

**Testimony of Spirit Lake Nation Chairman Douglas Yankton, Sr.
Before the North Dakota Legislative Council Redistricting Committee
November 8, 2021**

Members of the Redistricting Committee, thank you for allowing me to testify today. I am Douglas Yankton, Sr., Chairman of the Spirit Lake Nation. Spirit Lake is a sovereign nation and a federally recognized Indian Tribe with over 7,500 enrolled members. The Spirit Lake reservation is located mostly in Benson County, but also in portions of Eddy, Ramsey, Wells and Nelson counties.

I am here to ask that the Committee slightly revise its map to draw a single legislative district that includes the Spirit Lake Nation reservation and the Turtle Mountain Band of Chippewa reservation. This request was originally conveyed through a letter from myself and Chairman Azure, submitted to the Governor and Legislature on November 1st. I have attached a copy of the letter to my testimony. The letter includes a map of the proposed district, as well as maps showing how the proposed district could easily be incorporated into the Committee's approved map with very little change.

Spirit Lake and Turtle Mountain have many shared interests. We are the only two federally recognized Tribes in the North Eastern part of the state. We have similar economic interests, as well as cultural and political values. We both deal with the federal government on a government-to-government basis. We live just over an hour's drive from each other, and, because the boundaries between our two

Exhibit X

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reservations are less than 55 miles apart as the crow flies, the district would be geographically compact. Additionally, a strong majority of the district's voters would be Native American, which means subdistricts would not be required for this district. Finally, we believe that joining our Tribes together into a single legislative district will improve the government-to-government relationships between our Tribes and with the State. In short, as sovereign tribal governments we have unique communities that have uniquely shared values. It only makes sense for us to have a shared political district.

I hope the Committee will give full consideration to this request. I thank you for your time today, and will stand for any questions the Committee may have.



November 1, 2021

The Honorable Doug Burgum
Governor of the State of North Dakota
600 East Boulevard Ave.
Bismarck, ND 58505

The Honorable Joshua Boschec
Minority Leader
North Dakota House of Representatives
600 East Boulevard Ave.
Bismarck, ND 58505

The Honorable Kim Koppelman
Speaker
North Dakota House of Representatives
600 East Boulevard Ave.
Bismarck, ND 58505

The Honorable Rich Wardner
Majority Leader
North Dakota State Senate
600 East Boulevard Ave.
Bismarck, ND 58505

The Honorable Chet Pollert
Majority Leader
North Dakota House of Representatives
600 East Boulevard Ave.
Bismarck, ND 58505

The Honorable Joan Heckaman
Minority Leader
North Dakota State Senate
600 East Boulevard Ave.
Bismarck, ND 58505

Dear Governor Burgum, Speaker Koppelman, and Leaders Pollert, Boschec, Wardner and Heckaman:

On behalf of the Turtle Mountain Band of Chippewa Indians ("Turtle Mountain") and the Spirit Lake Nation ("Spirit Lake"), we write to express concerns with the proposed legislative map to be considered for approval by the State Legislature on November 8, and to respectfully request that our Tribal Nations be incorporated into the same legislative district.

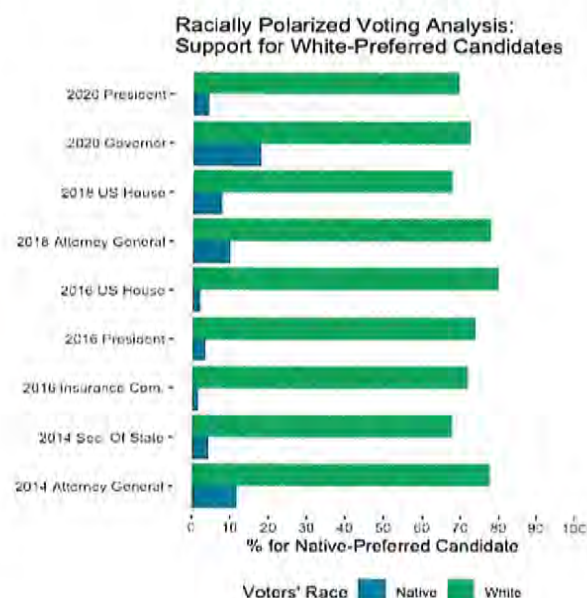
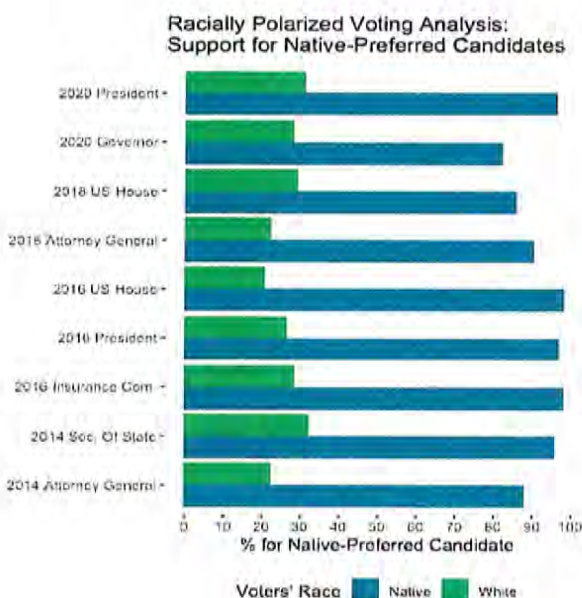
Throughout the redistricting process, the Tribes of North Dakota made numerous requests to the Legislature's Redistricting Committee to hold redistricting hearings on and near reservations to allow tribal members an opportunity to be heard on how their state legislative representation will be guided for the next ten years. Those requests fell on deaf ears. Many of our tribal members lack the means to travel to Bismarck and were therefore shut out of the redistricting process. Also concerning was the Redistricting Committee's position that the Tribal and State Relations Committee could report back to it if any redistricting comments happened to be brought up during the Tribal and State Relations Committee meetings. That approach was wholly inadequate. Despite repeated requests, the only outreach from the

Redistricting Committee was the e-mailing of a hearing notice to the Tribes with one day's notice. Of course, given the short notice, not all of the Tribes were able to make it to Bismarck to attend the hearing. Indeed, we as tribal leaders are governing in the middle of a pandemic with limited resources, and so one day's notice is far from sufficient.

At that redistricting hearing, representatives from the Spirit Lake Nation, Standing Rock Sioux Tribe, and Three Affiliated Tribes advocated for the creation of legislative subdistricts to improve their representation. Of these requests, only a subdistrict for the Three Affiliated Tribes reservation area was approved by the Redistricting Committee. The Committee, however, also decided to create subdistricts in the Turtle Mountain reservation area, even though no subdistricts were ever requested by Turtle Mountain to the Redistricting Committee.

As a result of the poor outreach to our Tribal Nations, despite our repeated requests, the Redistricting Committee's proposed District 9, containing the Turtle Mountain reservation, is illegally drawn and we believe will be struck down in court if it is adopted by the State Legislature. To remedy this situation, and to also allow the members of Turtle Mountain and Spirit Lake to be able to elect the representatives of their choice in accordance with federal law, we have developed a proposed district containing the Turtle Mountain and Spirit Lake reservations. (**Attached as Figure 1**).

Given that our Tribal communities together would be sufficiently large and geographically compact to form a majority-minority district, and given the racially polarized voting that exists when comparing our communities to the surrounding areas, our proposed district satisfies the Voting Rights Act, and would negate the need for a subdistrict. To illustrate, the below charts show the differences between Native American and non-Native American voting patterns in 2016 and 2020 state-wide elections for the precincts within the district we have proposed. Our Tribal communities have voted cohesively in favor of clearly identified Native American preferred candidates. On the other hand, the non-Native American voters have, without exception, overwhelmingly voted against the Native American candidate of choice.




The disparity is even more severe when Native American candidates have run for office. In the 2016 election for the United States House of Representatives, a Native American candidate, Chase Iron Eyes, was preferred by an estimated 98 percent of Native American voters, but received only 21 percent of the vote from white voters. The vast majority of white voters rallied behind the eventual winner of the race, Kevin Cramer, who received only an estimated 2 percent of the Native American vote. A similar pattern is visible in the 2016 race for Insurance Commissioner, where an estimated 98 percent of Native American voters cast a ballot in favor of the Native American candidate, Ruth Buffalo, while being favored by only 28 percent of white voters.

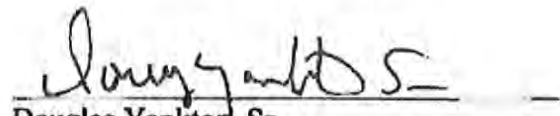
Not only will adopting the district proposed by our Tribes allow the State of North Dakota to forgo costly litigation (which would likely result in the Redistricting Committee's map being overturned anyway), the proposed district can also be incorporated into the overall state-wide redistricting map very easily, with minimal impacts to the districts proposed by the Redistricting Committee for the rest of the state. We have taken the additional step of drawing a full state-wide map that incorporates our proposed district. (**Attached as Figure 2**). To illustrate this minimal impact, we have additionally provided a map that shows the lines of a proposed state-wide map that incorporates our proposed district, overlaid with the lines of the Redistricting Committee's proposed map. (**Attached as Figure 3**). As you can see, incorporation of our proposed district only creates small changes to the other districts proposed by the Redistricting Committee, and only in the northeast corner of the state.

We respectfully bring this request forward, not only as the leaders of sovereign Tribal Nations, but as fellow citizens of the State of North Dakota. All citizens deserve to have their voices heard and to be treated fairly and equally under the law. Our proposed district accomplishes this, which benefits our Tribes as well as the State of North Dakota and all of its citizens. We appreciate your thorough attention to this matter.

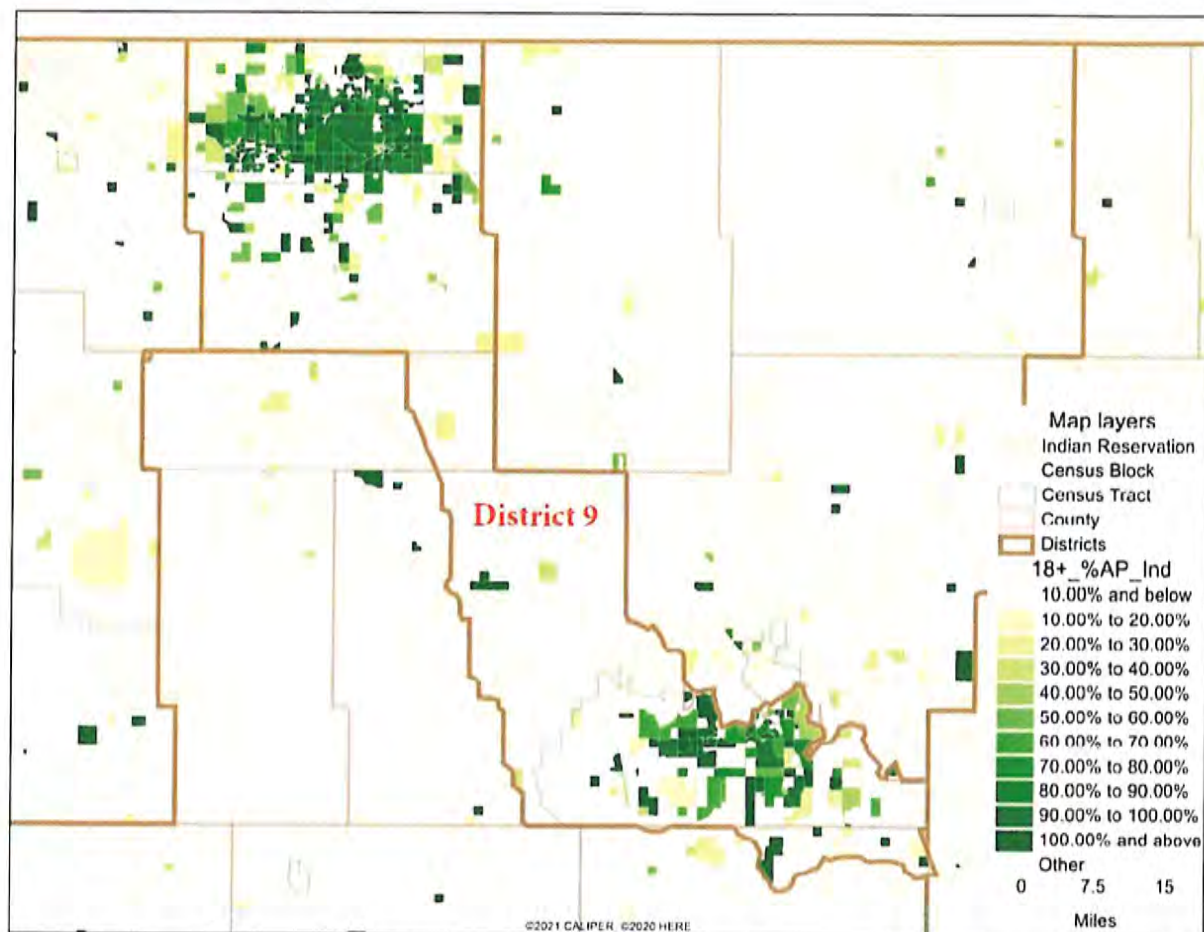
Sincerely,



Jamie Azure
Chairman
Turtle Mountain Band of Chippewa Indians



Douglas Yankton, Sr.
Chairman
Spirit Lake Nation

Figure 1 – Proposed District Including Spirit Lake and Turtle Mountain Reservations

District	Population	Deviation	%Deviation	18+ Native American Population	% 18+Native American Population
9	17,341	765	4.62%	7,887	69.06%

Figure 2 – Proposed District as Incorporated Into State-Wide District Map

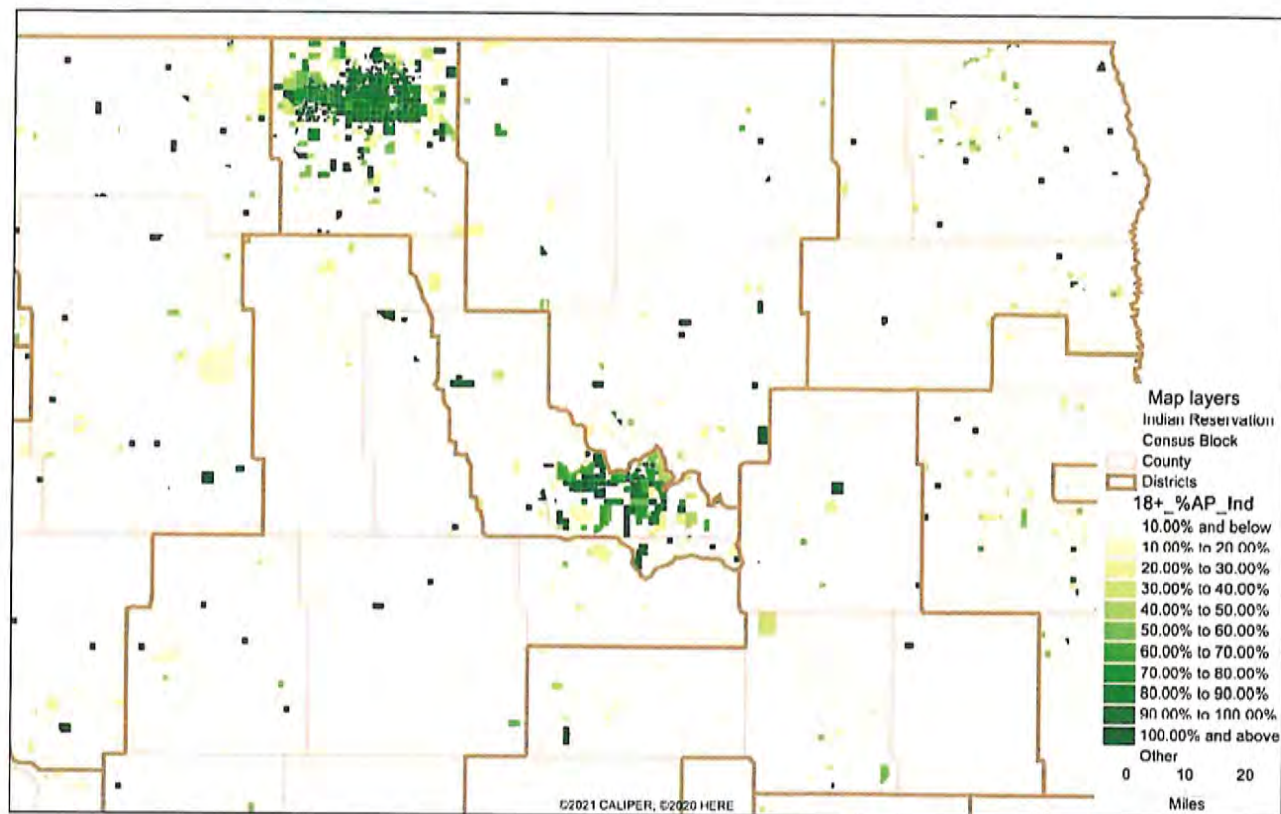


Figure 3 – Our Proposed District as Incorporated into State-Wide Map (Dark Brown Lines), Overlaid with and the Redistricting Committee’s Map (Green Lines)

