

October 7, 2019

Bev Clarno  
Oregon Secretary of State  
136 State Capitol  
Salem, OR 97310

Steve Trout, Director  
Elections Division  
255 Capitol Street NE, Suite 501  
Salem, OR 97310

Re: Complaint for Oregon Elections Law Violations by: Recall Tiffany Mitchell, Darren Mead, Timber Unity PAC, Andrew Miller and Carol A. Russell.

Dear Secretary Clarno and Mr. Trout:

I am an Oregon elector, and a resident of Oregon House District 32. This letter constitutes a formal complaint pursuant to ORS 260.345. This Complaint pertains to alleged improper activity regarding circulation of the petition to recall State Representative Tiffany Mitchell (the "Recall Petition"). This Complaint is against: Recall Tiffany Mitchell PAC, Darren Mead (the chief petitioner), Timber Unity PAC and Andrew Miller, the director of Timber United PAC, and Carol A Russel, the treasurer of both PACs.

I believe that the Timber Unity PAC and the Recall Tiffany Mitchell PAC, along with their director and chief petitioner respectively, as well as the treasurer of both PACs, have knowingly violated the rules for signature gathering set forth by the Oregon Secretary of State in the Recall Manual (Adopted by Oregon Administrative Rule No. 165-014-0005). Furthermore, I believe that if the Recall Committee, the Chief Petitioner and/or their agent(s) submit for verification signature sheets that are being and have been improperly circulated, the circulators and the Chief Petitioner also will have committed perjury, false swearing and unsworn falsification, in violation of ORS 162.065, ORS 162.075 and ORS 162.085.

Given the seriousness of this violation and the short timeframe for the recall effort, I urge the Secretary of State to: (1) investigate this complaint quickly; (2) refer the allegations subject to penalty under ORS 260.993 to the Attorney General for prosecution; (3) reject any signatures submitted by the Recall Committee and Chief Petitioner obtained from September 23, 2019 until such time as the Recall Committee and Chief Petitioner can establish full compliance with Oregon law, including Oregon elections law; (4) reject any signatures submitted on e-sheets by the Recall Committee and Chief Petitioner obtained from September 10, 2019 until such time as the Recall Committee and Chief Petitioner can establish full compliance with Oregon law, including Oregon elections law; and (5) prohibit the Recall Committee and Chief Petitioner from collecting any additional signatures until such time as they can establish full compliance with Oregon law, including Oregon elections law.

**Applicable Law Regarding Circulation of Recall Petitions Against State Office Holders**

Oregon law prohibits a petition circulator, whether volunteer or paid, from collecting the signature of someone who is not eligible to sign the petition.

On Page 16 of the 2019 Oregon Recall Manual, it reads:

“It is against the law for circulators to knowingly: ...**attempt to obtain the signature of a person who is not qualified to sign the petition**; Only active registered voters may sign a petition.”

(Emphasis added).

It also reads:

“Each petition signer must:

...

Be an active registered voter at the time of signing the petition **in the electoral district where the petition is being circulated.**”

“Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or a prison sentence of up to 5 years pursuant to ORS 260.715, 260.993.”

(Emphasis added)

ORS 249.865 states that:

“The circulator shall certify on each signature sheet that the circulator: (a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and **(b) Believes each individual is an elector.**”

(Emphasis added). And, ORS 260.555(2) provides: “No person shall attempt to obtain the signature of a person to an initiative, referendum or recall petition knowing that the person signing the petition is not qualified to sign it.”

With regard to the publication of of e-sheets on a website, the Oregon Recall Manual is clear about the requirements and responsibility of the chief petitioner. Page 14 of the Recall Manual reads:

“Instructions for printing the e-sheet or cover and signature sheets **must be published with the signature sheet**; print esheet on at least 20 pound, 8½” x 11” uncoated white paper, or equivalent; print the cover and signature sheet back to back on at least 20 pound, 8½” x 11” uncoated white paper, or equivalent.”

(Emphasis added).

Oregon Law also makes it very clear that it is the responsibility of the chief petitioner of the recall petition to ensure that circulators are abiding by law. Page 10 of the Oregon Recall Manual reads:

“The chief petitioner:

1. reviews with circulators the legal requirements and guidelines for circulating recall petitions; See Guidelines for Circulation on page 13.
2. monitors circulator activities to ensure compliance.”

(Emphasis added).

***The Evidence Establishes Multiple Violations of Oregon Law by Recall Tiffany Mitchell PAC, Darren Mead (chief petitioner), Timber Unity PAC, and their treasurers and directors.***

Chief Petitioner Darren Mead, the Recall Tiffany Mitchell PAC, Timber Unity PAC and their Treasurers and directors repeatedly have violated the applicable laws and rules regarding circulation of a recall petition.

***Encouraging circulators to collect signatures of individuals who are not eligible to sign the petition.***

In a letter dated September 23rd, 2019 on joint Recall Tiffany Mitchell/Timber Unity letterhead and in-kind to the Recall Committee by the Timber Unity PAC, Darren Mead the author of the letter gave circulators the instruction to collect signatures from individuals *even if those individuals do not live in House District 32 and are thus ineligible to sign the recall petition.*

In the mailing, which included 10-sheet signature petitions and many detailed instructions for soliciting signatures from other individuals, Mr. Mead states that when collecting signatures from other individuals:

*“If they’re not sure if Tiffany Mitchell represents them, have them sign...”*

This is a blatant violation of the requirement that circulators attest that all petition signers are eligible to sign the petition. Although the letter goes on to say that the Recall Committee will remove anyone who isn’t in the district, the law clearly states that circulators are prohibited from gathering that signature in the first place. Because Mr. Mead is the chief petitioner, he is responsible for making sure that each circulator he enables to circulate (by sending them signature sheets and instructions in the mail) has heard the legal requirements and guidelines. It is grossly negligent and a violation of Oregon law to actually encourage his circulators to violate Oregon Election Law and solicit the signature of individuals who are not eligible to sign.

A copy of this letter is included at the end of this written complaint.

**Violating the requirements of posting an e-sheet to a website.**

While the chief petitioners are well within their rights to post the e-sheet of the recall petition on their website ([www.recalltiffnymitchell.com](http://www.recalltiffnymitchell.com)), they are in blatant violation of the requirements laid out in the Recall Manual for how to legally post.

As of today, the recall website has two different links to download an e-sheet to sign and return to Mr. Mead and the recall campaign. However, on neither of the download links, nor anywhere else on the recall website, do the chief petitioners give the required instructions for size, paperweight, color, and print order.

Screenshots of the website dated September 10, 2019, September 20, 2019, and October 6, 2019 are all included in an appendix to this complaint. You'll see that in not once instance are instructions included, in blatant violation of recall rules.

**Conclusion**

It is clear that the chief petitioner and their associated committees and treasurers have violated Oregon election law and rules laid out by the office of the Secretary of State. Oregon Law is unambiguous that it is illegal for petition circulators, whether paid or volunteer, to collect the signatures of individuals that are not eligible to sign. And while the chief petitioner is responsible for reviewing laws and rules with all circulators, they also should *certainly* be held accountable for giving their circulators permission and encouragement to solicit and gather signatures that are not permissible. Because Timber Unity paid for the mailer encouraging circulators to collect signatures from individuals not qualified to sign the recall petition, Timber Unity also should be held accountable.

Oregon law is also unequivocal about the need to provide clear instruction when publishing a recall petition e-sheet to a website. The chief petitioners for the Tiffiny Mitchell recall have also disregarded this rule and moved ahead publishing and likely collecting e-sheets from a website that lacks any sort of instruction whatsoever.

Because it will be impossible for the Elections Division to determine which 10-line signature sheets and e-sheets were collected while in violation of Oregon statute, it's clear that all signatures collected should be invalidated, otherwise there is an obvious risk that signatures collected illegally may be counted.

Furthermore, submission of the Recall Petition sheets discussed above (10-line white volunteer sheets dated after September 23, 2019 as well as any e-sheet collected), may well constitute false certification under Oregon elections laws, and under Oregon's criminal code. Because of the relatively small number of signatures required to qualify this recall effort (4883), even several dozen signatures from voters who do not live in the district and are therefore ineligible to sign the petition, could sway the results unfairly, causing irreparable harm to the trust our state's recall system, to the voters and elected representatives of

House District 32, not to mention to Oregon taxpayers who will be required to fund a recall election that was placed on the ballot through wrongfully collected signatures.

I respectfully request that the Secretary of State take all necessary action to investigate the conduct discussed above, refer the matter to the Attorney General (as appropriate) and take appropriate action to stop and remedy the alleged violations of Oregon elections law, Oregon criminal law and Oregon civil law.

Thank you for your consideration and swift action regarding this matter.

Sincerely,

A solid black rectangular box used to redact the signature of the sender.

**RECALL**  
**TIFFINY MITCHELL**  
She FAILED Working Families!



PO BOX 880 | Warrenton, OR. 97146

**URGENT MESSAGE: PETITION ENCLOSED -**  
PLEASE SIGN ASAP TO RECALL  
REPRESENTATIVE TIFFINY MITCHELL!

DO NOT let Tiffiny Mitchell take one more vote against working families.  
Sign and return the petition TODAY!







- She said YES to \$2.8 BILLION-DOLLARS IN NEW SALES TAXES on small businesses & YES to rigging the referendum so voters couldn't overturn those taxes. (HB3427, SB212)
- Tiffany stripped \$108 MILLION DOLLARS from our Kicker Tax Rebate. (HB2975)
- Tiffany voted to CUT public employee PENSIONS (SB1049).
- Tiffany voted NO on a PROPERTY TAX FREEZE for seniors. (HJR25)
- Tiffany voted NO on a tax break for student loan debt. (HB3400).

### WE CAN'T AFFORD TO LET TIFFINY MITCHELL TAKE ONE MORE VOTE IN SALEM!

House District 32 deserves better representation, which is why Timber Unity wholeheartedly endorses the **Recall Tiffany Mitchell** campaign. We stand in solidarity with Chief Petitioner Darren Mead, a small business owner in Astoria who is fed up with politicians who prioritize Portland values over working families in our area.

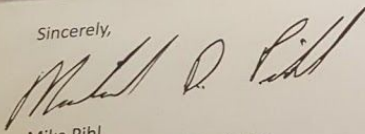
### SIGN THE ENCLOSED RECALL TIFFINY MITCHELL PETITION TODAY!

We need to turn in 6,000 signatures by December 4<sup>th</sup> at 5:00pm! Included with this letter is a petition sheet and instructions, and a return mailing envelope. There's also a contribution slip if you'd like to use your political tax credit towards recalling Tiffany – a **FREE way to donate** and get it back dollar for dollar on your 2019 tax return. Also let us know if you can take a yard or field sign! If you'd like to volunteer to gather additional signatures, please call us at (971) 704-1678 and we'll get a petition kit mailed out to you.

**Please have EVERY REGISTERED VOTER in your house sign the petition.** If you have friends, neighbors and co-workers you can ask, please consider filling out the entire sheet. And then please mail it back ASAP. **Sign the bottom as the Circulator after the last person signs your petition sheet.** After a recall vote, county commissioners in Washington, Clatsop, and Tillamook Counties can replace her before February.

**Today, the People of Oregon take their state back from self-serving politicians.** It starts with you! Please join us and sign/return the Recall Tiffany Mitchell Petition today.

Sincerely,



Mike Pihl  
Timber Unity Board President  
Pihl Logging Co., Vernonia, Oregon

Learn more at [www.recalltiffinymitchell.com](http://www.recalltiffinymitchell.com).

### Enclosed is my credit card donation:

Please print legibly and fill out the entire form.

Circle One:



Donation Amount: \$

CARD NUMBER

EXPIRATION DATE

SECURITY CODE



**Petition Signature Gathering Instructions for RECALL TIFFINY MITCHELL.**

Thank you for gathering signatures to help us get the 6,000 signatures we need so voters have a chance to **RECALL** State Representative Tiffany Mitchell. Your help gathering signatures from friends, neighbors, family, and co-workers will make the difference!

Before you start, please be sure you've read through the enclosed petition sheet and the recall language. **By signing the petition sheet, you're both a Signer and a Circulator.** It's important to follow all the instructions so that we make sure every signature you gather counts!

**Step 1:** Sign the signature sheet as a Signer. Please sign the petition sheet with the same signature you used to sign your voter's registration card. Petitions without a legible signature can be disqualified. Only sign one petition sheet yourself as an Elector. Duplicates don't count.

**Step 2:** Make sure you fill out the date you signed the petition on the same line as your signature, but don't sign and date as the circulator until you're ready to mail back the petition.

**Step 3:** Legibly print your full name and your address, keeping that information to one line of the petition. This will be used by the Secretary of State's office to validate your signature.

**Step 4:** Gather more signatures from other registered voters. **Registered voters can be from any political party as long as they live in House District 32.** If they're not sure Tiffany Mitchell represents them, have them sign and we'll remove them if they don't live in the district. Be sure the signatures gather follow the exact same steps, keeping each signature and corresponding information on one line per person. **Note:** If someone makes an error, draw a line through their whole first attempt and start them over on a fresh line.

**Step 5:** Whether you gathered just your own signature or filled the entire sheet, you are also the official petition Circulator. **You must sign the petition again as the Circulator at the bottom of the petition.** Please fill in your address information and **ONLY DATE THE CIRCULATOR LINE** on the day you turn in the petition. **mail back your signatures.**

**Do not sign and date as the Circulator until you're ready to turn your signatures in.**

**Step 6:** Please mail the petition(s) back to us immediately. We only have until December 4th to gather 6,000 signatures but need them back by November 15<sup>th</sup> or sooner: **Mail to: RECALL TIFFINY MITCHELL - PO BOX 880, Warrenton, OR. 97146.**

**Step 7:** If you can make a contribution to RECALL TIFFINY MITCHELL PAC, please send in your contribution along with your signatures. **It will take \$30,000 to run this recall petition campaign.** Your donation goes a long way towards giving voters in House District 32 a new representative before the February legislative session.

If you have questions, please call Darren Mead (recall petitioner) at 971-704-1678. If you need more sheets, please call and let us know or visit [www.recalltiffinymitchell.com](http://www.recalltiffinymitchell.com) and fill out the voter registration form. You can also make an online contribution and download single petition sheets. For more information, visit <https://recalltiffinymitchell.com/recall-petition> to friends, family and via Facebook and Twitter for the help - let's win this!

## Recall Prospective Petition

**Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Changes to the information provided for the chief petitioner or to the circulator pay status below must be reported to the elections official no later than the 10th day after you first have knowledge or should have had knowledge of the change.

This filing is an: ☒ Original ☐ Amendment

Some Circulators may be Paid ☒ Yes ☐ No

Filing Officer ☒ State ☐ County for both county and district offices ☐ City

Petition for Recall of ☐ Provide the name of the public officer and the position that they currently hold.

Name of Public Officer: **Tiffany Mitchell** Title of Public Officer: **State Representative, House District 32**

**Statement** Provide the reasons for demanding recall in 200 words or less. Any factual information provided must be true.

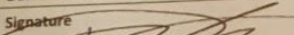
Dear Neighbors: No matter your party, please **RECALL TIFFINY MITCHELL!** We can't afford Tiffany taking another vote in Salem. Tiffany promised to represent us. Instead, Tiffany supported Portland special-interest agendas who gave her campaign over HALF-MILLION DOLLARS. TIFFINY threatened our jobs, overruled citizens' votes, and rigged elections so we couldn't overturn bad laws:

- Voters opposed HB2020 Cap and Trade taxes that would've shut down Wauna Mill jobs, raised gas prices .22 cents per gallon, and made it more expensive to heat our homes. Tiffany voted YES.
- Voters rejected M97 sales taxes. Tiffany voted YES on \$2.8 BILLION-DOLLARS IN NEW SALES TAXES on small businesses AND she rigged the referendum so we couldn't vote to overturn taxes. (HB3427, SB212)
- Voters protected the Kicker in the Constitution. Tiffany voted to take away \$108 MILLION DOLLARS of our money from next year's Kicker Tax Rebate. (HB2975)
- Tiffany voted to CUT public employee PENSIONS (SB1049).
- Tiffany voted "NO" on a PROPERTY TAX FREEZE for seniors. (HJR25)
- Tiffany voted against giving working-class families tax relief from student loan debt. (HB3400).

We can't wait another minute to protect working families. **VOTE YES: RECALL TIFFINY MITCHELL!**

Sincerely, Darren Mead, Astoria  
www.recalltiffinymitchell.com

**Chief Petitioner Information** The chief petitioner must remain throughout the petition process or the petition is void.  
→ By signing this document, I hereby state that any factual information (not a matter of opinion) in the above statement is true.

Name	Contact Phone	Email Address	Mailing Address street, city, state, zip	For more information visit
Darren Mead	971-704-1678	info@recalltiffinymitchell.com	PO Box 880, Warrenton, OR 97146	www.RecallTiffinyMitchell.com
Signature: 				Date Signed: 9/6/19

### Instructions for Circulators

- Only active registered voters of the public official's electoral district may sign a petition. Ask each signer if they are an active registered voter in Oregon.
  - A single circulator must personally witness all signatures collected on any one signature sheet. After witnessing each signature on a sheet, pen to sign and date the circulator certification.
  - Initial any changes you make to the date you signed the certification. A complete list of allowable circulator certification corrections is in the Circulator Training Manual available at [www.oregonvotes.gov](http://www.oregonvotes.gov).
  - It is against the law for circulators to:
    - Circulate a petition containing a false signature.
    - Make false statements to any person who signs the petition or requests information about it.
    - Attempt to obtain the signature of a person who is not qualified to sign the petition. Sell or offer to sell signature sheets.
    - Offer money or anything of value to another person to sign or not sign the petition.
    - Write, alter, correct, clarify or obscure any information about the signers unless the signer is disabled and requests assistance or initials after the changes are made.
- Warning** Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for years.

### Instructions for Signers

- Only active registered voters of the public official's electoral district may sign a petition. Use a pen to sign your name, as you did when registered to vote.
- Provide the date you signed the petition, your printed name and residence address. Only you may complete this optional information.
- Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.
- It is against the law for signers to: Sign another person's name under any circumstances. Sign a petition more than one time. Sign when you are not qualified to sign it.



# Signature Sheet | State Recall



If this signature sheet is on white paper the circulator is a volunteer and is not being paid to gather signatures.  
☒ **SOME circulators** ☐ **NO circulators** for this petition are being paid.

Petition for Recall of

Tiffany Mitchell

Title office and district

State Representative, District 32

Date Prospective Petition Filed

September 5, 2019

Petition ID

R-2019-04



Date Prospective Petition Filed

September 5, 2019

Chief Petitioner Name and Address Information The chief petitioner's reasons for demanding the recall are available for review on the reverse side of this sheet.  
Darren Mead, PO Box 880, Warrenton, OR 97146

It is against the law to sign a petition more than one time. Signers of this page must be active registered voters in the district listed above. Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.

Signature

Date Signed mm/dd/yy

Print Name

Residence or Mailing Address street, city, zip code

1

2

3

4

5

6

7

8

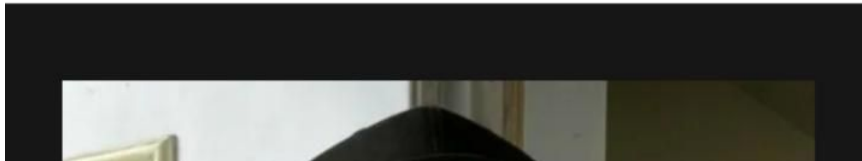
Additional signatures should not be collected on this sheet once the certification has been signed and dated.  
Each additional signature should be collected on the signature sheet, and I believe each person is a voter qualified to sign the



can have a representative who  
supports their constituents, not  
special interests!

Tiffany Mitchell E-Sheet (pdf)

DOWNLOAD



Screenshot from mobile device, September 10, 2019

DOWNLOAD, PRINT, SIGN & MAIL THE PETITION ASAP!

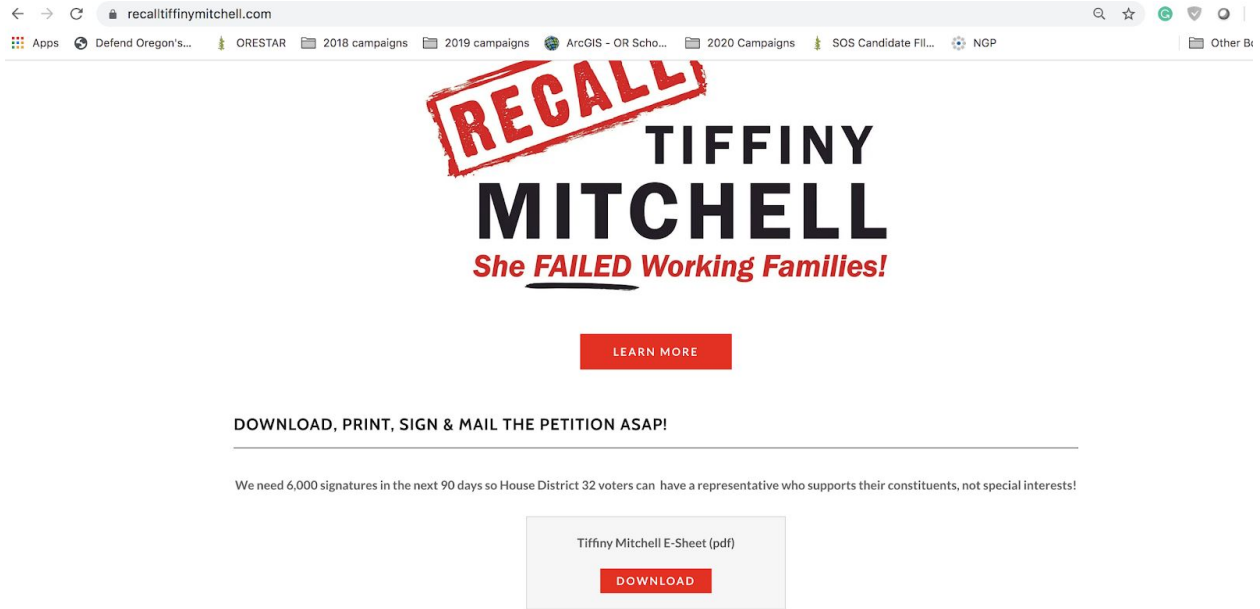
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We need 6,000 signatures in the next 90 days so House District 32 voters can have a representative who supports their constituents, not special interests!

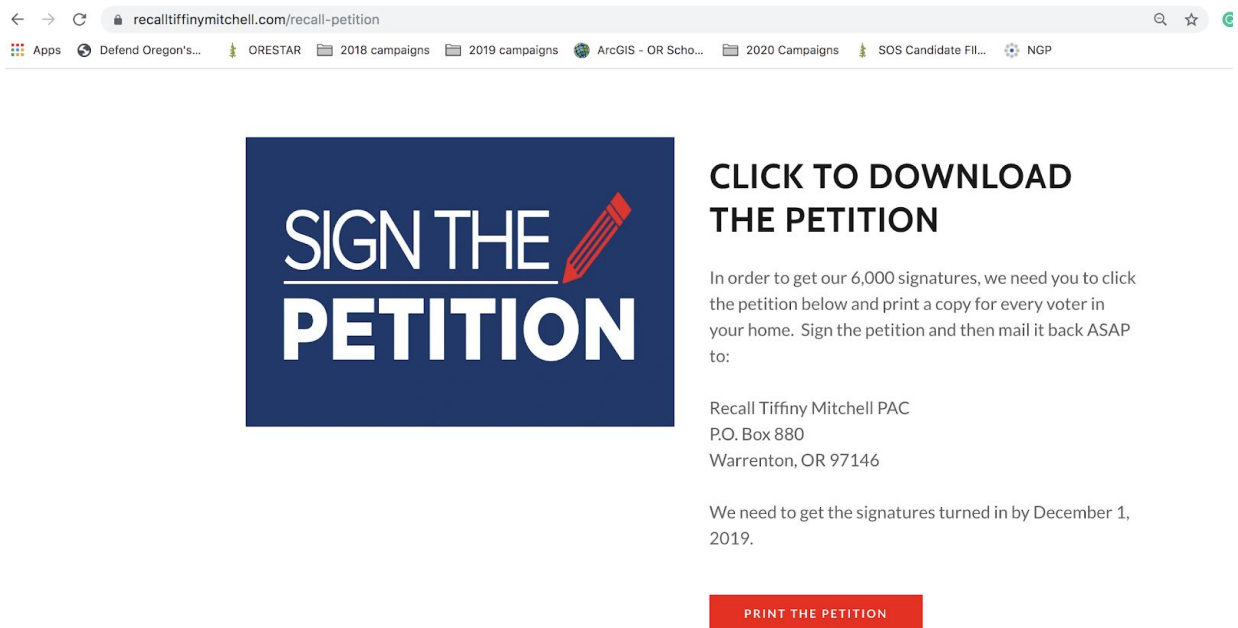
Tiffany Mitchell E-Sheet (pdf)

DOWNLOAD

Screenshot from desktop, September 20, 2019



Screenshot from October 6, 2019



Screenshot from October 6, 2019