



FACT SHEET ***Lemons v. Bradbury***

ABOUT Lemons v. Bradbury

Attorneys with the Alliance Defense Fund filed a lawsuit Dec. 3, 2007, in federal court against the Oregon Secretary of State and several county clerks after those offices wrongfully rejected valid voters' signatures on a citizen referendum, Referendum 303. If allowed to go forward, the referendum would allow Oregonians to vote in November on a bill, H.B. 2007, passed by the state legislature that will extend all of the benefits of marriage to same-sex couples who register with the state. Referendum supporters see H.B. 2007 as an attempt to subvert the state marriage protection amendment, which Oregonians passed overwhelmingly in 2004.

CURRENT STATUS OF Lemons v. Bradbury as of 07/07/2008

On Feb. 1, U.S. District Court Judge Michael Mosman lifted his preliminary injunction against H.B. 2007. During the hearing, the judge stated that voters in Oregon have no legal right to have their petition signatures counted. Thus, Oregonians were not entitled to the protections of due process and equal protection in participating in the democratic process. ADF attorneys have appealed that decision to the U.S. Court of Appeals for the 9th Circuit, which will hear oral arguments on Tuesday, July 8.

FOCUS OF HEARING – WHAT IS AT STAKE?

If the appellate court overturns the lower court ruling, the rights of disenfranchised Oregonians will be vindicated. All Oregonians would then regain their right to vote on H.B. 2007 in November. If not, millions of voters will have been disenfranchised from the democratic process through the denial of their constitutional right to express their will on the new law.

CONTACT

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Austin R. Nimocks

Austin R. Nimocks is senior legal counsel for the Alliance Defense Fund. Before joining the organization in 2007, Austin served more than 10 years in private practice. He earned his J.D. from the Baylor University School of Law in Waco, Texas.

ABOUT THE DISENFRANCHISED OREGONIANS

See next page for information on three particular disenfranchised petition signers.



Oregonians Disenfranchised – Real people removed from the democratic process *Lemons v. Bradbury*

Philip Lemons

Mr. Lemons signed Referendum 303 late last summer. *His petition signature was both valid and genuine, as required by Oregon law.* He visited the Jackson County clerk's office with proper identification and a letter to verify in person that he did, in fact, sign the petition. He also completed a new voter registration card, as Oregonians do in the vote-by-mail system. Despite Mr. Lemons' good-faith efforts to rectify the improper exclusion of his voice, the clerk's office refused to verify his signature.

Julie Epple

Ms. Epple mistakenly printed her name twice on Referendum 303. In the 1980's, Ms. Epple mistakenly printed her name twice on another petition, but in that case, the clerk's office notified her of the error and allowed her to verify that she did intend to sign the earlier petition. In 2007, the clerk's office made no effort to contact her. She discovered the rejection when a fellow Oregonian brought it to her attention. At that point, she wrote a letter and appeared in person at the Josephine County clerk's office to verify her signature, but she was denied.

Susan Jarrett

Like a number of other ADF clients, Ms. Jarrett voted by mail as recently as November 2007 with no signature-related problems. Ms. Jarrett contacted the Jackson County Clerk's office upon discovering her Referendum 303 signature had been wrongly rejected *only days before her signature was accepted by the very same clerk's office when she voted by mail.* The clerk's office "apologized" but took no action to reinstate her valid signature.

Not one Oregonian whose Referendum 303 signature was rejected by county clerks was ever notified by his or her clerk's office. Clerks typically take extraordinary measures to notify active registered voters of any discrepancies or problems that would improperly eliminate them from the democratic process. No such effort was made for Referendum 303 signatures. As a result, the Secretary of State, *more than two weeks prior to the end of constitutionally-required verification period*, announced the referendum had "fallen short" by only five signatures.