

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, et al.,

Defendants.

NO. 3:22-cv-05035-RSL

NOTICE THAT DEFENDANT HOBBS
TAKES NO POSITION

Defendant Steven Hobbs, in his official capacity as Secretary of State for the State of Washington, hereby notifies the Court that he intends to take no position on the issue of whether the state legislative redistricting plan violates section 2 of the Voting Rights Act. The state legislative redistricting plan that Plaintiffs challenge was created by the Washington State Redistricting Commission. The Secretary of State had no role in designing the plan. If the Plaintiffs are successful in this litigation, the Washington Constitution contemplates that the Commission is responsible for modifying the districting law, not the Secretary. Wash. Const. art. II, §§ 43(8), (11). The Secretary's role with respect to implementing the redistricting plan is largely ministerial, such as accepting candidate filings for certain state legislative districts. Wash. Rev. Code § 29A.24.070(2).

In light of the Secretary's limited role with respect to redistricting, and because the plaintiffs make non-frivolous allegations related to compliance with the Voting Rights Act, the Secretary

1 takes no position on the merits of Plaintiffs' claims. The Secretary notified the Commission by letter
2 of his position on February 22, 2022, and encouraged the Commission to intervene to defend the
3 maps that it adopted. *See* Appendix A. Regardless of whether the Commission is a necessary party,
4 its presence would ensure adversarial presentation of the issues. Participation by other interested
5 intervenors may also ensure that the Court can promptly and clearly resolve these issues.

6 DATED this 25th day of February 2022.

7 ROBERT W. FERGUSON
8 *Attorney General*

9 *s/ Karl D. Smith*
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19 *Attorney for Defendant Steven Hobbs*

DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 25th day of February 2022, at Olympia, Washington.

s/ Leena Vanderwood
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February 22, 2022

Washington State Redistricting Commission
PO Box 40948
Olympia, WA 98504-0948

Commissioners of the Redistricting Commission:

Thank you for the many hours that you have devoted to the important task of redistricting in Washington.

As you may be aware, a lawsuit was recently filed alleging that the Redistricting Commission's legislative redistricting plan violates Section 2 of the Voting Rights Act. The plaintiffs in *Palmer v. Hobbs* allege that the Commission's approved state legislative map unlawfully dilutes the voting strength of Latino voters in the Yakima Valley region, and that the map approved by the Commission was adopted with discriminatory intent.

While I am named as a defendant in this action, it is clear that the lawsuit is based on decisions made by the Commission. As the redistricting plan that the Commission approved followed months of study and preparation, I trust that it reflects careful consideration of the requirements of the Voting Rights Act. Every citizen of this state, regardless of race or color, deserves the opportunity to meaningfully participate in elections.

The Commission is in the best position to explain and defend the decisions reflected in its redistricting plan. While my office has a limited role in implementing the redistricting maps adopted by the Commission, we had no role in designing the maps. As a result, I intend to take no position on whether the state legislative redistricting plan complies with the Voting Rights Act. That role most naturally belongs to the body charged with designing the state legislative maps in the first place.

I strongly encourage the Commission to intervene in the ongoing litigation in *Palmer v. Hobbs* to defend the maps that it adopted.

Respectfully,



Steve R. Hobbs
Washington Secretary of State