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10 Attorneys for Petitioners Michael Sangiacomo and
Clean Coasts, Clean Water Clean Streets:
11 Environmentalists, Recyclers and Farmers
12 Against Plastic Pollution

13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SACRAMENTO

15 (UNLIMITED JURISDICTION)

16 MICHAEL SANGIACOMO and CLEAN
COASTS, CLEAN WATER, CLEAN STREETS:
17 ENVIRONMENTALISTS, RECYCLERS, AND
FARMERS AGAINST PLASTIC POLLUTION

18 Petitioners,

19 vs.

20 ALEX PADILLA, in his official capacity as
21 Secretary of State of the State of California,

22 Respondent.

FILED/ENDORSED

JUN 30 2020

By: M. Rubalcaba
Deputy Clerk

BY FAX

CASE NO.: 30-2020-80003413-CU-WM-GDS

Action Filed: June 9, 2020

**DECLARATION OF ANGELO
PAPARELLA IN SUPPORT OF VERIFIED
PETITION FOR WRIT OF MANDATE**

**STATEWIDE ELECTION MATTER –
JULY 6, 2020 DEADLINE**

IMMEDIATE ACTION REQUESTED

Hearing:

Date: July 2, 2020

Time: 1:30 p.m.

Dept.: 17

Judge: The Honorable James P. Arguelles

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I, Angelo Paparella, declare as follows:

1. I have managed California petition drives since 1988, resulting in more than 100 signatures and qualified hundreds of state and local initiatives. I also assist clients with the California Elections Code, the formatting of ballot initiatives, and the printing of petition initiatives. In addition to petition management services, I act as a political consultant to various committees on field strategy and operations.

2. I graduated from Notre Dame University in 1992.

3. I was a founding member and the Director of Operations for Voter Revolt 1992. Voter Revolt was a grassroots citizen organization that successfully qualified and of Proposition 103 in California in 1988.

4. Since 1992, I have personally worked on over 260 total ballot measure California. Among numerous other examples, I helped qualify the following statewide measures in California: Proposition 61 pertaining to drug pricing in 2016; Proposition 47 pertaining to criminal sentencing in 2014; and Proposition 31 pertaining to California's state budget

5. My company, 2020 BallCamp, LLC ("BallCamp") was hired by Clean Coasts, Clean Streets: Environmentalists, Recyclers and Farmers Against Plastic Pollution ("the to provide petition circulation and signature gathering services for the proposed recycling and Plastic Pollution Reduction Act of 2020" (the Initiative)). The Initiative September 4, 2019 and proponents were Michael Sangiacomo, Caryl Hart, and Linda

6. On or about January 8, 2020 the Committee provided me with a copy of the Attorney General's Title and Summary for the Initiative issued that day. The Monaco printing and direct mail production company, immediately laid out, formatted and printed to qualify the Initiative. On or about January 10, 2020, BallCamp and its agents began collecting signatures, in person, with the goal of qualifying the Initiative for the 2020 ballot. Throughout the circulation process, I was in regular contact with the

1 Initiative's proponents (Petitioners in this case), the Committee's general consultants, and the
2 Committee's counsel, Olson Remcho LLP.

3 7. The number of signatures needed to qualify an initiative in California is based
4 on the voter turnout in the last gubernatorial election and is currently at an all-time high because of
5 historic voter turn-out rates in the 2018 gubernatorial election. In order to qualify a statutory initiative
6 for the November 2020 election, a campaign is required to submit 623,212 valid signatures. In
7 contrast, to qualify a constitutional amendment for the November, 2020 election, a campaign must
8 submit 997,139 valid signatures.

9 8. In addition to this requirement, California law requires that proponents obtain
10 110 percent of the required number of signatures, as determined by a random sample (or 685,534
11 signatures in this case), in order to qualify for the ballot. If you fall short, you cannot submit additional
12 signatures. I always recommend that my ballot measure committee clients collect more signatures than
13 is legally required, because a certain percentage of signatures will be invalidated by county registrars
14 for various reasons (e.g., a person is not registered to vote). Based on historical validity rates, for this
15 Initiative, I previously recommended submitting approximately 950,000 to 1,000,000 signatures in
16 order to qualify under the random sampling methodology in time for the November, 2020 election.

17 9. All petition signatures must be turned in to county elections officials within
18 180 days of the Attorney General's title and summary. In this case, that would require the Committee
19 to turn in signatures on or before July 6, 2020. However, because the Committee wanted to qualify in
20 time for the Initiative to be considered at the November, 2020 general election, the Committee's goal
21 was to turn in all signatures by May 1, 2020, which was the Secretary of State's recommended
22 deadline to qualify for the November, 2020 ballot.

23 10. From January, 2020 until mid-March, 2020, BallCamp, its agents, and the
24 Committee collected approximately 789,943 signatures, signatures to qualify the Initiative for the
25 November 2020 ballot, at a cost of more than \$3.4 million.

26 11. On March 16, 2020 six Bay Area counties (Alameda, Contra Costa, Marin,
27 Santa Clara, San Francisco, and San Mateo) issued orders (effective March 17, 2020) directing all
28 individuals living in those counties to shelter at their place of residence, with certain exceptions for

1 providing or receiving essential services and engaging in certain essential activities. Petition gathering
2 was not included as an essential service or activity.

3 12. On March 19, 2020, the Governor issued an Executive Order which imposed a
4 similar stay-at-home order throughout the state. Again, signature gathering was not designated as an
5 essential activity and was therefore prohibited by the stay-at-home order.

6 13. As a result of the statewide stay-at-home order, non-essential businesses around
7 the state were required to shut down and public gatherings and events were canceled. In most
8 circumstances, areas for potential public gatherings, such as parks and beaches, were closed to the
9 public.

10 14. Based on my experience, gathering signatures for a petition requires the ability
11 for circulators to come into close contact with individual voters in places where the public congregates,
12 including store-parking lots, libraries, parks, and public events. By law, signatures on petitions must
13 be witnessed by a "circulator," who attests that the signature was obtained in his or her presence.
14 Because signature gathering necessarily involves person-to-person contact, typically in high volume
15 locations, the issuance of these stay-at-home orders brought signature-gathering efforts for this
16 initiative and others to a screeching halt. While certain essential businesses, such as grocery stores,
17 remained open, the vast majority of businesses were closed and all large, public gatherings were
18 canceled. Even permissible activities (e.g., grocery shopping), were limited in many instances (e.g.,
19 limited store hours) and individuals were advised to remain socially distant (i.e., at least six feet away)
20 from all other individuals.

21 15. The March 19, 2020 order remained in place until early May – a period of
22 almost two months. This period was a critical time in the signature-gathering process. While the
23 timelines to qualify an initiative for the November ballot vary, my experience has been that most
24 campaigns seeking to qualify an initiative for a November election typically gather the largest number
25 of signatures in late March and early April. Fewer signatures are typically gathered in January and
26 February because of less favorable weather and fewer hours of daylight. Once the time change occurs
27 in March, the ability of circulators to gather signatures increases. The signature gathering campaign
28

1 typically builds momentum during the spring, recruiting more staff in March. In this case, all signature
2 gathering was essentially prohibited during the most critical period.

3 16. On May 4, 2020 the Governor announced that the state would be moving to
4 "stage 2" of a four-stage re-opening process, which would be determined by state public health
5 officials. On May 7, 2020, public health officials announced that eligible counties could move to
6 "stage 2," which allowed for limited re-opening of some businesses, provided the businesses and
7 patrons practiced social distancing and other hygiene measures. The order also provided for the
8 gradual re-opening of additional businesses in counties when they are eligible to move to "expanded
9 stage 2." Individual counties were also allowed to maintain more restrictions in place.

10 17. Over the course of May, 2020, most counties moved to the "expanded stage 2."
11 However, it is my understanding that several counties (San Francisco, Alameda, Contra Costa, Marin,
12 Santa Clara and Imperial) are still operating under the early stage 2 restrictions and have not been
13 cleared for expanded stage 2.

14 18. Although the stage 2 orders did not expressly permit signature gathering, they
15 did not expressly prohibit it (although one large county, Ventura, specifically prohibited signature
16 gathering until very recently). Based on this, BallCamp resumed some signature gathering efforts in
17 late May, 2020.

18 19. On June 5, 2020, the state released guidelines for counties to begin moving to
19 stage 3, possibly starting June 12, 2020, on a county by county basis. It is my understanding that this
20 has allowed for businesses such as bars and gyms to reopen. As a practical matter, both early and
21 expanded stage 2, as well as early stage 3, contain significant restrictions on commercial activity and
22 in-person communications. Many retail businesses continue to operate on a pick-up basis (rather than
23 walk-in) and many retail locations remain closed. Large gatherings remain prohibited.

24 20. While circulators have attempted to resume signature collection efforts outside
25 of businesses such as grocery stores (in counties where it is permitted), the circulators have faced
26 unprecedented challenges in doing so. Signature gathering is not a process that lends itself well to
27 social distancing because it is nearly impossible to hand someone a clipboard when they are six feet
28 away from you. Circulators generally need to be close to voters to explain the measure, instruct the

1 voter where to sign the actual petition, and properly witness the voter signing the petition. Because of
2 public health concerns, even in places where circulators are permitted to collect signatures, voters have
3 been reluctant to speak with circulators and have sometimes verbally abused circulators for attempting
4 to collect signatures.

5 21. In addition to the unprecedented challenges that the stay-at-home orders have
6 imposed on the actual collection of signatures, they have also created extreme challenges for the
7 signature verification process that happens following the collection of signatures. Signature
8 verification typically happens in very small, rented spaces that make social distancing difficult.

9 22. In addition, as part of the signature verification process, my firm generally
10 reviews the voter files in certain large counties to ensure a favorable validity rate for signatures. This
11 requires personal inspection of records at the county elections offices. County elections offices were
12 among those closed for in-person services in most counties by the stay-at-home orders. It is my
13 understanding that the county elections offices in five of the ten most populous counties remain closed
14 to public access (Los Angeles, Orange, San Diego, Riverside, and Fresno). Without the ability to
15 access these records, I cannot provide my clients with an accurate validity rate and therefore need to
16 recommend that my clients collect even more signatures than normal (at higher cost and increased
17 effort) to ensure that they will have enough valid signatures to qualify.

18 23. Another problem in resuming signature gathering is that a number of circulators
19 have been reluctant to continue circulating petitions because they are observing the stay-at-home
20 orders and/or because they are concerned for their own health or that of family members.

21 24. While there are alternative methods to collect signatures, my experience is that
22 these methods are costly and not extremely effective. Collecting signatures via a door-to-door
23 campaign is difficult because people often do not open the door for circulators. This is true during
24 ordinary times, but would be even more challenging now as a result of the virus. The same social
25 distancing problems that exist for signature gathering in public apply equally to door-to-door efforts. I
26 am aware that certain campaigns have attempted to collect signatures via mail and email campaigns,
27 but these have generally been ineffective and, in the case of mail, prohibitively expensive. When
28 sending petitions via email, the return rate is extremely low. In addition, it is extremely difficult for

1 voters to print the petition, sign in all of the correct locations, staple, and send the petition back. As a
2 result, we often receive petitions that are incorrectly signed, missing pages, or assembled incorrectly.
3 All such errors render the petitions unusable.

4 25. While shelter-in-place restrictions have loosened somewhat in recent weeks and
5 more businesses have been permitted to open, collecting signatures remains a challenge and signature
6 collection rates have been significantly lower than before the stay-at-home orders were issued. The
7 Bay Area is typically a place where we obtain a large number of signatures; signatures there are
8 currently at an all-time low. Los Angeles County typically provides approximately one-third of all
9 signatures for a statewide petition; it is currently very difficult to obtain even minimal numbers of
10 signatures there. Although we are gradually trying to increase signature gathering activities, I estimate
11 that we are currently operating with approximately 10% of the signatures gatherers we had prior to the
12 stay-at-home orders and are obtaining approximately 10% of what we were obtaining prior to the stay-
13 at-home orders. While we hope to build up to 20,000 signatures per week, the social distancing
14 guidelines in place, reluctance of voters to engage with circulators, reduced number of circulators, and
15 reduced access to county elections offices all continue to make both collection and verification of
16 signatures extremely difficult.

17 26. Before the stay-at-home orders went into effect, BallCamp was obtaining an
18 average of 90,000 to 110,000 signatures per week; approximately 95,354 signatures were obtained in
19 the last full week before the stay-at-home orders took effect. My company was involved in signature
20 gathering for several other initiatives; the number of signatures gathered by this Initiative was better
21 than the number of signatures obtained by the other statutory initiatives. For example, the Initiative
22 obtained 789,943 signatures between January and the stay-at-home order. An initiative concerning
23 privacy (#1879 [19-0021A1]) obtained 695,904 signatures; and the stem cell initiative (#1880 [19-
24 0022A1]) obtained 672,875 signatures.

25 27. Based on my prior experience, in the absence of the state's stay-at-home orders,
26 I believe the Committee would have collected enough signatures to qualify the Initiative on or before
27 May 1, 2020. Because only measures that qualify before 131 days prior to the election (this year,
28 June 24) are eligible to be placed on the November, 2020 ballot, May 1, 2020 was the Secretary of

1 State's recommended deadline to submit to county elections officials in order to qualify for the
2 November, 2020 election.

3 28. However, even if the May 1 deadline had been missed for some reason, the
4 Committee would most certainly have obtained the requisite number of signatures before July 6, 2020
5 (the 180-day circulation period permitted by law). If signatures were turned in too late to qualify under
6 the random sampling methodology allow for certification of the results before June 25, 2020, the
7 Initiative would be placed on the November, 2022 ballot. Although this was not a preferable outcome,
8 it would be vastly preferable to being forced to start completely over.

9 29. The stay-at-home orders have imposed a virtually insurmountable burden on the
10 Initiative meeting the 180-day circulation deadline. In my opinion, no initiative could reasonably be
11 expected to obtain the requisite number of signatures if it only has two months of unfettered access to
12 voters.

13 30. To date, Petitioners have collected 806,114 signatures. While this number
14 exceeds the total number of signatures needed to qualify for the ballot by random sample, based on
15 past experience, I cannot say for certain that Petitioners have in-fact collected a sufficient number of
16 signatures to qualify. Based on historical validity rates, for this Initiative, I previously recommended
17 submitting approximately 950,000 to 1,000,000 signatures in order to qualify under the random
18 sampling methodology. Based on past experience, I believe that around 30% of signatures submitted
19 will be found invalid. Duplicate signatures, illegible handwriting, non-registered voters, and voters
20 who are registered at a different address than the one listed on the petition are some of the most
21 common reasons that signatures are invalidated.

22 31. Absent a suspension or extension of the 180-day deadline for initiative
23 qualification, the unreasonable burdens imposed over the past three months – and those which continue
24 today and are likely to be with us for some time – will likely prevent Petitioners and the Committee
25 from qualifying the Initiative. This will force them to start the process over; because of the substantial
26 resources invested already and uncertainty about the future, the measure may never qualify for the
27 ballot and voters may never have an opportunity to consider it, even though over 800,000 voters have
28 already signed the petition.

32. In my opinion, in order to ensure sufficient access to voters, it would be necessary to completely exclude the approximately two months the state was in stage 1 because that was effectively a prohibition on signature gathering. It would also be necessary to exclude the time that any part of the state has been in stage 2 because of the significant restrictions in place. In the alternative, I believe that the stay-at-home orders require the current 180-day deadline to be extended by at least 90 days to afford Petitioners a reasonable opportunity to meet the signature requirement, and possibly more if restrictions on activities continue at the current level or increase.

I declare under penalty of perjury that the foregoing is true and correct. I have firsthand knowledge of the same, except as to those matters described on information and belief, and if called upon to do so, I could and would testify competently thereto. Executed this 1 day of June 2020, in Los Angeles, California.

ANGELO PAPARELLA

1 **PROOF OF SERVICE**

2 I, the undersigned, declare under penalty of perjury that:

3 I am a citizen of the United States, over the age of 18, and not a party to the within
4 cause of action. My business address is 1901 Harrison Street, Suite 1550, Oakland, CA 94612.

5 On June 29, 2020, I served a true copy of the following document(s):

6 **Declaration of Angelo Paparella in Support of**
7 **Verified Petition for Writ of Mandate**

8 on the following party(ies) in said action:

9 Leslie R. Lopez
10 Deputy Attorney General
11 Office of the Attorney General
12 1300 I Street
Sacramento, CA 95814
Phone: (916) 210-6486
Email: Leslie.Lopez@doj.ca.gov

Attorney for Respondent Secretary of State
Alex Padilla

- 13 ☐ **BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed
14 envelope or package addressed to the person(s) at the address above and
15 ☐ depositing the sealed envelope with the United States Postal Service, with
16 the postage fully prepaid.
17 ☐ placing the envelope for collection and mailing, following our ordinary
18 business practices. I am readily familiar with the business's practice for
19 collecting and processing correspondence for mailing. On the same day
that correspondence is placed for collection and mailing, it is deposited in
the ordinary course of business with the United States Postal Service,
located in Oakland, California, in a sealed envelope with postage fully
prepaid.
- 20 ☐ **BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope
21 or package provided by an overnight delivery carrier and addressed to the persons
22 at the addresses listed. I placed the envelope or package for collection and
overnight delivery at an office or a regularly utilized drop box of the overnight
delivery carrier.
- 23 ☐ **BY MESSENGER SERVICE:** By placing the document(s) in an envelope or
24 package addressed to the persons at the addresses listed and providing them to a
professional messenger service for service.
- 25 ☐ **BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons
26 at the fax numbers listed based on an agreement of the parties to accept service by
fax transmission. No error was reported by the fax machine used. A copy of the
fax transmission is maintained in our files.



BY EMAIL TRANSMISSION: By emailing the document(s) to the persons at the email addresses listed based on a court order or an agreement of the parties to accept service by email. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on June 29, 2020, in Kings Beach, California.

Nina Leathley
Nina Leathley

(00413210)