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Of Attorneys for Proposed Intervenor-Defendants  
Basic Rights Oregon, Jeana Frazzini,  
Erin Sexton-Saylor & Sally Sparks

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**PHILLIP LEMONS et al,**

**Civil No. 3:07-CV-01782-MO**

**Plaintiffs,**

**v.**

**ANSWER**

**BILL BRADBURY, Secretary of the  
State of Oregon, in his official capacity,  
et al,**

**By: Proposed Intervenor-  
Defendants, Basic Rights  
Oregon, Jeanna Frazzini, Erin  
Sexton-Saylor and Sally Sparks**

**Defendants.**

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For its answer to Plaintiff's Third Amended Complaint, proposed

Intervenors-Defendants state:

**GENERAL DENIAL**

1.

Proposed Intervenor-Defendants generally deny the allegations contained in  
Plaintiffs' Third Amended Complaint, except as specifically accepted herein.

2.

Proposed Intervenor-Defendants admit to the factual allegations contained in paragraphs 3, 4, 8, 9, 12, and 15.

3.

The laws referenced in paragraphs 10, 11, 13 and 14 speak for themselves.

4.

Plaintiffs do not have a constitutionally protected procedural or substantive due process right to have their petition signatures count. Plaintiffs have also not established an equal protection violation. Oregon laws regarding verification of signatures on initiative and referendum petitions – including laws prohibiting consideration of extrinsic evidence when verifying signatures are valid – are content neutral election laws that serve the state’s significant interest in preventing signature fraud and ensuring the fair and efficient processing of initiative and referendum petition signatures.

## **AFFIRMATIVE DEFENSES**

5.

### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs fail to state a claim upon which any or all of the relief may be granted.

6.

**SECOND AFFIRMATIVE DEFENSE**

Chief Petitioners for Referendum 303 have failed to demonstrate sufficient support to place Referendum 303 on the ballot. If the court declares Oregon's election laws unconstitutional and allows Plaintiffs an opportunity to rehabilitate their signatures post-determination, then Proposed Intervenor-Defendants are entitled to challenge the validity of other signatures on Referendum 303.

WHEREFORE, Proposed Intervenor-Defendants pray for judgment as follows:

1. Dismissing Plaintiffs' Third Amended Complaint in its entirety and with prejudice, with that judgment to be entered in favor of Defendants.

DATED: January 2, 2008

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/s/ Margaret S. Olney

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