

OFFICE OF THE SECRETARY OF STATE

BILL BRADBURY  
SECRETARY OF STATE

January 24, 2005



ELECTIONS DIVISION

JOHN LINDRACK  
DIRECTOR141 STATE CAPITOL  
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

The Honorable Helen Westbrook, Chairperson  
Clatsop County Commissioners  
PO Box 179  
Astoria OR 97103

The Honorable Tony Hyde, Chairperson  
Columbia County Commissioners  
County Courthouse Rm 308  
St Helens OR 97051-2089

The Honorable Diane Linn, Chairperson  
Multnomah County Commissioners  
501 SE Hawthorne Blvd Ste 600  
Portland OR 97214

Re: Vacancy in Representative District 31

Dear Chair Westbrook, Chair Hyde, Chair Linn and County Commissioners:

Effective January 20, 2005, there is a vacancy in Representative District 31 due to the resignation of State Representative Elizabeth (Betsy) Johnson.

Pursuant to ORS 171.060(1) and OAR 165-010-0060, you are hereby notified of the vacancy. The Democratic Party precinct committee persons of Representative District 31 met on January 23, 2005, to choose nominees to fill the vacancy. The nominees chosen are:

1. Bradley Witt
2. Margaret C. Magruder
3. Earl Fisher

The total number of registered electors in Representative District 31 as of 5:00 p.m. on January 20, 2005, is 8,081 in Clatsop County, 27,284 in Columbia County and 690 in Multnomah 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:

Clatsop County:	8,081 or 8 votes divided by 5 = 1-3/5 votes per commissioner
Columbia County:	27,284 or 27 votes divided by 3 = 9 votes per commissioner
Multnomah County:	690 or 1 votes divided by 5 = 1/5 vote per commissioner

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

The Honorable Tony Hyde has been asked to chair the joint meeting of the three boards of commissioners because Columbia County has the highest number of registered electors in Representative District 31.

County Commissioners  
January 24, 2005  
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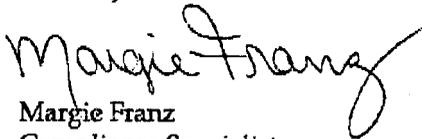
The Clatsop, Columbia and Multnomah County Boards of Commissioners are hereby directed to meet to appoint one person from the list. The time and location of the meeting are as follows:

**Time:** 2:00 p.m.  
**Date:** Wednesday, January 26, 2005  
**Place:** Columbia County Courthouse Rm 308  
230 Strand St  
St Helens, Oregon 97051-2089

Enclosed is a copy of the Administrative Rule outlining the procedures to conduct a meeting to fill a vacancy in the Legislative Assembly. Also enclosed is a Statement for use in notifying the Secretary of State of the appointment including a signature sheet and a vote tabulation sheet. You may produce and use your own version of these documents if you wish. Please complete and return the Statement, signature sheet and tabulation sheet immediately after the meeting.

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

Sincerely,



Margie Franz  
Compliance Specialist

Enclosures

c: County Clerks

BEFORE THE BOARDS OF COUNTY COMMISSIONERS  
FOR CLATSOP, COLUMBIA AND MULTNOMAH COUNTIES

In the matter of  
Filling the Vacancy in the Legislative Assembly,  
State Representative, District 31

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WHEREAS, pursuant to state law, the Democratic Party Precinct Committeepersons in Representative District 31 made nominations to fill the vacancy; and

WHEREAS, in accordance with procedures established by the Secretary of State, the Board of County Commissioners of Clatsop, Columbia and Multnomah considered the nominations at a public meeting on January 26, 2005; 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 31;

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

ADOPTED this 26<sup>th</sup> day of January, 2005.

By:

\_\_\_\_\_  
Helen Westbrook, Chair  
Clatsop County

\_\_\_\_\_  
Lylla Gaebel, Commissioner  
Clatsop County

\_\_\_\_\_  
Richard Lee, Commissioner  
Clatsop County

\_\_\_\_\_  
Patricia Roberts, Commissioner  
Clatsop County

\_\_\_\_\_  
Samuel E. Patrick, Commissioner  
Clatsop County

\_\_\_\_\_  
Tony Hyde, Chair  
Columbia County

\_\_\_\_\_  
Rita Bernhard, Commissioner  
Columbia County

\_\_\_\_\_  
Joe Corsiglia, Commissioner  
Columbia County

\_\_\_\_\_  
Diane Linn, Chair  
Multnomah County

\_\_\_\_\_  
Serena Cruz, Commissioner  
Multnomah County

\_\_\_\_\_  
Maria Rojo de Steffey, Commissioner  
Multnomah County

\_\_\_\_\_  
Lisa Naito, Commissioner  
Multnomah County

\_\_\_\_\_  
Lonnie Roberts, Commissioner  
Multnomah County

## EXHIBIT A

## VOTE TABULATION

In the matter of filling the vacancy in the Legislative Assembly, State Representative District 31, the following votes were cast at the public meeting held on January 26, 2005:

	<u>Nominee</u>	<u>No. of Votes</u>
Chair Helen Westbrook Clatsop County	_____	1.3/5
Commissioner Lylla Gaebel Clatsop County	_____	1.3/5
Commissioner Richard Lee Clatsop County	_____	1.3/5
Commissioner Patricia Roberts Clatsop County	_____	1.3/5
Commissioner Samuel E. Patrick Clatsop County	_____	1.3/5
Chair Tony Hyde Columbia County	_____	9
Commissioner Rita Bernhard Columbia County	_____	9
Commissioner Joe Corsiglia Columbia County	_____	9
Chair Diane Linn Multnomah County	_____	
Commissioner Serena Cruz Multnomah County	_____	
Commissioner Maria Rojo de Steffey Multnomah County	_____	
Commissioner Lisa Naito Multnomah County	_____	
Commissioner Lonnie Roberts Multnomah County	_____	

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

Chapter 165

Agency and Division

Administrative Rules Chapter Number

Brenda Bayes

(503)986-1518

Rules Coordinator

Telephone

141 State Capitol, Salem, OR 97310-0722

Address

to become effective Upon filing

Rulemaking Notice was published in the November 1, 2003



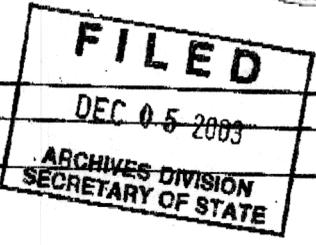
**RULEMAKING ACTION**  
List each rule number separately, 000-000-0000

**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: OKs 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.

165-010-0060

**Procedure for Conduct of Meeting to Fill Vacancy in Legislative Assembly**

The following procedures govern the conduct of a meeting of a county court or board of commissioners (hereafter, county governing body(ies)) to fill a vacancy in the Legislative Assembly. These meeting procedures apply to appointments made under either ORS 171.060(1) (vacancy to be filled by nominee affiliated with a major political party) or ORS 171.060(2) (vacancy need not be filled by member of a particular major political party).

- (1) A meeting of the members of the county governing body(ies) shall convene at the time designated by the Secretary of State. If the legislative district includes more than one county, the Secretary of State shall also name the temporary chairperson for the meeting and designate its location, which shall be within the legislative district. The Secretary of State shall also notify the county governing body(ies) of the nominees and of the number of votes apportioned to each member of the county governing body(ies) under ORS 171.062 and 171.064.
- (2) The chairperson conducting the meeting shall open the meeting at the time designated by the Secretary of State. The chairperson shall announce that the purpose of the meeting is to appoint a person to fill the vacancy in the Legislative Assembly. If applicable, the appointment will be made from the list of nominees from the major political party as furnished by the Secretary of State.
- (3) Members of the county governing body eligible to vote on the selection are those physically or electronically present at the meeting, who are currently holding office by election or appointment.
- (4) The county governing body(ies), in making its determination, may allot time for interviewing nominees or applicants and for other pertinent deliberations prior to voting.
- (5) The vote shall be taken in a manner specified by a majority of those present and eligible to vote on the selection. The person receiving the highest number of votes shall be the appointee. However, in any case, the vote of each member of the governing body(ies) shall be recorded and included in the written statement required by ORS 171.060(3).
- (6) The Secretary of State hereby adopts forms SEL 145a, Statement of Democratic Nominee's Willingness to Serve, and SEL 145b, Statement of Republican Nominee's Willingness to Serve, as the forms to be used to accept a nomination to fill a legislative vacancy.

Stat. Auth.: ORS 171.051, ORS 171.060 & ORS 249.200

Stats. Implemented: ORS 171.060(1)

Hist.: ELECT 7-1993, f. & cert. ef. 2-16-93; ELECT 10-1999, f. & cert. ef. 10-18-99