

Date: November 21, 2021
To: Senate Majority Leader, Andy Billig
From: Ali O'Neil, SDC Staff Member
RE: Timeline of Redistricting Commission Events

Pursuant to your request, I have prepared the following memorandum documenting a timeline of events that occurred on the Redistricting Commission. At the outset it is important to convey a few facts that help explain the context of events documented below.

There were no congressional or legislative maps voted on at the eleventh-hour vote on Monday, November 15. That is because they were not finalized at the time of the vote. The vote was simply an agreement on political metrics in the maps, with perhaps one or two geographic specifics. My understanding, and what our team was told, is that new maps would be drawn to fit the agreement on political metrics, and that all Commissioners would be able to review and give final sign off on those maps prior to any transmittal. Commissioner Walkinshaw reiterated through our communication and throughout the last-minute process that even after an agreement was reached on political metrics, he would need to see what the proposed districts would look like in the context of the full map before giving final approval. We were informed that we would have an opportunity to review and provide final approval of the maps before they were transmitted and before any public communication that these maps reflected the agreement that was reached by the Commission.

While Commissioner Walkinshaw and Commissioner Fain had exchanged congressional maps on Monday the 15th and had conversations about their respective proposed congressional maps, neither I nor Commissioner Walkinshaw—to my knowledge—saw or received any draft legislative maps on Monday from either Commissioner Sims or Commissioner Graves until after 10:48 PM that day.

Even though I was told on multiple occasions that there would be a substantive mapping discussion about certain potentially competing priorities and how those priorities would play out in the actual drawing of the lines, those conversations never took place. Commissioner Sims told us repeatedly throughout the final days that she wanted to finalize the negotiations around partisanship numbers before moving to any mapping. Our SDC team did our best to draw potential maps in keeping with the proposals that were being exchanged throughout the day, but we were forced to compromise on our stated priorities and at times disregard what was shared with the Commission during months of gathering public input. I repeatedly voiced my concerns about the difficulty of translating the partisanship numbers that were being discussed into actual

maps, but there was no opportunity to have a substantive discussion around the public's input or how certain mapping decisions were being made when the proposals were finally translated into maps. This lack of communication and transparency contributed to the chaotic events that transpired.

The following is a summary of events gathered from memory with reliance on contemporaneous notes and communications:

Monday, November 15, 2021:

- Around 9:30 AM, Commissioner Walkinshaw and I left the Courtyard Marriott in Federal Way and went over to the Hampton Inn where we met with Commissioner Sims and Osta Davis (HDC).
- Shortly thereafter, Commissioner Walkinshaw met with Commissioner Graves. Also present were Commissioner Augustine—acting as a mediator, Anton Grose (HRC), Osta Davis, and me.
- After debriefing that meeting with Commissioner Sims and her team, we went our separate ways for a few hours. It is my understanding that Commissioner Sims met with Commissioner Graves during this time. I am not aware of any specific maps that were discussed or exchanged.
- Throughout the afternoon, offers on the legislative district maps were being traded back and forth between Commissioners Sims and Graves. It is my understanding that these offers were exchanged both via text message and in-person meetings. Commissioner Sims would then relay those offers to Commissioner Walkinshaw.
- Our internal SDC team continued to draw maps based on what I was told was being discussed in the Commissioners' conversations in bi-partisan dyads. These maps were not reviewed by the Commissioners, even though I raised concerns about the impact of the partisanship proposals being discussed on the actual drawing of the districts.
- Sometime during the mid to late afternoon, it seemed that there was an impasse. Commissioner Fain suggested that Commissioner Sims meet with Commissioner Augustine—who was acting as a mediator—one-on-one to try to help continue negotiations. Commissioner Augustine would then convey things that she had heard discussed by the Commissioners and would act as a go-between the partisan Commissioners in effort to get agreement on a proposal.
- My understanding is that Commissioner Sims did speak to Commissioner Augustine. I believe Commissioner Augustine conveyed a proposal on behalf of the Republicans on partisan metrics to Commissioner Sims, but it was rejected.

- Although Commissioner Fain did send a congressional map proposal at around this same time, he indicated to Commissioner Walkinshaw that he was not interested in discussing the congressional maps if the legislative maps were not also progressing.
- At around 6 PM, Commissioners Walkinshaw and Sims along with staff (Dominique Meyers—HDC, Osta Davis, and me) were together in the same room on the 2nd floor of the Hampton Inn. The mood was pessimistic that there would be a deal. SDC and HDC staff, both present and not present, were working on statements for leadership and Commissioners in preparation for there to be no maps approved.
- Between 6:30 and 7:30 PM, several offers were being traded back and forth between Commissioner Graves and Commissioner Sims. They were being relayed to me and Commissioner Walkinshaw in person. I did not see any maps associated with these proposals, and to my knowledge neither did Commissioner Walkinshaw.
- Dominique Meyers was encouraging Commissioner Sims not to accept the deals that were being offered at this time by Republican Commissioners. Commissioner Sims agreed and said that she was unwilling to accept any of the proposals offered by Republicans at this time.
- Just before 7 PM, Commission staff member Justin Bennett sent a calendar invite for a “Final Map Verification Meeting.” I did not attend this meeting. To my knowledge, no other commissioner or staffer attended either.
- The commission meeting began at 7 PM, and the Commissioners went almost immediately into caucus. The commencement of the public meeting did not change the nature or manner of the Commissioners’ discussions—there were text messages being exchanged as well as Commissioners meeting in person in the hallway or in the hotel lobby. At least once, I witnessed one Commissioner pass by two other Commissioners who were discussing something in the hallway.
- As it was initially explained to me at a Zoom meeting with Commission staff and partisan staff on Friday, November 12th, Commission staff were supposed to join the public meeting every half hour to give brief updates on the process. But that night, Commissioner Augustine was telling staff and the Commissioners that counsel was instructing them to join the public meeting more frequently and give more detailed updates on what they were discussing. I do not know what updates they gave as I was neither in the room nor watching the meeting.
- At around 7:45 PM, Commissioner Sims told us she made another offer to Commissioner Graves, which he rejected.

- Shortly after 8 PM, Commissioner Sims told us she ran into Commissioner Graves in the hallway, and that he said that they had until 8:15 to reach an agreement because it would take time to complete the map before the midnight deadline.
- At around 8:45 PM, I heard Commissioners Walkinshaw and Sims say they agreed to a deal with the Republican Commissioners that was based almost solely on partisanship numbers in a few legislative districts. I was in the room with Commissioners Sims and Walkinshaw at the time, as were Osta Davis and Dominique Meyers.
- At this point, staff was asked to start mapping based on the partisanship numbers in the agreement. I shared a map from our SDC team with the HDC staff, but to my knowledge this map was not shared with the Republican staffers.
- Commissioner Walkinshaw had been saying repeatedly throughout the day that even though he may agree to a deal on the numbers, that he would need to see the map itself in order to give final approval.
- Dominique Meyers and Osta Davis went to the first-floor meeting room to work on their version of the agreement in a map. It is my understanding that Anton Grose was also working on Republicans' version of a proposed map that fit the agreement.
- Between 9 and 9:30 PM, Commissioner Walkinshaw told me he was going to meet with Commissioner Fain to discuss the congressional map proposals. Shortly thereafter, they came to the hotel lobby, where I and Paul Campos (SRC) were present. At this point we were all looking at a map on my laptop and giving staff instructions on how the Commissioners wanted us to make changes to the map. Some information on these congressional maps was also shared via email a little bit later.
- At Commissioner Walkinshaw's direction, I sent an updated congressional map proposal to Commissioner Fain's staff at around 10:45 PM.
- At approximately 10:48 PM, I received a legislative map proposal from Anton Grose on behalf of Commissioner Graves. Our SDC team was working on identifying points of concern in the map that Commissioner Walkinshaw would need to discuss with the other Commissioners.
- Anton Grose shared updated congressional map proposals with me at approximately 11:06 PM and 11:23 PM.
- At approximately 11:23 PM, I was sent a legislative map proposal from HDC staff. I emailed back a list of questions and concerns for both proposals to Osta Davis and Dominique Meyers. Shortly thereafter, there was a discussion amongst staff about the need to reconcile both of the legislative district proposals together into one map. I sent a message to our SDC team explaining that staff was "reconciling the two maps".

- Throughout these last few hours, Commissioner Augustine had repeatedly asked for progress updates on mapping. On multiple occasions, she also was communicating to the Commissioners that they needed to be prepared to take a vote before the commission lost jurisdiction at midnight.
- At around 11:45 PM, Commissioners Walkinshaw and Sims along with me and Dominique Meyers were sitting in one corner of the hotel lobby. There were other people walking by and coming in and out; however, I cannot recall specifically who was present or nearby. At this time, the legislative district map proposals were not ready for the Commissioners to review. Despite this fact, there was a suggestion that the Commissioners should vote on the transmittal letter without any maps ready to approve.
- At 11:47 PM, I wrote to Matt Bridges (SDC) and explained that Commissioner Augustine was trying to insist that the Commissioners vote on some proposal. I heard Commissioner Sims say that she wanted to vote on the agreement and the transmittal letter before midnight, and I heard Dominique Meyers agree with her.
- Multiple people from our SDC team told me that Commissioner Walkinshaw should not vote yes without the maps being ready for approval. At around this same time, there was a discussion about how any such vote may not be legal. I was asked whether there was any guidance from the AG's office on this point, and I said I did not know whether there was.
- Shortly thereafter, I voiced my concerns about what would stop anyone from just submitting a map file later on in the evening without sign-off from all Commissioners and passing it off as the final map that had been approved. Dominique Meyers said that the commission would just not transmit maps to which the Commissioners had not specifically agreed. I asked what the mechanism would be for Commissioners to approve or sign-off on the final maps; however, I received no answer.
- At approximately 11:57 PM, I texted Commissioner Walkinshaw saying that he should not vote to approve this deal with no maps. Shortly thereafter, someone shouted from the 2nd floor balcony down into the lobby that there was 30 seconds for all the Commissioners to join the public Zoom meeting and vote on the agreement. I believe the individual who shouted was Commissioner Fain.
- It was an incredibly tense, chaotic environment with very little time or opportunity to ask questions or fully understand what was happening. The agreement that the Commissioners were voting to approve was not restated nor written down anywhere. To my knowledge, the agreement was also not shared on the public Zoom meeting.

Tuesday, November 16th, 2021:

- At approximately 12:01 AM, my SDC team asked me whether Commissioner Walkinshaw had indeed voted yes. I confirmed that he had and stated that it was a vote on the deal but that we were still reconciling the maps.
- At that time, the public meeting ended. Shortly thereafter, email communication from the AAG assigned to the Commission was forwarded to the Commissioners. We understood that jurisdiction had been transmitted to the State Supreme Court.
- I continued working with our SDC team to implement the changes to the congressional district map discussed by Commissioners Walkinshaw and Fain earlier in the evening.
- At 12:38 AM, Matt Bridges sent me an updated and near final congressional map proposal. I sent this updated congressional map proposal to Commissioner Sims' team as well as Commissioner Fain's staff.
- Around this same time, all staff and Commissioners gathered in the main meeting room on the first floor of the Hampton Inn hotel. All five Commissioners were present in this large room, including Commissioner Augustine. Someone joked that since it was past midnight and the commission no longer had jurisdiction, that the OPMA rules didn't apply.
- At approximately 12:57 AM, I messaged Matt Bridges and told him we were going to have a legislative map to review soon but that I didn't know how long it would take. I wrote him that Commissioner Sims was saying everyone still needed to review the legislative map before it was final.
- The congressional district map was then imported by Commissioner Fain's team into Autobound Edge to verify and check for any technical issues. It is my understanding that this process can take several hours to complete.
- During this time, Anton Grose and Osta Davis were working together on the same laptop to reconcile the two legislative map proposals. I was able to go over to where they were at times and watch what they were doing. They were making decisions about which of the two proposals' lines they would adopt as they were going through the map.
- After the congressional map was imported into Edge, Paul Campos and I reviewed the lines to make sure they were the same as the lines we had discussed with the commissioners in Dave's Redistricting App (DRA).
- At this point, Commissioner Fain noticed that Normandy Park was in the 7th congressional district. He said he hadn't noticed that earlier, and he asked Commissioner Walkinshaw if he would be willing to change the border of the 7th and 9th districts so that Normandy Park would be in the 9th.

- Commissioners Fain and Walkinshaw asked staff to look at different scenarios for the 7th and 9th congressional district border, especially with Normandy Park. We looked at extending the eastern border down along the edge of Lake Washington to balance population. After a few minutes of discussing these options, Commissioner Walkinshaw said he did not want to make changes to their earlier agreement, and Commissioner Fain acquiesced.
- The Commissioners agreed to send the congressional map file to commission staff. At approximately 4:37 AM Paul Campos sent the file to Justin Bennett, and I verified it via email.
- At approximately 4:49 AM, Anton Grose sent me a link so that I could follow along with the legislative map changes that were being made in DRA.
- The Commissioners were urging staff to hurry and finish the maps so they could be posted as quickly as possible and before reporters woke up. There was a press conference scheduled for 10 AM, and the Commissioners said they hoped that if the maps were posted beforehand, the questions from reporters would focus more on the maps rather than the process of the public meeting and the vote.
- One of the Commissioners called Lisa McLean (ED of the Commission) and asked her to post the congressional map on the website as quickly as possible. She said that would involve waking up staff at the website company the Commission contracted with, which would take some time.
- At around 5:30 or 6 AM, Commissioner Fain left the Hampton Inn. Soon after this, Commissioner Graves received a phone call, which I believe was from Commissioner Fain. Immediately thereafter, Commissioner Graves indicated to Commissioners Sims and Walkinshaw that there were potentially some legal questions about the previous night's vote, and that this might impact how the maps and the vote should be portrayed to the public.
- I then heard the Commissioners discuss how they would portray what they had done. They discussed saying that they did not make the deadline and did not adopt final maps, but that they drew maps later that fit the agreement they voted on which they would then recommend that the Supreme Court adopt.
- I heard the Commissioners decide that they did not want to post the maps publicly at that time, and I believe there was a request made to the commission staff to take down the congressional map that was posted shortly beforehand.
- At around 7:00 or 7:30 AM, Osta Davis and Anton Grose finished reconciling the Republican and Democratic legislative map proposals and had one final map. Before the Commissioners were to review that final map, my understanding was that this file was

sent to Paul Campos and Commissioner Fain's team for them to upload it into Autobound Edge. Because this process would take several hours, staff agreed to leave the hotel and reconvene remotely after the press conference for the final verification of the legislative map file.

- My understanding is that the Commissioners agreed to not post the maps before the 10 AM press conference, and they also agreed to have further discussion before the maps would be approved and posted.
- Commissioner Walkinshaw and I left the Hampton Inn at around 7:45 AM Tuesday morning.
- On the car ride back to Seattle, Commissioner Walkinshaw took several phone calls. We also had an internal SDC team call. Both Commissioner Walkinshaw and I reiterated that the maps were a work in progress and not yet finally approved, from our perspective.
- After dropping Commissioner Walkinshaw off at his house, I returned home at around 9:10 AM. I then took a nap since I had not slept since Sunday night.
- During the day Tuesday, I received no calls or emails from other commissioners or staff regarding the final review of the legislative map file. Commissioner Walkinshaw told me he did not receive any calls or emails either. He texted me multiple times throughout the day asking for the status of the maps, and I told him I had not heard anything.
- At approximately 8:50 PM on Tuesday, I saw an email from Lisa McLean transmitting the legislative map and congressional map files to the Washington Supreme Court.
- I reached out immediately to Commissioner Walkinshaw, and he confirmed to me that he had not seen the final legislative map file and that he was not aware of whether the maps were being officially transmitted to the Supreme Court.
- At the request of Commissioner Walkinshaw, to try to find out more about why the Commission was transmitting maps to the Supreme Court, I called Lisa McLean shortly after 9 PM Tuesday. We had a very brief conversation in which she told me she was acting on the direction of the chair when she transmitted the maps to the Supreme Court.