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Attorneys for Defendant Secretary Beverly Clarno

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

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,

Defendant.

Case No. 6:20-cv-01053-MC

DEFENDANT'S NOTICE IN RESPONSE TO
COURT ORDER

Defendant Secretary of State files this Notice in response to the Court's oral ruling on July 10 and its written ruling today, July 13, requiring the Secretary to select between two alternative remedies to be entered as the Court's preliminary injunction. The Secretary objects to the Court's ruling and its order that she select among remedies as inappropriate and inconsistent with the United States Constitution as well as the principles of federalism and equity that counsel federal courts to avoid ordering states to revise their election processes at the eleventh hour before an election. *See, e.g., Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 140 S. Ct. 1205, 1207 (2020).

Subject to those objections, the Secretary declines to place Initiative Petition 57 on the ballot without the submission of signatures that the Oregon Constitution requires. Given that decision, the Secretary understands that the Court's Opinion and Order directs the Secretary to deem Initiative Petition 57 qualified for the ballot if its chief petitioners submit 58,789 valid signatures by August 17, 2020.¹

The Secretary further provides notice that compliance with the Court's order may require the Secretary to adjust (and request the Court order the adjustment of) other deadlines under Oregon law as applied to Initiative Petition 57 as a consequence of its ruling. *See, e.g., Or. Const. art. IV, § 1(4)(a)* (requiring signature verification within 30 days of the submission deadline of the Oregon Constitution); *Or. Rev. Stat. § 251.205(4)* (requiring the Secretary to appoint opponents of a ballot measure to the explanatory statement committee by July 8). The Secretary intends to confer with the Plaintiffs regarding such deadlines as soon as possible and to file a joint status report within a reasonable time reflecting the deadlines that the parties will

¹ The Court's Opinion and Order refers to this number as a 50 percent reduction of the number required to qualify a constitutional initiative under the Oregon Constitution. Order at 13. However, 58,789 signatures is in fact equal to 50% of the number of signatures required for a constitutional initiative to have qualified for placement for the 2018 General Election. *See* Plaintiffs' Motion for a TRO at 33–34. A 50% reduction of the 2020 election's initiative petition 149,360-signature threshold would be 74,680. *See* State Initiative and Referendum Manual at 5.

jointly (or, short of agreement, the Secretary will propose) the Court order to apply to Initiative
Petition 57.

DATED July 13, 2020.

Respectfully submitted,

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s/ Christina L. Beatty-Walters

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