

REDISTRICTING IN INDIAN COUNTRY

NORTH DAKOTA



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North Dakota Native Vote and Sacred Pipe

REDISTRICTING IN INDIAN COUNTRY: NORTH DAKOTA

WHAT IS REDISTRICTING?

Redistricting is the redrawing of the geographic lines that divide districts for state legislatures, county boards of commissioners, city councils, school boards and other local bodies. It is required by the U.S. Constitution to account for population shifts within the state. It takes place every ten years, after the United States conducts the decennial Census to determine how many people live in the United States and its territories. This guide is focused on redistricting in North Dakota, specifically redistricting of the state legislative districts.

By redrawing district lines every ten years, redistricting takes into account where populations have increased or decreased. The main goal of redistricting is to ensure that all districts have approximately the same number of people. This protects the constitutional right to have a vote that is equal to any other person's vote.

It is crucial that Native Americans have an equal voice in redistricting to protect their ability to elect candidates of their choice. How can your Native community participate in this process? How can you ensure that your community's political power is protected? This guide explains the redistricting process and how we can all participate.

WHY IS REDISTRICTING IMPORTANT?

Redistricting matters because it controls access to political representation. It influences who runs for office and who is elected. Elected representatives make many decisions that influence our daily lives, from acknowledging tribal sovereignty to honoring treaties to protecting the land. Residents of a district should be able to hold their representative accountable and be sure that their representative is truly representing the interests of the people. And the maps that are created this year will be used for the next ten years. This is our chance to impact what they look like.

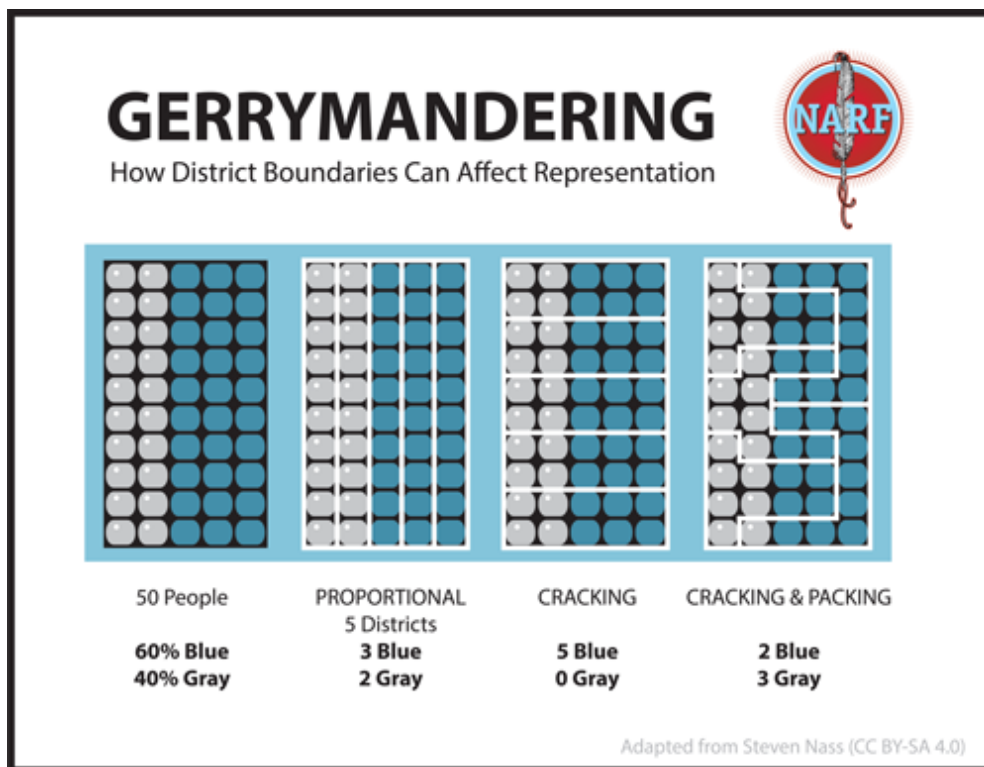
When people are represented through districts, the U.S. Constitution requires that those districts have roughly equal populations. This requirement ensures that each person's vote is worth the same as any other person's. Because populations change over time, districts must be redrawn. Otherwise, the voting power of a particular community would be diluted. For example, one state legislator might represent 40,000 people, while another represents only 25,000. The people in the smaller district would have disproportionately more representation, making the system unfair.



WHAT ABOUT GERRYMANDERING?

Even when districts have nearly equal populations, a particular map can still limit a certain group's political power. This abuse of redistricting is called *gerrymandering*. Often it is used to exclude minority communities from political power. Even in an election with one hundred percent voter turnout, gerrymandering can still prevent communities from electing their candidates of choice.

Maps often dilute votes in two ways. First, a map can “crack” minority voters into many districts, where they are only a small percentage of the population in each. This leaves them unable to elect their representative of choice, despite having enough votes to do so. In the image below, gray voters have been cracked in the third map, leaving them without control of any districts, even though they represent forty percent of the population. Second, a map might “pack” minority voters into one district, when if they were spread out in multiple districts they would have more political power. In the final map in the image below, most of the blue voters have been packed into two districts, and the rest of the blue voters have been cracked up in the other districts. This leaves the blue voters with forty percent of the districts, even though they are sixty percent of the population.



When voters are unfairly “packed” or “cracked,” even turning out every eligible voter usually will not be enough to win an election. This is why redistricting is so important. It is our chance to create a fair system that will stay in place for the next ten years.



WHO IS IN CHARGE OF DRAWING THE LINES?

Each state has its own rules about who is responsible for drawing new lines. In North Dakota, redistricting is done by the state Legislative Assembly. The Legislative Assembly appoints a chair to select a smaller group of legislators called the Redistricting Committee. This Committee will be responsible for creating draft maps for the State House and State Senate. The members of this committee are:

- Chairman, Chet Pollert (R-D29) – Carrington – Chairperson
- The committee members are still to be determined.

Once the Committee has created a proposal, the full Legislative Assembly will vote on whether to approve the maps and pass them into law.

WHEN WILL REDISTRICTING HAPPEN?

Redistricting takes place at least every ten years after the census is completed. Every state has its own timeline for when maps should be finalized, but most are in 2021 and 2022. The COVID-19 pandemic has delayed the process of reporting the Census results, which pushed back when states can start the redistricting process. Data is currently expected August or September 2021. Even though the process may be behind schedule, you and your community can start learning about the process now.

The North Dakota Redistricting Committee is directed to finalize its proposed map by November 30, 2021. This means that the map will probably be officially passed by the full Legislative Assembly in December 2021. The map will be used for the first time in the June 2022 Primary Election, assuming that it is fair.

WHAT ARE THE RULES FOR DRAWING THE LINES?

Each state has its own rules about how to draw maps. But there are some federal rules that have to be followed when redistricting in any state. These take priority over North Dakota's own rules.

- **One person, one vote**—Districts must have roughly equal populations. This applies to congressional districts, state legislative districts, local school board districts, and more. However, this requirement doesn't mean that every district must have the exact same number of people. Under federal law, state and local plans may have districts with total population deviations of up to ten percent of the size of an ideal district.
- **Section 2 of the Voting Rights Act**—This law prohibits redistricting plans that dilute the power of a person's vote due to their race or ethnicity. A map violates this law if Native Americans have less opportunity than other voters do to elect representatives of their choice. In order for this rule to apply, the Native voters must be relatively geographically compact, they must generally support the same candidates, and they must have enough



people to be a majority of eligible voters in at least one district. When considering whether it is possible to draw a majority-Native district, determine the percentage of people of voting age who are Native, not just the overall percentage of Native people in the district. Fifty percent of the total population may not be enough.

When Native Americans meet these requirements, they may be entitled to a district in which they have the opportunity to elect their candidate of choice. This is called a “majority-minority district.” In drawing an effective majority-minority district, you should consider the percentage of Native people who are of voting age, not just the overall percentage of Natives in the district. Make sure to also factor in registration and turnout rates when determining how many Native voters need to live in a district in order to have equal opportunities to elect candidates. This number could be lower than fifty percent if some non-Native voters usually support the Native-preferred candidate, or it could be considerably higher if Native turnout and registration rates are lower than average.

NARF can help you determine whether this legal protection applies to you and whether a potential district would be an effective Native-majority district. Contact us at vote@narf.org.

NORTH DAKOTA’S CONSTITUTION & LAWS ESTABLISH SOME ADDITIONAL RULES.

- North Dakota’s Constitution allows for between forty and fifty-four legislative districts. Currently, the state is split into forty-seven districts, but the legislature could decide to change that. Each district elects one senator and two representatives. The representatives may be elected either from the district as a whole or from two smaller sub-districts.
- The ideal population for a district is found by dividing the total population of the state by the number of districts. Districts must have populations that are “as **nearly equal in population as is practicable**.” The North Dakota Constitution says that, to the extent possible, every voter must have equal power when electing legislators. Some variation has been normal though—in the most recent map, the smallest district had about 1,200 fewer residents than the largest district.
- Districts should be **contiguous**. This means that every part of the district must be physically connected.
- Districts should be **compact**. This refers to the district’s shape, and means that it should not be overly irregular or have long, unnecessary appendages.
- The Redistricting Committee can decide to adopt additional criteria when it is drafting the maps.



HOW CAN I PARTICIPATE?

Even though legislators are in charge of making final decisions about how to draw district lines, you can still think about how you would like districts to be drawn and advocate for fair maps.

To do this, you should organize your Native community. Find others who are interested in redistricting and educate your neighbors about why this process is important for Indian Country. As a community, you should talk about your goals. What issues are important to you—clean water, Indian child welfare? What levels of government control those issues? Do you want to propose a single district or an entire map?

Part of this advocacy will require you to define your community. The people living on your reservation may be in your community. But there may be others as well. Think about what other nearby areas have similar, shared interests.

More details about how to be an effective advocate is available at <https://vote.narf.org/redistricting/>.

If North Dakota's tribes come together and make their voices heard, we can help ensure that the redistricting process is fair and that the maps used to elect our state representatives for the next ten years protect Native political power.

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More information available at <https://vote.narf.org/>.

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