

Native American Rights Fund

Indigenous Peoples' Rights

<https://www.narf.org/cases/majority-native-voter-subdistrict/>

Campaign and Advocacy

Individual voters and the Mandan, Hidatsa and Arikara Nation have joined *Walen v. Burgum* a lawsuit that seeks to eliminate their majority Native-voter North Dakota legislative subdistrict.

Status: Active

Individual voters and the Mandan, Hidatsa and Arikara Nation have joined Walen v. Burgum a lawsuit that seeks to eliminate the majority Native-voter state legislative subdistrict that encompasses the Fort Berthold reservation in North Dakota. The tribal government and Native voters seek to defend the subdistrict, which the state created to comply with the Voting Rights Act.

Although the states redistricting committee refused to hold public hearings on reservations in North Dakota, Mandan, Hidatsa and Arikara Nation (MHA) leadership and members took every available opportunity to advocate for the creation of a subdistrict. The Mandan, Hidatsa and Arikara Nation requested the state legislature create a new subdistrict in the 2021 North Dakota redistricting process to allow voters who live on the Fort Berthold reservation to have fair elections, as required by the Voting Rights Act, said MHA Chairman Mark N. Fox.

Tribal citizens advocated for a subdistrict that would encompass the Fort Berthold reservation, preserve the MHA Nation as a community of interest, and contain a majority Native voting age population, as required by the Voting Rights Act. The state legislature approved a map that included House District 4A, which complies with these requirements. The new subdistrict ensured reservation voters would have an equal opportunity to elect a candidate that represents their interests to the North Dakota State House.

In February 2022, two Republican officials filed suit in *Walen et al. v. Burgum et al.*, seeking to dissolve the newly created majority Native-voter subdistrict. The MHA tribal government and individual reservation voters seek to join the lawsuit to defend the interest of subdistrict voters. We seek to join the lawsuit and defend the creation of the MHA subdistrict, because fair districts benefit everyone and Native American voters deserve a voice, said Chairman Fox.

Voter Cesar Alvarez, who is a citizen of the MHA Nation and lives on the Fort Berthold reservation, also sought to join the lawsuit as an intervenor. As a North Dakota voter, I want to join this lawsuit and defend my right to help shape North Dakotas future. Taking away the newly created house subdistrict would allow surrounding areas to consistently out-vote reservation voters no matter how many of us voted and thats not how a fair democracy works, said Alvarez.

On March 30, 2022, the Mandan, Hidatsa and Arikara Nation (MHA) and individual Native American voters [filed a motion with the United States District Court for the District of North Dakota to intervene in Walen et al. v. Burgum et al.](#) The state demonstrated how little it cares for input from reservation voters by refusing to hold public hearings on reservations during the redistricting process. I am requesting to defend the creation of House District 4A because I cannot sit by and let a politically motivated lawsuit dilute my vote, said voter and proposed intervenor Lisa DeVille of Mandaree, North Dakota, who is a citizen of the MHA Nation.

The Native American Rights Fund (NARF), Campaign Legal Center (CLC), and the Law Offices of Bryan Sells represent the parties. Tribal governments, reservation residents, and Native voters have faced challenge after challenge in gaining participation and equity in the redistricting process. In joining this lawsuit, the Mandan, Hidatsa and Arikara Nation and individual Native voters would have the chance to ensure the court understands the impact that dissolving the subdistrict would have on Native voting rights for the next decade, said NARF [Staff Attorney Michael Carter](#).

On April 5, 2022, the Motion to Intervene was granted. Now the MHA Nation and Native voters will have the opportunity to represent their interests in court in a case that seeks to take away their Native-majority subdistrict.

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