

Meeting Minutes

23.5062.03000

**REDISTRICTING COMMITTEE**

Wednesday and Thursday, September 22-23, 2021
 Roughrider Room, State Capitol
 Bismarck, North Dakota

Representative Bill Devlin, Chairman, called the meeting to order at 10:00 a.m.

Members present: Representatives Bill Devlin, Larry Bellew, Joshua A. Boschee, Craig Headland, Mike Lefor, David Monson, Mike Nathe, Austen Schauer; Senators Brad Bekkedahl, Randy A. Burckhard, Robert Erbele, Ray Holmberg, Jerry Klein, Erin Oban, Nicole Poolman, Ronald Sorvaag

Members absent: None

Others present: Representative Kathy Skroch*, Lidgerwood; Representative Mike Schatz, New England John Bjornson, Legislative Council, Bismarck
 See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Representative Monson, seconded by Senator Burckhard, and carried on a voice vote that the minutes of the September 15-16, 2021, meeting be approved as distributed.

Mr. Aaron Birst, Legal Counsel and Assistant Director - Policy, North Dakota Association of Counties, thanked the committee for its work and provided information ([Appendix B](#)) indicating the association's preference of maintaining the integrity of county lines where possible.

LEGAL CONSIDERATIONS RELATING TO THE CREATION OF SUBDISTRICTS

Ms. Claire Ness, Senior Counsel, Legislative Council, provided [information](#) relating to the creation of subdistricts.

In response to questions from members of the committee, Ms. Ness noted:

- It is important to remain consistent with whatever population the committee considers for determining equivalency for whole districts and subdistricts;
- Courts have not established a bright line rule as to when a district should be divided into subdistricts; and
- An analysis of the voting data in the area the committee is considering for subdistricts is an important consideration.

COMMITTEE DISCUSSION AND PRESENTATION OF REDISTRICTING MAPS

Representative Nathe presented testimony regarding a draft map for redistricting the [Bismarck-Mandan area](#) of the state and for [Districts 8 and 33](#). He noted:

- The only changes to the Bismarck-Mandan area map from the map presented at the September 14-15, 2021, meeting are a few changes to clean up Districts 7, 30, and 32; and
- The biggest change to District 33 is the inclusion of Garrison and Coleharbor.

Representative Lefor presented testimony regarding a [draft map](#) for redistricting the southwest area of the state. He noted several townships in Mercer County were moved to District 33 and the border of District 36 was adjusted to ensure the appropriate district size.

Exhibit 21

Representative Headland presented testimony regarding a draft map for redistricting the northeast area of the state. He noted the area is challenging due to a lack of population growth. He also noted:

- The plan is based on the plan Chairman Devlin presented at the September 14-15, 2021, meeting and he followed the traditional principles of redistricting while focusing on keeping counties and districts whole;
- Districts 23 and 26 were absorbed into other districts;
- Jamestown remains in District 12 with the addition of some rural townships, including 10 townships from District 29; and
- District 29 encompasses LaMoure, Stutsman, Foster, Griggs, and Nelson Counties.

Representative Monson presented testimony regarding a draft map of the eastern part of the state. He noted his plan is based on Senator Holmberg's plan and keeps counties whole resulting in two districts with deviations the committee would need to balance. He also noted the plan splits Pierce County and puts part of Benson County in District 15.

Senator Oban and Representative Boschee distributed a copy of a statewide proposal and the principles upon which the proposal was based (Appendix C).

Senator Oban noted the plan did not consider the residences of incumbents.

In response to questions from members of the committee, Representative Boschee noted redistricting is based on population and the only way to exclude bias is to have an independent redistricting commission.

Senator Holmberg noted if the committee does not make a decision about whether to subdistrict Districts 4 and 9, the courts will.

REDISTRICTING ELECTION SCHEDULES

Ms. Ness presented a memorandum entitled Impact of Redistricting Impacts on Legislative Election Schedules.

COMMENTS BY INTERESTED PERSONS

Representative Kathy Skroch, District 26, noted the proposed plans do not consider the survival of District 26. She also noted it would be just as reasonable to dissolve District 14 into Districts 26 and 28.

Representative Mike Schatz, District 36, provided testimony regarding a map (Appendix D) of the southwest area of the state. He noted New Salem should remain in District 33 with New England remaining in District 36.

Mr. Mark N. Fox, Chairman, Three Affiliated Tribes, Fort Berthold Indian Reservation, provided information (Appendix E) relating to the possible division of District 4, which would create a subdistrict consisting of the Fort Berthold Indian Reservation. He thanked the committee for requesting tribal input and noted he appreciates the positive working relationship between the tribes and the Legislative Assembly.

The committee received written testimony from:

- Mr. Gerald Wise, Mayor, Lincoln (Appendix F);
- Ms. Jan Jelliff (Appendix G); and
- Ms. Jennifer Tarlin (Appendix H).

COMMITTEE WORK

It was moved by Representative Schauer, seconded by Senator Poolman, and carried on a roll call vote that Senator Sorvaag's map from September 16, 2021, with the adjustment to the southern boundary of District 46, be approved. Representatives Devlin, Bellew, Boschee, Headland, Lefor, Monson, Nathe, and Schauer and Senators Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

Representative Boschee noted the Democrats were comfortable supporting the plan.

It was moved by Senator Holmberg, seconded by Representative Nathe, and carried on a roll call vote that Districts 17, 18, 42, and 43 from Senator Holmberg's plan, as presented on September 15, 2021, be approved. Representatives Devlin, Bellew, Boschee, Headland, Lefor, Monson, Nathe, and Schauer and Senators Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

It was moved by Representative Nathe, seconded by Representative Schauer, and carried on a roll call vote that Districts 31 and 34 from the Bismarck-Mandan area proposal, as presented on September 22, 2021, be approved. Representatives Devlin, Bellew, Boschee, Headland, Lefor, Monson, Nathe, and Schauer and Senators Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

It was moved by Senator Burckhard, seconded by Representative Bellew, and carried on a roll call vote that Districts 3, 5, 38, and 40 from Senator Burckhard's plan, as presented at the September 16, 2021, meeting be approved. Representatives Devlin, Bellew, Headland, Lefor, Monson, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Poolman, and Sorvaag voted "aye." Representative Boschee and Senator Oban voted "nay."

It was moved by Representative Nathe, seconded by Representative Schauer, and carried on a roll call vote that Districts 7, 30, 32, 35, and 47 from Representative Nathe's plan, as presented on September 22, 2021, be approved. Representatives Devlin, Bellew, Headland, Lefor, Monson, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Poolman, and Sorvaag voted "aye." Representative Boschee and Senator Oban voted "nay."

It was moved by Representative Lefor, seconded by Senator Holmberg, and carried on a roll call vote that Districts 36, 37, 39, and Y, from Representative Lefor's plan, as presented on September 22, 2021, be approved. Representatives Devlin, Headland, Lefor, Monson, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Poolman, and Sorvaag voted "aye." Representatives Bellew and Boschee and Senator Oban voted "nay."

It was moved by Representative Headland, seconded by Senator Holmberg, and approved on a roll call vote that Districts 12 and 29, as presented at the September 22, 2021, meeting be approved. Representatives Devlin, Bellew, Headland, Lefor, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Poolman, and Sorvaag voted "aye." Representatives Boschee and Monson and Senator Oban voted "nay."

It was moved by Senator Erbele, seconded by Representative Boschee, and carried on a roll call vote that Districts 24 and 25, as proposed in Chairman Devlin's second proposal at the September 15, 2021, meeting be approved. Representatives Devlin, Bellew, Boschee, Headland, Lefor, Monson, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

It was moved by Representative Schauer, seconded by Senator Holmberg, and carried on a roll call vote that District 28, as proposed in Chairman Devlin's second proposal at the September 15, 2021, meeting be approved. Representatives Devlin, Boschee, Monson, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Poolman, and Sorvaag voted "aye." Representatives Bellew, Headland, Lefor, and Nathe and Senator Oban voted "nay."

It was moved by Senator Holmberg, seconded by Senator Poolman, and carried on a roll call vote that Districts 9, 10, and 20, as proposed in Chairman Devlin's second proposal at the September 15, 2021, meeting be approved. Representatives Devlin, Headland, Lefor, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Poolman, and Sorvaag voted "aye." Representatives Bellew, Boschee, and Monson and Senator Oban voted "nay."

It was moved by Senator Poolman, seconded by Senator Klein, and carried on a roll call vote that Districts 14 and 15, as proposed in Chairman Devlin's second proposal at the September 15, 2021, meeting be approved. Representatives Devlin, Bellew, Boschee, Headland, Lefor, Monson, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

It was moved by Senator Bekkedahl, seconded by Representative Lefor, and carried on a roll call vote that Districts 1, 2, and 99, as proposed by Senator Bekkedahl on September 22, 2021, be approved. Representatives Devlin, Boschee, Lefor, Monson, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

It was moved by Senator Poolman, seconded by Senator Klein, and carried on a roll call vote that District 8, as presented by Senator Poolman on September 23, 2021, be approved. Representatives Devlin, Bellew, Boschee, Monson, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Poolman, and Sorvaag voted "aye." Representative Nathe and Senator Oban voted "nay."

It was moved by Senator Bekkedahl, seconded by Senator Poolman, and carried on a roll call vote that Districts 4, 6, and 33, as presented by Senator Bekkedahl on September 23, 2021, be approved. Representatives Devlin, Boschee, Lefor, Monson, Nathe, and Schauer and Senators Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

It was moved by Senator Burckhard, seconded by Senator Poolman, and carried on a roll call vote that the preliminary map incorporating all the approved proposals be approved and reviewed by Legislative Council staff for legal requirements. Representatives Devlin, Boschee, Lefor, Monson, Nathe, and Schauer and Senators Bekkedahl, Burckhard, Erbele, Holmberg, Klein, Oban, Poolman, and Sorvaag voted "aye." No negative votes were cast.

No further business appearing, Chairman Devlin adjourned the meeting on September 23, 2021, at 12:45 p.m.

Emily L. Thompson
Code Revisor

Samantha E. Kramer
Senior Counsel

Claire Ness
Senior Counsel

ATTACH:8