



MANDAN, HIDATSA & ARIKARA NATION

Three Affiliated Tribes * Fort Berthold Indian Reservation
404 Frontage Road New Town, ND 58763
Tribal Business Council

Office of the Chairman
Mark N. Fox

**67th Legislative Assembly
Redistricting Committee
September 29, 2021**

Testimony of Chairman Mark Fox

Chairman Devlin and members of the Redistricting Committee, I am Mark Fox, Chairman of the Tribal Business Council of the Mandan, Hidatsa, and Arikara Nation. I am respectfully submitting this written testimony as follow-up to the in-person testimony I provided to the Committee on September 23, 2021. During my testimony on September 23rd, I advocated for the creation of a single-member (or sub-district) for the State House district that encompasses the Fort Berthold Reservation. I am resubmitting the proposed district map for District 4, which includes a proposed sub-district line for a single-member House district that would provide the MHA Nation, its members, and the surrounding communities of interest with the best opportunity to elect the representative of their choice.

The proposed sub-district follows the boundaries of the Fort Berthold Reservation; the creation of such a majority-minority sub-district is required under Section 2 of the Voting Rights Act. Section 2, as interpreted by the United States Supreme Court in *Thornburg v. Gingles*, 470 U.S. 30 (1986), requires the establishment of a majority-minority district when: 1) the minority group “is sufficiently numerous and compact to form a majority in a single-member district; 2)

the minority group is “politically cohesive; and 3) the “majority votes sufficiently as a bloc to . . . defeat the minority’s preferred candidate.”

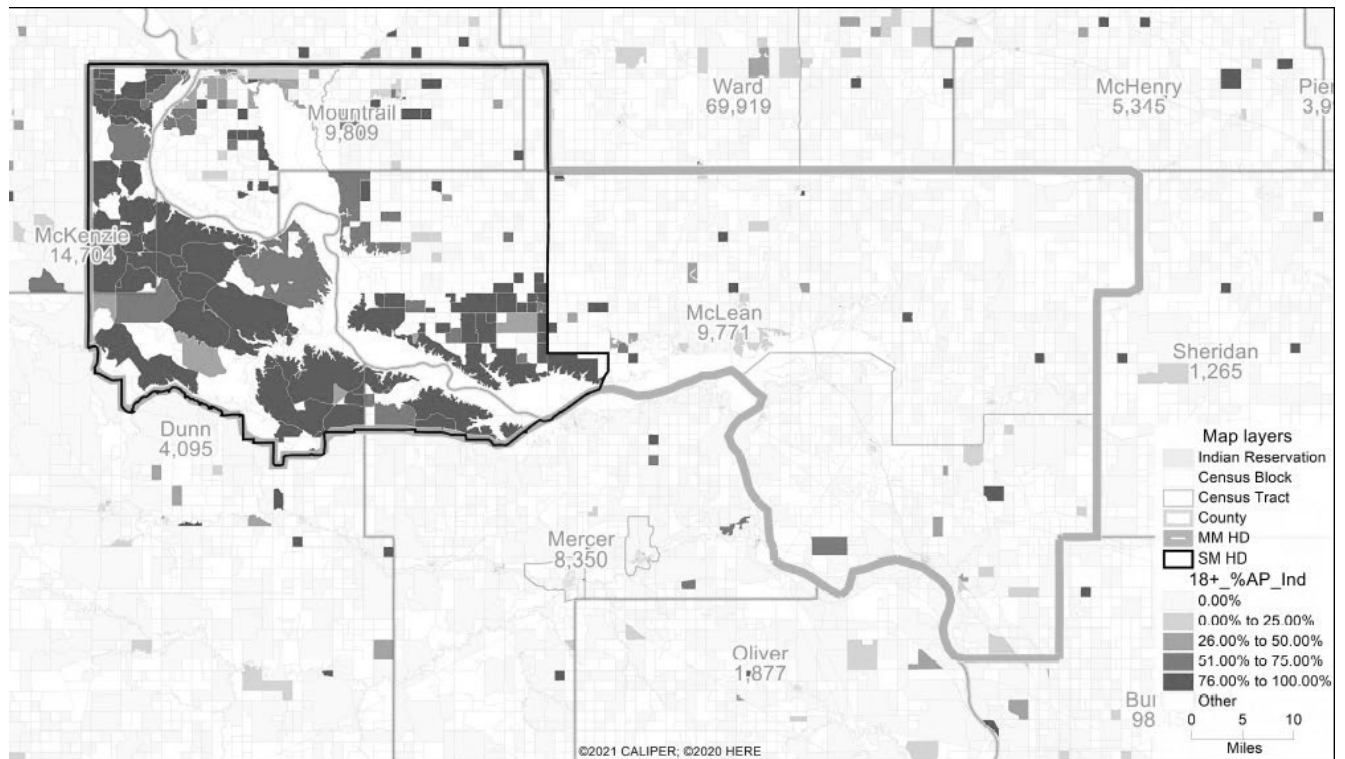
Based on the Committee’s prior discussion, the Committee is aware already from the 2020 Census that the number of tribal members on the Fort Berthold Reservation is sufficiently numerous and compact to form a majority in a single-member district, and that a sub-district following the lines of the reservation would form a perfectly populated sub-district. There is also ample evidence of voting history in District 4 to show that tribal member candidates and tribal member candidates of choice are routinely outvoted by the majority vote in the district.

Proven history of bloc voting occurred on the Fort Berthold Reservation in the City of Parshall, e.g., Parshall School Board in 1990. I shared in prior testimony my personal experience when I sought election to the Parshall School Board that nearly five hundred votes were cast, in stark contrast to average voter turnout of less than one hundred when non-native candidates were on the ballot. Additional examples include two other tribal members running for the State House in 2020 and 2016, respectively. Both candidates, Thomasina Mandan and Cesar Alvarez easily won the precincts on the reservation but lost in the overall election. If single member districts were utilized, it is likely both of those candidates would have won. The MHA Nation seeks this Committee’s support of Section 2 of the Voting Rights Act in creating a sub-district for District 4 that includes the Fort Berthold Reservation.

Below is the proposed district and sub-district map. The proposed sub-district contains a Native American VAP of over 67%. The creation of such a district would improve the representation of the MHA Nation’s members within the state, and the adoption of this proposed sub-district would satisfy the Legislature’s requirements under the Voting Rights Act. I strongly

encourage the Committee and the Legislature to follow the law and adopt this proposed sub-district.

Thank you for your consideration of this additional testimony.

MHA Proposed District and Sub-District Map

District	4 - Sub District	4A - Full District
Population	8353	17065
Deviation	65	489
% Deviation	0.007843	0.0295
18+_Pop	5712	12567
% 18+_Pop	0.683826	0.73642
NH18+_Wht	1462	7921
% NH18+_Wht	0.255952	0.630302
18+_AP_Ind	3838	4044
% 18+_AP_Ind	0.671919	0.321795