

**Testimony of the Spirit Lake Nation Regarding Legislative Redistricting
North Dakota Legislative Council Redistricting Committee
September 29, 2021**

Chairman Devlin and members of the Redistricting Committee, I am Douglas Yankton, Sr., Chairman of the Spirit Lake Nation (“Nation”), and I submit this testimony on behalf of the Nation. The Nation has taken part in the state’s redistricting process by providing testimony to the Committee at two prior hearings. At those hearings, the Nation advocated for the creation of a sub-district that would provide the Nation’s members with a better opportunity to elect the candidate of their choice. As the Committee is considering the issue of sub-districts, I am submitting this testimony to once again urge the Committee to approve the creation of a sub-district encompassing the Spirit Lake reservation.

The Spirit Lake reservation is located in state Legislative District 23 primarily in Benson County; and as the Committee has been previously informed, the voters on the Spirit Lake reservation tend to support candidates who are outvoted and opposed by voters in other areas of the district. According to the 2020 Census data, Benson County has a Native American population of 56.1%. Since 2010, in every election for the State House in District 23, the two candidates who were heavily supported in Benson County ended up losing their respective elections by being heavily outvoted by the rest of the district.

A sub-district would provide several advantages: 1) it would give our community a strong constituency representation because each voter would have a single, easily identifiable, district representative; 2) it would maximize accountability because a single representative can be held responsible and can be re-elected or defeated in the next election; and 3) it would ensure geographic representation. A sub-district system would provide the benefits of localized democracy, allowing legislators to be intimately aware of the issues of the local community. This

allows the elected member to focus on the needs of their localized constituency rather than the interests of all.

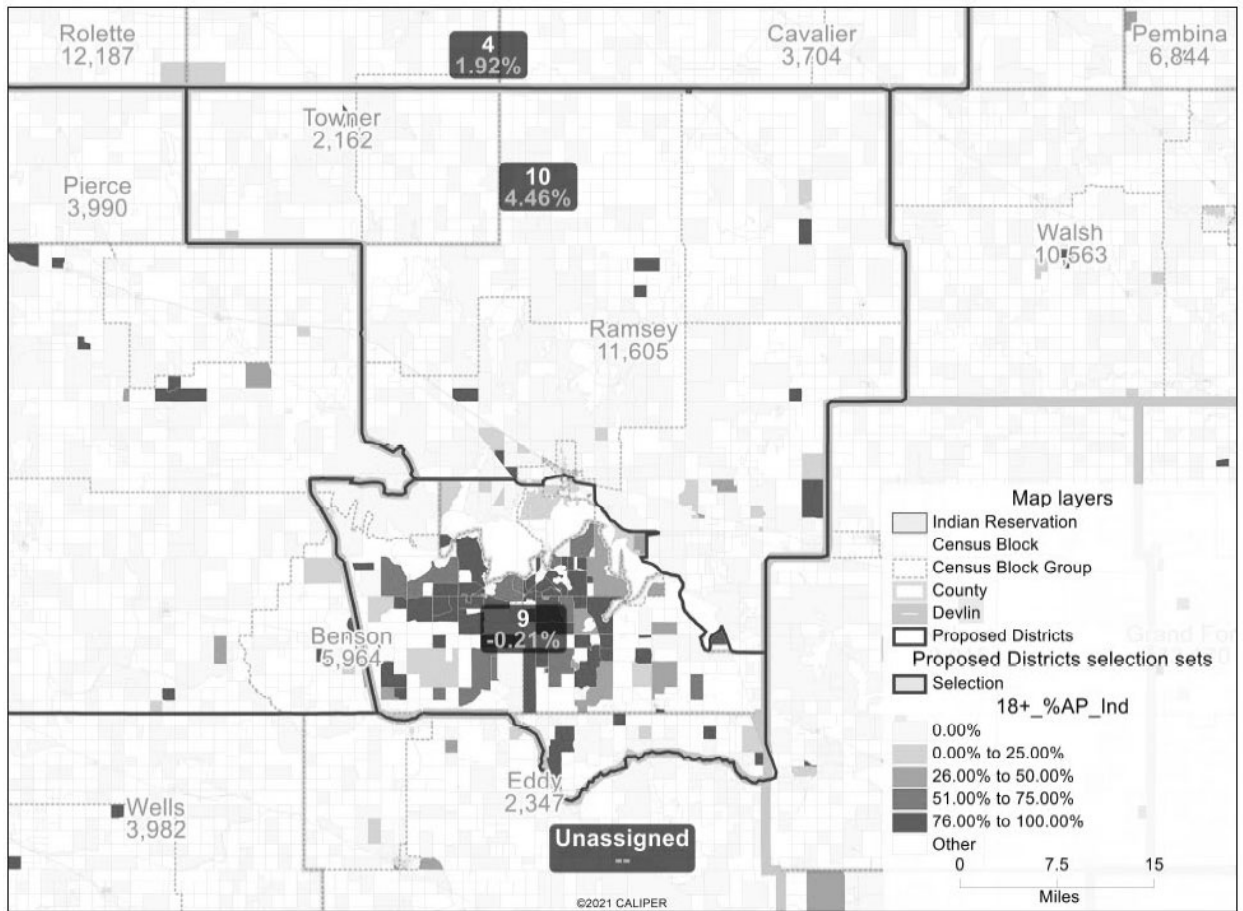
Below is a proposed district map, which also includes a proposed sub-district. The proposed sub-district contains a Native American Voting Age Population of over 41%. The creation of such a district would improve the representation of the Spirit Lake Nation our surrounding communities that have shared interests, and I strongly encourage the Committee to consider adopting this map.

Approval of the below proposed district and sub-district would be legally sound and well within the authority of the Committee and Legislature. Sub-districts are specifically contemplated and authorized under the North Dakota Constitution. Article 4, Section 2 of the North Dakota Constitution states: “A senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts from those districts.” (emphasis added).

The proposed sub-district would also fit within the standards established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 620 (1993) and *Miller v. Johnson*, 515 U.S. 900 (1995). The *Shaw* and *Miller* cases, and their related cases, have generally held that districts are constitutional if race is not the predominant factor in drawing its lines. The *Shaw* case focused on the fact that the proposed district in that case was bizarrely shaped and not compact. The proposed sub-district here would be established based on maintaining the Spirit Lake reservation and its surrounding areas as communities of interest, with similar economics, culture, language, and political affiliation. Moreover, the Spirit Lake Nation and its members represent a sovereign Indian nation, which maintains a political relationship with the state of North Dakota and the

United States of American. The proposed sub-district would not be established predominately on race, and is sufficiently compact to withstand any potential legal scrutiny.

I hope the Committee will strongly consider the creation of a sub-district encompassing the Spirit Lake reservation. As the Nation has requested in all its prior testimony, I continue to urge the Committee to work with the Nation to hold a hearing on the reservation to allow tribal members a meaningful opportunity to participate in the redistricting process.

Proposed District and Sub-District

District	9	10
Population	8271	8658
Deviation	-17	370
% Deviation	-0.00205	0.044643
18+_Pop	5516	6797
% 18+_Pop	0.666908	0.785054
NH18+_Wht	3090	5999
% NH18+_Wht	0.560189	0.882595
18+_AP_Ind	2291	544
% 18+_AP_Ind	0.415337	0.080035