

OFFICE OF THE SECRETARY OF  
STATE

KATE BROWN  
SECRETARY OF STATE



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SEP 15 2009

ELECTIONS DIVISION

STEPHEN TROUT  
DIRECTOR

255 CAPITOL STREET NE, SUITE 501  
SALEM, OREGON 97310

ELECTIONS — (503) 986-1518

September 14, 2009

The Honorable Ted Wheeler, Chairperson  
Multnomah County Board of Commissioners  
501 SE Hawthorne Blvd Suite 600  
Portland Oregon 97214-3587

The Honorable Tom Brian, Chairperson  
Washington County Board of Commissioners  
155 N First Ave #300 MS -21  
Hillsboro Oregon 97124

Re: Vacancy in House District 35

Dear Chairperson Wheeler, Multnomah County Commissioners and Chairperson Brian, Washington County Commissioners:

Effective August 31, 2009, there is a vacancy in House District 35 due to the resignation of State Representative Larry Galizio.

Pursuant to ORS 171.060(1) and OAR 165-010-0060, you are hereby notified of the vacancy. The Democratic Party precinct committeepersons of House District 35 met on **Sunday, September 13, 2009**, to choose nominees to fill the vacancy. The nominees chosen are:

1. Margaret Doherty
2. Dylan Hydes
3. Stephen D Dunne

The Multnomah County Board of Commissioners and the Washington County Board of Commissioners are hereby directed to meet to appoint one person from the list. The Honorable Tom Brian has been asked to chair the joint meeting of the two boards of commissioners because Washington County has the highest number of registered electors in House District 35.

The time and location of the meeting are as follows:

**Time:** 1:00 p.m.  
**Date:** Monday, September 21, 2009  
**Place:** Tigard Library Community Room  
13500 SW Hall Blvd  
Tigard, Oregon 97223

County Commissioners  
September 14, 2009  
Page 2

The total number of registered electors in House District 35 as of 5:00 p.m. on August 31, 2009, is 2,681 in Multnomah County and 33,364 in Washington County. In accordance with ORS 171.062 each county is entitled to one vote for each 1,000 registered electors or major fraction of 1,000 (more than 500 registered electors, but less than 1,000) and each county commissioner is allotted the following number of votes:

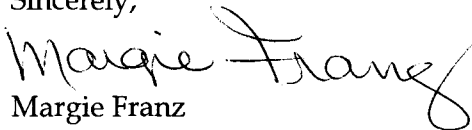
Multnomah County: 2,681 or 3 votes divided by 5 =  $3\frac{3}{5}$  votes per commissioner  
Washington County: 33,364 or 33 votes divided by 5 =  $6\frac{3}{5}$  votes per commissioner

These votes are apportioned to each county commissioner. If for any reason a county commissioner is unable to attend the meeting on September 21, 2009, that county commissioner's vote would not be cast. The votes are not reapportioned for the remaining county commissioners to cast.

Enclosed is a copy of the Administrative Rule outlining the procedures for the conduct of a meeting to fill a vacancy in the Legislative Assembly. Also enclosed is a Statement which you may use to notify the Secretary of State of the appointment, which includes a signature sheet and a vote tabulation sheet. You may produce and use your own version of these documents if you wish. The completed Statement, signature sheet and tabulation sheet must be returned to this office as soon as possible after the meeting.

Please contact me at (503) 986-1518 if you have any questions about this process. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Margie Franz". The signature is written in dark ink and is positioned above the printed name and title.

Margie Franz  
Compliance Specialist  
Enclosures

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH AND WASHINGTON COUNTIES

In the matter of  
Filling the Vacancy in the Legislative Assembly,  
State Representative, District 35

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WHEREAS, pursuant to state law, the Democratic Party Precinct  
Committeepersons in Representative District 35 made nominations to fill the  
vacancy; and

WHEREAS, in accord with procedures established by the Secretary of  
State, the Board of County Commissioners of Multnomah and Washington  
Counties considered the nominations at a public meeting on September 21, 2009;  
and

WHEREAS, at the conclusion of the public meeting the Commissioners  
voted to appoint (nominee) \_\_\_\_\_ to fill the vacancy, said  
nominee having received the highest number of votes as indicated on the vote  
tabulation attached as Exhibit A,

NOW, THEREFORE, \_\_\_\_\_ is selected as the appointee to  
fill the vacancy in the Legislative Assembly, State Representative, District 35;

This Statement shall promptly be forwarded to the Secretary of State as  
required by ORS 171.060(3).

ADOPTED this 21<sup>st</sup> day of September, 2009.

By:

\_\_\_\_\_  
Ted Wheeler, Chair  
Multnomah County

\_\_\_\_\_  
Tom Brian, Commissioner  
Washington County

\_\_\_\_\_  
Deborah Kafoury, Commissioner  
Multnomah County

\_\_\_\_\_  
Dick Schouten, Commissioner  
Washington County

\_\_\_\_\_  
Jeff Cogen, Commissioner  
Multnomah County

\_\_\_\_\_  
Desari Strader, Commissioner  
Washington County

\_\_\_\_\_  
Judy Shiprack, Commissioner  
Multnomah County

\_\_\_\_\_  
Roy Rogers, Commissioner  
Washington County

\_\_\_\_\_  
Diane McKeel, Commissioner  
Multnomah County

\_\_\_\_\_  
Andy Duyck, Commissioner  
Washington County

## EXHIBIT A

### VOTE TABULATION

In the matter of filling the vacancy in the Legislative Assembly, State Representative, Thirty-Fifth District, the following votes were cast at the public meeting held on September 21, 2009:

	<u>Nominee</u>	<u>No. of Votes</u>
Ted Wheeler, Chair Multnomah County	_____	3/5
Deborah Kafoury, Commissioner Multnomah County	_____	3/5
Jeff Cogen, Commissioner Multnomah County	_____	3/5
Judy Shiprack, Commissioner Multnomah County	_____	3/5
Diane McKeel, Commissioner Multnomah County	_____	3/5
Tom Brian, Chair Washington County	_____	6-3/5
Dick Schouten, Commissioner Washington County	_____	6-3/5
Desari Strader, Commissioner Washington County	_____	6-3/5
Roy Rogers, Commissioner Washington County	_____	6-3/5
Andy Duyck, Commissioner Washington County	_____	6-3/5

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule adopted on December 5, 2003 by the

Secretary of State, Elections Division  
Agency and Division

Chapter 165  
Administrative Rules Chapter Number

Brenda Bayes  
Rules Coordinator

(503)986-1518  
Telephone

141 State Capitol, Salem, OR 97310-0722  
Address

to become effective Upon filing Rulemaking Notice was published in the November 1, 2003

**RULEMAKING ACTION**  
List each rule number separately, 000-000-0000

**ADOPT:**  
Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

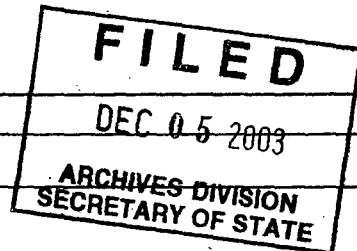
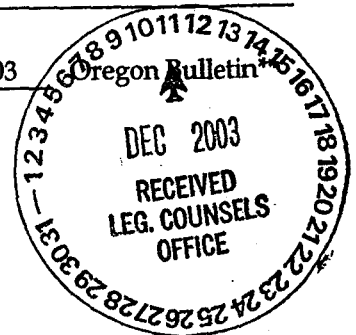
**AMEND:** 165-010-0005, 165-010-0060, 165-010-0080, 165-010-0090

**REPEAL:**

Stat. Auth.: ORS 246.150, 249.009, 249.190, 249.200, 249.205, 254.548, 260.156

Other Authority

Stats. Implemented: ORS 171.051, 171.060, 249.009, 249.190, 249.200, 249.205, 245.155, 254.548, 260.156



**RULE SUMMARY**

**165-010-0005** – This rule adopts the 2004 *State Candidate's Manual: Major Political Party*; 2004 *State Candidate's Manual: Nonpartisan*; 2004 *State Candidate's Manual: Minor Political Party*; 2004 *State Candidate's Manual: Assembly of Electors*; 2004 *State Candidate's Manual: Individual Electors*; and the 2004 *County Candidate's Manual* and associated forms as the procedures and forms to be used by candidates filing and running for elected office. In addition this rule designates the 2004 *State Candidate's Manual: Minor Political Party* to be used for the formation of a Minor Party. Each manual has been updated from the 2002 version.

**165-010-0060**– This rule amendment clarifies the procedure for filling a legislative vacancy.

**165-010-0080** – This rule updates form SEL 141, the Write-In Candidate Acceptance Form.

**165-010-0090** – This amendment deletes the portion of the rule that repeats statutory requirements.

Brenda Bayes  
Authorized Signer

December 5, 2003  
Date

Brenda Bayes  
Printed Name

\*Copies include a photocopy of this certificate with paper and electronic copies of each rule listed in the Rulemaking Action.

\*\*The Oregon Bulletin is published on the 1<sup>st</sup> of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.