

**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 18
Declaration of Whitney Oxendahl

DECLARATION OF WHITNEY OXENDAHL

1. My name is Whitney Oxendahl. I grew up in Williston, North Dakota, and now live in Fargo with my husband and two small children.
2. I have been very active as a volunteer in the Fargo community. For example, I serve on the library board and helped to develop a farmer's market.
3. I have been involved in particular with nonpartisan political reform efforts. I worked on the successful statewide ballot initiative in 2018 to establish a state ethics commission, ban foreign political contributions, and enact other reforms. For that initiative, I gave speeches at meetings and gatherings, and collected signatures to get the measure on the ballot. I also worked on a citizen's initiative to amend the City Charter of Fargo to adopt approval voting, which permits citizens to vote for as many candidates as they wish and awards the victory to the candidate with the highest overall approval. That initiative prevailed as well.
4. I have collected signatures for ballot initiatives in multiple settings— in front of the downtown Fargo Post Office, on Broadway in downtown Fargo, and at large events, such as the Fargo Marathon, the county fair, and a rally for President Trump. The concentration of potential signatories at large events makes it possible to collect many signatures in a short time.
5. Because people frequently attend large events in groups of two or more, I use two clipboards, each with sheets that individuals can sign, and two pens, so that I can get two signatures at the same time. North Dakota law requires me to sign a sworn statement on each packet of petition signature sheets attesting that I personally witnessed each signature.
6. I volunteered to collect signatures for North Dakota Voters First (NDVF) for a ballot initiative that would, among other things, create an independent redistricting commission. I strongly believe that this reform is essential to ensure that our elected representatives are responsive to the people.
7. The recommended measures to combat the current pandemic are a huge obstacle to NDVF's efforts to collect signatures for this initiative. The prospects appear unlikely to improve substantially before the July 6, 2020 deadline for NDVF to submit its petition. The large gatherings that are the most productive places to solicit signatures have been cancelled. Moreover, given social distancing recommendations and the public anxiety regarding the corona virus, I would not feel comfortable approaching strangers who may not want to be approached, but such contact is necessary to obtain a signature on a petition. In addition, passing clipboards and pens from person to person, which is also necessary in effectively soliciting signatures, would fuel concerns about transmitting the virus. I would not wish to endanger anyone, and, in any event, most people would likely steer clear of the volunteers collecting signatures.

8. I remain enthusiastically committed to NDVF's initiative. I am more than willing to collect signatures if there is a way to do so consistent with public health and social distancing recommendations.

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


Whitney Oxendahl

Executed on 5/5/2020.