

**Testimony of the Spirit Lake Nation Regarding Legislative Redistricting
North Dakota Legislative Council Redistricting Committee
August 26, 2021**

Introduction

Chairman Devlin and members of the Redistricting Committee, thank you for having me here today. I am Collette Brown, the Gaming Commission Executive Director at the Spirit Lake Casino and Resort, and will be testifying today on behalf of the Spirit Lake Nation. The Spirit Lake Nation is a federally recognized tribe located in the state of North Dakota, with an enrolled membership of 7,559 members as of January, 2021. According to the American Community Survey, there are almost 4,000 Native Americans currently living on our reservation in North Dakota. Spirit Lake is sovereign nation governed by its Tribal Council. Tribal operations include schools from elementary through community college, a radio station, and a resort and casino to name a few. The Tribe and its operations are major economic drivers in the greater Devil's Lake area, providing jobs and opportunities for many North Dakotans and Tribal members. I am here to advocate on behalf of the Tribe and its members: (1) for fair and legal voting systems; (2) for the Tribe's communities to be considered a community of interest that should not be split into multiple legislative districts; (3) for the use of single member districts to elect representatives to the State House; and (4) to demand the North Dakota Redistricting Committee listen to tribal input and hold redistricting meetings and tribal consultations on reservations.

Recent History of the Tribe's Fight for Voting Rights

Tribes across the nation have had to fight for their right to vote, and the Spirit Lake Nation has been at the forefront of that fight. In 2000, the United States sued Benson County due to the county's at-large election system, which diluted the voting power of Spirit Lake's members in violation of the Voting Rights Act. To settle the case, the county entered into a

consent decree, agreeing to abolish the at-large system and adopt five (5) single member districts with at least two (2) Native American minority majority districts. Despite entering into the consent decree, Benson County has gone back to implementing an at-large election system. As the Native American population has increased in Benson County in every census since at least 1990, this election system must be reviewed to ensure that it complies with the Voting Rights Act.

In 2016, the Tribe, on behalf of its members, sued the North Dakota Secretary of State over the state's illegal voter identification requirements that would make it impossible for many tribal members to vote. In 2020, the parties entered into a mutually agreed upon consent decree that would allow for the recognition of tribal ID's and allow tribal voters to identify their residence on a map due to many tribal members lacking a physical street address. The right to vote is a fundamental right in our democracy, and Spirit Lake will vigorously defend that right of its members.

North Dakota Legislative Redistricting

As the state of North Dakota undertakes its redistricting process, the Legislature should take several steps. First, it is critical that the Legislature comply with the Voting Rights Act. This includes moving away from at-large districts for the State House of Representatives, which may have a dilutive effect on minority votes. Where there are tribal communities such as Spirit Lake, the Legislature should carefully analyze whether there should be single member House districts to ensure tribal communities have equitable representation. Failure to draw single-member House districts can dilute the Native vote and may violate the Voting Rights Act.

Second, a "Community of Interest" standard should be utilized in redistricting, which can take into consideration communities that have similar language, culture, economics, and identity, to keep those communities together within legislative districts. Spirit Lake and its communities

are a community of interest and should remain in a single legislative district. Splitting the reservation or our communities into multiple districts would dilute the ability of tribal members to elect the representative of their choice.

Third, even though the redistricting schedule is abbreviated, there is no excuse for failing to consult with the tribes and take tribal input into account in the redistricting process. Many other states have already begun holding redistricting hearings to get feedback directly from citizens and tribal governments. This process is far too important to ignore the perspective of tribal communities.

I thank the members of the Committee for your consideration of these important issues. I am happy to address any questions or discuss these issues further.