

FILED
SUPREME COURT
STATE OF WASHINGTON
12/23/2021 1:34 PM
BY ERIN L. LENNON

CLERK SUPREME COURT OF THE STATE OF WASHINGTON
No. 100483 - 4

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

Plaintiff,

vs.

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,

Defendants.

PLAINTIFF WASHINGTON COALITION FOR OPEN
GOVERNMENT'S STATEMENT ON ORIGINAL
JURISDICTION PER 12/20/21 CLERK'S LETTER

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I. Name and Designation of Party

Plaintiff Washington Coalition for Open Government (“WCOG”) moves in support of Supreme Court original jurisdiction over its Complaint. This Memo responds to the Clerk’s notice in the 12/20/21 Letter that “Any additional statements from either party regarding why the Court should retain this case should be filed by December 23, 2021 for the Court’s en banc consideration of its original jurisdiction over this case on January 6, 2022.

II. Statement of Relief Sought

WCOG seeks an order recognizing the Supreme Court’s original jurisdiction set forth at Wash. Const. art. II § 43(10) to hear WSCOG’s Complaint in its entirety and an order setting a discovery, briefing, and hearing schedule.

III. References to Record

WSCOG has prepared Clerk’s Papers that incorporates all the pleadings filed before the Commission, Thurston County

Superior Court, and the Supreme Court in this matter and in the corollary matter of *West v. WSRC, et. al*, Supreme Court Case No. 100469-9. WSCOG draws the Court's attention to Chair Augustine's statement at WCOG CP 215-225 compared to Appendix A: Senate Democratic Caucus Staffer Ali O'Neil's public record statement WCOG CP 672-679; and Appendix B: Excerpted Chair Augustine Texts and E-mails produced by Commission in response to Arthur West's public records request for which this Court may take judicial notice under ER 201 and Appendix C: Commission Transcript of November 15-16 proceedings. These records show the Supreme Court entered its December 3, 2021 order affirming the Report and Plan using a misleading statement from Chair Augustine that puts the entire validity of the Commissions work at issue due to the lack of transparency. Open government principles are grounded in the Constitution and may not be disregarded as inconsequential

simply because a favored outcome has been achieved.¹ The means matter and are equally if not more important than the end achieved.

IV. Grounds for Relief Sought - Argument

Washington's Constitution vests original jurisdiction on redistricting with this Court. Wash. Const. art. II § 43(10): "The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting". Historically, the Supreme Court has without contest acted on its original jurisdiction in redistricting challenges. *Snyder v. Munro*, 106 Wn.2d 380 (1986)(Original jurisdiction to hear writ and complaint for declaratory judgment on constitutionality of statute designating district boundaries); *State ex rel. O'Connell v. Meyers*, 51 Wn. 2d 454 (1957)(Petition for writ compelling Secretary of State to perform his duties with reference to

¹ "Open access to government institutions is fundamental to a free and democratic society..." *Dreiling v. Jain*, 151 Wn. 2d 900, 93 P.3d 861 (2004).

redistricting the State); *State v. Hinkle*, 156 Wash. 289 (1930)(Petition for a mandate to compel acceptance and filing a redistricting initiative). So too here, the Supreme Court should promptly accept WCOG's filing of WCOG's Complaint and decide this case under its original jurisdiction.

WCOG initiated this action by filing its Complaint on December 10, 2021 through the Supreme Court's portal. The Complaint identifies three causes of action: declaratory relief, statutory violations of Washington's Open Public Meetings Act, and direct injunctive relief under Washington's Constitution for the Commissions' constitutional errors. WCOG alleged that original jurisdiction was proper under Washington's Constitution in the "jurisdiction" section of its Complaint. WCOG's prayer for relief specifies that the Commission's votes were void or voidable and the Report and Plan unenforceable. Further, WCOG seeks to enjoin the Commission from acting privately in the future on any Redistricting Report and Plan because such private action is outside the scope of its authority.

The Constitution dictates that the Legislature shall enact laws implementing redistricting to include standards governing the Commission, art II Sec. 43(4). The Legislature adopted standards dictating the Commission act in open proceedings without secret votes, RCW 44.05.080(4). The Commission adopted broad rules prohibiting “any action by secret ballot”, WAC 417-01-155(6), or adoption of “any redistricting plan or partial redistricting plan, except at a public meeting, WAC 417-01-155(5). The Constitution further provides that the Commission must “complete” such transparent redistricting “no later than November 15th.” Art. II Sec. 43(6).

After the November 15 deadline for the Commission to act, the Commission put the question of the validity of its Redistricting Report and Plan before the Supreme Court. *See*, November 15, 2021 Commission Chair letter to Justice Gonzales at App. B. This Court chose to act on the timing question then, without fact-finding afforded stakeholders. Based solely upon the declaration of Commission Chair

Augustine, this Court ruled the voting Commissioners reached consensus on redistricting before November 15. The Supreme Court did not address the procedural and substantive errors or the lack of transparency. Unfortunately, Chair Augustine was not forthcoming about Commission indecision or timing regarding voting or the substance of what the Commission had resolved or not in secret. Virtually none of the deliberations occurred in conformance with open government standards applicable to the Commission. *See*, O’Neil’s Statement and the Commission’s verbatim report of proceedings, and Appendix B that includes communications documenting the absence of consensus before midnight. WCOG’s Complaint sets forth facts from the public record that make it apparent the Commission did not meet its deadline. It is evident Chair Augustine omitted substantive facts and was either not well informed regarding the absence of any consensus or chose to represent that there was consensus on districts when clearly there was not. WCOG seeks to correct the record and to achieve

public accountability through meaningful consequences. WSCOG seeks to ensure Washington's constitutional dictates related to redistricting transparency essential to a free and democratic society are upheld now and in the future. To avoid undertaking redistricting anew, this Court may independently choose to endorse the ultimate outcome of the Commission once clearly ascertained even if untimely by affirming the selected districts on its own without endorsing the Commission's actions as substantively or procedurally correct as it has summarily done in error. The absence of a clear record and uncertainty around what the Commission approved should give this Court pause because clarity and transparency in redistricting ensures fair elections and representation.

As to original jurisdiction for redistricting matters under art. II § 43, this Court's original jurisdiction should not be deemed discretionary or non-exclusive. Redistricting original jurisdiction should be deemed exclusive, and not discretionary. The time requirements for redistricting are not amenable to

prolonged litigation. The factual record in need of perfection and correction is already before this Court. The Supreme Court needs to act finally before the Legislature rests on sine die.

In 2012, the Supreme Court exercised its original jurisdiction to hear a petition filed by citizen John Milem challenging the 2012 plan, Sup. Crt. Case No. 86976-6.

Based upon past practice, this Court has original non-discretionary and exclusive jurisdiction to hear this case under the Constitution directly. Whether this Court chooses to rely upon the doctrines and standards pled under the Uniform Declaratory Judgment Act or OPMA does not control whether the Supreme Court's original jurisdiction to hear WCOG's direct challenge under Washington's Constitution is non-discretionary and exclusive. Once a Court is deemed to have acquired jurisdiction the Court has control of all subsequent proceedings and may hear those matters supplemental or

ancillary or pendent to its original jurisdiction.² The operative facts are nearly identical whether the analytical framework applied is OPMA, UDJA, or the Constitution directly.

Washington case law and statutes provide no guidance as to whether the original jurisdiction provisions of art. II § 43 are exclusive and non-discretionary. The Supreme Court has ruled in various other types of cases that its original jurisdiction is non-exclusive and discretionary. In those writ cases, original jurisdiction derives from a distinct constitutional provision, art. IV § 4. Under that authority, this Court has elected to exercise original jurisdiction to hear an action involving declaratory and injunctive relief linked to a writ of mandate involving constitutional issues and expenditures of public funds – *Dept. of Ecology v. State Finance Committee*, 116 Wn. 2d 246 (1991). The fact that a Complaint states a declaratory cause of action is

² RCW 4.28.020; *In re Marriage of Parks*, 48 Wn. App. 166, 737 P.2d 1316 (1987); *See*, federal recognition of supplemental or ancillary jurisdiction, 28 U.S. C. § 1367; *In re Ray*, 624 F.3d 1124 (9th Cir. 2010).

not dispositive, but rather the rights implicated should control. Here the rights implicated involve the validity of redistricting in private, a matter of Supreme Court original jurisdiction. *In State ex rel Malmo*, 25 Wn. 2d 118 at 122 (1946), the Court indicated that cases involving the validity of a statute, a great public right, and the prevention of the failure of justice were appropriate cases for original jurisdiction. The issues in this case justify original jurisdiction under the litmus test described in *Malmo*, if this Court deems its original jurisdiction discretionary, which it should not. This case involves a direct action under the Constitution for constitutional error; the great public right of open government for redistricting; and preventing the failure of justice on fundamental open government principles mandated for redistricting. This Court has blessed Commission action that was blatantly non-transparent and incomplete by the requisite constitutional deadline that puts redistricting defects squarely before this Court. To be valid, redistricting plans must be open,

transparent, and non-partisan. *See, Vandermost v. Bowen*, 53 Cal. 4th 421 2012 WL 246627 *33 (2012), State's Opening Brief at 4, Milem Sup. Ct. Case No. 86976-6 and the Commission's Verbatim Report of Proceedings documenting its public deliberations on the published Report and Plan and maps: http://2011.redistricting.wa.gov/assets/Agendas/Transcripts_20120101.pdf; http://2011.redistricting.wa.gov/assets/Agendas/Transcripts_20120113.pdf. This Court is well positioned to take swift action on the issues brought before it in WCOG's Complaint, and it has original exclusive jurisdiction to do so. WCOG should be afforded discovery into the timeline of events critical to this Court's decision to approve the Report and Plan and the opportunity to brief and argue its case before the Legislature reaches sine die.

V. Conclusion


The Supreme Court should exercise its original, non-discretionary and exclusive jurisdiction to hear WSCOG's complaint in its entirety following expedited discovery.

Dated this 23rd day of December, 2021.

WITHERSPOON • KELLEY

III BRANCHES, PLLC

CASEY M. BRUNER
WSBA # 50168
Counsel for Plaintiff



JOAN K. MELL
WSBA #21319
Counsel for Plaintiff

I, Joan K. Mell, certify that the word count is 1,665 and complies with the word count limits for motions to modify before the Supreme Court, RAP 18.17(c)(17).

CERTIFICATE OF SERVICE

I, Francis Muniz-Nava, hereby certify that I electronically filed the foregoing PLAINTIFF WASHINGTON COALITION FOR OPEN GOVERNMENT'S STATEMENT ON ORIGINAL JURISDICTION PER 12/20/21 CLERK'S LETTER with the Clerk of the Clerk and delivered a true and accurate copy by electronic mail to the following:

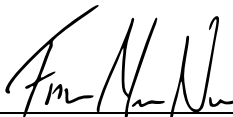
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I certify under penalty of perjury under the laws of the State of Washington that the above information is true and correct.

DATED this 23rd day of December, 2021 at Fircrest, WA



Francis Muniz-Nava, Legal Assistant

Appendix A

Date: November 21, 2021
To: Senate Majority Leader, Andy Billig
From: Ali O'Neil, SDC Staff Member
RE: Timeline of Redistricting Commission Events

Pursuant to your request, I have prepared the following memorandum documenting a timeline of events that occurred on the Redistricting Commission. At the outset it is important to convey a few facts that help explain the context of events documented below.

There were no congressional or legislative maps voted on at the eleventh-hour vote on Monday, November 15. That is because they were not finalized at the time of the vote. The vote was simply an agreement on political metrics in the maps, with perhaps one or two geographic specifics. My understanding, and what our team was told, is that new maps would be drawn to fit the agreement on political metrics, and that all Commissioners would be able to review and give final sign off on those maps prior to any transmittal. Commissioner Walkinshaw reiterated through our communication and throughout the last-minute process that even after an agreement was reached on political metrics, he would need to see what the proposed districts would look like in the context of the full map before giving final approval. We were informed that we would have an opportunity to review and provide final approval of the maps before they were transmitted and before any public communication that these maps reflected the agreement that was reached by the Commission.

While Commissioner Walkinshaw and Commissioner Fain had exchanged congressional maps on Monday the 15th and had conversations about their respective proposed congressional maps, neither I nor Commissioner Walkinshaw—to my knowledge—saw or received any draft legislative maps on Monday from either Commissioner Sims or Commissioner Graves until after 10:48 PM that day.

Even though I was told on multiple occasions that there would be a substantive mapping discussion about certain potentially competing priorities and how those priorities would play out in the actual drawing of the lines, those conversations never took place. Commissioner Sims told us repeatedly throughout the final days that she wanted to finalize the negotiations around partisanship numbers before moving to any mapping. Our SDC team did our best to draw potential maps in keeping with the proposals that were being exchanged throughout the day, but we were forced to compromise on our stated priorities and at times disregard what was shared with the Commission during months of gathering public input. I repeatedly voiced my concerns about the difficulty of translating the partisanship numbers that were being discussed into actual

maps, but there was no opportunity to have a substantive discussion around the public's input or how certain mapping decisions were being made when the proposals were finally translated into maps. This lack of communication and transparency contributed to the chaotic events that transpired.

The following is a summary of events gathered from memory with reliance on contemporaneous notes and communications:

Monday, November 15, 2021:

- Around 9:30 AM, Commissioner Walkinshaw and I left the Courtyard Marriott in Federal Way and went over to the Hampton Inn where we met with Commissioner Sims and Osta Davis (HDC).
- Shortly thereafter, Commissioner Walkinshaw met with Commissioner Graves. Also present were Commissioner Augustine—acting as a mediator, Anton Grose (HRC), Osta Davis, and me.
- After debriefing that meeting with Commissioner Sims and her team, we went our separate ways for a few hours. It is my understanding that Commissioner Sims met with Commissioner Graves during this time. I am not aware of any specific maps that were discussed or exchanged.
- Throughout the afternoon, offers on the legislative district maps were being traded back and forth between Commissioners Sims and Graves. It is my understanding that these offers were exchanged both via text message and in-person meetings. Commissioner Sims would then relay those offers to Commissioner Walkinshaw.
- Our internal SDC team continued to draw maps based on what I was told was being discussed in the Commissioners' conversations in bi-partisan dyads. These maps were not reviewed by the Commissioners, even though I raised concerns about the impact of the partisanship proposals being discussed on the actual drawing of the districts.
- Sometime during the mid to late afternoon, it seemed that there was an impasse. Commissioner Fain suggested that Commissioner Sims meet with Commissioner Augustine—who was acting as a mediator—one-on-one to try to help continue negotiations. Commissioner Augustine would then convey things that she had heard discussed by the Commissioners and would act as a go-between the partisan Commissioners in effort to get agreement on a proposal.
- My understanding is that Commissioner Sims did speak to Commissioner Augustine. I believe Commissioner Augustine conveyed a proposal on behalf of the Republicans on partisan metrics to Commissioner Sims, but it was rejected.

- Although Commissioner Fain did send a congressional map proposal at around this same time, he indicated to Commissioner Walkinshaw that he was not interested in discussing the congressional maps if the legislative maps were not also progressing.
- At around 6 PM, Commissioners Walkinshaw and Sims along with staff (Dominique Meyers—HDC, Osta Davis, and me) were together in the same room on the 2nd floor of the Hampton Inn. The mood was pessimistic that there would be a deal. SDC and HDC staff, both present and not present, were working on statements for leadership and Commissioners in preparation for there to be no maps approved.
- Between 6:30 and 7:30 PM, several offers were being traded back and forth between Commissioner Graves and Commissioner Sims. They were being relayed to me and Commissioner Walkinshaw in person. I did not see any maps associated with these proposals, and to my knowledge neither did Commissioner Walkinshaw.
- Dominique Meyers was encouraging Commissioner Sims not to accept the deals that were being offered at this time by Republican Commissioners. Commissioner Sims agreed and said that she was unwilling to accept any of the proposals offered by Republicans at this time.
- Just before 7 PM, Commission staff member Justin Bennett sent a calendar invite for a “Final Map Verification Meeting.” I did not attend this meeting. To my knowledge, no other commissioner or staffer attended either.
- The commission meeting began at 7 PM, and the Commissioners went almost immediately into caucus. The commencement of the public meeting did not change the nature or manner of the Commissioners’ discussions—there were text messages being exchanged as well as Commissioners meeting in person in the hallway or in the hotel lobby. At least once, I witnessed one Commissioner pass by two other Commissioners who were discussing something in the hallway.
- As it was initially explained to me at a Zoom meeting with Commission staff and partisan staff on Friday, November 12th, Commission staff were supposed to join the public meeting every half hour to give brief updates on the process. But that night, Commissioner Augustine was telling staff and the Commissioners that counsel was instructing them to join the public meeting more frequently and give more detailed updates on what they were discussing. I do not know what updates they gave as I was neither in the room nor watching the meeting.
- At around 7:45 PM, Commissioner Sims told us she made another offer to Commissioner Graves, which he rejected.

- Shortly after 8 PM, Commissioner Sims told us she ran into Commissioner Graves in the hallway, and that he said that they had until 8:15 to reach an agreement because it would take time to complete the map before the midnight deadline.
- At around 8:45 PM, I heard Commissioners Walkinshaw and Sims say they agreed to a deal with the Republican Commissioners that was based almost solely on partisanship numbers in a few legislative districts. I was in the room with Commissioners Sims and Walkinshaw at the time, as were Osta Davis and Dominique Meyers.
- At this point, staff was asked to start mapping based on the partisanship numbers in the agreement. I shared a map from our SDC team with the HDC staff, but to my knowledge this map was not shared with the Republican staffers.
- Commissioner Walkinshaw had been saying repeatedly throughout the day that even though he may agree to a deal on the numbers, that he would need to see the map itself in order to give final approval.
- Dominique Meyers and Osta Davis went to the first-floor meeting room to work on their version of the agreement in a map. It is my understanding that Anton Grose was also working on Republicans' version of a proposed map that fit the agreement.
- Between 9 and 9:30 PM, Commissioner Walkinshaw told me he was going to meet with Commissioner Fain to discuss the congressional map proposals. Shortly thereafter, they came to the hotel lobby, where I and Paul Campos (SRC) were present. At this point we were all looking at a map on my laptop and giving staff instructions on how the Commissioners wanted us to make changes to the map. Some information on these congressional maps was also shared via email a little bit later.
- At Commissioner Walkinshaw's direction, I sent an updated congressional map proposal to Commissioner Fain's staff at around 10:45 PM.
- At approximately 10:48 PM, I received a legislative map proposal from Anton Grose on behalf of Commissioner Graves. Our SDC team was working on identifying points of concern in the map that Commissioner Walkinshaw would need to discuss with the other Commissioners.
- Anton Grose shared updated congressional map proposals with me at approximately 11:06 PM and 11:23 PM.
- At approximately 11:23 PM, I was sent a legislative map proposal from HDC staff. I emailed back a list of questions and concerns for both proposals to Osta Davis and Dominique Meyers. Shortly thereafter, there was a discussion amongst staff about the need to reconcile both of the legislative district proposals together into one map. I sent a message to our SDC team explaining that staff was "reconciling the two maps".

- Throughout these last few hours, Commissioner Augustine had repeatedly asked for progress updates on mapping. On multiple occasions, she also was communicating to the Commissioners that they needed to be prepared to take a vote before the commission lost jurisdiction at midnight.
- At around 11:45 PM, Commissioners Walkinshaw and Sims along with me and Dominique Meyers were sitting in one corner of the hotel lobby. There were other people walking by and coming in and out; however, I cannot recall specifically who was present or nearby. At this time, the legislative district map proposals were not ready for the Commissioners to review. Despite this fact, there was a suggestion that the Commissioners should vote on the transmittal letter without any maps ready to approve.
- At 11:47 PM, I wrote to Matt Bridges (SDC) and explained that Commissioner Augustine was trying to insist that the Commissioners vote on some proposal. I heard Commissioner Sims say that she wanted to vote on the agreement and the transmittal letter before midnight, and I heard Dominique Meyers agree with her.
- Multiple people from our SDC team told me that Commissioner Walkinshaw should not vote yes without the maps being ready for approval. At around this same time, there was a discussion about how any such vote may not be legal. I was asked whether there was any guidance from the AG's office on this point, and I said I did not know whether there was.
- Shortly thereafter, I voiced my concerns about what would stop anyone from just submitting a map file later on in the evening without sign-off from all Commissioners and passing it off as the final map that had been approved. Dominique Meyers said that the commission would just not transmit maps to which the Commissioners had not specifically agreed. I asked what the mechanism would be for Commissioners to approve or sign-off on the final maps; however, I received no answer.
- At approximately 11:57 PM, I texted Commissioner Walkinshaw saying that he should not vote to approve this deal with no maps. Shortly thereafter, someone shouted from the 2nd floor balcony down into the lobby that there was 30 seconds for all the Commissioners to join the public Zoom meeting and vote on the agreement. I believe the individual who shouted was Commissioner Fain.
- It was an incredibly tense, chaotic environment with very little time or opportunity to ask questions or fully understand what was happening. The agreement that the Commissioners were voting to approve was not restated nor written down anywhere. To my knowledge, the agreement was also not shared on the public Zoom meeting.

Tuesday, November 16th, 2021:

- At approximately 12:01 AM, my SDC team asked me whether Commissioner Walkinshaw had indeed voted yes. I confirmed that he had and stated that it was a vote on the deal but that we were still reconciling the maps.
- At that time, the public meeting ended. Shortly thereafter, email communication from the AAG assigned to the Commission was forwarded to the Commissioners. We understood that jurisdiction had been transmitted to the State Supreme Court.
- I continued working with our SDC team to implement the changes to the congressional district map discussed by Commissioners Walkinshaw and Fain earlier in the evening.
- At 12:38 AM, Matt Bridges sent me an updated and near final congressional map proposal. I sent this updated congressional map proposal to Commissioner Sims' team as well as Commissioner Fain's staff.
- Around this same time, all staff and Commissioners gathered in the main meeting room on the first floor of the Hampton Inn hotel. All five Commissioners were present in this large room, including Commissioner Augustine. Someone joked that since it was past midnight and the commission no longer had jurisdiction, that the OPMA rules didn't apply.
- At approximately 12:57 AM, I messaged Matt Bridges and told him we were going to have a legislative map to review soon but that I didn't know how long it would take. I wrote him that Commissioner Sims was saying everyone still needed to review the legislative map before it was final.
- The congressional district map was then imported by Commissioner Fain's team into Autobound Edge to verify and check for any technical issues. It is my understanding that this process can take several hours to complete.
- During this time, Anton Grose and Osta Davis were working together on the same laptop to reconcile the two legislative map proposals. I was able to go over to where they were at times and watch what they were doing. They were making decisions about which of the two proposals' lines they would adopt as they were going through the map.
- After the congressional map was imported into Edge, Paul Campos and I reviewed the lines to make sure they were the same as the lines we had discussed with the commissioners in Dave's Redistricting App (DRA).
- At this point, Commissioner Fain noticed that Normandy Park was in the 7th congressional district. He said he hadn't noticed that earlier, and he asked Commissioner Walkinshaw if he would be willing to change the border of the 7th and 9th districts so that Normandy Park would be in the 9th.

- Commissioners Fain and Walkinshaw asked staff to look at different scenarios for the 7th and 9th congressional district border, especially with Normandy Park. We looked at extending the eastern border down along the edge of Lake Washington to balance population. After a few minutes of discussing these options, Commissioner Walkinshaw said he did not want to make changes to their earlier agreement, and Commissioner Fain acquiesced.
- The Commissioners agreed to send the congressional map file to commission staff. At approximately 4:37 AM Paul Campos sent the file to Justin Bennett, and I verified it via email.
- At approximately 4:49 AM, Anton Grose sent me a link so that I could follow along with the legislative map changes that were being made in DRA.
- The Commissioners were urging staff to hurry and finish the maps so they could be posted as quickly as possible and before reporters woke up. There was a press conference scheduled for 10 AM, and the Commissioners said they hoped that if the maps were posted beforehand, the questions from reporters would focus more on the maps rather than the process of the public meeting and the vote.
- One of the Commissioners called Lisa McLean (ED of the Commission) and asked her to post the congressional map on the website as quickly as possible. She said that would involve waking up staff at the website company the Commission contracted with, which would take some time.
- At around 5:30 or 6 AM, Commissioner Fain left the Hampton Inn. Soon after this, Commissioner Graves received a phone call, which I believe was from Commissioner Fain. Immediately thereafter, Commissioner Graves indicated to Commissioners Sims and Walkinshaw that there were potentially some legal questions about the previous night's vote, and that this might impact how the maps and the vote should be portrayed to the public.
- I then heard the Commissioners discuss how they would portray what they had done. They discussed saying that they did not make the deadline and did not adopt final maps, but that they drew maps later that fit the agreement they voted on which they would then recommend that the Supreme Court adopt.
- I heard the Commissioners decide that they did not want to post the maps publicly at that time, and I believe there was a request made to the commission staff to take down the congressional map that was posted shortly beforehand.
- At around 7:00 or 7:30 AM, Osta Davis and Anton Grose finished reconciling the Republican and Democratic legislative map proposals and had one final map. Before the Commissioners were to review that final map, my understanding was that this file was

sent to Paul Campos and Commissioner Fain's team for them to upload it into Autobound Edge. Because this process would take several hours, staff agreed to leave the hotel and reconvene remotely after the press conference for the final verification of the legislative map file.

- My understanding is that the Commissioners agreed to not post the maps before the 10 AM press conference, and they also agreed to have further discussion before the maps would be approved and posted.
- Commissioner Walkinshaw and I left the Hampton Inn at around 7:45 AM Tuesday morning.
- On the car ride back to Seattle, Commissioner Walkinshaw took several phone calls. We also had an internal SDC team call. Both Commissioner Walkinshaw and I reiterated that the maps were a work in progress and not yet finally approved, from our perspective.
- After dropping Commissioner Walkinshaw off at his house, I returned home at around 9:10 AM. I then took a nap since I had not slept since Sunday night.
- During the day Tuesday, I received no calls or emails from other commissioners or staff regarding the final review of the legislative map file. Commissioner Walkinshaw told me he did not receive any calls or emails either. He texted me multiple times throughout the day asking for the status of the maps, and I told him I had not heard anything.
- At approximately 8:50 PM on Tuesday, I saw an email from Lisa McLean transmitting the legislative map and congressional map files to the Washington Supreme Court.
- I reached out immediately to Commissioner Walkinshaw, and he confirmed to me that he had not seen the final legislative map file and that he was not aware of whether the maps were being officially transmitted to the Supreme Court.
- At the request of Commissioner Walkinshaw, to try to find out more about why the Commission was transmitting maps to the Supreme Court, I called Lisa McLean shortly after 9 PM Tuesday. We had a very brief conversation in which she told me she was acting on the direction of the chair when she transmitted the maps to the Supreme Court.

Appendix B

Official Phone



Joe >

Tue, Nov 16, 3:27 PM

November 16, 2021

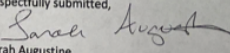
The Honorable Steven C. González
 Chief Justice
 Washington Supreme Court
 PO Box 40929
 Olympia, Washington 98504

Dear Chief Justice González:

Last night, after substantial work marked by mutual respect and dedication to the important task, the four voting commissioners on the state redistricting commission were unable to adopt a districting plan by the midnight deadline. The late release of the 2020 census data and the legislature's 2019 shortening of the commission's deadline for submission, combined with technical challenges, hampered the commission's work considerably. Pursuant to RCW 44.05.100, I regretfully must hand over to you and the Washington Supreme Court jurisdiction for adoption of a districting plan. The commissioners have every faith that the Supreme Court will draw maps that are fair and worthy of the people of Washington.

Based on historic levels of public participation and of tribal consultation, the four voting commissioners did not reach consensus on a final plan. Unfortunately, they did not fully comprehend the time and complexity required to put that agreement into a formal map and legal description that would have met the legal requirements of a plan. Nonetheless, today that task is almost done. On behalf of the four voting commissioners, I humbly submit to you a final plan for congressional districts, with a final plan for legislative districts coming later today or tomorrow. It is the hope of all commissioners that these maps created in a bipartisan process with unprecedented public input and resulting in the doubling of minority-majority districts, greater consolidation of cities, counties and communities of interest, and full consideration of the eight Tribes with which the commission consulted can be given due consideration by your court.

It was a pleasure to serve on the 2021 Commission and an honor to take part in this truly bipartisan process on behalf of the people of Washington State. My staff and I remain at your disposal as you assume responsibility for this important task.

Respectfully submitted,

 Sarah Augustine
 Chair

cc: Commissioner Joe Fain
 Commissioner Paul Graves
 Commissioner April Sims
 Commissioner Brady Walkinshaw
 Brad Hendrickson, Secretary of the Senate
 Bernard Dean, Chief Clerk, House of Representatives
 Tera Heintz, Deputy Solicitor General, Attorney General's Office

Wed, Nov 17, 7:51 AM

...coming by a few hours earlier this week.

This year's process was the most difficult in history. A pandemic, a near 10 month delay in receiving census data, and a deadline that was shortened 45 days by the legislature. That cut the amount of time to draft and negotiate from between 11 and 12 months, to about 2 months. But that is no excuse, we should have been able to make the deadline even under these difficult conditions.

The Commission did agree on a framework that took several hours for staff to translate into the necessary data file. It is far from perfect, and it fails to increase competition in a way that I believe serves all voters. However, I stand by these maps and encourage the Supreme Court to adopt them.



Text Message



2:59

LTE 



Paul >

Mon, Nov 15, 8:13 PM

April says you are at a stalemate.
Are you ready to call it?

I'm here in the conf room if you
want to talk.

It's not a stalemate. We will accept
your 2 point in 44 mediator
proposal and they apparently won't.

Wed, Nov 17, 1:08 PM

Sorry I missed you. Please call
when you can.

I was talking to Joe.



Text Message



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123

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return



4:12

LTE 



Lisa >

Tue, Nov 16, 9:25 AM

Please cancel the press conference

Being done now.

Thank you! Pls call me when your done w Tera and we will work through the press release.

Thank you for all of your help Lisa. You are not alone, I am here. I'm not shutting off my phones, call me any time. Should we check in about AJ?

I checked in with him just now

Awesome! How did it go?

I heard from Brady. Have not heard from April

Last night, after substantial work, the four voting Commissioners on the state redistricting commission reached consensus on a final plan for congressional and legislative districts. However, due in part to the deadline shortened by the legislature in 2019 and in part to the delayed delivery of the census



Text Message





Lisa >

I'm talking to April. She bounced off to talk to PG

I am happy with it, and ready to send it. It has Tera's blessing?

Still hoping for consensus

I support that hope. Let's set a timeline. Send by 12?

Are you going into the office today? If so let's assemble the team and strategize.

I will come in whenever you suggest is a good time.

Latest version:

Last night, after substantial work marked by mutual respect and dedication to the important task, the four voting commissioners on the state redistricting commission were unable to adopt a districting plan by the midnight deadline. The late release of the 2020 census data combined with technical challenges hampered the commission's work considerably



Text Message





Lisa >

Latest version:

Last night, after substantial work marked by mutual respect and dedication to the important task, the four voting commissioners on the state redistricting commission were unable to adopt a districting plan by the midnight deadline. The late release of the 2020 census data combined with technical challenges hampered the commission's work considerably. Pursuant to RCW 44.05.100, the Supreme Court now has jurisdiction to adopt a districting plan. The commissioners have every faith that the Supreme Court will draw maps that are fair and worthy of the people of Washington.

Ok with me. I assume we will still post maps today.

Tue, Nov 16, 12:40 PM

I'm heading to the office... too many questions to answer

Wed, Nov 17, 12:28 PM

Cover staff mtg today?



Text Message





Lisa >

Wed, Nov 17, 12:28 PM

Caucus staff mtg today?

I canceled it last night

And likely need to cancel or reschedule next week's meeting



From April re tomorrow's press conference: Given the lawsuit, do we need an emergency executive session to discuss what can be said at the press event tomorrow?

Yes, good idea. Can you work with Maria to try to schedule a time?

Shouldn't I call Tera/Emma first to consult?

In OPMA and how this is done... we are already within 24 window

24-hour

Yes I see. Please call Tera. Maybe the best we can do is individual



Text Message



Personal Phone

< April Sims (Redi... 2534415113

Wednesday, September 15, 2021

A Hi Sarah! I just got to the Davenport, gonna grab lunch. Are you around? 1:30 PM

A I'm at the mango tree across from the hotel! 1:45 PM

1:49 PM thanks! On my way

A I'm in the main room, are you around? 2:43 PM

April Dave Mastin, our modorator, would like to meet you in the lobby to go through questions with you. He is wearig a yelliw tie. I am in the cedar ballroom.

2:48 PM yellow



+ Enter message

< April Sims (Redi... 2534415113

I'm sorry. I just got to the Davenport, gonna grab lunch. Are you around? 1:30 PM

I'm at the mango tree across from the hotel! 1:45 PM

1:49 PM thanks! On my way

I'm in the main room, are you around? 2:43 PM

April Dave Mastin, our modorator, would like to meet you in the lobby to go through questions with you. He is wearig a yelliw tie. I am in the cedar ballroom.

2:48 PM yellow

Tuesday, November 16, 2021

8:46 PM They are posted.

+ Enter message

< Brady Walkinsh...

2064650818

Tuesday, November 16, 2021

B Sarah, this is the first time I'm seeing the Leg map that was just sent to the court. How did this happen? I'm very concerned.

10:10 PM

Wednesday, November 17, 2021

7:16 AM Hi Brady! I am on the road driving home to White Swan - left Olympia very early this morning. Can I call you a little later?

B Yes please

Works! 7:19 AM

Thursday, November 18, 2021

B Sarah, is there a chance we could chat this am?

+ Enter message

2064650818

concerned. 10:10 PM

Wednesday, November 17, 2021

Hi Brady! I am on the road driving home to White Swan - left Olympia very early this morning. Can I call you a little later?

7:16 AM

B Yes please

Works! 7:19 AM

Thursday, November 18, 2021

B Sarah, is there a chance we could chat this am? Confirmed w Lisa that I'll be joining the press conference, and coordinating w April but if you have a se

c would love to connect. 7:05 AM

+ Enter message

Thursday, November 11, 2021

Hi Joe! Sorry I missed your call. I just got home from driving through a rather frightening storm. Can I call you now?

8:41 PM

Saturday, November 13, 2021



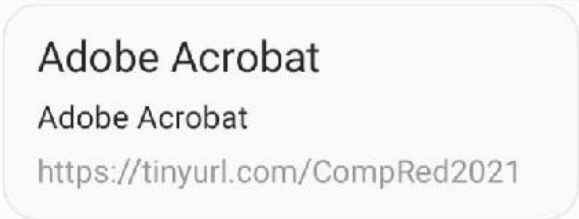
I will send this to the rest of the commissioners once I proof it and clean it up a bit, but thought you could have a sneak peak. I'll send you a final w

4:36 PM



When its ready as well. <https://tinyurl.com/CompRed2021>

4:37 PM



+ Enter message [emoji icon] [voice recording icon]

< Joe Fain (redist... 2064099418

<https://tinyurl.com/CompRed2021>

4:40 PM

Thank you!

J

Interested in ur thoughts

5:15 PM

ok! Just sent it to my email so I can see it on a larger screen.

5:15 PM

J

Got some typos to clean up but substance is there

5:16 PM

Very clear, Joe, and well-written. Thanks for sharing with me. If it's ok with you, I would like to share it with my mapping team as they help me prepare for tomorrow. My strategy is simply to understand current proposals and the interests guiding them so I can be of help.

MMS
5:23 PM

+ Enter message



< Joe Fain (redist... 2064099418 [phone icon] [search icon] [menu icon]

J Please do. I'll get a final draft to u when it's ready but U can share the draft if u like 5:24 PM

5:25 PM Thank you!

J <https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:94641911-84c2-4dcf-8f65-570dd49d2649>

Adobe Acrobat
Adobe Acrobat
<https://documentcloud.adobe.co...>

Updated 6:23 PM

6:24 PM Thank you!

Monday, November 15, 2021

9:00 PM They r here mapping

+ Enter message [emoji icon] [voice icon]

Emails Received

Spencer, Aminta

From: McLean, Lisa
Sent: Monday, November 15, 2021 5:20 PM
To: Walkinshaw, Brady
Cc: O'Neil, Ali;Augustine, Sarah
Subject: Transmittal Letter and Resolution for approval
Attachments: Resolution_for signature once completed_11.15.21.docx; Transmittal Letter_Draft_11.15.2021.docx

Hi Commissioner Walkinshaw –

We hope to have four items for approval and discussion tonight:

- 1) The final CD plan
- 2) The final LD plan
- 3) The Resolution – Please see the language attached. Once you approve the two files above, we can insert their names into this document and Maria will send it to you for signature. (This document has been seen, edited, and approved by AGO).
- 4) The Transmittal Letter – I have changed it since you last approved it, removing language about instructions included for auditors to make changes (which we noted earlier was not relevant. Instead, I added the middle paragraph (and confirmed it with the AGO's office). Again, once you approve this letter, Maria will formally send it to you for signing.

I hope it is all clear. Let me know if you have questions.

Thanks,
Lisa

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



Spencer, Aminta

From: McLean, Lisa
Sent: Monday, November 15, 2021 5:32 PM
To: Augustine, Sarah
Cc: Pailthorp, Daniel;Garza, Maria
Subject: RE: Detailed Agenda for tonight
Attachments: 11.15 Business Meeting Plan_ver2.docx

Sorry, Sarah –

I realized there was some more detail I could provide you to help keep the meeting on track.

Thanks,
Lisa

Meeting Plan November 15, 2021

- I. Call to order and introductions
- II. Approval of minutes (November 8, 2021)
- III. Discussion
 - A. Final Legislative Plan
 - B. Final Congressional Plan
 - C. Resolution
 - D. Transmittal Letter
- IV. Action
 - A. Final Legislative Plan
 - a. **(Once approved, Maria fills the agreed upon name into the resolution)**
 - B. Final Congressional Plan
 - a. **(Once approved, Maria fills the agreed upon name into the resolution)**
 - C. Resolution
 - a. **Maria, can you send the resolution – now approved – for signature**
 - D. Transmittal Letter
 - a. **Maria, can you send the Transmittal letter – now approved – for signature**
- V. Adjourn

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



From: McLean, Lisa
Sent: Monday, November 15, 2021 5:02 PM
To: Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Cc: Pailthorp, Daniel <Daniel.Pailthorp@redistricting.wa.gov>
Subject: Detailed Agenda for tonight

Hi Sarah –

It seems too easy, but I believe here is what you asked me for on the phone just now – also attached as a MS Word document. If it is easier to work on amendments with Daniel by your side, I'm cc'ing him as well.

Thanks,
Lisa

**Meeting Plan
November 15, 2021**

- I. Call to order and introductions
- II. Approval of minutes (November 8, 2021)
- III. Discussion
 - A. Final Legislative Plan
 - B. Final Congressional Plan
 - C. Resolution
 - D. Transmittal Letter
- IV. Action
 - A. Final Legislative Plan
 - B. Final Congressional Plan
 - C. Resolution
 - D. Transmittal Letter
- V. Adjourn

Lisa C. McLean
Executive Director



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Mobile: 360-522-0373
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Spencer, Aminta

From: McLean, Lisa
Sent: Monday, November 15, 2021 5:36 PM
To: Fain, Joe
Cc: Campos, Paul;Augustine, Sarah
Subject: Transmittal Letter and Resolution for approval
Attachments: Resolution_for signature once completed_11.15.21.docx; Transmittal Letter_Draft_11.15.2021.docx

Hi Commissioner Fain –

We hope to have four items for approval and discussion tonight:

- 1) The final CD plan
- 2) The final LD plan
- 3) The Resolution – Please see the language attached. Once you approve the two files above, we can insert their names into this document and Maria will send it to you for signature. (This document has been seen, edited, and approved by AGO).
- 4) The Transmittal Letter – I have changed it since you last approved it, removing language about instructions included for auditors to make changes (which we noted earlier was not relevant. Instead, I added the middle paragraph (and confirmed it with the AGO's office). Again, once you approve this letter, Maria will formally send it to you for signing.

I hope it is all clear. Let me know if you have questions.

Thanks,

Lisa

Lisa C. McLean
Executive Director



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Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



Spencer, Aminta

From: McLean, Lisa
Sent: Monday, November 15, 2021 5:36 PM
To: Sims, April
Cc: Davis, Osta;Augustine, Sarah
Subject: Transmittal Letter and Resolution for approval
Attachments: Resolution_for signature once completed_11.15.21.docx; Transmittal Letter_Draft_11.15.2021.docx

Hi Commissioner Sims –

We hope to have four items for approval and discussion tonight:

- 1) The final CD plan
- 2) The final LD plan
- 3) The Resolution – Please see the language attached. Once you approve the two files above, we can insert their names into this document and Maria will send it to you for signature. (This document has been seen, edited, and approved by AGO).
- 4) The Transmittal Letter – I have changed it since you last approved it, removing language about instructions included for auditors to make changes (which we noted earlier was not relevant. Instead, I added the middle paragraph (and confirmed it with the AGO's office). Again, once you approve this letter, Maria will formally send it to you for signing.

I hope it is all clear. Let me know if you have questions.

Thanks,
Lisa

Lisa C. McLean
Executive Director



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Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



Spencer, Aminta

From: McLean, Lisa
Sent: Monday, November 15, 2021 5:37 PM
To: Graves, Paul
Cc: Grose, Anton;Augustine, Sarah
Subject: Transmittal Letter and Resolution for approval
Attachments: Resolution_for signature once completed_11.15.21.docx; Transmittal Letter_Draft_11.15.2021.docx

Hi Commissioner Graves –

We hope to have four items for approval and discussion tonight:

- 1) The final CD plan
- 2) The final LD plan
- 3) The Resolution – Please see the language attached. Once you approve the two files above, we can insert their names into this document and Maria will send it to you for signature. (This document has been seen, edited, and approved by AGO).
- 4) The Transmittal Letter – I have changed it since you last approved it, removing language about instructions included for auditors to make changes (which we noted earlier was not relevant. Instead, I added the middle paragraph (and confirmed it with the AGO's office). Again, once you approve this letter, Maria will formally send it to you for signing.

I hope it is all clear. Let me know if you have questions.

Thanks,

Lisa

Lisa C. McLean
Executive Director



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Olympia, WA 98504-0948
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Mobile: 360-522-0373
www.redistricting.wa.gov



Spencer, Aminta

From: Jim Brunner <jbrunner@seattletimes.com>
Sent: Monday, November 15, 2021 8:54 PM
To: Murray, Sean;Augustine, Sarah
Subject: FW: caucuses

Importance: High

CAUTION: External email.

Can someone answer this question please?

From: Jim Brunner
Sent: Monday, November 15, 2021 8:32 PM
To: Nixon, Jamie <Jamie.Nixon@redistricting.wa.gov>
Subject: caucuses

Jamie,

I get the desire for commissioners to caucus, but how exactly does this breaking from a public meeting comply with the Open Public Meetings Act? There has been no legit announcement that meets requirements of executive session, and the commission is not the legislature. It is explicitly subject to OPMA.

RCW 44.05.080

Duties.

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter **34.05** RCW, to carry out section 43 of the state Constitution and of this chapter, which rules shall provide that three members of the commission constitute a quorum to do business, and that the votes of three of the voting members constitute an official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapter 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter **42.30** RCW;

(5) Prepare and disclose its minutes pursuant to RCW **42.30.035**;

(6) Be subject to the provisions of RCW **42.17A.700**;

(7) Prepare and publish a report with the plan; the report will be made available to the public.

Jim Brunner
Seattle Times staff reporter
Direct: 206-515-5628 Cell: 206-214-8789
[@Jim_Brunner](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Spencer, Aminta

From: Comment
Sent: Monday, November 15, 2021 9:27 PM
To: @Redistricting Comment Redirect
Subject: FW: Redistricting Commission Final Meeting 11/15/21 - Public Shut Out - Reform Needed

From: jmzeider@aol.com <jmzeider@aol.com>
Sent: Tuesday, November 16, 2021 5:27:16 AM (UTC+00:00) Monrovia, Reykjavik
To: Comment <Comment@redistricting.wa.gov>
Subject: Redistricting Commission Final Meeting 11/15/21 - Public Shut Out - Reform Needed

CAUTION: External email.

Good evening,

I've been trying since 7:30 pm to watch the Commission meeting. All I get is a screen saying that the "live stream will resume when the proceeding reconvenes."

I realize that there was no public comment scheduled for this evening and that the Commissioners have a deadline of midnight to complete their maps.

However, conducting their negotiations in private undermines the trust in the entire process and lends itself to the belief that public input and testimony is being ignored in favor of the interests of just the two major parties.

I've read that about 40% of Washington voters do not align with either political party.

It's unacceptable that Washington does not have an open, independent, citizen controlled redistricting process where all of us have a voice. The Commission system needs serious reform!

Sincerely,

Judy Zeider
Battle Ground, Washington

CAUTION: This email originated from outside of the Legislature. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Spencer, Aminta

From: Comment
Sent: Monday, November 15, 2021 9:37 PM
To: @Redistricting Comment Redirect
Subject: FW: Redistricting Commission Final Meeting 11/15/21 - Public Shut Out - Reform Needed

From: jmzeider@aol.com <jmzeider@aol.com>
Sent: Tuesday, November 16, 2021 5:36:45 AM (UTC+00:00) Monrovia, Reykjavik
To: Comment <Comment@redistricting.wa.gov>
Subject: Re: Redistricting Commission Final Meeting 11/15/21 - Public Shut Out - Reform Needed

CAUTION: External email.

Is there a way to watch tonight? I get the same screen on TVW saying the commission's not in session.

-----Original Message-----

From: Comment <Comment@redistricting.wa.gov>
To: jmzeider@aol.com <jmzeider@aol.com>
Sent: Mon, Nov 15, 2021 9:27 pm
Subject: RE: Redistricting Commission Final Meeting 11/15/21 - Public Shut Out - Reform Needed

Thank you for your e-mail and your interest in Washington state's redistricting process. It has been forwarded to the Commissioners and Commission staff. If it requires a reply, you will hear from someone shortly.

With best regards,



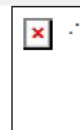
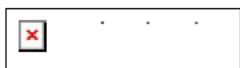
PO Box 40948
Olympia, WA 98504-0948
Tel: 360-524-4390

CAUTION: This email originated from outside of the Legislature. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Spencer, Aminta

From: Maria Garza <adobesign@adobesign.com>
Sent: Monday, November 15, 2021 11:38 PM
To: Augustine, Sarah
Subject: Signature requested on "Final Resolution Letter_11.15.21"

CAUTION: External email.



Maria Garza requests your signature on
Final Resolution Letter_11.15.21

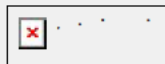
Review and sign

Please review and sign this document.

MARIA GARZA
Maria.Garza@redistricting.wa.gov

After you sign, and joe.fain@redistricting.wa.gov, paul.graves@redistricting.wa.gov, brady.walkinshaw@redistricting.wa.gov, and april.sims@redistricting.wa.gov complete **Final Resolution Letter_11.15.21**, all parties will receive a final PDF copy by email.

Don't forward this email: If you don't want to sign, you can [delegate](#) to someone else.



By proceeding, you agree that this agreement may be signed using electronic or handwritten signatures.

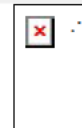
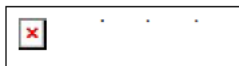
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Spencer, Aminta

From: Maria Garza <adobesign@adobesign.com>
Sent: Monday, November 15, 2021 11:41 PM
To: Augustine, Sarah
Subject: Signature requested on "Final Transmittal Letter_11.15.2021"

CAUTION: External email.



Maria Garza requests your signature on
Final Transmittal Letter_11.15.2021

Review and sign

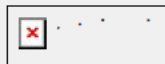
Please review and sign this document.

MARIA GARZA

Maria.Garza@redistricting.wa.gov

After you sign, and joe.fain@redistricting.wa.gov, paul.graves@redistricting.wa.gov, brady.walkinshaw@redistricting.wa.gov, and april.sims@redistricting.wa.gov complete **Final Transmittal Letter_11.15.2021**, all parties will receive a final PDF copy by email.

Don't forward this email: If you don't want to sign, you can **delegate** to someone else.



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Spencer, Aminta

From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Tuesday, November 16, 2021 12:04 AM
To: McLean, Lisa
Cc: Heintz, Tera M. (ATG);Augustine, Sarah
Subject: RE: Quick call

CAUTION:External email.

Let's use my call-in. 1-800-747-5150. Passcode 7534111.

From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Tuesday, November 16, 2021 12:02 AM
To: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: RE: Quick call

[EXTERNAL]

Call to Sarah and me please

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Tuesday, November 16, 2021 12:01 AM
To: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: RE: Quick call

CAUTION:External email.



From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Monday, November 15, 2021 8:31 PM
To: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Subject: RE: Quick call

[EXTERNAL]

[REDACTED]

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Monday, November 15, 2021 8:28 PM
To: Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Subject: Quick call

[CAUTION: External email.]

Sarah, [REDACTED]




Thank you!
Emma

Emma Grunberg
Deputy Solicitor General
Washington State Attorney General's Office
(425) 390-2407
emma.grunberg@atg.wa.gov

Spencer, Aminta

From: State of Washington - Legislative Service Center <adobesign@adobesign.com>
Sent: Tuesday, November 16, 2021 12:05 AM
To: Augustine, Sarah;Garza, Maria;Sims, April;Walkinshaw, Brady;Fain, Joe;Graves, Paul;Brady Walkinshaw
Subject: Completed: "Final Resolution Letter_11.15.21"
Attachments: Final Resolution Letter_11.15.21 - signed.pdf

CAUTION:External email.



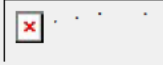
All parties finished
Final Resolution Letter_11.15.21

Open agreement

Attached is the final agreement between:

- State of Washington - Legislative Service Center
- Paul Graves
- Sarah Augustine and 3 more

You can also [open it online](#) to review its activity history.



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Spencer, Aminta

From: McLean, Lisa
Sent: Tuesday, November 16, 2021 12:05 AM
To: Augustine, Sarah
Cc: Fain, Joe;Walkinshaw, Brady;Graves, Paul;Sims, April
Subject: FW: Quick call

Lisa C. McLean
Executive Director



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Mobile: 360-522-0373
www.redistricting.wa.gov



From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Tuesday, November 16, 2021 12:01 AM
To: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: RE: Quick call

CAUTION: External email.

Lisa, [REDACTED]

From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Monday, November 15, 2021 8:31 PM
To: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Subject: RE: Quick call

[EXTERNAL]

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Monday, November 15, 2021 8:28 PM
To: Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Subject: Quick call

CAUTION: External email.

Sarah, [REDACTED]

Thank you!
Emma

Emma Grunberg
Deputy Solicitor General
Washington State Attorney General's Office
(425) 390-2407
emma.grunberg@atg.wa.gov


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Spencer, Aminta

From: State of Washington - Legislative Service Center <adobesign@adobesign.com>
Sent: Tuesday, November 16, 2021 12:11 AM
To: Graves, Paul;Augustine, Sarah;Garza, Maria;Sims, April;Fain, Joe;Walkinshaw, Brady;Brady Walkinshaw
Subject: Completed: "Final Transmittal Letter_11.15.2021"
Attachments: Final Transmittal Letter_11.15.2021 - signed.pdf

CAUTION:External email.








All parties finished
Final Transmittal Letter_11.15.2021

Open agreement

Attached is the final agreement between:

- State of Washington - Legislative Service Center
- Paul Graves
- Sarah Augustine and 3 more

You can also [open it online](#) to review its activity history.



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Spencer, Aminta

From: McLean, Lisa
Sent: Tuesday, November 16, 2021 12:13 AM
To: Hendrickson, Brad;Dean, Bernard
Cc: Bannister, Sarah;Palmer, Melissa;Heintz, Tera M. (ATG);Grunberg, Emma S. (ATG);Augustine, Sarah;Fain, Joe;Walkinshaw, Brady;Sims, April;Graves, Paul
Subject: Transmission of Redistricting Plan
Attachments: Final Resolution Letter_11.15.21 - signed.pdf; Final Transmittal Letter_11.15.2021 - signed.pdf

To the Secretary of the Senate and Chief Clerk of the House –

Please find attached the final redistricting plan approved by the Washington State Redistricting Commission with accompanying documentation (transmittal letter, resolution, and written legal description).

Thank you,

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



Spencer, Aminta

Subject: Redistricting
Location: Phone

Start: Tue 11/16/2021 8:00 AM
End: Tue 11/16/2021 8:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Grunberg, Emma S. (ATG)
Required Attendees: Hendrickson, Brad (SEN); Dean, Bernard; McLean, Lisa; Augustine, Sarah; Heintz, Tera M. (ATG)

CAUTION: External email.

Phone: 1-800-747-5150
Passcode: 753411

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Spencer, Aminta

From: Graves, Paul
Sent: Tuesday, November 16, 2021 12:16 AM
To: McLean, Lisa
Cc: Augustine, Sarah;Fain, Joe;Walkinshaw, Brady;Sims, April
Subject: Re: Quick call

I consider this email privileged and confidential. Please confirm.

Paul Graves
Sent from my phone

On Nov 16, 2021, at 12:05 AM, McLean, Lisa <Lisa.McLean@redistricting.wa.gov> wrote:

Lisa C. McLean
Executive Director
<image006.png>
PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov

<image007.png>

<image008.png>

<image009.png>

<image010.png>

From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Tuesday, November 16, 2021 12:01 AM
To: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: RE: Quick call

CAUTION: External email.

Lisa, [REDACTED]

From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Monday, November 15, 2021 8:31 PM
To: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Subject: RE: Quick call

[EXTERNAL]

[REDACTED]

Lisa C. McLean
Executive Director
<image001.jpg>
PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



<image002.jpg>



<image003.jpg>



<image004.jpg>



<image005.jpg>

From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Monday, November 15, 2021 8:28 PM
To: Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Subject: Quick call

CAUTION: External email.

Sarah, [REDACTED]

Thank you!
Emma

Emma Grunberg
Deputy Solicitor General
Washington State Attorney General's Office
(425) 390-2407
emma.grunberg@atg.wa.gov

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Spencer, Aminta

From: Comment
Sent: Tuesday, November 16, 2021 12:20 AM
To: @Redistricting Comment Redirect
Subject: FW: Questions from RJW

From: Redistricting Justice for Washington <team@redistrictingjusticewa.org>
Sent: Tuesday, November 16, 2021 8:19:36 AM (UTC+00:00) Monrovia, Reykjavik
To: Comment <Comment@redistricting.wa.gov>
Subject: Questions from RJW

CAUTION: External email.

Hello,

Here are some questions we have for the Commission:

1. Are the LD maps legal, given that they were passed after the 11:59pm deadline?
2. What time can we expect to see published CD and LD map proposals? As much detail as you can afford would be helpful.
3. What is the content of the passed transmittal letter?

Thank you for your hard work tonight.

Andrew Hong
RJW

CAUTION: This email originated from outside of the Legislature. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Spencer, Aminta

From: McLean, Lisa
Sent: Tuesday, November 16, 2021 12:26 AM
To: Graves, Paul
Cc: Augustine, Sarah;Fain, Joe;Walkinshaw, Brady;Sims, April
Subject: Re: Quick call

Not my understanding

Get [Outlook for iOS](#)

From: Graves, Paul <Paul.Graeves@redistricting.wa.gov>
Sent: Tuesday, November 16, 2021 12:16:13 AM
To: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Cc: Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>; Fain, Joe <Joe.Fain@redistricting.wa.gov>; Walkinshaw, Brady <Brady.Walkinshaw@redistricting.wa.gov>; Sims, April <April.Sims@redistricting.wa.gov>
Subject: Re: Quick call

I consider this email privileged and confidential. Please confirm.

Paul Graves
Sent from my phone

On Nov 16, 2021, at 12:05 AM, McLean, Lisa <Lisa.McLean@redistricting.wa.gov> wrote:

Lisa C. McLean
Executive Director
<image006.png>
PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov

<image007.png>

<image008.png>

<image009.png>

<image010.png>

From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Tuesday, November 16, 2021 12:01 AM
To: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: RE: Quick call

CAUTION: External email.

Lisa, [REDACTED]

From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Monday, November 15, 2021 8:31 PM
To: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Subject: RE: Quick call

[EXTERNAL]

[REDACTED]

Lisa C. McLean
Executive Director
<[image001.jpg](#)>
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Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



<[image002.jpg](#)>



<[image003.jpg](#)>



<[image004.jpg](#)>



<[image005.jpg](#)>

From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Monday, November 15, 2021 8:28 PM
To: Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Subject: Quick call

CAUTION: External email.

Sarah, [REDACTED]?

Thank you!
Emma

Emma Grunberg
Deputy Solicitor General
Washington State Attorney General's Office
(425) 390-2407
emma.grunberg@atg.wa.gov

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Spencer, Aminta

From: Hendrickson, Brad
Sent: Tuesday, November 16, 2021 12:27 AM
To: McLean, Lisa;Dean, Bernard
Cc: Bannister, Sarah;Palmer, Melissa;Heintz, Tera M. (ATG);Grunberg, Emma S. (ATG);Augustine, Sarah;Fain, Joe;Walkinshaw, Brady;Sims, April;Graves, Paul
Subject: RE: Transmission of Redistricting Plan
Importance: High

Received at 12:13 AM on Tuesday, November 16.

- Brad



Brad Hendrickson
Secretary of the Senate

312A Legislative Building
Olympia, WA 98504-0482
Phone: 360-786-7525 / Fax: 360-786-7520
Email: Brad.Hendrickson@leg.wa.gov

From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Tuesday, November 16, 2021 12:13 AM
To: Hendrickson, Brad <Brad.Hendrickson@leg.wa.gov>; Dean, Bernard <Bernard.Dean@leg.wa.gov>
Cc: Bannister, Sarah <Sarah.Bannister@leg.wa.gov>; Palmer, Melissa <Melissa.Palmer@leg.wa.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>; Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>; Fain, Joe <Joe.Fain@redistricting.wa.gov>; Walkinshaw, Brady <Brady.Walkinshaw@redistricting.wa.gov>; Sims, April <April.Sims@redistricting.wa.gov>; Graves, Paul <Paul.Graves@redistricting.wa.gov>
Subject: Transmission of Redistricting Plan

To the Secretary of the Senate and Chief Clerk of the House –

Please find attached the final redistricting plan approved by the Washington State Redistricting Commission with accompanying documentation (transmittal letter, resolution, and written legal description).

Thank you,

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373

Spencer, Aminta

From: You have new messages in Teams <noreply@gcc-email.teams.microsoft.com>
Sent: Tuesday, November 16, 2021 3:24 AM
To: Augustine, Sarah
Subject: Justin sent 2 messages to your chat

CAUTION:External email.

Hi,

Your teammates are trying to reach you in **Microsoft Teams**.



Justin + 1 sent a message in chat with Justin + 2

If they need anything they can call me over teams or by phone

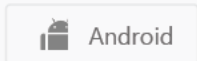


Justin sent a message in chat with Justin + 5

Hi all, Lisa and I are here and ready for any files you want to send- and available for verification. We will send...

[Reply in Teams](#)

Install Microsoft Teams now



This email was sent from an unmonitored mailbox. Update your email preferences in Teams. Activity > Settings (Gear Icon) > Notifications.

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Spencer, Aminta

From: Bennett, Justin
Sent: Tuesday, November 16, 2021 4:09 AM
To: Augustine, Sarah
Cc: Pailthorp, Daniel;McLean, Lisa
Subject: Timeline chart
Attachments: timeline2.PNG

Spencer, Aminta

From: McLean, Lisa
Sent: Tuesday, November 16, 2021 8:14 AM
To: Fain, Joe
Cc: Campos, Paul;Augustine, Sarah
Subject: Statement for Approval

Importance: High

From the four of you... do you agree with the language?

Thanks,
Lisa

Last night, after substantial work, the four voting Commissioners on the state redistricting commission reached consensus on a final plan for congressional and legislative districts. However, due to the short deadline caused by the delay in receiving census data and challenging technical issues, they were unable to produce and transmit the plan to the legislature by the statutory deadline. The result was a meeting that did not live up to the standards for transparency the Commission set for itself and that the people of Washington deserve.

While it is disappointing not to formally adopt maps, the Commissioners are heartened that they were able to reach consensus on compromise maps. The Commissioners intend to release those maps later today. While jurisdiction has been ceded to the Washington State Supreme Court, the sincere hope of the Commissioners is that the Court consider adopting the maps that the Commissioners will publish as a reflection of bipartisan consensus based on months of study and listening to the public.

Lisa C. McLean
Executive Director



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Office: 360-999-5209
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Spencer, Aminta

From: Graves, Paul
Sent: Tuesday, November 16, 2021 8:56 AM
To: McLean, Lisa
Cc: Grose, Anton;Augustine, Sarah
Subject: Re: Statement for Approval

Yes.

Paul Graves
Sent from my phone

On Nov 16, 2021, at 8:20 AM, McLean, Lisa <Lisa.McLean@redistricting.wa.gov> wrote:

From the four of you... do you agree with the language?

Thanks,
Lisa

Last night, after substantial work, the four voting Commissioners on the state redistricting commission reached consensus on a final plan for congressional and legislative districts. However, due to the short deadline caused by the delay in receiving census data and challenging technical issues, they were unable to produce and transmit the plan to the legislature by the statutory deadline. The result was a meeting that did not live up to the standards for transparency the Commission set for itself and that the people of Washington deserve.

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Lisa C. McLean
Executive Director
<image001.png>
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Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov

<image002.png>

<image003.png>

<image004.png>

<image005.png>

Spencer, Aminta

From: McLean, Lisa
Sent: Tuesday, November 16, 2021 9:52 AM
To: Heintz, Tera M. (ATG);Grunberg, Emma S. (ATG)
Cc: Augustine, Sarah
Subject: Fain addition

[Redacted]

[Redacted]

[Redacted]

Lisa C. McLean
Executive Director



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Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



Spencer, Aminta

From: Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Sent: Tuesday, November 16, 2021 9:56 AM
To: McLean, Lisa;Heintz, Tera M. (ATG)
Cc: Augustine, Sarah
Subject: RE: Fain addition

CAUTION: External email.

[Redacted]

From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Tuesday, November 16, 2021 9:52 AM
To: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Grunberg, Emma S. (ATG) <emma.grunberg@atg.wa.gov>
Cc: Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Subject: Fain addition

[EXTERNAL]

[Redacted]

[Redacted]

[Redacted]

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



Spencer, Aminta

From: Nixon, Jamie
Sent: Tuesday, November 16, 2021 1:19 PM
To: McLean, Lisa;Augustine, Sarah
Subject: RE: Thoughts

I will, but I'm guessing they will all want to see that map that everyone voted for.

I'm guessing that map doesn't exist?

From: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>
Sent: Tuesday, November 16, 2021 1:16 PM
To: Nixon, Jamie <Jamie.Nixon@redistricting.wa.gov>; Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Subject: RE: Thoughts

I think you can answer McQuery's direct question with the same files that Aminta sent just now.

Lisa C. McLean
Executive Director



PO Box 40948
Olympia, WA 98504-0948
Office: 360-999-5209
Mobile: 360-522-0373
www.redistricting.wa.gov



From: Nixon, Jamie <Jamie.Nixon@redistricting.wa.gov>
Sent: Tuesday, November 16, 2021 12:37 PM
To: McLean, Lisa <Lisa.McLean@redistricting.wa.gov>; Augustine, Sarah <Sarah.Augustine@redistricting.wa.gov>
Subject: Thoughts

Hi,

I'm operating with such limited knowledge of what happened last night. I cannot service the press effectively today... this is an awful feeling for someone who prides himself in being responsive and transparent to the press.

WE MUST HAVE A PRESS CONFERENCE to address questions I've gotten since we've put out that underwhelming statement that completely lacked any sense contrition or thankfulness to all the people who engaged with us.

Santos - I went back and Sarah called it a “final congressional plan” and “final legislative plan.” What did that entail if no deal was reached?

Rachel LaCorte (AP) - wondering what exactly the committee voted on last night?

Paul Queary (The Washington Observer) - Could I see whatever plans the commission voted on last night? Regardless of today’s statement, those are clearly public records.

Aaron Kunkler (Washington State Wire) –

- Did a majority of commissioners come to an agreement, and vote to approve, final maps?
- If so, did they miss the deadline, causing redistricting to move to the Supreme Court, instead of a lack of agreement?
- What role will the commissioners play in the Supreme Court process? Will they be arguing for their maps?
- Were the proposed Yakima-area maps contentious? And if so, were they what commissioners spent significant time discussing last night in closed sessions?
- In Crosscut’s story, you mentioned caucus dyads. Were these necessary, and if so, were there videos of these discussions that will be made public now?

Laurel Demkovich (Spokesman) - Are you able to give any more information on what exactly happened last night? I watched the meeting and saw the statement you released, but I'm just curious how exactly they didn't meet the deadline. Was it because the votes on maps/transmission happened after midnight, or was it because they voted in time, but did not actually have finalized maps at that point?

Joe O’Sullivan (Seattle Times) - We’re seeking copies of the documents sent to the office of the Senate overnight that including, but not limited to, copy of the resolution and cover letter from the commission. And we’d like to also get copies of any responses or further communications between the commission and the Senate in that thread.

And I am let down that a map was published to the website last night after I left work. I knew that would be a mistake, and it was. Someone caught screenshots of that map and it’s all over social media.

Comms professionals often get used to being pushed aside, and told to go along or else by powerful people. But my past is littered with examples of me pushing back against that in service to the public good.

The public deserves a thorough accounting of what happened last night (and leading into last night). Even if it’s just us without the hour voting members.

My two cents... and I think my two cents are valuable.

Jamie Nixon

Communications Director

Spencer, Aminta

From: Fain, Joe
Sent: Tuesday, November 16, 2021 3:40 PM
To: Augustine, Sarah
Subject: Quote

This was a hard-fought negotiation and I have great respect for my fellow commissioners who are joining in support for this plan. While we were unable to meet the Legislature's expedited deadline, which cut 45 days out of our process, we have arrived at a plan that balances many competing interests and reflects unprecedented volumes of public input. We did not complete our work on time, but we did complete our work. I ask the Justices to consider and adopt this bipartisan recommendation.

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Appendix C

SENATE BILL 5560

State of Washington

67th Legislature

2022 Regular Session

By Senators Pedersen and J. Wilson

Prefiled 12/17/21.

1 AN ACT Relating to procedures for approval and submission of the
2 redistricting plan; amending RCW 44.05.020, 44.05.080, and 44.05.100;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 44.05.020 and 2011 c 60 s 41 are each amended to
6 read as follows:

7 The definitions set forth in this section apply throughout this
8 chapter, unless the context requires otherwise.

9 (1) "Chief election officer" means the secretary of state.

10 (2) "Federal census" means the decennial census required by
11 federal law to be prepared by the United States bureau of the census
12 in each year ending in zero.

13 (3) "Lobbyist" means an individual required to register with the
14 Washington public disclosure commission pursuant to RCW 42.17A.600.

15 (4) "Plan" means a plan for legislative and congressional
16 redistricting mandated by Article II, section 43 of the state
17 Constitution, which must include at least: (a) Maps showing the
18 division of the state into congressional and legislative districts;
19 and (b) complete descriptions of each district using official census
20 units, such as tracts and blocks, sufficient to codify the plan.

1 **Sec. 2.** RCW 44.05.080 and 2018 c 301 s 10 are each amended to
2 read as follows:

3 In addition to other duties prescribed by law, the commission
4 shall:

5 (1) Adopt rules pursuant to the Administrative Procedure Act,
6 chapter 34.05 RCW, to carry out the provisions of Article II, section
7 43 of the state Constitution and of this chapter, which rules shall
8 provide that three voting members of the commission constitute a
9 quorum to do business, and that the votes of three of the voting
10 members are required for any official action of the commission;

11 (2) Act as the legislature's recipient of the final redistricting
12 data and maps from the United States Bureau of the Census;

13 (3) Comply with requirements to disclose and preserve public
14 records as specified in chapters 40.14 and 42.56 RCW;

15 (4) Hold open meetings pursuant to the open public meetings act,
16 chapter 42.30 RCW;

17 (5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

18 (6) Be subject to the provisions of RCW 42.17A.700;

19 (7) Prepare and publish a report with the plan; the report will
20 be made available to the public at the time the plan is (~~published~~)
21 submitted to the legislature. The report will include but will not be
22 limited to: (a) The population and percentage deviation from the
23 average district population for every district; (b) an explanation of
24 the criteria used in developing the plan with a justification of any
25 deviation in a district from the average district population; (c) a
26 map of all the districts; and (d) the estimated cost incurred by the
27 counties for adjusting precinct boundaries;

28 (8) Adopt a districting plan for a noncharter county with a
29 population of four hundred thousand or more, pursuant to RCW
30 36.32.054.

31 **Sec. 3.** RCW 44.05.100 and 2019 c 192 s 1 are each amended to
32 read as follows:

33 (1) The commission must make a redistricting plan publicly
34 available at least 72 hours before voting to approve the plan. Once
35 the plan has been made publicly available, any amendments to the plan
36 must be debated and voted on in open session, and at least 24 hours
37 must pass after any amendments are adopted before the commission may
38 vote on final approval of the plan. Upon approval of ((~~a~~
39 ~~redistricting~~)) the plan by three of the voting members of the

1 commission, but not later than November 15th of the year ending in
2 one, the commission shall submit the plan and the report required
3 under RCW 44.05.080(7) to the legislature.

4 (2) After submission of the plan by the commission, the
5 legislature shall have the next thirty days during any regular or
6 special session to amend the commission's plan. If the legislature
7 amends the commission's plan the legislature's amendment must be
8 approved by an affirmative vote in each house of two-thirds of the
9 members elected or appointed thereto, and may not include more than
10 two percent of the population of any legislative or congressional
11 district.

12 (3) The plan approved by the commission, with any amendment
13 approved by the legislature, shall be final upon approval of such
14 amendment or after expiration of the time provided for legislative
15 amendment by subsection (2) of this section whichever occurs first,
16 and shall constitute the districting law applicable to this state for
17 legislative and congressional elections, beginning with the next
18 elections held in the year ending in two. This plan shall be in force
19 until the effective date of the plan based upon the next succeeding
20 federal decennial census or until a modified plan takes effect as
21 provided in RCW 44.05.120(6).

22 (4) If three of the voting members of the commission fail to
23 approve and submit a plan within the time limitations provided in
24 subsection (1) of this section, the supreme court shall adopt a plan
25 by April 30th of the year ending in two. Any such plan approved by
26 the court is final and constitutes the districting law applicable to
27 this state for legislative and congressional elections, beginning
28 with the next election held in the year ending in two. This plan
29 shall be in force until the effective date of the plan based on the
30 next succeeding federal decennial census or until a modified plan
31 takes effect as provided in RCW 44.05.120(6).

32 NEW SECTION. **Sec. 4.** This act applies prospectively only and
33 not retroactively. It applies only to plans or portions of plans due
34 to be submitted to the legislature by a redistricting commission
35 after the effective date of this section.

--- END ---

III BRANCHES LAW, PLLC

December 23, 2021 - 1:34 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,483-4
Appellate Court Case Title: WA Coalition for Open Government v. State of Washington et al.

The following documents have been uploaded:

- 1004834_Motion_20211223133315SC261803_6717.pdf
This File Contains:
Motion 1 - Other
The Original File Name was 2021.12.23.WCOG-Redistricting.Statement on Original Jurisdiction.pdf
- 1004834_Other_20211223133315SC261803_6830.pdf
This File Contains:
Other - Stipulation and Order
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