IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THURSTON COUNTY

ARTHUR WEST, **plaintiff,** **Vs.** **WASHINGTON STATE REDISTRICTING COMMISSION, BRADY WALKINSHAW, JOE FAIN, APRIL SIMS, PAUL GRAVES, SARAH AUGUSTINE, STATE OF WASHINGTON,** **defendants.**	)	**No.** **PLAINTIFF'S COMPLAINT FOR VIOLATION OF THE OPEN PUBLIC MEETINGS ACT**

I. INTRODUCTION

1.1. This is an action under RCW 42.30 concerning a Monday, November 15, 2021[1] violation of the Open Public Meetings Act by the Washington State Redistricting Commission, and Commission members Brady Walkinshaw, Joe Fain, April Sims, Paul Graves, Sarah Augustine, who knowingly conducted an unlawful de facto executive session, and secretly deliberated, conducted ”straw polling” and took “action” outside the context of a properly scheduled and noticed open public meeting or executive session.

1.2. The plaintiff alleges that the defendants knowingly violated the law by failing to properly conduct what was, in effect, a de facto executive session, by

[1] A date which will live in infamy.

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taking action and conferring in private, by "straw polling", and by conducting an illegal series of seriatim meetings and by staging a *sudden, deliberate, unprovoked and dastardly attack* on the People's right to notice under the OPMA of matters concerning voting rights.

II. PARTIES AND JURISDICTION

2.1. Plaintiff West is "any person" as defined in RCW 42.30.130 with standing to seek relief. (See *West v. Seattle Port Commission, West v. Pierce County Council*)

2.2. Defendant Washington State Redistricting Commission is a "governing body" as defined in RCW 42.30.020 that has violated the Open Public Meetings Act by conducting an unlawful secret meeting, and failing to deliberate in public.

2.3. On November 15, 2021[2], defendant Washington State Redistricting Commission members Brady Walkinshaw, Joe Fain, April Sims, Paul Graves, and Sarah Augustine violated the OPMA by conducting an un lawful executive session, by knowingly and deliberately conducting deliberations behind closed doors and by taking "action" outside the context of a properly noticed and scheduled open public meeting.

2.4. Defendant Washington State Redistricting Commission is an entity required to abide by the requirements of the Laws of the State of Washington, including the Open Public Meetings Act, RCW 42.30.

2.5. The State of Washington is a necessary party to this action.

2.6. The Thurston County Superior Court has jurisdiction over the parties and subject matter of this claim.

[2] A date which will live in infamy.

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III. ALLEGATIONS

3.1 On Monday, November 15, 2021, the Washington State Redistricting Commission Commissioners unlawfully closed their meeting without compliance with the requirements of a lawful executive session, and proceeded to conduct a series of secret back room cabals to conduct "straw polling" and to come to a clandestine agreement to set new redistricting maps.

3.2 The Washington State Redistricting Commission and each of the Commissioners violated the OPMA by closing the open meeting and in subsequently conducting what was, in essence, an unlawful de facto executive session and a series of secret seriatim meetings in the absence of proper notice or other lawful compliance with the OPMA.

3.3 The fact that the proceeding was in violation of the OPMA was underscored by the comments of a commission spokesperson that "Due to the late hour of approval of the required documents to meet the statutory deadline, the Commission is unsure when/if maps will be made available to the public," "We will inform the public further as circumstances warrant," the Commission's spokesperson added.

3.4 By their actions and omissions, Washington State Redistricting Commission Commissioners knowingly and deliberately violated the law, in a *sneak attack* on the People's right to notice under the OPMA.

3.5 This violation is especially egregious as it concerns voting rights, a matter critical to the sound functioning of a democracy. By acting in secret to come to an agreement as to how they would vote, and by conducting a secret "straw poll", the Commission undermined the validity of their actions, which should be set aside.

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3.6 A present case and controversy exists, subject to adjudication under the Declaratory Judgments Act, concerning whether the Washington State Redistricting Commission Commissioners may lawfully close their meetings to confer in secret and come to agreement as to how they will vote in violation of the People's right to notice of executive sessions and other requirements under the OPMA.

IV. CAUSES OF ACTION:

4.1. OPMA CLAIM

By their acts and omissions defendants created a cause of action under RCW 42.30 for individual penalties, costs, fees, and injunctive relief in regard to violations of the OPMA by a quorum of the governing body of the Washington State Redistricting Commission, and plaintiff is entitled, under RCW 42.30, to the relief sought below.

4.2. UNIFORM DECLARATORY JUDGMENTS ACT (RCW 7.24)

By their acts and omissions defendants, and each of them, created an uncertainty in the conduct of public officers and compliance with the OPMA, and a cause of action for a declaratory judgment in regard to whether the Washington State Redistricting Commission Commissioners can evade the requirements of the OPMA by deliberating in secret and by holding unlawful de facto executive sessions, and whether they knowingly violated the OPMA on November 15, 2021[3]. Such a declaration will go a long way to ensure that this form of violation would never recur.

[3] A date which will live in infamy.

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V REQUEST FOR RELIEF

Wherefore, Plaintiff respectfully requests the following relief:

5.1 That a ruling issue under the Seal of this Court finding and declaring that Washington State Redistricting Commission Commissioners violated the Open Public Meetings Act on November 15, 2021 by knowingly conducting an unlawful de facto executive session and/or by improperly deliberating and conducting a straw poll in secret.

5.2 That a ruling issue under the Seal of this Court fining defendant Washington State Redistricting Commission members Brady Walkinshaw, Joe Fain, April Sims, Paul Graves, and Sarah Augustine $500 for knowingly violating the OPMA, and that an Order enter prohibiting such violations in the future.

5.3 That in addition to the penalty above, plaintiff be awarded any appropriate costs from the defendants for their failure to comply with the OPMA.

5.4 That the actions taken by the Commission on November 15, 2021 be invalidated and the new maps be set by the Judiciary as required by law in the event the Commissioners fail to lawfully perform their duties.

Done November 16, 2021, in Olympia, Washington.

S/ ***Arthur West***

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