

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

Civil No: 1:22-CV-00031

Charles Walen, an individual; and Paul  
Henderson, an individual,

Plaintiffs

vs.

Doug Burgum, in his official capacity as  
Governor of the State of North Dakota;  
Michael Howe, in his official capacity as  
Secretary of the State of North Dakota,

Defendants

and

The Mandan, Hidatsa and Arikara Nation;  
Lisa DeVille, an individual; and  
Cesareo Alvarez, Jr., an individual.

Defendants-Intervenors

**AFFIDAVIT OF  
BRADLEY N. WIEDERHOLT**

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STATE OF NORTH DAKOTA )  
) SS.  
COUNTY OF BURLEIGH )

Being duly sworn, Bradley N. Wiederholt, testifies:

1. I am an attorney duly licensed to practice law in the State of North Dakota and am admitted to practice before this Court.
2. I am a member of the firm of Bakke Grinolds Wiederholt, counsel of record designated as Special Assistants Attorneys General for Defendants Doug Burgum and Michael Howe, in their respective official capacities on behalf of the State of North Dakota, in this action. I have personal knowledge of the facts stated herein.

3. Attached hereto as ***Exhibit 1*** is a true and correct copy of House Bill 1397, signed by Governor Burgum on April 21, 2021.
4. Attached hereto as ***Exhibit 2*** is a true and correct copy of the meeting minutes of the July 29, 2021 Redistricting Committee meeting. The meeting minutes are also contained in the publicly available legislative record at <https://ndlegis.gov/assembly/67-2021/interim/23-5040-03000-meeting-minutes.pdf>
5. Attached hereto as ***Exhibit 3*** is a true and correct copy of the meetings minutes of the August 17, 2021 Tribal and State Relations Committee meeting. The meeting minutes are also contained in the publicly available legislative record at <https://ndlegis.gov/assembly/67-2021/interim/23-5049-03000-meeting-minutes.pdf>.
6. Attached hereto as ***Exhibit 4*** is a true and correct copy of the written testimony of Nicole Donaghy, Executive Director of the North Dakota Native Vote, provided at the August 17, 2021 Tribal and State Relations Committee meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5049\\_03000appendixb.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5049_03000appendixb.pdf).
7. Attached hereto as ***Exhibit 5*** is a true and correct copy of the meetings minutes of the August 26, 2021 Redistricting Committee meeting. The meeting minutes are also contained in the publicly available legislative record at <https://ndlegis.gov/assembly/67-2021/interim/23-5024-03000-meeting-minutes.pdf>.
8. Attached hereto as ***Exhibit 6*** is a true and correct copy of the presentation provided by Ben Williams from the National Conference of State Legislatures. Mr. Williams' presentation is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5024\\_03000appendixb.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixb.pdf).

9. Attached hereto as **Exhibit 7** is a true and correct copy of Legislative Redistricting – Background Memorandum presented by Emily Thompson from the North Dakota Legislative Council at the August 26, 2021 Redistricting Committee meeting. The Legislative Redistricting – Background Memorandum is also contained in the publicly available legislative record at: <https://ndlegis.gov/files/resource/committee-memorandum/23.9105.01000.pdf>.
10. Attached hereto as **Exhibit 8** is a true and correct copy of visual illustration of constitutional and statutory mapping requirements presented by Emily Thompson. The visual illustration is also contained in the publicly available record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5024\\_03000appendixc.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixc.pdf)
11. Attached hereto as **Exhibit 9** is a true and correct copy of the written testimony of Collette Brown Executive Director at the Spirit Lake Casino and Resort, provided at the August 26, 2021 Redistricting Committee meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5024\\_03000appendixh.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixh.pdf).
12. Attached hereto as **Exhibit 10** is a true and correct copy of the written testimony of Karen Ehrens, Secretary of the League of Women Voters of North Dakota, provided at the August 26, 2021 Redistricting Committee meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5024\\_03000appendixe.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixe.pdf).
13. Attached hereto as **Exhibit 11** is a true and correct copy of the written testimony of Matt Perdue, on behalf of North Dakota Farmers Union, provided at the August 26, 2021 Redistricting Committee meeting. The written testimony is also contained in the

- publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5024\\_03000appendixg.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixg.pdf).
14. Attached hereto as ***Exhibit 12*** is a true and correct copy of the written testimony of Rick Gion, Director of North Dakota Voters First, provided at the August 26, 2021 Redistricting Committee Meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5024\\_03000appendixf.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixf.pdf).
  15. Attached hereto as ***Exhibit 13*** is a true and correct copy of meeting minutes of the August 31, 2021 Tribal and State Relations Committee meeting. The meeting minutes are also contained in the publicly available legislative record at: <https://ndlegis.gov/assembly/67-2021/interim/23-5056-03000-meeting-minutes.pdf>.
  16. Attached hereto as ***Exhibit 14*** is a true and correct copy of meeting minutes of the September 1, 2021 Tribal and State Relations Committee meeting. The meeting minutes are also contained in the publicly available legislative record at: <https://ndlegis.gov/assembly/67-2021/interim/23-5057-03000-meeting-minutes.pdf>.
  17. Attached hereto as ***Exhibit 15*** is a true and correct copy of the meeting minutes of the September 8, 2021 Redistricting Committee meeting. The meeting minutes are also contained in the publicly available legislative record at: <https://ndlegis.gov/assembly/67-2021/interim/23-5065-03000-meeting-minutes.pdf>.
  18. Attached hereto as ***Exhibit 16*** is a true and correct copy of the meeting minutes of the September 15-16, 2021 Redistricting Committee meeting. The meeting minutes are also contained in the publicly available legislative record at: <https://ndlegis.gov/assembly/67-2021/interim/23-5061-03000-meeting-minutes.pdf>.

19. Attached hereto as ***Exhibit 17*** is a true and correct copy of written testimony provided by Nicole Donaghy, Executive Director of North Dakota Native Vote, provided at the September 15-16, 2021 Redistricting Commission meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5061\\_03000appendixe.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5061_03000appendixe.pdf).
20. Attached hereto as ***Exhibit 18*** is a true and correct copy of written testimony of Collette Brown, Gaming Commission Executive Director at the Spirit Lake Casino and Resort, provided at the September 15-16, 2021 Redistricting Commission meeting. The written testimony is also contained in the publicly available legislative record at [https://www.ndlegis.gov/files/committees/67-2021/23\\_5061\\_03000appendixd.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5061_03000appendixd.pdf).
21. Attached hereto as ***Exhibit 19*** is a true and correct copy of written testimony of Mike Faith, Chairman for the Standing Rock Sioux Tribe, provided at the September 15-16, 2021 Redistricting Committee meeting. The written testimony is also contained in the publicly available legislative record at [https://www.ndlegis.gov/files/committees/67-2021/23\\_5061\\_03000appendixb.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5061_03000appendixb.pdf).
22. Attached hereto as ***Exhibit 20*** is a true and correct copy of written testimony of Charles Walker, Councilman for the Standing Rock Sioux Tribe, provided at the September 15-16, 2021 Redistricting Committee. The written testimony is also contained in the publicly available legislative record at [https://www.ndlegis.gov/files/committees/67-2021/23\\_5061\\_03000appendixc.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5061_03000appendixc.pdf).
23. Attached hereto as ***Exhibit 21*** is a true and correct copy of the meeting minutes of the September 22-23, 2021 Redistricting Committee meeting. The meeting minutes are also contained in the publicly available legislative record at:

<https://ndlegis.gov/assembly/67-2021/interim/23-5062-03000-meeting-minutes.pdf>.

24. Attached hereto as **Exhibit 22** is a true and correct copy of the presentation on legal considerations for subdistricting provided by attorney Claire Ness from the North Dakota Legislative Council. The presentation is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5062\\_02000\\_1010presentation.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5062_02000_1010presentation.pdf)
25. Attached hereto as **Exhibit 23** is a true and correct copy of written testimony of Mark Fox, Chairman of the Tribal Business Council of the Mandan, Hidatsa and Arikara Nation, provided at the September 22-23, 2021 Redistricting Committee meeting. The written testimony is also contained in the publicly available legislative record at [https://www.ndlegis.gov/files/committees/67-2021/23\\_5062\\_03000appendixe.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5062_03000appendixe.pdf).
26. Attached hereto as **Exhibit 24** is a true and correct copy of the meeting minutes of the September 28-29, 2021 Redistricting Committee meeting. The meeting minutes are also contained in the publicly available legislative record at: <https://ndlegis.gov/assembly/67-2021/interim/23-5063-03000-meeting-minutes.pdf>.
27. Attached hereto as **Exhibit 25** is a true and correct copy of written testimony of Mike Faith provided at the September 28-29, 2021 Redistricting Committee Meeting. The written testimony is also contained in the publicly available legislative record at [https://www.ndlegis.gov/files/committees/67-2021/23\\_5063\\_03000appendixe.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5063_03000appendixe.pdf).
28. Attached hereto as **Exhibit 26** is a true and correct copy of written testimony of Mark Fox provided at the September 28-29, 2021 Redistricting Committee meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5063\\_03000appendixd.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5063_03000appendixd.pdf).

29. Attached hereto as **Exhibit 27** is a true and correct copy of written testimony of Douglas Yankton provided at the September 28-29, 2021 Redistricting Committee meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5063\\_03000appendixc.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5063_03000appendixc.pdf),
30. Attached hereto as **Exhibit 28** is a true and correct copy of the written testimony of Lisa DeVille provided at the September 28-29, 2021 Redistricting Committee meeting. The written testimony is also contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5063\\_03000appendixb.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5063_03000appendixb.pdf).
31. Attached hereto as **Exhibit 29** is a true and correct copy of email correspondence from Claire Ness to the Redistricting Committee members providing summaries of various court cases relating to Section 2 of the Voting Rights Act. Claire Ness' email correspondence is contained in the publicly available legislative record at: [https://www.ndlegis.gov/files/committees/67-2021/23\\_5063\\_03000appendixf.pdf](https://www.ndlegis.gov/files/committees/67-2021/23_5063_03000appendixf.pdf).
32. Attached hereto as **Exhibit 30** is a true and correct copy of the Redistricting Committee final report regarding redistricting submitted to the legislative management. This report is contained in the publicly available legislative record at: <https://ndlegis.gov/files/resource/67-2021/legislative-management-final-reports/2021ssfinalreport.pdf>
33. Attached hereto as **Exhibit 31** is a true and correct copy of Governor Doug Burgum's Executive Order 2021-17.
34. Attached hereto as **Exhibit 32** is a true and correct copy of the meeting minutes of the November 8, 2021 Joint Redistricting Committee meeting, with attachments. The minutes and all attachments are contained in the publicly available legislative record

- at: <https://www.ndlegis.gov/files/resource/67-2021/library/hb1504.pdf>
35. Attached hereto as **Exhibit 33** is a true and correct copy of select maps of the final statewide redistricting recommended by the Redistricting Committee. All of the maps are contained in the publicly available legislative record at: [https://ndlegis.gov/files/committees/67-2021/map\\_for\\_consideration\\_092921.pdf](https://ndlegis.gov/files/committees/67-2021/map_for_consideration_092921.pdf).
36. Attached hereto as **Exhibit 34** is a true and correct copy of press releases concerning the federal census and regarding redistricting software used by the State of North Dakota, both of which are publicly available at the following links: <https://www.census.gov/newsroom/press-releases/2021/news-conference-2020-census-redistricting-data.html> and <https://www.caliper.com/learning-redistricting/index.php/articles/when-will-i-receive-my-2020-redistricting-data/>.
37. Maps and related redistricting information, including information for the Challenged Subdistricts, is located at the publicly available legislative record at the following link: <https://www.ndlegis.gov/assembly/67-2021/special/approved-legislative-redistricting-maps>
38. Attached hereto as **Exhibit 35** is a true and correct copy of map entitled North Dakota Plan – House Bill No. 1504. This map is contained in the publicly available legislative record at: <https://www.ndlegis.gov/files/district-maps/2023-2032/finalmaphb1504.pdf>
39. Attached hereto as **Exhibit 36** is a true and correct copy of a statewide map of North Dakota. This information is contained in the publicly available legislative record at: <https://ndgov.maps.arcgis.com/home/webmap/templates/OnePane/basicviewer/embed.html?webmap=abb67d432e9242c4800374ba87763c80&gcsextent=-101.40,47.50,-101.20,49.30&displayslider=true&displaydetails=true&displaysearch=true>

40. Attached hereto as **Exhibit 37** is a true and correct copy of the deposition transcript of Charles Walen taken on December 7, 2022.
41. Attached hereto as **Exhibit 38** is a true and correct copy of the deposition transcript of Paul Henderson taken on December 7, 2022.
42. Attached hereto as **Exhibit 39** is a true and correct copy of Donna Henderson's biography on the North Dakota Legislature's website, which is located in the publicly available legislative record at: <https://www.ndlegis.gov/districts/2023-2032/district-9>; <https://www.ndlegis.gov/biography/donna-henderson> .
43. Attached hereto as **Exhibit 40** is a true and correct copy of a North Dakota Legislative Council memorandum regarding the 2020 Census population change, which is located in the publicly available record at: <https://www.ndlegis.gov/files/resource/committee-memorandum/23.9119.01000.pdf>
44. Attached hereto as **Exhibit 41** is a true and correct copy of the Expert Report of Dr. M.V. Hood III issued for the companion case, entitled, *Turtle Mountain Band of Chippewa Indians, et. al. v. Alvin Jaeger*, in his official capacity as Secretary of State of North Dakota, Case No. 3:22-cv-00022.
45. Attached hereto as **Exhibit 42** is a true and correct copy of the Expert Report of Dr. Loren Collingwood dated January 17, 2023 and issued in the instant action.
46. Attached hereto as **Exhibit 43** is a true and correct copy of the State redistricting map at issue, as well as the maps of Subdistricts 4A, 4B, 9A, and 9B, which maps are contained in the publicly available record at:  
<https://www.ndlegis.gov/files/district-maps/2023-2032/finalmaphb1504.pdf>;  
<https://www.ndlegis.gov/files/district-maps/2023-2032/4A.pdf>;

<https://www.ndlegis.gov/files/district-maps/2023-2032/4B.pdf>;

<https://www.ndlegis.gov/files/district-maps/2023-2032/9A.pdf>;

<https://www.ndlegis.gov/files/district-maps/2023-2032/9B.pdf>

Dated this 28<sup>th</sup> day of February, 2023.

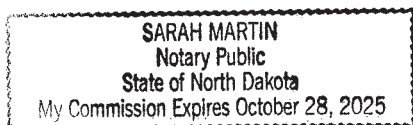
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STATE OF NORTH DAKOTA       )  
  ) ss.  
COUNTY OF BURLEIGH       )

On this 28<sup>th</sup> day of February, 2023 before me personally appeared Bradley N. Wiederholt known to me to be the person described in the within and foregoing instrument, and acknowledged to me that he executed the same.



  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **AFFIDAVIT OF BRADLEY N. WIEDERHOLT** was on the 28<sup>th</sup> day of February, 2023, filed electronically with the Clerk of Court through ECF:

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By: /s/ Bradley N. Wiederholt  
Bradley N. Wiederholt