

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

BONNIE HEATHER MILLER, ROBERT
WILLIAM ALLEN, ADELLA DOZIER
GRAY, and ARKANSAS VOTERS FIRST,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as Secretary of State of Arkansas,

Defendant.

Case No. 5:20-cv-05070-pkh

Hon. Paul K. Holmes, III

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

EXHIBIT 17
Declaration of Bonnie Heather Miller

DECLARATION OF BONNIE HEATHER MILLER

1. My name is Bonnie Heather Miller and I reside at 21 East Center Street, Apt 203, Fayetteville AR 72701. I am 33 years old and have lived in Fayetteville, Arkansas since 2008. I am the LL.M. Program Administrator at the University of Arkansas School of Law.
2. I am Director of Arkansas Voters First, Inc (a 501(c)(4) organization) and the Chairperson of Arkansas Voters First ballot question committee, and have held those roles since their inception.
3. I am the President of the League of Women Voters of Washington County ("the League"), a board member of the League of Women Voters of Arkansas, and the Chair of Redistricting Initiatives with the League of Women Voters of Arkansas. I have been a member of the League since 2017. I was motivated to join the League when I attended an event discussing redistricting reform, and it seemed to me that the League was the only group pursuing redistricting reform in Arkansas at the time.
4. I have been passionate about redistricting reform for many years. In summer of 2019, the national League launched its second ever nationwide campaign (the first nationwide campaign was for universal suffrage in 1920), entitled People Powered Fair Maps. In October 2019, I was selected by the League of Women Voters of Arkansas to attend a training in Washington, D.C. to learn how to be a "Redistricting Champion" in Arkansas.
5. In my role with the League I have conducted many voter registration drives, I have offered trainings on how to run voter registration drives, I have put together candidate forums, and I have spoken to university students about the importance of voting and guided them through voter registration. I also engage with League members (and the broader community) through social media. The League facebook account posts agendas for city council meetings, Quorum Court, information about candidates and upcoming elections, and other neighborhood civic news. One event that I helped organize was a celebration of 100 years of the local League. We held the event on March 1 and around 200 people attended.
6. While many of the events I do with the League include discussions of my work on redistricting reform, in 2020 I have also organized information sessions, town hall style meetings, and sent weekly emails specifically on the topic of promoting the Arkansas Voters First ballot question ("AVF"). I organized approximately 6-7 of these events between January 1 and March 1, 2020.
7. I know that the procedures for gathering signatures for a constitutional amendment are very particular and I have a printed copy of the Arkansas Secretary of State's "2019-2020 Initiatives and Referenda Handbook" (available at https://www.sos.arkansas.gov/uploads/2019-2020_I_R_Handbook_-_Jan_2020.pdf) with me whenever I am working on the AVF campaign so that I can make sure I am preparing myself and my volunteers to be able to collect legally compliant signatures to

place AVF on the ballot. I know that, under the current law, we need to collect 89,151 witnessed signatures by July 3, 2020.

8. As of February 26, 2020 I had a group of thirty volunteers ready to be trained as canvassers to collect signatures for the AVF campaign. We launched our signature petition drive on March 5. By March 11 though, it became clear that there was a developing public health crisis, and so we postponed training our volunteers on signature gathering. After a number of additional postponements, it is now clear that we will not be able to gather signatures for the AVF ballot question in-person in the coming months.
9. I am aware of the increasingly urgent and escalating recommendations that have come from the CDC and the Arkansas Department of Health advising people to avoid social gatherings and to maintain social distancing. For example, on March 15 the CDC cautioned that no gatherings of fifty or more people should take place for the next eight weeks, including weddings, festivals, parades, concerts, sporting events, and conferences. Then on March 16, the President advised citizens to avoid groups of more than 10.
10. As a result of the devastating public health threat presented by the COVID-19 pandemic – as well as in response to public health experts' urgent warnings, news coverage, recommendations for public officials – Arkansas' governor closed schools for the rest of the school year, limited gatherings to no more than ten people and closed all gyms, restaurants, and indoor entertainment venues. The Secretary of Health has also recommended a fourteen-day quarantine period for travelers from New York, New Jersey, Connecticut, New Orleans, and all international locations. Cities, like Little Rock, have closed down important locations for petition gathering, including community centers. The United States District Court for the Western District of Arkansas has also implemented COVID-19 mitigation strategies, including teleconferencing hearings.
11. These measures are taken due to the deadly and highly contagious nature of the virus. As of April 21, 2020, 42 Arkansans have died and over 1,900 have tested positive for COVID-19.¹ This number is expected to multiply. Based on recent projections, Arkansas will hit its peak of deaths per day from April 21 to May 1 with seven deaths every twenty-four hours.² And by August 1, 2020, Arkansas is projected to have more than 195 deaths.
12. With all the recommendations for social distancing are in place, I and my volunteer signature gatherers would be unable to approach other people to collect many signatures, let alone the 89,151 signatures required to place AVF on the ballot. Even assuming that I were to have myself and my volunteers attempt to engage in petition circulation, this would put myself, my volunteers, and the signers at grave risk, given the information from the CDC as to the highly infectious nature of COVID-19.
13. I intended to circulate petitions for AVF at large gatherings - either events that I had organized like town hall style meetings, information sessions, or at existing events like

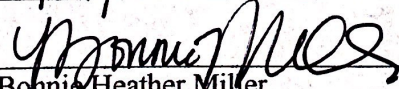
¹ See <https://covidtracking.com/data/state/arkansas>.

² See <https://covid19.healthdata.org/united-states-of-america/arkansas>.

the Fayetteville Farmers' Market that occurs three times a week in the Town Square, and at library events. My volunteers are based in both Washington and Benton counties and would have been able to attend events across northwest Arkansas to gather signatures. We had planned to arrange town hall events with associated media in six areas of the state (and to circulate petitions at these events). Those events would have been in the following areas: Northwest Arkansas, Central Arkansas, Texarkana, Jonesboro, Forth Smith, and Pine Bluff. We are no longer safely able to arrange events like information sessions, town halls, or to attend places like the Farmers' Market or the Library because public events are cancelled and large gatherings of people are not allowed.

14. I also intended to circulate petitions outside grocery stores, and even though these stores remain open, any attempt by me (or my volunteers) to gather signatures there would be futile because nearly all Arkansas are observing public health advice that people remain at least 6 feet apart.
15. I had also intended to go, and to encourage my volunteers to go, door-to-door to seek signatures for the AVF campaign, but in light of public health warnings many individuals are declining to risk close contact with an unknown person, making these efforts futile.
16. If we are not able to place AVF on the ballot in 2020 then we will not be able to secure an independent redistricting commission to draw the state legislative and congressional district lines in 2021.
17. I have invested significant time, energy, and effort into getting fair redistricting for all Arkansans, and that effort would have been in vain, if we are not able to gather signatures to place the AVF amendment on the ballot in 2020.
18. On Friday April 10 I hosted a virtual version of the regular in-person event I coordinate each month called "Drinks and Dialogue" with Fayetteville League members. This online event was a success with around 40 people "attending." I intend to continue organizing virtual meetings like this to promote the issue of redistricting reform and AVF.
19. If I am, and other canvassers are, able to gather signatures electronically (without having to witness people signing the petition) I believe we will be able to gather many thousands of signatures via virtual events, personal contacts, and social media promotion.
20. We have already lost around six weeks of signature gathering time due to COVID-19 and so I believe a deadline beyond July 3 will be needed to get as many signatures as my volunteers and I were planning to get for this campaign.

I declare under penalty of perjury that the foregoing statements are true and correct. Executed on

4/21/2020, by

Bonnie Heather Miller