

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

CHARLES WALEN, an individual, et al.,

Plaintiffs,

v.

DOUG BURGUM, in his official capacity as
Governor of the State of North Dakota, et al.,

Defendants,

and

MANDAN, HIDATSA AND ARIKARA NATION, et
al.,

Intervenor-
Defendants.

Civil No. 1:22-cv-00031

DECLARATION OF MOLLY E. DANAHY

Pursuant to 28 U.S.C. § 1746, I, Molly Elizabeth Danahy, declare as follows:

1. I am an attorney for the Campaign Legal Center, duly licensed to practice law in the state of Maryland and the District of Columbia and admitted to practice before this Court.

2. Together with co-counsel, I represent Intervenor-Defendants the Mandan, Hidatsa, and Arikara Nation, Lisa Finley-DeVille, and Cesareo Alvarez.

3. I have personal knowledge of the facts stated herein.

4. Attached hereto as Exhibit 1 is a true and correct copy of the Legislative Redistricting—Background Memorandum (“Redistricting History Memorandum,”) presented to the Redistricting Committee in August 2021, which can be found in the public record at: <https://ndlegis.gov/files/resource/committee-memorandum/23.9105.01000.pdf>.

5. Attached hereto as Exhibit 2 is a true and correct copy of the Legislative Council Presentation on Redistricting dated August 2021 (“Legislative Council Presentation, Aug. 2021”), which can be found in the public record at: https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixc.pdf.

6. Attached hereto as Exhibit 3 is a true and correct copy of the Presentation to the Redistricting Committee by the National Conference of State Legislators (“NCSL Presentation”), which can be found in the public record at: https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixb.pdf.

7. Attached hereto as Exhibit 4 is a true and correct copy of the Legislative Council Presentation to the Redistricting Committee dated September 2021 (“Legislative Council Presentation, Sept. 2021”), which can be found in the public record at: https://www.ndlegis.gov/files/committees/67-2021/23_5062_02000_1010presentation.pdf.

8. Attached hereto as Exhibit 5 is a true and correct copy of the Redistricting Committee final report regarding redistricting (“Final Redistricting Committee Report”), which can be found in the public record at: <https://ndlegis.gov/files/resource/67-2021/legislative-management-final-reports/2021ssfinalreport.pdf>.

9. Attached hereto as Exhibit 9 is a true and correct copy of the 2020 general election results for the District 4 State Senate race (“2020 Election Results”), which can be found in the public record at: <https://results.sos.nd.gov/ResultsSW.aspx?text=Race&type=LG&map=DIST&eid=313>.

10. Attached hereto as Exhibit 11 is a true and correct copy of the 2016 general election results for the District 4 State House race (“2016 Election results”), which can be found in the

public record at:

<https://results.sos.nd.gov/ResultsSW.aspx?text=Race&type=LG&map=DIST&eid=292>.

11. Attached hereto as Exhibit 12 is a true and correct copy of testimony submitted by MHA Chairman Fox to the Redistricting Committee on September 23, 2021 (“Fox Testimony, Sept. 23, 2021”), which can be found in the public record at: https://www.ndlegis.gov/files/committees/67-2021/23_5062_03000appendixe.pdf.

12. Attached hereto as Exhibit 13 is a true and correct copy of the transcription of the August 31, 2021 meeting of the Tribal and State Relations Committee (“Aug. 31, 2021 Tribal and State Relations Comm Hr’g Tr.”), produced by the State Defendants in this matter. A video recording of this meeting can be found in the public record at: <https://video.ndlegis.gov/en/PowerBrowser/PowerBrowserV2/20210831/-1/21582>.

13. Attached hereto as Exhibit 14 is a true and correct copy of testimony submitted by MHA Chairman Fox to the Redistricting Committee on September 29, 2021 (“Fox Testimony, Sept. 29, 2021”), which can be found in the public record at: www.ndlegis.gov/files/committees/67-2021/23_5063_03000appendixd.pdf.

14. Attached hereto as Exhibit 15 is a true and correct copy of testimony submitted by Lisa Finley-DeVille to the Redistricting Committee (“Finley-DeVille Testimony”), which can be found in the public record at: https://www.ndlegis.gov/files/committees/67-2021/23_5063_03000appendixb.pdf.

15. Attached hereto as Exhibit 16 is a true and correct copy of testimony submitted by North Dakota Native Votes Director Nicole Donaghy to the Redistricting Committee (“Donaghy Testimony”), which can be found in the public record at: https://www.ndlegis.gov/files/committees/67-2021/23_5061_03000appendixe.pdf.

16. Attached hereto as Exhibit 17 is a true and correct copy of testimony submitted by North Dakota Voters First Director Rick Gion to the Redistricting Committee (“Gion Testimony”), which can be found in the public record at: https://www.ndlegis.gov/files/committees/67-2021/23_5024_03000appendixf.pdf.

17. Attached hereto as Exhibit 20 is a true and correct copy of the transcription of the deposition of Plaintiff Charles Walen (“Walen Dep.”), taken in this matter on December 7, 2022.

18. Attached hereto as Exhibit 21 is a true and correct copy of the transcription of the deposition of Plaintiff Paul Henderson (“Henderson Dep.”), taken in this matter on December 7, 2022.

19. Attached hereto as Exhibit 22 is a true and correct copy of a partial transcription of the preliminary injunction hearing held in this matter on May 5, 2022 (“Prelim. Inj. Hearing Tr. Vol. 1”).

20. Attached hereto as Exhibit 23 is a true and correct copy of a partial transcription of the preliminary injunction hearing held in this matter on May 5, 2022 (“Prelim. Inj. Hearing Tr. Vol. 2”).

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Executed this 28th day of February, 2023 in Baltimore, MD.

/s/ Molly E. Danahy
Molly E. Danahy

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