## CERTIFICATE

I, SUE E. GARCIA, a Certified Court Reporter in and for the State of Washington, residing at Tacoma, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify:

That the foregoing proceedings were taken before me on the 16th of December, 2011, and thereafter transcribed by me by means of computer-aided transcription, that the transcript is a full, true, and complete transcript of said proceedings:

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

IN WITNESS HEREOF, I have hereunto set my hand this December 30, 2011.

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SUE E. GARCIA, CCR, RPR WA Lic. No. 2781

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| 2  | WASHINGTON STATE REDISTRICTING COMMISSION                                     |
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| 5  |   |
| 6  | PUBLIC MEETING  |
| 7  |   |
| 8  | December 16, 2011   |
| 9  |   |
| 10 | Cherberg Building   |
| 11 | Olympia, Washington   |
| 12 |   |
| 13 |   |
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| 15 | Taken Before:   |
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Washington State Redistricting Commission - Public Meeting 1 <u>APPEARANCES</u> 2 3 LURA POWELL - CHAIRWOMAN 4 TOM HUFF - COMMISSIONER 5 TIM CEIS - COMMISSIONER 6 SLADE GORTON - COMMISSIONER 7 DEAN FOSTER COMMISSIONER 8 RUSTY FALLIS - ASSISTANT ATTORNEY GENERAL 9 GENEVIEVE O'SULLIVAN - COMMUNICATIONS DIRECTOR - ASST. TO COMM. GORTON 10 JOANN POYSKY 11 12 13 14 15 NOTE: (As read) - paraphrased quote 16 (Indiscernible) = words heard but not understood 17 (phonetic) = phonetic spelling of name 18 19 20 21 22 23 24 25

## Washington State Redistricting Commission - Public Meeting

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| 1  | BE IT REMEMBERED that on Friday, December 16, 2011, at |
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| 2  | 10:30 a.m., at 304 15th Avenue, Olympia, Washington,   |
| 3  | the following proceedings were had, to wit:            |
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| 5  | * * * *  |
| 6  |  |
| 7  | CHAIRWOMAN POWELL: Good morning and welcome            |
| 8  | to the special meeting of the Washington State         |
| 9  | Redistricting Commission. I'm my name is Lura          |
| 10 | Powell, and I'm chair of the Commission.               |
| 11 | And I'd like to start out this morning by having       |
| 12 | the people on the dais introduce themselves.           |
| 13 | So, Bonnie, would you like to start?                   |
| 14 | MS. BUNNING: Thank you. My name is Bonnie              |
| 15 | Bunning, and I'm the executive director to the         |
| 16 | Redistricting Commission.                              |
| 17 | COMM. FOSTER: I'm Dean Foster. I was                   |
| 18 | appointed to the Commission by the Speaker of the      |
| 19 | House.   |
| 20 | COMM. GORTON: Slade Gorton appointed by the            |
| 21 | Republicans in the Senate.                             |
| 22 | MS. O'SULLIVAN: Genevieve O'Sullivan,                  |
| 23 | communications director.                               |
| 24 | COMM. HUFF: I'm Tom Huff. I represent the              |
| 25 | House Republicans.                                     |
|    |  |

COMM. CEIS: Tim Ceis appointed by Senate 1 2 Democrats. 3 MR. FALLIS: Rusty Fallis, Attorney General's Office, general counsel to the Commission. 4 5 CHAIRWOMAN POWELL: Okay. Thank you. Our first order of business is under Matters 6 7 Pertaining to Redistricting and exchange of the partial 8 plan proposals. And have the teams decided who wanted to go first? 9 10 COMM. CEIS: No. 11 COMM. GORTON: I quess --12 CHAIRWOMAN POWELL: You don't really care? 13 COMM. GORTON: -- we'll volunteer. CHAIRWOMAN POWELL: You'll volunteer. Okav. 14 15 Very good. COMM. GORTON: I'm not just sure how the 16 staff put them up. But when we divided ourselves into 17 18 two teams of one Democrat and one Republican each, Commissioner Ceis and I got the 22 legislative 19 districts from the Pierce-King County line north to the 20 21 Canadian border. And these are the results of long and 22 detailed negotiations between the two of us. 23 That's a rather small-scale map of the immediate 24 Puget Sound area. And as we go through we can look at the individual districts as they are. But they all 25

meet the -- well, so to -- if you put your head sideways, you can -- you can see those a little bit better.

They all meet the population requirements. The greatest variance over or under is -- from the ideal population is 94. They reduce from 30 to 18 the number of divided cities, and they increase by the standards that I use -- and this is a very important part -- from eight to ten the number of those districts that are genuinely competitive between the two parties.

And as I say, I'm sure they don't totally satisfy Commissioner Ceis; they don't totally satisfy me. But I think they end up being fair and relatively logical in their -- in their composition. I'll have a couple of more detailed comments to make, but I think maybe I'll turn it over to Tim now for his initial comments.

COMM. CEIS: Thank you, Commissioner Gorton.

I would agree. It was a difficult discussion at times to resolve some of our differences. I think we've done so fairly reasonably. I'm not going to go into great detail at this point. I'll let Commissioner Gorton describe some of the specific issues.

But I do want to say that I think we are -- while this is a proposed map and it obviously has to be adopted after some more discussion with the Commission

and obviously it will have to be reconciled with what Commissioners Huff and Foster have done to the south of us here, that we are probably 95 percent of the way there.

We have created some more districts that will be competitive in the near term. We have tried to minimize jurisdictional splits. We've tried to recognize the will of the voters in past elections by not displacing a huge number of incumbents, although there are -- in our map a couple have been displaced.

So we will be making some adjustments. As I said, it's 95 percent of the way there. We will want to hear what the auditors have to say. We will want to hear what the public has to say. But I think the basic balance of this map should be maintained as we move through our further discussions with the rest of the Commission.

COMM. GORTON: Oh, one other just statistical point of view: The very large majority of people will be in the same districts that they're in --

COMM. CEIS: Yes.

COMM. GORTON: -- that -- you know, they're in now. If you look at that map, you can see that the districts in most cases look very similar. The figures that I have that 18 of those 22 districts will have

more than 75 percent of the -- of their people who are 1 2 presently in the district in the new -- in the new 3 district, and the average is over 80 percent. COMM. CEIS: Yeah. And I think that 4 continuity's important for voters and for candidates. 5 COMM. HUFF: I have a question. 6 7 COMM. GORTON: Yeah. 8 COMM. HUFF: On the King County line, you're 9 coming down to the King County line, and we're going up 10 to the King County line. And it looks, from what I can see there, that the 30<sup>th</sup> is affected to some degree, 11 and I suspect the 31<sup>st</sup> is, too. 12 13 And now is Milton kept whole, or is that -- is that the area that we're talking about? 14 15 COMM. GORTON: Yeah. The -- the 31<sup>st</sup> District will be very substantially in both King and 16 Pierce Counties. 17 18 COMM. HUFF: Right. 19 COMM. GORTON: We have only the King County 20 boundaries of it and population for that. We do differ from what I just saw an hour ago that you have come up 21 with because we united the cities of Milton and Pacific 22 23 in the 30<sup>th</sup> District. Both of them cross the 24 Pierce-King County line. 25 COMM. HUFF: Uh-huh.

COMM. GORTON: And we united them in the 1 30th District. One of the state representatives in 2 3 the 30th District is the former mayor of Milton, and, you know, we felt it appropriate to do -- to do it in 4 5 that fashion. COMM. HUFF: There we go. Okay. 6 7 COMM. GORTON: That's as -- on my preliminary 8 look, that's the only overlap we have. COMM. HUFF: Okav. Thanks. 9 10 CHAIRWOMAN POWELL: Other comments? Okav. Commissioners Huff and Foster? 11 COMM. HUFF: Yeah. I'll start. 12 13 COMM. FOSTER: Okay. Go ahead. COMM. HUFF: Well, today is the 16<sup>th</sup>. And 14 we don't have a whole lot of time left, but it's moving 15 16 along well. As -- as the map will indicate, that was our 17 section there. We had 16 legislative districts to work 18 19 with. We went -- took the whole peninsula area and then down to the Columbia River and everything on this 20 side of the mountains, of course. The next step will 21 22 be going to eastern Washington, but that's another day. 23 So what we've taken care of is the peninsula 24 itself, up the coast and Pierce County to the King

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County line and then north and then south to the

Columbia.

We certainly made an attempt to split as few cities as possible, and we've had some success there. The district boundaries, we considered definitely the communities of interest and, needless to say, hearing testimony that we've received in the past. Natural boundaries were certainly considered. And we split less cities, like, for instance, a good example would be Port Orchard, which would be whole in the 26<sup>th</sup>. Kelso-Longview are in the same district at this point.

We've -- as an example, in the 26<sup>th</sup>, we maintained the Peninsula School District whole, and -- and also the Key Peninsula, in -- kept to that in the 26<sup>th</sup>, which meant -- means that the center community of interest that's over in Key Center along with Gig Harbor is maintained there.

And we've -- we've had a series of changes with the legislators. It was sort of a little bit a domino effect, and you'll see that on the maps with Orcutt and Alexander and McCune affected.

With that, Dean, you're on.

COMM. FOSTER: I would just like to say first that -- how much we appreciate the input that we've received all summer from the public through a variety of ways, through the Internet, through the hearings

that we had, through our personal conversations, through letters that people continue to send through the Internet.

And the interesting thing about each one these communications is, in this puzzle that we're attempting to put together, every communication we get is -- probably creates a tension with some other communication. And these things -- some people want their county or city in multiple districts; some don't. So those are the kinds of things that to a certain extent cause us to take longer to do than maybe some people would like to have happened.

In the plan that Commissioner Huff and I worked on we have a population deviation throughout the plan of less than 50. The -- less than 50 per district. The district that's out of line the most out of 137,236 people is the 40 -- is the 22nd District here in Olympia, which is 46 people over. And the one that is down the most is the 18th District, which is in Clark County, and that's a minus 37. So we've -- we've kept pretty good districts. The 29th, which is in Pierce County, we have a population deviation of two.

The process that Commissioner Huff and I worked on, we -- we made a decision not to move across the present lines in the 26<sup>th</sup> District across the Narrows

Bridge into Tacoma. So we started with the 26<sup>th</sup> District, and he said, we went into Port Orchard. And then we sort of worked up, and when we did that, the 23<sup>rd</sup> District took a little more population. And then we went around Clallam, Jefferson, and Grays Harbor and then down into Clark County and worked up toward the middle in the interior part.

I think that these -- there are some parts of maps that to a certain extent look more -- look funnier than they really are. For instance, you all have maps here -- and maybe you can see on the map between the 19th and the 24th District there's an arm going north out of the 19th. Well, that's all of Montesano, which we put into the 19th District, and we went around the district line -- or the city line to include that. So it looks like it's there, but it -- it really is all of the -- all of the city.

We do have a reconciliation to do between the 30<sup>th</sup> District, the 25<sup>th</sup> District, which we -- we thought we were drawing a map to the Pierce County line. The other commissioners, I see, drew -- drew Milton and Pacific, including the city boundaries, and I think there's reconciliation between our two maps in the 31<sup>st</sup> District.

| 1  | CHAIRWOMAN POWELL: Comments?                                  |
|----|---|
| 2  | COMM. GORTON: I guess this is                                 |
| 3  | Commissioner Huff because he he lives there. I see            |
| 4  | you got rid of all of those objections about dividing         |
| 5  | the school district on the Key Peninsula; is that             |
| 6  | correct?  |
| 7  | COMM. HUFF: You're right, Senator. Yes.                       |
| 8  | That was a natural way to go, and, of course, I'm glad        |
| 9  | that we all agreed to that point. And I know the              |
| 10 | constituents out there will be pleased with it, also.         |
| 11 | COMM. GORTON: Can I   |
| 12 | COMM. FOSTER: Go ahead.                                       |
| 13 | COMM. GORTON: (Indiscernible).                                |
| 14 | COMM. FOSTER: I was just going to I was                       |
| 15 | just going to say I I also received a communiqué              |
| 16 | from the legislator from that district, who was               |
| 17 | agreeing that, based on the map that I produced, that         |
| 18 | Representative Huff ought to continue to be in his            |
| 19 | 26 <sup>th</sup> District. So that's how we made that we made |
| 20 | that change.  |
| 21 | COMM. HUFF: I was only temporarily                            |
| 22 | displaced.  |
| 23 | COMM. GORTON: And I had a couple of things                    |
| 24 | that Commissioner Ceis and I have discussed briefly but       |
| 25 | not not decided was   |

If you'll put our map back on the screen, please.

MS. BOE: Oh. Slade's map.

COMM. GORTON: No. The full -- the full one.

MS. BUNNING: (Indiscernible).

COMM. GORTON: That long projection of District 39 in eastern Whatcom County, there are, as I remember, 79 people who -- who live in that area, and I just raised the question as to whether or not they would not be better off in the 42<sup>nd</sup> than in the 39<sup>th</sup>. It really won't affect the projection of -- the population projections at all.

And I don't remember. We started -- in our talk we started at the Canadian border and worked south. So that was the first one we'd done, and I don't remember whether we discussed that at all.

COMM. CEIS: Yeah. I think we -- it came up a couple of times. And we were asking ourselves -- well, it's a large geography with very few people in it, and, you know, what's the best district for it to be in based on the ability to represent it from a transportation standpoint, I think, more than anything else. You know, I think 79 people we can probably figure out a way to accommodate without shifting the balance of the maps too much.

So I mean, that's -- that's a good example of a

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few things we need to work our way through that are small in nature. It won't significantly shift the balance of the -- of the map. It's kind of in the same category, I think, as what the auditors might find in terms of some technical issues that we may want to address, too.

COMM. GORTON: The -- the other one I have is in the Seattle area. And that is the long and very thin sort of snakelike districts that are 30 -- 37 and Some of the maps, at least, that were originally put out had both 37<sup>th</sup> and the 11<sup>th</sup>, you know, more -- I guess I would say more -- more centered. That was primarily and is primarily in the division of work that Commissioner Ceis and I did, you know, within the point of view.

But I just -- I raised the question about how long the 11<sup>th</sup> is going into Seattle and whether or not the 37<sup>th</sup> might be better entirely in the City of Seattle and the 11<sup>th</sup> entirely out of it.

COMM. CEIS: Right. And, you know, that's a historical issue, the 11<sup>th</sup> having had a part of Seattle in it and representing that basic geography since the last redistricting.

I think there's a similar issue in the 41st that you and I discussed, as well, where the 41st takes in

the new communities to the east that it hasn't had before. And what appears to be in an irregular shape may or may not make sense that perhaps we should discuss again some more at a subsequent meeting after people have had an opportunity to take a harder look at these maps.

COMM. GORTON: Okay.

COMM. FOSTER: I would like to add one thing that I forgot to say on our map.

In the -- in the mathematics of doing redistricting -- and we have attempted to keep populations a rather small deviation. You'll notice in the Clark County portion of our map there's a white spot down there just to the east of the 18th District. And that is an area that in, I believe, all of the maps that we've previously published, we all have left that as a placeholder to bring a -- one of the eastern Washington districts into that area to equalize the small amount of population that eastern Washington is under for the number of districts they get. So that's why that area is a blank in the -- that's not a disagreement we had. That's a placeholder for an eastern Washington district.

COMM. HUFF: That's a good point.

COMM. GORTON: Can I ask the two of you?

I -- you know, I do notice that you admirably keep small counties together, Jefferson and Mason and the like. Did you consider whether or not all of Lewis County could be in a single district?

COMM. FOSTER: Yes.

COMM. GORTON: And that's it?

the last 20 days we've considered a lot of things, as I -- as I can tell by looking at the map that you two have, too. This is a matter of negotiations. And -- and that area south of the highway in Lewis County and along the railroad or the river there, about 6,000 people fit, it seemed like to me, nicely in the 19<sup>th</sup> District. So that -- there are lots of places that we can all probably look at and find ways we'd rather do it.

COMM. CEIS: I was -- Dean, I was also noticing on the -- Vancouver is now split three ways, the city.

COMM. FOSTER: We had various plans that we worked with that had Vancouver in two districts and others that had it in three. And this one we had a small piece of Vancouver, I think about 6,000 people, that we put in the 18<sup>th</sup> District.

COMM. CEIS: 18th.

COMM. HUFF: If I could go back up to the 1 48<sup>th</sup> and the 10<sup>th</sup>, I just quickly saw Marysville. I 2 3 don't know. Was Marysville split, or is it -- is it whole? 4 5 COMM. GORTON: No. Marysville, like Vancouver, is in three. 6 7 COMM. HUFF: Yeah. Same. Okay. 8 COMM. GORTON: I think that's down from four. 9 COMM. CEIS: Yes, I think Marysville was 10 four. 11 COMM. FOSTER: I believe I -- earlier I 12 reported that I had a visit from some of the Marysville 13 city council. I would just like to point out that some 14 of the cities that we have are as -- sometimes as --15 not -- not as -- as perfectly shaped as that would -you might like to have on a map. Marysville's one of 16 17 them. I'm not disagreeing with how Marysville's set up

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And Senator Gorton pointed out an area in Aberdeen to me that there are a number of small areas throughout the state where cities are noncontiguous, and so in some cases we have a city in two different districts, but it -- it's the city that's the noncontiguous issue here, not necessarily the district. And generally

as a city. I'm just pointing out that, when you look

at these simply on a map, it can look --

1 those noncontiguous areas are zero population, and they 2 are like watersheds or garbage dumps or sanitary 3 landfills or whatever term that would be appropriate. So that's just a piece of information. 4 5 CHAIRWOMAN POWELL: Any other questions or 6 comments? 7 Okay. So we'll just -- you're going to continue 8 your -- your move through additional districts. And 9 our House team is going to continue to do the 10 legislative through eastern Washington, and our Senate 11 team is going to work on the congressional. 12 COMM. GORTON: Correct. 13 COMM. FOSTER: Commissioner Huff and I are 14 meeting immediately after this meeting to -- to begin 15 our general discussions about eastern Washington. COMM. GORTON: Commissioner Ceis --16 17 COMM. HUFF: Today --COMM. GORTON: -- and I have exchanged maps, 18 and we'll talk later in the afternoon. 19 20 CHAIRWOMAN POWELL: And for those of you who 21 are present here, we will have these maps up on large boards outside the hearing room following the hearing. 22 23 Next item is discussion of a timeline for Okav. 24 completion, and I would like to call on Bonnie Bunning, our executive director. 25

MS. BUNNING: Thank you, Madam Chair.

In response to questions at our meeting on Tuesday, I've done more work in trying to pin down just exactly what needs to happen from now on out and how the time frames might work.

I've put together -- each of you have three different scenarios simply to illustrate the remaining steps and how they might play out. And I just want to emphasize that once you come to agreement on the draft final plan, then there is still work to be done by the Commission and you in resolving any errors or public input that's given, what to do about that, adopting the plan itself formally by signing the resolution, and then submitting that immediately to the legislature and posting it.

The next step is a final report to the Legislature, which includes the plan itself as well as some justifications and legal things -- requirements that are in the law, then submitting the plan to the Legislature at the beginning of the session and delivering it -- so delivering it to them by -- I believe it's January 9<sup>th</sup>.

The scenarios I put together, I'd like to turn your attention to those right now. The salmon colors in the left column indicate holidays and weekends, and

that's important because for any public review, difficult to do over a holiday. And we're finding that we can't print a report over weekends and holidays, and that affects how we're going to roll this out to the session.

Now, working backwards, let's go to Scenario 3 first. Scenario 3 I made the assumption that nothing would be finalized until the 1<sup>st</sup> of January 2012. That would be the last day that that could be finalized. And we would resolve errors, put the final plan together, deal with the resolution, and adopt the plan on that day.

It meets the legal requirements that we need. We can still get our report to the Legislature and so on. It doesn't have time for more than a -- an internal error correction, no time built in for an additional public review, but it can be done.

And I want to also say that, although I don't recommend this option for a variety of reasons, we could do all of the adoption and submission only electronically and including technically the report that's due to the Legislature and not go through the printing steps if that was desired or need be. I think there are a variety of reasons why a printed report is important.

What I want to point out is if we are at the 11<sup>th</sup> hour in adopting the plan, we will be able to construct a few plans internally to deliver to the leadership in the House and Senate. Members probably wouldn't get them until the second week of session, January 16<sup>th</sup> at the earliest.

Now, if everything wonderful happens, we go to Scenario 1. That's the pre-Christmas-holiday-break scenario, when you come together on the plan before then. Then we would provide a 24-hour option for auditors to take a look at it, and the public would have that same day plus over the holidays, if they chose, to take a look at it and provide input back to the Commission.

The time frame there would include drafting up the justification for the plan and then having a meeting to resolve errors, finalize things. And then I'm just pegging it on the 30<sup>th</sup> to adopt the plan, sign the resolutions, submit it to the Legislature, post it a day before or a couple days before the final deadline. Gives us a little more time depending on whether -- that will give us time enough to get a report to the printer and be able to deliver -- probably deliver a bound report to members on the day -- opening day of session. So that's the best case that I've laid out.

1 Scenario 2 is kind of a hybrid of the two of them. 2 Sometime between Christmas and New Year's break, I -- I put down here December 29<sup>th</sup> -- still allows for a 3 24-hour review by auditors, a little bit of time for a 4 5 public quick review, resolve errors and adopting it again on January 1<sup>St</sup>. That puts us then in the same 6 7 report-publication time frame where we would get 8 initial copies to the leadership and bound copies to 9 everybody by the second week of session. 10 So the good news is that we have ways to do this, 11 and we can size it up depending on when that date 12 appears. And -- and just a note also that again the --13 the report is a step after adoption that will involve 14 one or more brief meetings with commissioner input 15 and -- and then submission. 16 17 the way we end up, I hope. 18 19 suggest that --

COMM. HUFF: Obviously Scenario 1 should be

COMM. GORTON: Well, I was just going to

COMM. HUFF: Or earlier.

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COMM. GORTON: -- we ought to put more pressure on ourselves than that and that we should today hope that we could -- could finish these last two assignments and any of the -- the future discussion between us by next Wednesday rather than by next

1 Friday. For the 21<sup>st</sup>, if we're not there, we can 2 push it back. But if we set next Wednesday as our 3 goal, we're more likely to be on Scenario 1 or even better pattern than Scenario 1. Like to give more than 4 5 24 hours to the auditors if we possibly can. 6 COMM. CEIS: To that end, you know, I would 7 suggest sending the drafts we just put out today to the auditors. Let's not wait. I -- as I said earlier, I 8 9 think that these are 95 percent of the there -- of the way there, and I'd like to have their input the next 10 11 time we get together, if possible, so we can discuss 12 some of those technical issues they may raise --13 COMM. HUFF: Good suggestion. COMM. CEIS: -- and decide which ones are 14 technical and which ones not. 15 COMM. HUFF: Good suggestion. 16 COMM. FOSTER: Well, I'd -- I don't know why 17 we have to wait till our next meeting to get an input 18 from an auditor. If -- if we --19 20 COMM. CEIS: Well, that's what I'm saying, 21 the same thing; sent it to them now. COMM. GORTON: (Indiscernible). 22 COMM. FOSTER: Send it to them now. And if 23 24 they turn something around tomorrow, hopefully they'd

send it back to the Commission. And that can be --

| 1  | COMM. CEIS: Sure. That's fine.                       |
|----|--|
| 2  | COMM. FOSTER: That can be                            |
| 3  | COMM. CEIS: But when we get again                    |
| 4  | together again formally                              |
| 5  | COMM. FOSTER: That can be made public                |
| 6  | COMM. CEIS: Yeah.                                    |
| 7  | COMM. FOSTER: and we can read it. And                |
| 8  | then and then we can respond to that when we meet    |
| 9  | again.   |
| 10 | COMM. CEIS: I think we're saying the same            |
| 11 | thing.   |
| 12 | COMM. FOSTER: Okay.                                  |
| 13 | COMM. HUFF: We're planning on meeting again          |
| 14 | next Tuesday again, are we not?                      |
| 15 | COMM. CEIS: Yes.                                     |
| 16 | CHAIRWOMAN POWELL: Well, I think we need             |
| 17 | to if you want to whether we meet Tuesday and        |
| 18 | Wednesday, as Commissioner Gorton suggested, or just |
| 19 | COMM. HUFF: Good point.                              |
| 20 | CHAIRWOMAN POWELL: You know, either way              |
| 21 | COMM. GORTON: You already have a meeting set         |
| 22 | for next Tuesday?                                    |
| 23 | CHAIRWOMAN POWELL: We do. But, you know,             |
| 24 | we these are special meetings and can be, you know,  |
| 25 | changed with 24 hours' notice to the public. We like |
|    |  |

to do it a little bit longer than that if we can. But it just depends on where -- when you all think, you know, you'll be ready.

COMM. FOSTER: I wonder if we shouldn't schedule a meeting for every day next week and cancel them rather than -- than work one meeting at a time.

schedule a meeting for every day next week and cancel them rather than -- than work one meeting at a time because we don't know how much -- we're going to have public meetings. We're going to be talking about the maps we've done today for the first time in public, essentially for the first time in public. Maybe we schedule a meeting for every day. And 24 hours prior to that meeting we make a decision about whether or not we want to cancel it as opposed to the opposite system we've been using.

COMM. CEIS: I concur on that. I think that's a good idea. We should just notice that we're -- starting Tuesday we're going to meet every day next week beginning at 10:30. And as you say, if we decide we don't need it, we can cancel it. Rather be proactive that way.

CHAIRWOMAN POWELL: Everyone in agreement?

COMM. GORTON: I --

COMM. HUFF: I would.

CHAIRWOMAN POWELL: I can hang out.

COMM. FOSTER: I -- I'm not hung up -- I'm

| 1  | not hung up on the time. And so I people probably      |
|----|--|
| 2  | ought to look at their schedules.                      |
| 3  | COMM. HUFF: I I would agree. I have a                  |
| 4  | problem on Monday and on Thursday with Mary Ann's knee |
| 5  | replacement that I have.                               |
| 6  | COMM. FOSTER: What what time Thursday                  |
| 7  | would you be available?                                |
| 8  | COMM. HUFF: Well, Thursday I could make it             |
| 9  | by probably about 11:00, 11:00 o'clock, in that area.  |
| 10 | On Monday I couldn't make it until about noon.         |
| 11 | COMM. GORTON: I think Tim was talking about            |
| 12 | Tuesday on.  |
| 13 | COMM. HUFF: Well, Tuesday no problem.                  |
| 14 | COMM. FOSTER: Tuesday we're scheduled to               |
| 15 | meet at 10:30.   |
| 16 | COMM. CEIS: Start on Tuesday. We're not                |
| 17 | going to   |
| 18 | COMM. FOSTER: So what if we met Tuesday                |
| 19 | at if we schedule a meeting for Wednesday at 10:30,    |
| 20 | Thursday at 1:00, and Friday at 10:30.                 |
| 21 | CHAIRWOMAN POWELL: Well, what about your               |
| 22 | conference call?                                       |
| 23 | COMM. GORTON: When is that?                            |
| 24 | CHAIRWOMAN POWELL: That was Friday, wasn't             |
| 25 | it, 'cause it was postponed, or?                       |
|    |  |

| 1  | MS. POYSKY: It's it's Thursday, 8:00 to                |
|----|--|
| 2  | 10:00.   |
| 3  | COMM. GORTON: 8:00 to 10:00. So then I can             |
| 4  | do that in the car on the way down.                    |
| 5  | CHAIRWOMAN POWELL: Sure. Okay.                         |
| 6  | COMM. CEIS: Can we review those times again?           |
| 7  | I'm sorry. I looking at my calendar.                   |
| 8  | COMM. FOSTER: Okay. I think I said 10:30 on            |
| 9  | Wednesday.   |
| 10 | COMM. GORTON: No. 10:30 on Tuesday, that's             |
| 11 | already scheduled. Okay.                               |
| 12 | COMM. FOSTER: Right. That's already                    |
| 13 | scheduled.   |
| 14 | COMM. CEIS: Right.                                     |
| 15 | COMM. FOSTER: These are the new schedule.              |
| 16 | We won't schedule a meeting for Monday.                |
| 17 | CHAIRWOMAN POWELL: Right.                              |
| 18 | COMM. FOSTER: We have a meeting already                |
| 19 | scheduled for 10:30 Tuesday. We schedule a meeting for |
| 20 | 10:30 Wednesday. We schedule a meeting for             |
| 21 | 1:00 o'clock Thursday.                                 |
| 22 | Is that okay, Tom?                                     |
| 23 | COMM. HUFF: Yes, that's fine. Thank you                |
| 24 | very much.   |
| 25 | COMM. FOSTER: And we schedule a meeting for            |
|    |  |
|    |  |

| 1  | 10:30 on Friday.                                       |
|----|--|
| 2  | COMM. HUFF: Right.                                     |
| 3  | COMM. CEIS: So can I ask if on Wednesday we            |
| 4  | could move our meeting to the afternoon? Or is that    |
| 5  | COMM. FOSTER: Yes. That's fine with me.                |
| 6  | COMM. CEIS: Is that a problem for the other            |
| 7  | commissioners?   |
| 8  | COMM. HUFF: Fine with me.                              |
| 9  | COMM. GORTON: Sure.                                    |
| 10 | COMM. FOSTER: 1:00 o'clock Wednesday and               |
| 11 | Thursday and 10:30 on Friday.                          |
| 12 | COMM. CEIS: 1:00 o'clock would work. Thank             |
| 13 | you.   |
| 14 | COMM. HUFF: Okay.                                      |
| 15 | COMM. FOSTER: With the understanding that              |
| 16 | COMM. GORTON: If there's nothing                       |
| 17 | COMM. FOSTER: three of us can cancel                   |
| 18 | COMM. GORTON: Yeah.                                    |
| 19 | COMM. FOSTER: or call Lura and                         |
| 20 | CHAIRWOMAN POWELL: Yeah.                               |
| 21 | COMM. FOSTER: And then I'm not prepared to             |
| 22 | propose the week the following week. But for those     |
| 23 | who cared, that might be we'd we'd hope that by        |
| 24 | that that we get done at this point, but the following |
| 25 | week might look a lot like this this week.             |
|    |  |

COMM. CEIS: Can we have Sunday off? 1 2 COMM. FOSTER: Yes. 3 COMM. GORTON: He's considering that. 4 COMM. FOSTER: Yes. I --5 COMM. CEIS: Give it a little thought, will you, Dean. When you going to do my holiday shopping 6 for me, by the way? 7 8 CHAIRWOMAN POWELL: You're not done? 9 COMM. CEIS: No. 10 COMM. GORTON: (Indiscernible) of course he's not done. 11 CHAIRWOMAN POWELL: I'm not either. 12 13 One thing that would be helpful for me because of 14 my travel distance -- and if it looks like we're going 15 to be here every day, you know, I'll just stick around 16 probably. But if a member of each team, you know, would just 17 sort of give some feedback to Bonnie, it's fine if you 18 19 want to just pop down and talk to her 'cause we talk 20 all the time, rather than maybe trying to reach me or whatever just to let us know if you are or are not 21 22 going to be able to meet. So, I mean, you said three 23 of the four could cancel. But it'd also just be nice 24 to make sure that, you know, if you are like 24 hours 25 ahead of time going to be available for meeting, as

1 well.

COMM. CEIS: Right. I mean, I think we're definitely going to meet Tuesday morning. There's no doubt about that.

CHAIRWOMAN POWELL: Right.

COMM. CEIS: So we should be able to gauge what the rest of the week may look like on that day, I think.

CHAIRWOMAN POWELL: Okay. And I think the other thing just from a staff point of view, when you are ready with more maps, we just need to be prepared with a little bit of notice. And we can do things pretty much at the last minute, but the more notice we get, the better.

## Bonnie?

MS. BUNNING: Just one more thing. I wanted to note that as soon as possible when we adjourn today we'll have the --

MS. O'SULLIVAN: Already up.

MS. BUNNING: We have the maps that you are revealing today on the website already. So they are available to the public. And I'll make sure the auditors know that so that they can start looking at them.

COMM. FOSTER: And I have a question about

1 the scenarios, and this is a question for Rusty. I 2 assume that if we take a vote that includes both 3 congressional and legislative maps and there's some sort of number that is on a disk that, as a result of 4 5 that vote, no matter what time it is prior to midnight on the 1st, that will be -- we will have completed our 6 7 constitutional responsibility, and administrative 8 things like signing resolutions and approving reports 9 could happen beyond our constitutional mandate. 10 MR. FALLIS: Right. I would agree with that. If you take the vote and hand the disk or similar 11 medium by the -- before the 2<sup>nd</sup>, you've complied with 12 13 your responsibility. 14 COMM. FOSTER: I don't want that to happen. 15 COMM. CEIS: So, Rusty, could you be more specific about the transmission to the Legislature? Is 16 that to be a physical receipt? Can that be just an 17 e-mail that has a time/date prior to the 2<sup>nd</sup>? 18 MR. FALLIS: No. I think an e-mail is 19 sufficient. 20 21 COMM. CEIS: It is? Okay. So we don't have 22 to have someone standing by to actually receive it? 23 MR. FALLIS: No, I don't think so. 24 CHAIRWOMAN POWELL: Okay. That sounds great.

Anything else to come up in this part of the

meeting?

MR. FALLIS: Can I --

CHAIRWOMAN POWELL: Yes.

MR. FALLIS: Just to follow up something that Ms. Bunning mentioned about the report, there is at least part of that report that I think is going to have to be the product of the commissioners' work. I mean, a considerable part of it is information that the staff is compiling. But just as a heads-up, that is something that is going to require at least a modest amount of time that we think you ought to keep in mind.

COMM. CEIS: Could you be more specific?

MR. FALLIS: Well, the --

COMM. CEIS: 'Cause I thought I was done midnight January 1<sup>St</sup>.

MR. FALLIS: One of your -- one of your specific duties is to prepare and publish a report with the plan.

COMM. CEIS: Right.

MR. FALLIS: And the statute describes some of the things that are in the report. But, for example, it says that the report should contain an explanation of the criteria used in developing the plan. I don't think the staff wants to put words in your mouth. So, you know, I think they can facilitate

the drafting of this, but on some level they're going 1 2 to need an explanation, maybe just a general one, from 3 you as to how you applied this criteria. COMM. CEIS: I always thought that was the 4 5 traditional relationship between the staff and the people they work with. No. 6 7 Perhaps we could then begin working on that before 8 the 1<sup>st</sup>? 9 MR. FALLIS: That makes sense if you're 10 comfortable doing that, and we can assist in greasing 11 the skids any way that we'd like to. 12 Bonnie? 13 MS. BUNNING: Yes. I have been working on a 14 draft of the verbiage part of the report. It's largely 15 a brief introduction and some of the justifications and 16 then maps that will get produced once the plan is finalized. 17 I would like to provide that very rough initial 18 19 draft to you on Tuesday so you can add that to your pile of things to do. But . . . 20 21 COMM. CEIS: We can make it homework, though, can't we? 22 23 MS. BUNNING: Yes. COMM. CEIS: 'Cause I think the Commission 24 25 meeting is going to be involved in discussion.

MS. BUNNING: Exactly. It wouldn't be right 1 2 to discuss it on Tuesday, but I'll get that to you by 3 Tuesday in your packet. COMM. HUFF: Fine. 4 5 COMM. FOSTER: I'm going to be out of the state between the 3<sup>rd</sup> and 9<sup>th</sup>. 6 7 COMM. CEIS: Of January? 8 COMM. FOSTER: But I presume anything like 9 that can be done on the phone. 10 MR. FALLIS: Yes. 11 COMM. CEIS: But that -- that does not 12 require any official action by the commissioners, 13 however; it's just our input into the -- or does it? 14 MR. FALLIS: Well, I think that a report does 15 need to be approved by the Commission. I mean, it can be, if need be, a five-minute meeting on the telephone. 16 But it's specifically listed as one of the duties of 17 the Commission, is the preparation of the report. So I 18 don't think it's enough just to have the staff do it. 19 20 I think you need to sign off on it. COMM. FOSTER: But not prior -- it doesn't 21 have to be done prior to the 2<sup>nd</sup> of January? 22 23 MR. FALLIS: That is correct, in my opinion. 24 COMM. HUFF: Okay. MS. BUNNING: Or the 9<sup>th</sup> even. 25

CHAIRWOMAN POWELL: Okay. Anything else for 1 2 this section? COMM. FOSTER: Or the 9<sup>th</sup>. 3 MR. FALLIS: I think the 9<sup>th</sup> is a good target 4 5 because that's when the Legislature's clock starts running in terms of the amount of time it has. So I 6 7 think it's --8 COMM. FOSTER: That's --9 MR. FALLIS: -- it's logical to try to get 10 the report to them by then. 11 COMM. FOSTER: Should have 30 days. COMM. CEIS: Are you back in town by then? 12 13 COMM. FOSTER: I think so. 14 COMM. CEIS: Call from the airport? 15 COMM. FOSTER: What's triggering here is the beginning of the legislative session. 16 COMM. CEIS: Yeah. Right. I understand. 17 COMM. FOSTER: They have 30 days to act. 18 CHAIRWOMAN POWELL: Actually the 9<sup>th</sup> is 19 Monday, and our regular Commission meeting is scheduled 20 21 for the day after that. So I don't know if we can sort of talk about whether it makes sense to do it as a 22 separate conference call or if we can just do it 23 24 officially during our regular Commission meeting 'cause they will have the electronic version in front of them. 25

1 So that they'll get immediately.

Okay. If there's no other -- anything else to discuss during this section, we can move on to the public-comment section of our meeting. We do have several online comments. We do have one person here present, John Milem, who is signed up to -- to speak. So I'd ask Mr. Milem to come forward, and I'll just read a couple of the comments while he's doing that from online, and then we'll continue.

The first online comment is from Robert. And I don't have a last name. Oh, there it is. The same one? Robert Rodriguez, R-o-d-r-i-g-u-e-z, from Mill Creek. And his comment is:

"I heard that there are several comments to put Mill Creek in the same district as Bothell. I see this plan keeps it in the 44<sup>th</sup>. What was the reasoning, as Mill Creek shares the same community interests as Bothell. Most of my neighbors I have spoken to want to be in the same district as Bothell rather than stay in the 44<sup>th</sup>? How is this plan, then recognizing communities of interest?"

I don't know if that's something you want to just sort of think about and maybe . . .

COMM. GORTON: Well, this is really for you.

COMM. FOSTER: (Indiscernible).

CHAIRWOMAN POWELL: Okay.

can do is take your comment under consideration. And we'll go with Mr. Milem.

MR. MILEM: Good morning. My name is John

I think what we

MR. MILEM: Good morning. My name is John Milem, J-o-h-n M-i-l-e-m. I live in Vancouver, and I'm an advocate for redistricting in the public interest.

I would like to make one comment about what you've shown us today, and that is that it's a history of redistricting. Redistricting is about getting ready for the future, and the history of redistricting is that we always manage to drag the -- drag history into the future in ways that are unnecessary.

It's been at least 30 years, maybe 40 or 50, since it's been necessary to divide Grays Harbor County. It used to be too big to be a district. It hasn't been that for decades. But we don't seem to get to the place where we recognize that that is a community that should be entitled to -- to representation within a single district, and I just regret seeing that.

Today I want to comment about the draft of
Attachment A that was furnished on Tuesday. I commend
the draftsmen of Attachment A for providing a more
sensible solution to the correction of errors and
omissions in redistricting plans than the previously
used Section 4. In a recent conversation with Vicky

Dalton, I was interested in her observation to the effect that the current proposal is a huge improvement over the prior language.

That being said, I have several problems with the draft.

First, I would like to observe that we do have a difference of opinion regarding the population standard to be satisfied in redistricting. If the Commission's apparent interpretation of the population standard is the correct one, I am puzzled that population, in the current draft of Attachment A, is relegated to a relatively limited role in resolving errors and omissions. My original proposal, furnished to the Commission on November 8<sup>th</sup>, was rather convoluted because I made an effort to protect the stringent interpretation of the population standard which I understand the Commission holds.

As you know, my interpretation is different from yours. The correction of errors and omissions is far less likely to violate my understanding of the population standard than it is yours. I believe there is some inconsistency between your professed population standard and limited role allowed in population in the errors-and-omissions-correction provision of Attachment A.

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Second, as I proposed in my draft of

November 8<sup>th</sup>, I believe the first resort in

correcting errors and omissions should be to use

precinct boundaries. I applaud the focus on county and

municipal boundaries in Attachment A.

However, I'd like to point out that since precincts do not cross county or municipal boundaries, the use of precincts as the primary error-and-omission correction factor protects across -- protects against crossing either a county boundary or a municipal boundary. The application of the provisions of Attachment A as written may have the result of either requiring the creation of new precincts for areas assigned pursuant to the proposed Attachment A or complicating election administration, because even though the assignment determined through Attachment A will keep the assigned territory within its county and municipality, if any, it is entirely possible that the boundary eliminated by the addition of the misassigned or unassigned territory may actually be the boundary of some other kind of governmental entity, such as, for example, a school district.

There are several counties in the state in which no precinct crosses a school district boundary. In many other counties, school district boundaries are

generally, though not exclusively, used as precinct boundaries. It may be that the assignment required by Attachment A may cause the assignment of territory across the boundary of some other governmental entity. Using precinct boundaries as the first factor in correction of errors and omissions will significantly reduce the risk of this happening.

Third, I see dealing with uninhabited water areas differently from uninhabited land areas to represent a failure to deal completely with the contiguity problems resulting from erroneous assignment of uninhabited areas. If an uninhabited area separates areas assigned to a district, thereby rendering the district noncontiguous, I see no reason why it should be handled one way if it's water and a different way if it's land. The problem seems to me to be the same in both cases. The uninhabited territory should be reassigned to the noncontiguous district to assure it's contiguity.

Fourth, I am uncertain as to whether there is a difference in effect between my preferred language on boundary length and the language of Attachment A. Attachment A directs that territory not otherwise assigned under preceding provisions of Attachment A be assigned based upon the longest shared boundary of the area to be assigned with districts eligible to receive

it.

My approach is to look at the effect of the assignment on boundary length after assignment. It is possible that the two provisions may lead to identical results, but I am not certain that this is the case.

I have redrafted my proposal to remove population as a factor in the correction of errors and omissions.

I believe that my proposal is considerably simpler than Attachment A while at the same time being a more comprehensive solution to the correction of errors and omissions.

And you have the text of that there, and I won't belabor the reading of it. Thank you.

CHAIRWOMAN POWELL: Thank you for your comments.

MR. MILEM: You're welcome.

CHAIRWOMAN POWELL: Okay. Our next comment online is from Sharon Woods of Marysville, and that's S-h-a-r-o-n last name W-o-o-d-s.

(As read) "Commissioners. First let me expression my thanks for your work on this very important effort. I can only image how challenging it has been to put these maps together. With that said, I do not understand why Marysville has been split up the way it was. It makes no sense. Why can't the areas being

placed in the 39<sup>th</sup> be put in the 38<sup>th</sup> and the 1 44<sup>th</sup>? The areas being put in the 39<sup>th</sup> are so 2 3 small, to me it seems most logical to put Marysville in as few districts as possible. I read testimony from 4 5 even our" -- "from even our City to that effect. I am very confused." 6 7 8 9 take it under advisement. 10 11 that correct, Gen? 12 13 MS. O'SULLIVAN: Yes. 14 15 16 17 18 19

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I'm not sure the time this was sent in. We did have a brief discussion about the Marysville issue. And this may have come in before that. But you can all

And I think that's the last of our questions.

CHAIRWOMAN POWELL: Okay.

COMM. FOSTER: I would just like to say something about what Mr. Milem just gave us. I --CHAIRWOMAN POWELL: Certainly.

COMM. FOSTER: I had asked him afterwards if he'd looked at the -- what we -- what we passed out the last meeting, and he came with this. And I certainly assume that staff will take a look at this. And I think maybe getting closer on those issues, this will be a exercise that probably happens after this plan is approved and beyond January 1st.

And so while it appears a lot of detail, if we do

find mistakes, then this is an important document. So I thank you for all the work you've done on this, and hopefully we're getting closer to having a good corrective document.

CHAIRWOMAN POWELL: Thank you, Dean.

COMM. HUFF: John, it's good to see you here again today.

CHAIRWOMAN POWELL: Okay. Those are the only comments we have.

Did anybody want to make a comment who didn't sign up?

Yes, sir. Come forward. Please state your -- state and spell your name for the record, please.

MR. MAY: My name is Richard May. I live up in the Whatcom County area here.

I'm -- I'm -- I'm quite surprised at the contents of some of these maps 'cause I had -- I had seen some very good things in some of the preliminary maps, although they were quite different from each other. But again with Marysville with three districts and then Mount Vernon cut down the middle and Bellingham cut down the middle, it's --

I had had the impression that one of the objectives was to try not to be cutting things down the middle. And I had heard some things in the early

Commission meetings about how there's going to be very few divided things, but they seem to be all up in the neck of the woods that I've been paying most attention to.

I had been very pleased with some of the maps I'd seen where the 39<sup>th</sup> had reunited some of the agricultural area of the 42<sup>nd</sup> so that those agricultural people could share a legislator who could look after their interests. And I had appreciated particularly the Ceis and Foster maps that had a little more Bellingham in there.

The -- the way that this is currently cut, the 42nd, which has been a competitive district electing a combination of Democrats and Republicans for quite some time, has now been rendered a noncompetitive district by taking out seven precincts that are -- were predominately Democrat.

And so now what you've got is this -- this conundrum of the community of interest of downtown Bellingham and the -- compared with community of interest of the rest of the rural area, which had been balanced into a competitive district and now is noncompetitive, which means the remaining part of Bellingham that has lost those seven precincts now is just -- just going to be simply at odds with -- just

not getting the -- any form of legislators that they're going to be happy with rather than the mix, which some would say is ideal.

You know, there's -- there's an old standard, you know, talking about federal senators. A lot of people used to say really good if you get one of each because then you get a more comprehensive representation. So at this point the -- I'm displeased with -- with where this -- with where this puts the 42<sup>nd</sup>, which historically has -- has elected a combination. And I guess not much I can say on that.

Thank you very much.

CHAIRWOMAN POWELL: Thank you.

Anyone else?

Okay. Thank you all for coming.

Again, for those of you present, there are maps going to be put outside in the hallway right after the meeting, and the maps are available electronically up on our website. You can use -- you can use Google Earth to zero in on the details. So I encourage you to do that.

Thank you very much for coming.

(Proceedings concluded at 11:24 a.m.)