

northwest**Lawsuit Could Delay Domestic Partnerships**

Case seeks to reinstate anti-gay signatures

by Julie Sabatier

A small but vocal group of Oregonians opposed to the new domestic partnership law are still trying to prevent it from taking effect Jan. 1, 2008.

The Alliance Defense Fund (ADF) filed suit Dec. 3 against Secretary of State Bill Bradbury and 12 county clerks on behalf of several "disenfranchised signers" of Petition 303, which would have referred House Bill 2007 to the November 2008 ballot. At a hearing Dec. 28, Judge Michael Mosman will hear oral arguments from the ADF in support of a preliminary injunction, which could stop the law from going into effect while the case is pending.

Petition 303 would have resulted in a referendum of the domestic partnership law, had the ad hoc group of signature gatherers collected 55,179 valid signatures. Of the 60,531 signatures gathered, only 55,063 were considered legitimate. Despite its unprecedented 90.97 validity rate, the group still fell 116 signatures short.

Because the secretary of state checks a statistical sampling of signatures against voter registration cards and applies that to the entire number of signatures, a total of five signatures stood between the group and its goal. The lawsuit seeks to reinstate those signatures and retroactively refer the domestic partnership law to the 2008 ballot.

To successfully argue for a preliminary injunction, which would prevent the domestic partnership law

from taking effect right away, the ADF will have to show that plaintiffs would incur "irreparable harm" if the law took effect and that a strong likelihood exists that the group will eventually win its case.

Unlike the nebulous, grassroots group responsible for gathering signatures, the Scottsdale, Ariz.-based ADF is a national organization with a sizable budget. According to tax records obtained by *Just Out*, the nonprofit garnered more than \$25 million in public support in 2005. The group was founded in 1994 by religious leaders including James Dobson of Focus on the Family. Its expressed purpose is "to aggressively defend religious liberty." Its key issues are abortion, gay rights and the religious freedom of American Christians.

"We generally know every piece of legislation, local or state, that's passed that falls within our ministry scope," said senior legal council Austin Nimocks, who serves as lead council on the suit against Bradbury.

The plaintiffs named in the suit are not the familiar spokespeople from the referendum campaign, but individual signers including Eugene Arnautov, a contractor who attends First Slavic Baptist Church in Salem. He said he's not sure who contacted him, but someone called to say his signature was not valid and informed him of the lawsuit.

Arnautov added that he signed on because Petition 303 was in line with his beliefs. "I think marriage is just for one man and one woman, just

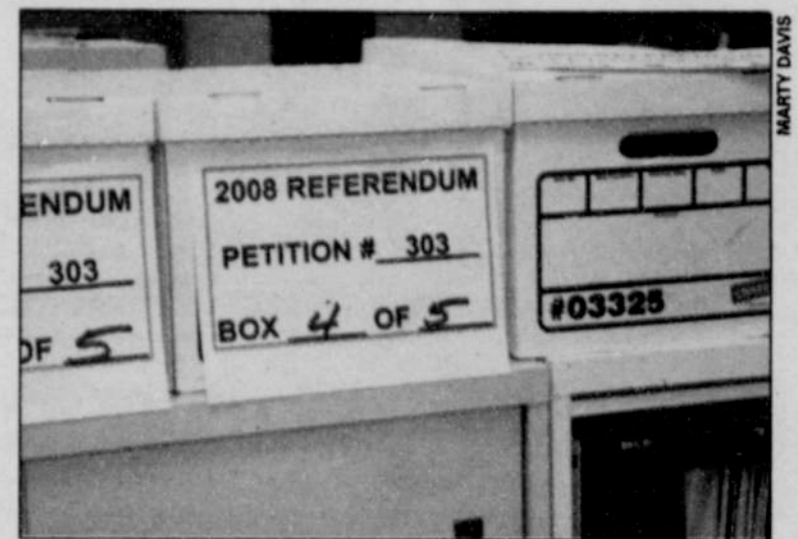
like the Bible says. There are not alternatives," he said.

Plaintiff Paula Cedillo signed on for similar reasons, although she also knew little about the suit. "After I signed [Petition 303] I started getting a few phone calls from a gentleman. I can't remember his name," said the stay-at-home mom. "He's the one that brought up the lawsuit. I told him I'll do whatever it takes. He did say he was with the group that got my signature. We're all on the same team."

Nimocks said he didn't know exactly who had originally contacted the plaintiffs, but he claimed the ADF has signed agreements with everyone it is representing in the case.

The lawsuit, which will be paid for by the ADF, includes seven counts of violations against the Oregon and U.S. Constitutions. The crux of the case lies in the argument that signers were not adequately notified when their signatures were considered invalid. "Not only did they violate the existing laws, but the laws themselves are also unconstitutional," said Nimocks.


The lawsuit clearly and correctly states that under Oregon's vote-by-mail system, voters are able to appeal to the secretary of state or the appropriate county clerk when their ballot signature is questioned. However, it glosses over the fact that the same law does not apply to petition signatures.



A difference of five signatures could prevent Oregon's domestic partnership law from going into effect Jan. 1.

"The laws governing ballots and signatures on petitions are completely different. You can't equate them," said secretary of state spokesman Scott Moore. "There are certainly similarities—they both involve signatures—but they are different processes."

The lawsuit details the myriad ways that signers attempted to reinstate their signatures, through e-mails, phone calls and presenting documentation in person. "The policy is that in checking those signatures, the only documents that county clerks can use is the voter registration card," said Moore.

Bradbury is not threatened by the lawsuit, according to Moore. "We applied the exact same procedure to the referendum petitions that we apply to every other petition that gets dropped off at our office," he said. "They simply didn't have enough ballot signatures." 



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