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**Subject:** [EXTERNAL] Clarification on Application of Criteria under Republican Proposal  
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Madame Chair and fellow members of the Commission,

I recently reviewed some of the public testimony given to the Commission on June 10, 2021. I wanted to address the comments made by Ms. DeLeon of NARF on the Republican Proposals for Mandatory and Discretionary Criteria. I think that a correct reading of our proposal will show that adoption of our proposed mandatory criteria will not cause the problems she fears could impact Native American representation.

With respect to her stated concerns about our proposed definitions of compactness, contiguity, and respecting the lines of political subdivisions "to the greatest extent possible", I would like to draw your attention to our proposed Criteria No. 7: Criteria shall be prioritized and uniformly applied in the order listed above.

Our proposed Criteria No. 2 requires compliance with Section 2 of the Voting Rights Act and it ranks higher than all the subsequent criteria. Therefore, if push came to shove on drawing a minority majority district that lacked functional contiguity due to lack of a maintained road, or divided a community of interest of minorities living just outside the legal boundaries of the reservation from those living just inside the boundary, or was split by school districts, our proposal that priority be given to Criteria No. 2 over the subsequent criteria (as provided by Criteria No. 7) would mean each of those conflicts would be resolved in favor of compliance with Section 2 of the Voting Rights Act, and the minority voters would not be divided or "cracked" between districts in order to dilute their vote. Our proposal was carefully drafted in order to prevent noncompliance with the VRA.

We wanted to make sure you understood how we intended our mandatory criteria to be used, i.e. in a manner that would NOT be used to violate the intent of Section 2 of the Voting Rights Act in order to dilute the vote of our minority residents.

Thank you for considering this clarification.

Commissioner Jeff Essmann

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