is our landlocked district,
23 and it has no rural areas.
24 The only changes in District 43 were
25 addition of an area by the Alaris center, a

1 removal of some folks that were over by the
2 library, which is by Washington. They went up to
3 District 18, which was short of population, and
4 then they picked up Walmart. And then they got
5 that particular area down to 40th Avenue South.
6 So that squared off.
7 District 17 -- we used to go up to 8th,
8 but we were too big, and we now are on 17th.
9 When you look at that line across, it says Sunset
10 and Chestnut Place, but the line is on 17th
11 Avenue South, which is a very -- a big zero fare
12 going across.
13 And then 18 has the rest -- 17 also has
14 the Walle Township, which is south of Grand
15 Forks, and it is over to the interstate. We use
16 the interstate as a boundary. Very identifiable.
17 And District -- forget about that. The one I'm
18 here on 19, we don't -- we don't look at that.
19 And you have the map of 43 and of 42.
20 There was a suggestion of making a slight
21 adjustment, and it was a slight adjustment, in
22 the borders of District 42, which would have
23 moved the -- would have taken some from 42 and
24 put it into 18, and then taken the city of Manvel
25 and put that in 42.

1 But I just wanted you to know there was
2 that presentation, but personally, I like the
3 fact that if we can keep these borders the way
4 they were, it -- I like the continuity, but
5 that's essentially what it is. We did a minimal
6 amount of change within the districts, and that's
7 all I can say.
8 CHAIRMAN DEVLIN: Senator Bekkedahl has
9 a question.
10 SENATOR BEKKEDAHL: Thank you,
11 Mr. Chairman and Senator Holmberg.
12 So relative to Grand Forks Air Force
13 Base, I like to call it one district now, but,
14 you know, just south of there, that -- does that
15 have not any common interest ties to the base
16 with its population? I understand you said the
17 school district is in a different school
18 district, but I just want to -- I don't know -- I
19 don't know if there's base people living in there
20 that have a common interest with the base, so --
21 VICE CHAIR HOLMBERG: There's a lot of
22 base people that live there, a lot in Weimer.
23 And there is a community of interest out there.
24 The school district in Emerado and the school
25 district in Grand Forks has an interesting

1 history of competition, because many, many years
2 ago, of course Grand Forks got the air base as
3 part of their school district, and Emerado
4 didn't. So there has been -- and I'm not saying
5 there is bad blood or anything like that, but
6 maybe some bad blood back in the day.
7 SENATOR BEKKEDAHL: Well, if I could --
8 Mr. Chairman?
9 CHAIRMAN DEVLIN: You may continue.
10 SENATOR BEKKEDAHL: It just makes sense
11 to me where you have the line right now. I just
12 -- I just didn't know the dynamics about who
13 lives in Emerado. I just know it's really close
14 to the base.
15 VICE CHAIR HOLMBERG: There's a Dairy
16 Queen, and the strip club closed years ago. I'm
17 told. I'm told. Club Emerado, but I'm told.
18 CHAIRMAN DEVLIN: On that note, Senator
19 Oban had a question.
20 SENATOR OBAN: Yeah. Let's change that
21 one real quick.
22 CHAIRMAN DEVLIN: Yes, thank you.
23 SENATOR OBAN: So I -- since you showed
24 this, you know, changes to District 42 and Fargo,
25 I'm just struggling to understand how the

1 university -- the district is essentially like
2 half the university, a fourth rural, and a fourth
3 the base, and maybe, you know, a population
4 that's not exactly. That seems like many
5 different communities of interest, when 42 could
6 be cut in a way where it is more like central
7 Grand Forks, sort of main -- I'm just wondering
8 the thought process of essentially doing the
9 university population rural and --
10 VICE CHAIR HOLMBERG: Well, first of
11 all, a large part of the population is of a
12 younger age at the university. And that is the
13 same kind of metric that you'll see at the air
14 force base.
15 SENATOR OBAN: Okay.
16 VICE CHAIR HOLMBERG: They are younger
17 population, you know, the -- 18- to 30-year olds,
18 a lot of them are out there. So there's that
19 commonality. But there -- part of it is they are
20 -- like I said, 2002 people that live on the
21 base, but air base folks live throughout the city
22 of Grand Forks as do university students and
23 university folks.
24 So trying to get the numbers, it just
25 made sense to put them together with that

1 particular district. If we left 18 connected to
2 the Grand Forks Air Force Base, then where do we
3 get the population for District 42? There are --
4 some legislators from District 42 option was to
5 divide 43 in half and they take the northern half
6 of 43.
7 And I had little interest in dividing a
8 district that really didn't need to be divided,
9 because they'd have to get their people some
10 place. And again, sometimes its -- I don't want
11 to say the people are ugly, but sometimes it's
12 ugly what you have to do in order to worship at
13 the altar of one person one lord.
14 CHAIRMAN DEVLIN: Any further questions?
15 Seeing none. Thank you.
16 Senator Poolman.
17 SENATOR POOLMAN: Mr. Chairman, as they
18 are passing out the version of this district --
19 it's labeled District X, but it would really be
20 District 8 is what we would be calling it. As
21 you notice, both of the maps that came from the
22 eastern half of the state honored county lines.
23 And even though they were slightly different in
24 the way they did that, both of those maps left
25 Emmons County as an orphan.

1 And so what I'm starting to realize on
2 this Committee is that we're coming in from the
3 east and the west and that everything in the
4 middle is now going to be squished. And so we
5 better start looking for some solutions in terms
6 of making whole districts in the middle as well.
7 And so I just drew the lines as far north as it
8 needed to go to have a population and have a nice
9 straight line. And so you'll see that it goes right
10 under Wilton there.
11 And so that's the district. It's the right
12 size. I didn't include the rest of them there. But
13 I will tell you that then I took what would have been
14 the rest of District 8 as it is now, and it absorbed
15 into 33, into 6 and into 14. And so that's why this
16 will be considered the new 8.
17 And so I don't have any dog in this fight
18 or anything. I just wanted to start looking for some
19 solutions. I'm really supportive of the concept of
20 the following county lines. And so I think we need
21 to start to figure it out in the middle here if we're
22 going to try to do that on each side of the state.
23 CHAIRMAN DEVLIN: Representative Headland,
24 I'm sorry.
25 MR. HEADLAND: Thank you, Mr. Chairman.

1 Senator, I'm just curious if we're keeping
2 counties whole and -- as a task, and another one of
3 our tasks is to keep an existing district as whole as
4 it was, what would be the point of pulling a full
5 county like Emmons out of District 28 when it
6 actually, there's ways to make it fit in with 28?
7 SENATOR POOLMAN: Mr. Chairman and
8 Representative Headland, I am happy to see any maps
9 where you're still honoring county lines, and you
10 keep the districts together. I think that's great.
11 I'm just saying the two maps I've seen left Emmons
12 County as an orphan, and so this is a proposal. If
13 people like those two versions of the map, it's a
14 proposal to do that.
15 CHAIRMAN DEVLIN: Representative Nathe?
16 REPRESENTATIVE NATHE: Thank you,
17 Mr. Chairman.
18 I appreciate Senator Poolman's work on
19 this, and I'm all for looking at different options
20 and I think that's good. But I just want to speak to
21 Lincoln. I spoke to it earlier when I presented.
22 That's going to be a big problem.
23 And I know we're having some people
24 tomorrow coming from Lincoln. They want to be
25 represented by somebody local. Like as I said

1 earlier, they have a Bismarck public school in their
2 city, they relate to Bismarck politics. Something
3 like this, you know now you've put them into a rural
4 district.
5 And we heard this complaint 10 years ago
6 and it was very loud at the end. And we just need to
7 keep that in mind when we're taking a look at this.
8 So thank you.
9 SENATOR POOLMAN: Mr. Chairman, if I may
10 speak to that?
11 CHAIRMAN DEVLIN: You may.
12 SENATOR POOLMAN: As the person who
13 represents Lincoln now, what I love about having
14 Lincoln in this district is that they become the
15 largest voting block and the most influential
16 community in the district. And what I like as a
17 parent through Bismarck public schools and has
18 dedicated my life's work to working for Bismarck
19 public schools, I like that you have an entire
20 district now, that you have three more legislators
21 that need to consider what is good for Bismarck
22 public schools.
23 And so I like the idea that you really
24 created a district where Lincoln has significantly
25 more influence than it has today.

1 CHAIRMAN DEVLIN: Senator, if I believe --
2 and you know obviously with the 200 pieces of paper
3 I've now accumulated, your vision of District 8 is
4 entirely different than what Representative Nathe
5 presented. And so exactly what are you going to do
6 with the balance of McLean County so to speak, what
7 did you do with that?
8 SENATOR POOLMAN: Correct. And I didn't
9 want to show that. I will just tell you that I
10 absorbed it into 33 and 6 and 14. But I haven't
11 spoken to anybody from those areas.
12 CHAIRMAN DEVLIN: Okay.
13 SENATOR POOLMAN: And I'm not familiar with
14 those areas. And so I wanted to have some time to
15 meet with people and to see what the other maps had
16 already done with 31 and 33 and to see what was
17 already planned for those districts. So they were
18 just absorbed into those three other districts.
19 CHAIRMAN DEVLIN: Okay. Thank you. Was
20 there any comments from any interested persons on
21 what we've discussed today? Nothing online? No.
22 MR. HANEBUTT: Mr. Chairman, Members of the
23 Committee, I'm Pete Hanebutt from Farm Bureau. I
24 haven't commented before, but a lot of the discussion
25 today lends to what our policy says, which Policy

1 40909 says, "We believe the legislative district
2 should consider geographical areas as well as
3 population to more equally represent the rural areas
4 of North Dakota."
5 What that means in the discussion of our
6 delegates is what you've discussed today; keeping
7 communities of interest together. Keeping counties
8 together is important, but that is balanced by
9 communities of interest, meaning school districts
10 that cross county lines, urban areas that cross
11 county lines, and those kinds of things. That was
12 the general discussion of our delegates last
13 December, and they were very interested in this.
14 Obviously, we want to maximize the impact
15 of rural North Dakota and the rural people in
16 Agriculture. And so I'll leave it at that. It's a
17 little bit up to your own interpretation. I've seen
18 the discussion today was healthy, all the way round
19 for our interests and so we appreciate all your work,
20 so --
21 CHAIRMAN DEVLIN: Questions, Mr. Hanebutt?
22 MR. HANEBUTT: No, sir.
23 CHAIRMAN DEVLIN: Senator Oban?
24 SENATOR OBAN: I do have -- you know, I'm
25 just looking at the existing district lines or

1 legislative district lines. For example, the Minot
2 area essentially split the City of Minot into four
3 districts making each of those districts, maybe with
4 the exception of 5 -- and I'll probably ask Senator
5 Burckhard if that's about accurate, part rural and
6 part Minot. Considering we will be probably
7 eliminating a few rural districts, you could cut
8 Minot to be three districts that encompass Minot and
9 then you would gain one rural district.
10 MR. HANEBUTT: Uh-huh (affirmative).
11 SENATOR OBAN: Can you speak to that
12 thought process?
13 MR. HANEBUTT: Well, I would be speaking
14 for Ward County Farm Bureau.
15 SENATOR OBAN: Sure.
16 MR. HANEBUTT: And I probably shouldn't
17 speak for them specifically. The general consensus
18 of our members is to maximize rural districts, which
19 is great. We also understand that a district or two
20 here and there is going to go away. The fact that
21 the numbers have gone away, for example, the
22 Chairman's district number going away doesn't meant
23 that that rural district goes away. Those rural
24 people are still well represented in some of the maps
25 represented today.

SENATOR OBAN: Of course.

MR. HANEBUTT: So it's a little bit of horse trading. I think our folks would like to see a growth in districts in the west obviously, because they see that part of the state expanding. So it's a half a horse a piece, and I don't know that there's a fair way to say it. We know that some -- what we would consider city districts are going to go out into the countryside. And we know that some country sides are going to capture a little bit of suburbia.

I'm happy for, you know -- one of the renderings today was my district in rural Morton County. Catching New Salem with Dickinson makes sense. And I think you know, there's a lot of things that makes sense and how we draw these things. It's just a matter of you guys aren't wrestling over it.

CHAIRMAN DEVLIN: Senator Sorvaag.

SENATOR SORVAAG: Mr. Chairman, Pete, and this isn't as much a question but a statement to that. You may want to respond back to it, but -- Cass County, I have one of those urban rural, and I think they gained. If we make all of rural Cass County one district, they got one senator, two representatives.

If you take what I'll be showing tomorrow

1 where I take a fourth of the rural, and I have it
2 now. Rural Cass County's got two senators and four
3 representatives. When the Cass County township
4 officers have their annual meeting, they've got two
5 senators sitting there, not one. That completely --
6 I can see a little edge, but it completely baffles me
7 how that can be called deluding the representation.
8 Now, still at the end of the day, it's
9 incumbent of every legislature to realize we're
10 responsible for all our constituents, whether you're
11 living in the country or living in the city, wherever
12 my house is. I'm responsible for them all. So I
13 struggle with that. I know there's unique things
14 where it's deluding, but because of the losing of the
15 rural districts, this is one way to keep
16 representation.
17 And you can respond to that. But I don't
18 think what you'll see in my map is hurting those
19 people. Well, I've had most of them already for
20 eight years. And I'm in a unique situation. I grew
21 up out in that rural, and I'm connected. But when I
22 look, at least in Cass County, it's enhancing the
23 rural part of Cass County to have connections to
24 multiple districts than if we wrap that. And we
25 could wrap it all in one, and that's all they'd

1 represent.
2 So I think there's two sides to it, and
3 that's why everyone needs to stand really on its own
4 merits. But I think a blanket statement that there
5 shouldn't be an urban rural and it's only been done
6 solely because of numbers might be missing some
7 opportunities for additional rural representation.
8 MR. HANEBUTT: Senator, I appreciate the
9 comment, and I cannot disagree with your ideology on
10 that at all. I mean, it is a horse-trading process.
11 I will add an editorial comment that as a former
12 lobbyist from another state, we do a much better job
13 here. And God bless you all because I wouldn't move
14 back to Indiana the way they draw gerrymander
15 districts there. So across the board, this is
16 better.
17 CHAIRMAN DEVLIN: Thank you, Pete. We
18 appreciate that.
19 MR. HANEBUTT: Thank you.
20 CHAIRMAN DEVLIN: So I know tomorrow, we're
21 doing Cass County. I don't know if some of the folks
22 from western North Dakota might be able to get
23 together here today and at least discuss a little
24 bit, you know, what you're doing. I know that --
25 Representative Lefor, do you have the --

one of the computers?

REPRESENTATIVE LEFOR: (Indiscernible)

CHAIRMAN DEVLIN: Okay.

REPRESENTATIVE LEFOR: I gave it to Counsel.

CHAIRMAN DEVLIN: Okay. Well, one of them is going to Representative Headland, and I'm not sure where the other one was. It was going to go to Minot, but it isn't now. So I'm not sure who has the other one, but that's fine. But Representative Headland will need one.

REPRESENTATIVE LEFOR: I was offered (indiscernible).

CHAIRMAN DEVLIN: From both? You're going to get both of that?

VICE CHAIR HOLMBERG: Where is that going?

CHAIRMAN DEVLIN: Well, whatever. However you three want to work it out.

VICE CHAIR HOLMBERG: We don’t have to --

CHAIRMAN DEVLIN: That will be fine.

What else is there for today, Committee? Tomorrow may be a short meeting, unless you come up with a bunch of solutions overnight.

Representative Boschee, are you presenting anything else on your plan? Okay.

1 You did get a letter from a gentleman in
2 Beulah. I think it was circulated earlier that said
3 that reservations have been split in different
4 districts that happened, he said, back in the 70's
5 and 80's and as late as 92 or maybe 2002. And the
6 statement I made is we have never done it you know,
7 when I was -- that I could remember.
8 But apparently, it was done years back.
9 But in all the years I've been working with it, we
10 have never split an Indian reservation, and I'm sure
11 we're not going to this year. But I stand corrected
12 because he said it was done in some of the earlier
13 years.
14 I don't know if anybody was on in any of
15 those Redistricting Committees that far back or not.
16 Is there anything else for today,
17 Committee?
18 So nothing. We'll stand in recess until
19 tomorrow morning at 9:00 a.m.
20 (END OF VIDEO FILE)
21
22
23
24
25

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I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

I do further certify that I am neither a relative, nor employee, nor attorney of any of the parties to this action, and that I am not financially interested in the action.

Julie Thompson, CET-1036

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