

**Testimony of the Spirit Lake Nation Regarding Legislative Redistricting
North Dakota Legislative Council Redistricting Committee
September 15, 2021**

Chairman Devlin and members of the Redistricting Committee, thank you for having me here today. I am Collette Brown, the Gaming Commission Executive Director at the Spirit Lake Casino and Resort, and will be testifying today on behalf of the Spirit Lake Nation. I previously testified before this committee on August 26th and I appreciate the Committee allowing me this additional opportunity to speak on behalf of the Spirit Lake Nation. As I informed during my prior testimony, the Spirit Lake Nation is a federally recognized tribe located in the state of North Dakota, with an enrolled membership of 7,559 members as of January 2021. According to the American Community Survey, there are almost 4,000 Native Americans currently living on our reservation, and most of the reservation is located within Benson County.

I am here to advocate on behalf of the Tribe and its members: (1) for the use of single member districts to elect representatives to the State House; (2) for this Committee to account for all voters in spite of the Census undercount in tribal communities; and (3) to demand the North Dakota Redistricting Committee listen to tribal input and hold redistricting meetings and tribal consultations on reservations.

As I previously testified to, it is critical that the Legislature comply with the Voting Rights Act. This includes moving away from at-large districts for the State House of Representatives, which has a dilutive effect on minority votes. The Spirit Lake reservation is located in state Legislative District 23. The voters on the Spirit Lake reservation tend to support candidates who are outvoted and opposed by voters in other areas of the district. In order to provide the Native American voters residing in District 23 a better opportunity to elect the representative of their choice, the Spirit Lake Nation requests that the Legislature create two

single-member districts for the State House of Representatives. Failure to draw single-member House districts can dilute the Native vote and may violate the Voting Rights Act.

Second, the Spirit Lake Nation requests that the Legislature consider the historical Census undercount among the tribal communities in North Dakota. If this Committee only looks at the reported numbers from the 2020 Census, it will be blinding itself to the true population of these communities. In the 2010 Census, Native Americans living on reservations were undercounted by almost 5%, much higher than any other group. Given the Coronavirus pandemic, we can expect this undercount to be even higher for the 2020 Census. Only using the currently reported 2020 Census numbers in the redistricting process disproportionately impacts Native American voters. These undercounts should be accounted for by the Legislature, this Committee, and future redistricting committees. The American Community Survey may provide more accurate numbers.

Third, given the extremely short notice of invitation to this hearing, which was sent out on Monday night, Spirit Lake Nation Chairman, Douglas Yankton, Sr., was unable to attend this meeting. The Spirit Lake Nation considers this notice to be far from adequate and shows a lack of good faith on the part of the Committee to sincerely take the Tribe's perspective into account. Additionally, failing to hold hearings near tribal communities silences those tribal member voters who lack the resources to travel to Bismarck or to attend these hearings online. Tribes have continued to advocate for more inclusivity in the redistricting process, and that advocacy has largely been ignored by this Committee.

As I informed the Committee in my prior testimony, the Spirit Lake Nation and its members have fought hard for the right to vote, which has included successful voting rights cases

against the state and county. The Spirit Lake Nation will continue to do so when necessary to protect the rights of its members to vote.

I thank the members of the Committee for your time today. I am happy to address any questions or discuss these issues further.