

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

Case No: 3:22-cv-00022

Turtle Mountain Band of Chippewa )  
Indians, Spirit Lake Tribe, Wesley Davis, )  
Zachary S. King, and Collette Brown. )

Plaintiffs, )

v. )

Michael Howe, in his official capacity as )  
Secretary of State of North Dakota. )

Defendant. )

**AFFIDAVIT OF  
EMILY THOMPSON**

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STATE OF NORTH DAKOTA )  
 ) SS.  
COUNTY OF BURLEIGH )

Being duly sworn, Emily Thompson, testifies:

1. I am the Legal Division Director for the North Dakota Legislative Council.
2. Between November 17 and November 28, 2023, numerous meetings occurred between members of North Dakota’s executive and legislative branches with respect to the district court’s November 17, 2023, Findings and Judgment.
3. On November 30, 2023, Legislative Council was directed by Representative Lefor, Chairman of Legislative Management, to prepare and publish a Notice of Legislative Management’s December 5, 2023, meeting. A true and correct copy of the Notice published on November 30, 2023, is filed as Doc. 139-1 of the district court’s docket.
4. Legislative Management met on December 5, 2023. A true and correct copy of the Minutes prepared after this meeting are filed as Doc. 139-2 of the district court’s docket.

5. On December 7, 2023, Legislative Management instructed Legislative Council to publish a Notice that the Redistricting Committee would meet on December 13, 2023. A true and correct copy of this Notice is attached hereto as Exhibit A.

6. On December 8, 2023, Legislative Management issued a Request for Proposals to retain a redistricting consultant for the Redistricting Committee. A true and correct copy of this Request for Proposals is attached hereto as Exhibit B.

7. The Redistricting Committee met on December 13, 2023. A true and correct copy of the Minutes – including all appendices – prepared after this meeting are attached hereto as Exhibit C.

8. On December 15, 2023, Legislative Council was directed to prepare and publish a Notice and Agenda for the December 20, 2023, meeting of the Redistricting Committee. A true and correct copy of the Notice is attached hereto as Exhibit D. A true and correct copy of the Agenda is attached hereto as Exhibit E.

9. Also on December 15, 2023, Legislative Council invited the chairs of both the Turtle Mountain Band of Chippewa Indians and the Spirit Lake Nation to attend the December 20, 2023, meeting of the Redistricting Committee. A true and correct copy of the December 15, 2023, email from Legislative Council to Chairman Azure, of Turtle Mountain, is attached hereto as Exhibit F. A true and correct copy of the December 15, 2023, email from Legislative Council to Chairwoman Street, of Spirit Lake, is attached hereto as Exhibit G.

10. The Redistricting Committee met on December 20, 2023.

11. Two new maps were proposed and discussed at the December 20, 2023, Redistricting Committee meeting. Attached hereto as Exhibit H is a true and correct copy of

“Proposed Map # 3” which was offered by Senator Klein. Attached hereto as Exhibit I is a true and correct copy of “Proposed Map # 4” which was offered by Senator Estenson.

12. A true and correct copy of the prepared table showing a comparison of the 4 maps currently being considered by the Redistricting Committee is attached hereto as Exhibit J. It should be noted, after careful review, there is a very small sliver of District 14 that is impacted by Proposed Map # 3. A reference to District 14 in the summary column for Proposed Map #3 was inadvertently omitted and should have been included on Exhibit J.

13. Once the Redistricting Committee completes its work and agrees on a proposed remedial map, additional steps are required before the Assembly can adopt a remedial redistricting plan. These steps are as follows:

- a. Legislative Council staff will need to prepare a proposed bill draft to translate the map image approved by the Redistricting Committee to the metes and bounds descriptions used in statutory language.
- b. The Redistricting Committee will need to issue a report to Legislative Management explaining its recommendation and attaching the proposed bill draft.
- c. Legislative Management will need to meet and review the Redistricting Committee’s report. During this meeting, Legislative Management will need to consider whether to approve the Redistricting Committee’s recommendation for introduction during a legislative session.
- d. Legislative Leadership will need to request Governor Burgum to call a special session of the 68<sup>th</sup> Legislative Assembly.
  - i. If the Governor does not call the Legislative Assembly back for a special session, the Assembly may reconvene to use a portion of its 5 remaining

natural days allotted during the biennium. However, if the Assembly must go this route, it will need a minimum of 3 days to act because each bill must be read on two separate natural days in each house pursuant to N.D. Const. Art. IV § 13. Further, any legislation passed during a reconvened session does not become immediately effective unless two-thirds the members elected to each house declare it an emergency measure. See N.D. Const. Art. IV § 13. By contrast, legislation passed during a special session called by the governor becomes effective on the date specified in the Act without the need for an emergency clause. Id.

- e. Legislative Leadership requested Governor Burgum to call a special session of the 68<sup>th</sup> Legislative Assembly on October 13, 2023. The primary purpose of this special session request was to separate bills for another vote so as not to violate the single subject matter clause of the North Dakota Constitution. A true and correct copy of the October 13, 2023, letter from Legislative Leadership requesting a special session is attached hereto as Exhibit K.
- f. On October 17, 2023, Governor Burgum issued Executive Order 2023-09 to convene a special session of the Legislative Assembly. The special session commenced on October 23, 2023. A true and correct copy of Executive Order 2023-09 is attached hereto as Exhibit L.

14. The Assembly is comprised of 141 citizens who live across the State and serve in the Assembly on a part-time basis. Therefore, whether the Assembly convenes in a special session or reconvenes in a regular session, they must be afforded reasonable time to travel to Bismarck to perform their duties. Further, Legislative Council will need to make arrangements to coordinate

the hiring of the minimum number of required Assembly Staff (Sergeant-at Arms, clerks, reporters, etc...) who are only retained during session. Assembly Staff are separate and distinct from permanent Legislative Council Staff.

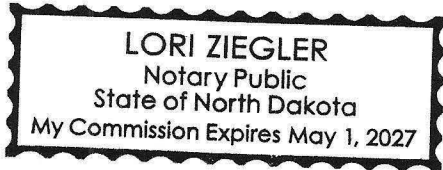
Dated this 21<sup>st</sup> Day of December, 2023.

By Emily Thompson  
Emily Thompson

On this 21st day of December, 2023, before me personally appeared Emily Thompson known to me to be the person described in the within and foregoing instrument and acknowledged to me that she executed the same.

County of Burleigh )  
State of North Dakota )  
December 21, 2023 )

Lori Ziegler  
Notary Public



**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of December, 2023, a true and correct copy of the foregoing **AFFIDAVIT OF EMILY THOMPSON** was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

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Allison Neswood  
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By /s/ Scott K. Porsborg

SCOTT K. PORSBORG

25.5079.01000



# North Dakota Legislative Council

STATE CAPITOL, 600 EAST BOULEVARD, BISMARCK, ND 58505-0360

☎701.328.2916

☎701.258.3462

www.ndlegis.gov

lcouncil@ndlegis.gov

December 7, 2023

## MEETING NOTICE

Senator Ronald Sorvaag, Chairman, has called a meeting of the **REDISTRICTING COMMITTEE**.

**Date:** Wednesday, December 13, 2023

**Time:** 12:00 p.m.

**Place:** Roughrider Room, State Capitol, Bismarck

**Video:** This meeting can be viewed online at <https://video.ndlegis.gov>.

**Agenda:** Presentation by the Legislative Council staff of background information relating to legislative redistricting and committee discussion regarding the committee's directive to develop a redistricting plan in compliance with the November 17, 2023, order in *Turtle Mountain Band of Chippewa Indians, et al. v. Howe*, CV 3:22-cv-00022-PDW-ARS

**Special Note:** Anyone who plans to attend the meeting and needs assistance because of a disability should contact the Legislative Council staff as soon as possible.

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

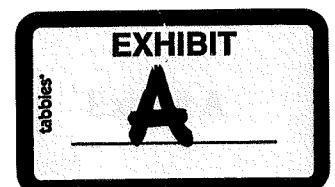
**Staff Contacts:** Emily Thompson, Legal Division Director  
Samantha E. Kramer, Senior Counsel and Assistant Code Revisor  
Liz Fordahl, Counsel

Any member unable to attend this meeting is asked to notify this office as soon as possible.

Sincerely,

/S/  
John Bjornson  
Director

JB/HD





25.9174.01000



**REPRESENTATIVES**

Mike Lefor  
Glenn Bosch  
Josh Boschee  
Zachary Ista  
Dennis Johnson  
Ben Koppelman  
Emily O'Brien  
Paul J. Thomas  
Robin Weisz

# North Dakota Legislative Management

Mike Lefor  
Chairman

David Hogue  
Vice Chairman

John Bjornson, Director  
Legislative Council Staff

**SENATORS**

Brad Bekkedahl  
Kyle Davison  
Kathy Hogan  
David Hogue  
Jerry Klein  
Tim Mathern  
Janne Myrdal  
Donald Schaible

December 8, 2023

TO: PROSPECTIVE REDISTRICTING ANALYSIS CONSULTANTS

On December 5, 2023, the North Dakota Legislative Management approved the issuance of a request for proposals (RFP) from prospective qualified independent consultants for the purpose of providing expert legal and advisory services specific to the analysis and application of the Voting Rights Act (VRA) and other state and federal laws applicable to redistricting.

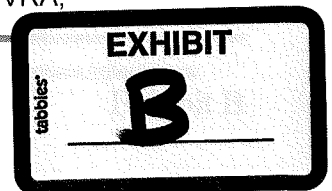
The selection of the consultant will be made by the Chairman of the Legislative Management.

1. The consultant services must include:
  - a. A detailed analysis of alternative district configurations that demonstrate the Native American population in northeast North Dakota is sufficiently large and geographically compact to constitute an effective majority in a single multimember district;
  - b. A detailed analysis of the VRA and its application in the state, including voting behavior, race and ethnicity, racially polarized voting, map drawing, electoral performance, and redistricting analysis; and
  - c. A review of the Gingles preconditions as they relate to any proposed map created by the Redistricting Committee.
2. The analysis should consider:
  - a. The state's existing redistricting plan, the two plans produced by the plaintiffs in Turtle Mountain Band of Chippewa Indians et al. v. Howe (3:22-cv-00011-PDW-ARS), and any new plan developed by the Redistricting Committee;
  - b. The likelihood a new plan would conform to Section 2 of the VRA; and
  - c. The reports and testimony used to determine the maps proposed by the plaintiffs.

The objective is to provide a data analysis of the state's legislative districts, specifically relating to Native American populations in northeast North Dakota.

Each proposal should include:

1. Information on the individuals who would conduct the analysis, indicating educational and employment experiences, and the company's experience with redistricting and the VRA;



2. Representative samples or summaries of related work conducted by the company and the status of the implementation of any recommendations; and
3. References for previous related work.

Proposed contract amounts should be inclusive of all expenses. Consultants under contract for the state should be able to obtain lodging in the state at the rate provided by law for state government officials and employees (\$96.30 per night plus tax). Meals should be reimbursed at a maximum rate of \$45 per person per day.

The Legislative Management intends to award contracts based on the information contained within the proposals received as well as information received from other sources. The Legislative Management reserves the right to accept or reject any or all proposals and to award contracts which the Legislative Management considers the most advantageous to the state.

If you are interested in submitting a proposal for providing these services, please submit your proposal to the Legislative Council office at the address below by Friday, December 15, 2023.

The Legislative Council is the point of contact for this RFP. All consultant communications regarding the RFP should be directed to the Legislative Council.

Email Correspondence:

Legislative Council - Emily Thompson  
Email: [ethompson@ndlegis.gov](mailto:ethompson@ndlegis.gov)  
Legislative Council - Samantha E. Kramer  
Email: [skramer@ndlegis.gov](mailto:skramer@ndlegis.gov)

Postal Correspondence:

North Dakota Legislative Council  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505


Telephone Correspondence:

701-328-2916

The RFP, any amendments to the RFP, and all questions submitted with responses will be posted on the following website at <https://ndlegis.gov/rfp/prospective-redistricting-analysis-consultants>.

Interested consultants are encouraged to check that website periodically for any updates related to this RFP.

Sincerely,



Representative Mike Lefor  
Chairman

ML/JJB



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## REDISTRICTING COMMITTEE

Wednesday, December 13, 2023  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Ronald Sorvaag, Chairman, called the meeting to order at 12:03 p.m.

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

**Member absent:** Representative Josh Boschee

**Others present:** John Bjornson, Legislative Council, Bismarck  
See [Appendix A](#) for additional persons present.  
\*Attended remotely

### COMMITTEE RESPONSIBILITIES

Mr. John Bjornson, Director, Legislative Council, presented a memorandum entitled Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management.

Chairman Sorvaag commented regarding the committee's responsibilities and direction. He noted:

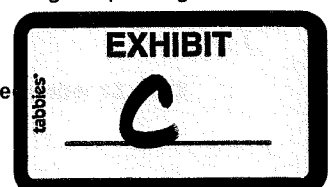
- It is imperative the committee decide on a plan as directed by the United States District Court for the District of North Dakota expediently so the process may move forward in a timely manner.
- The committee must approve a map, which subsequently must be approved by the Legislative Management, which then must be drafted in bill form with legal descriptions by the Legislative Council staff, and finally approved by the Legislative Assembly in a special or reconvened session to become effective.
- Any individual who wishes to testify at future committee meetings must appear in person.
- Members of the committee may appear virtually due to the sudden nature of the committee reconvening.

Representative Lefor commented regarding the Legislative Management's response to the district court ruling. He noted:

- The Legislative Assembly is not a party to the lawsuit but was ordered to approve a remedial redistricting plan by the district court.
- The Legislative Assembly hired outside counsel to represent the position of the Legislative Assembly, including moving to intervene in the case.
- The Legislative Management appointed this committee to approve a remedial plan.
- The Legislative Management approved a request for proposals for an expert's assistance in drawing a plan.

In response to questions from committee members, Mr. Bjornson noted:

- The district court ordered the Legislative Assembly to complete a remedial plan by December 22, 2023.
- The objective of the committee is for the remedial plan to satisfy the requirements of the Voting Rights Act (VRA), whether by adopting one of the plaintiffs' maps or creating a new map.
- In developing a plan, the committee must consider traditional districting principles, including respecting political subdivision boundaries and communities of interests.



- Regarding any appeals that may be made by outside counsel on behalf of the Legislative Assembly, this committee should consider those actions to be on a separate but parallel course.

Chairman Sorvaag noted this committee's role is to focus solely on the work of approving a remedial redistricting plan.

### LEGISLATIVE REDISTRICTING AND PROPOSED MAPS

Mr. Bjornson presented a memorandum entitled *Legislative Redistricting - Background Memorandum*. He noted:

- The Constitution of North Dakota requires the Legislative Assembly to "guarantee, as nearly as practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates" based on the federal decennial census.
- The redistricting map approved during the special session in 2021 was challenged twice.
- In *Walen v. Burgum*, a panel of judges, Chief Judge Peter D. Welte, Circuit Judge Ralph R. Erickson, and Judge Daniel L. Hovland, denied the plaintiffs' motion for preliminary injunction because the plaintiffs were unlikely to succeed on the merits of the claim and the election was drawing near. The panel later granted the state's motion for summary judgment after finding the subdistricts drawn in Districts 4 and 9 satisfied strict scrutiny and recognized the Legislative Assembly created the subdistrict in an effort to comply with Section 2 of the VRA.
- In *Turtle Mountain Band of Chippewa Indians v. Howe*, the United States District Court for the District of North Dakota held the drawing of Districts 9 and 15 and Subdistricts 9A and 9B prevents Native American voters from electing a candidate of their choice, violating Section 2 of the VRA. The district court permanently enjoined the Secretary of State from administering, enforcing, preparing for, or in any way permitting the nomination or election of members of the Legislative Assembly from Districts 9 and 15 and Subdistricts 9A and 9B. The district court gave the Secretary of State and Legislative Assembly until December 22, 2023, to adopt a plan to remedy the violation of Section 2. Under the order, the Tribes have until January 5, 2024, to file an objection to a remedial plan and the defendants have until January 19, 2024, to file a response to an objection.
- To address its constitutional duty to adopt a redistricting plan and attempt to comply with the order of the district court, the committee must further evaluate Districts 9 and 15 and Subdistricts 9A and 9B.
- The committee must ensure members of the minority group do not have less opportunity than other members of the electorate to participate in the political process and elect representatives of their choice and in doing so consider traditional districting principles.

Ms. Samantha E. Kramer, Senior Counsel and Assistant Code Revisor, Legislative Council, presented "Plaintiff's Proposed Map #1," "Plaintiff's Proposed Map #2," and additional testimony (Appendix B) related to redistricting data, county-by-county data, and reservation populations. She noted the deviations from ideal population size for the districts affected.

### COMMENTS BY INTERESTED PERSONS

Mr. Scott Davis, Chief Executive Officer, Tatanka Consulting Group, presented testimony on behalf of members of the Turtle Mountain Band of Chippewa Indians. He noted:

- The Turtle Mountain Band of Chippewa Indians never wished for their reservation to be combined into one voting district with Spirit Lake Reservation.
- He prefers consideration of other options over the alternative plans provided by the plaintiffs and the district court.
- Rolette County and adjacent areas can make a more compact District 9, without a subdistrict.
- During the initial redistricting process, representatives of the Spirit Lake Tribe requested to include the Spirit Lake Reservation within a subdistrict of District 15.

In response to a request from a committee member, Ms. Erika White, Elections Director, Secretary of State's office, presented a timeline (Appendix C) related to election deadlines. She noted that if a different map is adopted, affected districts will need to reorganize.

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Redistricting Committee

No further business appearing, Chairman Sorvaag adjourned the meeting at 1:39 p.m.

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Emily Thompson  
Legal Division Director

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Samantha E. Kramer  
Senior Counsel and Assistant Code Revisor

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Liz Fordahl  
Counsel

ATTACH:3

**ATTENDANCE SHEET**

Date: 12-13-23 Committee: Redistricting

PLEASE PRINT

Name	Organization/City	E-mail Address
Don Vigesaa		dvwigesaa@mlge.com
Jenny Klein		jennyklein49MT@gmail.com
Tim Mathern		timathern@mlge.com
Scott Davis	Trenton Mt. Band of Okippos	Scott@TrentonMt.com
Erin White	ND SOS	erwhite@nd.gov
Calvin Benson	PSS	calvinb@primacyss.com
Blair Thomas	PSS	Blairt@primacyss.com
Merrill Priekorn	D44 Senate	



# North Dakota Legislative Council

Approved by the Legislative Management  
LC# 25.9013.02000  
June 2023

## **SUPPLEMENTARY RULES OF OPERATION AND PROCEDURE OF THE NORTH DAKOTA LEGISLATIVE MANAGEMENT**

In addition to the provisions of North Dakota Century Code Chapter 54-35, and in addition to present rules and policies previously established, the Legislative Management, its committees, and the Legislative Council staff are governed by the following rules:

### **1. Calling of meetings.**

- a. Committee meetings within the state may be held at the time and place noticed by the committee chairman.
- b. Committee meetings outside the state may not be called without the permission of the Chairman of the Legislative Management.

### **2. Conduct of meetings.**

- a. The rules and customs of the Legislative Assembly govern the conduct of interim committee meetings.
- b. *Mason's Manual of Legislative Procedure* governs when rules and customs of the Legislative Assembly are not applicable.
- c. Prior approval by the chairman of the committee is required if a committee member wishes to attend a meeting remotely. A member approved to attend remotely must keep the member's video on at all times throughout the meeting. Remote attendance should be rare and a chairman may approve remote attendance only when a member's physical presence is not possible. Remote attendance by telephone is not allowed unless the meeting must be held for all members by telephone due to unforeseen technical difficulties.
- d. Secret ballots may not be used in voting on any question.
- e. Every member who is present must vote for or against each question on every recorded roll call vote.
- f. Meetings must be electronically recorded to the extent technically possible by the staff, and the staff shall retain the recordings.
- g. Staff shall encourage presenters to submit an electronic version of testimony in advance of the meeting.
- h. Legislative Management members may attend meetings of interim committees of which they are not a member and may sit at the table when invited to do so by the interim committee chairman, but may not vote on any question before the committee. Legislative Management members will not receive compensation or other payment for remote attendance at meetings of committees of which they are not members.

### **3. Jurisdiction.**

- a. Committees have the power and authority necessary to carry out the purposes contained in study resolutions and directives under policies, directives, or limitations prescribed by the Legislative Management, and statutory committees have any additional authority specifically provided by law.
- b. Prior approval of the Chairman of the Legislative Management is required for any substantial expansion of committee work beyond that contemplated in the study resolution or directive.
- c. A bill draft prepared by an individual who is not a member of the Legislative Council staff may not be approved by a committee for recommendation to the Legislative Management unless it has been considered by the committee recommending it on at least 2 meeting days, including consideration of revised drafts.

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Legislative Management

- d. All communications expressing policy of an interim committee must be referred to the Chairman of the Legislative Management for approval before introduction during a legislative session, publication, or distribution.
- e. A proposed request for proposals for consulting services to assist an interim committee with its assigned study responsibilities must be approved by the interim committee before its submission to the Chairman of the Legislative Management for consideration.

#### **4. Chairman of the Legislative Management.**

- a. The Chairman of the Legislative Management, the Director of the Legislative Council, or their designee or designees must approve and sign vouchers for the expenditure of funds under the jurisdiction of the Council.
- b. All committee expenditures other than for holding meetings must be approved by the Chairman of the Legislative Management.
- c. Out-of-state travel by a legislator may be reimbursed by the Legislative Council only if the legislator received prior approval for the travel from the Chairman of the Legislative Management, or the Chairman's designee.
- d. The Chairman of the Legislative Management has authority to approve personnel matters and compensation as recommended by the Director.
- e. The Chairman of the Legislative Management may make appointments to fill vacancies on interim committees and make appointments of legislators to committees and consent to or make other assignments during the interim.
- f. The Chairman of the Legislative Management may assign additional studies and responsibilities to interim committees.
- g. Prior approval of the Chairman of the Legislative Management is required before a subcommittee of a committee may be appointed.
- h. The Chairman of the Legislative Management may create additional committees as the Chairman determines appropriate or necessary.

#### **5. Reports of committees.**

- a. Each committee shall submit to the Legislative Management any progress reports requested by the Legislative Management.
- b. Each committee shall submit its final written report and recommendations from the interim to the Legislative Management for presentation at the final report meeting of the Legislative Management, or at such other times as the Legislative Management or its Chairman may direct.
- c. Final reports must be accompanied by drafts of bills and resolutions to carry out the recommendations of the committees.
- d. The Legislative Management may accept, reject, or amend the report of any committee, but the committee report or any portion of it, as rejected or amended, must be reflected in substance in the final report of the Legislative Management.

#### **6. Legislative Council staff.**

- a. The Director of the Legislative Council and the Legislative Budget Analyst and Auditor, within the limitations of funds, shall hire personnel and provide the assistance necessary to carry out the objectives of the Legislative Management.
- b. A Legislative Council staff member shall attend all committee meetings and serve as staff of the respective committees.
- c. The Director is responsible for the operation of the Legislative Council offices, the provision of staff services to the Legislative Management and its committees, the approval and signature of vouchers for the expenditures of funds under the jurisdiction of the Legislative Council and for any delayed billings or other billings for legislative expenses during periods when the Legislative Assembly is not in session (Section 54-35-11), and for carrying out policies and directives of the Legislative Management.



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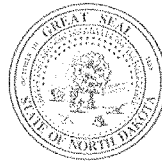
Legislative Management

- d. The Director has supervisory authority over all personnel employed by the Legislative Council.
- e. The Legislative Council shall develop and maintain a policy relating to privacy and disclosure of records of the Legislative Council. The policy must be consistent with Sections 44-04-18.6 and 44-04-18.26.

**7. Amendments and additions.**

- a. Policies and rules of the Legislative Management continue until amended or repealed by the Legislative Management.
- b. Amendments and additions to the rules may be adopted by a majority vote of all members of the Legislative Management.

25.9174.01000



**REPRESENTATIVES**

Mike Lefor  
Glenn Bosch  
Josh Boschee  
Zachary Ista  
Dennis Johnson  
Ben Koppelman  
Emily O'Brien  
Paul J. Thomas  
Robin Weisz

# North Dakota Legislative Management

Mike Lefor  
Chairman

David Hogue  
Vice Chairman

John Bjornson, Director  
Legislative Council Staff

**SENATORS**

Brad Bekkedahl  
Kyle Davison  
Kathy Hogan  
David Hogue  
Jerry Klein  
Tim Mathern  
Janne Myrdal  
Donald Schaible

December 8, 2023

TO: PROSPECTIVE REDISTRICTING ANALYSIS CONSULTANTS

On December 5, 2023, the North Dakota Legislative Management approved the issuance of a request for proposals (RFP) from prospective qualified independent consultants for the purpose of providing expert legal and advisory services specific to the analysis and application of the Voting Rights Act (VRA) and other state and federal laws applicable to redistricting.

The selection of the consultant will be made by the Chairman of the Legislative Management.

1. The consultant services must include:
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2. The analysis should consider:
  - a. The state's existing redistricting plan, the two plans produced by the plaintiffs in Turtle Mountain Band of Chippewa Indians et al. v. Howe (3:22-cv-00011-PDW-ARS), and any new plan developed by the Redistricting Committee;
  - b. The likelihood a new plan would conform to Section 2 of the VRA; and
  - c. The reports and testimony used to determine the maps proposed by the plaintiffs.

The objective is to provide a data analysis of the state's legislative districts, specifically relating to Native American populations in northeast North Dakota.

Each proposal should include:

1. Information on the individuals who would conduct the analysis, indicating educational and employment experiences, and the company's experience with redistricting and the VRA;

2. Representative samples or summaries of related work conducted by the company and the status of the implementation of any recommendations; and
3. References for previous related work.

Proposed contract amounts should be inclusive of all expenses. Consultants under contract for the state should be able to obtain lodging in the state at the rate provided by law for state government officials and employees (\$96.30 per night plus tax). Meals should be reimbursed at a maximum rate of \$45 per person per day.

The Legislative Management intends to award contracts based on the information contained within the proposals received as well as information received from other sources. The Legislative Management reserves the right to accept or reject any or all proposals and to award contracts which the Legislative Management considers the most advantageous to the state.

If you are interested in submitting a proposal for providing these services, please submit your proposal to the Legislative Council office at the address below by Friday, December 15, 2023.

The Legislative Council is the point of contact for this RFP. All consultant communications regarding the RFP should be directed to the Legislative Council.

Email Correspondence:

Legislative Council - Emily Thompson  
Email: [ethompson@ndlegis.gov](mailto:ethompson@ndlegis.gov)  
Legislative Council - Samantha E. Kramer  
Email: [skramer@ndlegis.gov](mailto:skramer@ndlegis.gov)

Postal Correspondence:

North Dakota Legislative Council  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Telephone Correspondence:

701-328-2916

The RFP, any amendments to the RFP, and all questions submitted with responses will be posted on the following website at <https://ndlegis.gov/rfp/prospective-redistricting-analysis-consultants>.

Interested consultants are encouraged to check that website periodically for any updates related to this RFP.

Sincerely,



Representative Mike Lefor  
Chairman

ML/JJB



# North Dakota Legislative Council

Prepared for the Redistricting Committee  
LC# 25.9179.01000  
December 2023

## LEGISLATIVE REDISTRICTING - BACKGROUND MEMORANDUM

### INTRODUCTION

On December 5, 2023, the Chairman of the Legislative Management appointed the Redistricting Committee in response to the order of the United States District Court in *Turtle Mountain Band of Chippewa Indians, et al. v. Howe*, No. 3:22-CV-22, 2023 WL 8004576 (D.N.D. Nov. 17, 2023), directing the Secretary of State and Legislative Assembly to "adopt a plan to remedy the violation of Section 2" by December 22, 2023.

### 2021 REDISTRICTING COMMITTEE

Every 10 years, the Legislative Assembly engages in the redistricting process. The resultant map remains in effect "until the adjournment of the first regular session after each federal decennial census, or until changed by law" pursuant to Section 2 of Article IV of the Constitution of North Dakota. After the 2021 Legislative Session, which followed the 2020 Census, the Chairman of the Legislative Management appointed a Redistricting Committee, pursuant to House Bill No. 1397 (2021), to develop a legislative redistricting plan to be implemented in time for use in the 2022 primary election.

The 2021 Redistricting Committee reviewed the background memorandum for the Redistricting Committee, which explains the historical and legal requirements related to redistricting and the history of redistricting in North Dakota. The committee held six meetings between July 29, 2021, and September 29, 2021. In an effort to comply with Section 2 of the Voting Rights Act of 1965 (VRA), the 2021 Redistricting Committee created subdistricts in Districts 4 and 9, placing the Turtle Mountain and Fort Berthold Reservations each within a subdistrict. According to the 2020 Census population data, the Turtle Mountain and Fort Berthold Reservations were the only reservations in the state with the requisite population for a single-member district under the VRA. The committee submitted a final report and a proposed map to the Legislative Management for approval on September 29, 2021. The Legislative Management approved the committee's proposed map for introduction as House Bill No. 1504 (2021).

The Governor called a special session "to provide for redistricting of government" pursuant to Section 1 of Article IV of the Constitution of North Dakota. The special session convened on November 8 and adjourned November 12, 2021. The Legislative Assembly approved House Bill No. 1504 (2021) and the resulting map on November 10, 2021.

### RESULTING LITIGATION

#### *Walen v. Burgum*

On February 16, 2022, plaintiffs Charles Walen and Paul Henderson filed a complaint against Governor Burgum and Secretary of State, Alvin Jaeger<sup>1</sup>, alleging the division of legislative Districts 4 and 9 was the result of unconstitutional racial gerrymandering.

On March 4, 2022, the plaintiffs moved for a preliminary injunction to eliminate the subdistrict lines for the 2022 primary and general elections. On March 30, 2022, Cesario Alvarez, Jr., Lisa DeVille, and the Mandan, Hidatsa, and Arikara Nation moved to intervene and on April 4, 2022, the District Court granted the motion. On May 26, 2022, a panel of judges, Chief Judge Peter D. Welte, Circuit Judge Ralph R. Erickson, and Judge Daniel L. Hovland, denied the plaintiff's motion for preliminary injunction because there was insufficient evidence to find the plaintiffs were likely to succeed on the merits of the case and the plaintiffs were unlikely to overcome the presumption that federal courts should not alter election rules when an election is drawing near. *Walen v. Burgum*, No. 1:22-CV-31, 2023 WL 7216070 (D.N.D. Nov. 2, 2023). In this case, the primary election was 3 weeks away and voting had already begun.

<sup>1</sup> In *Walen v. Burgum* and *Turtle Mountain Band of Chippewa Indians v. Howe*, Alvin Jaeger was sued in his official capacity as the Secretary of State. Michael Howe was elected to the office and began his tenure as Secretary of State January 1, 2023, replacing Alvin Jaeger as defendant in these cases.

On February 28, 2023, the plaintiffs moved for summary judgment. To prevail on their motion, the plaintiffs were required to show (1) race was the predominate factor in the Legislative Assembly's decision to group together a significant number of voters and (2) the Legislative Assembly's actions fail to meet strict scrutiny. To pass strict scrutiny, the actions must be narrowly tailored to meet a compelling interest. According to the relevant case law considered by the panel, complying with the VRA is a compelling interest. Narrow tailoring can be demonstrated if the state had good reasons and a strong basis to believe drawing subdistricts was required by the VRA.

The panel found the committee had good reasons to believe the subdistricts drawn around the Turtle Mountain and Fort Berthold Reservations were required by the VRA because the committee carefully considered the likelihood of success of voter dilution claims under Section 2 by Native American voters if the committee did not draw the subdistricts. Therefore, the panel held the subdistricts are narrowly tailored to the state's compelling interest in complying with the VRA, satisfying strict scrutiny required when race is a predominate motivating factor. The panel did not determine whether race was a predominate factor. The panel also noted the relief the plaintiffs sought - eliminating the subdistricts - would itself be a violation of the VRA and federal law, based on the state's unrefuted evidence. The court denied the plaintiff's motion for summary judgment and granted the state and the Mandan, Hidatsa, and Arikara Nation's motion for summary judgment ([Appendix A](#)).

### ***Turtle Mountain Band of Chippewa Indians v. Howe***

On February 7, 2022, the Turtle Mountain Band of Chippewa Indians, the Spirit Lake Tribe, Zachery S. King, Wesley Davis, and Collette Brown filed a complaint against Secretary of State, Alvin Jaeger, alleging the redistricting plan dilutes the voting strength of Native Americans on the Turtle Mountain and Spirit Lake Reservations in violation of Section 2 of the VRA. Plaintiffs alleged the plan unlawfully "packed" Subdistrict 9A with a supermajority of Native American voters and cracked the remaining Native American voters into other districts, including District 15. On April 15, 2022, the Secretary of State filed a motion to dismiss for lack of jurisdiction and failure to state a claim which the district court denied on July 7, 2022. A 4-day bench trial was held the week of June 12, 2023, in Fargo, North Dakota.

Leading up to trial, an important evidentiary issue arose relating to whether legislative privilege applies in this case. The plaintiffs subpoenaed six current and former members of the Legislative Assembly and a former Legislative Council staff attorney to produce documents pertaining to the 2021 redistricting legislation, and separately sought to depose former Representative William Devlin.

The Legislative Council contracted with outside counsel to object to the discovery requests, asserting state legislative privilege and attorney-client privilege. Former Representative Devlin moved to quash the subpoena requiring his deposition and Magistrate Judge Alice R. Senechal denied the motion on December 22, 2022. The plaintiffs later moved to enforce the third-party subpoenas. Judge Senechal granted the motion on February 10, 2023. The Legislative Assembly appealed both orders and Chief Judge Welte affirmed both of Judge Senechal's orders. The Legislative Assembly appealed again and on September 6, 2023, the Eighth Circuit Court of Appeals found the subpoenas for testimony and the production of documents should have been quashed based on legislative privilege. The circuit court held legislators and staff have an absolute legislative privilege because the documents and testimony sought relating to redistricting are within the sphere of legitimate legislative activity ([Appendix B](#)).

On November 17, 2023, based on the evidence at the June 2023 trial and the relevant law, the district court held the drawing of Districts 9 and 15 and Subdistricts 9A and 9B prevents Native American voters from electing a candidate of their choice, violating Section 2 of the VRA.<sup>2</sup> The district court permanently enjoined the Secretary of State from administering, enforcing, preparing for, or in any way permitting the nomination or election of members of the Legislative Assembly from Districts 9 and 15 and Subdistricts 9A and 9B. The district court gave the Secretary of State and Legislative Assembly until December 22, 2023, to adopt a plan to remedy the violation of Section 2. Under the order, the Tribes have until January 5, 2024, to file an objection to a remedial plan and the defendants have until January 19, 2024, to file a response to an objection.

<sup>2</sup> The district court found all three preconditions delineated in *Thornburg v. Gingles*, 478 U.S. 50-51 (1986) which are used to determine whether there is a viable voter dilution claim were met. In *Gingles*, the United States Supreme Court stated a minority group challenging a redistricting plan must prove: (1) The minority is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) The minority is politically cohesive; and (3) In the absence of special circumstances, bloc voting by the majority usually defeats the minority's preferred candidate. To prove that bloc voting by the majority usually defeats the minority group, the use of statistical evidence is necessary. Following the district court's conclusion these preconditions were met, the district court assessed whether, under the totality of the circumstances, members of the minority group have less opportunity than other members of the electorate to participate in the political process and elect representatives of their choice. This assessment includes consideration of the Senate Factors from the Senate Committee report to the 1982 amendment to the VRA.

The Secretary of State, Michael Howe, filed an appeal on December 8, 2023. The Legislative Assembly, not yet a party to the suit, filed a motion to intervene and seek a stay on December 8, 2023 (Appendix C). On December 12, 2023, the Legislative Assembly filed a brief relating to the plaintiff's opposition for a stay of the judgment pending appeal (Appendix D). On December 12, 2023, the district court issued an order denying the Secretary of State's request for a stay and denying the request of the Legislative Assembly to intervene and stay the November 17, 2023, order. In the order, (Appendix E), the court indicated the district court no longer had jurisdiction of the case due to the Secretary of State filing notice of appeal.

### COMMITTEE'S DIRECTIVE

The district court found the redistricting plan violates Section 2 of the VRA. Federal courts generally have afforded legislative bodies a reasonable opportunity to draw districts that comply with Section 2. To address its constitutional duty to adopt a redistricting plan and attempt to comply with the order of the district court, the committee must further evaluate Districts 9 and 15 and Subdistricts 9A and 9B. The court ordered the Legislative Assembly to adopt a plan to remedy the violation by December 22, 2023.

In response to the district court's order, on December 5, 2023, the Chairman of Legislative Management appointed a Redistricting Committee. The Legislative Management also approved the issuance of a request for proposal to hire a consultant to assist the committee in its objectives. The committee is charged with approving a plan for recommendation to the Legislative Management. The Legislative Management must approve the committee's recommendation for introduction during a special or reconvened legislative session.

The effective date of the remedial plan will depend on whether the map is approved during a special or reconvened session. If the Governor calls a special session, the effective date of legislation will be the date specified in the Act. If the Legislative Assembly reconvenes, the legislation will be effective 90 days after its filing unless the Legislative Assembly declares the Act to be an emergency measure and the measure is passed by a vote of two-thirds of the members elected to each house.

### Committee Considerations

To comply with the VRA and remedy a violation of Section 2, a redistricting plan must ensure members of the minority group do not have less opportunity than other members of the electorate to participate in the political process and elect representatives of their choice.

Generally, race may not be a predominant factor in the creation of a district unless the plan is narrowly tailored to serve a compelling state interest. A plan in which race is the predominate factor may be held unconstitutional if the plan disregards traditional districting principles. Traditional districting principles include:

- Compactness.
- Contiguity.
- Preservation of political subdivision boundaries.
- Preservation of communities of interest.
- Preservation of cores of prior districts.
- Protection of incumbents.
- Compliance with Section 2 of the VRA.

The ideal district size is 16,576 under a 47 legislative district plan. A voting group exceeding 4,144 voters would be a majority in a subdistrict, or single-member district.

One of the three *Gingles* preconditions requires a Section 2 plaintiff to demonstrate the minority group is sufficiently large and geographically compact to constitute a majority in a potential district. Although the Spirit Lake Reservation, with a population of 3,787, does not have a population sufficient to necessitate a subdistrict within section 15 under the VRA, the district court found the minority group, including voters from Turtle Mountain Reservation, with a population of 5,113, and voters from Spirit Lake Reservation, is sufficiently large and geographically compact to constitute a majority in a *potential* district including the 2 plans submitted by the plaintiffs and included within the district court's findings.

ATTACH:5

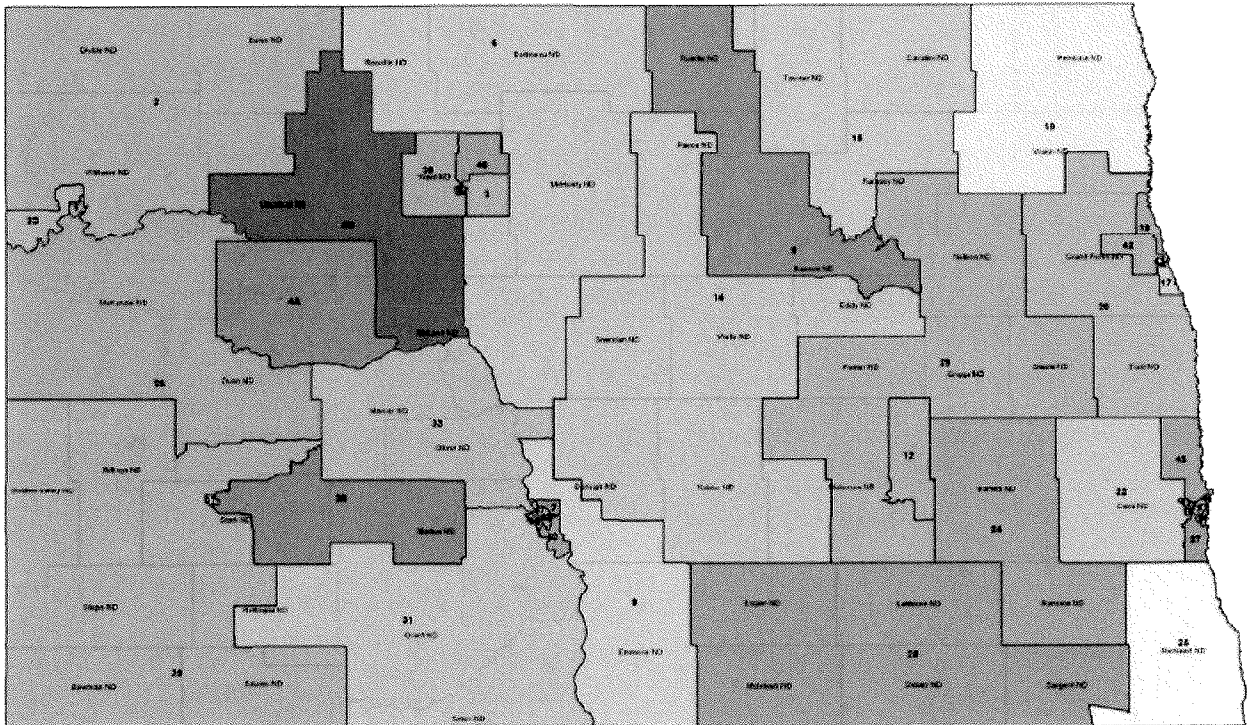


# North Dakota Legislative Council

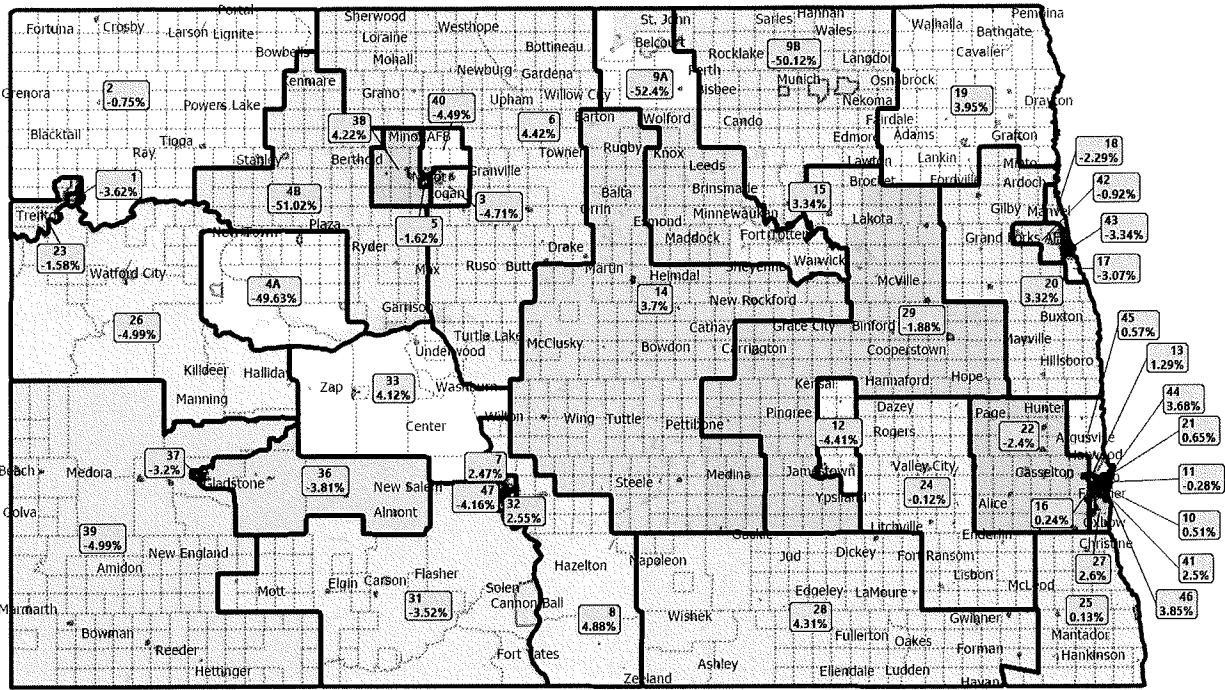
Prepared for the Redistricting Committee  
LC# 25.9175.01000  
December 2023

## PLAINTIFF'S PROPOSED MAP #1

In support of the plaintiff's Section 2 claim in *Turtle Mountain Band of Chippewa Indians, et al. v. Howe*, CV 3:22-cv-00022-PDW-ARS, the Tribes produced two proposed plans containing alternative district configurations that demonstrate the Native American population in northeast North Dakota is sufficiently large and geographically compact to constitute an effective majority in a single multimember district. This is the first proposed plan:



In the map below, the boundaries of the Plaintiff's Map #1 are depicted in black, and the existing district boundaries are in yellow. The compactness (appendix) of Plaintiff's Map #1 meets the standards used by the committee when drawing the existing district map.





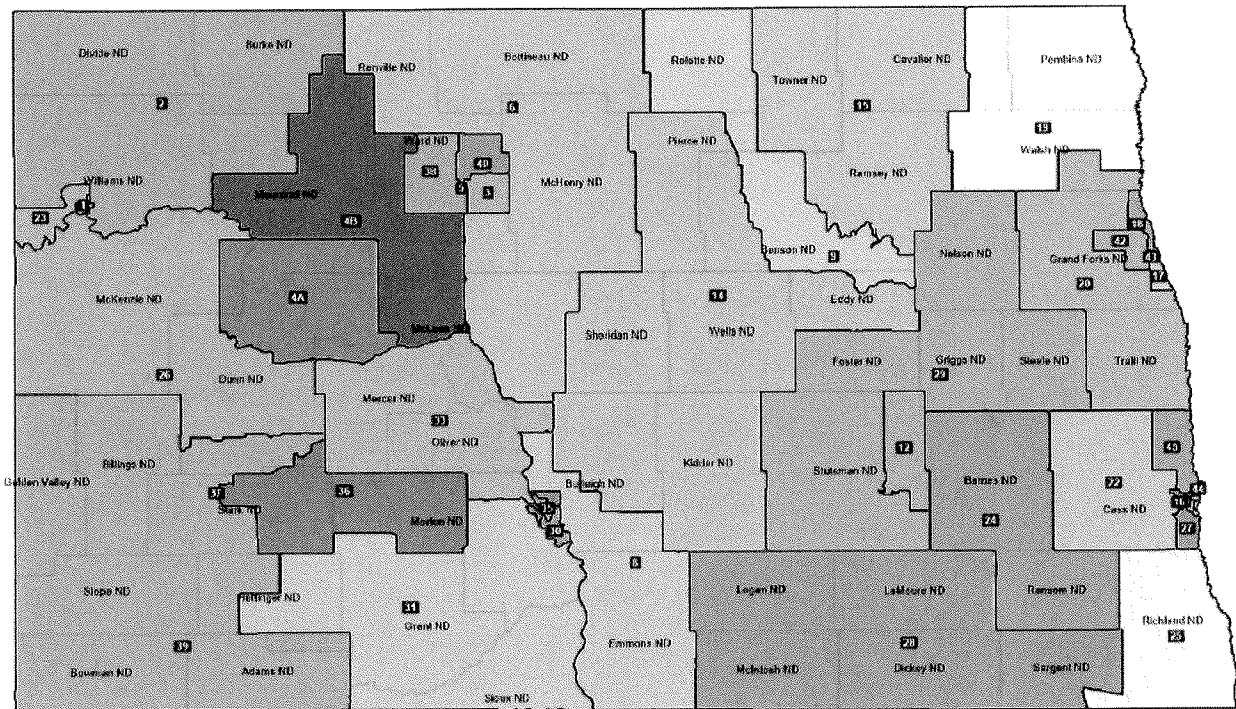


# North Dakota Legislative Council

Prepared for the Redistricting Committee  
LC# 25.9176.01000  
December 2023

## PLAINTIFF'S PROPOSED MAP #2

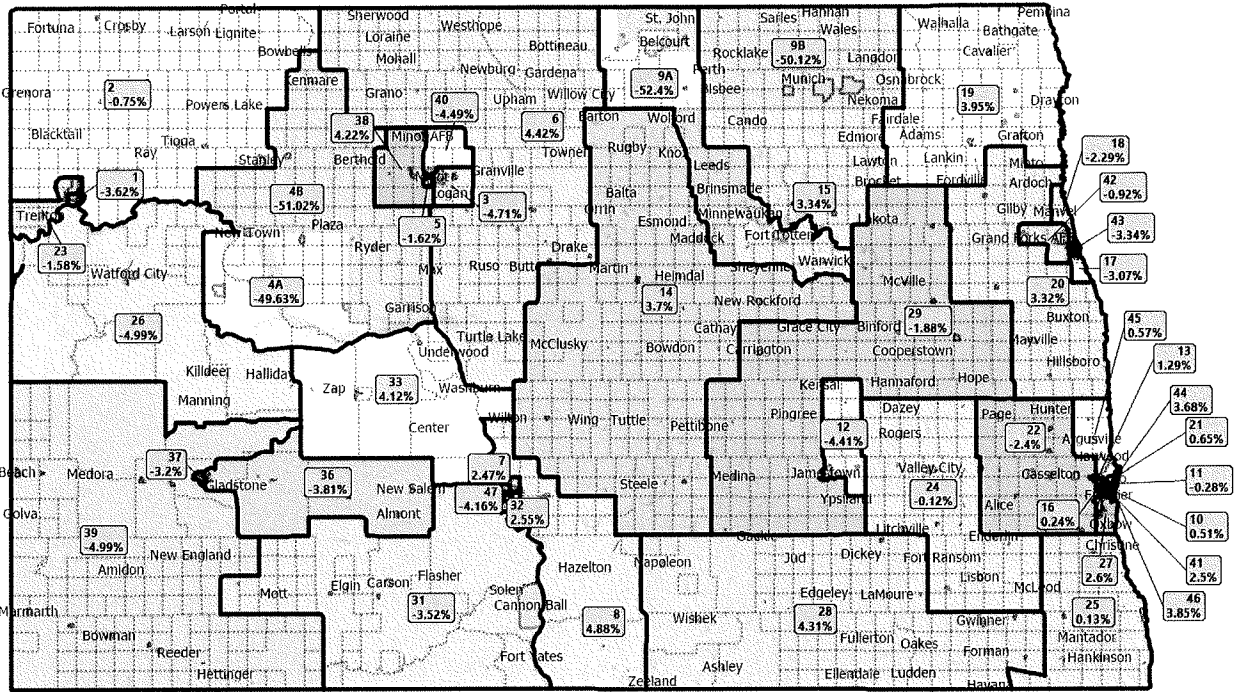
In support of the plaintiff's Section 2 claim in *Turtle Mountain Band of Chippewa Indians, et al. v. Howe*, CV 3:22-cv-00022-PDW-ARS, the Tribes produced two proposed plans containing alternative district configurations that demonstrate the Native American population in northeast North Dakota is sufficiently large and geographically compact to constitute an effective majority in a single multimember district. This is the second proposed plan:



25.9176.01000

Redistricting Committee

In the map below, the boundaries of the Plaintiff's Map #2 are depicted in black, and the existing district boundaries are in yellow. The compactness (appendix) of Plaintiff's Map #2 meets the standards used by the committee when drawing the existing district map.





# North Dakota Legislative Council

Prepared for the Redistricting Committee  
LC# 23.9162.01000  
September 2021

## RESERVATION POPULATIONS

	<b>Total Population</b>	<b>Total Population Age 18 and Over</b>	<b>American Indian<sup>1</sup> Population</b>	<b>American Indian<sup>1</sup> Population Age 18 and Over</b>
Fort Berthold Reservation	8,350	5,709	5,537	3,547
Lake Traverse Reservation (area located in North Dakota)	206	158	56	36
Spirit Lake Reservation	3,787	2,201	3,134	1,706
Standing Rock Reservation (area location in North Dakota)	3,898	2,544	3,332	2,102
Turtle Mountain Reservation	5,113	3,372	4,767	3,078

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<sup>1</sup>"American Indian" is the term used in the census data.

User: Sam

Plan Name: 21AppMap

Plan Type: SamSplit

**County by County and by District**

Tuesday, December 12, 2023

4:10 PM

District	Population	% of County	Amlndian	% of County	[18+_Ind]	% of County
Adams ND						
District 39	2,200	100.00%	14	100.00%	12	100.00%
<b>County Subtotal</b>	<b>2,200</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>12</b>	<b>100%</b>
Barnes ND						
District 24	10,853	100.00%	103	100.00%	85	100.00%
<b>County Subtotal</b>	<b>10,853</b>	<b>100%</b>	<b>103</b>	<b>100%</b>	<b>85</b>	<b>100%</b>
Benson ND						
District 14	1,963	32.91%	28	0.87%	18	1.03%
District 15	4,001	67.09%	3,188	99.13%	1,734	98.97%
<b>County Subtotal</b>	<b>5,964</b>	<b>100%</b>	<b>3,216</b>	<b>100%</b>	<b>1,752</b>	<b>100%</b>
Billings ND						
District 39	945	100.00%	5	100.00%	2	100.00%
<b>County Subtotal</b>	<b>945</b>	<b>100%</b>	<b>5</b>	<b>100%</b>	<b>2</b>	<b>100%</b>
Bottineau ND						
District 6	6,379	100.00%	217	100.00%	151	100.00%
<b>County Subtotal</b>	<b>6,379</b>	<b>100%</b>	<b>217</b>	<b>100%</b>	<b>151</b>	<b>100%</b>
Bowman ND						
District 39	2,993	100.00%	37	100.00%	18	100.00%
<b>County Subtotal</b>	<b>2,993</b>	<b>100%</b>	<b>37</b>	<b>100%</b>	<b>18</b>	<b>100%</b>
Burke ND						
District 2	2,201	100.00%	25	100.00%	11	100.00%
<b>County Subtotal</b>	<b>2,201</b>	<b>100%</b>	<b>25</b>	<b>100%</b>	<b>11</b>	<b>100%</b>
Burleigh ND						
District 14	1,368	1.39%	13	0.31%	2	0.07%
District 30	16,484	16.74%	1,043	24.50%	753	27.29%
District 32	16,853	17.12%	1,222	28.71%	788	28.56%
District 35	17,326	17.60%	720	16.91%	461	16.71%
District 47	15,887	16.14%	439	10.31%	268	9.71%
District 7	16,986	17.25%	492	11.56%	298	10.80%
District 8	13,554	13.77%	328	7.70%	189	6.85%
<b>County Subtotal</b>	<b>98,458</b>	<b>100%</b>	<b>4,257</b>	<b>100%</b>	<b>2,759</b>	<b>100%</b>
Cass ND						
District 10	16,660	9.03%	257	9.83%	190	10.21%
District 11	16,529	8.96%	301	11.51%	224	12.04%

## County by County and by District

21AppMap

District	Population	% of County	AmIndian	% of County	[18+_Ind]	% of County
District 13	16,790	9.10%	250	9.56%	158	8.49%
District 16	16,665	9.03%	171	6.54%	115	6.18%
District 21	16,684	9.04%	526	20.12%	371	19.94%
District 22	16,128	8.74%	95	3.63%	51	2.74%
District 27	17,009	9.22%	157	6.01%	99	5.32%
District 41	16,990	9.21%	158	6.04%	119	6.39%
District 44	17,186	9.31%	314	12.01%	254	13.65%
District 45	16,671	9.03%	202	7.73%	155	8.33%
District 46	17,213	9.33%	183	7.00%	125	6.72%
<b>County Subtotal</b>	<b>184,525</b>	<b>100%</b>	<b>2,614</b>	<b>100%</b>	<b>1,861</b>	<b>100%</b>
Cavalier ND						
District 19	492	13.28%	10	35.71%	7	36.84%
District 9B	3,212	86.72%	18	64.29%	12	63.16%
<b>County Subtotal</b>	<b>3,704</b>	<b>100%</b>	<b>28</b>	<b>100%</b>	<b>19</b>	<b>100%</b>
Dickey ND						
District 28	4,999	100.00%	28	100.00%	19	100.00%
<b>County Subtotal</b>	<b>4,999</b>	<b>100%</b>	<b>28</b>	<b>100%</b>	<b>19</b>	<b>100%</b>
Divide ND						
District 2	2,195	100.00%	19	100.00%	13	100.00%
<b>County Subtotal</b>	<b>2,195</b>	<b>100%</b>	<b>19</b>	<b>100%</b>	<b>13</b>	<b>100%</b>
Dunn ND						
District 26	2,923	71.38%	62	13.57%	36	12.33%
District 36	34	0.83%	0	0.00%	0	0.00%
District 39	612	14.95%	1	0.22%	1	0.34%
District 4A	526	12.84%	394	86.21%	255	87.33%
<b>County Subtotal</b>	<b>4,095</b>	<b>100%</b>	<b>457</b>	<b>100%</b>	<b>292</b>	<b>100%</b>
Eddy ND						
District 14	2,227	94.89%	62	95.38%	40	95.24%
District 15	120	5.11%	3	4.62%	2	4.76%
<b>County Subtotal</b>	<b>2,347</b>	<b>100%</b>	<b>65</b>	<b>100%</b>	<b>42</b>	<b>100%</b>
Emmons ND						
District 8	3,301	100.00%	13	100.00%	5	100.00%
<b>County Subtotal</b>	<b>3,301</b>	<b>100%</b>	<b>13</b>	<b>100%</b>	<b>5</b>	<b>100%</b>
Foster ND						
District 29	3,397	100.00%	20	100.00%	14	100.00%
<b>County Subtotal</b>	<b>3,397</b>	<b>100%</b>	<b>20</b>	<b>100%</b>	<b>14</b>	<b>100%</b>
Golden Valley ND						
District 39	1,736	100.00%	12	100.00%	1	100.00%

## County by County and by District

21AppMap

District	Population	% of County	Amlndian	% of County	[18+_Ind]	% of County
County Subtotal	<b>1,736</b>	100%	<b>12</b>	100%	<b>1</b>	100%
Grand Forks ND						
District 17	16,067	21.96%	242	13.37%	173	13.84%
District 18	16,212	22.16%	630	34.81%	441	35.28%
District 20	8,461	11.56%	81	4.48%	60	4.80%
District 42	16,424	22.45%	481	26.57%	318	25.44%
District 43	16,006	21.88%	376	20.77%	258	20.64%
County Subtotal	<b>73,170</b>	100%	<b>1,810</b>	100%	<b>1,250</b>	100%
Grant ND						
District 31	2,301	100.00%	34	100.00%	24	100.00%
County Subtotal	<b>2,301</b>	100%	<b>34</b>	100%	<b>24</b>	100%
Griggs ND						
District 29	2,306	100.00%	12	100.00%	10	100.00%
County Subtotal	<b>2,306</b>	100%	<b>12</b>	100%	<b>10</b>	100%
Hettinger ND						
District 31	1,283	51.55%	19	42.22%	9	28.13%
District 39	1,206	48.45%	26	57.78%	23	71.88%
County Subtotal	<b>2,489</b>	100%	<b>45</b>	100%	<b>32</b>	100%
Kidder ND						
District 14	2,394	100.00%	12	100.00%	4	100.00%
County Subtotal	<b>2,394</b>	100%	<b>12</b>	100%	<b>4</b>	100%
LaMoure ND						
District 28	4,093	100.00%	26	100.00%	14	100.00%
County Subtotal	<b>4,093</b>	100%	<b>26</b>	100%	<b>14</b>	100%
Logan ND						
District 28	1,876	100.00%	14	100.00%	8	100.00%
County Subtotal	<b>1,876</b>	100%	<b>14</b>	100%	<b>8</b>	100%
McHenry ND						
District 6	5,345	100.00%	27	100.00%	16	100.00%
County Subtotal	<b>5,345</b>	100%	<b>27</b>	100%	<b>16</b>	100%
McIntosh ND						
District 28	2,530	100.00%	7	100.00%	3	100.00%
County Subtotal	<b>2,530</b>	100%	<b>7</b>	100%	<b>3</b>	100%
McKenzie ND						
District 26	12,826	87.23%	224	11.83%	158	13.70%
District 4A	1,878	12.77%	1,670	88.17%	995	86.30%

## County by County and by District

21AppMap

District	Population	% of County	AmlIndian	% of County	[18+_Ind]	% of County
<b>County Subtotal</b>	<b>14,704</b>	100%	<b>1,894</b>	100%	<b>1,153</b>	100%
McLean ND						
District 33	3,082	31.54%	29	3.59%	21	3.85%
District 4A	1,058	10.83%	672	83.17%	444	81.47%
District 4B	2,848	29.15%	83	10.27%	62	11.38%
District 6	2,253	23.06%	17	2.10%	15	2.75%
District 8	530	5.42%	7	0.87%	3	0.55%
<b>County Subtotal</b>	<b>9,771</b>	100%	<b>808</b>	100%	<b>545</b>	100%
Mercer ND						
District 33	8,265	98.98%	129	64.50%	90	66.67%
District 4A	85	1.02%	71	35.50%	45	33.33%
<b>County Subtotal</b>	<b>8,350</b>	100%	<b>200</b>	100%	<b>135</b>	100%
Morton ND						
District 31	8,500	25.53%	341	25.79%	190	22.49%
District 33	4,035	12.12%	96	7.26%	64	7.57%
District 34	17,101	51.37%	869	65.73%	575	68.05%
District 36	3,655	10.98%	16	1.21%	16	1.89%
<b>County Subtotal</b>	<b>33,291</b>	100%	<b>1,322</b>	100%	<b>845</b>	100%
Mountrail ND						
District 2	3,396	34.62%	53	1.87%	31	1.65%
District 4A	4,781	48.74%	2,730	96.13%	1,808	96.17%
District 4B	1,632	16.64%	57	2.01%	41	2.18%
<b>County Subtotal</b>	<b>9,809</b>	100%	<b>2,840</b>	100%	<b>1,880</b>	100%
Nelson ND						
District 29	3,015	100.00%	26	100.00%	21	100.00%
<b>County Subtotal</b>	<b>3,015</b>	100%	<b>26</b>	100%	<b>21</b>	100%
Oliver ND						
District 33	1,877	100.00%	24	100.00%	19	100.00%
<b>County Subtotal</b>	<b>1,877</b>	100%	<b>24</b>	100%	<b>19</b>	100%
Pembina ND						
District 19	6,844	100.00%	135	100.00%	111	100.00%
<b>County Subtotal</b>	<b>6,844</b>	100%	<b>135</b>	100%	<b>111</b>	100%
Pierce ND						
District 14	3,990	100.00%	146	100.00%	96	100.00%
<b>County Subtotal</b>	<b>3,990</b>	100%	<b>146</b>	100%	<b>96</b>	100%
Ramsey ND						
District 15	11,605	100.00%	1,276	100.00%	769	100.00%

## County by County and by District

21AppMap

District	Population	% of County	AmIndian	% of County	[18+_Ind]	% of County
County Subtotal	<b>11,605</b>	100%	<b>1,276</b>	100%	<b>769</b>	100%
Ransom ND						
District 24	5,703	100.00%	18	100.00%	16	100.00%
County Subtotal	<b>5,703</b>	100%	<b>18</b>	100%	<b>16</b>	100%
Renville ND						
District 6	2,282	100.00%	15	100.00%	15	100.00%
County Subtotal	<b>2,282</b>	100%	<b>15</b>	100%	<b>15</b>	100%
Richland ND						
District 25	16,529	100.00%	467	100.00%	282	100.00%
County Subtotal	<b>16,529</b>	100%	<b>467</b>	100%	<b>282</b>	100%
Rolette ND						
District 9A	7,890	64.74%	6,432	69.33%	4,036	69.67%
District 9B	4,297	35.26%	2,846	30.67%	1,757	30.33%
County Subtotal	<b>12,187</b>	100%	<b>9,278</b>	100%	<b>5,793</b>	100%
Sargent ND						
District 25	69	1.79%	0	0.00%	0	0.00%
District 28	3,793	98.21%	13	100.00%	12	100.00%
County Subtotal	<b>3,862</b>	100%	<b>13</b>	100%	<b>12</b>	100%
Sheridan ND						
District 14	1,265	100.00%	11	100.00%	5	100.00%
County Subtotal	<b>1,265</b>	100%	<b>11</b>	100%	<b>5</b>	100%
Sioux ND						
District 31	3,898	100.00%	3,332	100.00%	2,102	100.00%
County Subtotal	<b>3,898</b>	100%	<b>3,332</b>	100%	<b>2,102</b>	100%
Slope ND						
District 39	706	100.00%	2	100.00%	2	100.00%
County Subtotal	<b>706</b>	100%	<b>2</b>	100%	<b>2</b>	100%
Stark ND						
District 36	12,250	36.41%	163	34.75%	101	32.37%
District 37	16,045	47.69%	250	53.30%	169	54.17%
District 39	5,351	15.90%	56	11.94%	42	13.46%
County Subtotal	<b>33,646</b>	100%	<b>469</b>	100%	<b>312</b>	100%
Steele ND						
District 29	1,798	100.00%	7	100.00%	2	100.00%
County Subtotal	<b>1,798</b>	100%	<b>7</b>	100%	<b>2</b>	100%



**County by County and by District**

21AppMap

<b>District</b>	<b>Population</b>	<b>% of County</b>	<b>AmIndian</b>	<b>% of County</b>	<b>[18+_Ind]</b>	<b>% of County</b>
Stutsman ND						
District 12	15,845	73.38%	279	92.69%	224	91.80%
District 29	5,748	26.62%	22	7.31%	20	8.20%
<b>County Subtotal</b>	<b>21,593</b>	<b>100%</b>	<b>301</b>	<b>100%</b>	<b>244</b>	<b>100%</b>
Towner ND						
District 15	1,403	64.89%	51	71.83%	35	77.78%
District 9B	759	35.11%	20	28.17%	10	22.22%
<b>County Subtotal</b>	<b>2,162</b>	<b>100%</b>	<b>71</b>	<b>100%</b>	<b>45</b>	<b>100%</b>
Traill ND						
District 20	7,997	100.00%	74	100.00%	49	100.00%
<b>County Subtotal</b>	<b>7,997</b>	<b>100%</b>	<b>74</b>	<b>100%</b>	<b>49</b>	<b>100%</b>
Walsh ND						
District 19	9,895	93.68%	137	94.48%	93	93.00%
District 20	668	6.32%	8	5.52%	7	7.00%
<b>County Subtotal</b>	<b>10,563</b>	<b>100%</b>	<b>145</b>	<b>100%</b>	<b>100</b>	<b>100%</b>
Ward ND						
District 3	15,796	22.59%	527	30.89%	356	30.32%
District 38	17,275	24.71%	322	18.87%	210	17.89%
District 40	15,831	22.64%	286	16.76%	215	18.31%
District 4A	22	0.03%	0	0.00%	0	0.00%
District 4B	3,639	5.20%	64	3.75%	42	3.58%
District 5	16,307	23.32%	493	28.90%	345	29.39%
District 6	1,049	1.50%	14	0.82%	6	0.51%
<b>County Subtotal</b>	<b>69,919</b>	<b>100%</b>	<b>1,706</b>	<b>100%</b>	<b>1,174</b>	<b>100%</b>
Wells ND						
District 14	3,982	100.00%	17	100.00%	9	100.00%
<b>County Subtotal</b>	<b>3,982</b>	<b>100%</b>	<b>17</b>	<b>100%</b>	<b>9</b>	<b>100%</b>
Williams ND						
District 1	15,976	39.01%	406	33.86%	302	35.45%
District 2	8,676	21.19%	132	11.01%	95	11.15%
District 23	16,298	39.80%	661	55.13%	455	53.40%
<b>County Subtotal</b>	<b>40,950</b>	<b>100%</b>	<b>1,199</b>	<b>100%</b>	<b>852</b>	<b>100%</b>

NORTH DAKOTA  
**SECRETARY OF STATE**

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## 2024 Election Deadlines

### Important Deadlines

The following deadlines are dictated by North Dakota Century Code related to election administration. No changes to jurisdictions can be made following the April 8, 2024, deadline.

- **December 31st:** County commissions must establish precinct boundaries.
- **January 1st:** Candidates can begin circulating petitions and endorsing meetings at the district level can begin.
- **January 2nd:** First date a candidate may turn-in petitions.
- **March 3rd:** The Secretary of State must publish the notice of election and any statewide, legislative, or judicial contests appearing on the ballot.
- **April 8th:** Filing deadline for all contests, candidates, and measures.
- **April 8th:** Polling locations must be established by this date though is recommended that occur by the December 31st deadline.
- **April 17th:** Secretary of State must certify a list of candidates for statewide, legislative, and judicial contests.
- **April 26th:** UOCAVA (Military and Overseas) voting begins.
- **May 2nd:** Absentee voting for all qualified electors begins.

**April 8th** is the hard deadline for the state and counties to be able to successfully administer an election. Many preparations happen between April 8th and UOCAVA voting such as:

- Election setup including assigning precincts and voters to polling locations.
- Candidate rotation drawing and placement on the ballot.
- Ballot proofing for 100% accuracy – each precinct has at minimum one ballot style; some precincts have 2 or more ballot styles.
- Programming for tabulation equipment and assistive ballot marking device.
- Ballot ordering
- Request to district party chairs for election judges.
- Notice of Canvass Board meeting to district party chairs.
- Notice of election worker training to district party chairs.

25.5084.01000



# North Dakota Legislative Council

STATE CAPITOL, 600 EAST BOULEVARD, BISMARCK, ND 58505-0360

☎701.328.2916

☎701.258.3462

www.ndlegis.gov

lcouncil@ndlegis.gov

December 15, 2023

## MEETING NOTICE

Senator Ronald Sorvaag, Chairman, has called a meeting of the **REDISTRICTING COMMITTEE**.

**Date:** Wednesday, December 20, 2023

**Time:** 10:00 a.m.

**Place:** Harvest Room, State Capitol, Bismarck

**Video:** This meeting can be viewed online at <https://video.ndlegis.gov>.

**Agenda:** Committee discussion regarding the committee's directive to adopt a remedial redistricting plan and consideration of legislative redistricting proposals; and comments by interested persons

**Special Note:** Anyone who plans to attend the meeting and needs assistance because of a disability should contact the Legislative Council staff as soon as possible.

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

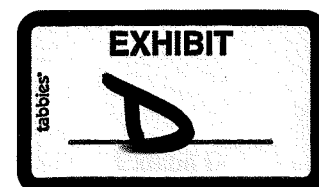
**Staff Contacts:** Emily Thompson, Legal Division Director  
Samantha E. Kramer, Senior Counsel and Assistant Code Revisor  
Liz Fordahl, Counsel

Any member unable to attend this meeting is asked to notify this office as soon as possible.

Sincerely,

/S/  
John Bjornson  
Director

JB/HD





North Dakota Legislative Management

# Tentative Agenda

25.5084.02000

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## REDISTRICTING COMMITTEE

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

- 10:00 a.m. Call to order  
Roll call  
Consideration of the minutes of the December 13, 2023, meeting
- 10:05 a.m. Committee discussion regarding the committee's directive to adopt a remedial redistricting plan and consideration of legislative redistricting proposals
- 11:00 a.m. Comments from interested persons
- 12:30 p.m. Recess
- 1:00 p.m. Committee discussion
- 2:00 p.m. Adjourn

**A livestream of the meeting will be available to the public at: <https://video.ndlegis.gov>.**

### Committee Members

Senators: Ronald Sorvaag (Chairman), Brad Bekkedahl, Dick Dever, Robert Erbele, Kathy Hogan  
Representatives: Josh Boschee, Craig Headland, Mike Lefor, Mike Nathe, Austen Schauer

Staff Contacts: Emily Thompson, Legal Division Director  
Samantha E. Kramer, Senior Counsel and Assistant Code Revisor  
Liz Fordahl, Counsel



**Thompson, Emily**

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**From:** Thompson, Emily  
**Sent:** Saturday, December 16, 2023 5:02 PM  
**To:** Thompson, Emily  
**Subject:** Redistricting Committee

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**From:** Fordahl, Liz  
**Sent:** Friday, December 15, 2023 9:39 AM  
**To:** [jamie.azure@tmbci.org](mailto:jamie.azure@tmbci.org) <[jamie.azure@tmbci.org](mailto:jamie.azure@tmbci.org)>  
**Subject:** Redistricting Committee

Chairman Azure,

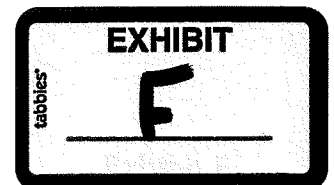
Senator Sorvaag, the Chairman of the Redistricting Committee, would like to invite you to attend the next Redistricting Committee meeting, which will be held on Wednesday, December 20, 2023, from 10:00 a.m. to 2:00 p.m., in the Harvest Room at the State Capitol. There will be an opportunity for you to present testimony if you wish.

Please let me know if you have any questions.

Thank you,



***Liz Fordahl***  
Counsel  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0160  
701-328-2946  
[lfordahl@ndlegis.gov](mailto:lfordahl@ndlegis.gov)



## Thompson, Emily

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**From:** Thompson, Emily  
**Sent:** Saturday, December 16, 2023 5:01 PM  
**To:** Thompson, Emily  
**Subject:** Redistricting Committee

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**From:** Fordahl, Liz  
**Sent:** Friday, December 15, 2023 9:39 AM  
**To:** [LStreet@spiritlakenation.com](mailto:LStreet@spiritlakenation.com) <[LStreet@spiritlakenation.com](mailto:LStreet@spiritlakenation.com)>  
**Subject:** Redistricting Committee

Chairwoman Street,

Senator Sorvaag, the Chairman of the Redistricting Committee, would like to invite you to attend the next Redistricting Committee meeting, which will be held on Wednesday, December 20, 2023, from 10:00 a.m. to 2:00 p.m., in the Harvest Room at the State Capitol. There will be an opportunity for you to present testimony if you wish.

Please let me know if you have any questions.

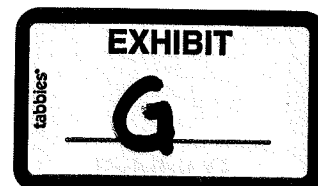
Thank you,



***Liz Fordahl***  
Counsel

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0160

701-328-2946  
[lfordahl@ndlegis.gov](mailto:lfordahl@ndlegis.gov)



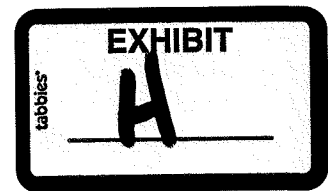
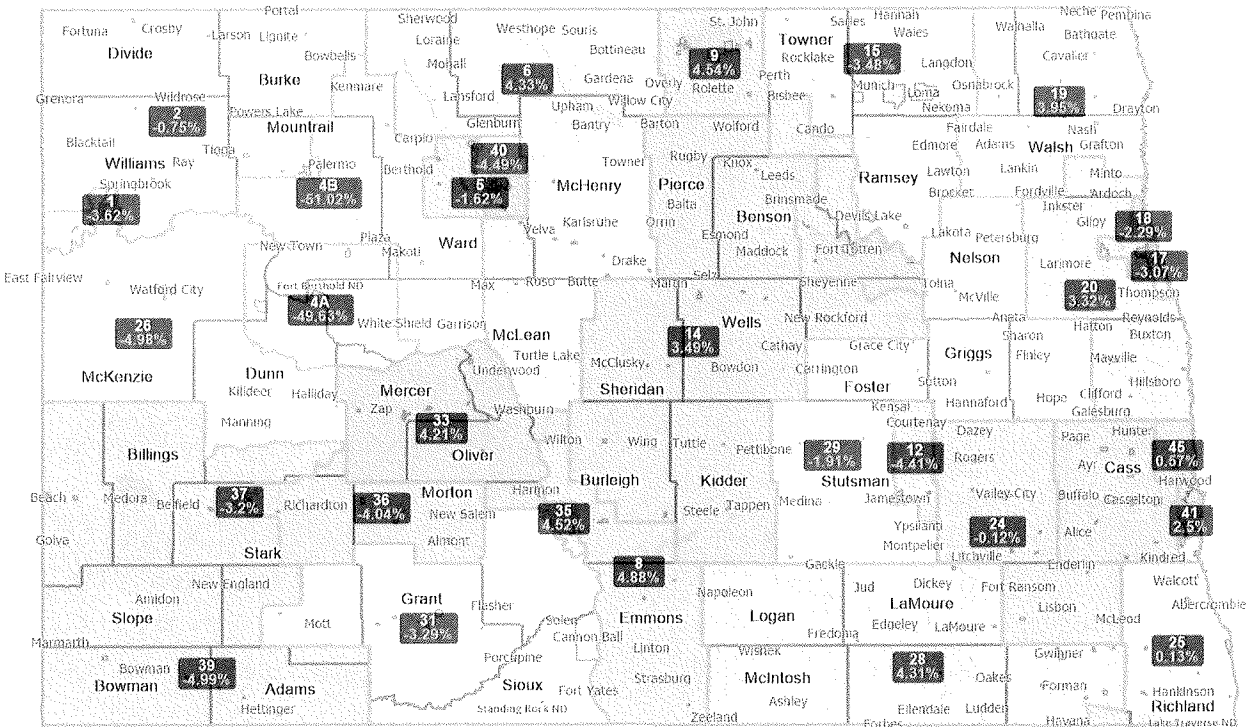
Legislative Council

# North Dakota Legislative Council

Prepared for the Redistricting Committee  
 LC# 25.9190.01000  
 December 2023

## PROPOSED MAP #3

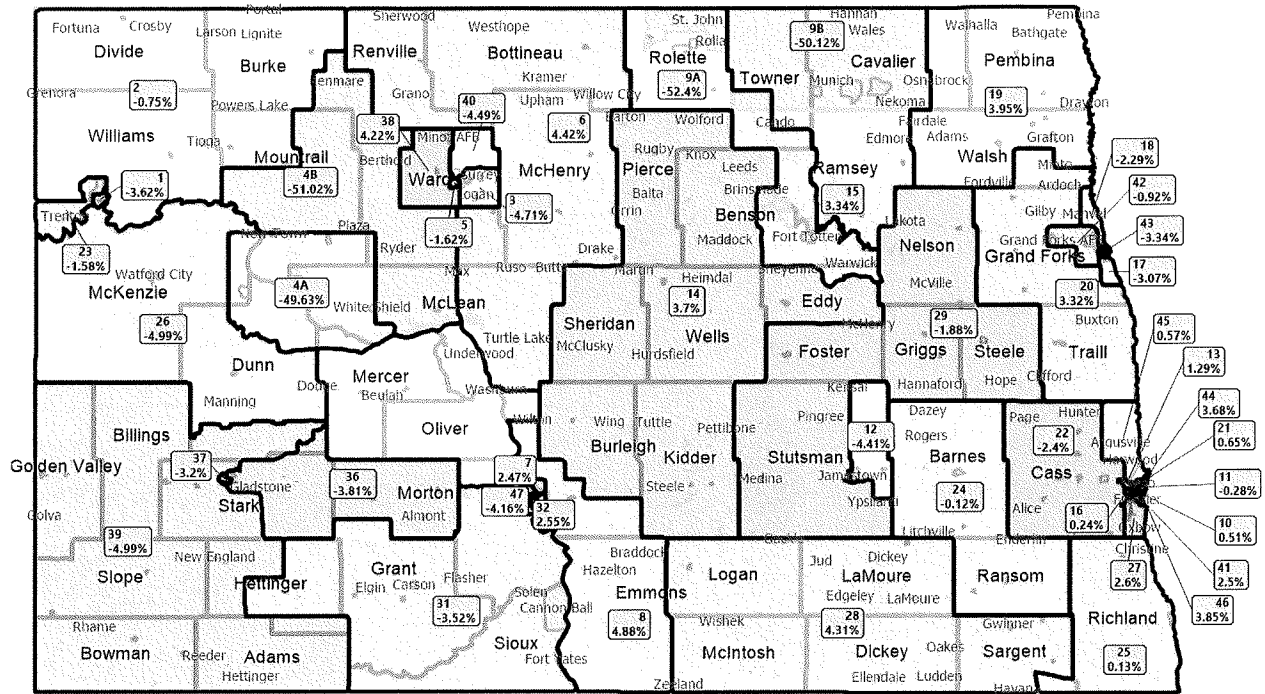
In support of the plaintiff's Section 2 claim in *Turtle Mountain Band of Chippewa Indians, et al. v. Howe*, CV 3:22-cv-00022-PDW-ARS, the Tribes produced two proposed plans containing alternative district configurations that demonstrate the Native American population in northeast North Dakota is sufficiently large and geographically compact to constitute an effective majority in a single multimember district. The map below is a variation of Plaintiff's Proposed Map #2.



25.9190.01000

Redistricting Committee

In the map below, the boundaries of Proposed Map #3 are depicted in black, and the existing district boundaries are in yellow. The compactness (appendix) of Proposed Map #3 meets the standards used by the committee when drawing the existing district map.



ATTACH:1



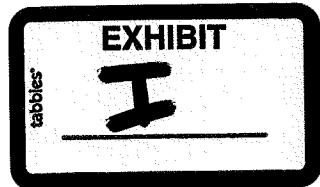
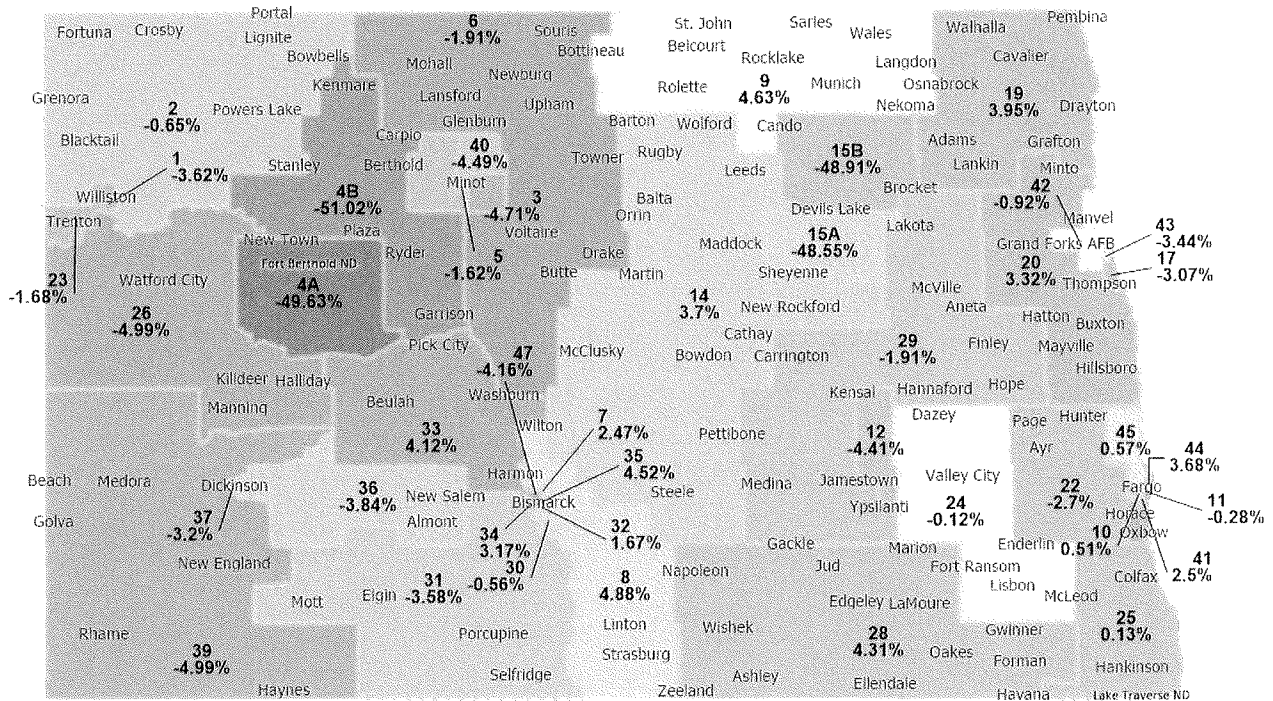
# North Dakota Legislative Council

Prepared for the Redistricting Committee  
LC# 25.9191.01000  
December 2023

## Legislative Council

### PROPOSED MAP #4

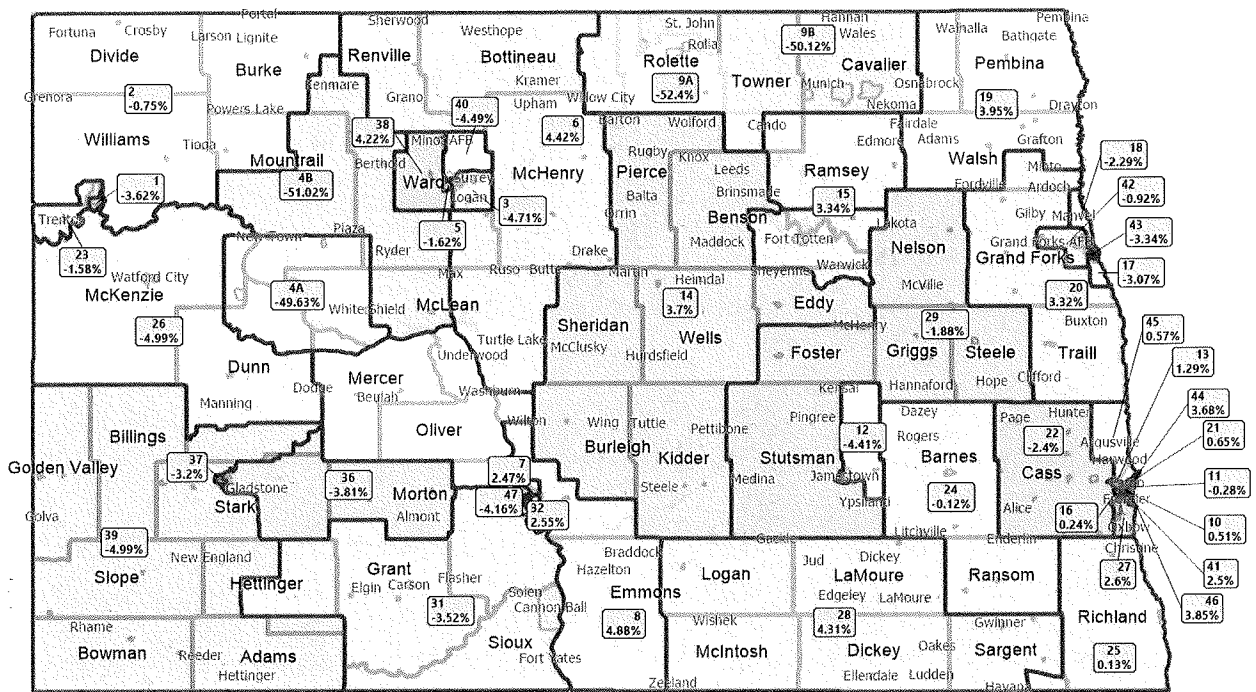
In support of the plaintiffs Section 2 claim in *Turtle Mountain Band of Chippewa Indians, et al. v. Howe*, CV 3:22-cv-00022-PDW-ARS, the Tribes produced two proposed plans containing alternative district configurations that demonstrate the Native American population in northeast North Dakota is sufficiently large and geographically compact to constitute an effective majority in a single multimember district. The map below is an alternative map that eliminates the subdistricts in District 9 and creates subdistricts in District 15.



25.9191.01000

Redistricting Committee

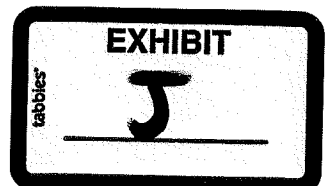
In the map below, the boundaries of Proposed Map #4 are depicted in brown, and the existing district boundaries are in yellow. The compactness (appendix) of Proposed Map #4 meets the standards used by the committee when drawing the existing district map.



ATTACH:1

**COMPARISON OF PROPOSED MAPS**

<b>Plaintiff's Map #1</b>	<b>Plaintiff's Map #2</b>	<b>Proposed Map #3</b>	<b>Proposed Map #4</b>
<p>Native American Population:</p> <ul style="list-style-type: none"> <li>• District 9 (total)                             <ul style="list-style-type: none"> <li>○ 68.81%</li> </ul> </li> <li>• District 9 (age 18+)                             <ul style="list-style-type: none"> <li>○ 63.53%</li> </ul> </li> </ul>	<p>Native American Population:</p> <ul style="list-style-type: none"> <li>• District 9 (total)                             <ul style="list-style-type: none"> <li>○ 72.01%</li> </ul> </li> <li>• District 9 (age 18+)                             <ul style="list-style-type: none"> <li>○ 66.04%</li> </ul> </li> </ul>	<p>Native American Population:</p> <ul style="list-style-type: none"> <li>• District 9 (total)                             <ul style="list-style-type: none"> <li>○ 72.05%</li> </ul> </li> <li>• District 9 (age 18+)                             <ul style="list-style-type: none"> <li>○ 66.1%</li> </ul> </li> </ul>	<p>Native American Population:</p> <ul style="list-style-type: none"> <li>• District 9 (total)                             <ul style="list-style-type: none"> <li>○ 53.93%</li> </ul> </li> <li>• District 9 (age 18+)                             <ul style="list-style-type: none"> <li>○ 33.66%</li> </ul> </li> <li>• District 15A (total)                             <ul style="list-style-type: none"> <li>○ 44.16%</li> </ul> </li> <li>• District 15A (age 18+)                             <ul style="list-style-type: none"> <li>○ 24.51%</li> </ul> </li> <li>• District 15B (total)                             <ul style="list-style-type: none"> <li>○ 8.88%</li> </ul> </li> <li>• District 15B (age 18+)                             <ul style="list-style-type: none"> <li>○ 5.31%</li> </ul> </li> </ul>
<p>District 9:</p> <ul style="list-style-type: none"> <li>• Total population: 17,102</li> <li>• Deviation: 3.17%</li> </ul>	<p>District 9:</p> <ul style="list-style-type: none"> <li>• Total population: 17,339</li> <li>• Deviation: 4.6%</li> </ul>	<p>District 9:</p> <ul style="list-style-type: none"> <li>• Total population: 17,328</li> <li>• Deviation: 4.54%</li> </ul>	<p>District 9:</p> <ul style="list-style-type: none"> <li>• Total population: 17,344</li> <li>• Deviation: 4.63%</li> </ul> <p>District 15:</p> <ul style="list-style-type: none"> <li>• Total population: 16,997</li> </ul> <p>District 15A:</p> <ul style="list-style-type: none"> <li>• Total population: 8528</li> <li>• Deviation: -48.55%</li> </ul> <p>District 15B:</p> <ul style="list-style-type: none"> <li>• Total population: 8469</li> <li>• Deviation: -48.91%</li> </ul>
<p>Political Subdivisions Impacted:</p> <ul style="list-style-type: none"> <li>• Counties Split: Rolette, Pierce, Ramsey, Cavalier (same as currently split), Eddy</li> <li>• Does not include Rolla</li> </ul>	<p>Political Subdivisions Impacted:</p> <ul style="list-style-type: none"> <li>• Counties Split: Pierce, Benson, Eddy, (Cavalier is split, but it stays the same as it is in the current map)</li> </ul>	<p>Political Subdivisions Impacted:</p> <ul style="list-style-type: none"> <li>• Counties Split: Benson, Eddy, Towner, Ramsey, (Cavalier is split, but it stays the same as it is in the current map)</li> </ul>	<p>Political Subdivisions Impacted:</p> <ul style="list-style-type: none"> <li>• Counties Split: Bottineau, Towner, Ramsey, Benson, Eddy, Cavalier (same as current plan), Benson, Eddy</li> <li>• Splits Devils Lake</li> </ul>
<p>Districts impacted:</p> <ul style="list-style-type: none"> <li>• 9, 14, 15, and 29</li> </ul>	<p>Districts impacted:</p> <ul style="list-style-type: none"> <li>• 9, 14, and 15</li> </ul>	<p>Districts impacted:</p> <ul style="list-style-type: none"> <li>• 9 and 15</li> </ul>	<p>Districts Impacted:</p> <ul style="list-style-type: none"> <li>• 9, 6, and 15</li> </ul>





# North Dakota Legislative Council

STATE CAPITOL, 600 EAST BOULEVARD, BISMARCK, ND 58505-0360

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www.ndlegis.gov

lcouncil@ndlegis.gov

October 13, 2023

Honorable Doug Burgum  
Governor  
State Capitol  
Bismarck, ND 58505

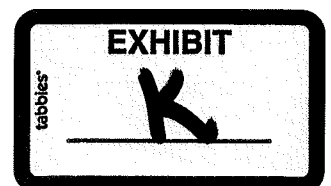
Dear Governor Burgum:

The undersigned Majority and Minority Leaders of the North Dakota House of Representatives and North Dakota Senate write to request you convene a special session of the Legislative Assembly, pursuant to the authority in Section 7 of Article V of the Constitution of North Dakota, to allow the Legislative Assembly to separately address the provisions of Senate Bill No. 2015 (2023) consistent with the decision of the North Dakota Supreme Court in *Board of Trustees of The North Dakota Public Employees' Retirement System v. North Dakota Legislative Assembly*. A special session is being requested despite the remaining availability of 5 of the 80 natural days available to the 68<sup>th</sup> Legislative Assembly due to the manner in which effective dates apply under the Constitution of North Dakota.

Section 13 of Article IV of the Constitution of North Dakota addresses when bills enacted by the Legislative Assembly become effective. This section provides every law enacted by the Legislative Assembly during the Legislative Assembly's 80 natural meeting days takes effect on August 1, except:

- An appropriation or tax measure, which becomes effective July 1;
- A bill filed with the Secretary of State on or after August 1 and before January 1 of the following year, such as during a reconvened session, which takes effect 90 days after its filing with the Secretary of State;
- A bill declared to be an emergency measure and which is passed by a vote of two-thirds of the members elected to each house, which takes effect upon its filing with the Secretary of State or on a later date specified in the measure; and
- A law enacted by a special session of the Legislative Assembly, which takes effect on the date specified in the measure.

Thus, any bill passed during a reconvened session, as a result of the 68<sup>th</sup> Legislative Assembly using the last of its 5 remaining natural days, will not become effective until 90 days after its filing with the Secretary of State unless the bill contains a properly enacted emergency clause. Considering the recent prohibition on the execution or enforcement of the provisions in Senate Bill No. 2015, pursuant to the judgment entered by the North Dakota Supreme Court on October 12, 2023, enacting corrective legislation during a reconvened session poses a significant risk the legislation would not become effective until 90 days after the bill is filed with the Secretary of State if the legislation does not garner the required two-thirds vote of the members elected to each house to carry an emergency clause. Such a delay would undoubtedly leave the Office of Management and Budget in a precarious position.

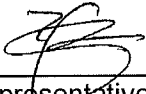


Absent an emergency clause, the risk of significant delay will not be remedied by a retroactive application clause. Although inclusion of a retroactive application clause allows a bill provision to reach back to a date that falls before the effective date of the bill, the language in the retroactive application clause does not become effective until the underlying bill becomes effective. During a reconvened session, both the bill, and the retroactive application clause in the bill, would have no effect until 90 days after the bill is filed with the Secretary of State. The potential for the Office of Management and Budget to receive no supplemental funding for an additional period of at least 90 days from the date corrective legislation is filed with the Secretary of State raises significant concerns.

Allowing the Legislative Assembly to convene for a special session eliminates the threat of legislation passing without obtaining the higher voting threshold necessary to pass an emergency clause because all legislation enacted during a special session becomes effective on the date specified in the Act.

We, therefore, request you convene a special session of the Legislative Assembly to allow the Legislative Assembly to separately address the provisions of Senate Bill No. 2015 consistent with the recent North Dakota Supreme Court decision.

Sincerely,



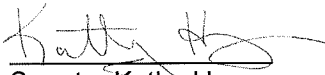
Representative Mike Lefor  
House Majority Leader



Senator David Hogue  
Senate Majority Leader

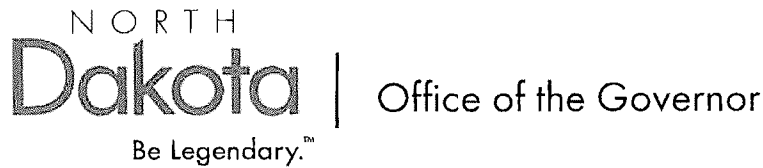


Representative Zachary Ista  
House Minority Leader



Senator Kathy Hogan  
Senate Minority Leader

ML/DH/ZI/KH/RWT



**EXECUTIVE ORDER 2023-09**

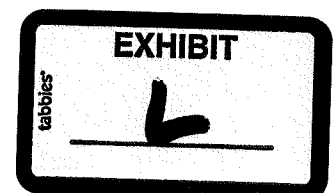
**WHEREAS**, the North Dakota Supreme Court ruled Senate Bill 2015 of the 68<sup>th</sup> Legislative Assembly void in *Board of Trustees of the ND Public Employees Retirement System v. ND Legislative Assembly*; and,

**WHEREAS**, Senate Bill 2015 contained many important provisions, including the budget of the Office of Management and Budget, which need to be enacted by the Legislative Assembly in order to ensure the continued operation of state government and avoid interruption of state services to citizens; and,

**WHEREAS**, under Article V, Section 7 of the North Dakota Constitution, the Governor is authorized to convene special sessions of the Legislative Assembly.

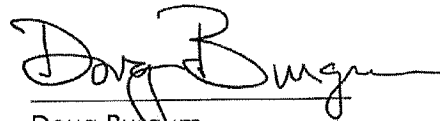
**NOW, THEREFORE**, pursuant to authority under Article V of the North Dakota Constitution, Governor Doug Burgum hereby convenes a special session of the North Dakota Legislative Assembly on Monday, October 23, 2023, in the legislative chambers at the State Capitol in Bismarck, North Dakota.

1. This special session is convened under the following authority:
  - a. The Governor is vested with the executive power under North Dakota Constitution Article V, Section 1
  - b. The Governor is vested with the specific authority to convene a special session of the Legislative Assembly under Article V, Section 7 of the North Dakota Constitution.
2. The special session of the Legislative Assembly is convened for the following purposes:
  - a. To enact and authorize an appropriations bill for the Office of Management and Budget of the State of North Dakota; and,
  - b. To enact other components of Senate Bill 2015; and,
  - c. To utilize a portion of the above-forecasted revenue from the 2021-2023 biennium to make strategic investments in areas such as tax relief and infrastructure to strengthen North Dakota's economic future.
3. Given the urgency of the matter stated above, and in order to avoid interruption to state government operations and services to citizens, the Legislative Assembly should complete these items by Friday, October 27, 2023.



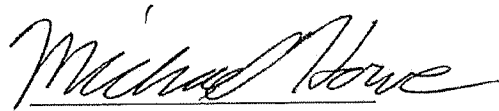
Executive Order 2023-09  
Page 2

Executed at Bismarck, North Dakota, this 17<sup>th</sup> day of October 2023.



Doug Burgum  
Governor

ATTEST:



Michael Howe  
Secretary of State

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Deputy