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TRANSCRIPTION OF VIDEO FILE  
NORTH DAKOTA HOUSE  
HB 1504 / JOINT REDISTRICTING  
NOVEMBER 9, 2021  
1:39 P.M.



1 NOVEMBER 9, 2021

2 REPRESENTATIVE K. KOPPELMAN: Continuing  
3 on the 11th Order, the House has before it House  
4 Bill 1504. The speaker has received a request  
5 pursuant to House Rule 319 for the division of  
6 this bill, and I believe that all the members  
7 should have had a copy delivered to your desk of  
8 what makes up the requested division.

9 I'll just restate the rule for the  
10 members recollection here. If a question before  
11 the House contains more than one proposal, any  
12 member may have the question divided, except a  
13 question on the adoption of a conference report  
14 or on the second reading and final passage of a  
15 measure resulting from the adoption of a  
16 conference report may not be divided.

17 A proposal to divide question must be  
18 submitted in writing to the speaker in advance of  
19 the floor session, at which the measure is placed  
20 on the calendar for consideration.

21 A question containing more than one  
22 proposal may be divided only if each resulting  
23 division is so distinct and separate it can stand  
24 as a complete proposition without being  
25 rewritten, and a roll call vote must be called

1 for each division of the bill. Each division of  
2 a divided question requires the same vote for  
3 adoption that the division would require if it  
4 stood alone.

5 And after voting on all divisions, the  
6 approved divisions comprise the question before  
7 the House. And so we would vote on the final  
8 bill after voting on the various divisions.

9 With that, Representative Jones.

10 REPRESENTATIVE JONES: Thank you,  
11 Mr. Speaker.

12 Members of the Assembly, I'm asking to  
13 divide this bill. Basically, what I'm asking is  
14 that we take subdistricts out of the  
15 redistricting recommendation.

16 As you know, I represent District 4.  
17 It's a huge district. One of the things the  
18 district has in it is the entire Fort Berthold  
19 Reservation. And so I proudly serve the members  
20 of the Fort Berthold Reservation.

21 The district also goes all the way up to  
22 Kenmare down to Halliday and Dunn Center, and all  
23 the way east almost to Minot to the City of  
24 Sawyer. I've got some of the best people in  
25 North Dakota in my district, and I try to serve

1     them well.

2                   I hesitate to stand and do this today  
3     because I've got competing interests in my  
4     district; and I'm trying my best to serve those  
5     competing interests in a way that I can have a  
6     clear conscience about when I'm done.

7                   So I've been doing a lot of phone calls,  
8     gathering a lot of information, and I feel like  
9     I'm swimming in really deep water here. The  
10    redistricting committee has done a good job.

11                  My chairman of my district wanted me to  
12    be on the restricting committee, and I said, "No,  
13    thank you, sir." I don't have the knowledge that  
14    it requires. I don't know a lot of the  
15    insurance, and outs, and the subtleties about  
16    North Dakota. I told him, "I'm not the man for  
17    the job."

18                  My hat is off to the members of this  
19    committee for the work that they've done. I know  
20    it's been a tough job. And I mean no disrespect  
21    by dividing this question in any way.

22                  Today, I was able to get a hold of a  
23    top-level restricting attorney. And I got some  
24    serious advice from him. And I apologize that  
25    it's such a short notice that I can't give a lot

1 of that information to you. But what I will do  
2 is summarize. And then I will ask the body to  
3 take it into consideration when we're looking at  
4 this.

5 The only way to prove a Section 2  
6 violation in redistricting is to show the  
7 continuing effect of racial animus. In North  
8 Dakota, the North Dakota I live in, I have not  
9 seen racial animus that affects our elections. I  
10 don't believe that it's here.

11 It's pretty simple to look at District 9  
12 and see that we don't have racial animus because  
13 we've got Senator Marcellais sitting in that  
14 seat. And he's been there for a long time. And  
15 he does a great job of representing District 9.  
16 He's elected at large by District 9 to hold that  
17 seat. If there was racial animus affecting  
18 District 4 and District 9, we would not have  
19 Senator Marcellais sitting in that seat.

20 We have in our chamber on this side, we  
21 have the good senator -- a representative from  
22 Fargo who is also a member of the three  
23 affiliated tribes. We do not have racial animus  
24 in North Dakota that's affecting our elections.

25 The continuing effect of racial animus

1 has to be proven by a regression study, commonly  
2 called a polarization study. If somebody wants  
3 to ask for a deviation from our constitutional  
4 voting system, they have to go through a  
5 polarization study to establish the racial animus  
6 and that racial animus is consistently depriving  
7 a specific group of people that have similar  
8 voting interests from being able to elect the  
9 representation that they desire.

10 In all of the information I can gather,  
11 and all the interaction I've had with the  
12 redistricting committee, no one has presented a  
13 polarization study that would justify the  
14 deviation from our constitutional election  
15 process.

16 There has to be sufficient bloc voting  
17 issues established and other voting patterns that  
18 there is justification for that deviation.  
19 Again, there is no bloc voting going on in North  
20 Dakota that is depriving a minority group or any  
21 other group from being able to elect who they  
22 would elect.

23 If we leave subdistricts in this bill as  
24 it's proposed, we will be guilty of racial  
25 gerrymandering according to this person that I

1 was talking to. Because you cannot implement  
2 subdistricts, which is a pretty radical thing,  
3 which deviates from our constitutional voting  
4 system, unless you have the justification to do  
5 so.

6 If you just jump to it and say we're  
7 afraid because of what happened in South Dakota,  
8 that we're going to get sued, it's going to cost  
9 us a lot of money, we don't want to cost the  
10 state that money, so we're just going to jump to  
11 the subdistricts without the foundation, without  
12 the justification, I was told today by this  
13 attorney that is racial gerrymandering.

14 You're just simply taking a group of  
15 people saying these guys are basically of the  
16 same ethnic or racial characteristics. We're  
17 going to create this subdistrict for them. It's  
18 wrong. It's frowned upon on every court in the  
19 land.

20 You can do the subdistrict if you have  
21 done your homework, done your foundation, had the  
22 evidence shown to you that it is justified to do  
23 this measure. This has not been done in North  
24 Dakota.

25 If we did meet these thresholds, if

1 these parts and pieces of the process had been  
2 done, I would be -- and if it had shown that we  
3 were having serious problems with these things in  
4 North Dakota, because I represent District 4 and  
5 the entire Berthold Reservation, I would be the  
6 first one leading the charge saying we need to  
7 get subdistricts.

8 I am confident in my position that I can  
9 be reelected either way it goes. But I've been  
10 getting a lot of messages from members of my  
11 district that say, heck no, we don't want to be  
12 treated different than everybody else in North  
13 Dakota. If this goes through, we only have one  
14 representative. Everybody else has two to go to  
15 when they have issues or problems. Sometimes I  
16 don't like one of my representatives or I don't  
17 work well with them. I want to be able to have a  
18 choice like everybody else does in North Dakota.

19 We've all taken an oath to uphold our  
20 constitution. Our constitution has given us the  
21 way that we run our elections. We can deviate  
22 from that if we meet the criteria to apply these  
23 Section 2 issues. We have not done that.

24 If my district, specifically, the MHA  
25 Nation, wants to look into this, I will help do



1 that. And after the next census and the next  
2 information is gathered, if we find that they  
3 have been unable to get people that they want  
4 elected because of racial animus, I will lead the  
5 charge to create subdistricts. But we are not  
6 there yet.

7 And, if we make the mistake of creating  
8 this subdistrict now, these two in 4 and 9, we  
9 will be subject to what he called the Shaw  
10 Violation, which is basically discrimination. I  
11 don't know what that all leads to. But he cited  
12 two cases that I didn't get written down fast  
13 enough.

14 Again, I apologize that I don't have  
15 better information. But I am absolutely  
16 confident when I stand in front of you saying  
17 this may need to be done. But the time is not  
18 now.

19 Please defeat the subdivision part of  
20 this bill. And then I would support the  
21 redistricting bill as the rest of the  
22 subdivision.

23 I would stand for any questions.

24 REPRESENTATIVE K. KOPPELMAN:  
25 Representative Schauer.

1 REPRESENTATIVE SCHAUER: Thank you,  
2 Mr. Speaker, members of the Assembly. And there  
3 are many ways to learn. Among them is learning  
4 from our mistakes. But even better is learning  
5 from other people's mistakes.

6 Twenty years ago, South Dakota faced a  
7 similar situation as we do today with several of  
8 its Native reservations. Lawmakers ignored legal  
9 advice, ignored the Voting Rights Act, ignored  
10 race as a criteria in redistricting, and refused  
11 to redistrict.

12 The results were disastrous. The ACLU,  
13 and the Justice Department, and the tribes  
14 unleashed their attorneys on South Dakota ending  
15 with an embarrassing and costly loss.

16 South Dakota has had subdistricts now  
17 for 16 years. I do not disagree with some of the  
18 arguments being made today concerning unequal  
19 treatment, fairness, reduced representation. But  
20 we are lawmakers. And, as part of that, it  
21 includes law followers.

22 Those advocating subdistricts in North  
23 Dakota have a powerful legal case based on the  
24 census numbers, the Voting Rights Act, and the  
25 precedent setting legal cases from the U.S.

1 Supreme Court.

2 In District 4A, total population is  
3 8,350. American Indian population is 5,537,  
4 which is 66 percent.

5 District 9A, total population, 7,922;  
6 American Indian population, 6,460, which is 82  
7 percent.

8 The Equal Protection Clause of the 14th  
9 Amendment and the Voting Rights Act, Section 2  
10 prohibits vote dilution, which happens when  
11 minority voters are dispersed or cracked among  
12 districts so that they are ineffective as a  
13 voting bloc. We may not like it for whatever  
14 reason. But it is the law.

15 Let's learn from South Dakota's mistake.  
16 Let's put our state in the best possible position  
17 to defend itself if we are sued. Let's do what  
18 is right both legally and in support of our  
19 tribal friends who are also North Dakotans.

20 I urge this Assembly to back the  
21 redistricting proposal, HB 1504, and let's move  
22 forward as one.

23 Thank you, Mr. Speaker.

24 REPRESENTATIVE K. KOPPELMAN:  
25 Representative Ruby.

1 REPRESENTATIVE D. RUBY: Thank you, Mr.  
2 Speaker, members of the Assembly.

3 When I think of redistricting, to me it  
4 has always been let's divide our districts in a  
5 way that make it equitable representation for our  
6 citizens of this state. And that is the number  
7 one reason for it.

8 When I heard about the subdistricts, I  
9 thought, well, I can understand that there's some  
10 situations, not just for cultural issues, but  
11 sometimes for the size of districts, very large  
12 districts who would maybe have a higher  
13 population area in one area and not as many in  
14 the other. And so it might be easier to get  
15 votes in that area. And that was one of the  
16 reasons people have thought that subdistricts  
17 should be a part of our system.

18 And it's hard to argue with that,  
19 especially with the size of some of our  
20 districts. It doesn't make sense in some of the  
21 very small districts. Like in the City of Minot,  
22 there's one district that's all contained within  
23 the City of Minot. I know Fargo has some of  
24 those. I think Grand Forks has one. So doesn't  
25 really make as much sense there. But again, if

1 you're going to apply it, you should apply it  
2 equally across the state.

3 So that's been my biggest concern with  
4 the subdistricts. Basically, there's going to be  
5 two districts that are going to, as the previous  
6 speaker mentioned, is only going to have one  
7 House member and their senator. And that senator  
8 will be shared between the two districts or  
9 subdistricts. And each one will only have the  
10 other.

11 Now, the basis of this is just because  
12 there's nobody within the minority of those  
13 districts, or they may not even be a minority of  
14 the whole district, but they are a minority in  
15 general. And not getting elected, I don't know  
16 that we have the problem.

17 I served with a member of the MHA Nation  
18 several sessions ago. She was elected in that  
19 district. And, as was stated, there is also one  
20 in the Senate. And there should be more. But  
21 it's funny is the districts that we're talking  
22 about, many cases, have voted for -- in North  
23 Dakota's case, the minority party in presidential  
24 elections and in maybe congressional and  
25 senatorial elections, but they voted for the

1 majority party at their local legislative level.

2 That doesn't tell me -- that tells me  
3 that they're not necessarily not voting for  
4 people in say another party that might be Native.  
5 They are basically voting for who they think is  
6 the best candidate in that area. That's plain  
7 and simple. It's whoever the best candidate is  
8 usually will win.

9 So I think that's -- what we're trying  
10 to do here to fix something that isn't -- it  
11 doesn't meet the criteria of being racially, I  
12 guess, hindered or people of race are hindered in  
13 their districts. I don't think that's a problem  
14 at all.

15 Matter of fact, I think in some cases,  
16 this may actually hurt the very people who say  
17 they want it. And again, my main reasoning for  
18 opposing this is for the inequity of the rest of  
19 them. Either we do it all across the state or we  
20 don't do it at all.

21 Now, we keep hearing, well, there's a  
22 good case for a legal challenge. First of all, I  
23 really detest legislating at the threat of  
24 vetoes, initiated measures, referrals, or being  
25 sued. We should do what we think is best and let

1 the other branch of government, which is the  
2 court system, do what they want if they do. They  
3 may not.

4 It's interesting when I've talked to  
5 people about this, people say -- especially if  
6 they were on the committees, oh, we'll lose.  
7 Okay. Well, in the next breath we hear that  
8 Standing Rock is going to sue us because we're  
9 not giving them one. Or they say, oh, well,  
10 they'll lose.

11 And then we had another proposal that  
12 was presented, I noticed when I sat in on the  
13 redistricting committee from Spirit Lake and  
14 Turtle Mountain tribes that would like to be in  
15 one district. And they say, well, if we don't do  
16 that, they'll sue.

17 We're going to end up in court one way  
18 or another unless, I don't know, unless we do  
19 everything that everybody else says we should do.  
20 And I don't even know because there's opposing  
21 sides.

22 There's other people could sue us for  
23 going to the subdistricts. And, if they don't  
24 meet the criteria, as Representative Jones just  
25 talked about from his expert, we could lose that

1 and rightly so I think.

2 So I think we decide on what we think is  
3 really best, what we feel comfortable with, what  
4 we think is equitable for all of our districts  
5 because I think that the committee did a good job  
6 in dividing the state. I mean, obviously,  
7 there's some things I'd like to see a little  
8 different. And there's always tweaks and changes  
9 that I wish wouldn't have to be. But overall, as  
10 far as equally splitting the state in districts,  
11 they did their job.

12 And I think that's fine. But I think in  
13 this situation, we really should take the  
14 subdistricts out and vote no on this division.  
15 And I would ask that we vote red on it.

16 Thank you, Mr. Speaker.

17 REPRESENTATIVE K. KOPPELMAN:  
18 Representative Devlin.

19 REPRESENTATIVE DEVLIN: Thank you,  
20 Mr. Speaker, members of the Assembly.

21 I really, really, really hate to argue  
22 with anonymous people that aren't here,  
23 particularly, we had court people after court  
24 people and experts after experts that told us  
25 different. But, you know, as far as the first



1 person that talked, it's not gerrymandering to  
2 create a perfectly contiguous subject. Multi-  
3 member districts dilute a -- that dilute a  
4 minority's voting strength are unconstitutional.  
5 That is totally opposite of Shaw, totally  
6 opposite.

7 But let's get back. The committee  
8 didn't do this because it might cost us money in  
9 court. We have no idea what it might cost in  
10 court. I saw states spend \$4 million on  
11 redistricting fights. I saw states spending \$3  
12 1/2 million on districting fights. But what I  
13 couldn't get was what South Dakota spent. And  
14 that would be a similar situation to ours, you  
15 know

16 So the committee put it in because it  
17 settled federal law. The Voting Rights Act was  
18 passed by Congress and signed by the President of  
19 the United States. Numerous lawsuits brought  
20 under the Voting Rights Act have been successful  
21 in the courts. You know, we're all about  
22 fighting federal mandates, particularly executive  
23 orders. And Wayne Stenehjem is doing a good job  
24 of leading that right now. But that isn't what  
25 this is.

1           This is a federal law that was passed by  
2 Congress, signed by the President of the United  
3 States, and held up by the Court. There is no  
4 argument over that. That's exactly what it is.

5           We are putting in the subdistricts  
6 because that is a requirement of the Voting  
7 Rights Act. Yeah. If we went to court, we could  
8 lose. That's what South Dakota did, as the  
9 previous speaker talked about. You know, they  
10 not only lost, the map that was put in for them  
11 was the plaintiff's map. That's certainly one of  
12 the things that could happen.

13           Like I said, we didn't do this because  
14 of money. We did it because the federal law says  
15 this must be done in this situation if they meet  
16 these criteria. And two of those states meet  
17 that -- or two of those districts -- tribes meet  
18 that criteria. That is federal law.

19           I'm not going to stand here and tell you  
20 to ignore federal law. I care too much about  
21 this country to do that. I am firmly convinced  
22 that we have no choice under the federal law and  
23 the constitution.

24           There's no question either that North  
25 Dakota has been in this situation before. We

1 have been before court on this case. We won the  
2 case so to speak. We won the case because the  
3 judge determined that the people bringing the  
4 suit couldn't prove or couldn't demonstrate they  
5 had a population equal to at least half of the  
6 subdistrict.

7 That is no longer true. We can no  
8 longer prove that. Two Native American tribes  
9 had that. You know, that's the only reason North  
10 Dakota prevailed in that case before.

11 Now, on the floor today, I heard  
12 arguments on where the population figures came  
13 from. The population figures came from the  
14 census, the federal census. Just as they did for  
15 every one of your districts. There was nothing  
16 different about it.

17 I mean, I can guarantee you that many of  
18 your districts and some of the tribal districts  
19 maintain that they were undercounted. But we  
20 didn't look at that. We didn't look at that all.  
21 All's we looked as is the numbers that came in  
22 the census. They meet the qualifications  
23 established by the courts, established by  
24 Congress. And we firmly believe -- the majority  
25 of the committee firmly believed that we need to

1 put this in.

2 You know, we talked about the  
3 discrimination. Under federal law, it's clear.  
4 They don't have to have intent to discriminate  
5 for redistricting to be unlawful. Courts look at  
6 the effect of redistricting. There is a big  
7 difference.

8 For example, the federal Voting Right  
9 Acts (sic) prohibits redistricting from diluting  
10 the vote of a racial minority by giving racial  
11 minority less opportunity than other groups to  
12 elect a minority group's candidate of choice.

13 The candidate of choice, as you well  
14 know, doesn't have to be a minority or a tribal  
15 member. It can be anyone. But it is their  
16 choice.

17 I firmly believe that under the federal  
18 law, the court decisions, which has been  
19 established and upheld repeatedly in courts, that  
20 we had to do this. There was no choice in the  
21 state of North Dakota.

22 Yeah. You certainly have the right to  
23 ignore federal court, federal Congress, and the  
24 President. You certainly have that right. But I  
25 don't think that's the right decision to make.

1 I think as law writers ourselves, when  
2 our laws are taken to court and upheld by the  
3 court, I think we would expect the citizens of  
4 our state to follow them. This was a similar  
5 case. This law was passed by Congress, as I  
6 said, signed by the President, upheld by the  
7 courts in multiple states around the nation,  
8 including South Dakota. And South Dakota has  
9 exactly the same district setup we did.

10 I believe the right thing to do is leave  
11 those sections in the bill and pass the bill.

12 Thank you, Mr. Speaker.

13 REPRESENTATIVE K. KOPPELMAN:  
14 Representative Fegley.

15 REPRESENTATIVE FEGLEY: Thank you,  
16 Mr. Speaker, members of the Assembly.

17 When I read the North Dakota  
18 Constitution, it has a phrase in it that every  
19 voter should have equal power. That's our North  
20 Dakota Constitution. So when you divide this two  
21 districts, what have you done?

22 Those two districts don't have equal  
23 power on what our North Dakota Constitution  
24 because they can only vote for one  
25 representative. And then what we really should

1 have done was had all the districts divided, and  
2 then we would be meeting both criteria. But  
3 that's not in front of us.

4 So I urge you that in our North Dakota  
5 Constitution, we need to have our voting  
6 represented and equal and that what we got before  
7 us, I urge you to vote no because it doesn't  
8 follow that. Thank you.

9 Mr. Speaker.

10 REPRESENTATIVE K. KOPPELMAN:

11 Representative Louser.

12 REPRESENTATIVE LOUSER: Thank you,  
13 Mr. Speaker. And I hesitate to get up after the  
14 chairman of the committee. I did not serve on  
15 redistricting. And, if everybody may recall, a  
16 little over a year ago, what was going to be  
17 Measure 3 on the ballot was thrown out by the  
18 courts in North Dakota. And that included  
19 subdistricts in every district, not just two.

20 Earlier this session, I was the prime  
21 sponsor of three bills: 1407, which is the tribal  
22 health coordination agreements. That bill passed  
23 both chambers, signed by the governor.

24 I was the prime sponsor of 1417, which  
25 is internet or ITD services and tribal agreements

1 for tribal governments. That bill passed both  
2 chambers and was signed by the governor.

3 I was the prime sponsor of 1428, which  
4 was adding a BCI agent in Rolette County. That  
5 failed in the house and did not make it to the  
6 Senate.

7 My point is that none of those came from  
8 District 5. None of them came from my  
9 constituents. Former Commissioner Scott Davis  
10 asked me after the session began if I'd be  
11 willing to prime sponsor a bill that turned into  
12 three prime sponsors of bills because I had room  
13 to do it. And I gladly did that because it was  
14 good policy, in my opinion. Had nothing to do  
15 with the people that came from my district. It  
16 was just the right thing to do for North Dakota.

17 I would vote in favor of the division  
18 and not speak on Division A based on what I just  
19 talked in this testimony. But I would prefer to  
20 see this bill divided.

21 Mr. Speaker.

22 REPRESENTATIVE K. KOPPELMAN:  
23 Representative Magrum.

24 REPRESENTATIVE MAGRUM: Thanks,  
25 Mr. Speaker. May I ask the Chairman of the

1 Redistricting Committee a question?

2 REPRESENTATIVE K. KOPPELMAN:

3 Representative Devlin, would you yield to a  
4 question?

5 REPRESENTATIVE DEVLIN: I will certainly  
6 try, Mr. Speaker.

7 REPRESENTATIVE K. KOPPELMAN:  
8 Representative Magrum.

9 REPRESENTATIVE MAGRUM: Thanks,  
10 Mr. Speaker.

11 Representative Devlin, so the lawsuit  
12 with South Dakota, as I understand, was that  
13 before the last redistricting that would have  
14 been over 10 years ago? So what happened? I  
15 mean, so obviously, we redistricted 10 years ago.  
16 Was there a lawsuit after the last redistricting  
17 concerning this issue?

18 REPRESENTATIVE DEVLIN: Yes. Yes,  
19 Mr. Speaker, Representative Magrum. This did  
20 come after the last redistricting. South Dakota  
21 is actually been in court twice on this. They  
22 have two subdistricts exactly like this.

23 They put in one themselves earlier. And  
24 in the nineties they tried to take it out about  
25 halfway through the decade. And the court said



1 you can't take it out. You can only redistrict  
2 every 10 years. And then they left it in after  
3 that.

4 But this one was the last census. And  
5 that was when the courts decided you must do that  
6 because it meets all the requirements of federal  
7 law.

8 REPRESENTATIVE MAGRUM: Okay. Thank  
9 you.

10 Mr. Speaker.

11 REPRESENTATIVE K. KOPPELMAN:  
12 Representative Jones.

13 REPRESENTATIVE JONES: Thank you,  
14 Mr. Speaker.

15 I appreciate the Chairman's words. But  
16 my wife spends a lot of time trying to keep me  
17 out of jail. And I would not want this body to  
18 do anything that would be even looking like we're  
19 ignoring federal law.

20 There are some things -- it's not just  
21 the numbers. It's not just certain parts that we  
22 have to meet in order to be eligible for these  
23 Section 2 things. You've got things that are  
24 called threshold information, which is, do they  
25 have enough numbers, and some other things.

1                   And then you got determinative  
2   information. One of the things that I didn't  
3   mention is that one of the things that you have  
4   to look at is the voting record in the  
5   subdistricts that you're looking at. And you  
6   have to show that they have been consistently, if  
7   it's the Native American in this case, that the  
8   Native American population has consistently been  
9   being outvoted by the non-Native population.

10                  Now, in all of my discussions with  
11   watching the committee and the people I've talked  
12   to, nobody's even looked at the voting  
13   information. The Gingles case, which is used to  
14   test and try these cases, relies on proof that  
15   the subject group have been consistently outvoted  
16   by the non-subject group.

17                  That doesn't happen here. If you pull  
18   up our voting records, the non-Natives have not  
19   been consistently voting different than the  
20   Natives. So I understand that if we had all  
21   these components in place, then we would be  
22   violating federal law.

23                  But because all the components are not  
24   in place, we are gerrymandering. We are -- the  
25   attorneys said you would be premature unless

1    there's the studies done, your voting has been  
2    looked at to make sure that the group has been  
3    consistently outvoted in their attempts to get a  
4    person of their choice.  If that data was in  
5    place, and if it showed that these people in this  
6    group have been experiencing racial animus in  
7    their voting practices, then I'll be the first  
8    one to lead the charge and say, let's have  
9    subdistricts.

10           The cases in South Dakota were not just  
11    as simple as it's being portrayed.  There's a  
12    reason one of them they did on their own, another  
13    one, the court made them put in.  But we need to  
14    get that information to back up what we're doing  
15    if we create subdistricts so I can go back to my  
16    constituents and say, yeah, we're going to make  
17    you a little bit odd here.  You can only have one  
18    representative, but it's because they met the  
19    criteria laid out in the federal law.

20           But, if we do what we're doing here,  
21    going off half-cocked and leave subdistricts in  
22    this bill.  We are not crossing all of our T's,  
23    dotting all of our I's.  And I can guarantee you  
24    that there's people watching this that are going  
25    to go back now and look at that information.  And

1 what they're going to find out is that I'm  
2 exactly right, that we haven't met the criteria  
3 required to apply this federal law. And we're  
4 going to be able to get that information. And  
5 when we do meet it, like I said, I will be the  
6 first one to lead the charge for subdistricts in  
7 my district but absolutely not today.

8 It is not right. It is not the right  
9 time to do it. So please support subdivision --  
10 or please defeat Subdivision A and support  
11 Subdivision B.

12 Thank you, Mr. Chairman.

13 REPRESENTATIVE K. KOPPELMAN:  
14 Representative Nathe.

15 REPRESENTATIVE JONES: Mr. Speaker.

16 REPRESENTATIVE K. KOPPELMAN:  
17 Representative Nathe.

18 REPRESENTATIVE NATHE: Thank you,  
19 Mr. Speaker. I would hope we could keep the bill  
20 as is. And I took a couple of exceptions with  
21 the previous speaker. You know, we worked very  
22 hard on this. And we did not do this half-  
23 cocked.

24 Back in July, some of us went to the  
25 NCSL meeting in Salt Lake City. And it was a

1     redistricting meeting for about four days. And  
2     we listened to many lawyers around the country  
3     talking about many different situations.  
4     Subdistricts was one of the main things we had  
5     heard.

6             As the chairman had said, this voters  
7     right act is a 50-year-old plus bill. There is  
8     tons of case study out there. You can say what  
9     you want about our legal advice. But the  
10    committee has worked diligently on this subject.  
11    So we did not do this half-cocked.

12            The districts meet the criteria as set  
13    by the voters right act as we did it. We had a  
14    lot of discussions. It meets the Gingles  
15    requirements. We discussed that probably all  
16    morning one day. So we have gone through this  
17    very, very thoroughly.

18            Am I excited about doing this? No. And  
19    I think a lot of people on the committee are not  
20    real excited about doing this. But as the  
21    chairman said, it's the law. It's the federal  
22    law.

23            There's a lot of laws I like and a lot  
24    of laws I don't like. But you have to follow  
25    those laws. And this, what we did, what your

1 committee did follows that law.

2 I know the previous speaker,  
3 Representative Jones, talked about he had spoke  
4 to a lawyer. You could talk to 50 lawyers and  
5 get 50 different opinions. It would have been  
6 nice if that gentleman would have came to our  
7 meeting and talked to us instead of getting it  
8 here at the 11th hour.

9 When we were in Salt Lake, we heard from  
10 many lawyers who experienced the exact same  
11 thing. This is nothing new. Other states have  
12 gone through this time and time again with the  
13 exact same result. The states lost. You have to  
14 follow the law. You have to follow the  
15 thresholds. The thresholds are there. It's very  
16 black and white.

17 Your redistricting committee spent  
18 weeks, months. We had calls. We talked offline  
19 to work on this. So this was vetted very  
20 thoroughly. We dug into it. We need to do this.  
21 Are we happy about it? No. I think you can get  
22 the impression we're not happy about doing this.

23 And it's easy to say, well, let's do it,  
24 and we'll take our changes in court. I find that  
25 very funny, Mr. Speaker. We have no problem

1 spending millions of dollars for a court case  
2 like this. But we'll sit here on this floor and  
3 fight over \$100,000 for some health care  
4 initiative.

5 So I would ask the members of this  
6 assembly, let's leave the bill as is, and let's  
7 move forward.

8 Thank you, Mr. Speaker.

9 REPRESENTATIVE K. KOPPELMAN:  
10 Representative Koppelman.

11 REPRESENTATIVE B. KOPPELMAN: Thank you,  
12 Mr. Speaker.

13 Will the committee chair yield to a  
14 question?

15 REPRESENTATIVE K. KOPPELMAN:  
16 Representative Devlin, would you yield to a  
17 question?

18 REPRESENTATIVE DEVLIN: I certainly will  
19 try.

20 REPRESENTATIVE K. KOPPELMAN:  
21 Representative Koppelman.

22 REPRESENTATIVE B. KOPPELMAN: Thank you,  
23 Mr. Speaker.

24 Representative Devlin, do you believe  
25 that if we didn't have subdistricts that the

1 lines that were drawn by the committee for the  
2 entirety of District 4 and the entirety of  
3 District 9 would disperse the Native American  
4 population into, in other words, fracture it into  
5 multiple districts? Or would it still keep those  
6 in the same district?

7 REPRESENTATIVE DEVLIN: Mr. Speaker,  
8 Representative Koppelman, I'm not sure I can  
9 answer your question. We looked more at the  
10 fact, does it meet federal law? And there was no  
11 question that it did. If you want to -- no. I  
12 won't even go there.

13 I think at some point, we just have to  
14 fish and cut baits -- or cut bait so to speak.  
15 And this is a lot. As far as somebody saying,  
16 you know, we never -- we discriminated together.  
17 We had testimony in committee -- not from that  
18 particular district, from another Native American  
19 -- testimony that said they have tried repeatedly  
20 since 2010 to elect their candidate of choice and  
21 could not because they kept getting outvoted.

22 We had testimony from that particular  
23 area on school elections where a similar deal had  
24 happened.

25 But I'm not going to argue that at all.



1 I'm just telling you with the Gingles precedents,  
2 we had no choice on our legal advice, on NCSL,  
3 and as far as the majority of the committee. We  
4 thought there was no choice.

5 REPRESENTATIVE B. KOPPELMAN:

6 Mr. Speaker, may I continue?

7 REPRESENTATIVE K. KOPPELMAN: You may  
8 continue.

9 REPRESENTATIVE B. KOPPELMAN: Maybe I'll  
10 kind of rephrase that question. What I was  
11 really trying to get at is, my understanding this  
12 cycle as well as the previous two cycles at  
13 least, that it's been a key cornerstone to not  
14 divide the reservation parts into one district  
15 and parts in another, to keep them whole, to not  
16 splinter, or disperse that population.

17 So my question was, does the entirety of  
18 District 9 or the entirety of District 4 disperse  
19 the reservation population in a way that the  
20 previous two cycles did not?

21 REPRESENTATIVE DEVLIN: Mr. Speaker,  
22 Representative Koppelman, that is to my  
23 understanding, no. We kept -- and I was  
24 corrected in committee by a person from Western  
25 North Dakota when I said we've never split tribal

1 reservations, you know, in North Dakota.

2 Well, we had years ago but not in the  
3 last 10 years. This time, we made a real effort  
4 to make sure no tribal lands were split away from  
5 the reservation. We put certain areas like the  
6 Spirit Lake Reservation got moved into 15 because  
7 they are a community of interest under federal  
8 law with the City of Devils Lake and the rest of  
9 District 15. So, you know, that is essentially  
10 -- I may not be answering your question. But I  
11 firmly believe that you don't divide them more by  
12 what we're doing.

13 REPRESENTATIVE B. KOPPELMAN: Thank you,  
14 Mr. Speaker. If I might continue?

15 REPRESENTATIVE K. KOPPELMAN: You may.

16 REPRESENTATIVE B. KOPPELMAN: Thank you,  
17 Representative Devlin. And I appreciate the fact  
18 that -- it sounds like you guys went out of your  
19 way to keep those communities of interest and  
20 populations together in the whole boundaries of  
21 District 9 and District 4. And so that's really,  
22 I think, a good thing because that's what we're  
23 going to vote on in Division B.

24 But Division A is about subdistricts.  
25 And I think if you do look in some of the history

1 of where the court cases have arrived and the  
2 history of gerrymandering various ethnic  
3 populations or communities in other states, maybe  
4 not South Dakota, but many other states, their  
5 gerrymandering efforts are extreme. I mean,  
6 there are little fingers that go off in every  
7 direction, and I don't see that in the map that's  
8 in front of us today.

9 I see relatively contiguous rectangles  
10 and things that follow normal landmarks, either  
11 rivers, or roads, things of that nature that make  
12 sense, that keep people, you know, somewhat  
13 together.

14 I think subdistricts could have their  
15 merits at some point. You know, certainly, some  
16 districts have rural and urban residents. Well,  
17 maybe they'd prefer subdistricts so that the  
18 farmers had more of a say, even though they keep  
19 getting outvoted by the city.

20 School districts are the same way.  
21 Farmers might like to have some different say  
22 against urban people in those. And yet the urban  
23 people get the votes together, pass a bond  
24 referendum, and now the farmers, who have the  
25 majority of the land, are paying those bonds

1 back.

2 And so there could be merits to  
3 subdistricts. There could be concerns about  
4 gerrymandering happening. But I don't see that  
5 in our process. Matter of fact, I see them  
6 trying to follow county lines and other logical  
7 barriers.

8 And I wonder in a state that doesn't  
9 have voter registration, so we don't even know  
10 which party each of these members would be  
11 registered with had we had voter registration.  
12 So we don't know what party they are for sure.  
13 But yet we seem to, or somebody seems to know  
14 that they couldn't get their candidate of choice.

15 Now, I ask you, how many of you believe  
16 that the distinguished member of District 4 or  
17 District 9, in this chamber or the one across the  
18 hall, were not the candidate of choice for their  
19 constituents? Because I believe that they each  
20 in their own respect represent their constituents  
21 well.

22 I can think of bills these last two  
23 sessions where all four of those representatives  
24 represented those of the reservation population  
25 well.

1           And so it's kind of presumptuous for us  
2   to say that we believe they don't because we  
3   don't really have evidence of that I don't  
4   believe. We're just running, I don't want to say  
5   in fear, but we're rolling the dice and saying  
6   the odds are against us in court. And I don't  
7   think we should govern in that way.

8           I believe that if you look around the  
9   state, you'll see that we have elected people  
10  from many different backgrounds in the most  
11  unique places, you know. We've got a Native  
12  American representative in this chamber that was  
13  elected nowhere near any of the reservations.  
14  Well, how did that happen? It happened because  
15  we have a fair system for doing it. And that  
16  individual ran the best race, convinced the most  
17  people to vote for them. And I think they should  
18  all be able to do that.

19           Would my districts prefer -- would my  
20  district even prefer to half vote for one guy and  
21  half vote for next? Maybe. But that's not how  
22  we've chosen to do it in our state. And until we  
23  choose to do it for everybody in our state, I  
24  don't think we should do it for two districts.

25           Thank you, Mr. Speaker.

1 REPRESENTATIVE K. KOPPELMAN:

2 Representative Dan Ruby.

3 I see Representative Jones, you have  
4 your light on. But you've already been up twice.

5 Representative Dan Ruby.

6 REPRESENTATIVE D. RUBY: Thank you,  
7 Mr. Speaker.

8 Members of Assembly, it's been talked  
9 about the Thornburg v. Gingles case. And I  
10 brought that up on my computer. Interesting  
11 stuff on here. You know, obviously there's  
12 discussions whether it's subdistricts or  
13 basically redistricting in general. So, if you  
14 redistrict a district itself to gerrymander, to  
15 marginalize a minority population, that's one  
16 thing that is part of it.

17 Now, we all understand that subdistricts  
18 are permissive. And they're not required in  
19 every instance. But I'll pick it up in just a  
20 portion of this.

21 "The Congress responded by passing an  
22 amendment to the Voting Rights Act, which  
23 President Ronald Reagan signed into law June 29,  
24 1982.

25 "Congress has amended Section 2 to

1 create a results test which prohibits any voting  
2 law that has a discriminatory effect irrespective  
3 of whether the law was intentionally enacted or  
4 maintained for discriminatory purpose. "The 1982  
5 amendments provide that the results test does not  
6 guarantee protected minorities a right to  
7 proportional representation.

8 "When determining whether a  
9 jurisdiction's election law violates this general  
10 prohibition, courts have relied on factors  
11 enumerated in the Senate Judiciary Committee  
12 report associated with 1982 amendments. And  
13 they're including the history of official  
14 discrimination in the jurisdiction that affects  
15 the right to vote, the degree to which voting in  
16 the jurisdiction is racially polarized, the  
17 extent of the jurisdiction's use of majority vote  
18 requirements, usually large electoral districts,  
19 prohibitions on bullet voting, and other devices  
20 that tend to enhance the opportunity of voting  
21 discrimination.

22 "Whether minority candidates are denied  
23 access to the jurisdiction's candidate slating  
24 process, if any, to the extent of which  
25 jurisdiction's minorities are discriminated

1 against in socioeconomic areas such as education,  
2 employment, and health; whether overt or subtle  
3 racial appeals in campaigns exist; the extent of  
4 which minority candidates have won elections; the  
5 degree that elected officials are unresponsive to  
6 the concerns of the minority group; and whether  
7 the policy jurisdictions for the challenged law  
8 is tenuous."

9 Now, it doesn't require all of those to  
10 meet the level not even a majority. But it's  
11 certainly things that they're looking at. And  
12 that Section 2 prohibits two types of  
13 discrimination: voter denial and voter dilution.

14 And I don't see that that's in any of  
15 these. There's no proof of it. There were no  
16 studies done, as was previously mentioned. So we  
17 are not violating a federal law. We are working  
18 within the federal law. And there's different  
19 decisions could be made based on the federal law  
20 that we're talking about.

21 So I think it's either incorrect, or  
22 disingenuous, or, you know, maybe just I think a  
23 mistake to say that by voting against this  
24 division and getting this out of the bill, voting  
25 red on this, is violating federal law. That's



1 too far. That's not correct.

2 Thank you, Mr. Speaker.

3 REPRESENTATIVE K. KOPPELMAN:

4 Representative Magrum.

5 REPRESENTATIVE MAGRUM: Mr. Speaker, may  
6 I ask the committee chair another question?

7 REPRESENTATIVE K. KOPPELMAN:

8 Representative Devlin, would you yield to another  
9 question?

10 REPRESENTATIVE DEVLIN: Certainly,  
11 Mr. Speaker.

12 REPRESENTATIVE K. KOPPELMAN:  
13 Representative Magrum.

14 REPRESENTATIVE MAGRUM: Thanks,  
15 Mr. Speaker.

16 Representative Devlin, how is the voting  
17 committee when you guys -- when the committee  
18 voted on subdistricts? Because I see it's a 16-0  
19 due pass. But was there a vote to vote to agree  
20 with the subdistricting?

21 REPRESENTATIVE K. KOPPELMAN:  
22 Representative Devlin.

23 REPRESENTATIVE DEVLIN: Mr. Speaker,  
24 thank you.

25 Representative Magrum, as I recall, the

1 vote was 10 to 6.

2 REPRESENTATIVE MAGRUM: So okay, so --  
3 and then what happened? Because I see it came  
4 out of committee unanimously.

5 Sorry, Mr. Speaker. It just another  
6 question.

7 REPRESENTATIVE K. KOPPELMAN: Continue.

8 REPRESENTATIVE MAGRUM: So what  
9 happened? Then I see it switched to 16-0.

10 REPRESENTATIVE DEVLIN: Mr. Speaker, and  
11 Representative Magrum, I would assume that six of  
12 the members had made the argument against  
13 subdistrict. But when they looked at the end at  
14 the total bill that we were presenting for the  
15 people of North Dakota, they agreed to vote for  
16 it to send it onto the Assembly.

17 REPRESENTATIVE MAGRUM: Okay. Thank  
18 you.

19 REPRESENTATIVE K. KOPPELMAN:  
20 Representative Hoverson.

21 REPRESENTATIVE HOVERSON: Thank you,  
22 Mr. Speaker. Would the bill carrier,  
23 Representative Jones, yield to a question?

24 REPRESENTATIVE K. KOPPELMAN:  
25 Representative Jones, would you yield to a

1 question?

2 REPRESENTATIVE JONES: Yes, I would,  
3 Mr. Speaker.

4 REPRESENTATIVE K. KOPPELMAN:  
5 Representative Hoverson.

6 REPRESENTATIVE HOVERSON: Mr. Speaker,  
7 it was duly noted earlier by a representative  
8 that they did dot all their t's -- and excuse me  
9 -- their I's and crossed all their T's, which I  
10 appreciate.

11 Could you remind me? There was two  
12 things that you mentioned that had to be done in  
13 order to qualify. One had to do with the voting  
14 -- looking at the voting records. And then there  
15 was a certain type of study. Could you remind me  
16 and let me know did that committee do that?

17 REPRESENTATIVE K. KOPPELMAN:  
18 Representative Jones.

19 REPRESENTATIVE JONES: Thank you,  
20 Mr. Speaker and Representative Hoverson. The  
21 study that I referenced as not a study for the  
22 committee to do. It was a study for somebody to  
23 do that was a proponent for subdistricts. It's  
24 called a regression study or commonly called a  
25 polarization study.

1           Those studies cost between 25 and  
2     \$30,000. And what it does is it looks into the  
3     voting in that particular district and area to  
4     establish whether there is racial animus that is  
5     affecting the outcomes of elections. And, as  
6     near as I can tell in everything that I've seen  
7     and heard, that study was never done.

8           The other question was, I referenced the  
9     Gingles case. That is -- it's a court precedence  
10    that they use. And one of the preconditions on  
11    the Gingles case or the Gingles test is that they  
12    have to be outvoted consistently.

13          And I'm taking information from my  
14    running mate, my senator, as he studied the  
15    voting in our district. And that precondition,  
16    to be eligible to do these subdistricts, has not  
17    been met in our district. And so that was the  
18    other study that I was referencing that had not  
19    been done.

20          I hope that answers your question.

21                 REPRESENTATIVE HOVERSON: Yes.

22          Mr. Speaker, may I ask a question of  
23    Representative Nathe?

24                 REPRESENTATIVE K. KOPPELMAN:

25    Representative Nathe, would you yield to a

1 question?

2 REPRESENTATIVE NATHE: Mr. Speaker, I  
3 will.

4 REPRESENTATIVE K. KOPPELMAN:  
5 Representative Hoverson.

6 REPRESENTATIVE HOVERSON: Thank you, Mr.  
7 Speaker, Representative Nathe. As you heard it  
8 described, the polarization study, which is  
9 supposed to reveal a racial animus as well as the  
10 consistent voting record that Representative  
11 Jones just spoke about, did your committee  
12 conducts those at all?

13 REPRESENTATIVE K. KOPPELMAN:  
14 Representative.

15 REPRESENTATIVE NATHE: Mr. Speaker,  
16 Representative Hoverson, we did not. But we had  
17 plenty of testimony from the tribes who felt that  
18 there was some, some -- I don't know the word for  
19 it -- disadvantage. They had ran a number of  
20 different candidates in that district and had  
21 lost and felt that they did not have a fair shot.  
22 And that was one of the reasons to look at the  
23 subdistricts. Now, whether I agree with that or  
24 not, I don't know. But that was one of the  
25 reasons why they stepped forward with this.

1                   And to do the study -- I was on  
2   redistricting 10 years ago, and we had these kind  
3   of discussions. And we did not do any studies  
4   like this at all. And I don't think, quite  
5   frankly, and the chairman can correct me, there  
6   was no need to do a study like this. We had  
7   collected information for many weeks while  
8   working on this issue. So, as the chairman said,  
9   we made the best decision with the information  
10   that we had so we can move forward and do the  
11   work of the people.

12                   REPRESENTATIVE K. KOPPELMAN:

13   Representative Buffalo.

14                   REPRESENTATIVE BUFFALO: Thank you,  
15   Mr. Speaker. It's a very good, good conversation  
16   and debate that's happening right now. My name  
17   has been brought up a few times by my colleagues.  
18   And I thank you for thinking of me and making  
19   reference to me as I am proud to serve the  
20   District 27 of South Fargo.

21                   But however, I must share what is also  
22   on my heart as a citizen and a member of the  
23   Mandan, Hidatsa, Arikara Nation. I grew up in  
24   Mandaree. Normally, we would say we were born  
25   and raised in Mandaree. But years ago in the

1 early 1950s, as I'm sure that many of you are  
2 aware, 94 percent of our agricultural land was  
3 flooded for the making of the Garrison Dam so  
4 that Bismarck could have flood control. And so  
5 our very once self-sufficient community located  
6 in what is referred to as the bottomlands or  
7 Elbowoods, we had a great school system, we had a  
8 hospital, very self-sufficient.

9 So after the flooding of 94 percent of  
10 our agricultural land, we no longer had a  
11 hospital. So everybody born in Mandaree or from  
12 Mandaree is born in Watford City, located 27  
13 miles away from Mandaree.

14 When I think of the debate happening  
15 here, you know, I am thankful for the  
16 conversations of mentioning, you know, why are we  
17 debating something where the people are not at  
18 the table? And I'm proud to serve District 27.  
19 I'm proud to be your colleague here in The  
20 People's House. It's very special, near and dear  
21 to my heart.

22 And so I think of some of the comments  
23 that were made of, you know, this is just a  
24 result of losing an election. And I don't  
25 believe that to be true. I disagree in a very

1 respectful manner. This has been a longstanding  
2 conversation that has occurred throughout Fort  
3 Berthold or within the exterior boundaries of  
4 Fort Berthold Indian Reservation.

5 I grew up in Mandaree. And so I want to  
6 ask the House floor to please vote against the  
7 division of this bill and to keep it as is. You  
8 know, I think of my grandparents who passed away  
9 a year before I was born.

10 They chose to stay within the exterior  
11 boundaries of Fort Berthold. After 94 percent of  
12 the agricultural lane was flooded, many people  
13 relocated to the east and west coast. But my  
14 grandparents chose to stay, farmer and ranchers.

15 My grandpa found challenges finding  
16 employment off of the reservation. So he change  
17 dour family name, Buffalo, to a more English-  
18 sounding last name. So I am my grandparents.  
19 And I am named after my grandmother Ruth, and I'm  
20 named after -- I carry the Buffalo last name to  
21 honor my grandparents. And they lived a short  
22 life. You know, they passed away a year before I  
23 was born. And so I think of them.

24 And I think of my entire family still  
25 lives within the exterior boundaries of Fort



1 Berthold Indian Reservation. When I think back  
2 to when I was 10 years old, and we almost lost  
3 one of my younger sisters. I'm the big sister.  
4 And, you know, it's innate in us to want to  
5 protect each other and to protect, especially,  
6 our younger siblings.

7 But when I was 10, we almost lost one of  
8 my younger sisters. And she was misdiagnosed at  
9 our local field clinic in Mandaree. And so we  
10 were able to thankfully get her to Watford. And  
11 then from there, the ambulance rushed her to  
12 Williston, had emergency surgery. And  
13 thankfully, she survived.

14 And then years later, we ended up losing  
15 my baby sister coming out of Bear Den. Did not  
16 survive a car crash. Drunk drivers hit her head  
17 on. She was just 19 for one month.

18 And so I think of the stories, the  
19 countless lived experiences of those that live  
20 within the exterior boundaries of Fort Berthold.  
21 And they've been wanting change.

22 And I'm glad that the issue of low -- I  
23 think the term was being outvoted -- low voter  
24 turnout, I'm really glad and thankful that was  
25 mentioned because in 2018, there were two voting

1 precincts that were shut down within the Fort  
2 Berthold Indian Reservation, one specifically in  
3 Mandaree at the St. Anthony's Catholic Church,  
4 where many of us grew up attending every Sunday.  
5 And that caused a lot of our rural voters many  
6 barriers.

7           They had to drive all the way around to  
8 Manning to cast their ballot because they weren't  
9 -- did not trust the current system of our postal  
10 service because of the high turnover rate with  
11 the employment within our post office in  
12 Mandaree, 58757 ZIP Code. And so many elder  
13 women in particular had to drive at least an hour  
14 and a half in 2018 one way to cast their ballot.

15           So, when we think of, you know, being  
16 outvoted, it's kind of like a basketball game.  
17 You only see the end score, but you don't see  
18 what has happened in each half or in each  
19 quarter. And so there's more to what is being  
20 said here, deep voter suppression.

21           So being a member of The People's House,  
22 you know, I respectfully question whether or not  
23 a Representative Terry Jones has met with the  
24 individuals of the MHA Nation who reside within  
25 the exterior boundaries of Fort Berthold Indian

1 Reservation.

2 It is time to give the people what they  
3 need. My colleagues here in The People's House,  
4 we have an opportunity to pass the subdistricts  
5 legislation to meet the needs of the voters by  
6 taking down barriers and moving forward towards a  
7 more reflective government.

8 Again, I'm glad Representative Terry  
9 Jones brought up the low voter turnout rate  
10 within the exterior boundaries of Fort Berthold.  
11 The term used was "outvoted." As a member of the  
12 Mandan, Hidatsa, Arikara Nation whose entire  
13 family still resides within the exterior  
14 boundaries of the Fort Berthold Indian  
15 Reservation, we know there is not equal access to  
16 the ballot box.

17 For example, in 2018, two voting  
18 precincts were shut down: one in Mandaree and one  
19 in the Four Bears district, which created extreme  
20 barriers for our rural voters.

21 I would also like to commend the  
22 redistricting committee for approving  
23 subdistricts. As a member of the Mandan,  
24 Hidatsa, Arikara Nation who grew up in the small  
25 community of Mandaree, which is located on the

1 Fort Berthold Indian Reservation, I thank for  
2 your time.

3 And again, I ask that you keep the bill  
4 as is. And I also want it noted that I am a  
5 member of the MHA Nation. But I cannot speak or  
6 represent an entire tribal government or a tribal  
7 nation.

8 I also want to say maacagiraac, thank  
9 you in the Hidatsa language. Thank you for your  
10 time.

11 REPRESENTATIVE K. KOPPELMAN:  
12 Representative Klemin.

13 REPRESENTATIVE KLEMIN: Mr. Speaker, I  
14 know you read the rule on division of question  
15 when we started this discussion. But just so  
16 there's no misunderstanding, when the floor  
17 debate on this ended, please explain the effect  
18 of voting yes or no on Division A.

19 REPRESENTATIVE K. KOPPELMAN: I intend  
20 to do so, Representative Klemin.

21 Representative Pollert.

22 REPRESENTATIVE POLLERT: Thank you,  
23 Mr. Speaker, members of the Assembly. I would  
24 ask that you support the redistricting  
25 committee's recommendation for the passage of

1 this bill.

2 I too have been other places. And yes,  
3 I've been to and talked to other attorneys. And  
4 I've talked to legislative counsel. And I  
5 happened to be at a place this weekend when  
6 there's a gentleman, I think it was from the  
7 state of Mississippi, who has extensive  
8 background into this. And one of the questions  
9 asked -- because North Dakota had this happen in  
10 1991. And, of course, at that time, the  
11 populations weren't in place for a subdistricts.  
12 So basically, that went favorable to the way the  
13 redistricting went.

14 But also, I look at that as that's the  
15 first shot across the bow that basically says,  
16 populations, when they are in place, that the  
17 redistricting committee and the state has to take  
18 a look at subdistricts. I think that was a  
19 warning to us to get, I won't say this House in  
20 order, but for the House and the Senate to get  
21 order for redistricting.

22 And having said that, we have that  
23 population base in those two districts and those  
24 two districts to have the subdistricts. So I  
25 would ask the House chambers to vote in favor of

1 what the committee chairman brought forward and  
2 what the redistricting did. And let's move on.

3 Thank you, Mr. Speaker.

4 REPRESENTATIVE K. KOPPELMAN:

5 Representative Jones, I had indicated earlier you  
6 had spoken twice. However, your name was invoked  
7 by a previous speaker. So, if you wish to speak  
8 in response, you may. Representative Jones.

9 REPRESENTATIVE MOCK: Mr. Speaker,  
10 Mr. Speaker, Mr. Speaker.

11 REPRESENTATIVE K. KOPPELMAN:  
12 Representative Mock.

13 REPRESENTATIVE MOCK: I have to object  
14 to that. The rules do not permit members to  
15 speak more than two times even if their name was  
16 invoked. The rules in the House are very, very  
17 clear that members may only speak twice unless  
18 they are the leaders, the bill carrier, or the  
19 chair of the committee. And they're limited to  
20 10 minutes and 5 minutes, respectively.

21 So, I mean, I appreciate and understand  
22 what you're trying to do. But unfortunately, the  
23 rules do not allow a member to speak more than  
24 two times.

25 REPRESENTATIVE K. KOPPELMAN: I believe

1 our parliamentarian is asked to be recognized.

2 Representative Bellew.

3 REPRESENTATIVE BELLEW: Thank you,

4 Mr. Speaker.

5 Well, in that case, I will move to  
6 suspend the rules, in specific, Rule 306 to allow  
7 Representative Jones to speak more than twice.

8 And this motion does take a two-thirds vote,

9 Mr. Speaker.

10 REPRESENTATIVE K. KOPPELMAN: The motion  
11 has been made to suspend the rules to allow  
12 Representative Jones to respond to his name being  
13 invoked. Is there any discussion?

14 We will ask for a verification vote. As  
15 indicated, it takes two-thirds. And we will ask  
16 the clerk to open the key on the question of  
17 suspending the rules.

18 The key is open. If you vote yes, you  
19 agree to suspending the rules. If you vote no,  
20 you do not.

21 Has every member voted?

22 Do any members wish to change their  
23 votes?

24 The key will be closed, and the tally  
25 will be taken.

1           The threshold of two-thirds has not been  
2 met. The motion fails.

3           Representative Kasper.

4           REPRESENTATIVE KASPER: Thank you,  
5 Mr. Speaker. Would Representative Jones yield to  
6 a question?

7           REPRESENTATIVE K. KOPPELMAN:  
8 Representative Jones, would you yield to a  
9 question?

10          REPRESENTATIVE JONES: Yes, Mr. Speaker.  
11 I will.

12          REPRESENTATIVE K. KOPPELMAN:  
13 Representative Kasper.

14          REPRESENTATIVE KASPER: Thank you,  
15 Mr. Speaker.

16          Representative Jones. Your name was  
17 mentioned a little bit earlier. I'd like to know  
18 your answer.

19          REPRESENTATIVE K. KOPPELMAN:  
20 Representative Jones.

21          REPRESENTATIVE MOCK: Mr. Speaker.

22          REPRESENTATIVE K. KOPPELMAN:  
23 Representative Mock.

24          REPRESENTATIVE MOCK: Thank you,  
25 Mr. Speaker. Mr. Speaker, again, regarding the



1 limitations on debate and in Mason's when a  
2 parliamentary procedure, since our rules are  
3 silent on how we respond when members are asked a  
4 question and how we compute that time, Mason's  
5 does state that members who agree to yield to a  
6 question that that time is to be allotted or  
7 computed against their permitted time.

8 In this case, the member being asked a  
9 question is not allowed unlimited debate.

10 REPRESENTATIVE K. KOPPELMAN: Correct.

11 REPRESENTATIVE MOCK: They are allowed  
12 to speak twice. The limitation is one time for  
13 10 minutes, a second time for 5 minutes, and no  
14 allowance beyond that.

15 So yielding a question is something that  
16 the member may not even do even if they wish. I  
17 apologize to the member. But those are the rules  
18 of the debate.

19 REPRESENTATIVE K. KOPPELMAN: I don't  
20 know that I agree with your interpretation of  
21 Mason's on that, Representative Mock. I believe  
22 what you just said is that the time constraint  
23 pertains, which is fine. That has not been  
24 exceeded. However, we have always allowed  
25 members to yield to a question.

1 REPRESENTATIVE MOCK: Well, Mr. Speaker,  
2 if you will allow, I would be happy to just  
3 briefly read the section of Mason's, the rule  
4 that I'm referencing.

5 REPRESENTATIVE K. KOPPELMAN: You may.

6 REPRESENTATIVE MOCK: It's in Section  
7 114 of Mason's in "Asking Questions of Members,"  
8 Subsection 3, "In computing the time allowed for  
9 argument, the time consumed in asking questions  
10 should be considered. If a member consents to  
11 the question, the time consumed by the  
12 interruption is taken out of any time allowed  
13 that member."

14 So the member does not have any time  
15 remaining for their ability to answer. And in  
16 the debate, they are not allowed to yield to a  
17 question as they have no time remaining to  
18 participate in the debate.

19 REPRESENTATIVE K. KOPPELMAN: I don't  
20 believe that the time was completely consumed.

21 REPRESENTATIVE MOCK: Mr. Speaker, it  
22 was, the member has two opportunities to speak of  
23 10 minutes and 5 minutes, respectively. There is  
24 no allotment for using the two or combining the  
25 two.

1           If a member, for the first speech, does  
2   not consume all of 10 minutes, the remainder of  
3   that does not get applied to the 5 minutes in the  
4   second speech. It is a limitation of a number of  
5   times and amount of time each time they speak.  
6   The member does not have any more time allotted.

7           REPRESENTATIVE K. KOPPELMAN:

8   Representative Mock, what you just read did not  
9   make any reference to the number of times the  
10   individual spoke. What it said was, if they  
11   yielded to a question, that that would be -- the  
12   yielding to the question would be allotted  
13   against their time. Their entire time is 15  
14   minutes: 10 minutes the first time, 5 minutes on  
15   the second; 15 minutes have not been consumed.  
16   So that member has time remaining to speak.

17           REPRESENTATIVE MOCK: Well, Mr. Speaker,  
18   again, with all due respect, every member at the  
19   beginning of a debate has 10 minutes allotted to  
20   speak. After they've spoken once, assuming they  
21   use less than 10 minutes, their next allotted  
22   time is 5 minutes.

23           REPRESENTATIVE K. KOPPELMAN: Correct.

24           REPRESENTATIVE MOCK: After they speak a  
25   second time, they have zero minutes remaining to

1 speak.

2 REPRESENTATIVE K. KOPPELMAN: The  
3 reference to the number -- the amount of time  
4 consumed, it references the total amount  
5 allotted. It does not reference number of times  
6 they have spoken.

7 So the Chair will rule that the member  
8 has the opportunity to answer a question.

9 Representative Jones.

10 REPRESENTATIVE JONES: Thank you,  
11 Mr. Speaker.

12 First thing I want to do is apologize to  
13 the committee. I said "half-cocked." I  
14 apologize. I meant half cooked.

15 The information that you were given was  
16 not complete. The studies that I reference are  
17 well established in all the court cases that deal  
18 with this.

19 It's not appropriate to just look at the  
20 numbers. It has to be numbers with the other  
21 parts delineated in case law and other things.  
22 And if they are not all met, then we are  
23 inappropriate or premature to create  
24 subdistricts. But I apologize to say "half-  
25 cocked."

1 I appreciate the opportunity to speak  
2 again. I don't know where to begin. I would  
3 just say, everything that I represent, the  
4 members in my district, the ones that want to be  
5 equally treated under the law are treated, if we  
6 take subdistricts out; they are treated equally.

7 The members in the boundaries of the  
8 reservation have the opportunity, if they want to  
9 get a subdistrict, to do the things that they  
10 need to get the things in addition to their  
11 numbers in order so that we can proceed with  
12 subdistricts after the next census.

13 As a representative for both sides on  
14 this discussion, I think that that is the  
15 appropriate thing to do. So I would ask the  
16 members to please take out the subdistricts at  
17 this time, let the rest of the redistricting bill  
18 go through, or continue the debate. But I think  
19 that that is the fairest and the best remedy to  
20 this situation.

21 So I hope you'll support taking out the  
22 subdistricts. Thank you, Mr. Speaker.

23 REPRESENTATIVE K. KOPPELMAN: Is there  
24 any further discussion?

25 The House has before it, Division A of

1 House Bill 1504. The effect of your vote is, if  
2 you vote yes on Division A, you are voting to  
3 include Division A in the bill. Division A is  
4 the division that creates to the two subdistricts  
5 in District 4 and District 9.

6 If you vote no on Division A, you are  
7 voting not to allow the subdistricts to go  
8 forward and to allow the rest, presumably the  
9 rest of the redistricting bill to be debated.

10 Are there any questions about the effect  
11 of your vote?

12 Seeing none, we will ask the clerk to  
13 open the key on Division A of House Bill 1504.

14 Has ever member voted?

15 Do any members wish to change their  
16 votes?

17 The queue will be closed, and the clerk  
18 will take the record.

19 The final vote shows 54 yay, 37 nay, 3  
20 absent and not voting. Division A is defeated.  
21 I'm sorry. Division A remains in the bill. The  
22 vote is defeated to remove it.

23 Next we have Division B of House Bill  
24 1504.

25 Representative Nelson, did you have a --

1 REPRESENTATIVE NELSON: (Indiscernible)

2 REPRESENTATIVE K. KOPPELMAN: All right.

3 We have Division B, and we'll ask the chairman of  
4 the committee or the bill carrier to explain  
5 Division B, the rest of the bill, Representative  
6 Devlin. And you can also speak to Division A  
7 since that's remaining in the bill.

8 REPRESENTATIVE DEVLIN: Thank you,  
9 Mr. Speaker.

10 Mr. Speaker and members of the Assembly,  
11 I am presenting the recommendations of the  
12 redistricting committee and hope you'll give  
13 House Bill 1504 your approval and send it on to  
14 the Senate.

15 This was a difficult redistricting  
16 process. I've been on one of those committees  
17 three times. Normally, we get all our numbers  
18 late March, early April, have repeated meetings  
19 across the state, have lots of time for input and  
20 so on. That didn't happen. We didn't get our  
21 numbers until the end of August.

22 So we had eight very lengthy meetings.  
23 We received presentations on redistricting law,  
24 solicit public testimony online and in person.  
25 We had press releases. We opened the door for

1 public testimony at each meeting. Committee  
2 received updates from the members of the Tribal  
3 and State Relations Committee, which it also  
4 discussed redistricting with the various tribes  
5 they met with.

6 Committee's members took their  
7 responsibilities very seriously. Had many wide  
8 range of discussions representing several  
9 different viewpoints. Committee members worked  
10 hard in a relatively short time frame.

11 Result of the hard work is a map that we  
12 believe complies with legal requirements and  
13 serves the residents of North Dakota.

14 According to the Census Bureau, the 2020  
15 population of North Dakota was 779,094, a 15.8  
16 percent increase. The committee decided to  
17 maintain 47 districts, which made the population  
18 of each district 16,576.

19 The growth in the population created  
20 many challenges. You know, in other times I've  
21 served on, I would be looking at for four or 500  
22 people. Now, we're looking for two or 3000  
23 people. It just wasn't there. There was 28  
24 districts, mostly in rural areas, that didn't  
25 meet the requirements. They were at least five



1 percent under.

2           There was growth in Western North Dakota  
3 in the Cass County area. That led to three new  
4 districts, which mean three rural districts would  
5 have to be eliminated to stay with the 47  
6 district.

7           To the extent possible, the committee  
8 kept counties and communities of interest whole  
9 and preserved political subdivision boundaries.  
10 However, the constitutional requirement to keep  
11 populations approximately equal was an overriding  
12 requirement.

13           The committee was able to keep 33  
14 counties whole; 8 counties were split because the  
15 populations of the county exceeding the ideal  
16 district; and 4 counties were split to preserve  
17 preservation boundaries. The remaining eight  
18 counties were split for other reasons, generally,  
19 to ensure each district had acceptable  
20 population.

21           The committee followed redistricting  
22 principles commonly used in North Dakota and  
23 other states. Redistricting is governed by both  
24 federal and state law including the Voting Rights  
25 Act, which has been discussed here today and

1 upheld multiple times.

2 The committee was appraised of legal  
3 duties throughout the process at NCSL as meeting  
4 with legislative staff and meeting with other  
5 experts.

6 The committee then began reviewing maps  
7 proposed by the community members and others.  
8 Most maps included geographic proportions of the  
9 state. Two legislators, who are not committee  
10 members, offered statewide maps for  
11 consideration. The committee adopted several  
12 maps of geographic proportions of the state, and  
13 then aggregated them all into the statewide map.  
14 As normal, we started in the corners and the  
15 edges and worked in from there.

16 I want to address the subject, which  
17 again, I think that was well enough covered.

18 On conclusion of the work, the committee  
19 recommended a map with 47 districts including the  
20 two as subjected. The made map is based on  
21 redistricting principles and the requirement of  
22 federal and state law.

23 Importantly, committee members brought a  
24 wealth of knowledge regarding their local area  
25 and constituents to the map-drawing process.

1           The committee approved the bill draft I  
2   have before you on September 29, 2021. It was  
3   slightly amended the last day or two in committee  
4   just to fix a couple of legal questions and  
5   change one little population area.

6           It was originally approved by  
7   legislative management on November 5th. Like I  
8   said, we made a couple of amendments in our  
9   committee.

10           And members of the Assembly, I urge your  
11   support of this bill with your yes vote.

12           Thank you, Mr. Speaker.

13           REPRESENTATIVE K. KOPPELMAN:  
14   Representative Marvin Nelson.

15           REPRESENTATIVE M. NELSON: Thank you,  
16   Mr. Speaker, members of the house. It was  
17   certainly a rushed census, very late results.  
18   And that really resulted in the situation that's  
19   facing us here.

20           We had, you know, discussions with  
21   tribal relations committee. Discussions really  
22   with tribal relations committee when they were in  
23   Turtle Mountain was how poorly the census  
24   represented the people of Rolette County.

25           You know, some of you might not realize,

1 but the federal government years ago decided  
2 there would be no home delivery on reservations.

3 But what's more, the federal government decided  
4 there would be no home delivery in small towns.

5 Rolette doesn't get home delivery.

6 Saint John doesn't get home delivery. Dunseith  
7 doesn't get home delivery. Rolette doesn't get  
8 home delivery. The only people in Rolette County  
9 who get home delivery are those who are on a  
10 rural route.

11 Then the Census Bureau decided that they  
12 would not mail their forms to any post office  
13 box, thus assuring a serious undercount. So much  
14 of the earlier reaction was is, can anything be  
15 done about this?

16 And I think the system is actually set  
17 up so nothing can be done because if politicians  
18 could jump into the middle of the census and  
19 change the numbers, that would be certainly a  
20 mess.

21 But the tribes looked at it. And I  
22 would point out that, you know, the Spirit Lake  
23 Nation initially talked about a subdistrict, but  
24 they don't qualify. There aren't enough people  
25 there.

1 Turtle Mountain never talked about  
2 subdistricts. They never asked for it.

3 And they looked, they talked, they tried  
4 to do things. Finally, they got numbers. They  
5 went out. They met with each other. They hired  
6 a consultant who then when through and drew up a  
7 district where it would meet what they want.

8 And what Turtle Mountain Tribe wants and  
9 what the Spirit Lake Tribe wants is for both  
10 tribes to share a legislative district. And they  
11 came to the committee now with it.

12 And, if they had had data back in March  
13 or April, they would have had data to the  
14 committee months ago. But everything -- and  
15 certainly, those who served on the committee know  
16 just how tremendously rushed this all was. So  
17 that's what's in front of you.

18 The top sheet is the proposed district  
19 by the tribes. This is what they're asking for.  
20 And, if you look, the other districts, all the  
21 districts there meet the population requirements.

22 And it does really a fairly minimal  
23 change from the plan, the section of Towner and  
24 Cavalier County would go in with Ramsey County.  
25 And then Rolette and much of Benson County with a

1 little bit of Pierce County would go into the  
2 district.

3 And, you know, this is what they want.  
4 I mean, here we are. We're redistricting. We  
5 have time. This is what's in front of us. But  
6 the committee rejected this. You know, they  
7 talked about, you know, concentrating Native  
8 Americans. Well, the concentration is less in  
9 the district that they propose than it is in the  
10 one proposed subdistrict.

11 So I don't really know a good reason to  
12 say why we wouldn't give the tribes what they  
13 want. You know, it meets the criteria. It's  
14 contiguous. It doesn't knock any of the other  
15 districts out of compliance. And so I have to  
16 ask you to reject this report and send it back to  
17 committee so that this can be amended into it.

18 So I thank you for your consideration.

19 REPRESENTATIVE K. KOPPELMAN:

20 Representative Nathe.

21 REPRESENTATIVE NATHE: Thank you,  
22 Mr. Speaker. I had referenced it in the earlier  
23 debate about some of us going to Salt Lake City  
24 for NCSL. And one of the topics we talked about  
25 was packing, packing a district. This is a

1 classic case of packing a district.

2 A lot of states in the past would make  
3 up a district and put all the minority groups in  
4 one district, and then keep it there, and limit  
5 their chances of winning office. This does that  
6 very thing.

7 And, Mr. Speaker and members of the  
8 Assembly, I'm a little confused because when we  
9 met in the redistricting committee, we met with  
10 the heads of the tribes. I don't think Turtle  
11 Lake, but we met with representatives from Spirit  
12 Lake who asked us and fought to have us to  
13 subdistricts.

14 Now they come, and now they want to do a  
15 packing of a district? I mean, really, pick a  
16 lane. Which one do you want to go into?

17 And, if you want to look at something  
18 that's been gerrymandered, this map does it right  
19 there.

20 So again, this is a violation of the  
21 Voting Rights Act. This is packing a district.  
22 And I'd ask that we defeat this.

23 Thank you, Mr. Speaker.

24 REPRESENTATIVE K. KOPPELMAN:  
25 Representative Marvin Nelson.

1 REPRESENTATIVE M. NELSON: Thank you,  
2 Mr. Speaker, members of the House.

3 Yes, Spirit Lake initially asked for  
4 subdistricts. But they didn't qualify. It  
5 didn't work. And that's where they had to change  
6 course, and they had to change their discussion,  
7 and they had to change their ideas.

8 Now, if we want to talk about packing,  
9 the current plan in front of you packs 81 percent  
10 Native Americans in Subdistrict 9A. If we take  
11 the district that they want, they're 72 percent.  
12 Significantly lower percentage of Native  
13 Americans in the whole district.

14 And I don't even understand all the talk  
15 about concern with lawsuits about this. They're  
16 asking for this. What's the perfect defense in  
17 court? We did what they asked. They have no  
18 basis for a lawsuit if we do this. The only  
19 basis for a packing lawsuit is if we pass what  
20 was done before. And I'm not sure that that  
21 would be successful. I'm not up here threatening  
22 lawsuits.

23 But here it is. We are trying to have  
24 relations with the five nations within our state.  
25 And here we are, we have two of them, through



1 their common heritage and close proximity, who  
2 come to us and ask us, nicely, to please put them  
3 both in a district together.

4 And I can think of no good reason for  
5 doing that. And there's no concern about them  
6 suing over it because this is what they want.

7 So why don't we give them what they  
8 want? Let's reject the committee report, have  
9 this put back in there, and then we can get back  
10 to it.

11 Thank you.

12 REPRESENTATIVE K. KOPPELMAN: Is there  
13 any further discussion?

14 The House has -- excuse me.  
15 Representative Ertelt.

16 REPRESENTATIVE ERTELT: Thank you,  
17 Mr. Speaker.

18 I'd ask the body to reject the bill. I  
19 want to speak to you today about, I guess, a  
20 notion that I consider voter disenfranchisement.  
21 And I did present just yesterday a couple  
22 amendments for the redistricting committee to  
23 consider, which they did not take up. So just  
24 wanted to address the whole body so that you have  
25 an opportunity to understand the issue.

1           So with the current bill and the 25  
2   percent threshold, which it doesn't use the 25  
3   percent -- it uses a number there -- for deciding  
4   whether or not an even-numbered district will be  
5   required to have an election, there are close to  
6   -- and this isn't precise because of the minor  
7   changes that were made just in the last couple  
8   days -- but it's close to 33,000 voters who are  
9   -- rather not voters but population in even-  
10   numbered districts who would not be required to  
11   have an election because of that threshold  
12   number.

13           And those people will, as a result, be  
14   represented by legislators who they had not the  
15   opportunity to vote for or against. And I think  
16   that this is blatantly wrong, that the  
17   individuals should have an opportunity to vote  
18   for their legislators, as they should have an  
19   opportunity to vote for whoever is representing  
20   them, whether in local government or otherwise.

21           The amendments that were proposed were  
22   two options, one to reduce that threshold to 10  
23   percent. And the reasoning behind the 10 percent  
24   is that in deciding how many people reside in  
25   each district, it is a 10 percent threshold, plus

1 or minus 5 percent. And so that's why, you know,  
2 you could argue the 10 percent.

3 I actually think that it should be zero,  
4 that everyone who is in a district and has the  
5 opportunity to vote, should be able to do that,  
6 or it does have a -- a representative should be  
7 able to vote for them.

8 And the reasoning behind that proposal  
9 is that, look, we're having statewide elections.  
10 There's going to be elections administered in all  
11 of these districts regardless. And putting a  
12 threshold on which even-numbered districts do  
13 have to have elections and which don't is picking  
14 winners and losers. And I don't believe that  
15 this body should be in the practice of doing  
16 that.

17 Also, looking at the proposal, and on  
18 another topic, is, as you all well know, my own  
19 district, District 26, which happens to be  
20 eliminated in this proposal. And while I was  
21 involved in presenting an alternative proposal,  
22 after doing so, went back and looked at the  
23 numbers even further. And it was, I guess, quite  
24 alarming and surprised that I didn't see it  
25 before, but there are 14 legislative districts

1 which have a lower population than District 26.

2 And the whole purpose of redistricting  
3 is to adjust the legislative district boundaries  
4 to accommodate the shift in population throughout  
5 the state.

6 And, as was shared, it was decided by  
7 the committee to retain the same number of  
8 districts, 47 districts. I would argue that that  
9 was an unnecessary limitation that was placed on  
10 the committee by themselves.

11 But, with that in mind, if you're going  
12 to keep 47 districts, and understanding that  
13 redistricting is to adjust for the population  
14 shift, then wouldn't it make sense that the  
15 districts that you look at eliminating be the  
16 least populated districts in the state?

17 Those districts are District 9, being  
18 the least populated, then 42, 19, 23, 10, 44, 14,  
19 29, 15, 18, 24, 28, 6, and 12. So I would posit  
20 to you that while there are two districts there  
21 who fall within that category, even they are not  
22 the least populated districts. And it really  
23 begs the question why the districts that were  
24 eliminated in this proposal were eliminated.

25 I think that we ought to, whenever we do

1 redistricting, start with the simple premise upon  
2 which we do the redistricting. And I'd ask the  
3 body for a no vote.

4 REPRESENTATIVE K. KOPPELMAN: Representative  
5 Skroch.

6 REPRESENTATIVE SKROCH: Thank you,  
7 Mr. Speaker.

8 I don't want to beleaguer this whole  
9 process. But I too was going to present the  
10 information that Representative Ertelt presented. I  
11 won't restate those things. But there is a bit of  
12 history that may be the body's not aware of.

13 My constituency used to be 27. District 27  
14 was dissolved to create a district in Fargo, which we  
15 have an elected representative in this body who now  
16 shares that number.

17 Then we became District 26. When that  
18 happens, we have to start from scratch. And maybe  
19 some of you have not experienced that because your  
20 districts haven't been wiped out. But we start all  
21 over trying to reestablish constituency, reelecting  
22 executive members to our district, and those types of  
23 things.

24 So we rebuilt. We had built quite a strong  
25 support group and constituency in District 26. And

1 here we are 10 years after, and now my district is  
2 gone again. And my constituents are not happy about  
3 that.

4 We just had an election a little over one  
5 year ago. And they spoke very solidly about what  
6 their wishes were. And now their district is gone.  
7 And those people who supported their representatives  
8 and senator have lost their voice and their vote.

9 And so I can't change the process. I  
10 understand all the dynamics on the process, on the  
11 principles that were used for redistricting. I just  
12 think it was very unfair to our district to dissolve  
13 it this time and also have dissolved it in the  
14 previous census redistricting.

15 And, for that reason, I will not be  
16 supporting this bill.

17 REPRESENTATIVE K. KOPPELMAN: Is there any  
18 further discussion?

19 The House has before it for final  
20 consideration Division B of House Bill 1504. If you  
21 vote yes, you vote for retaining Division B in the  
22 bill. If you vote no, you vote for removing it.

23 The clerk will open the key, and the members  
24 may cast their votes.

25 Has every member voted?

1 Do any members wish to change their votes?

2 The key will be closed, and the clerk will  
3 take the record.

4 Final vote shows 73 yay, 18 nay, 3 absent  
5 and not voting.

6 Division B is adopted.

7 Continuing on the 11th Order of business,  
8 the House has before it for final consideration House  
9 Bill 140 --

10 UNIDENTIFIED REPRESENTATIVE: 15.

11 REPRESENTATIVE K. KOPPELMAN: -- 1504 --  
12 pardon me -- which includes the entire bill as both  
13 divisions were retained in the bill.

14 Representative Devlin, is there anything  
15 further you care to share?

16 REPRESENTATIVE DEVLIN: Mr. Speaker, I could  
17 certainly add quite a bit. But I think the committee  
18 or the Assembly has heard everything they need to hear  
19 about both parts of this bill. I would urge you all  
20 to vote yes on the bill and send it to the Senate.

21 REPRESENTATIVE K. KOPPELMAN: Is there any  
22 further discussion?

23 The House has before it for final  
24 consideration House Bill 1504.

25 Excuse me. Representative Hoverson.

1 REPRESENTATIVE HOVERSON: Excuse me. Would  
2 Majority Leader Pollert receive a question?

3 REPRESENTATIVE K. KOPPELMAN: Representative  
4 Pollert, would you yield to a question?

5 REPRESENTATIVE POLLERT: Yes, Mr. Speaker, I  
6 will.

7 REPRESENTATIVE K. KOPPELMAN: Representative  
8 Hoverson.

9 REPRESENTATIVE HOVERSON: Representative  
10 Pollert, I don't know a lot about redistricting, but  
11 this one seemed like it was so painfully, obviously  
12 unfair. And I'm wondering, as our leader, can you  
13 honestly say that you feel that the redistricting that  
14 we just voted on was fair?

15 REPRESENTATIVE K. KOPPELMAN: Representative  
16 Pollert.

17 REPRESENTATIVE POLLERT: Thank you,  
18 Mr. Speaker.

19 Members of the Assembly and Representative  
20 Hoverson, yes. If you want a further explanation,  
21 I'll gladly give it to you.

22 The redistricting committee me through the  
23 entire -- I mean, they met in a couple places. They  
24 also had their eight hearings. We've had a full  
25 hearing on this. We've had a full discussion. I feel



1 it's been open and moving forward. And we move on.

2 Thank you, Mr. Speaker.

3 REPRESENTATIVE HOVERSON: Mr. Speaker, may I  
4 continue?

5 REPRESENTATIVE K. KOPPELMAN: You may.

6 REPRESENTATIVE HOVERSON: Yeah. Well, the  
7 question wasn't how hard did you work. The question  
8 was it fair? And I think that -- correct me if I'm  
9 wrong, this redistricting knocked out, if you count  
10 the chairman and those types of positions, there was  
11 over 20 people were affected. The one that Ertelt  
12 presented only affected one or two people. So I'm  
13 really having a hard time with that. And just would  
14 really like to see some spine in our leadership.

15 Thank you.

16 REPRESENTATIVE K. KOPPELMAN: Is there any  
17 further discussion?

18 The House has before it for final  
19 consideration House Bill 1504. The clerk will open  
20 the key, and you may record your vote.

21 Has every member voted?

22 Do any members wish to change their votes?

23 The key will be closed, and the clerk will  
24 take the record.

25 The final vote shows 73 yay, 18 nay, 3

1 absent and not voting.

2 House Bill 1504 is declared passed.

3 (END OF VIDEO FILE)

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1 CERTIFICATE OF TRANSCRIPTIONIST

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

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

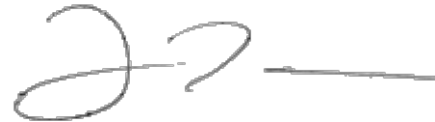
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12

13



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15

16

17

18

19

20

21

22

23

24

25

---

Julie Thompson, CET-1036

<u>WORD INDEX</u>			
< \$ >	<b>2020</b> 64:14	< 7 >	3:3
<b>\$100,000</b> 31:3	<b>2021</b> 1:13 2:1 67:2	<b>7,922</b> 11:5	<b>advance</b> 2:18
<b>\$3</b> 17:11	<b>23</b> 76:18	<b>72</b> 72:11	<b>advice</b> 4:24 10:9
<b>\$30,000</b> 44:2	<b>24</b> 76:19	<b>73</b> 79:4 81:25	29:9 33:2
<b>\$4</b> 17:10	<b>25</b> 44:1 74:1, 2	<b>779,094</b> 64:15	<b>advocating</b> 10:22
	<b>26</b> 75:19 76:1		<b>affiliated</b> 5:23
	77:17, 25	< 8 >	<b>afraid</b> 7:7
< 1 >	<b>27</b> 46:20 47:12, 18	<b>8</b> 65:14	<b>agent</b> 23:4
<b>1/2</b> 17:12	77:13	<b>8,350</b> 11:3	<b>aggregated</b> 66:13
<b>1:39</b> 1:14	<b>28</b> 64:23 76:19	<b>81</b> 72:9	<b>ago</b> 10:6 13:18
<b>10</b> 24:14, 15 25:2	<b>29</b> 38:23 67:2	<b>82</b> 11:6	22:16 24:14, 15
34:3 42:1 46:2			34:2 46:2, 25 68:1
49:2, 7 54:20	< 3 >	< 9 >	69:14 78:5
57:13 58:23 59:2,	<b>3</b> 22:17 58:8	<b>9</b> 1:13 2:1 5:11,	<b>agree</b> 41:19 45:23
14, 19, 21 74:22, 23,	62:19 79:4 81:25	15, 16, 18 9:8 32:3	55:19 57:5, 20
25 75:2 76:18 78:1	<b>3000</b> 64:22	33:18 34:21 36:17	<b>agreed</b> 42:15
<b>114</b> 58:7	<b>306</b> 55:6	62:5 76:17	<b>agreements</b> 22:22,
<b>11th</b> 2:3 30:8 79:7	<b>319</b> 2:5	<b>94</b> 47:2, 9 48:11	25
<b>12</b> 76:19	<b>33</b> 65:13	<b>9A</b> 11:5 72:10	<b>agricultural</b> 47:2,
<b>14</b> 75:25 76:18	<b>33,000</b> 74:8		10 48:12
<b>140</b> 79:9	<b>37</b> 62:19	< A >	<b>alarming</b> 75:24
<b>1407</b> 22:21		<b>ability</b> 58:15	<b>allotment</b> 58:24
<b>1417</b> 22:24	< 4 >	<b>able</b> 4:22 6:8, 21	<b>allotted</b> 57:6 59:6,
<b>1428</b> 23:3	<b>4</b> 3:16 5:18 8:4	8:17 28:4 37:18	12, 19, 21 60:5
<b>14th</b> 11:8	9:8 32:2 33:18	49:10 65:13 75:5, 7	<b>allow</b> 54:23 55:6,
<b>15</b> 34:6, 9 59:13,	34:21 36:16 62:5	<b>absent</b> 62:20 79:4	11 58:2 62:7, 8
15 76:19 79:10	65:16	82:1	<b>allowance</b> 57:14
<b>15.8</b> 64:15	<b>42</b> 76:18	<b>absolutely</b> 9:15	<b>allowed</b> 57:9, 11, 24
<b>1504</b> 1:12 2:4	<b>44</b> 76:18	28:7	58:8, 12, 16
11:21 62:1, 13, 24	<b>47</b> 64:17 65:5	<b>acceptable</b> 65:19	<b>All's</b> 19:21
63:13 78:20 79:11,	66:19 76:8, 12	<b>access</b> 39:23 51:15	<b>alternative</b> 75:21
24 81:19 82:2	<b>4A</b> 11:2	<b>accommodate</b> 76:4	<b>ambulance</b> 49:11
<b>16</b> 10:17		<b>accurate</b> 83:3	<b>amended</b> 38:25
<b>16,576</b> 64:18	< 5 >	<b>ACLU</b> 10:12	67:3 70:17
<b>16-0</b> 41:18 42:9	<b>5</b> 23:8 54:20	<b>Act</b> 10:9, 24 11:9	<b>Amendment</b> 11:9
<b>18</b> 76:19 79:4	57:13 58:23 59:3,	17:17, 20 18:7	38:22
81:25	14, 22 75:1	29:7, 13 38:22	<b>amendments</b> 39:5,
<b>19</b> 49:17 76:18	<b>5,537</b> 11:3	65:25 71:21	12 67:8 73:22
<b>1950s</b> 47:1	<b>50</b> 30:4, 5	<b>action</b> 83:7, 8	74:21
<b>1982</b> 38:24 39:4, 12	<b>500</b> 64:21	<b>Acts</b> 20:9	<b>American</b> 11:3, 6
<b>1991</b> 53:10	<b>50-year-old</b> 29:7	<b>add</b> 79:17	19:8 26:7, 8 32:3,
	<b>54</b> 62:19	<b>adding</b> 23:4	18 37:12
< 2 >	<b>58757</b> 50:12	<b>addition</b> 61:10	<b>Americans</b> 70:8
<b>2</b> 5:5 8:23 11:9	<b>5th</b> 67:7	<b>address</b> 66:16	72:10, 13
25:23 38:25 40:12		73:24	<b>amount</b> 59:5 60:3,
<b>20</b> 81:11	< 6 >	<b>adjust</b> 76:3, 13	4
<b>2010</b> 32:20	<b>6</b> 42:1 76:19	<b>administered</b> 75:10	<b>animus</b> 5:7, 9, 12,
<b>2018</b> 49:25 50:14	<b>6,460</b> 11:6	<b>adopted</b> 66:11 79:6	17, 23, 25 6:5, 6
51:17	<b>66</b> 11:4	<b>adoption</b> 2:13, 15	9:4 27:6 44:4 45:9
			<b>anonymous</b> 16:22

<p><b>answer</b> 32:9 56:18 58:15 60:8</p> <p><b>answering</b> 34:10</p> <p><b>answers</b> 44:20</p> <p><b>Anthony's</b> 50:3</p> <p><b>apologize</b> 4:24 9:14 57:17 60:12, 14, 24</p> <p><b>appeals</b> 40:3</p> <p><b>applied</b> 59:3</p> <p><b>apply</b> 8:22 13:1 28:3</p> <p><b>appraised</b> 66:2</p> <p><b>appreciate</b> 25:15 34:17 43:10 54:21 61:1</p> <p><b>appropriate</b> 60:19 61:15</p> <p><b>approval</b> 63:13</p> <p><b>approved</b> 3:6 67:1, 6</p> <p><b>approving</b> 51:22</p> <p><b>approximately</b> 65:11</p> <p><b>April</b> 63:18 69:13</p> <p><b>area</b> 12:13, 15 14:6 32:23 44:3 65:3 66:24 67:5</p> <p><b>areas</b> 34:5 40:1 64:24</p> <p><b>argue</b> 12:18 16:21 32:25 75:2 76:8</p> <p><b>argument</b> 18:4 42:12 58:9</p> <p><b>arguments</b> 10:18 19:12</p> <p><b>Arikara</b> 46:23 51:12, 24</p> <p><b>arrived</b> 35:1</p> <p><b>asked</b> 23:10 53:9 55:1 57:3, 8 69:2 71:12 72:3, 17</p> <p><b>asking</b> 3:12, 13 58:7, 9 69:19 72:16</p> <p><b>Assembly</b> 3:12 10:2 11:20 12:2 16:20 21:16 31:6 38:8 42:16 52:23 63:10 67:10 71:8 79:18 80:19</p>	<p><b>associated</b> 39:12</p> <p><b>assume</b> 42:11</p> <p><b>assuming</b> 59:20</p> <p><b>assuring</b> 68:13</p> <p><b>attempts</b> 27:3</p> <p><b>attending</b> 50:4</p> <p><b>attorney</b> 4:23 7:13 83:6</p> <p><b>attorneys</b> 10:14 26:25 53:3</p> <p><b>August</b> 63:21</p> <p><b>aware</b> 47:2 77:12</p> <p>&lt; B &gt;</p> <p><b>baby</b> 49:15</p> <p><b>back</b> 11:20 17:7 27:14, 15, 25 28:24 36:1 49:1 69:12 70:16 73:9 75:22</p> <p><b>background</b> 53:8</p> <p><b>backgrounds</b> 37:10</p> <p><b>bait</b> 32:14</p> <p><b>baits</b> 32:14</p> <p><b>ballot</b> 22:17 50:8, 14 51:16</p> <p><b>barriers</b> 36:7 50:6 51:6, 20</p> <p><b>base</b> 53:23</p> <p><b>based</b> 10:23 23:18 40:19 66:20</p> <p><b>Basically</b> 3:13 7:15 9:10 13:4 14:5 38:13 53:12, 15</p> <p><b>basis</b> 13:11 72:18, 19</p> <p><b>basketball</b> 50:16</p> <p><b>BCI</b> 23:4</p> <p><b>Bear</b> 49:15</p> <p><b>Bears</b> 51:19</p> <p><b>began</b> 23:10 66:6</p> <p><b>beginning</b> 59:19</p> <p><b>begs</b> 76:23</p> <p><b>beleaguer</b> 77:8</p> <p><b>believe</b> 2:6 5:10 19:24 20:17 21:10 31:24 34:11 36:15, 19 37:2, 4, 8 47:25 54:25 57:21 58:20 64:12 75:14</p> <p><b>believed</b> 19:25</p>	<p><b>Bellew</b> 55:2, 3</p> <p><b>Benson</b> 69:25</p> <p><b>Berthold</b> 3:18, 20 8:5 48:3, 4, 11 49:1, 20 50:2, 25 51:10, 14 52:1</p> <p><b>best</b> 3:24 4:4 11:16 14:6, 7, 25 16:3 37:16 46:9 61:19</p> <p><b>better</b> 9:15 10:4</p> <p><b>beyond</b> 57:14</p> <p><b>big</b> 20:6 49:3</p> <p><b>biggest</b> 13:3</p> <p><b>Bill</b> 2:4, 6 3:1, 8, 13 6:23 9:20, 21 21:11 22:22 23:1, 11, 20 27:22 28:19 29:7 31:6 40:24 42:14, 22 48:7 52:3 53:1 54:18 61:17 62:1, 3, 9, 13, 21, 23 63:4, 5, 7, 13 67:1, 11 73:18 74:1 78:16, 20, 22 79:9, 12, 13, 19, 20, 24 81:19 82:2</p> <p><b>bills</b> 22:21 23:12 36:22</p> <p><b>Bismarck</b> 47:4</p> <p><b>bit</b> 27:17 56:17 70:1 77:11 79:17</p> <p><b>black</b> 30:16</p> <p><b>blatantly</b> 74:16</p> <p><b>bloc</b> 6:16, 19 11:13</p> <p><b>body</b> 5:2 25:17 73:18, 24 75:15 77:3, 15</p> <p><b>body's</b> 77:12</p> <p><b>bond</b> 35:23</p> <p><b>bonds</b> 35:25</p> <p><b>born</b> 46:24 47:11, 12 48:9, 23</p> <p><b>bottomlands</b> 47:6</p> <p><b>boundaries</b> 34:20 48:3, 11, 25 49:20 50:25 51:10, 14 61:7 65:9, 17 76:3</p> <p><b>bow</b> 53:15</p> <p><b>box</b> 51:16 68:13</p>	<p><b>branch</b> 15:1</p> <p><b>breath</b> 15:7</p> <p><b>briefly</b> 58:3</p> <p><b>bringing</b> 19:3</p> <p><b>brought</b> 17:19 38:10 46:17 51:9 54:1 66:23</p> <p><b>Buffalo</b> 46:13, 14 48:17, 20</p> <p><b>built</b> 77:24</p> <p><b>bullet</b> 39:19</p> <p><b>Bureau</b> 64:14 68:11</p> <p><b>business</b> 79:7</p> <p>&lt; C &gt;</p> <p><b>calendar</b> 2:20</p> <p><b>call</b> 2:25</p> <p><b>called</b> 2:25 6:2 9:9 25:24 43:24</p> <p><b>calls</b> 4:7 30:18</p> <p><b>campaigns</b> 40:3</p> <p><b>candidate</b> 14:6, 7 20:12, 13 32:20 36:14, 18 39:23</p> <p><b>candidates</b> 39:22 40:4 45:20</p> <p><b>car</b> 49:16</p> <p><b>care</b> 18:20 31:3 79:15</p> <p><b>carrier</b> 42:22 54:18 63:4</p> <p><b>carry</b> 48:20</p> <p><b>case</b> 10:23 13:23 14:22 19:1, 2, 10 21:5 26:7, 13 29:8 31:1 38:9 44:9, 11 55:5 57:8 60:21 71:1</p> <p><b>cases</b> 9:12 10:25 13:22 14:15 26:14 27:10 35:1 60:17</p> <p><b>Cass</b> 65:3</p> <p><b>cast</b> 50:8, 14 78:24</p> <p><b>category</b> 76:21</p> <p><b>Catholic</b> 50:3</p> <p><b>caused</b> 50:5</p> <p><b>Cavalier</b> 69:24</p> <p><b>census</b> 9:1 10:24 19:14, 22 25:4</p>
---	--	---	---

<p>61:12 64:14 67:17, 23 68:11, 18 78:14 <b>Center</b> 3:22 <b>certain</b> 25:21 34:5 43:15 <b>certainly</b> 18:11 20:22, 24 24:5 31:18 35:15 40:11 41:10 67:17 68:19 69:15 79:17 <b>CERTIFICATE</b> 83:1 <b>certify</b> 83:2, 5 <b>CET-1036</b> 83:13 <b>chair</b> 31:13 41:6 54:19 60:7 <b>chairman</b> 4:11 22:14 23:25 28:12 29:6, 21 46:5, 8 54:1 63:3 81:10 <b>Chairman's</b> 25:15 <b>challenge</b> 14:22 <b>challenged</b> 40:7 <b>challenges</b> 48:15 64:20 <b>chamber</b> 5:20 36:17 37:12 <b>chambers</b> 22:23 23:2 53:25 <b>chances</b> 71:5 <b>change</b> 48:16 49:21 55:22 62:15 67:5 68:19 69:23 72:5, 6, 7 78:9 79:1 81:22 <b>changes</b> 16:8 30:24 74:7 <b>characteristics</b> 7:16 <b>charge</b> 8:6 9:5 27:8 28:6 <b>choice</b> 8:18 18:22 20:12, 13, 16, 20 27:4 32:20 33:2, 4 36:14, 18 <b>choose</b> 37:23 <b>chose</b> 48:10, 14 <b>chosen</b> 37:22 <b>Church</b> 50:3 <b>cited</b> 9:11 <b>citizen</b> 46:22 <b>citizens</b> 12:6 21:3</p>	<p><b>City</b> 3:23 12:21, 23 28:25 34:8 35:19 47:12 70:23 <b>classic</b> 71:1 <b>Clause</b> 11:8 <b>clear</b> 4:6 20:3 54:17 <b>clerk</b> 55:16 62:12, 17 78:23 79:2 81:19, 23 <b>clinic</b> 49:9 <b>close</b> 73:1 74:5, 8 <b>closed</b> 55:24 62:17 79:2 81:23 <b>coast</b> 48:13 <b>cocked</b> 28:23 60:25 <b>Code</b> 50:12 <b>colleague</b> 47:19 <b>colleagues</b> 46:17 51:3 <b>collected</b> 46:7 <b>combining</b> 58:24 <b>come</b> 24:20 71:14 73:2 <b>comfortable</b> 16:3 <b>coming</b> 49:15 <b>commend</b> 51:21 <b>comments</b> 47:22 <b>Commissioner</b> 23:9 <b>committee</b> 4:10, 12, 19 6:12 15:13 16:5 17:7, 16 19:25 22:14 24:1 26:11 29:10, 19 30:1, 17 31:13 32:1, 17 33:3, 24 39:11 41:6, 17 42:4 43:16, 22 45:11 51:22 53:17 54:1, 19 60:13 63:4, 12 64:1, 3, 9, 16 65:7, 13, 21 66:2, 6, 9, 11, 18, 23 67:1, 3, 9, 21, 22 69:11, 14, 15 70:6, 17 71:9 73:8, 22 76:7, 10 79:17 80:22 <b>committees</b> 15:6 63:16</p>	<p><b>committee's</b> 52:25 64:6 <b>common</b> 73:1 <b>commonly</b> 6:1 43:24 65:22 <b>communities</b> 34:19 35:3 65:8 <b>community</b> 34:7 47:5 51:25 66:7 <b>competing</b> 4:3, 5 <b>complete</b> 2:24 60:16 <b>completely</b> 58:20 <b>compliance</b> 70:15 <b>complies</b> 64:12 <b>components</b> 26:21, 23 <b>comprise</b> 3:6 <b>compute</b> 57:4 <b>computed</b> 57:7 <b>computer</b> 38:10 <b>computing</b> 58:8 <b>concentrating</b> 70:7 <b>concentration</b> 70:8 <b>concern</b> 13:3 72:15 73:5 <b>concerning</b> 10:18 24:17 <b>concerns</b> 36:3 40:6 <b>conclusion</b> 66:18 <b>conducts</b> 45:12 <b>conference</b> 2:13, 16 <b>confident</b> 8:8 9:16 <b>confused</b> 71:8 <b>Congress</b> 17:18 18:2 19:24 20:23 21:5 38:21, 25 <b>congressional</b> 13:24 <b>conscience</b> 4:6 <b>consents</b> 58:10 <b>consider</b> 73:20, 23 <b>consideration</b> 2:20 5:3 66:11 70:18 78:20 79:8, 24 81:19 <b>considered</b> 58:10 <b>consistent</b> 45:10 <b>consistently</b> 6:6 26:6, 8, 15, 19 27:3 44:12</p>	<p><b>constituency</b> 77:13, 21, 25 <b>constituents</b> 23:9 27:16 36:19, 20 66:25 78:2 <b>constitution</b> 8:20 18:23 21:18, 20, 23 22:5 <b>constitutional</b> 6:3, 14 7:3 65:10 <b>constraint</b> 57:22 <b>consultant</b> 69:6 <b>consume</b> 59:2 <b>consumed</b> 58:9, 11, 20 59:15 60:4 <b>contained</b> 12:22 <b>containing</b> 2:21 <b>contains</b> 2:11 <b>contiguous</b> 17:2 35:9 70:14 <b>continue</b> 33:6, 8 34:14 42:7 61:18 81:4 <b>Continuing</b> 2:2 5:7, 25 79:7 <b>control</b> 47:4 <b>conversation</b> 46:15 48:2 <b>conversations</b> 47:16 <b>convinced</b> 18:21 37:16 <b>cooked</b> 60:14 <b>coordination</b> 22:22 <b>copy</b> 2:7 <b>corners</b> 66:14 <b>cornerstone</b> 33:13 <b>correct</b> 41:1 46:5 57:10 59:23 81:8 <b>corrected</b> 33:24 <b>cost</b> 7:8, 9 17:8, 9 44:1 <b>costly</b> 10:15 <b>counsel</b> 53:4 <b>count</b> 81:9 <b>counties</b> 65:8, 14, 16, 18 <b>countless</b> 49:19 <b>country</b> 18:21 29:2 <b>County</b> 23:4 36:6 65:3, 15 67:24 68:8 69:24, 25 70:1</p>
--	--	--	--

**couple** 28:20 67:4,  
8 73:21 74:7 80:23  
**course** 53:10 72:6  
**court** 7:18 11:1  
15:2, 17 16:23  
17:9, 10 18:3, 7  
19:1 20:18, 23  
21:2, 3 24:21, 25  
27:13 30:24 31:1  
35:1 37:6 44:9  
60:17 72:17  
**courts** 17:21 19:23  
20:5, 19 21:7  
22:18 25:5 39:10  
**covered** 66:17  
**cracked** 11:11  
**crash** 49:16  
**create** 7:17 9:5  
17:2 27:15 39:1  
60:23 77:14  
**created** 51:19  
64:19  
**creates** 62:4  
**creating** 9:7  
**criteria** 8:22 10:10  
14:11 15:24 18:16,  
18 22:2 27:19  
28:2 29:12 70:13  
**crossed** 43:9  
**crossing** 27:22  
**cultural** 12:10  
**current** 50:9 72:9  
74:1  
**cut** 32:14  
**cycle** 33:12  
**cycles** 33:12, 20

< D >

**DAKOTA** 1:11  
3:25 4:16 5:8, 24  
6:20 7:7, 24 8:4,  
13, 18 10:6, 14, 16,  
23 17:13 18:8, 25  
19:10 20:21 21:8,  
17, 20, 23 22:4, 18  
23:16 24:12, 20  
27:10 33:25 34:1  
35:4 42:15 53:9  
64:13, 15 65:2, 22  
**Dakotans** 11:19

**Dakota's** 11:15  
13:23  
**Dam** 47:3  
**Dan** 38:2, 5  
**data** 27:4 69:12, 13  
**Davis** 23:9  
**day** 29:16 67:3  
**days** 29:1 74:8  
**deal** 32:23 60:17  
**dear** 47:20  
**debate** 46:16 47:14  
52:17 57:1, 9, 18  
58:16, 18 59:19  
61:18 70:23  
**debated** 62:9  
**debating** 47:17  
**decade** 24:25  
**decide** 16:2  
**decided** 25:5 64:16  
68:1, 3, 11 76:6  
**deciding** 74:3, 24  
**decision** 20:25 46:9  
**decisions** 20:18  
40:19  
**declared** 82:2  
**deep** 4:9 50:20  
**defeat** 9:19 28:10  
71:22  
**defeated** 62:20, 22  
**defend** 11:17  
**defense** 72:16  
**degree** 39:15 40:5  
**delineated** 60:21  
**delivered** 2:7  
**delivery** 68:2, 4, 5,  
6, 7, 8, 9  
**demonstrate** 19:4  
**Den** 49:15  
**denial** 40:13  
**denied** 39:22  
**Department** 10:13  
**depriving** 6:6, 20  
**described** 45:8  
**desire** 6:9  
**desk** 2:7  
**determinative** 26:1  
**determined** 19:3  
**determining** 39:8  
**detest** 14:23  
**deviate** 8:21

**deviates** 7:3  
**deviation** 6:3, 14, 18  
**devices** 39:19  
**Devils** 34:8  
**Devlin** 16:18, 19  
24:3, 5, 11, 18  
31:16, 18, 24 32:7  
33:21 34:17 41:8,  
10, 16, 22, 23 42:10  
63:6, 8 79:14, 16  
**dice** 37:5  
**difference** 20:7  
**different** 8:12 16:8,  
25 19:16 26:19  
29:3 30:5 35:21  
37:10 40:18 45:20  
64:9  
**difficult** 63:15  
**digital** 83:3  
**diligently** 29:10  
**dilute** 17:3  
**diluting** 20:9  
**dilution** 11:10  
40:13  
**direction** 35:7  
**disadvantage** 45:19  
**disagree** 10:17  
47:25  
**disastrous** 10:12  
**discriminate** 20:4  
**discriminated**  
32:16 39:25  
**discrimination** 9:10  
20:3 39:14, 21  
40:13  
**discriminatory** 39:2,  
4  
**discussed** 29:15  
64:4 65:25  
**discussion** 52:15  
55:13 61:14, 24  
72:6 73:13 78:18  
79:22 80:25 81:17  
**discussions** 26:10  
29:14 38:12 46:3  
64:8 67:20, 21  
**disenfranchisement**  
73:20  
**disingenuous** 40:22  
**disperse** 32:3

33:16, 18  
**dispersed** 11:11  
**disrespect** 4:20  
**dissolve** 78:12  
**dissolved** 77:14  
78:13  
**distinct** 2:23  
**distinguished** 36:16  
**District** 3:16, 17, 18,  
21, 25 4:4, 11 5:11,  
15, 16, 18 8:4, 11,  
24 11:2, 5 12:22  
13:14, 19 15:15  
21:9 22:19 23:8,  
15 28:7 32:2, 3, 6,  
18 33:14, 18 34:9,  
21 36:16, 17 37:20  
38:14 44:3, 15, 17  
45:20 46:20 47:18  
51:19 61:4 62:5  
64:18 65:6, 16, 19  
69:7, 10, 18 70:2, 9,  
25 71:1, 3, 4, 15, 21  
72:11, 13 73:3  
74:4, 25 75:4, 19  
76:1, 3, 17 77:13,  
14, 17, 22, 25 78:1,  
6, 12  
**districting** 17:12  
**districts** 11:12  
12:4, 11, 12, 20, 21  
13:5, 8, 13, 21  
14:13 16:4, 10  
17:3 18:17 19:15,  
18 21:21, 22 22:1  
29:12 32:5 35:16,  
20 37:19, 24 39:18  
53:23, 24 64:17, 24  
65:4 66:19 69:20,  
21 70:15 74:10  
75:11, 12, 25 76:8,  
12, 15, 16, 17, 20, 22,  
23 77:20  
**divide** 2:17 3:13  
12:4 21:20 33:14  
34:11  
**divided** 2:12, 16, 22  
3:2 22:1 23:20  
**dividing** 4:21 16:6  
**division** 2:5, 8, 23  
3:1, 3 16:14 23:17,



18 34:23, 24 40:24  
48:7 52:14, 18  
61:25 62:2, 3, 4, 6,  
13, 20, 21, 23 63:3,  
5, 6 78:20, 21 79:6  
**divisions** 3:5, 6, 8  
79:13  
**doing** 4:7 17:23  
27:14, 20 29:18, 20  
30:22 34:12 37:15  
73:5 75:15, 22  
**dollars** 31:1  
**door** 63:25  
**dot** 43:8  
**dotting** 27:23  
**dour** 48:17  
**draft** 67:1  
**drawn** 32:1  
**drew** 69:6  
**drive** 50:7, 13  
**drivers** 49:16  
**Drunk** 49:16  
**due** 41:19 59:18  
**dug** 30:20  
**duly** 43:7  
**Dunn** 3:22  
**Dunseith** 68:6  
**duties** 66:3  
**dynamics** 78:10

< E >

**Earlier** 22:20  
24:23 43:7 54:5  
56:17 68:14 70:22  
**early** 47:1 63:18  
**easier** 12:14  
**east** 3:23 48:13  
**easy** 30:23  
**edges** 66:15  
**education** 40:1  
**effect** 5:7, 25 20:6  
39:2 52:17 62:1, 10  
**effort** 34:3  
**efforts** 35:5  
**eight** 63:22 65:17  
80:24  
**either** 8:9 14:19  
18:24 35:10 40:21  
**Elbowoods** 47:7  
**elder** 50:12

**elect** 6:8, 21, 22  
20:12 32:20  
**elected** 5:16 9:4  
13:15, 18 37:9, 13  
40:5 77:15  
**election** 6:14 39:9  
47:24 74:5, 11 78:4  
**elections** 5:9, 24  
8:21 13:24, 25  
32:23 40:4 44:5  
75:9, 10, 13  
**electoral** 39:18  
**eligible** 25:22 44:16  
**eliminated** 65:5  
75:20 76:24  
**eliminating** 76:15  
**embarrassing** 10:15  
**emergency** 49:12  
**employee** 83:6  
**employment** 40:2  
48:16 50:11  
**enacted** 39:3  
**ended** 49:14 52:17  
**English** 48:17  
**enhance** 39:20  
**ensure** 65:19  
**entire** 3:18 8:5  
48:24 51:12 52:6  
59:13 79:12 80:23  
**entirety** 32:2 33:17,  
18  
**enumerated** 39:11  
**Equal** 11:8 19:5  
21:19, 22 22:6  
51:15 65:11  
**equally** 13:2 16:10  
61:5, 6  
**equitable** 12:5 16:4  
**Ertelt** 73:15, 16  
77:10 81:11  
**especially** 12:19  
15:5 49:5  
**essentially** 34:9  
**establish** 6:5 44:4  
**established** 6:17  
19:23 20:19 60:17  
**ethnic** 7:16 35:2  
**even-numbered**  
74:4 75:12

**everybody** 8:12, 14,  
18 15:19 22:15  
37:23 47:11  
**evidence** 7:22 37:3  
**exact** 30:10, 13  
**exactly** 18:4 21:9  
24:22 28:2  
**example** 20:8 51:17  
**exceeded** 57:24  
**exceeding** 65:15  
**exceptions** 28:20  
**excited** 29:18, 20  
**excuse** 43:8 73:14  
79:25 80:1  
**executive** 17:22  
77:22  
**exist** 40:3  
**expect** 21:3  
**experienced** 30:10  
77:19  
**experiences** 49:19  
**experiencing** 27:6  
**expert** 15:25  
**experts** 16:24 66:5  
**explain** 52:17 63:4  
**explanation** 80:20  
**extensive** 53:7  
**extent** 39:17, 24  
40:3 65:7  
**exterior** 48:3, 10, 25  
49:20 50:25 51:10,  
13  
**extreme** 35:5 51:19

< F >

**faced** 10:6  
**facing** 67:19  
**fact** 14:15 32:10  
34:17 36:5  
**factors** 39:10  
**failed** 23:5  
**fails** 56:2  
**fair** 37:15 45:21  
80:14 81:8  
**fairest** 61:19  
**fairly** 69:22  
**fairness** 10:19  
**fall** 76:21  
**family** 48:17, 24  
51:13

**far** 16:10, 25 32:15  
33:3 41:1  
**Fargo** 5:22 12:23  
46:20 77:14  
**farmer** 48:14  
**farmers** 35:18, 21,  
24  
**fast** 9:12  
**favor** 23:17 53:25  
**favorable** 53:12  
**fear** 37:5  
**federal** 17:17, 22  
18:1, 14, 18, 20, 22  
19:14 20:3, 8, 17,  
23 25:6, 19 26:22  
27:19 28:3 29:21  
32:10 34:7 40:17,  
18, 19, 25 65:24  
66:22 68:1, 3  
**feel** 4:8 16:3  
80:13, 25  
**Fegley** 21:14, 15  
**felt** 45:17, 21  
**field** 49:9  
**fight** 31:3  
**fighting** 17:22  
**fights** 17:11, 12  
**figures** 19:12, 13  
**FILE** 1:10 82:3  
**final** 2:14 3:7  
62:19 78:19 79:4,  
8, 23 81:18, 25  
**Finally** 69:4  
**financially** 83:8  
**find** 9:2 28:1  
30:24  
**finding** 48:15  
**fine** 16:12 57:23  
**fingers** 35:6  
**firmly** 18:21 19:24,  
25 20:17 34:11  
**first** 8:6 14:22  
16:25 27:7 28:6  
53:15 59:1, 14  
60:12  
**fish** 32:14  
**five** 64:25 72:24  
**fix** 14:10 67:4  
**flood** 47:4  
**flooded** 47:3 48:12  
**flooding** 47:9



**floor** 2:19 19:11  
31:2 48:6 52:16  
**follow** 21:4 22:8  
29:24 30:14 35:10  
36:6  
**followed** 65:21  
**followers** 10:21  
**follows** 30:1  
**foregoing** 83:2  
**Forks** 12:24  
**form** 34:4  
**Former** 23:9  
**forms** 68:12  
**Fort** 3:18, 20 48:2,  
4, 11, 25 49:20  
50:1, 25 51:10, 14  
52:1  
**forward** 11:22  
31:7 45:25 46:10  
51:6 54:1 62:8  
81:1  
**fought** 71:12  
**found** 48:15  
**foundation** 7:11, 21  
**four** 29:1 36:23  
51:19 64:21  
**fracture** 32:4  
**frame** 64:10  
**frankly** 46:5  
**friends** 11:19  
**front** 9:16 22:3  
35:8 69:17 70:5  
72:9  
**frowned** 7:18  
**full** 80:24, 25  
**funny** 13:21 30:25  
**further** 61:24  
73:13 75:23 78:18  
79:15, 22 80:20  
81:17 83:5

< G >

**game** 50:16  
**Garrison** 47:3  
**gather** 6:10  
**gathered** 9:2  
**gathering** 4:8  
**general** 13:15  
38:13 39:9  
**generally** 65:18

**gentleman** 30:6  
53:6  
**geographic** 66:8, 12  
**gerrymander** 38:14  
**gerrymandered**  
71:18  
**gerrymandering**  
6:25 7:13 17:1  
26:24 35:2, 5 36:4  
**getting** 8:10 13:15  
30:7 32:21 35:19  
40:24  
**Gingles** 26:13  
29:14 33:1 38:9  
44:9, 11  
**give** 4:25 51:2  
63:12 70:12 73:7  
80:21  
**given** 8:20 60:15  
**giving** 15:9 20:10  
**glad** 49:22, 24 51:8  
**gladly** 23:13 80:21  
**go** 6:4 8:14 27:15,  
25 32:12 35:6  
61:18 62:7 69:24  
70:1 71:16  
**goes** 3:21 8:9, 13  
**going** 6:19 7:8, 10,  
17 13:1, 4, 5, 6  
15:8, 17, 23 18:19  
22:16 27:16, 21, 24  
28:1, 4 32:25  
34:23 70:23 75:10  
76:11 77:9  
**good** 4:10 5:21  
14:22 16:5 17:23  
23:14 34:22 46:15  
70:11 73:4  
**govern** 37:7  
**governed** 65:23  
**government** 15:1  
51:7 52:6 68:1, 3  
74:20  
**governments** 23:1  
**governor** 22:23  
23:2  
**Grand** 12:24  
**grandmother** 48:19  
**grandpa** 48:15  
**grandparents** 48:8,

14, 18, 21  
**great** 5:15 47:7  
**grew** 46:23 48:5  
50:4 51:24  
**group** 6:7, 20, 21  
7:14 26:15, 16  
27:2, 6 40:6 77:25  
**groups** 20:11 71:3  
**group's** 20:12  
**growth** 64:19 65:2  
**guarantee** 19:17  
27:23 39:6  
**guess** 14:12 73:19  
75:23  
**guilty** 6:24  
**guy** 37:20  
**guys** 7:15 34:18  
41:17

< H >

**half** 19:5 28:22  
37:20, 21 50:14, 18  
60:14, 24  
**half-cocked** 27:21  
29:11 60:13  
**halfway** 24:25  
**hall** 36:18  
**Halliday** 3:22  
**happen** 18:12  
26:17 37:14 53:9  
63:20  
**happened** 7:7  
24:14 32:24 37:14  
42:3, 9 50:18 53:5  
**happening** 36:4  
46:16 47:14  
**happens** 11:10  
75:19 77:18  
**happy** 30:21, 22  
58:2 78:2  
**hard** 12:18 28:22  
64:10, 11 81:7, 13  
**hat** 4:18  
**hate** 16:21  
**HB** 1:12 11:21  
**head** 49:16  
**heads** 71:10  
**health** 22:22 31:3  
40:2  
**hear** 15:7 79:18

**heard** 12:8 19:11  
29:5 30:9 44:7  
45:7 79:18  
**hearing** 14:21  
80:25  
**hearings** 80:24  
**heart** 46:22 47:21  
**heck** 8:11  
**held** 18:3  
**help** 8:25  
**heritage** 73:1  
**hesitate** 4:2 22:13  
**Hidatsa** 46:23  
51:12, 24 52:9  
**high** 50:10  
**higher** 12:12  
**hindered** 14:12  
**hired** 69:5  
**history** 34:25 35:2  
39:13 77:12  
**hit** 49:16  
**hold** 4:22 5:16  
**home** 68:2, 4, 5, 6, 7,  
8, 9  
**homework** 7:21  
**honestly** 80:13  
**honor** 48:21  
**hope** 28:19 44:20  
61:21 63:12  
**hospital** 47:8, 11  
**hour** 30:8 50:13  
**HOUSE** 1:11 2:3,  
5, 11 3:7 13:7  
23:5 47:20 48:6  
50:21 51:3 53:19,  
20, 25 54:16 61:25  
62:1, 13, 23 63:13  
67:16 72:2 73:14  
78:19, 20 79:8, 23,  
24 81:18, 19 82:2  
**Hoverson** 42:20, 21  
43:5, 6, 20 44:21  
45:5, 6, 16 79:25  
80:1, 8, 9, 20 81:3, 6  
**huge** 3:17  
**hurt** 14:16

< I >

**idea** 17:9  
**ideal** 65:15

<p><b>ideas</b> 72:7</p> <p><b>ignore</b> 18:20 20:23</p> <p><b>ignored</b> 10:8, 9</p> <p><b>ignoring</b> 25:19</p> <p><b>implement</b> 7:1</p> <p><b>Importantly</b> 66:23</p> <p><b>impression</b> 30:22</p> <p><b>inappropriate</b> 60:23</p> <p><b>include</b> 62:3</p> <p><b>included</b> 22:18</p> <p>66:8</p> <p><b>includes</b> 10:21</p> <p>79:12</p> <p><b>including</b> 21:8</p> <p>39:13 65:24 66:19</p> <p><b>incorrect</b> 40:21</p> <p><b>increase</b> 64:16</p> <p><b>Indian</b> 11:3, 6 48:4</p> <p>49:1 50:2, 25</p> <p>51:14 52:1</p> <p><b>indicated</b> 54:5</p> <p>55:15</p> <p><b>Indiscernible</b> 63:1</p> <p><b>individual</b> 37:16</p> <p>59:10</p> <p><b>individuals</b> 50:24</p> <p>74:17</p> <p><b>ineffective</b> 11:12</p> <p><b>inequity</b> 14:18</p> <p><b>information</b> 4:8</p> <p>5:1 6:10 9:2, 15</p> <p>25:24 26:2, 13</p> <p>27:14, 25 28:4</p> <p>44:13 46:7, 9</p> <p>60:15 77:10</p> <p><b>initially</b> 68:23 72:3</p> <p><b>initiated</b> 14:24</p> <p><b>initiative</b> 31:4</p> <p><b>innate</b> 49:4</p> <p><b>input</b> 63:19</p> <p><b>instance</b> 38:19</p> <p><b>insurance</b> 4:15</p> <p><b>intend</b> 52:19</p> <p><b>intent</b> 20:4</p> <p><b>intentionally</b> 39:3</p> <p><b>interaction</b> 6:11</p> <p><b>interest</b> 34:7, 19</p> <p>65:8</p> <p><b>interested</b> 83:8</p> <p><b>interesting</b> 15:4</p>	<p>38:10</p> <p><b>interests</b> 4:3, 5 6:8</p> <p><b>internet</b> 22:25</p> <p><b>interpretation</b> 57:20</p> <p><b>interruption</b> 58:12</p> <p><b>invoked</b> 54:6, 16</p> <p>55:13</p> <p><b>involved</b> 75:21</p> <p><b>irrespective</b> 39:2</p> <p><b>I's</b> 27:23 43:9</p> <p><b>issue</b> 24:17 46:8</p> <p>49:22 73:25</p> <p><b>issues</b> 6:17 8:15,</p> <p>23 12:10</p> <p><b>ITD</b> 22:25</p> <p><b>its</b> 10:8</p> <p>&lt; J &gt;</p> <p><b>jail</b> 25:17</p> <p><b>job</b> 4:10, 17, 20</p> <p>5:15 16:5, 11 17:23</p> <p><b>John</b> 68:6</p> <p><b>JOINT</b> 1:12</p> <p><b>Jones</b> 3:9, 10</p> <p>15:24 25:12, 13</p> <p>28:15 30:3 38:3</p> <p>42:23, 25 43:2, 18,</p> <p>19 45:11 50:23</p> <p>51:9 54:5, 8 55:7,</p> <p>12 56:5, 8, 10, 16,</p> <p>20 60:9, 10</p> <p><b>judge</b> 19:3</p> <p><b>Judiciary</b> 39:11</p> <p><b>Julie</b> 83:13</p> <p><b>July</b> 28:24</p> <p><b>jump</b> 7:6, 10 68:18</p> <p><b>June</b> 38:23</p> <p><b>jurisdiction</b> 39:14,</p> <p>16</p> <p><b>jurisdictions</b> 40:7</p> <p><b>jurisdiction's</b> 39:9,</p> <p>17, 23, 25</p> <p><b>Justice</b> 10:13</p> <p><b>justification</b> 6:18</p> <p>7:4, 12</p> <p><b>justified</b> 7:22</p> <p><b>justify</b> 6:13</p> <p>&lt; K &gt;</p> <p><b>Kasper</b> 56:3, 4, 13,</p> <p>14</p>	<p><b>keep</b> 14:21 25:16</p> <p>28:19 32:5 33:15</p> <p>34:19 35:12, 18</p> <p>48:7 52:3 65:10,</p> <p>13 71:4 76:12</p> <p><b>Kenmare</b> 3:22</p> <p><b>kept</b> 32:21 33:23</p> <p>65:8</p> <p><b>key</b> 33:13 55:16,</p> <p>18, 24 62:13 78:23</p> <p>79:2 81:20, 23</p> <p><b>kind</b> 33:10 37:1</p> <p>46:2 50:16</p> <p><b>Klemin</b> 52:12, 13,</p> <p>20</p> <p><b>knock</b> 70:14</p> <p><b>knocked</b> 81:9</p> <p><b>know</b> 3:16 4:14, 19</p> <p>9:11 12:23 13:15</p> <p>15:18, 20 16:25</p> <p>17:15, 21 18:9</p> <p>19:9 20:2, 14</p> <p>28:21 30:2 32:16</p> <p>34:1, 9 35:12, 15</p> <p>36:9, 12, 13 37:11</p> <p>38:11 40:22 43:16</p> <p>45:18, 24 47:15, 16,</p> <p>23 48:8, 22 49:4</p> <p>50:15, 22 51:15</p> <p>52:14 56:17 57:20</p> <p>61:2 64:20 67:20,</p> <p>25 68:22 69:15</p> <p>70:3, 6, 7, 11, 13</p> <p>75:1, 18 80:10</p> <p><b>knowledge</b> 4:13</p> <p>66:24</p> <p><b>KOPPELMAN</b> 2:2</p> <p>9:24 11:24 16:17</p> <p>21:13 22:10 23:22</p> <p>24:2, 7 25:11</p> <p>28:13, 16 31:9, 10,</p> <p>11, 15, 20, 21, 22</p> <p>32:8 33:5, 7, 9, 22</p> <p>34:13, 15, 16 38:1</p> <p>41:3, 7, 12, 21 42:7,</p> <p>19, 24 43:4, 17</p> <p>44:24 45:4, 13</p> <p>46:12 52:11, 19</p> <p>54:4, 11, 25 55:10</p> <p>56:7, 12, 19, 22</p> <p>57:10, 19 58:5, 19</p>	<p>59:7, 23 60:2</p> <p>61:23 63:2 67:13</p> <p>70:19 71:24 73:12</p> <p>77:4 78:17 79:11,</p> <p>21 80:3, 7, 15 81:5,</p> <p>16</p> <p>&lt; L &gt;</p> <p><b>laid</b> 27:19</p> <p><b>Lake</b> 15:13 28:25</p> <p>30:9 34:6, 8 68:22</p> <p>69:9 70:23 71:11,</p> <p>12 72:3</p> <p><b>land</b> 7:19 35:25</p> <p>47:2, 10</p> <p><b>landmarks</b> 35:10</p> <p><b>lands</b> 34:4</p> <p><b>lane</b> 48:12 71:16</p> <p><b>language</b> 52:9</p> <p><b>large</b> 5:16 12:11</p> <p>39:18</p> <p><b>late</b> 63:18 67:17</p> <p><b>law</b> 10:21 11:14</p> <p>17:17 18:1, 14, 18,</p> <p>20, 22 20:3, 18</p> <p>21:1, 5 25:7, 19</p> <p>26:22 27:19 28:3</p> <p>29:21, 22 30:1, 14</p> <p>32:10 34:8 38:23</p> <p>39:2, 3, 9 40:7, 17,</p> <p>18, 19, 25 60:21</p> <p>61:5 63:23 65:24</p> <p>66:22</p> <p><b>Lawmakers</b> 10:8, 20</p> <p><b>laws</b> 21:2 29:23,</p> <p>24, 25</p> <p><b>lawsuit</b> 24:11, 16</p> <p>72:18, 19</p> <p><b>lawsuits</b> 17:19</p> <p>72:15, 22</p> <p><b>lawyer</b> 30:4</p> <p><b>lawyers</b> 29:2 30:4,</p> <p>10</p> <p><b>lead</b> 9:4 27:8 28:6</p> <p><b>Leader</b> 80:2, 12</p> <p><b>leaders</b> 54:18</p> <p><b>leadership</b> 81:14</p> <p><b>leading</b> 8:6 17:24</p> <p><b>leads</b> 9:11</p> <p><b>learn</b> 10:3 11:15</p> <p><b>learning</b> 10:3, 4</p>
---	--	---	--

**leave** 6:23 21:10  
27:21 31:6  
**led** 65:3  
**left** 25:2  
**legal** 10:8, 23, 25  
14:22 29:9 33:2  
64:12 66:2 67:4  
**legally** 11:18  
**legislating** 14:23  
**legislation** 51:5  
**legislative** 14:1  
53:4 66:4 67:7  
69:10 75:25 76:3  
**legislators** 66:9  
74:14, 18  
**lengthy** 63:22  
**level** 14:1 40:10  
**life** 48:22  
**light** 38:4  
**limit** 71:4  
**limitation** 57:12  
59:4 76:9  
**limitations** 57:1  
**limited** 54:19  
**lines** 32:1 36:6  
**listened** 29:2  
**little** 16:7 22:16  
27:17 35:6 56:17  
67:5 70:1 71:8  
78:4  
**live** 5:8 49:19  
**lived** 48:21 49:19  
**lives** 48:25  
**local** 14:1 49:9  
66:24 74:20  
**located** 47:5, 12  
51:25  
**logical** 36:6  
**long** 5:14  
**longer** 19:7, 8  
47:10  
**longstanding** 48:1  
**look** 5:11 8:25  
19:20 20:5 26:4  
27:25 34:25 37:8  
45:22 53:14, 18  
60:19 69:20 71:17  
75:9 76:15  
**looked** 19:21 26:12  
27:2 32:9 42:13  
68:21 69:3 75:22

**looking** 5:3 25:18  
26:5 40:11 43:14  
64:21, 22 75:17  
**looks** 44:2  
**lose** 15:6, 10, 25  
18:8  
**losers** 75:14  
**losing** 47:24 49:14  
**loss** 10:15  
**lost** 18:10 30:13  
45:21 49:2, 7 78:8  
**lot** 4:7, 8, 14, 25  
7:9 8:10 25:16  
29:14, 19, 23 32:15  
50:5 71:2 80:10  
**lots** 63:19  
**Louser** 22:11, 12  
**low** 49:22, 23 51:9  
**lower** 72:12 76:1  
  
< M >  
**maacagiraac** 52:8  
**Magrum** 23:23, 24  
24:8, 9, 19 25:8  
41:4, 5, 13, 14, 25  
42:2, 8, 11, 17  
**mail** 68:12  
**main** 14:17 29:4  
**maintain** 19:19  
64:17  
**maintained** 39:4  
**majority** 14:1  
19:24 33:3 35:25  
39:17 40:10 80:2  
**making** 46:18 47:3  
**man** 4:16  
**management** 67:7  
**Mandan** 46:23  
51:12, 23  
**Mandaree** 46:24, 25  
47:11, 12, 13 48:5  
49:9 50:3, 12  
51:18, 25  
**mandates** 17:22  
**manner** 48:1  
**Manning** 50:8  
**map** 18:10, 11  
35:7 64:11 66:13,  
19, 20 71:18  
**map-drawing** 66:25

**maps** 66:6, 8, 10, 12  
**Marcellais** 5:13, 19  
**March** 63:18 69:12  
**marginalize** 38:15  
**Marvin** 67:14  
71:25  
**Mason's** 57:1, 4, 21  
58:3, 7  
**mate** 44:14  
**Matter** 14:15 36:5  
83:4  
**mean** 4:20 16:6  
19:17 24:15 35:5  
54:21 65:4 70:4  
71:15 80:23  
**meant** 60:14  
**measure** 2:15, 19  
7:23 22:17  
**measures** 14:24  
**meet** 7:25 8:22  
14:11 15:24 18:15,  
16, 17 19:22 25:22  
28:5 29:12 32:10  
40:10 51:5 64:25  
69:7, 21  
**meeting** 22:2  
28:25 29:1 30:7  
64:1 66:3, 4  
**meetings** 63:18, 22  
**meets** 25:6 29:14  
70:13  
**member** 2:12 5:22  
13:7, 17 17:3  
20:15 36:16 46:22  
50:21 51:11, 23  
52:5 54:23 55:21  
57:8, 16, 17 58:10,  
13, 14, 22 59:1, 6,  
16, 18 60:7 62:14  
78:25 81:21  
**members** 2:6, 10  
3:12, 19 4:18 8:10  
10:2 12:2 16:20  
21:16 31:5 36:10  
38:8 42:12 52:23  
54:14, 17 55:22  
57:3, 5, 25 58:7  
61:4, 7, 16 62:15  
63:10 64:2, 6, 9  
66:7, 10, 23 67:10,  
16 71:7 72:2

77:22 78:23 79:1  
80:19 81:22  
**mention** 26:3  
**mentioned** 13:6  
40:16 43:12 49:25  
56:17  
**mentioning** 47:16  
**merits** 35:15 36:2  
**mess** 68:20  
**messages** 8:10  
**met** 27:18 28:2  
44:17 50:23 56:2  
60:22 64:5 69:5  
71:9, 11 80:23  
**MHA** 8:24 13:17  
50:24 52:5  
**middle** 68:18  
**miles** 47:13  
**million** 17:10, 12  
**millions** 31:1  
**mind** 76:11  
**minimal** 69:22  
**minor** 74:6  
**minorities** 39:6, 25  
**minority** 6:20  
11:11 13:12, 13, 14,  
23 20:10, 11, 12, 14  
38:15 39:22 40:4,  
6 71:3  
**minority's** 17:4  
**Minot** 3:23 12:21,  
23  
**minus** 75:1  
**minutes** 54:20  
57:13 58:23 59:2,  
3, 14, 15, 19, 21, 22,  
25  
**misdiagnosed** 49:8  
**Mississippi** 53:7  
**mistake** 9:7 11:15  
40:23  
**mistakes** 10:4, 5  
**misunderstanding**  
52:16  
**MOCK** 54:9, 12, 13  
56:21, 23, 24 57:11,  
21 58:1, 6, 21 59:8,  
17, 24  
**money** 7:9, 10 17:8  
18:14  
**month** 49:17

<p><b>months</b> 30:18 69:14</p> <p><b>morning</b> 29:16</p> <p><b>motion</b> 55:8, 10 56:2</p> <p><b>Mountain</b> 15:14 67:23 69:1, 8</p> <p><b>move</b> 11:21 31:7 46:10 54:2 55:5 81:1</p> <p><b>moved</b> 34:6</p> <p><b>moving</b> 51:6 81:1</p> <p><b>Multi</b> 17:2</p> <p><b>multiple</b> 21:7 32:5 66:1</p> <p>&lt; N &gt;</p> <p><b>name</b> 46:16 48:17, 18, 20 54:6, 15 55:12 56:16</p> <p><b>named</b> 48:19, 20</p> <p><b>Nathe</b> 28:14, 17, 18 44:23, 25 45:2, 7, 15 70:20, 21</p> <p><b>Nation</b> 8:25 13:17 21:7 46:23 50:24 51:12, 24 52:5, 7 68:23</p> <p><b>nations</b> 72:24</p> <p><b>Native</b> 10:8 14:4 19:8 26:7, 8 32:3, 18 37:11 70:7 72:10, 12</p> <p><b>Natives</b> 26:20</p> <p><b>nature</b> 35:11</p> <p><b>nay</b> 62:19 79:4 81:25</p> <p><b>NCSL</b> 28:25 33:2 66:3 70:24</p> <p><b>near</b> 37:13 44:6 47:20</p> <p><b>necessarily</b> 14:3</p> <p><b>need</b> 8:6 9:17 19:25 22:5 27:13 30:20 46:6 51:3 61:10 79:18</p> <p><b>needs</b> 51:5</p> <p><b>neither</b> 83:5</p> <p><b>Nelson</b> 62:25 63:1 67:14, 15 71:25 72:1</p>	<p><b>never</b> 32:16 33:25 44:7 69:1, 2</p> <p><b>new</b> 30:11 65:3</p> <p><b>nice</b> 30:6</p> <p><b>nicely</b> 73:2</p> <p><b>nineties</b> 24:24</p> <p><b>nobody's</b> 26:12</p> <p><b>non-Native</b> 26:9</p> <p><b>non-Natives</b> 26:18</p> <p><b>non-subject</b> 26:16</p> <p><b>normal</b> 35:10 66:14</p> <p><b>Normally</b> 46:24 63:17</p> <p><b>NORTH</b> 1:11 3:25 4:16 5:7, 8, 24 6:19 7:23 8:4, 12, 18 10:22 11:19 13:22 18:24 19:9 20:21 21:17, 19, 23 22:4, 18 23:16 33:25 34:1 42:15 53:9 64:13, 15 65:2, 22</p> <p><b>noted</b> 43:7 52:4</p> <p><b>notice</b> 4:25</p> <p><b>noticed</b> 15:12</p> <p><b>notion</b> 73:20</p> <p><b>NOVEMBER</b> 1:13 2:1 67:7</p> <p><b>number</b> 12:6 45:19 59:4, 9 60:3, 5 74:3, 12 76:7 77:16</p> <p><b>numbered</b> 74:10</p> <p><b>numbers</b> 10:24 19:21 25:21, 25 60:20 61:11 63:17, 21 68:19 69:4 75:23</p> <p><b>Numerous</b> 17:19</p> <p>&lt; O &gt;</p> <p><b>oath</b> 8:19</p> <p><b>object</b> 54:13</p> <p><b>obviously</b> 16:6 24:15 38:11 80:11</p> <p><b>occurred</b> 48:2</p> <p><b>odd</b> 27:17</p> <p><b>odds</b> 37:6</p> <p><b>offered</b> 66:10</p>	<p><b>office</b> 50:11 68:12 71:5</p> <p><b>official</b> 39:13</p> <p><b>officials</b> 40:5</p> <p><b>offline</b> 30:18</p> <p><b>oh</b> 15:6, 9</p> <p><b>Okay</b> 15:7 25:8 42:2, 17</p> <p><b>old</b> 49:2</p> <p><b>once</b> 47:5 59:20</p> <p><b>ones</b> 61:4</p> <p><b>online</b> 63:24</p> <p><b>open</b> 55:16, 18 62:13 78:23 81:1, 19</p> <p><b>opened</b> 63:25</p> <p><b>opinion</b> 23:14</p> <p><b>opinions</b> 30:5</p> <p><b>opportunities</b> 58:22</p> <p><b>opportunity</b> 20:11 39:20 51:4 60:8 61:1, 8 73:25 74:15, 17, 19 75:5</p> <p><b>opposing</b> 14:18 15:20</p> <p><b>opposite</b> 17:5, 6</p> <p><b>options</b> 74:22</p> <p><b>Order</b> 2:3 25:22 43:13 53:20, 21 61:11 79:7</p> <p><b>orders</b> 17:23</p> <p><b>originally</b> 67:6</p> <p><b>ought</b> 76:25</p> <p><b>outcomes</b> 44:5</p> <p><b>outs</b> 4:15</p> <p><b>outvoted</b> 26:9, 15 27:3 32:21 35:19 44:12 49:23 50:16 51:11</p> <p><b>overall</b> 16:9</p> <p><b>overriding</b> 65:11</p> <p><b>overt</b> 40:2</p> <p>&lt; P &gt;</p> <p><b>P.M</b> 1:14</p> <p><b>packing</b> 70:25 71:1, 15, 21 72:8, 19</p> <p><b>packs</b> 72:9</p> <p><b>painfully</b> 80:11</p> <p><b>pardon</b> 79:12</p>	<p><b>parliamentarian</b> 55:1</p> <p><b>parliamentary</b> 57:2</p> <p><b>part</b> 9:19 10:20 12:17 38:16</p> <p><b>participate</b> 58:18</p> <p><b>particular</b> 32:18, 22 44:3 50:13</p> <p><b>particularly</b> 16:23 17:22</p> <p><b>parties</b> 83:7</p> <p><b>parts</b> 8:1 25:21 33:14, 15 60:21 79:19</p> <p><b>party</b> 13:23 14:1, 4 36:10, 12</p> <p><b>pass</b> 21:11 35:23 41:19 51:4 72:19</p> <p><b>passage</b> 2:14 52:25</p> <p><b>passed</b> 17:18 18:1 21:5 22:22 23:1 48:8, 22 82:2</p> <p><b>passing</b> 38:21</p> <p><b>patterns</b> 6:17</p> <p><b>paying</b> 35:25</p> <p><b>people</b> 3:24 6:7 7:15 9:3 12:16 14:4, 12, 16 15:5, 22 16:22, 23, 24 19:3 23:15 26:11 27:5, 24 29:19 35:12, 22, 23 37:9, 17 42:15 46:11 47:17 48:12 51:2 64:22, 23 67:24 68:8, 24 74:13, 24 78:7 81:11, 12</p> <p><b>people's</b> 10:5 47:20 50:21 51:3</p> <p><b>percent</b> 11:4, 7 47:2, 9 48:11 64:16 65:1 72:9, 11 74:2, 3, 23, 25 75:1, 2</p> <p><b>percentage</b> 72:12</p> <p><b>perfect</b> 72:16</p> <p><b>perfectly</b> 17:2</p> <p><b>permissive</b> 38:18</p> <p><b>permit</b> 54:14</p> <p><b>permitted</b> 57:7</p>
--	--	--	--

<p> <b>person</b> 6:25 17:1  27:4 33:24 63:24  <b>pertains</b> 57:23  <b>phone</b> 4:7  <b>phrase</b> 21:18  <b>pick</b> 38:19 71:15  <b>picking</b> 75:13  <b>pieces</b> 8:1  <b>Pierce</b> 70:1  <b>place</b> 26:21, 24  27:5 53:5, 11, 16  <b>placed</b> 2:19 76:9  <b>places</b> 37:11 53:2  80:23  <b>plain</b> 14:6  <b>plaintiff's</b> 18:11  <b>plan</b> 69:23 72:9  <b>Please</b> 9:19 28:9,  10 48:6 52:17  61:16 73:2  <b>plenty</b> 45:17  <b>plus</b> 29:7 74:25  <b>point</b> 23:7 32:13  35:15 68:22  <b>polarization</b> 6:2, 5,  13 43:25 45:8  <b>polarized</b> 39:16  <b>policy</b> 23:14 40:7  <b>political</b> 65:9  <b>politicians</b> 68:17  <b>Pollert</b> 52:21, 22  80:2, 4, 5, 10, 16, 17  <b>poorly</b> 67:23  <b>populated</b> 76:16, 18,  22  <b>population</b> 11:2, 3,  5, 6 12:13 19:5, 12,  13 26:8, 9 32:4  33:16, 19 36:24  38:15 53:23 64:15,  17, 19 65:20 67:5  69:21 74:9 76:1, 4,  13  <b>populations</b> 34:20  35:3 53:11, 16  65:11, 15  <b>portion</b> 38:20  <b>portrayed</b> 27:11  <b>posit</b> 76:19  <b>position</b> 8:8 11:16 </p>	<p> <b>positions</b> 81:10  <b>possible</b> 11:16 65:7  <b>post</b> 50:11 68:12  <b>postal</b> 50:9  <b>power</b> 21:19, 23  <b>powerful</b> 10:23  <b>practice</b> 75:15  <b>practices</b> 27:7  <b>precedence</b> 44:9  <b>precedent</b> 10:25  <b>precedents</b> 33:1  <b>precincts</b> 50:1  51:18  <b>precise</b> 74:6  <b>precondition</b> 44:15  <b>preconditions</b> 44:10  <b>prefer</b> 23:19 35:17  37:19, 20  <b>premature</b> 26:25  60:23  <b>premise</b> 77:1  <b>present</b> 73:21 77:9  <b>presentations</b> 63:23  <b>presented</b> 6:12  15:12 77:10 81:12  <b>presenting</b> 42:14  63:11 75:21  <b>preservation</b> 65:17  <b>preserve</b> 65:16  <b>preserved</b> 65:9  <b>President</b> 17:18  18:2 20:24 21:6  38:23  <b>presidential</b> 13:23  <b>press</b> 63:25  <b>presumably</b> 62:8  <b>presumptuous</b> 37:1  <b>pretty</b> 5:11 7:2  <b>prevailed</b> 19:10  <b>previous</b> 13:5 18:9  28:21 30:2 33:12,  20 54:7 78:14  <b>previously</b> 40:16  <b>prime</b> 22:20, 24  23:3, 11, 12  <b>principles</b> 65:22  66:21 78:11  <b>probably</b> 29:15  <b>problem</b> 13:16  14:13 30:25 </p>	<p> <b>problems</b> 8:3, 15  <b>procedure</b> 57:2  <b>proceed</b> 61:11  <b>process</b> 6:15 8:1  36:5 39:24 63:16  66:3, 25 77:9 78:9,  10  <b>prohibition</b> 39:10  <b>prohibitions</b> 39:19  <b>prohibits</b> 11:10  20:9 39:1 40:12  <b>proof</b> 26:14 40:15  <b>proponent</b> 43:23  <b>proportional</b> 39:7  <b>proportions</b> 66:8, 12  <b>proposal</b> 2:11, 17,  22 11:21 15:11  75:8, 17, 20, 21  76:24  <b>propose</b> 70:9  <b>proposed</b> 6:24  66:7 69:18 70:10  74:21  <b>proposition</b> 2:24  <b>protect</b> 49:5  <b>protected</b> 39:6  <b>Protection</b> 11:8  <b>proud</b> 46:19 47:18,  19  <b>proudly</b> 3:19  <b>prove</b> 5:5 19:4, 8  <b>proven</b> 6:1  <b>provide</b> 39:5  <b>provided</b> 83:4  <b>proximity</b> 73:1  <b>public</b> 63:24 64:1  <b>pull</b> 26:17  <b>purpose</b> 39:4 76:2  <b>pursuant</b> 2:5  <b>put</b> 11:16 17:16  18:10 20:1 24:23  27:13 34:5 71:3  73:2, 9  <b>putting</b> 18:5 75:11    <b>&lt; Q &gt;</b>  <b>qualifications</b> 19:22  <b>qualify</b> 43:13  68:24 72:4  <b>quarter</b> 50:19 </p>	<p> <b>question</b> 2:10, 12,  13, 17, 21 3:2, 6  4:21 18:24 24:1, 4  31:14, 17 32:9, 11  33:10, 17 34:10  41:6, 9 42:6, 23  43:1 44:8, 20, 22  45:1 50:22 52:14  55:16 56:6, 9 57:4,  6, 9, 15, 25 58:11,  17 59:11, 12 60:8  76:23 80:2, 4 81:7  <b>questions</b> 9:23  53:8 58:7, 9 62:10  67:4  <b>queue</b> 62:17  <b>quite</b> 46:4 75:23  77:24 79:17    <b>&lt; R &gt;</b>  <b>race</b> 10:10 14:12  37:16  <b>racial</b> 5:7, 9, 12, 17,  23, 25 6:5, 6, 24  7:13, 16 9:4 20:10  27:6 40:3 44:4  45:9  <b>racially</b> 14:11  39:16  <b>radical</b> 7:2  <b>raised</b> 46:25  <b>Ramsey</b> 69:24  <b>ran</b> 37:16 45:19  <b>ranchers</b> 48:14  <b>range</b> 64:8  <b>rate</b> 50:10 51:9  <b>reaction</b> 68:14  <b>read</b> 21:17 52:14  58:3 59:8  <b>reading</b> 2:14  <b>Reagan</b> 38:23  <b>real</b> 29:20 34:3  <b>realize</b> 67:25  <b>really</b> 4:9 12:25  14:23 16:3, 13, 21  21:25 33:11 34:21  37:3 49:24 67:18,  21 69:22 70:11  71:15 76:22 81:13,  14 </p>
---	--	--	---



**reason** 11:14 12:7  
19:9 27:12 70:11  
73:4 78:15  
**reasoning** 14:17  
74:23 75:8  
**reasons** 12:16  
45:22, 25 65:18  
**rebuilt** 77:24  
**recall** 22:15 41:25  
**receive** 80:2  
**received** 2:4 63:23  
64:2  
**recognized** 55:1  
**recollection** 2:10  
**recommendation**  
3:15 52:25  
**recommendations**  
63:11  
**recommended** 66:19  
**record** 26:4 45:10  
62:18 79:3 81:20,  
24  
**recording** 83:3  
**records** 26:18  
43:14  
**rectangles** 35:9  
**red** 16:15 40:25  
**redistrict** 10:11  
25:1 38:14  
**redistricted** 24:15  
**REDISTRICTING**  
1:12 3:15 4:10  
5:6 6:12 9:21  
10:10 11:21 12:3  
15:13 17:11 20:5,  
6, 9 22:15 24:1, 13,  
16, 20 29:1 30:17  
38:13 46:2 51:22  
52:24 53:13, 17, 21  
54:2 61:17 62:9  
63:12, 15, 23 64:4  
65:21, 23 66:21  
70:4 71:9 73:22  
76:2, 13 77:1, 2  
78:11, 14 80:10, 13,  
22 81:9  
**reduce** 74:22  
**reduced** 10:19  
**reelected** 8:9  
**reelecting** 77:21  
**reestablish** 77:21

**reference** 46:19  
59:9 60:3, 5, 16  
**referenced** 43:21  
44:8 70:22  
**references** 60:4  
**referencing** 44:18  
58:4  
**referendum** 35:24  
**referrals** 14:24  
**referred** 47:6  
**reflective** 51:7  
**refused** 10:10  
**regarding** 56:25  
66:24  
**regardless** 75:11  
**registered** 36:11  
**registration** 36:9, 11  
**regression** 6:1  
43:24  
**reject** 70:16 73:8,  
18  
**rejected** 70:6  
**Relations** 64:3  
67:21, 22 72:24  
**relative** 83:6  
**relatively** 35:9  
64:10  
**releases** 63:25  
**relied** 39:10  
**relies** 26:14  
**relocated** 48:13  
**remainder** 59:2  
**remaining** 58:15,  
17 59:16, 25 63:7  
65:17  
**remains** 62:21  
**remedy** 61:19  
**remind** 43:11, 15  
**remove** 62:22  
**removing** 78:22  
**repeated** 63:18  
**repeatedly** 20:19  
32:19  
**rephrase** 33:10  
**report** 2:13, 16  
39:12 70:16 73:8  
**represent** 3:16 8:4  
36:20 52:6 61:3  
**representation** 6:9  
10:19 12:5 39:7

**REPRESENTATIV**  
**E** 2:2 3:9, 10 5:21  
8:14 9:24, 25 10:1  
11:24, 25 12:1  
15:24 16:17, 18, 19  
21:13, 14, 15, 25  
22:10, 11, 12 23:22,  
23, 24 24:2, 3, 5, 7,  
8, 9, 11, 18, 19 25:8,  
11, 12, 13 27:18  
28:13, 14, 15, 16, 17,  
18 30:3 31:9, 10,  
11, 15, 16, 18, 20, 21,  
22, 24 32:7, 8 33:5,  
7, 9, 21, 22 34:13,  
15, 16, 17 37:12  
38:1, 2, 3, 5, 6 41:3,  
4, 5, 7, 8, 10, 12, 13,  
14, 16, 21, 22, 23, 25  
42:2, 7, 8, 10, 11, 17,  
19, 20, 21, 23, 24, 25  
43:2, 4, 5, 6, 7, 17,  
18, 19, 20 44:21, 23,  
24, 25 45:2, 4, 5, 6,  
7, 10, 13, 14, 15, 16  
46:12, 13, 14 50:23  
51:8 52:11, 12, 13,  
19, 20, 21, 22 54:4,  
5, 8, 9, 11, 12, 13, 25  
55:2, 3, 7, 10, 12  
56:3, 4, 5, 7, 8, 10,  
12, 13, 14, 16, 19, 20,  
21, 22, 23, 24 57:10,  
11, 19, 21 58:1, 5, 6,  
19, 21 59:7, 8, 17,  
23, 24 60:2, 9, 10  
61:13, 23 62:25  
63:1, 2, 5, 8 67:13,  
14, 15 70:19, 20, 21  
71:24, 25 72:1  
73:12, 15, 16 75:6  
77:4, 6, 10, 15  
78:17 79:10, 11, 14,  
16, 21, 25 80:1, 3, 5,  
7, 9, 15, 17, 19 81:3,  
5, 6, 16  
**representatives**  
8:16 36:23 71:11  
78:7  
**represented** 22:6  
36:24 67:24 74:14

**representing** 5:15  
64:8 74:19  
**request** 2:4  
**requested** 2:8  
**require** 3:3 40:9  
**required** 28:3  
38:18 74:5, 10  
**requirement** 18:6  
65:10, 12 66:21  
**requirements** 25:6  
29:15 39:18 64:12,  
25 69:21  
**requires** 3:2 4:14  
**Reservation** 3:19,  
20 8:5 33:14, 19  
34:5, 6 36:24 48:4,  
16 49:1 50:2 51:1,  
15 52:1 61:8  
**reservations** 10:8  
34:1 37:13 68:2  
**reside** 50:24 74:24  
**residents** 35:16  
64:13  
**resides** 51:13  
**respect** 36:20 59:18  
**respectful** 48:1  
**respectfully** 50:22  
**respectively** 54:20  
58:23  
**respond** 55:12 57:3  
**responded** 38:21  
**response** 54:8  
**responsibilities** 64:7  
**rest** 9:21 14:18  
34:8 61:17 62:8, 9  
63:5  
**restate** 2:9 77:11  
**restricting** 4:12, 23  
**result** 30:13 47:24  
64:11 74:13  
**resulted** 67:18  
**resulting** 2:15, 22  
**results** 10:12 39:1,  
5 67:17  
**retain** 76:7  
**retained** 79:13  
**retaining** 78:21  
**reveal** 45:9  
**reviewing** 66:6  
**rewritten** 2:25

**right** 11:18 17:24  
20:8, 22, 24, 25  
21:10 23:16 28:2,  
8 29:7, 13 39:6, 15  
46:16 63:2 71:18  
**rightly** 16:1  
**Rights** 10:9, 24  
11:9 17:17, 20  
18:7 38:22 65:24  
71:21  
**rivers** 35:11  
**roads** 35:11  
**Rock** 15:8  
**Rolette** 23:4 67:24  
68:5, 7, 8 69:25  
**roll** 2:25  
**rolling** 37:5  
**Ronald** 38:23  
**room** 23:12  
**route** 68:10  
**Ruby** 11:25 12:1  
38:2, 5, 6  
**Rule** 2:5, 9 52:14  
55:6 58:3 60:7  
**rules** 54:14, 16, 23  
55:6, 11, 17, 19  
57:2, 17  
**run** 8:21  
**running** 37:4 44:14  
**rural** 35:16 50:5  
51:20 64:24 65:4  
68:10  
**rushed** 49:11  
67:17 69:16  
**Ruth** 48:19  
  
< S >  
**Saint** 68:6  
**Salt** 28:25 30:9  
70:23  
**sat** 15:12  
**saw** 17:10, 11  
**Sawyer** 3:24  
**saying** 7:15 8:6  
9:16 32:15 37:5  
**says** 15:19 18:14  
53:15  
**Schauer** 9:25 10:1  
**school** 32:23 35:20  
47:7

**score** 50:17  
**Scott** 23:9  
**scratch** 77:18  
**seat** 5:14, 17, 19  
**second** 2:14 57:13  
59:4, 15, 25  
**Section** 5:5 8:23  
11:9 25:23 38:25  
40:12 58:3, 6 69:23  
**sections** 21:11  
**see** 5:12 16:7  
23:20 35:7, 9 36:4,  
5 37:9 38:3 40:14  
41:18 42:3, 9  
50:17 75:24 81:14  
**Seeing** 62:12  
**seen** 5:9 44:6  
**self-sufficient** 47:5,  
8  
**Senate** 13:20 23:6  
39:11 53:20 63:14  
79:20  
**Senator** 5:13, 19, 21  
13:7 44:14 78:8  
**senatorial** 13:25  
**send** 42:16 63:13  
70:16 79:20  
**sense** 12:20, 25  
35:12 76:14  
**separate** 2:23  
**September** 67:2  
**serious** 4:24 8:3  
68:13  
**seriously** 64:7  
**serve** 3:19, 25 4:4  
22:14 46:19 47:18  
**served** 13:17 64:21  
69:15  
**serves** 64:13  
**service** 50:10  
**services** 22:25  
**session** 2:19 22:20  
23:10  
**sessions** 13:18  
36:23  
**set** 29:12 68:16  
**setting** 10:25  
**settled** 17:17  
**setup** 21:9  
**share** 46:21 69:10

79:15  
**shared** 13:8 76:6  
**shares** 77:16  
**Shaw** 9:9 17:5  
**sheet** 69:18  
**shift** 76:4, 14  
**short** 4:25 48:21  
64:10  
**shot** 45:21 53:15  
**show** 5:6 26:6  
**showed** 27:5  
**shown** 7:22 8:2  
**shows** 62:19 79:4  
81:25  
**shut** 50:1 51:18  
**siblings** 49:6  
**sic** 20:9  
**side** 5:20  
**sides** 15:21 61:13  
**signed** 17:18 18:2  
21:6 22:23 23:2  
38:23  
**Significantly** 72:12  
**silent** 57:3  
**similar** 6:7 10:7  
17:14 21:4 32:23  
**simple** 5:11 14:7  
27:11 77:1  
**simply** 7:14  
**sir** 4:13  
**sister** 49:3, 15  
**sisters** 49:3, 8  
**sit** 31:2  
**sitting** 5:13, 19  
**situation** 10:7  
16:13 17:14 18:15,  
25 61:20 67:18  
**situations** 12:10  
29:3  
**six** 42:11  
**size** 12:11, 19  
**Skroch** 77:5, 6  
**slating** 39:23  
**slightly** 67:3  
**small** 12:21 51:24  
68:4  
**socioeconomic** 40:1  
**solicit** 63:24  
**solidly** 78:5  
**somebody** 6:2

32:15 36:13 43:22  
**somewhat** 35:12  
**Sorry** 42:5 62:21  
**sounding** 48:18  
**sounds** 34:18  
**South** 7:7 10:6, 14,  
16 11:15 17:13  
18:8 21:8 24:12,  
20 27:10 35:4  
46:20  
**speak** 19:2 23:18  
32:14 52:5 54:7,  
15, 17, 23 55:7  
57:12 58:22 59:5,  
16, 20, 24 60:1  
61:1 63:6 73:19  
**speaker** 2:4, 18  
3:11 10:2 11:23  
12:2 13:6 16:16,  
20 18:9 21:12, 16  
22:9, 13 23:21, 25  
24:6, 10, 19 25:10,  
14 28:15, 19, 21  
30:2, 25 31:8, 12,  
23 32:7 33:6, 21  
34:14 37:25 38:7  
41:2, 5, 11, 15, 23  
42:5, 10, 22 43:3, 6,  
20 44:22 45:2, 7,  
15 46:15 52:13, 23  
54:3, 7, 9, 10 55:4,  
9 56:5, 10, 15, 21,  
25 58:1, 21 59:17  
60:11 61:22 63:9,  
10 67:12, 16 70:22  
71:7, 23 72:2  
73:17 77:7 79:16  
80:5, 18 81:2, 3  
**special** 47:20  
**specific** 6:7 55:6  
**specifically** 8:24  
50:2  
**speech** 59:1, 4  
**spend** 17:10  
**spending** 17:11  
31:1  
**spends** 25:16  
**spent** 17:13 30:17  
**spine** 81:14

**Spirit** 15:13 34:6  
68:22 69:9 71:11  
72:3  
**splinter** 33:16  
**split** 33:25 34:4  
65:14, 16, 18  
**splitting** 16:10  
**spoke** 30:3 45:11  
59:10 78:5  
**spoken** 54:6 59:20  
60:6  
**sponsor** 22:21, 24  
23:3, 11  
**sponsors** 23:12  
**St** 50:3  
**staff** 66:4  
**stand** 2:23 4:2  
9:16, 23 18:19  
**Standing** 15:8  
**start** 77:1, 18, 20  
**started** 52:15 66:14  
**state** 7:10 11:16  
12:6 13:2 14:19  
16:6, 10 20:21  
21:4 36:8 37:9, 22,  
23 53:7, 17 57:5  
63:19 64:3 65:24  
66:9, 12, 22 72:24  
76:5, 16  
**stated** 13:19  
**states** 17:10, 11, 19  
18:3, 16 21:7  
30:11, 13 35:3, 4  
65:23 71:2  
**statewide** 66:10, 13  
75:9  
**stay** 48:10, 14 65:5  
**Stenehjem** 17:23  
**stepped** 45:25  
**stood** 3:4  
**stories** 49:18  
**strength** 17:4  
**strong** 77:24  
**studied** 44:14  
**studies** 27:1 40:16  
44:1 46:3 60:16  
**study** 6:1, 2, 5, 13  
29:8 43:15, 21, 22,  
24, 25 44:7, 18  
45:8 46:1, 6  
**stuff** 38:11

**subdistrict** 7:17, 20  
9:8 19:6 42:13  
61:9 68:23 70:10  
72:10  
**subdistricting** 41:20  
**subdistricts** 3:14  
6:23 7:2, 11 8:7  
9:5 10:16, 22 12:8,  
16 13:4, 9 15:23  
16:14 18:5 22:19  
24:22 26:5 27:9,  
15, 21 28:6 29:4  
31:25 34:24 35:14,  
17 36:3 38:12, 17  
41:18 43:23 44:16  
45:23 51:4, 23  
53:11, 18, 24 60:24  
61:6, 12, 16, 22  
62:4, 7 69:2 71:13  
72:4  
**subdivision** 9:19, 22  
28:9, 10, 11 65:9  
**subject** 9:9 17:2  
26:15 29:10 66:16  
**subjected** 66:20  
**submitted** 2:18  
**Subsection** 58:8  
**subtle** 40:2  
**subtleties** 4:15  
**successful** 17:20  
72:21  
**sue** 15:8, 16, 22  
**sued** 7:8 11:17  
14:25  
**sufficient** 6:16  
**suing** 73:6  
**suit** 19:4  
**summarize** 5:2  
**Sunday** 50:4  
**support** 9:20 11:18  
28:9, 10 52:24  
61:21 67:11 77:25  
**supported** 78:7  
**supporting** 78:16  
**supposed** 45:9  
**suppression** 50:20  
**Supreme** 11:1  
**sure** 27:2 32:8  
34:4 36:12 47:1  
72:20

**surgery** 49:12  
**surprised** 75:24  
**survive** 49:16  
**survived** 49:13  
**suspend** 55:6, 11  
**suspending** 55:17,  
19  
**swimming** 4:9  
**switched** 42:9  
**system** 6:4 7:4  
12:17 15:2 37:15  
47:7 50:9 68:16  
  
< T >  
**table** 47:18  
**take** 3:14 5:3  
16:13 24:24 25:1  
30:24 53:17 55:8  
61:6, 16 62:18  
72:10 73:23 79:3  
81:24  
**taken** 8:19 21:2  
55:25 58:12  
**takes** 55:15  
**talk** 30:4 72:8, 14  
**talked** 15:4, 25  
17:1 18:9 20:2  
23:19 26:11 30:3,  
7, 18 38:8 53:3, 4  
68:23 69:1, 3 70:7,  
24  
**talking** 7:1 13:21  
29:3 40:20  
**tally** 55:24  
**tell** 14:2 18:19  
44:6  
**telling** 33:1  
**tells** 14:2  
**tend** 39:20  
**tenuous** 40:8  
**term** 49:23 51:11  
**Terry** 50:23 51:8  
**test** 26:14 39:1, 5  
44:11  
**testimony** 23:19  
32:17, 19, 22 45:17  
63:24 64:1  
**Thank** 3:10 4:13  
10:1 11:23 12:1  
16:16, 19 21:12, 15  
22:8, 12 25:8, 13

28:12, 18 31:8, 11,  
22 34:13, 16 37:25  
38:6 41:2, 24  
42:17, 21 43:19  
45:6 46:14, 18  
52:1, 8, 9, 22 54:3  
55:3 56:4, 14, 24  
60:10 61:22 63:8  
67:12, 15 70:18, 21  
71:23 72:1 73:11,  
16 77:6 80:17  
81:2, 15  
**thankful** 47:15  
49:24  
**thankfully** 49:10, 13  
**Thanks** 23:24 24:9  
41:14  
**thing** 7:2 21:10  
23:16 30:11 34:22  
38:16 60:12 61:15  
71:6  
**things** 3:17 8:3  
16:7 18:12 25:20,  
23, 25 26:2, 3 29:4  
35:10, 11 40:11  
43:12 60:21 61:9,  
10 69:4 77:11, 23  
**think** 12:3, 24 14:5,  
9, 13, 15, 25 16:1, 2,  
4, 5, 12 20:25 21:1,  
3 29:19 30:21  
32:13 34:22, 25  
35:14 36:22 37:7,  
17, 24 40:21, 22  
46:4 47:14, 22  
48:8, 23, 24 49:1,  
18, 23 50:15 53:6,  
18 61:14, 18 66:17  
68:16 71:10 73:4  
74:15 75:3 76:25  
78:12 79:17 81:8  
**thinking** 46:18  
**Thompson** 83:13  
**Thornburg** 38:9  
**thoroughly** 29:17  
30:20  
**thought** 12:9, 16  
33:4  
**threat** 14:23  
**threatening** 72:21



**three** 5:22 22:21  
23:12 63:17 65:3, 4  
**threshold** 25:24  
56:1 74:2, 11, 22,  
25 75:12  
**thresholds** 7:25  
30:15  
**thrown** 22:17  
**time** 5:14 9:17  
25:16 28:9 30:12  
34:3 51:2 52:2, 10  
53:10 57:4, 6, 7, 12,  
13, 22 58:8, 9, 11,  
12, 14, 17, 20 59:5,  
6, 13, 14, 16, 22, 25  
60:3 61:17 63:19  
64:10 70:5 78:13  
81:13  
**times** 46:17 54:15,  
24 59:5, 9 60:5  
63:17 64:20 66:1  
**today** 4:2, 22 7:12  
10:7, 18 19:11  
28:7 35:8 65:25  
73:19  
**told** 4:16 7:12  
16:24  
**tons** 29:8  
**top** 69:18  
**topic** 75:18  
**topics** 70:24  
**top-level** 4:23  
**total** 11:2, 5 42:14  
60:4  
**totally** 17:5  
**tough** 4:20  
**Towner** 69:23  
**towns** 68:4  
**transcript** 83:3  
**TRANSCRIPTION**  
1:10  
**TRANSCRIPTIONI**  
**ST** 83:1  
**treated** 8:12 61:5, 6  
**treatment** 10:19  
**tremendously** 69:16  
**tribal** 11:19 19:18  
20:14 22:21, 25  
23:1 33:25 34:4  
52:6 64:2 67:21, 22  
**Tribe** 69:8, 9

**tribes** 5:23 10:13  
15:14 18:17 19:8  
45:17 64:4 68:21  
69:10, 19 70:12  
71:10  
**tried** 24:24 32:19  
69:3  
**true** 19:7 47:25  
83:2  
**trust** 50:9  
**try** 3:25 24:6  
26:14 31:19  
**trying** 4:4 14:9  
25:16 33:11 36:6  
54:22 72:23 77:21  
**T's** 27:22 43:8, 9  
**turned** 23:11  
**turnout** 49:24 51:9  
**turnover** 50:10  
**Turtle** 15:14 67:23  
69:1, 8 71:10  
**tweaks** 16:8  
**Twenty** 10:6  
**twice** 24:21 38:4  
54:6, 17 55:7 57:12  
**two** 8:14 9:8, 12  
13:5, 8 18:16, 17  
19:8 21:20, 22  
22:19 24:22 33:12,  
20 36:22 37:24  
40:12 43:11 49:25  
51:17 53:23, 24  
54:15, 24 58:22, 24,  
25 62:4 64:22  
66:9, 20 67:3  
72:25 74:22 76:20  
81:12  
**two-thirds** 55:8, 15  
56:1  
**type** 43:15  
**types** 40:12 77:22  
81:10  
  
< U >  
**U.S** 10:25  
**unable** 9:3  
**unanimously** 42:4  
**unconstitutional**  
17:4  
**undercount** 68:13  
**undercounted** 19:19

**understand** 12:9  
24:12 26:20 38:17  
54:21 72:14 73:25  
78:10  
**understanding**  
33:11, 23 76:12  
**unequal** 10:18  
**unfair** 78:12 80:12  
**unfortunately** 54:22  
**UNIDENTIFIED**  
79:10  
**unique** 37:11  
**United** 17:19 18:2  
**unlawful** 20:5  
**unleashed** 10:14  
**unlimited** 57:9  
**unnecessary** 76:9  
**unresponsive** 40:5  
**updates** 64:2  
**upheld** 20:19 21:2,  
6 66:1  
**uphold** 8:19  
**urban** 35:16, 22  
**urge** 11:20 22:4, 7  
67:10 79:19  
**use** 39:17 44:10  
59:21 74:2  
**uses** 74:3  
**usually** 14:8 39:18  
  
< V >  
**various** 3:8 35:2  
64:4  
**verification** 55:14  
**veto** 14:24  
**vetoed** 30:19  
**VIDEO** 1:10 82:3  
**viewpoints** 64:9  
**violates** 39:9  
**violating** 26:22  
40:17, 25  
**violation** 5:6 9:10  
71:20  
**voice** 78:8  
**vote** 2:25 3:2, 7  
11:10 16:14, 15  
20:10 21:24 22:7  
23:17 34:23 37:17,  
20, 21 39:15, 17  
41:19 42:1, 15  
48:6 53:25 55:8,

14, 18, 19 62:1, 2, 6,  
11, 19, 22 67:11  
74:15, 17, 19 75:5,  
7 77:3 78:8, 21, 22  
79:4, 20 81:20, 25  
**voted** 13:22, 25  
41:18 55:21 62:14  
78:25 80:14 81:21  
**voter** 21:19 36:9,  
11 40:13 49:23  
50:20 51:9 73:20  
**voters** 11:11 29:6,  
13 50:5 51:5, 20  
74:8, 9  
**votes** 12:15 35:23  
55:23 62:16 78:24  
79:1 81:22  
**voting** 3:5, 8 6:4, 8,  
16, 17, 19 7:3 10:9,  
24 11:9, 13 14:3, 5  
17:4, 17, 20 18:6  
20:8 22:5 26:4, 12,  
18, 19 27:1, 7  
38:22 39:1, 15, 19,  
20 40:23, 24 41:16  
43:13, 14 44:3, 15  
45:10 49:25 51:17  
52:18 62:2, 7, 20  
65:24 71:21 79:5  
82:1  
  
< W >  
**want** 7:9 8:11, 17  
9:3 14:17 15:2  
25:17 29:9 32:11  
37:4 48:5 49:4  
52:4, 8 60:12 61:4,  
8 66:16 69:7 70:3,  
13 71:14, 16, 17  
72:8, 11 73:6, 8, 19  
77:8 80:20  
**wanted** 4:11 73:24  
**wanting** 49:21  
**wants** 6:2 8:25  
69:8, 9  
**warning** 53:19  
**watching** 26:11  
27:24  
**water** 4:9  
**Watford** 47:12  
49:10

**way** 3:21, 23 4:5,  
21 5:5 8:9, 21  
12:5 15:17 33:19  
34:19 35:20 37:7  
50:7, 14 53:12  
**Wayne** 17:23  
**ways** 10:3  
**wealth** 66:24  
**weekend** 53:5  
**weeks** 30:18 46:7  
**well** 4:1 8:17 12:9  
14:21 15:7, 9, 15  
20:13 30:23 33:12  
34:2 35:16 36:21,  
25 37:14 45:9  
55:5 58:1 59:17  
60:17 66:17 70:8  
75:18 81:6  
**went** 18:7 28:24  
34:18 53:12, 13  
69:5 75:22  
**we're** 5:3 7:6, 8, 10,  
16 13:21 14:9  
15:8, 17 17:21  
25:18 27:14, 16, 20  
28:3 30:22 34:12,  
22 37:4, 5 40:20  
64:22 70:4 75:9  
**west** 48:13  
**Western** 33:24 65:2  
**we've** 5:13 8:19  
33:25 37:11, 22  
80:24, 25  
**white** 30:16  
**wide** 64:7  
**wife** 25:16  
**willing** 23:11  
**Williston** 49:12  
**win** 14:8  
**winners** 75:14  
**winning** 71:5  
**wiped** 77:20  
**wish** 16:9 54:7  
55:22 57:16 62:15  
79:1 81:22  
**wishes** 78:6  
**women** 50:13  
**won** 19:1, 2 40:4  
**wonder** 36:8  
**wondering** 80:12

**word** 45:18  
**words** 25:15 32:4  
**work** 4:19 8:17  
30:19 46:11 64:11  
66:18 72:5 81:7  
**worked** 28:21  
29:10 64:9 66:15  
**working** 40:17 46:8  
**writers** 21:1  
**writing** 2:18  
**written** 9:12  
**wrong** 7:18 74:16  
81:9

< Y >

**yay** 62:19 79:4  
81:25  
**Yeah** 18:7 20:22  
27:16 81:6  
**year** 22:16 48:9,  
22 78:5  
**years** 10:6, 17  
24:14, 15 25:2  
34:2, 3 46:2, 25  
49:2, 14 68:1 78:1  
**yesterday** 73:21  
**yield** 24:3 31:13,  
16 41:8 42:23, 25  
44:25 56:5, 8 57:5,  
25 58:16 80:4  
**yielded** 59:11  
**yielding** 57:15  
59:12  
**younger** 49:3, 6, 8

< Z >

**zero** 59:25 75:3  
**ZIP** 50:12