

SUPREME COURT OF THE STATE OF WASHINGTON

ORDER REGARDING THE
WASHINGTON STATE
REDISTRICTING
COMMISSION'S LETTER TO
THE SUPREME COURT ON
NOVEMBER 16, 2021.

SWORN
DECLARATION OF
SARAH AUGUSTINE,
CHAIR OF THE
WASHINGTON
STATE
REDISTRICTING
COMMISSION

I, Sarah Augustine, declare as follows:

1. I am over eighteen years of age and competent to testify as to the matters herein, and I make this declaration based on my personal knowledge. I serve as Chair of the Washington State Redistricting Commission, a position I have held since February 5, 2021.
2. I submit this declaration in response to the Court's Order of November 18, 2021, requesting a detailed timeline of the events of November 15, 2021, and November 16, 2021, relevant to the Commission's compliance with its constitutional and statutory obligations.

3. Regretfully, the Commission failed to deliver redistricting plans to the Legislature by the statutory deadline of 11:59 p.m. on Monday, November 15, 2021. I sent a letter to this Court on Tuesday, November 16, handing over the work of the Commission and humbly requesting that it be given this Court's consideration, since it was based on a bipartisan consensus and historic level of public input.

4. Between public commentary at the Commission's 17 public outreach meetings and 22 regular business meetings, more than 400 state residents delivered live public testimony about maps or about the Commission's process. Commissioners received more than 2,750 comments on their draft maps or on the 2010 redistricting maps. The Commission received more than 3,000 emails, website comments, letters, and voicemails. The public created 1,300 maps, of which 12 were formally submitted as third-party maps. And after adopting the first-ever Tribal Consultation Policy for a redistricting commission, commissioners and staff communicated with individual Tribes to

learn about their interests in the redistricting process. I am proud of this historic level of public involvement.

5. I am also proud of the bipartisan nature of the Commission's work. Washington is unique among states in that I, as the Commission-appointed nonpartisan chair, do not vote on the plan. Rather, the four legislatively-appointed Commissioners must come to a bipartisan agreement to adopt a plan. I am thankful for the work, mutual respect, and dedication of all four Commissioners.

6. I will provide a short explanation of the Commission and caucus staff referred to in the remainder of my declaration. The Commission employs its own non-partisan staff, including Executive Director Lisa McLean and others under her supervision. I also refer below to caucus staff. These are individuals who are not employed by the Commission and over whom I have no authority. Rather, they are affiliated with the House and Senate Democratic and Republican Caucuses and assisted the voting Commissioners in their roles. Caucus staff

were responsible for creating maps based on the Commissioners' instructions. I did not have any role in creating the maps and did not see the maps until they were uploaded onto the Commission's website on November 16. My knowledge of events occurring subsequent to the Commission's November 15 meeting comes from my communications with Commission staff, who were in turn communicating with caucus staff as these tasks were completed.

7. As part of the Commission's redistricting work, the Commission licensed redistricting software called EDGE Professional Desktop Redistricting as the primary tool for the formal creation of final maps and associated data. Caucus staff also used Dave's Redistricting, which is public access districting software, for the creation of preliminary maps. With the caveat that this is not my area of expertise or responsibility, it is my understanding that the Commission used EDGE for final maps because it had more capability, such as exportation to shapefile

format and other granular analyses, while Dave's was a quicker and more accessible tool.

8. The Commission held a regular business meeting on November 15, 2021, which was the date on which the statutory deadline fell for transmitting the plan to the Legislature. The meeting began at 7:00 p.m.

9. At 11:59:28 p.m., the Commission voted to approve a congressional districting plan. It is my understanding that the congressional districting plan that the Commission voted to approve constituted a final agreement resolving all areas of dispute.

10. At 11:59:47 p.m., the Commission voted to approve a legislative districting plan. It is my understanding that the legislative districting plan that the Commission voted to approve constituted a final agreement resolving all areas of dispute. My understanding is that when the meeting began at 7:00 p.m., there were three outstanding issues of dispute: the composition of

legislative districts 28, 44, and 47. The Commission's vote on the final agreement resolved these outstanding issues.

11. At 12:00:08 a.m., the Commission voted to approve a formal resolution adopting the redistricting plan. The Commission had previously discussed the resolution at public meetings on September 20, 2021, at which Commissioners discussed and proposed changes to the wording of a draft resolution, and on October 18, 2021, at which Commissioners discussed an updated version of the resolution substantially identical to the version approved on November 15, except that the November 15 version included designations of electronic files referenced in the text. At the October 18 meeting, the Commissioners had no objections to the updated language, but agreed that they would reserve final approval until the meeting on November 15. The resolution was signed by myself prior to transmittal and was also signed by the voting Commissioners at the following times: by Paul Graves at 11:51 p.m., by Joe Fain at

11:59 p.m., by April Sims at 12:02 a.m., and by Brady Piñero Walkinshaw at 12:04 a.m.

12. At 12:01:21 a.m., the Commission voted to approve a transmittal letter, which is the cover letter to the Senate and House Majority and Minority Leaders enclosing the Commission's redistricting plan. The Commission had previously discussed the transmittal letter at a public meeting on September 20, 2021. The letter approved on November 15 was modified from the draft discussed on September 20 in accordance with the Commission's discussion of equivalent language in the resolution at the September 20 and October 18 public meetings. The letter was signed by myself prior to transmittal and was also signed by the voting Commissioners at the following times: by Paul Graves at 11:52 p.m., by Joe Fain at 12:01 p.m., by April Sims at 12:01 a.m., and by Brady Piñero Walkinshaw at 12:11 a.m.

13. At 12:01:36 a.m., I adjourned the meeting.

14. At 12:13 a.m. on Tuesday, November 16, 2021, the Commission's Executive Director, Lisa McLean, transmitted by email the transmittal letter and resolution to the Secretary of the Senate and the Chief Clerk of the House.

15. Ms. McLean's email did not attach final maps, or the written legal description of each district, because the maps had not yet been finalized at that time.

16. It is my understanding that, after the public meeting ended, caucus staff finalized the congressional district map in accordance with the Commissioners' agreement, which included converting it from Dave's Redistricting to the EDGE software. At 4:37 a.m. on November 16, caucus staff sent the congressional map as an EDGE file to the Commission's Geographic Information Systems (GIS) Analyst, Executive Director, and Public Outreach Coordinator. The GIS Analyst created text descriptions of each district on the basis of this data. That process was completed, and the GIS Analyst sent the map and data to the Commission's web developer, at 5:46 a.m. on November 16. My

understanding is that Commission staff then posted the congressional map on the Commission's website for a short period of time, but took the map down and instead waited to upload both the congressional and legislative maps simultaneously when both were ready.

17. It is my understanding that, after the public meeting ended, caucus staff finalized the legislative district map to conform to the Commission's agreement, which involved finalizing the boundaries of the three districts referenced in paragraph 10. During this process, caucus staff took a short break to rest. Caucus staff sent the completed map as a Dave's Redistricting export to the Commission's GIS Analyst at 4:01 p.m. on November 16, but there were technical errors with the data transfer requiring caucus staff to resend the map at 6:36 p.m. in the EDGE format. The GIS Analyst created text descriptions of each district on the basis of this data. The GIS analyst then sent the map and data to the Commission's web developer at 8:29 p.m. on November 16.

18. At 8:34 p.m. on November 16, Ms. McLean transmitted to this Court, via email, my letter to Chief Justice González, the transmittal letter to legislative leaders, the resolution, the congressional and legislative maps and associated data, and text descriptions of the districts.

19. At approximately 9:15 p.m. on November 16, Commission staff uploaded the legislative and congressional maps to the Commission's website, along with Shapefiles. These maps are available at: <https://www.redistricting.wa.gov/final-maps>.

20. To the best of my knowledge, no negotiation occurred between the Commissioners after our meeting was adjourned. My understanding is that caucus staff were empowered to implement the technical tasks remaining in accordance with the plans approved by the Commissioners.

I swear under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct and of my

own knowledge, and that I executed this declaration at Yakima,
Washington on November 21, 2021.

A handwritten signature in cursive script, reading "Sarah Augustine", enclosed within a thin rectangular border.

Sarah Augustine, Chair
Washington State
Redistricting Commission