



Franklin County Democratic Central Committee

PO Box 4883, Pasco, Washington 99301

Date May 27, 2008

To Franklin County Commissioners
1016 N. 4th Street
Pasco, WA 99301

Re Redistricting

Dear Commissioners Koch, Corkrum, and Miller

I write to you as the Chairman of the Franklin County Democratic Central Committee out concern for voters and the general welfare of this County as you consider whether to redistrict the Commissioner Districts before the end of this year's election cycle.

At the public hearing on May 22 I expressed some concerns regarding the plan to redistrict the County Commissioner Districts at this late.

Consequently, I came before you in opposition to consideration of any redistricting plan at this time.

Much has been made about the June 2nd walk-in filing date, but the mail-in filing period for this year's election opened on last Friday May 16th. If the walk-in filing date is to have the importance proponents of adopting a plan claim, then it is in fact the May 16th date that has significance. Therefore I believe that a redistricting plan should have been adopted well before May 9th.

It is now impossible for the County Auditor to send notice of changed districts to anyone seeking election to these offices who has already filed. I am aware of two candidates who have already filed by mail and therefore it is impossible for the Commissioners to consider adopting any redistricting plan until after the completion of this year's election cycle. You also heard testimony indicating the risk inherent trying to hastily provide accurate notice to all those affected by the adoption of a new plan.

As far as I am concerned these facts alone are enough reason to abandon consideration of any proposed redistricting plan, no matter how justified it might seem. Adopting a plan now would almost certainly bring about immediate legal challenges.

My Republican counterpart, Mr. Sant, argued that because the Districts 1 and 2 were being expanded into District 3, there would not be anyone deprived of running but new people would be permitted to run against candidates who would otherwise run unopposed. He believes that you are infringing on their freedom to run against you by denying them access to the districts.

I see a major problem with this argument. He is making reference to a freedom that does not exist. The people who now live in District 3 are free to run against other people in that district. Indeed, all voting residents of District 3 were free to run against Commissioner Miller only two years ago in 2006, and all but one chose not to. There is no law I am aware of that protects a person's right to run only 2 years later against someone in another district.

I would like to respond to some of the other recent arguments made in favor of redistricting. Before I do, let me say that there is no question in my mind that Franklin County has experienced significant population growth in District No. 3. I agree that it will be necessary to redistribute some of those residents to Districts 1 and 2 as soon as legally possible. But I would like to caution you that however much is made of the growth in West Pasco, which is obvious from the voter rolls, there has also been extensive growth in East Pasco that is not so obvious in the voter rolls. I believe that the population estimates you have been given may contain significant errors, a matter that I will address below at more length.

I also feel it is necessary to correct reports of recent comments made to the Commissioners by proponents of these plans. These comments contained statements that are certain to confuse and mislead the residents of this County.

Mayor Olson claimed for example, that failing to redistrict at this time could bring about a lawsuit. I believe nothing could be further from the truth. As you are no doubt aware, the RCW [29A.76.010(3)] states only that the Commissioners must prepare a plan to redistrict within 8 months of receipt of the federal decennial census data, which is not expected for another 3 years. It seems to me that at no other time are the Commissioners legally obligated to consider a redistricting plan. It's hard for me to imagine how anyone could successfully sue the Commissioners for not doing something you are not obligated to do. Considering the motives for suing, the fact that one must put up a bond in case she loses, and that actual financial penalty

provided for in the RCW in the event a lawsuit is found to be frivolous, I believe it is highly unlikely anyone would be foolish enough to pursue such an action.

Conversely, acting to redistrict in a precipitous and careless manner is most likely to bring about a successful lawsuit. Considering the potential for adverse legal consequences, I have to wonder at the motives of those who want you to act without sufficient justification. Of course I am no attorney, let alone your attorney, but it seems obvious to me that acting hastily when not obligated is the height of careless and injudicious behavior when action carries risk and inaction carries none.

It also seems to me that your duty to redistrict within 8 months of receiving the federal decennial census data precludes adopting any plan within 4 years of that expected time. Otherwise we would violate the prohibition against too-frequent changes in Commissioner district lines found in the RCW [36.32.020]. Clearly the very latest we could have safely adopted a plan was in late 2006 or early 2007, but at that time none was being considered, having just come off a less than perfect redistricting a few years earlier.

Mr. Sant has also claimed that district voting in the primary gives candidates in a less populated districts an advantage because they are more likely to be unopposed. However, the two districts for which elections are being held this year have very nearly equal populations as far as anyone can estimate. So it would seem this argument makes a distinction where there is no difference leaving the Commissioners no good reason to act now.

In fact, there is no good population data on which the Commissioners can base a plan. I certainly respect and admire the skill of the staff who work on these maps, but I believe they cannot accurately overcome problems such as the wide variations in the number of residents per household in different socio-economic areas of the county. The nine or so census tracts used to develop the statistics necessary for estimation in the City of Pasco are based on the 2000 census and cannot be any more valid than the population data on which they are based. When analyzing the 2000 census data, the Washington State Office of Financial Management determined that the accuracy of 2000 estimates for Franklin County population based on the 1990 census was the worst in the entire state at a staggering -7.67% ! This error was attributed to the growth experienced in 1990s. There is nothing to suggest that the population estimates for 2007 based on the 2000 census data are any more accurate, particularly given the explosive growth experienced since that census. I believe that the Franklin County population estimates are highly questionable and not useful at this time.

Before closing, I would like to address some procedural problems that may bear on the Commissioners' ability to defend a plan, should one of these proposed plans be adopted. Advocates of prompt redistricting have had many opportunity in recent years to bring proposals before the Commission and chose to wait until now creating an atmosphere of crisis. The necessity for hasty action creates a lack of opportunity for adequate review and proper oversight of the important work the Auditor must do.

In their haste to meet the demand, the County Auditor's office did not distribute a copy of the current district map with the proposed plans, so it is

impossible to tell what changes are being proposed by each plan. Moreover, because of this late-breaking brilliance, the distributed maps were very quickly prepared, using colors that nearly 20% of the male population (myself included) cannot distinguish, making the maps unreadable and useless. These are but two examples of the simple and understandable errors that are made in the headlong rush to action and they provide an opportunity for a plaintiff to prevail were one of these plans adopted now.

I believe the Commissioners are well advised to listen to the wiser members of the community and the more judicious legal counsel given by the County attorneys. Please defer consideration of these redistricting plans until after the federal decennial census report is received.

You have my full support should you decide to apply an expression I am fond of using in such circumstances: "poor planning on their part does not constitute an emergency on your part."

Respectfully,



David P. Chassin, Chairman
Franklin County Democratic Central Committee

