

STEVE ELZINGA
Oregon Bar No. 123102
SHERMAN, SHERMAN, JOHNNIE & HOYT, LLP
693 Chemeketa St. NE
Salem, OR 97301
Telephone: 503-364-2281
steve@shermlaw.com

Attorneys for Plaintiffs
PEOPLE NOT POLITICIANS OREGON,
COMMON CAUSE, LEAGUE OF WOMEN
VOTERS OF OREGON, NAACP OF
EUGENE/SPRINGFIELD, INDEPENDENT
PARTY OF OREGON, and C. NORMAN
TURRILL

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

PEOPLE NOT POLITICIANS OREGON,
COMMON CAUSE, LEAGUE OF WOMEN
VOTERS OF OREGON, NAACP OF
EUGENE/SPRINGFIELD, INDEPENDENT
PARTY OF OREGON, and C. NORMAN
TURRILL,

Plaintiffs,

v.

BEVERLY CLARNO, OREGON
SECRETARY OF STATE,

Defendants.

Case No. 20-01053-MC

**DECLARATION OF C. NORMAN
TURRILL IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING ORDER**

I, C. NORMAN TURRILL, declare that:

1. I am a Chief Petitioner for Initiative Petitions (IPs) 57, 58, and 59. I have been a resident of the State of Oregon since 2001. I have been a member of the League of Women Voters (LWV) since the 1970s. I have been engaged in ballot measure signature-gathering campaigns for decades. Normally, such campaigns gather signatures by passing around clipboards, sheets, and pens on the streets in high-traffic public locations, such as outside grocery stores, in shopping malls, parks, public transit stations, farmers markets, and at large public gatherings, such as parades, concerts, fairs, and rallies. LWV members have been active volunteers in ballot measure campaigns, both in registering voters, and also in seeking signatures for those ballot measures endorsed by the League.

2. On November 12, 2019, we filed with the Oregon Secretary of State the prospective petitions for what were later designated Initiative Petition (IP) 57 and, on November 13, IPs 58 and 59 (collectively, “People Not Politicians” [“PNP”]). The intention of the PNP IPs was to amend the Oregon Constitution to create an independent redistricting commission to draw Oregon’s electoral maps for the State Senate, State House, and U.S. House of Representatives.

3. Under Oregon law, we were then required to submit 1,000 valid sponsorship signatures to qualify the IPs for ballot title drafting. Over the course of 10 days, from November 25 through December 4, 2019, which included the Thanksgiving holiday, we gathered signatures by live, on-the-street signature solicitations by paid signature gatherers. On or about December

5, 2019 for each of the three IPs, we submitted in excess of 2,200 signatures to meet the 1,000-valid-signature requirement.

4. Beginning no later than January 2020, the PNP Executive Committee (EC), of which I am the Chair, and whose meetings I attended, focused on efforts for outreach, including presentations to local entities throughout the state, and participating in community meetings, to bring attention to the PNP campaign. It was the consensus of the EC that we would rely principally on paid signature circulators, supplemented by volunteer circulators, to gather the required 149,360 valid signatures to qualify the IPs for the November 2020 general election ballot. Before the end of January 2020, the EC was considering proposals for multiple spring public events.

5. The EC members were aware that this was our last once-in-a-decade opportunity to create a redistricting commission in time for the 2021 redistricting process.

6. On January 30, 2020, the ballot titles for IPs 57, 58, and 59 were certified by the Oregon Attorney General.

7. The EC continued to discuss planning of in-person events at its February meetings. In the first half of February, EC member Rebecca Tweed had three presentations scheduled on the PNP campaign. At the February 11 EC meeting, signature-gathering was discussed, as were more presentations by Tweed to civic, business, and education groups about PNP. As many as five events a week were scheduled in February. The February 18 EC meeting heard of six upcoming events at which I, Tweed, or both of us were scheduled to present.

Common Cause discussed its plans to bring three to four California Citizens Redistricting Commissioners to travel throughout Oregon for a series of voter education events in April.

8. On February 13, 2020, the certified IP 57 ballot title was appealed to the Oregon Supreme Court.

9. At the March 3 EC meeting, we discussed the impact of legal challenges to the ballot title as it affected signature gathering. I told the EC that we should start preparing for signature gathering now, so that the campaign is ready to hit the streets once the legal challenges have concluded. EC member Kate Titus, executive director of Common Cause Oregon, stressed at the meeting that signature gathering is a great way to engage the public, who suggested that Common Cause and the League of Women Voters develop a campaign piece. I stated at the meeting that the campaign's finances would improve once we hit the streets (began public signature-gathering), and by doing so, create a sense of urgency about the campaign. The meeting included the possible initial screening of the movie "Slay The Dragon" (concerning gerrymandering reform) at a movie theater at Portland State University (PSU). A staff organizer reported that the campaign was working to organize events across the state. A plan was in development to meet with state legislators at the state Capitol to present the PNP campaign, and answer their questions. A Portland City Commissioner was to host a panel on the campaign at PSU. The EC was informed of at least four presentations and forums about the campaign already scheduled for March.

10. I and other members of the EC became aware that on March 8, 2020, Governor Brown issued Executive Order 20-03 (“EO”), which declared a public health emergency for 60 days from the verbal proclamation on March 7. EO 20-03 noted that the virus:

... spreads person-to-person through coughing and sneezing, **close personal contact**, such as touching or **shaking hands**, or **touching an object or surface with the virus on it**, and then touching your mouth, nose, or eyes.

(EO 20-03, p. 1; boldfacing added.) This Order was followed on March 12 by EO 20-05 (no gatherings of 250 people or more; three feet of social distancing), on March 17 by EO 20-07 (no gatherings of 25 or more people; businesses and services “encouraged to implement social distancing protocols”), EO 20-08 (school closures; child care), and EO 20-09 (live higher education instruction suspended).

11. At the March 10 EC meeting, the COVID-19 virus was discussed for the first time. One EC member was concerned that, in PNP’s process to select a campaign consulting firm, one of the firms relied heavily on a single individual, and the member expressed concern about his services to PNP if he were infected by the virus. I mentioned that the virus would reduce the grassroots efforts of the LWV, because I knew from my more than four decades of membership in the LWV that most LWV members were seniors -- that part of the population is unusually vulnerable to the virus. I am 76 years old. I am part of the population that is most vulnerable to the virus. In previous signature-gathering campaigns, I had personally gathered thousands of signatures. In March 2020, I became afraid that I could not gather signatures for the PNP campaign because of the risks to my health from the virus. We learned that the signature-gathering organization was “ready to go.” One EC member characterized the virus as an interruption, in response to which the campaign needed to “expedite” its efforts, as parts of

Oregon could be completely shut down. An EC member asked why the campaign was not considering activating online petitions. An EC member said that the campaign would be making e-petitions available, but that the petitions aren't printed, and there is uncertainty as to whether signers would have to print out the full text of the measure and submit it with their signature sheet. The screening of the gerrymandering movie "Slay The Dragon" was moved to April. The planning of the Salem event at the state capitol continued. Four upcoming presentations about the campaign were announced.

12. At its March 17 meeting, the EC discussed signature gathering on all three IPs with the virus in force. An EC member stated that PNP was looking at the first week in April, and needed to make a decision this week on how to move forward with the firm. There was a discussion on the use of electronic petitions ("e-sheets"). The EC discussed the impact of the crash of the stock market and business closures on donations to the campaign.

13. The EC established a COVID-19 "Contingency Subcommittee" which met on March 20, which I attended. The single meeting of the subcommittee heard that general public signature solicitation has not been prohibited, but is slowing, and that door-to-door solicitations are being attempted. I explained the ongoing ambiguity from the Secretary of State's office on the issue of whether a signer of an e-sheet must return the full text of the proposal with the signature. The need was expressed to monitor the situation daily as to how the government and virus restrictions will impact the campaign. A partner in the PNP campaign reported that, last week, it suspended recruitment emails for signature gathering. The question before the EC was how we could move the campaign forward under these extremely fluid circumstances. There was discussion of what video platforms the campaign would use going forward.

14. On March 23, Governor Brown issued the unprecedented and sweeping EO 20-12 (Stay Home, Save Lives [“SHSL Order”]) which, among other prohibitions, required individuals “to the maximum extent possible” “stay at home or at their place of residence”, and prohibited any gatherings “if a distance of at least six feet between individuals cannot be maintained.” The order had no ending date, and so would stay in effect until terminated by the Governor.

15. At its March 24 meeting, the EC convened in awareness of the SHSL Order of the day before. An EC member noted that the campaign cannot now collect signatures in person, no signature-gathering campaign in Oregon has experienced this situation before, even if the ten-signature petitions are mailed to supporting persons, they can’t canvass themselves, and that no campaign has ever tried a statewide mail-only signature-gathering effort. I knew that if the PNP campaign was now going to rely exclusively on downloadable and mail petition signature-gathering methods, it would have to build that operation from scratch, with only about 13 weeks left to gather and submit signatures. Mail solicitation would be a far more complicated process than street solicitation, because most homes do not have the capacity to print documents, double-sided where necessary, on the required 20-pound paper, and any printed petition would still need to be addressed and mailed by the signing party, creating additional barriers to participation. Another EC participant commented that an all-mail signature-gathering drive is “uncharted territory.” Donors will be skeptical about supporting PNP. I noted that it was still unclear as to whether the Secretary of State would require that every submitted signature be accompanied by a complete copy of the IP.

16. On March 27, the Secretary of State posted the state Supreme Court's March 26 ruling that the appeal of the ballot title was "not well-taken," and that the Court certified to the Secretary of State the Attorney General's certified ballot title.

17. At its March 31 meeting, an EC member told the EC that the campaign would need about 213,000 signatures to meet the required number of valid signatures (149,360). Even by mailing to one million voters, to achieve that number of signatures would require a 25 percent response rate to the mailing. An EC member told the EC if the campaign were lucky, the restrictions would be lifted in mid-May or in June, and the circulators could hit the streets.

18. At the April 3 EC meeting, one member commented that the campaign is looking at maybe three weeks in June to do normal petitioning if the campaign was lucky.

19. It was not until April 9—less than 90 days before the July 2 submission deadline—that the Secretary of State's office approved the petition sheet templates with the color based on whether the circulator was paid or a volunteer, thus clearing the PNP campaign to begin collecting the necessary 149,360 signatures.

20. At the May 1 EC meeting, an EC member noted that the campaign strategy assumed a month of on-the-ground signature gathering.

21. At the May 5 EC meeting, the EC heard that Governor Brown may be lifting restrictions in some Oregon counties, enabling in-person signature gathering.

22. On or about May 11, 2020, PNP launched an online portal for Oregonians to view, download and print the IP 57 petition and signature page. PNP built this portal from

scratch, highlighting the rules for signing downloaded petitions as best as we could ascertain in the uncertain environment under Stay Home restrictions. EC member Common Cause immediately emailed approximately 30,000 Oregon members. The first day response caused the site to crash and require capacity upgrades. Many people asked how to obtain a petition if they could not print at home.

23. The uncertainty of access to traditional street signature-gathering for ballot measures during this period adversely affected decisions of major donors to support the campaign. At the May 12 EC meeting, the campaign learned that a major prospective donor that had been considering a substantial six-figure donation to PNP had decided not to do so. Other potential donors declined, because the conditions did not exist to mount a reliably successful signature-gathering campaign. Serious concerns were expressed about whether the campaign would be able to gather the required signatures. The EC decided to proceed with a half-million-piece mailing to reach over one million voters. The new strategy targeted mailings to high propensity voters, buoyed by calculations that the signatures returned would have high validity rates.

24. At the May 19 EC meeting, street signature gathering was discussed. Some anticipated that stay-at-home restrictions would be relaxed in early June. Others were not positive about being perhaps the only public signature gatherers out on the streets.

25. We designed the 500,000-piece mailing plan and set up all of this without any clear sense of how long the stay-home orders would stay in place. I learned that a PNP coalition

member, Common Cause, organized an effort to send texts to 25,220 Oregon voters with a link allowing them to print a petition, which they could sign and mail back.

26. As the shelter-in-place (SIP) aspects of the Governor's orders remained in force into the spring, the EC realized that, because of the economic toll imposed by the reducing or shuttering of businesses, planned and anticipated contributions to support PNP either failed to materialize, or were greatly reduced from contributions promised or expected.

27. The ongoing uncertainty of the Stay Home Order made planning a signature-gathering strategy for PNP difficult. Only on June 12 was the uncertainty over the legality of Governor Brown's SHSL and associated orders relating to the pandemic resolved by the Oregon Supreme Court in its decision in *Elkhorn Baptist Church v. Brown*, 366 Or. 506, 543 (2020).

28. Unlike other campaigns that had been cleared for signature gathering before the Governor's March and April 2020 Executive Orders were issued, the PNP campaign was directly impacted by the orders, and the evolving government response to the pandemic.

29. Beginning the week of May 25 -- little more than a month before the submission deadline of July 2 -- PNP's retained mail house began mailing petitions to 500,000 Oregonian voter households, which included over 1.1 million voters. These petition packets contained the text of the petition, signature page, detailed instructions, and a postage-prepaid preaddressed return envelope that would allow every eligible person in the household to sign a petition and mail it back.

30. The PNP campaign has been receiving approximately 1,000 to 4,000 petition sheets a day from the half-million-piece mailing and online efforts, which is, by any measure, a

tremendous public response. To date, I understand the PNP campaign has collected over 60,000 signatures and counting under truly extraordinary and enormously constrictive circumstances. However, because state and local regulations effectively barred the PNP campaign from using traditional methods of signature-gathering, the campaign has only collected that number of signatures.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 30, 2020

s/ C. Norman Turrill

C. NORMAN TURRILL