

Working the Crowd

Voter registration banned from some big stores.

If you've left your house in the last month you've probably seen them. Maybe you caught a glimpse of one working the crowd at the Saturday Market. They might have walked up to your table while you were having a drink at a local bar. Or maybe they approached you while you were waiting in line to get into a concert.

"Are you registered to vote?" they ask.

They are the canvassers working for the New Voters Project (NVP), a nonpartisan group registering voters with a focus on 18- to 24-year-olds. They spend their days talking to total strangers in public places, outside of small businesses and even in the parking lots of some of huge national companies such as Wal-Mart.

property. Then came Measure 9 in 2000, a highly controversial, anti-gay measure sponsored by the Oregon Citizens Alliance.

"They (people collecting signatures for Measure 9) were very aggressive and just plopped themselves down in front of our stores," said Bridget Flanagan, director of public affairs for Safeway in Oregon and southwest Washington. "We literally ended up having fist fights in front of our stores ...



to maintain this policy and establish our private property rights. This is important to Fred Meyer because our customers come to us for the purpose of shopping and we do not believe our stores should be used for political purposes. Our customers should not have to walk a gantlet of aggressive petitioners and supporters of often highly controversial issues in order to shop at our stores."

NVP canvassers have been kicked out of dozens of locations in Eugene including Safeway, Fred Meyer, Albertson's, Oakway Center and Valley River Mall. In other cities in Oregon security guards have even threatened to arrest canvassers.

said. At locations where they're not allowed, NVP canvassers go low-profile — guerrilla canvassing they call it. "I just said forget it, I'm not dealing with these people. We're just going to go to these places and we're going to stay mobile. ... Officially I guess you could say we're trespassing but I'm willing to trespass for democracy. We're not breaking the law. We're registering voters. Forget these corporations that are trying to push us around."

After more than three months of guerrilla canvassing, Cox is a pro.

"We tell our canvassers to go into places where they're technically not allowed," she said. "We stay mobile. We approach people where we can, sometimes in their cars. And if we're asked to leave, we're very polite. We say thank you and we leave. That's what we've had to resort to. Every day we go places people tell us we can't go."

But both Loftin (Fred Meyer) and

'I guess you could say we're trespassing but I'm willing to trespass for democracy. We're not breaking the law. We're registering voters.' - Justin Barker

But you probably won't see them at Fred Meyer, Albertson's, Safeway, the Oakway Center or the Valley River Mall. That's because those companies won't let them on their property.

"We're nonpartisan," said 31-year-old Sura Cox, who has been canvassing since June. "We're not pushing any issue. We're not trying to sway anyone. We're providing a public service and giving people access to their right to vote."

Unfortunately it's a little more complicated than that. Some companies turn away groups such as the New Voters Project to avoid legal battles and controversy.

In the 1980s and 1990s the Oregon Supreme Court issued a series of decisions allowing people to gather signatures on private

and just getting hammered by our customers."

So they went to court.

"We were trying to get a court ruling on whether or not we had to allow these people on our property," she said.

The courts protected the private property rights of Safeway and other grocery stores, ruling over and over again that the area outside the stores is private property. That means those companies don't have to allow people to collect signatures for ballot measures or even register voters.

"It is our long-standing policy that we do not allow petitioning on our property," wrote Mary Loftin, vice president of public affairs for Fred Meyer stores in an e-mail. "We have fought many legal challenges over the years

Steve Korth, director of development for McKay Investment Company, the development that owns Oakway Center, said members of NVP have never officially contacted them. Oakway Center doesn't have a specific policy and he said that if groups such as NVP can get permission from individual businesses, the next step is to contact the management company. Barker said he's contacted Oakway center repeatedly.

"If they get the business' approval then we usually go along with it," he said.

Representatives from Valley River Center did not return EW's phone calls.

Justin Barker, 22, is the NVP canvas director for Eugene.

"These businesses are basically crushing the rights of the people in this country," he

Flanagan (Safeway) said that if they let one political group canvas on the property, it could erode the legal ground they're currently standing on.

"While nonpartisan voter registration might seem different from more provocative political activities, case law is unclear on this distinction in some of the states where Fred Meyer has stores," Loftin wrote. "For this reason, Fred Meyer does not allow any form of political activity on its property, including voter registration."

The NVP argues that the stores could legally make an exception.

"Any private property owner can make any exception it wants," said Dan Meek, a Portland-based public interest attorney.

But Dave Fidanque, the executive direc-

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Spotlight on Small Business

NEW FRONTIER MARKET

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This town does have heart; when I moved here in 1996, homeless and jobless, I used to collect cans and trade them in for a day old pastry here at my favorite corner store. That next spring, I landed a job here at the market. In 2002, after five years of working here in all capacities I seized my fleeting moment of opportunity and was able to buy New Frontier Market when the former owner retired.

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