

Subcommittee on Elections of the Committee on House Administration
"Voting Rights and Election Administration in the Dakotas"
Representative Ruth Buffalo Testimony
April 16, 2019

Chairwoman Fudge, Ranking Member Davis, thank you for having me here today. Here in North Dakota I represent Fargo's District 27, which is 370 miles from my traditional homelands of the Fort Berthold Reservation. Fargo is not a majority Native American district. By going door to door, knocking on thousands of doors, I was able to earn the trust of the people of Fargo, and I am proud to represent them today.

Sadly, even if I were to run in my reservation, that district would not be majority Native American. Most of my reservation is encompassed by legislative District 4. Only one Indigenous person has ever been elected from District 4 because the white population overwhelms the Native vote. Tribal citizens make up only 31.8 percent of the district despite there being a sizable Native American population. 5,632 members currently live on the Fort Berthold reservation with another 3,655 living in close proximity, yet there are no majority Native American districts. If maps were drawn another way, Native Americans could easily support their own district.

In fact, the dilution of the Native vote is even more outrageous if you look at the counties. There are **SIX** counties that intersect the Fort Berthold Reservation, ensuring no Native American representation among county seats. It is disrespectful to the people of the Fort Berthold Reservation to subject them not only to voter dilution, but also to confusion as they move from county to county. Not one county official is currently responsible for ensuring that the needs of all of the Fort Berthold people are being met.

There are also voting irregularities. In the recent mid-term election of 2018, two traditional voting precincts were shut down within the exterior boundaries of the Fort Berthold Reservation 1) Dunn County North Fox precinct located in Mandaree at the St. Anthony Church 2) McKenzie County Four Bears precinct. If the county representatives more accurately reflected the MHA people, they would have known that these were important voting sites, and would not have shut them down.

The voter ID law is the latest example of North Dakota's attempt to disenfranchise Native voters. The law's chief sponsor was my predecessor in the legislature. I can attest that as I campaigned and went door to door, Natives and non-Natives alike were outraged by the law. I heard over and over people saying "how could they do that?" because if people don't have addresses, they shouldn't require them to have to show an address if they are qualified to vote. It's plainly unfair to everyone who has heard about the law. To me, I question why would anyone intentionally prohibit an individual from practicing their right to participate in our democracy? Since 2016, the world was made aware of the exactly how unjust the original inhabitants of this land, the tribal nations, are treated. North Dakota has unfortunately been referred to as the deep North as many others have witnessed the unjust treatment of our tribal nation neighbors. If the intent was

not to suppress voters' access to voting, why does the State still defend the law? Why don't they allow the court orders that would have allowed people to vote, to stand?

The maps are drawn unfairly and the Native vote is suppressed through North Dakota's current voter ID law. I am proud to be the first Native American legislator, but I should not be alone. American Indians comprise 1.4 percent of the North Dakota Legislature but they only represent 5.5 percent of the state population.

But representation matters - I can personally attest that representation is important. Since my time in the Legislature I've been able to introduce legislation to address long festering and ignored problems. One bill requires law enforcement training on missing and murdered Native people; another bill starts a repository collecting data of missing persons – including Native people. Two other bills require hotels to train their staff to identify signs of human trafficking and teach them what to do to respond. I also introduced a bill that would allow Native students to wear their regalia at graduation, a point of cultural pride that is too often misunderstood and disparaged, even though Native students should have the right to proudly represent who they are when they are being honored for their accomplishments.

Prior to my time at the legislature, in the 65th Legislative Assembly in 2017 there was horrendous legislation being introduced which primarily targeted the Native Americans in our state of North Dakota triggered by the opposition of the Dakota Access Pipeline. It would allow for individuals to hit protestors with their vehicles without legal consequence. How is that a civil response, no matter what one thinks about the pipeline? To this day, there were a few bills lingering from that very mindset in this session of the 66th Legislative Assembly.

Indeed, too often, Native people in the state of North Dakota are disparaged and put into second class citizen status. As a public official, unfortunately, I've been subjected to this abuse. When I was running, I would receive racist calls. For example, one woman mocked me and called me "injun." After I won public office, I have received threats against my children. A woman wrote on a public forum that Indian children go missing all the time, and she was "on it" with regard to my children. Being on the receiving end of these taunts and threats is not only frightening, it is demeaning and racist, and that type of behavior should not exist in 2019.

I will continue to work hard to represent the people of Fargo, North Dakota and Native people across the state. However, federal action is needed to make sure that minority voices are not abused. Thank you for coming today to listen and for bringing attention to these injustices.