

## Frequently Asked Questions

*What does the court's December 3, 2021 order do?*

The order concludes that the redistricting commission did adopt a redistricting plan. Thus, the court will not be adopting its own redistricting plan. Instead, it returns the work to the commission for any further steps needed to send the work to the legislature.

*Does the constitution say the court has to adopt a redistricting plan if the commission fails to do so by midnight, November 15?*

Yes, article II, section 43 of the [Washington Constitution](#) requires the court to adopt a redistricting plan if the commission fails to do so by midnight, November 15. However, the commissioners voted unanimously to adopt a plan before the constitutional deadline.

*Does [chapter 44.05 RCW](#) say the court has to adopt a redistricting plan if the commission doesn't transmit the plan to the legislature by midnight?*

Yes, it does. However, the essential purpose of chapter 44.05 RCW is to give the bipartisan commission the tools it needs to draw new legislative and congressional districts based on the census, and the responsibility to do it by November 15. The commission missed the statutory deadline to transmit the plan to the legislature by 13 minutes. Given all of the work the commission did, and given that it only missed the statutory deadline by 13 minutes, the court concluded that the commission substantially complied with the statute.

*What are the state constitutional requirements for congressional and legislative districts?*

Districts are supposed to be reasonably contiguous, compact, and convenient. They are supposed to be separated from each other by natural or artificial barriers or political subdivision boundaries. They are supposed to be as equal in population as practicable.

*Are there additional statutory requirements for districts?*

Yes. [RCW 44.05.090](#) also requires that districts coincide with the boundaries of local political subdivisions and recognized communities of interest, among many other things. There are many other statutes that impose additional requirements.

*Did the court consider whether the plan adopted by the commission satisfies those other constitutional and statutory requirements?*

No, the court has not considered whether the plan satisfies any constitutional or statutory requirement other than timeliness.

*What is the redistricting commission?*

Every 10 years, a bipartisan redistricting commission is charged with the responsibility of redrawing legislative and congressional districts based on the most recent census. There are four voting commissioners who are appointed state house and senate leadership. The 2021 commissioners are April Sims, Paul Graves, Brady Piñero Walkinshaw and Joe Fain. There is also a fifth nonvoting chairperson who is selected by the voting members. The commission chair is Sarah Augustine.

*What did the commission do?*

According to the materials submitted to the court, the commission worked closely with experts, consulted with the Tribes; held 17 public outreach meetings and 22 regular business meetings; received more than 2,750 comments on draft maps or the 2010 maps; received live testimony from more than 400 people; and received over 3,000 e-mails, website comments, letters, and voicemails.

*Is the court's December 3, 2021 order final?*

Yes, as far as whether the commission effectively adopted a plan by timely finishing its work.

*Did the court consider the merits of the redistricting plan?*

No. The court only considered whether the commission effectively adopted a redistricting plan.

*Was this a case before the court?*

No, this was not a case. Nor was it the court's traditional administrative work, such as rulemaking. This work was entrusted to the court by the people of this state in article II, section 43 of the state constitution.

*How did the court approach this work?*

The justices agreed to decide first whether the commission had adopted a plan. They also agreed that they would not consider whether that plan met the constitutional and statutory requirements unless it decided that the commission had not adopted a plan.

*What did the court consider in making its decision?*

The court considered the letter Chair Augustine sent Chief Justice González on November 16, 2021; the materials she sent with that letter; Chair Augustine's November 22, 2021 sworn declaration; the adopted minutes of the redistricting commission; the state constitution; and chapter 44.05 RCW. The court also considered the fact that the constitution gave the commission the primary responsibility to adopt the plans and gave the legislature the opportunity to revise the plans, but only if it acted in the first 30 days of the legislative session.

*Did the whole court make this decision?*

Yes. Due to the pandemic, the justices met by video conference.

*Did the court consider whether the commission violated the Open Public Meetings Act?*

No.

*What are the next steps?*

The next steps are laid out in article II, section 43 of the state constitution and in chapter 44.05 RCW. In general, the legislature will have the opportunity to review and revise the plans as it sees fit. However, the legislature only has 30 days from the start of the session to do so, and any change must be approved by two-thirds of the members of each house. Meanwhile, many other local governments are drawing their local districts and legislative precincts.

There may be legal challenges to the plans that may come to the court. The court is making no judgments about those cases at this time.