

Exhibit D

FILED
21 Oct 21 PM03:46
KITTTITAS COUNTY
SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KITTTITAS COUNTY

EVANGELINA AGUILAR, SUSAN SOTO
PALMER, ROGELIO MONTES, CANDY
GUTIERREZ, and ONE AMERICA, a
Washington nonprofit corporation,

Plaintiffs,

v.

YAKIMA COUNTY, a Washington municipal
entity; AMANDA MCKINNEY, LADON
LINDE, and RON ANDERSON, in their
official capacities as members of the Yakima
County Board of Commissioners,

Defendants.

No. 20-2.00180-19

DECLARATION OF ANNABELLE
HARLESS IN SUPPORT OF PLAINTIFFS'
MOTION TO APPROVE SETTLEMENT
AND ENTER FINAL JUDGMENT

I, Annabelle Harless, declare as follows:

1. I am one of the attorneys representing Plaintiffs Evangelina Aguilar, Susan Soto Palmer, Rogelio Montes, Candy Gutierrez, and OneAmerica in this action. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based upon my own personal knowledge.
2. A true and correct copy of the parties' fully executed CR2A agreement (settlement agreement) in the above-captioned case is attached hereto as Exhibit 1.
3. A true and correct copy of the remedial district plan for the Yakima County Board of Commissioners incorporated into the parties' settlement agreement ("Map 3") is attached hereto as Exhibit 2.

4. A true and correct copy of the Block Assignment File for Map 3 is attached hereto as Exhibit 3. The Block Assignment File provides a list of the Census Blocks assigned to each of the three districts in Map 3. The parties also submitted a true and correct copy of the native version of this file to the Court via email.
5. A true and correct copy of the Precinct Assignment File for Map 3 is attached hereto as Exhibit 4. The Precinct Assignment File provides a list of the precincts assigned to each of the three districts in Map 3. The parties also submitted a true and correct copy of the native version of this file to the Court via email.
6. A placeholder exhibit for the Shapefile (.geojson file extension) for Map 3 is attached hereto as Exhibit 5. A shapefile, commonly used in redistricting and geospatial analysis, is a vector data file that contains the geometric location information for Map 3 and its district boundaries. A true and correct copy of the native version of the shapefile for Map 3 was submitted to the Court via email.
7. The native files provided to the Court via email may be used to view the proposed map in the “Dave’s Redistricting” application, a free online tool available at <https://davesredistricting.org>.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 21st day of October, 2021.

/s/ Annabelle Harless
 Annabelle E. Harless*
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 aharless@campaignlegal.org
 Attorney for Plaintiffs

* admitted *pro hac vice*

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **Declaration of Annabelle Harless in Support of Motion to Approve Settlement and Enter Final Judgment** on the following individual(s):

Attorneys for Defendants:

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☐ Via Facsimile
☐ Via First Class Mail
☒ Via Email
☐ Via Messenger
☐ Via Overnight Delivery

DATED this 21st day of October, 2021, at Seattle, Washington.

/s/Chris Bascom
Chris Bascom, Legal Assistant

SUPERIOR COURT OF WASHINGTON FOR KITTITAS COUNTY

EVANGELINA AGUILAR, SUSAN SOTO
PALMER, ROGELIO MONTES, CANDY
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No. 20-2.00180-19

MOTION TO APPROVE SETTLEMENT
AND ENTER FINAL JUDGMENT

EXHIBIT 1

Parties' Fully Executed CR2A Agreement

Evangelina Aguilar et al. v. Yakima County et al., Case No. 20-2.00180-19

CR2A Agreement

Plaintiffs Evangelina Aguilar, Susan Soto Palmer, Rogelio Montes, Candy Gutierrez, and OneAmerica, and defendants Yakima County, Amanda McKinney, LaDon Linde, and Ron Anderson, by and through their attorneys, hereby agree to the following pursuant to Washington Superior Court Civil Rule 2A. Although the parties anticipate potentially executing further documents to effect the terms of this settlement and formalize the agreement, this writing nonetheless constitutes a full and complete agreement between the parties in settlement of this action. Through the signatures of their counsel below, the parties recognize that this is a legally enforceable settlement agreement under the court rules, applicable statutes, and contract law.

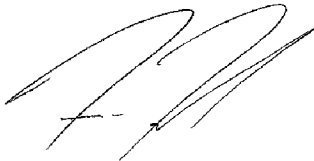
1. On January 15, 2020, the above-named plaintiffs provided a notice letter pursuant to RCW 29A.92.060 to Yakima County alleging that the current electoral system for the Yakima County Commission violates the Washington Voting Rights Act.
2. On July 13, 2020, the above-named plaintiffs filed suit in Kittitas County Superior Court pursuant to RCW 29A.92.080 under the above-captioned case number.
3. The parties stipulate that there is sufficient evidence from which the court could find a violation of the Washington Voting Rights Act and that the court should order a remedy that satisfies RCW 29A.92.020.
4. The parties agree to work in good faith to present a joint proposed remedy to the court consisting of single-member districts that are substantially similar to the illustrative map provided by plaintiffs' counsel to defense counsel on the evening of August 29, 2021 ("Map 3") and incorporated into this agreement as Exhibit A.
5. The parties will work in good faith to adopt a final map materially the same as Map 3 following review of the illustrative map by the parties' respective demographers and receipt of applicable 2020 census data.
6. Should the parties be unable to reach agreement on a map to present as a joint proposed remedy, each party will submit a proposed map and accompanying briefing to the court for decision. Any proposed map shall be materially the same as Map 3.
7. The parties agree that the proposed remedy will also include the following terms:
 - a. The commissioner representing each district must run in a district-based nonpartisan blanket primary and district-based top-two runoff general;
 - b. Each candidate for county commissioner must reside in the district in which they are running for a county commissioner's seat;

- c. The remedial map will take effect for the 2022 election cycle;
 - d. All three commissioner seats will stand for election in 2022 with the remedial map in place;
 - e. Following the 2022 election cycle, District 1 will stand for election in 2026 and every four years thereafter, and Districts 2 and 3 will stand for election in 2024 and every four years thereafter.
8. The parties agree that plaintiffs are prevailing parties for the purpose of an award of fees pursuant to RCW 29A.92.130 and that the amount of reasonable fees and costs will be determined by the court.
9. The parties agree that the proposed remedy will be submitted to the court no later than 15 days following the County's receipt of the necessary 2020 census data.
10. The parties agree that Kittitas County Superior Court Judge Candace Hooper will retain jurisdiction over any disputes arising from the settlement agreement.



Tiffany Cartwright, MacDonald Hoague & Bayless

Counsel for Plaintiffs



Francis Floyd, Floyd Pflueger & Ringer

Counsel for Defendants