

# Exhibit H

## Spencer, Aminta

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**From:** Meyers, Dominique  
**Sent:** Tuesday, September 28, 2021 5:36 PM  
**To:** Sims, April  
**Subject:** DRAFT Messaging Doc 9-23-21.docx  
**Attachments:** DRAFT Messaging Doc 9-23-21.docx

Okay, updated doc with VRA talking points from Alec, along with background you can use too. I added talking points for the shape of the 14<sup>th</sup> as well, this is at the end of the doc. Let me know if you think you need a few more ideas for this issue. Dom



TOP LINE: My map does the following:

- Protecting fair and effective representation
- Maintaining and creating communities of interest
- Respecting Tribal sovereignty and the government-to-government relationship with Tribal partners
- Centering and engaging communities that have been historically underrepresented

Q: What is the Democratic performance of your map?

- Depends on how you calculate Democratic performance, and I can tell you what Commissioner Graves did, doesn't make a lot of sense, and I assume folks would agree.
- I can't image using the most polarizing and highest turn-out election, one with a twice-impeached president, would be considered a fair or reasonable baseline to even start a conversation around competitiveness.
- Population growth in the state was most concentrated in democratic areas of the state, that's what the numbers show, so to assume you can split/cut and divide that population in a way that respects the charge of the commission and increase republican leaning districts doesn't add up.
- I understand the tough situation the republican commissioners are in, it's obvious in Commissioner Graves map, he felt the need to protect republican incumbents seeing that 16 House Ds find themselves in a new district but only one republican, but to protect incumbents AND increase republican districts in a state with a faster growing democratic population ultimately throws away the other requirements in the law.
  - Alternative: The Republican Commissioners are in a tough situation, they obviously worked to protect republicans while redistricting 16 House Ds to create districts that split communities based on their skewed definition of competitive. That is not competition that is incumbent protection. They are in the tougher position; they have to defend some pretty hard things in their maps.
- We need to draw maps that are convenient, contiguous, and compact.
- We need to draw maps that keep communities together when possible and we need to draw a map that incorporates as much of the public comment as practicable.
- I don't see how the Republican maps met those other charges, when I have staff telling me they each have districts that are likely not even contiguous, which is required by the constitution.
- Look I read the Seattle Times article by Westneat - 18% of the voters identify as republican so to create a map that advantages republicans by breaking up communities and putting Bainbridge Island in one of the King county district in Seattle, its clear community voices were overlooked.
- If the only goal is to create what Commission Graves define as competitive districts, you have to break apart communities of interest, and from my perspective ignore the charge of the commission.

- Look the statute requires we encourage electoral competition not create politically *competitive* districts; most competitive race last cycle was two Ds in the 5<sup>th</sup>.
  - We have to accept competition does not mean D against R, case in point the 5<sup>th</sup> district last Nov.
- What is important...voters in every district have **fair representation** regardless of party.

Q: How does your map impact communities?

- Do my best to keep communities of interests together,
- If we adopted the Rs maps, we would split communities and displace more Ds than common sense would deem acceptable.
- Continuity of representation can be good, for communities, when representation in their community is fair.

Q: What metrics did you use for performance?

- I don't think it's fair to base legislative performance on state-wide races, especially 2020, let's be real that is not a normal election year, so using it makes no sense, but I do understand that thinking about the general performance of democrats or republicans over the past few election cycles needs to be considered, and I also know that looking at the current electorate, democratic performance fluctuates around 56%-57%.
- Our charge is to "encourage electoral competition", not create competitive partisan districts, and specifically for legislative races so I'm more inclined to look at legislative performance over state-wide performance. Everyone knows, including Com Graves that legislative races down-ballot receive less votes than state-wide races, and we need to encourage electoral competition for LDs not for the state overall.

Q: How can you finish by the 15<sup>th</sup>?

- Yes, I know it seems like we are far apart, but we have a job to-do.
- We can do it, but all of us need to listen to public input and follow the charge, not just focus on one goal – especially when the actual goal in the law isn't what my colleagues are talking about.
- At the end of the day, the people will be represented, I hope at the end of the day the four of us can reach an agreement that is best for the people of WA, but if we can't then the court will.
- I'm unwilling to abandon the charge in the constitution/statute or my values that I brought to this process.

VRA questions:

- There's a two-step analysis under the VRA to determine if a majority-minority district should be drawn.
  - First, **is there statistical evidence of racially polarized voting?** To answer this question, we would look at past elections to determine whether white people vote

differently than latinx people. This has already been done for us in previous court cases, and the answer is definitively yes.

- Then, **is it possible to draw a majority-minority district that could statistically elect a minority candidate?** Obviously the answer here is “yes” because both D maps did so.
- With both of these conditions satisfied, the VRA requires that we draw a majority latinx district, the way Sims and Walkinshaw did. Experts will argue about whether the legal requirement is 50%+1 latinx or some more substantial majority, but I don't think we need to wade into that debate in our talking points since the D commissioners drew compliant districts and the R's did not.

#### VRA Talking points

- Given the well-established history of racially polarized voting in the Yakima valley, the VRA **requires** that we give latinx voters a meaningful voice in their local elections.
- Sims and Walkinshaw maps both create majority latinx districts, as required by the VRA. Neither Republican map does so.
- Failure to comply with the VRA will certainly result in a lawsuit, and the remedy will likely involve the court drawing a VRA-compliant district in Yakima County.
- The law requires (and our democratic values demand) that we draw a majority latinx district.
- OPTION 1: Does doing this create a unique looking 14<sup>th</sup> district, sure, and I weighed that, but in the end complying with the law is more important than the shape of a district
  - OPTION 2: I understand the unique shape this creates in the 14<sup>th</sup> but currently the 14<sup>th</sup> extends from Yakama county, down to the river and over to Clark, this district does the same, but excludes the Tribe and pulls in some population from Benton to balance that out.