

Kennewick, WA 99336 (509) 380-9999 | Fax (509) 579-4499

appearance on the undersigned attorney, you are entitled to notice before a default judgment may		
be entered.		
You may demand that the plaintiff file this lawsuit with the court. If you do so, the		
demand must be in writing and must be served upon the person signing this summons. Within		
14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the		
service on you of this summons and complaint will be void.		
If you wish to seek the advice of an attorney in this matter, you should do so promptly so		
that your written response, if any, may be served on time.		
This Summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State		
of Washington.		
DATED this 200 does of April 2021		
DATED this 22 nd day of April, 2021.		
MORFINAAWFIRM, PLLC		
By: Edwardo Morfin, WSBA No. 47831		
FILE RESPONSE WITH: Franklin County Clerk		
FILE RESPONSE WITH:		
Franklin County Clerk Franklin County Superior Court		
1016 N. 4 th Avenue, Room B 306		
Pasco, WA 99301		
SERVE COPY OF RESPONSE: MORFIN LAW FIRM, PLLC		
7325 W. Deschutes Avenue, Suite A		
Kennewick, WA 99336 (509) 380-9999		
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*Motions for admission <i>pro hac vice</i> forthcoming		
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1	COPY ORIGINAL FILED APR 22 2021 MICHAEL J. KILLIAN		
3	FRANKLIN COUNTY CLERK		
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7	IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON		
8	IN AND FOR FRANKLIN COUNTY		
9 10	GABRIEL PORTUGAL, BRANDON		
10	PAUL MORALES, JOSE TRINIDAD CORRAL, and LEAGUE OF UNITED LATIN AMERICAN CITIZENS.		
12	RÉLIEF UNDER THE		
13	v. WASHINGTON VOTING RIGHTS		
14	FRANKLIN COUNTY, a Washington		
15	municipal entity, CLINT DIDIER, ROCKY MULLEN, BRAD PECK, in their official		
16	capacities as members of the Franklin County Board of Commissioners,		
17	1 Alexandread Alexandread Alexandread Alexandread Alexandread Alexandread Alexandread Alexandread Alexandread A		
18	Defendants.		
19	LINTRODUCTION		
20	I. INTRODUCTION		
21	1.1 This action challenges the at-large electoral system used by Franklin County (The		
22	County) in general elections and the districting scheme used in primary elections. The current		
23	election scheme dilutes the votes of Latino/a voters in Franklin County, denying them the equal		
24	opportunity to elect candidates of their choice in general elections in violation of the Washington		
25	Voting Rights Act ("WVRA" or "the Act"), RCW 29A.92.060.		
26	1.2 The Latino community has been growing, now accounting for about one third of		
27 28	the citizen voting age population (CVAP) in Franklin County.		
	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 1 -		

1	1.3 Latino voters in the County have been unable to elect candidates of their choice			
2	for decades, despite voting cohesively.			
3	1.4 This is because the hybrid district-based and at-large election model both cracks			
4	and dilutes the minority group's voting power. The district-based primary elections break up the			
5	cohesive and compact Latino community by splitting voters across three districts.			
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8	y a singe the use sufficiently goographically compact of			
9	comprise a majority-minority district, but instead, voters are separated to dilute the votes cast by			
10	Latino citizens.			
11	1.6 Then, the at-large general election further diffutes Latino voting power, because			
12	there is racially polarized voting during county elections which operates to block Latino voters			
13	from electing candidates of their choice.			
14	1.7 Combined, this leaves Latino voters in Franklin unable to effectively participate			
15	in the political process.			
16	1.8 The electoral scheme in Franklin county deprives Latino voters of their equal			
17	right to elect candidates of their choice as guaranteed by the WVRA.			
18 19	II. PARTIES			
20 21	2.1 Plaintiffs GABRIEL PORTUGAL, BRANDON PAUL MORALES, and JOSE			
21	TRINIDAD CORRAL ("Individual Plaintiffs") are Latino registered voters who reside in			
23	Franklin County.			
24	2.2 Plaintiff GABRIEL PORTUGAL is an American citizen, over the age of 18, is			
25	eligible to vote, and is a registered voter in Franklin County, Washington.			
26	2.3 Plaintiff BRANDON PAUL MORALES is an American citizen, over the age of			
27	18, is eligible to vote, and is a registered voter in Franklin County, Washington.			
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	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 2 - MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499			

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1	2.4 Plaintiff JOSE TRINIDAD CORRAL is an American citizen, over the age of 18,		
2	is eligible to vote, and is a registered voter in Franklin County, Washington.		
3	2.5 Plaintiffs LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULA)		
4	the oldest and largest national Latino civil rights organization in the United States.		
6	26 IUIAC is a non-profit membership anoninsting ist		
7	Washington, with three membership chapters within the state and one in Franklin County.		
8	2.7 LULAC participates in civic engagement activities, such as voter registration,		
9	voter education, and voter turnout efforts throughout Washington. LULAC's mission is to		
10 11	educate voters, including expending resources to ensure that LULAC membership and Latinos		
12	are able to have equitable access to the franchise.		
13	2.8 Defendant FRANKLIN COUNTY ("the County") is a Washington municipal		
14	corporation and a political subdivision within the meaning of and subject to the requirements of		
15	the WVRA. See RCW 29A.92.010. The County maintains a system in which candidates for		
16	Commissioner are first voted on through a district-based primary and then elected through a		
17 18	County-wide at-large election.		
19	2.9 Defendants CLINT DIDIER, ROCKY MULLEN, and BRAD PECK (collectively		
20	"the Commissioners") are current members of the Commission. The Commission has the		
21	authority to change the County's electoral system to remedy a violation of the WVRA. The		
22			
23	Commissioners are each sued in their official capacity only.		
24	III. JURISIDCTION AND VENUE		
25	3.1 This court has subject matter jurisdiction over this Complaint because		
26	Washington state courts have jurisdiction over claims brought under the WVRA. RCW 29A.92.		
27			
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	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 3 - MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499		

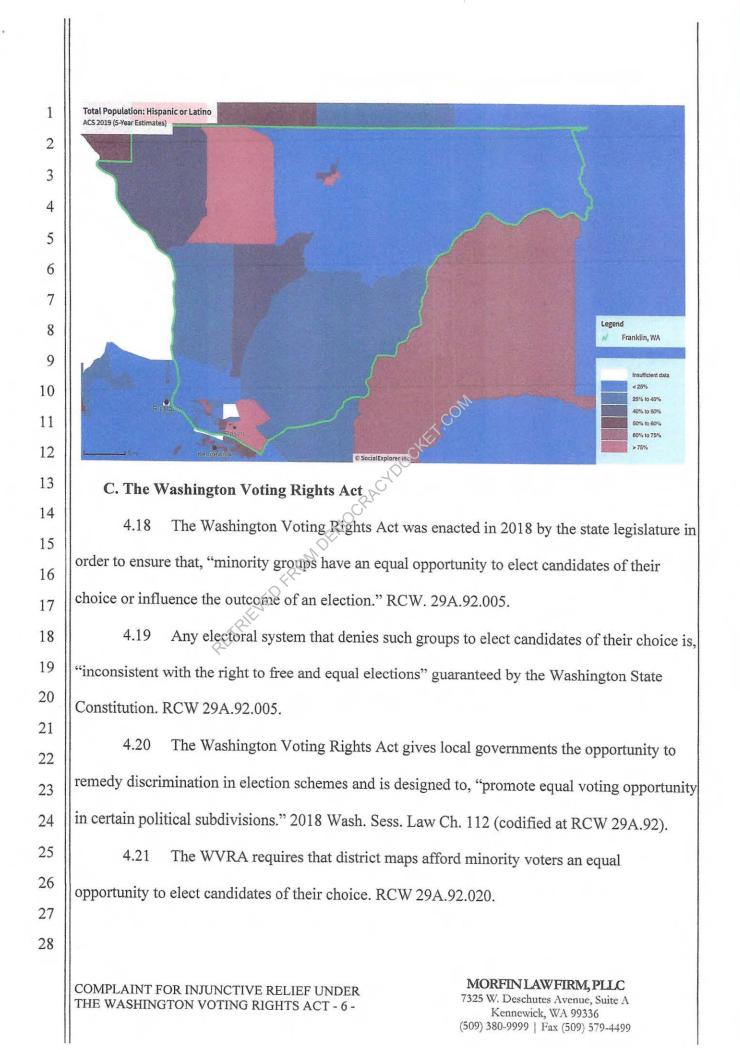
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1	3.2 Venue is proper in Franklin County pursuant to RCW 29A.92.090 and RCW			
2	36.01.05(2).			
3				
4	IV. FACTS			
5	A. The Franklin County Commission			
6	4.1 The Commission is the governing body of Franklin County and is composed of			
7	three commissioners. Each commissioner represents one of three geographic districts.			
8	4.2 Franklin County currently uses a hybrid voting system; the County uses a district-			
9	based model for primary elections and an at-large system for general elections.			
10	4.3 This means that candidates are first nominated in a primary election by voters of			
11 12	the district in which they reside.			
13	4.4 Then, voters from all districts in the County vote for and elect the commissioners			
14	during the general election.			
15	4.5 County commissioners are elected to serve 4-year staggered terms, and elections			
16	are held every two years.			
17	are nord every two years.			
18	4.6 Districts 1 and 2 vote on commissioners during presidential elections, and District			
19	3 votes on commissioners during midterm elections. The most recent election for a Commission			
20	seat was held on November 3, 2020 for Districts 1 and 2.			
21	4.7 As the County's legislative authority, the Commission is responsible for the			
22	overall administration of County government, including adoption of annual budgets, enactment			
23 24	of ordinances, and appointments to advisory boards and commissions.			
25	4.8 The Commission is also tasked with adopting the district maps for Franklin			
26	County elections.			
27	4.0 The Commission in the first start			
28	4.9 The Commission is responsible for redistricting the county.			
	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 4 -MORFIN LAWFIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499			

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1	4.10	The Commission oversees programs and services related to public health,	
2	environmental protection, housing, public works, and other matters that affect the interests and		
3	well-being of Latino residents.		
4	B. Franklin County Demographics		
5	4.11 According to the 2019 American Community Survey (ACS) 1-Year Estimates,		
6 7		ty has a total population of 95,222 and a Latino population of 51,001.	
8			
9		According to the 2018 ACS 5-Year Estimates, Latino citizens make up over one	
10	third, or 34.4%	o, of Franklin County's citizen voting age population (CVAP).	
11	4.13	Over the past twenty years, Franklin County has grown rapidly, and the	
12	demographics l	have shifted.	
13	4.14	Latino population has grown, fueling the expansion of the County's CVAP.	
14	4.15 Latino residents of Franklin County are largely geographically concentrated in the		
15	Cities of Pasco, Mesa, and Connell.		
16	4.16	The Latino CVAP for these cities is 35.59%, 32.09%, and 22.32%, respectively,	
17 18	according to the 2018 AC\$ 5-Year Estimates.		
19	4.17 The following map shows the geographic distribution of the Latino community		
20	in Franklin County, where areas that are purple or red are more Latino and areas that are blue		
21	have a lower Latino population.		
22	nave a lower Latino population.		
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1	4.22 Political subdivisions are prohibited from maintaining election schemes that dilute		
2	or abridge this electoral opportunity. RCW 29A.92.020.		
3	4.23 The WVRA prohibits diluting the voting power or influence of protected classes		
4	through at-large elections. RCW 29A.92.030.		
5 6	4.24 At-large elections dilute the voting power of minorities because, "where minority		
7	and majority voters consistently prefer different candidates, the majority, by virtue of its		
8	numerical superiority, will regularly defeat the choices of minority voters." Thornburg v.		
9	Gingles, 478 U.S. 30, 48 (1986).		
10	4.25 Combined with racially polarized voting, where the minority population votes for		
11	different candidates than the majority population, the at-large scheme works to dilute the voting		
12 13	power of minority populations.		
13	4.26 Where there is racially polarized voting in a political subdivision and the votes of		
15			
16	a racial minority are diluted, that subdivision is in violation of the WVRA. RCW 29A.92.020.		
17	D. Elections in Franklin County Exhibit Polarized Voting		
18	4.27 Elections in Franklin County exhibit polarized voting along racial lines.		
19	4.28 Polarized voting occurs when members of different racial or ethnic groups prefer		
20	different candidates than other racial or ethnic groups.		
21	4.29 White, non-Hispanic voters and Latino voters demonstrate consistent patterns of		
22	voting for different candidates.		
23	4.30 Candidates who win a majority of the vote in high-density Latino voting precincts		
24 25	receive very low support in high-density white precincts.		
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×	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 7 -MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499		

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1	4.31	This split, in which candidates who win	n a majority of the vote in high-density
2	Latino voting	g precincts but receive low or very low su	pport in high-density white precincts is
3	emblematic o	of racially polarized voting.	
4	4.32	This pattern is consistent across differe	nt elections in Franklin County
5			
6	4.33	This pattern is consistent across the cou	
7	4.34	This pattern is consistent across differe	nt election years in Franklin County.
8	4.35	Latino voters in Franklin County are po	blitically cohesive and consistently vote as
9	a bloc for cor	nmon candidates of choice.	
10 11	4.36	Latino voters' candidates of choice are	rarely elected, and Latino voters have been
12	unable to elec	ct a candidate of their choice under the go	anty's at-large election scheme.
13	4.37	Because Latino voters do not constitute	e a majority, White voters frequently vote
14	as a bloc for o	other non-Latino preferred candidates, an	d there are not enough crossover White
15	1		
16	votes to account for the different voting preferences between the Latino and White populations.		
17	4.38 Franklin County Commission elections from 2008 to 2020 all exhibit racially		
18	polarized voting.		
19	4.39	Since 2008, no Latino preferred candid	ate has been elected to the County
20	Commission,	even though Latino preferred candidates	have run.
21	4.40	In 2020, Ana Ruiz Peralta ran in Distric	ct 2 during the primary, won, and advanced
22	to the general	election.	
23			rred condidate in high density T
24	and prototred candidate in high-density Latito		ned candidate in high-density Latino
25	precincts.		
26	4.42	In Pct 004, Peralta won 75% of the vote	2.
27			
28			
		FOR INJUNCTIVE RELIEF UNDER GTON VOTING RIGHTS ACT - 8 -	MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499

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1	4.43	She also won a majority of the vote share in the high-density Latino precincts, Pct	
2	006 (68% won), Pct 009 (67%), Pct 002 (65%), and Pct 005 (64%).		
3	4.44 Peralta lost the vote in majority-white voting precincts, such as Pct 100, where		
4	only 8% voted for Peralta, Pct 101 (9% voted for Peralta), Pct 096 (10%), Pct 095 (13%), and Pct		
5	092 (17%).		
6 7	4.45	The difference in candidate preference between Latino and white voting precincts	
8			
9	is quite large	and is statistically significant.	
10	4.46	Racially polarized voting was also observed in the 2018 County Commission	
11	election betw	een Clint Didier and Zahra Roach.	
12	4.47	Roach, the candidate of choice in majority-Latino voting precincts, won 82% in	
13	Pct 004, 77%	in Pct 006 and Pct 012.	
14	4.48	Roach also received majority support in nearly every high-density Latino	
15	precinct.	MDEL	
16	4.49	Didier, by contrast, won countywide, receiving the most support from majority-	
17	white precincts.		
18	white precine		
19	4.50	Didier won over 90% of the vote in multiple majority-white voting precincts.	
20	4.51	Examining the 2018 general election through a larger, county-wide perspective	
21	demonstrates extremely strong evidence of racially polarized voting.		
22	4.52	Similar patterns have likewise emerged over time, as high-density Latino	
23	precincts have reported vote results that are the polar opposite of high-density white precincts.		
24 25	4.53 In 2012, Al Yenney lost countywide in the November general election, won a		
26			
27	majority of the vote in Latino precincts, but lost badly in precincts with substantial non-Latino		
28	populations.		
		OR INJUNCTIVE RELIEF UNDERMORFIN LAW FIRM, PLLCGTON VOTING RIGHTS ACT - 9 -7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336(509) 380-9999 Fax (509) 579-4499	

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1	4.54 In 2008, Neva Corkrum, the Latino preferred candidate, lost the countywide			
2	election in November but won a clear majority of the vote in high-density Latino voting			
3	precincts.			
4	4.55 Corkrum won as much as 74% of the vote in majority-Latino precincts, but still			
5	5 - 5			
6	lost badly, garnering less than 20% of the vote in majority-white precincts.			
7	4.56 The same patterns of racially polarized voting have emerged across elections in			
8	Franklin County for other local, legislative, and statewide offices.			
9	4.57 There is no doubt that a clear and consistent pattern of racially polarized voting			
10	exists in Franklin County.			
11	4.58 The Latino population in Franklin County is geographically large.			
12				
13	4.59 The Latino population in Franklin County is sufficiently compact.			
14	4.60 The Latino population in Franklin County are politically cohesive.			
15	4.61 The white population is cohesive in voting and acts to block Latino voters from			
16	being able to elect Latino preferred candidates due to the at-large election scheme.			
17 18	4.62 This precinct analysis of voter trends reveals that Latino-preferred candidates are			
19	losing county elections because the at-large election system dilutes the minority vote.			
20	4.63 While minority-preferred candidates receive the most votes in high percentage			
21	Latino precincts, they are obstructed from winning the general election because of the increased			
22	participation of majority-white precincts that vote differently.			
23				
24	4.64 In addition to the evidence presented above, the pattern persists on a local level.			
25	The Latino population of Pasco alone, the largest concentration of Latino voters in the county,			
26	shows political cohesion.			
27				
28				
	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 10 - (509) 380-9999 Fax (509) 579-4499			

1	4.65 The City of Pasco even conceded this fact in its consent decree to resolve <i>Glatt v</i> .		
2	City of Pasco.		
3	4.66 The city conceded that three <i>Gingles</i> factors were met: (1) the minority group is		
4	sufficiently large and geographically compact to constitute a majority in a single-member		
5			
6	district; (2) the minority group is politically cohesive; and (3) the majority group votes		
7	sufficiently as a bloc to enable it, in the absence of special circumstances, "usually to defeat the		
8	minority's preferred candidate." Thornburg v. Gingles, 478 U.S. 30, 50-51 (1986).		
9	4.67 Further evidence shows that Latino voters in Franklin County do vote as a bloc,		
10	coalescing around candidates of their choice.		
11	A.C.		
12	4.68 Following the City of Pasco's 2017 change to a hybrid district-based system,		
13	Latinos now occupy three out of seven city council seats, including two out of the three Latino		
14	majority-minority districts. Two of these council members have also taken on the role of Pasco's		
15	mayor and mayor pro tem.		
16	4.69 The fact that no Latino candidate of choice was able to win a contested Pasco city		
17			
18	council election prior to the change from at-large to district-based elections shows the significant		
19	power the at-large system had to dilute the vote of Latino citizens in Franklin County.		
20	4.70 Latino voters are able to show that there is racially polarized voting occurring		
21	during Franklin County Commissioner elections.		
22	4.71 Because there is racially polarized voting under the WVRA there is evidence		
23	possible voting, under the work, there is evidence		
24	sufficient to show that Latino voters are suffering from vote dilution.		
25	4.72 Latino voters across Franklin County suffer from vote dilution in violation of the		
26	WVRA due to the County's at-large election system.		
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COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 11 -

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1 2	E. Franklin County's At-Large Electoral System Dilutes the Voting Rights of Latinos and Denies Latinos an Equal Opportunity to Elect Candidates of their Choice			
3	4.73 Franklin County's hybrid district and at-large election model dilutes the voting			
4	power of the Latino community and denies Latino voters the equal opportunity to elect			
5	candidates of their choice.			
6 7	4.74 The County's district plan cracks the Latino voting population between the three			
8	districts.			
9	4.75	While much of the Latino population is c	centered in and around the City of Pasco,	
10	residents here are divided across Franklin County's three districts. District 1 is centered within			
11	the City of Pa	asco, but districts 2 and 3 also include areas	s within the City of Pasco.	
12 13	4.76 Franklin County Commissioner Brad Peck noted in a February 4, 2020			
13	commission meeting that, "homogenous" East Pasco, "the predominantly Latino east Pasco," has			
15	historically been, "carved up into pieces to make the other districts balanced."			
16	4.77 Cracking the East Pasco Latino community such that the cohesive community is			
17	split into different districts impedes the ability of voters to rally behind a candidate of choice in			
18	primary elections.			
19 20	4.78 If the current district system were used as the map for single-member district			
21	based elections, such cracking would still prevent Latino voters from electing candidates of their			
22	choice.			
23	4.79	The County's election scheme dilutes the	e Latino vote such that Latino voters are	
24	unable to elec	et candidates of their choice, despite repres	enting a sizeable portion of Franklin	
25	County's CVAP.			
26 27	4.80 Latino voters in Franklin County have not been able to elect a candidate of their		ot been able to elect a candidate of their	
28	choice to the	County Commission in the past 20 years.		
	COMPLAINT F THE WASHING	FOR INJUNCTIVE RELIEF UNDER GTON VOTING RIGHTS ACT - 12 -	MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499	

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1	4.81	There are no Latino preferred candidates currently serving on the Franklin County	
2	Board of Commissioners.		
3	4.82	There has never been a Latino elected to serve on the Franklin County Board of	
4	Commissioners.		
5	4.83	There are other factors that indicate the dilutive and discriminatory effects of	
6 7			
	Franklin County's electoral system.		
8	4.84	The existence of historic and present racial discrimination in the jurisdiction adds	
9 10	an additional layer in understanding how the challenged voting systems or methods are		
10	discriminatory.		
12	4.85	In determining whether there is a history or pattern of present discrimination,	
13	courts conside	er a variety of factors, including: the history of discrimination; the use of electoral	
14	devices or other voting practices or procedures that may enhance the dilutive effects of at large		
15	elections; the extent to which members of a protected class bear the effects of past discrimination		
16	A CONTRACT OF A CONTRACT.		
17	in areas such as education, employment, and health, which hinder their ability to participate		
18	effectively in	the political process; and the use of overt or subtle racial appeals in political	
19	campaigns.		
20	4.86	Franklin County has a history of ethnic and racial tension between the county's	
21	white and Lat	ino communities.	
22	4.87	According to historians, East Pasco was once the only part of the city open to	
23 24	minorities.		
24	4.88	In the past there were efforts by white residents to target and remove non-Whites	
26	from the City	of Pasco entirely.	
27			
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		OR INJUNCTIVE RELIEF UNDERMORFIN LAW FIRM, PLLCGTON VOTING RIGHTS ACT - 13 -7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499	

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1	4.89 This historic discrimination has had long lasting effects on Latinos and other		
2	minorities in Franklin County.		
3	4.90 The factors of race and poverty combined to create patterns of discrimination that		
4	have endured in Pasco for generations.		
5	4.91 Racial tensions between white and Latino communities in the County persist		
6	and communities in the county persist		
7	today.		
8	4.92 On February 10, 2015, local Pasco police, itself not racially reflective of the		
9	community, shot seventeen times and killed Antonio Zambrano-Montes after he was allegedly		
10 11	throwing rocks at cars.		
12	4.93 Weeks of demonstrations calling for justice and more scrutiny over Pasco's		
13	policing of the Latino community followed.		
14	4.94 Even county officials have publicly declared racially insensitive viewpoints. In		
15	2016, a Franklin County official shared an image of a white farmer with the caption, "When is		
16	8-		
17	white history month?" and on the corner of the image, there was a white raised fist used by white		
18	supremacists with the words "100% White, 100% Proud."		
19	4.95 Franklin County officials have expressed anti-immigrant sentiment against the		
20	county's immigrant population—an overwhelming majority of which is Latino.		
21	4.96 When current county commissioner, Clint Didier, was asked about immigration		
22	while running for his seat, he stated he wanted to secure borders and that until then, "[w]e work		
23 24	with ICE."		
25	4.97 Law enforcement officials within the County have also sought ways to collaborate	e	
26	with immigration enforcement officials, including receiving Spanish language training from U.S.		
27	e and the second se		
28			
	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 14 - MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499		

1	Border Patrol agents, which has undermined trust between them and the overwhelming Latino			
2	immigrant community.			
3	4.98 In addition to the above, Latino voters in Franklin County endure the widespread			
4 5	effects of past and present discrimination in areas such as education, employment, and health.			
6	4.99 This discrimination impacts their ability to engage in the local political process.			
7	4.100 U.S. Census statistics reveal a number of discrepancies between the white and			
8	Latino communities in the county.			
9	4.101 Latino residents in Franklin are much less likely to have a high school diploma			
10 11	than white Franklin residents. Only 7.1% of Latinos in Franklin have a bachelor's degree or			
12	higher, compared to 29.9% of whites. 7.5% of Franklin's white population lives below the			
13	poverty line, but more than one out of five Latinos in the County live below the poverty line.			
14	4.102 The disparities between the white population and the Latino community in			
15	Franklin County are also pervasive with respect to job earnings and access to health care.			
16 17	4.103 White Franklin County residents also earn substantially more at their jobs on			
18	average than do Latino residents.			
19	4.104 These statistics, taken together with anecdotal information regarding			
20	discrimination faced by the Latino community, exemplifies how the Latino community			
21	experiences racial discrimination and the effects of having a lack of representation in county			
22	government.			
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	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 15 -MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499			

1	V. CAUSE OF ACTION: WASHINGTON VOTING RIGHTS ACT			
2	5.1	Plaintiffs repeat, replead, and incorporate	by reference, as though fully set for the	
3	in this paragraph, all the allegations of this Complaint.			
4	5.2	A violation of the WVRA is established	when elections in a political subdivision	
6	exhibit polarized voting and members of a protected class do not have equal opportunity to elect			
7	candidates of their choice as a result of vote dilution or abridgement.			
8	5.3	Elections in Franklin County exhibit pola	rized voting along racial lines.	
9	5.4	Latino voters in Franklin County do not l	nave equal opportunity to elect	
10	candidates of their choice because the County's hybrid district-based and at-large electoral			
11	system illegally dilutes Latino votes.			
12		00.		
13	5.5	On October 12, 2020, Plaintiffs properly		
14	the County was in violation of the WVRA and that Plaintiffs intended to challenge the County's			
15 16	electoral system unless the County adopted an appropriate remedy. RCW 29A.92.060. See			
17	Attached Exhibit A.			
18	5.6	Franklin County officials declined to wor	k in good faith with Plaintiffs,	
19	discussing redistricting in County Commission meetings without sending notice to or seeking			
20	input from Pla	aintiffs.		
21	5.7	After receipt of Plaintiff's letter, Franklin	County Commissioners predominantly	
22	discussed redistricting in closed, executive sessions.			
23	5.8	Despite the Commissioners' initial respon	use to the notice letter in which	
24 25	Commissione			
26	Commissioners stated they would respond to Plaintiffs, the next follow-up communication was only received 149 days or four months and 26 days later.			
27		149 days of four months and 20 days later		
28				
	COMPLAINT F THE WASHING	OR INJUNCTIVE RELIEF UNDER FTON VOTING RIGHTS ACT - 16 -	MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499	

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1	5.9 Commissioners did not work with Plaintiffs to implement a remedy pursuant to		
2	RCW 29A.92.070.		
3	5.10 180 days have elapsed since Plaintiffs notified the County of its WVRA violation.		
4 5	5.11 Within the 180 days and since, the County has not obtained a court order stating		
6	that it has adopted a remedy that complies with RCW 29A.92.020.		
7	5.12 As registered voters who reside in Franklin County and an organization with		
8			
9	members who are registered voters who reside in Franklin County, Plaintiffs have a right to file		
10	this suit and the suit is timely.		
11	5.13 Plaintiffs are entitled to the remedies available under the WVRA.		
12	VI. REQUEST FOR RELIEF		
13	WHEREFORE, Plaintiffs respectfully request that the court:		
14	1. Declare that Franklin County's hybrid district-based and at-large electoral system for		
15	electing members to the County Commission violates the WVRA, RCW 29A.92.020;		
16	 Enjoin Defendants, their agents and successors in office, and all persons acting in 		
17			
18	concert with, or as an agent of, any Defendants in this action from administering,		
19	implementing, or conducting any future elections in Franklin County under the		
20	current hybrid district-based and at-large electoral system;		
21	3. Order the implementation of an electoral system for the County Commission that		
22	complies with RCW 29A.92.020 and other provisions of the WVRA;		
23	4. Redraw the County district map in a manner that does not dilute the vote of Latino		
24 25	citizens;		
26	5 Order that all fature elections in Freddi's Contract to the terms		
20	5. Order that all future elections in Franklin County comply with the WVRA;		
28			
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1	6. Grant Plaintiffs' attorneys' fees, costs, and litigation expenses pursuant to
2	29A.92.130; and
3	
4	7. Grant any other relief that the Court may deem just and equitable.
5	
6	Dated this 22 nd day of April, 2021
7	Respectfully submitted,
8	
9	Cond MAT
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18	1325 Riverview Towers 111 Soledad St., Ste. 4325
19	San Antonio, TX 78205-2260 (210) 225-3300
20	
21	*Motions for admission <i>pro hac vice</i> forthcoming
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	COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE WASHINGTON VOTING RIGHTS ACT - 18 - MORFIN LAW FIRM, PLLC 7325 W. Deschutes Avenue, Suite A Kennewick, WA 99336 (509) 380-9999 Fax (509) 579-4499

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