

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

ELIZABETH JANE SINNER, WHITNEY  
OXENDAHL, CAROL SAWICKI, LOIS  
ALTENBURG, and NORTH DAKOTA  
VOTERS FIRST,

*Plaintiffs,*

v.

AL JAEGER, in his official capacity as  
Secretary of State of North Dakota,

*Defendant.*

Case No. 3:20-cv-00076

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

**EXHIBIT 1**  
Declaration of Carol Sawicki

## DECLARATION OF CAROL SAWICKI

1. My name is Carol Sawicki. I live in Fargo, North Dakota. I have resided in this State for more than 40 years.
2. For many years, I have participated in nonpartisan, volunteer efforts to achieve electoral reforms. I am a longstanding and active member of the League of Women Voters. Through the League, I became involved with the successful ballot initiative in 2018 by North Dakotans for Public Integrity to establish an ethics commission and institute other electoral reforms.
3. In 2019, I joined with others from the League of Women Voters and other organizations in brainstorming about how to build upon the 2018 referendum and enact other needed reforms, in particular, regarding gerrymandering. I believe strongly that such redistricting reform is critical to public confidence in our government.
4. To that end, we began exploring the creation of North Dakota Voters First (NDVF) in the late fall of 2019. We formally established NDVF as a 501(c)(4) corporation in February 2020. I serve as chair of the Board.
5. NDVF hired two consultants in February and submitted the proposed ballot initiative to the Secretary of State on March 6, 2020 seeking an independent citizens' redistricting commission, along with other reforms. The Secretary of State returned the proposal to NDVF with revisions on March 17, 2020. NDVF updated the proposal and resubmitted it on April 29, 2020, in accordance with our planned timeline (which included a month to review and tweak the language before beginning to circulate petitions). On April 30, 2020, the Secretary of State approved the proposed language of the ballot initiative. Under North Dakota law, NDVF must collect at least 26,904 signatures by July 6, 2020, in order to get its initiative on the ballot. Prior to the onset of the COVID-19 pandemic, NDVF anticipated that it would obtain the required signatures by the statutory deadline.
6. Until the Secretary of State approved the language of the initiative, NDVF was not permitted to begin collecting signatures to get the proposed constitutional amendment on the November 2020 ballot. In preparing to launch its campaign, however, NDVF invested substantial resources. In addition to hiring the two consultants, NDVF incurred legal fees and spent significant time planning its strategy to collect the signatures.
7. On March 13, 2020, the Governor of North Dakota declared a state of emergency in the State. On March 19, the Governor ordered all restaurants and bars to halt on-site services, and ordered recreational facilities, theatres, and other entertainment venues to close, by noon on March 20.
8. On April 29, 2020, the Governor issued an order allowing businesses to reopen under strict conditions. The Governor insisted that these businesses adhere to the "North Dakota Smart Restart" standards. Those standards require businesses to maintain social distancing in their establishments, avoid unnecessary physical conduct, and direct



employees who deal with the public to wear face masks. Under the Governor's order, recreational and sports arenas, as well as music and entertainment venues, will remain closed.

9. The COVID-19 pandemic, and the orders and recommendations that address it, have made it nearly impossible for NDVF to collect the requisite number of signatures by the statutory deadline. To begin with, the cancellation of large sports, entertainment and other events is a very serious blow to the petition drive. These events provide the most productive venues for collecting signatures. The concentration of many people in one place makes it possible to gather a large number of signatures in a short time.
10. In addition, volunteers seeking signatures previously stationed themselves outside banks and other commercial venues to solicit patrons entering or leaving those businesses. But businesses are likely to have few in-person customers for a long time, and those sites will be far less productive for canvassers as people will continue to observe social distancing for at least the next several months. The most efficient ways to collect signatures are thus unavailable.
11. Moreover, in these venues, as well as in door-to-door solicitations, it will be difficult, if not impossible, to obtain a signature from an individual while maintaining a separation of at least six feet.
12. Even aside from the official orders and recommendations, the widespread public anxiety regarding COVID-19 will make people reticent to engage with volunteers seeking signatures on NDVF's petition.
13. As Chair of NDVF, I also am very reluctant to send volunteers potentially into harm's way. Each volunteer soliciting signatures would be exposed to many individuals. Those who wish to sign would have to take the clipboard and pen from the volunteer and pass it back when they are done. Under the current circumstances, the risk that volunteers will become infected with COVID-19 is unacceptably high. Before the COVID-19 pandemic, I personally intended to solicit signatures for the NDVF petition. Now, given the risk, I would not do so.
14. The impediments to collecting the requisite signatures on NDVF's petition all stem from the requirement that petitions be signed in person and in the presence of the solicitor. Allowing electronic signatures would remove these impediments, and afford the people of North Dakota the opportunity to vote on these important reforms.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Carol Sawicki

Carol Sawicki

Executed on 5/6/2020