

# **EXHIBIT 12**



## **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**

**67<sup>th</sup> Legislative Assembly  
Redistricting Committee  
September 23, 2021**

### **Testimony of Mark N. Fox, Chairman Tribal Business Council**

Chairman Devlin and members of the Redistricting Committee, my name is Mark Fox, I am the Chairman of the Tribal Business Council of the Mandan, Hidatsa and Arikara Nation (MHA Nation) also known as the Three Affiliated Tribes of the Fort Berthold Indian Reservation (FBIR). I appreciate the opportunity to submit testimony on behalf of the MHA Nation.

Currently, FBIR is located within North Dakota District 4. District 4 consists of portions of the following six counties: McKenzie, Dunn, Mountrail, McLean, Mercer, and Ward. District 4 elects two members to the State House (at-large), and one member to the State Senate. The 2020 Census shows that the District 4 population and FBIR population increased between 2010 and 2020 to 16,794 and 8,350, respectively.

As a result of the overall 15.8% increase in North Dakota population from 672,591 residents to 779,094 residents, the ideal population for two member districts in North Dakota in 2021 is 16,576 and about 8,288 for a single-member house district. The MHA Nation urges the legislature to split the one at-large State House district to two single-member State House districts in District 4.

If single-member house districts were implemented within District 4, then House districts would have an ideal population of about 8,288. All of District 4 is currently about 38.6% Native American. The 2020 Native Voting Age Population (18 and over) is 33.9%.

Block voting is a concern for us. It has historically occurred in the state and has negatively impacted native voting and diminished native opportunities to serve in the legislature and participate in state and local elections. The current district lends itself to block voting.

This can be remedied by splitting the district into two single districts, thereby leveling the playing field for candidates. We understand that a split district is no guarantee that a tribal member would be elected, we are confident however that it will increase the representation of our issues and concerns to the legislative body.

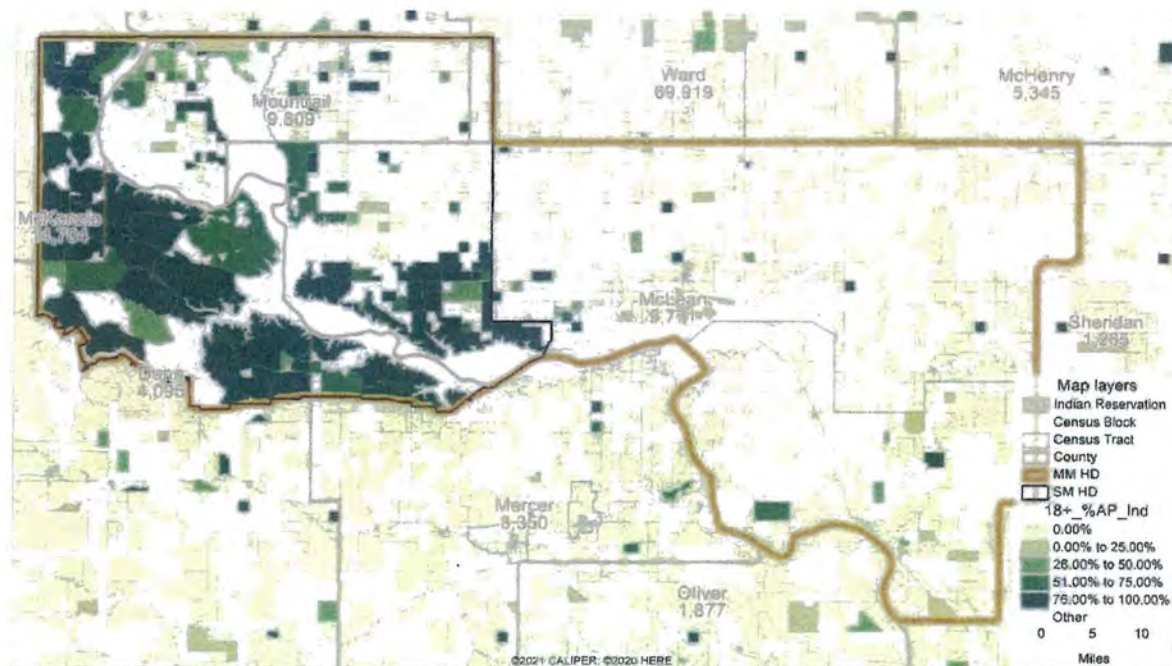
The legislature could easily draw a new single-member House district in our area that would have a Native Citizen Voting Age Population of 67% (*See Attached Proposed Map*). Using such a single-member district would give MHA a much better opportunity to elect a House representative of MHA's choice than under the current at-large system.

Second, the MHA Nation and its communities are a community of interest and should remain in a single legislative district. Splitting the reservation and our communities into multiple districts would dilute the ability of tribal members to elect the representative of their choice. I understand that certain legislators have stated that they will not split up, or crack, reservations into different districts. We can appreciate that position and respectfully request that our communities not be split as we have shared interests and deserve the same representation.

Third, tribal members who are also state citizens that are not only uniquely distinguished as minorities, but are part of a distinct political status that legally distinguishes them from other minority populations.

During the 1990s, the Parshall school district located on FBIR addressed similar concerns with block voting and addressed the issue by splitting the formerly at-large district. This allowed the election of two tribal members on the school board for the first time. The outcome has been beneficial for all of us. We were able to bridge the gap of communication and work together for the benefit of our children and families. I see the development of a single district for FBIR as another opportunity to enhance our communication and work together for a common goal of improving our communities and the lives of the people whom we represent. We ask for this Committee to support us in establishing a single district for the MHA Nation. We appreciate your support. Thank you.

## Three Affiliated Tribes of the MHA Nation Proposed Sub-District



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