



REDISTRICTING COMMITTEE

Wednesday, December 20, 2023
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Ronald Sorvaag, Chairman, called the meeting to order at 10:00 a.m.

Members present: Senators Ronald Sorvaag, Brad Bekkedahl, Dick Dever, Robert Erbele, Kathy Hogan; Representatives Josh Boschee, Craig Headland, Mike Lefor, Mike Nathe, Austen Schauer

Members absent: None

Others present: Senator Jerry Klein, Fessenden, member of the Legislative Management
Senator Judy Estenson, Warwick
John Bjornson, Legislative Council, Bismarck
See [Appendix A](#) for additional persons present.

It was moved by Senator Erbele, seconded by Senator Bekkedahl, and carried on a voice vote that the minutes of the December 13, 2023, meeting be approved as distributed.

Chairman Sorvaag provided introductory comments regarding the committee's responsibilities. He noted:

- The charge of the committee is to be prepared if the Legislative Management calls on the committee to recommend a redistricting plan.
- The meeting is intended to provide an opportunity for interested persons to provide comments on the proposed maps.
- Invitations were extended to Mr. Jamie Azure, Chairman, Turtle Mountain Band of Chippewa Indians, and Ms. Lonna Street, Chairwoman, Spirit Lake Nation, to provide testimony. The tribal chairs provided written testimony ([Appendix B](#)).

Ms. Emily Thompson, Legal Division Director, Legislative Council, presented a memorandum entitled [Effects of Legislative Redistricting on Current Members of the Legislative Assembly](#).

In response to a question from a committee member, Mr. John Bjornson, Director, Legislative Council, noted a law setting the geographical boundaries of legislative districts would become effective as soon as possible to allow the Secretary of State and county auditors to prepare for the next election. However, historically, members have been allowed to serve the area the members represented until the next general election, at which time a new member may be elected to serve the legislative districts formed in the new redistricting plan.

In response to questions from committee members, Representative Lefor provided a brief update regarding the ongoing redistricting litigation in *Turtle Mountain Band of Chippewa Indians v. Howe* and the status of the request for proposals for an expert's assistance in drawing a redistricting plan. He noted:

- Pursuant to the directive provided by the Legislative Management, the Legislative Assembly filed a motion seeking to intervene in the case to protect and defend the Legislative Assembly's interests.
- The Legislative Assembly also requested a reasonable amount of time to comply with the district court's order and has proposed a deadline of February 9, 2024, to replace the district court's December 22, 2023, deadline.
- The Legislative Management will determine how to proceed based on the status of the ongoing redistricting litigation.

- The scope of the the Redistricting Committee's work is limited to developing a recommended redistricting plan.
- The Legislative Council has not received any proposals in response to the request for proposals for an expert's assistance in drawing a redistricting plan, dated December 8, 2023.

COMPARISON OF PROPOSED MAPS

Chairman Sorvaag reviewed a document entitled [Comparison of Proposed Maps](#). He noted his concerns regarding the lack of rationale for certain district boundary adjustments proposed in "[Plaintiff's Proposed Map #1](#)," including the following adjustments:

- The city of Rolla was removed from District 9 and placed in proposed District 15. He questioned the removal because the city of Rolla historically has been included in District 9 and the 515 Native Americans in the city of Rolla would be removed from their community of interest.
- A portion of Ramsey County was removed from District 15 and placed in proposed District 29. Only 15 Native Americans reside in this portion of Ramsey County. This proposal would move Representative Kathy Frelich, Devils Lake, from District 15 to proposed District 29, which may force an election in proposed District 29.
- A portion of Pierce County was removed from District 14 and placed in proposed District 9. Eight Native Americans reside in this portion of Pierce County.

Committee members discussed concerns regarding:

- The lack of available information or testimony related to the rationale for the boundaries proposed in "Plaintiff's Proposed Map #1."
- Recommending a redistricting plan without information from the author of the proposed plan and discussions related to the rationale for the boundaries proposed in the plan.

Chairman Sorvaag compared "Plaintiff's Proposed Map #1" and "[Plaintiff's Proposed Map #2](#)." He noted:

- "Plaintiff's Proposed Map #1" was not presented to the Legislative Assembly during the 2021 special legislative session.
- "Plaintiff's Proposed Map #2" was presented to the Legislative Assembly on November 8, 2021, during the 2021 special legislative session.
- Both maps include the Turtle Mountain Reservation and Spirit Lake Reservation in one district.

A committee member noted:

- It is important for the committee to acknowledge the potential differences in the communities of interest of the two tribal nations included in the proposed District 9 in "Plaintiff's Proposed Map #2."
- It is important to represent the interests of the entire state when working on a redistricting plan, rather than focusing only on the interests identified by the plaintiffs in the ongoing redistricting litigation.

Senator Klein presented comments regarding "[Proposed Map #3](#)." He noted:

- This map is similar to "Plaintiff's Proposed Map #2," but does not impact District 14.
- The proposed District 9 encompasses both the Turtle Mountain Reservation and Spirit Lake Reservation.
- He believes the proposed map is consistent with the district court's opinion and the interests of the tribal chairs who submitted written testimony to the committee.

In response to a question from a committee member regarding "Proposed Map #3," Ms. Samantha E. Kramer, Senior Counsel and Assistant Code Revisor, Legislative Council, noted there are 429 individuals who reside in the area connecting the Turtle Mountain Reservation and Spirit Lake Reservation in proposed District 9, of which 9 are Native American.

Senator Estenson presented comments regarding "[Proposed Map #4](#)." She noted her desire to further revise "Proposed Map #4," including restoring the subdistricts in District 9. She noted splitting proposed District 15 into subdistricts, each to include a portion of the city of Devils Lake, would be more representative of a community of interest than the districts proposed in the other maps that include the Turtle Mountain Reservation and Spirit Lake Reservation in one district.

In response to questions from committee members, Ms. Kramer noted the following related to "Proposed Map #4":

- There are 2,090 individuals who reside in proposed Subdistrict 15A. A portion of the city of Devils Lake was included in proposed Subdistrict 15A to balance the populations of proposed Subdistricts 15A and 15B. If the entire city of Devils Lake is included in proposed Subdistrict 15A, proposed Subdistrict 15A would include 6,438 people, which would be insufficient to satisfy the threshold necessary to create a subdistrict.
- In order for proposed Subdistrict 15B to meet the deviation criteria, a portion of Towner County and Cavalier County was included in proposed Subdistrict 15B, resulting in proposed District 9 being shifted to the west.

COMMENTS FROM INTERESTED PERSONS

Mr. Pete Hanebutt, New Salem, noted a potential error in the proposed maps related to the city of Judson, which is not present in the existing redistricting plan.

COMMITTEE DISCUSSION

Committee members noted:

- It is important to receive testimony and input from the tribal nations when developing recommendations for redistricting plans.
- It may be helpful to focus the committee's discussion on "Proposed Map #3" and "Proposed Map #4."
- Although certain members of the Legislative Assembly disagree with the district court's opinion regarding the redistricting plan, the Legislative Assembly should respect the court's right to render an opinion as a check and balance on the legislative branch. However, it is important the Legislative Assembly, a citizen legislature, proceed deliberately in the best interest of the legislative branch.

In response to a question from a committee member, Ms. Thompson provided an update on the status of the ongoing redistricting litigation in *Turtle Mountain Band of Chippewa Indians v. Howe*. She noted:

- If an extension of the district court's deadline for the Legislative Assembly to adopt a new redistricting plan is not granted, pursuant to the district court's order, the court likely will use its discretion to impose a redistricting plan of the court's choosing.
- A court order imposing a redistricting plan would be subject to appellate review, if requested.
- The Legislative Assembly may adopt a new redistricting map during a reconvened session or a special session upon the call of the Governor.

Chairman Sorvaag noted the committee will meet at the call of the chair to continue the committee's work, with a focus on "Proposed Map #3" and "Proposed Map #4." He noted he hopes tribal leadership will engage with the committee at future meetings.

No further business appearing, Chairman Sorvaag adjourned the meeting at 12:07 p.m.

Emily Thompson
Legal Division Director

Samantha E. Kramer
Senior Counsel and Assistant Code Revisor

Liz Fordahl
Counsel

ATTACH:2