

# **EXHIBIT 16**



North Dakota Native Vote  
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**9/15/2021**

## **North Dakota Legislative Redistricting Committee**

### **Testimony of Nicole Donaghy North Dakota Native Vote, Executive Director**

Chairman Devlin and members of the Redistricting Committee,

My name is Nicole Donaghy, I'm a citizen of the Standing Rock Nation and a descendant of the Turtle Mountain Band of Chippewa and the Mandan, Hidatsa, and Arikara people. I live in Lincoln, North Dakota and I'm the Executive Director of North Dakota Native Vote.

North Dakota Native Vote is a non-profit, non-partisan grassroots organization that initially formed in response to the 2018 US Supreme Court decision to uphold the voter identification law that had the potential to disproportionately adversely affect over 5,000 Native voters in North Dakota. Our mission is to create and affect policy to promote equitable representation for the Native people of North Dakota.

I joined North Dakota Native Vote in 2018 because the imbalance of power in our state was very apparent to me after being a community organizer for years. I've worked on education issues, protection of land, air, and water, and now civic engagement. I soon realized that the issues that I was working on often stem from a lack of inclusion and representation in the decision making processes.

In North Dakota, the Native American population grew by 29.7% in the last decade, it is North Dakota Native Vote's ask that the Committee take into consideration the perspectives of each of the Tribes as well as tribal members in the redistricting process.

We are asking the Committee to adopt single-member House districts to prevent the dilution of Native American votes. Tribes and tribal members in North Dakota have had to fight for the right to vote, whether by defeating voter I.D. laws, opposing district lines that dilute the Native American vote, or by demanding on reservation polling locations. As we have seen in our early beginning as an organization, tribal citizens in North Dakota have been overburdened by policy that is created by decision makers with little input from their tribal constituents. At-large voting systems, like the current one used for the North Dakota State House, violate the Voting Rights Act when they dilute minority voting power by preventing tribal members from electing the candidate of their choice.

Our State Constitution in Article IV subsection 2, paragraph 2 states "The legislative assembly may... provide for the election of senators at large and representatives at large or from subdistricts from those districts." North Dakota Century Code 54-03-01.5 Legislative subsection 2 also



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provides that “Representatives may be elected at large or from subdistricts.” North Dakota law allows for the creation of sub-districts and that is what should be done. Single-member House districts, or sub-districts, within districts containing reservations would allow tribal members to elect the candidate of their choice as required under the Voting Rights Act.

Candidates are able to run, but not get elected because of the dilution of their vote by being grouped in with adjacent communities that do not share similar interest.

One example is my home lands in Sioux County on the Standing Rock Reservation. Data from elections for legislative seats over the past decade indicate that Native American residents of District 31 are not currently able to elect representatives of their choice.

For example, in 2014 two Standing Rock Tribal members, Mike Faith and LaDonna Allard, ran for the State House but were out-voted in the at-large system. In 2010, another Standing Rock Tribal member ran for the State House, but was likewise outvoted in the at-large system. Chase Iron Eyes, another Standing Rock member and candidate for U.S. House, earned 78% of the vote in Sioux county, but was defeated in each of the other counties in District 31. This shows that the Native American voters have not been able to elect the candidate of their choice.

We recommend that a “Community of Interest” standard should be used by this Committee, which takes into consideration communities that have similar language, culture, and identity, to keep those communities together within a single legislative district. Splitting the reservation or our communities into multiple districts would dilute the ability of tribal members to elect the representative of their choice.

Lastly, this Committee should be holding hearings on or near reservations so that tribal members who are unable to travel to Bismarck, and who lack internet access, are able to participate in the redistricting process. There are high levels of poverty and a lack of access to transportation and broadband internet on our reservations. This Committee would be doing itself and this state a disservice by failing to provide an opportunity for all of this state’s citizens to take part in this important discussion. All voices must be heard.

North Dakota Native Vote was founded to ensure the inclusion of Native voices in the political discourse of our State. We support and encourage our Native people to engage in the political process that is not always inclusive of our people for various reasons. I thank the Redistricting Committee for its time today and will stand for any questions the Committee may have. Thank you.