



P O R T L A N D  
**CITY AUDITOR**  
**Elections**

September 24, 2021

Seth Woolley  
3403 NE Stanton St  
Portland, OR 97212

**DELIVERED ELECTRONICALLY**  
seth@swoolley.org

**RE: Request for Extension of Signature Gathering Time for Recall Ted Wheeler**

Dear Seth Woolley:

The Recall Ted Wheeler campaign has requested an extension of the 90-day signature gathering deadline in ORS 249.875(1) by an additional 90 days. The request for an extension is denied.

The campaign asserts that “[l]ogistically, collecting that number of signatures is impossible” by the statutory timeline due to the novel conditions caused by “the historic heatwave in July,” the Delta variant of Covid-19, and “the Governor’s re-imposition of outdoor masking and social distancing requirements.”

The campaign’s 90-day signature gathering period began July 8, 2021. The historic heat wave in Oregon ended before that date. Regarding the Covid-19 pandemic, public gatherings have been permitted throughout the entirety of the recall campaign. An outdoor mask mandate was imposed 56 days into the signature gathering period, on August 27, 2021, in conditions where social distancing could not be maintained. There was no social distancing requirement.

The campaign cites to a District Court of Oregon decision in the fall of 2020 ordering the Oregon Secretary of State to allow a ballot measure campaign to place a measure on the November 2020 ballot with fewer than the statutorily required number of signatures, due to the unique circumstances presented by the Covid-19 pandemic. *See People Not Politicians Ore. v. Clarno*, 472 F. Supp. 3d 890, 894 (D. Or. 2020), *stay granted*, 141 S. Ct. 206 (2020). Assuming that decision provides authoritative guidance on this issue, the conditions faced by campaigns one year ago were different than those faced by the recall campaign. During the signature gathering period in that case, there was an executive order in place that “mandated social distancing and banned all social gatherings ‘if a distance of at least six feet between individuals cannot be maintained.’” *Id.* (quoting [Executive Order 20-12 \(March 23, 2020\)](#)). Here, there was no limit on circulators’ communicating directly with voters.



Even under the unique conditions of the summer of 2020, the US Supreme Court has indicated that the District Court's decision was not necessarily correct. The Supreme Court prohibited the decision from taking effect. See *Clarno v. People Not Politicians*, 141 S. Ct. 206 (2020). A similar decision from Idaho was also prevented from taking effect. See *Little v. Reclaim Idaho*, 140 S. Ct. 2616, 2617 (2020).

The request for an extension of the signature gathering deadline in ORS 249.875(1) is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Louise Hansen".

Louise Hansen  
City Elections Officer