

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY ERIN L. LENNON
CLERK

No. 100483-4

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

WASHINGTON COALITION
FOR OPEN GOVERNMENT,
a non-profit, nonpartisan
Washington organization,

Appellant,

v.

THE STATE OF
WASHINGTON, a state
government, acting
through THE WASHINGTON
STATE REDISTRICTING
COMMISSION, a Washington
State Agency; and SARAH
AUGUSTINE, APRIL SIMS,
PAUL GRAVES, BRADY
PIÑERO WALKINSHAW, and
JOE FAIN, in their individual
capacities as Commissioners of
the Washington State
Redistricting Commission,

Respondents.

WASHINGTON STATE
REDISTRICTING
COMMISSION'S
INITIAL STATEMENT
REGARDING
ORIGINAL
JURISDICTION

The Washington Constitution mandates specific deadlines for the completion of the decennial redistricting process. Const. art. II, § 43(6)–(7). Any challenges to redistricting decisions that may affect those deadlines are, by their nature, extremely time-sensitive. Accordingly, the Constitution provides that this Court “has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.” *Id.* § 43(10).

Two actions filed in this Court challenge the substantive validity of the congressional and legislative redistricting plans (the Plans) adopted by Respondent Washington State Redistricting Commission (the Commission). Petitioner Arthur West has filed an “Original Action to Determine the Validity of the 2021 Washington State Redistricting Plan” (No. 100469-9). Separately, Petitioner Washington Coalition for Open Government (WACOG) has filed an original action alleging a broader range of claims related to the Plans (No. 100483-4).

West and WACOG (together, Petitioners) have also separately filed parallel lawsuits in Thurston County Superior Court. *West v. Wash. State Redistricting Comm'n, et al.*, No. 21-2-01949-34 (Thurston Cnty. Super Ct.); *Wash. Coalition for Open Gov't v. State, et al.*, No. 21-2-02069-34 (Thurston Cnty. Super. Ct.).

Given the time-sensitive nature of these cases, the Commission submits this initial statement solely to inform the Court of its position on original jurisdiction and its intent to move within the next week to transfer in part the Thurston County lawsuits to this Court and consolidate all these related actions. The Commission agrees with Petitioners that this Court should immediately assume jurisdiction over these actions to determine, at minimum, whether Petitioners' legal claims—including their claims under the Open Public Meetings Act, ch. 42.30 RCW—warrant invalidation of the Plans. The ultimate validity of the Plans will presumably determine whether the Legislature may amend the Plans by February 10, 2022, and

whether this Court must exercise its jurisdiction to produce a plan by April 30, 2022. Const. art. II, § 43(6)–(7). Further, the validity of the Plans will affect all congressional and legislative candidates, who are subject to filing deadlines that are just over five months away. RCW 29A.24.050. It is therefore urgent—for the legislative and judicial branches, prospective candidates, state and local election officials, and the public—to have legal certainty and finality as to the validity of the Plans. That clarity is something only this Court can provide.

For those reasons, on or before December 24, 2021, the Commission will move to transfer jurisdiction over portions of Petitioners’ Thurston County actions to this Court; move to consolidate the actions in this Court; and move to stay further proceedings in the superior court pending this Court’s decision. The Commission may also request that the Court set an expedited briefing schedule allowing for speedier resolution of

the issues than under the current deadlines set by letters of the Clerk issued today shortly before this statement's filing.

Despite their disagreements as to the merits and any appropriate form of relief, all parties agree that this Court should exercise its jurisdiction pursuant to article II, section 43(10) and issue a final ruling in time to conduct orderly, manageable, and fair congressional and legislative elections in 2022. The Commission respectfully requests that the Court do so here.

RESPECTFULLY SUBMITTED this 17th day of December, 2021.

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State Redistricting Commission

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Transmittal Information

Filed with Court: Supreme Court
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