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MICHAEL J. KILLIAN
FRANKLIN COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR FRANKLIN COUNTY

GABRIEL PORTUGAL, BRANDON
PAUL MORALES, JOSE TRINIDAD
CORRAL, and LEAGUE OF UNITED
LATIN AMERICAN CITIZENS.

NO. 21-2-50210-11

Plaintiffs,

v.

PLAINTIFFS' SECOND MOTION FOR
PARTIAL SUMMARY JUDGMENT

FRANKLIN COUNTY, a Washington
municipal entity, CLINT DIDIER,
RODNEY J. MULLEN, LOWELL B.
PECK, in their official capacities as
members of the Franklin County Board of
Commissioners,

Defendants.

I. INTRODUCTION

This case raises two issues: first, does Franklin County's current method of electing county commissioners violate the Washington Voting Rights Act (WVRA), and if so, what is an appropriate district map that remedies the violation? Defendants can offer no evidence that creates a genuine issue of fact on the first issue. Defendants and their expert have conceded publicly that the current at-large method of election results in the dilution of the votes of Latinos in Franklin County. Thus, Plaintiffs request this Court grant partial summary judgment and order the May 11, 2022, trial address solely the question of an appropriate remedial map.

II. STATEMENT OF FACTS

1. Franklin County Demographics

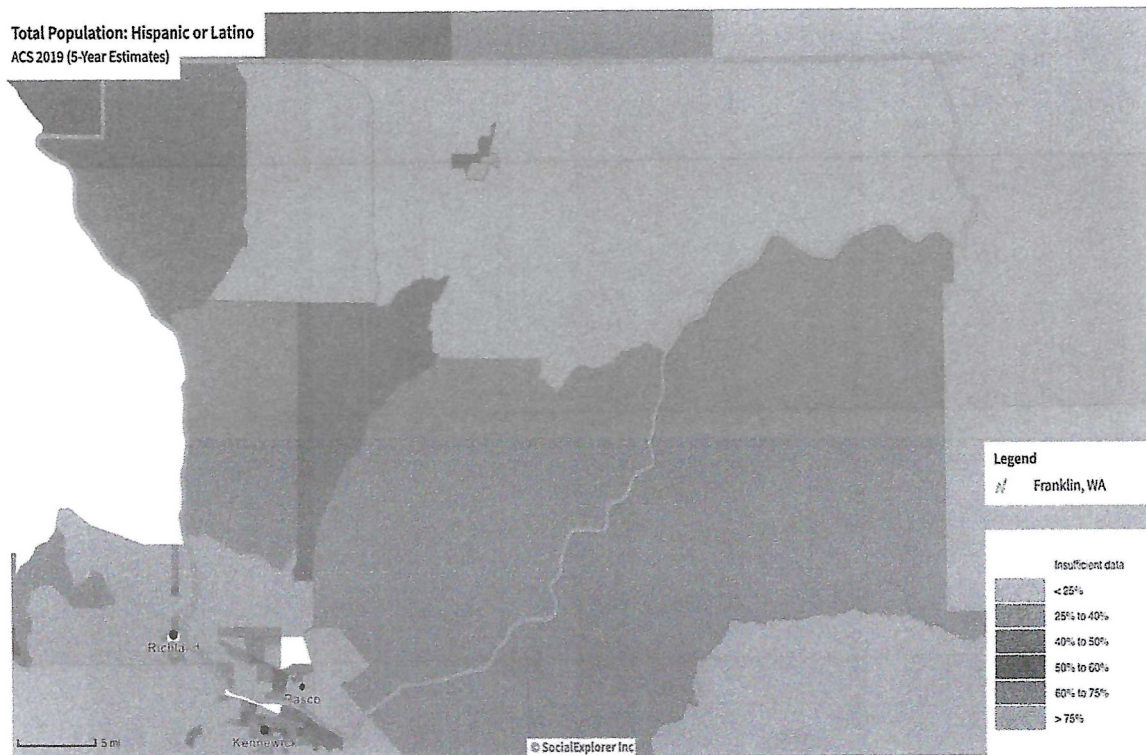
Franklin County's Latino population grew dramatically over the past twenty years, expanding the County's Latino citizen voting age population (CVAP). *See* Ex. 5 (News Media Reports of Franklin County Latino Population Growth). According to the Census¹ Bureau's 2019 American Community Survey Five-Year Estimates ("ACS")², the County's Latino population comprises more than half (53.1 percent) of the total county population, numbering 48,843 out of a total population of 92,009.³ *See* Ex. 2 (2019 ACS Five Year Estimates of Franklin County Latino Population). According to the 2019 ACS 5-201Year Estimates, Latino citizens were 33.1% of Franklin County's CVAP. *See* Ex. 3. (2019 ACS Five Year Estimate of Franklin County Latino CVAP). Latino residents of Franklin County are largely geographically concentrated in the Cities of Pasco, Mesa, and Connell. The Latino CVAP for these cities is 37.2%, 35.5%, and 24.1% respectively. *See* Ex. 4 (2019 ACS Five Year Estimate of Pasco, Mesa, Connell Latino CVAP). The map below demonstrates the geographic distribution of Latinos in Franklin County. *See* Ex. 6 ("Declaration of Michael Rios") at ¶ 53.

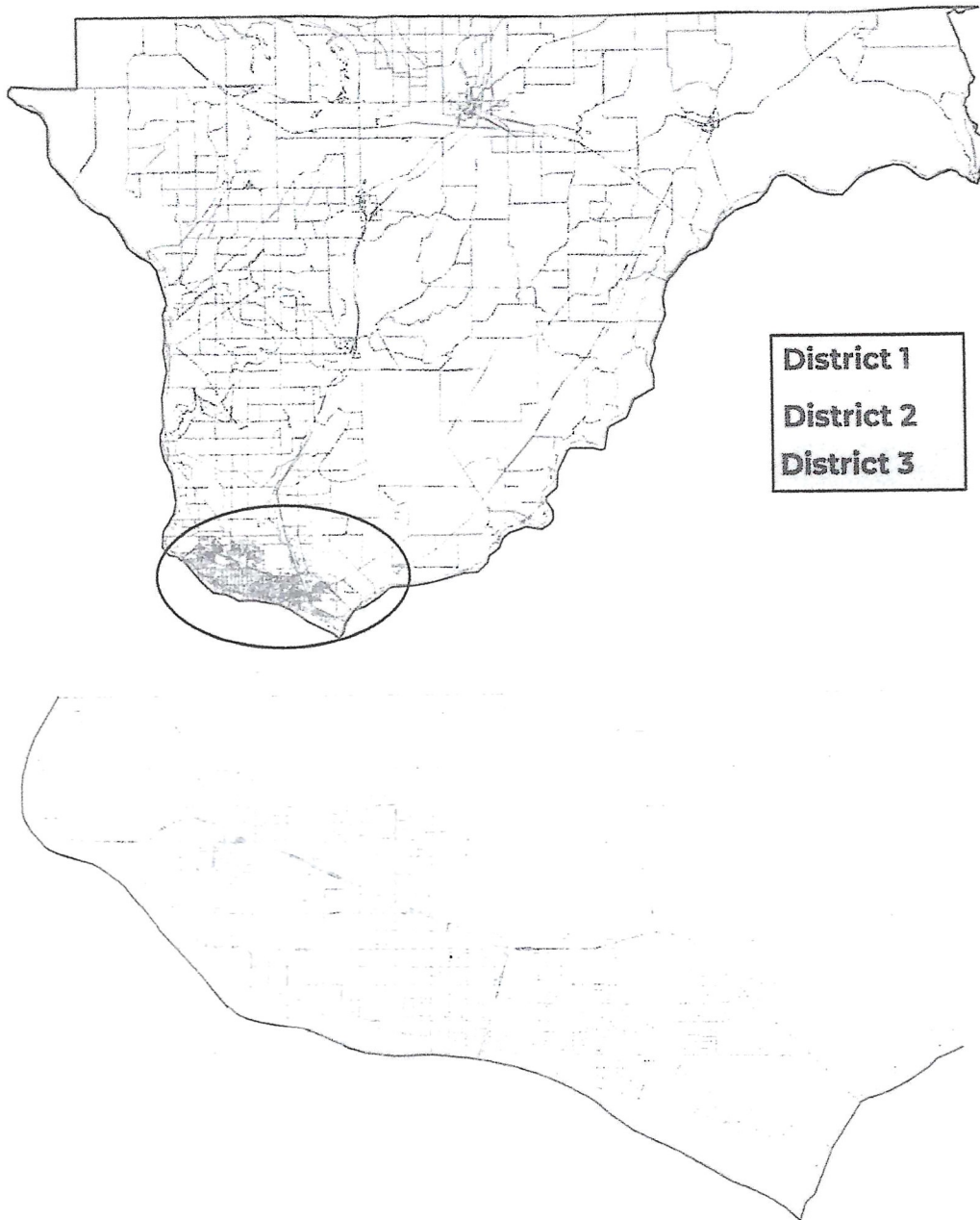
¹ Washington Courts have routinely taken judicial notice of census data see e.g. *State v. Smith* 149 Wash. 173 270 P. 306 at 174: "The federal census, of which the court takes judicial notice, *Zink v. City of Mesa* 4 Wash. App. 2d 112, 419 P.3d 847 2018 at footnote 10.

² ACS statistics are judicially noticeable as they are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Washington Rules of Evidence 201(b).

³ *Hispanic or Latino Origin by Race, Franklin County, Washington*, UNITED STATES CENSUS BUREAU (2019), <https://data.census.gov/cedsci/table?q=franklin%20county%20washington%20hispanic&tid=ACSDT1Y2019.B03002&hidePreview=false>.

1 The at-large election scheme, and a district map used only for primary elections, dilutes
2 the votes of Pasco residents. This dilution results from combining Pasco residents with rural
3 resident voters. This combination operates to prevent Latino citizens from electing even one
4 candidate of their choice to the county commission. "When a clear candidate of choice emerges
5 for Latino voters, that candidate is never elected. Specifically, Latino voters have been unable to
6 elect a candidate of their choice under the county's current at-large election scheme." *Id.* at ¶ 10.
7 Plaintiffs proposed remedial map, "includes more compact and contiguous districts that more
8 appropriately group rural and urban residents by their respective communities." *Id.* at ¶ 55.
9



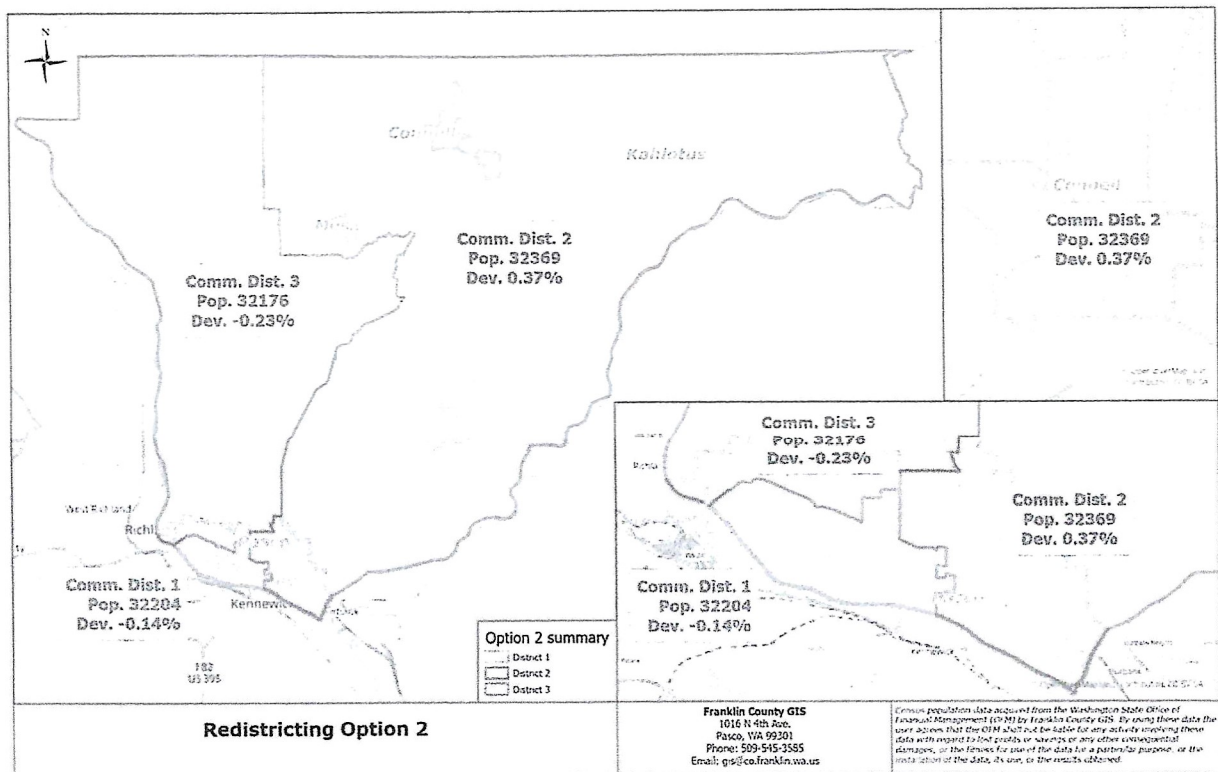


2. Franklin County Board of Commissioner Elections

The County Commission, the governing institution of Franklin County, is composed of three Commissioners, who each represent one of three geographic districts. *See* Ex. 1 (Def. Answer) at ¶ 4.1. Franklin County currently uses a hybrid voting system which includes district-

1 based primary elections and at-large general elections. *Id.* at ¶ 4.2. Primary candidates are
2 selected by voters within the district in which they reside. *Id.* at ¶ 4.3. During the general election,
3 voters from all districts in the County vote to elect the commissioners. *Id.* at ¶ 4.4.

4 County commissioners serve four-year staggered terms, with elections held every two
5 years. *Id.* at ¶ 4.5. Under the staggered schedule, Districts 1 and 2 vote for commissioners during
6 presidential election years, and District 3 votes for commissioner during midterm elections. On
7 December 28, 2021, the Franklin County Commissioners selected Option 2 as the 2021
8 redistricting plan for the County Commissioner Districts and it seems clear that when an official
9 order is entered, Option 2 will be imposed. Option 2 is below.



26 Since 2008, no Latino-preferred candidate has been elected to the County Commission,
27 despite running and no Latino has ever served on the Franklin County Board of Commissioners.

1 Whatever map is adopted, the at-large election scheme will continue to prevent meaningful
2 opportunity to elect by Latino voters.

3 **3. Procedural History**

4 On October 12, 2020, Plaintiffs noticed Defendants that Franklin County's at-large
5 system for electing members of the County Board violated the WVRA. *See* Ex. 7 (Plaintiffs'
6 Notice Letter of a Violation the Washington Voting Rights Act). On October 16, 2020,
7 Defendants told Plaintiffs to expect a response to the notice letter within one week. *See* Ex. 8
8 (Defendants' Response to Notice Letter). Plaintiffs received no such response.
9

10 Not until March 10, 2021, did Plaintiffs receive informal communications from Franklin
11 County's attorney, Mr. John Safarli. *See* Ex. 9 (Electronic Mail from Defendants' Legal
12 Representative, March 10). Mr. Safarli inquired about the single-member district plans that
13 Plaintiffs supported and on March 24, 2021, Plaintiffs responded. *See* Ex. 10 (Plaintiffs'
14 Response to Defendants' Legal Representative March 10 Correspondence). Plaintiffs noticed
15 Defendants of their plans to challenge the County's at-large electoral system unless the County
16 adopted an appropriate remedy. *Id.*
17

18 In the six months prior to filing suit, Plaintiffs made good faith attempts to work with the
19 Defendants and remedy the WVRA violation. For example, Plaintiff's provided Defendants with
20 the data and analyses cited in their notice letter. *See* Ex. 11 (Plaintiffs' Data and Analyses
21 Provided to Defendants). Defendants declined to take sufficient remedial actions. They instead
22 discussed, without Plaintiffs' input, redistricting in County Commission meetings and in closed
23 exclusive sessions. *See* Ex. 12 (Franklin County Commissioner Meeting Minutes February 4,
24 2020) at 26:59.
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1 During a public Franklin County Commissioner meeting on January 26, 2021, Defendant
2 Commissioner Peck publicly conceded that Franklin County's election scheme violated the
3 WVRA.⁴ See Ex. 13 (Franklin County Commissioner Meeting Minutes, January 26, 2021) at
4 50:40. Offering his words "on the record," Defendant Commissioner Peck admitted that "the
5 statutes [the WVRA] say that our districts should be as compact as possible and that they should
6 be as equally divided as possible. Ours are neither, and they haven't been for years." *Id.* at 50:40.
7 He predicted a remedy of single-member districts, stating that "district-only elections for our
8 County for Commissioners is going to be a requirement. I don't see us escaping that." *Id.* at
9 52:30. He surmised: "the Washington Voting Rights Act is coming, and if we [the Commission]
10 don't get our districts in line, they [the Courts] would do it for us." *Id.* at 49:00.
11

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13 Only after the 180-day notice period did Franklin County's attorney communicate with
14 Plaintiffs stating they would "seriously explore adopting a districting plan with one majority-
15 minority district." See Ex. 14 (Electronic Mail from Defendant's Legal Representative, April 13,
16 2021). In this communication, Defendants' attorney conceded the need for redrawing WVRA-
17 compliant districts. *Id.* These concessions were offered just weeks before the Board voted on
18 May 4, 2021, to form their Redistricting Commission without consulting Plaintiffs. See Ex. 15
19 (Franklin County Board of Commissioners Meeting Minutes May 4, 2021). Plaintiffs filed suit
20 in this court on April 22, 2021.
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22
23 Discussing the formation of a redistricting commission, Defendant Peck noted that such
24 a commission was "not currently authorized in the state statute.... and is not a viable option,"
25 =and had been "taken off the table by Board inaction," , and rightly chronicled how "[the Franklin
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28 ⁴ Franklin County Board of Commissioners, *Franklin County WA Commissioners Meeting 01/26/2021*, YOUTUBE
(Jan. 26, 2020), <https://www.youtube.com/watch?v=HMFOxpbJKS4>.
29

1 County Commissioners] didn't resolve it [the lawsuit] by January 15. *Ex. 13 at 49:33, 48,*
2 5549:55. Defendant Peck opined that "this matter is going to be decided in the Court if we don't
3 come to terms with the people alleging an unfair practice." *Id.* at 50:17. Notably, Defendants
4 have not yet obtained a court order stating that it has adopted a remedy that complies with RCW
5 29A.92.020.
6

7 Following the filing of this suit, Defendants have been lax in defending the at-large
8 election system challenged by Plaintiffs. After Plaintiff's demonstrated willingness to cooperate
9 with Defendants, the County Commission still refused to settle or comply with the WVRA. *Id.*
10 Plaintiffs filed a Motion for Summary Judgment on July 21, 2021. *Id.* Unbeknownst to Plaintiffs,
11 on September 1, 2021, Franklin County Prosecutor Shawn Sant emailed a memorandum by the
12 County's attorneys stating there was no reasonable factual defense to Plaintiffs WVRA claim.
13 *See Ex. 17.* The memo described an analysis commissioned by the County from outside
14 consultant, Dr. Peter A. Morrison ("Dr. Morrison"). Dr. Morrison concluded that "[b]ased on this
15 data, there is not much evidence we can proffer to the court to overcome summary judgment on
16 the issue of whether the current election system violates Washington's Voting Rights Act." *Id.*
17 at 2.
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19
20 On September 6, 2021, Defendants filed their response to Plaintiffs' Motion for Summary
21 Judgment. In their response, Defendants admitted there was no genuine issue of fact and that the
22 evidence overwhelmingly proved that Franklin County's election system for Franklin County
23 Commissioner seats violated the WVRA. *See Defs. Resp. to Pls. Mot. for Summ. J.*
24

25 The Franklin County Superior Court granted Plaintiffs' Motion for Summary Judgment
26 on September 13, 2021. Members Mullen and Peck of the County Commission, however,
27 removed their attorneys in order to move to vacate summary judgment. They succeeded, and on
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1 October 11, 2021, Judge Swanberg vacated the judgment, holding that persons in the community,
2 including commissioners, who disagree that Franklin County is violating the WVRA, should
3 have an opportunity through new counsel to submit whatever evidence that supports their
4 position. *See* Waknin Dec. This motion is such opportunity. If Defendants have appropriate
5 evidence and expert analysis to create an issue of fact, now is the opportunity to offer it.
6

7 On December 13, 2021, Benton/Franklin Superior Court Judge Mitchell heard Plaintiffs
8 Motion to Change Venue and Intervenor-Defendant's Motion for Judgment on the Pleadings.
9 Judge Mitchell denied all motions on January 3, 2022. *See* Order Denying Mot. For J. on
10 Pleadings.
11

12 On December 28, 2021, Defendant Commissioners selected "Option 2" for the County's
13 decennial redistricting, but no order has been entered. *See* Ex. 16, Option 2 was not recommended
14 by the Defendant Commissioners' redistricting commission. *See* Cory McCoy, 'Wasted by time'
15 *Franklin Voting Map Committee Frustrated with Commissioner*, TRI-CITIES HERALD (Jan 5,
16 2022), <https://www.tri-cityherald.com/news/politics-government/article257064522.html> At the
17 January 11, 2022, Franklin County Commissioners Meeting, Dr. Morrison, provided analysis to
18 the Commissioners on the demographics of Option 2 and other map options. Dr. Morrison noted
19 that Option 2 failed to create a district that would provide Latino citizens an equal opportunity to
20 elect candidates and that "holding an election at-large ... would immediately look like an election
21 that was diluting Latinos' votes...." *See* Franklin County Commissioners Meeting, at 1:02:00-
22 10:03:35 (Jan. 11, 2022), <https://www.youtube.com/watch?v=Qphfbr7Kk0I> (statement by Dr.
23 Peter Morrison). Defendant Commissioner Peck agreed, stating that Option 2 "fails the
24 Washington (Voting Rights Act)." *See* Cory McCoy, *Franklin Commissioners Clash in*
25 *Contentious Redrawing of Voting Rights Districts*, TRI-CITIES HERALD (Dec. 30, 2021),
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1 <https://www.tri-cityherald.com/news/politics-government/article256926842.html>. On March 17,
2 2022, Judge Shea-Brown signed an order setting trial starting on May 11, 2022. *See* Order Re:
3 Trial Date & Case Schedule.

4 Although this case was filed ten months ago and Defendants received notice of the matter
5 over fifteen months ago, and the parties' experts seemingly agree on the issue of a WVRA
6 violation, this case is no closer to a resolution.
7

8 LEGAL STANDARDS

9 I. Summary Judgment

10 "Summary judgment is properly granted when the pleadings, affidavits, depositions, and
11 admissions on file demonstrate there is no genuine issue of material fact." *Folsom v. Burger*
12 *King*, 135 Wn.2d 658, 663 958 P.2d 301 (1998). "The court should grant the motion only if, from
13 all evidence, reasonable persons could reach but one conclusion." *Citizens for Responsible*
14 *Wildlife Mgmt. v. State*, 149 Wn.2d 622, 630-31, 71 P.3d 644 (2003).
15

16 II. Washington Voting Rights Act

17 The WVRA bars certain political subdivisions, including counties, from maintaining an
18 electoral system "that impairs the ability of members of a protected class . . . to have an equal
19 opportunity to elect candidates of their choice as a result of the dilution or abridgment of the
20 rights" of such voters. RCW 29A.92.020, 010(4). Latinos are a protected class under the WVRA.
21
22 *See* RCW 29A.92.010(5).
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24 The WVRA outlines a streamlined test specifically tailored to determine whether
25 electoral schemes deny minority voters an opportunity to elect their preferred candidates. RCW
26 29A.92.030(2). A violation is established if two elements are met: "(a) Elections in the political
27 subdivision exhibit polarized voting; and (b) Members of a protected class . . . do not have an
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1 equal opportunity to elect candidates of their choice as a result of the dilution or abridgement of
2 [their rights].” RCW 29A.92.030(1). Upon a violation of the WVRA, “the court may order
3 appropriate remedies including... the imposition of a district-based election system”,
4 29A.92.110. Any proposed districts must be approved by the court prior to their implementation.
5 RCW 29A.92.040 RCW 29A.92.110.
6

7 **ARGUMENT**

8 Plaintiffs’ have established both required WVRA elements: elections in Franklin County
9 are racially polarized, and second that the electoral system for Franklin County Commissioner
10 dilutes Latino voting power such that they are denied equal opportunity to elect their preferred
11 candidates. Thus, Plaintiffs are entitled to summary judgment on the question of whether Franklin
12 County is required to hold elections under a single-member district map.
13

14 **I. There is No Genuine Issue of Material Fact as to A WVRA Violation**

15 There is no genuine issue of material fact as to a WVRA violation. Defendants to date do not
16 provide any evidence disputing that elections in Franklin County are racially polarized and that
17 the use of the at-large election system for Franklin County Commissioners dilutes Latino voting
18 power such that Latinos do not have an equal opportunity to elect their candidates of choice.
19

20 Plaintiffs’ analysis demonstrates strong racially polarized voting in Franklin County and are
21 prepared to offer live testimony from qualified experts on this issue. *See* Ex. 6. In a declaration
22 from Plaintiffs’ expert Mr. Michael Rios, Mr. Rios determined that racial polarization exists
23 “across more than nine elections.” *Id.* at ¶ 12. Further, Mr. Rios confirmed that, “Latino voters
24 in Franklin County are politically cohesive and consistently vote as a bloc for common candidates
25 of choice. When a clear candidate of choice emerges for Latino voters Latino voters have been
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1 unable to elect a candidate of their choice under the county's at-large election scheme." *Id.* at ¶
2 14.

3 Defendants' themselves admitted to the violation of the WVRA. "[T]he size of the Latino
4 Population in Franklin County and the existence of polarized voting among its citizens is
5 factually supported. To argue otherwise, Franklin County would have had to cherry-pick small,
6 outlier precincts that stand contrary to the overall trends of the 105 precincts, which follow a
7 consistent polarization trend." Defs. Resp. to Pls. Mot. for Summ. J. at 3. Defendants further
8 stated that "analysis of elections held in 2020 in Franklin County show that polarized voting exist
9 among the protected class... [t]his acknowledgement, along with the substantial size of the Latino
10 population in Franklin County leads the County to acknowledge that the current system of
11 electing its county commissioners constitutes a violation of RCW 29A.92.030." *Id.*

14 Defendants' own expert, Dr. Morrison, who has continued to work for the county *after*
15 the summary judgment was vacated and replacement counsel appeared, agrees that elections in
16 Franklin County exhibit racially polarized voting. After analyzing the election results from the
17 2020 District 1 Commissioner race and plotting those results against precinct demographic data,
18 he stated, "the Latino population had a general preference for Candidate B and the non-Latino
19 population had a general preference for Candidate A." Defs. Resp. to Pls. Mot. for Summ. J. at
20 12. "This indicates polarized voting." *Id.* Defendants' analysis of the 2020 District 2
21 Commissioner race establishes "polarized voting [that] is even more clear." *Id.* at 13. This
22 polarized voting trend was "consistent" across "[m]any races [] analyzed by Franklin County."
23 *Id.* at 16.

26 The evidence that Franklin County Commissioner elections violate the WVRA is
27 undisputed. The court's order vacation summary judgment was unrelated to whether there existed
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1 evidence to create a fact issue. Indeed, neither the response to the earlier Motion for Partial
2 Summary Judgment nor the Motion to Vacate included competent evidence to create a fact issue.
3 Rather, Judge Swanberg's ruling hinged on the finding by the Court that defense counsel had not
4 obtained consent of all Defendants to stipulate to such summary judgment. In the five plus
5 months since the summary judgment order was vacated, Defendants still have provided no
6 evidence that would create a fact issue. Defendants' counsel has yet to identify any expert who
7 will argue there is no evidence of racial polarization. Rather, as recently as January 11, 2022,
8 Defendants' expert Dr. Morrison stated publicly that "holding an election at-large ... would
9 immediately look like an election that was diluting Latinos' votes...." Franklin County
10 Commissioners Meeting, at 1:02:00-10:03:35 (Jan. 11, 2022).
11 <https://www.youtube.com/watch?v=Qphfbr7Kk0I> (statement by Dr. Peter Morrison). Here, both
12 Plaintiffs *and* Defendants have demonstrated that Franklin County is in violation of the WVRA.
13 See Defs. Resp. to Pls. Mot. for Summ. J. at 18.

14 **II. Elections in Franklin County Exhibit Racial Polarization in Violation of the** 15 **WVRA**

16 To establish a violation of the WVRA, Plaintiffs must demonstrate that elections in
17 Franklin County exhibit polarized voting. RCW 29A.92.030(1)(a). Polarized voting means
18 "voting in which there is a difference, as defined in case law regarding enforcement of the federal
19 voting rights act, 52 U.S.C. Section 10301 *et seq.*, in the choice of candidates or other electoral
20 choices that are preferred by voters in a protected class, . . . and electoral choices that are preferred
21 by voters in the rest of the electorate." RCW 29A.92.010(3). Polarized voting occurs when
22 members of different racial or ethnic groups prefer different candidates than other racial or ethnic
23 groups.
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1 Plaintiff's expert Michael Rios analyzed more than nine elections to determine whether
2 elections in Franklin County exhibit racial polarization between Latino and white voters. Ex. 6
3 at ¶ 9, 20. Using Ecological Inference, he relied on precinct-level election results for Franklin
4 County, Washington, as well as census and voter file demographics merged to the precinct. *Id.*
5 at ¶ 7. Mr. Rios found that the difference in candidate preference between Latino and white voting
6 precincts large and statistically significant. *Id.* at ¶ 11. In Franklin County, "White, non-Hispanic
7 voters and Latino voters demonstrate consistent patterns of voting for different candidates.
8 Candidates who win a majority of the vote in high-density Latino voting precincts receive very
9 low support in high-density white precincts." *Id.* at ¶ 9. Candidates who won the majority of the
10 vote in high-density Latino voting precincts received low or very low support in high-density
11 white precincts.
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14 A series of recent County Commissioner elections from 2008 to 2020 strongly
15 demonstrate racially polarized voting in Franklin County. *Id.* at ¶11. In 2020, Ana Ruiz Peralta
16 ran in District 2 during the primary and advanced to the at-large general election where she then
17 lost. *Id.* Within District 2, Peralta was the preferred candidate in high-density Latino precincts
18 and earned an extremely high percentage of the Latino vote share -- as high as 75 percent in one
19 precinct -- in addition to winning the majority of the vote share in other high-density Latino
20 districts. *Id.* Peralta was the minority-preferred candidate with a near 2 to 1 vote share lead. *Id.*
21 at ¶ 14. The differences in support for Peralta between Latino and White precincts was drastic;
22 in areas with majority non-Latino voters, Peralta was outvoted by a 3 to 1 margin. *Id.* The stark
23 difference in voting patterns by Latinos and non-Latinos during the 2020 Franklin County
24 General Election race constitutes racially polarized voting. *Id.* at ¶ 13.
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1 According to Mr. Rios, the difference in voting results of high-density Latino precincts
2 and those of high-density white precincts occurred over a period of many elections in Franklin
3 County. *Id.* at ¶ 15. Racially polarized voting was also present in the 2018, 2012, and 2008
4 elections in Franklin County. *Id.* at ¶ 16. In 2012, Al Yenney, the Latino preferred candidate,
5 won a majority of the vote in Latino precincts, but lost significantly in precincts with substantial
6 non-Latino populations. He ultimately lost the general election. *Id.* at ¶ 16. In 2008, “Neva
7 Corkrum, the Latino preferred candidate, similarly lost the countywide election in November
8 despite winning a clear majority of the vote in high-density Latino voting precincts.” *Id.* Mr. Rios
9 analysis of the election results clearly illustrates that elections in Franklin County exhibit racially
10 polarized voting. *Id.* at ¶ 8.

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13 **III. Latino Voters Do Not Have an Equal Opportunity to Elect Candidates of**
14 **Their Choice as a Result of the Dilution of Their Rights.**

15 Plaintiffs must also prove that the County’s at-large system for electing County
16 Commissioners dilutes the voting rights of Latinos and thus deprives them of the equal
17 opportunity to elect candidates of their choice. *See* RCW 29A.92.020. The WVRA instructs
18 that vote dilution “be assessed pragmatically, based on local conditions.” RCW 29A.92.030(2).
19 Proof of discriminatory intent is not required. RCW 29A.92.030(5).
20

21
22 There is no lack of Latino preferred candidates seeking office. “Since 2008, at least five
23 Latino-preferred candidates have run for positions on the Franklin County Commission. None of
24 these candidates were ultimately elected.” *Id.* at ¶ 13. This is “because Latino voters do not
25 constitute a majority countywide, White voters frequently vote as a bloc *against* Latino preferred
26 candidates, and there are not enough crossover White votes to account for the different voting
27 preferences between the Latino and White populations.” *Id.* at ¶ 10. In Franklin County, the
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1 Latino population is clearly being denied "an equal opportunity to elect candidates of their
2 choice." RCW 16 29A.92.030(1)(b).

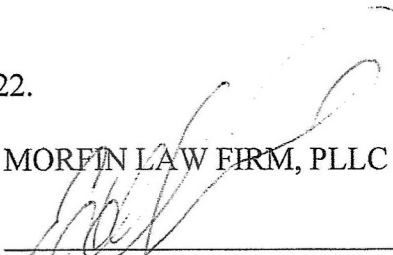
3 Here, Defendants have conceded that the at-large method of election results in vote
4 dilution. Defendants' state that the "Latino population is sufficiently large to satisfy the second
5 prong." Defs. Resp. to Pls. Mot. For Summ. J. at 11. Racially polarized voting and an at-large
6 system results in Latinos being blocked from an equal opportunity to elect candidates of their
7 choice. This is all the WVRA requires Plaintiff's to show. Although not required by the statute,
8 Plaintiffs have also provided evidence attached that the Latino Community is sufficiently
9 compact to constitute a majority in a district and that other factors demonstrate vote dilution and
10 unequal access to be able to elect candidates of choice.
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13 CONCLUSION

14 Franklin County exhibits racially polarized voting and vote dilution such that Latino
15 voters do not have an equal opportunity to elect candidates of their choice. As such, Franklin
16 County's at-large election system violates the WVRA. If the Defendants have evidence and
17 expert testimony to create a fact issue, then here is their second chance to offer it. In reality, For
18 the foregoing reasons, Plaintiffs' Motion for Summary Judgment should be granted, and the
19 Court should institute single member districts as the appropriate remedy under WVRA. RCW
20 29A.92.110.
21

22
23 DATED this 21st day of March 2022.

24
25 MORFIN LAW FIRM, PLLC

26
27 
28 Eduardo Morfin, WSBA No. 47831
29 Attorney for Plaintiffs

UCLA VOTING RIGHTS PROJECT

By: Sonni Waknin, CA SBA No. 335337
Attorney for Plaintiffs

CERTIFICATE OF TRANSMITTAL

The undersigned hereby certifies and declares under penalty of perjury under the laws of the state of Washington that on this date, they caused a copy of this document to be transmitted or sent to the attorney(s) of record listed below as follows:

Attorneys for Defendants Franklin County, Clint Didier, Rodney J. Mullen, and Lowell B. Peck:

Francis S. Floyd and Amanda Daylong
FLOYD, PFLUEGER & RINGER, P.S.
200 W. Thomas Street, Suite 500
Seattle, WA 98119

☐ U.S. Mail
☐ Hand Delivery
☒ Email: adaylong@floyd-ringer.com
☒ Email: ffloyd@floyd-ringer.com
☐ Fax: (509) 458-2728

Shawn Sant
FRANKLIN COUNTY PROSECUTOR
1016 N. 4th Avenue
Pasco, WA 99301

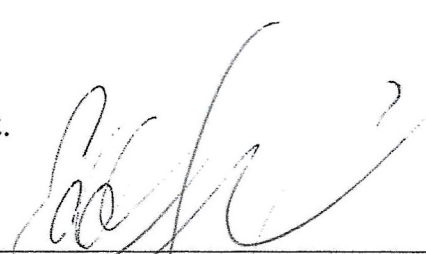
☐ U.S. Mail
☒ Email: shawn.sant@franklin.co.wa.us
☒ Email: civil@franklin.co.wa.us
☐ Email:
☐ Fax: (509) -

Attorney for James Giminez/Gimenez:

Joel B. Ard
ARD LAW GROUP PLLC
PO Box 11633
Bainbridge Island, WA 98110

☐ U.S. Mail
☒ Email: Joel@ard.law
☐ Email:
☐ Email:
☐ Fax: (206) -

DATED this 21st day of March 2022.



Eduardo Morfin, WSBA No. 47831